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## IMMIGRANT RIGHTS

### **CASE FOR A FREEDOM VISA**

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In recent marches for immigrant rights following hateful legislation in Congress, many immigrants expressed core American values

As the debate rages over immigration, what is lost is why we as Americans continue to exacerbate the problem. We do so as if we can't help ourselves and as if the principle of sowing and reaping did not apply to us. The USA is no wallflower in the drive toward economic globalization. We have historically maintained policies to secure economic hegemony in our sphere of influence, from Manifest Destiny and the Monroe Doctrine to the endless trails of broken treaties with Native Americans and the Treaty of Guadalupe Hidalgo. These policies and treaties caused the displacement and relocation of sometimes an entire people. It was both tragic and shameful. We seem to have a moral blind spot when we now talk about these same people in context of today's immigration debate.

The current North American Free Trade Agreement (NAFTA), Central American Free Trade Agreement (CAFTA) and the Free Trade of the Americas (FTA) come with no less consequences, especially the current NAFTA. Our government leaders are probably aware that there will be negative outcomes to our current trade deals but will argue that the positives far outweigh the negatives.

Without imposing a value judgment on these trade agreements (particularly NAFTA), and regardless of whatever jobs might have been created, it has become statistically clear that NAFTA has had catastrophic effects in some sectors of the Mexican countryside. In 2002, the Carnegie Endowment issued a report that one of the net results of NAFTA had been the destruction of 1.3 million Mexican corn farms. Just in this one commodity, as NAFTA opened the door of the Mexican corn market to U.S. farmers, it was like sending the number one ranked football team out to play a start-up team that had no pads or helmets. It was an absolute slaughter! How could Mexican farmers compete with farmers supported by one of the largest agricultural farm subsidy programs in the world? Those Mexican farmers, if not currently seeking to survive in the urban slums and dump yards of Mexico, have made their way to the United States. What is at play here is the natural consequence of what serious economic students would see as the forces of "free markets." As both of our political parties are indelibly committed to "Free Trade" and the achievement of "free markets", we limit our advocacy to the unfettered flow of products, commodities, and money in our domestic laws and trade agreements, leaving out the freeing of the labor market. The economic triad of land, labor and capital has been mastered well by the U.S. throughout Latin America with the use of the World Bank and the International Monetary Fund. The forced restructuring deals resemble predatory lending in partnership with oligarchy governments that we maintain in power by hook or by crook, mainly for our investment interests.

More and more Latin American countries are saying “no” to deals with America, not because they are anti-American but because deals with America are not good for their nation’s peoples. Argentina was the first to say “no” and actually defaulted on its IMF loans. Recent elections of indigenous leaders in Venezuela and Bolivia have called for more equitable trade arrangements. America is not likely to continue its one-sided trade deals without suffering further image problems and antipathy among the poor and middle classes throughout Latin America.

We can pursue the current course by trying to leverage these nations into allowing us access to their land (property), through privatization of their natural resources and by allowing the free movement of goods between us. But we have to accept that labor is also a market that is impacted, regardless of our disingenuous thinking on immigration. Labor, like any other market, will be driven by supply and demand. If we were honest about free trade, then it would stand to reason that this market should also be allowed to saturate itself, with no impediments.

In reconciling both sides of this debate, perhaps what should be considered is a Freedom Visa with current trade partners. A good pilot effort could be attempted with the NAFTA countries (USA, Mexico, and Canada) for starters. The Freedom Visa would guarantee the freedom to travel and to work with labor rights. It should be tied to verified employment but not to an individual employer; in other words, it would be a portable visa. It should be tied to basic freedoms like the right of association and the right to form organizations and unions to protect their labor rights. This would mitigate violations of labor standards and prevailing wages by allowing these workers to be organizable. This visa would be in place of current efforts by President Bush to expand a “guest worker program” to handle future flows of immigrants. The “guest worker programs” have historically been riddled with corruption and extortion, with workers subjected to blacklisting and forms of retaliation.

This visa could be a catchall for those currently working in the shadows of American society and per whom Congress has not figured out a workable resolution. The current Senate proposal only allows those who have been in the country more than five years to start their legalization process. It orders those who have been in the country less than two years to leave (one to two million people), those other three million who have been here between two and five years also to leave, and perhaps return with a work visa! This will not work for the latter two groups, as these groups will be driven deeper into the shadows of anonymity. It also will be the magnet to draw thousands more that would be related to them and remake the current situation ten years from now. Under the Freedom Visa, these workers and future flows of immigrants would be free to come and go, destroying the human trafficking business, relieving the pressure on our border, and allowing our border enforcement to concentrate on drug smugglers and other undesirous types. It would also allow them to petition and “wait in the immigration line” under current and future immigration laws if they wish to obtain temporary residencies while concurrently holding a Freedom Visa.

Some of the most vociferous critics of immigration claim that the Senate’s proposal, allowing those with five or more years in this country to legalize, are tantamount to an amnesty and theoretically oppose the idea that someone should be rewarded for breaking the law. They like to say that their grandparents and great-grandparents did it the right way by hard work and honesty and that they didn’t try to get ahead by breaking the law. I say that this level of debate is disingenuous at best, since their grandparents and great-grandparents entered the country in the 19<sup>th</sup> and early 20<sup>th</sup> century. At that time there were so few restrictions that there was no such thing as illegal immigration. The public policy was actually an open amnesty. As a matter of fact, when our government thought it a good idea to identify everyone, it passed the Registry Act of 1929. This allowed immigrants who arrived before 1921 but had no record of entry to register retroactively for a \$20.00 fee. From the mid 1930’s to the 1950’s, hundreds of thousands of Europeans unlawfully in the U.S. were allowed to go to Canada and re-enter the U.S. as permanent residents! Most current immigrants would gladly take any such opportunity and also say they did it the right way! The Freedom Visa would not go that far, but would first acknowledge dislocation and the natural forces of free markets.

It would also be appropriate to consider more honest and visionary diplomacy in our relationship with trading partners. We need to transcend our colonial thinking and advocate more equal partnerships by expanding economic safety nets. We could propose a scheduled equalizing of a trading block minimum wage, a tax on intra-country commodities to mitigate the advantages of current farm subsidies and evaluate diligently the natural resources common to us all, their use, who controls them and for whose benefit. There would be a great need to evaluate labor health and safety standards and begin a gradual equalization starting with ratifying ILO Conventions pertinent to labor and labor unions. In all cases, we could create the broadest benefit to the greatest number of people. The integration of economies, especially those that exist adjacent to us, will not avoid hardship on some, but we cannot frustrate human nature and the will to survive by imposing impediments on the desire for honest work to support one's families anywhere it can be found.