

Migrant Workers' Remittances, Citizenship, and the State: The Case of El Salvador

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INTRODUCTION

Mauricio Funes, President of El Salvador, spoke before a conference organized by Salvadorans in the World (*Salvadoreños en el Mundo*) in the country's capital in 2009.¹ He promised to expand the menu of state services offered to migrants and reaffirmed his commitment to extend the right to vote in presidential elections to all Salvadoran citizens living outside the country beginning in 2014.² Behind him during the conference hung a wall-sized yellow banner emblazoned with the name of the conference sponsor: Western Union.³

Wire transfer services play a vital role in El Salvador's economy and for migrants living outside the country, making Western Union's sponsorship fitting. Upwards of two million Hispanics of El Salvadoran origin reside in the United States.⁴ Sixty-two percent are foreign born.⁵ El Salvadoran workers living in the United States remit back to family members and local communities in El Salvador over three billion dollars earned in the United

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Special thanks to Katharine Andrade-Eckhoff and the Universidad Centroamericana José Simeón Cañas for valuable support in El Salvador.

¹ *Funes Promote Trabajar por Voto de Salvadoreños en el Exterior* [*Funes Promises to Work for Vote for Salvadorans Abroad*], AYUDA TOTAL (Dec. 9, 2009, 3:52 PM), <http://www.ayudatotal.com/index.php/noticias/inmigracion/5585-funes-promete-trabajar-por-voto-de-salvadorenos-en-el-exterior>. *Salvadoreños en el Mundo* is a nonpartisan organization of El Salvadoran emigrants living abroad established to coordinate activities and maintain connections with El Salvadorans within El Salvador. Cecilia Ortiz, *Díaspóra Inauguró Convención en Tecoluca* [*Diaspora Begins Convention in Tecoluca*], LA PRENSA GRÁFICA (Dec. 24, 2012, 12:00 PM), <http://www.laprensagrafica.com/diaspora-inauguro-convencion-en-tecoluca>.

² *Presidente Mauricio Funes Aboga por la Inclusión Política de los Salvadoreños en el Exterior en VII Convención* [*President Mauricio Funes Advocates for Political Inclusion of Salvadorans Abroad in VII Convention*], SALVADOREÑOS EN EL MUNDO [SALVADORANS LIVING ABROAD] (Dec. 12, 2009), <http://salvadorenosenelmundo.blogspot.com/2009/12/presidente-mauricio-funes-aboga-por-la.html>.

³ Photograph on file with author.

⁴ SETH MOTEL & EILEEN PATTEN, PEW RESEARCH HISPANIC CTR., STATISTICAL PROFILE: HISPANICS OF SALVADORAN ORIGIN IN THE UNITED STATES, 2010 1 (2012), available at <http://www.pewhispanic.org/files/2012/06/2010-Salvadoran-Factsheet.pdf>.

⁵ *Id.*

States annually,⁶ primarily using wire transfer services like Western Union.⁷ Their remittance dollars account for nearly one-fifth of El Salvador's total gross domestic product, exceed all foreign direct investment, and amount to over forty times official development assistance.⁸

The El Salvadoran state has recognized the important role remittances play in the national economy, and has taken steps to facilitate ongoing transfers among its citizens. In 2001, El Salvador adopted the U.S. dollar as its official currency,⁹ in part to facilitate easier access to remittances from the North.¹⁰ El Salvador defines citizenship as a legal status in a way as to keep emigrants and their families connected to the country, regardless of those individuals' physical location.¹¹ Most significantly, Salvadorans may retain their El Salvadoran citizenship after naturalizing in the United States,¹² and children living abroad but born to Salvadoran parents may obtain Salvadoran citizenship.¹³ I discuss and apply below Kim Barry's framework of states' relationships and outreach to emigrants.

⁶ INT'L BANK FOR RECONSTRUCTION & DEV. & WORLD BANK, *MIGRATION AND REMITTANCES FACTBOOK 13* (2d ed. 2011), available at <http://siteresources.worldbank.org/INTLAC/Resources/Factbook2011-Ebook.pdf>.

⁷ See, e.g., Xiomara de Garcia & Morena de Palacios, *Conociendo Más de los Salvadoreños en Estados Unidos y sus Remesas Familiares* [Study on Salvadorans in the United States and Their Family Remittances] 10 (Banco Central de Reserva de El Salvador, Documento de Trabajo No. 2008-01 [Cent. Reserve Bank of El Sal., Working Paper No. 2008-01], 2008), available at <http://www.bcr.gob.sv/bcrsite/uploaded/content/category/789036429.pdf>. Remittances are money transfers sent from a migrant living abroad to individuals or perhaps institutions back in her country of origin. See Ezra Rosser, *Immigrant Remittances*, 41 CONN. L. REV. 1, 3 (2008) (focusing on remittances sent from the U.S. to families in El Salvador).

⁸ UNITED NATIONS DEV. PROGRAMME, *HUMAN DEVELOPMENT REPORT 2009 OVERCOMING BARRIERS: HUMAN MOBILITY AND DEVELOPMENT* 160 (2009), available at http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf; see also Richard H. Adams, Jr., *Remittances, Poverty, and Investment in Guatemala*, in *INTERNATIONAL MIGRATION, REMITTANCES AND THE BRAIN DRAIN* 53, 77 (Caglar Ozden & Maurice Schiff eds., 2006) (linking remittances to poverty reduction); Alejandra Cox Edwards & Manuelita Ureta, *International Migration, Remittances, and Schooling: Evidence from El Salvador*, 72 J. DEV. ECON. 429, 430 (2003) (linking remittances to reduced prevalence of child labor); Susan F. Martin, *Remittances as a Development Tool*, 6 ECON. PERSP. 37, 38 (2001); Pablo Acosta, *Labor Supply, School Attendance, and Remittances from International Migration: The Case of El Salvador* 1 (World Bank Pol'y Res., Working Paper No. 3903, 2006), available at <http://elibrary.worldbank.org/deliver/3903.pdf?sessionid=4ircgikuvqdw5.z-wb-live-01?itemId=/content/workingpaper/10.1596/1813-9450-3903&mimeType=pdf> (linking remittances to increased school attendance).

⁹ MYRIAM QUISPE-AGNOLI & ELENA WHISLER, FED. RESERVE BANK OF ATLANTA, *OFFICIAL DOLLARIZATION AND THE BANKING SYSTEM IN ECUADOR AND EL SALVADOR* 55 (2006), available at http://www.frbatlanta.org/filelegacydocs/erq306_quispe.pdf. Ecuador and Panama have also pegged their currency to or formally adopted the U.S. dollar. *Id.* at 56.

¹⁰ *Id.* at 62.

¹¹ I use "citizenship" and "nationality" interchangeably throughout this Note. Any differences in meaning within the El Salvadoran or U.S. legal system fall outside the scope of this topic.

¹² Jeffrey R. O'Brien, *United States Dual Citizen Voting Rights: A Critical Examination of Aleinikoff's Solution*, 13 GEO. IMMIGR. L.J. 573, 576 (1999).

¹³ CONSTITUCIÓN DE LA REPÚBLICA DE EL SALVADOR [CONSTITUTION] 1983, tit. IV, art. 90(2); CONSTITUCIÓN DE LA REPÚBLICA DE EL SALVADOR [CONSTITUTION] 1962, tit. II, art. 12(2).

This Note argues that the El Salvadoran state promotes particular types of remittance transfers to anchor individuals of El Salvadoran descent living abroad to formal El Salvadoran institutions, social networks, and communities. El Salvador is unique in this regard because its governments have responded to emigration and remittances by reaffirming both the importance of citizenship and the state's role in defining what citizenship means, even when exercised abroad. Migrants in the United States engage in transnational behavior — a point on which some commentators have relied in arguing that the importance of national citizenship has declined. The actions of recent El Salvadoran governments, however, suggest that nation-states may continue to play an active role in shaping emigrants' interactions with their communities of origin. For example, El Salvador's Vice Ministry for Salvadorans Abroad coordinates with El Salvador's national consumer protection agency to offer legal counseling to, and promote real estate investment among, remittance senders living in the United States. Indeed, El Salvador provides a case study of how a state may leverage its power beyond its borders, cultivate remittance transfers, and characterize those remittance transfers as a form of community engagement. In the process, the El Salvadoran state associates citizenship with more than the legal status one maintains in relation to her home state; the state defines citizenship, in part, by the activities and relationships in which migrants engage regardless of their physical location, particularly when doing so facilitates ongoing remittance transfers.

This Note proceeds in three parts. In Part I, I consider multiple conceptions of transnationalism and discuss how migrant workers' remittances may demonstrate transnational behavior independent of the state. In Part II, I review early efforts by El Salvadoran governments to forge ties between Salvadorans living abroad and the communities from which they emigrated. I also discuss how these initial efforts did little to facilitate deeper social connections to El Salvador. In Part III, I discuss El Salvador's current policies, which aim more overtly to anchor remittance senders abroad to the El Salvadoran state. Specifically, through state programs and policies, El Salvador leverages individuals' remittance-sending behavior and cultivates social connections between overseas remitters and El Salvador. The state encourages citizens living abroad to invest in community organizations, acquire property, access public benefits, and engage in cross-border entrepreneurial activities. In so doing, it promotes a conception of transnational citizenship that is rooted at the level of local El Salvadoran community development. I conclude by noting the uncertainty as to whether El Salvadoran state efforts will in fact make remittances a better anchor for deepening migrants' community and legal connectedness to El Salvador.

I. TRANSNATIONAL MIGRANT BEHAVIOR AND THE SOCIAL AND
RELATIONAL ASPECTS OF CITIZENSHIP

A. *Transnational Behavior and Citizenship*¹⁴

El Salvadoran remittance senders living in the United States often engage in transnational behavior. Transnationalism “broadly refers to multiple ties and interactions linking people or institutions across the borders of nation-states.”¹⁵ Scholars diverge, however, on how to apply this concept in practice, even in the context of immigrants’ behavior across national boundaries.¹⁶ Some authors focus on how transnationalism may be rooted in social networks operating across borders and the manner in which “transnational actors are not grounded in any particular nation states but instead exist in a social and political space that transcends nationality altogether.”¹⁷ Professor Alejandro Portes refers to a “third space” occupied by transnational migrants today; they may be “neither here nor there” in terms of espousing a

¹⁴ Scholars diverge on how to define citizenship today. See, e.g., Kim Barry, *Home and Away: The Construction of Citizenship in an Emigration Context*, 81 N.Y.U. L. REV. 11, 18 (2006) (citing Linda Bosniak, *Multiple Nationality and the Postnational Transformation of Citizenship*, in RIGHTS AND DUTIES OF DUAL NATIONALS: EVOLUTION AND PROSPECTS 27 (David A. Martin & Kay Hailbronner eds., 2003); Douglas Klusmeyer, *Introduction to CITIZENSHIP TODAY: GLOBAL PERSPECTIVES AND PRACTICES* 1, 1 (T. Alexander Aleinikoff & Douglas Klusmeyer eds., 2001); Peter J. Spiro, *Dual Nationality and the Meaning of Citizenship*, 46 EMORY L.J. 1411, 1413 nn.4–5 (1997)) (“Debates over the contours of various normative and political conceptions of citizenship . . . are complex and continue to engage scholars and policy makers alike.”). Two meanings may be associated with the term “citizenship”: one refers to a “state-ascribed legal status” to distinguish individual citizens of one nation from those of another. See Barry, *supra*, at 20–24. A second is broader and more community oriented, defining citizenship as a “practiced identity.” *Id.* at 23. Under this second conception, citizenship is associated with rights and duties of community members, and “its legitimacy depends on that community’s approval.” *Id.* at 23–26. This Note analyzes the El Salvadoran state’s actions under the framework of the second conception and accepts that citizenship need not be defined solely as a formal, legal status.

¹⁵ Steven Vertovec, *Conceiving and Researching Transnationalism*, 22 ETHNIC & RACIAL STUD. 447, 447 (1999).

¹⁶ See Alejandro Portes, *The Debates and Significance of Immigrant Transnationalism*, 1 GLOBAL NETWORKS 181, 181 (2001); Robert C. Smith, *Diasporic Memberships in Historical Perspective: Comparative Insights from the Mexican, Italian and Polish Cases*, 37 INT’L MIGRATION REV. 724, 725–26 (2003) (arguing for a transnational perspective to analyze new and historical behaviors); Vertovec, *supra* note 15, at 448–57 (focusing on six premises on which transnationalism has been based: “[S]ocial morphology; a type of consciousness; a mode of cultural reproduction; an avenue of capital; a site of political engagement; and a means of reconstructing a location”).

¹⁷ Linda Bosniak, *Multiple Nationality and the Postnational Transformation of Citizenship*, 42 VA. J. INT’L L. 979, 990 (2002). Others look to how states themselves act to advance national interests in times of potentially waning sovereignty. See *id.* at 996 (criticizing the ambiguity associated with the term and expressing caution with regard to the instrumentalist approach); Alejandro Portes et al., *The Study of Transnationalism: Pitfalls and Promise of an Emergent Research Field*, 22 ETHNIC & RACIAL STUD. 217, 221 (1999). This view is discussed at length in Part III where I argue that El Salvador reaffirms the continuing salience of citizenship and home-state institutions in the context of remittance behavior exercised by immigrants abroad.

particular identity and instead identify as independent of their legal status in any one specific state.¹⁸

Migrants increasingly demonstrate transnationalism by “creat[ing] and maintain[ing] lives across national spaces, between institutional worlds and worlds of meaning.”¹⁹ Professor Linda Bosniak notes that transnationalism involves more than passively maintaining a second nationality or legal citizenship status; it is often associated with participation in cross-border economic, political, and social relationships.²⁰ Though migrants may retain dual legal citizenship in their country of origin and the host country in which they reside,²¹ mere dual citizenship status is distinct from the types of cross-border behavior characteristic of true transnational actors.²² For instance, many migrants who arrive in a new host state wish to “transfer their fundamental commitments and identities to the country of naturalization,” foregoing active transnational engagement with their state of origin.²³ Others who seek to remain anchored to their country of origin may engage in activities associated with transnationalism and in so doing distinguish themselves from those migrants who maintain mere superficial or occasional contacts when physically separated from their country of origin.

Individuals' transnational behavior may include speaking multiple languages, maintaining homes in multiple nations, participating in cultural, community, and economic activities in multiple nations, or earning a living through cross-border economic activities.²⁴ Migrants may also continue to participate in the social or political life of their home communities.²⁵ The last decade has seen a rise in entrepreneurial ventures across borders; donations to home community infrastructure projects; support for associations and committees dedicated to investing in and improving home state communities; and cultural festivities in host states, such as traditional holiday celebrations.²⁶

Scholars debate whether migrants' experiences can be characterized as transnational without weakening traditional conceptions of citizenship and state sovereignty, particularly in light of the growing numbers of people that

¹⁸ Alejandro Portes, *Global Villagers: The Rise of Transnational Communities*, THE AM. PROSPECT (Dec. 19, 2001), <http://prospect.org/article/global-villagers-rise-transnational-communities>.

¹⁹ Bosniak, *supra* note 17, at 988.

²⁰ *Id.* at 995–96.

²¹ *Id.* at 993–97; *see also* Spiro, *supra* note 14, at 1415 (noting that “the law in more recent years has evolved to accommodate dual nationality in most instances” despite a “distaste [that] lingers even today”).

²² Bosniak, *supra* note 17, at 995–96.

²³ *Id.* at 995.

²⁴ Portes et al., *supra* note 17, at 217–18.

²⁵ *Id.*

²⁶ Alejandro Portes, *Conclusion: Theoretical Convergencies and Empirical Evidence in the Study of Immigrant Transnationalism*, 37 INT'L MIGRATION REV. 874, 881–87 (2003).

identify as members of multiple national communities.²⁷ Some authors claim that state sovereignty loses its salience amidst economic globalization, international migration, and the development of interconnected social networks across traditional national boundaries.²⁸ States are increasingly limited in their ability to control migration, trade, investment, and other activities previously linked to internal governance and external relations with other states.²⁹ Still, migrants do not necessarily decrease their social and relational engagement with their state of origin after acquiring formal legal citizenship status in a new host state.³⁰ In fact, many migrants elect to participate in cross-border social and political activities.³¹ These activities may include establishing nongovernmental organizations to monitor human rights issues or group associations that address civic issues in home municipalities.³² While such behavior alone may not suffice to constitute active transnational citizenship, if a community of origin defines who it counts as members, both in terms of who may exercise the rights of citizenship and who may participate in public life from abroad, it may expand its definition of citizenship to include migrants who remain sufficiently active in their community from afar.³³

B. Remitting as Transnational Behavior

What it means for workers to send remittances and whether that behavior actually evidences transnational engagement with their communities of origin depends on individual relationships and priorities. By itself, remitting money to relatives does not constitute transnationalism. An immigrant worker may conceive of her remittance transfers as intrafamily supports, and

²⁷ See generally Bosniak, *supra* note 17 (reviewing claims related to postnational identity and the empirical question of what postnationality entails today). Bosniak is critical of arguments regarding declining sovereignty. She notes: “[I]t is still the case that the status of dual or multiple nationals remains anchored to nation-state institutions. The site of nationality may now be multiple, but the status remains nationality nonetheless.” *Id.* at 997. See also Barry, *supra* note 14, at 58 (arguing that a concept of “external citizenship” and participation from abroad is necessary, though “the society in which the emigrant participates is still territorially bound”); Linda Bosniak, *Citizenship Denationalized*, 7 *IND. J. GLOBAL LEGAL STUD.* 447, 448 (2000) (arguing that citizenship can be conceptualized as independent of the nation-state).

²⁸ Bosniak, *supra* note 17, at 984–86.

²⁹ *Id.* at 984.

³⁰ See Portes, *supra* note 26, at 886. Those individuals who remain engaged despite being abroad tend to be wealthier and more educated, and typically have accumulated *more* time away from their country of origin than less-active emigrants. *Id.* (discussing finding that “downward occupational mobility has no effect on political transnationalism and actually reduces the probability of becoming a transnational entrepreneur”). One study found that among its sample group, “every additional year in the United States leads to a 3.5 percent rise in the count of regular transnational political activities.” *Id.*

³¹ *Id.*

³² *Id.* at 877.

³³ See Barry, *supra* note 14, at 24 (noting that “emigration itself can be a defining feature of the citizenship experience”); Laura Spitz, *At the Intersection of North American Free Trade and Same-Sex Marriage*, 9 *UCLA J. INT’L L. & FOREIGN AFF.* 163, 201–03 (2004).

may not intend to maintain a fundamental commitment to her nation of origin instead of, or in addition to, her commitment to her new host state. In fact, remittances have traditionally been directed toward individual and family needs, and a majority of remitters still use Western Union wire transfers to send money to close relatives, rather than opting for collective remittance channels.³⁴ Though spending decisions are made by remittance recipients, and are thus one step removed from the sender in the United States,³⁵ recipients predominantly spend the money they receive on household needs.³⁶ In turn, these transfers may represent just one factor in a complex relationship between a migrant and her relatives, her community, and her state of origin. Determining whether migrants remain socially, politically, or economically rooted in a country of origin likely requires more than following their personal financial decisions to remit.

Still, sending remittances may evidence transnational behavior. Today, remittances can be connected to cross-border community investment, political activities, and entrepreneurial ventures, rather than function as an isolated form of personalized support.³⁷ The very channels by which remitters send funds may also facilitate engagement with their home country. New forms of remittance transfers have accompanied changing technologies, modes of communication, and social networks over the past decade.³⁸

Though personal financial transactions remain the predominant form of money transfer among migrants, "collective remittances" sent via "hometown associations" that operate between the United States and Latin American communities are examples of how remittance behavior can constitute transnational behavior.³⁹ Hometown associations may channel migrants'

³⁴ See Garcia & Palacios, *supra* note 7, at 10; Spitz, *supra* note 33, at 202 ("[M]any scholars have shown a particular concern with the ways in which transnationality-in-fact leads to transnationality in subjective experience.").

³⁵ See Rosser, *supra* note 7, at 12–13 (noting the preoccupation in American law "with the household as the unit of analysis," but questioning whether "there really [is] a qualitative difference between an Englishman purchasing school books for his child and a Salvadoran doing the same simply because the Salvadoran's purchase is accomplished through an aunt or uncle acting as his agent[]").

³⁶ See Ralph Chami et al., *Macroeconomic Consequences of Remittances* 28–29 (Int'l Monetary Fund, Occasional Paper No. 259, 2008), available at <http://www.imf.org/external/pubs/ft/op/259/op259.pdf>.

³⁷ See Alejandro Portes et al., *Immigrant Transnational Organizations and Development: A Comparative Study*, 41 INT'L MIGRATION REV. 242, 251–53 (2007) (explaining how organizations in Colombia, the Dominican Republic, and Mexico have leveraged changes in communications technology and transportation to turn remittance behavior into more frequent and stable participation).

³⁸ See Devesh Kapur & John McHale, *Migration's New Payoff*, 139 FOREIGN POL'Y 48, 51–52 (2003) (noting the growth of low-cost, easy-access wire transfer services across the globe).

³⁹ Rosser, *supra* note 7, at 17–19. Dr. Manuel Orozco, having studied remittance markets and other forms of transnational migrant behavior for decades, see *id.* at 10 (referring to Orozco as "Mr. Remittances"), expresses concern that "[t]he term 'collective' remittances is an example of an expression invented by academics but that in actuality does not exist outside the minds of non-[hometown association] practitioners." MANUEL OROZCO, THE INTER-AM. DIALOGUE, DIASPORAS, PHILANTHROPY, AND HOMETOWN ASSOCIATIONS: THE CENTRAL AMER-

funds toward local investments, community development projects, and entrepreneurial activities that span multiple nation-states.⁴⁰ Initially, these associations sought to maintain a sense of social and cultural connection to their homeland through traditional cultural activities and community events in the United States.⁴¹ Over time, they embraced more active engagement with their communities of origin, for instance, by collecting and investing remittances in projects within El Salvador.⁴² In turn, many hometown associations now often function as conduits between diaspora communities in the United States and home state communities in El Salvador.⁴³

Remittance transfer behavior may also correspond to a view of citizenship distinguishable from one defined by a particular legal status.⁴⁴ In fact, migration and remittance receipt can alter notions of what it means to be considered a member in a Salvadoran community.⁴⁵ If communities face high rates of migration and remittance transfers, but embrace migrants as members through their transnational activities organized abroad, they show support for an understanding of Salvadoran citizenship as one closely tied to active participation with, and relation to, a community or network of relationships, regardless of one's physical location or legal status at the time of such transnational involvement.⁴⁶

ICAN EXPERIENCE 27 (2006), available at <https://www.thedialogue.org/PublicationFiles/central%20american%20htas%20report.pdf>. Yet however migrants' financial transfers are conceptualized, hometown associations still serve a unique role in linking immigrants abroad to activities in their communities of origin.

⁴⁰ See MANUEL OROZCO, *THE INTER-AM. DIALOGUE, LATINO HOMETOWN ASSOCIATIONS AS AGENTS OF DEVELOPMENT IN LATIN AMERICA* 5 (2000), available at <http://www.thedialogue.org/PublicationFiles/Orozco%20Assoc%20-%20HTAs.pdf>. First-generation immigrants in the United States formed the first sets of hometown associations by uniting with others from their communities of origin. See *id.* at 1.

⁴¹ See *id.* at 3.

⁴² *Id.* at 5–7.

⁴³ See *id.* at 3; cf. Rafael Alarcón, *The Development of the Hometown Associations in the United States and the Use of Social Remittances in Mexico*, in *SENDING MONEY HOME: HISPANIC REMITTANCES AND COMMUNITY DEVELOPMENT* 108, 108–12 (Rodolfo O. de la Garza & Briant Lindsay Lowell eds., 2002) (describing the connection between diaspora communities in United States and home state communities in Mexico); Manuel Orozco, *Central American Diasporas and Hometown Associations*, in *DIASPORAS AND DEVELOPMENT* 215, 221 (Barbara J. Merz et al. eds., 2007) (describing the connection between diaspora communities in United States and home state communities in Central America).

⁴⁴ See Alejandro Portes, *Migration, Development, and Segmented Assimilation: A Conceptual Review of the Evidence*, 610 *ANNALS AM. ACAD. POL. & SOC. SCI.* 73, 77 (2007); Robert C. Smith, *Transnational Localities: Community, Technology and the Politics of Membership Within the Context of Mexico and U.S. Migration*, in *TRANSNATIONALISM FROM BELOW* 196, 197–98 (Michael Peter Smith & Luis Eduardo Guarnizo eds., 1998).

⁴⁵ See Barry, *supra* note 14, at 24 (arguing that emigration impacts the definition of a national community identity by “scattering and separating among several states . . . people who legally belong to the same bounded territorial country”).

⁴⁶ See *id.* at 25 (citing Karen Knop, *Relational Nationality: On Gender and Nationality in International Law*, in *CITIZENSHIP TODAY: GLOBAL PERSPECTIVES AND PRACTICES*, *supra* note 14, at 89, 93–95 (arguing that citizenship is based on context, relationships, and bonds among individuals, rather than formal legal categorizations).

State-provided opportunities to channel remittance dollars through state-supported and collective transfer mechanisms may strengthen a migrant worker's social ties with her community of origin and related transnational behavior.⁴⁷ Such opportunities may also encourage communities to form new transnational organizations aimed at connecting migrants to social activities, cultural events, and political affairs in their home states.⁴⁸ In the process, a state may strengthen ties between its emigrants abroad and their communities at home, ensuring continuing inflows of remittances.⁴⁹ In light of that possibility, I next discuss the El Salvadoran state's initial responses to migrants' remittances and related grassroots transnationalism.

II. LIMITED STATE ACTION IN RESPONSE TO EARLY EL SALVADORAN REMITTANCES IN THE 1980S AND 1990S

Migrants have historically sent remittances in large quantities independent of any formal or state-supported anchors to their communities of origin in El Salvador.⁵⁰ El Salvadoran migration to the United States grew dramatically during El Salvador's civil war between 1980 and 1992. The United States Census Bureau reported that an estimated 94,447 El Salvadoran-born individuals resided in the United States in 1980.⁵¹ That number rose to 465,433 by 1990,⁵² and as a result of lingering violence, severe droughts, earthquakes, and rampant unemployment, the number increased to 1,449,051 by 2004.⁵³ The value of remittances sent from the United States to El Salvador also grew during this period, from an estimated \$400–600 million in 1987,⁵⁴ to \$2.55 billion by the mid-2000s.⁵⁵ Migrants' remittance-sending

⁴⁷ See Portes, *supra* note 44, at 77 (noting how social networks also link employers and migrants in host states to future migrants in home states).

⁴⁸ See *id.*; Smith, *supra* note 44, at 213–15, 219–26.

⁴⁹ See Barry, *supra* note 14, at 35 (“States encourage emigrants to remit money, preferably through official channels. Bolstering rhetorical appeals to beloved, heroic, ‘gone but not forgotten’ citizens with mostly financial incentives, states try to ensure that emigrants want to send money home and that they can do so using reliable means.”).

⁵⁰ See Portes, *supra* note 26, at 877–79. Even today, only a minority of migrants go beyond traditional cross-border communication and interaction. See Portes, *supra* note 44, at 84 (noting that this behavior is associated with higher education and occupational status, and more time in the United States). The majority directs such funds toward household expenditures, see, e.g., Chami et al., *supra* note 36, at 29, and as few as 4% of Salvadoran migrants in the United States count themselves as members of recognized hometown associations. See Manuel Orozco & Rebecca Rouse, *Migrant Hometown Associations and Opportunities for Development: A Global Perspective*, MIGRATION POLICY INST.: MIGRATION INFO. SOURCE (Feb. 2007), <http://www.migrationinformation.org/feature/display.cfm?ID=579>.

⁵¹ Table 3. *Region and Country or Area of Birth of the Foreign-Born Population: 1960 to 1990*, U.S. CENSUS BUREAU (Mar. 9, 1999), <http://www.census.gov/population/www/documentation/twps0029/tab03.html>.

⁵² *Id.*

⁵³ Rosser, *supra* note 7, at 8–9.

⁵⁴ Edward Fankhouser, *Remittances from International Migration: A Comparison of El Salvador and Nicaragua*, 77 REV. ECON. & STAT. 137, 137 (1995).

⁵⁵ Dovelyn Agunias, *Remittance Trends in Central America*, MIGRATION POLICY INST. (Apr. 2006), <http://www.migrationinformation.org/USfocus/display.cfm?ID=393> (citing the

practices fostered new links to transnational behavior through associations of migrants that collected remittances and invested in projects in El Salvador, entrepreneurial ventures that operated across borders, and networks of remittance couriers that provided additional services beyond money transfers alone. Yet these practices occurred with limited state support.

In the early 1990s, hometown associations began to form among Salvadorans living in the United States.⁵⁶ Over time, many began to channel migrants' funds in the form of collective remittances to support initiatives and investments in their towns of origin.⁵⁷ These associations predominantly directed funds to initiatives at the local level and lacked support from national and municipal governments.⁵⁸

Transnational entrepreneurial ventures also developed without state intervention. A variety of firms began to form in the 1980s and 1990s, including mid-size and large-scale businesses that sought to corner "nostalgic goods"⁵⁹ and related markets among Salvadorans living in the United States.⁶⁰ Migrants in the United States sold goods and El Salvadoran foods out of homes and street carts to other Salvadoran emigrants and relied on connections in El Salvador to supply local ingredients.⁶¹ Such enterprises also tapped into kinship or *paisano* networks to raise funds.⁶² All of these activities demonstrate additional steps migrants took in addition to sending remittances that connected their behavior to home-state communities and enterprises.

Economic Commission for Latin America and the Caribbean, based on Inter-American Development Bank/Multilateral Investment Fund data).

⁵⁶ See OROZCO, *supra* note 39, at 13 (citing data from El Salvador's Ministerio de Relaciones Exteriores showing over eighty hometown associations in operation as of 2006 in the United States); OROZCO, *supra* note 40, at 3 (noting that hometown associations are one of many forms of transnational migrant organizations). Initially, these associations fostered a sense of social and cultural connection to migrants' homeland through traditional cultural activities and community events in the United States. *See id.* at 5. Over time, they became actively involved in both charitable aid and investments, but had unsettled relationships with municipal governments in El Salvador. *Id.* Such hometown associations also began to base decisionmaking, in part, on the availability of resources (as they tended to rely on small bases of available funds) and the types of relationships members maintained with their respective hometowns. *Id.*

⁵⁷ See José Itzigsohn, *Immigration and the Boundaries of Citizenship: The Institutions of Immigrants' Political Transnationalism*, 34 INT'L MIGRATION REV. 1126, 1137–39 (2000); Patricia Landolt et al., *From Hermano Lejano to Hermano Mayor: The Dialectics of Salvadoran Transnationalism*, 22 ETHNIC & RACIAL STUD. 290, 295–96 (1999).

⁵⁸ See Itzigsohn, *supra* note 57, at 1138–39.

⁵⁹ Manuel Orozco, *Transnationalism and Development: Trends and Opportunities in Latin America*, in REMITTANCES: DEVELOPMENT IMPACT AND FUTURE PROSPECTS 307, 316 (Munzele Maimbo & Dilip Ratha eds., 2005) ("Purchasing nostalgic goods is a way of maintaining cultural traditions from the home country while generating revenue.").

⁶⁰ See, e.g., Patricia Landolt, *Salvadoran Economic Transnationalism: Embedded Strategies for Household Maintenance, Immigrant Incorporation, and Entrepreneurial Expansion*, 1 GLOBAL NETWORKS 217, 225–36 (2001).

⁶¹ See *id.* at 229–31.

⁶² See Portes et al., *supra* note 17, at 228–30; Landolt, *supra* note 60, at 231.

One enterprise in particular linked remittance transfers with potential transnational behavior. Networks of transnational couriers developed organically and proved to be particularly relevant entrepreneurs for remittance transfer markets. Individual couriers (*encomenderos*) obtained visas and began offering private services within local El Salvadoran and United States communities to make transfers back and forth between family members.⁶³ In 1999, one group of private couriers formed a national *Asociación de Gestores de Encomiendas y Cultura* (Association of Couriers of Goods, Services, and Culture) as a nonprofit entity.⁶⁴ These types of couriers would travel between select United States cities with large Salvadoran diaspora communities and El Salvador to transfer remittance payments, gifts, and other nonmonetary items.⁶⁵ They often transported clothing and items associated with El Salvador, such as national flags, to those living in the United States.⁶⁶

El Salvadoran *encomenderos* also maintained personal relationships with migrants and their families, distinguishing the *encomendero* transfer method from that offered by formal wire transfer services and money transferers.⁶⁷ They facilitated personal relationships on both sides of the transfer by sharing information about family members' health, any developments within one's childhood neighborhood, and other details about life in the migrants' local communities.⁶⁸ One study of informal courier services quoted a Salvadoran migrant in Virginia describing the role these individuals play beyond monetary transfers:

I [make transfers through a courier] because I want to be sure that the money gets right to my mother and that it is given to her directly, placed into her hands. But I also do it this way because I want to know how my mom is. How does she look? Is she well? Is she happy? The [couriers] keep the ties between us. They bring information, so that if you had to know, or even if you didn't

⁶³ See generally SARAH GAMMAGE, UNITED NATIONS DEV. PROGRAMME, VIAJEROS Y VIAJERAS EN EL SALVADOR: CONNECTING WORLDS, CEMENTING TIES (2003), available at http://www.pnud.org.sv/migraciones/static/biblioteca/44_Gammage_sarah_viajerosyviajerasenElSalvador.pdf (describing informal courier services active in El Salvador based on a series of interviews and field visits in eastern El Salvador); Katharine Andrade-Eekhoff & Claudia Marina Silva-Avalos, *Globalization of the Periphery: The Challenges of Transnational Migration for Local Development in Central America* 26–27 (Facultad Latinoamericana de Ciencias Sociales: Programa El Salvador, Working Paper, 1997), available at biblioteca.clacso.edu.ar/ar/libros/salvador/flacso/andrade.pdf.

⁶⁴ See Ministerio del Interior, Ramo de Interior [Ministry of the Interior, Interior Branch], DIARIO OFICIAL [DO], 3 de Abril de 2000, at 2 (El Sal.), available at <http://www.diariooficial.gob.sv/diarios/do-2000/04-abril/03-04-2000.pdf>. The association maintains offices at El Salvador's national airport and in other departments in the country. Andrade-Eekhoff & Silva-Avalos, *supra* note 63, at 27. Its couriers regularly travel to the United States with the help of active "frequent flier" mileage accounts. *Id.*

⁶⁵ Andrade-Eekhoff & Silva-Avalos, *supra* note 63, at 26–27.

⁶⁶ See *id.*

⁶⁷ See *id.*

⁶⁸ See *id.*

know that something was wrong, they help, they clarify things, they see how they can help us.⁶⁹

Despite the growth in transnational behavior linked with remittances, state engagement with Salvadorans living abroad remained primarily limited to formal legal protections of citizenship through the mid-1990s.⁷⁰ El Salvadoran national citizenship provided immigrants a right of return.⁷¹ Both El Salvador's 1962 constitution⁷² and 1983 constitution made citizenship available to children born to El Salvadoran parents even when living abroad.⁷³ Further, in 1983, El Salvador began offering dual citizenship (outpacing Mexico).⁷⁴

Still, prior to the 2000s, migrants primarily interacted with state institutions through consular services and other assistance aimed at facilitating naturalization processes for dual nationality.⁷⁵ While political actors spoke of remittances manifesting home state loyalty and identification, Salvadoran governments remained vague or noncommittal regarding any state role in creating or supporting concrete avenues for those living abroad to bring remittance dollars into the country or in connecting either remitters or their remittances to other forms of community engagement.⁷⁶

During El Salvador's civil war in the 1980s and early 1990s, its two major national political parties did not initially cultivate the informal collective remittance practices and transnational organizations that had developed organically.⁷⁷ The left-wing *Frente Farabundo Martí para la Liberación Nacional* ("FMLN") party established closer links to migrants abroad than counterparts in the rightist *Alianza Republicana Nacionalista* ("ARENA") during this time period.⁷⁸ It benefitted from support among United States-based labor, religious, and civil rights groups that organized El Salvadoran migrants in Los Angeles and Washington, D.C., and linked them to

⁶⁹ GAMMAGE, *supra* note 63, at 4. Originally, no national organization for these actors existed, nor was this occupation formally recognized by the state. *See id.* at 2 (describing informal courier services as "by their nature unregulated" as of 2003).

⁷⁰ *See* Itzigsohn, *supra* note 57, at 1137–39.

⁷¹ *See* Barry, *supra* note 14, at 21–22 (citing the Universal Declaration of Human Rights, GAOR 217 (III) A, at 74 (Dec. 10, 1948)) ("Everyone has the right to leave any country, including his own, and to return to his or her country.").

⁷² CONSTITUCIÓN DE LA REPÚBLICA DE EL SALVADOR [CONSTITUTION] 1962, art. 12 (El Sal.).

⁷³ CONSTITUCIÓN DE LA REPÚBLICA DE EL SALVADOR [CONSTITUTION] 1983, art. 90 (El Sal.).

⁷⁴ Michael Jones-Correa, *Under Two Flags: Dual Nationality in Latin America and Its Consequences for Naturalization in the United States*, 35 INT'L MIGRATION REV. 997, 999 (2001) (noting that Mexico adopted dual nationality in 1998).

⁷⁵ Itzigsohn, *supra* note 57, at 1137–38.

⁷⁶ *Id.*

⁷⁷ *Id.* at 1137–39.

⁷⁸ *Id.*

FMLN support at home in El Salvador.⁷⁹ After the civil war, overseas remittances drew significantly greater political attention, especially as organizations like hometown associations grew in size and number. The FMLN, however, focused efforts on building legitimacy at home and winning domestic elections against rival ARENA.⁸⁰ It emphasized alternatives to migration and to this day accuses ARENA of a “forced exportation of labor,” implicitly rejecting any perceived dependence on remittances to serve state financial and political ends.⁸¹

At the same time, ARENA-led governments began to reach out to migrants in limited ways. They leveraged the post-war regime’s growing political legitimacy at home by courting Salvadorans abroad and attempting to embrace the phenomenon from which the FMLN had historically distanced itself: an increasingly steady inflow of remittances.⁸² Still, ARENA governments initially limited themselves to the aforementioned outreach tools, including consular services to facilitate dual nationality, and political messages of loyalty and “Salvadoranness” among those outside the territory.⁸³

Migrants from El Salvador living in the United States therefore sent remittances and engaged in forms of transnational behavior largely independent of the state following large waves of migration northward. As discussed in Part III, however, El Salvador’s more recent history shows how home states can increase engagement efforts toward migrants living outside their physical boundaries in this context of burgeoning transnational identity. El Salvadoran governments in the late 1990s and 2000s began to promote a sense of rootedness among migrants living abroad by treating remitters as community members capable of more stable and lasting involvement, likely intending to ensure continuing flows of remittances, on which the state increasingly depended for financial stability.

III. CONTEMPORARY EL SALVADORAN STATE EFFORTS TO ANCHOR REMITTANCE SENDERS TO FORMAL HOME STATE INSTITUTIONS

Today, the El Salvadoran state seeks to facilitate transnational behavior in an effort to make home-state citizenship more salient for migrants living in the United States.⁸⁴ Indeed, as discussed in this Part, El Salvadoran gov-

⁷⁹ See Jose Itzigsohn & Daniela Villacres, *Migrant Political Transnationalism and the Practice of Democracy: Dominican External Voting Rights and Salvadoran Home Town Associations*, 31 ETHNIC & RACIAL STUD. 664, 676 (2008).

⁸⁰ Itzigsohn, *supra* note 57, at 1139.

⁸¹ FMLN, *Unidad y Coherencia: Desafíos Actuales del FMLN [Unity and Coherence: Current Challenges of the FMLN]*, PERIÓDICO FRENTE [FMLN NEWSPAPER], 2010, at 2.

⁸² See Itzigsohn, *supra* note 57, at 1138–39, 1145.

⁸³ *Id.* at 1138.

⁸⁴ See, e.g., Kim Rubenstein & Daniel Adler, *International Citizenship: The Future of Nationality in a Globalized World*, 7 IND. J. GLOBAL LEGAL STUD. 519, 533 (2000) (arguing that citizenship is a fluid concept and that nationality continues to be important despite waning influence of nation-states); see also Bosniak, *supra* note 27, at 448.

ernments' responses to changing migration and remittance transfer patterns demonstrate how a state may respond to the rise of transnational identity. Transnational behavior originated and blossomed among grassroots actors. The state made legal changes to permit dual legal citizenship status and encouraged migrants abroad to continue to remit, as discussed in Parts I and II. Over the past decade, the El Salvadoran state has increasingly used resources and regulatory power to connect El Salvadorans abroad to their home communities and promote migrants' ongoing involvement in the El Salvadoran social, cultural, and economic community, evidencing a state-driven approach to leverage migrants' transnational behavior.⁸⁵

The El Salvadoran state has engaged in a set of strategies to defend national interests by promoting and leveraging transnational behavior by Salvadorans living outside the country, rather than challenging migrants' transnational behavior or limiting state responses to economic or monetary policy changes. El Salvador seeks to advance its interest in maintaining remittance inflows.⁸⁶ Its legal reforms recognize dual nationals' rights in their state of origin after they naturalize elsewhere.⁸⁷ Current El Salvadoran government programs do more than ease the practicalities of remittance transfer or the maintenance of legal El Salvadoran citizenship status. The state guides remittances into state-sponsored channels, offers programs and resources in the United States to help remitters cultivate and maintain engagement with Salvadoran communities, and formalizes systems of remittance transfers linked with courier services.

El Salvador's emphasis is on entrepreneurial and charitable uses of remitted funds. Relevant state programming primarily has focused on forms of engagement that do not directly support local or national political parties, at least in terms of remittance transfers or transnational behavior closely related to them.⁸⁸ This suggests the state is cultivating identity-based and relational bonds to home communities.

⁸⁵ Cf. Bosniak, *supra* note 17, at 996 (distinguishing an instrumentalist approach to transnationalism wherein states attempt to secure sovereign power from transnationalism driven by grassroots behavior); Portes et al., *supra* note 17, at 221.

⁸⁶ Many countries have begun to realize the importance of remittance inflows:

While there is a growing sophistication in schemes to attract emigrant remittances and investment among states with highly successful emigrant communities, for the most part, emigrant programs are in their early stages — ad hoc responses to the relatively recent discovery of the enormous value of capital inflows from citizens abroad.

Barry, *supra* note 14, at 35.

⁸⁷ See David A. Martin, *New Rules on Dual Nationality for a Democratizing Globe: Between Rejection and Embrace*, 14 GEO. IMMIGR. L.J. 1, 23 (1999) (calling for states to “[r]educe the [m]aterial [d]isadvantages [t]hat [f]ollow from [a]cquiring a [n]ew [n]ationality,” and in particular referring to lost “property rights, rights of inheritance, pension coverage, or similar entitlements”).

⁸⁸ Though beyond the scope of this Note and its emphasis on remittances, the recent government's push to extend voting rights to Salvadorans living abroad is unique and worth following closely as it relates to the state's response to political party engagement, as well as funding linked to migrants living abroad and their remittance dollars.

A. *El Salvador's Vice Ministry for Salvadorans Abroad and Ongoing Efforts to Ensure that National Ministries Serve Remittance Senders*

In the late 1990s, the El Salvadoran state began to broaden the responsibilities of its consular offices in the United States,⁸⁹ emulating other countries that had also prioritized greater engagement with their respective migrant communities over the past decades through more active consulates and ministries of foreign affairs.⁹⁰ These agencies most commonly assist migrants in completing national documentation and naturalization requirements, though many are also engaged with transnational religious, ethnic, and community groups, and facilitate activities in the United States around national holidays and events.⁹¹

In 2004, the ARENA-led El Salvadoran legislature followed suit and created a permanent *Viceministerio para los Salvadoreños en el Exterior* (Vice Ministry for El Salvadorans Living Abroad) within the Ministry of Foreign Affairs.⁹² The Vice Ministry's responsibilities today include expanding government agencies' focus beyond their traditional roles of assisting migrants with naturalization processes. The Vice Ministry organizes efforts across government agencies to provide legal services to migrants, and guidance regarding collective remittance opportunities for Salvadorans abroad to engage with domestic ministries and organizations.

Since its formation, the Vice Ministry has used remittance behavior as a foundation to build anchors to state activities and protect Salvadoran citizens abroad in exercising their home state rights. It describes home purchases and investments in one's community of origin as a "positive choice of migrant citizens."⁹³ One program promotes real estate purchases and provides legal advice to Salvadorans regarding their property rights upon migrating to the United States.⁹⁴ In addition, the Vice Ministry offers basic financial information regarding such purchases.⁹⁵ Such reforms demonstrate continued

⁸⁹ See Itzigsohn, *supra* note 57, at 1132, 1137–38.

⁹⁰ See, e.g., Portes, *supra* note 26, at 878–80 (noting research finding greater state outreach via dual citizenship legislation and dual nationality support in countries across the globe, including Colombia, Mexico, and Turkey).

⁹¹ See generally Eric Popkin, *Guatemalan Mayan Migration to Los Angeles: Constructing Transnational Linkages in the Context of the Settlement Process*, 22 ETHNIC & RACIAL STUD. 267 (1999).

⁹² Decreto No. 2 [Decree No. 2], Diario Oficial [DO], at 21, 1 de Junio de 2004 (El Sal.), available at <http://www.diariooficial.gob.sv/diarios/do-2004/06-junio/01-06-2004.pdf>.

⁹³ *Boletín de Inversiones Inmobiliarias* [Real Estate Investment Newsletter], EL-SALVADOR.COM, <http://www.elsalvador.com/elsalvador/inmobiliaria/> (last visited Mar. 22, 2013) [hereinafter *Real Estate Newsletter*]; see also Garcia & Palacios, *supra* note 7, at 21–23 (calling for expansion of financial services to citizens living abroad and reporting on growing percentages of remittance senders electing to maintain property in El Salvador from abroad).

⁹⁴ *Real Estate Newsletter*, *supra* note 93.

⁹⁵ *Id.*

recognition of dual nationals' property rights in their state of origin, even after migrants obtain U.S. citizenship.⁹⁶

The Vice Ministry also connects migrants to the Ministry for Pensions.⁹⁷ In 2005, the legislature extended the right to participate in the country's social security system to Salvadorans abroad who maintain their citizenship status.⁹⁸ Those in the United States may participate and may also apply to receive a Transfer Certificate with benefits owed from the prior public system before privatization occurred in 1998.⁹⁹

Prior to the 2000s, FMLN opposition to greater federal government outreach to migrants appeared to be a potential roadblock for the diaspora community to remain engaged with the El Salvadoran state at the national level.¹⁰⁰ However, the current El Salvadoran President, Mauricio Funes, has shifted the party's focus outward in a variety of policy areas since becoming the first FMLN candidate to win the presidency.¹⁰¹ He has strengthened the role of the Vice Ministry, and has pushed to extend the right to vote in presidential elections to Salvadorans living abroad.¹⁰²

In 2011, the El Salvadoran legislature passed a law aimed at protecting "El Salvadoran migrants and their families."¹⁰³ The law mentions remittances and alludes to the need to promote, in the national financial system and across other financial intermediaries, a reduction in transfer costs of remittances from abroad.¹⁰⁴ It also creates a fund to repatriate Salvadorans who become seriously ill or die while abroad.¹⁰⁵ Further, the law authorizes the establishment of a new council that is expected to work alongside the Vice Ministry and offer policy recommendations across the federal government regarding the impact of existing and prospective policies on

⁹⁶ See Martin, *supra* note 87, at 23.

⁹⁷ *Servicios Consulares — Constancia de Supervivencia de Pensionados* [Consular Services — Survival Record of Pensioners], MINISTERIO DE RELACIONES EXTERIORES DE EL SALVADOR [FOREIGN AFFAIRS MINISTRY] (June 30, 2010, 4:11 PM), http://www.rtee.gob.sv/index.php?option=com_content&view=article&id=276&Itemid=180&limitstart=5.

⁹⁸ Decreto No. 891 [Decree No. 891], Diario Oficial [DO], at 3–5, 21 de Diciembre de 2005 (El Sal.), available at <http://www.diariooficial.gob.sv/diarios/do-2005/12-diciembre/21-12-2005.pdf>.

⁹⁹ Rodrigo Acuña, *Pension Reform in El Salvador* 11 (World Bank, Discussion Paper No. 0507, 2005), available at <http://documents.worldbank.org/curated/en/2005/04/5873067/pension-reform-el-salvador>.

¹⁰⁰ See Itzigsohn, *supra* note 57, at 1145.

¹⁰¹ President Funes was elected in 2009. Blake Schmidt & Elizabeth Malkin, *Leftist Party Wins Salvadoran Vote*, N.Y. TIMES (Mar. 16, 2009), <https://www.nytimes.com/2009/03/17/world/americas/17salvador.html>.

¹⁰² See *Presidente Insta al Parlamento a Aprobar Ley para Voto en el Exterior* [President Urges Parliament to Approve Law for Voting Abroad], CONVERSANDO CON EL PRESIDENTE: EL PROGRAMA DE RADIO DE MAURICIO FUNES [CONVERSING WITH THE PRESIDENT: THE RADIO PROGRAM OF MAURICIO FUNES] (Dec. 4, 2012), <http://conversandoconelpresidente.com.sv/presidente-insta-al-parlamento-a-aprobar-ley-para-voto-en-el-exterior/>.

¹⁰³ Gabriel Labrador Aragón, *Asamblea Emite Ley para Crear Bolsa de Empleo a los Deportados* [Assembly Issues Law to Create Employment for Deportees], EL FARO [THE LIGHTHOUSE] (Mar. 20, 2011), <http://www.elfaro.net/es/201103/noticias/3772/>.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

Salvadorans living outside of the country.¹⁰⁶ The law therefore represents a governmental effort to have all state agencies, not merely the Vice Ministry, expand their agendas to consider how domestic policy choices in El Salvador may impact migrants' interests.

The El Salvadoran *Defensoría del Consumidor* (Consumer Protection Agency) is a distinct entity charged with educating El Salvadoran consumers on their rights, responding to consumer complaints, and resolving conflicts between consumers and companies operating in El Salvador.¹⁰⁷ It considers citizens residing abroad to be a core constituency.¹⁰⁸ In 2011, the agency began coordinating with the Vice Ministry for El Salvadorans Abroad to provide its traditional informational, legal counseling, and complaint review services to remittance senders in the United States.¹⁰⁹ The agency produces Internet-based tools aimed at providing El Salvadorans living abroad with information on both remittance transfer rates and opportunities to make transfers through local enterprises offering investment opportunities.¹¹⁰ It also airs radio broadcasts focused on contemporary consumer issues, recently adding a broadcast on remittance transfer options and their costs to El Salvadoran senders and recipients.¹¹¹

How the state responds to El Salvadorans living abroad, sending remittances, and interacting with communities in El Salvador is no longer rooted in consular affairs and foreign ministry silos. The Funes government is expanding the formal reach of government offices to incorporate migrants, particularly remittance senders, as a principal constituency. The state is taking an active role to protect rights associated with El Salvadoran citizenship regardless of where emigrants may exercise those rights. El Salvador's re-

¹⁰⁶ See *id.*

¹⁰⁷ *Misión, Visión y Valores [Mission, Vision, and Values]*, DEFENSORÍA DEL CONSUMIDOR [CONSUMER PROT. AGENCY], http://www.defensoria.gob.sv/index.php?option=com_content&view=article&id=120&Itemid=138 (last visited Mar. 22, 2013).

¹⁰⁸ Interview with Armando Flores, President, Defensoría del Consumidor de El Sal., in Antigua Cuscatlán, El Sal. (Oct. 1, 2009); see also *Agencias de Defensa del Consumidor Anuncian Resultados de Estudio Regional Sobre Comisiones de Envío de Remesas [Consumer Protection Agencies Announce Results of Regional Study About Shipping Fees for Remittances]*, DEFENSORÍA DEL CONSUMIDOR [CONSUMER PROT. AGENCY] (May 20, 2011, 11:27 AM), http://www.defensoria.gob.sv/index.php?option=com_content&view=article&id=754:agencias-de-defensa-del-consumidor-anuncian-resultados-de-estudio-regional-sobre-comision-es-de-envio-de-remesas&catid=1:not-con&Itemid=57.

¹⁰⁹ *Cancillería y Defensoría del Consumidor Acuerdan Alianza Estratégica para Impulsar Acciones Pro Consumidores Migrantes [Foreign Ministry and Consumer Protection Agency Agree to Strategic Alliance to Promote Pro-consumer Migrant Actions]*, DEFENSORÍA DEL CONSUMIDOR [CONSUMER PROT. AGENCY] (June 29, 2011, 10:52 AM), http://www.defensoria.gob.sv/index.php?option=com_content&view=article&id=843:cancilleria-y-defensoria-del-consumidor-acuerdan-alianza-estrategica-para-impulsar-acciones-pro-consumidores-migrantes&catid=1:not-con&Itemid=57.

¹¹⁰ Interview with Armando Flores, *supra* note 108.

¹¹¹ See *Radionovela de Consumo: No Pague Más por Sus Remesas [Consumer Radio Program: Don't Pay More for Your Remittances]*, DEFENSORÍA DEL CONSUMIDOR [CONSUMER PROT. AGENCY] (Dec. 21, 2012, 12:00 AM), http://www.defensoria.gob.sv/index.php?option=com_content&view=article&catid=25:avisos-ciudadano&id=1499:radionovela-de-consumo-no-pague-mas-por-sus-remesas&Itemid=76.

forms therefore give meaning to continued recognition of dual nationals' property rights and rights of inheritance in their state of origin, after naturalization elsewhere.¹¹²

B. State Supports for Collective Remittances and Workers' Investments from Abroad

In addition to providing resources to migrants, El Salvador has developed formal mechanisms to promote greater use of collective remittance channels, including those providing charitable activities, education access, health care, athletic programs, and infrastructure development within El Salvador.¹¹³ Recent governments thus appear to support a conception of a Salvadoran citizen living abroad as one whose remittance dollars are geared toward nonpartisan community needs or investment opportunities. When acting as remitter of funds, this citizen is an entrepreneur, a cultural connection, and a charitable investor.

The El Salvadoran state facilitates links between collective remittance transfers and community development. For example, the *Dirección General de Atención a la Comunidad en el Exterior* (General Directorate for the Community Abroad) initiated a national United for Solidarity program in 2004 alongside a federal government Fund for Social Investment in Local Development.¹¹⁴ The program's mission was to "support . . . development in migrants' communities of origin."¹¹⁵ The office organized programming to enhance remittance senders' ability to invest in, and respond to, communities' socioeconomic needs.¹¹⁶ Specifically, it ran competitive grant programs that provided matching funds for channeling remittances into investment projects overseen by the types of hometown associations discussed in Part I.¹¹⁷

¹¹² See Martin, *supra* note 87, at 23.

¹¹³ OROZCO, *supra* note 40, at 7; Andrade-Eekhoff & Silva-Avalos, *supra* note 63, at 18.

¹¹⁴ Anthony Hall, *Moving Away from Poverty: Migrant Remittances, Livelihoods, and Development*, in *MOVING OUT OF POVERTY: CROSS-DISCIPLINARY PERSPECTIVES ON MOBILITY* 307, 319–21 (Deepa Narayan & Patti L. Petesch eds., 2007); OROZCO, *supra* note 39, at 18. Mexico led the way in Latin America by providing hometown associations with the opportunity to register in public directories and to become eligible for state funding via the Mexican Ministry of Social Development. See *Programa 3x1 para Migrantes* [3x1 Program for Migrants], SEDESOL (Aug. 14, 2012, 4:52 PM), http://www.sedesol.gob.mx/es/SEDESOL/Programa_3x1_para_Migrantes.

¹¹⁵ *Programa Unidos por la Solidaridad* [United for Solidarity Program], GUÍA OFICIAL PARA SALVADOREÑOS EN EL EXTERIOR [OFFICIAL GUIDE FOR SALVADORANS ABROAD], <http://www.elsalvador.com/especiales/2003/guiaooficial/nota3.html> (last visited Mar. 22, 2013).

¹¹⁶ See Hall, *supra* note 114, at 320.

¹¹⁷ OROZCO, *supra* note 39, at 17–18 (outlining the process by which hometown associations abroad apply for funding for "social infrastructure projects" that "conform to the municipal government's plan on civic participation" in Salvadoran locales).

Hometown associations eligible for state support count migrants that send collective remittances as their primary members.¹¹⁸ Most hometown associations are still informal and lack official nonprofit status in either the United States or Latin America.¹¹⁹ Between 2004 and 2007, however, the El Salvadoran government's matching grant program sponsored forty-five infrastructure programs connected to hometown association investments transferred from the United States.¹²⁰ El Salvadoran government outreach toward these private initiatives demonstrates how a state may leverage private, social networks to encourage engagement in local communities.¹²¹

In another example of state action linking remittance transfers to community engagement, El Salvador's state-owned *Banco de Fomento Agropecuario* (Agricultural Promotion Bank) began to offer remittance transfer services in the late 1990s when it formed partnerships with Western Union and two other wire transfer firms.¹²² This bank had long supported agricultural enterprises and national agricultural development, often via loans to small-scale producers and families.¹²³ Yet it only began offering services to connect remittance transfers to El Salvadoran-held accounts or investments in the late 1990s.¹²⁴ It neither offers its own remittance transfer services nor links remittances directly to development assistance, but the Bank permits El Salvadoran clients to receive remittances through wire

¹¹⁸ Itzigsohn, *supra* note 57, at 1138. Such organizations are typically seen as charitable and apolitical in nature. Still, hometown associations do play a role in local political races by affecting prevailing views of incumbent politicians, particularly as their membership grows in both size and perceived legitimacy. *Id.* at 1138; Landolt et al., *supra* note 57, at 308. It remains to be seen whether the state will embrace a conception of transnational citizenship where remittances are a tool for active political engagement. President Funes's extension of the right to vote in presidential elections to all Salvadorans abroad raises questions for future research, particularly given the growing support for social and cultural aspects of citizenship exercised from abroad.

¹¹⁹ Orozco & Rouse, *supra* note 50.

¹²⁰ Orozco, *supra* note 39, at 17–19 (listing the forty-five partnership projects and noting that “Salvadoran HTAs [hometown associations], on average, give 16% of the support, both in financial donations and in-kind support”); Hall, *supra* note 114, at 320.

¹²¹ El Salvador was likely influenced by other Central American countries in building formal state connections to transnational community organizations. Mexico's 1997 *Tres por Uno* (Three for One) program provided one dollar each from local, state, and federal governments for each dollar remitted toward a specified community development need. See Alarcón, *supra* note 43, at 105; WORLD BANK, GLOBAL ECONOMIC PROSPECTS: ECONOMIC IMPLICATIONS OF REMITTANCES AND MIGRATION 95 (2006), available at http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2005/11/14/000112742_20051114174928/Rendered/PDF/343200GEP02006.pdf. By the time El Salvador initiated its United in Solidarity program, Mexico had expanded its Three for One program to finance over 3,000 projects across twenty-three states within the country. WORLD BANK, *supra*, at 95–96.

¹²² Interview with Daniel Sanchez, Chief Fin. Officer, Banco de Fomento Agropecuario, in Santa Tecla, El Sal. (Oct. 23, 2009); see also *Preguntas Frecuentes Generales* [Frequently Asked Questions], BANCO DE FOMENTO AGROPECUARIO [AGRIC. DEV. BANK] (Aug. 20, 2012, 1:23 PM), http://www.bfa.gob.sv/index.php?option=com_content&view=article&id=649:preguntas-frecuentes-generales-agosto-2012&catid=101:preguntas-frecuentes&Itemid=119.

¹²³ Interview with Daniel Sanchez, *supra* note 122.

¹²⁴ *Id.*

transfers on-site at local branches.¹²⁵ Remittance recipients thus can visit one of the bank's twenty-three agencies throughout El Salvador, retrieve remittance dollars sent via wire transfer, and deposit their funds directly into a local El Salvadoran account.¹²⁶ Though seemingly minor, this type of arrangement demonstrates how the El Salvadoran state facilitates simpler connections between emigrants' decisions to remit and decisions to remain involved in community-level investment.

C. *El Salvadoran State Recognition and Legitimization of Transnational Enterprises Associated with Remittance Transfers*

El Salvador also embraces a transnational citizenry through its recognition and regulation of transnational enterprises related to remittance transfers. One set of transnational entrepreneurs created an informal courier (*encomendero*) service for transferring remittances that later garnered state support.¹²⁷ As discussed in Part II, individual entrepreneurs during the 1980s obtained United States visas and began to offer remittance and small item deliveries from areas with large El Salvadoran populations in the United States to El Salvador. Such courier services typically function as informal alternatives to formal remittance transfer mechanisms like wire transfers or bank transactions. In Mexico, for example, so-called *paqueterias* operate throughout the state as courier shops, but remain categorized primarily as informal bulk carriers.¹²⁸ They face hurdles in establishing a legitimate place in the market, particularly for remittance transfers, given their informal nature and stiff competition from formal, established enterprises like Western Union.¹²⁹

In 2003, the El Salvadoran Legislative Assembly created a recognized occupation of *encomendero* or *gestor de encomiendas*, effectively formalizing the occupation and creating an easier path to subsequent national regulation and oversight.¹³⁰ Today, over 1,336 individual couriers and fifteen organizations, including the nonprofit *Asociación de Gestores de En-*

¹²⁵ CTR. FOR LATIN AM. MONETARY STUDIES, MULTILATERAL INV. FUND & INTER-AM. DEV. BANK, INTERNATIONAL REMITTANCES IN EL SALVADOR 53 (2009), available at <http://www.cemla-remesas.org/informes/report-elsalvador.pdf> (noting the twenty-three active agencies throughout the country).

¹²⁶ *Id.* at 52–53.

¹²⁷ Estatutos de la Asociación Nacional de Gestores de Encomiendas y Cultura [Bylaws of the National Association of Couriers of Goods, Services, and Culture], Diario Oficial [DO], at 5–6, 3 de Abril de 2000 (El. Sal.), available at <http://www.diariooficial.gob.sv/diarios/do-2000/04-abril/03-04-2000.pdf>; see also Andrade-Eekhoff & Silva-Avalos, *supra* note 63, at 26–27.

¹²⁸ See Raul Hernandez-Coss, *The United States-Mexico Remittance Corridor* 52–53 (World Bank, Working Paper No. 47, 2005).

¹²⁹ See *id.* at 22, 52.

¹³⁰ Decreto Legislativo No. 172 [Legislative Decree No. 172], Diario Oficial [DO], at 2–3, 22 de Diciembre de 2003 (El Sal.), available at <http://www.diariooficial.gob.sv/diarios/do-2003/12-diciembre/22-12-2003.pdf>.

comiendas y Cultura (Association of Couriers of Goods, Services, and Culture) and its 300 members, are registered with the state.¹³¹ The El Salvadoran state has thus taken affirmative steps to build and legitimize transnational connections through private courier networks. This is another form of government support for cross-border remittance behavior and, because of the previously discussed personal contacts that distinguish *encomenderos* from purely financial Western Union offices, a form of support that brings informal personal connections into regulated arenas. In turn, El Salvador has expanded the opportunities for remittances to operate as stable, long-term sources of cultural and social connectedness to the Salvadoran community because of the personal interaction between couriers and remittance consumers; a migrant need not rely on an informal network if she seeks an alternative to Western Union.

El Salvador's efforts to provide state-managed channels for the distribution of remittances enable remitters to remain engaged with their home country, and the state's treatment of remittances encourages migrants to engage in transnational behavior. Its actions aim to maintain a link between migrants living abroad and their country of origin. Thus, the El Salvadoran state seeks to channel senders into state programs and toward opportunities to exercise their rights from abroad. The state uses transnationalism as an instrument to define citizenship around the behavior of Salvadorans living abroad, and to change how migrants perceive their relationship with the polity.

CONCLUSION

Remittance transfers do not by themselves demonstrate a changed consciousness or widespread self identification as transnational among El Salvador's migrant population, but they are a key link in the chain of activities by which some Salvadorans living abroad maintain connections to their country of origin. The El Salvadoran state has responded by channeling remittance senders into state programs, and by encouraging migrants to capitalize on opportunities to exercise their home-state rights from abroad. In the process, the state is creating formal anchors for migrants to maintain social, cultural, and economic relationships with El Salvador, and is attempting to change migrants' method of relating to their home communities.

To date, the El Salvadoran state's treatment of remittances fosters a conception of citizenship defined, in part, by migrants' transnational behavior. Citizenship's importance may in fact decline in the face of transnational activities, but El Salvador demonstrates how states can respond to emigration by actively promoting the importance of migrants' home-state nationality. Though state outreach to emigrants will mean little if individual emigrants in the United States reject the offer, President Funes seeking to extend the right

¹³¹ CTR. FOR LATIN AM. MONETARY STUDIES, *supra* note 125, at 35.

to vote in presidential elections to Salvadorans living abroad is striking when viewed alongside the various mechanisms already in place for engaging the El Salvadoran diaspora. El Salvador has created new opportunities for citizens abroad to engage with their state of origin beyond the mere offer of dual national status. In so doing, El Salvador facilitates remittance transfers, community investments, and associated activities that result in deeper, more anchored interactions with home communities. Looking forward, it remains to be seen whether the El Salvadoran state's actions will improve a migrant's sense of community connectedness, or make it easier for her to live a life characterized by ongoing commitments and connections to El Salvador as a state to which she is loyal and to which she remits regularly. Still, El Salvador represents a case of how a state need not be a passive actor in the face of individuals' transnational behavior, but may attempt to reaffirm its role in defining what citizenship means.