

Recruiters corrupt guestworker program

The Miami Herald
May. 27, 2007

MONTERREY, Mexico --

Standing in the baking sun outside the U.S. Consulate in Monterrey, hundreds of Mexicans wait anxiously for temporary work visas. But even before they were fingerprinted and interviewed for the permit, many had already paid recruiters thousands of dollars in hopes of easing the way.

Supplying the U.S. guestworker program is a complex and sometimes criminal network of foreign recruiters who extort money from poor migrants and then keep them on the job by forcing them into debt or threatening their families back home.

Employers also are often at the recruiters' mercy, forced to accept workers who could be desperately in debt or simply wrong for the job.

And when their brief glimpse of the American dream becomes a nightmare, some legal guest workers simply disappear, melting into the growing U.S. population of illegal immigrants.

"Everyone has the same complaint. Everyone you see here is in debt," said Gilberto Escalante, a 41-year-old fisherman who swept his arm past at a crowd of migrant hopefuls waiting for visas outside the consulate in Monterrey. "But there aren't any other options. The company calls the recruiter direct, and the recruiter has all the power."

All employers need to do to secure federal permission to hire foreign workers is provide proof that no American wants the job. Once that request is granted, companies rely on recruiters to do the rest, and the U.S. government stands back.

Critics argue the program desperately needs oversight and protections for both employers and workers, but demands for such an overhaul appear to have been ignored in the Senate's tentative immigration reform proposal.

Escalante, from the western Mexican fishing town of Topolobampo, spent \$1,500 on fees and other expenses dictated by the recruiter before even beginning the visa process, which costs roughly \$200 in consular fees if approved.

Once approved, he climbed aboard a bus dictated by the recruiter, which charged him \$110 - double the going rate - to carry him to his sixth year working in the shrimp industry in Mississippi. There, he joined about 500 other foreign workers from Latin America and Vietnam.

Few file formal complaints or speak out against fraudulent practices. It's not worth risking the chance to earn more in an hour than many do in a full day of work in Mexico.

Todd Huizinga, a spokesman for the Monterrey consulate, said U.S. officials alert Mexican authorities when they become aware of suspicious activity, but described the recruiter process as a "private business."

"There is no U.S. law regulating recruiters," he said.

Some are legitimate and provide a valuable resource, charging a fair price for matching able-bodied foreigners to U.S. jobs. But in the absence of regulation and oversight, many overcharge migrants for handling visa applications, and some simply steal the migrants' money without ever doing the paperwork.

This happens on a global scale, but there is no recruiting network more powerful or vast than in Mexico, where the U.S. government issued 90,466 agricultural and other seasonal work visas in 2005, 70 percent of the 129,327 handed out globally that year.

In a recent report, the Southern Poverty Law Center said migrants from Asia and Latin America have signed over the deeds to their homes and faced insurmountable debt and near slavery in return for the promise of a visa.

Mexican law prohibits recruiters from charging exorbitant fees, but it's rarely enforced, and U.S. law is silent on the issue.

Recruiter Rene Urbano says he has constantly fought against abuse and fraud in his eight years matching Mexican workers with U.S. employers. Standing in the shade of a willow tree in the desert outpost of Huachichil, he encourages dozens of potato and apple orchard workers to put themselves on a waiting list, assuring them they don't have to pay until he finds them a job.

Some are skeptical. Other alleged recruiters have promised jobs, only to disappear with their money and passports.

Gustavo Ruiz, a 31-year-old father of two small children, lost \$200 to one recruiter who swindled hundreds of people out thousands of dollars and even persuaded one person to give him a car.

Urbano said he never charges his clients more than \$85 toward expenses and salaries for his network of Mexican recruiters, and that he works hard to match the right worker for the job. But others will take bribes and send "a taxi driver with a heart problem" to do hard, manual labor in the U.S., he said.

U.S. officials say they do not track how many guest workers drop out once inside the United States. Recruiters and migrants say just a minority leave for better paying jobs or to escape abusive U.S. employers.

Guest workers who do quit inside the United States face a range of sanctions, from losing any chance of returning as a legal guest worker to threats from recruiters. Some are forced to sign blank promissory notes that can be filled out for any amount if they quit, enabling the recruiter to demand money or property from their families in payment.

Many U.S. employers want to eliminate the recruiters - who often charge the companies a fee as well - but can't because they don't speak Spanish and lack contacts in Mexico.

Ivan Giraldo, a partner in the Austin, Texas, landscaping company CleanScapes, is an exception. He comes to Mexico and finds workers himself. A Colombian-born U.S. citizen, Giraldo is bilingual and knows the immigration process.

"I like to meet with them and make sure they know they are going to a good place to work," he said outside the consulate in Monterrey, where he was finishing up paperwork for his third batch of temporary workers this year, bringing him to 45 Mexican hires so far.

The AFL-CIO sees cross-border collective bargaining agreements as a solution to recruiter abuse, allowing them to alert employers to crooked recruiting practices and pressure them to use those who are honest.

The union's Ohio-based Farm Labor Organizing Committee set up a Monterrey office in 2005 to advocate for North Carolina agricultural workers, and quickly realized the problems with recruiters were more widespread.

But recruiters proved to be powerful. The office was broken into repeatedly, and information and contacts were stolen. This April, organizer Santiago Cruz was found dead in the office, his hands and feet bound and his face bashed in.

The union suspects his murder was in retaliation for the group's work, but state prosecutors have detained three people who allegedly confessed to killing Cruz for overcharging for a legal visa - something the union denies.

Under international pressure, the federal government has agreed to monitor the case, and send police by daily.

"The problem is that there is no accountability," said a U.S.-based committee representative, Ken Barger. "Everyone is a subcontractor of a subcontractor of a subcontractor. The door is wide open to extortion and fraud."