

The Inherent Tension Between Design and Practice in the H-2A Guestworker Visa Program

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ABSTRACT

When formulating farm and immigration policy for the nation, it is vital that lawmakers consider the long-term consequences of the programs they put into place. The H-2A visa program has served to bring numerous temporary workers to the United States to work in agriculture—but at what cost? This article chronicles the experiences of many farm-worker advocates regarding a pattern of exclusion of U.S. workers by employers, who seemingly prefer H-2A workers. The article further argues that, particularly in states like Michigan, where a large percentage of seasonal farmworkers travel with their families, over-utilization of the H-2A program could undercut efforts to improve labor conditions and strengthen the fabric of farm communities.

ABOUT THE AUTHOR

Elinor Jordan is a third-year law student at Michigan State University College of Law, where she is Editor-in-Chief of the Michigan State Law Review. Before attending law school, she spent four years working with the SHARE Foundation organizing grassroots initiatives to promote human rights in Central America. Upon completing her Juris Doctor degree, Elinor will serve as a Law Clerk for the Honorable Judge David W. McKeague on the Sixth Circuit United States Court of Appeals.