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The Role of the Consulate General of Mexico in San Diego: Exercising an Effective Consular Diplomacy

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**THE ROLE OF THE CONSULATE GENERAL OF MEXICO IN
SAN DIEGO: EXERCISING AN EFFECTIVE CONSULAR
DIPLOMACY**

MARCELA CELORIO*

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I. INTRODUCTION

As the State parties recalled when signing the Vienna Convention on Consular Relations (“VCCR”)¹: “consular relations have been established between peoples since ancient times.”² Indeed, the consular relationship between Mexico and the United States of America (“U.S.”) is well over 100 years old; specifically, the Consulate General of Mexico in San Diego started to provide services to Mexican citizens in 1879.

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1. Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261.

2. *Id.*

Nevertheless, it seems not until today that people are realizing the importance of the consular function. There are some voices that claim that such standing has been recognized in the past—for example, when the Mexican government supported the Mexican community that was fighting against Proposition 187³ in California or in the aftermath of the terrorist attacks on American soil on September 11th, 2001, when Mexico started promoting the consular identification—*matricula consular*—for its nationals.⁴ I concede that these events, among others, brought a certain degree of awareness, but not in the breadth and depth that we are witnessing today.

Today, facing not just a more restrictive view on immigration from a new Administration in the U.S., but also different views on how to handle the border and trade, the consular function resurges as one of the main assets of Mexican foreign policy to protect its interest as a country and those of its community residing abroad.

The aim of this article is to provide a general overview about the evolving nature and importance of the consular function performed by Mexico to protect its nationals from the perspective of the Consulate General of Mexico in San Diego.

For such purpose, I will refer to the applicable legal frameworks and to the importance of the social and economic ties between Mexico and the U.S., emphasizing San Diego County, which comprises the San Diego Mexican Consular District (an area assigned to a consular post for the exercise of our consular functions).⁵ Also, this work will explain the evolution of the consular functions—from the traditional to the new generation—and, to conclude, it will stress the increasing relevance of an effective exercise of consular diplomacy.

3. Cal. Educ. Code §§ 48215, 66010.8 (1994) (A 1994 ballot initiative to establish a state-run citizenship screening system and prohibit unauthorized immigrants from using non-emergency health care, public education, and other services in the State of California); *see also* Alex Nowrasteh, *Proposition 187 Turned California Blue*, CATO INST. (July 20, 2016), <https://www.cato.org/blog/proposition-187-turned-california-blue>.

4. Silva Mathema, *Providing Identification to Unauthorized Immigrants: The State and Local Landscape of Identification for Unauthorized Immigrants*, CTR. FOR AM. PROGRESS (Nov. 2015), <https://cdn.americanprogress.org/wp-content/uploads/2015/11/23122616/ProvidingIDs1.pdf>.

5. *See* Vienna Convention on Consular Relations, *supra* note 1.

II. LEGAL FRAMEWORK

Sovereign nations have developed a solid platform of international relations with the goal to thrive in the economic, political and social landscapes of the world we live in today. They safeguard their interests by bearing a respectful and legal procedure governed by international law. Specifically, the North American partnership—among Mexico, U.S. and Canada—has resulted in economic development, political agreements, and social ties that cannot be overlooked; particularly, and regarding the U.S.-Mexico relationship, growing populations depend on the results of a bilateral economy and shared societal ties. Therefore, it is in both countries' interest to maintain and recognize the need to further foster this relationship: a basis for mutual trust and progress.

Diplomatic relations actively evolve accordingly to the needs of the world and they continually open space for high-level dialogue between nations. Therefore, it is important to recognize the legal grounds that govern these affairs; specifically, the role of an embassy or a consular office. For this purpose, international law was codified in two key treaties: first, the 1961 Vienna Convention on Diplomatic Relations (“VCDR”),⁶ and second, the 1963 Vienna Convention on Consular Relations.⁷ It is worth mentioning that Mexico and the U.S. have their own bilateral Convention on the matter.⁸

Likewise it is important to acknowledge that each country has a central authority for handling foreign affairs. The national body for promoting this activity is often referred to as the Ministry of Foreign Affairs, Ministry of Foreign Relations or Secretariat of Foreign Relations—in the case of the U.S., the Department of State—and it serves as the headquarters for the decision making and core designing of policies, initiatives, and programs to undertake actions abroad, often referred to as *missions* between a sending State and a receiving State.

Secondly, there are peripheral organisms, such as embassies or consulates, each of which performs different roles depending on the agenda established by their corresponding authorities. Nevertheless, in

6. Vienna Convention on Diplomatic Relations, Apr. 18, 1961, 500 U.N.T.S. 95.

7. Vienna Convention on Consular Relations, *supra* note 1.

8. Consular Convention between the United States of America and the United Mexican States, Aug. 12, 1942, 125 U.N.T.S. 301.

practice, protocol requires that missions be approved by the receiving State before the sending State decrees its actions.⁹

The difference between an embassy and a consulate is found fundamentally in the political functions and the citizen services that each of these State organs performs. For example, in the case of Mexico, its embassy in the U.S., posted in Washington D.C., is in charge of the political relationship between Mexico and the U.S., while our network of 50 consulates performs more administrative and citizen services, commonly known as traditional consular activities, but, as I will explain later, the role of the Mexican consular offices has expanded to include new generation functions aiming to empower the Mexican community so they may fully integrate in American society; conversely, the previous iteration had to do with a more political consular activity, known as consular diplomacy.

According to international public law expert, Antonio Brotons, the consular office is defined as follows: “[a] peripheral state organ essentially in charge of exercising functions abroad within the framework of the established rules overseen by international law, the functions that correspond to the public administration, both in relation to the national authorities or those of another State.”¹⁰

Moreover, in compliance with Article 3 of the VCDR, the catalyst for both the VCCR and the Consular Convention between the United Mexican States and the U.S., the consular functions include, among other things: (1) “protecting in the receiving State the interests of the sending state and of its nationals, both individuals and bodies corporate, within the limits permitted by international law”; (2) “issuing passports and travel documents to nationals of the sending States, and visas or appropriate documents to persons wishing to travel to the sending State”; and (3) “furthering the development of commercial, economic, cultural and scientific relations.”¹¹

An important feature of diplomatic relations is that either an embassy or a consulate carries out the official representation of a country. Nevertheless, due to the large Mexican population living in the U.S., there are different Mexican states that, without having the official

9. See Vienna Convention on Consular Relations, *supra* note 1.

10. ANTONIO RAMIRO BROTONS, DERECHO INTERNACIONAL 1096 (2007) (translation by author).

11. Vienna Convention on Consular Relations, *supra* note 1.

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representation of Mexico in the receiving State, *de facto* provide citizen services (e.g. issuance of birth certificates) through their governmental offices in the U.S., examples of these in the state of California are offices on behalf of the Mexican states of Puebla, Michoacán, Jalisco, Guanajuato, and Oaxaca.

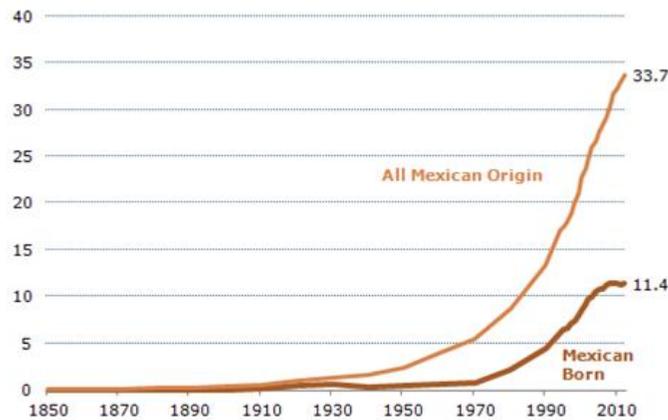
III. SOCIAL AND ECONOMIC TIES BETWEEN MEXICO AND THE UNITED STATES

Today, approximately twelve million Mexicans, and over twenty-four million American citizens of Mexican descent call the U.S. home, of which roughly six million are undocumented.¹² Historically, people from Mexican descent have had a positive presence and have been a force for good, contributing to the progress of the U.S., and to its social structure. The previous facts can be explained by the historical context that both countries share in our economies, as well as the strong relationship forged by the social and cultural linkage between Mexico and the U.S.¹³

12. See Ana Gonzalez-Barrera & Jens Manuel Krogstad, *What we know about illegal immigration from Mexico*, PEW RES. CTR. (Mar. 2, 2017), <http://www.pewresearch.org/fact-tank/2017/03/02/what-we-know-about-illegal-immigration-from-mexico/>; Jie Zong & Jeanne Batalova, *Mexican Immigrants in the United States*, MIGRATION POL'Y INST. (Mar. 17, 2016), <http://www.migrationpolicy.org/article/mexican-immigrants-united-states>; Ana Gonzalez Barrera & Mark Hugo Lopez, *A Demographic Portrait of Mexican-Origin Hispanics in the United States*, PEW RES. CTR. (May 1, 2013), <http://www.pewhispanic.org/2013/05/01/a-demographic-portrait-of-mexican-origin-hispanics-in-the-united-states/>.

13. See generally Pia Orrenius, *Benefits of Immigration Outweigh the Costs*, CATALYST (Spring 2016), <http://www.bushcenter.org/catalyst/north-american-century/benefits-of-immigration-outweigh-costs.html>.

Figure 1

Mexican-Origin Population in the U.S., 1850-2012
(in millions)

Source: For Mexican born 1850 to 1980: Gibson, Campbell and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850-2000," U.S. Census Bureau, Population Division, Working Paper No. 81, 2006; for Mexican born 1980 and 1990: Integrated Public Use Microdata Series (IPUMS-USA); for 1995 to 2012: Pew Hispanic Center estimates based on augmented March Current Population Surveys and 2000 Decennial Census. For Mexican population 1850-1994: Integrated Public Use Microdata Series (IPUMS-USA); for 1995 to 2012: Pew Hispanic Center estimates based on augmented March Current Population Surveys and 2000 Decennial Census.

PEW RESEARCH CENTER

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Our two thousand mile border is home to a community of over eighty million people across ten states (both American and Mexican)¹⁵ and almost one million cross it on a daily basis. Contrary to the alleged thought that Mexicans migrate in masses to the U.S., a demographic analysis from the Pew Research Center shows that the flow of immigrants moving from Mexico into the U.S. is at its smallest rate in decades and that a flow to Mexico from the U.S. is now higher.¹⁶

San Diego County integrates eighteen cities and has a population of three million, of which, one million are Hispanic and nine hundred thousand of these are of Mexican descent; many of these municipalities contain a majority Hispanic/Mexican community (National City (63%),

14. Gonzalez-Barrera & Lopez, *supra* note 12.

15. See James B. Pick, Nanda Vizwanathan, & James Hettrick, *The U.S.-Mexican borderlands region: a binational spatial analysis*, 38 SOC. SCI. J. 567, 567-69 (2001).

16. Ana Gonzalez-Barrera, *More Mexicans Leaving Than Coming to the U.S.*, PEW RES. CTR. (Nov. 19, 2015), <http://www.pewhispanic.org/2015/11/19/more-mexicans-leaving-than-coming-to-the-u-s/>.

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Chula Vista (58%), Escondido (49%), Vista (48%), and Lemon Grove (41%)).¹⁷ Moreover, in a report conducted by San Diego Association of Governments (SANDAG), it is estimated that by 2050, Hispanics will account for over 46% of the total population in the county while the non-Hispanic/White population will decline to approximately 30%.¹⁸

The Mexican community in San Diego is diverse and integrates thousands of people that contribute to society through different activities. In the case of Vista or Escondido, our nationals contribute mostly to the agricultural sector, but there are also entrepreneurs and highly skilled migrants. Examples of Mexican success around the county include those that own businesses in different sectors of the economy such as the creative, agricultural, construction, film, trade, and retail industries, as well as social activists.

Also, at the Mexican Consulate, we have acknowledged the existence of 126 clubs of migrants, the majority being from Oaxaca (26), Baja California (24), Guerrero (20) and Queretaro (18), among others.

Over the years, cultural, academic, and political collaboration between the cities of San Diego and Tijuana have allowed its inhabitants to strengthen ties with their neighbors. Thus, a person can live in Tijuana and either work or go to school in San Diego or vice versa. People have friendships and relatives on both sides of the border, while respecting and assessing the values and traditions of the inhabitants of the other country.

This bond has become a reality: the cities of the region have expressed their good faith and solidarity through agreements of understanding, such as the most recent ones signed between the cities of Imperial Beach in California and Playas de Rosarito in Baja California, and San Diego and Tijuana, on September 1, 2015, and March 13, 2017, respectively.¹⁹ Both of these agreements endorse a

17. See generally *San Diego County Demographics Profile*, CTY. SAN DIEGO, HEALTH & HUM. SERV. (Mar. 2013), http://www.sandiegocounty.gov/hhsa/programs/phs/documents/CHS-Demographics_NorthCentral.pdf.

18. See *Demographics & Other Data*, SANDAG, http://www.sandag.org/resources/demographics_and_other_data/demographics/fastfacts/index.asp (last visited Apr. 25, 2017).

19. See *Edgar Juarez Uscanga*, Firma Rosarito, acuerdo con Imperial Beach, EL MEXICANO (Sept. 3, 2015), <http://www.el-mexicano.com.mx/informacion/noticias/1/3/estatal/2015/09/03/882354/firma-rosarito-acuerdo-con->

commitment to collaborate to improve the well-being of the inhabitants on either side of the international border.

As to the economic partnership between Mexico and the U.S., the facts demonstrate the significant interdependence between both nations. As mentioned previously, data shows that the population of Mexican descent in the U.S. totals thirty-five million, accounting for 11% of total population.²⁰ In addition, Mexicans generate 8% of U.S. GDP and immigrants of Mexican background own five hundred seventy thousand companies in the country, a ratio of 1 for every 25.²¹ Additionally, Mexican investment in the U.S. totals \$17.6 billion and has grown an average of 35% in the past five years.²²

Furthermore, Mexico and the U.S. trade over one million dollars on a per minute basis. In 2015, Mexico exported three hundred billion dollars to the U.S., totaling more than three times than exports to Brazil, India, Russia, and South Africa combined. That same year, U.S. exports to Mexico totaled 236 billion and Mexico was ranked the second largest buyer of U.S. exports. Locally, California sold 26.8 billion dollars to Mexico in that same period and almost 20% of these sales originated in San Diego County.²³

In recent years, due to an increase in productivity, manufacturing costs in Mexico have dropped below those of China, attracting more

imperial-beach; Andrew Bowen, *San Diego and Tijuana Sign Renewed Cooperation Agreement*, KPBS (Mar. 13, 2017), <http://www.kpbs.org/news/2017/mar/13/san-diego-and-tijuana-sign-cooperation-agreement/>.

20. See *supra* note 12 and accompanying text.

21. See *Mexicans in the United States: The Importance of their Contributions*, SECRETARIA DE RELACIONES EXTERIORES, <https://mex-eua.sre.gob.mx/images/stories/PDF/FsMexicansinUS.pdf> (last visited Apr. 25, 2017).

22. See *id.*

23. See, e.g., *Jobs Without Borders: Employment Concentrations and Comparative Advantage by Industry in the CaliBaja Region*, CALIBAJA REGION INITIATIVE, CTR. FOR U.S.-MEXICAN STUD., UC SAN DIEGO, COLEGIO DE LA FRONTERA NORTE (2014), available at https://issuu.com/irpsmedia/docs/140602-employment_trends_in_cali_ba; Christine Clark, *First-of-its-Kind Study Reveals San Diego and Imperial Counties and Baja California Region as Nexus*, UC SAN DIEGO NEWS CTR. (June 3, 2014), http://ucsdnews.ucsd.edu/pressrelease/first_of_its_kind_study_reveals_san_diego_and_imperial_counties_and_baja; *supra* note 12 and accompanying text.

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foreign investors.²⁴ Mexico and the U.S. do not just trade among themselves, they build products together ranging from automobiles—crossing the border eight times during the production process—to smartphones, computers, beer, and state of the art Learjets.²⁵

When referring to San Diego, we must address the Cali-Baja region, territory that encompasses San Diego County, Imperial Valley, and Baja California, and a clear example of the economic cooperation and integration that exists between Mexico and the U.S.

The region is home to 6.6 million people with a combined GDP of approximately \$250 billion, comparable to the gross domestic product of Finland (\$231,950), and higher than that of either Portugal (\$198,923) or Peru (\$189,111).²⁶ It is home to more than one hundred leading companies worldwide and it has service providers committed to the industrial and economic development of the area. Mexico is San Diego's largest export market, approximately \$5.5 billion in goods are shipped annually, making up international trade that supports more than one hundred ten thousand jobs solely in San Diego.²⁷

Each month, on average, more than six million people cross the border of the Cali-Baja region using the six existing Ports of Entry (POE).²⁸ These include: San Ysidro, Tecate, Otay Mesa, East Calexico, West Calexico, and Andrade. The San Ysidro junction is the most traveled border crossing in the Western Hemisphere. Northbound, on average, fifty thousand vehicles and approximately twenty-five

24. See Pan Kwan Yuk, *Want cheap labour? Head to Mexico, not China*, FINANCIAL TIMES (Jan. 14, 2016), <https://www.ft.com/content/bddc8121-a7a0-3788-a74c-cd2b49cd3230>.

25. See *Jobs Without Borders*, *supra* note 23; Merrill Douglas, *Cross-Border Trade: Made in Mexico*, INBOUND LOGISTICS (Jan. 2014), <http://www.inboundlogistics.com/cms/article/cross-border-trade-made-in-mexico/>.

26. See *GDP (current US\$)*, WORLD BANK, <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD> (last visited Apr. 25, 2017).

27. See *Jobs Without Borders*, *supra* note 23.

28. See *2015 San Diego-Baja California Border Crossings and Trade Statistics*, SAN DIEGO ASS'N. GOV'T, COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (June 7, 2016), available at http://www.sandag.org/uploads/publicationid/publicationid_1424_17572.pdf;

thousand pedestrians cross daily. SANDAG estimates that by 2030 the rate of vehicle crossing in San Ysidro will increase by 87%.²⁹

The interaction between the cities of San Diego and Tijuana clearly surpasses the substantial economic exchange that has been generated in the region. Border infrastructure projects such as the Cross Border Express and “Otay II” will continue to support the increasing flow of commodities and people through our borders. Furthermore, the conceptualization of the port of entry for the future demonstrates the innovative spirit of the region’s dynamism.

IV. TRADITIONAL AND NEW GENERATION CONSULAR FUNCTIONS

The role of a Mexican consular office has transitioned from solely a citizen services provider agency to more effective diplomatic representation of Mexico in its consular district. This evolution has taken place due to exposed needs of the Mexican community and the Mexican government’s response to better serve and represent its population abroad.

A. *Traditional Consular Functions*

Mexico has established a network of 50 consulates in the U.S.—the biggest network established in one country—that includes a consular section in Washington, D.C. For the last 25 years, Mexico and its consular representations have been able to excel in the traditional consular functions through more expedited processes, with more qualified human resources, and with state of the art technology. To illustrate this, for almost all countries it can take months to issue a passport to its nationals; nevertheless, to obtain a Mexican passport takes only an hour, as long as the applicant fulfills all the requirements established by law. Of course, the protection of people’s identity remains a top priority in the issuance of this document.

It is worth mentioning that a passport or consular identification acquires a very important meaning when it comes to undocumented people. For the most fortunate part of the population, a passport normally is used to travel from one country to another; for an

29. *San Ysidro LPOE Project Facts*, GSA, <https://www.gsa.gov/portal/category/105703> (last visited Apr. 25, 2017).

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undocumented individual it means the recognition of their identity, that this person will be legally visible to society and the government, and is entitled to have a voice if their labor or human rights are violated, among other benefits.

Identity of the undocumented Mexican community has always been a concern and it is linked to the subject of consular protection. Two main events illustrate our achievements in this area, the most important being the consular identification document, or as we know it in Spanish “*matrícula consular*,” which has its legal recognition in Article 5 of the VCCR³⁰ and Article 64 of our national Foreign Service Law. This credential works as proof of Mexican nationality and validates a person’s address abroad.

At first, foreign authorities were hesitant about accepting this type of identification, but now, having become a well-known document with advanced security features, we are able to proclaim that the consular identification document has been a success since it is widely accepted across the U.S., not only by governmental institutions, but also by those in the private sector.³¹ Formerly, people without access to these documents of identity were left in a state of vulnerability. Now it has become a magnificent tool that empowers and enables the presence of Mexican nationals in the American system, the country where they reside and work.

The second achievement represents a turning point in procedures, and it came with consular notification, an additional accomplishment that has international legal recognition in Article 36(1)(b) of the VCCR³² and in the bilateral consular convention between Mexico and the U.S.³³ This obligation forces local authorities to inform a detainee that he has the right to request assistance from his consulate and to communicate with a consular representative upon being arrested.³⁴

30. Vienna Convention on Consular Relations, *supra* note 1.

31. *Basic Facts about the Matrícula Consular*, NAT’L IMMIGR. L. CTR. (Dec. 2005), <https://www.nilc.org/wp-content/. . /11/Basic-Facts-about-the-Matricula-Consular.pdf>; *see also* Kevin R. Johnson, *Driver’s Licenses and Undocumented Immigrants: The Future of Civil Rights Law?*, 5 NEV. L.J. 213, 228-31 (2004).

32. Vienna Convention on Consular Relations, *supra* note 1.

33. Consular Convention between the United States of America and the United Mexican States, *supra* note 8.

34. *Id.*

In addition, a strong legal precedent for Mexico is the widely recognized judgment of the *Avena Case* by the International Court of Justice (“ICJ”).³⁵ This case began in 2003, when

Mexico brought a case against the US to the International Court of Justice (ICJ) in a dispute concerning alleged violations of Articles 5 and 36 of the Vienna Convention on Consular Relations of 24 April 1963 with respect to 54 Mexican nationals who have been sentenced to death in the States of California, Texas, Illinois, Arizona, Arkansas, Florida, Nevada, Ohio, Oklahoma and Oregon.³⁶

Upon resolution, the ICJ mandated the U.S. to comply with its provisions; however, the Supreme Court of the United States ultimately declared that even though the “ICJ’s judgment in *Avena* creates an international law obligation on the part of the United States, it does not of its own force constitute binding federal law.”³⁷

These are but some examples of the functions that the consulates traditionally have been performing. As mentioned previously, consular activity has been evolving along the years (predominantly in the last 25 years) and nowadays we can talk of a new generation of consular functions, whose main objective is to empower the Mexican community, providing them the tools to fully navigate and integrate to the country in which they reside, in this case, the U.S. In tandem, Mexico promotes through its official channels the importance of preserving cultural and social ties to their home country.

B. New Generation Consular Functions

The new generation consular functions are focused mainly on providing information on a wide array of issues, such as civic education, academic education, finance, and health. The aim is to provide the Mexican community with the proper tools to be able to fully integrate

35. Case Concerning *Avena and Other Mexican Nationals* (Mex. v. U.S.) Judgment, 2004 I.C.J. 128 (Mar. 31).

36. *Press Release 2003/1: Mexico brings a case against the United States of America and requests the indication of provisional measures*, INT’L CT. JUST. (Jan. 10, 2003), <http://www.icj-cij.org/docket/index.php?pr=595&code=mus&p1=3&p2=3&p3=6&case=128&k=1>.

37. *Medellin v. Texas*, 552 U.S. 491, 522 (2008).

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in the country in which they live, have their children, work, pay their taxes, and contribute socially and economically. Here, we are talking about the United States.

Regarding civic education, the Consulate General of Mexico in San Diego actively promotes dual citizenship, either for Mexican nationals who are eligible to become U.S. citizens or for first generation U.S. citizens eligible for Mexican nationality by ancestry.

Mexico amended Article 37(a) of its constitution in 1997 to allow Mexicans to have dual or multiple citizenships.³⁸ This initiative originated in Chicago, when Mexicans demanded that their government recognize that even though they were living in American territory they still should have the right to preserve and exercise their nationality abroad.³⁹ Since the U.S. does not outlaw dual or multiple nationalities, this group of people was able to exercise both their rights and fulfill their obligations—under Mexico’s constitution—while complying with Mexican electoral law and its requirements.

Recently, while addressing an audience in support of building the House of Mexico in Balboa Park, I mentioned that I have been asked a lot, “Why acquire Mexican nationality?” I explicated multiple reasons: to be considered Mexican; to preserve family ties; to acquire real estate in Mexican national territory; to have the possibility of returning to Mexico in the future; if visiting, to use both passports and enter Mexico as a Mexican; to be able to work in both countries; to receive inheritances and donations; to participate in elections in Mexico or in the U.S.; and to acquire political rights.⁴⁰ It is important that the Mexican community that resides in and contributes to this country has a voice and is heard.

38. *Constitucion Politica de los Estados Unidos Mexicanos*, art. 37; “*Recuperacion de la Nacionalidad*,” D.O. 21 de Junio de 1993. *See generally* Chris Dangan, *The Duel over Dual Nationality Amendments*, 7 SW. J. L. & TRADE AM. 447 (2000); Jorge A. Vargas, *Dual Nationality for Mexicans*, 35 SAN DIEGO L. REV. 823 (1998).

39. *See* Vargas, *supra* note 38, at 823-25; *see also* Paula Gutierrez, Comment, *Mexico’s Dual Nationality Amendments: They do not Undermine U.S. Citizen’s Allegiance and Loyalty or U.S. Political Sovereignty*, 19 LOY. L.A. INT’L & COMP. L.J. 999, 1007-09 (1997).

40. *See* Marcela Celorio, *Consul General: Mexico on right side of history*, SAN DIEGO UNION TRIB. (Apr. 13, 2017), <http://www.sandiegouniontribune.com/opinion/commentary/sd-utbg-mexico-consul-general-celorio-20170413-story.html>.

With regards to education, finance, and health, the former Program for Mexican Communities Living Abroad (“PCME”)—known since 2003 as the Institute for Mexicans Abroad (“IME”)—has been the core foundation in coordinating and promoting all these activities overseas.⁴¹ IME, the organization whose starting point was to generate an impact through sports and culture in alliance with community leaders and local organizations, has become a progressive instrument for development through its *Plazas Comunitarias* (Community Centers)⁴² and its *ventanillas* (offices) of Health, Education and Finance located at each consulate in the U.S.

Our Education Program offers the Mexican community relevant information and access to educational services and opportunities, not only at the Consulate but also in their communities. This program includes services such as validation and recognition of academic studies for K-12 students who might need to go back to Mexico, ensuring their academic preparation is not interrupted. The *Plazas Comunitarias* also facilitate the completion of elementary and middle school studies for adults whose education was interrupted or never started in Mexico through the *Instituto Nacional para la Educación de los Adultos* (“INEA”).

The *Ventanilla de Oportunidades Educativas* (“Education Window”) also offers information about online and distance learning programs for the acquisition a high school diploma, about complete undergraduate programs, or simply information about scholarships offered by educational institutions and nonprofit organizations. Additionally, we collaborate with leaders in the educational sector in San Diego, such as the California Association for Bilingual Education (“CABE”), the San Diego Unified School District, and diverse civil organizations. As of February 2017, the Consulate General of Mexico in San Diego and the agency *Saber es Poder* (Knowledge is Power) signed a memorandum of understanding designed to stimulate

41. MEXICANOS EN EL EXTERIOR: TRAYECTORIA Y PERSPECTIVAS (1990-2010) 61 (Patricia Espinosa & Julian Ventura eds., 2011).

42. These are meeting places for youth and adults who haven’t completed their basic education (literacy, primary, and secondary) where they can learn and share experiences with others while they complete their basic education. Through the *Plaza Comunitaria* program, youth and adults aged 15 years or older can obtain an educational certificate from Mexico’s Ministry of Public Education. The Adult Education Institute in Mexico is in charge of the operation.

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cooperation and create opportunities to promote educational programs based on one of the pillars of my administration: bilingualism.

Education in its different tiers has played a pivotal role in empowering our community abroad. For instance, Mexicans living abroad can conclude their studies in Mexico through online programs. Additionally, through the U.S.-Mexico Bilateral Forum on Higher Education, Innovation and Research (“FOBESII”),⁴³ we developed Mexico’s “Proyecto 100,000” that aims to send one hundred thousand Mexican students to the U.S. and receive fifty thousand U.S. students by 2018.⁴⁴

Regarding financial education, this past October, in collaboration with the *Comisión Nacional para la Protección y Defensa de los Usuarios de Servicios Financieros* (“CONDUSEF”) and the Mexican Consumer Financial Protection Bureau, we inaugurated at the Consulate General of Mexico in San Diego a financial literacy booth where we offer a range of services that include: assisting people getting their tax identification or ITIN number; joining forces with the International Rescue Committee (“IRC”) to now do tax returns free of charge; schedule videoconferences with experts from the CONDUSEF for individuals requesting financial advice; make requests to the Mexican Credit Bureau for Mexican nationals’ credit reports; file complaints against Mexican and U.S. financial institutions; and request a variety of financial education materials.

Additionally, we are working side by side with Citi Bank’s outreach program to strengthen our financial literacy booth and offer additional services that benefit our community, forecasted to start in the second half of 2017.

Our *Ventanilla de Salud* (Health Window) (“VDS”)⁴⁵ has the objective of informing the population about health problems and to enable them to seek access to medical services. This information is

43. See *Roundtable: U.S.-Mexico Bilateral Forum on Higher Education, Research, and Innovation*, U.S. DEP’T ST. (Mar. 14, 2017), <https://www.state.gov/r/pa/prs/ps/2017/03/268439.htm>.

44. See Carlos Monroy, *Mexican Mobility Initiative (Proyecto 100,000): Developments and Trends*, WORLD EDUC. SERV. (2015), <https://www.wes.org/ras/nafsa-summary/nafsa-mexican-mobility-initiative.pdf>.

45. A program designed by the Mexican Government to improve the physical and mental well-being of Mexicans living in the United States as well as to increase their access to primary and preventive health services.

provided mainly through our *Ventanilla de Salud* desk at the Consulate and the Binational Health Week that takes place once a year. For individuals that need to return to Mexico, VDS provides support and information about the different health programs available in their communities back home. The success of this *Ventanilla* depends greatly on the collaboration with our allies, such as U.S.-Mexico Border Philanthropy Partnership.⁴⁶

V. CONSULAR DIPLOMACY

Our efforts concerning traditional and new generation consular functions have led Mexico to a new stage of performance in consular diplomacy. We are internationally recognized as leaders in the exercise of the consular function, and one of the main achievements of Mexican foreign policy is our extensive consular network along with the profiles of the representatives that embody our country abroad. Currently, consuls play an important role in international relations and will continue to do so in the evolution of an even more dynamic and assertive consular diplomacy.

One of our goals is to modernize consular functions to better assist the interests of our community abroad, while always abiding by the international and national legal framework of our posted country.

According to Maaïke Okano-Heijmans, consular diplomacy is defined as: “international negotiations on a consular (legal) framework and individual consular cases that attract substantial attention from the media, public and politicians.”⁴⁷ From my point of view, this definition is partial insofar as consular diplomacy goes beyond. Accordingly, I will go even further to conceptualize it as: The conduct of international relations by peripheral organs (consulates) with the authorities and society of the receiving country (in this case the U.S.) and its migrant community (here, Mexicans) with the purpose of protecting and improving the quality of life of that community.

This concept embraces a comprehensive description of the role that the Consulate fosters with its strategic alliances—including the private

46. For more information, go to <http://www.borderpartnership.org/>.

47. Maaïke Okano-Heijmans, *Changes in Consular Assistance and the Emergence of Consular Diplomacy*, in *CONSULAR AFFAIRS AND DIPLOMACY* 21 (Jan Melissen & Ana Mar Fernandez eds., 2011).

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and public sectors, local authorities, and nonprofit organizations—in the aim of protecting our nationals, which is crucial in a globalized world in which nation-states nevertheless hold the ultimate power. It is appropriate that, locally and regionally, consular representation is taking more relevance. The current state of complexity and uncertainty will inevitably strengthen Mexico, because it has already motivated us to become more and better organized.

Parallel to foreign policy, consuls perform essential work; therefore, their selection must go through a strict process that involves the indispensable requirement of English fluency and media training. That is to say, it is imperative for our representatives to talk to the communication outlets, because everything is being discussed on their platforms and if we do not have a word with them, we are likely to be left out. As the Mexican Secretary of Foreign Affairs, Luis Videgaray, recently said, we are working towards “a proactive and creative foreign policy, with a plan and a strategy under the four pillars[:] political dialogue, protection of Mexicans abroad, the defense of Mexico’s interests in the world, and cooperation for development.”⁴⁸

It is my perception that societies move at high speeds and governments are trying to adjust; for that reason, we have to be effective and able to respond promptly. That is the next step for Mexican foreign policy: exercising consular diplomacy much more effectively. In that regard, in San Diego County my team and I are committed to lead by example: respecting the law, complying with our obligations, and finally, displaying all my efforts as a consul on both sides of the border aiming to contribute to the betterment of our people. That is why I am not just the Consul General of Mexico in San Diego, but also a Cross Border Consul. This allows me to be a part of the decision-making processes for the great mega-region of Cali-Baja.

VI. CONCLUSION

Concerning the Mexico-U.S. relationship as a whole, it is imperative that we understand our undeniable interdependence. Our

48. Luis Videgaray Caso, Secretary of Foreign Affairs (Mexico), Message during Inauguration of Meeting of Ambassadors and Consuls (Jan. 9, 2017), <https://www.gob.mx/sre/prensa/las-palabras-ofrecidas-por-el-canciller-luis-videgaray-caso-durante-la-inauguracion-de-la-reunion-anual-de-embajadores-y-consules-2017?idiom=es>.

border turns out to be merely a political line that overlooks the complex and dynamic coexistence of both countries, fostered through mutual cooperation and understanding. There is almost no aspect of Mexican national life that is not, in one way or another, related to that of the U.S. Migration, trade, agriculture, tourism, services, financial flows, energy, border security, drug trafficking, transnational organized crime, and terrorism are but a few of our common concerns. It is in our best interest to nurture the enduring relationship in the same way that we dynamically encourage it with all of our allies.

Regardless of all the domestic challenges that Mexico is facing, the U.S. should acknowledge the value of having Mexico as a neighbor, an avant-garde country that is a democracy; pro-human rights; pro-free trade; a country that embraces all kind of ideologies; that has a constructive and purposeful vision of the world; that works for a border that unites us, not one that divides us; that stands for diplomatic and peaceful means to solve problems; that is tolerant and open-minded enough to witness reforms that recognize and protect the rights of minorities; and a country in which freedom of expression is highly respected. Mexico is a country that is on the right side of history.