Attitudes and Opinions of Agricultural Growers in Texas Toward Guest Worker Programs

I. Research Purpose

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

Simply defined, a guest worker or temporary foreign worker program is one in which “a legal employer within a country has been granted a permit to bring in a foreign worker for a designated period of time, after which time the foreign worker is obliged to depart” (Epstein, Hillman, & Weiss, 4). Those who support the creation of a guest worker program argue that they benefit everyone involved. The countries that import guest workers gain an increased supply of labor and affordable human capital (Ruhs 2002, 3). The countries that export workers benefit economically from money being sent back home and from the eventual return of more highly skilled workers (Ruhs 2002, 3). Finally, the guest workers themselves are said to benefit because they are able to make more money than they can in their home countries and acquire job training that can benefit them in the future (Ruhs 2002, 3).
On the other hand, those who oppose such programs argue that they actually lower wages for native workers, increase illegal immigration, lead to the exploitation and abuse of guest workers, and are almost impossible to stop once they are put into place.

This research will examine guest worker policy in the United States and more specifically agricultural guest worker policy. Agricultural guest worker policy has been chosen because agricultural guest worker programs are the oldest guest worker programs\(^1\) in the U.S. and are one of the largest\(^2\) that exist today. In addition, agricultural guest worker programs are the most researched guest worker programs in the United States and thus have more literature available to examine. Furthermore, the agricultural industry will likely be one of the primary focuses of any new guest worker legislation. During the past three years over 25 bills have been proposed in the U.S. House and Senate that would create a new agricultural guest worker program or revise the current one (Bruno, 2007). In the last year alone, there have been no less than four different immigration reform proposals presented in congress that contained provisions for the creation of a new agricultural guest worker program (Bruno, 2007).

When discussing agricultural guest worker policy, there are many stakeholders to consider. There are the guest workers themselves, the host government, the source government, the citizens in each country involved, etc. However, arguably the most important is the agricultural grower. Growers are “the agricultural employers, who own or operate entities such as farms or ranches, or agricultural associations, which are non-profit or cooperative associations of farmers” (Migrant Legal Action Program 2006).

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

\(^2\) See Bruno 2007, 4 and Meyer 2006, 7 the current H-2A program brought in 37,149 foreign workers in 2006
Growers have always been the strongest social, political, and economic force behind the creation of agricultural guest worker policies. These policies are not formed on a whim by politicians or from the demands of foreign workers to gain entry into a country. It is growers who have used their political and economic power to get political leaders to implement these programs, and it is the growers who have historically used this same power to keep these programs going much longer than was originally envisioned.

Growers are the principle employers of guest workers brought into the United States to perform agricultural labor. They also are most directly responsible for the day-to-day operations of such a program. Unfortunately, the grower’s perspective on guest worker policy, such as what kind of program they would like to see implemented and how that program would function, is only alluded to in the literature. Very few studies focus specifically on agricultural growers attitudes toward guest worker policy, and the last study of growers’ opinions on guest worker policy was conducted in 1982. This research will examine the attitudes of agricultural growers in Texas. Texas is the focus because the limited time and resources available make a study of the nation’s growers extremely difficult.

**Purpose**

The purpose of this research is to describe the attitudes and opinions of agricultural growers in Texas toward guest worker policy. This research is important because it should give policy makers the perspective of a key stakeholder – employers.

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

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

The purpose of this research is descriptive, and the conceptual framework that will be used is descriptive categories. The use of descriptive categories will organize the inquiry by describing the important components that make up guest worker policy. A review of the literature has yielded the key components of guest worker policy and provided basis for a framework that was used to develop a questionnaire that describes the attitudes and perceptions of agricultural growers towards guest worker policy. The literature indicates that there are six components that should be considered when developing guest worker policy including the hiring process, labor standards, enforcement, the legal status of guest workers, security, and possible negative outcomes.

Hiring Process

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

Labor Market Test

Almost all guest worker programs on record have been implemented in order to fill temporary labor shortages in particular industries, occupations, or regions\(^5\). The literature indicates that guest worker policy must contain some mechanism that must be used by employers to ensure that there is a shortage in the industry requesting guest

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\(^5\) See Martin & Miller 1980, 316; Basurto, DeLorme, & Kamerschen 2001, 23; Morgan 2004, 12; and Briggs 1986, 999; Meyers 2006, 6 for a description of the labor market conditions that lead to the creation of various guest worker programs.
workers and that the hiring of any guest workers will not damage the wages and employment of domestic workers in the host country (Bruno 2006, 33).

Among those who have examined the current agricultural labor market in the United States there is an on-going debate over whether there currently is a shortage of domestic farm labor in the United States. Most of the debate swirls around the current H-2A agricultural guest worker program and whether there is a need for the creation of a new expanded guest worker policy. On one side are researchers who argue that most regions that employ H-2A workers do not suffer from labor shortages and that farm lobbies continue to claim that there are farm labor shortages even as unemployment is exceptionally high in agricultural labor heavy areas like the Central Valley of California (Martin & Teitelbaum 2001, 124).

There are also several governmental reports that support the idea that there is no current labor shortage in agriculture. A 1997 report on the H-2A program by the General Accounting Office (GAO) maintained that there is no “widespread farm labor shortage requiring the importation of large numbers of foreign workers” (GAO 1997, 5). Secondly, a 2006 report from the Congressional Research Service (CRS) on farm labor shortages also reports that a nationwide farm labor shortage of “domestically available farmworkers” does not exist (Levine 2006, 8).

On the other hand, a study conducted by in Washington State maintains that there may be labor shortages that result not from a lack of workers in the labor force, but from workers not wanting to perform agricultural jobs (Richards and Patterson 1998, 1). Likewise, both the previously mentioned GAO and CRS reports both acknowledged that

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6 See Baker 2004, 111 for further discussion on labor shortages and usage of the H-2A program by growers.
while wide-spread labor shortages were not found to exist, specific crop or geographical shortage may in fact be occurring (GAO 1997, 5 and Levine 2006, 8).

As a result of this debate, any guest worker policy should have some mechanism in place to show that there is actually a need for guest workers and to ensure that domestic workers are being protected. All modern guest worker programs in the U.S. include provisions that try to ensure that the program will have “no adverse effect on the wages and working conditions of workers in the United States similarly employed” (Meyers 2006, 7). There are currently two different labor market tests that are used by most guest worker programs in order to establish the need for guest workers within an industry and to give domestic workers “preferential access to the national labor market” (Ruhs 2002, 10). These tests are “attestation” by the employer and certification by the relevant authorities regarding the unavailability of native workers.

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

Recent guest worker policy proposals have all contained a mechanism to determine the present labor market conditions before allowing employers to hire guest

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7 See Ruhs 2002, 10 and Pastor and Alva 2004, 98 for further discussion of certification and attestation.
workers. For example, the Border Security and Immigration Reform Act of 2003 would have required employers to file an application with the Department of Labor attesting that there were not sufficient U.S. workers who were qualified and available to perform the work, and that the hiring of guest workers would not adversely affect the wages and working conditions of similarly employed U.S. workers (Bruno 2007, 15). Likewise, the Border Security and Immigration Improvement Act proposed by Senator John McCain would have required employers who wanted to hire guest workers to file an application with the Department of Homeland Security that stated that they had advertised the job opportunity to U.S. workers on an electronic job registry established by the Department of Labor and had offered the job to any equally qualified U.S. worker who applied through the registry (Bruno 2007, 16).

Also, the Agricultural Job Opportunities, Benefits, and Security Act of (AgJOBS), which has been proposed with various amendments several times over the past few years, would require employers who wanted to hire guest workers file applications with Department of Labor. This bill was slightly different in that if guest workers were being hired to do jobs covered by a collective bargaining agreement, the employer would have had to assure, among other things, that there was an applicable union contract and that the bargaining representatives of the employer’s employees had been notified of the filing of the application for guest workers. If an employer wanted to hire guest workers to file jobs not covered by a collective bargaining to attest that he or she would take specified steps toward recruit U.S. workers and would provide workers with required benefits, wages, and working conditions (Bruno 2007, 20/21).

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

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

In regards to limiting recruiting to certain nationalities, guest worker programs have differed. Many programs are based on agreements between nations and thus restrict recruitment to citizens of the nation they have an agreement with. This was the case during the Bracero Program, as recruitment was restricted to Mexican citizens (Ruhs 2002, 12). This is also the case with the current Canadian guest worker program, which also has an agreement with Mexico to recruit Mexican citizens (Basok 2000, 224). Even in guest worker programs that do not specifically restrict recruitment to national origin, preference is usually given to one nationality or another.

Guest worker programs also differ over whether recruitment should be done by governmental agencies or by the employers themselves. To explain, in some programs perspective employers made requests for guest workers to governmental agencies in their

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8 See Ruhs 2002, 12 which discusses how the Bracero Program limited recruitment to low-skilled workers and Meyers 2006, 7 for a discussion on how the H-2A Program does not have a skill requirement.
9 See Ruhs 2002, 13 as this is the case in Singapore, Switzerland, and Kuwait.
host countries and in turn these agencies worked with governmental agencies in the source countries to produce a list of guest workers who were eligible to be recruited\textsuperscript{10}. In contrast, other programs set up direct recruiting of guest workers by employers\textsuperscript{11}. In the past, growers recruited workers from recruitment centers located on the U.S./Mexico border (Palmunen 2005, 48). Today, many H-2A workers are recruited not by employers but through farm labor contractors in Mexico (Meyers 2006, 8).

Recent guest worker policy has addressed the issue of recruitment. The Border Security and Immigration Reform Act of 2003 would allow the Secretary of Homeland Security and the Secretary of State to jointly administered guest worker programs with foreign countries by creating a database of potential guest workers’ that employers could hire workers from (Bruno 2007, 15). The Alien Accountability Act also originally proposed in 2003 would have handled recruitment by requiring all potential guest workers to apply to the Department of Homeland Security. If approved, these workers then would be put into a job database that employers could hire from (Bruno 2007, 17).

\underline{Contracting}

The final element of the guest worker hiring process is the practice of contracting. While the mechanics of the contracting process and the contracts themselves may differ depending on the program, every guest worker program on record has required that

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

\textsuperscript{11} See Baker 2004, 84 for a discussion of recruitment practices within the Bracero Program starting in 1947
workers sign a written contract before employment\textsuperscript{12}. The literature raises the question of whether guest workers should be allowed to negotiate with more than one employer\textsuperscript{13}.

It is argued that when guest workers are only allowed to contract with one employer and to not negotiate the terms of their own contracts this creates a dynamic of considerably unequal power, in which abuses by the employer are more likely (Morgan 2004, 141 & Hahamovitch 2003, 94). Guest workers under these conditions are less likely to report mistreatment by employers (Pastor and Alva 2004, 98). These limitations on the contracting freedom of guest workers can result in monopsonies that deny freedom of exchange, lower wages, and create a de facto form of indentured servitude (Attas 2000, 78). Furthermore, it is argued that “granting foreign workers freedom of movement also benefits the host country…by enabling foreign workers to respond to wage differentials and thereby help equalize the value of the marginal product of all workers across labor markets” (Ruhs 2002, 46).

There is no recently proposed guest worker policy that allows guest workers to negotiate the terms of their own contracts. The Border Security and Immigration Reform Act of 2003 requires all guest workers to sign standard contracts with employers who choose them from an electronic database of workers. The guest worker can not choose their employer or the terms of their contracts (Bruno 2007, 15). Likewise, the Alien Accountability Act of 2003 (Bruno 2007, 17) and the AgJobs Act (Bruno 2007, 31) also does not allow workers the right to choose their employer or the terms of their contracts.

\textbf{Labor Standards}

\textsuperscript{12} See Schiff 2004, 1A for a description of the standard elements of guest worker contracts
\textsuperscript{13} See Pastor and Alva 2004, 98 who state that “Who Contracts — Private Actors or the State?” as a key topic of discussion for any program.
Another key element of guest worker policy is determining what rights and benefits workers will be given. These benefits and rights can collectively be put under the heading of labor standards.

**Transportation**

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

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

Some recent guest worker policy proposals address the issue of transportation costs. The AgJobs Bill requires employers to reimburse inbound and return transportation costs to workers who complete 50% of the contract and the season (Farmworker Justice 2007, 1).
While the Secure America & Orderly Immigration Act allows workers to be charged “reasonable” transportation costs (National Immigration Law Center 2005, 5).

**Housing**

Guest workers are all foreign workers who travel into host countries to work in a particular industry. These workers are not only working but living outside of their home country, and thus they require some form of housing in order to survive. The question that policy makers would have to decide when creating any future guest worker program is whether housing should be provided by the employer or be part of the expenses of the worker. There has been no precedent established from previous guest worker programs. An examination of six different guest worker programs in six different countries over the last one-hundred years and determined that three programs required the employer to provide adequate housing and three programs did not (Ruhs 2002, 74). In the United States, the Bracero Program required that employers provide housing without cost for guest workers (Baker 2004, 84), as does the current H-2A program if it is “that specific area's prevailing practice to do so” (Baker 2004, 101). Another possible solution to the housing issue discussed in the formation of new guest worker legislation is making employers pay a “housing allowance” to workers instead of providing adequate housing (Martin 2001, 13).

Most recent guest worker policy proposals have dealt with the housing issue. Of those bills brought before the house and Senate over the last four years most required employers to provide free housing for guest workers. However they allow employers to pay workers housing allowances, in lieu of housing, to their workers if the governor of the relevant state certifies that adequate housing is available.\(^\text{14}\)

\(^{14}\) See Bruno 2007, 29 for the AgJOBS Act of 2007; Bruno 2007, 12 for the Temporary
Legal Rights

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

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

Recently proposed guest worker policies vary on the legal rights granted to farmworkers. The AgJOBS Act of 2007 grants guest workers the right to file a federal lawsuit to enforce their wages, housing benefits, transportation cost reimbursements, minimum-work guarantee, motor vehicle safety protections, and the other terms of the written job contract (Farmworker Justice 2007, 2). On the other hand, The Border

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15 See Morgan 2004, 143 for further discussion on the whether workers should be given basic legal rights before any guest worker program is implemented.
Security and Immigration Reform Act of 2003, does not allow guest workers to sue unscrupulous employers, but does allow them to file complaints with U.S. government officials, who can allow them to seek employment with other guest worker employers (The Orator 2003). While, the Border Security and Immigration Improvement Act requires employers to grant workers certain rights and protections, but does not include provisions for steps workers can take if these rights are violated (Bruno 2007, 17).

Minimum Worker Hours

In creating guest worker policy it must also be decided whether workers will be guaranteed a minimum number of hours of work a week. In many guest worker programs, workers come into the host country with the understanding that they will get at least a set amount of work, and that they cannot be made to work less because an employer does not want to pay them. Recent guest worker policy proposals have included provisions that guarantee guest workers a minimum amount of working hours a week. Under the AgJobs Bill employers must guarantee guest workers the opportunity to work for at least three quarters of the stated period of employment or pay compensation for any shortfall (Farmworker Justice 2007, 1).

Compensation

Finally, in regards to labor standards any guest worker policy has to determine the wages that workers should receive. This issue revolves around whether a minimum wage limit should be created for workers, and how this rate is to be set. Some guest worker programs established wage structures that required that workers be paid a “prevailing

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16 See Morgan 2004, 130 and Baker 2004, 90 for a discussion of the work period requirements in various guest worker programs.
wage” established by a governmental agency\textsuperscript{17}, some guest worker programs have given workers the same rights and pay as domestic workers by allowing them to join unions\textsuperscript{18}, and others set up no minimum wage limits for foreign workers at all\textsuperscript{19}.

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

Yet, the AEWR has received criticism. Baker (2004, 98) states that “the AEWR…is based on artificially depressed wage rates that have resulted from the massive employment of undocumented workers and foreign workers who could not legally work outside the agricultural sector for at least the past seventy-five years.” While Meyers (2006, 8) posits that the AEWR can decline and does not include cost of living increases, and it has not kept pace with inflation.

Recent guestworker policy proposals have handled compensation differently. The AgJOBS bill would require employers to offer the highest of the AEWR, the prevailing wage or the federal or state minimum wage. In addition, the AgJOBS bill would reduce the AEWR to the 2002 levels and freeze them for 3 years while creating a special

\textsuperscript{17} See Ruhs 2002, 75 and Basok 2000, 226 for additional support.
\textsuperscript{18} See Ruhs 2002, 75 and Martin & Miller 1980, 326 for examples.
\textsuperscript{19} See Ruhs 2002, 75 for examples.
commission to issue studies and recommendations as to the appropriate wage rate formula (Farmworker Justice 2007, 2). While, the Border Security and Immigration Reform Act (Bruno 2007, 15) and the Temporary Agricultural Labor Reform Act of 2005 (Bruno 2007, 22) would require employers to pay guest workers the higher of the federal or applicable state minimum wage, and employers would not have been subject to the adverse effect wage rate.

Enforcement

Another element of all guest worker policy is enforcement. There must be some means in place to make sure that the international agreements and worker contracts established in the formation of guest worker programs are enforced. Likewise, guest worker policy often contain elements that try to make the programs more manageable, so that enforcement can take place.

Monitoring and Administration

When countries sign international agreements to establish guest worker policy there has to be some mechanism in place to administer the program and to ensure that these agreements and contracts are carried out in good faith. In developing any guest worker policy it is important to remember that administrative oversight of these programs is very difficult. The literature brings up the question of which agency would be in charge of creating, administering, and overseeing a new temporary worker program (Meyers 2006, 13).

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20 See Krikorian 2004, 7 who discusses how any guest worker programs require background checks of prospective workers as well as simple management of the program, including checking arrivals, tracking whether a worker is still employed, enforcing the departure of those who are supposed to leave.
Unfortunately, guest worker programs in most countries, including the United States, have a very poor record of enforcement of laws\textsuperscript{21}. In agriculture, with the workers dispersed among numerous employers over wide geographical rural areas, it is very difficult to enforce labor standards and contractual agreements (Briggs 1986, 1014). Currently, in the United States, the only agricultural guest worker program in place, the H-2A program, is overseen by the Department of Labor (Baker 2004, 87). The Secretary of Labor is allowed to impose fines and penalties on employers who do not live up to their contractual obligations (Bruno 2006, 34). The H-2A program however is relatively small and the implementing of a larger guest worker program, such as those proposed in legislations over the last few years, would require a lot more administrative oversight (Meyers 2006, 7). It is not clear whether the U.S. has the infrastructure or resources to effectively run such a program (Meyers 2006, 13).

It is suggested that one way to improve oversight of guest worker programs is to increase the number of enforcement officials as well as impose heavier fines and even jail time for employers caught knowingly breaking laws (Krikorian 2004, 9). Guest workers often stay in a host country after their contracts end and continue working illegally (Martin & Teitelbaum 2001, 120). It is argued that the best way to end this process is stronger oversight through more effectively enforcing existing laws regarding employing unauthorized workers (Martin & Teitelbaum 2001, 130).

Finally, the literature indicates that there is a need to make guest worker programs more administrable by simplifying the often overly bureaucratic and cumbersome

\textsuperscript{21} See Morgan 2004, 131 In the United States, evaluations of the Bracero Program. Also, See Martin & Miller 1980, 328 for evaluations of European guest worker programs
policies and procedures that accompany them\textsuperscript{22}. Many growers have complained that the application process of guest worker programs in the U.S. has been overly complicated and poorly administered\textsuperscript{23}.

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

**Numerical Limits**

Another enforcement issue that must be considered when developing guest worker legislation is whether there should be a cap on the number of guest workers that will be allowed into the country\textsuperscript{24}. Some literature maintains that numerical limits can be seen as a means toward protecting domestic workers and controlling illegal immigration (Bruno 2006, 34). This is because allowing an unlimited number of guest workers into

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

\textsuperscript{23} See Baker 2004, 104 and Meyers 2006, 13 for discussion of farmer’s complaints about the bureaucratic guest worker enforcement policies.

\textsuperscript{24} See Ruhs 2002, 8 for a discussion of the three modes of regulating the number of (annual) admissions: quotas, economically-oriented work permit fees, and laissez-faire admissions.
the country may lower the wages of and take away jobs from domestic workers by breeding a dependency among growers on foreign labor (Martin & Teitelbaum 2001, 119). Also, limiting the number of guest workers makes the program easier to administer and “assures tighter control over participants” (Basok 2000, 226). With fewer workers to monitor, it is less likely that many would slip through and add to the number of undocumented workers in the U.S. (Bruno 2006, 34).

On the other hand, some literature maintains that a large guest worker program would actually fill jobs that currently may attract illegals. Furthermore, those who argue in favor of a larger guest worker program posit that employers will not stop hiring illegal aliens nor completely cooperate with authorities unless they are allowed to import a large number of guest workers (Reubens 1986, 1047).

Recent guest worker policy proposals do address the issue of numerical limits on guest workers who enter the country. The Secure America and Orderly Immigration Act of 2005 would place no limits on guest workers coming into the U.S. to perform agricultural labor (Bruno 2007, 25). On the other hand, the Immigration Reform Act of 2004 (Bruno 2007, 12) and the Safe, Orderly Legal Visas and Enforcement Act of 2004 (Bruno 2007, 14) would have capped guest workers at 350,000 a year.

**Guest Worker Return**

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

Examples of the problem of guest workers remaining in their host country after the end of their contracts can be seen in Germany\(^\text{25}\), France, and Britain\(^\text{26}\). In the United States, many workers who entered the country under the Bracero Program never left either. They merely settled in the country as illegal aliens and served as “magnets” for family and friends in Mexico to illegally join them as well (Krikorian 2004, 5).

While it is very difficult if not impossible to stop guest workers from permanently residing to some degree in the host country some enforcement measures have been suggested. The first suggestion is to require an employer to pay a bond to the host government that is forfeited if the worker does not leave at the end of his or her contract (Epstein, Hillman & Weiss 1999, 4; Schiff 2004, 25/26). The second option is to have employers defer a part of the workers pay until they leave the country (Epstein, Hillman & Weiss 1999, 15; Schiff 2004, 25/26). Third, the host government can place a tax on the salary of guest workers and only return this sum when the guest workers leave at the end of their contract (Epstein, Hillman & Weiss 1999, 17).

One final suggestion is for the U.S. government to help streamline the “remittances” or money that is sent back home by guest workers. Guest workers often agree to come to a host country simply to be able to send these remittances back home to

\(^{25}\) See Ruhs 2002, 28 for further discussion of German recruiting practices.

\(^{26}\) See Hansen 2003, 31 for his examination of guest worker programs in France, Germany, and Britain.
their families. This solution implies that if guest workers were able to send money back home faster and easier then they may “reach their savings goals quicker,” thus making them more likely to leave the host country when their contracts are up (Palmunen 2005, 54).

Recent guest worker policy proposals have taken measures to make sure that guest workers leave the country after their contracts are up. The Border Security and Immigration Reform Act of 2003 created investment accounts for the guest workers into which the Social Security taxes paid by them and by their employers on their behalf would have been deposited. Guest workers would only have access to this money once they left the guest worker program and returned to their home country (Bruno 2007, 16). President Bush’s policy proposal would work with other countries to allow aliens working in the U.S. to receive credit in their nations’ retirement systems and will support the creation of tax-preferred savings accounts they can collect when they return to their native countries (Bruno 2007, 34).

**Legal Status**

One of the most controversial elements to consider when developing a guest worker policy is whether workers and/or their families will be given some avenue toward becoming citizens of the host country. This usually takes the shape of “earned adjustment” programs or programs in which guest workers and/or their families can earn permanent legal status in the host country through “work and/or other contributions” (Bruno 2006, 31).
When considering the idea of adding a citizenship component to any guest worker policy, the first individuals to consider are the workers themselves. This issue has both its supporters and its detractors as “some see permanent legalization as an essential element of a guest worker proposal, while others oppose the inclusion of any type of legal permanent residency adjustment program” (Bruno 2006, 31). There are two separate issues that must be considered when discussing the legal status of guest workers.

The first is whether a general provision should accompany a new guest worker program that would grant “amnesty” to all of the undocumented workers currently residing and working in the United States. This would allow these individuals to make themselves known without fear of legal reprisals and then have the option of applying to work legally under a guest worker program. Those opposed to this provision argue that the U.S. grants almost a million immigrants citizenship each year through an established legal process. It is maintained that allowing individuals who came into the country illegally to immediately become citizens would be rewarding those who break immigration laws.27

In contrast, others posit that granting a path toward citizenship to undocumented individuals who have a proven work record in the United States is beneficial. This argument maintains that these individuals are already in the country so they would not affect population growth and that amnesty would simply facilitate the assimilation of these immigrants and their citizen children into U.S. society (Durand & Massey 2001). From a humanitarian perspective, legalization would greatly improve the living and working conditions of undocumented workers living in the United States (Pastor and

27 See Tancredo 2005, 83 and Baker 2004, 111 for additional support
Finally, other research indicates that amnesty programs do not encourage nor discourage undocumented individuals from entering the United States (Orrenius & Zavodny 2003, 448).

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

Recent guest worker policy differ over how to deal with undocumented workers currently living within the United States. The AgJobs Bill of 2007 contains a provision to allow undocumented workers currently living in the US to gain temporary resident status if the worker must prove he/she has performed at least 100 days of agricultural work in the US during any 24 month period ending December 31, 2006 (Bruno 2007, 29). The Secure America & Orderly Immigration Act requires undocumented workers to come forward and register with the government. They will have to pay a minimum $2000 fine, pass criminal background checks and security screenings, and have to prove they have worked six more years in the U.S. before they can apply for a permanent visa. The Comprehensive Immigration Reform Act of 2007 allows undocumented worker to leave the U.S. and then seek readmission as a non-immigrant or immigrant provided they were in the U.S. on January 7, 2007 and continuously thereafter. Those aliens must have been
employed before January 7, 2007 and have not been unemployed for more than 60 days. They also must have no criminal record (Congresspedia 2007).

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

Recent guest worker policy proposals have included varying paths to permanent residency. The AgJOBS Act of 2007 would grant “blue card status” to a guest worker who had performed at least 863 hours, or 150 work days, of agricultural employment in the United States during the 24-month period ending on December 31, 2006, and meets other requirements. No more than 1.5 million blue cards could be issued during the five-year period beginning on the date of enactment. While the Comprehensive Enforcement & Immigration Reform Act contains a general prohibition on adjustment of status for guest workers who are within the US. Those who leave the US “on time” can apply for a nonimmigrant or immigrant visa if they qualify independently, but are given no special preference over other applicants for citizenship (National Immigration Forum 2005, 3).

See Medige 2004, 741 who maintains that in order to avoid the exploitation and abuse of workers seen under the Bracero Program, any new guest worker legislation must include a path to citizenship.
Similarly, the Border Security and Immigration Reform Act of 2003 would allow guest workers to apply for U.S. legal permanent residency only after they had returned to their home countries. Their applications would have been evaluated based on a point system to be established by the Secretary of Homeland Security (Bruno 2007, 16).

**Legal Status of Family Members**

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

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

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

Recent guest worker policy addresses the legal status of guest worker family members. The AgJOBS Bill of 2003 the spouse and minor children of guest workers who are living in the U.S. may remain in the U.S. but are not eligible for work authorization (unless they are work authorized on some other basis). The spouse and minor children may adjust to permanent resident status once the guest adjusts to permanent resident status even if they are not living in the United States (Farmworker Justice 2007, 2). The Secure America & Orderly Immigration Act allows minor children of spouses and parents of guest workers who have become US citizens to be included in immediate relative family immigrant visa petitions (National Immigration Forum 2005, 4). In Contrast, the Comprehensive Enforcement & Immigration Reform Act does not allow family members to travel with guest workers in the United States and gives no preference to family members of guest workers when accepting applications for permanent residency (National Immigration Forum 2005, 4).
Border Security

Any development of guest worker policy should also address the issue of border security. When countries are importing workers form foreign countries who border them, such as the United States and Mexico, the host country will require security measures to be established at the country’s border with the source country. Thus, the question raised is whether increased border security efforts should be implemented before a new guest worker program is implemented (Tancredo 2005, 69). Some literature argues that no matter how many guest workers are allowed into a country, there will still be more who want to come. Thus, if border security is not increased any guest worker program will be undermined by illegal immigration29.

On the other hand, others argue that increased border security should not necessarily be a part of a new guest worker program because it does not decrease illegal immigration. As proof, some point the fact that illegal immigration actually rose in the 1990s even as the number of Border Patrol agents tripled30. In fact, today border patrol levels are approximately 7 to 10 times higher than the level of the 1950s when illegal immigration was relatively low during the height of the Bracero Program (Anderson 2003, 13). Finally, another argument states that stricter border enforcement efforts only succeed in making border crossing more dangerous and expensive “thus making illegal immigrants more fearful of exposure and repatriation, more vulnerable to exploitation, and less likely to speak up for themselves” (Hahamovitch 2003, 94).

29 See Tancredo 2005, 70; Krikorian 2004, 9; and Ruhs 2002, 39 for additional information on border security and illegal immigration.
30 See Anderson 2003, 13 for a discussion of how the number of U.S. Border Patrol Agents has increased from 3,600 in 1990 to 10,000 in 2003, yet illegal immigration to the United States rose by 5.5 million between 1990 and 2000.
Recent guest worker policy proposals also contain border security measures. The Border Security and Immigration Reform Act of 2007 does not allow its guest worker provisions to take effect, however, until after the Secretary of the Department of Homeland Security certifies that specified border security and enforcement-related measures authorized under other titles of the bill are fully operational (Bruno 2007, 33).

The Comprehensive Enforcement & Immigration Reform Act authorizes 10,000 Border Patrol agents and 1,250 Customs and Border Protection officers and allows immigration officers to summarily deport immigrants, including those fleeing persecution, without the opportunity to see a lawyer or a judge. The Agricultural Employment and Workforce Protection Act of 2005 also increases the number of border patrol and custom officials by up to 250 a year and would create 20 detention facilities in the United States with sufficient capacity to detain a combined total of not less than 200,000 individuals at any time (Bruno 2007, 22).

**Possible Outcomes**

Finally, when assessing guest worker policy it is important to look at what the consequences of such programs might be. The literature on guest worker programs indicates that there are four possible outcomes that should be considered.

**Dependency on Foreign Labor**

The first possible outcome of implementing guest worker policy is that it will create a dependency among employers on foreign labor. It is argued that guest worker programs, such as the Bracero Program or the post World War II guest worker program in Germany, began as small programs created during perceived labor shortage crises yet
these programs grew larger and larger in size and wound up lasting much longer than initially anticipated (Martin & Teitelbaum 2001, 119). The conclusion reached is that employers become dependent on the cheap and easily available labor that guest workers provide and they wind up not recruiting domestic workers.31

This dependency then leads to a continuation of the program. Soon the “temporary” guestworker program becomes a long-term one, creating a permanent source of low-wage labor (Weiner & Munz 1997, 34). In addition, the longer foreign workers remain in the host country the more they adjust their expectations and cease to think of themselves as “temporary” residents (Ruhs 2002, 27). In their study of guest worker programs in Germany, France, and Switzerland, Martin and Miller (1980, 327) maintain that all three countries became dependent on foreign workers and that domestic workers began to “shun the low-paying, physically arduous jobs” that guest workers were doing. The idea that guest worker programs create a dependence on foreign labor has even been supported by a 1978 United States Congressional report.32

Illegal Immigration

A second possible outcome of guest worker programs addressed is that these programs increase illegal immigration in the host country. Those who support the idea of creating large-scale guest worker programs maintain that these programs will actually decrease illegal immigration in the host country because they provide foreign workers, many of whom would otherwise come into the county illegally, a legal means to stay and work (Bruno 2006, 8). On the other hand those opposed to guest worker programs posit

31 See Martin & Teitelbaum 2001, 119; Krikorian 2004, 5; Briggs 1986, 1013/1014; and Pastor and Alva (2004, 98) for additional support.
32 See Briggs 2004, 4/5 regarding the Select Commission on Immigration and Refugee Policy (SCIRP) study of the nation’s immigration policies.
that these programs will actually wind up increasing illegal immigration because workers
will often remain in the country long after their contracts are up and they create labor
recruitment and family networks that persist long after the guest worker programs end.\textsuperscript{33}

The debate is illustrated by the studies done on the Bracero Program in the United
States. On one side there are those who argue that the program clearly witnessed a great
increase in illegal immigration from the beginning of the program in 1942 until 1954.\textsuperscript{34}
While on the other hand, there are those who argue that once strict enforcement measures
were put into place in 1954 the program functioned as it should, and that the end of the
Bracero Program in 1964 and its curtailment in 1960 saw the beginning of the increases
in illegal immigration that we see up to the present day.\textsuperscript{35}

\textbf{Wage Depression}

The literature also discusses the economic impact of guest worker programs,
including how these programs may depress or lower the wages of domestic workers.
Some research indicates that guest worker programs artificially increase the supply of
low-skilled workers eliminating any market incentives for employers to increase the
wages and benefits, or improve working conditions, for entry-domestic workers.\textsuperscript{36}

Once again, much of the discussion in the literature examines the economic
impact of the Bracero Program in the United States. The majority of the research done
concluded that the program depressed wages for domestic workers. This research argues
that Braceros stopped agricultural employment in the Southwest from competing with the

\textsuperscript{33} See Ruhs 2002, 39; Epstein, Hillman, and Weiss 1999, 3; Martin & Miller 1980, 329; and The
Commission on Immigration Reform 1997, 95; for additional support.
\textsuperscript{34} See Martin & Teitelbaum 2002, 122; Morgan 2004, 128; Krikorian 2004, 6; Palmunen 2005, 48; and
Baker 2004, 84 for additional support.
\textsuperscript{35} See Anderson 2003, 12 and Reubens 1986, 1040 for additional support.
\textsuperscript{36} See Krikorian 2004, 2; Martin & Miller 1980, 327; and Baker 2004, 98 for additional support.
nonagricultural sector thus depressing wages of citizen farmers. In contrast, other research maintains that in actuality farm wages in the United States were rising about 2.7 percent a year through the 1950s and 60s, while Bracero employment rose and fell during this same period. Thus the Bracero Program has an insignificant effect on wages of domestic farm labor (Reubens 1986, 1039).

Worker Exploitation and Discrimination

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

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

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38 See Ruhs 2002, 26 and Martin & Miller 318-319; 1980; 1014 for examples.
working and living conditions. There is some evidence of abuse in the current H-2A program as well. Yeoman (2001, 2) reported that in his investigation of the program there were countless tales of abuse among workers. These included “widespread complaints that growers have threatened workers at gunpoint, refused them water in the fields, housed them in crumbling, rat-infested buildings where sewage bubbles up through the drains, and denied them medical care after exposing them to pesticides.”

The list of descriptive categories and the literature that corresponds to them is shown in Table 1. Each subsection of this paper justifies an element’s inclusion in the development of a guest worker program.

| Table 1: Conceptual Framework Linked to Literature - Descriptive Categories for Guest worker Programs |

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<table>
<thead>
<tr>
<th>Descriptive Categories</th>
<th>Literature</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hiring Process</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Labor Standards</strong></td>
<td></td>
</tr>
<tr>
<td>Legal Rights</td>
<td>Baker (2004), Martin &amp; Miller (1980), Morgan (2004),</td>
</tr>
<tr>
<td><strong>Enforcement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Status</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Security</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Possible Outcomes</strong></td>
<td></td>
</tr>
</tbody>
</table>
III. Methodology

This study will use survey research directed at individual agricultural growers in Texas. Each survey question will address a particular sub-topic from the descriptive categories component. For example, the statement “Guest worker policy should require the federal government to certify that growers have attempted to first hire domestic workers before a guest worker application is approved.” is designed to assess whether agricultural growers in Texas believe that certification is the labor market test to be used to determine whether there is a need for guest workers. The operational relationship between the survey questions and each descriptive category (including subtopics) is depicted in Table 2. When taken together, the survey questions will provide an overview of what kind of guest worker policy agricultural growers in Texas would like to see implemented and how that program would function.
<table>
<thead>
<tr>
<th>Categories</th>
<th>Survey Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hiring Process</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Labor Market Conditions</strong></td>
<td>2) Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired.</td>
</tr>
<tr>
<td><strong>Recruitment</strong></td>
<td>20) The recruitment of guest worker policy should be administered</td>
</tr>
<tr>
<td></td>
<td>A) directly by employers</td>
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<tr>
<td></td>
<td>B) by the federal government</td>
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<tr>
<td></td>
<td>C) through a combination of direct recruitment by growers and the federal government.</td>
</tr>
<tr>
<td><strong>Contracting</strong></td>
<td>3) Guest worker policy should give workers the freedom to negotiate their own contracts.</td>
</tr>
<tr>
<td><strong>Labor Standards</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Housing</strong></td>
<td>21) Guest worker policy should require</td>
</tr>
<tr>
<td></td>
<td>A) employers to provide free housing to the guest workers they employ.</td>
</tr>
<tr>
<td></td>
<td>B) employers to provide a housing stipend to the guest workers they employ.</td>
</tr>
<tr>
<td></td>
<td>C) guest workers to pay for their housing</td>
</tr>
<tr>
<td><strong>Legal Rights</strong></td>
<td>4) Guest worker policy should grant guest workers the right to sue their employers in court.</td>
</tr>
<tr>
<td><strong>Minimum Working Hours</strong></td>
<td>5) Guest worker policy should require employers to guarantee guest workers at least a minimum number of hours of work a week during their employment.</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td>22) Guest worker policy should mandate that</td>
</tr>
<tr>
<td></td>
<td>A) employers pay for a guest worker’s travel expenses into the United States and for their return trip home.</td>
</tr>
<tr>
<td></td>
<td>B) the home country of the guest worker pay for their travel expenses into the United States and for their return trip home.</td>
</tr>
<tr>
<td></td>
<td>C) Guest workers themselves should pay for their travel expenses into the United States and for their return trip home.</td>
</tr>
<tr>
<td></td>
<td>D) the US government pay for a guest worker’s travel expenses into the United States and for their return trip home.</td>
</tr>
<tr>
<td><strong>Compensation</strong></td>
<td>23) Guest worker policy should</td>
</tr>
<tr>
<td></td>
<td>A) require workers be paid the federal minimum wage.</td>
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<tr>
<td></td>
<td>B) require workers be paid the higher of the federal minimum wage or state minimum wage if applicable.</td>
</tr>
<tr>
<td>Enforcement</td>
<td>C) require workers be paid a wage rate based upon a quarterly survey of the wages of field and livestock workers throughout the United States.</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Monitoring and Administration</td>
<td>6) The United States government is capable of successfully monitoring and administrating a large guest worker program.</td>
</tr>
<tr>
<td></td>
<td>7) Guest worker policy should levy harsh penalties, including large fines, against employers who violate the terms of their contracts with guest workers.</td>
</tr>
<tr>
<td>Numerical Limits</td>
<td>8) Guest worker policy should have a maximum number of guest workers allowed into the United States per year.</td>
</tr>
<tr>
<td>Return to Home Country</td>
<td>9) Guest worker policy should have part of their wages withheld, which would be given back to them only when they return back to their home country.</td>
</tr>
<tr>
<td></td>
<td>10) Guest worker policy should require employers to pay a bond for every guest worker they employ, with the knowledge that this money will be given back to the employer once the guest worker returns to their home country.</td>
</tr>
<tr>
<td>Legal Status</td>
<td>11) Guest worker policy should allow the spouses and children of guest workers to travel with them into the United States legally.</td>
</tr>
<tr>
<td>Legal Status of Family Members</td>
<td>12) Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US.</td>
</tr>
<tr>
<td>Legal Status of Workers</td>
<td>13) Guest worker policy should allow guest workers to earn permanent residence status in the United States ship if they work for a certain number of years.</td>
</tr>
<tr>
<td></td>
<td>14) Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers without facing any legal reprisals.</td>
</tr>
<tr>
<td>Security</td>
<td>15) Increasing security on the U.S./Mexico border should be done before any guest worker policy is implemented.</td>
</tr>
<tr>
<td>Border Security</td>
<td>16) Guest worker policy will cause agricultural growers to become overly dependent on foreign labor.</td>
</tr>
<tr>
<td>Possible Outcomes</td>
<td>17) Enacting guest worker policy in the United States will decrease the number of illegal immigrants entering the country.</td>
</tr>
<tr>
<td>Dependency on Foreign Labor</td>
<td>18) Implementing guest worker policy will lower the wages offered to U.S. citizens working in agriculture.</td>
</tr>
<tr>
<td>Illegal Immigration</td>
<td>19) Guest worker policy leads to discrimination and exploitation of workers.</td>
</tr>
</tbody>
</table>
Research Technique

The study will use survey research to determine Texas’ growers attitudes toward guest worker policy. This attitudinal survey research is utilized as expert opinion on this subject (Shields 1998). Given its exploratory nature, survey research proves to be the best avenue to address this research purpose (Babbie 2004, 243).

There are several advantages to using survey research. First, survey research allows researchers to obtaining demographic information from large samples of a population (McIntyre, 1999, 74). Secondly, survey research is considered to have a high reliability because it uses a stable research format in the questionnaire (Babbie 2001, 269). Also, survey research can elicit information about attitudes that are otherwise difficult to measure using observational techniques (McIntyre, 1999, p. 75). In addition, survey research allows for the collection large amount of data needed to asses the attitudes and opinions of agricultural growers regarding guest worker programs.

On the other hand, there are weaknesses to using survey research as well. Babbie (2001, 225) states that poor participation can be a major problem when conducting survey research. A poor response rate can result in the data obtained from surveying not being representative of the population being studied. Isaac & Michael (1997, 37) also warn that survey research can be damaged by biases inherent in the wording of questions. Poorly worded questions can distort a respondent’s answers.

To combat the weaknesses inherent in survey research, two methods will be used. First, in order to prevent poor survey participation, a second survey will be sent to those who do not return their initial surveys by the due date. Second, the survey instrument will be pretested to address biased questions by two individuals with experience working
with agricultural growers and who are familiar with guest worker programs: the CEO of the National Center for Farmworker Health, and a Masters of Social Work who has conducted previous research with agricultural workers. The survey instrument was also carefully constructed using the conceptual framework as a guide for questionnaire development.

The questionnaire will use a Likert Scale which asks respondents to specify their level of agreement to a statement. After the questionnaire is completed, the responses to each question will be analyzed to assess the attitude of agricultural growers in Texas toward guest worker policy. Attachment A contains a copy of the 31-question survey instrument. When possible, the survey will be emailed. If an email address cannot be located, the survey will be sent by conventional mail.

Population

The population for the study is agricultural growers in Texas. The sampling frame is a list of growers from across the state of Texas. Unfortunately, a complete list of all growers in the state of Texas is not available. The list that will be used is the most thorough that could be collected by contacting various Texas grower associations and from researching various Texas farm and farming organization web sites. The list contains 365 names of agricultural growers and the survey will be administered to everyone on the list.

Statistics

Descriptive statistics will be used to summarize the survey data. These statistics will summarize the data in a clear and understandable way. The descriptive statistics will provide an overview of the survey data to assess the attitudes of agricultural growers.
toward guest worker policy. This data is not only useful for providing the assessment to determine the opinions and attitudes of agricultural growers in Texas, but could also be used in future research to compare these findings to the attitudes of growers in different states, regions of the United States, or to other stakeholders toward guest worker programs.

IV. Human Subjects Protection

This survey research will require human subjects, as a result potential ethical concerns must be addressed. Babbie (2004, 64-68) states that some of the primary areas for ethical concern in social research are voluntary participation, harm to the participants, anonymity/confidentiality, and deception. To ensure voluntary participation and to prevent any semblance of deception, all surveys sent to participants will contain a full description of the research purpose and a full description of how the findings of the research will be used. To address the issue of confidentiality, the researcher will be the only person with access to individual responses, and will not disclose those responses publicly. The identities of participants will be known only to the researcher and only through e-mail addresses as no names of respondents will be asked for during this research. In addition, no e-mail addresses will be disclosed publicly by the researcher. This assurance of confidentiality will be included in writing at the beginning of the survey. Participation in the survey is completely voluntary and refusal to respond to the survey will involve no penalty or loss of benefits to those contacted.
Bibliography


Bruno, Andorra. 2006. Immigration: policy considerations related to guest worker


Attachment A
Survey Instrument
The goal of this survey is to determine the opinions of agricultural growers in Texas toward guest worker programs. The survey process should take approximately 3 to 5 minutes to complete. Refusal to participate in this survey will involve no penalty or loss of benefits to which you are entitled. Participation in this survey is voluntary and any responses given will remain completely confidential. I alone will have access to the information you provide. Please feel free to stop filling out this survey at any time you feel uncomfortable. If you should have any questions about your rights or any other questions please feel free to contact me, Josh Shepherd, at 512-326-9643 or js1479@txstate.edu. Thank you very much for your assistance.

Please complete the following questionnaire items.

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

__________________________________________________________________

Please read the statements below carefully. Indicate your level of agreement with the statements by circling one of the following options for each statement: Strongly Agree (SA), Agree (A), Neutral (N), Disagree (D), and Strongly Disagree (SD).

<table>
<thead>
<tr>
<th>Statement</th>
<th>SA</th>
<th>A</th>
<th>N</th>
<th>D</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Guest worker policy should contain a labor market test that ensures that growers have attempted to hire domestic workers before guest workers can be hired.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>3. Guest worker policy should give workers the freedom to negotiate their own contracts.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>4. Guest worker policy should grant workers the right to sue their employers in court.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5. Guest worker policy should require employers to guarantee guest workers at least a minimum number of hours of work a week during their employment.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>6. The United States government is capable of successfully monitoring and administrating a large guest worker program.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>7. There should be harsh penalties, including large fines, against agricultural growers who violate the terms of their contracts with guest workers.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>8. Guest worker policy should have a maximum number of guest workers allowed into the United States per year.</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
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<tr>
<td>9. Guest workers should have part of their wages withheld, which would be given back to them only when they return back to their home country.</td>
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10. Guest worker policy should require employers to pay a bond for every guest worker they employ, which will be given back to the employer once the guest worker returns to their home country.

11. Any guest worker program should allow the spouses and children of guest workers to travel with them into the United States legally.

12. Guest worker policy should make it easier for the spouses and children of guest workers to gain permanent legal status in the US.

13. Guest workers should be able to earn U.S. citizenship if they work in the United States for a certain number of years.

14. Guest worker policy should allow illegal immigrants currently residing in the United States to be eligible to work as guest workers without facing any legal reprisals.

15. Increasing security on the U.S./Mexico border should be done before any guest worker program is implemented.

16. Guest worker policy will cause agricultural growers to become overly dependent on foreign labor.

17. Implementing guest worker policy in the United States will decrease the number of illegal immigrants entering the country.

18. Implementing an agricultural guest worker programs will lower the wages offered to U.S. citizens working in agriculture.

19. Implementing guest worker policy will lead to discrimination and exploitation of guest workers

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

20. The recruitment of guest worker policy should be administered

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

21. Guest worker policy should

A) require employers to provide free housing to the guest workers they employ.
B) require employers to provide a housing stipend to the guest workers they employ.
C) require guest workers to pay for their housing.
22. Guest worker policy should mandate that

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

23. Guest worker policy should require

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