

# Press Conference by the Undersecretary for North America, Carlos Sada Solana, on Mexico's Position on Texas Senate Bill 4

## Mexico's position on Texas Senate Bill 4

Author

Secretaría de Relaciones Exteriores

Publication date

June 26, 2017

**Moderator:** Thank you for joining us this afternoon for the Mexican government's statement on Texas SB4, which is before the District Court. With us are the Undersecretary for North America, Carlos Sada Solana, and Alejandro Alday González, Legal Counsel for the Foreign Ministry.

Mr. Ambassador, you have the floor.

**Undersecretary Carlos Sada Solana:** Thank you and good afternoon. Thank you for being here on this special occasion. I would like to comment on Mexico's position regarding the SB4 law, which (INAUDIBLE) and, for us, it is vitally important that Mexico has a position in this regard.

The law was signed by Governor Abbott on May 7, and on the 8th, Mexico presented a statement about the implications of the law, which actually won't enter into force right away. It enters into force on September 1 of this year, but there is a legal situation that is preventing this law from coming into force.

What do we think about this law and what is in the statement that we mentioned? [The law] would authorize the local police, the state police, to ask a person about his or her immigration status during an arrest, detention or routine operation, that is to say, it empowers the local police to do that.

There is confusion in our community. There is anxiety and fear about this situation since, again, although it is true that it won't come into force immediately, there's beginning to be certain attitudes and a misinterpretation

about what could happen. This type of thing clearly only further criminalizes immigration, coming on top of the executive orders issued by President Trump some months ago and, of course, the memoranda of understanding, which provide much more information and detail. As you will recall, these memoranda discuss secure communities and [Immigration and Nationality Act Section] 287g.

At a meeting we had in Texas about a month and a half ago with the Foreign Secretary to see the impact it was having on our community, our 11 consulates in Texas explained how they saw the situation being created by the law. Although it is true that we are respectful of the laws of the United States as we have always stated, it is also true that we are very vigilant about ensuring that these same authorities don't violate due process. This is essential so that our people feel protected and that's why we've increased the steps we take to protect our people, as you know, from installing new legal defense centers and [increasing] the number of mobile consulates, consulates on wheels, and the number of Saturdays that we are open for business and, of course, the information we are providing through various channels, such as the CIAM, the Center for Information and Assistance for Mexicans, and other legal mechanisms that we have put into place, such as the immigration diagnoses so that anyone who has questions about his or her immigration status can come see us.

We've already contacted an organization that is going to do an analysis of 25,000 cases to determine their status. What do we mean by that? We mean that if someone is unclear about their immigration status, specialized lawyers are going to diagnose his or her situation. It's been shown that in these cases approximately between 15 and 18% turn out to have the right to some immigration benefit that they didn't know about. This is an extra service that we are providing to the communities.

Why are we doing this? You know that at this moment, as we are speaking, there is a hearing going on. Our document emphasizes the Mexican government's respect for the United States' processes. What we are doing is assisting, that is, we have presented an affidavit, a statement presented by our Consul General in San Antonio, to strengthen the case being brought by other organizations

What has happened in the days following the announcement regarding the entry into force of SB4? It is clearly reflected in our communities' numbers: the number of calls to the Center for Information and Assistance for Mexicans for

the month from May to June increased by 678% compared to the same period last year.

There was a 32.4 percent increase in the number of documents issued to Mexicans, in other words, they are trying to protect themselves as much as possible in case anything should happen.

In terms of civil rights, the number of documents, of civil records, our community is asking the consulates for has also increased by 45% from January to May.

One very important and interesting fact is that the affidavit I mentioned highlights the fact that in the six weeks prior to passage of the law, from March 22 to May 6, 585 Mexican citizens requested legal advice from our consulates. In the six weeks after the law passed, this number rose to 926, or by 70%.

All this indicates an anxiety, a concern in our community and it is the duty of the consulates to be very ready to provide our citizens with the greatest possible protection and, of course, at this time we are doing this and helping by submitting an affidavit in the same court that is holding a hearing on this issue. Now I would like to ask Alejandro Alday to give us a more detailed legal analysis of what this (INAUDIBLE) means.

**Counsel Alejandro Alday:** Thank you, Mr. Undersecretary, and good afternoon, everyone.

The affidavit, as was already mentioned, is in support of a suit brought by an organization to prevent the law from coming into force.

You should know that, right now, cities in Texas have brought three lawsuits against the law passed by the state of Texas. They are the major cities: Houston, Dallas, San Antonio, El Paso, etc. and all of these lawsuits have been combined into one single case being heard by the District Court for the Western District of Texas.

The affidavit submitted by the Mexican government is not itself a lawsuit, and it's very important to make that clear. It's a statement that provides context for the judge, to give him information that is useful to him in ruling on the motion filed by an organization asking that the law does not enter into force.

For that reason, and with full respect for US law and the rule of law, our Consul General in San Antonio made this statement on behalf of the 11 consulates the

Mexican government has in Texas. It informs the judge about how the work of the 11 consulates in Texas has changed in terms of the documents asked for by the Mexican community and the steps taken to advise and represent the Mexican community legally in the United States and, in short, how passage of the law has affected day-to-day life, how the Mexican community has grown increasingly more concerned in anticipation of this law coming into force.

So it is a document that contributes to a case that was already underway against this law, to stop it from coming into force, and it presents contextual information to help the judge. Among other things, the consulate also points out how concerns about this law coming into force are changing the work done by the consulates in such a way that they are devoting all of their resources to addressing the measures and providing the assistance we've mentioned to the detriment of other types of activities usually carried out by the consulates in Texas, especially in a state with such a number of Mexicans or of communities of Mexican origin, and these are cultural, economic and other activities.

That is the type of document that was submitted today and now we are waiting for the outcome of the hearing, thank you.

**Moderator:** Now we will open it up for questions.

**Question:** Silvia Garduño, from Reforma.

I have a couple of questions. The first is, the organization you mentioned that the Mexican government is helping, which is it? and two, are we going to have access to this affidavit, say (INAUDIBLE), and third, this Texas law is along the same lines as the executive orders of President Donald Trump; those executive orders are also going to get a constitutional review, we might say... is the help, if we can call it that, of the local and state police for what Donald Trump wants to do with this type of law, is there a role we can play? Because Texas is the first state to express itself in this area, no? Thank you.

**Undersecretary Carlos Sada Solana:** Several cities have joined this suit. Houston was the last, there was a vote in favor of participating in the lawsuit. San Antonio, Austin, El Paso and El Cenizo in Webb County, and it's also important to point out that the district judge who will preside over the hearing is Orlando Garcia. He is combining the various lawsuits into one single one, so that (INAUDIBLE) is included, the Texas organization called the Texas Civil Rights Project, as are (INAUDIBLE). In other words, several organizations are

part [of the suit], of course (INAUDIBLE) is playing an important role, and all of these have been combined into one single suit.

Regarding the executive orders, of course they consider this possibility. In fact, the Department of Justice is also siding with the county's defense, let's say, but the important thing is that the states that want to take on authority for immigration matters, and our lawyer is going to explain this in more detail, something that is already legislated at the federal level, or not necessarily legislated, because they're executive orders, but there are very specific federal provisions that regulate this activity through his orders and through the memoranda of implementation.

Yes, there are already some suits that are moving in that direction, but today they are still ongoing.

Alejandro, do you want to add anything?

**Counsel Alejandro Alday:** Thank you, Mr. Undersecretary. Yes, ever since the executive orders were issued by the United States administration, it was made clear that there are legal provisions that exist so that local and state authorities, all levels except federal, can take steps to implement immigration measures. There needs to be an agreement between the federal level and the local authorities. That is, let's say, the traditional way it's done based on the law. The Texas law that we are talking about today, SB4, what it does is give federal authorities much more say in the work of local authorities in terms of carrying out US immigration laws, they are taking another step towards being able to directly affect implementation of the immigration act at the state, local and even municipal level.

**Undersecretary Carlos Sada Solana:** As you know, legislation on sanctuary cities is also in the works. The most visible and well-known case is the case of California where there are mechanisms to support civil society, legal mechanisms to prevent it from coming into force. This is a lawsuit that hasn't yet concluded. Regarding the affidavit, yes, it's available, it's a public document. Absolutely.

**Moderator:** Bertha, El Sol de México

**Question:** Mr. Undersecretary, could you please tell us which population (INAUDIBLE) is at risk? And I also understand that there are other states that want to enact similar laws and I would like to know about them. Thank you.

**Undersecretary Carlos Sada Solana:** As for other states, we know that Tennessee has already passed similar legislation that comes into force on July 1, very quickly, but it doesn't have the impact that this law can have. If we do the analysis, as you know, Texas has the second largest Mexican population in the United States after California. 80-82% of all the Hispanics are of Mexican origin, so we're talking about 20 -25 million Mexicans in Texas. I would like to be clear, not all of them are undocumented. As you know, we have to be very clear, many of them are legal residents. Others are citizens with a Mexican background. But certainly, if there is any other place with lots of Hispanics after California, it's Texas.

**Moderator:** Héctor Figueroa, from Excelsior.

**Question:** Ambassador, I would like to ask you if, in addition to this affidavit (INAUDIBLE), you will go to other bodies, such as the Inter-American Commission on Human Rights, about this issue? Or, I don't know, some other body? And I understand that also according to the SB4 law, campus security guards, would they be able to stop and interrogate students about their immigration status? That would be very serious, wouldn't it? Because it would take place on university campuses. Could you clarify that point for us? Thank you.

**Undersecretary Carlos Sada Solana:** This is one of the issues around which there is some uncertainty about how these provisions referred to in the law will be applied at any given time-- if it would be the local police within educational institutions who would make an arrest due to some complaint or if there were an offense within [the university]. They wouldn't always be looking at the universities' records because, as you know, they are confidential, but if there were some situation that merited it. It's probably a very small area and many university presidents have said that they, of course, aren't going to lend themselves to this type of situation. But it is the case, yes, and it is part of the lawsuit, if it would be possible to go into universities to arrest some student that someone, let's say, filed a complaint about. This is one of the risks and it's one of the situations that of course is causing students a lot more stress, a lot more anxiety. Clearly they don't understand the scope of the law yet. It's still interpretive, it hasn't gone into effect yet but yes, there is a lot of concern about what could happen. That's why this collective action has been filed.

**Counsel Alejandro Alday:** Thank you. With regard to the question about other entities, we've been very clear that no organization is off limits when it comes to defending the rights of Mexican communities. Right now, there is a hearing

going on for this lawsuit. We'll see what happens and depending on how far along the lawsuit is, we will take the necessary decisions. But the Foreign Secretary has been very clear in saying that we are going to exhaust all legal recourse pertinent to defending the Mexican communities, both US courts and others, if it is relevant and timely.

**Moderator:** Agustín Rodríguez from Tv Azteca.

**Question:** Good morning. Mr. Undersecretary, I would like to ask you, according to the information you have in your consulates, what other red lights do you know about aside from Texas, in what order and what would be the red lights by location? And, in case this can't be stopped or reversed in U.S. courts, how might this increase deportations to our country? Thank you.

**Undersecretary Carlos Sada Solana:** Of course we are very alert to what is happening in the areas for which all 50 consulates are responsible. I mentioned that the Foreign Secretary was at the meeting with us and the Texas consuls. We are visiting the various cities; we were in Miami, for example, and we met with the consuls there. Later today, I am going to Denver. Why? Because there is going to be a meeting with the heads of the protection departments of the 50 consulates so that we can have common criteria and, above all, evaluate what is happening to the constituencies of each consulate. As you know, you can't see it as a homogeneous situation because every city, every state is different, as we are seeing right now and we are evaluating-- I want to point out, for example, the case of Atlanta. In Atlanta, we have found that they are arresting people who don't have a driver's license. So our lawyers in the *Pare* program, who are immigration lawyers, are following these cases closely and if due process isn't followed then we will also have a lawsuit.

Now, in the case of Miami, I must tell you that there are some similar cases. The opposite is happening in California, where the governor recently announced an additional 40 million dollars to provide all undocumented immigrants at risk of deportation with legal assistance.

I should add, and this important, that we do have many cases of Mexicans who are in the process of being deported. Many are in prison but many others are not, they are following their cases from home, in some cases (INAUDIBLE) according to statistics we've shared with officials there, there are about 180,000. That is precisely where the immigration diagnosis I mentioned comes into play to see if there is the possibility of some immigration relief that could consist of, even, not just being able to stay in the United States but also the

possibility of becoming citizens or legal residents, that is, we have to go to all entities to examine the status of each of these cases.

**Counsel Alejandro Alday:** Regarding the legal process, that's right, we have to go through all of the courts. We are now in the first of these, but the fact that there are four lawsuits brought by seven major cities that are fighting this law is very important. I believe that this is a very important fact, and many organizations have joined in. So we are going to accompany all of these judicial processes in order to safeguard Mexicans' rights given the very negative climate in that country. We are in the first of the legal battles.

**Undersecretary Carlos Sada Solana:** I think what Alejandro pointed out is important, in that we still don't know what the outcome will be in this case, the absence of the judge, this might continue in other venues. This is the first court and we are also following it to see what role Mexico should play in each of the corresponding courts.

**Moderator:** Reuters, we have time for a few more questions.

**Question:** Thank you. Undersecretary, good morning, I wanted to ask you what the process is and what is the timeframe for this suit. You've said that this isn't the last court; I understand there are more. Could you be more precise about the timeframe and what happens next?

**Undersecretary Carlos Sada Solana:** I'm going to give this question to Alejandro who knows about the law: what is the timeframe for a decision in this court?

**Counsel Alejandro Alday:** It's difficult to say with absolute precision, but right now during the hearing to request that the law not to enter into force we would hope to see a very clear signal from the judge in the next few days. Then the merits of the case would be looked at: if it goes against the law, because these are lawsuits saying the law is unconstitutional. This could take a few weeks, and then if either side disagrees, either the winning side or the losing side, it would be appealed and that would take a little longer, but maybe by Fall we would have some idea about what was going to become of this law.

This does not, of course, exclude the possibility of the case going all the way to the U.S. Supreme Court and for it to accept, hear and rule on a case does take a while. So that's the panorama, more or less, of what we could expect if it goes through all of the courts.

**Question:** (Inaudible)

**Counsel Alejandro Alday:** Yes, of course, because they are going to continue to be shared.

**Question:** Thank you. I would like to know if there has also been a reaction from the Foreign Ministry or if it has a position on the case of the minor Hernández Guereca, now that the Supreme Court has sent this border case back to a lower court. Thank you.

**Undersecretary Carlos Sada Solana:** This is clearly a very important case. I had the opportunity to be in El Paso. I met the family and the family's lawyer to discuss the situation. Then it was heard by the Supreme Court. Now the Supreme Court can do an even more thorough analysis because what it is asking for is for more elements. The good thing about the case is that there is no decision, and we will continue to fight because obviously it is a sad case, a very regrettable case, and we hope that with this new opportunity to provide more elements, we can assist with the Hernández Guereca case.

**Question:** Good afternoon. Adriana Mendoza of the Los Angeles newspaper La Opinión. I wanted to ask: how much pressure does the Mexican government understand the undocumented migrants in the United States to be under, so that despite these resources and all of the [legal] defense, they feel so vulnerable that they are returning. How much are these laws influencing them to return, both in Texas and the rest ... I had information that in North Carolina, for example, they can't sign a water or electricity contract if they don't show an official ID. These types of difficulties. What other measures like this are you seeing?

**Undersecretary Carlos Sada Solana:** Well, certainly the most important challenge we have is how to sufficiently publicize the steps being taken by the Mexican government, and not just the Mexican government, but also civil society organizations, states and municipalities. In California, the governor, Mayor Garcetti in Los Angeles, you're from Los Angeles, I'm sure you read that last week he made another 5 million dollars available to organizations that defend migrants' rights.

But of course there are many places involved and we are trying to use more mobile consulates and consulates on wheels, which go to different areas, different places. We are also trying to find civil society organizations of lawyers who live in these more remote areas at the meeting we're going to have with

the heads of protection in each consulate, and we're going to meet with the consuls of (INAUDIBLE), meaning that it's a remote place where we don't have many civil rights organizations, but we are in the process of looking for them.

One of the issues, of course, is how to publicize these measures. What you say is very true, each city is different and different steps are being taken. We haven't seen, and we have new statistics and other information from the National Research Institute, we haven't seen massive deportations from the border patrol. What we have seen is a different type of deportation in that they are going for people who are part of a family and they are dividing the family, people who have been in the United States for more time, and where the agents' interpretation of the measures is very uneven. This situation is causing us problems, this is something that the Foreign Secretary has already put on the table twice in the meeting we had with Secretary Kelly, for him to make an assessment of what it is that makes one a criminal in the United States, because they are all criminals there. Here, according to the criteria we have here regarding application of the concept of criminality, there is a big difference.

There are violent criminals, and obviously Mexico is receiving them. You know that we have 11 ports of entry and the immigration authorities know exactly which and where they are, and a 12th port of entry is Mexico City, with three flights a week with 135 passengers on each of these flights, that is what we are receiving. But the issue is the somewhat different application in various places. I can give you New York as an example. In the Manhattan area, of course, the immigration authorities are much more understanding than in upstate New York on the issue of migration. They are the same laws, the same documents that should be followed, but the way the criteria is applied is different.

**Question:** (AUDIO PROBLEMS), undocumented migrants are returning, and returning, and delaying ...

**Undersecretary Carlos Sada Solana:** They are preparing for any scenario. An important fact, for example, is the increase in the number of birth certificates from two perspectives: One, in the sense that they are getting birth certificates for children born in the United States and, on the other hand, they are also getting birth certificates for people who were born in Mexico but want to have their papers in order. And a third very important part to this are the temporary custody documents being drawn up in the consulates for the children in case a family is deported, so that they can establish beforehand where they want the children to stay in the United States so that it isn't the state or the city that decides to put them in those centers that are practically impossible to get them

out of later, it takes more time... become close, we could say, to the family that receives them. These are different scenarios but this is the sort of situation that is arising.

**Question:** Good afternoon, Fabiola Ayala of Publimetro. I would like to ask you about a detail of this law regarding the question about the universities and places they could have access to if they receive a complaint. Is the arrest immediate or does there have to be an evaluation to see if the immigrant in question has documents or not, or is he or she just arrested?

**Undersecretary Carlos Sada Solana:** We are interpreting this law to mean that if they are able to do that, there will be a reaction from the universities. You have seen that most universities are opposed to this type of situation and would oppose it or prevent, in this case, the local police from entering. Immigration agents can enter, if there is a complaint. Now local authorities would, too, The law permits state police, (INAUDIBLE) police or more local police to participate in these activities. That is, the faculty the law gives to the local police.

**Question:** Considering the undocumented population in Texas, the Mexicans, who could be at more risk, taking into account the undocumented immigrants.

**Undersecretary Carlos Sada Solana:** Well, here we have different categories. The most vulnerable are the undocumented immigrants who know that the (INAUDIBLE) are in a category that is a little more secure according to documentary... and the Home Consulting publication, but the stable residents aren't 100% protected either, we have cases of legal residents and that is also why there has been a marked rise in the applications for citizenship from Mexicans to get double nationality.

So, it all depends ... And it is ambiguous. There could be an undocumented Mexican who has more right than another one and that is when we appeal to the immigration authorities for an interpretation vs. a rigid application. Yes, a hearing... From the Commissioner of (INADUBLE), where he said that they would apply the law to the letter, with no mitigating factors. These are precisely the issues that Foreign Secretary Videgaray has put on the table so that it isn't applied so categorically but rather interpreted according to the situation of the family and the children, too, in some cases.

**Moderator:** Thank you, and good afternoon.