QSS 20: Milestone 1

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1 Summary

When reading the 2015 GAO Report "H-2A and H-2B Visa Programs" it seems that some of the largest challenges faced in the fight for increased protection of foreign workers within the H-2 programs may be ones of aggregation and dissemination rather than collection. By this, I mean that the data required to flag barred employers does seem to be in the hands of the government yet, through failures of communication, lack of standardization and outdated policy the data is not shared between the necessary agencies. For example, GAO outlines a that the DOL's Office of Foreign Labor Certification collects "detailed" data including phone numbers and addresses on employers who have been debarred. Yet, this data remains internal to the DOL and is not shared with the DHS and State agencies during the screening process for new H-2 employer applications. Further, GAO mentions that much of the data collected by DOL goes unused even at the internal level. The report outlines that, though the DOL has this detailed information on violators, much of these information fields remain optional within new applications thus severely limiting the DOL's ability to harness its screening potential. Therefore, the simple "reinvention" of disbarred companies through basic evasive actions such as changing names name often allows companies to elude a detection in the DOL screening process. Though there are discussions to increase the collaboration between the organizations it seems that, given the numerous federal agencies (and sub offices) involved with the certification, screening, auditing, and enforcement processes related to the H-2 program, major strides may be made in fully employing and aggregating the data collected across these agencies. Such action would increase the available fields on which to screen new applicants and help fill gaps in each of the agency's databases. Obviously, given the nature of the bureaucracy involved with inter-agency collaboration, this is far easier said than done. This is not to say that there are not challenges in the collection processes itself. As with many crime statistics, the data relies heavily on the underlying reporting rate and often underestimates the true violation occurrence values. For example, the report states "one disincentive to reporting abuse is that workers can only work for the employer who petitioned for them. This requirement can make workers fear retaliation if they complain about mistreatment because the workers do not have the choice of working for another employer" (GAO 2015, 37). In other

cases, regarding the reporting of illegal recruitment fees, third party recruiters have been known to coach and inform the workers that if they disclose, they paid such fees they would be denied visas thus decreasing reporting rates. Finally, GAO points out that workers may also hesitate to come forward with abuses as they are willing to suffer violations such as underpayment under the justification that they are still making more than they would be and fear placing their job or families in jeopardy by doing so.

With these challenges in mind, I would love to know if there was any way to investigate how recruitment method affects violation reporting if so, might we be able to standardize the number of violations against an employer based on recruitment method to gain a better understanding of the true underlying violation statistics. Further, given that while a company may change their name and or address, they most likely won't have the funds/time to reinvent their network (recruiter etc.) before the next season I wonder if, in combination with network analysis, we could use machine learning to help us identify and group similar companies to those have been disbarred. This might help us to help us identify potential reincarnations of previous violators but also provide us with information on how violator's networks shift and what lengths these companies go through to disguise themselves.