

The functionality of illegality in the experiences of Mexican migrants

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Abstract

This paper delves into an analysis of illegality in migration, from a migrant perspective. To do this, established and assimilated historical practices in selected groups of Mexican migrants were analyzed according to immigration status and settlement area. The argument presented here is that illegality has a functional character for the reproduction of the migrant trajectory. This is demonstrated using a comparative analysis of the way migrants' decisions allow them to integrate their trajectories into two contexts which show unequal development. Such integration determines its functionality independently of the existence of restrictive migration policies in nationstate contexts.

Keywords: illegal migration; unequal development; migration policy; vulnerability; Mexico; United States.

1. INTRODUCTION

The last few years, as a consequence of increasing migrants and the strengthening of restrictive policies in the countries which they settle, various works have been carried out on undocumented migration. One aspect which regularly came up was the problem of using the term "illegal" to describe the migrants' practices. The connotation that this term has in the public's opinion is negative, skewing their perspective on this kind of migration (Massey and Capoferro, 2006; Faist and Gerdes, 2006). Nevertheless, underlying this argument – which emphasizes the discriminatory bias created by this definition in restrictive environments –, is an epistemic erosion which limits the term's own aptness in describing established and assimilated historical practices of those who emigrate; where the experiences of illegality are functional reproduction strategies of the same practices, and independent of strengthening migratory policies. They are functional because this status allows migrants to take themselves from the vulnerable conditions which they come from and reinsert themselves into other contexts which they consider as favorable for their social reproduction.

When discussing migration and development, this means that independent of the severity or selectiveness manifest in a migratory policy, the "illegal" practices are a consequence of the structural inequalities associated with the historical and disadvantageous process of integration between nations. Inequalities bestow various degrees of marginalization on vulnerable sectors, all of which presents a challenge for the effectiveness of restrictive policies worldwide.

A deeper approach is needed, which allows us to resolve mythological conflicts regarding the reintegration of migrants in different contexts. Such an approach is not only relevant but necessary as that functional character allows the description of illegal practices in different and bidirectional migratory situations, both in their country of origin as well as where they settle. This in turn broadens the qualitative examination of these kind of migratory experiences. In short, illegality in migration is not limited to migratory status in the destination country exclusively, but rather includes a wide spectrum of established and historical practices assimilated by the migrants which are functional for the migrants based upon the social economic conditions where they situate themselves.

Therefore, it is pertinent to propose an analysis of socio-economic reinsertion and mobility strategies, which are created to change vulnerable structural conditions which prevail in the place where migrants originate and where they settle and which are not correlated with criminal activity. Likewise, we also propose the need for transnational migratory policies which, far from highlighting restrictive strategies in a domestic sphere, seek to tend to problems prevalent in scenarios of global integration where the disparities of unequal development reinforce migration.

The term "illegal" here is explained as when migrants, sometimes willingly and sometimes not, transgress legal norms, principles, and precepts which regulate socio-economic dynamics in the nation-states which they involve themselves with through the act of migration. This last part entails an adjustment to the use of the term "illegal" for describing functional practices which functionally allow migrants to make their reinsertion, as part of their social reproduction, into other contexts viable. Such an adjustment allows a scientific approach, without the ethical bias which accompanies the use of the term in a more restrictive setting, to the illegal practices which are typical in migratory flow according to the goals and objectives established by the strategy of mobility. These include access to rights, participation in socio-economic processes in different contexts, and obtaining benefits in light of the disparity between unequal spaces.

As such, it is worth highlighting the use given here to the adjective "illegal" in order to refer to the migrants' experiences and practices which do not reinforce the connotation it has in countries which seek to control undocumented migration; where an ethical discussion on the use of this epithet is

needed, as we shall see later on.

Subsequently we part from the hypothesis that when illegality is present in a migrant trajectory it enables the articulation between contexts of unequal development; thereby reflecting the conditioning had by emigrations, borne of the developmental gap between countries. This ends up being an effect of migratory policies' historical evolution in order to inhibit migration without dealing with the supranational conditions which create this phenomenon. And though the following is not an idea that will be explored in this work, this hypothesis is relevant because it shows how the functional character of illegality in migration expands on the vulnerability which migrants face in both their place of origin as well as a transnational setting, especially due to all the risks implicit in their condition.

In order to corroborate the previous hypothesis, we developed a qualitative research where interviews, semi-structured¹ for the most part, were carried out on a nonrepresentative sampling of Mexican migrants which claimed to have experiences with illegality in regards to the established practices articulating their lives with different contexts. We explored the narrative of their experiences to see how said illegality, as seen by them, had a functional character in their own trajectories. Based on these experiences we created two groups for analysis: 1) migrants, who for some reason were born in the United States and "returned" to Mexico; 2) migrants which were born in Mexico and went to the United States. It is important to make one final methodological note, and that is that this study was carried out using the theoretical approach detailed by Zenteno and Massey (1999), who argued, the relevance of a specific analysis which includes the determination of difficulties generally not taken into consideration by some studies.

From here on, the structure of this paper is divided into three primary sections. The first of these utilizes relevant theoretical arguments to analyse the illegality of the migrant trajectory as a transnational consequence of uneven integration of closely linked national development strategies. In the second section, we explore in depth the practices, uses, and experiences which perpetuate the condition of illegality and their functional character in migrants' binational processes of integration. In the third section, we set forth our conclusions which, far from putting an end to the analysis, seek to promote an epistemological and theoretical debate on this important topic.

2. THEORETICAL ARGUMENTS IN STUDYING THE ILLEGALITY OF THE MIGRANT TRAJECTORY

To take on the nature of the illegality of the experiences had by Mexicans who migrate to the United States, it is important to keep in mind two relevant theoretical aspects which situate this paper within the discussion on migration and development. The first is the fact that people in Mexico are conditioned to emigrate based on the developmental differences manifest between their country and the United States (Glick Schiller, *et al.*, 1995; Castles, 2014; Delgado Wise, 2018). The differences are clear at a local and regional level and condition the migrant trajectory, especially in the border regions where experiences of illegality, in one form or another, are part of migrants' daily life.

The second is that with the rise in illegal migration to the US stemming from this conditioning, and the habituation of experiences in illegality based on its functionality in this context, a negative public opinion of this kind of migration has been reinforced along with restrictive migratory policies (Cornelius and Aguayo, 1978).

Nevertheless, this is not the only context in which these experiences manifest themselves. Based on the same migrant trajectory, one can see, as will be demonstrated later on, experiences of illegality in Mexico as well. This is most common with migrants who somehow accredited their own legality in the United States within its restrictive migratory policies, but for a variety of reasons wanted to carry on with their lives in Mexico. This last part was also influenced by Mexican migration policies which had previously been more compulsory but have become more inclusive.

Regarding the conditioning for migration, in Mexico there is a critical and theoretical debate on migration and development, which underscores the assertion that migration is forced by the living conditions in which migrants find themselves. For Castles (2003 and 2014), the primary driving force behind migration is human insecurity arising from global inequality.

According to Castles (2003) and Delgado Wise (2018), the overbearing nature of that mobility for migrants (forced migration) stems from the disparity extant in the development of the countries involved in the migration. According to that logic, the "dependence" (Furtado, 2001) of the countries to the south on the countries to the north — from an economic and political perspective — creates an interrelationship in which political destabilization and economic crises reinforce the decisive nature which migration takes on for the more vulnerable sectors in the country of origin. Furthermore, structural adjustment policies from the World Bank and the International Monetary Fund further contribute to this, according to Castles (2003).

As such, Castles (2003) explains that the restrictions aimed towards unwanted migrants, as they are seen to pose a risk for their destination country, are a policy which also seek to hold in check the social consequences of an unequal global development scheme. Likewise, the practices of illegality can also be seen as a consequence of this kind of development.

Delgado Wise (2018) states that there is a decontextualization in the analysis which predominates in international migration — which he calls methodological imperialism —, upon emphasizing salary differences, displacement of native workers, illegality and border patrols as relevant aspects for the context of the receiving country. He also states that based on these characteristics an ethnocentrist and individualist stance is taken with an incomplete understanding of the link between migration and development. Consequently, he proposes taking into consideration other analytical dimensions which go beyond the impact on the context of their point of origin and destination of this migration, such as: causes for the flow and the impact on migrants and their families (Delgado Wise, 2018, pp. 17–19). This is an important theoretical stance from which we elaborate the premises here discussed: the functionality of illegality from the conditionings in unequal development as an analytical dimension.

As such, the analysis of developmental conditions, Lomelí and Vázquez (2016) argue that there are at least three causes which maintain the flow of Mexican migration: 1) the structural change reforms promoted which generate low rates of economic activity and an accompanying insufficiency in the creation of formal employment, 2) the relatively low employment during the demographic window which in particular affects the working age group and 3) the historical correlations created by migrants which tend to dodge restrictive migratory policies.

According to Roldán (2015), the establishment of the NAFTA gave way to integration committees both in the United States and Mexico, which in a conjoined manner sought to explain the undocumented migratory flow between both countries. One important result from this endeavor was a report given to the Mexican government in the 1990s, where it was determined that the primary conclusions were the following: a) the primary motivation of these migrants was the search for economic opportunities and b) that generating jobs was one way to reduce his flow (Roldán, 2015, p. 105).

Likewise, Aragonés and Salgado (2015) state that with the neoliberal model imposed by the Washington Consensus, the migration of Mexican workers was incorporated into developmental needs of the United States by the demand for low-qualified and menial workers, who have facilitated the reduction of costs in American economic sectors over time; among these were the primary sector, specifically agriculture, and industrial sector where they have had a considerable impact in manufacturing; and the tertiary sector where these migrants take on menial work. Likewise, Vázquez (2015) talks about how this integration has been gradual and has strengthened the historical links between both economies, be they formal or informal.

An important idea with regards to the aforementioned topic is that illegal migration comes from, and has a role in, the social economic processes of integration, which have taken place in the last few decades between the two nations, where difficulties in the Mexican labor market, structural adjustment policies, and American labor demands have been relevant factors. Following this logic, the elaboration of strategies and migratory actions which are illegal in nature are a decisive response within a context of vulnerability where there is a positive perception of the benefits implied by one territory in comparison to the other. Based on these benefits, familial and support networks are created, which tend to justify the established and historical practices of illegality.

Under these circumstances, migratory policies in destination countries tend to selectively control the "desire for mobility" (Castles, 2003, p. 15) and it is within this context where the stereotype of illegal migration flourishes in spite of attempts to publicly soften the classification for this kind of migration (Castles, 2006; Massey and Capoferro, 2006; Munguía Salazar, 2015; Vázquez, 2015; Roldán, 2015; Galindo, 2019; Villareal, 2019). It is in this environment where qualified migrants and workers with contracts are favored while those least favored are forced migrants, the workers with no qualifications and their dependents. It is upon the latter that the majority of the stereotypes of illegality tend to fall upon as they, in line with how imperative the act of migration is for them, commit acts which in effect imply a status not legally accredited under the conditions imposed by migratory policies.

The stereotypes, which as we all know have influenced the political landscape of the United States in the recent years, favor the selection process and the exclusion of migrants which cannot accredit a legal presence in the country. In this regard, in her analysis of the relationship between language and society in the widely circulated press like the New York Times or the Los Angeles times, Galindo (2019) explores the use of adjectives which lessen the discriminatory dialogue, but which nonetheless reinforce negative public opinion. Such is the case with the term "undocumented" which, in spite of not being "pejorative and expresses familiarity" implies a specific representation of migrants which do not accredit their legal status in the United States.

According to Galindo (2019) the word "illegal" pigeonholes migrants as delinquents. This is a complex issue because in the face of migratory legislation illegals are people who partake in an act classified as a legal transgression but who, except for a few cases, do not break the law in a more common manner. Nevertheless, in the United States this illegal nature is channeled through public opinion as a national security concern and is associated with a broader sense of crime which is not limited to migratory transgressions in and of themselves; it even comes to be associated with other epithets. In turn, the "preconceived notion that immigrants commit crimes in the United States", (Galindo, 2019, p. 16) is reinforced in the press. The Mexican immigrant is especially vilified by these prejudices.

In order to understand the reach had by this public opinion, Roldán (2015) explains that the term illegal, which is generally used in this context, has a political connotation and is legal in nature. According to her, this references the relationship established with the epithet of "delinquent", thereby criminalizing a labor migration which commits misdemeanors. Castles (2003) also described this phenomenon by arguing that not only was it identifiable in the United States and but also in Australia the European Union. He also coined the term "irregular migration" (Castles, 2014) to refer to this kind of migration which is reclassified by laws and selective regulations. Vázquez (2015), defends the use of the term "undocumented migration" to describe this type of migration.

Likewise, Villareal (2019) explains that residing illegally in the United States is a crime which is federal in nature and is one of the crimes with greatest coverage in the press which is indirectly associated by recent political discourses with people dedicated to drug smuggling and human trafficking. Bearing this stigma, migrants are confined to a social ostracism which hides their real contributions to the American nation's economy. This "exile" is socially accepted and is the basis for public opinion on mass deportations of illegal or undocumented migrants. In Castles' opinion (2006), the context which comes with migratory control responds to the inevitability of the illegal status of human movements which finds them with no other alternative form of immigration when faced by the regulation of North – South relations (Castles, 2006, p. 44).

Meanwhile, Glick Schiller *et al.*, (1995) recognize that the bias of restrictive migratory policies has furthermore given way to a process which conditions the assimilation of migrants under the premise of "loyalty" to a specific economic and political system; "validating their right to belong, but differentiating themselves from other immigrants[...using] A dialectic between inclusion and exclusion that disciplines transnational migrants by focusing public attention on the degree to which they belong in the US" (Glick Schiller, *et al.*, 1995, p. 59). The migratory processes are conditioned by migratory

policies², influencing both the legal accreditation of selected migrants as well as the diversification of the actions of those migrants by considering them a solution for accessing an essentially restricted context. Within this diversification, we also find illegal acts.

Massey and Capoferro (2006) offer an example which faithfully illustrates the statement. According to the authors, there have historically been difficulties to determine the reach of illegal migration in receiving countries. An important aspect in this regard is that a considerable proportion of these migrants entered the destination country legally, such as with a non-immigration visa. The subsequent violation of this status makes it impossible to anticipate who will end up with the status of illegal." (Massey and Capoferro, 2006, p. 274). To this we must add the fact that the receiving nations do not keep a registry of entries and exits.³

Another important point along these lines is that illegal practices associated with migrant trajectories can have a transnational reach, stemming from legal accreditation within a restrictive context, given its functionality in carrying out social reproduction processes in differentiated national spaces. In the case of Mexico – United States for example, the selective migrant assimilation policies have determined, by means of accrediting legal residence and naturalization, a type of binational migrant which also establishes strategies which imply illegal actions upon trying to extend their own migrant trajectory and the influence which it has on their families when faced by prevalent norms and laws in their place of origin.

Faist and Gerden (2006) explained that theoretically it is historical circumstances which characterize the flows that have given birth to a tolerance and resistance regarding dual nationalities as a process dependent on migratory trajectories (Faist and Gerden, 2006, p. 97). Included in these circumstances, we find the cultural and social practices of migrants and the evolution of migratory policies within national interests. For these authors, dual-citizenship reflects a process of integration between: a) the nation's intent to standardize migration and b) the goals of migrants who seek to insert themselves primarily in social, labor, and economic dynamics which they perceive as favorable.

Tolerance of dual-citizenship is a process which gives meaning to migration in the receiving society, by bestowing legal congruence upon the aforementioned phenomenon of integration. However, this dual-citizenship also gives meaning to the migratory process in the society from which it originated, by presenting the future potential for emigration to new individuals or by allowing integration strategies for living in both countries.

This is especially significant for migrants who are not suitable for the selection process established by policy yet seek a way to adapt themselves to the restrictive model and use legal accreditation to extend the potential for migration and thereby access better social mobility opportunities in the future. As we will see later on, this integration of the interests of migratory policies and the goals of migrants comes about via strategies which imply, on occasion, illegal acts such as apocryphal declarations regarding their place of residence in order to obtain citizenship, marriage arrangements, or crossing the border in order to give birth to future American citizens.

As such, and also from a theoretical viewpoint, Faist and Gerden (2006) determined that this process of dual integration, which can be brought about by circumstances, gives rise to a "trajectory dependence" which manifests itself more in the sphere of the migrant and their goals of effective integration, but is also present in relation to migratory policies which seek to modify the practices and history of these individuals who move between the countries. This dependence means that: "once the political actors have begun to move along a set trajectory — tolerating dual nationality under certain circumstances, as in the case of the children of binational marriages — there is no reason not to continue along this same path and major inconveniences in turning back." (Faist and Gerden, 2006, p. 100).

According to Faist and Gerden (2006), even though there are studies on how dual-citizenship status resolves conflicts between those who are governed and those who govern them, dual-citizenship from the perspective of migrants has been less explored. An important point from this perspective is how acceptance in a restrictive context by means of legal accreditation reduces illegal migratory practices in that setting while opening the door to new processes of integration for the society of origin, which can include illegal practices.

A perfect example of this is that the growing rise of restrictive migratory policies are a response to the prevailing interests of the receiving societies. These interests ignore the real contribution of migrants to those societies at the same time that they ignore the different processes of integration which exist between the demand for cheap manual labor and the interests of those performing the exodus. Even when they attempt to restrict the entry of undesired migrants, the "desire for mobility" which prevails under the conditions of North – South integration, conditions access to these societies simultaneously using methods of legal accreditation and strategies classified as illegal by these policies.

As such, that "right to belong," which selectivity promotes does not decrease illegal migration. Neither does the broadening of circumstances for dual-citizenship as such reduce this kind of migration. On the contrary, it survives in relation to the manifest interests of the migrant trajectory, which means the individuals adapting to restrictive conditions in order to maintain the migratory flow over time. Furthermore, migrants face as part of this complex process the stereotypes which predominate in the receiving society.

3. ILLEGALITY AS PART OF MEXICAN MIGRANTS' USES PRACTICES AND EXPERIENCES

The information corresponding to experiences related to illegality was acquired via a quantitative study where the ethnographic method dominated, carrying out semi-structured interviews with a discourse analysis to a lesser degree, using a nonrepresentative sampling of 242 people — including men and women — living in both the United States and Mexico (located by the snowballing technique⁴). We created questions and brief surveys which sought to bring to light, on the one hand, the extent of the interviewees' agency and their interpretation of their decisions involving illegal practices in their migrant trajectory. On the other hand, part of these was the interviewees' evaluation of their original environment and the relevance of their decisions associated with experiences of illegality, also in their trajectories, and were considered as explicative variables. Likewise, we delved into their evaluation of their experiences regarding the benefits which they perceived to have in their lives.

A main theme of the interviews was to go deeper into how the process of integrating from a migrant trajectory into socio-economic processes in unequal development contexts manifested itself; adapting to the prevailing selective migratory policies in the United States in some cases and, in others, making use of their illegal status in order to achieve their goals and tend to their own interests. In other words, the latent desire for mobility underlying the conditions of North – South integration.

An important question which should be highlighted is that the established and assimilated historical practices which led the subjects and reflected the illegality in integrating the migrant trajectory were not limited to the context where a restrictive policy typifying specific acts as "illegal" predominated. From the migrant perspective, these practices include complex processes which are not only related to accrediting their status in the United States, but which also include other interests such as ensuring the future migration of the family and access to multiple rights and benefits on both sides of the border. These interests manifest themselves in both migrants who have legal residence in the United States or have been naturalized (binational), as well as those who are not. This is cause for stating that "illegality" in Mexican migrations is multifunctional nature.

The people used as the subject for the study — which furthermore manifested traits of integration in both societies —, was divided into two primary groupings: 1) migrants, which for some reason were born in the United States and then went to Mexico, 2) migrants who were born in Mexico and then for some reason went to the United States. Not included in the analysis were migrants who were born in the United States and continue to live in that country, as it was possible to see a tendency for the two societies to be disassociated, given that: a) they had a predominant sense of American identity — even when they maintained cultural aspects related with a Mexican identity — to the detriment of bonds, links and networks which they had with their Mexican migrant ancestors and b) a lack of integration of their place of residence with the socio-economic processes in Mexico. The attention paid to these details allowed the observation of traits usually ignored in general studies of undocumented or illegal migration, as we shall see later on.

In the first of the groupings: "migrants which for some reason were born in the United States and return to Mexico", the binational nature of the interviewees is important. It is a condition which was achieved for the most part by circumstances giving way to their being born in the that country. In this group, the return to Mexico stands out as a part of the families' integration in Mexico's socio-economic dynamics.

We can see in this group an initial trait related to the functionality of illegality as a precedent. This is the fact that the illegal act opens the door to a future legal migration. This stems from the overrepresentation in this group of the variable of "nationality by birth," and keeping in mind the family's history regarding accrediting legal residence in the United States. In the majority of cases, this illegality is manifested in the act of crossing the border in order to give birth without having the permits for residency, visa, or legal status in the country. With this act migrants ensured a future where they have access to rights in American society and economy through the nationality of the interviewees. This dual condition has been used in order to extend the migratory cycle towards parents, who originally made the decision for the child to be born in the United States, and other immediate family. This constitutes an example of the migrant trajectories' dependence which arises from an illegal act.

The circumstantial nature of being born in American territory allows us to make out at least two relevant aspects for this analysis of migration from Mexico. The first, is that the action of crossing the border for this purpose in the United States constitutes a transgression of established norms, which in the majority of cases is a conscious decision on behalf of the parents. It is an assimilated practice as a future investment — with a greater representation in the border regions —, in the sense that it takes place as part of a long-term integration process which expands the reproduction cycle of migration. The second is that by being born in the United States, the subjects acquire a migratory condition which reinforces in their lives the alternative of the integration socio-economic processes of two nation-states. Nevertheless, in these cases, the variables of policy and identity were maintained in relation to Mexico in spite of their migratory condition.

Among the primary uses given to this nationality by birth, extending the migratory cycle to new migrants stands out. The tendency to reproduce this act of having children in the United States can be seen, but under legal conditions allowed by the migrant's nationality. Furthermore, the use of an American passport as an international form of identity stood out; as well as reintegration into the American labor market as a viable alternative after exploring employment opportunities and finishing studies in Mexico. This was considered a privilege.

Nevertheless, a feature less studied in these cycles and which was a corroborated tendency in this grouping is that after the birth, the parents returned to Mexico where they carried out their processes of social and economic reproduction. This return means that those who were born in the United States before 1998, when the Law of Nationality [5](#) changed, could not reveal their citizenship status because prior to that time dual citizenship was not allowed in Mexico. This resulted in other illegal acts which primarily sought to accredit their Mexican citizenship by means of falsifying birth certificates so that those born in the United States could have access to the benefits bestowed by the Mexican government. Therefore, during the migrant trajectory of this group, illegality must manifest itself. Primarily not in crossing the border towards the United States, but rather in the opposite direction as it is in Mexican territory where there is a tendency to use illegal practices to be accredited as Mexican and to get access to goods, services, and rights, such as access to education and public health services.

This singular phenomenon created difficulties in the life of the people who live in Mexico under these conditions. Some of these are related to the dual legal personality, their last names, contradictions in their identity documents, and legalizing in the United States their civil marriages carried out in Mexico. Lastly, an important aspect of the precedent of illegal practices in this group is how they are linked to the return migration to Mexico and where the deportation of parents, were they to stay in the country illegally, carries great weight. In the case of the second group, "migrants who were born in Mexico and went to the United States for some reason", we can see important differences in regards to the first group. One of them is that in this group the practices of illegality are heterogeneous and linked to the migrant trajectory. Another is that the same practices are more related with the restrictive context of American migratory policies and less with Mexico. As distinctive traits, we find the following stand out: a) the integration in socio-economic

processes between both countries is more precarious and circumstantial; because b) legal accreditation in the United States is more related to conditions of temporary residence and unusual circumstances.

In this group, the practices of illegality are heterogeneous as they depend on the migrant trajectory. This means we can see a variety of typologies in relation to the place of settlement and the migratory condition which they hold. Such is the case of: 1) those who were born in Mexico, managed to achieve the legal status later the United States and return to their place of birth; 2) those who were born in Mexico and went to the United States under irregular conditions which they were unable to change.⁶ The heterogeneity of illegal practices in this grouping was more obvious in a specific analysis of these typologies.

"Those who were born in Mexico, achieved legal status in the United States and return to their place of birth" manifested illegal practices associated with the purpose of accrediting their migratory condition in the United States. These practices mostly consisted of making apocryphal declarations regarding their current place of residence — they had a green card despite living in Mexico —; the interviewees stated that they kept a postal address in the United States in order to preserve their residency. Among the primary causes for keeping their home residence in Mexico was conserving property, jobs, family, as well as due to their age which they did not consider appropriate starting a new life in the neighboring country.

This conscious transgression of declarations made to the authorities regarding a migrant's place of residence allowed an integration in both societies which influences their social reproduction in relation to the following: freedom of mobility, obtaining American citizenship after five years of residence, access to job opportunities in said country; the transference of their temporary or permanent residential status to immediate family, among others.

Mobility is the greatest evidence of integration in the socio-economic processes of both countries. Nevertheless, in comparison to the first group, this integration happens in the short and medium term, where crossing the border on a regular basis is an important aspect. However, in spite of the fact that regular crossings are observed in other typologies, here it is relevant as it demonstrates the functionality of not fulfilling the conditions required by the status of residence in the United States in order to put into play the subject's goals. At the same time, legal accreditation of migratory status makes the migrant exempt, at least in theory, of the exclusion manifest in migratory policies while it obliges them to fulfill the duties established for this kind of migration in said society. Regarding the latter, one experience of illegality is associated with not paying taxes — which in the study could not be observed as a tendency in spite of its presence in individual cases.

With this "desire for mobility" manifest in this particular typology and which happens by means of an everyday flow across the borders, there is considerable weight given to the economic aspect. The jobs and income of the American labor market allow a better quality of life in the form of owning various goods. A problem seen in regards to this mobility is the risk implicit in crossing the border and the random exams carried out by migratory authorities. This means that, according to their own illegal practices, losing the privilege within the selectivity established by said migratory policy.

In the case of "those who were born in Mexico and went to the United States under irregular conditions which they were unable to change," the experiences of illegality are clear. In fact, it is this typology which openly transgresses the restrictions imposed by American migratory policy. Moreover, the majority of studies on undocumented migration into the US has been carried out using this group; nevertheless, it is not the only one which displays experiences of illegality in relation to their migrant trajectory.

In this case, the experiences of illegality are manifest not only in relation to the group of migratory laws and their stipulations regarding residency, which includes deportation; but rather, contrary to other typologies, they are also related with the illegal crossings accompanied by "coyotes" or illegal trafficking and the experiences which they have had in the labor market in the United States.

As is well-known, migrants in this condition live in a vulnerable situation. However, the predominant opinion in the eyes of the interviewees of the study is that they get a better income. In this context, the jobs they occupy are more related to the primary and secondary sectors of the American economy, as they have low educational and professional qualifications.

It was important given the exposure to an environment which is not so attractive from a social and a labor point of view, to corroborate the alternatives that this migrant typology had prior to the undocumented migration. In general, these were migrants who made the decision of settling illegally using a cost-benefit approach; their opinion did not change after living the United States for various years under these vulnerable conditions.

The majority emigrated at a young age, some of them being teenagers, motivated by the precedent of relatives who live under the same conditions in the United States. Furthermore, they were not qualified migrants, but rather their schooling was for the most part left at the primary level, with few of them having gone to high school. In spite of the main motivation for going to the United States being to search for work, they for the most part did not know English, which in turn hindered their access to positions with better remuneration. As such, they primarily occupy positions with low or medium pay, mainly in factories, cleaning services or street cleaning. The majority of their income was used to send cash back to their relatives in Mexico.

Regarding the family, this undocumented migration spoke of a long process of separation from close relatives given the inability to travel stemming from a lack of documents. The interviewees claimed they did not foresee returning to Mexico anytime soon for family reasons; the majority of them explained that their families continue to live in the same areas where they came from, which were primarily rural and semi-urban regions.

The main method they had in mind for legalizing their status in the United States was the uninterrupted residence for more than 10 years. One strategy to achieve that goal was to document their presence there; they also refer to one of the difficulties in legalizing their migratory status as their ignorance and, on occasion, the treatment they received at the hands of legal representatives who would ask for exaggerated sums of money to make the corresponding application to the formal authorities.

A more profound study is needed to corroborate just how inevitable exposure to these conditions of vulnerability in the United States is for the trajectory of these migrants and to what degree family and local tradition established migration as an alternative within the specific developmental conditions which forced them to emigrate. We can corroborate that in these cases it is a labor migration which consciously took on the aspects of illegality as an alternative for change. For some, the primary corollary of this decision comes in a generational context upon having children in that territory, who will in turn not experience the same conditions.

Likewise, the functionality of that illegality is defined for the most part in relation to the income which they send back to their family in Mexico; according to their traits they are migrants who try to avoid vulnerable conditions by inserting themselves into another context where human insecurity prevails. In other words, they are migrants who attempt to escape vulnerability by accessing a selective migratory context where they are deemed as excludable. In this regard, as long as there is no change in migratory accreditation in the United States for them, they do not achieve the goals which motivated them to turn to migration in the first place. Therefore, the condition of human insecurity and vulnerability is only spread further.

4. CONCLUSIONS

Illegality from the perspective of migrants refers to assimilated practices which are historical in nature and which migrants commonly experience in order to achieve their goals. Although further study would prove necessary in order to see how their original environment strengthened their decision to emigrate, here we delve into how that illegal condition implies a conscious transgression in search of partaking in processes and achieving socio-economic benefits in different contexts. Therefore, the legality from the point of view of migrants takes on a functional nature which is justified based on where they choose to settle under the migratory status.

Exposure to the particular risks and conditions of vulnerability which that illegality implies is not an obstacle for migrants who seek to integrate their immediate and relative goals into the process of social mobility. Nevertheless, this integration indicates that the decision of migrants is peremptory and alludes to their prior development conditions in which they could not satisfy their needs; turning then to migration as a recourse which seeks to provide what they lack.

The integration also reveals how migrants' decisions and actions have a functional nature independent of restrictive migratory policies. The primary objective of that functionality is human mobility which seeks to incorporate itself into contexts which migrants believe have greater benefits and where access to work and income act as catalysts for the migrants' trajectory. As such, the search for economic opportunities through migration in the cases which head towards a territory where exposure to conditions of uncertainty or risk prevail, demonstrating a particular trait of human insecurity where actions which are illegal in nature, are a decisive response related to vulnerability in the society of origin.

As such, these aforementioned assimilated practices represent a process of diversifying the options had by migrants who were underprivileged within a restrictive context. In relation to the trajectories of the groups chosen and based on the incentives which dominated in their decision-making, it is unlikely that the importance of this diversification will diminish. That is to say that the functionality of the illegal nature of the decisions determines the reproduction cycle of the migrant trajectory. The cycles of reproduction take place on both sides of the border.

This last part is important when considering the reach of the prevailing restrictive policies in the receiving society. Especially as these tend to ignore — as do the negative stereotypes of migration — the presence of alternate integration processes kept alive by the interests held by these emigrations and which correspond to the demand for cheap manual labor, which also exists within these contexts. Restricting undesired migrants does not inhibit the desire for mobility which they have. Selectivity is not a policy which induces a reduction in the migratory process because it does not take into consideration the real causes of these exoduses.

Some of the ideas presented by this work help to explain the recent exoduses and the meaning held by illegality for diasporas which face more than a few obstacles. In spite of this, migrants are convinced that migration and circumstantial transgression of the migratory norms of the nation-states could be a solution to the problems which they face. As such, the primary contribution of this paper is to highlight the compelling nature of these migrants' decisions, which give specific meanings to that illegality. This is an aspect which needs to be kept in mind when considering the redesign of transnational migratory policies around the world and tending to unequal development conditions.

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¹ Developed by a team at the Centro de Investigaciones y Estudios Superiores en Antropología (CIESAS – the *Social Anthropology Center for Research and Higher Learning*) Western Campus in 2015.

² Selective migratory policies in the region are not exclusive to the United States. There is also a history of restrictive legislation in countries like Canada and Argentina (Alvites, 2019). In the case of the United States, it was in the 1980s when migration policy took on a more restrictive nature when the *Immigration Reform and Control Act* (IRCA) came into effect (Munguía Salazar, 2015). It is within this context that president Bill Clinton determined in 1996 an adjustment to the status of "refugee" to thereby halt illegal migration, primarily due to the mass influx of Cubans and Haitians under this heading (Castles, 2003)

³ In the United States, these imperfections are under legal dispute since the government abandoned exit controls in 1957. Since then, the authorities have not kept any statistics of the egress of any person exiting the country, be it with or without documents (Massey and Capoferro, 2006, p. 274).

⁴ Non-probabilistic sampling technique for identifying potential subjects.

⁵ TL note: *Ley de Nacionalidad* in the original Spanish.

⁶ In the study, albeit with other aims, we established a third typology in this grouping: "those who were born in Mexico and managed to achieve legal status in the United States and decided to stay there". In these cases, the analysis of illegality was moot as they have legal accreditation under migratory conditions in the United States by means of the proper channels for migration and by abiding by the established norms. Nevertheless, an important question was the arrangements between individuals, which arose in the use of marriage as a strategy to achieve legal migratory status or accreditation.