Discussion of the Validity of a Guest Worker Program in the United States

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Abstract:

As border and immigration policy is a contentious political and social issue, it is important to consider a wide range of solutions. Actual people are being affected by these policies, but there has yet to be a viable guest worker program presented by policy makers. This paper addresses the possibility for a successful guest worker program by combining evidence gathered through interviews with former migrant workers with an analysis of immigration law in the United States since 1965, an analysis of guest worker programs in Europe and Canada, and an analysis of the effects of the political and economic situation between the United States and Mexico. The research indicates that successful implementation would require the allowance of remittances, an extensive public education program, and bilateral agreements between the United States and Mexico. Although my research addresses the issue of a program specifically linked to Mexico, the results provide the framework for comprehensive immigration reform in the United States.

Introduction

While growing up in the Rio Grande Valley along the border between the United States and Mexico, I was confronted with immigration issues every day. The border region could be characterized as an area where the cultures of the United States and Mexico mix to create one border culture that incorporates aspects of both Mexico to the south and the United States to the north. From the common use of “Tex-Mex” as a third language to the lavish *quinceañeras* that, during high school, one could expect to be invited to every weekend, the Valley is a perfect example of how immigration affects communities all over the United States, but especially along the border.

It was there in the culture of dualities that I became interested in how the process of immigration affects those involved. As a student studying international studies with an emphasis on development in Latin America, I began to ponder questions of how immigration laws are formulated and enforced, what effects these laws have on people who wish to migrate, and whether a further refined immigration policy allowing for the acceptance of guest workers into the general labor market would be beneficial for Mexico and the United States.

Since the September 11th attacks, there has been a rise in concern about the security of the borders between the United States and Canada and, especially, between the United States and Mexico. People, especially politicians, have turned this concern into a debate about immigration policy and how to deal with the many migrants who are living and working in the United States without authorization from the government. In

late May, an immigration bill was introduced in Congress that included provisions for the legalization of immigrants already living in the United States. However, this bill did not include a comprehensive plan for a guest worker program, and there has been little viable debate about what benefits and disadvantages that type of program would have for the United States.

In this paper, I intend to use historical and international evidence to illustrate the potential benefits and disadvantages of a guest worker program. I also plan to use this evidence to formulate a workable plan that would allow for the prevention of past negative effects of guest worker programs, such as the issue of nonreturn. I will use the history of migration trends in the United States and the situation between the United States and Mexico to illustrate the necessity for new policy. Throughout these explanations, I will weave evidence gathered during a field study conducted in Mexico among male and female migrants who had worked in the United States and then returned to Mexico. My purpose is to address the issue of Mexican immigration to the United States and the prospect for a guest worker program in the United States.

Review of Literature

In creating the best strategy for the development of a viable guest worker program in the United States, the research is focused on the topics of general migratory trends, the European response to migration, lessons from guest worker programs in other countries, a history of immigration policy in the United States, analysis of the situation between the

United States and Mexico, and prospects for the development of a new guest worker program.

The most important research materials for the purposes of this paper are the lessons learned from previous guest worker programs and the prospects for a new program because these sections outline the points related to the validity of a future program. The section on migratory trends is designed to inform the reader about current policy trends and the forces driving migration. It is important to understand how European countries have dealt with guest workers because, as the other main industrialized region of the world, Europe has experienced steady streams of migration both legal and illegal. A breakdown of the history of migration in the United States is designed to present the historical background of the legislative process with regard to immigration law. Finally, it is necessary to address the unique situation between the United States and Mexico because the relationship between the two countries facilitates migration despite attempts to curb it by policy makers in the United States.

General Migratory Trends

Migration flows follow certain patterns, and governments develop policy responses based on the type and duration of migratory flows. The aim of most new immigration policy implemented in Western countries is to curb illegal migration. Several authors have outlined plans that would curb illegal migration and are pertinent to the discussion of a guest worker program because most involve provisions that could be remedied by such a program. Martin and Straubhaar argue that to slow migration,

governments on both sides of the issue must maximize the migration experience by ensuring payoffs with the “three R’s,” which are recruitment of workers, remittances to family members in emigration areas, and a return to the country of origin when the migrant has earned his targeted amount (Martin & Straubhaar, 2002). These three factors ensure that the migrant maximizes savings potential, and rather than settle in the immigration area they return to their country of origin with more social capital and thus power within the community. As remittances are an important component of ensuring that the rotation model of migration functions effectively, the benefits of remittances must be maximized. Currently, emigrant communities are not benefiting up to their potential from the remittances sent by migrant workers because there is not enough competition from money transfer agencies, which keeps the costs of transfer low. Countries with high rates of emigration have not effectively implemented programs to encourage small investments of remittance money, and the governments themselves do not effectively appropriate remittance revenue into long-term investments (Martin & Straubhaar, 2002).

Although reductions in the amount of immigrants welcomed into a country are often the focus of debate and media attention, at certain points certain sectors of the population—mostly the owners of large farms and other labor-intensive industries—have called for the importation of migrant labor. Four major reasons to import labor are: to ease pressures caused by labor shortages, either across industries or in specific industries; to alleviate political problems and pressure that arise out of a perception of inevitable

migration or to deal with commuter areas; to allow young workers access to learning opportunities not available in their country of origin; and to promote the socioeconomic integration between two or more countries (Bernstein & Weiner, 1999).

Dominant trends also exist in the types of programs that governments undertake to recruit labor. They may choose to take a bilateral approach, which allows two countries equal say in the recruitment process, contract terms, and in some cases, remittances. In cases of collaborations across continents, three or more governments may choose to take a multilateral approach, which usually guarantees the citizens of member states the ability to travel freely to work in other member states, as in the case of the European Union. The unilateral approach is the least effective as it is pursued by one government that is able to dictate recruitment policy and the monitoring of treatment of foreign workers without oversight from the sending government (Bernstein & Weiner, 1999).

The most current trend in the recruitment of migrant labor is through small-scale programs that give more administrative and employment power to the employers rather than a government agency. This method shifts the administrative agency from the government, which was typical of the large-scale programs of the 1960s, to the employer (Abell, Kuptsch, & Martin, 2006). This method of administration is contentious because if business is supposed to regulate itself, who will effectively enforce mandates that require employers to satisfy certain conditions, such as attempts at hiring domestic labor,

and who will protect the rights of the migrant workers, because migrants are more likely to be tied to a specific employer if employers are in charge of recruitment?

Finally, several authors outline typical arguments offered by employers and politicians in defense of the importation of labor. Abell, Kuptsch, and Martin (2006) reveal that the most common arguments are that in agricultural sectors, local workers are not sufficiently available for employment during peak harvest seasons, and domestic workers are largely not reliable and lack the character necessary to do the work. The employment of foreign workers has little or no effect on the wages, working conditions, or employment opportunities of local agricultural laborers. On an international scale, guest worker programs are beneficial because they allow laborers in emigrant areas to earn a higher wage and save more money than they would be able to while working at home. Also, guest worker programs are a good foreign policy gesture because they benefit all countries through the development of the agricultural sector. The need for guest workers also arises out of an “intrinsic demand for unskilled labor” (Massey, Durand, & Malone, 2002, p. 15). This intrinsic demand arises out of structural inflation due to the ties between wages, the type of work, and social status. If wages are raised for the sector of the economy that is generally the lowest paid, employees higher on the income scale will also call for an increase in wages. To protect against this type of inflation, it is easier and more expedient for employers to look outside the United States for labor prospects. Demand is also created by “social constraints on motivation,” which requires that domestic workers on the bottom tier of the wage hierarchy are not motivated

because of few prospects for upward mobility (Massey et al., 2002, p. 16). These social constraints typically do not affect migrants because they do not associate themselves with the host society, are more interested in their ability to gain social capital at home or within their migrant community, and because they are target earners who see the job as only a means to an end rather than a “dead-end job.”

History of Immigration Law in the United States since 1965

The United States has a rich history of migration and immigration characterized by open-door policies, policies of exclusion, quotas, and most recently, visas. The Immigration and Naturalization Act of 1965 was the first major overhaul of immigration law in the United States. Driven by civil-rights era consciousness, the act challenged the common practice of unlimited access to the United States by Western Europeans but limited access by immigrants of color (Asumah & Bradley, 2001).

The next major overhaul came in the 1980s in the form of the Immigration Reform and Control Act of 1986 (IRCA). Reform debate began in 1981, with the major points of contention being amnesty for immigrants already in the United States and sanctions on employers that hire undocumented migrants (Miller & Miller, 1996). It was the first law that allowed policy makers and law enforcement to deal with illegal immigration (Asumah & Bradley, 2001). Illegal immigration had been an issue in the United States since exclusionary policy became a method for designing immigration law, but illegal immigration from Mexico had been steadily on the rise since the Bracero Program ended in the 1960s.

The IRCA allowed the naturalization of several different categories of immigrants who had been living and working in the United States. The two most important amnesty programs for the purposes of this study are the general amnesty program and the Special Agricultural Workers Program (SAWP). Immigrants who had been living in the United States before January 1, 1982, were given consideration under general amnesty, and 1,760,201 people applied for naturalization under this program. The SAWP allowed persons working for 90 days per year ending May 1, 1986, in the perishable agriculture sector to receive resident status; 1,272,978 people applied for amnesty under this provision. The U.S. government had estimated that only 350,000 undocumented immigrants were employed in the agricultural sector; nearly four times that many immigrants applied for amnesty than the government expected (Martin, cited in Duigan & Gann, 1997).

Although the IRCA represented a major overhaul of immigration policy, it proved to be problematic in implementation and enforcement. The problems in implementation arose out of the fact that the general amnesty cutoff date was for the previous five years rather than a more recent date that would have allowed for an easier investigation of claims. Applicants had to prove they had been living in the United States since 1982, which means that investigators had to search for all migrants who arrived between 1982 and 1986 and deport them. It was also very difficult to show proof of residence since 1982 because people who looked the other way to help migrants find housing and jobs were reluctant to come forward and show proof that the migrant had indeed been living in

rental houses, had been employed, or had been using services provided by them. The issue of family unity was also problematic because the IRCA did not have any provision to deal with family reunification, and some families refused to apply because they were forced to expose ineligible family members in the paperwork. There was also little effort made to educate the public about changes to the law, which has been noted by leaders of other major immigration policy changes to be a major factor in the success of their programs. Finally, a continued fear of the Immigration and Naturalization Services (INS) was a major barrier to success of the amnesty provisions in the IRCA (Hayes, 2001).

Enforcement was problematic because widespread fraud of documents was common and difficult to control. Loopholes in the law designed to appease business owners have undermined its effectiveness. Employers are not required to obtain absolute proof of identity or authorize the documents presented by migrant workers, thus allowing for the continued entrance and employment of undocumented workers (Miller & Miller, 1996). Sanctions have not been an effective method of curbing illegal immigration because the INS has finite enforcement resources and the costs of implementing sanctions is high. There are high social and economic costs of sanctions, including the actual expense of running the system, the administrative burdens on employers to collect and verify documents, and the discrimination faced by job applicants who look or sound foreign (Legomsk, in Duigan & Gann, 1997). Sanctions were the sole restrictive measure of the IRCA, and they have done little to curb illegal immigration (Calavita, as cited in Jacobson, 1998).

The IRCA also set up visa programs that effectively function as guest worker programs by allowing different categories of workers to enter the country if recruited by a U.S. firm. There are 20 non-immigrant programs that allow foreigners to enter and work in the United States; the most commonly used are the H visas. The H-1B visa is directed at skilled labor, usually migrants with the equivalent of a bachelor's degree or extensive training in the required field. Usually, H-1B visa applicants are recruited by a specific employer and tied to that employer for the duration of their stay (Abell et al., 2006). The H-2 visa program was split in 1986 between agricultural (H-2A) and nonagricultural (H-2B) low-skilled labor. This program admits approximately 100,000 workers per year and was exhausted by February 1, 2004 (O'Rourke, 2006). Like most European programs of the same type, the H-2 visas require certification from administrators that the employer actually does need workers because there is a shortage in the labor market or they have been unable to recruit any domestic workers at the prevailing wage. The contract used to recruit domestic workers is also supposed to be the contract used between employers and foreign workers (Abell et al., 2006).

Employers are able to recruit H-2A farm workers if approval is given by the Department of Labor. They must agree to provide free approved housing and pay inbound transportation costs to be certified. Approximately 42,000 jobs were permitted to be filled by guest workers under the H-2A visa plan in 2002. However, employers are reluctant to hire visa holders because they are more protected by worker's rights organizations, and they are more likely to pursue litigation if the housing and working

conditions are not adequate (Abell et al., 2006). H-2B low-skilled, nonagricultural workers are recruited to do jobs such as landscaping, forestry work, housekeeping, stable attendants, and tree planters. Certification for the need for workers must be granted before employers are able to start recruiting, but employers do not have to provide free housing or pay transportation costs. A total of 121,665 jobs were certified to be filled with H-2B visa holders, but only 72,387 migrant workers were admitted. This program is likely to continue to expand as the use of labor brokers increases. One labor brokerage firm, Amigos Labor Solutions, indicated that in 2002 they provided 2000 H-2B workers to employers in 34 states.

The most recent immigration law has been the Immigration Act (IMMACT) of 1990, which set annual limits on the number of immigrants allowed into the country and revised the visa preference system to include provisions for family ties, employment, and diversity (Asumah & Bradley, 2001; Miller & Miller, 1996). IMMACT also increased provisions for the Border Patrol by adding 1000 agents to the force (Miller & Miller, 1996).

How Do Other Countries Deal with Migration?

Primarily, it is easiest to classify the programs of other countries in terms of how they differ from the policies implemented in the United States. Worker mobility has not been a primary principle in trade agreements such as the North American Free Trade Agreement (NAFTA), which is very different from the European approach and has “made labor central to the broader process of market integration” (Fernandez-Kelly &

Massey, 2007, p. 99). However, it is important to keep in mind that the situation in Europe is different from that of the United States because there is generally less illegal immigration (except for France). There is a strong history of Employment Services as a powerful government agency that acts as an oversight entity for many foreign worker programs (Bernstein & Weiner, 1999).

Sovereign states handle migration policy in nuanced ways but the characteristics of some programs, such as seasonal worker programs, have similar implementation strategies. The strategies of implementation tend to change over time, as exemplified by the changing programs in Europe. The first German plan, implemented in the 1960s, eventually failed for several reasons. First, there was a lack of debate about the alternatives to a guest worker program because the labor force in Germany began to shrink for demographic and social reasons. Second, mechanization and rationalization of industry was considered too risky for Germany's perceived fragile economic recovery. Finally, freedom of labor movement was a key provision in the unification of Europe, and Germany became a center for investment during the period due to their unique international economic environment of an undervalued currency (Abell et al., 2006).

The Germans also did not plan for the settlement of workers and their families because of an overestimation of the power of rotation rules and return myths. Turkish guest workers and other migrants overestimated their savings potential, and employers encouraged workers to stay to avoid having to recruit and train new workers (Abell et al., 2006). Return myths are not an uncommon phenomenon, and lack of planning for

settlement caused the downfall of similar programs, such as the Bracero Program in the United States. However, it was non-economic arguments that caused the termination of this program, as fears about Germany becoming “overrun” with migrants began to take hold in political rhetoric and the oil embargo threatened an increase in unemployment and economic recession.

Lack of success with the large-scale guest worker program did not prevent Germany from making another attempt at a successful foreign labor recruitment program. Germany began to pursue many small-scale labor recruitment programs of a bilateral nature during the 1990s. The new programs have been designed to deal with “inevitable migration,” such as migration streams along networks developed during the programs in the 1960s, but also attempt to prevent the settlement of migrant workers in Germany (Abell et al., 2006).

France had a similar experience to Germany, but illegal immigration and racial discrimination have been much more prominent problems in France. The national immigration office of France recruited workers but many workers were not legalized until they came to France and found work. This practice undermined the bilateral agreements between France and emigration states, and was a symptom of many problems to come. Because the government lost some control over the program, division among politicians began to cause a breakdown of the program. French officials ordered a halt to the recruitment of labor unless it was for seasonal jobs, and the Algerian government suspended French recruitment practices in their country because of the mistreatment of

Algerian guest workers in France (Abell et al., 2006). The most interesting aspect of the French program of the 1960s is the offer of cash incentives for return.

The most current labor policy in France permits non-European Economic Area nationals entrance and the ability to work in seasonal farm jobs for up to six months. To be granted certification for labor recruitment, the employer must demonstrate a lack of local labor to fill the position, must offer housing in France to workers without families, and must ensure that seasonal workers leave France at the end of their contract (Abell et al., 2006). France is attempting to ensure a rotation model of migration with these provisions but complications continue to be problematic. Migrants are working in nonseasonal jobs instead of the strictly seasonal work mandated by the policy; employers have begun granting contract extensions, which lead to violations of the bilateral contract between the French government and emigration-area government and violations of French labor laws; and working and housing conditions are inadequate according to French standards. Enforcement of the policy is difficult because migrants do not come forward about rights and contract violations because their permission to reside in France depends on their employer.

Switzerland also has made changes in labor policy as a response to high rates of settlement by migrant workers. In 1963, Switzerland instituted a ceiling on the number of foreign workers allowed into the country but left recruitment to the employers rather than headed by a government office. Swiss employers were urged to recruit during periods of high employment and then encourage the return of workers during periods of high

unemployment as an attempt to discourage settlement. Despite efforts to prevent settlement, many migrant workers did settle and, currently, non-Swiss nationals face high levels of unemployment relative to the levels of Swiss nationals (Abell et al., 2006). Switzerland abolished the guest worker program in June 2002 as an answer to the continued problem of settlement of seasonal migrant workers.

The United Kingdom has taken a unique approach to the recruitment of foreign workers in that it uses an Internet database to disseminate information about migration and the possibilities for work in Great Britain. The Home Office Web website (<http://www.workpermit.com>) offers information on the methods foreign workers are able to use to gain entrance into a country legally. The site operates on the theory that if legal alternatives are provided to people wanting to work, governments and employers can attract needed skills and curb illegal immigration at the same time (Abell et al., 2006). There is not conclusive evidence about whether this method of recruitment has actually curbed illegal immigration into the UK, but the website offers resources for all countries, including visa programs in the United States.

Canada has implemented a program designed to recruit foreign workers, specifically directed at Mexican agricultural labor. The workers are recruited and employed under terms of a government to government memorandum of understanding regulated by the Mexican Ministry of Labor and Human Resources Development Canada. The Canadian government has also implemented a Canadians First Policy, which mandates that employers seeking foreign labor must first hire or at least attempt to hire

Canadians. Employers must provide 240 hours of work over a six-week period, free approved housing including meals or cooking facilities, and must pay the highest amount between the minimum wage, prevailing wage, or piece-rate wage paid to Canadians doing the same job. Employer sanctions of fines up to \$5,000 and two years in prison for hiring unauthorized workers or allowing other farmers to employ the workers they have hired are minimally enforced but are used much more often than fines for the same crimes committed in the United States (Abell et al., 2006).

Lessons Provided by Previous Guest Worker Programs

An analysis of the experiences with previous guest worker programs allows insight into the prospects for a new guest worker policy in the United States. The main problems of guest worker programs center on the phenomena of distortion and dependence. Distortion refers to the speculation by employers based on the idea that cheap labor is necessary for the successful continuation of their business. This rationale is often used in the agricultural sector to lobby for the allowance of cheap guest labor into the U.S. labor market. Dependence refers to the migrant's necessity or perceived necessity for employment in areas that offer better wages than those offered in the emigration area. Governments, families, and the migrants themselves often depend on the higher wages to maintain social capital and economic satisfaction.

The factors of distortion and dependence cause most guest worker programs to become larger in scope and last longer than anticipated but Abell, Kuptsch, and Martin (2006) offer a plan to lessen the effects of these phenomena. They argue that host

governments should improve their methods of discouraging foreign employment to encourage mechanization and rationalization of the labor market. For example, when the Bracero Program ended in the United States in 1964, tomato growers were outraged and charged that tomato prices would dramatically increase due to a lack of cheap labor—but the program ended, the growers sought other methods of harvest, and subsequently, tomato farmers implemented a mechanized picking process. Costs dramatically decreased and ketchup became a very cheap commodity, which fueled the development of the fast food industry. Businesses are currently not developing new labor-saving methods because they have planned on continuous sources of cheap labor.

European guest worker programs have been an exceptional source of lessons about the development of guest worker policy because each government has approached program development in slightly different ways. Abell, Kuptsch, and Martin (2006) outline the four most important lessons about guest worker policy from Europe. First, distortion and dependence actually happen and lead to the unanticipated expansion and longevity of the programs. Second, unless programs are designed to align worker and employer incentives with strict rules, the program is likely to undergo changes that allow for exemptions that effectively undermine the screening process and any limits on admission. The “three R’s”—recruitment, remittances, and returns—do not guarantee rapid development in communities of origin and, in fact, may increase short-term migration due to the development of networks and community dependence. Finally, guest worker programs may strain foreign relations if guest workers are treated poorly while in

the host country; for example, Algeria and France's relations were negatively impacted when Algerians began to be attacked in France.

As seasonal migration programs are the most recent trend in policy, they can be considered under the scope of globalization and the effect it has on transnational migration. The negative issues associated with seasonal migration programs are a result of the issue of rotation. Seasonal migration programs are designed to allow a migrant worker temporary access to jobs in a host country; the jobs usually last for a number of months and coincide with harvest seasons. They are specifically designed to deter settlement, as most require the migrant to return home when the seasonal contract is up and do not allow workers to bring their families (Bernstein & Weiner, 1999). However, it is fairly common for employers to encourage their workers to stay by continuing to employ them or for the migrants to find other jobs after their seasonal contracts expire. Regulation of employers has been a major problem, and enforcement of the laws surrounding guest worker policy is difficult to implement (Abell et al., 2006).

A comparison between the Bracero Program in the United States and the Canadian Mexican Seasonal Agricultural Workers Program offers an example of how the different methods of implementation of basically the same program can produce drastically different results. The Bracero Program began as a response to labor shortages in the 1940s produced by World War II. The program centered on growers' interests with little government oversight. As the need for workers was immediate and widespread, the program was implemented quickly and not extensively planned. There was no provision

to facilitate return and the migrants worked and lived in deplorable conditions, which led to high rates of desertion. In contrast, the Canadian program balanced growers' interests, government interests, and the interests of domestic organized labor. The Canadian government also worked more closely with the Mexican government to recruit workers bilaterally. For instance, in both cases the Mexican government insisted on the recruitment of workers from the poorer parts of Mexico. U.S. labor recruiters continued to recruit along the border because it was more expedient and reduced transportation costs. However, Canadian recruiters have followed the instructions of the Mexican government and recruited from the interior, allowing more economic opportunities for the poorest areas of Mexico. Canadian recruiters also worked closely with the Ministry of Labor and Social Planning to recruit candidates with large families in need of economic assistance. The family serves as insurance of return, and the program is a way of elevating the economic situation of the migrant (Basok, 2000).

It is also important to remember that guest worker programs do not operate in an economic vacuum. Instead, they change with economic conditions—for example, if some potential problem arises that would disturb economic growth and increase the possibility for unemployment, policy makers and citizens may be more reluctant to admit guest workers. Germany experienced this problem in the 1970s when an oil embargo threatened high unemployment and recessions. Guest worker programs also have the potential to change in response to employer and migrant demands. In the United States, if an employer requests the ability to recruit workers and his request is denied, he is able to

go to court and get the Department of Labor's decision overturned. This practice effectively changed the program from a government-run program to an employer-run program. Foreign policy requirements could also possibly change the structure and implementation of guest worker policy because if relations improve between two nations, or there is a need to bridge economic and political ties, a bilateral guest worker program is a good response. Finally, workers' rights activists play a role in ensuring that employers are treating the guest workers properly and also allowing fair competition between native workers and migrant workers in the labor market. For example, when widespread abuses were discovered in the Bracero Program in the 1950s and 1960s, workers' rights advocates played a major role in bringing an end to the program (Abell et al., 2006).

Situation Between the United States and Mexico

The United States and Mexico are tied politically, economically, and increasingly, socially. Instituted in 1994, the North American Free Trade Agreement (NAFTA) has been designed to open the borders between the United States, Mexico, and Canada for increased trade in commodities and services but not people. The lack of attention to worker mobility is in direct contrast to the structure of European integration policy, which "made labor central to the broader process of market integration" (Fernandez-Kelly & Massey, 2007, p. 99). North American officials expected that NAFTA would allow for increased trade and thus increased prosperity in Mexico, leading to greater employment opportunities and less need for migration. However, the pool of displaced

Mexican workers actually increased as a result of NAFTA and the deregulation of agriculture in Mexico. Free trade essentially ended in the domination of Mexican agriculture by American companies. Small farmers were forced to sell their land to foreigners, the Mexican government was forced to withdraw farm subsidies because it did not allow American companies to compete fairly, and Mexican food, seed, and feed markets were opened to competition from companies in the United States and Canada (Fernandez-Kelly & Massey, 2007). These effects of the treaty caused subsistence farmers to lose their livelihood, and because there are so few other opportunities in Mexico they were essentially forced to migrate to places where there are more opportunities, such as the United States.

In 2001, high-level U.S. and Mexican officials began to discuss the provisions for a bilateral temporary workers program with the possibility for legalization of workers after a certain amount of time has been spent in the country (O'Rourke, 2006). The talks were abandoned shortly after the September 11th attacks as a reaction to security concerns about the so-called porous border between the United States and Mexico. However, in 2005 during trilateral talks between the three leaders of North America—President Bush, President Fox, and Prime Minister Martin—a new North American agreement was made with provisions for increased economic and social integration between the three nations. The program is called the Security and Prosperity Partnership of North America (SPP), and it is the beginning of a partnership with increased similarities to the European Union. The plan even “devotes some attention to facilitating

the mobility of manual laborers, but only under highly regulated temporary worker programs” (Gilbert, 2007, p. 88). This plan indicates that Mexico now has enough bargaining power with the United States so that there is a greater possibility for a bilateral agreement. As Canada already has a relatively successful temporary worker program with Mexico, the United States may need to soon follow suit for American-owned businesses to be able to enjoy the economic freedom within Mexico, and to continue to enjoy low-cost oil from Mexican fields. Bargaining power is an important aspect of the development of bilateral policy, and it appears that the time may be right for Mexico to take advantage of its bargaining power and force the United States into talks (Bickerton, 2001).

As migration networks grow, it is increasingly difficult for officials on either side to stop the migration flow. Networks began to develop with the inception and later decline of the Bracero Program in the United States. The Mexican and U.S. governments did most of the organizing by recruiting workers and pairing them with employers. As the instances of personal contracts between employers and Braceros grew, Braceros increasingly stayed in the United States when their contracts were up and continued to work. As they were able to find work relatively easily, they encouraged other men from their community to move to the United States as well. The structure of current migration networks continues to be built on the old networks. Kinship is the most important organizing principle, with the relationships among fathers, sons, brothers, uncles, and nephews being of paramount importance. *Paisanje*, or the idea of shared community of origin, is also an important marker for cooperation. *Paisanos*, or countrymen, have an

obligation to help one another find jobs, loan money, and acclimate new arrivals to their new situation (Massey, as cited in Jacobson, 1998). “Hometown associations” are now an integral part of life in the United States, allowing *paisanos* to associate with one another at dances, cookouts, and rodeos. These associations also play an important role in the delivery of remittances that allow their communities to undertake development projects. The Mexican government matches the remittances made by hometown associations three-to-one, thus encouraging remittances and increasing investment in local communities of origin (Quirk, 2007).

Migration networks between the United States and Mexico are so strong that increased border militarization does not disrupt them; it only causes them to evolve and become more clandestine. Border militarization has caused networks to shift from urban centers such as San Diego to remote border areas such as the Sonoran Desert with Operation Gatekeeper. Border security operations such as Gatekeeper, Hold-the-Line, Safeguard, and Rio Grande only drive migrants into more remote sections of the border that are difficult to patrol (Scharf, 2006). With the increased militarization has come increased deaths of border crossers and increased importance of smuggling rings and “coyotes” who are paid to smuggle Mexicans across the border. The price of passage is estimated to have increased from about \$400 in 1992 to about \$2,800 currently (Fernandez-Kelly & Massey, 2007). Despite increased risks and costs, migrants continue to cross because of the strong ties between communities in Mexico and those in the United States along pre-made networks.

Reliable statistics regarding the number of migrants who enter the United States illegally are difficult to produce because undocumented migrants tend to stay below the notice of definitive counts. The best prospect for reliable counts comes from the Mexico-United States Binational Study of Migration of the 1990s. Although the authors admit that there is a lot of room for error in the study, the most conclusive evidence indicates that 95% of Mexican emigrants go to the United States. Also, the annual level of net emigration of people ages 10 to 80 from Mexico is estimated by analysis of results from both countries to be between 324,000 and 440,000 people (Hill & Wong, 2005). With this volume of immigration and the ties between the United States and Mexico in mind, it is important to recognize that “immigration policy thus far has been counterproductive and worked to retard Mexican development rather than speed it up” (Massey et al., 2002, p. 153). It would be advisable for policy makers in the United States to at least increase the quota of Mexicans allowed entrance on visas to the United States from 20,000 in recognition of shared economic, political, and social interests.

Prospects for a New Guest Worker Policy

It is time to formulate a plan for guest worker policy in the United States because the relationship between the United States and Mexico illustrates this necessity, and previous guest worker programs provide a model for its inception. Most authors who write about the subject of migration provide their own plan for a guest worker program. Most agree that certain conditions must be met before the implementation of a legalization plan. The security of the U.S. border and a decrease in illegal immigration

are two conditions in line with current political rhetoric in the United States (Tancredo, 2005; Abell et al., 2006). Pressure on current aliens to return to their country of origin and on U.S. business owners to stop recruiting undocumented workers are also commonly cited as conditions to be met before guest worker policy is implemented. Most authors indicate that the burden is on employers to stop employing undocumented migrants to slowly curb the flow of illegal migration because mass deportations would be a human rights and fiscal nightmare, costing the government an estimated \$200 billion over five years (Tancredo, 2005; O'Rourke, 2006).

A comprehensive program including elements to reduce “brain drain” and promoting increased development in emigration areas would be the option most viable and likely for success in the twenty-first century. Abell, Kuptsch, and Martin (2006) outline three policies that could prevent the continued rise in inequalities that result from professional migration to industrialized nations. First, it would be important for the host country to allow the country of origin to retain links to “stored brain power” abroad by allowing migrants to share techniques and information with the government or other professionals in their country of origin. Second, receiving countries should provide “human capital replenishment” similar to the natural resource replenishment provided to countries where industrialized nations gather significant amounts of natural resources such as timber. Finally, an important component of human capital replenishment is the reexamination of content and funding of the education in the country of origin. Primary and secondary education are not the central focus of many government spending

programs, which direct more funds to institutions of higher education, but funding the foundation of education in the primary and secondary schools is important for developing an educated population base. Providing specialized on-the-job training is also an important component of education because it allows for the creation of jobs requiring specialized skills in the country of origin as well as making skills less transferable over borders, thus reducing emigration (Abell et al., 2006).

Guest worker programs should not be considered a patch to prevent illegal immigration. Instead, the mechanisms of the program should be implemented to align compliance between workers and employers with the program rules. This is intended to effectively, and, with the best consideration for worker's rights, reduce illegal immigration into the country. Employer taxes would serve to minimize distortion caused by the ready availability of cheap labor. Economic incentives offered to migrant workers would facilitate the return to their countries of origin to prevent settlement (Bernstein & Weiner, 1999; Abell et al., 2006).

Massey, Durand, and Malone (2002) offer a specific plan that would allow for the successful integration of Mexican workers into the U.S. labor market. Mexicans should be allotted visas that permit them to live and work in the United States for two years, and then return home for one year before the visa can be renewed. The visa is only renewable once during the migrant's lifetime and they will be distributed by a binational agency to which the migrant worker must apply directly. If 300,000 two-year visas were issued annually, there would be 600,000 temporary migrants in the United States during a given

year; this number is a fraction of the U.S. workforce but a large percentage of the undocumented population. A \$300 fee associated with the visa would allow for revenue of \$90 million a year, and taxes collected from migrant workers with visas would allow for \$1.35 billion in revenue per year at the very conservative estimates that migrants would only earn \$15,000 per year and only be taxed at 15%. Also, as the program would allow for a demilitarization of the border, the United States could potentially save \$3 billion per year.

Methodology

Questionnaire

A major component of this project is the interviews with 11 migrants that serve as a brief introduction to the experiences faced by migrants and their opinions on immigration policy. The questionnaire was designed as a method to gather narrative rather than simple yes-or-no answers, but my limitations as an interviewer prevented the gathering of significant narrative. As the informants all spoke Spanish as a first language, forms were translated into Spanish and all interviews were conducted in Spanish. As I possess a basic knowledge of the language, I overestimated my ability to ask pertinent follow-up questions. Thus, when translating the interviews from Spanish to English, I was left with many questions. If I were able to do this part of the project over again, I would have translated the interviews while I was still in Mexico and conducted follow-up interviews to clarify certain aspects of my informants' stories.

The questionnaire was developed after a brief review of literature on border militarization and the effects it has on migration networks. It consists of 27 questions. The informants were split between the sexes, with five women and six men being interviewed. The questions cover the type of jobs held by migrants, their method of entrance into the United States, their experiences with other people living in the United States, why they returned to Mexico, and if they had any problems returning. The final section of the interview covers the migrants' opinions on proposed immigration reform and the prospects for a guest worker program. This section was based on the debate in Congress about immigration reform and the proposed McCain-Kennedy immigration bill.

Findings from the Literature Review

Due to my limitations as an interviewer, my findings depend mostly on an analysis of the literature available on guest worker programs and migration. My focus changed from a call to action based on understanding the experiences of migrants to one based on the experiences of other governments with significant guest worker experience.

Europe has commonly employed guest worker programs as a strategy for dealing with immigration from Eastern Europe, Asia, and Africa. European policy makers also recognize the necessity of labor mobility among European Union member-states because the region is so tightly linked economically and politically.

U.S. immigration policy is also an important point of analysis because policy often depends on political and social trends. Thus, it is important to understand the trends that allowed for immigration reform in the past. Understanding the situation between the

United States and Mexico is also important to the analysis of a possible guest worker program because much of the literature focuses on the necessity for a bilateral program. Relations between the United States and Mexico are a necessary indicator of the possibility for a viable, bilateral program. Mexican officials must have some bargaining power to avoid being strong-armed by the U.S. government into accepting a program that is not equitably, mutually beneficial.

Limitations

As my project dealt with human subjects and the interviews were about a politically and socially sensitive issue, I had to earn permission from the Institutional Review Board at the University of North Texas to conduct this research. Because I did not want to exceed the scope of my approved questions, I felt limited in the types of follow-up questions I was permitted to ask, and if I was even permitted to ask follow-up questions. There are issues of privacy that people in the United States take much more seriously than do the people I encountered in Mexico.

Immigration is such a common phenomenon for many of the people in communities similar to the one where I conducted my research that my attempts at keeping the interviews private and one-on-one were met with some surprise and suspicion. It was not uncommon for people to ask me if I was looking to speak with someone who went as a *mojado*, or “wet back,” which unlike most instances in the United States is not meant as a derogatory term. The nonchalance with which Mexicans living in Mexico approach the immigration issue is quite different from the attitudes I

would expect to encounter among Mexican migrants living in the United States. Of course, this difference is a manifestation of the culture of fear that Mexicans living in the United States experience.

After the experiences that I have had with this project, I feel better prepared to plan for projects of this magnitude in the future. Preliminary research is absolutely necessary in the development of a questionnaire. Also, I underestimated the importance of input from professionals with experience in fieldwork of this nature; thus, my interview questions were less effective than they should have been. In future academic endeavors, I will take a more community-oriented approach and seek advice from a variety of experienced mentors rather than attempting to develop my research plan independently.

Despite the limitations of my field study, it was beneficial to conduct the field study first to get a better grasp of the literature. The interviews provided a better frame of reference for the literary analysis.

Results

This field study was conducted in Tapalpa, Jalisco, in Mexico, a typical Mexican village set in the Sierra Mountains. The main source of income is tourism, as many people from Guadalajara come for weekends and stay in one of the local hotels or weekend homes that they have built in developments outside of the city. The housing developments create many employment opportunities for people in Tapalpa. There is a boom in construction that has allowed for the employment of many men and women.

Most homeowners employ women from local areas as housekeepers and men as gardeners and handymen to keep up the maintenance of their homes while they are away in the city. In fact, most of the informants were employed as gardeners, handymen, or in construction. This employment boom creates less necessity for immigration, but many informants still seemed reluctant to completely ignore the possibility for a return to the United States.

Tapalpa is the administrative and commercial center for the area, so it is surrounded by several impoverished municipalities and villages, such as Atacco, Copala, and Los Espinos. The surrounding areas seem to have higher instances of migration than Tapalpa. Javier Serrano (2002) estimates that in 2002, there were 554 migrants from the municipality of Tapalpa, and 84.48% of those migrants were men and 15.52% were women. The much higher percentage of male migrants likely explains why the distribution by gender yields males as higher only in age-groups 5–9, 10–14, and 60–64 (Serrano, 2002).

Trevor Stack (2002), an anthropologist very familiar with the area, has described Concord, California, as the daughter community of Atacco. Concord is the destination for many migrants from the Tapalpa-Atacco region, and many of my informants lived and worked in Concord when they migrated. This development of daughter communities is part of the development of networks that occurs when great numbers of community members migrate. Usually, one community leader establishes contacts with employers in the area and becomes a messenger between his community in Mexico and the established

community in the United States (Massey, as cited in Jacobson, 1998). The most important organizing principle for migration networks is kinship ties, especially those among fathers, sons, and brothers. The concept of *paisanje*, or shared community of origin, is also an important principle in the organization of social networks. The development of a network between Atacco and Concord has allowed for the migration of many people hoping to find work in the United States. They have community contacts established in the United States, thus they feel more secure in migrating because there is a safety net available. When an informant indicated that it was difficult to find work in the United States, I would ask what they did while they were looking. The people who found it difficult to find work always indicated that a brother or other family member helped them by lending them money until they could find a job.

The sharing of resources among migrants is also an important aspect of migration because it allows them to achieve high levels of social capital. This social capital increases the likelihood of future migration to ensure the maintenance of that capital. Sara Mahler (1995) outlines the importance of social capital in networks of migrants from El Salvador in *American Dreaming*. Reciprocity is very important in rural communities, and the principle of reciprocity continues once in the United States, at least to a certain extent. Instances of *paisanos*, or fellow countrymen, helping each other is a very common phenomenon observed through the development of networks, such as informal aid networks, designed to help fellow migrants adjust and be successful in life in the United States.

Historically, and especially since the institution of NAFTA in 1994, migration networks have begun in the poorest regions of Mexico. Central and Western Mexico were hardest hit when agricultural reforms began to take hold after the inception of NAFTA. Mexican agriculture became deregulated, and many Mexican farmers began selling their land to foreigners because the government withdrew many farm subsidies. Mexican food, seed, and feed markets were open to competition from Canada and the United States, which led to the displacement of many Mexican agricultural workers (Fernandez-Kelly & Massey, 2007). Thus, the pool of displaced rural agricultural workers grew when NAFTA was instituted, rather than shrank, as expected.

One of the most important findings of the interviews conducted was the limited number of informants who worked in the agricultural sector. In fact, none indicated that they had worked in any agricultural capacity. Most guest worker programs are directed at the agricultural sector and growers have a lot of clout with legislators, but it appears that the labor market is changing to incorporate low-skilled workers into service industry jobs.

From my interviews, I learned that many Mexican workers would like to go to work without living in a culture of fear. Most of them were target earners, working toward a goal of building a house or doing something to help their families. Many returned due to family considerations—either a parent was sick, they wanted to see their families, or they got married and began having children. It is my conclusion through the interviews that many Mexicans use migration as a springboard to afford rites of passage

and milestones, such as marriage or owning their first home. Because migration is so intrinsically tied with rites of passage, it too has become a rite of passage. There was a casual assumption among many people that I met in Mexico—not simply through interviews but through casual conversation—that everyone migrates.

Analysis

Through my time in Mexico and the interviews conducted, the belief that many migrants wish to migrate to the United States to work and then return home was affirmed. With this in mind and the lessons learned from previous policies implemented throughout Europe and North America, I make a recommendation for a viable guest worker program in the United States.

The importance of pre-established networks in the process of migration indicates that illegal immigration is not a phenomenon that will disappear overnight. The networks have been building, evolving, and becoming stronger since the end of the Bracero Program in 1965. These networks have probably contributed greatly to the increase in illegal and legal crossings into the United States, as discussed in this paper (Hill & Wong, 2005).

With this many people emigrating annually, Mexican officials have been studying the effects of migration on communities within Mexico and pushing the United States to make a bilateral agreement for a new guest worker program. The most important component of a new guest worker program would be the cooperation between the Mexican and U.S. governments. The Bracero Program was intended to be bilateral but

ended up functioning as a multilateral program with U.S. employers making most of the recruiting decisions and even disobeying Mexican requests to recruit workers from the interior rather than the border region (Basok, 2000). The Mexican government had little say in the recruitment process, no oversight of the treatment of their workers in the United States, and essentially no power to regulate the program or encourage returns.

Cooperation between governments is an important aspect in the facilitation of worker returns and the prevention of settlement, but program rules must also be enforced to encourage returns. The best way to do this is by aligning employer and worker incentives with the rules mandated by the program. By making it less profitable for an employer to keep a previous employee on illegally, the migrant will be less likely to find work without documents, thus returning home. Fees associated with hiring guest workers would help equalize the costs of hiring foreign workers versus domestic labor, and distortion would be minimized by such a program. If employers can no longer estimate costs based on the ready availability of cheap, migrant labor, they will need to look toward other methods such as mechanization and rationalization that may increase costs in the short run but eventually decrease costs in the long term (Abell et al., 2006).

Enforcement agencies such as U.S. Immigration and Customs Enforcement (ICE) should address the hiring of undocumented workers as a serious problem worth investigating rather than a normal part of running a business. With the split of INS into an enforcement agency and a service agency, enforcement measures should become easier to execute (Magaña, 2003). Until effective enforcement measures are implemented,

migration networks will continue to function and illegal immigration will continue to occur, perpetuating the exploitative nature of guest worker programs. Also, any immigration reform that would accompany a guest worker program should be postponed until enforcement measures have been implemented to slow illegal immigration rates.

The best guest worker policy would allow for proper enforcement of the law to prevent the hiring of undocumented workers, which undermines the system, bilateral agreements, and U.S. law. With the increased revenue from the cost of the guest worker visas, taxes, and savings from less need for Border Patrol enforcement, ICE agents would have more resources to prevent the hiring of undocumented workers by enforcing sanctions against employers and working more closely with the immigration services agency to recruit workers.

As remittances are such a huge part of the immigration equation, facilitating low-cost remittances and using them for investments in communities of origin would be a necessary component of any guest worker program. The Mexican government is likely most concerned with the assurance of viable remittance programs because it is the second greatest source of revenue for Mexicans, with approximately \$16.6 billion remitted in 2004 (Tancred, 2005). The 3-to-1 exchange that the Mexican government provides to hometown associations that remit money to their communities of origin are an excellent precursor to larger programs that would be more structured if workers were allowed legal status and could earn more and remit more of their earnings.

Economic incentives to return are necessary because if enforcement continues to be substandard, there are few other options to prevent the settlement of migrant workers. Incentives did not work in the French program but they have worked in the Canadian example. Issuing a bond at the beginning of the program that the migrant would receive back at the end would be a good option if migrants were not already impoverished when they arrived in the United States. However, as many are accustomed to paying high transport rates to coyotes, this option may not be impossible. Also, a program to refund payroll taxes and Social Security taxes would be a viable option for an economic incentive because the government would not be requiring migrants to pay more taxes, simply holding their payments until the contract is up. When proof of return is established, the migrant could receive a refund on their taxes.

The Internet could also be used as a recruitment and public education tool similar to the Home Office Web webpage in the UK (Abell et al., 2006). Public education is an integral part of the success of guest worker programs, and the Internet is a great place to begin a public education campaign. Most places in Mexico have relatively stable resources for accessing the Internet; there are three Internet cafes in Tapalpa, and most Mexican students use computers and the Internet in school. As an information source, the Internet could provide legal resources, job listings, information on workers' rights, and information on remittances.

Any guest worker program explored or implemented by the United States should have a component to incorporate workers in the service sector of the economy. The

interview findings indicate that the regular employment opportunities for migrants are shifting from agricultural sectors to the service sector as the United States imports more agricultural commodities from other places. Most of the informants had worked in restaurants as cooks or dishwashers. Due to this fact, guest worker programs must address the service sector and the availability of recruitment opportunities for small or self-employed business owners.

Conclusion

Policy makers in the United States must address the issue of developing a guest worker program with serious consideration of the lessons from other programs, especially those in Europe and Canada. Guest worker programs should not be a substitute for immigration reform, as they are specifically designed to prevent settlement of the workers.

Through interviews with Mexican migrants and extensive review of the literature on guest worker programs, several important conditions for the development of a guest worker program became apparent. The policy must include provisions to allow remittances, public education, a bilateral plan between the U.S. and Mexican governments, and address the realities of migration networks and the changes that the U.S. economy is undergoing. Any guest worker plan implemented in the United States would not be legitimate or likely to work unless the aforementioned conditions were understood and met by policy makers, employers, and migrant workers.

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