TEMPORARY WORKER PROGRAMS: U.S. AND GLOBAL EXPERIENCES

ABSTRACT

This article provides an overview of Temporary Worker Programs (TWPs) in different countries, and the implications of the variety of programs on Canadian labour migration policies. In traditional immigration countries such as the U.S., TWPs were the great exception, with unions and immigrant advocates generally opposed to "contract labour" programs, whether they admitted immigrants who were bound to their first employer for several years, or non-immigrants, required to leave after a certain number of months or years. By contrast, European guest worker programs admitted probationary immigrants, meaning that rights to reunify families, to change employers and to remain in the country depended on having an employer request the necessary work permits for residence card renewals. Most guest workers returned to their countries of origin as expected, but some settled, giving European countries significant minority populations. Canada's TWPs mirror American as well as European programs. As in the U.S., certain TWPs admit temporary workers to fill temporary jobs, others admit temporary workers to fill year-round jobs, and some give temporary workers an inside track to immigrant status, while others do not. As in Europe, Canada has probationary immigrant programs, such as the Live-in Caregiver Program, similar to European guest worker programs.

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Guest worker programs aim to add workers to the labour force on a temporary basis, but avoid adding settled residents to the population; the "guest" adjective suggests that migrants will leave after several months or years of work, and that almost all guest workers will be in the labour force. The universal experience with guest workers is often summarized as: "There is nothing more permanent than temporary workers," meaning that guest worker programs tend to become larger and to last longer than anticipated, and that at least some migrants settle in the country in which they work with their families.

The "failure" of guest worker programs to rotate workers in and out of the country is predictable because of the incentives of employers and migrants, which can be summarized as distortion and dependence. In most industrial countries, temporary workers represent less than 5% of workers, meaning that most employers recruit and employ local workers (natives and settled immigrants). Guest workers are thus the exception, and to ensure that employers do not prefer foreign workers to local workers, most countries require employers to try to recruit local workers before granting them permission to employ foreign workers.

Distortion refers to the fact that over time, employers can become disconnected from local workers and labour markets. Employers familiar with a migrant network that recruits and often trains migrant workers can devote themselves to other issues. Over time, guest worker-dominated labour markets can become increasingly disconnected from other labour markets, much as industries protected from trade get distorted, so that threats to reduce access to "migrant workers" can become threats to staying in business.

Dependence refers to the fact that the lives of some migrants, families and regions are improved by foreign jobs and remittances, so that reduced access to higher wage foreign jobs could reduce incomes and living standards. Sending workers abroad and receiving remittances tends to reduce poverty, but whether it speeds up stay-at-home development depends on whether the "3 R's" of recruitment, remittances and returns create virtuous circles between migration and development, as in the case of Indian IT workers, where migration helped to create a new industry, or whether they lead to vicious circles, as with African health care worker migration, where lack of health care can slow economic development.

Many developing countries and international organizations that want to accelerate development urge industrial countries to open their doors wider to migrant workers in order to maintain their labour forces in the face of population ageing while speeding development in labour-sending countries. However, there is no automatic link between migration and development. In some cases, emigration in one period was followed by immigration the next, as with southern European countries and Korea. In other areas, from West-Central Mexico to the rural Philippines, there have been decades of labour migration, with no end in sight.

The channels by which migration affects development are often summarized as the 3 R's of recruitment, remittances and returns. *Recruitment* deals with who migrates. Are migrants persons who would have been unemployed or underemployed at home or key employees of business and government whose departure leads to layoffs and reduced services? The impact of *remittances* depends on their volume as well as on how they are spent and invested by recipients. *Returns* ask whether returning migrants are spark plugs for development or persons who rest and retire in their areas of origin.

Several lessons flow from the 3 R analysis of migration and development:

- There is no automatic link between migration and development, meaning that policy in both sending and receiving countries can make a difference in whether some labour migration begets more or less in the future;
- Receiving-country employers are usually the key actors in TWPs, and their incentive to hire the "best" workers may clash with those of sending-country governments wanting to send the unemployed abroad;
- Migrants from rural areas are not likely to produce stay-at-home development via the 3 R's. Instead, their remittance investments in education and health for their children may speed rural-urban migration or facilitate more international migration.

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The Global Forum on Migration and Development, *inter alia*, explores mechanisms through which labour-sending and receiving countries can cooperate to design TWPs that satisfy the needs of employers and migrants as well as the wider goals of governments in each country.

TWPs in the United States

The United States has three major guest-worker programs, for professionals (H-1B), low-skilled farm workers (H-2A) and low-skilled non-farm workers (H-2B). Other visas, ranging from E visa treaty traders to F visa students to J visa exchange visitors and NAFTA TN visas, allow foreigners to work in the U.S. Many of the non-H programs limit the authority of the U.S. Department of Labor (DOL) over admissions and employment. For example, the U.S. Department of State administers the J visa program, which is comparable to working holiday-maker programs.

Employer-friendly changes in 1986 and 1990 anticipated growth in H-worker admissions,[2] and the caps were set at about twice the admissions levels in order to accommodate this growth. For example, H-1B admissions were less than 30,000 a year in the early 1990s, and the cap was set at 65,000 a year. However, the major policy issue in the H-1B and H-2B programs over the past decade has been the cap: available visas for the year are often delivered soon after they become available. Employers want caps raised with no change in admission rules and worker protections, while unions refuse to allow an increase in the cap unless there are more restrictive rules and worker protections.

H-1B

The H-1B program was created at a time of feared mismatches in the U.S. labour market.[3] The assumption in the late 1980s was that the U.S. had sufficient workers, but too few who were prepared to fill jobs in fast-growing new industries such as high-tech. The H-1B program, the reasoning went, would provide employers with easy access to foreign workers and bridge gaps in the labour market until sufficient U.S. science and engineering (S&E) workers could be trained.

The compromise embodied in the H-1B program gave U.S. employers easy access to foreign professionals, but capped the number of visas at 65,000 a year. In a departure from usual practice, H-1B visa holders were allowed to state that they wanted to seek immigrant visas while in the U.S. as temporary workers (declaring an intention to settle in the country normally leads to denial of a non-immigrant visa).

For the first eight years, the cap of 65,000 was not reached. However, by 1998 a combination of economic and IT booms, middlemen who specialized in H-1B employment, and spreading knowledge of the program led employers to request more than 65,000 visas. The cap was raised, eventually to 195,000 a year, plus 20,000 H-1B visas a year for foreigners with Masters and Ph.D. degrees from American universities, plus an unlimited number of H-1B visas for non-profit universities and research institutions.

The cap on H-1B visas reverted to 65,000 in 2004 amid disagreements over whether additional worker protections were necessary. Employers may apply a maximum of six months before visas become available, and there are typically three times more (approved) employer requests than visas submitted on the first day visas become available, so that "winners" of H-1B visas are selected by lottery. However, this situation persists because of disagreement over whether additional worker protections are needed – unions have the clout to block a simple increase in the cap.

The H-1B program by design provides easy access to foreign workers and is administered to achieve this goal.[5] There are only computer checks of employer-filed Labour Condition Applications that spell out wages and working conditions, and over 99% of these applications are approved within minutes after being submitted via the Internet. Enforcement procedures are limited by law – DOL's Wage and Hour Division can generally investigate an

employer of H-1B workers only after receiving a complaint from an "aggrieved party." There are few complaints (173 in FY05), in part because H-1B foreign workers want to be sponsored by their U.S. employers for immigrant visas and also because the law gives U.S. workers few grounds for filing complaints.

DOL classifies S&E jobs into four levels, from Level 1 (entry level with close supervision required) to Level 4 (fully competent). Employers classify over half of H-1B jobs as Level 1, and the wage offered by employers to fill these jobs tend to be at the low end of the range, such as $50,000 rather than the median $65,000 in computer-related occupations in FY06.[6] The prevailing wage is tied to the job, not to the worker who fills it, which means that if the job requires a B.A., an H-1B worker with an M.Sc. degree who applies to fill it can be paid a B.A.-level wage.

Third, there are many more U.S. residents with STEM (scientific, technological, engineering, and mathematical) educations (about 15 million) than are currently employed in STEM occupations (about 5 million). A higher share of foreign-born than U.S.-born STEM graduates begin careers in STEM jobs,[7] but both U.S.-born and foreign-born STEM graduates drift out of them. Foreign-born STEM graduates stay in STEM occupations for at least a decade, which may reflect H-1B visas and labour certification, while the out-migration of the U.S.-born with STEM educations from STEM occupations is faster. A decade after graduation, only a third of those with STEM educations are still in STEM jobs.

The H-1B program is controversial, and seems to inspire extreme assertions. Bill Gates of Microsoft said: "The terrible shortfall in the visa supply for highly skilled scientists and engineers stems from visa policies that have not been updated in more than 15 years. We live in a different economy now, and it makes no sense to tell well-trained, highly skilled individuals – many of whom are educated at our top universities – that they are not welcome here." (*Daily Labour Report* 2007) Intel Chairman Craig Barrett urged the U.S. government "to staple a green card" or immigrant visa to the diplomas of foreign students who graduate from American universities with science and engineering degrees (Barrett 2006).

Critics, on the other hand, describe H-1B visa holders "high-tech *braceros*," suggesting a link to a now-discredited program that admitted almost five million Mexicans to work on U.S. farms from the 1940s to the 1960s (Branigin 1998). Others emphasize that most of the foreigners admitted with H-1B visas are not the world's best and brightest, at least as suggested by the complexity of the jobs they fill and the salaries they are paid.

Unions, churches and migrant advocates generally oppose guest worker programs whether, they admit temporary visitors or probationary immigrants, saying that in each case the migrants are captives of their employers, making their work place rights more theoretical than real.

H-2A

The H-2A program allows U.S. farm employers to request certification from DOL to employ an unlimited number of foreign workers if: 1) farm workers are not available; and 2) the presence of the foreign workers will not "adversely affect" farm workers.[9] The H-2A program is rife with controversy in the U.S., and appears to have limited impacts on development in migrant-sending areas.

The administration of the H-2A program at one level is straightforward, and at another invites controversy and may foster unauthorized migration. In recent years, DOL certified over 6,500 farm employers to fill almost 60,000 jobs with H-2A farm workers. However, despite the fact that 98% of the employer applications are approved, more than half of the workers employed on U.S. farms are believed to be unauthorized. Farmers complain that they do not use the H-2A program to obtain workers because it is too bureaucratic and exposes them to lawsuits by worker advocates.

One reason the H-2A program generates employer complaints is because unauthorized workers are available. U.S. farm employers must have their need for H-2A foreign workers certified, which means they must try to recruit U.S. workers under DOL supervision, and U.S. workers get priority to fill vacant jobs. Farm employers are routinely accused of rejecting qualified U.S. workers in order to hire the H-2A workers (already recruited, in most cases). Worker advocates accuse farm employers of preferring the "captive" H-2A workers to legal and unauthorized workers who have freedom in the U.S. labour market (an H-2A worker who loses his job must leave the country).

A review of employer applications to fill 10,134 jobs with H-2A workers in FY96 found that 530 U.S. workers were referred to fill these jobs, equivalent to 5.2%, and 252 or 2.5% of these workers were hired.[10] Farm employers look at this 5% referral and 2.5% hire rate and conclude that U.S. workers are generally not available, while worker advocates point to unemployment rates of 15% to 20% in areas with H-2A workers and conclude that qualified U.S. workers are discouraged or rejected. The result is often litigation.

There are about 60,000 H-2A visa holders and 1 million unauthorized workers in the U.S. hired farm work force, which includes 2.5 million workers at some point during a typical year. A legislative proposal pending since 2000 would legalize many of these unauthorized workers, which is the goal of worker advocates, and make employer-friendly changes to the H-2A program.

The *Agricultural Job Opportunity, Benefits and Security Act* (S340/H371), also called AgJOBS, would allow up to 1.5 million unauthorized farm workers in the U.S. to "earn" a

legal immigrant status by continuing to do farm work over the next five years. In addition, the H-2A program would change in three major ways. First, attestation would replace certification, effectively shifting control of the border gate to employers who make assertions (assurances) to DOL that they have vacant jobs, are paying at least the minimum or prevailing wage, and will comply with other H-2A requirements.

Under AgJOBS, DOL would review employer assurances for "completeness and obvious inaccuracies" and approve them within seven days of receipt, allowing foreign H-2A workers to arrive and go to work. Enforcement would respond to complaints of violations of H-2A regulations, such as guaranteeing work for at least three-quarters of the work period specified by the employer, hiring local workers who apply for jobs until half of the work period stated by the employer is completed, and reimbursing 100% of transportation costs of workers who complete the job. Under AgJOBS, there must be mandatory mediation to try to resolve disputes before suits are filed.

Second, farm employers could pay a housing allowance of $1 to $2 an hour, depending on local costs to rent two-bedroom units that house four workers, rather than provide free housing, as is currently required. The state's Governor would have to certify that there is sufficient rental housing for the guest workers in the area where they will be employed in order for H-2A employers to pay a housing allowance rather than provide free housing.

Third, the Adverse Effect Wage Rate (AEWR) – the minimum wage that must be paid to legal guest workers – would be frozen at its 2002 levels and studied. In California, the AEWR would be reduced from $9.20 an hour to $8.02 an hour, and there would be similar 5% to 10% reductions in other states. If Congress fails to enact a new AEWR within three years, AgJOBS would allow the AEWR to be adjusted on the basis of the three-year change in the Consumer Price Index. Eventually, the AEWR would rise with the Index, up to a maximum 4% a year.

In July 2006, Spain and Morocco agreed on a four-year plan to tackle illegal immigration. The keystone is a repatriation agreement that allows apprehended foreigners to be returned to Morocco.

U.S. TWP issues

There are three major TWP issues being debated in the U.S. First, should workers admitted under TWPs be considered temporary visitors or probationary immigrants? Unions, churches and migrant advocates generally oppose guest worker programs, whether they admit temporary visitors or probationary immigrants, saying that in each case the migrants are captives of their employers, making their work place rights more theoretical than real.

The H-1B program admits probationary immigrants; U.S. employers can "sponsor" H-1B workers for immigrant visas during the six-years they can be in the U.S. The H-2A and H-2B programs, by contrast, do not offer an explicit adjustment path to immigrant status. The 2006 Senate immigration reform bill would have created a new guest worker program with a path to immigrant status. The 2007 Senate bill, however, dropped this adjustment-to-immigrant path.

The second issue involves the border gate. Under the attestation procedure of the H-1B program, employers effectively control the border gate, since their assurances made via the Internet open the door to foreign workers (if visas are available). The H-2A and H-2B programs, by contrast, require certification, which involves employer recruitment supervised by local employment service agencies. Even though more than 95% of H-2A and H-2B employer requests are approved, the certification process alerts unions and advocates, who sometimes refer U.S. workers and sue employers for not hiring them.

The third issue involves links between TWPs. The U.S. has at least 15 temporary visitor visas that allow foreigners to work, ranging from F-1 student to TN NAFTA. The non-H programs that have attracted the most attention recently are F-1 student, J-1 exchange visitor, and L-1 intra-company transfer programs. Each is far larger than the H programs and there are generally no labour market tests or recruitment of U.S. worker requirements. Employers say these programs are working well; unions say they are riddled with problems.

Other countries' TWPs

The International Labour Organization estimates that there are about 100 million foreign-born workers around the world, and according to the Organization for Economic Co-operation and Development (OECD), over 200 bilateral labour agreements were in effect in 2000. Labour migration is usually set in motion by employer decisions in labour-receiving countries, with the blessing or toleration of their government.

It is often hard to reach a consensus in labour-receiving countries on the three fundamental TWP questions – how many, from where, and in what status should migrant workers be employed? Each question is subject to debate, and answering them becomes more difficult as unemployment rates rise.

European guest worker policy in the 21st century differs from TWP policy of the 1960s. The first difference reflects the shift from one program to many programs. During the 1960s, most European countries had just one guest worker program, with uniform rules for employers and bilateral agreements that were very similar across labour-sending countries. Today, most European countries have separate programs for agriculture, construction and services, and bilateral agreements can be quite different from one country to another.

Second, a combination of shrinking employment services, increasingly flexible labour markets, and

deregulation have put more power to determine admissions in the hands of employers. During the 1960s, employment services were generally deemed by all parties to be the most credible source of data on whether foreign workers were needed or not. Today, employers' assertions about labour shortages are often accepted with little or no input from employment services, in part because governments lack data and analyses that might prove otherwise.

Third, guest worker programs in the 21st century have more goals than did those of the 1960s, when their primary purpose was to fill vacant jobs. Today, TWP goals include inducing cooperation to deal with illegal migration, as with Italian and Spanish migration partnership agreements, promoting development in labour-sending countries, as with French co-development schemes, and protecting upstream and downstream jobs in the labour-receiving country, as when foreign farm workers reserve processing jobs for local workers. It has been very hard to determine which priority is most important when they clash.

German seasonal TWPs

The German seasonal workers program operates under memoranda of understanding signed by the German Labour Ministry and labour ministries of source countries. It admits migrants for up to 90 days if local workers are not available to fill vacant jobs in agriculture, forestry, the hotel and catering sector, fruit and vegetable processing and sawmills. Employers may not hire (rotating groups of) seasonal workers for more than seven months a year unless they grow fruit, vegetables, wine, hops or tobacco – these crops are allowed more months of foreign worker employment.

In recent years, 80% to 90% of all seasonal workers admitted were from Poland, and a similar share worked in agriculture. German employers request seasonal foreign workers and submit to local labour offices proposed contracts that spell out wages and working conditions as well as provisions for employer-provided housing, meals and travel arrangements, if these are provided. The German Employment Service tests the local labour market to ensure that local workers are not available at the prevailing wage, and employers pay an administrative fee of 60 euros per guest worker, and they must not deduct this fee from migrants' wages.

German employers may request foreign workers by name, and they do for about 90% of those admitted in recent years. Migrants arrive with copies of the bilingual contracts that were checked by Employment Services in both Germany and their country of origin, and both employers and migrants make payroll tax contributions that amount to approximately 35% of wages.[11]

The number of Poles working as temporary workers on German farms fell by 15% to 270,000 in 2006, amid reports that many were seeking higher wages in the United Kingdom. British farm jobs pay about 8 euros an hour, compared to 4 to 6 euros an hour in Germany. Polish and other A8 workers in the U.K. can change employers and stay longer than the 90 days they are allowed to remain in Germany.

The German government says that the employment of Polish seasonal workers is decreasing as farmers hire more unemployed workers in Germany. The German Labour Department in 2006 insisted that 10% of asparagus harvesters in 2006 were German, and subsidized their farm wages. Farmers say that Poles are much more efficient harvesters, harvesting an average 400 kg or 880 pounds a day – twice as much as German workers.

Spanish seasonal TWPs

Spain has about 4.5 million migrants, who account for 10% of its 45 million residents, and most have arrived since 2000. This immigrant influx has been largely welcomed as an economic benefit, since most of the migrants arrived while Spain was undergoing an extraordinary economic boom.

Most migrants join the Spanish labour force, making employment growth in Spain the fastest in the Euro zone. Rapid changes in the Spanish economy and society created a demand for migrants in occupations ranging from domestic helper to farm worker. Spanish migration policy, especially until 2005, was tolerant of illegal migrants, regularizing their status in periodic legalizations.

In 1985, roughly 16% of Spanish workers were employed in agriculture, which contributed 4% to the country's gross domestic product (GDP) and accounted for 10% of Spanish exports. By 2005, only 5% of Spanish workers were employed in agriculture and its GDP contribution dropped to 3%, but the sector accounted for 12% of Spanish exports.

The growth of export-oriented agriculture in the south of Spain was a magnet for migrants. There were relatively few immigrant workers in Spanish agriculture when Spain joined the European Union in 1986, but in 2007 over 150,000 foreign workers were enrolled in the agricultural portion of the Spanish social security system, and 40,000 to 80,000 a year arrive with temporary visas (78,000 arrived in 2006).

Spanish agriculture evolved from a family affair to a more factories-in-the-fields system through significant capital investments that resulted in fewer but larger farms producing for export markets, especially in the provinces of Almería and Murcia, where we find greenhouse production of fruits and vegetables, and in Huelva, which produces strawberries. Seasons have lengthened, increasing dependence on hired workers.

Hired farm workers are spreading from southern Spain to other provinces, and from strawberries and greenhouses to other commodities. Agriculture is an important port of entry for migrants into Spain. The farm worker share of those legalized in 2001 and 2005 (13 to 15%), was twice the share of those in the Spanish social security system, 7% to 8%. Most of the migrants employed in Spanish agriculture are from Morocco, Ecuador and Romania.

Seasonal farm workers are recruited by employers in their countries of origin under the terms of bilateral agreements that provide recruited workers with nine-month contracts and social security benefits.[12] In order to return legally to Spain the following year, they must report to a Spanish consulate in their country of origin when their contract ends. If they work in Spain seasonally for four years, they can earn an immigrant visa. Despite these terms, approximately 40% of seasonal migrants do not report to Spanish consulates in their countries of origin as required.

Spain has temporary worker programs with Colombia, Morocco, Ecuador and Romania that include co-development elements designed to promote economic development in the migrants' country of origin and reinforce worker circularity or rotation. There is also significant local influence on the design of Spanish guest worker programs, funded by the European Union, the Government of Spain and local funds.

For example, Cartaya, a Spanish city of 18,000 in the strawberry-growing province of Huleva, received 1.2 million euros to develop a circular migration temporary worker program with Morocco. Initially, fewer than half of the Moroccans left at the end of the season as required, which prompted a change in the rules, and now only mothers under 40 with children may participate. About 5,500 of the 26,000 Moroccan mothers who applied were selected for the March-June 2007 strawberry picking season, and those who departed at the end of the season were guaranteed the right to return to Spain in 2008. Employers provide the women with housing and Cartaya's mayor, Juan Antonio Millán, calls the Moroccan temporary worker program "ethical migration," to distinguish it from the more widespread irregular migration in the area (Gerson 2007).

In July 2006, Spain and Morocco agreed on a four-year plan to tackle illegal immigration. The keystone is a repatriation agreement that allows apprehended foreigners to be returned to Morocco. Morocco has deployed 11,000 security personnel to monitor its coasts, which has resulted in a 40% drop in the number of illegal migrants reaching Spain in 2006. Frontex, the European Union agency for external border security, is helping Spain, Italy and Malta to monitor their borders.

Many strawberry growers prefer to recruit in Eastern Europe, especially in Poland and Romania. As these countries grow richer, leaving fewer workers willing to travel to Spain to fill seasonal jobs, there is tension between government efforts to encourage recruitment in Morocco and Senegal and grower desires to recruit in Moldova and Ukraine. Spain and Senegal signed a bilateral recruitment agreement in 2007 that offers work visas in exchange for cooperation to reduce illegal migration. The Spanish government authorized 2,700 work visas for Senegalese as of February 2008, including 740 for Cartaya strawberry growers. The growers requested women, but the Senegalese offered only men. Senegal wants to reserve many of the Spanish work visas for Senegalese expelled from Spain, but the Spanish government does not want to reward those expelled with legal work permits.

Migrants in Spain remit an estimated 5 billion euros a year, with 75% going to their countries of origin via *locutorios*, shops that offer cheap calls and money transfers. The *locutorios* charge 5% to 7% of the amount transferred, compared to 10% by banks, and have an 85% market share. In 2007, in a bid to obtain more business from migrants, Banco Santander began to offer remittance transfers at no charge. Some Spanish stores are allowing migrants to select merchandise and have it delivered in Ecuador or Peru.

Lessons for Canada

There are three major lessons of U.S. and other country experience with TWPs for Canada. They deal with distortion and dependence, program administration and thinking about guest workers.

Perhaps the most important issue is dealing with distortion and dependence. Employers who become accustomed to hiring migrant workers, and whose recruitment and training systems evolve to employ them (such as planting crops in areas with few workers), may make investment decisions that assume migrants will continue to be available. It should come as no surprise that these investors resist policy changes that would reduce their access to migrant workers or increase their labour costs. Similarly, ensuring that migrants' areas of origin develop, so that legal guest workers are not followed by unauthorized migration, can help to head off the "nothing-more-permanent-than-temporary-workers syndrome."

One option for dealing with distortion and dependence is to include economic steering mechanisms in the programs, not just rules that can be hard to enforce. One option would be to use the payroll taxes collected on the earnings of migrants, or levies as in Singapore and Malaysia, to reduce dependence on migrants over time and to accelerate development in migrant areas of origin.

Second, Canada involves employers in the design and administration of many of its guest worker programs, and gives administering agencies discretion in implementing program rules. In the U.S. and some other countries, by contrast, the goal of employer and worker advocates is often to get as many implementing regulations written into law as possible, which limits the discretion of program administers and can lead to litigation over violations.

Third, be cautious about TWPs. Perhaps the major contrast is between thinking about free trade and TWP policies. Free trade policy is often described with a bicycle metaphor. Governments have to continuously dig free trade channels wide and deep to avoid having protectionist interests slow the free flow of goods, much as a rider must keep moving to avoid falling. Labour migration policies can be the opposite. What begins as a small program can become larger over time, as employer decisions and migrant networks increase the employment of foreign workers.

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Notes

[1] Most remittances replace earnings that would have been earned at home. The fact that wages are higher abroad means that there is generally more money available to migrant families, and these extra funds are generally spent on new or improved housing and on education and health care, especially for children in migrant families. However, migrants from rural areas that do not develop may be making investments that will ultimately prove to be futile, especially if children move away and the area does not develop.

[2] The H-2A program was created by the *Immigration Reform and Control Act* of 1986, and the H-1B and H-2B programs by the *Immigration Act* of 1990. In each case, existing programs were modified.

[3] DOL's *Workforce 2000* report, released in July 1987, emphasized that the growth in the U.S. labour force would slow, the U.S. labour force would age, and that women, immigrants and minorities would represent a larger share of new labour force entrants.

[4] The annual cap on H-1B visas was raised to 115,000 for FY99 and FY00, to 195,000 for FY01, 02 and 03, and then reverted to 65,000 a year in FY04. Beginning in FY01, H-1B workers employed by universities and their affiliated non-profit research organizations, as well as other non-profit and government research organizations, were exempted from the H-1B ceiling. Beginning in FY04, an additional 20,000 H-1B visas were made available to foreigners with Masters or Ph.D. degrees from American universities.

[5] See <www.foreignlabourcert.doleta.gov/h-1b.cfm>.

[6] The Labour Conditions Application wages may not be the actual wages paid by employers. However, wages are very close to what employers actually report paying on their U.S. Citizenship and Immigration Services petitions.

[7] About 70% of the foreign-born with STEM education begin STEM careers, versus 50% of the U.S.-born.

[8] Some STEM-educated individuals may use their S&E training in non-STEM occupations, as when an engineer works in sales or management, but the data highlight the fact that there are far more STEM graduates than STEM workers, and the gap increases with age.

[9] See <www.foreignlabourcert.doleta.gov/h-2a.cfm>.

[10] Of these 252 U.S. workers hired, employers found 34 and State Workforce Agencies 218 – that is, employers found very few of the U.S. workers hired (U.S. Department of Labor. 1998. Office of the Inspector General).

[11] If seasonal foreign workers are employed less than two months in Germany, the workers and their employers do not have to pay social security taxes on their wages.

[12] Spanish employers must pay the workers' transportation costs and provide housing; 90% of seasonal workers have been from Poland and Romania, but the origin of seasonal workers may shift to Africa as these countries get richer and workers there are less interested in seasonal jobs in Spain.

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