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Transnational circularity and vulnerability: The duality of the H-2A program

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Transnational circularity and vulnerability: The duality of the H-2A program

Circularidad y vulnerabilidad transnacional: La dualidad del programa H-2A

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Abstract

This study explores circular, transnational H-2A labor migration between Northern Veracruz, Mexico, and Washington state, USA. While the H-2A program offers a regulated alternative to unauthorized immigration and provides economic opportunity for foreign workers, concerns persist. As employers increasingly outsource low-wage labor through unregulated third-party recruitment agencies, workers face heightened risks of exploitation and abuse, both during transit and in the U.S. This qualitative research, based on in-depth interviews and focus groups with 12 indigenous and mestizo farmworkers who participated in the H-2A program, highlights issues in recruitment, working conditions, and abuse. The findings confirm existing concerns about guest worker vulnerability and also suggest gaps in the literature on temporary labor migration. New insights include the potential of “mobile enclave” recruitment in collective cultures and the introduction of a migratory pathways assessment tool. With increasing H-2A job certifications and recruitment expanding into indigenous territories in Central America, the study calls for greater oversight and accountability in foreign labor regulations and recruitment processes, emphasizing the importance of migrant worker agency and community autonomy.

Keywords: Labor migration, labor recruitment, mobile enclaves, peer effects, migration decision-making

Resumen

Este estudio analiza la migración laboral circular H-2A entre el norte de Veracruz, México y Washington, EE.UU. Aunque el programa H-2A ofrece una alternativa regulada a la inmigración no autorizada y oportunidades económicas, persisten preocupaciones. La creciente subcontratación de mano de obra mediante agencias no reguladas expone a los trabajadores a explotación y abuso, tanto en tránsito como en EE.UU. A través de entrevistas a profundidad y grupos focales con 12 trabajadores agrícolas indígenas y mestizos, esta investigación cualitativa examina el reclutamiento, las condiciones laborales y los abusos. Los hallazgos confirman la vulnerabilidad de los trabajadores huéspedes y revelan vacíos en la literatura sobre migración laboral temporal. Se introduce el concepto de "enclave móvil" en culturas colectivas y un instrumento de evaluación de vías migratorias. Ante el aumento de certificaciones H-2A y la expansión del reclutamiento a territorios indígenas en Centroamérica, el estudio urge mayor supervisión y rendición de cuentas en las regulaciones laborales y procesos de reclutamiento. Se enfatiza la importancia de la agencia de los migrantes y la autonomía comunitaria.

Palabras clave: migración laboral, reclutamiento laboral, enclaves móviles, efectos de los pares, toma de decisiones migratorias

INTRODUCTION

Sitting alongside a long tradition of irregular migration and a more permanent farmworkforce, the H-2A temporary agricultural program allows United States (U.S.) employers to hire transnational migrant workers in seasonal, low-wage jobs to fill labor shortages. Emerging from the Bracero program (1942-1964), the H-2 visa was established under the McCarran-Walter Immigration and Nationality Act of 1952 and was later separated into two sections by the Immigration Reform and Control Act of 1986—the H-2A for seasonal agricultural work and H-2B for seasonal non-agricultural employment. The H-2A is the largest temporary visa program in the U.S., with no limit on the number issued each year. Approximately 311,000 visas were issued in fiscal year 2023, 91% of which were held by Mexican workers (National Council of Agricultural Employers 2024). At the end of fiscal year 2022, Washington state ranked fourth among U.S. states with 8.9% of the total certified H-2A positions. H-2A visa issuances nationally have more than tripled over the last 10 years, a consequence that sits at the intersection of a general decline in U.S. birth rates and the labor supply limitations in these economic sectors (Bipartisan Policy Center 2021).

According to the U.S. Government Accountability Office (GAO) (2017), 44%

of employers of H-2A and H-2B migrant workers in 2013 indicated they intended to use a third-party recruitment agency. These agencies support growers in hiring H-2A workers, from recruitment for U.S. Department of Labor (DOL)—certified positions to coordinating the visa process in collaboration with U.S. Citizenship and Immigration Services and facilitating movement between origin and destination communities. The use of these services shifts responsibility from employers to recruiters. Official guidance on fair, ethical labor recruitment exists at both the national and international levels. The International Labor Organization (ILO) launched its *Fair Recruitment Initiative* in 2015 and then released *Guidance on Fair Recruitment Practices for Temporary Migrant Workers* (2019). The U.S. later adopted its version, jointly published by the U.S. Department of State (DOS), Agency for International Development (USAID), and DOL (2022).

In 2023, the Biden-Harris administration rolled out the Farm Labor Stabilization and Protection Pilot Program (FLSP Program), which offers up to $65 million in grants to eligible domestic agricultural employers through the U.S. Department of Agriculture (USDA) and other federal agencies. According to a 2023 USDA press release, the program is designed to «help address workforce needs in agriculture, promote a safe and healthy work environment for farmworkers, and aims to support the expansion of lawful migration pathways for workers, including for workers from Northern Central America» (para. 2). Northern Central America has a large indigenous population. In Guatemala, official statistics show that 39.8% of the total population are indigenous, though indigenous peoples' representatives believe the true figure to be around 60% (Minority Rights Group n.d.). While Indigenous groups are a smaller minority in El Salvador and Honduras —officially accounting for 9% and 10%, respectively— they remain a considerable portion of the population, especially when accounting for socioeconomic status and foreign labor recruitment trends. In response to the expansion of U.S. agricultural employers and recruiters into Northern Central America, the ILO (2023) developed the Protocol on the Fair Recruitment of Migrant Workers pertaining to Indigenous Peoples. This Protocol «seeks to promote and protect the rights of indigenous migrant workers, while respecting their values, interests, and principles» (para. 1). The potential rise of indigenous migrant workers in the H-2A program over the coming years and the variety of dynamics that may accompany this shift are of great interest to the research team and our community partner and signal the necessity of reshaping recruiter and grower systems and structures to meet their unique needs.

The H-2A program provides a regular, orderly, and generally safe pathway for those in search of economic opportunity and social mobility, making it a compelling draw for prospective migrant farmworkers. The program is also fraught with recruitment guidance violations, limitations to workers' agency, and unintended consequences for origin communities. After years of unsuccessful legislative efforts to address these issues, recent policy reform promulgated by the Biden-Harris administration may lead to positive changes, such as expanded protections against workplace retaliation, stronger processes governing 'for cause' termination, and improved recruitment chain transparency (DOL Wage and Hour Division 2024). Several issues remain unaddressed, however, particularly regarding their inability to change employers straightforwardly and their exclusion from the National Labor Relations Act, the Migrant and Seasonal Agricultural Worker Protection Act, and overtime provisions of the Fair Labor Standards Act (CDM 2020, Costa 2022, Watkins 2015, WHD 2024).

The Present Study

This study emerged from the knowledge needs of Radio Huayacocotla[1] (Radio Huaya), a community organization serving indigenous and mestizo communities in the Sierra Norte region of Veracruz, Mexico, since 1965. Radio Huaya was born out of Jesuit work in the Mexican Province of the Society of Jesus (Zepeda 2021). Over time, the intersecting community development challenges brought on by globalization motivated Radio Huaya to search for meaningful ways to support the social, economic, and cultural transformations happening across its communities. One recent socioeconomic strategy for external migration opportunities was to partner with a H-2A recruiter, which we will call RECLUTABIEN to maintain its anonymity. In 2018, 61 H-2A workers from 20 communities across two municipalities in the region were contracted with several employers in Washington state. Over the past six years, between 45 and 79 workers have participated in the program annually with support and accompaniment from Radio Huaya. To better understand the dynamics this migration presents in the communities it serves, Radio Huaya approached Universidad Iberoamericana Puebla in 2020 to formalize the study under a larger campus-community partnership called Plataforma Huaya. The collaboration brings together two Jesuit institutions that seek to respond to needs and challenges in areas such as land use and territory defense, community development, human rights, and domestic and international migration. The latter axis became the home for this study, which Seattle University joined in 2021 as a third Jesuit institution and transnational research partner.

This Institutional Review Board-approved research seeks to explore the effects of H-2A labor migration on migrant farmworkers, their families, and their origin communities. In service of our community partner, Radio Huaya, and the communities they serve, we seek clarity on the dynamics and challenges these migrants face and what potential antidotes to exploitation and abuse exist. Using community-based participatory action research (CBPR) methods in Mexico and the U.S., the study's successive phases alternate between the two countries each year with bi-national faculty-staff-student research teams conducting fieldwork in one of three lines of inquiry: migrant workers, families, and communities. This investigation shares the findings on the individual-level line of inquiry from the first phase of the study in Mexico in 2022. From its base of operations in Huayacocotla, two fieldwork teams traveled to four indigenous and mestizo communities across two municipalities in northern Veracruz. Using a qualitative case study approach, we conducted four in-depth interviews and two focus groups with a total of 12 men who had worked in Washington state on the H-2A visa.

In this article, we will offer a review of the literature on the danger and exploitations that H-2A migrant farmworkers can be subjected to through recruitment and within host countries. We will also review existing work on potential protective factors for this population, a conversation we aim to contribute to with this study. We will then discuss our qualitative case study methodology and present our findings, which are grouped into two thematic categories: *Recruitment Experiences and Exploitation in the U.S.* In our discussion, some conclusions affirm prior scholarly work, and others point to potential gaps in the literature. In service of the study's CBPR goals and search for potential protective factors, we first offer an implication concerning the unrealized potential of "mobile enclave" recruitment

1 Radio Huayacocotla leadership approved the use of its name in this article.

in the circular migration context of the H-2A program. We will also address a gap relating to the knowledge base on which prospective migrant farmworkers rely by proposing a decision-making tool. Finally, additional recommendations for improvements to the H-2A program, enhancement of migrant worker agency and origin community autonomy, and future research will be provided.

LITERATURE REVIEW

The vulnerability of guest workers in North America and the danger and exploitations they are subjected to is well-documented (see for example, Binford 2022, Castillo et al. 2022, Ortega 2020, Surak 2015, Weiler et al. 2020). For nearly three decades, farmworkers in the U.S. were excluded from protections and entitlements offered by the Fair Labor Standards Act of 1938 (Romero 2022). Issues of oversight, recordkeeping, and legal accountability for farmworker labor regulations are thus longstanding. Some of the most evident and well-documented dangers to farmworkers are the workplace hazards and health effects posed by the occupation, which structural barriers to health care can exacerbate (Coye 1985, Lambar & Thomas 2019, Levy et al. 2018, Sakala 1987). Besides these occupational dangers, migrant farmworkers' dependence on recruiters and U.S. employers makes them particularly vulnerable to a wide range of exploitations and abuse, which they can and often do experience before they even leave their origin country.

In our review of the literature, we will present the scholarly and qualitative groundwork on the exploitation and abuse of migrant farmworkers in North America in two contexts: through recruitment and within host countries. First, we will discuss the ways recruiters exploit guest workers as documented by Centro de los Derechos del Migrante, Inc. (CDM) (2019 and 2020); Farmworker Justice (2012); and Southern Poverty Law Center (SPLC) (2013). We will then introduce Boucher's (2021) framework for understanding different types of exploitation and abuse within host countries, as well as Caxaj and Cohen's (2019) qualitative findings on migrant farmworkers' experiences with danger and violence in Canada. Finally, we will present the existing literature on potential protective factors or antidotes to migrant farmworker exploitation through the work of Hill and Burkhardt (2021), Holmes (2019), and McClure et al. (2015).

Exploitation through Recruitment

There is a large literature that analyzes guest worker programs and private recruitment within transnational labor migration systems, particularly in Asia and North America (see, for example, Chiavacci 2020, Chung et al. 2023, Hennebry & Preibisch 2012, Kaur 2010, Surak 2018, Watkins 2015). Despite international protection guidance and official recruitment regulations in a U.S. context, H-2A workers in North America are easily exploitable by both recruiters and U.S. employers. Recruiters are responsible for guiding guest workers through the challenging immigration process, matching them with an employer, and informing them of what work and living conditions await them. However, their level of involvement varies greatly (Watkins 2015). Very few recruiters are hands-on, attentive, or supportive. On the contrary, many find ways to exploit foreign workers' vulnerability, which has led to consistent calls for increased oversight of H-2A recruitment and enforcement of labor protections (Costa 2022, GAO 2017, International Labor Recruitment Working Group 2011, United Nations Office on Drugs and Crime 2015).

Recruitment violations and the general lack of enforcement and accountability are well-documented (see, for example, CDM 2019 and 2020, Farmworker Justice 2012, Palacios 2020, SPLC 2013, Watkins 2015). Migrant worker recruitment abuse can be grouped into three main categories: 1) fraud, 2) fees, and 3) discrimination. Visa and recruitment fraud is committed by both scam artists and actual recruiters, and can take the form of false promises, low transparency and misrepresentation of terms of employment, and failure to reimburse travel costs, a responsibility sometimes taken up by recruiters and other times by employers. Recruiters (or those posing as recruiters) often charge hopeful H-2A workers fees for the visa and their travel and lodging arrangements. However, this practice is illegal in both the U.S. and Mexico. As a result, predatory loans, debt bondage, and labor trafficking are common occurrences. Finally, since U.S. employers (and, by extension, recruiters) mostly seek young males without families for work in the U.S., discrimination against demographics such as older males and women is pervasive, and these groups are largely absent from the program. Radio Huaya has heard many excuses from employers on why they do not want to hire women, which include the logistical challenges of providing separate housing, fears that women may be more likely to reunite with family and overstay their visas, and concerns about sexual harassment.

Exploitation within Host Country

Once on the farm or worksite, opportunities for exploitation and abuse flourish. Several studies document the persistent challenges of H-2A agricultural workers (see, for example, Jafari *et al.* 2024, Johnson 2022, Stockdale 2012, Weiler *et al.* 2020). Boucher (2021) offers a five-type schema to classify migrant worker exploitation and abuse. The categories include criminal infringements, economic violations of wage and hour entitlements, safety violations, various forms of denial of leave entitlements, and discrimination. This framework is helpful for categorizing migrant workers' varying experiences of mistreatment as this violence takes many forms. Some of the many abuses faced by H-2A farmworkers —despite federal laws and DOL regulations meant to protect them, which often only exist on paper— include financial coercion (e.g., wage violations); verbal abuse and discrimination based on age, gender, and ethnicity; housing, health, and safety issues; overworking and/or hour abuse; injuries without effective recourse; failure to reimburse travel costs; withholding of passports and other legal documents; and retaliation to labor organizing (CDM 2019 and 2020, Farmworker Justice 2012, SPLC 2013, Watkins 2015).

In their survey of 100 H-2A farmworkers in Mexico, CDM (2020) found that 94% of respondents experienced three or more serious legal violations, with 32% of them describing not feeling free to quit. Caxaj and Cohen (2019) identified two related themes in their qualitative study of farmworkers' experiences with violence: the long-term wear and tear on migrants' bodies caused by laborious agricultural work, and the normalization of a coercive culture of abuse that leads to migrants accepting unsafe living and working conditions as they are. Limited access to information about rights, language barriers, and fear of retaliation have been identified as factors influencing the lack of self-advocacy among H-2A workers (Costa & Rosenbaum 2017, Arcury et al. 2015). Migrant farmworkers' likelihood of enduring abuse or resisting it, whether through formal reporting or other methods, has also been documented by the GAO (2017). Its report identifies self-advocacy disincentives, acknowledges that the process for formal reporting can be unclear and tedious, and examines the impacts of enduring abuse.

Protective Factors

Growth in the H-2A program has not been accompanied by a commensurate increase in strong and effective compliance and enforcement mechanisms; most abuses go undetected and reinforce worker vulnerability (Dudley *et al.* 2024). Though relatively little literature on protective factors for this population exists, several studies show that ethnic enclaves, peer cohorts, and everyday resilience and resistance tactics act as protective factors that help mitigate negative effects of the migrant farmworker experience (Cohen & Hjalmarson 2020, Candelas & López 2023, Dudley et al. 2024, Hill & Burkhardt 2021, Holmes 2019, McClure *et al.* 2015). Hill and Burkhardt found net positive «peer effects» (2021, 790) on productivity among migrant farmworkers in cohorts based on gender and abilities, a concept we will build on in this study. Holmes describes migrant farm workers' individual and collective «resilience and resistance in the face of overlapping stratified political economic, labor and agricultural systems» (2019, 241), a perspective shared by Candelas and López (2023). Individually, Dudley et al. (2024) find that H-2A workers rely on an inner resilience borne out of the temporary and precarious nature of the work. This is reinforced by Cohen and Hjalmarson (2020) who observe that despite social and political constraints, farmworkers pursue more subtle acts of everyday resistance to negotiate power relations. Collectively, recent changes in H-2A legal protection factors offer enhanced agency to farmworkers, notably on labor organizing and shields from retaliation. However, the persistent structural hierarchies «reinforce the temporal and spatial constraints of H-2A temporary visas, which limit their ability to create strong social networks in their workplace» (WHD 2024, 8). McClure et al. (2015) analyzed allostatic load —the cumulative burden of chronic stress and life events (McEwen & Stellar 1993)— among Mexican immigrants in Oregon. They suggested that the ethnic enclaves formed in farmworker communities may help mitigate the negative impacts on health and well-being of Latino immigrants' cumulative experiences in the U.S.

Gaps in the Literature

We have identified what we believe to be three gaps in the literature on the collective experiences of H-2A workers, all of which we aim to address in our study. We are inspired by Holmes (2019), who argues that conversations regarding farmworkers' long-term harm or «slow death» (Berlant 2007) should move beyond a fatalistic, deficit approach and include their social functioning, everyday resistance tactics, and hope for the future. In this vein, the effects of what we will call "mobile enclave" H-2A recruitment and placement —an underutilized tactic wherein recruiters and employers recruit groups of migrant workers from an origin community and place them together in a destination community— may benefit employers as well as workers. Second, while the exploitation and abuse of H-2A workers have been well-documented over the years —in both recruitment and host country contexts— further qualitative research on migrant farmworkers' recruitment experiences, perspectives, and insights may lead to a deeper understanding of ongoing challenges and possible avenues for positive change. Third, while scholarship on decision-making among migrants does exist in origin and destination contexts, additional studies on the pre-departure decision-making processes of migrant workers at the individual, family, and community levels that reflect current migration pathways and realities in North America may help bridge information gaps. In the literature, this could contribute to greater understanding of the ways migrant workers consider their options and make decisions that have economic, social, and

cultural impacts across relationships and borders. In practice, gathering this data and delivering it in a way that is understandable, comprehensive, and accessible to the populations that need it most could lead to more informed and empowered decision-making.

METHODOLOGY

Our paper features qualitative data collection using a case study approach to allow for a deep, rich understanding of our participants' lived experiences (Creswell 2014). This paper describes the first phase in Mexico in June 2022, in which an exploratory approach was used to develop qualitative instruments for use with the population of migrant workers connected to the H-2A program that began in 2018.

Theoretical Approach

The epistemological grounding of the study is constructivist-interpretivism, which recognizes that various realities of truth and meaning can exist simultaneously (Gray 2014). Here, the theoretical perspective is grounded in both naturalistic and critical inquiry, the former acknowledging the complexity of the environments under examination and the latter emphasizing the importance of challenging unjust systems and structures (*Ibid.*). An inductive approach was used to investigate the questions posed by Radio Huaya for the study, signaling the approach to pulling meaning from and locating patterns in the data.

The study is grounded in CBPR, which is a collective, collaborative, and equitable approach to research that involves the researchers and organizational participants working together to formulate research questions and draw conclusions (Burns et al. 2011). CBPR centers on the community's self-defined needs to combine action and knowledge to create social change. The ideal result is a strong, mutual, and collaborative relationship between the researchers and the organization in service of the community's needs. In this research context, the transnational research team consists of academic faculty, research assistants, and organizational employees of our community research partner, Radio Huaya. The term *researcher* will be used to refer to members of the transnational research team regardless of their status or organizational affiliation. Since the start of our relationship over five years ago, leaders from Radio Huaya have accompanied us throughout every step of the research process, from research design to data collection and analysis. They were present in our initial meetings, co-facilitating the development of our research questions, instruments, and protocols. We engaged in consistent, thoughtful conversation, member checking, and reflection, and we conducted fieldwork side-by-side in Veracruz and Washington state. We have co-presented at research conferences in Mexico, Colombia, El Salvador, Canada, and the U.S. Our work together is ongoing, and we continue to advocate for increased protections for migrant farmworkers and improvements to the H-2A program and foreign recruitment models.

Study Population and Case Characteristics

The study population consists of four communities across two municipalities in the Sierra highlands of Veracruz, Mexico. These communities are indigenous or mestizo and have shared a deep connection to Radio Huaya and its staff for nearly 60 years. The study participants consisted of a purposive sample of 12 from the 79 H-2A workers in the broader study population. All had previously received an H-2A visa through RECLUTABIEN, though some also had previous experience working in the U.S. through another recruiter or an alternative migration pathway.

Methods

Individuals from the eligible H-2A worker population were invited to participate in interviews or focus groups. The researchers designed an 8-item instrument initially using a grounded theory approach (Willing 2008), then modified by Radio Huaya staff based on their deep knowledge of the study population and the organization's information needs. The anonymous 8-item semi-structured interview and focus group instruments include demographic information and questions about migration motives, remittance processes, various aspects of their experiences abroad, and their experiences with RECLUTABIEN.

Data Collection

In fieldwork locations, participants were introduced to the research team by Radio Huaya staff, with whom the participants have longstanding relationships. Each interview and focus group was audio recorded and administered in Spanish by at least two research team members, and an Otomi interpreter when needed. In most cases, this meant groups of three to four, one or two H-2A workers and two researchers. In one community, this involved five H-2A workers, with two researchers conducting the focus group in a circle format. In all, four interviews and two focus groups with a total of 12 respondents were conducted, representing 15% of the total population of H-2A workers associated with Radio Huaya.

Data Analysis

The interview and focus group recordings were transcribed literally by the researchers and validated by other native speakers on the research team where needed. While in Huayacocotla, the research team met daily to discuss emerging themes. These discussions included the Otomi translator from Radio Huaya, who served in a member-checking role on the themes connected to the indigenous participants in the study. Several long-serving Radio Huaya staff members who had not participated in the fieldwork were also present for these conversations to question thematic elements and offer their perspectives.

The analytical process was completed using thematic analysis. In parallel, descriptive statistical techniques were applied to the demographic information gathered from participants at the beginning of each interview and focus group. The transcripts were first organized and prepared for coding, then an initial read-through oriented the researcher to the themes. All transcripts were read several times until a general understanding was achieved. The transcriptions were thematically analyzed using grounded theory (Willig 2008) for inductive coding and integration of the codes, in combination with thematic analysis (Braun & Clarke 2006) to identify, analyze, and report patterns or themes. Open coding was performed using Atlas.ti 7 software. The codebook was built from the themes that emerged from the process, and the codes were synthesized, reviewed, and finalized.

Regular meetings were held between the researcher, who was primarily responsible for the coding, and other research team members to discuss emergent themes. Regular research team debriefing sessions offered opportunities to reflect on the development of qualitative results and to triangulate the data with other information sources. Differences between researchers were resolved by consensus. Discussions of positionality and bias were frequent topics of exploration to enhance the validity and reliability of the findings.

Limitations

As a case study, our findings are not broadly generalizable due to the inherent

nature of qualitative methods and the low case count (n=12). Data analysis might have been limited due to the use of a single coder, although the research team met frequently throughout the process and utilized triangulation techniques. In the context of these primarily indigenous communities, our positionality as white and mestizo researchers places limitations on our ability to fully understand cultural and linguistic differences. Specifically, in Otomi culture, it takes time to build trust. Although the Radio Huaya staff have a longstanding rapport with the participants and their presence was of great value to the research team, it is possible that more time to build trust across cultural and linguistic differences could have led to greater comfort among participants and, in turn, enriched the results. At the same time, the presence of Radio Huaya staff may have also created undue influence; participants may have felt more inclined to share any grievances or issues they had in a more confidential setting.

Biases were inherent in the sample because we only talked to those who agreed to participate, who have not been terminated from the H-2A program, and who have good standing with the community partner. Built-in bias was present in that we focused on participants identified by the organization whose effects we are studying. Thus, we might have missed perspectives that could make our findings more robust. In focus groups, participants might have idealized their situation or left out details that could have expanded our understanding of their situations. Additionally, participants may have told us what we wanted to hear or might have been influenced by the responses of other participants. It is also worth noting that participants' minimal negative comments about RECLUTABIEN and their experiences in Washington state may also reflect the efforts of their employers, local organizations, and state actors to provide favorable working conditions and comfortable housing through regulatory efforts.

FINDINGS

This section will present our findings, starting with an overview of the demographic characteristics to better understand the background of the individuals at the center of our research. We will then present the major themes from our data analysis: *Recruitment Experiences* and *Exploitation and Abuse in the U.S.* In the former theme, *Recruitment Experiences*, we present the migrant workers' varied perceptions of their recruiters, which range from relatively positive to extremely negative. The latter theme, *Exploitation and Abuse in the U.S.*, synthesizes our participants' experiences as guest workers in the U.S. and the range of violence they have been subjected to using Boucher's (2021) five-type schema of criminal infringements, economic violations of wage, and hour entitlements, safety violations, denial of leave entitlements, and discrimination. This section also includes the subtheme *Mejor Callado* (better stay silent), which explores our participants' fear of retaliation, self-silencing or acceptance of unfavorable conditions, and perspectives on workplace resistance.

Case Demographics

Our 12 participants are exclusively young male adults ranging in age from 22 to 36 years. All finished primary school, but only half (n=6) completed secondary and four graduated high school. These education levels exceeded those of their parents. Most respondents were partnered (n=10) with young children (n=9, most with one child), who ranged in age from 6 months to 11 years old. The nine respondents with children perceived that it is very or somewhat easy for their children to complete high school, but five of them indicated it would be very or somewhat difficult for them to complete high school. Eight of the nine aspire to see their children attend college.

Recruitment Experiences

Our participants' experiences working with RECLUTABIEN were overwhelmingly positive. When asked about his experience with this recruiter, one described it as «a great help and a great opportunity to improve our quality of life». Another added: «They really lend us a hand to help us go. If it wasn't for them, we wouldn't have been able to go at all». A third said: «[The experience] changed my life. Not only mine, but also that of my brother and other people I know». This participant also expressed desire for more visas and recruiters like RECLUTABIEN, saying: «We would like it if more came besides [RECLUTABIEN]. There are many people here that want to go work legally in the United States».

Among those who had experiences with multiple recruiters, RECLUTABIEN was overwhelmingly favored for its pre-departure organization and training offerings, which were in the form of videos during the COVID-19 pandemic. These included videos and workshops offered in conjunction with Radio Huaya on financial management, their rights as migrants in transit and laborers in the U.S., and living and working responsibilities. Our participants found these helpful and spoke of them in very positive terms. Those who had worked with other recruiters did not receive any form of pre-departure training or information sessions. Greater oversight and a sense of protection were also identified in RECLUTABIEN. One participant stated: «Compared to the experience that I had in Indiana, […] it was a radical change for the better to go with [RECLUTABIEN], […] which takes care of you from the moment you leave here and protects your rights».

This recruiter also offers wrap-around support for migrant workers before, during, and after their migration to the U.S. Our participants reported much better communication and more attentiveness at all stages of the migration process with RECLUTABIEN as compared to others. According to one worker: «[Other recruiters] just ask for your passport, money, and that's it. Goodbye. And you never hear from them again». Site visits and check-in messages were reported throughout the experience, with one participant noting that he even received an exit survey upon his return home, signaling that RECLUTABIEN solicits feedback from its clients on the services it offers. Importantly, there were also no reports of illegal fees or fraud associated with this recruiter. In contrast, we received reports of other agencies charging fees and scamming our participants. One specifically stated that he arrived in the U.S. in a great deal of debt when he migrated with a different recruiter but not with RECLUTABIEN.

The only negative comment related to RECLUTABIEN was from a respondent who said he would have appreciated more support with travel arrangements his first time migrating because he was completely unfamiliar with the process at the time.

Exploitation and Abuse in the U.S.

Our respondents described their living and working conditions in Washington in mostly positive terms. One participant said he felt he was living in "luxury" there compared to his prior experiences in other states with other employers and recruiters. That said, they also shared several stories of violence and exploitation that they were subjected to in the U.S. All but one of these situations took place outside of Washington state when they migrated using other recruiters or via undocumented pathways before they began working with RECLUTABIEN.

Several participants reported verbal abuse and discrimination on the job. One felt great fear of and pressure from his supervisors in Georgia, saying: «They screamed and swore at you. They treated you as if you were worthless. It was a lot of pressure […]. [The foreman] really pressured and scared you». He went on to describe racist comments made by his supervisors,

some of which were also Mexican. Another participant reported wage theft as well as poor living and working conditions on a ranch in Indiana: «They treated us badly at that company […]. The dorms were in bad condition and didn't have air conditioning. It was practically modern slavery […]. They paid us whatever they wanted; sometimes they gave us 200 dollars per week».

One of our participants shared a powerful story with us about a health issue he developed because of his work in Washington and his employer's negligence throughout the process. He developed hernias on both sides of his inner thighs due to the physical stress of the farmwork. The Otomi tend not to speak openly about their genital area, so when he went to see a doctor in his destination community in Washington, he made a vague reference to his torso area, and the staff were unable to diagnose and address his hernias. As a result, he decided to return to Mexico, where he was able to access care and recover with the support of his family. Unfortunately, once he was healed and felt ready to return to the U.S., he tried reaching out to his recruiter and employer but was told that he would not be rehired and was no longer eligible for the program. In this interview, the respondent described feeling abandoned by both his employer and RECLUTABIEN. These issues may have been exacerbated by cultural and structural barriers, including a language barrier, as he speaks little Spanish and no English. Although the law states that «H-2A visa holders must receive workers' compensation benefits for medical costs, payment for lost time from work, and payment for any permanent injury» (Watkins 2015 473-474), foreign worker entitlements are often disregarded, and unregulated, as demonstrated by the injustices identified in this case.

Mejor Callado

Several of our participants mentioned some form of self-silencing, or not speaking up about issues they experienced in the U.S. One specifically mentioned feeling threatened and fearing retaliation from his employers prior to working with RECLUTABIEN, and this led him to keep his head down and stay quiet instead of reporting issues. As he put it: «The threat was that if you said something you'd be fired. They'd sometimes lay you off just to avoid problems. They really kick you while you're down. It's better to be quiet». He later added that «there were some that didn't hold back, and they got into some problems».

On the other hand, several respondents who had only worked with RECLUTABIEN felt comfortable speaking up and being assertive with their supervisors. One shared a story of a co-worker reporting mistreatment to human resources and that this was successful because the issue was addressed. Another said he reported a forewoman to her supervisor and felt listened to because she was held accountable and replaced. When asked what advice they would give to future H-2A workers, one responded: «I'd say to have more confidence speaking up, in reaching out to others like human resources […]. For example, if they say something to you, you have to speak up. You have to say something to the supervisors».

Another point of division among our participants was whether they spoke with their families about the issues they were facing while abroad. While one said he turned to his family for support when he became ill, another said he did not want to tell his family what he was enduring to not worry them. When asked how that felt, he replied: «You feel powerless. You even cry out of anger at not having anyone to talk to. It is better to be quiet and, well, just to swallow that anger». He added that he was happy to finally have friends and loved ones around to comfort him once he returned home.

DISCUSSION

The participants in this study are from indigenous or mestizo communities where there is a strong emphasis on the well-being of the collective over the individual. They appreciate the ability to travel together from their origin communities to the U.S. This dynamic appears to mitigate some negative aspects of family and community separation, work stress, exploitation and abuse. However, when separated and placed in different locations upon arrival, these workers feel a loss of sorts, and some struggle more than others to adapt to their new circumstances, particularly those who are Indigenous and do not have anyone around with a similar cultural background or who speak their native language. We posit that agricultural employers grouping Indigenous H-2A workers together could improve both their living and working conditions and, when placed with more experienced peers, may even increase worker productivity.

The H-2A workers we spoke to that had worked with other recruiters reported extreme exploitation and abuse at those work sites, concurrent with the findings of CDM (2019 and 2020), Farmworker Justice (2012), and SPLC (2013). We thus echo the call for increased oversight and accountability for H-2A employers and recruiters. In line with Caxaj and Cohen (2019), we identified varying degrees of acceptance and resistance to poor living and working conditions. As GAO (2017) acknowledges, the processes in place for formally reporting issues related to living and working conditions can be difficult to understand. Further, due to internalized oppression and other factors, it is common for workers to experience mistreatment and not consider it as such. Still, since negative comments about RECLUTABIEN and Washington living and working conditions were almost nonexistent, our findings lead us to believe that this recruiter's wrap-around services, the role of Radio Huaya in accompanying the individuals throughout the process, and employers' efforts to facilitate a positive migration experience helped minimize exploitation and abuse for these H-2A workers.

The literature on the ethics and transparency of labor recruiters in the Americas is bleak (Costa 2022), yet our research points to a significant qualitative difference among these agencies. We find that RECLUTABIEN does a relatively good job of balancing the competing demands that come with representing both growers and workers, which seems to positively affect the migrant worker experience before, during, and after the H-2A work period. There was very positive feedback for the pre-departure training and workshops offered in collaboration between the recruiter and Radio Huaya, as well as the frequent check-ins while in the U.S. and the follow-up after their return. These wrap-around services, which extend beyond the transactional, contributed to an overwhelmingly positive experience for our participants. This is especially true for those who could compare recruitment experiences and have dealt with scam artists and other recruiters who charged them illegal fees or failed to reimburse their travel costs, which led to the accumulation of massive amounts of debt; withheld or ineffectively delivered essential information about contracts, working conditions, and migrant rights; and did not accompany, support, or keep in contact with them. Our participants' experiences with RECLUTABIEN show that non-abusive labor recruitment is possible, but even this recruiter has its flaws.

Bearing witness to growing economic inequality in their collective, unified communities and wanting to spread wealth both figuratively and literally, the municipality of Texcatepec decided to impose a five-year visa limit per person, which they hoped would create more opportunities for other community members. RECLUTABIEN has not taken the initiative to collaborate with the community to address their concerns or find

a common path forward, so as of the time of this writing, the municipality of Texcatepec has decided to cease all formal relations with RECLUTABIEN in 2025 when all the original H-2A workers will complete their five-year limit. Despite our respondents' overwhelmingly positive experiences with this recruiter —which appears to be much more supportive of migrant workers and protective of their rights— its openness to collaboration and respect for the autonomy of the communities it works with appears to only go so far. Radio Huaya staff are also considering cutting ties with RECLUTABIEN, unless it changes course and starts taking indigenous communities' concerns seriously. As the H-2A program grows and employers and recruiters expand their reach into Northern Central America and its indigenous communities (USDA 2023), we posit that collaborative, ethical recruitment that respects the dignity and humanity of migrant workers as well as the autonomy of their origin communities is increasingly important.

In fact, it is remarkable that the community of Texcatepec has taken a stand against the unending wave of neoliberal capitalism and its effects on cross-border mobility. This decision responds to the work of Hernández-León and Sandoval (2024). Their study explores the transformation from legacy migration models to highly mediated migration pathways and brokerage-type recruitment systems that have led to the disintegration of social networks and social capital. The leaders of Texcatepec see the effects of this migration on their communities and make decisions within the locus of their control to counter the destructive forces threatening their way of life. When combined with the Indigenous migrant worker advocacy of the Radio Huaya staff with the ILO (2023) as reflected in the Protocol on the Fair Recruitment of Migrant Workers pertaining to Indigenous Peoples, we hope that a strong message is sent to policymakers, growers, and Indigenous communities in Mexico and beyond.

IMPLICATIONS

Building on the existing literature and our study's findings, we will offer two concrete implications for the protection of migrant farmworkers and their origin communities, including a collaborative recruitment strategy and a practical tool for empowered decision-making of potential migrants. We will also provide additional recommendations for improvements to the H-2A program and suggestions for future research.

Mobile Enclave Dynamic

Our participants report quality of life enhancements that emerge from the support networks extending from the grouped cohort experience, which we have termed "mobile enclaves". Many emphasized the importance of a support network while in the U.S., which usually includes recruiter representatives, workplace supervisors, fellow migrant workers, and virtual connections with loved ones in Mexico. Ethnic enclaves contain essential social and cultural resources that act as protective factors of Mexican immigrants' short- and long-term well-being (McClure *et al.* 2015). In line with McClure *et al.* (2015), we hypothesize that allostatic load or long-term wear and tear on farmworkers' bodies might be lower among circular migrants in mobile enclave conditions. Additionally, several participants echoed the "mejor callado" stance or "better be quiet". Workers with this perspective are unlikely to formally report due to internalized oppression, fear of retaliation, or structural barriers. Our findings suggest that migrants who feel supported by their recruiter and travel in mobile enclaves may be more likely to self-advocate and report against abuse or workplace violations. More research is needed to investigate these dynamics further.

Mobile enclaves could create a more dignified workplace while also enhancing productivity. Mas and Moretti (2009) and Herbst and Mas (2015) have demonstrated that social pressure through peer interactions plays a central role in worker productivity. Extrapolating from the scholarly work of Hill and Burkhardt (2021), who found that ability is a significant modifier of the peer effect among U.S. agricultural workers, we posit that in an H-2A context, the presence of pre-existing social networks of agricultural workers within the origin communities, particularly when there are varying levels of experience and skill, has the potential to improve productivity while also enhancing the worker experience. This might be accomplished through the deployment of mobile enclaves of workers who would be selected within the origin communities through existing governance mechanisms. This process would increase origin community autonomy and might also shorten the harvesting training period for H-2A workers due to collective familiarity (Martin 2017).

All origin communities in this study have expressed a strong desire to have expanded visa access and greater control over decision-making on that access. Currently, growers prefer hiring the same workers each year, likely to avoid the need for retraining, while origin community leaders would prefer 5-year limits to offer more opportunities to other families in need. An origin community-managed selection system might enhance worker productivity and well-being while providing an opportunity to combat income inequalities that are exacerbated by the present grower-dominated selection system. The shift may also enhance dignity and agency for workers, their families, and their community leaders. Finally, adopting a more sustainable relationship between growers and origin communities has the potential to strengthen worker connections with growers and the destination communities that welcome them while also building trust, capacity, and human development goals in both contexts. We find in the work of Candelas and López (2023) the potential benefits of long-term relationships between growers and the communities from which they migrate.

Migratory Pathways Assessment Tool

Deciding to migrate and leave home was challenging for our participants, a reality reinforced by Candelas and López (2023) in their study of H-2A workers in Jalisco. Generally, they are grateful for the opportunity to make money and improve their families' quality of life in the short- and long-term, but uneasy about the lack of information about the migration experience and the associated processes, rules, and protections. This unfamiliarity demonstrates a need for more preparation and support, including with the return home, when the recruiter or the grower does not arrange group travel.

At a global level, the ILO (2022) calls for addressing the pre-migration information gaps, and the United Nations High Commissioner for Human Rights (2018) affirms migrants' right to information and informed decision-making (Principle 16). The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) states that «[s]uch adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand» (Article 33). Destination countries have codified these concepts in domestic legal frameworks, and the U.S. is no exception.

In a U.S. context, third-party labor recruiters increasingly serve as a link between growers and workers, so the need for empowered decision-making by all stakeholders is vital. Employers can use

independent evaluation mechanisms such as the *Responsible Recruitment Scorecard* for labor recruiters and providers offered by the Equitable Food Initiative (2023). They may also consider the *Labour Migration Process Mapping Guide* developed by the International Organization for Migration (IOM) (2023). These more recent assessment tools build on longstanding ethical recruitment guidelines and standards promulgated by a variety of organizations, including the ILO, the IOM, and the U.S. government, among others. The obvious challenge, however, is that potential and actual migrant farmworkers from remote, indigenous communities may not be aware of or have access to existing resources.

Our research makes clear that workers considering a major life change or *cambio de vida* —whether through circular, documented migration or an irregular route— would benefit from access to information to support empowered decision-making. We assert that the existing informal knowledge networks fueling prospective migrant worker decision-making could be complemented by an assessment tool designed especially for them in collaboration with community leaders. Such a resource may be used to evaluate options when pursuing contracts with recruiters or considering alternative pathways. Such a tool can clarify possibilities, opportunities, and challenges that may manifest before, during, and after the work experience while offering an enhanced understanding of systems and structures.

The Migration Pathways Assessment Tool shown in Figure 1 and Table 1 emerges from the findings of our study as they relate to existing scholarship on migrant decision-making (see, for example, Apgar 2015, Candelas & López 2023, Czaika, Bijak, & Prike 2021, Kalter 1997, Kley 2017 and 2011, Ryo 2013, Zentgraf & Stoltz Chinchilla 2012). It presents economic, health, legal, and social factors for three relevant stakeholders —the potential migrant, their family, and their community— and enables close examination of the possible impacts of different migration pathways. Each row reflects a factor of enduring salience in the literature and the three columns acknowledge that the decision to migrate is one with cascading consequences far beyond the workers themselves. This tool has been designed in hopes of enhancing migrant agency and informed decision-making. It is not meant to be exhaustive, but rather a starting point or an introductory guide to complement existing resources. Once translated into Spanish and Otomi, the tool will be pilot tested within the origin communities in this study to member check and enhance utility. The intention is to provide the tool to graduating students and recent graduates, two groups for which this decision is particularly salient. While the tool's information is specific to the ecosystem of this study, with modifications, it could be adapted for use by other agencies or community development organizations.

Fig. 1 Migration Pathways Assessment Tool, Side 1

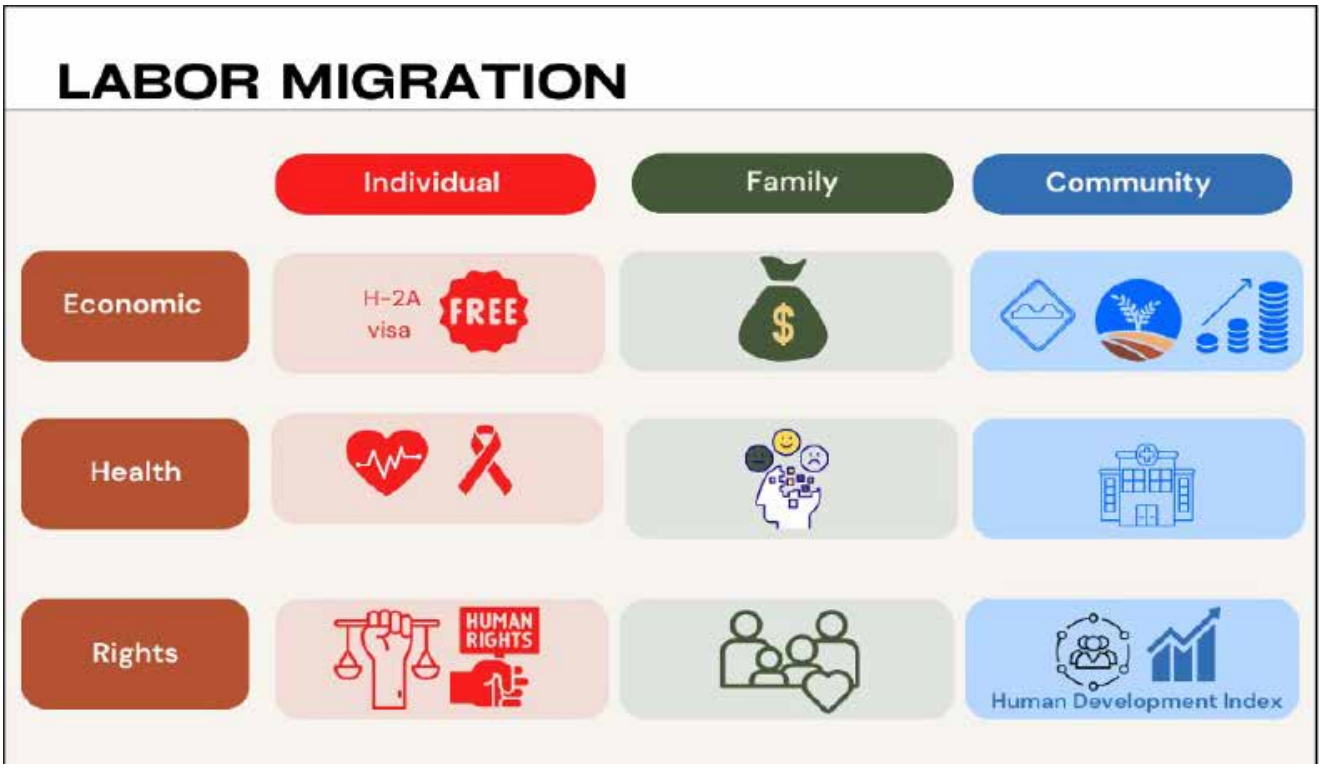

Table 1 Migration Pathways Assessment Tool, Side 2

The decision to migrate is difficult and affects those you love. This tool may help with the decision-making process. It offers economic, health, rights, and social considerations for you, your family, and your community.			
Category	**Individual**	**Family**	**Community**
Economic	Think about the economic aspects of migrating. The H-2A visa is free, while undocumented migration is costly ($6-10K USD). While in transit, transportation, food, and lodging expenses are also free for H-2A workers. If you are forced to pay, you must be reimbursed for these costs. Wage rates are different across the U.S. For example, in California, the 2023 wage is $17.97, and in Alabama or South Carolina, it's $13.67. As an H-2A, is very difficult to change employers once you are in the U.S. There is often more flexibility for those without legal status.	Think about the economic aspects of migrating to your family. Remittances, the money you may decide to send home, may help improve your family's economic situation and lead to new opportunities. The funds can help pay for the construction of a home, school tuition, medical costs, and household expenses. Keep in mind that there are fees associated with retrieving remittances, so explore the ways your family can affordably access them while you are away.	Think about the economic aspects of migrating to your community. Remittances can be used to hire people from your community to plant, harvest your crops, or improve your home. You can also contribute to infrastructure projects and other initiatives such as electrical, water, and sewer systems, road construction, clinics, schools, sports fields, churches, and parks.
Health	Consider the potential health effects of migrating. Being away from your family and community can be difficult. Agricultural work is dangerous and very taxing on the body over time. There may be exposure to biological, chemical, and physical hazards such as viruses and bacteria, pesticides and air pollutants, injuries, and heat effects.	Consider the health effects of migrating to your family. Your absence may be difficult for your family. The mental and physical health of your partner, children, and extended family may be affected. If you have children, they may not adjust well to your absence, affecting their commitment to schooling and their response to your partner's parenting efforts.	Consider the health effects of migrating to your community. Your absence may affect the daily roles you have as a friend, neighbor, community member, or community leader. Think about how you can prepare for this transition so that your community's health remains strong.
Rights	Know your rights. As an H-2A worker, you have rights. You are entitled to a copy of your work contract, be paid at least twice per month, be provided free housing, be compensated for travel-related costs, transportation to the field and grocery shopping, and be provided free tools. In Washington state, these rights include a safe workplace, training on how to use equipment and protective gear, rest and meal breaks, and paid time off while sick. These regulations vary by state.	Know your family's rights. As an H-2A worker, your spouse and children under 21 are permitted to come with you on an H-4 non-immigrant visa. They cannot work in that status, however, and you must provide all financial and travel support for your family.	Know your community's rights. Community development is a right and, the financial and social remittances from migration can improve your standard of living and that of the community as a whole.
Social	Consider the social effects of migrating. You will see new places, learn new things, and meet many new people, some of whom may become lifelong friends. You may face racism and discrimination in some places. You may have difficulty communicating due to language barriers. You will be living in communal living situations and tasked with household chores that you may not have experience doing, such as laundry, shopping, cooking, and cleaning.	Consider the social effects of migrating on your family. If you have a spouse, your absence may affect your relationship. Your spouse and family will have additional responsibilities due to your absence. They may also face social consequences in your family and community.	Consider the social effects of migrating to your community. Your community may face changes while you are away. You may find that economic inequality grows within your community, and this may alter the social dynamics. You may learn new things that can help your community, such as new farming techniques and new ways of working with others.

Additional Recommendations

The present-day labor recruitment system can be fraught with possibilities for worker exploitation and rights violations, as this study indicates. While the proposed tool is a step toward empowerment, fundamental structural changes are needed that might begin with leveraging technology to enhance the migrant worker's experience and rights. For example, the DOL's (n.d.b) website, TrabajadorMigrante.gov, provides information on employment contracts, safety, and reporting discrimination and labor rights violations, while emphasizing that workers have rights and support, regardless of immigration status. Another concrete step toward limiting the capacity of unethical or exploitative recruitment actors might be a centralized matching process that directly links growers with workers. The DOL's (n.d.a) electronic registry for seasonal jobs could expand H-2A worker options and opportunities and, if coupled with a capacity to change employers, could improve worker agency or at least mitigate potential employer exploitation. H-2A workers should also have the right to select jobs that offer higher minimum wage rates, called Adverse Effect Wage Rates (AEWRs), which vary by U.S. region. Finally, plans for 100 safe mobility centers across the hemisphere (DOS 2023) could offer prospective migrant farmworkers without internet access direct, in-country pathways for securing visas to perform work when and where they choose and at a particular wage level.

Future Research

Circular migration through the H-2A program presents a range of opportunities and challenges worthy of investigation. As the program expands in the face of increased demand, research into its dynamics takes on greater importance in the interest of building workers' understanding of their rights and the attendant violations, enhancing their health and well-being as well as that of their families and communities, and deconstructing systems of exploitation and oppression. Our study both reinforces existing research and identifies new phenomena worthy of deeper exploration.

Successive phases of this investigation will continue to alternate between Mexico (origin communities) and the U.S. (destination communities), offering additional opportunities to affirm our findings and enhance our proposed recommendations. Colleagues can complement this effort through research that contributes to assessment and evaluation processes supporting migrant workers and public, non-profit, and private sector actors and activists within and beyond this study's context. Future qualitative studies that assess recruiters, perhaps comparatively, are needed to better understand their role in shaping migrants' experiences and how to minimize recruitment exploitation and abuse. Future research might also extend McClure et al.'s (2015) study on long-term health outcomes within settled Mexican immigrant farmworker communities to H-2A workers and other circular migrant populations. Additionally, while the overt danger, exploitation, and abuse faced by migrant farmworkers is well-documented, the less visible, more covert structural violence and internalized oppression they can experience warrant further study.

The effectiveness of recruiting and placing workers in mobile enclaves from origin to destination communities is another area ripe for investigation. This study reveals the distinct possibility that growers deliberately separate H-2A workers from the same community, yet its effects on productivity appear to be unstudied in our review of the literature. The unique nature of this study's rural, agrarian destination communities suggests that growers may experience increased productivity by utilizing a mobile enclave approach. Allowing origin community leaders authority

in selecting and managing these enclaves may improve the worker experience and productivity, combat wealth inequality and its resulting power dynamics, and lessen the recruitment burden of growers and recruiters.

CONCLUSION

This article aims to better understand the H-2A agricultural worker experience and the attendant impacts on individuals, families, and communities across four indigenous and mestizo locales in Veracruz, Mexico. This CBPR qualitative investigation with a case study approach notes connections to existing literature, particularly around exploitation and abuse through recruitment and in host countries, which is especially prevalent among our participants who had used other recruiters or migrated via irregular pathways. We also identify several gaps in the literature, notably regarding mobile enclave recruitment, qualitative research on H-2A farmworker experiences and perspectives, and pre-migration decision-making processes.

The H-2A program exists within an imperfect government structure of regulation rife with possibilities for exploitation. Besides the plethora of issues presented by recruitment outsourcing and a general lack of oversight and accountability, two examples can be found in the limitations on worker freedom of choice in changing employers and labor compensation standards that function as ceilings on the value of that labor. That said, as we have shown, ethical foreign labor recruitment is possible. Employers, third-party recruiters, leaders in destination communities, and governmental organizations all have a role to play in protecting the rights of migrant workers, both in transit and once in the U.S.

Our grounding in CBPR calls us to combine this knowledge with action to create social change. While broader efforts at structural change are needed, there is little agreement on the particulars. Our proposals for the use of mobile enclave recruitment and a decision-making tool are offered as a contribution toward enhanced dignity and empowerment for prospective migrant farmworkers and autonomy of origin communities. As astutely stated by the ILO: «The overarching question continues to be whether there is a way to design temporary labour migration schemes that consider workers' agency and respect their labour rights» (2022, 46). What we offer is a first attempt to address this complex challenge that we hope can contribute to enduring structural change.

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