

Answers to common questions about the H-2 guest worker program administered by the U.S. Department of Labor:

Aren't guest worker programs beneficial to foreign workers?

The problem is that some employers don't follow the rules and take advantage of the workers' vulnerability. There is usually little or nothing that workers can do about it.

What kind of jobs do guest workers do?

In 2011, the last year for which statistics were available, 55,000 guest workers were employed in the agricultural industry, and another 51,000 worked in forestry, seafood processing, landscaping, construction and other non-agricultural industries that need lots of low-wage, low-skill labor.

What is the difference between the H-2A and H-2B programs?

The H-2A program is for farmworkers, and the H-2B program is for non-farm labor.

How long can guest workers stay in the country?

H-2 guest workers are employed in seasonal or temporary jobs lasting less than one year. When the work is finished, they must return to their home country.

Do guest workers take jobs from U.S. workers?

Before hiring guest workers, employers are required by the Department of Labor to recruit U.S. workers and to certify that they cannot find enough U.S. workers to fill their labor needs. But many employers prefer to hire vulnerable guest workers, and there are many documented cases of employers discriminating against domestic workers in favor of guest workers. If employers have access to an endless stream of temporary foreign workers, who have little ability to enforce their rights, they have no incentive to hire U.S. workers who may press for better wages and working conditions.

What is the single biggest problem with the H-2 guest worker program?

The biggest problem is that guest workers are denied the most fundamental protection of a free labor market – the ability to change jobs if mistreated. Guest workers are bound to the employer that “imports” them.

Why don't guest workers just quit and go home if they face abuse?

Many guest workers take on substantial debt to pay recruiters to obtain temporary, low-wage jobs in the U.S., betting that they will come out ahead at the end of the season. Many make the choice to put up with exploitation, even wage theft, knowing that if they quit or get fired, they will have no way to pay off the money they borrowed or will lose assets they mortgaged.

Doesn't the government protect guest workers?

The Department of Labor has the authority to enforce protective regulations. But the reality is, the rules are weak to begin with. And the DOL has few resources devoted to enforcing them. In some cases, even companies that commit the most serious offenses are still able to obtain permission to import more workers.