

# **A conversation with staff from the International Organization for Migration, Protect the People, and the Center for Global Development, November 14, 2014**

## **Participants**

- Drazan Rozic — Labor Migration Program Manager, International Organization for Migration
- Dmitry Poletayev — Program Development and Donor Liaison Officer, International Organization for Migration
- Michael Clemens — Senior Fellow, Center for Global Development
- Sarah Williamson—Founder and Managing Director, Protect the People
- Alexander Berger — Senior Research Analyst, Open Philanthropy Project
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**Note:** These notes were compiled by the Open Philanthropy Project and give an overview of the major points made in the discussion.

## **Summary**

The Open Philanthropy Project spoke with the International Organization for Migration (IOM) and Protect the People (PTP) in order to receive an update on a grant that Good Ventures made to the IOM in August 2014 (<http://www.givewell.org/labs/causes/labor-mobility/IOM-Haiti>), which aimed to create a pilot program to give Haitians access to seasonal work visas in the U.S. PTP and CGD are collaborating with the IOM on this program. Dr. Michael Clemens, Senior Fellow at the Center for Global Development (CGD), attended the meeting as an advisor. Conversation topics included the progress of PTP's outreach to potential U.S. employers, how workers will be chosen to come to the U.S., and the future sustainability of the program.

## **Overview**

With the tightening of U.S. borders, fewer people have been able to cross into the U.S. illegally to work on farms. As a result, in the last eight years the use of the H-2A visa for seasonal agricultural workers has increased by a factor of about 2.5 (from about 30,000 workers to about 75,000 workers). The IOM's work (from here onward, "the program") aims to ensure access to some of these H-2A visas by Haitian farm workers under lawful and safe conditions. Phase 1 of the program was initially scheduled to end on December 5, 2014, but Good Ventures granted a no cost extension through December 31, 2014. A conditional clause in the IOM's agreement with Good Ventures states that Phase 2 funds will only be disbursed if 100 Haitian workers have received H-2A visas. That goal has not been met, but the IOM and PTP feel that the program has made significant progress and that they will be able to find employers willing to take on the 100 Haitian workers. If Good Ventures approves the Phase 2 funds, the program will continue through November 30, 2015.

When the program began, there were several possible barriers to its success: the Department of Homeland Security could have removed Haitian access to the H-2 visa program, U.S. employers could have been uninterested in hiring Haitian workers, and the Haitian government may have been unable to expedite the issuance of proper documentation for Haitian H-2A workers. Based on the IOM and PTP's progress so far, they believe these risks are greatly reduced, and Haitian workers will be able to access the program in 2015 if Good Ventures continues funding.

## **Worker selection process**

Together with representatives of several ministries in the Government of Haiti, the IOM identified agricultural associations throughout Haiti to potentially participate in the H-2A program. The IOM then worked with Haiti's Ministry of Agriculture and National Office of Migration to visit seven of the associations. Each association was very interested in participating in the program. Five of the seven associations were chosen to pilot the program, and the IOM and its partners pre-selected about 200 workers from these associations to be the first candidates.

## **Employer preferences**

Ultimately, employers decide which workers to hire to come to the U.S. Their choice depends mainly on the skills that they are seeking. Employers will have the option of choosing workers based on:

- Paperwork the workers fill out,
- Video interviews with the workers, or
- In-person interviews in Haiti.

Most employers speak English or Spanish and have expressed that they would like their employees to speak some English. Haitians generally speak Haitian Creole, although some Haitians speak Spanish due to Haiti's proximity to the Dominican Republic. The IOM has organized groups of workers so that each group has a leader who speaks either English or Spanish, and the IOM has discussed the group leader's role with each group.

It is likely that the 100 workers will not all come to the U.S. at once. Employers request the number of workers that are needed meet their workforce gaps. Given the fact that Haitian workers are new to many US employers, it is likely that an employer would wish to start with a small number (5-20 workers) to assess skills and other aspects of having a new crew from a country other than Mexico or Jamaica. If the first experience with a new crew is positive, it is common for an employer to request the same or a larger group of workers in the future. Additionally, the first small group of workers can train more workers in their associations upon return to Haiti, which might make requesting larger groups more attractive to employers.

H-2A visas only allow a worker to come to the U.S. for a maximum of 10 months. Some employers want workers for a full 10 months, but many employers request

workers for shorter amounts of time (e.g., a few months during each of the seeding, planting, weeding, and harvesting seasons) because it can be more difficult to get the 10-month requests approved. Currently, the North Carolina Grower's Association is the largest user of H-2A workers and the average contract for its workers is about 5.5 months. If a worker is requested for multiple short contracts instead of a full 10-month contract, the worker must go home between the last day of the contract and the first day of the next contract. The IOM and PTP could possibly prioritize visas for the workers with longer contracts.

Requesting H-2A workers is a bureaucratic process involving multiple U.S. government agencies. Employers are not able to start the process for H-2 visas for specific employees until 60-75 days before the date of need (when the worker should arrive in the US to start work). The first step in the process is for an employer, employer association, or agent to submit a job order to the state workforce agency, which reviews the request to determine whether U.S. workers could fulfill the job. Once the state determines that U.S. workers are unavailable, it sends the job order to the federal Department of Labor (DoL) to be certified. This certification states the number of visas approved for the employer. When DoL certifies the job order, the employer/association/agent can then fill out a I-129 form to the U.S. Citizenship and Immigration Services (USCIS) requesting the same number of visas for consideration at a specific embassy where workers will be interviewed. DoL does not certify the number of visas that employers can request until 30 days before the employees are needed. Also, the U.S. embassy may approve or deny any worker a visa depending on a number of factors related to the credibility of the visa interview. Accordingly, it is not possible to secure H-2 visa slots far in advance of when the workers would be arriving.

### **Finding employers to host Haitian workers**

For the last several months, PTP has been working with the National Council of Agricultural Employers (NCAE) to identify U.S. employers who would employ 100 Haitian workers under H-2A visas. Recently, PTP and the IOM attended a NCAE conference in Las Vegas; they hosted a coffee break at the conference to promote their program. Employers who were interested in recruiting Haitian workers filled out cards with their contact information. PTP and the IOM next plan to follow up with employers about their interest in job orders for Haitian workers. Seeding season begins in late winter to early spring. Ideally, some employers would hire Haitian workers for this season.

From August to December 2014, PTP and IOM identified more than 50 agricultural employers hiring H-2A workers in the United States. They have been briefed about the project, informed about the possibility of hiring Haitian workers and invited to attend the stakeholder workshop that took place in Haiti (3-4 November 2014). From this pool of 50 employers, 20 employers, agents and employer associations, have expressed serious interest in either hiring H-2A Haitian workers in 2015 or receiving Haitian representatives for the educational exchange in early 2015.

### **U.S.-Haiti exchange visit**

The IOM and PTP are organizing a two-week U.S. visit for approximately ten leaders from the agricultural associations in Haiti before the seeding season begins. The primary purpose of the trip is to continue the IOM and PTP's momentum and to ensure that some employers will submit job orders for Haitian workers. However, other benefits of the trip will include:

- 5-7 potential H-2A employers will be introduced to Haitian workers.
- The workers will learn about basic practices at the farms, which they can then share when they return to Haiti.
- The IOM and PTP are arranging a meeting with the Center for Global Development and various representatives from the U.S. government to meet in person with the workers.
- The IOM and PTP can gather training manuals, pictures, and flashcards from the farms they visit to help develop a training course for potential H-2A workers from Haiti.

### **Avoiding trafficked workers**

PTP believes that many employers are trying to treat workers well and to avoid involvement in trafficking. However, approximately 93% of H-2A workers are recruited from Mexico, where there is little information about the tactics that recruiters use. Some of the abuses that trafficked workers may experience include:

- Recruiters asking for payment (averaging about \$6,000, according to the Urban Institute report) for a visa.
- Recruiters charging extra fees. (It is illegal for a recruiter to demand fees.)
- Being misled about the job opportunity that waits in the U.S. (e.g. being told they will work on a farm, but being sent to work in a kitchen).
- Being given falsified paperwork (e.g. with the wrong work location).

Many employers are reluctant to investigate the recruiting processes in Mexico because they are afraid of discovering that somewhere in the process there has been unethical behavior, and they do not want to be implicated.

### **Working with the Haitian government**

The IOM has worked closely with the Ministry of Agriculture in Haiti. The Ministry of Agriculture shared data with the IOM on agricultural workers in Haiti, which helped them target areas with potential beneficiaries. Additionally, several Ministry of Agriculture employees accompanied the IOM on all of the visits to the agricultural associations. The Ministry of Agriculture is enthusiastic about the IOM's program, because it believes that the program could significantly increase Haiti's farming production (which would allow Haiti to reduce its consumption of expensive foreign imports).

### **Stakeholder workshop in Port-au-Prince**

In early November, the IOM and PTP brought together representatives from:

- The Haitian government
- The Haitian consulates from Miami, New York, and Boston
- The Haitian embassy in Washington, DC
- U.S. agricultural employers
- Several agricultural associations
- The U.S. embassy in Haiti

This meeting provided an opportunity for the various players in the IOM and PTP's program to ensure that they were all properly coordinated.

## **Costs**

The IOM and PTP's largest costs have come from travel expenses related to visiting farms in the U.S. and in Haiti. It only costs the IOM and PTP about \$150 per worker on average to pay for visas and travel documents. There will also be some accommodation costs during the training session that the IOM and PTP want to provide for workers before they arrive on the farms. U.S. employers are obliged under law to pay all other worker costs.

The IOM and PTP are currently reorganizing their budgets for 2015, although they do not expect this to result in any significant changes. They note that the recent costs of outreach to U.S. employers are one-time costs. In 2015, they will use their funding to visit farms, ensure that employers are operating legally and respectfully, and support the Haitian consulates in the U.S. to conduct visits to the farms.

## **Sustainability of the program**

The IOM is aiming for the program to be sustainable after outside funding ends by transitioning full responsibility to the Haitian government.

IOM has already worked with the Haitian government to develop various procedures and responsibilities; this has helped develop the government employees' capacity. For example, IOM worked with the government to develop the interview criteria to be used for workers applying for the H-2A visas. By the end of 2015, IOM believes the government will be very familiar with the H-2A visa process. However, the capacity of the Government of Haiti to manage the H-2A migration process independent of IOM and PTP's technical support is currently unclear. As the project develops in 2015, IOM and PTP will have a better understanding of how the Haitian government ministries cooperate with one another and the Haitian consulates in the US to enable a circular migration process for Haitian workers.

*All Open Philanthropy Project conversations are available at  
<http://www.givewell.org/conversations>*