

# QSS20S1 Final Project Memo 1

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## 1 What I learned

In the reading, I learned about the data sources that the GAO report uses to analyze the violations of the H-2A and H-2B visa programs. Some of the more interesting things that I learned were that when an employer has committed a violation and is flagged by the Department of Labor, the DOL shares that information with the Department of State. However, the information that is shared between the two agencies is limited which has caused some ineligible employers to be approved to hire workers in the past. The agencies that are responsible for administering the H-2A and H-2B program requirements are: the Department of Labor (DOL), Department of Homeland Security, Department of State, Department of Justice, and the Department of Health and Human Services (HHS). DOL's Office of Foreign Labor Certification reviews the employer's application to ensure U.S. workers were not available for the same job or that the employer was not previously debarred. Then, the DHS's Citizen and Immigration Services (USCIS) screens the petition and sends the approved petitions to the State Department's Kentucky Consular Center (KCC). In the GAO report, fiscal years 2009-2013 were reviewed based on data from the above departments along with survey data from NGOs and interview with agency officials at DHS, DOJ, DOL, HHS, and State. One thing I was surprised by was that there was a 66,000 cap on H2B workers, but no cap on H2A workers. The GAO report also stated that most of the workers who entered were from Mexico, male, and 40 years old or younger. The data collection differences between the DOL and the DHS were also interesting, and prove to be a challenge for data collection. The DOL collects data on workers' occupations using the SOC system, but that system reflects the number of H-2A and H-2B workers that employers applied for (not the ones that were approved), so it is usually an overestimate. Conversely, the DHS's USCIS petition data is more accurate, but they don't use the same classification of data. Instead, they use 15 broad categories that are further divided for a total of 83 categories (compared to 840 classifications in the DOL). USCIS is doing an overhaul of their system to move to an electric classification system, and when that happens, they will change their occupational coding system, but they have not yet determined which occupational classification system they will use. Lastly, I was also interested by the three ways that employers can recruit employees (either directly, indirectly and informally, or indirectly and formally). Directly means the employer travels to that country to locate workers. Indirectly and informally means that returning workers help recruit more workers. Indirectly and formally means a contractor or subcontractor recruits employers.

## 2 Gaps and questions

Some of the questions I had while reading were: 1. Will the USCIS classification system overhaul fix the data issues that are being experienced now? 2. Why has the DOL not done a system overhaul of their classification system instead? 3. Which department is the most important department involved? 4. Why are there so many departments involved? Doesn't that make it more confusing? 5. What are the percentages of employers recruited by how they were recruited (e.g. directly, indirectly and formally, or indirectly and informally)?