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Labor Contractors, Coyotes, and Travelers: The migration industry in Latin America and the U.S. South

Contratistas, coyotes y viajeros: La industria de la migración en Latinoamérica y el sur de los Estados Unidos

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Abstract

During the 1990s, migration researchers in sociology and anthropology focused disproportionately on the idea of transnationalism, leading to investigations of critically important phenomena such as transnational parenting, diaspora politics and identity, flexible citizenship, social remittances, and other factors influencing the experiences of international migrants. This work also produced comprehensive ethnographic accounts of families and communities with attachments to places in two or more countries, profiling peoples who had forged dynamic relations between sending and receiving neighborhoods based on economic opportunities, cultural exchanges, and social networks. The argument presented here offers a slightly different perspective on transnationalism, examining managed migration and the migration industry that has emerged around labor contractors, human smugglers (coyotes), and travelers who routinely carry goods between migrant sending and receiving communities. While this industry facilitates transnationalism, like transnationalism it is ultimately a symptom of a process more comprehensive than international migration: capital's desire for a highly flexible labor force that expands and contracts seasonally and in response to periods of economic growth and decline, is highly mobile, and is largely separated from reproductive settings.

Key words: migration industry, managed migration, guestworkers, labor contracting.

Resumen

Durante los años 90, sociólogos y antropólogos estudiosos de la migración se centraron de manera desproporcionada en la idea del transnacionalismo, generando estudios de fenómenos importantes tales como la paternidad transnacional, la política de diáspora e identidad, la ciudadanía flexible, las remesas sociales y, otros temas relacionados a factores que influyen en la experiencia de la migración internacional. Este trabajo también produjo relatos etnográficos de familias y comunidades que poseen lazos de pertenencia en por los menos dos países. Tales relatos etnográficos generaron descripciones y perfiles de gentes que habían forjado vínculos entre locaciones en base a oportunidades económicas, intercambios culturales, y redes sociales. El argumento que aquí se presenta ofrece una perspectiva levemente diferente de aquella representada por el transnacionalismo, pues examina lo que se conoce como 'migración gestionada' así como la industria de la migración que se ha generado en torno a contratistas, contrabandistas de personas ('coyotes'), y viajeros que transportan bienes entre comunidades migrantes de origen y destino. Esta industria de la migración facilita el transnacionalismo pero, tal cual como el transnacionalismo en sí, constituye un síntoma de un proceso mayor que la misma migración internacional: la sed del capital por una fuerza laboral de carácter flexible que se expande y contrae de acuerdo a temporadas y en respuesta a periodos de crecimiento y decadencia económica; una fuerza laboral altamente móvil y en gran medida separada de sus espacios de reproducción.

Palabras clave: industria migración, migración manejada, trabajadores huéspedes, contratistas.

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Introduction¹

In the early 1990s, studying farm labor supplies in Immokalee, Florida, the name of the same Arizona town kept coming up in workers' stories of border crossings. In the interests of undocumented immigrants who continue to rely on this location, I won't state its name, but anyone who spends time with undocumented immigrants is likely to learn about it. Spending time with the undocumented, one hears many border crossing stories, including those with and without coyotes, those involving crossing on foot and crossing by car or truck or train, and those that ended badly or miraculously, in the views of many immigrants either assisted or slighted by God.

Comparing stories we collected in Immokalee, we learned that this Arizona town served as both a weigh station and labor distribution center, where the undocumented stayed in houses or cheap motels while calling relatives to wire money, arranging rides across country, accepting promises of work, or otherwise orienting themselves to a new land. In many accounts, the town was the site of tense exchanges of people for cash, of people held without food or water for days, and of the occasional beating or killing of an immigrant by a coyote (Griffith, 2006). Most commonly, however, it was here that immigrants met *raiteros* (people who provided rides to across country for a fee) or *contratistas* (labor contractors). If they arrived in the winter, these *raiteros* and *contratistas* would either carry them or arrange for work for them in California's Central Valley or in south Florida's citrus and vegetable fields (Griffith, et al. 1995). If they arrived during the summer or fall, they might end up in Oregon's berry or apple harvests or in the vegetable, apple, or other harvest taking place along the eastern corridor stretching from Georgia to upstate New York (Stephen, 2007).

This was my first first-hand knowledge of the migration industry—that social and technological infrastructure of labor contractors, smugglers, cell phones, wire transfer services, drivers, shuttle buses, housing and other goods and services that assist immigrants in crossing borders, finding work, uniting with relatives, learning about the society they have joined, and generally getting along (Light 2005; Hernandez León 2008)². Although I had seen it before, this was the first time I recognized it for what it was.

1 *Acknowledgments:* I owe thanks to the many individuals who provided data for this paper as well as to the National Science Foundation, for funding the research under the title "Managed Migration and the Value of Labor" (Grant # 0722468). I also thank the local research assistants whose assistance went well beyond data collection, and Ricardo Contreras and Carlos García Quijano for assistance with the Spanish translation of the abstract. Finally, I could not have completed this research without the dedication and intelligence of Kerry Preibisch, a co-Principal Investigator on the Managed Migration project with Ricardo Contreras and I, who passed away early in 2016. The paper is lovingly dedicated to her and her legacy of concern for workers' rights.

2 As the references to work in the 1990s suggest, the information in this paper derive from several studies conducted from the early 1980s through today, during which I and my research associates have interviewed thousands of low-wage workers, peasant farmers, fishermen, and others across the Caribbean, Latin America, the U.S. South, and the U.S. Midwest. Methods utilized in these studies include area probability sampling, in-depth interviewing, participant observation, photo voice, focus groups, cultural consensus testing, pile-sort tests, and a number of techniques associated with rapid and long-term ethnographic research. Detailed findings from these studies are outlined in over a quarter century of publications under the author's name, most of which can be found in the bibliography of American Guestworkers (Griffith 2006).

We tend to associate the migration industry with undocumented immigrants primarily, but here I argue that managed migration, as one of the legal components of the migration industry, has spawned the growth of a similar infrastructure whose participants both facilitate the movement of legal guestworkers and profit from providing them goods and services. Managed migration is also a symptom of how capitalist labor processes have developed over the past few decades as capitalist employers seek ever more flexible labor supplies. Under managed migration, guestworkers are completely separated from their families and communities and, therefore, from reproductive labor. They are imported for specified periods, contracted to work for a single employer, and sent home at the end of their contracts. While in their host countries, they often live at or near production sites, must endure periods of idleness, often consent to work lengthy (e.g. >12 hour) work days, and depend on employers and labor contractors for transportation, housing, security, and other services. In short, these are conditions of extreme wage labor.

I began studying guestworkers in the spring of 1981, when Terry McCoy and Charles Wood hired me and ten other University of Florida graduate students to interview Jamaican sugar cane workers in south Florida. It was in the small farmworker towns around Lake Okeechobee –Belle Glade, Clewiston, South Bay, and Pahokee– that I glimpsed components of the migration industry without understanding what I was seeing. Along with restaurants and stores established by former Jamaican guestworkers –places where you could buy raw or cooked green bananas and yellow yams– one of the more interesting historical developments in these towns was the emergence of a class of Palestinian merchants who catered principally to the guestworkers, selling them goods as basic as clothes and shoes to more expensive items like kitchen appliances, stereos, and jewelry. It was said that this class had emerged from initially selling goods and services to migrant workers as itinerant merchants, following migrant streams of farmworkers up and down the Eastern Seaboard before settling in south Florida, although I never learned whether or not this was indeed the case. Their shop windows boasted that they could ship anything to Jamaica, and in subsequent dissertation field work in Jamaica, questioning guestworkers about their purchases abroad, I would often hear the names of those Florida Palestinian shops and shopkeepers.

Following my dissertation work, I had the good luck to accept a research position in a state that would become one of the largest importers of guestworkers in the United States. In my own back yard in North Carolina, beginning in earnest following the 1986 Immi-

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gration Reform and Control Act (IRCA), thousands of Mexican workers carrying the same kinds of visas that Jamaican sugar workers carried –H-2A visas– began arriving in the state to work principally in the region’s tobacco and cucumber farms. At the same time, hundreds of Mexican women carrying H-2B visas arrived to work in the state’s seafood plants along the coast³. A parallel development during the 1990s was the growth of Latino immigrant populations throughout the U.S. South; North Carolina’s Latino population grew by over 400%. By the time we were studying farmworkers in Immokalee, H-2B workers had

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nearly completely displaced the former seafood processing labor force of African American women. Similarly, in the tobacco and cucumber harvests, H-2A workers had nearly completely displaced former migrant workers based in Florida, Mexico, or Central America during the winter but migrating north through the spring, summer, and autumn months. Finally, undocumented Latino immigrants took jobs in several economic sectors, including agriculture, food processing, construction, landscaping, forestry, and services. Again, each of these developments allowed capitalist employers to expand and contract their work forces in a more flexible manner, in part by using labor contracting services but also by direct hiring of immigrants without providing employment security guarantees.

As in the south Florida towns mentioned above, through the 1990s, a migration industry developed around North Carolina’s guestworkers that was part of organizing these migrations yet also part of the social process of responding to the guestworkers’ seasonal presence, to the continued migration of undocumented farmworkers through the state, and to the increasing settlement of Latinos in the U.S. South. Initially, several labor contracting services emerged that linked recruiters in Mexico to recruiters in North Carolina, Virginia, Maryland, and other locations where farmers and seafood house owners were using H-2A and H-2B workers. Some of these were eventually challenged in court for exercising levels of labor control that fell just short of slavery, while others continue to operate today, having become part of the institutional landscape and continue to provide labor to designated economic sectors quickly when they require workers and discharge workers when the season ends or those economic sectors experience eco-

3 H-2 class visas are issued to foreign nationals who perform temporary employment services in the United States, usually on a short-term or seasonal basis, including those who earn relatively low wages like seafood workers and those who earn extremely high incomes like rock stars, professional athletes, and college professors. H-2A visas are issued principally seasonal agricultural workers; H-2B visas are issued to seasonal non-agricultural workers in seafood processing but also to chambermaids in tourist areas, horse racing attendants, and others.

conomic downturns. This is exactly the kind of flexibility capital requires in contexts where contraction and expansion of production occur routinely, creating stability for employers but ever more precarious employment conditions for workers.

The most successful labor intermediary has been the North Carolina Growers' Association (NCGA), which is not an association of growers as much as a labor contractor that supplies H-2A workers to farmers, effectively managing the annual seasonal migration of thousands of H-2A workers (i.e., assuring that they have visas, arranging transportation, writing and issuing contracts, certifying the farmers with the U.S. Department of Labor so they can receive foreign nationals, and orienting new workers to the United States). After a prolonged battle that included marches, transnational organizing, and a boycott of Mt. Olive Pickles, in 2004 the Association signed an agreement with the Farm Labor Organizing Committee (FLOC), which now represents around 6,000 H-2A cucumber workers and constitutes one of the few transnational labor unions in the United States⁴. Although initially opposed to the agreement, knowing that most of their constituent farmers did not support unions, once the agreement was signed, NCGA used it as a marketing tool, spreading word that any farmer who did not use FLOC-affiliated H-2A workers would be harassed by legal aid and targeted by Immigration and Customs Enforcement (ICE).

Less formal labor contracting relationships, however, are more common in non-agricultural economic sectors using H-2B workers. In seafood, for example, each seafood plant usually has its own labor contractor; these can be males or females. The most powerful labor contractor in seafood ever was a woman, Amanda Cruz (pseudonym), who had been a foreign exchange student in the United States and partnered with the wife of the owner of a large seafood processing operation to found a female-headed company that served as the operation's labor contractor. She controlled access to these jobs in her home state of Sinaloa, Mexico, exercised excessive labor control, enforced strict codes of conduct at home and in North Carolina, charged workers \$166.00 to enter the program, and deducted for herself a nickel per pound for every pound of crab meat the workers under her control picked. In charge of well over three hundred workers in two seafood plants, her seasonal earnings were in the hundreds of thousands. Her position was liquidated, however, when the owner of the operation died and the wife closed one crab plant and sold the other.

Similar *contratistas*, on a smaller scale, operate in other seafood plants, but few are as successful or influential as Amanda, with most simply charging an initial fee of around \$100/ per worker per season for access to these jobs. From employers' perspectives, again, *contratistas* like Amanda enable them to expand and contract their work force through the season, as seafood supplies to their plants fluctuate, introducing increased flexibility into production than was possible with their former African-American work force. Providing

4 Transnational organizing has not been without significant costs, however, as was seen in April 2007 when FLOC organizer Santiago Rafael Cruz was beaten to death in his office in Mexico. The principal suspects in the case were labor contractors working in Mexico who had suffered financially from FLOC arranging for H-2A contracts.

this service to employers both increases their importance to employers while increasing their control over workers, making them more influential generally. The most influential have been those, like Amanda, who have been able to transform social relationships with U.S. citizens into business opportunities in the migration industry. While her position enabled her to earn income in North Carolina and Sinaloa, Amanda's success was in no small way facilitated by her partnership with the owner's wife, a relationship encouraged by the owner for tax purposes,⁵ and others have turned social relationships into gold as well. Among the more common results of such relationships has been the establishment of small Latino convenience stores to serve both guestworkers and other Spanish-speaking immigrants.

A handful of former H-2B workers we have met have dropped out of the labor force, using their visas to acquire driver's licenses, bank accounts, and other documents and subsequently to establish businesses. Latino convenience stores are the most common, but others include income tax preparation services (H-2 workers receive tax refunds), beauty salons, restaurants, laundromats, clothing stores, bakeries, and a variety of smaller enterprises run out of homes (e.g. making piñatas) or from the stalls of flea markets a few days per week⁶. These stores serve the cultural needs of immigrant populations by providing foods, spices, and other goods similar to those they can find at home, as well as providing culturally comfortable spaces and, at times, information services about employment, housing, health care, schools, and so on. Some provide gatekeeper services, referring clients to a variety of other Latino businesses as well as public and private services available to immigrants.

Similar needs have been met by *viajera/os* (travelers) who regularly carry cash, gifts, foods, spices, and other goods and information between sending and receiving communities. This role emerged in relation to the common phenomenon of large rural factories—mostly in food processing—recruiting via networks of current employees and, in this way, drawing on specific communities in Latin America for a sizeable portion of their work force (Griffith, 1993; Striffler, 2005; Stull and Broadway, 2004). One result of this is that certain trailer parks in North Carolina have been named after the home communities of a majority of their residents. Sonaguerra, Honduras, for example, is associated with a trailer park in southeastern North Carolina known as Sonaguerita. While connections like these are typical of transnationalism, they also facilitate the needs of labor contractors and employers in receiving countries, allowing them to recruit workers from abroad relatively easily.

While travelers are still relied on for sensitive overseas transactions (e.g. purchasing a house plot in one's home community from North Carolina), many travelers' services have

5 The IRS offers tax benefits to companies that subcontract with women-owned small businesses.

6 Flea markets in North Carolina have become a major venue for Latino vendors and Latino consumers, where Latinos have come to dominate most of the stalls selling produce or cooked food. Most of them are based in small towns or in locations outside of major cities, on highways, and operate only one day per week at each location; while some Latinos operate only one or two days per week at nearby flea markets, others, particularly food vendors with trucks, are able to work five to seven flea markets per week.

been eclipsed by electronic transfer services and the Latino convenience stores. Immigrants from Honduras living in North Carolina, for example, relied on travelers heavily during the years following Hurricane Mitch, when they were given Temporary Protective Status, but in time Honduran entrepreneurs established *pulperías* in North Carolina and began providing many of the travelers' goods and services.

Again, *tiendas, pulperías, colmados*, and other Latino stores occupy a key place in North Carolina's migration industry. One that was founded based on an employer's experience with managed migration has provided a wide range of services in the southeastern part of the state, not all of them benign. It emerged from a marriage between an H-2B worker, Melina Gutierrez, and an employer, Wilson Leland, who initially imported H-2 workers for both his oyster shucking plant and his tobacco farm and later began providing H-2 labor to golf course maintenance companies.

Leland began bringing in guestworkers to work in his oyster plant and tobacco fields shortly after IRCA. Regulations stipulated that he needed to provide his guestworkers with housing, which he did by building two labor camps of second hand mobile homes, one of them so close to the shucking plant that the women could walk over mounds of shells to work. Such proximity allowed Leland to glean from his Mexican shuckers one important future resource: a young Latina wife, Melina, with whom he had a daughter and established a Latino convenience store. Like trailer parks named after Latin American communities, these stores are often named after places in Mexico or Central America, such as Tienda La Michoacana, Pulpería El Colón, or Supermercado Veracruz, and, as suggested earlier, are now ubiquitous across North Carolina, although when Melina and Wilson established Tienda Guasave, Mexican *tiendas* were rare.

Melina and Wilson Leland used Tienda Guasave as a corollary to a labor contracting business that recruited, imported, housed, and rented out workers carrying H-2 visas to the golf course management companies that maintained courses between Wilmington, North Carolina and Myrtle Beach, South Carolina. The Wilsons and Miguel rented these workers out for \$12.00 per hour yet paid the workers only half that, also charging them for poor quality housing, electricity, cable television, and other expenses in their labor camp. For the golf course companies the workers worked, on average, eighty hours per week. The companies avoided paying overtime by working one crew for forty hours on one golf course and then swapping them with another crew on a second golf course, arguing that every worker held down two different jobs.

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Under this arrangement, the country clubs or municipalities that own the golf courses had no maintenance employees on their books. They weren't responsible for paying the workers who mowed their fairways or greens, or for contributing to their payroll taxes, maintaining their payroll records, or making certain the workers were legally authorized to work in the United States. Instead they paid golf course maintenance companies, who then paid the Wilsons, who were supposed to check documents and keep payroll records. Many large corporations' cleaning crews are hired through arrangements similar to this, except in the Wilsons' case the workers were subcontracted twice—once by the Wilsons to the golf course maintenance companies and a second time by the companies to the golf courses.

Subcontracting relationships are becoming more and more common across the U.S. economy (Zloniski, 2006). They are designed to reduce the costs and risks to companies needing services that only human labor power can provide, shielding them from complying with labor and immigration laws by passing the responsibility for regulatory compliance onto subcontractors' backs. They are responsible for handling the I-9 paperwork⁷, keeping employment records, deducting taxes and paying into federal coffers on each worker's behalf, and so forth. When labor contractors supply workers to farmers, seafood processors, country clubs, or other economic enterprises, those farmers, seafood processors, or country clubs need not be considered their joint employers—need not, in short, have any employees on their books.

In the now infamous North Carolina “sweet corn” ruling, *Howard, et al. vs. Malcom*, et al., fought in the mid-1980s, a court ruled that Kim Malcom, the manager of a North Carolina farm, was not a joint employer with labor contractor Frank Blanding, who brought Howard and his fellow plaintiffs from Florida to harvest sweet corn, deducted FICA taxes from their pay checks, but failed to turn those deductions over to the IRS. Blanding was responsible for a variety of other violations of the Migrant and Seasonal Agricultural Worker Protection Act (AWPA) as well, particularly in terms of providing the workers sub-standard housing. The plaintiffs in the case sued Malcom for the wage and housing violations, among other things, but the court ruled that Blanding was the sole employer and Malcom not liable for violations of the AWPA.

The ruling provided the legal framework for future subcontracting of workers after IRCA's employer sanctions, allowing farms, factories, and other companies to hire undocumented immigrants via subcontracts without incurring fines. It coincided with the growth of subcontracting across many sectors of the United States economy, a development modeled on relationships common in agriculture, construction, professional consulting, and other fields. The largest employer in the United States, Wal-Mart, relies on subcontracting for its cleaning crews, as do most food processing plants, high-tech firms, and other busi-

⁷ I-9 forms are employment verification forms that employers have been required to complete for each employee following IRCA. They attest to the fact that the employer has seen two pieces of identification that prove the employee is authorized to work legally in the United States.

nesses requiring janitorial and cleaning services (Zloniski, 2006). As methods of recruiting, organizing, marshalling, and controlling labor, subcontracting relationships occupy a part of the migration industry more critical than convenience stores, coyotes, raiteros, or travelers, challenging our theoretical understandings of international migration itself.

Conclusion: Implications of the Migration Industry for Migration Theory

The developments outlined above originated primarily during the late 1980s and through the 1990s, as part of more general processes taking place across the United States in the wake of IRCA and taking place across Latin America, the Caribbean, and much of the global South in the wake of an increase in free trade agreements and the end of the Cold War. In anthropology, sociology, and other social sciences and humanities, migration scholars of this time focused disproportionately on ethnic and national Diasporas, transnationalism, flexible citizenship, and similar themes (Basch, et al 1994; Ong, 1999). This work resulted in remarkable ethnographic work conducted in multiple sites, refined concepts like social remittances, dual frames of reference, and transnational parenting, and traced processes like ethnogenesis and identity formation. These developments have been instrumental in understanding how individual migrant behaviors can stimulate social movements and overcome barriers of class, ethnicity, race, gender, and other socially ascribed statuses. Yet where the ultimate focus has been on individuals rather than collectives, scholarship has had limited theoretical importance in light of current political economic realities.

Specifically, much of the work emerging from transnationalism focused on migrant agency at the expense of considering how migrant behavior facilitated global political economic formations, particularly developments in labor processes in advanced capitalist economies (which transcend international boundaries more effectively Diasporas). It is heartening to profile individual migrants who have succeeded in accumulating multiple passports and nationalities, houses in their home communities, extensive transnational connections, and other signs of entrepreneurship, leaderships, and prowess. Still, such stories distract from the ways that migrants' behaviors fuel capital's uneven demand for a supply of flexible, cheap, malleable, and compliant labor. The cases presented above demonstrate clearly that common manifestations of transnationalism, such as connections between communities abroad and trailer parks in the United States or labor contracting ties that reach across international boundaries, can also be harnessed for capital's need for labor that can be set to work quickly yet discharged equally swiftly when the work is done.

International migration has been a consequence of labor demand at least as far back as the 16th century, when colonialism created land-labor institutions like haciendas and plantations around the world (Wolf, 1982; Stoller, 1985). Amassing and organizing large labor forces led to a variety of social institutions, such as slavery and indentured servitude,

designed to access and control labor through legal, if morally questionable, mechanisms. Prolonged political economic struggles led to the abolition of slavery worldwide and, eventually, the criminalization of other forms of excessive labor control, such as debt peonage (Daniel, 1972). Yet underlying many of these social movements was the need for a freer and more socially and geographically mobile labor force to meet the needs of the expansion of capitalism and fuel the dismantling of other economic formations. Labor unions—particularly those tied to party politics—were an outgrowth of these social movements, but

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their strength has been waning since the early 1980s and even new forms of labor organization—such as the Coalition of Immokalee Workers and the Farm Labor Organizing Committee—have had limited success in stimulating broad, popular support and reaching beyond relatively narrow geographical or social venues.

Several developments in the late 20th century and early 21st century have made conditions stimulating international migration at the same time employment prospects for international labor migrants and wage workers in general have become more precarious (Benson, 2012). These include subcontracting, of course, but also the expansion of free trade and free trade zones, withdrawal of state support of social safety nets following the end of the Cold War, continued outsourcing of production overseas, the feminization of

wage labor, segmented assimilation, the commodification of reproductive labor, labor control strategies that encourage immigrant and native labor to compete with one another, and other far-reaching social processes. Especially when combined with anti-immigrant sentiments and policies across the developed world, these conditions have led to a labor force that is not only more precariously engaged but also increasingly young, female, single, separated from their families, without protections from nation states or communities—a labor force ever more like the flexible, disposable, and ready workers like those who participate in guestworker programs, which are almost always heavily gendered⁸.

It is any wonder that guestworker programs are among the only immigration policy options that enjoy widespread support across the entire political spectrum? Is it any wonder that advanced capitalist countries desire workers who are imported for specific economic

8 By “gendered” I do not mean dominated by women, but dominated by either men or women. This is the case in most of the industries qualifying for workers with H-2 visas. Seafood processing, for example, is dominated by women and agriculture by men. In landscaping—perhaps the fastest growing sector using H-2B workers—workers tend to be either mostly women (as in greenhouses and nurseries supplying retail outlets like Wal-Mart or K-Mart) or mostly men (as in golf course maintenance or wholesale nurseries growing large trees for construction companies).

services for several months without their families, who are bound to specific employers, who live at or close to work sites in places that are relatively hidden from view (literally or socially), who have limited access to the courts, and who return home at the end of the season? These are what Cindy Hahamovich (2014) has called “perfect immigrants.” These are what Truman Moore (1965) has called the slaves we rent. These are workers whose precarious positions doom them to wondering, Where will I work tomorrow? What will I earn? Who will I earn it for? What have I become?

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