

Attitudes and Opinions of Agricultural Growers in Texas Regarding Guest Worker Policy

By

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Abstract

Purpose: This purpose of this research is to describe the attitudes and opinions of agricultural growers in Texas regarding guest worker policy. This research should give policy makers a better understanding of guest worker policy issues. In addition, it provides agricultural growers (key stakeholders in the process) opinions about what guest worker policy should look like, and what elements it should contain. The eighteen elements of guest worker policy identified in the scholarly literature were organized into six categories that include the hiring process, labor standards, enforcement, legal status, border security, and possible outcomes.

Methods: To satisfy the research purpose, this paper used survey research. The elements identified in the scholarly literature were used to develop a framework that served as the basis for the survey instrument. Two hundred and forty-two agricultural growers throughout the state of Texas had the survey administered to them electronically.

Descriptive statistics were used to analyze the results.

Findings: The results of this survey show that growers overwhelmingly support the idea of a guest worker in the United States program. In addition, most respondents supported shifting as many financial burdens away from growers as possible. For example, a majority of respondents favored guest workers paying for their own transportation and housing, and a majority of respondents opposed employers paying bonds to ensure guest workers returned to their home countries. Survey results also revealed that respondents do not believe there should be a limit on the number of guest workers brought into the

United States each year nor do they believe employers should have to guarantee guest workers a minimum number of hours of work. Likewise, a majority of respondents do not believe guest worker policy should allow the spouses and children of guest workers to travel with them into the United States, nor do they believe guest worker families should be able to expedite their legalization process. In addition, 70% of respondents indicated that guest worker policy should allow illegal aliens current residing in the United States to be eligible to become guest workers without any legal reprisals. Finally, survey respondents overwhelmingly rejected the idea that implementing a guest worker program would depress the wages of U.S. workers, increase illegal immigration, lead to discrimination and exploitation of guest workers, or create an over reliance on foreign labor by employers.

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Chapter 1: Introduction

On January 8, 2004, President George W. Bush held a press conference in which he proposed a revamping of the nation's immigration laws (Bush 2004). The cornerstone of President Bush's plan was the creation of a new guest worker policy in the United States. This announcement set off a large-scale debate in Congress and across the country regarding immigration and guest workers that continues today.

Simply defined, guest worker policy is legislation that creates a guest worker or temporary foreign worker program in which "a legal employer within a country has been granted a permit to bring in a foreign worker for a designated period of time, after which time the foreign worker is obliged to depart" (Epstein, Hillman, & Weiss 1998, 4). The country bringing in the guest workers is called the host country, while the country importing guest workers is called the source country (Schiff 2004, 2). Those who support the creation of a guest worker policy argue that it benefits everyone involved. The countries that import guest workers gain an increased supply of labor and affordable human capital (Ruhs 2002, 3). The countries that export workers benefit economically from money sent back home and from the eventual return of more highly skilled workers (Ruhs 2002, 3). Finally, the guest workers themselves benefit because they are able to make more money than they can in their home countries and acquire job training that can benefit them in the future (Ruhs 2002, 3).

On the other hand, those who oppose such policy argue that it lowers wages for native workers, increases illegal immigration, leads to the exploitation and abuse of guest workers, and is almost impossible to end.

This research examines guest worker policy in the United States and more specifically agricultural guest worker policy. Agricultural guest worker policy has been chosen because they are the oldest guest worker programs¹ in the U.S. and are one of the largest². In addition, agricultural guest worker programs in the United States have been heavily researched, producing a lot of scholarly literature documenting the successes and failures of the programs. Furthermore, any new guest worker legislation will likely focus primarily on the agricultural industry. During the past four years, more than 25 bills were proposed in the U.S. House and Senate that would create a new agricultural guest worker program or revise the current one (Bruno 2007). In 2006, Congress considered no fewer than which contained provisions for the creation of a new agricultural guest worker program (Bruno 2007).

Agricultural guest worker policy involves many stakeholders. These include the guest workers themselves, the host government, the source government, the citizens in each country involved, etc. Arguably, however, the most important is the agricultural grower. Growers are “the agricultural employers, who own or operate entities such as farms or ranches, or agricultural associations, which are non-profit or cooperative associations of farmers” (Migrant Legal Action Program 2006). Growers have always been the strongest social, political, and economic force behind the creation of agricultural guest worker policies³. Politicians do not form these policies on a whim nor do they come from the demands of foreign workers hoping gain entry into a country. Growers

¹ See Basurto, DeLorme, & Kamerschen 2001, 23; Baker 2004, 83; Briggs 1986, Mize 2006, 87; Baker 2004, 84; Palmunen 2005, 48; and Reubens 1986, 1038 for a discussion of the earliest agricultural guest worker programs in the U.S.

² See Bruno 2007, 4 and Meyer 2006, 7 for a discussion of the current H-2A program that brought in 37,149 foreign workers in 2006

³ See Basurto, DeLorme, & Kamerschen 2001, 23 and Mize 2006, 87 for a discussion of how growers affected the creation of the World War I and Bracero agricultural guest worker programs.

used their political and economic power to get political leaders to implement these policies, and growers have historically used this same power to keep these policies in place much longer than was originally envisioned.

Growers are the principle employers of any guest workers brought into the United States to perform agricultural labor as well as being the individuals who would be most directly responsible for the day-to-day operations of such policies. Unfortunately, the grower's perspective on guest worker policy, such as what kind of program they would like to see implemented and how that program would function, is only alluded to in the literature. Very few studies have ever focused specifically on what agricultural growers think about guest worker policy, and the last study of growers' opinions on guest worker policy was conducted in 1982⁴. This research focuses on agricultural growers in Texas. The limited time and resources available while conducting this research make an examination of the nation's growers extremely difficult.

Research Purpose

The purpose of this research is to describe the attitudes and opinions of agricultural growers in Texas toward guest worker policy. This research is important because it should give policy makers a greater understanding of all the issues involved when developing guest worker policy. In addition, it will give these same policymakers a better grasp of what agricultural growers, key stakeholders in the process, believe guest worker policy should look like, and what elements it should contain.

⁴ See Nalven, J. and C. Frederickson (1982). This study specifically sought to discover whether or not employers would pay competitive wages for citizen workers in several industries in which illegal immigrants were known to be widely used in the San Diego, CA area. Agricultural growers were one of the employers surveyed.

Chapter Summaries

This paper is divided into six chapters. The next chapter (Chapter 2) defines a list of terms used throughout this paper. Chapter Two also details the history of guest worker programs in the United States. Chapter Three describes the key issues that should be considered in the development of guest worker policy. These issues are derived from a careful examination of the available scholarly literature. Chapter Four describes the methodology used including the research technique; strengths of the research method; weaknesses of the research method; population; human subject issues; and statistics. Additionally, within Chapter Four the descriptive categories are operationalized (see **Table 4.1**). Chapter Five highlights the results of the survey and provides an analysis of the data. The last chapter sums up the survey results and their relation to the overall research purpose.

Chapter 2: Setting

Chapter Purpose

This chapter provides a broad overview of the terms used to describe agricultural guest worker programs, as well as a review of the history of these programs in the United States. Defining key terms and examining the history of guest worker programs in the U.S. provides a needed perspective for the development of agricultural guest worker policy in the United States.

Definition of Terms

Confusing terminology often complicates guest worker policy, hence, definitions are provided. To begin, Epstein, Hillman, & Weiss (1998,4) define a guest worker or temporary foreign worker program as a program in which a legal employer within a country is granted a permit to bring in a foreign worker for a designated period of time, after which time the foreign worker is obliged to depart (Epstein, Hillman, & Weiss 1998, 4).

The Environmental Protection Agency (2006) defines another important concept, agriculture, as “the production of crops for sale, crops intended for widespread distribution (e.g. supermarkets), and any non-food crops such as cotton and tobacco. Commercial agriculture includes livestock production and livestock grazing. Commercial agriculture does not include crops grown for household consumption (e.g. backyard garden or fruit trees.)” (Environmental Protection Agency 2006).

Finally, The Migrant and Seasonal Agricultural Worker Protection Act of 1983 uses three categories to define agricultural growers or “employers;”- “agricultural

employers, who own or operate entities such as farms or ranches; agricultural associations, which are non-profit or cooperative associations of farmers; and farm labor contractors” (Migrant Legal Action Program 2006). This study examines and surveys the first two categories. Because farm labor contractors are largely crew leaders or labor agencies that recruit or transport agricultural workers. They do not actually own or operate the farms where the agricultural laborers work. While their opinions on guest worker programs are certainly useful, the purpose of this paper is to obtain the opinions and attitudes of those individuals who directly employ guest workers and oversee their activities.

History of Guest Worker Programs in the United States

The idea of establishing a labor program that imports foreign workers into the United States is not new. In fact, the United States has a long history with such programs. They have taken many forms over the years and have been in existence since the founding of the nation. Current agricultural guest worker programs are rooted in a long American tradition of different labor and immigration policies. Historically, not all foreign worker programs were set up for temporary employment nor were they created specifically for the agricultural industry. They all, however, helped pave the way for modern guest worker legislation, and any current debate surrounding guest workers policy should take into account the history of these programs.

Guest Worker Beginnings

The importation of foreign workers into the United States began even before the Revolutionary War. During the colonial era all the way through the Civil War, commercial agricultural industry in the United States was partially dependent on the

employment of African slaves (Baker 2004, 82). While slaves were never meant to be merely temporary workers, they began a tradition that continued even after slavery was abolished.

Congress passed the first temporary worker policy in 1864 in response to perceived labor shortages during the Civil War (Briggs 1986, 997). The Contract Labor Act of 1864 enabled private employers to recruit foreign workers and to pay their transportation expenses to the United States (Briggs 1986, 997). These workers had to sign employment contracts pledging to work for up to twelve months to repay these transportation expenses. The program was widely criticized for procedural failures and eventually repealed in 1868. Nevertheless, the repealing of the Contract Labor Act did not outlaw the process of hiring foreign workers. The Alien Contract Law, passed in 1885, finally outlawed such contracting processes (Briggs 1986, 997).

While the Contract Labor Act specifically mentions contracting foreign workers on a temporary basis, it was never meant to do so (Briggs 1986, 997). The name of the act was the "Act to Encourage Immigration" and through the period of its enactment until the contracting process was finally outlawed, the U.S. maintained an open-door immigration policy. If the contract workers wished to remain in the country "they could, and many did" (Briggs 1986, 997).

While contracting was banned after 1885, immigrants still continued to make up a substantial portion of the labor market, often working in agriculture, mining, railroads, or other occupations that domestic workers were less willing to do. Between 1870 and 1920, immigrants accounted for almost 15 percent of the U.S. population (Baker 2004, 82).

Guest worker programs in the 1900s began in 1917, with the passage of The Immigration and Nationality Act (Briggs 1986, 997). This act increased the number of individuals who were excluded from immigrating into the United States. In addition, it allowed the Secretary of Labor to waive certain requirements for individuals from the “Western Hemisphere who applied for temporary admission as workers” (Briggs 1986, 997). When the United States declared war on Germany in April of 1917, many agricultural growers in the Southwest feared that labor shortages were going to set in with so many men being drafted into the conflict. Growers maintained that the seasonal nature of agricultural labor and lower wages it offered would push the few available domestic workers into jobs in other industries (Basurto et al 2001, 23). These growers called on the federal government to aid them, and in May of 1917 the Secretary of Labor used the temporary worker clause in the Immigration and Nationality Act of 1917 to create the first modern guest worker program (Briggs 1986, 997).

Unlike previous guest worker programs, this program created a visa program that restricted foreign workers to employment in agriculture (Baker 2004, 83). Some workers, however, worked on the railways (Briggs 1986, 997). This program was the first to import workers almost entirely from Mexico and other Latin American countries. Approximately 73,000 temporary Mexican and Latin American workers entered the country between 1917 and 1921 (Baker 2004, 83).

The World War I program also displayed characteristics that became commonplace in subsequent temporary worker programs. First, Briggs (1986, 998) argues that the program showed that while guest worker programs were fairly easy to start up, they were much harder to end. World War I ended in 1918 and the program was

not eliminated until 1921. Secondly, the program demonstrated how difficult it is to get temporary workers to return home after the program ends. The majority of the workers who entered the program never returned home (Briggs 1986, 998). Finally, illegal immigration greatly increased upon the ending of the program. During the 1920s, an average of approximately 162,000 Mexican citizens immigrated to the United States each year, most of them illegally (Baker 2004, 83). In subsequent years, employers developed a greater dependence on these foreign workers, especially in the Southwest, to fill their labor needs (Briggs 1986, 998).

At first, the flow of illegal immigration went unchecked and agricultural growers became more and more dependent on the cheaper labor it provided. In fact before 1924, individuals could go back and forth between the United States and Mexico without much problem (Morgan 2004, 126). The Border Patrol was created in 1924 to strengthen border security and make it more difficult for undocumented individuals to enter the United States (Morgan 2004, 126). Even with the Border Patrol's oversight, however, there were still plenty of agricultural jobs available to illegal immigrants because there was an informal practice of waiting until the end of the growing season in order to raid farms so as not to disrupt the region's agricultural production (Baker 2004, 83).

Yet, all changed with the onset of the 1929 Great Depression. With rising unemployment rates throughout the U.S., the large Mexican populations in many cities were seen as a problem (Basurto et al 2001, 23). A system of repatriation was instituted and hundreds of thousands of Mexican immigrants were sent back across the border. As a result, immigration from Mexico decreased immensely during the 1930s (Morgan 2004, 127).

The Bracero Program

This strict repatriation policy remained in place until 1942 when the United States entered into World War II. As was the case during World War I, agricultural growers petitioned the federal government to allow them to once again import foreign workers to offset the labor losses from the war (Mize 2006, 87). In August of 1942, the federal government responded by negotiating a formal agreement with Mexico that created the Emergency Farm Labor Program otherwise known as the Bracero Program (Baker 2004, 84). Under the Bracero Program, Mexican workers came into the U.S. to fill war-driven labor shortages in the agricultural industry and were to return to Mexico after their contracts ended (Baker 2004, 84). These workers, recruited by both the American and Mexican governments, worked on farms typically located in California, Texas, and Arizona (Palmunen 2005, 48). From 1943-1945, the Bracero Program brought in 50,000 to 60,000 Mexican workers a year (Reubens 1986, 1038).

The Bracero Program is the largest guest worker program ever created by the United States. Any current debate on guest worker policy should rely on an examination of this program and its impact.

At its inception, the Bracero Program was not conceived as merely a means to provide cheap labor for growers during the war. In the negotiations, the Mexican government persuaded the U.S. to agree to provide certain protections for Mexican workers. These included paying workers a federally set prevailing wage, guaranteed work during at least 75 percent of their contract period, and protected against discriminatory acts. Employers also agreed to pay for workers' transportation, and provide housing and food (Baker 2004, 84). In addition, the program required that the

U.S. War Manpower Commission verify that there were in fact labor shortages in the areas in which the Braceros were employed (Baker 2004, 84). Under the program, braceros were not to be employed to either displace domestic workers or to reduce their wages (Mize 2006, 87).

The Bracero Program should have ended in 1945 at the end of the World War II, but agricultural growers lobbied for an extension (Basurto et al 2001, 23). As a result, the program was extended until 1947 when the program ended in its original form. This, however, did not stop the contracting of Mexican workers. The program merely shifted from one where contracting was done between the U.S. and Mexican governments to a system where growers contracted directly with the workers (Baker 2004, 84). The Bracero program was restructured again in 1951, as the U.S. entered the Korean War and claims of labor shortages from agricultural growers led once again to a formal agreement with Mexico (Morgan 2004, 127). It continued through the 1950s with more than two million Mexican workers entering the country during that decade (Morgan 2004, 129). The program did not officially end until 1964 with the changing political and social climate (Morgan 2004, 129). A total of 4.6 million workers were employed during the 22 years (1942-1964) of the Bracero Program's existence (Baker 2004, 85).

The legacy of the Bracero Program is not a proud one, and most have labeled the program as a failure. The program was responsible for countless civil rights violations as many Bracero workers were exploited and abused (Palmunen 2005, 48). The rights guaranteed to workers in their contracts (housing, transportation, food, and legal protections) "were inadequately, if at all, provided by U.S. employers" (Briggs 1986, 998). According to Meyers (2006, 2), "many of the Bracero workers were housed in

camps formerly occupied by prisoners of war, earned salaries of as little as \$9 per week (well below the \$30 average weekly salary nationwide in 1940), and did not receive the same safety and health protections as native-born workers.” In recent years, it has come to light that 10 percent of Bracero salaries that were supposed to be withheld from their pay and deposited back in Mexico for their retirement—an estimated \$150 million was never given to them (Medige 2004, 740).

In addition to civil rights violations, the Bracero Program has been attacked for increasing illegal immigration. The number of undocumented individuals entering the country increased greatly over the years the Bracero Program was in place. In 1950 there were 458,215 illegal aliens and 67,500 Braceros living in the United States. By 1954, the numbers had grown to 1,075,168 known undocumented aliens, while only 309,033 Braceros were working in the country (Morgan 2004, 128). There are several differing opinions, over what caused this increase in illegal immigration, yet most of the scholarly literature points toward the Bracero program as the catalyst. Palmunen (2005, 48) argues that “the combination of worker exploitation, lax housing standards, poor recruitment policies, and withheld wages prompted many braceros to desert their posts and work illegally for other employers.” On the other hand, Baker (2004, 84) asserts that illegal immigration increased “because Mexican contract workers who were legally in the United States, informed their friends about opportunities to work in the United States and partly because growers found it easier to hire undocumented workers than to go through the red tape associated with the Bracero Program.”

Other scholars disagree and maintain that the Bracero Program actually helped control illegal immigration (Anderson 2003 & Reubens 1986). This literature points to

the fact that while illegal immigration did initially increase during the Bracero Program it actually decreased to a very small and manageable number by the program's termination date in 1964. Anderson (2003, 11) argues that once the U.S. instituted a new immigration control program called "Operation Wetback" in 1954, illegal immigration was kept under control. To support his claim, Anderson points to INS apprehension data that demonstrates that apprehensions of illegal immigrants fell from the 1953 level of 885,587 to 45,336 in 1959 (Anderson 2003, 7). Hence, he maintains it was the lack of border enforcement and not the Bracero Program itself that led to increased immigration. Illegal immigration increased greatly once the Bracero Program ended providing additional evidence for Anderson's claims. From 1964 — when the Bracero Program ended — to 1976, INS apprehensions increased from 86,597 to 875,915—a more than 1000 percent increase. Reubens (1986, 1040) maintains that Braceros did not overstay their contract periods by any noticeable amount and also points out the increase in illegal immigration when the program ended.

Nevertheless, even this increase in illegal immigration after the end of the Bracero Program has been used as evidence that the program led to increases in illegal immigration. Briggs (1986, 998/999) concludes that even though the working conditions and wages in the United States were poor for Braceros, they still were better than those available to them in Mexico. Thus, Braceros having been exposed to the U.S. labor market continued to seek work in the U.S. in subsequent years as illegal immigrants after the program ended.

Finally, in evaluating the Bracero Program, many scholars concluded that the program negatively affected both wage and employment opportunities of domestic

workers in the United States⁵. This position was upheld by the 1951 findings of President

Harry Truman's Commission on Migratory Labor, which stated that

ineffective border control and the legalization policies of the Bracero Program actually increased the number of undocumented aliens entering the U.S., and that the increase in Braceros and undocumented workers had depressed wages and undermined collective bargaining efforts by domestic farm workers (emphasis added) (Morgan 2004, 131).

On the other hand, Reubens (1986, 1039) disagrees with these claims and maintains “that [the] actual record...shows that farm wage rates were rising by about 2.7 percent a year rather steadily through the 1950s and 1960s while Bracero employment rose and fell.”

He argues that this demonstrates that neither the Braceros nor illegal immigrants prevented farm wages from vigorously rising (Ruebens 1986, 1040).

Post Bracero Programs

The current agricultural guest worker program has its roots in another program that began at the same time as the Bracero Program. Created in 1943, the British West Indies Labor Program (BWI) attempted to meet the needs of agricultural growers on the East Coast who were also claiming wartime labor shortages (Briggs 1986, 999). It developed out of a labor agreement between the U.S. and various governments in the British West Indies (Briggs 1986, 999). This program was much smaller than the Bracero, employing a total of approximately 66,000 workers from 1943–1947 (Meyers 2002, 2). The BWI program also differed from the Bracero Program in that its workers could perform some non-agricultural labor during the war years (Briggs 1986, 999).

⁵ See Briggs (1986, 998), Baker (2004, 85), and Palmunen (2005, 49) for additional support.

The BWI Program functioned from 1943 to 1947 under the same legislation as the Bracero (Briggs 1986, 999). When this legislation expired in 1947, the BWI continued and was operated under the authority of the Immigration Act of 1917 (Meyers 2002, 3) and continued until 1952 when Congress passed the Immigration and Nationality Act. This act repealed the Alien Contract Labor Act of 1885, thus lifting the ban on employers from using contract labor, and classified all non-citizens entering the United States as immigrants or non-immigrants (Briggs 1986, 999). The act also created sub categories of nonimmigrants, one of which was called the H-2 classification. Those workers laboring under the BWI Program were absorbed under the H-2 classification (Briggs 1986, 999). As with the Bracero, the H-2 program was a certification program that allowed employers to use H-2 workers only if they obtained a labor certification from the Labor Secretary. This certification established that there were no available U.S. workers to fill the positions and that employing H-2 workers would not “adversely effect” the wages and employment of domestic workers (Baker 2004, 86).

At first, the H-2 program predominately employed Caribbean workers who harvested sugar cane, tobacco, citrus, and other crops on the East Coast of the United States. In addition, there were some Canadian workers imported under H-2 visas to harvest apples and potatoes in New England. Few Mexican workers obtained H-2 visas because they were still working as Braceros (Baker 2004, 86). After the termination of the Bracero Program in 1965, the U.S. got rid of most of the H-2 workers as well. Nevertheless, for the next twenty years the program continued to be used on a small scale, admitting about 15,000 to 25,000 workers a year, primarily to work for apple growers in the Northeast and sugar cane growers in Florida (Martin 1999, 13).

As previously mentioned, with the termination of the Bracero Program illegal immigration sky rocketed. The number of illegal immigrants entering the United States continued to rise throughout the 1970s and into the 1980s (Martin 2001, 123). In 1986, Congress passed the Immigration Reform and Control Act (IRCA), which was “designed to reduce the number of undocumented workers in the United States” (Baker 2004, 86). The goal of the act was to stop the employment of illegal immigrants and establish penalties for employers who continued to employ them (Baker 2004, 86).

The IRCA contained an amnesty provision that made two sets of previously illegal immigrants eligible to become citizens. The first were unauthorized immigrants who could prove that they had been living continuously in the United States since January 1, 1982. The second, called SAW or Special Agricultural Workers, were any undocumented workers who had worked for 90 days in seasonal agricultural work during the previous three years. A total 2.7 million undocumented individuals were given amnesty under the program. Of these individuals, 1.6 million became U.S. citizens (Levinson 2005, 3). Unfortunately, the IRCA was not successful in reducing the number of undocumented workers. Orrenius and Zavodny (2003, 448) assert that the IRCA neither increased nor decreased illegal immigration.

The IRCA also modified the old H-2 guest worker program by creating two new categories: H-2A (for nonimmigrant agricultural workers) and H-2B (for nonagricultural workers)(Baker 2004, 87). The H-2A guest worker program still exists today. The H-2A program’s provisions differ from the older Bracero and H-2 programs. The H-2A program chiefly regulates workers in “agricultural jobs, such as picking fruit, harvesting

vegetables, sugarcane processing, as well as workers who pick tobacco, herd sheep and cows, and work in greenhouses or in forestry jobs” (Meyers 2006, 7).

In order to use the program, a grower must fill out an application and meet two stipulations. First, growers must prove that a sufficient number of domestic workers who are able, willing, and qualified do not exist at the time and place needed to perform the labor or services involved in the application. Secondly, growers must prove that there will be no adverse effect on the wages and working conditions of workers in the United States similarly employed. Finally, the U.S. Labor Department has to certify the grower’s application (Meyers 2006, 7). H-2A workers must receive written contracts, a guarantee of work for at least three-quarters of the contract period, free housing, transportation, and meals (or cooking facilities), and prescribed wages and working conditions (Meyers 2006, 7). In addition, the wages received by guest workers must be the highest of the minimum wage, state minimum wage, prevailing wage for the occupation in the area, or the Adverse Effect Wage Rate (AEWR) for that state. The H-2A program is small, very similar to the old H-2 in size. In 2006, there were 59,111 H-2A workers in the program and they are used primarily by growers on the East Coast (U.S. Department of Labor 2006).

Chapter Summary

This chapter provided a broad overview of the terms used when discussing agricultural guest worker programs, as well as a review of the history of these programs in the United States. The next chapter discusses the key issues that should be considered in the development of guest worker policy that have been identified through a review of the scholarly literature available on guest worker policy.

Chapter 3: Guest Worker Policy

Chapter Purpose

A careful examination of the scholarly literature that documents research on guest worker policy allows one to glean the key issues a policy maker should consider when developing such a policy. This chapter describes those key issues. The scholarly literature also makes it possible a framework that is the basis of a questionnaire used to describe the attitudes and opinions of agricultural employers regarding guest worker programs.

Aspects of Guest Worker Policy

One can identify and categorize the many complex issues that guest worker policy involves as follows by carefully reviewing the scholarly literature on this issue:

- **Hiring Process**
 - Labor Market Conditions
 - Recruitment
 - Contracting
- **Labor Standards**
 - Transportation
 - Housing
 - Legal Rights
 - Minimum Working Hours
 - Compensation
- **Enforcement**
 - Monitoring and Administration
 - Numerical Limits
 - Guest Worker Return
- **Legal Status**
 - Status of Workers
 - Status of Family Members
- **Border Security**
- **Possible Outcomes**
 - Dependency on Foreign Labor
 - Illegal Immigration
 - Wage Depression
 - Worker Exploitation

Each subsection of this section of this chapter justifies an element's inclusion in the development of guest worker policy through an examination of the scholarly

literature. In addition, this chapter highlights examples of how these elements have been incorporated into recent guest worker policy proposals. When available, scholarly literature is brought in tying a particular element to agricultural guest worker policy.

Hiring Process

How guest workers will be hired is a key component of all guest worker policy. The employment of guest workers involves the temporary immigration of foreign workers into a host country. As a result, the hiring process for these programs is unique and contains several stages.

Labor Market Test

Almost all guest worker programs on record were implemented in order to fill temporary labor shortages in particular industries, occupations, or regions⁶. Bruno (2006,33) maintains that guest worker policy should contain a mechanism or test that is used by employers to ensure there is a shortage in the industry before requesting guest workers. This is done so hiring of guest workers will not damage the wages and employment of domestic workers in the host country.

Those who examine the agricultural labor market in the U.S. debate on an ongoing basis whether a shortage of domestic farm labor exists. Most of the debate swirls around the current H-2A agricultural guest worker program and whether a need exists to expand guest worker policy. Baker (2004, 111) and Martin & Teitelbaum (2001, 124) all argue that most regions that employ H-2A workers do not suffer from labor shortages and that farm lobbies continue to claim there are farm labor shortages

⁶ See Martin & Miller 1980, 316; Basurto, DeLorme, & Kamerschen 2001, 23; Morgan 2004, 12; and Briggs 1986, 999; Meyers 2006, 6 for a description of the labor market conditions that lead to the creation of various guest worker programs.

even as unemployment is exceptionally high in agricultural labor-heavy areas like the Central Valley of California.

Several governmental reports also maintain there is no current agricultural labor shortage exists. A 1997 report on the H-2A program by the General Accounting Office (GAO) found no “widespread farm labor shortage requiring the importation of large numbers of foreign workers” (GAO 1997, 5). Also, a 2006 report from the Congressional Research Service (CRS) on farm labor shortages reports that a nationwide farm labor shortage of “domestically available farmworkers” does not exist (Levine 2006, 8).

In contrast, a study conducted by Richards and Patterson (1998, 1) in Washington State found that labor shortages may exist, not from a shortage of workers, but from workers who are unwilling to perform agricultural jobs. Likewise, although the previously-mentioned GAO and CRS reports did not find widespread labor shortages, both acknowledged that specific crop or geographical shortage may be occurring (GAO 1997, 5 and Levine 2006, 8).

As a result of this debate, the scholarly literature indicates that any guest worker policy should have some labor market test in place to show that a need actually exists. Such a test needs to ensure that no adverse effect on wages and working conditions will result for similarly employed domestic United States workers (Meyers 2006, 7). There are currently two different labor market tests that establish the need for guest workers within an industry. These tests are “attestation” by the employer and certification by the relevant authorities regarding the unavailability of native workers⁷.

⁷ See Ruhs 2002, 10 and Pastor and Alva 2004, 98 for further discussion of certification and attestation

Attestation usually requires employers to “attest” to the host government that they have made an honest effort to obtain domestic workers for their job openings, and that they were unable to do so, thus proving that there is a need for guest workers (Bruno 2006, 15). Certification, the method used in the current H-2A program, requires employers to file an application for labor certification with the host government certifying that there are no domestic workers available who can perform the labor required. The host government then examines the labor situation and decides whether to certify that the employers are telling the truth (Meyer 2006, 7).

Recent guest worker policy proposals all contain labor market tests that are linked to employers hiring guest workers. For example, the Border Security and Immigration Reform Act of 2003 requires employers to file an application with the Department of Labor attesting that there were insufficient qualified and available U.S. workers, and that the hiring of guest workers would not adversely affect the wages and working conditions of similarly employed U.S. workers (Bruno 2007, 15). Likewise, the Border Security and Immigration Improvement Act proposed by Senator John McCain requires employers who wanted to hire guest workers to file an application with the Department of Homeland Security (DHS). The DHS would then have to examine the application and certify that the employer had advertised the job opportunity to U.S. workers on an electronic job registry established by the Department of Labor and had offered the job to any equally qualified U.S. worker who applied through the registry (Bruno 2007, 15).

Also, the Agricultural Job Opportunities, Benefits, and Security Act (AgJOBS), would require employers who wanted to hire guest workers to file applications with the Department of Labor. This act is slightly different in that if guest workers are hired to do

jobs covered by a collective bargaining agreement, the employer would have had to assure there was an applicable union contract and that the bargaining representatives of the U.S. employer's employees had been notified of the filing of the guest worker's application. If an employer wanted to hire guest workers to fill jobs not covered by a collective bargaining they would have to attest to having taken specified steps toward recruiting U.S. workers and providing guest workers with required benefits, wages, and working conditions (Bruno 2007, 20/21).

Recruitment

A guest worker program must recruit workers. This is a key element of any such program. This process involves selecting which workers will be brought into the host country. Guest worker recruitment usually revolves around what skills a guest worker must possess; which nationalities, if any, recruitment be limited to; and the process for linking up willing guest workers with employers (Ruhs 2002, 11).

Only a few guest worker programs, such as the H-1B in the United States, have ever made restrictions that limit these programs to highly skilled workers. Almost all programs either do not put a skill requirement into the process or specifically target workers who are classified as low skilled (Ruhs 2002, 12). This is the case for agricultural guest worker programs⁸.

Guest worker programs differ in the way they restrict recruitment based on nationality. Many programs result from agreements between nations and thus restrict recruitment to citizens of the agreeing nations. For example, the Bracero Program restricted recruitment to Mexican citizens (Ruhs 2002, 12) and the current Canadian

⁸ See Ruhs 2002, 12 which discusses how the Bracero Program limited recruitment to low-skilled workers and Meyers 2006, 7 for a discussion on how the H-2A Program does not have a skill requirement.

guest worker program recruits only Mexican citizens (Basok 2000, 224). Even in guest worker programs that do not specifically restrict recruitment to national origin, preference is usually given to one nationality or another⁹.

Guest worker policy also differs over who does the recruiting — government agencies or the employers themselves. In some programs prospective employers made requests for guest workers to governmental agencies in their host countries and in turn these agencies worked with governmental agencies in the source countries to produce a list of eligible guest workers¹⁰. In contrast, other programs set up direct recruiting of guest workers by employers¹¹. In the past, growers recruited workers from recruitment centers located on the U.S./Mexico border (Palmunen 2005, 48). Today, many H-2A workers are recruited not by employers but through farm labor contractors in Mexico (Meyers 2006, 8). Yet this move away from direct employer recruitment has not been a complete success. Meyers (2006,8) states that the farm labor contractor's "role in the process has been controversial, with reports of bribes, exploitation, and blacklisting."

Recent guest worker policy proposals have addressed the issue of recruitment. The Border Security and Immigration Reform Act of 2003 allows the Secretary of Homeland Security and the Secretary of State to jointly administer a guest worker program. The two secretaries would work with foreign countries to create a database of potential guest workers that employers could hire workers from (Bruno 2007, 15). The Alien Accountability Act of 2003 proposes that the Department of Homeland Security handle recruiting. Under this act all potential guest workers have to apply to the DHS,

⁹ See Ruhs 2002, 13 as this is the case in Singapore, Switzerland, and Kuwait.

¹⁰ See Martin & Miller 1980, 317 for a discussion of how post World War II guest worker programs in France and Germany turned recruitment over to governmental agencies.

¹¹ See Baker 2004, 84 for a discussion of recruitment practices within the Bracero Program starting in 1947

and if approved, these workers are then put into a database that employers could hire from (Bruno 2007, 17). The Comprehensive Enforcement & Immigration Reform Act of 2005 allows recruiting of guest workers by a variety of means including social relationships, labor recruiters, businesses, labor unions, internet searches, and home country migration facilitators (National Immigration Forum 2005, 9/10).

Contracting

The final element of the guest worker hiring process is the practice of contracting. While the mechanics of the contracting process and the contracts themselves may differ depending on the program, every guest worker program on record has required that workers sign a written contract before employment¹². These contracts usually take the form of visas or work permits.

The scholarly literature identifies as a key element whether guest workers should be allowed to negotiate their own contracts. For example, Pastor and Alva (2004, 98) maintain that who contracts, private actors or the state, is a key topic of discussion for any guest worker program. Likewise, Morgan (2004, 1410) and Hahamovitch (2003, 94) both argue that when guest workers can only contract with one employer and are forbidden from negotiating the terms of their own contracts a dynamic of unequal power is created. Under these conditions, employer abuses are more likely and guest workers are less likely to report mistreatment by employers (Pastor and Alva 2004, 98). Attas (2000,78) posits that limitations on the contracting freedom of guest workers can result in monopsonies¹³ that deny freedom of exchange, lower wages, and create a de facto form of indentured servitude. Furthermore, it is argued that “granting foreign workers

¹² See Schiff 2004, 1A for a description of the standard elements of guest worker contracts

¹³ Monopsony is a state in which demand comes from one source. It is analogous to monopoly, but on the demand side not the supply side.

freedom of movement also benefits the host country...by enabling foreign workers to respond to wage differentials and thereby help equalize the value of the marginal product of all workers across labor markets” (Ruhs 2002, 46). Bruno (2006, 32) asserts, however, that security concerns outweigh concerns over economic and contractual freedoms for guest workers. She maintains that, in the so-called "post -September 11th world", law makers will focus more on domestic security issues when they develop any guest worker policy. As a result, issues such as monitoring the movement of guest workers while in the United States are more important than granting guest workers more rights and freedoms such as negotiating their own contracts.

No recently proposed guest worker policy that allows guest workers to negotiate the terms of their own contracts. The Border Security and Immigration Reform Act of 2003 requires all guest workers to sign standard contracts with employers. Employers then choose workers from an electronic database of workers. Guest workers cannot choose their employers or the terms of their contracts (Bruno 2007, 15). Likewise, the Alien Accountability Act of 2003 (Bruno 2007, 17) and the AgJobs Act (Bruno 2007, 31) do not allow workers the right to choose their employer or the terms of their contracts.

Labor Standards

Another key element of guest worker policy is determining what rights and benefits workers will be given. This includes the minimum requirements prescribed by guest worker policy relating to wages, travel and living allowances and other employee

monetary and welfare benefits, and occupational health and safety standards designed to improve conditions of work. These benefits and rights are collectively classified as labor standards.

Transportation

Travel is a key component of any guest worker program. Workers are leaving their own home countries in order to be employed in a foreign nation. As a result, transportation costs of guest workers must be considered. This includes transportation into the host country and back home. The question raised by the scholarly literature is who should take on these costs—the employers, the host nation’s government, or the workers themselves. For example, the post World War II guest worker programs in Germany and France arranged transportation for workers with a fee charged to employers (Martin & Miller 1980, 317). Similarly, the current Canadian guest worker program also provides employer-paid transportation assistance to workers (Basok 2000, 221). Ruhs’s (2002, 74) study of six guest worker programs from around the world found that only one of these programs required employers to cover the costs of workers transportation.

In the United States, the original Bracero contract specified that employers provide workers’ transportation costs (Morgan 2004, 130). The current H-2A program also requires employers to pay transportation expenses (Meyer 2006, 7).

Transportation costs also factor into proposed guest worker policy. For example, the AgJobs Act requires employers to reimburse inbound and return transportation costs to workers who complete 50% of the contract (Farmworker Justice 2007, 1). Likewise, The Agricultural Employment and Workforce Protection Act of 2005 requires employers to reimburse workers’ transportation costs (Bruno 2007, 22). On the other hand, the

Secure America & Orderly Immigration Act allows employers to charge workers “reasonable” transportation costs (National Immigration Law Center 2005, 5).

Housing

Guest workers are foreign workers who travel into host countries to work in a particular industry. These workers are not only working but living outside of their home countries, and thus they require some form of housing in order to survive. The question that policy makers must answer when creating future guest worker policy is whether housing should be provided by the employer or be included as part of the expenses of the worker. Previous guest worker programs differ over who is responsible for housing costs. Martin Ruhs (2002, 74) examined six different guest worker programs in six different countries over the last one-hundred years and determined that three programs required the employer to provide adequate housing and three programs did not (Ruhs 2002, 74). In the United States, the Bracero Program required that employers provide housing without cost (Baker 2004, 84), as does the current H-2A program if the specific area's prevailing practice is to do so (Baker 2004, 101). Another possible approach to the housing issue included in new guest worker legislation is mandating that employers pay workers a “housing allowance” in lieu of adequate housing (Martin 2001, 13).

Recent guest worker policy proposals have dealt with the housing issue. Over the last four years most of the bills brought before the House and Senate required employers to provide free housing for guest workers. These bills do, however, allow employers to

pay housing allowances, in lieu of housing, if the governor of the state certifies that adequate housing is available¹⁴.

Legal Rights

Another labor standards issue that must be addressed when creating guest policy is the legal rights of workers¹⁵. These rights usually involve guest workers having some legal recourse to protect themselves from abuses or violations of contracts by employers. For example, the guest worker programs of France, Germany, and Switzerland allow workers to freely join unions. In addition, workers have had the same freedoms of speech, press, and assembly that native workers enjoy. In this way, workers gained the same union protection that native workers did from labor violations by employers (Martin & Miller 1980, 326/327).

Yet, other guest worker programs do not afford these protections. Baker(2004, 85) criticizes the Bracero Program because workers “were frequently exploited and lacked effective means of enforcing their legal rights or obtaining remedies for violations of those rights.” The current H-2A program gives workers some rights, including workers' compensation and freedom from retaliation for asserting their rights, yet they are not allowed legal representation during civil rights suits or immigration proceedings (Baker 2004, 100/101).

Recently proposed guest worker policies differ in the rights they confer on workers. The AgJOBS Act grants guest workers the right to file a federal lawsuit to enforce their wages, housing benefits, transportation cost reimbursements, minimum-

¹⁴ See Bruno 2007, 29 for details on housing in the AgJOBS Act of 2007; Bruno 2007, 12 for the Temporary Agricultural Work Reform Act of 2004; Bruno 2007, 11 for the Temporary Agricultural Labor Reform Act of 2003.

¹⁵ See Morgan 2004, 143 for further discussion on whether workers should be given basic legal rights before any guest worker program is implemented.

work guarantee, motor vehicle safety protections, and the other terms of the written job contract (Farmworker Justice 2007, 2). The Border Security and Immigration Reform Act of 2003, however, does not allow guest workers to sue unscrupulous employers, but rather allows them to file complaints with officials, who can grant them the right to seek employment with another employer (The Orator 2003). On the other hand, the Border Security and Immigration Improvement Act requires employers to grant workers certain rights and protections, but does not include steps workers can take if employers violate their rights (Bruno 2007, 17).

Minimum Worker Hours

Guest worker policy must also decide whether workers will be guaranteed a minimum number of hours of work a week. In many guest worker programs, workers come into the host country with the understanding that they will get at least a set amount of work, and that they cannot be made to work less because an employer does not want to pay them¹⁶.

Recent guest worker policy proposals have included provisions that guarantee guest workers a minimum amount of working hours a week. Under the AgJobs Bill employers must guarantee guest workers the opportunity to work for at least three quarters of the stated period of employment or pay compensation for any shortfall (Farmworker Justice 2007, 2). Likewise the Agricultural Employment and Workforce Protection Act of 2005 also guarantees that workers will get to work at least three-quarters of the hours offered in their contracts.

Compensation

¹⁶ See Morgan 2004, 130 and Baker 2004, 90 for a discussion of the work period requirements in various guest worker programs.

Finally, with regards to labor standards any guest worker policy has to determine how workers will be compensated. Some guest worker programs established wage structures that required workers to be paid a “prevailing wage” established by a governmental agency¹⁷, some guest worker programs have given workers the same rights and pay as domestic workers by allowing them to join unions¹⁸, and others set up no minimum wage limits for foreign workers at all¹⁹.

Currently, in the U.S., the federal government has developed a system called the adverse effect wage rate (AEWR) specifically used in agricultural guest worker programs. The AEWR is a system of annually adjusted minimum wage limits developed for each state in order to mitigate adverse effects that guest worker programs may have on the wages of domestic workers (Whitaker 2005, 1). The U.S. Department of Labor (DOL) sets the AEWR, based upon a quarterly survey of the wages of field and livestock workers throughout the United States gathered by the Department of Agriculture (DOA) calculated on a regional basis (Whitaker 2005, 4).

Nevertheless, the AEWR receives criticism. Baker (2004, 98) asserts that “the AEWR...is based on artificially depressed wage rates that have resulted from the massive employment of undocumented workers and foreign workers who could not legally work outside the agricultural sector for at least the past seventy-five years.” Meyers (2006, 8) concludes that the AEWR can decline and does not include cost of living increases nor cost of living adjustments..

Recent guest worker policy proposals have handled compensation differently. The AgJOBS bill requires employers to offer the highest of the AEWR, the prevailing

¹⁷ See Ruhs 2002, 75 and Basok 2000, 226 for additional support.

¹⁸ See Ruhs 2002, 75 and Martin & Miller 1980, 326 for examples.

¹⁹ See Ruhs 2002, 75 for examples.

wage or the federal or state minimum wage. In addition, the AgJOBS bill reduces the AEW to the 2002 levels and freezes them for three years while creating a special commission to issue studies and recommendations as to the appropriate wage rate formula (Farmworker Justice 2007, 2). The Border Security and Immigration Reform Act (Bruno 2007, 15) and the Temporary Agricultural Labor Reform Act of 2005 (Bruno 2007, 22) require employers to pay guest workers the higher of the federal or applicable state minimum wage. Further employers are not subject to the adverse effect wage rate.

Enforcement

Enforcement is another element of all guest worker policy. There must be some means in place to enforce the international agreements and worker contracts established in the formation of guest worker programs. Likewise, those who devise guest worker policies often include elements to make the programs easier to manage and enforce.

Monitoring and Administration

When countries sign international agreements establishing guest worker policy there should be a mechanism in place to ensure that these agreements and contracts are carried out in good faith. Policy makers who attempt to design guest worker programs find it difficult to create effective administrative oversight²⁰. Meyers (2006, 13) brings up the question of which agency would be in charge of creating, administering, and overseeing a new temporary worker program.

²⁰ See Krikorian 2004, 7 who discusses how any guest worker programs require background checks of prospective workers as well as simple management of the program, including checking arrivals, tracking whether a worker is still employed, and enforcing the departure of those who are supposed to leave.

Unfortunately, most countries, including the United States, have a very poor record of effectively enforcing guest worker policy²¹. In agriculture, with the workers dispersed among numerous employers over wide geographical rural areas, enforcing labor standards and contractual agreements is very difficult (Briggs 1986, 1014). Currently, in the United States, the Department of Labor oversees the only agricultural guest worker program in place, the H-2A program (Baker 2004, 87). The Secretary of Labor imposes fines and penalties on employers who do not live up to their contractual obligations (Bruno 2006, 34). The H-2A program however is relatively small and the implementation of a larger guest worker program would require a lot more administrative oversight (Meyers 2006, 7). Meyers (2006, 13) maintains that it is unclear whether the U.S has the infrastructure or resources to effectively run such a program.

Increasing the number of enforcement officials is one way to improve oversight of guest worker programs. These officials ensure that the program is running as it should, and that workers are being treated fairly. Another way to improve oversight is to increase the penalties for employers caught knowingly breaking laws. Heavier fines and even jail time for employers provides incentive to follow the rules (Krikorian 2004, 9).

Another problem arises when guest workers stay in a host country—as they often do—and continue to work illegally (Martin & Teitelbaum 2001, 120). Martin & Teitelbaum (2001, 130) argue that effective enforcement of existing laws is the best way to end the process of employing unauthorized workers.

Finally, the scholarly literature indicates that there is a need to make guest worker programs easier to administer by simplifying the often overly bureaucratic and

²¹ See Morgan 2004, 131 for evaluations of the Bracero Program in the United States. Also, see Martin & Miller 1980, 328 for evaluations of European guest worker programs

cumbersome policies and procedures that accompany them²². Many growers have complained that the application process of guest worker programs in the U.S. is overly complicated and poorly administered²³.

Recent guest worker policy proposals have addressed the issue of enforcement. The Comprehensive Enforcement and Immigration Reform Act greatly increases sanctions for employing illegal workers and dramatically expands the number of agents dedicated to worksite enforcement and fraud detection (National Immigration Forum 2005, 11). The Secure America and Orderly Immigration Act increases fines on employers who violate the rights of guest workers. It also establishes an electronic work authorization system, making it easier to go after employers who hire illegal aliens (National Immigration Forum 2005, 16). Finally, the AgJOBS Bill streamlines employers' paperwork, limiting government oversight of the application process, and reducing the effort employers must make to first try finding U.S. farmworkers, before employers are allowed to hire guest workers (Beardall 2003, 2).

Numerical Limits

Another enforcement issue of guest worker policy is whether there should be a cap on the number of guest workers allowed into the country²⁴. Andorra Bruno (2006,

²² See Martin and Miller 1980, 319 for a discussion of the many statues and treaties regulating guest workers in Germany, France, and Switzerland that lead to confusion and difficulty administering the programs.

²³ See Baker 2004, 104 and Meyers 2006, 13 for a discussion of farmer's complaints about the bureaucratic guest worker enforcement policies.

²⁴ See Ruhs 2002, 8 for a discussion of the three modes of regulating the number of (annual) admissions: quotas, economically oriented work permit fees, and laissez-faire admissions.

34) maintains that numerical limits can protect domestic workers and control illegal immigration. Allowing an unlimited number of guest workers into the country may lower wages and take away jobs from domestic workers by breeding a dependency among growers on foreign labor (Martin & Teitelbaum 2001, 119). Also, limiting the number of guest workers makes the program easier to administer and “assures tighter control over participants” (Basok 2000, 226). Reducing the number of guest workers would likely decrease the number of those who remain in the country undetected (Bruno 2006, 34).

On the other hand, Edward Reubens (1986, 1047) concludes that a large guest worker program would actually fill jobs that currently attract undocumented workers. Furthermore, he argues that employers will not stop hiring undocumented workers nor completely cooperate with authorities unless they are allowed to import a large number of guest workers (Reubens 1986, 1047).

Recent guest worker policy proposals address the issue of numerical limits. For example, The Secure America and Orderly Immigration Act of 2005 places no limits on guest workers coming into the U.S. to perform unskilled labor such as agriculture (Bruno 2007, 25). On the other hand, the Immigration Reform Act of 2004 (Bruno 2007, 12) and the Safe, Orderly Legal Visas and Enforcement Act of 2004 (Bruno 2007, 14) cap guest workers at 350,000 a year.

Guest Worker Return

Perhaps the most difficult element of enforcing guest worker policy is how to make sure that guest workers return to their home countries after the term of their

contracts has expired. The term “guest” implies that guest workers are expected to return at some point to their homes and not settle permanently in the host country (Krikorian 2004, 4). Unfortunately, past guest worker programs have demonstrated that workers, who usually come from economically disadvantaged countries, grow accustomed to the higher wages they receive in the host country. As a result, guest workers have little incentive to return home once their contracts are up (Martin & Teitelbaum 2001, 120). Likewise, once employers come to depend on foreign workers they have little incentive to ensure these workers leave at the end of their contracts (Krikorian 2004, 5).

Guest worker programs in Germany²⁵, France, and Britain²⁶ all had problems with guest workers remaining in their countries after their contracts ended. In the United States, many workers who entered the country under the Bracero Program never left either. They merely settled in the country as illegal aliens and served as “magnets” for family and friends in Mexico to illegally join them as well (Krikorian 2004, 5).

Thus the scholarly literature overwhelmingly indicates that there will always be some guest workers who decide to permanently reside in the host country after their contracts expire. Some enforcement measures, however, have been suggested to reduce this number. The first requires an employer to pay a bond to the host government that is forfeited if the worker does not leave at the end of his or her contract (Epstein, Hillman & Weiss 1999, 4; Schiff 2004, 25/26). A second option is for employers to defer a part of the workers pay until they leave the country (Epstein, Hillman & Weiss 1999, 15; Schiff 2004, 25/26).

²⁵ See Ruhs 2002, 28 for further discussion of German recruiting practices.

²⁶ See Hansen 2003, 31 for his examination of how guest workers have remained in the host country in guest worker programs created in France, Germany, and Britain.

Finally, the U.S. government could help to streamline the “remittances” or money sent back home by guest workers. Guest workers often agree to come to a host country in order to send these remittances to their families. Supporters of the streamline remittance system argue that if guest workers can send money home faster and easier they will “reach their savings goals quicker,” and leave the host country when their contracts are completed (Palmunen 2005, 54).

Recent guest worker policy proposals have taken measures to make sure that guest workers leave the country after their contracts are up. The Border Security and Immigration Reform Act of 2003 creates investment accounts for guest workers into which the Social Security taxes paid by them and by their employers are deposited. In order for a guest worker to access this money, (s)he must return home (Bruno 2007, 16). Likewise, President Bush’s policy proposal allows aliens working in the U.S. to receive credit in their nations’ retirement systems. Further, this act creates tax-preferred savings accounts that can be accessed upon return to their native countries (Bruno 2007, 34).

Legal Status

One of the most controversial elements to consider when developing a guest worker policy is whether to give workers and/or their families a path toward becoming permanent residents of the host country. “Earned adjustment” programs or programs in which guest workers and/or their families can earn permanent legal status in the host country through work and/or other contributions are one way workers and/or their families can become permanent residents (Bruno 2006, 31).

Legal Status of Workers

When considering the idea of adding a permanent legal status component to any guest worker policy, the first individuals to consider are the workers themselves. This issue has both its supporters and its detractors as some see permanent legalization as an essential element of a guest worker proposal while others oppose the inclusion of any type of legal permanent residency adjustment program (Bruno 2006, 31). There are two separate issues that arise when discussing the legal status of guest workers.

First, should guest worker policy include a general provision that grants “amnesty” to all of the undocumented workers currently residing and working in the United States? Amnesty encourages undocumented workers to make themselves known without fear of legal reprisals and then have the option of applying to work legally under a guest worker program. Those opposed to this provision argue that the U.S. grants almost a million immigrants citizenship each year through an established legal process. Tancredo (2005, 83) and Baker (2004, 111) maintain that allowing individuals who came into the country illegally to immediately gain legal residency rewards those who break immigration laws.

In contrast, Durand & Massey (2001, 29) argue that granting amnesty to undocumented individuals who have a proven work record in the United States is beneficial. They maintain that these individuals are already in the country so they would not affect population growth and that amnesty simply facilitates the assimilation of these immigrants and their citizen children into U.S. society (Durand & Massey 2001, 29). Pastor and Alva (2004, 102) argue that from a humanitarian perspective, granting undocumented workers amnesty greatly improves the living and working conditions of undocumented individuals living in the United States (Pastor and Alva 2004, 102).

Finally, Orrenius & Zavodny (2003, 448) maintain that amnesty programs do not encourage nor discourage undocumented individuals from entering the United States.

The U.S. has tried mass legalization of illegal immigrants working in the agricultural industry before. The Special Agricultural Worker (SAW) legislation of the 1980s gave legal status to 2.8 million unauthorized farm workers who submitted letters from employers stating that they had worked at least 90 days in the preceding year (Martin and Teitelbaum 2001, 127). Within a decade, most SAWs had left agriculture for better employment and half the farm labor force was once again undocumented (Martin and Teitelbaum 2001, 127).

Recent guest worker policies differ over how to deal with undocumented workers currently living within the United States. The AgJobs Act of 2007 contains a provision to allow undocumented workers currently living in the US to gain temporary resident status and work as a guest worker if the worker can prove he/she has performed at least 100 days of agricultural work in the US during any 24 month period ending December 31, 2006 (Bruno 2007, 29). The Secure America & Orderly Immigration Act requires undocumented workers to come forward and register with the government. Prior to applying for a visa, undocumented workers are mandated to pay a minimum \$2000 fine, pass criminal background checks and security screenings, and prove they have worked six or more years in the U.S. The Comprehensive Immigration Reform Act of 2007 allows undocumented workers to leave the U.S. and then seek readmission as a non-immigrant or immigrant provided they were in the U.S. on January 7, 2007 and continuously thereafter. Those individuals must have been employed before January 7,

2007 and have not been unemployed for more than 60 days, and have no criminal record (Congresspedia 2007).

The second issue concerning the legal status of guest workers is whether guest worker legislation should include an earned adjustment toward permanent legal status, allowing workers to earn permanent legal status through working a set number of years (Ruhs 2002, 54). This idea raises several important questions. First, will having multi-year work requirements lead to exploitation of workers because they will be less likely to speak out against employer abuse for fear of being fired before they can meet the required number of years²⁷? Second, would an earned adjustment lead to a continued shortage of workers in low-skill industries such as agriculture? A quick legalization process may encourage workers to leave and “pursue more desirable job opportunities” (Bruno 2006, 32).

Recent guest worker policy proposals have included varying paths to permanent residency. The AgJOBS Act of 2007 grants “blue card status” to any guest worker who had performed at least 863 hours, or 150 work days, of agricultural employment in the United States during the 24-month period ending on December 31, 2006, and meets other requirements. This blue card grants the worker temporary legal resident status. No more than 1.5 million blue cards could be issued during the five-year period beginning on the date of enactment (Bruno 2007, 29). The Comprehensive Enforcement & Immigration Reform Act contains a general prohibition on adjustment of status for guest workers who are within the US. Those who leave the US “on time” can apply for a nonimmigrant or immigrant visa if they qualify independently, but receive no special preference over other

²⁷ See Medige 2004, 741 who maintains that in order to avoid the exploitation and abuse of workers seen under the Bracero Program, any new guest worker legislation must include a path to citizenship.

applicants for permanent residency status (National Immigration Forum 2005, 3/4).

Similarly, the Border Security and Immigration Reform Act of 2003 allows guest workers to apply for legal permanent U.S. residency only after they had returned to their home countries. Their applications are evaluated based on a point system established by the Secretary of Homeland Security (Bruno 2007, 16).

Legal Status of Family Members

Just as any guest worker policy must decide on the legal status of workers, it must also decide on the legal status of workers' families. The scholarly literature indicates that there are several questions that must be answered regarding the rights of guest worker families. Will spouses and children be allowed to accompany workers in the host country? If so, what rights will they be given? Finally, if the program includes a path to citizenship for workers, will it include a path for family members as well (Bruno 2006, 32)?

A worker's decision to apply to be a guest worker is greatly influenced by whether or not their family can join them and/or gain permanent residency status in the host country (Palmunen 2005, 52). Hahamovitch (2003,86) argues that whether or not a program allows a worker's family to join him or her in the host country, either as citizens or temporarily, is the most important factor affecting whether guest workers ever leave the host country. On the other hand, Bohning (1981, 38) maintains that "short of an inhuman policy totally prohibiting families from coming together," family reunification policies are not a good method for determining whether a guest worker returns to his or her home country.

Most current guest worker programs actively discourage or forbid workers from bringing family members into the host country—the rationale being that allowing a worker to bring his or her family with them will cause the worker “to set roots, thus undermining the temporary nature of the stay” (Pastor & Alva 2004, 99). Historically guest worker programs have differed on this issue. For example, the French and German post World War II guest worker programs allowed the dependents of workers to join them after a year and Switzerland’s program allowed family members to join them after 15 months, allowing spouses to work as well. In addition, family members were given the same rights in these countries as guest workers (Martin & Martin 1980, 320). Yet, in the United States, the Bracero Program did not allow family members to join workers or give them a path to citizenship (Ruhs 2002, 15). Current laws allow spouses and children of H-2A workers to enter the country as long as they are accompanying the worker (Bruno 2006, 32).

Recent guest worker policy addresses the legal status of guest worker family members. The AgJOBS Act allows the spouse and minor children of guest workers who are living in the U.S. to remain in the U.S. but they are not eligible for work authorization. The spouse and minor children may adjust to permanent resident status once the guest adjusts to permanent resident status even if they are not living in the United States (Farmworker Justice 2007, 2). The Secure America & Orderly Immigration Act allows minor children of spouses and parents of guest workers who have become US citizens to be included in immediate relative family immigrant visa petitions (National Immigration Forum 2005, 4). In contrast, the Comprehensive Enforcement & Immigration Reform Act does not allow family members to travel with

guest workers in the United States and gives no preference to family members of guest workers when accepting applications for permanent residency (National Immigration Forum 2005, 4).

Border Security

Any development of guest worker policy should also address the issue of border security. When countries are importing workers from bordering foreign countries, such as the United States and Mexico, the host country may require security measures at the country's border with the source country. Tancredo (2005, 69) raises the question whether increased border security efforts should be implemented before a new guest worker program is implemented. Some literature²⁸ argues that no matter how many guest workers are allowed into a country, there will still be more who want to come. Thus, if border security is not increased any guest worker program will be undermined by illegal immigration.

On the other hand, others argue that increased border security should not necessarily be a part of a new guest worker program because it does not decrease illegal immigration. As proof, some point the fact that illegal immigration actually rose in the 1990s even as the number of border patrol agents tripled²⁹. In fact, today border patrol agent levels are approximately 7 to 10 times higher than the level in the 1950s when illegal immigration was relatively low during the height of the Bracero Program (Anderson 2003, 13). Finally, another argument suggests that stricter border enforcement

²⁸ See Tancredo 2005, 70; Krikorian 2004, 9; and Ruhs 2002, 39 for additional information on border security and illegal immigration.

²⁹ See Anderson 2003, 13 for a discussion of how the number of U.S. Border Patrol Agents has increased from 3,600 in 1990 to 10,000 in 2003, yet illegal immigration to the United States rose by 5.5 million between 1990 and 2000.

efforts will not slow illegal immigration, and only succeed in making border crossing more dangerous and expensive (Hahamovitch 2003, 94).

Recent guest worker policy proposals also contain border security measures. The Border Security and Immigration Reform Act of 2007 does not allow guest worker provisions to take effect until after the Secretary of the Department of Homeland Security certifies that specified border security and enforcement-related measures authorized under other titles of the bill are fully operational (Bruno 2007, 33). The Comprehensive Enforcement & Immigration Reform Act authorizes the hiring of 10,000 new border patrol agents and 1,250 new customs and border protection officers. It also allows immigration officers to summarily deport immigrants, including those fleeing persecution, without the opportunity to see a lawyer or a judge. Similarly, the Agricultural Employment and Workforce Protection Act of 2005 increases the number of border patrol and custom officials by up to 250 a year and creates 20 detention facilities in the United States with sufficient capacity to detain up to 200,000 individuals at any time (Bruno 2007, 22).

Possible Outcomes

Finally, when developing guest worker policy it is important to look at possible consequences of such policy. The scholarly literature on guest worker programs indicates that there are four possible outcomes.

Dependency on Foreign Labor

First, guest worker policy may lead to dependency among employers on foreign labor. Martin & Teitelbaum (2001, 119) argue that guest worker programs, such as the Bracero Program or the post World War II guest worker program in Germany, began as

small programs created during perceived labor shortage crises yet these programs grew larger and larger in size and wound up lasting much longer than initially anticipated. The conclusion reached is that employers become dependent on the cheap and easily available labor that guest workers provide and they wind up not recruiting domestic workers³⁰.

This dependency then leads to a continuation of the program. Soon the “temporary” guest worker program becomes a long-term one, creating a permanent source of low-wage labor (Weiner & Munz 1997, 34). In addition, the longer foreign workers remain in the host country the more they adjust their expectations and cease to think of themselves as “temporary” residents (Ruhs 2002, 27). In their study of guest worker programs in Germany, France, and Switzerland, Martin and Miller (1980, 327) maintain that all three countries became dependent on foreign workers and that domestic workers began to “shun the low-paying, physically arduous jobs” that guest workers were doing. The idea that guest worker programs create a dependence on foreign labor is supported by a 1978 United States Congressional report³¹.

Illegal Immigration

Guest worker policy may also result in an increase in illegal immigration in the host country. Those who support the idea of creating large-scale guest worker programs maintain that these programs will actually decrease illegal immigration in the host country because they provide foreign workers, many of whom would otherwise come into the county illegally, a legal means to stay and work (Bruno 2006, 8). On the other hand those who oppose guest worker programs argue that these programs actually

³⁰ See Martin & Teitelbaum 2001, 119; Krikorian 2004, 5; Briggs 1986, 1013/1014; and Pastor and Alva (2004, 98) for additional support.

³¹ See Briggs 2004, 4/5 regarding the Select Commission on Immigration and Refugee Policy (SCIRP) study of the nation’s immigration policies.

increase illegal immigration because workers often remain in the host country long after their contracts are up and they create labor recruitment and family networks that persist long after the guest worker programs end³².

The scholarly literature examining the Bracero Program in the United States reflects the debate over how guest worker policy effects illegal immigration. On one side there are those who argue that the country clearly witnessed a great increase in illegal immigration from the beginning of the program in 1942 until 1954³³. While on the other hand, there are those who argue that once strict enforcement measures were put into place in 1954 the program functioned as it should, and that the end of the Bracero Program in 1964 and its curtailment in 1960 saw the beginning of the increases in illegal immigration that we see up to the present day³⁴.

Wage Depression

The scholarly literature also discusses the economic impact of guest worker policies, including how these policies may depress or lower the wages of domestic workers. Krikorian (2004, 2) maintains that guest worker programs artificially increase the supply of low-skilled workers eliminating any market incentives for employers to increase the wages and benefits, or improve working conditions, for entry-domestic workers³⁵.

Once again, much of the discussion in the scholarly literature examines the economic impact of the Bracero Program in the United States. The majority of the

³² See Ruhs 2002, 39; Epstein, Hillman, and Weiss 1999, 3; Martin & Miller 1980, 329; and The Commission on Immigration Reform 1997, 95 for additional support.

³³ See Martin & Teitelbaum 2002, 122; Morgan 2004, 128; Krikorian 2004, 6; Palmunen 2005,48; and Baker 2004, 84 for additional support.

³⁴ See Anderson 2003,12 and Reubens 1986, 1040 for additional support

³⁵ See Martin & Miller 1980, 327 and Baker 2004, 98 for additional support.

research concludes that the program depressed wages for domestic workers. This research argues that Braceros stopped agricultural employment in the Southwest from competing with the nonagricultural sector thus depressing wages of citizen farmers³⁶. In contrast, Reubens (1986, 1039) maintains that the Bracero Program had an insignificant effect on wages of domestic farm labor. To support this, he points to the fact that farm wages in the United States were rising about 2.7 percent a year through the 1950s and 1960s, while Bracero employment rose and fell during this same period.

Worker Exploitation and Discrimination

The final possible outcome of implementing guest worker policy is that it leads to exploitation and discrimination of workers. It is easy to see how guest workers are ripe for abuse. They are traveling to a foreign land, surrounded by a foreign community, often with cultural and language barriers that leave them vulnerable and open to unscrupulous tactics. Dishonest employers can take advantage of these workers due to the power they often have over them. Guest workers must maintain the approval of their employer or they risk deportation. This situation creates an unfair power balance that may lead to late wage payments, poor working conditions, lower than initially agreed-upon wages, unreasonable work expectations, restrictions on movement, and sometimes even physical or sexual intimidation³⁷. In most cases, there is no one organization or group that assumes responsibility for the legal protection of guest workers (Ruhs 2002, 23).

The scholarly literature indicates this was the case during the Bracero Program. There were many reports of human rights violations, exploitive labor practices, as well as

³⁶ See Palmunen 2005, 49; Briggs 2004, 2; Baker 2004, 85; Morgan 2004, 131; and The Commission on Immigration Reform 997, 94/95 for a discussion of how the Bracero Program depressed domestic wages.

³⁷ See Ruhs 2002, 26 and Martin & Miller 318-319; 1980; 1014 for examples.

terrible working and living conditions³⁸. There is some evidence of abuse in the current H-2A program as well. Yeoman (2001, 2) reported that in his investigation of the program there were countless tales of abuse among workers. These included “widespread complaints that growers have threatened workers at gunpoint, refused them water in the fields, housed them in crumbling, rat-infested buildings where sewage bubbles up through the drains, and denied them medical care after exposing them to pesticides.”

Conceptual Framework

The purpose of this research is descriptive, and the conceptual framework used is descriptive categories. The use of descriptive categories organizes the inquiry by describing the important elements that make up guest worker policy. A review of the scholarly literature has yielded the key elements of guest worker policy and provided a framework for developing a questionnaire that describes the attitudes and perceptions of agricultural growers toward such policy.

³⁸ See Baker 2004, 85; Palmunen 2005, 48; Martin & Teitelbaum 2001, 123; Pastor and Alva 2004, 95; Morgan 2004, 131 and Meyers 2006, 2 for a further discussion of abuses.

Table 3.1: Conceptual Framework Linked to Literature - Descriptive Categories for Guest Worker Programs

| Descriptive Categories | Literature |
|-------------------------------|--|
| Hiring Process | |
| Labor Market Conditions | Baker (2004), Basurto, DeLorme, & Kamerschen (2001), Briggs (2004), Briggs (1986), Bruno (2006), GAO (1997), Levine (2006), Martin & Miller (1980), Martin & Teitelbaum (2001), Meyers (2006), Morgan (2004), Pastor & Alva (2004), Richards & Patterson (1998), Ruhs (2002), Weiner & Munz (1997) |
| Recruitment | Baker (2004), Basok (2000), Martin & Miller (1980), Meyers (2006), Morgan (2004), Palmunen (2005), Ruhs (2002), |
| Contracting | Attas (2000), Hahamovitch (2003), Morgan (2004), Pastor & Alva (2004), Ruhs (2002), Schiff (2004) |
| Labor Standards | |
| Transportation | Basok (2000), Martin & Miller (1980), Morgan (2004), Meyers (2006), Ruhs (2002) |
| Housing | Baker (2004), Martin (2001), Ruhs (2002) |
| Legal Rights | Baker (2004), Martin & Miller (1980), Morgan (2004), |
| Minimum Working Hours | Baker (2004), Morgan (2004) |
| Compensation | Baker (2004), Basok (2000), Martin & Miller (1980) Meyers (2006), Ruhs (2002), Whitaker (2005) |
| Enforcement | |
| Monitoring and Administration | Baker (2004), Briggs (1986), Bruno (2006), Krikorian (2004), Martin & Miller (1980), Martin & Teitelbaum (2001), Meyers (2006) Morgan (2004) |
| Numerical Limits | Basok (2000), Bruno (2006), Martin & Teitelbaum (2001), Meyers (2006), Ruebens (1986), Ruhs (2002), |
| Guest Worker Return | Epstein, Hillman, & Weiss (1999), Hansen (2003), Krikorian (2004), Martin & Teitelbaum (2001), Palmunen (2005) Ruhs (2002), Schiff (2004) |
| Legal Status | |
| Status of Workers | Bruno (2006), Baker (2004), Durand & Massey (2001) Martin & Teitelbaum (2001), Medige (2004), Orrenuis & Zavondny (2003), Pastor & Alva (2004), Ruhs (2002), Tancredo (2005), |
| Status of Family Members | Bohning (1981), Bruno (2006), Hahamovitch (2003), Martin & Miller (1980), Palmunen (2005), Pastor & Alva (2004), Ruhs (2002) |
| Security | |
| Border Security | Anderson (2003), Hahamovitch (2003), Krikorian (2004), Ruhs (2002) Tancredo (2005) |
| Possible Outcomes | |
| Dependency on Foreign Labor | Briggs (1986), Briggs (2004), Krikorian (2004), Martin & Miller (1980), Martin & Teitelbaum (2001), Pastor & Alva (2004), Ruhs (2002), Weiner & Munz (1997), |
| Illegal Immigration | Anderson (2003), Baker (2004), Bruno (2006), Epstein, Hillman, & Weiss (1999), Martin & Miller (1980), Martin & Teitelbaum (2001), Morgan (2004), Krikorian (2004), Palmunen (2005), Ruebens (1986), Ruhs (2002), The Commission on Immigration Reform (1997) |
| Wage Depression | Baker (2004), Briggs (2004), Martin & Miller (1980), Morgan (2004), Palmunen (2005), Krikorian (2004), Reubens (1986), Ruhs (2002) |

| Descriptive Categories | Literature |
|--|---|
| Worker Exploitation and Discrimination | Baker (2004), Morgan (2004), Meyers (2006), Palmunen (2005), Pastor & Alva (2004), Martin & Miller (1980), Martin & Teitelbaum (2001), Ruhs (2002), Yeoman (2001) |

Chapter Summary

Within this chapter the key issues in the development of guest worker policy have been identified and discussed. These fourteen issues are: labor market conditions, recruitment, contracting, transportation, housing, workers' legal rights, minimum working hours, compensation, monitoring and administration, numerical limits, guest worker return, legal status of workers, legal status of family members, and border security. In addition, the following possible negative outcomes of implementing guest worker policy have been identified and discussed: grower dependency on foreign labor, increased illegal immigration, depression of U.S. workers' wages, and exploitation and abuse of guest workers. The next chapter discusses the methodology utilized in this research.

Chapter 4: Methodology

Chapter Purpose

In this chapter the descriptive categories are operationalized (see Tables 4.1- 4.7). Additionally, the chapter discusses the strengths and weaknesses of survey research. Finally, the chapter addresses population, human subject issues, and statistics.

Operationalization of Conceptual Framework

Table 4.1 illustrates how each of the elements of guest worker policy identified in the scholarly literature are operationalized into a survey instrument. The survey begins by asking respondents a simple yes or no question whether they support the idea of an agricultural guest worker program in the United States. The survey then presents a series of statements that address the respondent's attitude and opinion on labor market conditions, contracting, legal rights, minimum working hours, monitoring and administration, numerical limits, guest worker return, the legal status of family members, the legal status of guest workers, border security, growers dependency on foreign labor, illegal immigration, wage depression of domestic workers, and guest worker exploitation and discrimination. A likert scale (strongly agree, agree, disagree, or strongly disagree) measures the strength and direction of the respondents agreement with the statement. Babbie (2004, 169) notes a likert scale is an ideal to "judge the relative strength of agreement intended by various respondents." Additionally, respondents were asked a series of multiple-choice questions that address their attitudes and opinions toward recruitment, housing, transportation, and compensation.

Table 4.1: Operationalization of the Conceptual Framework

| Categories | Survey Questions |
|-------------------------|--|
| Hiring Process | |
| Labor Market Conditions | 2) Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired.* |
| Recruitment | 20) The recruitment of guest worker policy should be administered. A) directly by employers B) by the federal government C) through a combination of direct recruitment by growers and the federal government |
| Contracting | 3) Guest worker policy should give guest workers the freedom to negotiate their own contracts.* |
| Labor Standards | |
| Housing | 21) Guest worker policy should A) require employers to provide free housing to the guest workers they employ. B) require employers to provide a housing stipend to the guest workers they employ. C) require guest workers to pay for their housing |
| Legal Rights | 4) Guest worker policy should grant guest workers the right to sue their employers in court.* |
| Minimum Working Hours | 5) Guest worker policy should require employers to guarantee guest workers at least a minimum number of hours of work a week during their employment.* |
| Transportation | 22) Guest worker policy should mandate that A) employers pay for a guest worker's travel expenses into the United States and for their return trip home. B) the home country of the guest worker pay for their travel expenses into the United States and for their return trip home. C) Guest workers themselves should pay for their travel expenses into the United States and for their return trip home. D) the US government pay for a guest worker's travel expenses into the United States and for their return trip home. |
| Compensation | 23) Guest worker policy should A) require workers be paid the federal minimum wage. B) require workers be paid the higher of the federal minimum wage or state minimum wage if applicable. C) require workers be paid a wage rate based upon a quarterly survey of |

| | |
|--|--|
| | the wages of field and livestock workers throughout the United States. |
| Enforcement | |
| Monitoring and Administration | 6) The United States government is capable of successfully monitoring and administrating a large guest worker program.* 7) Guest worker policy should levy harsh penalties, including large fines, against employers who violate the terms of their contracts with guest workers.* |
| Numerical Limits | 8) Guest worker policy should have a maximum number of guest workers allowed into the United States per year.* |
| Return to Home Country | 9) Guest worker policy should have part of a guest worker's wages withheld, which would be given back to them only when they return back to their home country.* 10) Guest worker policy should require employers to pay a bond for every guest worker they employ, with the knowledge that this money will be given back to the employer once the guest worker returns to their home country.* |
| Legal Status | |
| Legal Status of Family Members | 11) Guest worker policy should allow the spouses and children of guest workers to travel with them into the United States.* 12) Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US.* |
| Legal Status of Workers | 13) Guest worker policy should allow guest workers to earn permanent residence status in the United States if they work for a certain number of years.* 14) Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers without facing any legal reprisals.* |
| Security | |
| Border Security | 15) Increasing security on the U.S./Mexico border should be done before any guest worker policy is implemented.* |
| Possible Outcomes | |
| Dependency on Foreign Labor | 16) Guest worker policy will cause agricultural growers to become overly dependent on foreign labor.* |
| Illegal Immigration | 17) Implementing guest worker policy in the United States will decrease the number of illegal immigrants entering the country.* |
| Wage Depression | 18) Implementing guest worker policy will lower the wages offered to U.S. citizens working in agriculture.* |
| Worker Exploitation and Discrimination | 19) Implementing guest worker policy will lead to discrimination and exploitation of guest workers.* |

* Response Scale

(1) Strongly Agree

(2) Agree

(3) Disagree

(4) Strongly Disagree

Research Technique

Survey research is the research method used to gather data in this applied research project. The survey assessed the attitudes and opinions of agricultural growers in Texas toward guest worker policy. This attitudinal survey provides expert opinion on this subject (Shields 1998). Survey research is one of the best avenues to learn the opinions of a group (Babbie 2004, 243).

Strengths of Survey Research

There are several advantages to using survey research. The primary strength of survey research is that it allows researchers to obtain demographic information from large samples of a population (McIntyre, 1999, 74). As Babbie (2004, 243) notes, “surveys are excellent vehicles for measuring attitudes...in a large population.” Secondly, Babbie (2001, 269) maintains that survey research has high reliability because it uses a stable research format in the questionnaire. Also, survey research can elicit information about attitudes that are otherwise difficult to measure using observational techniques (McIntyre, 1999, 75). The strength of survey research stems from its unobtrusive nature, as respondents can complete the questionnaire items at his or her convenience (Salant and Dillman 1994; as cited in Jeffers 2003, 62).

Weaknesses of Survey Research

On the other hand, there are also weaknesses of survey research. Babbie (2001, 225) maintains that poor participation can be a major problem when conducting survey research. A poor response rate can result in unrepresentative data of the population studied. Isaac & Michael (1997, 37) also warn that survey research can be damaged by biases inherent in the wording of questions. Poorly worded questions can distort a

respondent's answers.

To combat the weaknesses inherent in survey research, two methods were used. First, in order to prevent poor survey participation, a second survey was sent to those who failed to return their initial surveys by the due date. Second, the CEO of the National Center for Farmworker Health, and a social worker, a licensed counselor and field researcher, who has been a primary on studies focused on agricultural workers pretested the survey instrument for biased questions. Both of these individuals have experience working with agricultural growers and are familiar with guest worker programs. The conceptual framework also served as a guide for the construction of the survey.

Population

Agricultural growers in Texas were the population for the study. A list of growers from across the state of Texas served as the sampling frame for the survey. Unfortunately, a complete list of all growers in the state of Texas is not available. The final list of Texas growers used in the survey was developed from contacting various Texas grower associations and from researching Texas farm and farming organization websites. Everyone on the list received the survey.

The final survey is presented in Appendix A. The survey was distributed electronically through the online survey engine "SurveyMonkey.Com".

Human Subjects Protection

This survey research requires human subjects, and as a result it must address potential ethical concerns. Thus, the prospectus of this research was submitted to and approved through the Institutional Review Board Process. The approval number is 04-39363. Babbie (2004, 64-68) states that some of the primary areas for ethical concern in

social research are voluntary participation, harm to the participants, anonymity/confidentiality, and deception. To ensure voluntary participation and to prevent any semblance of deception, all surveys delivered to participants contained a full description of the research purpose and a full description of how the findings of the research would be used. Limited data access is a control that assures confidentiality. The researcher was the only person with access data. Individual responses were kept private. The identities of participants are known only to the researcher. Participants were only identified by e-mail addresses. Participant did not provide a name or any other identifying information at any time during the course of this research. In addition, the researcher safeguarded all information, including e-mail addresses and identifying information. The survey included language assuring participant confidentiality.

Statistics

Descriptive statistics were used to summarize the survey data. These statistics summarize the data in a clear and understandable way. Descriptive statistics work best for the descriptive analysis called for in this research and provide a range of the opinions of agricultural growers in Texas. This data is not only useful for determining the opinions and attitudes of agricultural growers in Texas, but the information gathered could also be used in future research. This future research could include comparisons of these findings to the attitudes of growers in different states, regions of the United States, or to other stakeholders regarding guest worker programs.

Chapter Summary

This chapter presented a table that measured the conceptual framework. The survey questionnaire items were drawn from the conceptual framework identified through

the scholarly literature. In addition, this chapter addressed the strengths and weaknesses of survey research population, human subject issues, and statistics. The next chapter presents the results of the survey.

Chapter 5: Results

Chapter Purpose

The purpose of this chapter is to present and discuss the results of the guest worker policy survey administered to agricultural growers in Texas. This data addresses the research purpose of describing the attitudes and opinions of Texas agricultural growers regarding guest worker policy.

Description of Returned Surveys

The survey was administered to a list of 242 agricultural growers from across the state of Texas. Out of a population of 242, 67 surveys were returned. Thus, the response rate for returned surveys is approximately 28 percent. This response rate is below 50%, which Babbie (2004) notes as a sufficient for accuracy. The following tables provide the means and modes for the survey questionnaire items, addressing grower's attitudes and opinions regarding guest worker policy.

The Need for a Guest Worker Program in the U.S.

The first question of the survey asked growers to answer yes or no regarding whether they support the idea of an agricultural guest worker program in the United States. **Table 5.1** provides the cumulative percentage of growers who support maintaining an agricultural guest worker program in the United States.

Table 5.1 The Need for a Guest Worker Program in the U.S. Results

| Survey Question | N | Response | Mode |
|---|----------|-----------------|-------------|
| Do you support the idea of an agricultural guest worker program in the United States? | 66 | 97% | Yes |

Ninety-seven percent of respondents support the idea of an agricultural guest worker program in the United States. This question serves two functions. First, it establishes that respondents overwhelmingly believe guest worker policy is necessary. Secondly, by answering yes, respondents are indicating they need to import foreign workers because there are not enough domestic workers either willing or able to fill their labor needs.

Hiring Process

The first element of guest worker policy addressed in the survey was the hiring process. As previously discussed, the guest worker hiring process contains several components including labor market conditions, recruitment, and contracting. **Table 5.2** provides the cumulative percentages that strongly agree and agree and the modes for survey items that pertain to the labor market conditions and contracting aspects of the guest worker hiring process. In addition, **Table 5.2** provides the results of a multiple-choice question pertaining to the recruitment component of the guest worker hiring process.

Table 5.2 Hiring Process Results

| Survey Question | N | % Strongly Agree and Agree | Mode |
|---|----------|--|---|
| Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired. | 59 | 36% (28.8% Strongly Disagree and 35.6% Disagree) | Disagree |
| The recruitment of guest worker policy should be administered | 57 | A) directly by employers: 40% B) by the federal government: 2% C) through a combination of direct recruitment by growers and the federal government: 58% | Through a combination of direct recruitment by growers and the federal government |
| Guest worker policy should give workers the freedom to negotiate their own contracts. | 60 | 90% | Agree |

Overall, a majority of respondents (64.4%) do not believe that guest worker policy should contain a labor market test ensuring that growers attempted to hire domestic workers before they hire guest workers. These results contrast with recent congressional guest worker policy proposals, as all congressional guest worker policy proposals over the past seven years have contained such a test. With regard to recruitment, respondents indicated that they do not believe the federal government alone should handle the recruitment of guest workers. A majority of respondents (58%) indicated that guest workers should be recruited through a combination of direct recruitment by growers and the federal government. Forty percent of respondents, however, indicated growers alone should directly recruit guest workers. Finally, a vast majority of respondents (90%) agreed or strongly agreed that guest workers should be allowed to negotiate the terms of their own contracts. This also contrasts with recent

congressional guest worker policy proposals, none of whom allow workers to negotiate their own contracts.

Labor Standards

The second element of guest worker policy addressed in the survey was guest worker labor standards. The labor standards element of guest worker policy contains several components including guest worker housing, legal rights, minimum working hours, transportation, and compensation. **Table 5.3** provides the cumulative percentages that strongly agree and agree and the modes for survey items that pertain to guest worker legal rights and minimum working hours. In addition, **Table 5.3** provides the results of several multiple choice questions pertaining to guest worker housing, transportation, and compensation.

Table 5.3 Labor Standards Results

| Survey Question | N | % Strongly Agree and Agree | Mode |
|--|----|--|---|
| Guest worker policy should require | 56 | A) employers to provide free housing to the guest workers they employ: 7.1% B) employers to provide a housing stipend to the guest workers they employ: 8.9% C) guest workers to pay for their housing: 57.1% D) Both A & B: 26.8%. | Guest workers to pay for their housing |
| Guest worker policy should grant workers the right to sue their employers in court. | 58 | 40% (Disagree 31% and Strongly Disagree 29%) | Agree |
| Guest worker policy should require employers to guarantee guest workers a minimum number of hours of work during their employment. | 59 | 39% (Disagree 37% and Strongly Disagree 24%) | Agree and Disagree |
| Guest worker policy should mandate that | 57 | A) employers pay for a guest worker's travel expenses into the United States and for their return trip home: 15.8% B) the home country of the guest worker pay for their travel expenses | Guest workers themselves should pay for their travel expenses into the United |

| Survey Question | N | % Strongly Agree and Agree | Mode |
|------------------------------------|----|---|---|
| | | into the United States and for their return trip home: 8.8% C) guest workers themselves should pay for their travel expenses into the United States and for their return trip home: 75.4% D) the US government should pay for their travel expenses into the United States and for their return trip home: 0% | States and for their return trip home |
| Guest worker policy should require | 55 | A) workers to be paid the federal minimum wage: 43.6% B) workers to be paid the higher of the federal minimum wage or state minimum wage if applicable: 27.3% C) workers to be paid a wage rate based upon a quarterly survey of the wages of field and livestock workers throughout the United States: 29.1% | Workers to be paid the federal minimum wage |

In terms of how guest workers should be compensated, there was no majority opinion among respondents. Forty-four percent indicated that guest workers should be paid the federal minimum wage. Twenty-seven percent, however, believe that, if applicable, guest workers should be paid the higher of the state and federal minimum wage, and 29% believe guest workers should be paid a wage rate based upon a quarterly survey of the wages of field and livestock workers throughout the United States. On the other hand, a majority of respondents did indicate that guest workers should pay for their own expenses. Fifty-seven percent of respondents believe guest workers should pay for their own housing and 75% of respondents believe guest workers should pay for their own transportation costs into and out of the United States. Finally, a majority of respondents (60%) do not believe that guest workers should be allowed to sue their

employers in court, and 61% of respondents indicated that employers should not have to guarantee guest workers a minimum number of hours of work during their employment.

Enforcement

The third element of guest worker policy addressed in the survey was enforcement. The enforcement element of guest worker policy contains several components including how guest worker programs should be monitored and administered, whether there should be numerical limits on guest workers, and ensuring that guest workers return to their home countries after their employment ends. **Table 5.4** provides the cumulative percentages that strongly agree and agree and modes for survey items that pertain to enforcing guest worker policy.

Table 5.4 Enforcement Results

| Survey Question | N | % Strongly Agree and Agree | Mode |
|--|----|---|----------|
| The United States government is capable of successfully monitoring and administrating a large guest worker program. | 58 | 40% (Disagree 34.5% and Strongly Disagree 25.9%) | Agree |
| Guest worker policy should levy harsh penalties, including large fines, against employers who violate the terms of their contracts with guest workers. | 57 | 56% | Agree |
| Guest worker policy should have a maximum number of guest workers allowed into the United States per year. | 57 | 32% (Disagree 47.4% and Strongly Disagree 21.1%) | Disagree |
| Guest worker policy should contain a provision that withholds part of a guest worker's wages, which would be given back to them only when they return back to their home country. | 59 | 54% | Agree |
| Guest worker policy should require employers to pay a bond for every guest worker they employ, which will be given back to the employer once the guest worker returns to their home country. | 60 | 12% | Disagree |

Overall, a majority of respondents (60%) do not believe that the United States government is capable successfully monitoring and administrating a large guest worker program. In terms of how to enforce to guest worker policy, a majority (56%) of respondents believe that harsh penalties, including large fines, should be levied against employers who violate the terms of their contracts with guest workers, while 68% of respondents do not believe that there should be a limit on the number of guest workers who enter the country every year. Finally, respondents' opinions differ over what steps should be taken to ensure that guest workers return to their home countries once their contracts are up. A slight majority (54%) of respondents supported the idea of withholding part of a guest worker's wages, which would be given back to them only when they return back to their home country. Finally, a vast majority of respondents (88%) do not support the idea of requiring employers to pay a bond for every guest worker they employ, which will be given back to the employer once the guest worker returns to their home country.

Legal Status

The fourth element of guest worker policy addressed in the survey was the legal status of guest workers and their families. **Table 5.5** provides the cumulative percentages that strongly agree and agree and modes for survey items that pertain to the legal status component of guest worker policy.

Table 5.5 Legal Status Results

| Survey Question | N | % Strongly Agree and Agree | Mode |
|---|----|--|----------|
| Guest worker policy should allow the spouses and children of guest workers to travel with them into the United States. | 58 | 33% (Disagree 39.7% and Strongly Disagree 27.6) | Disagree |
| Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US. | 60 | 20% (Disagree 41.7% and Strongly Disagree 38.3) | Disagree |
| Guest worker policy should allow guest | | | Agree |

| | | | |
|--|----|-----|-------|
| workers to earn permanent residence status in the United States if they work for a certain number of years. | 60 | 52% | |
| Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers without facing any legal reprisals.. | 59 | 70% | Agree |

Overall, respondents were not in support of granting any privileges to the spouses and children of guest workers. A large majority of respondents (67%) indicated they do not believe that the spouses and children of guest workers should be allowed to travel with them into the United States. In addition, 80% of respondents do not believe guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the United States. On the other hand, respondents were more supportive of granting legal status to guest workers themselves. Fifty-two percent of respondents indicated that guest workers should be allowed to earn permanent residence status in the United States if they work for a certain number of years. Finally, 70 percent of respondents believe that illegal immigrants currently residing in the U.S. should be eligible to work as guest workers without facing any legal reprisals.

Border Security

The fifth element of guest worker policy addressed in the survey was border security. **Table 5.6** provides the cumulative percentages that strongly agree and agree and modes for the survey item that pertained to guest worker policy and border security.

Table 5.6 Border Security Results

| Survey Question | N | % Strongly Agree and Agree | Mode |
|---|----|----------------------------|-------|
| Increasing security on the U.S./Mexico border should be done before any guest worker policy is implemented. | 60 | 55% (Disagree 33.3%) | Agree |

Overall, respondents indicated that it is important to increase security on the U.S./Mexico border. Fifty-five percent of respondents indicated that security on the U.S./Mexico border should be increased before any guest worker policy is implemented.

Possible Outcomes

The sixth and final element of guest worker policy addressed in the survey was the possible negative outcomes of implementing a guest worker program. **Table 5.7** provides the cumulative percentages that strongly agree and agree and modes for survey items that pertain to the possible outcomes of guest worker policy.

Table 5.7 Possible Outcomes Results

| Survey Question | N | % Strongly Agree and Agree | Mode |
|--|----------|-----------------------------------|-------------|
| Guest worker policy will cause agricultural growers to become overly dependent on foreign labor. | 59 | 12% | Disagree |
| Implementing guest worker policy in the United States will decrease the number of illegal immigrants entering the country. | 57 | 67% | Agree |
| Implementing guest worker policy will lower the wages offered to U.S. citizens working in agriculture. | 58 | 5% | Disagree |
| Implementing guest worker policy will lead to discrimination and exploitation of guest workers. | 58 | 0% | Disagree |

An overwhelming majority of respondents did not believe that implementing a guest worker program in the United States would produce any negative outcomes. Only 12% of respondents believed that implementing guest worker policy would cause agricultural growers to become overly dependent on foreign labor. Likewise, only 5% of respondents believe that implementing guest worker policy would lower the wages of U.S. citizens working in agriculture, and not a single respondent believed that implementing guest worker policy would lead to the discrimination and exploitation of

guest workers. Finally, 67% of respondents indicated that implementing a guest worker program would decrease the number of illegal immigrants entering the country.

Chapter Summary

The purpose of this chapter was to present and discuss the results of the guest worker policy survey administered to agricultural growers in Texas. Overwhelmingly, respondents supported the idea of the United States having a guest worker program. Also, most respondents believed guest workers should pay for their own travel and housing costs, and they did not support the idea of having employers pay a bond for each guest worker that would be returned to the employer once the worker returned home. This indicates that respondents were largely in favor of shifting as many financial burdens off of growers as possible. Respondents, however, were in favor of granting guest workers certain rights and privileges. Ninety percent of respondents believed guest workers should have the freedom to negotiate their own contracts, and 52% were in favor of allowing guest workers to earn permanent residence status in the United States if they work for a certain number of years. On the other hand, 67% of respondents indicated that family members should not be able to travel with guest workers into the United States, and 80% of respondents did not believe guest worker families should be able to have their legalization process expedited. Finally, respondents overwhelmingly did not believe that implementing a guest worker program would result in any of the negative outcomes identified in the scholarly literature. The next chapter recaps the research purposes, summaries of the findings, and discusses steps for further research.

Chapter 6: Conclusion

Chapter Purpose

This final chapter provides a summary of the research findings as they relate to the research purpose. Recommendations for future related research are also included. These recommendations are based on a reflection of the research, existing scholarly literature and survey results.

Summary of Research

The purpose of this research was to describe the attitudes and opinions of agricultural growers in Texas regarding guest worker policy. In order to provide a needed perspective when discussing the development of agricultural guest worker policy a history of guest worker programs in the United States was presented.

The review of scholarly literature identified six key issues that should be considered in the development of guest worker policy: hiring process; labor standards; enforcement; legal status of guest workers and their families; border security; and possible negative outcomes. The scholarly literature also revealed eighteen sub elements of guest worker policy, labor market conditions, recruiting, contracting, transportation, housing, worker's legal rights, minimum working hours, compensation, monitoring and administering, numerical limits, guest worker return, legal status of guest workers, legal status of guest worker families, border security, dependency on foreign labor, illegal immigration, wage depression, and guest worker exploitation and discrimination. These six issues and sub elements became the descriptive categories for this study.

In order to describe the attitudes and opinions of agricultural growers in Texas regarding guest worker policy, survey questions were developed that addressed each of

the six issues and seventeen sub elements. Agricultural growers in Texas were selected as the unit of analysis for the survey. Of the 242 surveys sent out, 67 were returned for a response rate of 28%. A summary of the survey results is presented in **Table 6.1** listed below.

Table 6.1 Summary of Survey Results

| Category | Survey Question | Results |
|-------------------------|---|---|
| | Do you support the idea of an agricultural guest worker program in the United States? | Yes – 97% No -3% |
| Hiring Process | | |
| Labor Market Conditions | Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired. | 64% Strongly Disagree or Disagree 36% Strongly Agree or Agree |
| Recruitment | The recruitment of guest worker policy should be administered by | A combination of direct recruitment by growers and the federal government: 58% Employers 40% The federal government: 2% |
| Contracting | Guest worker policy should give workers the freedom to negotiate their own contracts. | 90% Strongly Agree or Agree 10% Strongly Disagree or Disagree |
| Labor Standards | | |
| Transportation | Who should pay for a a guest worker’s travel expenses into the United States and for their return trip home | Guest workers themselves 75.4% Employers 15.8% The home country of the guest worker 8.8% The US government 0% |

| Category | Survey Question | Results |
|-------------------------------|--|---|
| Housing | Guest worker policy should require | <p>A) employers to provide free housing to the guest workers they employ: 7.1%</p> <p>B) employers to provide a housing stipend to the guest workers they employ: 8.9%</p> <p>C) guest workers to pay for their housing: 57.1%</p> <p>D) Both A & B: 26.8%.</p> |
| Legal Rights | Guest worker policy should grant workers the right to sue their employers in court. | <p>60% Strongly Disagree or Disagree</p> <p>40% Strongly Agree or Agree</p> |
| Minimum Working Hours | Guest worker policy should require employers to guarantee guest workers a minimum number of hours of work during their employment. | <p>61% Strongly Disagree or Disagree</p> <p>39% Strongly Agree or Agree</p> |
| Compensation | Guest worker policy should require that guest workers be paid _____ | <p>The federal minimum wage 43.6%</p> <p>A wage rate based upon a quarterly survey of the wages of field and livestock workers throughout the United States 29.1%</p> <p>The higher of the federal minimum wage or state minimum wage if applicable 27.3%</p> |
| Enforcement | | |
| Monitoring and Administration | The United States government is capable of successfully monitoring and administering a large guest worker program. | <p>60% Strongly Disagree or Disagree</p> <p>40% Strongly Agree or Agree</p> |
| | Guest worker policy should levy harsh penalties, including large fines, against employers who violate the terms of their contracts with guest workers. | <p>56% Strongly Agree or Agree</p> <p>44% Strongly Disagree or Disagree</p> |

| Category | Survey Question | Results |
|--------------------------|--|--|
| Numerical Limits | Guest worker policy should have a maximum number of guest workers allowed into the United States per year | 68% Strongly Disagree or Disagree 32% Strongly Agree or Agree |
| Guest Worker Return | Guest worker policy should contain a provision that withholds part of a guest worker's wages, which would be given back to them only when they return back to their home country. | 54% Strongly Agree or Agree 46% Strongly Disagree or Disagree |
| | Guest worker policy should require employers to pay a bond for every guest worker they employ, which will be given back to the employer once the guest worker returns to their home country. | 88% Strongly Disagree or Disagree 22% Strongly Agree or Agree |
| Legal Status | | |
| Status of Workers | Guest worker policy should allow guest workers to earn permanent residence status in the United States if they work for a certain number of years. | 52% Strongly Agree or Agree 48% Strongly Disagree or Disagree |
| | Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers. | 70% Strongly Agree or Agree 30% Strongly Disagree or Disagree |
| Status of Family Members | Guest worker policy should allow the spouses and children of guest workers to travel with them into the United States. | 67% Strongly Disagree or Disagree 33% Strongly Agree or Agree |
| | Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US. | 80% Strongly Disagree or Disagree 20% Strongly Agree or Agree |
| Security | | |
| Border Security | Increasing security on the U.S./Mexico border should be done before any guest worker policy is implemented. | 55% Strongly Agree or Agree 45% Strongly Disagree or Disagree |

| Category | Survey Question | Results |
|--|--|--|
| Possible Outcomes | | |
| Dependency on Foreign Labor | Guest worker policy will cause agricultural growers to become overly dependent on foreign labor. | 88% Strongly Disagree or Disagree 12% Strongly Agree or Agree |
| Illegal Immigration | Implementing guest worker policy in the United States will decrease the number of illegal immigrants entering the country. | 67% Strongly Agree or Agree 33% Strongly Disagree or Disagree |
| Wage Depression | Implementing guest worker policy will lower the wages offered to U.S. citizens working in agriculture. | 95% Strongly Disagree or Disagree 5% Strongly Agree or Agree |
| Worker Exploitation and Discrimination | Implementing guest worker policy will lead to discrimination and exploitation of guest workers. | 100% Strongly Disagree or Disagree 0% Strongly Agree or Agree |

Overwhelmingly, respondents supported the idea of the United States having a guest worker program. This indicates that there is a belief among respondents that there is a need to import foreign workers because there are not enough domestic workers either willing or able to fill agricultural labor needs. Some of the survey results contrast with recent congressional guest worker policy proposals. For example, 64% of respondents indicated that they do not believe that guest worker policy should contain a labor market test that ensures that growers tried to hire domestic workers before guest workers can be hired. All recent congressional guest worker policy proposals on record, however, have contained such a test. Also, 90% of respondents indicated that they believe guest workers should have the freedom to negotiate their own contracts. Yet, no recent congressional guest worker policy proposals allow workers to negotiate their own contracts.

In addition, the results of the survey indicate that most respondents were in favor of shifting as many financial burdens off of growers as possible. Fifty-seven percent of respondents believed guest workers should pay for their own housing costs and 75%

believed guest workers should pay their own travel costs. Also, 88% did not support the idea of having employers pay a bond for each guest worker that would be returned to the employer once the worker returned home.

Survey results also revealed several other interesting findings. Respondents do not believe there should be a limit on the number of guest workers brought into the United States each year nor do they believe employers should have to guarantee guest workers a minimum number of hours of work. Likewise, a majority of respondents do not believe guest worker policy should allow the spouses and children of guest workers to travel with them into the United States, nor do they believe guest worker families should be able to expedite their legalization process.

One of the most controversial aspects of guest worker policy is how it deals with illegal aliens currently residing in the United States. Seventy percent of respondents indicated that guest worker policy should allow illegal aliens currently residing in the United States to be eligible to become guest workers without any legal reprisals. Finally, survey respondents overwhelmingly did not believe that implementing a guest worker program in the United States would result in any of the negative outcomes identified in the scholarly literature. These outcomes included depressing the wages of U.S. workers, increasing illegal immigration, discrimination and exploitation of guest workers, and an over reliance on foreign labor by employers.

Future Research

The debate surrounding guest workers and guest worker policy has become heated in recent years. During the past four years, over 25 bills have been proposed in the U.S. House and Senate that would create a new agricultural guest worker program or revise the current one (Bruno, 2007). In the last year alone, there have been no less than

four different immigration reform proposals presented in congress that contained provisions for the creation of a new agricultural guest worker program (Bruno, 2007).

Unfortunately, very little research has been conducted that examines the opinions of key stakeholders toward agricultural guest worker policy, including growers. While the results of this study can be seen as a good starting point, there is still a huge need for further research on growers' attitudes and opinions regarding guest worker policy.

First and foremost, future research of growers in Texas is needed to generate a larger population and response rate. Future research that obtains more survey responses would more accurately describe the attitudes of growers in Texas. Secondly, future research that breaks down growers' responses by crops grow and farm size is needed. In this way comparisons could be made across growers of various crops and between the opinions of growers who operate small family farms and those who operate large corporate farms. Thirdly, future research is needed to examine growers' opinions on guest worker policy in other states and on a national basis. This research would allow for comparisons between grower's opinions on guest worker policy in different states and regions in the United States. Such extensive research would give policy makers a much better perspective on how growers throughout the United States would like to see guest worker policy developed.

Finally, policy makers would greatly benefit from future research that examines the opinions of others affected by the implementation of guest worker policy. These individuals include guest workers themselves, officials from the host government, officials from the source government, and the citizens in each country involved. Only

when research is conducted on these populations can policy makers have the information they need to make informed decisions regarding guest worker policy.

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Appendix A: Questionnaire

The goal of this survey is to determine the opinions of agricultural growers in Texas toward guest worker programs. The survey process should take approximately 3 to 5 minutes to complete. Refusal to participate in this survey will involve no penalty or loss of benefits to which you are entitled. Participation in this survey is voluntary and any responses given will remain confidential. I alone will have access to the information you provide. Please feel free to stop filling in this survey at any time if you feel uncomfortable. Your participation is greatly appreciated. If you should have any questions about your rights or any other questions please feel free to contact me, Josh Shepherd, at JS1479@txstate.edu Thank you very much for your assistance.

Please complete the following questionnaire items.

1. Do you support the idea of an agricultural guest worker program in the United States? (Yes or No)
-

Please read the following statements carefully. Then mark whether you strongly

Strongly Agree = SA Agree = A Disagree = D Strongly Disagree = SD

| | SA | A | D | SD |
|--|----|---|---|----|
| 2. Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired. | 1 | 2 | 4 | 5 |
| 3. Guest worker policy should give guest workers the freedom to negotiate their own contracts. | 1 | 2 | 4 | 5 |
| 4. Guest worker policy should grant guest workers the right to sue their employers in court. | 1 | 2 | 4 | 5 |
| 5. Guest worker policy should require employers to guarantee guest workers a minimum number of hours of work during their employment. | 1 | 2 | 4 | 5 |

| | SA | A | D | SD |
|---|----|---|---|----|
| 6. The United States government is capable of successfully monitoring and administrating a large guest worker program. | 1 | 2 | 4 | 5 |
| 7. Guest worker policy should levy harsh penalties, including large fines, against employers who violate the terms of their contracts with guest workers. | 1 | 2 | 4 | 5 |
| 8. Guest worker policy should have a maximum number of guest workers allowed into the United States per year. | 1 | 2 | 4 | 5 |
| 9. Guest worker policy should contain a provision that withholds part of a guest worker's wages, which would be given back to them only when they return back to their home country. | 1 | 2 | 4 | 5 |
| 10. Guest worker policy should require employers to pay a bond for every guest worker they employ, which will be given back to the employer once the guest worker returns to their home country. | 1 | 2 | 4 | 5 |
| 11. Guest worker policy should allow the spouses and children of guest workers to travel with them into the United States. | 1 | 2 | 4 | 5 |
| 12. Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US. | 1 | 2 | 4 | 5 |
| 13. Guest worker policy should allow guest workers to earn permanent residence status in the United States if they work for a certain number of years. | 1 | 2 | 4 | 5 |
| 14. Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers without facing any legal reprisals. | 1 | 2 | 4 | 5 |
| 15. Increasing security on the U.S./Mexico border should be done before any guest worker policy is implemented. | 1 | 2 | 4 | 5 |
| 16. Guest worker policy will cause agricultural growers to become overly dependent on foreign labor. | 1 | 2 | 4 | 5 |

| | SA | A | D | SD |
|---|-----------|----------|----------|-----------|
| 17. Implementing guest worker policy in the United States will decrease the number of illegal immigrants entering the country. | 1 | 2 | 4 | 5 |
| 18. Implementing guest worker policy will lower the wages offered to U.S. citizens working in agriculture. | 1 | 2 | 4 | 5 |
| 19. Implementing guest worker policy will lead to discrimination and exploitation of guest workers. | 1 | 2 | 4 | 5 |

Please choose one answer for each of the following multiple choice questions.

20. The recruitment of guest worker policy should be administered

- A) directly by employers.
- B) by the federal government.
- C) through a combination of direct recruitment by growers and the federal government.

21. Guest worker policy should

- A) require employers to provide free housing to the guest workers they employ.
- B) require employers to provide a housing stipend to the guest workers they employ.
- C) require guest workers to pay for their housing.

22. Guest worker policy should mandate that

- A) employers pay for a guest worker's travel expenses into the United States and for their return trip home.
- B) the home country of the guest worker pay for their travel expenses into the United States and for their return trip home.
- C) Guest workers themselves should pay for their travel expenses into the United States and for their return trip home.
- D) the US government pay for a guest worker's travel expenses into the United States and for their return trip home.

23. Guest worker policy should require

- A) require workers be paid the federal minimum wage.
- B) require workers be paid the higher of the federal minimum wage or state minimum wage if applicable.
- C) require workers be paid a wage rate based upon a quarterly survey of the wages of field and livestock workers throughout the United States.

Appendix B: Statistics

| Survey Question | N | Results |
|--|----|------------------------------|
| 1. Do you support the idea of an agricultural guest worker program in the United States? | 66 | Yes – 97% (64) No -3% (2) |

| Survey Question | N | Strongly Agree | Agree | Disagree | Strongly Disagree |
|--|----|----------------|---------------|---------------|-------------------|
| 2. Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired. | 59 | 8.5% (6) | 27.1% (16) | 35.6% (21) | 28.8% (17) |
| 3. Guest worker policy should give guest workers the freedom to negotiate their own contracts. | 60 | 21.7% (13) | 68.3% (41) | 6.7% (4) | 3.3% (2) |
| 4. Guest worker policy should grant guest workers the right to sue their employers in court. | 58 | 0% (0) | 39.7% (23) | 31% (18) | 29.3% (17) |
| 5. Guest worker policy should require employers to guarantee guest workers a minimum number of hours of work during their employment. | 59 | 1.7% (1) | 37.3% (22) | 37.3% (22) | 23.7% (14) |
| 6. The United States government is capable of successfully monitoring and administrating a large guest worker program. | 58 | 3.5% (2) | 36.2% (21) | 34.5% (20) | 25.9% (15) |
| 7. Guest worker policy should levy harsh penalties, including large fines, against employers who violate the terms of their contracts with guest workers. | 57 | 14% (8) | 42.1% (24) | 24.6% (14) | 19.3% (11) |
| 8. Guest worker policy should have a maximum number of guest workers allowed into the United States per year. | 57 | 10.5% (6) | 21.1% (12) | 47.4% (27) | 21.1% (12) |

| Survey Question | N | Strongly Agree | Agree | Disagree | Strongly Disagree |
|--|----------|-----------------------|---------------|-----------------|--------------------------|
| 9. Guest worker policy should contain a provision that withholds part of a guest worker's wages, which would be given back to them only when they return back to their home country. | 59 | 13.6% (8) | 40.7% (24) | 40.7% (24) | 5.1% (3) |
| 10. Guest worker policy should require employers to pay a bond for every guest worker they employ, which will be given back to the employer once the guest worker returns to their home country. | 60 | 0% (0) | 11.7% (7) | 56.7% (34) | 31.7% (19) |
| 11. Guest worker policy should allow the spouses and children of guest workers to travel with them into the United States. | 58 | 3.5% (2) | 29.3% (17) | 39.7% (23) | 27.6% (16) |
| 12. Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US. | 60 | 1.7% (1) | 18.3% (11) | 41.7% (25) | 38.3% (23) |
| 13. Guest worker policy should allow guest workers to earn permanent residence status in the United States if they work for a certain number of years. | 60 | 3.3% (2) | 48.3% (29) | 23.3% (14) | 25% (15) |
| 14. Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers without facing any legal reprisals. | 59 | 18.6% (11) | 50.9% (30) | 18.6% (11) | 11.9% (7) |
| 15. Increasing security on the U.S./Mexico border should be done before any guest worker policy is implemented. | 60 | 18.3% (11) | 36.7% (22) | 33.3% (20) | 11.7% (7) |
| 16. Guest worker policy will cause agricultural growers to become overly dependent on foreign labor. | 59 | 1.7% (1) | 10.2% (6) | 62.7% (37) | 25.4% (15) |
| 17. Implementing guest worker policy in the United States will decrease the number of illegal immigrants entering the country. | 57 | 14% (8) | 52.6% (30) | 28.1% (16) | 5.3% (3) |
| 18. Implementing guest worker policy will lower the wages offered to U.S. citizens working in agriculture. | 58 | 0% (0) | 5.2% (3) | 56.9% (33) | 37.9% (22) |
| 19. Implementing guest worker policy will lead to discrimination and exploitation of guest workers. | 58 | 0% (0) | 0% (0) | 62.1% (36) | 37.9% (22) |

| Survey Question | N | Results |
|--|----|--|
| 20. The recruitment of guest worker policy should be administered by | 57 | <p>A) directly by employers - 40% (23)</p> <p>B) by the federal government - 2% (1)</p> <p>C) A combination of direct recruitment by growers and the federal government - 58% (33)</p> |
| 21. Guest worker policy should require | 56 | <p>A) employers to provide free housing to the guest workers they employ- 7.1% (4)</p> <p>B) employers to provide a housing stipend to the guest workers they employ- 8.9% (5)</p> <p>C) guest workers to pay for their housing- 57.1% (32)</p> <p>D) Both A & B- 26.8% (15)</p> |
| 22. Guest worker policy should mandate that | 57 | <p>A) employers pay for a guest worker's travel expenses into the United States and for their return trip home – 15.8% (9)</p> <p>B) the home country of the guest worker pay for their travel expenses into the United States and for their return trip home. – 8.8% (5)</p> <p>C) guest workers themselves should pay for their travel expenses into the United States and for their return trip home. – 75.4% (43)</p> <p>D) the US government pay for a guest worker's travel expenses into the United States and for their return trip home. – 0% (0)</p> |
| 23. Guest worker policy should require | 55 | <p>A) workers to be paid the federal minimum wage. – 43.6% (24)</p> <p>B) workers to be paid the higher of the federal minimum wage or state minimum wage if applicable. – 27.3% (15)</p> <p>C) workers to be paid a wage rate based upon a quarterly survey of the wages of field and livestock workers throughout the United States – 29.1% (16)</p> |