



United States Guest Worker Program – Operates with Impunity in the Sending Countries

The United States Guest Worker program, which imported 160,000 global migrants in 2006, is a private employer-driven program. With specific regard to the Guest Worker program, the United States government's administrative involvement is basically limited to certifying that no US worker will be adversely affected by the program and issuing the individual temporary work visas.

In many Latin American countries, such as Mexico, Guatemala, and El Salvador, local labor codes require foreign companies recruiting their nationals to work abroad to pay all visa and transportation costs and register the contract with the Ministries of Labor. See Federal Labor Law, Art. 28 (1970) (Mex.); Labor Code, Art. 34 (1947, amended 1992) (Guate); Law of Organization and Functions of the Work and Social Prevention Sector, Art. 74 (1996) (El. Sal.). The United States Guest Worker program operates in flagrant and systemic violation of these requirements. As a consequence, recruiter abuses are rampant. For example, cases involving recruiters confiscating property titles and procuring false debts from the migrants who must comply to secure a spot to go to the United States have been well documented. This affects workers rights in the United States because the migrants faced with exploitative conditions before they even leave their countries are exponentially more vulnerable to end up as human trafficking victims.

To date, the United States government has failed to require the United States companies to comply with the local laws or otherwise cooperate with sending country governments to curb these recruiter abuses. For example, if the United States consulates provide the Ministries of Labor with the local recruiters' names, then the Ministries could take steps to bring the recruiter conduct under compliance with local law. Without this minimal level of cooperation, the Labor Ministries' ability to identify the recruiters and halt the abuses is severely restricted. The Guest Worker program should not operate clandestinely in foreign countries. Rather, the program should operate in full cooperation with the countries that are allowing their nationals to participate in the programs.

Global Workers respectfully requests the Special Rapporteur to call for the United States government to end the impunity and operate the Guest Worker Program in compliance with the sending countries laws.

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to the United Nations Special Rapporteur on Migrants May 12, 2007 New York, New York*

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