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GLOBAL DEVELOPMENT THROUGH INTERNATIONAL LABOR MOBILITY

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To my mother and father, for their love and support.

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Abstract

International labor mobility is currently heavily restricted by tight immigration controls around the world, and most people who want to migrate in search of employment and higher wages are either unable to or must do so illegally. This study questions whether modern immigration restrictions are effective or economically beneficial to either sending or receiving countries. This study assesses the economic and social benefits and drawbacks of greater international labor mobility for the world, and the U.S. in particular. It focuses on temporary labor migration of low-skilled workers from the developing world to the developed world, and argues that increasing this type of migration could promote the development of the developing world far more than current international aid and trade flows. Furthermore, greater international labor mobility benefits all countries that participate. The U.S., specifically, has much to gain from developing formal bilateral and multilateral migrant labor agreements with developing countries, in particular Mexico. The economic and social benefits of widening legal avenues for migrant labor far outweigh potential costs, such as suppressed wages of low-skilled citizens. Policymakers in the developed world should reconsider the effectiveness of restrictive immigration policies and militarized borders, and they should strongly consider the economic growth that could be realized by establishing formal, well-enforced migrant labor programs with developing countries.

Chapter I: Introduction

The aim of this study is to assess the economic and social benefits and drawbacks of greater international labor mobility for the world, and the U.S. in particular, and determine how it can best be achieved. This study focuses on temporary labor migration of low-skilled workers and argues that increasing this type of migration could promote the development of the developing world even more than existing international aid and trade flows. In addition, greater labor mobility between the developed and developing worlds is not a zero sum game. All parties who play reap rewards for doing so. The rewards come in many forms, such as increased labor efficiency and economic growth for developed countries, and larger remittance flows and skills acquisition for developing countries. International labor mobility is currently heavily restricted by tight immigration controls, and most people who want to migrate in search of employment and higher wages either cannot or must do so illegally. This study argues that developed countries should lower their barriers to immigration and create bilateral or multilateral migrant labor agreements with developing countries in order to facilitate greater labor mobility between them.

I begin the paper by defining the concept of international labor mobility and detailing the largest economic and social benefits of international labor mobility to both sending and receiving countries. The benefits to the developing world stem from gaining larger flows of remittances, which fund development and reduce poverty at the individual, family and community level. The developed world, in turn, benefits from greater labor market efficiency and economic growth, without the worry of increased welfare spending. International migrants benefit by having wider access to safe, legal

avenues for temporary labor migration. The opportunity to migrate legally allows them to avoid the dangers of crossing borders and living in fear of deportation, and it can also offer greater legal protection against exploitation by employers. Additionally, since global climate change is an increasingly important issue, I argue that widening international migrant labor flows could help some of the poorer, more vulnerable communities in the developing world afford adaptive responses, community development, and, in worst-case scenarios, relocation. I also address potential drawbacks and common misconceptions associated with labor migration, and either refute these or argue that they can be readily mitigated. While increased international labor migration may not be the perfect solution to ending poverty, inequality, and injustice in the world, it can certainly help generate wealth, restore some equality, and make the world a fairer, freer place to live.

In the third chapter, I narrow my analysis of international labor mobility to the U.S. and Mexico. I assess the specific economic and social benefits of labor migration between these two countries. I discuss their historical ties and detail the current problems of the U.S.'s very restrictive immigration policies and border militarization, and the paradoxical growth in undocumented migration from Mexico to the U.S. in the past few decades despite the U.S.'s increasingly strict policies. The wage differential between the two countries as well as the U.S.'s demand for Mexican labor encourages migrants to attempt ever more dangerous and costly border crossings. Existing labor immigration programs in the U.S. are far too small to incorporate the millions of undocumented Mexican migrants currently living in the U.S. I argue that the U.S. and Mexico should establish a well-regulated guest worker program that includes most

undocumented migrants. Such a program would help American firms stay informed of foreign labor supply, and would also offer migrants legal status, protection of rights, and freedom from the fear of deportation.

In the fourth chapter, I stress the human side of the issue of international labor mobility by revealing the dangers and injustice imposed by current immigration restrictions. I continue to focus on Mexico and the U.S., detailing the experiences of documented and undocumented migrants alike. I find that both are commonly exploited by their employers and work the most dangerous, dirty, and degrading jobs, often without proper protections, medical care, or decent compensation. In essence, the current U.S. immigration laws and policies force many migrants to migrate illegally, live under the specter of deportation, and work for exploitative employers. The relative few who can enter legally still face exploitation, and the rights and entitlements they are legally guaranteed are far from adequately enforced. I argue that the U.S. can either revamp and expand its existing labor migration program, or toss it and create an entirely new, well-regulated guest worker program. To understand how the U.S. can best accomplish this task, I describe the successful migrant labor programs in New Zealand and Canada, noting positive aspects that the U.S. should incorporate into its own program.

I hope that this study will encourage policymakers to strongly consider pursuing bilateral and multilateral agreements establishing migrant labor programs between developing and developed countries, in the U.S. and beyond. Further, I hope policymakers will reconsider the effectiveness of restrictive immigration policies and militarized border control, and recognize their negative impacts on migrant laborers and

the global economy. Although developing effective, well-enforced migrant labor programs is far from an easy task, the shared economic gains that can be had from greater international labor mobility assure us that it is well worth the effort.

Chapter II: International Labor Mobility as the New Aid to the Developing World

The purpose of this chapter is to explain the concept of international labor mobility, and then lay out the monetary and social benefits of increased international labor mobility to migrants and their home countries as well as to receiving countries. It is important to stress that greater labor mobility is not a zero sum game or a form of charity to developing countries. Unlike foreign aid, temporary labor migrants provide direct economic gains to every party involved through, for instance, greater efficiency in the labor market and more remittances. This chapter also addresses the increasingly pressing issue of climate change, arguing that freer labor mobility could play a significant role in improving the developing world's capacity to adapt, prepare for, and withstand the increasingly dire threats posed by the changing climate.

International Labor Mobility

The International Organization for Migration defines international labor mobility as "the movement of people from one country to another for the purpose of employment."[1] This movement can result in either temporary or permanent residence in a receiving country; however, this paper focuses specifically on the economic possibilities offered by increasing temporary labor migration between countries.[2]

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[1] "Labor Migration," *International Organization for Migration*, <https://www.iom.int/labour-migration>.
[2] The focus on increasing temporary as opposed to permanent labor migration stems from its greater political feasibility. For instance, temporary labor migration programs allow countries to control and monitor the number of labor migrants they accept, their duration, the services they have access to, and the occupations they can apply for. Temporary status also assures that migrants will not pose a fiscal burden or permanently alter the social composition of society. For these and other reasons which will be

International labor migration is not new on the global scene, although it has grown significantly in recent decades. Since 1965, the number of international migrants has more than doubled.[3] Although more people than ever before are now living outside their country of birth, up from 175 million in 2000 to 232 million in 2013, according to the UN Population Division they account for only 3.2 percent of the world's population.[4] Almost two-thirds of international migrants live in Europe and Asia, with each continent receiving about 70 million migrants each.[5] Also, about three-quarters of migrants are of working age, and 48 percent are women.[6] However, according to a Gallup poll conducted between 2009 and 2011, an additional 640 million people, or 13 percent of the world's adults, say they would emigrate permanently if given the chance.[7] Consequently, it is not very surprising that international migration is anticipated to continue increasing into the future.

Of the world's 244 million international migrants, 150 million are migrant workers, as of 2015.[8] International migrants are driven to seek employment and security abroad by a wide variety and interplay of forces, including globalization, local and regional conflicts, income disparities, shifts in demographic trends, and climate change.

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discussed, temporary labor migration can be regarded as more politically and socially realistic and worthy of consideration and promotion.

[3] "Labor Markets: International Migration," *The World Bank*, <http://go.worldbank.org/ET5UILQKR0>.

[4] Ted Thornhill, "More People Than Ever Living Outside Their Home Country: Number of Migrants Worldwide Hits 232 Million," September 12, 2013, *Daily Mail*, <http://www.dailymail.co.uk/news/article-2418902/More-people-living-outside-home-country-Number-migrants-worldwide-hits-232-million.html>.

[5] Ibid.

[6] Ibid.

[7] Jon Clifton, "150 Million Adults Worldwide Would Migrate to the U.S.," April 20, 2012, *Gallup*, <http://www.gallup.com/poll/153992/150-million-adults-worldwide-migrate.aspx>.

[8] "Labor Migration," *International Labor Organization*, <http://www.ilo.org/global/topics/labour-migration/lang--en/index.htm>.

They contribute to their recipient countries' economic growth and development, while simultaneously supporting the economies of their home countries through remittances and human capital acquisition.

Although establishing and monitoring formal temporary labor migration channels between countries would certainly generate many challenges, particularly regarding governance, workers' rights and protection, and international cooperation, the potential benefits that would be gained from doing so are extraordinary. In 2011, migrant workers earned $440 billion, and the World Bank estimates that more than $350 billion of those earnings were sent home to developing countries as remittances.[9] If more of the world's population was able to migrate in search of higher paying jobs, these gains would multiply.

It is worth noting that the demand for greater migration is readily apparent. After surveying 135 countries between 2007 and 2009, Gallup concluded that approximately 16% of the world's adults, or 700 million people, would like to move permanently to another country if the chance presented itself, with the U.S. as the most preferred destination, followed by many European countries.[10] About 150 million of these people, or almost one in every 30 adults in the world, would like to move to the U.S.[11] The

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[9] "Labor Migration," *International Organization for Migration*.
[10] Neli Esipova and Julie Ray, "700 Million Worldwide Desire to Migrate Permanently," *Gallup*, November 2, 2009, <http://www.gallup.com/poll/124028/700-million-worldwide-desire-migrate-permanently.aspx>.
[11] "Labor Migration," *ILO*.

regions with the highest percentages of those wishing to emigrate were the Middle East and North Africa (MENA) and sub-Saharan Africa.[12]

When it comes to measuring the potential gains of greater labor migration, Michael Clemens, a development economist and a senior fellow at the Center for Global Development in Washington, D.C., has conducted analysis that "suggests that the gains from reducing emigration barriers are likely to be enormous, measured in tens of trillions of dollars."[13] In addition, Clemens' research suggests that the gains of removing all remaining barriers to trade and capital flows would be less than the gains from eliminating barriers to labor mobility.[14] These immense potential gains are made possible by unfathomably wide wage gaps between developed and developing countries for identical, low-skill workers. For instance, the wage gap between the United States and countries such as Egypt, Nigeria, and Haiti exceeds 1,000 percent.[15] Such an extreme difference in earnings presents probably one of the strongest pull factors ever to exist.

Despite its potential benefits and widespread demand for it, labor mobility in general, whether temporary or permanent, is currently heavily restricted by immigration policies in the developed world, where relatively high-wage, low-skill jobs are concentrated.[16] The poorest, unskilled workers of the world are denied legal access to

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[12] Ibid.
[13] Michael A. Clemens, "Economics and Emigration: Trillion-Dollar Bills on the Sidewalk?", *Journal of Economic Perspectives* 25.3 (2011): 87.
[14] Ibid., 85-6.
[15] Ibid., 87.
[16] James Hollifield, Philip Martin, and Pia Orrenius, *Controlling Immigration: A Global Perspective*, 3rd ed., (Stanford: Stanford University Press, 2014), 5-8.

these jobs, which to them and their families may mean the difference between a life of extreme poverty and one of relative economic stability and upward mobility. Furthermore, unsurmountable legal barriers induce many would-be legal labor migrants to pursue the extremely dangerous path of illegal immigration, which paradoxically is informally tolerated by many governments for the sake of having a continuous supply of cheap labor even while they officially condemn and deport so-called "illegal aliens".[17]

Lifting at least some of the barriers to international labor mobility is a necessary way to create highly demanded legal avenues for migration and to reverse the trend of increasing global income inequality between rich and poor countries, as well as reduce income inequality among individuals within countries.[18] Note that the emphasis here rests upon opening the developed world's borders to the migration of the developing world's low-wage, unskilled workers. After all, the other side of spectrum does not face the same barriers, since highly skilled immigrants are already more widely permitted to migrate, and even where their access is also strictly limited, increasing their access to the developed world is not nearly as politically contentious as opening the borders to unskilled labor.

Increasing international labor mobility is particularly exigent because existing levels of international trade and aid are grossly insufficient in supporting the

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[17] Patrick Taran and Eduardo Geronimi, "Globalization, Labor and Migration: Protection is Paramount," *ILO International Migration Program* (2002): 7.
[18] Amina Mohammed, "Deepening Income Inequality," *World Economic Forum*, < http://reports.weforum.org/outlook-global-agenda-2015/top-10-trends-of-2015/1-deepening-income-inequality/>.

development and growth of the developing world. Remittances could have a *much* larger impact in this arena. In general, one of the more ambitious, while still possibly politically feasible proposals would establish a global, multilateral guest-worker program established and monitored by a new or existing international organization. This program could put millions of the world's poorer and more disenfranchised people to work wherever low-skill labor is demanded in the developed world. However, bilateral temporary labor migration deals negotiated between neighboring or historically affiliated countries are probably much more politically realistic in the short to medium term. Many already exist, including between the Gulf states and South and South East Asian countries as well as between New Zealand and some small island states. Whatever the method, increasing remittances to the developing world would economically empower individuals, families, communities, countries, and regions by injecting remittances directly into families' pockets and providing them with the means to build their homes and communities, invest in human capital and new businesses, learn new skills, and aspire for a better future.

In regards to poverty, the liberalization of global labor markets could make much larger strides in the reduction of poverty and the fostering of development in the developing world compared to foreign aid, which has proven insufficient and often disappointingly ineffective. Aid has failed to break the "endless cycle of poverty" in developing countries. One critique of foreign aid is that it acts as an opiate for the developing world "by subsidizing political irresponsibility and pernicious policies."[19]

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[19] James Bovard, "The Continuing Failure of Foreign Aid," *Cato Institute Policy Analysis* 65 (1986): 2.

Another critique is that donors are unaware of the most productive potential projects and therefore fail to invest in them, which leads to the misallocation of precious resources and ultimately the undermining of economic growth.[20] In 2014, the Organization for Economic Cooperation and Development's (OECD) Development Assistance Committee spent about $135 billion on official development assistance, which was less than previous years, and it also allocated 16% less to least-developed countries compared to 2013.[21] The OECD's trend of favoring middle-income developing states over the poorest states is disconcerting, even though it does not apply to all international institutions. Meanwhile, a study by Mukand (2012) estimated that liberalizing immigration restrictions by just 3% could yield global economic gains of over $150 billion.[22] Even a modest increase of temporary, low-skilled labor migration between the poor and rich countries of the world could have a larger, more effective and beneficial impact on global wealth and development than foreign aid on an annual basis.

Establishing freer international labor mobility could also go a long way toward reversing the trend of rising global income inequality. Although poverty has been in decline in recent decades, income inequality has increased within *and* between rich and poor countries since the 1970s and 1980s.[23] Compared to the nineteenth century, when

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[20] Andrei Shleifer, "Peter Bauer and the Failure of Foreign Aid," *Cato Journal* 29.3 (2009): 381-2.
[21] Mark Anderson, "Foreign Aid Close to Record Peak after Donors Spend $135 billion in 2014," *The Guardian*, April 8, 2015, <http://www.theguardian.com/global-development/2015/apr/08/foreign-aid-spending-2014-least-developed-countries>.
[22] Sharun Mukand, "International Migration, Politics and Culture: The Case for Greater Labor Mobility," *The CAGE-Chatham House Series* 2 (2012): 1.
[23] Brian Keeley, "What's Happening to Income Inequality?," *Income Inequality: The Gap Between Rich and Poor*, OECD Publishing (2015): 32.

rich countries' incomes were only about ten times greater than those of the poorest, today's ratio of income inequality is fifty to one.[24]

Also, an estimated two-thirds of an individual's income inequality originates from their country of birth, as opposed to their educational attainment, skills, or experience.[25] The truth is that someone from a poor country working in a rich country, all else held equal, increases their earnings by three to five times on average.[26] This difference unsurprisingly encourages the citizens of the developing world to pursue labor migration, and providing legal avenues for that migration could help these individuals around the world take advantage of the severe wage disparities while maintaining their dignity and protecting their rights. Moreover, this could decrease global income inequality by facilitating the exchange of more money from the rich to the poor, in addition to human capital attainment, in return for honest work and to the benefit of all.

Monetary Benefits to the Developing World

One of the most significant impacts of greater international labor mobility is the corresponding increase in remittances sent from developed countries to developing countries. In 2015, the World Bank estimates that migrants sent $601 billion home to their families in the form of remittances, and of that total, developing countries received

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[24] Winnie Byanyima, "Richest 1% Will Own More than All the Rest by 2016," *Oxfam International*, January 19, 2015, <https://www.oxfam.org/en/pressroom/pressreleases/2015-01-19/richest-1-will-own-more-all-rest-2016>.
[25] Branko Milanovic, "Global Inequality of Opportunity: How Much of Our Income is Determined by Where We Live?," *The Review of Economics and Statistics* 97.2 (2015): 1.
[26] Ibid.

$441 billion, which is almost three times the amount of official international development assistance.[27] The U.S. was the largest remittance source country, and India and China were the largest remittance receiving countries.[28] While remittances accounted for only 0.7 percent of world GDP in 2007, they were 2.1 percent of the GDP of developing countries, and 5.8 percent of the GDP of least-developed countries.[29] In an OECD study, Dayton-Johnson et al. found that a 10 percent increase in the share of remittances in GDP is associated with 1.2 percent reduction in poverty.[30] Clearly, remittances are already very important to developing countries, and greater labor migration can serve to deepen and expand their positive impact.

Perhaps the greatest inherent strength of remittances is that unlike other sources of funding such as international aid and trade, remittances go straight into the pockets of migrants' families and their communities. Families intrinsically know far better than their government what they need most and how to spend their money effectively. For instance, remittances can increase investment in education for children and decrease child labor, as well as make health care more affordable.[31] Girls' school attendance can also rise, and more secondary school graduates can find themselves much better able to afford a tertiary education.[32] Overall, remittances can stimulate consumption and

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[27] "Migration and Remittances Factbook 2016, 3rd ed," *World Bank Group* (2016): v.
[28] Ibid.
[29] Sherry Stephenson and Gary Hufbauer, "Chapter 13: Labor Mobility," *Preferential Trade Agreement Policies for Development: A Handbook*, Washington, World Bank (2011): 280.
[30] Jeff Dayton-Johnson, Antje Pfeiffer, Kirsten Schuettler, and Johanna Schwinnn, "Migration and Employment," *Promoting Pro-Poor Growth: Employment,* OECD (2009): 151.
[31] "The Contribution of Labor Mobility to Economic Growth," *ILO, OECD, and World Bank Group,* Joint Paper for G20 Labor and Employment Ministers' Meeting (2015): 10.
[32] Ibid.

investment, which boosts local economies, increases financial savings and spurs improvements to community financial institutions.[33]

Over half of the world's migrants reside in G20 countries.[34] Out of total global remittance flows, their remittances to and from these countries is almost 80%, as estimated in 2014.[35] Remittances are currently the second-most important source of capital to the developing world, and they can greatly increase with the help of the liberalization of international labor mobility restrictions. The 2015 remittance total of $441 billion received by the developing world could be $300 billion greater if the developed world allocated an additional 3% of its jobs to approximately 16 million people from the developing world.[36] Migrants already hold 7% of the developed world's jobs, so increasing that on a highly conditional temporary migrant worker basis should be both feasible and worthwhile from an economic standpoint. Also, it is important to keep in mind that no country has a fixed number of jobs, and migrants act as much as job creators as workers by increasing daily economic activity and consumer demand in their communities. Increasing remittances via promoting increased labor migration could go a long way toward reducing poverty, increasing human capital attainment, and improving the health and wellbeing of the people of the developing world.

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[33] Karine Manyonga Kamuleta, "The Impacts of Remittances on Developing Countries," *Directorate-General for External Policies: Policy Department* (2014): 22.
[34] The G20, or Group of Twenty, is an international forum for the governments and central bank governors of the world's 20 largest economies. Over half of the world's migrants reside and work in these countries, which include Argentina, Brazil, Indonesia, Saudi Arabia, South Africa, Turkey, India, China, the U.S., the U.K., France, and Germany.
[35] Kamuleta, 1.
[36] "Increase in the Labor Force Can be an Engine for Development," *Worldwatch Institute*, <http://www.worldwatch.org/increase-labor-force-can-be-engine-development-0>.

Monetary Benefits to the Developed World

The benefits of increased temporary international labor migration do not go exclusively to migrants and their home countries. In reality, everyone involved has much to gain. That includes the developed countries that receive temporary labor migrants.

It is well worth noting that in the past decade immigrants have represented almost half of the increase in the U.S.'s and Canada's workforce, and 70 percent in Europe's.[37] While many of these workers can be associated with the brain drain effect of highly-skilled professionals migrating from developing countries and contributing to the disproportionately large stock of human capital in the developed world, most are unskilled laborers willing to take jobs deemed too unattractive by the majority of developed countries' domestic workers. Importantly, many more unskilled workers would move in pursuit of these jobs if opportunities for legal migration were extended. Migration expands the developed world's workforce by providing an influx of young workers who contribute to GDP growth and economic expansion.[38] Young, economically active migrants can beneficially alter an otherwise aging country's demographics, namely by reducing dependency ratios.[39] These are major benefits of which the developed world is currently only enjoying the tip of the iceberg.

One of the clearest benefits of labor migrants is that they satisfy industrialized countries' demands for cheap, low-skilled labor. The industries with the highest demand

[37] "The Contribution of Labor Mobility to Economic Growth," 11.
[38] Ibid., 12.
[39] Ibid.

for this labor include agriculture, food-processing, construction, and low- or unskilled manufacturing such as textiles, as well as low-wage services like domestic work and home health care.[40] Sometimes these jobs, particularly in manufacturing, are known as the "3-D" jobs: dirty, degrading and dangerous.[41] The labor demands of these businesses are typically unsatisfied by nationals due to low pay, dangerous conditions, and social stigmatization. Consequently, demand for cheap, unskilled migrant labor is persistent, and foreign workers perform vital roles in industrialized economies. Furthermore, recipient countries can benefit from migrant labor by importing the labor they require to resolve internal labor resource mismatches and bottlenecks.[42] This can increase both micro- and macroeconomic levels of production and efficiency in receiving countries, and could yield enhanced economic development on a regional scale.[43]

For instance, one specific benefit of international migrant labor programs is an improved regional elasticity of labor, particularly for unskilled workers. The offer of available labor opportunities elsewhere can relieve the pressure for outward migration from economically stagnant areas, allowing labor to flow naturally to where demand is most concentrated. As the situation currently stands, harsh immigration restrictions impede millions of people from bettering their lives by denying people the opportunity to engage in business with their best customers.[44] Namely, workers are barred from

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[40] Taran and Geronimi, 6.
[41] Ibid.
[42] Kubursi, "The Economics of Migration," 19.
[43] Ibid.
[44] Caplan, 19.

offering their labor to the highest bidding employers because they are denied access to the developed world's labor market.

Another way labor migrants can give back to the developed world is through increased tax revenues. It is a common misconception that migrants abuse their host countries' welfare systems by using much more in welfare than the average American family. This misconception is fueled by reports like the one released in 2015 by the Center for Immigration Studies, an organization that advocates for more restrictive immigration policies in the U.S. The report found that 51 percent of immigrant households, whether legal or unauthorized, receive some form of welfare and thereby pose a fiscal burden on the U.S.[45] However, this report is exaggerated and misrepresentative. Since the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the only immigrants who can qualify for welfare are green card holders and refugees with asylum; all other immigrants, both legal and undocumented, are ineligible for welfare.[46]

In addition, The American Immigration Council found that immigrants are net contributors to the welfare system. A 2010 report by the Council discovered that "immigrants earn about $240 billion a year, pay about $90 billion a year in taxes, and use about $5 billion in public benefits…[and] immigrant tax payments total $20 to $30

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[45] Steven A. Camarota, "Welfare Use by Immigrant and Native Households: An Analysis of Medicaid, Cash, Food, and Housing Programs," *Center for Immigration Studies* (2015): 2.
[46] Robin K. Cohen, "PRWORA's Immigrant Provisions," December 13, 2007, *OLR Research Report,* <https://www.cga.ct.gov/2007/rpt/2007-R-0705.htm>.

billion more than the amount of government services they use."[47] Further evidence that immigrants support rather than abuse the U.S. welfare system comes from a 2013 report by the U.S. Chamber of Commerce, which concluded that "more than half of undocumented immigrants have federal and state income, Social Security, and Medicare taxes automatically deducted from their paychecks."[48] Even though they are ineligible for benefits, immigrants pay taxes that fund them; the apparent injustice in this is a real concern, but it would be difficult to reconcile in the current political climate that deems migrants as 'takers' rather than 'producers'. The net fiscal benefit of immigrants would hold true under a temporary migrant labor program as well, because temporary migrants would not be eligible for welfare, and they also would not be allowed to bring their families and children, so additional education and health care costs would not be an issue.

Another point to consider is that welfare states focus on the old, rather than the poor, as evidenced in the U.S. by the sheer size and funding of Social Security and Medicare compared to means-tested programs for the poor like SNAP and Medicaid.[49] More specifically, in 2015, $888 billion went toward Social Security and $546 billion went to Medicare, while Medicaid and other health insurance programs including the Affordable Care Act received $392 billion and safety net programs like SNAP and

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[47] "Giving the Facts a Fighting Chance: Addressing Common Questions on Immigration," *American Immigration Council*, Special Report (2015): 8.
[48] "Immigration Myths and Facts," October 24, 2013, *U.S. Chamber of Commerce: Labor, Immigration and Employee Benefits*, <https://www.uschamber.com/sites/default/files/documents/files/Immigration_MythsFacts.pdf>.
[49] Christopher Matthews, "The Economics of Immigration: Who Wins, Who Loses and Why," *TIME*, January 30, 2013, <http://business.time.com/2013/01/30/the-economics-of-immigration-who-wins-who-loses-and-why/>.

school meals were allocated $362 billion.[50] Since temporary migrants will return to their home countries before they reach retirement and old age, the taxes they pay while working in the developed world are pure profits to the host countries.[51] An OECD study from 2013 found that immigrants pose neither a fiscal burden nor offer a perfect solution for addressing a country's fiscal problems.[52] If welfare costs are a concern for a host country, the simple solution is to deny or reduce temporary migrants' access to welfare to whatever degree or for whatever time period is deemed prudent.

Such a move is not unheard of. In fact, U.K. Prime Minister David Cameron sought such a provision when negotiating the U.K.'s special status in the E.U. in early 2016. Specifically, he noted that one of the chief aims of the negotiations "was to reduce the very high level of migration from within the E.U. by…preventing [the] welfare system acting as a magnet for people to come" to the U.K.[53] What this means in practice is that migrants to the U.K. must now wait four years before they have full access to benefits in the country, they cannot apply for certain unemployment benefits, and they now receive child benefit stipends for their children back home based on the PPP of their own country rather than standard UK rates.[54] It is worth pointing out that

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[50] "Policy Basics: Where Do Our Federal Tax Dollars Go?", *Center on Budget and Policy Priorities*, March 4, 2016, <http://www.cbpp.org/research/federal-budget/policy-basics-where-do-our-federal-tax-dollars-go>.
[51] Bryan Caplan, "Why Should We Restrict Immigration," *Cato Journal* 32.1 (2012): 10.
[52] OECD: "The fiscal impact of immigration in OECD countries" in International migration outlook 2013 (Paris, OECD Publishing, 2013); OECD: "Is migration good for the economy?" (Paris, OECD Publishing, 2014b).
[53] David Cameron, "PM Statement Following European Council Meeting," Prime Minister's Office, 10 Downing Street, February 19, 2016.
[54] Ibid.

evidence suggests that benefits are not a significant pull factor for E.U. migrant workers, as well as the reality that these workers are net contributors to the U.K. economy.[55]

Until an international legally-binding agreement is established by the United Nations or another major international organization laying out the universal rights of migrant workers, each recipient state can negotiate the benefits that migrants are entitled to with sending states. Hence, migrants' access to social services will differ state by state, but if they have greater mobility they will be able to choose which state offers them the best deal, and in turn states may compete for more migrants by offering more entitlements than other recipient states, potentially creating a virtuous cycle.

Additionally, even though more migrants would mean a larger population for a host country to take care of, this population boost would not present any particularly burdensome extra costs. This is because the expensive political and social institutions necessary for protecting and organizing the state's population are already well-established, and large costs such as defense spending would not need to increase in order for the country to protect a larger population.[56] Any growth in state costs would be overshadowed by enormous gains in increased tax revenues, greater efficiency in the labor market, and higher levels of economic production and efficiency.

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[55] "UK EU Referendum Negotiations: What Has Been Agreed and What Does this Mean for Migration?," *Joint Council for the Welfare of Immigrants*, February 22, 2016, <https://www.jcwi.org.uk/blog/2016/02/22/uk-eu-referendum-negotiations-%E2%80%93-what-has-been-agreed-and-what-does-mean-migration>.
[56] Caplan, 10.

Social Benefits of Greater International Labor Mobility

In addition to its economic benefits, increased international labor mobility also offers many social benefits, particularly with regard to human rights, ethics, and global justice. Existing immigration policies raise many moral questions and concerns, and increased labor mobility presents an opportunity to answer and resolve them, and improve upon the current situation.

First off, what does the current situation look like? In the U.S., for example, the evolution of tight contemporary immigration controls, including the barriers and difficulties associated with obtaining a work visa as well as fortified borders with tall fences and patrol agents, have resulted in a higher death rate of illegal migrants on the border. It is estimated that at least one migrant dies each day trying to cross the U.S.-Mexico border, usually due to exposure to the elements.[57] Despite the dangers, migrants continue to attempt border crossings, proving that immigration controls are ultimately ineffective because "migratory movements, once started, become self-sustaining social processes."[58] Furthermore, between 2000 and 2010, the U.S. government deported nearly three million people and intimidated an additional 11 million into "voluntarily" leaving.[59] At least 10 million migrants currently living in the U.S. endure the day-to-day humiliation and fear of "being illegal."[60] The overexploitation and social vulnerability that they and many undocumented migrants around the world endure is unnecessary and

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[57] Antoine Pécoud and Paul de Guchteneire, "Migration Without Borders: An Investigation into the Free Movement of People," *Global Migration Perspectives* 27 (2005): 3.
[58] Ibid., 4.
[59] Caplan, 20.
[60] Ibid.

unjust. These migrants would greatly benefit from wider legal avenues for temporary labor migration.

One key benefit of liberal labor migration policies is their capacity to combat discrimination. Discrimination based on nationality is the most widespread and pervasive form of discrimination still deemed universally acceptable. An individual's country of birth is the largest determinant of their well-being in life, yet they very often face insurmountable barriers if they decide to change their nationality in pursuit of a better life. Branko Milanovic, a lead economist for the World Bank, found that "more than two-thirds of global income inequality is due to national income differences" among countries.[61] There is so much income to be gained by migration. More specifically, a study conducted by Michael Clemens, Claudio Montenegro, and Lant Pritchett found that, roughly estimated, "existing border distortions produce an available welfare gain to a marginal moderate-skill mover from a typical developing country of around $10,000 a year," which is "double the average GDP per capita of all developing economies in aggregate ($4,911 in 2007)."[62] Consequently, not only does increased international labor mobility confront the global acceptance of discrimination based on nationality, but it also offers the opportunity for individuals to take advantage of wide wage differentials between countries as documented residents with legal protections. Under more liberal labor migration policies, "the logic of personhood supersedes the

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[61] Milanovic, 452.
[62] Michael A. Clemens, Claudio E. Montenegro, and Lant Pritchett, "The Place Premium: Wage Differences for Identical Workers Across the U.S. Border," *Harvard Kennedy School Faculty Research Working Paper Series* RWP09-004 (2009): 5.

logic of national citizenship," and "a more universal model of membership anchored in transcendent and de-territorialized notions of personal rights" can be realized.[63]

International agreements increasing labor mobility between the developed and developing worlds will ensure greater protection of the fundamental human rights of migrants, helping maintain their human dignity and combat overexploitation in the workplace by extending them legal status, basic rights, and freedom from the constant fear of deportation. The ethical principle that every person's fundamental rights should be assured is the foundation of the United Nations International Convention on Migrants' Rights, and bilateral labor migration agreements can defend this principle much better than walls and deportations.[64] Illegal migrants need an avenue by which they can gain legal status, particularly in the form of work visas, and greater labor mobility can offer this not just to current illegal migrants but also many more would-be migrants hoping for the opportunity to work in the developed world.

The Growing Threat of Climate Change

In order to discuss climate change in the same context as international labor mobility, it is useful to point out the legal differences between a migrant and an environmental refugee. Environmental refugees are still not recognized under international law in the same way as refugees fleeing from war or persecution. Meanwhile, economic migrants enjoy the right to apply for work visas, and war refugees can qualify for asylum under the Geneva Convention. However, climate

[63] Ronen Shamir, "Without Borders? Notes on Globalization as a Mobility Regime," *Sociological Theory* 23.2 (2005):198 .
[64] Pécoud and Guchteneire, 16.

refugees do not fit within existing migration rules, leaving them in a legal limbo. Their legal status and rights need to be formally established in the near future, ideally by the UN. In the meantime, the assumption that all environmental refugees are potential economic migrants is useful. Basically, this means that anyone whose livelihood is negatively impacted by the effects of climate change may choose to migrate in search of economic opportunities in order to earn enough money to be able to either adapt or move permanently to a less vulnerable location.

The UN has predicted that there will be up to 200 million environmental refugees by 2050, while other estimates have suggested as many as a billion refugees by mid-century.[65] These figures account for both internal displacement within countries as well as international migration. For comparison, in 2008 there were "only" 20 million environmental refugees.[66] As numbers of these refugees rise, many of them are very likely to become economic migrants, leaving their countries in search of jobs and higher wages. Therefore, over time, there will be more economic migrants who move to wealthier states to earn money in order to help their families adapt and repair their homes and livelihoods, or afford the costs of moving. These economic migrants see greater opportunities elsewhere and aspire to take advantage of them.

Environmental refugees, pushed by climate change's long-term, growing consequences, can and already are becoming economic migrants. They are thusly emphasizing the pressing need for greater international labor mobility. Back home they

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[65] Hannah Barnes, "How Many Climate Migrants Will There Be?," *BBC News*, September 2, 2013, <http://www.bbc.com/news/magazine-23899195>.
[66] Ibid.

face a host of climate-induced challenges. These include saltwater intrusion, which results in a reduction of freshwater resources and devastates croplands, and it is a huge concern for small island states and low-lying, coastal populations. More devastating still, sea level rise threatens to permanently displace millions upon millions of people. For example, the majority of Bangladesh lies less than 20 feet above sea level, and more than a quarter of the country is expected to be inundated by 2100, displacing up to 15 million people.[67] In the meanwhile, the annual flow of Bangladeshis overseas in search of employment has increased fourfold from around 248,000 in 1999-2000 to more than 980,000 in 2007-2008, mainly driven by the Gulf states' increasing demand for cheap labor.[68] Regarding other climate change impacts, climatologists anticipate stronger, more frequent storm surges, cyclones, and typhoons, which can be utterly devastating, particularly to the world's highly vulnerable poor. Weather patterns are also expected to shift, leading to droughts and floods in places incapable of handling such drastic and destructive changes.[69] These are just a few of the anticipated major impacts of climate change, but many populations are already actively seeking solutions and resources.

The worst-affected populations whose homes will be - and in some places already are - inundated with seawater or made barren by drought will have no choice but to move internally, likely to increasingly congested urban areas, or migrate internationally. These people, who are in desperate need of new permanent homes, are

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[67] Lisa Friedman, "Climate Change Makes Refugees in Bangladesh," *Scientific American*, March 3, 2009, <http://www.scientificamerican.com/article/climate-change-refugees-bangladesh/>.
[68] "Bangladesh: Seeking Better Employment Conditions for Better Socioeconomic Outcomes," *International Labor Organization's Studies on Growth with Equity* (2013): 5.
[69] Olivier Deschenes and Michael Greenstone, "The Economic Impacts of Climate Change: Evidence from Agricultural Output and Random Fluctuations in Weather," *The American Economic Review* 97.1 (2007): 354-5.

arguably the moral responsibility of the developed world given its complicity in creating the destructive climate change that ruined these people's livelihoods. Beyond assisting and possibly welcoming these seriously-affected individuals and communities, the developed world can lend a hand towards helping everyone adversely impacted by climate change to rebuild their lives back home by letting them migrate for work and earn the higher wages of the developed world. Remittances can be prudently invested in useful adaptation technologies and more resilient infrastructure, and possibly internal relocation or community projects. Even though the opening of doors is unlikely to directly help the most vulnerable, poorest, and least-educated of the developing world gain access to higher wage jobs in the developed world, it is very likely to indirectly assist them through the remittances earned by their relatively better off compatriots and the ensuing community-level improvements.

International labor mobility should be seriously considered as part of the answer in addressing the future increase in labor migration that will be spurred by climate change. However, to reiterate, the international community has a responsibility to do even more than this to assist climate change-affected individuals and communities around the globe, including, for instance, by welcoming them as refugees, providing technical adaptation assistance, and helping them develop resilience to the negative impacts of climate change.

Potential Drawbacks

It is important to address the possible drawbacks of increased international labor mobility and counter the biggest arguments against it. These arguments include

suppression of citizens' wages, the welfare problem, and terrorism, but of course there are many other concerns.[70]

To begin, one key argument against more liberal labor migration policies is that the influx of unskilled labor will lower wages and worsen the income distribution within receiving countries. While this is a possibility, the impact can be mitigated. Without immigration restrictions, the developed world's supply of labor would dramatically increase. Under a semi-open borders scenario such as this, low-skilled wages would likely decrease in receiving countries, but it is therefore very important to keep in mind that most citizens of developed countries are not low-skilled.[72] Also, immigration has little to no effect on overall wages, particularly in the long run.[73] In fact, moderately-educated American citizens enjoyed long run gains.[74] Note that when immigration increases, physical skills such as manual labor become much more plentiful while language skills, specifically fluency in the primary language of the receiving country, become scarcer. Since most jobs are a mix of these two types of skills, immigration could actually increase the wages of the receiving country's citizens.

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[70] For instance, one potential drawback of greater labor migration is that developing countries can become overly reliant on remittances to the extent that their governments prioritize international labor migration over other policies or internal economic development. For example, the Philippines has created a national situation in which families are forced to live in separation, developed through the government's active promotion of temporary labor migration abroad. Even though the country is a successful labor exporter, due to poor governance and its focus on labor exports it has not accomplished progressive social change and it fails to equitably distribute the gains from domestic economic growth. This suggests that dependence on exporting labor and earning remittances above all else is not sufficient for a developing country to realize sustainable economic development.[71]

[71] Kevin O'Neil, "Labor Export as Government Policy: The Case of the Philippines," January 1, 2004, *Migration Policy Institute*, <http://www.migrationpolicy.org/article/labor-export-government-policy-case-philippines>.

[72] Caplan, 7.

[73] Ibid.

[74] Ibid., 8.

This is because an influx of immigrants could induce lower-skilled American-born workers to switch over to more language-based jobs, helping them earn higher pay for their language skills than they earned for their physical skills.[75] In fact, this effect has been determined to cut the estimated negative impact of immigration on low-skilled citizens' wages by an impressive 75 percent.[76] Consequently, this drawback is not anywhere near as problematic as it first appears. If the well-being of lower-skilled citizens remains a concern, labor migrants can be charged surtaxes and/or administration fees, of which the excess revenue can be harnessed to compensate low-skilled citizens via providing them with access to funding for higher education or job training.[77]

Another potential drawback that was briefly touched upon earlier is the concern that migrants may pose a fiscal burden to receiving countries because they use more in services than they pay in taxes. However, this is not actually a viable concern in the context of a temporary labor migration program. As noted, welfare states focus on the old much more than the poor. Since temporary labor migrants are young, solitary workers, they would end up supporting elderly citizens rather than "milking the system".[78] Indeed, even if immigrants' tax bills are far below average, they still do not pose a fiscal burden. If policymakers remain concerned that immigrants may pose a fiscal burden on American taxpayers despite evidence to the contrary, then they can make migrant laborers permanently ineligible for benefits or reduce or limit the benefits

[75] Ibid.
[76] Ibid.
[77] Ibid., 9.
[78] Ibid.

they are eligible for.[79] They can also make employers pay costs associated with health care and workers' benefits. Thusly, the fiscal concerns associated with increase labor mobility can be readily mitigated.

Another possible drawback of greater international labor mobility between developed and developing countries is increased exposure to terrorism. The concern is that more freedom of movement between countries will give terrorists much easier access to targets in the West. This issue has taken center stage recently following the November 13, 2015 terror attacks in Paris that left 130 dead and 352 wounded.[80] In Europe, some people worry that once a terrorist enters the European Union s/he can travel throughout the "borderless", 26-nation Schengen area (including almost all of Western Europe) unchecked. In response to the Paris attacks, the E.U. tightened border checks at the external borders of the Schengen area, including establishing systematic ID checks.[81] It remains possible, perhaps even probable, that passport checks and checkpoints may reappear at borders within the Schengen area, and the borderless experiment will cease to exist. The region is pressured not only by the threat of terrorism, but also the ongoing refugee crisis and an excruciatingly slow economic recovery following the Great Recession.

However, even the strictest border checks in the world could not guarantee safety from terrorist threats in Europe, the U.S., or anywhere else. This is because the

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[7979] Ibid., 11.
[80] "Paris Attacks: What Happened on the Night," December 9, 2015, *BBC News*, < http://www.bbc.com/news/world-europe-34818994>.
[81] Ian Traynor, "E.U. Travellers to Face Stricter Checks under French Border Plan," November 18, 2015, *The Guardian*, < http://www.theguardian.com/world/2015/nov/18/eu-travellers-tighter-id-checks-french-clampdown-borders-paris-attacks>.

ideas that are responsible for terrorist attacks cannot be checked at the borders between countries; they can spread throughout the globe and radicalize the minds of any country's citizens. As one of innumerable examples, one of the shooters in the December 2, 2015 San Bernardino, California terrorist attack which killed 14 and wounded 17 others was an American-born U.S. citizen of Pakistani descent.[82] Even more telling, according to a report by New America, a Washington research center, since the attacks of September 11, right-wing extremists, such as white supremacists, have killed almost twice as many people as radical Muslims in the U.S.[83] Consequently, "homegrown" radicals now pose a larger threat than jihadists in the U.S., yet there is no federal agency that works specifically on domestic terrorist threats – arguably an oversight worth remedying.[84] Therefore, while not ignoring the fact that border security is important, it is essential that the developed world does not let its legitimate concerns about terrorism deter it from promoting and upholding liberal immigration policies, and in particular increased temporary labor migration.[85] Incidentally, such policies may ultimately help to deter terrorism by offering economic opportunities to people in dire need of them.

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[82] Krishnadev Calamur, "San Bernardino Shooting: A Portrait of a Suspect," December 3, 2015, *The Atlantic*, <http://www.theatlantic.com/national/archive/2015/12/san-bernardino-shooting-suspect/418584/>.
[83] "Homegrown Extremism 2001-2015," *International Security*. <http://securitydata.newamerica.net/extremists/analysis.html>.
[84] Eric Osman, "Report: 'Homegrown' Radicals Now a Larger Threat than Jihadists in U.S.," June 24, 2015, *PBS Newshour*, <http://www.pbs.org/newshour/rundown/right-wing-radicals-now-larger-threat-jihadists-u-s/>.
[85] James Kirkup, "After Paris, Europe's Open Borders are Dying. That Won't End Terrorism, but it Will Make Us Poorer," November 15, 2015, *The Telegraph*, <http://www.telegraph.co.uk/news/worldnews/europe/france/11997102/After-Paris-Europes-open-borders-are-dying.-That-wont-end-terrorism-but-it-will-make-us-poorer.html>.

Conclusion

Increased international labor mobility, particularly in the form of temporary labor migration, promises extraordinary, untapped benefits to all countries willing to open their borders to labor, just as they have already done for trade and capital. Developing countries can earn more remittances, developed countries can satisfy their demands for cheap, unskilled labor, and the world as a whole can become more prosperous and integrated. Creating and widening existing avenues for international labor migration alongside the provision of aid and assistance to refugees can help the developing world adapt to climate change.

This effort will not be without its challenges. In the U.S., there has not been any major immigration reform since the Immigration Reform and Control Act of 1986. Recent efforts for reform have been held up by a polarized Congress. The legislation they have considered but failed to pass in recent years includes more barriers to immigration, not fewer. Frustrated with Congress's lack of progress and aiming to fulfill reelection promises, President Barack Obama issued a series of executive orders in 2014 that would offer temporary legal status and an indefinite deferment of deportation to millions of undocumented immigrants. His plan includes the creation of a program called Deferred Action for Parents of Americans (DAPA) and an expansion of another program he created in 2012 called Deferred Action for Childhood Arrivals (DACA).[86] Congressional Republicans were infuriated by the President's unilateral

[86] Matt Ford, "A Ruling Against the Obama Administration on Immigration," November 10, 2015, *The Atlantic*, <http://www.theatlantic.com/politics/archive/2015/11/fifth-circuit-obama-immigration/415077/>.

actions, considering it an overreach of his authority, and 26 states sued the U.S. in order to stop the orders from going into effect.[87] So far, the courts have ruled against the President's actions, and in the summer of 2016 the Supreme Court will make the final decision on the matter. Even if the Supreme Court justices vote in favor of the President's actions, there is still need for more extensive reforms that can only be realized through Congress. Unfortunately, given the current political climate, with the most polarized Congress in history, it is highly unlikely that the federal government will make any progress on immigration reform anytime soon.

It is far too optimistic to begin the push for greater international labor mobility with expectations for a sudden international transformation, but instead by supporting the gradual development of labor mobility agreements between countries, we can incrementally increase international labor migration around the globe, knocking down stubborn barriers and common misconceptions in its path. In this way, the economic and social wealth that labor migration promises to deliver can be realized.

[87] Ibid.

Chapter III: The Advantages and Disadvantages of Greater International Labor Mobility to the U.S. and Mexico

The purpose of this chapter is to narrow the analysis of the economic benefits and drawbacks of increased international labor mobility to the United States and its regional neighbors, in particular Mexico. The impetus behind this focus on the U.S. and Mexico stems from the two countries' long, rich history of labor migration, current immigration restrictions and stigmatization of illegal migrants, and the mutual profitability they could realize by establishing meaningful legislation. The U.S.'s position as a global leader means it could promote greater international labor mobility around the world and establish multilateral, and potentially global, migrant labor programs between developed and developing countries. This chapter will make the argument in favor of a temporary labor migration program between the U.S. and Mexico by explaining and analyzing modern labor ties between the two countries, the rise in illegal immigration, the Bracero program, the evolution of the U.S.'s immigration laws, and the benefits of a new migrant labor program.

Labor Migration between Mexico and the U.S.

Of the 42.4 million immigrants living in the U.S. in 2014, about 11.7 million, or 28 percent, were Mexican.[88] An additional 130,000 Mexican immigrants moved to the U.S. in that year.[89] Mexican immigrants are by far the largest immigrant group in the

[88] Jie Zong and Jeanne Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the U.S.," April 14, 2016, *Migration Policy Institute*, <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.
[89] Ibid.

U.S., followed by immigrant groups from India, China, and the Philippines.[90] In fact, the largest immigrant populations in the majority of the states of the U.S. are Mexican, which is quite different from the mainly European immigrant populations of the early twentieth century (see Appendix A).

So, if Mexicans are already able to immigrate to the U.S. in such large numbers so successfully, why is it important to establish a migrant labor program? The truth is that, thanks to border controls and immigration restrictions, it is now extremely costly and dangerous for the average Mexican worker to attempt to enter the U.S., likely more so now than ever before. Due to the serious difficulties of obtaining work visas, many immigrants are undocumented. Also, thanks to the militarization of the borders, unauthorized migrants who make it into the U.S. are less likely to return home as often as they used to.

Unauthorized immigration from Mexico is no small issue. As of 2014, there are about 5.6 million unauthorized Mexican immigrants living in the U.S., which is actually a million fewer than in 2007 (see Appendix B).[91] Although the number of unauthorized immigrants in the U.S. has stabilized since the 2007-2008 global financial crisis and Great Recession, it had been rapidly increasing since 1990.[92] In 1990, there were approximately 3.5 million unauthorized immigrants in the U.S. As of 2014, this number

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[90] Ibid.
[91] Ana Gonzalez-Barrera and Jens Manuel Krogstad, "What We Know about Illegal Immigration from Mexico," November 20, 2015, *Pew Research Center*, <http://www.pewresearch.org/fact-tank/2015/11/20/what-we-know-about-illegal-immigration-from-mexico/>.
[92] Jens Manuel Krogstad and Jeffrey S. Passel, "5 Facts about Illegal Immigration in the U.S.," November 19, 2015, *Pew Research Center*, <http://www.pewresearch.org/fact-tank/2015/11/19/5-facts-about-illegal-immigration-in-the-u-s/>.

has leveled off around 11.3 million, with no less than half of these immigrants coming from Mexico.[93] Annual immigration flows from Mexico peaked in the late 1990s and having been falling since (see Appendix D). The fall and subsequent stabilization in immigration flows following 2007 was caused by a combination of factors, especially the sharp economic downturn in the U.S., increased border enforcement, higher cost of crossing over, and economic and population changes in Mexico.[94]

Who are Mexican Immigrants and Why Do They Come?

Migrating from Mexico to the U.S. is a fairly popular idea among Mexicans, particularly those in economically dire situations. Although a third of Mexican adults believe that life in the U.S. is neither better nor worse than life in Mexico, around half of them believe that life in the U.S. is better than it is in Mexico.[95] Also, about 35% say they would be willing to move to the U.S. if given the opportunity.[96] In recent decades, migration from Mexico has diversified geographically. Historically, Mexicans immigrants came from the states that comprise Mexico's heartland. Now, immigrants also come from Mexico's gulf coast, its southern and southeastern states, and other areas.[97] More indigenous people from Puebla, Guerrero, Oaxaca, and other states in Mexico have joined the migratory flows to the U.S.

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[93] Ibid.
[94] Jeffrey S. Passel, D'Vera Cohn and Ana Gonzalez-Barrera, "II. Migration Between the U.S. and Mexico," April 23, 2012, *Pew Research Center,* <http://www.pewhispanic.org/2012/04/23/ii-migration-between-the-u-s-and-mexico/>.
[95] Jens Manuel Krogstad, "5 Facts about Mexico and Immigration to the U.S.," February 11, 2016, *Pew Research Center,* <http://www.pewresearch.org/fact-tank/2016/02/11/mexico-and-immigration-to-us/>.
[96] Ibid.
[97] Julia Young, "How Mexican Immigration to the U.S. Evolved," March 12, 2015, *TIME,* <http://time.com/3742067/history-mexican-immigration/>.

Mexican immigrants are drawn to the U.S. by a combination of economic factors. The biggest pull is jobs and higher wages in the U.S. The U.S.'s economic expansion in the 1990s spurred unprecedented increases in immigration flows from Mexico, attracted by job opportunities in agricultural, construction, and service industries.[98] These immigrants were also pushed by the economic crises in Mexico in the 1980s and 1995.[99] During the 1995 crisis, for instance, 35% of Mexicans were in extreme poverty, defined as living on less than $1.25 per day.[100] Although that trend has reversed since the Great Recession, Mexican immigrants still point to jobs and salary as their main reasons for migrating to the U.S.[101]

The economic impetus to migrate to the U.S. is made readily apparent by the difference in GDP per capita between the two countries. Mexico's GDP per capita as of 2015 is about $10,325, while the U.S.'s is approximately $54,629.[102] This magnitude of difference is even more pronounced for Mexico's poor. The average salary of Mexicans living in rural parts of Mexico is about three to four times less than those living in urban areas, so they have even more to gain from migrating.[103] Although a Mexican immigrant's wages are typically $10 per hour or less, and sometimes seem exploitative

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[98] Miriam Jordan, "Mexican Immigration to U.S. Reverses," November 19, 2015, *The Wall Street Journal*, <http://www.wsj.com/articles/mexican-immigration-to-u-s-reverses-1447954334>.
[99] "Poverty in Mexico, Economic Crisis and 21st Century Welfare," June 2012, *Poverties*, <http://www.poverties.org/poverty-in-mexico.html>.
[100] Ibid.
[101] Ted Hesson, "Why Immigrants Boomerang to Mexico," January 17, 2014, *The Atlantic*, <http://www.theatlantic.com/politics/archive/2014/01/why-immigrants-boomerang-to-mexico/430536/>.
[102] "GDP per capita (current US$)," *The World Bank*, <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD>.
[103] Megan Jula, "Report: For Migrant Workers, Legal Status Doesn't Mean More Pay," June 24, 2015, *AZ Central*, <http://www.azcentral.com/story/news/politics/immigration/2015/05/21/migrant-workers-wage-discrimination/27684055/>.

from a U.S. perspective, on average they still earn more than they would in Mexico.[104] Even an undocumented immigrant earns 1.8 times more by working in the U.S. than they would earn in Mexico.[105] Until wage differentials between the neighboring countries converge, many poor, unskilled Mexicans will continue to be pushed from their homes and drawn to the economic opportunities offered within the U.S.

Mexican immigrants used to travel back and forth between the U.S. and their hometowns in Mexico pretty frequently. However, this began changing in 1996, when the U.S. started to construct a wall along the border between Mexico and California.[106] The wall redirected undocumented migrants to routes through more isolated areas, such as the Arizona desert, which drastically heightened the dangers and costs of making the trip. For example, it takes about five days to cross the border through the Arizona desert, and it is impossible for an individual to carry enough water for that long of a journey, which means a lot of people die of dehydration, heat stroke, or exposure. Despite the serious dangers of border crossing, most migrants have no intention of staying in the U.S. permanently. In fact, a study conducted by a bi-national non-profit called Mexicans and Americans Thinking Together (MATT) found that only 16 percent of Mexican immigrants expressed this intention.[107] Migrants would go home more

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[104] Ibid.
[105] Ernesto Aguayo-Tellez and Arun Kumar Acharya, "Effect of Wage Inequality on Migration between Mexico-United States: An Empirical Assessment using Mexican and United States Micro-Data," <http://iussp.org/sites/default/files/event_call_for_papers/Regional%20wage%20differentials%20and%20Mexico-US%20Migration_IUSSP_2013.pdf>.
[106] Eduardo Stanley, "Indigenous Mexican Immigrants in U.S. Open Up About Racism, Gender, and Identity," August 14, 2013, *Huffington Post*, <http://www.huffingtonpost.com/2013/08/14/indigenous-mexican-immigrants_n_3756497.html>.
[107] Hesson, "Why Immigrants Boomerang to Mexico."

regularly if the border was not so thoroughly blockaded, but border enforcement does not deter them from returning home entirely.

In more recent years, Mexican immigrants have been returning home in significant numbers, adding up to one million between 2009 and 2014.[108] The Great Recession and a slow economic recovery in the U.S. offer a good explanation for this. However, the MATT study found that more Mexican migrants cited family and nostalgia as their chief reason for returning home, over unemployment, health problems, or other issues.[109] The militarization of the border perpetuates extended periods of familial separation and likely plays a large role in migrants' reasoning.

Where do Mexican Immigrants Work?

Most Mexican immigrants settle in California (37 percent), Texas (21 percent), and Illinois (6 percent).[110] From 2010 to 2014, the four U.S. cities with the largest number of Mexican immigrants were Los Angeles, Chicago, Houston, and Dallas, which combined were home to 31 percent of all Mexican immigrants in the U.S.[111] On the whole, most Mexican immigrants live in the Southwest, although high concentrations are scattered throughout the country, particularly in the Pacific Northwest, where labor-intensive agriculture is prominent (see Appendix E).

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[108] Jordan, "Mexican Immigration to U.S. Reverses."
[109] Hesson, "Why Immigrants Boomerang to Mexico."
[110] Jie Zong and Jeanne Batalova, "Mexican Immigrants in the United States," March 17, 2016, *Migration Policy Institute*, <http://www.migrationpolicy.org/article/mexican-immigrants-united-states>.
[111] Ibid.

U.S. industries with high shares of unauthorized immigrants include agriculture (25 percent), building, grounds-keeping and maintenance (19 percent), construction (17 percent), and food preparation and serving (12 percent), based on a Pew Hispanic Center survey in 2008.[112] The U.S. agricultural industry is particularly dependent on foreign labor. According to the U.S. Department of Labor's National Agricultural Workers Survey in 2014, "approximately 71% of farmworkers are immigrants…95% [of whom] were from Mexico," and somewhere between 48 to 70 percent are unauthorized.[113] However, contrary to popular perceptions, over 70 percent of unauthorized immigrants work outside of the agricultural sector; only around 26 percent of them work within that sector, as of 2012.[114] Most undocumented Mexican immigrants work in "non-private household service occupations, precision production craft occupations or as operators, fabricators, and laborers," with about 23 percent in the manufacturing of both durable and nondurable goods, 18 percent in construction, and 16 percent in retail.[115] About a fifth of Mexican unauthorized immigrants worked in construction in 2012, while over a tenth worked in services ranging from legal services to landscaping.[116] Even though unauthorized immigrants make up only about 4 percent

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[112] Jeffrey S. Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the U.S.," April 14, 2009, *Pew Research Center*, <http://www.pewhispanic.org/2009/04/14/a-portrait-of-unauthorized-immigrants-in-the-united-states/>.
[113] "Farmworker Justice: Selected Statistics on Farmworkers," *Farmworker Justice* (2014), <https://www.farmworkerjustice.org/sites/default/files/NAWS%20data%20factsht%201-13-15FINAL.pdf>.
[114] Jeffrey S. Passel and D'Vera Cohn, "Share of Unauthorized Immigrant Workers in Production, Construction Jobs Falls Since 2007," March 26, 2015, *Pew Research Center*, <http://www.pewhispanic.org/2015/03/26/share-of-unauthorized-immigrant-workers-in-production-construction-jobs-falls-since-2007/>.
[115] Ibid.
[116] Zong and Batalova, "Mexican Immigrants in the United States."

of the U.S. population, they comprise 5.4 percent of its labor force.[117] As a consequence, they are vital to the day-to-day functioning and prosperity of the American economy.

Among Mexican immigrants in general, about 87% of Mexican immigrants are of working age (18 to 64).[118] Also, 69 percent participate in the civilian labor force, predominantly in service occupations (31 percent), natural resources, construction, and maintenance operations (26 percent), and production, transportation, and material-moving occupations (22 percent) (see Appendix C).[119] Immigrants work disproportionately in the more dangerous, high-risk industries in the U.S. compared to American-born citizens, particularly in mining, logging, construction, motor vehicle operation, waste management, and agriculture.[120] Immigrant workers account for almost a fifth of on-the-job fatalities, and shockingly those are not caused only by occupational hazards, but by homicide.[121] According to a study by Orrenius and Zavodny (2009), more than 3,000 immigrant workers were murdered while at their jobs between 1992 and 2005, which made homicide the number one cause of workplace fatalities among immigrant laborers.[122] In the population as a whole, workplace homicides target women, particularly supervisors of sales workers, retail sales workers, and motor vehicle operators, and most are attributed to a stranger rather than a coworker, customer, or

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[117] Passel and Cohn, "A Portrait of Unauthorized Immigrants in the U.S."
[118] Zong and Batalova, "Mexican Immigrants in the United States."
[119] Ibid.
[120] Eric Zuehlke, "Immigrants Work in Riskier and More Dangerous Jobs in the United States," November, 2009, *Population Reference Bureau*, <http://www.prb.org/Publications/Articles/2009/usimmigrantsriskyjobs.aspx>.
[121] Ibid.
[122] Pia M. Orrenius and Madeline Zavodny, "Do Immigrants Work in Riskier Jobs?," *Demography* 46.3 (2009): 535.

relative.[123] Also, disturbingly, suicide among Latino immigrant workers increased more than 200 percent in 2013 compared to 2012.[124]

Both undocumented and documented Mexican migrants alike work largely in the service sector. In light of that, it is worth noting that the U.S. Bureau of Labor Statistics estimates that employment in the service sector will increase over 12 percent between 2008 and 2018, increasing employment to 131.1 million people compared to 112.8 million in 2011.[125] The service sector includes wholesale and retail trade, transportation, and other services that Mexican migrants already provide, and the growth in this sector is bound to increase the demand for their labor.

What are the Costs and Benefits of Unskilled Immigration to the U.S.?

One of the greatest benefits that immigrants provide their host countries is greater economic efficiency. They do so by "reducing bottlenecks caused by labor shortages, both in the high- and low-skill areas, and creating jobs for native-born Americans."[126] This positive effect would be amplified if undocumented migrants gained temporary legal status, since it would be easier for migrants "to move to sectors

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[123] "Death on the Job: The Toll of Neglect," *AFL-CIO* 24 (2015): 9.
[124] Ibid., 10.
[125] "The Service Sector: Projections and Current Stats: Fact Sheet 2011," *Department for Professional Employees AFL-CIO*, <http://dpeaflcio.org/programs-publications/issue-fact-sheets/the-service-sector-projections-and-current-stats/>.
[126] Diana Furchtgott-Roth, "The Economic Benefits of Immigration," *Manhattan Institute for Policy Research* 18 (2013): 3.

where their skills and education are both valued and relevant to the work being conducted."[127]

Immigrants do not compete for the same jobs as average Americans. Although immigrants in the U.S. comprise less than a fifth of the labor force, they represent almost half of the labor force without a high school diploma.[128] Meanwhile, over 90 percent of American-born citizens have completed secondary education or higher; consequently, immigrants do not compete directly with most American-born workers since the two groups have different levels of human capital attainment.[129] Correspondingly, it may be said that "immigrants complement rather than substitute for native-born workers."[130]

This positive characteristic of complementariness especially holds true for Hispanic and Latino immigrants, who make up 42 percent of the U.S.'s unskilled (i.e. no high school diploma) labor force.[131] These immigrants choose jobs that American citizens generally avoid, like fruit picking, housekeeping, and janitorial or maintenance work. By doing these jobs, low-skilled immigrants help higher-skilled, American-born workers spend less time doing household chores, allowing them to spend more time at work. This effectively raises the country's supply of high-skilled labor.[132]

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[127] Robert Lynch and Patrick Oakford, "The Economic Effects of Granting Legal Status and Citizenship to Undocumented Immigrants," March 20, 2013, *Center for American Progress*, <https://www.americanprogress.org/issues/immigration/report/2013/03/20/57351/the-economic-effects-of-granting-legal-status-and-citizenship-to-undocumented-immigrants/>.
[128] Furchtgott-Roth, 4.
[129] Ibid., 3-4.
[130] Ibid., 4.
[131] Ibid., 5.
[132] Gordon H. Hanson, "Immigration and Economic Growth," *Cato Journal* 32.1 (2012): 28.

Another benefit of low-skilled immigration is increased labor force mobility. Low-skilled citizens are typically immobile across regions, which slows growth in economically booming regions and recovery in depressed ones.[133] In contrast, low-skilled immigrants are much more geographically mobile, and by being so willing to move to wherever the demand is high, they "smooth fluctuations in the U.S. economy and ease the burden on U.S. workers when the unemployment rate rises."[134]

A cost of unskilled Mexican immigrants entering the U.S. is that they will displace some low-skilled, American-born workers. However, Furchtgott-Roth (2013) noted that "the negative effect on [those] workers is much smaller than the positive effect for everyone else. The economy as a whole gains, with substantially more winners than losers."[135] This is because, as previously illustrated, most of the job positions that low-skilled migrants fill are undesired by most American citizens. Also, since less than 10 percent of Americans have less than a high school diploma, they could be compensated for increased job competition with transfer payments, which could go towards their education and skills attainment.

Another cost of low-skilled immigration is that it increases government spending. However, this relationship is complicated. On one hand, low-skilled immigrants pay taxes and make use of government services, whether they have legal status or not. They are ineligible for welfare benefits because they are not U.S. citizens. But on the other hand, they do use public health care and send their children to public

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[133] Ibid.
[134] Ibid.
[135] Furchtgott-Roth, 12.

schools. On the whole, their fiscal impact appears to be negative.[136] But even if it truly is negative, the correct response is not to attempt to put an end to illegal immigration. That has already been tried and failed, as will be discussed shortly. An example of a better solution was offered by Hanson (2012).[137] He suggests that employers should internalize the fiscal costs of the low-skilled immigrants they employ by paying an immigrant labor payroll tax, which would fund their employees' benefits.

The Evolution of Mexico-U.S. Labor Migration

The U.S. and Mexico have been linked politically, economically, and geographically through much of their histories. In fact, a large chunk of the U.S. used to be part of Mexico. When the U.S., under the leadership of President James K. Polk, defeated Mexico in the Mexican-American War of 1846 to 1848, Mexico ceded nearly half of its territory to the U.S.[138] As a result, many former Mexicans living in the ceded territory changed their nationality, but they still kept familial and friendship ties to their native country. These ties have held and grown over time. Throughout the second half of the nineteenth century following the war, tens of thousands of Mexican laborers migrated to the U.S., attracted by temporary jobs in farming, mining and ranching.[139] Many returned home afterward, but not all.

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[136] Hanson, 30.
[137] Ibid., 32.
[138] Mary Bauer, "Close to Slavery: Guestworker Programs in the United States," *Southern Poverty Law Center* (2013).
[139] Ibid.

The first large wave of Mexican workers entering the U.S. started at the beginning of the twentieth century.[140] The U.S.'s demand for Mexican labor rose dramatically when the U.S. entered World War I, and the Mexican government assisted the U.S. by agreeing to export Mexican labor so that more Americans could join the fight in Europe.[141] However, after the war, U.S. society developed a very nativist attitude. In response, the U.S. established the Border Patrol in 1924.[142] Although this made border crossings more dangerous and uncertain, the lure of high labor demand in the U.S. during the Roaring Twenties spurred continued immigration from Mexico.[143] However, things changed for the worse during the Great Depression. Not only did labor migration shore up, but also many Mexican laborers, including some legal residents and even citizens, were deported during the early 1930s, and Mexicans became the scapegoats for the economic woes and severe unemployment of the Depression.[144]

Another wave of Mexican labor migration came in 1942 as part of the Bracero Program, which brought millions of Mexican guest workers to the U.S. to provide agricultural labor during World War II.[145] The program ended in the 1960s, but at the same time favorable changes in U.S. immigration law and an economic downturn in Mexico encouraged more migration. However, the continuation of unauthorized immigration from Mexico during the economic recession of the 1970s soured the U.S.'s

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[140] "Uneasy Neighbors: A Brief History of Mexican-U.S. Migration," May-June 2007, *Harvard Magazine*, <http://harvardmagazine.com/2007/05/uneasy-neighbors-a-brief-html>.
[141] Ibid.
[142] Bauer, "Close to Slavery."
[143] "Uneasy Neighbors."
[144] Ibid.
[145] Wayne A. Grove, "The Mexican Farm Labor Program, 1942-1964: Government-Administered Labor Market Insurance for Farmers," *Agricultural History* 70.2 (1996): 303.

attitude toward it, and led to increasingly restrictive immigration laws and more militarized border control. Yet despite the growing dangers and restrictions, in the 1990s, approximately 350,000 unauthorized workers from Mexico came to the U.S. every year, totaling to over three million over that decade.[146] Thus, we arrive at the present 11.7 million Mexican immigrants, 5.6 million of whom are unauthorized.[147]

Changing economies, the Bracero program, the evolution of highly restrictive immigration policies, the North American Free Trade Agreement (NAFTA), and other factors have altered the pattern and flow of Mexican immigration to the U.S. To understand how, it is helpful to more thoroughly discuss a handful of the most influential and transformative past agreements and legislation. In particular, it is insightful to discuss the Bracero program, changing immigration laws in the past fifty years, and the impact of NAFTA on immigration flows.

The Bracero Program

The Bracero Program was a guest-worker program that lasted from 1942 until 1964. It was the product of a bilateral agreement between Mexico and the U.S. in 1942. The U.S. signed the Mexican Farm Labor Agreement with Mexico in that year, which allowed the U.S. to import temporary migrant workers from Mexico to help with labor shortages, particularly in agriculture, during World War II. The agreement guaranteed

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[146] Michael Clemens, "Lant Pritchett in the Times: A Wild Migration Idea Whose Time – Already Came," June 11, 2007, *Center for Global Development*, <http://www.cgdev.org/blog/lant-pritchett-times-wild-migration-idea-whose-time-already-came>.
[147] Ana Gonzalez-Barrera, "More Mexicans Leaving Than Coming to the U.S.," November 19, 2015, *Pew Research Center*, <http://www.pewhispanic.org/2015/11/19/more-mexicans-leaving-than-coming-to-the-u-s/>.

the humane treatment of workers (i.e. sanitation, food, and housing) and a 30 cent per hour minimum wage. Over its 22 year span, the program permitted around 4.6 million border crossings of Mexican laborers, called *braceros,* Spanish for manual laborers.[148]

During the war years, not very many braceros were admitted to the U.S. Even so, many American employers became dependent upon them. The agreement was formalized by Congress by Public Law 78 in 1951.[149] It was also renegotiated with Mexico in that same year, and the new agreement established the U.S. government as the guarantor of labor contracts, as opposed to U.S. employers. From 1948 to 1964, an average of 200,000 braceros were admitted to the U.S. each year.[150] Although the program was controversial in its time, it offered, at least in theory, many safeguards to protect workers, Mexican and domestic alike. These included: "guaranteed payment of at least the prevailing area wage received by native workers; employment for three-fourths of the contract period; adequate, sanitary, and free housing; decent meals at reasonable prices; occupational insurance at employer's expense; and free transportation back to Mexico at the end of the contract."[151] However, in practice many of these rules were ignored to the benefit of employers and the detriment of laborers. Still, overall, the Bracero Program is regarded as a largely successful guest-worker program that supplied the U.S. agricultural industry with a dependable source of Mexican labor.[152]

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[148] "About the Bracero Program," *Bracero History Archive*, <http://braceroarchive.org/about>.
[149] Ibid.
[150] Ibid.
[151] Ibid.
[152] Ronald L. Mize and Alicia C.S. Swords, *Consuming Mexican Labor: From the Bracero Program to NAFTA,* (Toronto: University of Toronto Press, 2011): 3.

How U.S. Immigration Policies Tightened the Border

Before modern border controls and immigration restrictions were enacted, the U.S. experienced a period of relative liberalism. In the 1960s, the civil rights movement called for reform of U.S. immigration policy. This led to the Immigration and Naturalization Act of 1965, also known as the Hart-Celler Act, which abolished nationality quotas but capped annual immigration from the western hemisphere at 120,000 people.[153] It also created a preference system for family members of U.S. citizens. This Act was transformative because it increased the number of Latino, Asian, and African immigrants entering the U.S. and thereby changed the U.S.'s demographic make-up forever afterward. Following the passage of the Act, over 18 million people legally immigrated to the U.S., which was more than triple the number of immigrants admitted over the three decades preceding the Act.[154]

In 1978, the immigration caps set forth in the 1965 Immigration Act were replaced with a general annual limit of 290,000 that did not specify limits for specific world regions. In 1980, the Refugee Act lowered the annual limit of immigrants by 20,000, to 270,000.[155]The Immigration Act of 1990 expanded immigration by raising the annual limit to 700,000 immigrants for the first three years of the decade, and then 675,000 per year from then on.[156]

However, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act proved the first major stride in cutting back on immigration, particularly from Mexico. The Act redefined and reclassified certain crimes and allowed the law to be retroactively applicable so that immigrants

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[153] Beth Rowen, "Immigration Legislation," *Infoplease*, <http://www.infoplease.com/us/immigration/legislation-timeline.html>.
[154] "U.S. Immigration since 1965," *History*, <http://www.history.com/topics/us-immigration-since-1965>.
[155] Rowen, "Immigration Legislation."
[156] Ibid.

could be apprehended and deported more easily.[157] It also increased the size of the Border Patrol. In addition, the Personal Responsibility and Work Opportunity Reconciliation Act drastically cut legal permanent residents' eligibility for many sources of welfare, such as TANF and Medicaid.[158]

Discouraged by Congress's utter lack of progress in realizing immigration reform during his presidency, President Barack Obama took executive action in 2014 to delay the deportation of about 5 million undocumented immigrants, particularly the parents of U.S. citizens or legal residents and "DREAMers", children who migrated illegally with their parents.[159] The policy also offered deportation deferrals and legal authorization to work to many of the undocumented immigrants who had resided in the U.S. for the past five years or longer.[160] However, 26 states opposed the President's actions and sued the U.S. in an effort to derail them. The Supreme Court will determine the final ruling on the issue in the summer of 2016.

A common trend in the laws and policies surrounding immigration in the U.S. is that they fluctuate not with rise and fall in actual immigration flows, but with popular beliefs, which in the 1960s were relatively liberal, and since have grown increasingly conservative.

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[157] Ibid.
[158] Ibid.
[159] Eyder Peralta, "Obama Goes it Alone, Shielding Up to 5 Million Immigrants from Deportation," November 20, 2014, *NPR*, <http://www.npr.org/sections/thetwo-way/2014/11/20/365519963/obama-will-announce-relief-for-up-to-5-million-immigrants>.
[160] "U.S. Immigration since 1965," *History*.

The Impact of NAFTA on Immigration Flows

NAFTA was supposed to yield better jobs and less poverty in Mexico, raising economic opportunities in that country nearer to the level offered in the U.S.[161] By doing so, it was expected to reduce undocumented labor migration from Mexico to the U.S., and it was endorsed by former presidents Ford, Carter, and Bush.[162] However, a recent study by Gandolfi et al. (2015), a group of economists, found that the real wage convergence that was achieved between the two countries in the 1990s was reversed in the 2000s.[163] Therefore, NAFTA has proven insufficient in shrinking the real wage gap, suggesting that the liberalization of trade and investment is not enough to yield significant wage convergence. Meanwhile, the liberalization of labor mobility, provided by an "everything-*including*-labor" agreement could probably yield some convergence, although only institutional changes and a long run outlook will produce full real wage convergence.[164]

NAFTA may not have succeeded in effectively reducing the wage gap, but it has appeared to have urged an "emptying out of the Mexican countryside" and a growing Mexican migrant population in the U.S.[165] The sources and destinations of migrants have diversified since 1990, with migrants now coming from all across Mexico and

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[161] Michael Clemens, "The U.S.-Mexico Wage Gap Has Grown, Not Shrunk, under NAFTA. Awkward," March 17, 2015, *Center for Global Development,* <http://www.cgdev.org/blog/us-mexico-wage-gap-has-grown-not-shrunk-under-nafta-awkward>.
[162] Kevin R. Johnson, "Free Trade and Closed Borders: NAFTA and Mexican Immigration to the U.S.," *University of California, Davis* 27 (1993-1994): 961.
[163] Davide Gandolfi, Timothy Halliday, and Raymond Robertson, "Trade, Migration, and the Place Premium: Mexico and the United States,"*Center for Global Development* Working Paper No. 396 (2015): 5.
[164] Clemens, "The U.S.-Mexico Wage Gap."
[165] Alejandro Portes, "NAFTA and Mexican Immigration," July 31, 2006, *Border Battles,* <http://borderbattles.ssrc.org/Portes/>.

moving to states outside the historically common destinations in western and southwestern U.S. This is in part because under NAFTA, Mexico's collective farms were privatized, agricultural subsidies were eliminated, land was sold to foreigners, and Mexican food and seed markets were opened to foreign competition, all of which displaced many Mexican peasant farmers.[166] They migrated seeking economic opportunities elsewhere, and many ended up in the U.S. despite increasingly restrictive border controls. Increased economic integration between the U.S. and Mexico did not succeed in reducing the pool of displaced workers in Mexico. This integration resulted in Mexico becoming the largest exporter in Latin America and the thirteenth-largest in the world, but it is also the world's largest exporter of migrant workers, most of who travel to the U.S.[167] This reality underlines NAFTA's failure to reduce economic asymmetries between Mexico and the U.S.

Proposals for a New Bracero Program

The closest policy that the U.S. has to a Bracero Program nowadays is the H-2 Program, comprised of H-2A and H-2B visas. An H-2A visa allows an immigrant to enter the U.S. for temporary agricultural work, while an H-2B visa allows an immigrant entry for temporary nonagricultural work. Workers with these visas are supposed to be protected by U.S. wage laws, workers' compensation, and other basic standards. One significant advantage that these workers have over undocumented migrants is that employers are required to provide them with housing.[168]

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[166] Patricia Fernández-Kelly and Douglas S. Massey, "Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration," *The Annals of the American Academy* 610 (2007): 99.
[167] Raúl Delgado-Wise and Humberto Márquez Covarrubias, "The Reshaping of Mexican Labor Exports under NAFTA: Paradoxes and Challenges," *International Migration Review* 41.3 (2007): 656.
[168] Jula, "Report: For Migrant Workers."

However, guest workers' vulnerability and social isolation means they can easily become victims of exploitation and labor trafficking. That concern aside for the moment, the program does appear somewhat successful despite controversy and criticism since the number of temporary labor migrants has grown in recent years. In 1990, Mexican workers received only 6,573 H-2A and H-2B visas, but by 2013, the number of visas they received was 111,670.[169]

However, the application process that an American business has to go through to get temporary workers is long, tedious, and expensive.[170] Agricultural employers argue that its restrictions are overbearing, while farmworker advocates protest its insufficient protections for domestic workers and migrants.[171] Significant changes have not been made to the program since the passage of the Immigration Reform and Control Act of 1986.[172] The Border Security, Economic Opportunity, and Immigration Modernization Bill of 2013 was an as-yet unsuccessful bill proposing immigration reform. One of its major provisions "would have offered legal status to undocumented farmworkers and created a temporary-worker program for U.S. agriculture to replace the H-2A program."[173] The bill also would have increased government spending on securing the border, and offered a path to citizenship for many of the country's undocumented immigrants.[174] Unfortunately, this bipartisan bill died in the House of Representatives after passing through the Senate. However, something like it would be a good start to achieving significant immigration reform and legalizing temporary migration flows between the U.S. and Mexico.

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[169] Ibid.
[170] Ibid.
[171] Gregory Siskind and Amy Ballentine, "The ABCs of Immigration – H-2A Visas for Temporary Agricultural Workers and H-2B Visas for Temporary Nonagricultural Workers," *Immigration Daily*, <https://www.ilw.com/articles/2002,0607-Siskind.shtm>.
[172] Ibid.
[173] Jula, "Report: For Migrant Workers."
[174] Ibid.

The U.S. and its neighbors are already enjoying some economic benefits from labor migration, despite the legal and physical barriers to migration. As of 2012, over 16 percent of the U.S. labor force was represented by foreign-born workers – 25 million of them, and about 38 percent of these workers were from Mexico and Central America, according to the Bureau of Labor Statistics.[175]

One of the most evident economic benefits of greater labor migration to Mexico and individual Mexican families, as well as any other migrant-sending countries, is increased remittances. Total remittances sent to Mexico in 2014 were $24 billion, which represented about 2 percent of the country's GDP, according to the World Bank.[176] The degree to which remittances can increase depends upon the scale of labor migration permitted, but it is safe to say that any liberalization will result in improved standards of living for many Mexican families and communities with loved ones taking advantage of new opportunities to work temporarily in the U.S. Indeed, even minor liberalization in international labor mobility would massively support the development of developing countries.[177]

Consequently, a new Bracero Program-inspired guest worker program between the U.S. and Mexico would be fruitful for both countries. Although Mexican immigration to the U.S. has not been growing in recent years like it has in the past, existing immigration laws and programs like the H-2A and H-2B visa programs are far

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[175] Abraham T. Mosisa, "Foreign-born Workers in the U.S. Labor Force," July 2013, *U.S. Bureau of Labor Statistics*, <http://www.bls.gov/spotlight/2013/foreign-born/home.htm>.
[176] Gonzalez-Barrera and Krogstad, "What We Know about Illegal Immigration from Mexico."
[177] Pécoud and Guchteneire, 10.

from sufficient in handling the labor migration flows. While those programs invite about a hundred thousand Mexican workers to enter the U.S. legally for temporary work, well over five million Mexican immigrants remain undocumented. Creating a guest worker program that included most undocumented migrants would not only help the U.S. and American businesses keep track of the foreign labor supply, but it would also offer these immigrations a life beyond the legal shadows with greater workers' protections, minimum wage guarantees, and potentially other amenities like housing.

Conclusion

Immigration reform of any shape or size is highly contested not just in the U.S., but in most countries around the world. However, the proposal for a bilateral temporary labor migration agreement between the U.S. and Mexico could be separated from the heated debate over immigration since it is not about immigration that results in permanent residence or naturalization. This proposal is about achieving mutual economic gains through the offer and acceptance of affordable, unskilled labor on bilaterally agreed terms. Importantly, this idea is not unprecedented. Many, if not most, OECD countries have developed seasonal migration programs; for example, the Recognized Seasonal Employer program between New Zealand and several Pacific island states has had large positive development impacts on migrant households as well as economic gains for New Zealand firms.[178] The success of the U.S.'s own Bracero Program can be revitalized and enhanced by ideas from newer programs, and allow for

[178] John Gibson and David McKenzie, "The Development Impact of a Best Practice Seasonal Worker Policy," *The Review of Economics and Statistics* 96.2 (2014): 242.

the inexpensive provision of cheap, unskilled labor to the agricultural and other business industries in the U.S. Clearly, foreign labor is already vital to the daily functioning of the U.S. economy. An agreement establishing an exchange of relatively cheap, unskilled labor in return for economic opportunity between the U.S. and Mexico could offer increased economic gains.

Chapter IV: The Empowerment of Migrants and their Communities

This chapter explores the human side of the debate over international labor mobility and attempts to provide a framework for how migrant labor programs can and should work. We have heretofore explored primarily the economic benefits, as well as some social benefits, of a legal expansion of international labor migration, and we have looked in-depth at the situation of Mexican migrants to the U.S. This chapter provides additional evidence that supports the creation of effective, bilateral migrant labor programs by portraying the major issues with the U.S.'s current immigration policies and assessing the merits of other migrant labor programs in the world.

This chapter begins with an exploration of the conditions faced by documented labor migrants under the U.S.'s H-2 Program and undocumented labor migrants in the U.S., arguing that highly restrictive immigration laws, the poor enforcement of legal protections for workers' rights, and negative societal perceptions harm the well-being of migrants. Existing U.S. immigration laws and border militarization force many migrants to enter the country illegally, while the relative few who are accepted by the H-2 Program are exposed to very exploitative conditions not unlike those faced by the undocumented. Bilateral agreements establishing guest worker programs could offer labor migrants wider legal avenues for migration and protection of their human rights, as well as a (marginally) higher social status. This chapter then assesses the effectiveness of such migrant labor programs by analyzing existing programs in New Zealand and Canada, extracting useful lessons from each that the U.S. could adopt in order to revitalize or re-envision its own migrant labor policies and guarantee the protection of the human rights of the migrants it receives.

Life as an "Illegal Alien"

What is it like to be an undocumented migrant laborer in the U.S.? How could these migrants benefit from a large, well-regulated labor migration program between their home country and the U.S.? The answer to the first question, in brief, is this: undocumented migrant laborers are more likely to experience a life plagued by exploitation, fear, invisibility, poverty, debt, suffering, and isolation. With regard to the second question, a well-regulated migrant labor program would resolve the inhumane conditions that migrants currently endure, ensuring them legal protections, workers' rights, basic benefits and entitlements, and human dignity.

Crossing the U.S.-Mexico Border

Just the act of entering the U.S. can be an ordeal for undocumented migrants. In fact, it is probably the *biggest* ordeal they undergo, risking their lives and spending thousands of dollars on travel expenses such as hiring a smuggler, or *coyote*, whose services typically cost anywhere from $1,000 to $10,000.[179] It is worth noting that today's circumstances were not always the reality. Up until 1996, most Mexican migrants used to travel back and forth between California and their hometowns in Mexico with relative ease and greater frequency. However, since then the U.S. has constructed a wall between the U.S. and Mexico along the California border.[180] In

[179] Erin Siegal McIntyre and Seth Freed Wessler, "Border Deaths: The Last Crossing of Tiger Martinez," January 25, 2014, *Aljazeera*, <http://america.aljazeera.com/features/2014/1/lost-in-the-corridorofdeath.html>.
[180] Eduardo Stanley, "Indigenous Mexican Immigrants in U.S. Open Up about Racism, Gender, and Identity," August 14, 2013, *Huffington Post*, <http://www.huffingtonpost.com/2013/08/14/indigenous-mexican-immigrants_n_3756497.html>.

addition, the U.S. tripled spending for border enforcement beginning in 1993, initiating a largely ineffective, yet ongoing "prevention through deterrence" strategy vis-à-vis migrants.[181] According to the Migration Policy Institute, by 2012 the U.S. was spending around $18 billion a year on border enforcement – about 24 percent more than was spent on all other federal criminal-law-enforcement agencies combined.[182] This build-up of walls and patrols has pushed migrants to attempt border crossings in more isolated areas, including the deserts of Texas, Arizona and New Mexico, which has sharply increased the danger and cost associated with a trip. To avoid the Border Patrol checkpoints located throughout the borderlands, migrants' journeys take much longer than before, increasing their exposure to life-threatening dangers like dehydration and heatstroke.[183]

Policy changes over the last two decades have increased the physical and financial costs of migration without affecting the underlying push-and-pull factors that attract migrants to the U.S. in the first place. Consequently, migrants have continued to travel to the U.S. despite the growing dangers. Before Congress passed the Immigration Reform and Control Act in 1986, the number of deaths that was associated with people

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[181] Wayne Cornelius, "Evaluating Enhanced U.S. Border Enforcement," May 1, 2004, *Migration Policy Institute*, <http://www.migrationpolicy.org/article/evaluating-enhanced-us-border-enforcement>.
[182] Doris Meissner, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergeron, "Immigration Enforcement in the United States: The Rise of a Formidable Machinery," January 2013, *Migration Policy Institute*, <http://www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery>.
[183] Genevieve Schroeder, "Migrants Still Die Crossing the U.S. Border, and Our Own Policies are to Blame," June 30, 2015, *The Guardian*, <http://www.theguardian.com/commentisfree/2015/jun/30/migrants-die-us-border-our-policies>.

trying to enter the U.S. was negligible.[184] That Act increased enforcement at the two traditional points of entry, which were between Tijuana-San Diego and Ciudad Juarez-El Paso, and was followed by even greater enforcement operations initiated in 1993. By 2007, almost five hundred people were known to be dying every year while attempting to cross the border in search of opportunities, though the absence of an official record-keeping system means that the exact numbers are unknown.[185] Also, according to the U.S. Customs and Border Protection, about 2,350 people called to be rescued along the border in 2013 due to extreme heat.[186]

The U.S. can now boast more than 21,000 Border Patrol agents, in addition to miles upon miles of reinforced walls, drones, and watchtowers.[187] As of 2012, the Department of Homeland Security's Customs and Border Protection (CBP) contractor had completed just over 650 miles of fencing, about 300 miles in the form of vehicle barriers and 350 miles of a more impervious type of fencing called 'pedestrian fence'.[188] In 2013, the U.S. Senate approved the Border Security, Economic Opportunity and Immigration Modernization Act that would require a minimum of 700 miles of pedestrian fencing along the border and add 20,000 new border agents, but the bill failed to make it past the House of Representatives. Although this Act did not pass, it is

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[184] Patricia Fernández-Kelly and Douglas S. Massey, "Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration," *The Annals of the American Academy of Political and Social Science* 610.1 (2007): 110.
[185] Ibid.
[186] Jack Jenkins, "What It's Really Like to Cross the U.S.-Mexico Border," February 10, 2015, *Think Progress*, <http://thinkprogress.org/immigration/2015/02/10/3617896/dehydration-scorpions-vigilantes-really-like-cross-border/>.
[187] McIntyre and Wessler, "Border Deaths."
[188] "U.S.-Mexico Border Fence/Great Wall of Mexico Secure Fence," *Global Security*, <http://www.globalsecurity.org/security/systems/mexico-wall.htm>.

worth noting that its pro-border enforcement provisions are standard in current plans for new immigration legislation.

In addition, the Migration Policy Institute, a nonpartisan research group based in Washington, found that the federal government spent almost $18 billion on immigration enforcement in 2012 alone.[189] The government's two main immigration enforcement agencies, Immigration and Customs Enforcement and the CBP, employ more than 80,000 people. Meanwhile, labor enforcement agencies like the Wage and Hour Division of the Department of Labor and the Occupational Safety and Health Administration, among many others, employ fewer than 9,000, meaning there are nowhere near enough inspectors to protect migrant workers from the abuses of their employers, but there are plenty of Border Patrol agents to deport them.[190]

For all of the U.S.'s ongoing unilateral militarization of its border with Mexico, it has failed to realize its goal of reducing the flow of undocumented migrants into the U.S. Rather, it has succeeded in radically increasing the risks and costs of crossing the border by redirecting the flow of migrants to remote, perilous regions, tripling the death rate along the border.[191] The beefed up Border Patrol has also had the effect of increasing the duration of migrants' stay in the U.S. because it takes migrants longer to

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[189] Julia Preston, "Huge Amounts Spent on Immigration, Study Finds," January 7, 2013, *The New York Times*, <http://www.nytimes.com/2013/01/08/us/huge-amounts-spent-on-immigration-study-finds.html?smid=tw-share>.
[190] Daniel Costa, "Huge Disparity in Funding for Immigration Enforcement vs. Labor Standards," January 23, 2013, *Economic Policy Institute*, <http://www.epi.org/blog/funding-disparity-immigration-enforcement-labor-standards/>.
[191] Fernández-Kelly and Massey, 110.

recover the costs of their journey to the U.S., and it takes additional time to save up for a return trip home.[192]

The increase in border enforcement has also ultimately heightened the vulnerability of migrants to extortion by smugglers and kidnapping by criminal gangs. The story of the first border crossing attempt taken by a Mexican migrant named Allan Modesto Martinez Alvarez, known as "Tiger" by his friends, illustrates this:

> "A coyote guided [Tiger and his group] into Texas. But once on the other side, the group they were traveling with was taken hostage at gunpoint and locked inside a building. All the men were brutally beaten and told they'd be killed, says Ismael [Tiger's brother]. Following orders to acquire ransom money, Tiger called his mother [Betty]. Fearing for his life, Ismael and Betty scraped together as much money as they could find. With help from several other family members, they sent nearly $10,000. Both Tiger and Christian were released on a road somewhere near the Texas town of McAllen."[193]

Mexico's National Commission on Human Rights estimates that around 20,000 migrants are kidnapped and held for ransom every year along their journey north to the U.S as well as on the U.S. side of the border.[194] Some other estimates are much higher. Migrants are viewed as another revenue source besides the drug trade for Mexico's criminal gangs. The gangs and cartels diversify their operations by running smuggling networks and taking migrants hostage. Plainly stated, if the U.S. offered more legal avenues by which undocumented migrants could enter the U.S. for temporary work, then thousands of migrants would not have to risk their lives by attempting illegal border crossings. They could be assured safe passage in and out of the country. Given

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[192] Ibid., 112.
[193] McIntyre and Wessler, "Border Deaths."
[194] Ibid.

how ineffectual border enforcement has proven to be and how negative its influence has been on migrants' safety, the U.S. should consider a different approach.

Health and Well-being

Undocumented workers in the U.S. are ineligible for health care coverage under the Affordable Care Act. Their fear of contact with government agencies and deportation as well as their encounter with the barriers of mobility, culture, and language make it very difficult for undocumented migrants to access health care.[195] At the same time, migrants work in some of the most high-risk industries, such as agriculture, construction, forestry, and fishing, and they have higher fatality and injury rates than workers in other sectors.[196] Research by economists Orrenius and Zavodny (2009) has shown that the difference between immigrants, both documented and undocumented, and U.S. citizens in average industry fatality rates was 1.79 deaths per 100,000 workers, and the difference in average industry injury rates was 8.19 per 10,000 workers.[197] This implies "an excess mortality of 358 immigrants per year compared with the number of deaths if immigrants had the same distribution across industries as natives… [and] an excess of 16,380 non-fatal injuries involving at least one day away from work among immigrants."[198] This indicates that immigrants work in

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[195] "Migrant Health Issues," *Migrant Clinicians Network,* <http://www.migrantclinician.org/issues/migrant-info/health-problems.html>.
[196] Ibid.
[197] Pia M. Orrenius and Madeline Zavodny, "Do Immigrants Work in Riskier Jobs?," *Demography* 46.3 (2009): 548.
[198] Ibid.

much more dangerous industries than American citizens, and they are more likely to suffer on-the-job injuries and fatalities.

Part of the problem is sheer negligence on the part of employers, as revealed by these types of tragedies:

> "A migrant farm worker died of heat stroke after picking tobacco in 110 degree weather in North Carolina. His internal body temperature was recorded at 108 degrees. A 14-year-old undocumented worker was partially decapitated and crushed by machinery in a plant in Tennessee. The youth, who had presented forged documents indicating that he was 19 years old, had received no safety training."[199]

Beyond employers' neglect and apathy, the biggest part of the problem with migrants' health is their insufficient access to medical care. Only around 5 percent of undocumented migrants have health insurance in the U.S., and their immigration status means that they do not qualify for Medicare or Medicaid.[200] There are health centers targeted toward migrant communities in the U.S., and in 2013 the health centers that received funding from the Migrant Health Center Program served nearly 800,000 patients.[201] These migrant health clinics are imperfect, dealing with problems such as language barriers, racism, hefty copays, and insufficient funding.[202] Also, given that there were 11.3 million undocumented migrants in the U.S. as of 2014, and knowing

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[199] Ibid., 535-6.
[200] Seth M. Holmes, *Fresh Fruit, Broken Bodies: Migrant Farmworkers in the United States,* Berkeley, CA: University of California Press (2013), 128.
[201] "Migrant Health Issues."
[202] Holmes, 131.

that none of them are covered by the ACA, it is evident that migrants are vastly underserviced in health care.[203]

Other issues affecting migrants' well-being include food insecurity. A Public Health Report estimated that almost half of migrant farmworker households are food insecure, with food insecurity being more prevalent among households with children than those without.[204] The study also found that food insecurity is over four times as prevalent among farmworker households than among the U.S. population as a whole.[205]

Social Isolation

Migrants commonly face social isolation. This is arguably even truer for migrant farmworkers than migrants in some other occupations, given their rural positions. Regarding migrant farmworkers in the U.S., 68 percent were born in Mexico, and 15 percent are Central Americans or indigenous Mexicans.[206] Indigenous workers are placed at the bottom of the social hierarchy and endure the most social suffering, such as ostracization and more difficult jobs.[207] Research has shown that one in four migrant farmworkers "experienced an episode of one or more mental health disorders such as

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[203] Jens Manuel Krogstad and Jeffrey S. Passel, "5 Facts about Illegal Immigration in the U.S.," November 19, 2015, *Pew Research Center*, <http://www.pewresearch.org/fact-tank/2015/11/19/5-facts-about-illegal-immigration-in-the-u-s/>.
[204] Sarah A. Quandt, Thomas A. Arcury, Julie Early, Janeth Tapia, and Jessie D. Davis, "Household Food Security Among Migrant and Seasonal Latino Farmworkers in North Carolina," *Public Health Reports* 119 (2004): 568.
[205] Ibid.
[206] Daniel Carroll, Annie Georges, and Russell Saltz, "Changing Characteristics of U.S. Farm Workers: 21 Years of Findings from the National Agricultural Workers Survey," Presentation, Immigration Reform and Agriculture Conference: Implications for Farmers, Farm Workers and Communities, Washington D.C., May 12, 2011.
[207] Holmes, 161.

stress, depression, or anxiety in their lifetime."[208] The absence of social support resources in the lives of migrant workers can result in depression and anxiety.[209] Their ability to form non-kin-based social relationships in new places tends to be limited by their long work hours and lack of a means of transportation.[210] A study conducted in North Carolina surveyed 300 farmworkers and found that 28 percent reported experiencing elevated levels of depressive symptoms, and 5 percent reported daily or weekly moderate to severe musculoskeletal pain.[211]

A qualitative study among Mexican immigrant men found that the self-reported causes of depression included separation from family, discrimination, long hours, multiple jobs, unemployment, low wages, social isolation, and a change in substance use.[212] Self-reported remedies of depressive symptoms included drinking and taking drugs, seeking professional help, increased socializing, and reuniting with family.[213] In fact, a study that interviewed 125 male migrant farmworkers in North Carolina discovered that 30 percent of their panel screened positive for alcohol dependence.[214] Another study that interviewed 5,826 people in Mexico found that respondents who

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[208] Sloane Burke Winkelman, Elizabeth H. Chaney, and Jeffrey W. Bethel, "Stress, Depression and Coping among Latino Migrant and Seasonal Farmworkers," *International Journal of Environmental Research and Public Health* 10 (2013): 1815.
[209] Rebecca Rodriguez, "Exploring Social Support in Migrant and Seasonal Farmworkers in South Georgia," *Georgia State University Department of Psychology* (2013): 13.
[210] Ibid., 12-3.
[211] Joanne C. Sandberg, Joseph G. Grzywacz, Jennifer W. Talton, Sara A. Quandt, Haiying Chen, Arjun B. Chatterjee, and Thomas A. Arcury, "A Cross-sectional Exploration of Excessive Daytime Sleepiness, Depression and Musculoskeletal Pain among Migrant Farmworkers," *Journal of Agromedicine* 17.1 (2011): 70.
[212] Gerald F. Lackey, "'Feeling Blue' in Spanish: A Qualitative Inquiry of Depression among Mexican Immigrants," *Social Science and Medicine* 67.2 (2008): 233-4.
[213] Ibid., 234.
[214] Joseph G. Grzywacz, Sara A. Quandt, Scott Isom, and Thomas A. Arcury, "Alcohol Use among Immigrant Latino Farmworkers in North Carolina," *American Journal of Industrial Medicine* 50.8 (2007): 620.

migrated or who had family who migrated to the U.S. were more likely to use alcohol or drugs at least once in their lifetime and engage in substance abuse.[215]

Migrants must somehow cope with all the issues discussed thus far *and* more, including workplace exploitation, which will be examined in the subsequent section. Succinctly put, expansive, well-regulated labor migration programs could help alleviate migrants' fears, protect them from the current dangers of border crossings and exploitation, guarantee them a minimum wage and standard of living, and offer them basic rights like access to health care. Next we will look into what life is like as a guestworker in the U.S. with a H-2A or H-2B visa.

Life as a Guestworker under the U.S.'s Current H-2 Program

Not only should the U.S. open up its tight immigration policies, but the country also needs to take a close look at the serious problems with its existing, though very limited, guestworker program, the H-2 Program. As mentioned in the previous chapter, this program, which is overseen by the U.S. Department of Labor, is comprised of two different programs, the H-2A and H-2B. The H-2A program allows agricultural employers to hire foreign workers on temporary work permits, while the H-2B program allows non-agricultural employers to do likewise.[216] In 2011, employers brought around 106,000 guestworkers into the U.S., 55,000 for agricultural labor and 51,000 for non-agricultural labor, particularly landscaping and construction; about 80 percent were

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[215] Guilherme Borges, Maria Elena Medina-Mora, Joshua Breslau, and Sergio Aguilar-Gaxiola, "The Effect of Migration to the United States on Substance Use Disorders among Returned Mexican Migrants and Families of Migrants," *American Journal of Public Health* 97.10 (2007): 1848-9.
[216] "Temporary (Nonimmigrant) Workers," *U.S. Citizenship and Immigration Services*, <https://www.uscis.gov/working-united-states/temporary-nonimmigrant-workers>.

Mexican.[217] A report by the Southern Poverty Law Center found that these guestworkers are "systematically exploited and abused," and the abuses they uncovered were "too common to blame on a few 'bad apple' employers."[218]

H-2 Program guestworkers are not participants in the U.S.'s large, competitive labor market. Instead, they are bound to the employers who sponsor them, and they are powerless in the face of mistreatment, lacking access to legal resources and living under the threat of deportation or blacklisting.[219] Some of the most common ways guestworkers are exploited include being cheated out of wages, being held captive by employers who steal their documentation, being subjected to human trafficking, being forced to live in squalor without basic amenities, and being denied medical benefits for workplace injuries.[220] The H-2A Program defines the minimum wage for guestworkers and provides them with legal protections, including of their health and safety. It also entitles them to free housing, workers' compensation benefits, reimbursement for travel costs to and from their home countries, and eligibility for federally-funded legal services for employment issues.[221] The H-2B Program's legal protections and entitlements are not as robust. All of these promises exist on paper, but are too often not evident in practice.

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[217] Mary Bauer, "Close to Slavery: Guestworker Programs in the United States," *Southern Poverty Law Center* (2013): 1.
[218] Ibid., 2.
[219] Ibid., 1.
[220] Ibid.
[221] Ibid., 7.

What does this injustice look like in practice? Cirilio, a Guatemalan migrant worker to the U.S., has a story that shines light on the major problems and oversights existing in the U.S.'s current labor migration program:

> "Cirilio is one of about 85 workers from Guatemala who traveled to the southeastern United States in 2012 to bale pine straw and harvest blueberries. Making only about $10 to $40 a week in coffee production in Guatemala, Cirilio was eager for the opportunity to earn higher wages in the United States.

Hoping to earn enough money to be able to pay off loans for his wife's medical treatment as well as save up for a house, Cirilio decided to migrate. That decision was far from easy, and it put him deeper in debt:

> Cirilio took out additional loans to pay for the $2,000 in travel, visa and recruitment expenses. When Cirilio arrived in the United States, his employers confiscated his passport and withheld it for the duration of his employment. Cirilio initially worked long hours baling pine straw, often leaving the house before dawn and working until sunset. Cirilio was never reimbursed for his travel or visa expenses, and his wages were further reduced by excessive deductions: Employers automatically deducted $200 from his check each month for rent and transportation, and Cirilio spent about $40 to $60 of his own money per week on string used for tying pine straw bales.

Cirilio's employers failed to adhere to the legal requirements within the H-2A Program, such as offering reimbursement for immigration travel costs, and they essentially chained him to their employ by taking his visa. They further exploited his labor by steeply reducing his earnings. Even so, those were relatively good times for Cirilio, since things became even worse:

> Cirilio's situation became even more desperate when he began working for a blueberry grower. "After the first week or so, the work really slowed down. The employer had too many workers and there was hardly anything for us to do." Legally prohibited from seeking work elsewhere, Cirilio was at the mercy of his employer. "We just sat around the house day after day. We were desperate for

> work, but the grower warned us that if we tried to work for anyone else, he would call Immigration and have us deported. We could hardly afford to buy food. On a few occasions, we went out into the woods to look for herbs to eat." While Cirilio was in the United States, his wife in Guatemala gave birth to their son, who died soon after birth. "Since I wasn't making any money, I couldn't even give him a proper funeral. I was so sad and frustrated." As his wife's health deteriorated after the loss, Cirilio told the grower that he wanted to return to Guatemala to care for his wife. "He told me that I couldn't leave because he needed me to stay on the farm and work." Cirilio stayed for a little while longer, but the work did not pick up. "I felt trapped. My debts were mounting, but I was scared to leave the farm without my passport. I didn't want to get deported and ruin my chances of getting another visa in the future." Despite his fears, Cirilio eventually felt compelled to abandon the farm, leaving his passport behind. "I just wanted to go back to Guatemala but I couldn't even afford the plane ticket."[222]

Cirilio's story highlights many of the worst failings of the H-2 Program. The basic amenities, rights, and legal protections that the program assures guestworkers are frequently virtually nonexistent in practice. This comes as no surprise given deficient government enforcement of the program and vastly insufficient monitoring of H-2 employers by the Department of Labor and other agencies.[223] Either the H-2 Program should be revamped or a new guestworker program should be introduced in the U.S., such that the wide power disparity between employers and guestworkers can be decreased. In order to be protected from abuse and exploitation, guestworkers need laws and regulations to be strengthened and, most importantly, actually enforced. Guestworkers should also have easy access to federally-funded legal services. They should enjoy the same basic rights, protections, and benefits as any other person working in the U.S., including the right to unionize, and be free from abuse, fear of retaliation, exorbitant indebtedness, squalid housing, cheated wages, virtual captivity,

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[222] Ibid., 24.
[223] Ibid., 38-9.

and untreated injuries. Essentially, migrant workers should be provided with all the rights and entitlements that the H-2 Program promises them. They should also have greater freedom to move among employers while working in the U.S.

In sum, the ideal program would be a comprehensive, large scale, bilateral guest worker program that incorporates employers across industries in order to match labor supply with demand while protecting workers' rights and defending their wellbeing. In pursuit of this goal, policymakers can choose to upgrade the H-2 Program, or they can choose to scrap it and create a larger, more audacious program. No matter the route they take, policymakers should take into account the advice offered by other countries' experiences with their own migrant labor programs. How have other countries' programs succeeded where the U.S.'s H-2 Program has failed, and what are the components of a successful migrant labor program? That is what we will turn to next.

Lessons from Existing Labor Migration Programs

In developing its own modern migrant labor program, the U.S. need not start from scratch. Other countries, such as New Zealand and Canada, have developed such programs, and their policies and outcomes can provide guidance and warnings to the U.S.

New Zealand's RSE Program

New Zealand introduced its Recognized Seasonal Employers (RSE) Scheme in 2007 with the dual purpose of filling seasonal labor shortages in its horticulture and viticulture industries with unskilled foreign laborers and spurring development in

sending countries. This program allows New Zealand employers to apply for RSE status, after which they can apply to give seasonal positions to foreign workers if there are no domestic applicants. Currently, seven Pacific countries hold Inter-Agency Understandings with New Zealand.[224] These are Kiribati, the Solomon Islands, Papua New Guinea, Tuvalu, Samoa, Tonga, and Vanuatu. To qualify for a visa under the RSE work category, an aspiring migrant must be age 18 or older and have a job offer from an RSE-approved employer.[225] A visa permits a stay of up to seven to nine months. Employers must pay half of their employees' international airfare and guarantee access to suitable housing, health services and insurance, translation services, and cultural activities.[226] The RSE program allows up to 9,000 foreign workers to be imported per year.

A study by the Center for Research and Analysis of Migration confirmed that the RSE has succeeded in offering new opportunities for relatively poor, rural, and unskilled Tongans to work in New Zealand, suggesting that the program is pro-poor in its recruitment.[227] That in turn bodes well for the program's development impact on sending countries because by engaging the poor, they can boost rural village economies and increase human capital attainment.

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[224] "The Recognized Seasonal Employers Scheme (RSE), New Zealand," May 19, 2015, *International Labor Organization*, <http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=48>.
[225] "Recognized Seasonal Employer (RSE) Work Category," *Immigration New Zealand*, <http://www.immigration.govt.nz/migrant/stream/work/hortandvit/rse/>.
[226] "The Recognized Seasonal Employers Scheme (RSE)."
[227] John Gibson, David McKenzie, and Halahingano Rohorua, "How Pro-Poor is the Selection of Seasonal Migrant Workers from Tonga under New Zealand's Recognized Seasonal Employer (RSE) Program?," *Center for Research and Analysis of Migration* Discussion Paper Series No 07/08 (2008): 1.

The RSE program has proven successful since its introduction in 2007 and, as of 2013, is providing around 10 percent of the peak seasonal workforce in the horticulture and viticulture industries.[228] Over 100 employers are participating in the program. One employer is Vailima Orchards, which recruits 80 workers each season for apple-picking. Since they began participating in the RSE program, Vailima's production has increased by about 33%, thanks to their ready access to labor.[229] In addition, Vailima teaches migrants' new skills, giving them the opportunity to accumulate human capital, on top of the enormous benefit of a steady income. In this way, the RSE program has been able to offer a supply of labor where there is demand for it in a way that is fair and beneficial to all parties.

The U.S. could benefit by replicating certain aspects of this program. In particular, enforcing the guarantees of housing, compensation for travel costs, and health care, among others, for migrant workers is very significant. The emphasis on hiring poor, rural, and unskilled workers from neighboring countries is also worthy of emulation. However, this program potentially suffers from the same problem as the H-2 Program in that migrants are bound to a single employer and thereby vulnerable to exploitation.

Canada's SAWP

Since 1974, Canada has had a bilateral agreement with Mexico, establishing the Canadian-Mexican Seasonal Agricultural Workers Program (SAWP). The program was

[228] "Recognized Seasonal Employer Program – A Fruitful Parternship," November 11, 2013, *New Zealand State Services Commission*, <http://www.ssc.govt.nz/rse-bps-case-study-nov13>.
[229] Ibid.

originally introduced in 1966 between Canada and Jamaica, but now includes Mexico and other Caribbean countries. This program is similar to the Bracero Program, the bilateral migrant labor agreement between the U.S. and Mexico that was in place from 1942 until 1964, in that it hires Mexican and Caribbean workers on a temporary basis to fill labor shortages during planting and harvesting seasons when domestic labor fails to meet demand. The Canadian Program, however, has several distinguishing features. It is smaller, it guarantees better working and living conditions, and it is more bureaucratic in its recruitment practices.[230] Workers are eligible for the Canada Pension Plan and some employment insurance benefits. The program is run jointly with the participating nations; for instance, the Mexican Ministry of Labor plays the role of recruiter, and it negotiates wages, subsidies, working conditions, meals, and other concerns with Canada's Department of Human Resources Development.[231] Farmers must offer their workers a minimum of 240 work hours over a total of six weeks. They must also provide free housing, cooking facilities, provincial health coverage, provincial workplace safety insurance, and pay the same wage as that given to Canadians performing the same labor.[232] Workers are generally low- to medium-skilled farmworkers, and they are allowed to stay for up to eight months per year.[233]

Most Mexican workers who take part in this program are male, married, and over 25 years old. They leave their families in Mexico and work in Canada for an

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[230] Nandita Sharma, *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada*, Toronto: University of Toronto Press, 2005.
[231] Lois Ross, ed., "Migrant Workers in Canada: A Review of the Canadian Seasonal Agricultural Workers Program," *The North-South Institute* (2006): 2.
[232] Ibid., 4.
[233] Ibid., 2.

average of 17 to 20 weeks.[234] The program has recently experienced significant growth in the numbers of both migrants and employers that it connects.[235] In 2010, 15,809 Mexican workers took part in the program, compared to 203 in 1974. By 2015, about 17,000 seasonal workers were employed in Canada through the program.[236] This program offers Canadian horticultural employers a ready source of labor, and it gives foreign workers the chance to earn Canadian wages, send remittances back home, and spur economic development there.

This program, like any other, is imperfect. It could do more to guarantee access to health services, training, safety, adequate accommodations, decent hours, and so on, and make it easier for workers to transfer between farms and make valid complaints. However, it has and continues to do an excellent job at providing a well-regulated, albeit small avenue for economic opportunity for labor migrants in Canada. The success of the program is two-sided. First, the program has been addressing the critical shortage of domestic agricultural workers in Canada for the past half century. Without the reliable source of seasonal laborers that SAWP provides, many farmers would go out of business; indeed, the program has become indispensable, benefiting around 1,450 farms in 2015 alone.[237] On the other side, migrant workers and their families' standard of living improve, and they are able to afford their children's education and pursue their

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[234] Tanya Basok, "He Came, He Saw, He … Stayed. Guest Worker Programs and the Issue of Non-Return," *International Migration* 38.2 (2000): 215.
[235] Ofelia Becerril Quintana, "A New Era of Seasonal Mexican Migration to Canada," *Focal*, <http://www.focal.ca/en/publications/focalpoint/467-june-2011-ofelia-becerril-quintana-en>.
[236] Dave Harrison, "Successful Summer for Seasonal Workers," September 23, 2015, *Greenhouse Canada*, <http://www.greenhousecanada.com/business/labour/successful-summer-for-seasonal-workers-30636>.
[237] Ibid.

own higher education or skills acquisition. Around 80 percent of the seasonal workers in the program return on repeat contracts because of the higher wages.[238]

The U.S. should assess how this program in Canada, as well as the RSE program in New Zealand, has been so successful, and incorporate its best features, including worker's rights and guarantees, in an effort to revamp the H-2 Program or develop a more ambitious migrant labor program. The U.S. should not have any difficulty establishing similar bilateral agreements as Canada's and New Zealand's; enforcement and protection of workers' rights will be much more difficult and should be one of the U.S.'s central concerns.

Conclusion

The existing guestworker program in the U.S., the H-2 Program, is substandard, and the militarization of the U.S.-Mexico border has resulted in untold suffering of migrant laborers. Migrants, legal or not, are often exploited, cheated of their wages, mistreated, and they are powerless to fight for their rights. Millions of migrants have entered the U.S. illegally in the past few decades, searching for greater economic opportunities than those available in their home country. But the life they find in the U.S., if they manage to survive crossing the border, is often degrading, inhumane, lonely, depressing, and stressful. This situation is explicitly unjust.

U.S. policymakers need to look at other countries' guestworker programs, like New Zealand's and Canada's, and use those experiences, along with lessons learned

[238] Ibid.

from our existing migration policies, to develop a more effective policy strategy for America in the 21st century. The U.S.'s H-2 Program offers migrants great resources and protections in letter, but not in practice. New Zealand and Canada are better at guaranteeing their migrant workers' basic rights, including housing and a minimum wage, and the U.S. needs to learn how to accomplish this. Temporary labor migrants should have a straightforward, legal pathway into the U.S., where they can answer the demand for their relatively unskilled, inexpensive labor. In return for their hard work, migrants deserve to have their human and workers' rights fully protected, and that is where the U.S. needs to work the hardest.

Chapter V: Conclusion

This study argues that greater international labor mobility offers large potential economic and social benefits to developed and developing countries alike. Although the development of bilateral and multilateral expansive, well-enforced migrant labor programs poses many challenges and does not offer a complete solution to the world's many woes, it is truly a worthwhile endeavor. Wider avenues for legal labor migration between the poor and the rich countries of the world could generate greater economic growth and development, giving developed countries the cheap, low-skilled labor they demand and developing countries the opportunity to take advantage of wide wage differentials and earn more for their labor abroad. Further, such avenues could provide sorely needed social benefits, particularly for labor migrants, including the protection of workers' rights, freedom from exploitation and the fear of deportation, and the ability to cross the border and visit family with much greater ease and safety. Meanwhile, whatever costs migrant labor programs might impose on recipient countries, such as the suppression of low-skilled citizens' wages or increased fiscal spending on welfare, can be easily mitigated by compensating low-skilled citizens and restricting migrants' access to welfare. The economic benefits of labor migrants far outweigh the costs that may be associated with them.

Even with current restrictive immigration policies and all the dangers they imply, international labor migration is a large and growing feature of the global economic landscape. Rather than spending billions of dollars in ultimately futile attempts to deter and deport labor migrants, the developed world should do with labor what it has done with capital and trade; in other words, liberalization should be paramount. As Lant

Pritchett has noted, "the world is becoming more connected in every other way – trade in goods, movements of capital, communications, travel…If everything else is globalized, then why not labor?"[239] Why not, indeed.

The intent of this study is to encourage people, and policymakers in particular, to reconsider existing immigration policies and the current push for greater restrictions and border security. This study has shown that there is another route we can take, but it is not without challenges. It will take effort to improvement enforcement of existing laws, information for people to understand the benefits of expanding migrant labor programs, and popular support to encourage policymakers to enact the necessary legislation. If the world starts small, with bilateral agreements between neighboring and historically-affiliated countries, and if the U.S. becomes one of the main leaders of the movement for greater international labor mobility, then one day there may be a world where the movement of people is as free as that of capital or trade. However, this utopian outcome is not needed for the world to reap large benefits from greater labor mobility as even a marginal increase would yield impressive economic and social gains.

Labor migrants are plentiful, demand for their labor is present, and benefits are shared – the right ingredients are present for international labor migration to expand. What is now needed most is political willpower and public conversation on the merits of labor migration and the necessity for immigration reform. For the sake of labor

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[239] Lant Pritchett, *Let Their People Come: Breaking the Gridlock on International Labor Mobility*, Washington, D.C.: Center for Global Development (2006): 30-31.

migrants and economic progress in the developing world, this study will hopefully help spark a conversation that is long overdue.

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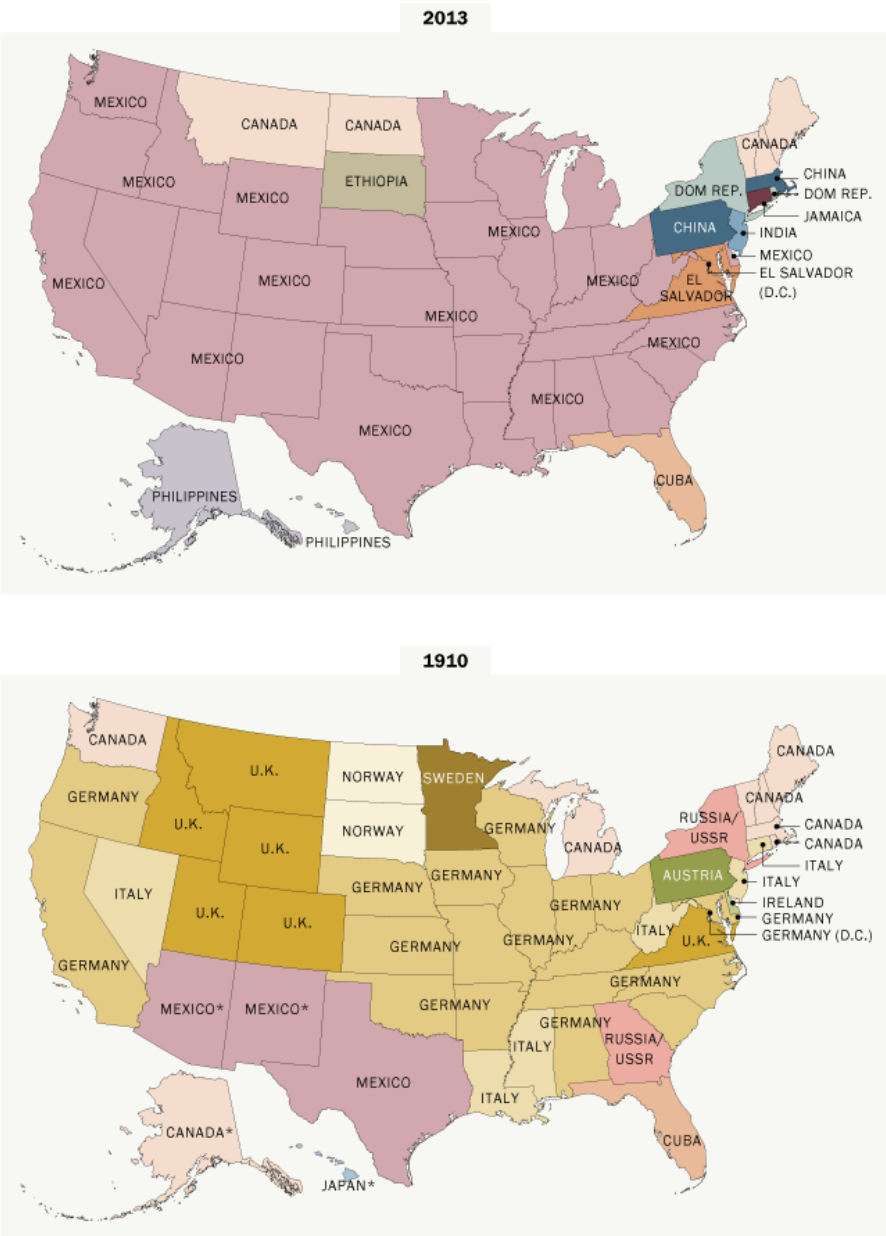
Appendices

Appendix A

Nationality of Each State's Largest Immigrant Population in U.S., 2013 vs. 1910

Where Each State's Largest Immigrant Population Was Born

Top nation of origin by state



Note: The * indicates that the area was classified as a territory, but had similar geographic boundaries when it achieved statehood. Countries are defined by their modern-day boundaries, which may be different from their historical boundaries. Russia and the former USSR countries are combined in this analysis, even though the Soviet Union was only in existence between 1922 and 1991. Birthplace is self-reported by respondents.

Source: Pew Research Center tabulations of the 2013 American Community Survey and 1910 decennial census (IPUMS)

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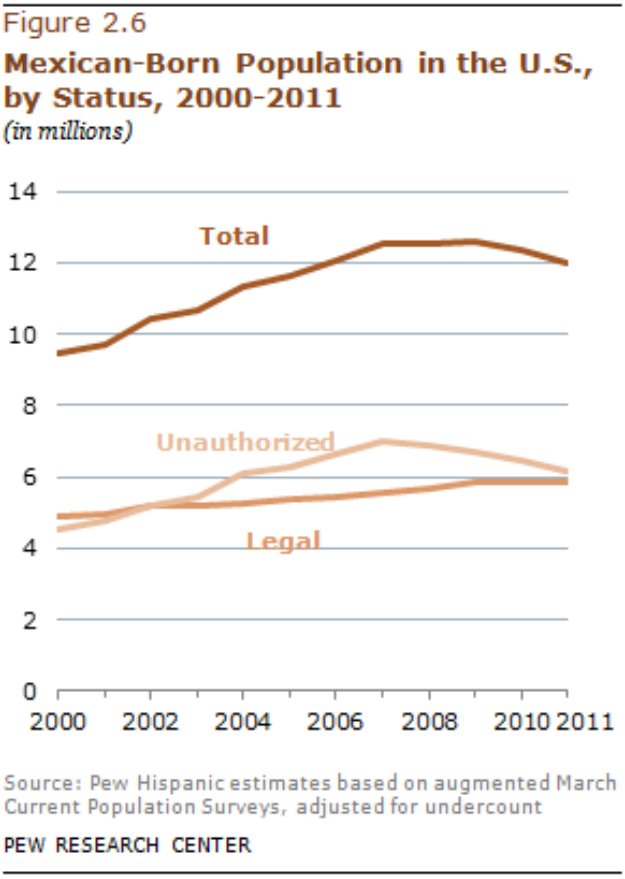
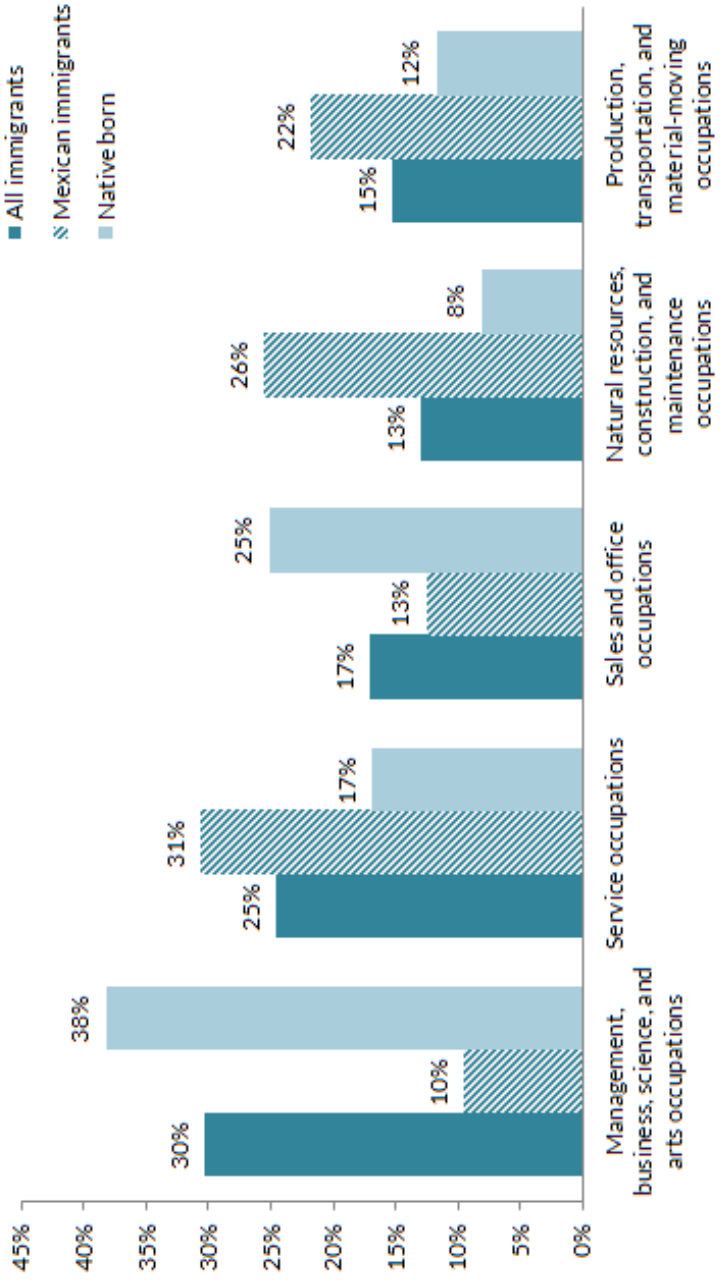
Appendix B

Mexican-Born Population in the U.S. from 2000 to 2011 by Status



Appendix C

Employed Workers in the Civilian Labor Force (ages 16 and older) by Occupation and Origin



Source: MPI tabulation of data from the U.S. Census Bureau 2014 ACS.

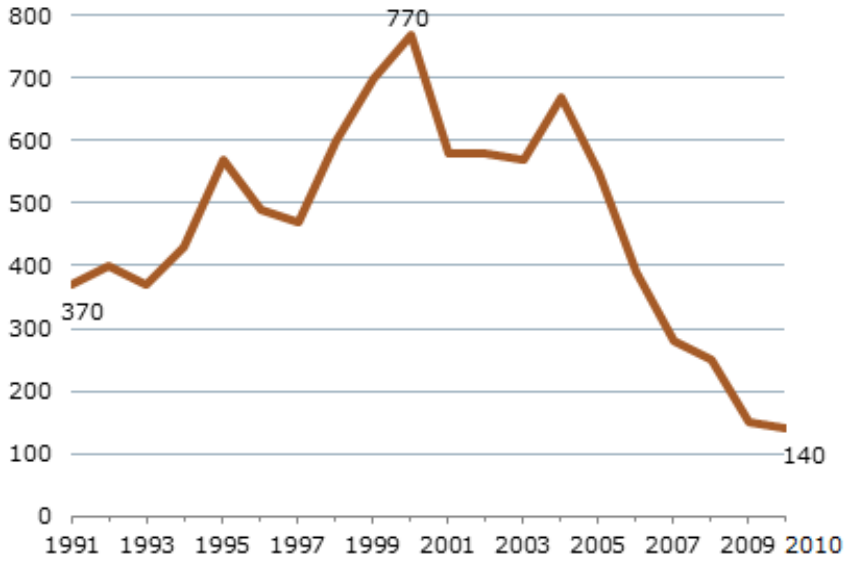
Appendix D

Annual Immigration Flows from Mexico to the U.S. from 1991 to 2010

Figure 2.5

Annual Immigration from Mexico to the U.S.: 1991-2010

(in thousands)



Source: Pew Hispanic Center estimates compiled from various sources; see Methodology

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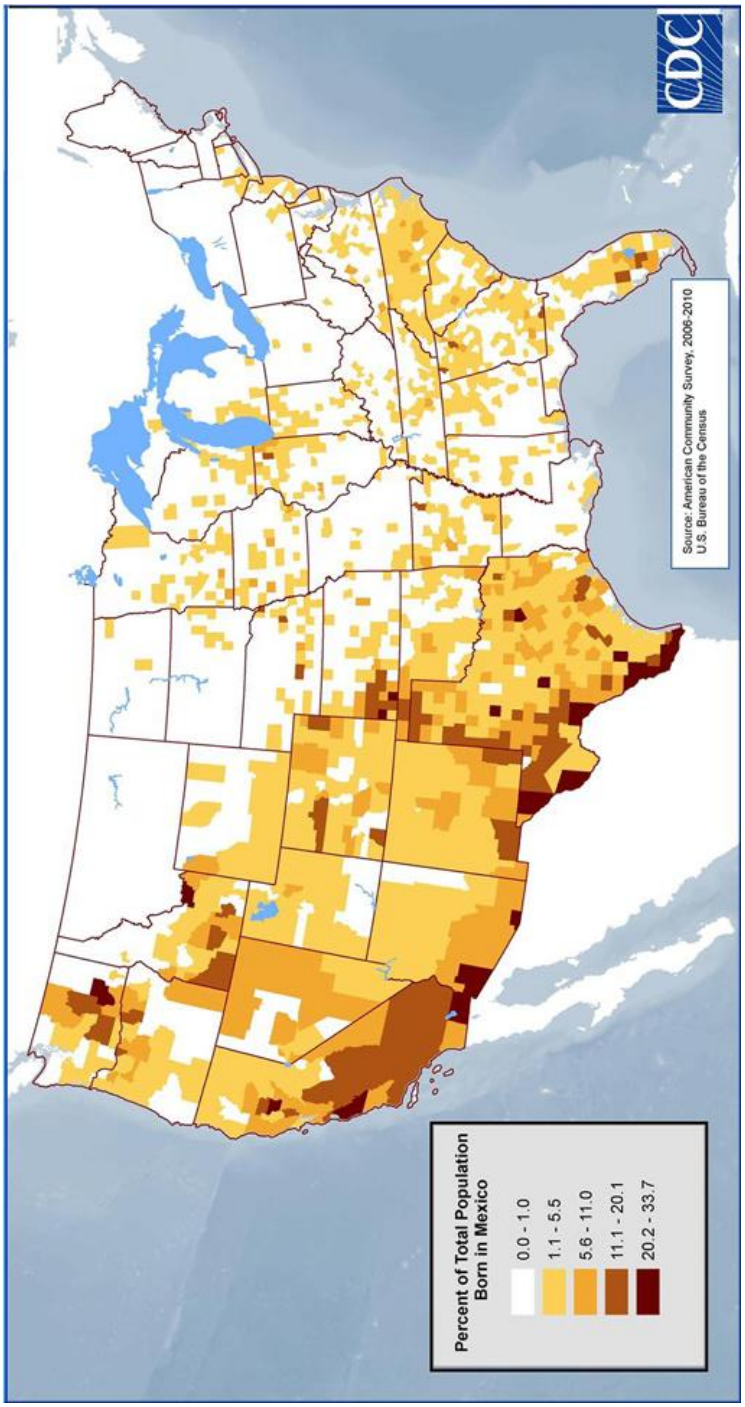
Appendix E

Map of the Percentage of the U.S. Population Born in Mexico, 2006-2010



Based on U.S. Census and American Community Survey data from 2006 to 2010. Map credit: Ginny Lee, CDC.

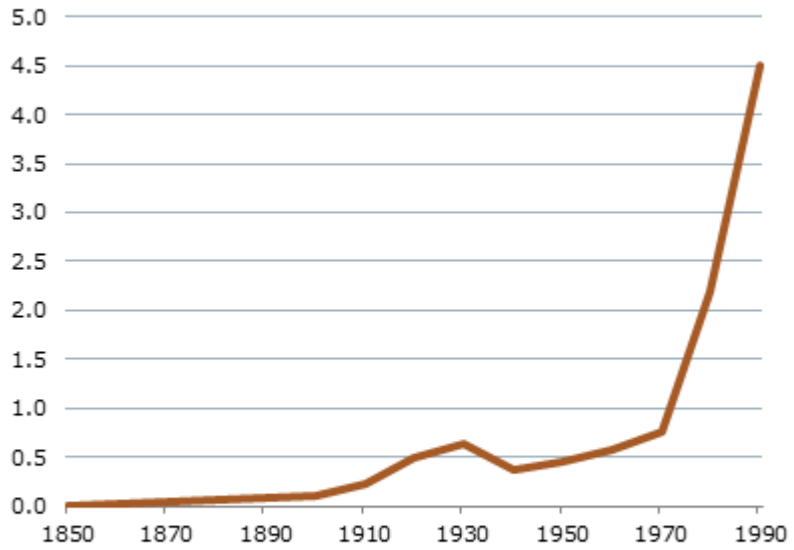
Appendix F

The Change in the Mexican-Born Population in the U.S. from 1850 until 1990

Figure 2.7

Mexican-Born Population in the U.S., 1850-1990

(in millions)



Source: 1850-1930,1960-1980: Gibson and Jung (2006); 1940-1950, U.S. Census Bureau (1975), Series C228-295, white foreign-born; 1990-2011: Pew Hispanic Center estimates from augmented March Current Population Surveys and Decennial Censuses adjusted for undercount

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