

Investing in Alternatives to Irregular Migration from Central America

Options to Expand U.S. Employment Pathways

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Executive Summary

Irregular migration from Central America northward has grown steadily since 2014, and with renewed high numbers of arrivals at the U.S.-Mexico border in 2021, it is clear the United States and its regional partners face a long-term challenge to promote orderly and managed migration from the region. Policy responses to irregular migration from Central America need to create additional humanitarian protection pathways for asylum seekers, given many are fleeing violence and persecution. But such responses should also include expanding other opportunities to move legally—options that are currently scarce. These pathways could include seasonal employment-based visa programs to create regulated, temporary employment opportunities in the United States for Central Americans seeking to migrate primarily for economic reasons and who see this as an opportunity to improve their family's livelihood.

Currently, the United States has one major category of seasonal employment-based visas, the H-2 programs, but to date it has only been used to recruit relatively limited numbers of workers in Central America. For example, in fiscal year (FY) 2020, more than 90 percent of H-2A agricultural visas and more than 70 percent of H-2B nonagricultural visas went to Mexican workers, while workers from Guatemala—the top represented Central American coun-

try—received no more than 2 percent for H-2As and no more than 4 percent for H-2Bs. Logistical and cost issues discourage many U.S. employers from recruiting workers from the region. Any attempt to expand employment-based visa opportunities for Central Americans must thus address these operational issues. They must also act against unscrupulous recruiters and employers who exploit migrant workers as well as set in place measures to ensure immigrants return to their origin countries when their visas end.

U.S. policymakers can work with a range of actors in the United States, El Salvador, Guatemala, and Honduras to create effective and transparent recruitment programs using existing resources and legal authorities.

These challenges are not insurmountable. U.S. policymakers can work with a range of actors in the United States, El Salvador, Guatemala, and Honduras to create effective and transparent recruitment programs using existing resources and legal authorities. Furthermore, the United States could introduce reforms to its legal immigration system and strengthen the enforcement of labor and employment laws—longer-term changes that would reinforce

near-term strategies for expanding recruitment. Although creating new recruitment mechanisms, raising awareness among employers and workers, and building up sustainable recruitment networks take time, they offer promising tools that can serve as part of a broader framework the U.S. government and its partners can use to manage future migration from Central America.

BOX 1 A New Approach to Regional Migration

This publication is part of a series that focuses on the region from Canada to Panama, looking at the changing landscape of migration trends and policies. The series aims to develop actionable ideas, suggest implementation strategies, convene stakeholders inside and outside of government, and foster dialogue across issues, sectors, and countries on shared regional priorities. This work presents a new approach to managing regional migration that is centered around four specific pillars: effective humanitarian protection systems, targeted legal pathways, professionalized migration management, and informed investments in development and governance in countries of origin, transit, and reception. Such strategies should build on existing capacities of governmental and nongovernmental actors, as well as harmonized efforts across stakeholders.

To learn more about this series, see bit.ly/MPI-RegionalMig.

1 Introduction

The increase in the number of Central American migrants arriving at the U.S.-Mexico border in 2021 marks the third major arrival of migrants since 2014, demonstrating clearly that the United States, Mexico, and migrant-origin countries in Central America—particularly El Salvador, Guatemala, and Honduras—face a long-term challenge to promote orderly and managed migration from the region. Given that some Central Americans are fleeing persecution and

threats of violence, a well-considered response to irregular migration needs to involve improving the processing of asylum claims at the U.S.-Mexico border, creating in-region processing for those fleeing danger, and strengthening Mexico's asylum system.¹

However, other Central American migrants move primarily for economic reasons, though opportunities to do so legally remain out of reach for this class of migrants. To help redirect dangerous, irregular movement into safer, legal channels, the U.S. government should consider expanding legal employment pathways for Central Americans seeking seasonal work. While there is no guarantee that improving protection mechanisms and employment-based pathways will stop unauthorized migration, these efforts together would likely reduce pressures that drive these irregular movements over time.

This policy brief examines how the United States can build employment-based pathways for people in El Salvador, Guatemala, and Honduras who might otherwise migrate irregularly. One option would be to create a “bridge visa”—a temporary-to-permanent pathway for needed workers across the skills spectrum; this idea, proposed in other Migration Policy Institute (MPI) work, would create a visa pathway for year-round jobs, provide more labor rights than are currently available to temporary workers, and give migrants a choice between circular migration between the United States and their home country or working toward permanence in the United States.² However, this is likely a longer-term strategy to consider since it requires action by Congress. The most promising way forward in the short term is to identify and develop incentives for U.S. employers to recruit Central Americans for the existing H-2A (agricultural) and H-2B (nonagricultural) temporary visa programs, while simultaneously building a regional system that promotes transparency and fairness in recruitment.

Data suggest the expansion of these programs to recruit more Mexican workers contributed to the decline in unauthorized migration from Mexico since 2010, as Mexican nationals could more readily access work legally in the United States, especially in mid- to lower-skilled industries.³ While the demographic profile and factors driving migration from Central America differ from those seen in earlier periods of Mexican migration,⁴ this experience suggests a modest expansion of the H-2A visa program's reach in Central America could help mitigate irregular migration while giving prospective migrants opportunities to work legally for short periods of time in the United States.

Despite these potential benefits, this approach faces several challenges. From an employer perspective, there are few clear incentives to develop new recruitment networks in Central America beyond those they already have and trust in Latin America; recruiting in Central America entails additional transportation costs compared to Mexico; and past experience has raised significant concerns that the processing efficiency for these visas is weaker in these countries compared to Mexico, which has a network of governmental and nongovernmental offices that helps prepare Mexican nationals for the H-2 adjudication process. Simply put, for U.S. employers, it is easier, cheaper, and faster to continue to recruit workers from Mexico.

There is a need to create a recruitment system in which requirements and procedures are clear and transparent, that does not require intermediaries who illegally charge for services, and that is accessible to people living in remote areas.

Challenges also exist from the perspective of Central American workers. There is a need to create a recruitment system in which requirements and procedures

are clear and transparent, that does not require intermediaries who illegally charge for services, and that is accessible to people living in remote areas with high levels of emigration that require a multi-day trip to travel to locations with consular services. Such a system must also ensure that employers respect contractual arrangements and that workers have recourse to the law when these arrangements are violated.

A central question is whether Central American migrants who enter the United States as part of H-2 programs will follow in the footsteps of Mexican workers and return home after completing their work assignments or remain in the United States. The extent to which these programs can be meaningful alternatives to the arrival of some migrants arriving at the U.S.-Mexico border—namely, families and unaccompanied children—is another challenge for the efficacy of this strategy, especially for migrants who do not meet age standards to work in the United States and women who work in non-H-2 industries.

BOX 2 About This Brief

This policy brief was informed in part by 23 interviews conducted by the author with a range of stakeholders active in H-2A programs and recruitment efforts. This included seven interviews with representatives of U.S. agricultural employer groups and recruiters; six with representatives of labor organizations and labor rights groups active in the United States, Mexico, and Guatemala; five with migration experts at U.S. and international policy research organizations; three with U.S. academic migration experts; and two with representatives of Central American governments, specifically, the Guatemalan Ministry of Labor and Social Welfare and the Honduran Secretariat of Labor and Social Welfare.

The interviews, conducted virtually between March and June 2021, focused on the actors' operations, their primary concerns about recruiting workers from Central America, and policy considerations for the United States and its regional partners.

These challenges can be overcome, though. As this brief will show, U.S. policymakers can work with a range of actors in the region to create effective and safe recruitment programs with existing resources and legal authorities. Furthermore, the United States can introduce reforms to its legal immigration system and strengthen labor and employment law enforcement to create long-term changes that reinforce these near-term strategies.

2 A Potential Alternative to Irregular Migration from Central America?

Across the complex web of visa channels that make up the U.S. legal immigration system, the H-2 visa programs offer the greatest promise for assisting with the management of migration from Central America due to the broad range of mid- to low-

skilled industries in which visa holders work. Broadly, the H-2A agricultural and H-2B nonagricultural seasonal visas allow U.S. employers to recruit noncitizen employees for up to three years, provided they cannot locate U.S.-based workers; they must employ their workers for a minimum number of hours and pay a specific wage rate in the case of H-2A workers (see Table 1). In contrast to the H-1B visa for high-skilled occupations, which allows employers to sponsor individuals for legal permanent residency, also known as a green card, H-2 visa holders do not have direct access to permanent residence.

In recent years, the number of H-2A visas issued has grown but most recipients remain Mexican nationals. As Figure 1 shows, the number of H-2A visas issued grew from 196,000 in U.S. fiscal year (FY) 2018 to 213,000 in FY 2020. Mexican nationals received 180,000 of these visas in FY 2018 and 198,000 in FY 2020, accounting for 92 percent and 93 percent of all H-2A visas, respectively. Although Guatemala

TABLE 1
Components of the H-2A and H-2B Visa Programs

	H-2A	H-2B
Sector	Seasonal jobs in agriculture, generally defined as lasting up to ten months	Nonagricultural seasonal or temporary jobs, such as landscapers, crab pickers, lifeguards, and resort workers
Duration	Workers can stay in the United States for up to three years.	Workers generally come for short periods but can stay for up to three years.
Numerical Cap	There are no numerical limits.	66,000 visas are available per fiscal year, with additional visas above the cap sometimes made available by the U.S. government.
Employer Requirements	Sponsoring employers must show they have tried and failed to hire U.S. workers, be certified by the U.S. Department of Labor, and guarantee to employ these workers for at least three-fourths of the workdays during the visa period. They must also provide housing, and pay a specified Adverse Effect Wage Rate that is generally above local minimum wage.	Sponsoring employers must show they have tried and failed to hire U.S. workers, be certified by the U.S. Department of Labor, and guarantee to employ these workers for at least three-fourths of the workdays during the visa period.

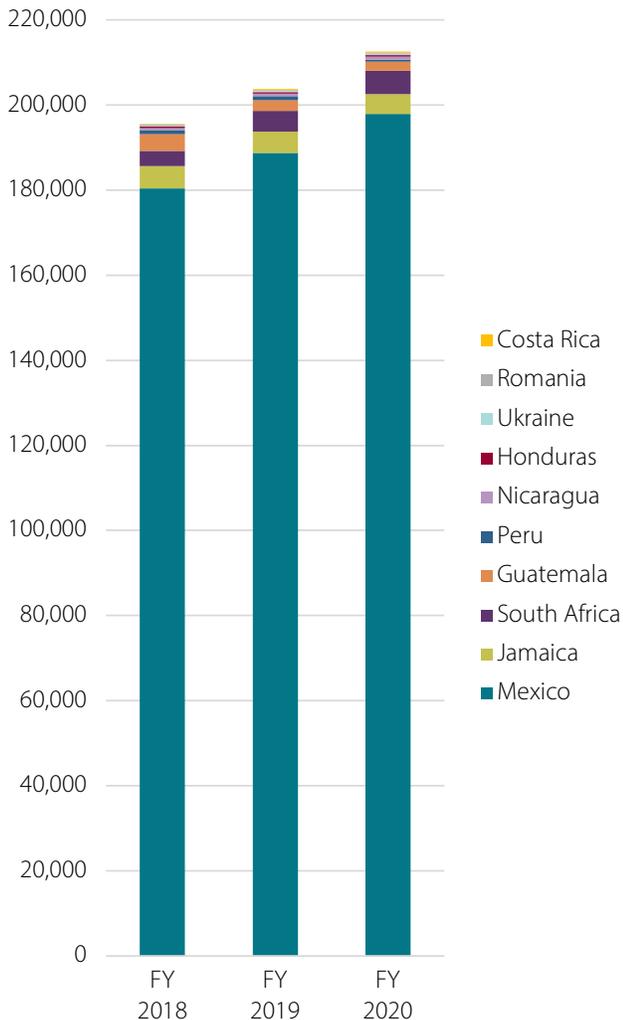
Sources: Julia Gelatt, "How the U.S. Legal Immigration System Works" (explainer, Migration Policy Institute, Washington, DC, April 2019); U.S. Department of Agriculture, "H-2A Visa Program," accessed October 6, 2021; "U.S. Department of Labor, "Fact Sheet #78: General Requirements for Employers Participating in the H-2B Program," April 2015.

was among the top ten countries whose nationals received these visas, Guatemalan numbers dropped from 4,000 in FY 2018 to 2,000 in FY 2020—less than 2 percent of all H-2A visas in each year. The numbers for the other two top origin countries for Central American irregular migrants—Honduras and El Salvador—were even lower, at about 300 and 150 visas, respectively, in each year during this period.

Central American workers have also received much smaller numbers of H-2B visas than Mexicans. As Figure 2 shows, the number of new and reissued

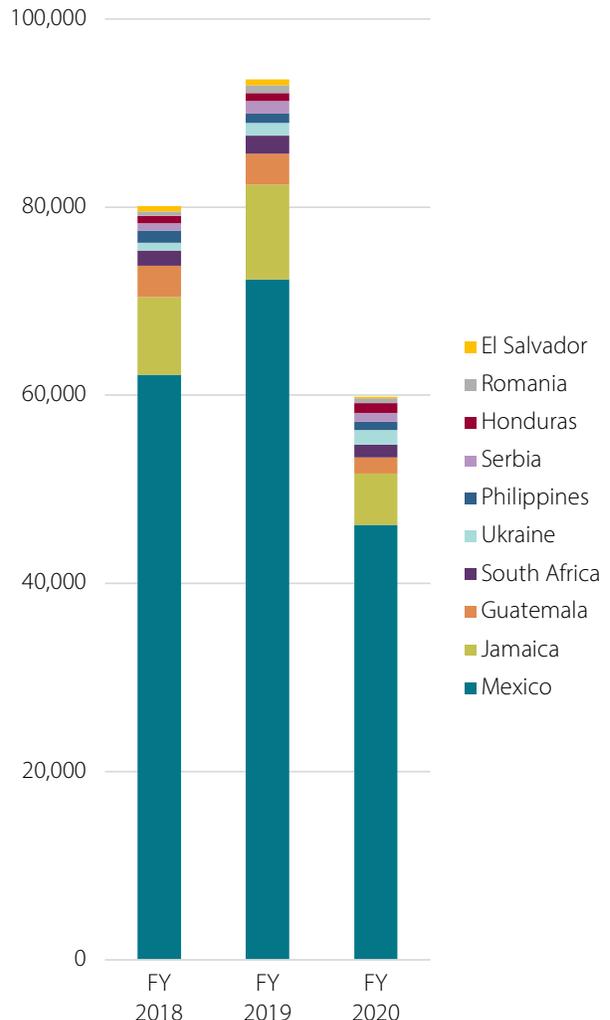
H-2B visas grew from 84,000 in FY 2018 to 98,000 in FY 2019 before dropping to 62,000 in FY 2020.⁵ During this period, the number of visas issued to Mexicans grew from 62,000 in FY 2018 to 72,000 in FY 2019 before decreasing to 46,000 in FY 2020, accounting for 74 percent to 75 percent of all H-2B visas issued during this period. While Guatemala and Honduras were also among the top ten countries whose nationals received H-2B visas, they received much smaller numbers of visas issued. Guatemalans received between 1,600 and 3,300 visas, or 3 percent to 4 percent per year, and Hondurans received

FIGURE 1
Top Ten Countries of Origin for Recipients of H-2A Visas, FY 2018–20



Source: U.S. Department of State, “Nonimmigrant Visa Issuances by Visa Class and by Nationality,” accessed June 2, 2021.

FIGURE 2
Top Ten Countries of Origin for Recipients of H-2B Visas, FY 2018–20



Source: U.S. Department of State, “Nonimmigrant Visa Issuances.”

between 800 and 1,000 visas, or less than 2 percent. Workers from El Salvador received less than 1 percent of H-2B visas in each of these years. In the most recent period, the number of visas issued to both Guatemalans and Salvadorans decreased compared to FY 2019. (See Section 3 for a discussion of why Central American nationals have not received larger shares of H-2 visas.)

The Guatemalan and Honduran governments have taken steps to facilitate the recruitment of their citizens through the H-2A and H-2B programs, building on existing efforts for Canadian employers. In Guatemala’s case, the Ministry of Labor and Social

Welfare maintains a database of 35,000 individuals, 70 percent self-identifying as agricultural workers, whom the ministry screens, refers to H-2A and H-2B employers, and helps prepare for travel to the United States (see Table 2). In an interview, ministry representatives described the system as having improved since its inception in 2019, noting that its H-2 applicants had some of the best U.S. visa approval rates because the program refined its ability to select workers with the right employment profile for the two U.S. visa programs.⁶

The Honduran government also has operated a similar system for referring its nationals to H-2 em-

TABLE 2
The Guatemalan H-2 Applicant Referral System

Component	Process
Registering Potential H-2 Workers	<ul style="list-style-type: none"> ▶ The Ministry of Labor and Social Welfare organizes events to recruit workers. ▶ Workers must submit personal information and employer qualifications, including professional certificates. ▶ They must also submit personal documents such as passports and birth certificates and pass criminal background checks. ▶ Workers do not have to pay for registration in the database.
Referral Process for U.S. Employers	<ul style="list-style-type: none"> ▶ Employers contact the ministry directly or through its U.S. consular network to request referrals of a certain number of workers with specific professional backgrounds. ▶ The ministry searches the database using specialization filters to identify individuals with the right professional and personal background for the position. ▶ The ministry calls the individuals to confirm they are still looking for work in the United States and, if they are, seeks to place them with an employer.
Preparing Worker for Travel to the United States	<ul style="list-style-type: none"> ▶ The ministry helps workers gather the documents they need to submit to the U.S. embassy in Guatemala City.
Post-Referral Process	<ul style="list-style-type: none"> ▶ The ministry remains in touch with referred workers during their U.S. stay. ▶ The ministry conducts a debrief with workers when they return to Guatemala to see if they had any issues with their employer. ▶ The ministry ensures that employers who want to hire the same workers in the future are able to request them.

Source: Author interview with two Guatemalan Ministry of Labor and Social Welfare officials, May 18, 2021.

ployers since 2019 and Canadian employers since 2017. The country's database contains approximately 3,000 candidates that the Secretariat of Labor and Social Welfare has selected through an extensive recruitment and selection process that narrows an

initial pool of applicants to a smaller group of potential workers who can meet the needs of the H-2 programs (see Table 3). The Honduran government also maintains a database of all U.S. employers who submit requests for workers and their work contracts,

TABLE 3

The Honduran H-2 Applicant Referral System

Component	Process
Registering Potential H-2 Workers	<ul style="list-style-type: none"> ▶ The Secretariat of Labor and Social Welfare organizes week-long meetings in areas with large agricultural and construction industries to recruit workers. It also publicizes its recruitment efforts online, on the radio, and in newspapers. ▶ All workers must submit documentation verifying their experience, which can include documents from their employer, the mayor's office, or their cooperative. ▶ Secretariat staff conduct interviews to determine whether candidates' skills and experience fulfill the H-2 program requirements and to screen their migration intentions. ▶ After completing the first-round of interviews, the secretariat selects the most qualified candidates after another round of quality checks.
Referral Process for U.S. Employers	<ul style="list-style-type: none"> ▶ Employers submit a request to the secretariat with the number of workers needed and their specializations. ▶ The secretariat verifies each employer's identification through the U.S. embassy and consulates. ▶ After that, the secretariat contacts candidates to confirm their interest in working in the United States. ▶ The secretariat holds an in-person or virtual interview with the selected candidates to ensure they meet the employer's requirements. ▶ The secretariat sends the list of applicants to the employer for final approval, including contact information should they wish to conduct interviews.
Preparing Worker for Travel to the United States	<ul style="list-style-type: none"> ▶ The secretariat helps workers gather the documents they need to submit to the U.S. embassy. ▶ The secretariat conducts a predeparture orientation on U.S. laws and work culture, the requirement that they work for only one employer, and on how to deal with separation from family while abroad.
Post-Referral Process	<ul style="list-style-type: none"> ▶ The secretariat sends an email to the employer once a week and to the worker once a month to determine if there are issues on either end of the work relationship. ▶ Honduran consulates must visit workers at least once during their stay in the United States to determine if they have problems with their employer.

Sources: Author interview with Honduran Secretariat of Labor and Social Welfare official, May 19, 2021. See also Government of Honduras, "Hondureños podrán optar a 20.000 empleos temporales en Estados Unidos" (press release, October 8, 2019); Government of Honduras, "Cientos de hondureños se inscriben para optar a visas de trabajo en EEUU" (press release, October 9, 2019).

helps prepare workers for their time abroad, and communicates with workers and employers to check whether issues arise during the workers' U.S. stay.

In addition to these recruitment programs, the Guatemalan and Honduran governments entered into agreements with the U.S. government under the Trump administration that would have encouraged the recruitment of seasonal workers and harmonized standards and developed transparent recruitment pipelines to safeguard workers participating in the H-2 programs. In February 2020, the U.S. Department of Labor and El Salvador's Foreign Ministry committed to increasing the number of Salvadoran workers in both programs.⁷ The Trump administration also briefly expanded the H-2B visa cap in 2020, adding 10,000 visas for nationals from these three countries, although this was later withdrawn due to the pandemic-induced recession.⁸ More recently, the Biden administration added an additional 6,000 H-2B visas for nationals of these three countries in April 2021.⁹

It is worth noting that Canada has a longer history of recruiting seasonal workers from Central America than the United States, and that the Guatemalan and Honduran governments support this recruitment through their migrant worker databases as well.¹⁰ This presents opportunities for the United States, Canada, Guatemala, and Honduras to develop common recruitment strategies that could allow workers to apply for both programs at the same time. In addition to simplifying the process for workers who want to work seasonally and are open to doing so in either country, this approach could create synergies and economies of scale between the recruiting efforts of the U.S. and Canadian governments where coordinated recruitment efforts can direct workers into the right labor market while expanding the number of Central Americans entering regularized channels in Canada and the United States.

3 Challenges to Expanding the H-2 Visa Programs in Central America

The expansion of H-2 visa programs in Central America faces three major challenges: overcoming conditions that discourage employers from recruiting workers from the region; addressing issues related to the protection of migrant workers' rights; and ensuring compliance with program requirements that immigrants return to their countries of origin once their period of employment ends.

In terms of recruitment, employer groups,¹¹ regional experts,¹² and Central American government officials¹³ noted in interviews four factors that disincentivize or make it difficult for agricultural employers to hire more Central American workers despite the efforts of the Honduran and Guatemalan governments to facilitate their nationals' recruitment for the H-2A program. These include:

- ▶ The lack of infrastructure to recruit potential workers in the region, including informal and formal networks that would allow them to connect with potential hires;
- ▶ The expenses involved in sponsoring these workers, especially transportation costs for employers who would need to purchase flight tickets for Central Americans traveling to work in the United States;
- ▶ Logistical hurdles that make it difficult to bring these workers to the United States, including extended visa processing times and the need to locate lodging in Central American capital cities so workers from other parts of these countries can attend visa appointments at the U.S. embassy; and

- ▶ Limited knowledge in many Guatemalan and Honduran communities with high rates of emigration about the existence of these programs and how to access them.

In contrast, the same interviewees noted that U.S. agricultural employers generally do not face these cost and logistical hurdles when recruiting workers from Mexico because:

- ▶ U.S. employers have more extensive networks to recruit workers in Mexico; these have emerged over time as existing H-2A workers, workers on neighboring farms, and other in-country sources helped establish these connections.
- ▶ U.S. agricultural employers prefer hiring the same workers year after year, which reinforces the strength of networks for recruiting workers in Mexico.
- ▶ The cost of transportation is significantly lower because Mexico's proximity to the United States allows employers to simply pay for a bus ticket, rather than a flight, for their H-2A workers.
- ▶ Governmental and nongovernmental efforts to screen and prepare Mexican workers for their consulate appointments allow workers to receive their visas quickly, generally within three days after meeting with U.S. officials.
- ▶ The United States has more consulates across Mexico that are closer to the cities where potential migrants live.

The workers' rights issues affecting the recruitment of Mexican workers for the H-2 programs have implications for expanding the recruitment of nationals in El Salvador, Guatemala, and Honduras. Firstly, employer group representatives,¹⁴ labor market researchers,¹⁵ Central American government officials,¹⁶ and migrant-rights advocates¹⁷ agreed that a significant problem affecting the H-2 program is recruiters

illegally charging workers a fee to facilitate their application for H-2 visas, especially those who seemed reputable but engaged in these practices without detection. There is significant diversity of views on how extensive these problems are, but these stakeholders agreed that they were widespread enough to merit policies to counter this practice in H-2 recruitment efforts.

Another issue is the limited funding the U.S. Department of Labor has to enforce labor laws, which makes it harder to detect labor and employment law violations by H-2A and H-2B employers.¹⁸ Labor union representatives also noted that the *Migrant and Seasonal Agricultural Worker Protection Act*, which establishes legal protections for most migrant agricultural workers, does not apply to H-2A workers, reinforcing these labor protection issues.¹⁹ In response, these representatives have called for including H-2A workers under this law,²⁰ arguing that this step would improve legal protections for workers.²¹

In interviews, representatives of employer groups, labor market scholars, and migrant-rights advocates all noted that various components of the H-2 programs discouraged women from applying in larger numbers. Some employers observed that limited access to single-gender housing can make it difficult to have a gender-balanced workforce. In addition, analysts pointed out that many of the nonagricultural jobs immigrant women frequently hold, such as child care, fall outside the seasonal requirements for the H-2B program, limiting their recruitment. Finally, some H-2 recruiters reportedly tell women they only recruit men or channel them into specific jobs, such as cleaning hotel rooms or lower-level positions in other sectors.²²

A final challenge is migrants' compliance with requirements that they must return to their home countries at the end of their work period. If more Central American migrants start to move through the H-2A and H-2B programs but fail to comply with these requirements, this outcome could undermine

the goal of using the H-2 programs to manage migration more effectively from the region. Interviewees²³ described some reasons Central American H-2A and H-2B workers may decide to stay, including:

- ▶ Government corruption and different forms of violence in El Salvador, Guatemala, and Honduras could incentivize nationals of these countries to stay in the United States, especially if these conditions do not change.
- ▶ The prospect of not receiving an H-2A or H-2B visa again due to a lack of employment opportunities or a rejected application could reinforce the incentive for migrants to remain in the United States.
- ▶ There is a perception that Guatemala has a greater history of circular migration, while Salvadorans and especially Hondurans appear to prefer to move to the United States permanently.²⁴

However, some experts²⁵ disagreed with these points, noting that the United States could take cues from Canada and other countries that require temporary migrant workers to exit the country when their visa ends in order to be considered for visas in the future.²⁶ They also suggested that increasing workers' access to higher-paying jobs that allow them to invest in improving their housing and living situations in their countries of origin would create incentives to return.

Finally, experts²⁷ noted that using these legal pathways may not be a feasible option for some migrants arriving without authorization at the U.S.-Mexico border, namely children and families.²⁸ While H-2 workers can bring their families to stay with them temporarily, their spouses cannot work while in the United States.²⁹ Furthermore, the cohort of unaccompanied children may not meet federal and state minimum age standards³⁰ to work or fall outside the group of workers that employers will hire for these programs. Finally, the different levels of urbanization

in El Salvador, Guatemala, and Honduras means that the H-2 programs may have varying levels of success in recruiting workers from each country, especially for El Salvador, which has a higher urban population than the other two countries.³¹

4 Policy Recommendations

Despite the challenges involved in expanding the reach of the H-2 visa programs in Central America, the interviews produced policy options that the United States and its regional partners can use to mitigate these issues and address the needs of employers and migrants. These recommendations fall into three areas: using existing U.S. legal authorities and resources to create incentives for employers to recruit more workers, creating and expanding safe and effective recruitment programs in Central America, and making changes to the U.S. legal immigration system and strengthening the labor enforcement regime.

A. *Near-Term Changes to Incentivize the Recruitment of Central American Workers*

The interviews revealed that the United States can use legal authorities and its fiscal resources to address the near-term financial and logistical hurdles that disincentivize employers from recruiting workers from El Salvador, Guatemala, and Honduras. These steps include:

- ▶ **Covering some or all of the employer's costs to transport H-2A Central American workers to the United States.** In addition to the U.S. government, the International Organization for Migration and three Central American governments could consider covering part of these transportation costs.

As a part of this plan, H-2A employers should have access to last-minute airfare tickets at the lowest price possible for their workers to ensure their transportation costs remain stable and predictable in situations where H-2A visa processing experiences interruptions due to personnel or other issues.

- ▶ **Creating an exemption to the H-2B cap for Central American countries to directly incentivize employers to recruit individuals from the region.** This step would circumvent issues around the reliance on existing networks in Mexico to hire workers for these programs. Given that the visa covers a diverse set of industries, the cap would open more opportunities for women and individuals from countries with more urbanized populations. The U.S. government can gradually ease the reliance on this exemption over time as this step creates pipelines for recruitment in the three countries as employers hire the same workers over multiple seasons.
- ▶ **Creating a pilot program for recruiting Central American workers using existing programs and legal authorities.** One potential vehicle is creating a pilot to provide temporary labor or services for any agriculture sector as long as the job offer and authorized period of stay is less than one year. The U.S. government could also explore creating bilateral agreements with its Central American counterparts to recruit workers from the region, especially for economic sectors that have not developed networks for locating and recruiting workers in Mexico.
- ▶ **Promoting the efforts of El Salvador, Guatemala, and Honduras to recruit workers.** Government representatives from Honduras and Guatemala consistently

emphasized that receiving more promotion of their efforts from the U.S. government would help these programs. Other experts also noted the U.S. Department of Agriculture and business liaisons in the embassies and consulates in the region could promote these efforts. Finally, the U.S. government could contract a trusted H-2A association to help underscore the benefits of H-2A workforces beyond Mexico.³²

To begin addressing issues around unscrupulous employers and recruiters, the United States and its partners in Central America can take the following steps:

- ▶ H-2 employers and recruiters must provide the Department of Labor with the agency's choice of evidence that the firms used transparent recruiting practices and fulfilled the program's requirements to access their respective benefits from the list above.
- ▶ The Department of Labor should bar noncompliant employers from accessing these benefits, especially ones that have appeared in the H-2A and/or H-2B debarment list,³³ which prohibits firms that have violated the program's requirements from receiving a labor certification,³⁴ or are currently under investigation for an offense that can lead to debarment.³⁵
- ▶ Guatemala and Honduras can have their referral programs work with trusted recruiters who maintain transparent operations to improve the protection of migrants in their home countries.³⁶

However, additional work is needed to develop more near-term protections for these workers as the United States strengthens its labor enforcement apparatus and creates long-term platforms to promote safe and transparent recruiting.³⁷

Although the U.S. government could deploy these measures in the near term to incentivize employers to hire Central American workers, the interviewees cautioned that it is unlikely these steps would address the immediate migration challenges in the region since the agricultural season has already started and employers have largely hired and transported their workers to the United States. As a result, the regional governments should view these measures as steps they can implement towards the end of 2021 to mitigate the emergence of future influxes

of irregular migrants to Mexico and the U.S.-Mexico border.

B. *Medium-Term Changes to Create Effective and Safe Recruitment Programs*

The creation of a safe and effective recruitment program is vital to ensuring that U.S. employers can employ the Central American workforce they need

TABLE 4
Components of an Effective and Safe Recruitment Program

Program Element	Recommendations
A Platform to Register and Approve Employers and Recruiters	<ul style="list-style-type: none"> ▶ The U.S. government should establish a platform where employers and recruiters must register and receive approval to recruit workers in each country. ▶ The platform should contain data on each employer and recruiter gathered by every agency involved in reviewing applications and monitoring compliance with relevant immigration and labor laws. ▶ Employers who meet the requirements involved in receiving approval through the platform—including seeking U.S.-based workers before looking to foreign workers and not appearing on the debarment list—could be granted authorization to hire Central American workers for three years without annual re-examinations. ▶ After receiving approval, participants agree to follow the legal requirements for hiring workers, bringing them to the United States, and overseeing their work.
A Platform for Migrants to Select Employers	<ul style="list-style-type: none"> ▶ Prospective migrants could use the program’s platform to find approved employers and recruiters, information about the jobs offered and their locations, and other important information.* ▶ Standardized language could be used on the recruitment platform that does not implicitly discourage women from applying for positions. ▶ The matching process could also be designed in a way that omits information that could lead employers or recruiters to discriminate against female applicants.
Incentives for Circular Migration	<ul style="list-style-type: none"> ▶ Require individuals who go through the recruitment program to note their return to their country to become eligible for work in the future. ▶ Consider pairing returnees with cooperatives or employers that could benefit from their knowledge so the migrant has the incentive to go to the United States and return to strengthen these ties.

* One model initiative that could inform this program is the Centro de los Derechos del Migrante, Inc., which operates contratados.org, a Spanish-language website that enables migrants working in low-wage work in the United States to describe their experiences with recruiters and employers. Prospective migrant workers can read these reviews in a searchable database.

while limiting unscrupulous recruiters' exploitation of migrants. Insights shared during study interviews suggest that such a program would need to have certain components to meet these goals (see Table 4). These include the creation of a platform where employers could register and receive U.S. approval to recruit workers from the region³⁸ and a web portal where migrants can review job openings and employers that have received preapproval. Furthermore, the U.S. and Central American governments could establish broader recruitment programs, with potential input from civil-society organizations and government ombudspersons, to address concerns about migrants' rights.

Interviewees suggested Central American governments can help run these programs alongside human-rights organizations that can pair migrants with employers. NGOs and/or UN agencies could provide predeparture orientation for migrants, while government ombudsman offices can monitor and address human-rights concerns about recruiters. Some respondents also noted that the U.S. State Department should be more present in the country to address problems with recruiters. Building in processes for monitoring and redress for those who are subjected to illegal recruiting practices would be essential if government agencies are to play this role.³⁹

C. Longer-Term Changes to Create a Safe and Effective Recruitment System

Although the measures discussed in the last two subsections could help address some of the challenges that have limited the recruitment of more Central American workers, the United States could implement other, systemic changes to mitigate these challenges over the long term.

A first set of options involves creating new visa categories. First, legislators could create a one- to three-year, year-round temporary visa for Central Ameri-

cans to work in specific industries. Lawmakers can also create a broader one- to three-year temporary visa for agricultural and nonagricultural workers that could create additional openings for prospective migrants, including nationals from Central America who work in a range of nonagricultural industries such as service occupations, construction, and material moving occupations.⁴⁰ Employer representatives also suggested in interviews that a year-round agricultural visa would encourage employers in agriculture-adjacent industries such as dairy to consider hiring Central Americans, establishing recruitment networks in Central America that lead to the hiring of more workers from the region over time.

Although this proposal may draw criticisms that it would allow large numbers of migrants to come to the United States, the interviews suggested new programs or an expansion of the H-2B cap would need to provide a relatively low number of visas to be effective. A think tank immigration expert and economist stated that the United States would need to capture one-fourth of the irregular flows through a visa program to manage migration from Central America. An agricultural migrant workers academic expert said that year-round programs would need to grow from 10,000 to 30,000 visas annually over the course of three years.⁴¹ Furthermore, a new program would need to ensure new hires do not displace existing workers or impact their wages.

Second, the U.S. government could create pathways for temporary workers to access permanent residency. Individuals with H-1B high-skilled temporary visas may have the opportunity to receive sponsorship for a green card, but this option does not exist for individuals on H-2 visas. Creating a new temporary-to-permanent visa or a pathway to a green card for individuals with H-2 visas would empower workers to access more jobs, according to migrant advocates. Experts noted that the pathway would address circularity issues by allowing more migrants from the region the chance to settle permanently in the United States.

MPI has recommended that new temporary-to-permanent pathways should allow individuals to access permanent residency after completing a three-year term, receiving a subsequent three-year renewal, and applying before this term expires.

However, divisions exist over the time that a migrant should work for an employer before becoming eligible for permanent residence. Although advocates believe workers should receive permanent status as quickly as possible, employers want to ensure that migrants make a meaningful contribution to their operations. MPI has recommended that new temporary-to-permanent pathways should allow individuals to access permanent residency after completing a three-year term, receiving a subsequent three-year renewal, and applying before this term expires.⁴²

A third option would be for the U.S. government to amend immigration law to allow workers on temporary visas to switch employers after a specific period of time, allowing workers to leave problematic employment relationships without jeopardizing their legal stay.⁴³ The ability to switch employers within the same occupational category is a feature of the temporary-to-permanent pathways MPI has proposed. Employers seeking to hire a worker who holds a visa issued in a different occupational category would need to complete the proper labor certification processes.⁴⁴ The *Farm Workforce Modernization Act* includes provisions that mirror these recommendations, creating a portable visa that would

allow farm workers to change employers without jeopardizing their legal stay.

In addition to changes to the legal immigration system, the U.S. government should invest in the labor enforcement system to promote the rights for Central American and other workers arriving through employment-based migration pathways. As part of this, it should ensure the Department of Labor has enough resources and personnel to fulfill its mission, including reviewing employers of H-2 workers. With the right resources, the department could also audit a specific percentage of all H-2 employers for labor violations every fiscal year and create mechanisms to enable workers to anonymously report labor and employment law violations through smartphone apps or other accessible tools. Allowing labor unions to organize agricultural workers and incorporating H-2A workers into the *Migrant and Seasonal Agricultural Worker Protection Act* could also strengthen oversight over conditions in these sectors, although this would require legislation.⁴⁵ (See Box 3 for details on a recent legislative proposal that seeks to accomplish some of these aims.)

Legislators could also eliminate legal provisions that restrict which groups of immigrants can be served by legal aid organizations that receive federal funding, and create programs similar to the Susan Harwood Grant Program, which allows immigrant-serving organizations to receive funding to provide migrant workers with Occupational Safety and Health Administration training.⁴⁶ Legal aid societies can also provide legal advice to migrant workers who report labor and employment law violations and may face employer retaliation about the types of relief from removal available to them if they lose their status after their employer fired them in retaliation.

BOX 3**Relevant Reforms in the *Farm Workforce Modernization Act***

The bipartisan *Farm Workforce Modernization Act* (H.R. 1603), passed by the House of Representatives in March 2021 and under consideration in the Senate at this writing, seeks to modernize the agricultural workforce and could address some of the concerns discussed in this brief. It has received support from some agricultural workers unions and employer organizations. The bill would, among other provisions:

- ▶ Include H-2A workers among the groups of migrant workers protected by the *Migrant and Seasonal Agricultural Worker Protection Act*
- ▶ Create an electronic platform to allow employers to file one H-2 application that relevant U.S. agencies can simultaneously review
- ▶ Provide up to 20,000 H-2A visas for dairy and other year-round agricultural sectors that could last up to three years, and allow other H-2A workers to receive their visas for three-year periods
- ▶ Allow some H-2A visa holders to self-petition for permanent residence after ten years of H-2A work
- ▶ Create a Portable Agricultural Worker program that would issue 10,000 H-2A visas allowing holders to switch employers among those registered in a registry (a system allowing these employers to hire these workers without needing to file a petition)
- ▶ Develop a program to register and monitor foreign labor recruiters that contract workers for the H-2A program.

Sources: Office of Representative Zoe Lofgren, “House Sends Bipartisan Farm Workforce Modernization Act to the Senate” (press release, March 18, 2021); Office of Senator Michael Bennet, “Bennet, Crapo Applaud House Passage of Bipartisan Farm Workforce Modernization Act” (press release, March 18, 2021); Office of Representative Zoe Lofgren, “Farm Workforce Modernization Act” (press release, March 3, 2021); Farmworker Justice, “The Farm Workforce Modernization Act: A Bipartisan Bill that Would Provide a Path to Immigration Status for Agricultural Workers and Revise the H-2A Program” (fact sheet, March 2021); United Fresh, “Farm Workforce Modernization Act,” accessed October 1, 2021; Jocelyn Sherman, “UFW & UFW Foundation Hail Passage of Landmark Immigration Bills ‘Emancipating’ Farm Workers and Dreamers and TPS Recipients” (news release, March 18, 2021).

5 Conclusion

The United States and its regional partners have short-, medium-, and long-term opportunities to leverage the U.S. employment-based immigration system to assist in managing migration from Central America. While the measures outlined in this policy brief alone will not immediately change existing patterns of unauthorized migration, they provide legal alternatives that, over time, can help channel Central American migrants into legal migration pathways and reduce pressures at the U.S.-Mexico border.

These measures also promise benefits beyond migration management. El Salvador, Guatemala, and Honduras have large working-age populations, and aligning this supply of labor with demand for agricultural and nonagricultural workers in the United States can benefit immigrants, their countries of origin, and their U.S. employers, especially as the existing pool of agricultural workers in the United States ages and the working-age population in Mexico continues to contract.⁴⁷ Acting on the opportunities identified here will require U.S. policymakers to take the creation of legal alternatives to irregular migration seriously, treating it as a central goal of U.S. immigration policy.

Endnotes

- 1 For additional research by the Migration Policy Institute (MPI) on these topics, see Andrew Selee et al., *Laying the Foundation for Regional Cooperation: Migration Policy & Institutional Capacity in Mexico and Central America* (Washington, DC: MPI, 2021); Andrew Selee and Ariel G. Ruiz Soto, *Building a New Regional Migration System: Redefining U.S. Cooperation with Mexico and Central America* (Washington, DC: MPI, 2020); Doris Meissner, *Rethinking the U.S.-Mexico Border Immigration Enforcement System: A Policy Road Map* (Washington, DC: MPI, 2020); Randy Capps et al., *From Control to Crisis: Changing Trends and Policies Reshaping U.S.-Mexico Border Enforcement* (Washington, DC: MPI, 2020).
- 2 See Muzaffar Chishti, Julia Gelatt, and Doris Meissner, *Rethinking the U.S. Legal Immigration System: A Policy Road Map* (Washington, DC: MPI, 2021). This proposal builds on the idea of a provisional visa first proposed by MPI in 2006 and 2009. See Doris Meissner, Deborah W. Meyers, Demetrios G. Papademetriou, and Michael Fix, *Immigration and America's Future: A New Chapter* (Washington, DC: MPI, 2006); Demetrios G. Papademetriou, Doris Meissner, Marc R. Rosenblum, and Madeleine Sumption, *Aligning Temporary Immigration Visas with U.S. Labor Market Needs: The Case for a New System of Provisional Visas* (Washington, DC: MPI, 2009).
- 3 Michael Clemens, "The Real Root Causes of America's Border Crisis – And How Biden Can Address Them," *Foreign Affairs*, June 7, 2021; Michael Clemens, Reva Resstack, and Cassandra Zimmer, "Harnessing Northern Triangle Migration for Mutual Benefit" (policy brief, Center for Global Development, Washington, DC, December 2020); David Bier, "Legal Immigration Will Resolve America's Real Border Problems" (Policy Analysis No. 879, Cato Institute, Washington, DC, August 2019).
- 4 Allison O'Connor, Jeanne Batalova, and Jessica Bolter, "Central American Immigrants in the United States," *Migration Information Source*, August 15, 2019.
- 5 This drop largely occurred due to the COVID-19 pandemic, which led consulates to close their visa processing operations and, as a result, reduced numbers of visas issued during the year. See Meghan Benton, Jeanne Batalova, Samuel Davidoff-Gore, and Timo Schmidt, *COVID-19 and the State of Global Mobility in 2020* (Washington, DC: MPI, 2021).
- 6 Author interview with two Guatemalan Ministry of Labor and Social Welfare officials, May 18, 2021.
- 7 As of the time of this policy brief, the status of these programs remained unclear. For the Guatemala H-2A agreement, see Governments of Guatemala and the United States, "Agreement between the United States of America and the Republic of Guatemala concerning a Temporary Agricultural Workers Program," July 30, 2019; Governments of Guatemala and the United States, "Agreement Concerning Temporary Agricultural and Non-Agricultural Worker Programs," September 17, 2020. For the Honduras H-2A and H-2B agreements, see Governments of Honduras and the United States, "Agreement Concerning the Temporary Agricultural and Non-Agricultural Workers Programs," September 27, 2019. See also U.S. Department of Homeland Security, "DHS Agreements with Guatemala, Honduras, and El Salvador." For the U.S.-El Salvador agreement on H-2A and H-2B visas, see U.S. Embassy in El Salvador, "The United States and El Salvador Sign MOU on Temporary Workers Program" (press release, February 6, 2020).
- 8 Michelle Hackman, "Trump Administration to Make 35,000 Additional Seasonal Worker Visas Available," *The Wall Street Journal*, March 5, 2020.
- 9 Ted Hesson, "U.S. to Set Aside 6,000 Guest Worker Visas for Central Americans," Reuters, April 20, 2021.
- 10 For instance, the Honduran program has sent 586 database-cleared workers to Canadian employers between 2017 and 2021. In most of these years, this same program sent much smaller numbers to the United States. However, the program sent 726 workers to the United States between 2020 and 2021, showing significant growth opportunities for the program's U.S. operations. Author interview with Honduran Secretariat of Labor and Social Welfare official, May 19, 2021; author email exchange with Honduran Secretariat of Labor and Social Welfare, October 19, 2021.
- 11 Author interview with H-2 legal and logistics coordination services provider representative, March 30, 2021; author interview with agricultural employers' organization representative, April 1, 2021; author interview with two agricultural employers' advocacy organization representatives, April 8, 2021; author interview with two Florida-based agricultural employers' association representatives, April 9, 2021; author interview with national employers' advocacy group immigration representative, April 12, 2021; author interview with California-based agricultural labor provider representative, April 23, 2021.
- 12 Author interview with three think tank immigration experts, April 12, 2021; author interview with immigration and economic development academic expert, May 24, 2021; author interview with agricultural migrant workers academic expert, May 26, 2021.
- 13 Author interview with two Guatemalan Ministry of Labor and Social Welfare officials, May 18, 2021; author interview with Honduran Secretariat of Labor and Social Welfare official, May 19, 2021.
- 14 Author interview with agricultural employers' organization representative, April 1, 2021; author interview with two Florida-based agricultural employers' association representatives, April 9, 2021.
- 15 Author interview with economic think tank immigration researcher, April 14, 2021; author interview with international organization migration researcher, April 19, 2021; author interview with three Dallas-based think tank immigration experts, April 28, 2021.
- 16 Author interview with two Guatemalan Ministry of Labor and Social Welfare officials, May 18, 2021; author interview with Honduran Secretariat of Labor and Social Welfare official, May 19, 2021.
- 17 Author interview with Latin American human-rights organization representative, March 29, 2021; author interview with labor union immigration representative, April 13, 2021; author interview with two international human-rights organization representatives, April 14, 2021; author interview with transnational migrant-rights representative, April 19, 2021.

- 18 Although advocacy organizations are actively working with migrant workers to address these issues, an academic expert noted that legal aid organizations that receive federal funds can only work with H-2B forestry workers. Federal funds have fewer restrictions on which H-2A workers legal aid organizations can serve. However, the large number of H-2A workers needing assistance and limited resources means these organizations can only serve a small share of these workers. Author interview with agricultural migrant workers academic expert. See also Andrew Elmore and Muzaffar Chishti, *Strategic Leverage: Use of State and Local Laws to Enforce Labor Standards in Immigrant-Dense Occupations* (Washington, DC : MPI, 2018).
- 19 Author interview with three agricultural labor union representatives, June 28, 2021; U.S. Department of Labor, “Wages and Hours Worked: Worker Protections in Agriculture,” updated December 2016.
- 20 The law, which does not cover H-2A workers, establishes employment standards for migrant and seasonal agricultural workers on issues such as wages, housing, transportation, disclosures, and recordkeeping. Labor contractors must also register with the U.S. Department of Labor. See U.S. Department of Labor, “Migrant and Seasonal Agricultural Worker Protection Act (MSPA),” accessed July 8, 2021.
- 21 Author interview with three agricultural labor union representatives; U.S. Department of Labor, “Wages and Hours Worked: Worker Protections in Agriculture,” December 2016.
- 22 In the seafood industry, for instance, advocates claimed women with H-2B visas generally pick crab meat while men with this status weigh the meat and supervise the workers. Author interview with transnational migrant-rights representative, April 19, 2021. For more on this topic, see American University’s Washington College of Law and Centro de los Derechos Del Migrante, Inc., *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry* (Washington, DC: American University, Washington College of Law and Centro de los Derechos Del Migrante, Inc., 2018).
- 23 Author interview with H-2 legal and logistics coordination services provider representative; author interview with think tank immigration expert and economist, April 2, 2021; author interview with three think tank immigration experts; author interview with international organization migration researcher.
- 24 Although some reports suggest that these trends exist, further research is needed to understand whether this is true and what impact such trends might have on compliance with H-2 visa requirements. See Emmanuel Abuelafra, Giselle Del Carmen, and Marta Ruiz-Arranz, *In the Footprints of Migrants: Perspectives and Experiences of Migrants from El Salvador, Guatemala and Honduras in the United States* (Washington, DC: Inter-American Development Bank, 2018); Anita Isaacs and Jorge Morales Toj, “Guatemala Is America’s Best Chance to Fix the Immigration Problem,” *The New York Times*, June 7, 2021.
- 25 Author interview with agricultural migrant workers academic expert, May 26, 2021; author interview with national employers’ advocacy group immigration representative, April 12, 2021; author interview with immigration and economic development academic expert, May 24, 2021.
- 26 Individuals arriving on H-2 visas have the legal obligation during the adjudication of their visa applications to show they will return to their origin country when their visa ends. See *Immigration and Nationality Act* 8 U.S. Code § 1101(a)(15)(H)(ii)(a) and 8 U.S. Code § 1101(a)(15)(H)(ii)(b). In contrast, individuals who go through the Seasonal Agricultural Worker Program, one of the major temporary agricultural programs in the Canadian immigration system, must return to their home countries at the end of every season and have their employer request authorization to hire the individual again. See Government of Canada, “Can I apply to extend my Seasonal Agricultural Worker Program work permit,” April 28, 2021.
- 27 Author interviews with three think tank immigration experts.
- 28 Capps et al., *From Control to Crisis*.
- 29 American Immigration Council, “The H-4 Visa Classification Attracting and Maintaining Global Talent,” March 26, 2018.
- 30 U.S. Department of Labor, “Workers Under 18,” accessed July 8, 2021.
- 31 In 2020, 74.3 percent of El Salvador’s population was urban. In contrast, the urban population rate was 58.3 percent in Honduras and 51.8 percent in Guatemala. See World Bank, “Urban Population (% of total population) - El Salvador, Guatemala, Honduras,” accessed July 8, 2021.
- 32 Author interviews with three think tank immigration experts; author interview with two Guatemalan Ministry of Labor and Social Welfare officials; author interview with Honduran Secretariat of Labor and Social Welfare official; author interview with agricultural migrant workers academic expert.
- 33 U.S. Department of Labor, “Program Debarments”; U.S. Department of Labor, “Expired H-2A Debarments”; U.S. Department of Labor, “Expired H-2B Debarments.”
- 34 Cornell Law School Legal Information Services Institute, “20 CFR § 655.182 – Debarment”; Cornell Law School Legal Information Services Institute, “20 CFR § 655.73 – Debarment.”
- 35 The Department of Labor has taken recent steps to strengthen the worker protection regime in the H-2A program, including updates to debarment policy. In July 2019, it issued a proposed rule that would allow the agency to debar agents and attorneys who commit debarment offenses, including ones who represented employers who complied with the program’s requirements. The agency finalized the rule in January 2021. See U.S. Department of Labor, “Temporary Agricultural Employment of H-2A Nonimmigrants in the United States,” *Federal Register* 84, no. 144 (July 26, 2019): 36168 and Department of Labor, “U.S. Department of Labor Issues Final Rule to Modernize H-2A Temporary Agricultural Labor Certification Program,” January 15, 2021.
- 36 Honduran officials said the program has taken some steps towards this goal. It prioritizes working with employers to minimize the role that recruiters play in this process. If a foreign recruiter wants to contract large numbers of Honduran workers, moreover, the government requires the recruiter to register with the agency that monitors the firm before seeking the desired workers. Author interview with Honduran Secretariat of Labor and Social Welfare official, May 19, 2021.

- 37 One source for these proposals are independent government reports that have outlined steps that the U.S. government can take to protect migrant workers in the H-2 programs. See U.S. Government Accountability Office, “H-2A and H-2B Visa Programs: Increased Protections Needed for Foreign Workers [Reissued on May 30, 2017],” May 30, 2017.
- 38 The United States has taken some steps towards creating this platform. In January 2019, the Department of Labor’s Office of the Foreign Labor Certification established the Foreign Labor Application Gateway (FLAG) to serve as the agency’s new platform to file and track H-2 applications. See U.S. Department of Labor “Foreign Labor Application Gateway,” accessed October 1, 2021; U.S. Department of Labor, “Foreign Labor Application Gateway (FLAG) OFLC Technology Modernization Initiative,” May 2019.
- 39 CIERTO serves as an example of a recruitment model that incorporates multiple stakeholders to promote a transparent recruitment process. The organization works with Mexican government agencies, the International Labor Organization, and third-party verification agencies to meet its mission. See CIERTO Global, “About CIERTO,” accessed July 8, 2021; author interview with three agricultural labor union representatives.
- 40 Allison O’Connor, Jeanne Batalova, and Jessica Bolter, *Central American Immigrants in the United States* (Washington, DC: MPI, 2019)
- 41 Author interviews with think tank immigration expert and economist and an agricultural migrant workers academic expert.
- 42 Chishti, Gelatt, and Meissner, *Rethinking the U.S. Legal Immigration System*. For additional policy ideas, see also Meissner, Meyers, Papademetriou, and Fix, *Immigration and America’s Future*; Papademetriou, Meissner, Rosenblum, and Sumption, *Aligning Temporary Immigration Visas with U.S. Labor Market Needs*. See also Cristobal Ramón, *Works in Progress: Assessing Employment-Based Temporary-to-Permanent Immigration Systems in Europe and North America* (Washington, DC: Bipartisan Policy Center, 2020).
- 43 Not all interviewees believed these measures would protect migrant workers’ rights. Although high-skilled workers with knowledge about the U.S. labor market and greater English language skills may be able to navigate the job market, an academic expert on agricultural migrant workers said unscrupulous recruiters could enter the secondary market for employers and exploit lower-skilled workers such as those on H-2 visas as they seek new employment. Author interview with agricultural migrant workers academic expert.
- 44 Chishti, Gelatt, and Meissner, *Rethinking the U.S. Legal Immigration System*.
- 45 In an interview, migrant worker advocates noted this role for labor unions became harder after the U.S. Supreme Court ruled on June 23, 2021, that union organizers could not enter agricultural workplaces to recruit workers. The decision stemmed from a challenge to a 1975 California regulation that allowed organizers to meet with workers an hour before and an hour after each workday and during lunch breaks for up to 120 days. Author interview with three agricultural labor union representatives; Adam Liptak, “Supreme Court Rules against Union Recruiting on California Farms,” *The New York Times*, June 23, 2021.
- 46 U.S. Department of Labor, “Susan Harwood Grant Program – Program Overview,” accessed June 30, 2021; U.S. Department of Labor, “Susan Harwood Training Grant Program FY 2020 Grant Recipients,” accessed June 30, 2021.
- 47 Michael Clemens, Reva Resstack, and Cassandra Zimmer, *Harnessing Northern Triangle Migration for Mutual Benefit* (Washington, DC: Center for Global Development, 2020); Michael Clemens and Jimmy Graham, *Three Facts You Haven’t Heard Much about Are Keys to Better Policy toward Central America* (Washington, DC: Center for Global Development, 2019).

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