



Written by [Joe Wolverton, II, J.D.](#) on March 7, 2011

## Are Mexicans Leaving the United States and Heading Home?

Over the past five years, the number of Mexican immigrants returning to their homeland has increased substantially over the same period beginning in 2000.

The data was gleaned from statistics released by the Mexican census bureau. The raw numbers indicate that there was a 31.9-percent increase in the number of Mexicans emigrating back to their native country over those who made a similar trek from 2000-2005.

The [Instituto Nacional de Estadística y Geografía](#) (INEGI) is the Mexican equivalent of the U.S. Census Bureau, and in [a report](#) released on its website, 1.1 million Mexicans reported having left their home country from 2005-2010. Of that number, the data reveal that 351,000 returned to Mexico by the time the national census was conducted in the summer of 2010.



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During an interview with [CNN](#), the president of INEGI, Eduardo Sojo, identified two primary factors for the emerging pattern:

The first factor was the situation of the economy in the United States, which decreased the number of [employment] options for migrants. The second factor was the increasing difficulties migrants have when they attempt to cross the border [illegally].

According to Mr. Sojo's theory, as the American economy began its precipitous decline in 2008, manufacturers were forced to close up shop, thus eliminating many of the employment opportunities available to Mexican laborers who enter the United States (most of whom do so illegally). These workers typically have few marketable skills and find work at factories where their lack of training or education is not an impediment to being hired. Sadly, their immigration status is often not checked, either.

Sojo's suggestion has support in a [report](#) released in 2009 by the Pew Hispanic Center, which noted that the unemployment rate among foreign-born Hispanics rose to 8 percent in the fourth quarter of 2008, compared to a much lower rate — 5.1 percent — during the same quarter in 2007.

The second factor cited by Mr. Sojo is perhaps more important, in light of the violence gripping Mexico's northern border — violence that very often spills into the sovereign territory of American states along that volatile international boundary.



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Mexicans (and those from other countries merely passing through Mexico on their way to United States) are having a much harder time crossing illegally into the United States. For example, along the 262-mile zone known as the Tucson Sector, there are now over 3,000 federal agents patrolling in search of people trying to invade the United States across the southern border.

The success experienced by those thousands of agents is difficult to determine, however, as the numbers are pliable and of little forensic value.

For example, published reports indicate that in the year 2000, border patrol agents arrested 616,000 people attempting to illegally cross into the United States within the Tucson Sector. In 2005, the number of arrests in that zone was down to 439,000. Then, the latest report (from 2010) lists the number of arrests in the same swath at 212,000. This sharp decrease is likely attributable to a slate of applicable factors, one of which is the disincentive to even attempt the crossing in the post-S.B. 1070 world where those suspected of committing this crime will be detained and punished in accordance with the law of the sovereign state of Arizona — a state devastated by the southern invasion.

Another possible reason for the decrease in arrests is the decrease in the pool of those attempting the violation. In an interview with [CNN](#), U.S. Border Patrol agent David Jimarez claims that the lower rate of detainees has to do with an increase in personnel and resources:

If you go ahead and take a look at a couple of things that have taken place here in the Tucson Sector you'll notice that there's been an unprecedented amount of technology, infrastructure, as well as personnel being deployed towards the border. That's the amount of dedication that's being given to border enforcement right now.

Regardless of the popularity of this or that theory, the fact is that the number of people trying to illegally enter the United States across the southern border is at its lowest point in nearly 30 years.>

Predictably, there are those who dispute the notion that Mexicans are returning en masse to their native land. The [Wall Street Journal](#) quoted an anonymous Mexican diplomat working in Washington as saying, "We believe it is a myth that a lot of Mexicans are going back. But given the economic situation, some of them might be considering it."

There is some irony in the nameless diplomat's comments. First, would a representative of the government of a nation not be pleased that hundreds of thousands of his countrymen who fled their homeland ostensibly seeking a better life in the United States have decided to return home and seek their fortunes, spend their money, and pay their taxes at home rather than abroad? Furthermore, would that same diplomat not be proud that so many of those same countrymen who likely entered the United States illegally have decided to abandon this criminal endeavor and return to a law-abiding existence in Mexico? Contrariwise, if we take the Mexican diplomat's words at face value, is he not tacitly encouraging his countrymen to invade the United States illegally and not come back? It would be interesting to discover what could compel a representative of the government of Mexico to speak (and act?) in what would seem to be the best interest of that government and the economic benefit thereof.

Finally, whether or not the flow of illegals from Mexico has now reversed course, constitutionalists must remember that it is the legislative and law enforcement efforts of a sovereign state — in this case, Arizona — that have contributed most directly to the crackdown on those illegally present within their borders. And, consequently, it is this climate of zero tolerance for this criminal behavior and the determined enforcement thereof that has engendered second thoughts in those contemplating making the dangerous journey across the border and has sent thousands who have already done so heading



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back home for fear of being punished for the crimes they've already committed.

Federal border patrol is not an activity anticipated by the Constitution. In fact, the congressional authority to regulate immigration is not found in the Constitution.

The application of the dual principles of a national government limited by enumerated powers and the retention by states of their right to govern within their boundaries to the issue of immigration is a timely one. Historically, Thomas Jefferson spoke on the matter:

Alien friends are under the jurisdiction and protection of the laws of the state wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual states, distinct from their power over citizens; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited to the states, are reserved, to the states, respectively, or to the people," the act of the Congress of the United States, passed the 22d day of June, 1798, entitled "An Act concerning Aliens," which assumes power over alien friends not delegated by the Constitution, is not law, but is altogether void and of no force.

Is the same true of the entire panoply of federal immigration laws and regulations? Has the government of the United States enacted a slate of laws for which there is no constitutional authority? In the absence of explicit, enumerated authority to legislate, the power remains with the states and the people. The responsibility for deciding who may or may not enter a state is upon the government of that state, and not the national government.

A state's expression of its legislative will setting criteria for whether an immigrant may remain within its borders is, therefore, absolutely legal and without vulnerability to claims of federal exclusivity. Moreover, not only is there no federal supremacy over state laws with regard to immigration policy, but there is no constitutional accession of federal jurisdiction over immigration whatsoever. As President Ulysses S. Grant wrote in a memo to the House of Representatives: "Responsibility over immigration can only belong with the States since this is where the Constitution kept the power."



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