

The Debates Around Guest-Worker Programs

Elected officials in the American government have recommended creating a guest-worker program or expanding our current H-2B visa program for guest-workers to address issues of illegal immigration. Should a guest-worker program be expanded? Should a guest-worker program include unauthorized immigrants already living in the United States?

Many people who work in the United States today come from foreign countries. To stay in the United States to work, a person needs a work visa. A work visa permits the cardholder to work for a limited period in a certain industry. For example, an H-2A visa is for seasonal or temporary agricultural work. An H-2B visa is for seasonal non-agricultural work, such as the tourism industry. Other visas are for workers from specific areas of the globe, such as an E3 visa for citizens of Australia.

Temporary or seasonal workers are often referred to as “guest workers,” or “temporary workers.” The federal government considers guest workers to be “non-immigrants” because it is assumed that they will return to their home countries. The federal Immigration and Nationality Act provides a minimum of 140,000 employment-based visas each year, both for immigrants and non-immigrants. Of these, the government has allotted 66,000 of them to the H-2B (seasonal) program.

In 2004, President George W. Bush officially proposed expanding the number of guest workers to include people already living in the United States without a visa. He suggested creating a guest-worker program that would “offer legal status, as temporary workers, to the millions of undocumented men and women now employed in the United States” Under his plan, employers would have to offer the job to American workers first.

A majority in Congress did not support Bush’s proposal, and neither did President Barack Obama. But Congress passed a bill that Obama signed in 2015 that included a way to work around the 66,000 annual cap on H-2B visas. The bill allowed foreign workers who re-apply for the visa within three years of first receiving the visa not to count toward the annual cap. This expanded the use of H-2B guest workers in the seafood industry, landscaping, housekeeping, and other fields of work.

The Pros and Cons

Critics of expanding guest-worker programs believe they simply do not work. They cite the Bracero program, a previous guest-worker program, as proof. When the United States entered World War II, there was a shortage of agricultural workers. Many had been sent overseas to fight in the military or worked in factories to make war materials, like ammunition, ships, and airplanes. On August 4, 1942, the United States and Mexico created the Bracero program to keep American agriculture productive.

The word “bracero” comes from the Spanish word *brazo*, meaning “arm,” because the guest farm workers would be performing physical labor. The program was specifically directed at rural workers from Mexico, many of them experienced farm workers. They would perform the necessary task of harvesting crops in the United States.

The program continued after the war and recruited many people from Mexico for over 20 years. In 1959, a record number of 430,000 braceros were employed within the United States. An estimated 80,000 braceros arrived in the United States each year through El Paso, Texas, alone. Across the border from El Paso, the Mexican city of Ciudad Juarez served as a major recruiting center for braceros. Before entering the United States, each worker reported to a recruiting center and signed a contract with a U.S. employer.

By 1964, however, there had been numerous reports that the braceros were underpaid, overworked, harassed, and housed in poor living conditions. The U.S. Department of Labor officer in charge of the program called it “legalized slavery.” Congress ended the program in 1964.

Despite the history of the Bracero program, proposals to create a new or expanded guest-worker program with better federal oversight have many supporters. They want to address the unauthorized immigration issue by bringing undocumented immigrants “out of the shadows.” President Bush’s proposal, for example, would have offered each guest worker temporary legal status for three years. This status could be renewed as long as the worker obeyed the program’s rules and the laws of the United States.

Supporters also claim that such an expanded program would benefit both guest workers and American workers. The U.S. Chamber of Commerce, a national organization of business owners, has cited a shortage of American workers in hospitals, restaurants, hotels, and construction. They also argue that guest-worker programs curb unauthorized immigration by giving would-be unauthorized immigrants a legal means of staying and working in the United States.

Senators Barbara Mikulski (D-MD) and Thom Tillis (R-NC) were instrumental in passing the law that worked around the 66,000 cap on H-2B visas in 2015. The industries in their respective states benefitted, but they also received national support from the H-2B Workforce Coalition, a consortium of over 1,000 business organizations. The coalition argues that employers in the U.S. use H-2B visas for skilled and nonprofessional workers to fill jobs they cannot find qualified U.S. workers for.

Some opponents argue that guest-worker programs only encourage illegal immigration. “In every instance,” says Mark Krikorian of the Center for Immigration Studies, “[guest-worker programs] lead to large-scale permanent settlement, they spur parallel flows of illegal immigration, and they distort the development of the industries in which the foreign workers are concentrated.”

Other opponents argue guest-worker programs, like the H-2B visa program, exploit workers—both Americans and the undocumented. Ross Eisenbrey of the Economic Policy Institute has stated, “There isn’t a shortage of workers willing to do these jobs. There’s a shortage of employers willing to pay a decent wage.” The AFL-CIO, the largest labor union organization in the United States, has alleged further that recruiters and employers typically “threaten, coerce, and defraud” workers, often altering contracts with workers that they force the workers to accept. The Southern Poverty Law Center argues that H-2B workers are even subject to human trafficking.

Both political parties are poised to debate an expansion of the H-2B visa program. That debate will occur somewhat between the two parties, but perhaps even more within the two parties. As immigration issues loom large in elections, the guest-worker issue will likely be subject to continued debate.

Writing & Discussion

1. What were the terms of George W. Bush’s proposal to create a guest-worker program?
2. How did the Bracero program work? Why was it ended?
3. Explain the main reasons for and against a guest-worker program. Which side do you support? Use evidence from the article in your answer.

ACTIVITY

The President's Guest Worker Advisory Council

Imagine that the president is considering introducing one of the following bills to Congress in order to change the U.S. guest worker program:

- A. The government increases the number of agricultural temporary worker visas by 50,000 per year. A guest worker could work in the U.S. for two years.
- B. The government increases the number of guest worker visas for work in hotels, restaurants, and hospitals by 50,000 per year. A guest worker could work in the U.S. for three years.
- C. The government increases the number of guest worker visas for all “seasonal” work by 100,000 per year, including agriculture and tourism. A guest worker could work in the U.S. for three years.
- D. The government stops issuing all guest worker visas each year. Instead, the government increases the minimum wage and requires that employers offer jobs to U.S. citizens only.

In small groups, discuss each of the above proposals to the U.S. guest worker program. Each group should rank the proposals from 1 through 4, with “1” being the best proposal (your group would recommend this one to the president) and “4” being the worst.

Be prepared to have one person from your group report to the class the following:

1. Which of the proposals would your small group recommend that the president introduce in Congress? What made this proposal better than the others?
2. Which of the proposals did your group rank as the worst? Why?
3. Is there any proposal that could be changed to make your group recommend it to the president? What changes would your group suggest?