

Temporary Foreign Workers in the U.S.: Myths, Facts and Policies

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In recent years, in the U.S. debates over controlling immigration, much attention has been focused on programs for temporary foreign workers (TFWs). They were a key issue in the decade-long Congressional struggles that finally produced, by way of many compromises, the new Immigration Reform and Control Act of 1986.

In most of these debates, there has been little objective reference to the extensive historical experience in the U.S. with several kinds of short-term foreign labor, admitted under official programs during the past four decades. The so-called *bracero* system, in particular, has been treated as universally shameful.

Discouraging lessons are also being drawn from misperceptions of the "guest-workers" in Western Europe, and biases against H-1 and H-2 workers, "exchange visitors", and other kinds of temporary employment of aliens. Indeed, some commentators are denouncing TFWs as "second class persons", "union busters", and a "new underclass".¹ On the other hand, some recent official reports make light of the social effects of all immigration including TFWs.²

In reality, past experience in the U.S. with TFWs shows an appreciable balance of benefits over costs. Drawing on that experience, an enlarged TFW program today could serve to: fill certain kinds of job vacancies in the U.S. economy, without permanent additions to the labor force; preclude much of the current flood of illegal entries and overstays not easily blocked by other methods; and safeguard the welfare of the TFWs as well as protect U.S. labor standards.

This article summarizes the data and records from numerous sources; but focuses on the economic facts and their social interpretation through an explicit model of immigration and the U.S. economy.

¹ The most extreme charges come from some columnists, lobbyists, and public speakers. Among scholars, see: V. M. Briggs, Jr., chapter on "Foreign Labor Programs", in P. G. Brown and H. Shue eds., *The Border That Joins* (Rowman and Littlefield, Totowa, N.J.:1983), especially pp.242-3; and D. North and A. LeBel, *Manpower and Immigration Policies in the U.S.*, Special Report No. 20, National Commission for Employment Policy (Washington, Feb. 1978), especially p.179.

² See, for example the 1986 *Economic Report of the President* (Council of Economic Advisors, Washington, G.P.O., Feb. 1986) which offers a Panglossian chapter on "The Economic Effects of Immigration", including a very incomplete treatment of temporary workers.

THE BRACERO EXPERIENCE

The bracero program, which operated in varying magnitudes and regulations during 1942-1964, was initially intended to cope with the labor problems of the World War II era. During 1943-45, it brought 50-60,000 Mexican workers annually into the U.S., under contract to individual employers, mainly to do seasonal work in agriculture in the Southwest, but also to work on the railroads, particularly in the maintenance of way.³

After the end of World War II, the bracero program almost came to an end, but was revived by the demands of agricultural interests for this kind of labor, reinforced by the labor-shortage effects of the Korean War, and by the massive deportations of illegal aliens under Operation Wetback in 1954. When the "Wetbacks" were no longer plentiful, the farmers turned to braceros. These complementary trends are summarized in Table 1.

While the system of administration varied over these years, generally the Mexican agencies recruited and screened the agreed upon numbers of workers, and the U.S. agencies screened them again, stipulated wages and working conditions and, in principle, supervised operations in the field. In practice, supervision was often quite lax, allowing departures from the stipulated standards that sometimes came to below-contract wages, miserable working conditions and virtual peonage.

When the U.S.DOL began, in 1956, to raise its standards and their enforcement the gradual rise in bracero costs eventually pushed some growers to explore technological changes, especially mechanization of the harvests. In particular, mechanization of the cotton harvest diverted some native workers to other crops, and some to non-farm work. As the bracero program dwindled to its end, there was growing reliance on illegal aliens. Indeed, the illegal inflow rose so strongly that INS apprehensions climbed to over 100,000 in 1968, and accelerated thereafter, approaching one million a year at the end of the 1970s.

Evaluation of wage trends and other alleged impacts of the bracero programs depends on setting the appropriate frames of reference. In the first place, severe undercutting of the contract wages was not uniformly prevalent. In the second place, the wage actually paid to braceros was several times what they could earn back home in Mexico — if a job were indeed available. Thirdly, as regards impact of the braceros upon the domestic labor force, it is commonly supposed that "wages in agricultural areas where they worked

³ Mexican workers contracted for the railroad program under the War Manpower Commission stayed up to two years. At the program's peak in March 1945, 69,000 were so employed. Attempts were also made to use such workers in foundries, sawmills, the San Diego naval yards, etc. (M. Garcia y Griego, "The Importation of Mexican Contract Laborers" in Brown and Shue, eds., *cit. sup.*, p. 59 and footnote 49).

TABLE 1
BRACEROS AND ILLEGALS FROM MEXICO TO U.S. 1942 - 1979
 (IN THOUSANDS, AT THREE-YEAR INTERVALS)

Year	Bracero Contracts Issued to Mexicans	Deportable Mexicans Located by INS
1944	62.2 ^a	26.7
1947	19.6	182.9
1950	67.5	458.2
1953	201.4	865.3 ^b
1956	445.2 ^c	72.4
1959	437.6	30.2
1962	194.9	30.3
1965	20.3	44.2
1968	0	113.3
1971	0	290.2
1974	0	616.6
1977	0	792.6
1979	0	866.8

Notes: The three-year intervals shown here are reasonable representation of the changing trends of these series.

^a Wartime peak volume.

^b The peak in that era came in 1954, with Operation Wetback: 1,075,200 apprehensions.

^c Peak volume of the entire bracero program.

Sources: Annual tabulations in M. Garcia y Griego, "The Importation of Mexican Contract Laborers to the U.S., 1942-1964", p. 58 in *The Border That Joins*, eds. P.G. Brown and H. Shue, (Rowman & Littlefield, Totowa, N.J., 1983); and L.C. Morgan and B.L. Gardner, "Potential for a U.S. Guest-Worker Program in Agriculture", p. 366 in *The Gateway*, ed. B.R. Chiswick (American Enterprise Institute, Washington, D.C., 1982); and Immigration and Naturalization Service, annual reports, Table 33. Fiscal years, ending in September.

remained constant or dropped".⁴ The actual record, however, shows that farm wage rates were rising by about 2.7 percent a year rather steadily through the 1950s and 1960s while bracero employment rose and fell. After the program ended in the mid-1960s, wage rates moved up more rapidly, at about 7-8 percent a year, but continued into the 1970s at this pace despite the surging inflows of illegals.⁵ These records demonstrate that neither the

⁴ *Ibid.*, p. 74. Cf. also U.S. Dept. of Labor, *Mexican Farm Labor Program, Consultants Reports*, Oct. 1959, pp. 272-3.

⁵ E.P. Reubens, *Temporary Admission of Foreign Workers*, Special Report No. 34, National Commission for Employment Policy (Washington, March 1979), p. 41.

braceros nor the illegals have prevented farm wages from rising vigorously, as determined by economic conditions on the farm and in the whole economy.

A more elaborate, but also more debatable, demonstration of limited economic impact is provided in an econometric model developed by two professors of Agricultural Economics at Texas A&M University.⁶ This model determines the effect of the bracero programs on the farm wage rate and employment in terms of relevant economic variables in the U.S. and Mexico, involving the elasticities of demand and supply of labor for farm work. To summarize their findings: the bracero program had, at most, a slight depressing effect on farm wages (demand elasticity was high); and a moderate displacement effect on American farm workers (with a high supply elasticity, they moved readily to non-farm employment); while American producers and consumers, and the Mexican labor force, benefited substantially; and the biggest effect appears to have been the displacement of illegal entrants ("wetbacks").

Another common supposition about the effect of foreign workers is that they delay the introduction of technological improvements, particularly mechanization. This supposition is rebutted most notably by the mechanization of cotton harvesting — a process which advanced right through the bracero era and was virtually completed by its end. Harvesting machines for tomatoes, carrots and lettuce were also being developed during this period. Evidently the availability of low-wage manual labor did not prevent the adoption of mechanical improvements wherever they served effectively to reduce production costs per unit of product.

Another common fear about guest-workers is that they tend to overstay their contract periods. The braceros, however, are not reported to have done that on any appreciable scale. They were recruited mostly for seasonal work, they came without dependents, and their return home was either supervised by the U.S. DOL or ensured by a bond required of the farm employers to cover costs of apprehending an overstayer and returning him to Mexico.⁷

The foregoing record of braceros is of great importance for the possibility of setting up a large new program of guest workers aimed at filling U.S. vacancies in low-level jobs by a legitimate procedure that would in some degree dry up the inflow of illegal aliens. This was indeed the accomplishment of the bracero program; and when it was ended in the mid-1960s, the door was reopened for rising numbers of illegals. The bracero record is all the more encouraging for such programs today because it helps free us from the belief that any gross inflow into a labor category must greatly depress wages there, and must also cause massive unemployment among the native workers there. Then as now, U.S. citizens were withdrawing from low-level jobs, and

⁶ L.C. Morgan and B.L. Gardner, "Potential for a U.S. Guest-Worker Program in Agriculture", in B.R. Chiswick, ed., *The Gateway* (American Enterprise Institute, Washington: 1982).

⁷ *Ibid.*, pp. 365-6.

aliens were taking their places — without much dislocation of natives and without actual reduction of real wages. Indeed, if the elasticities of demand and of supply of labor today are greater than in the bracero era — as Morgan and Gardner suggest⁸ — domestic workers would have a still easier adjustment to a guest-worker inflow than was found in the bracero period, so long as the inflow is not disproportionately huge.

THE H-2 EXPERIENCE

The 1952 Immigration and Nationality Act (the McCarran-Walter Act) created an "H" program of temporary foreign workers to fill temporary jobs. This action responded mainly to the same agricultural demands which revived the dwindling bracero program at that time and also induced a huge illegal inflow in 1950-54. However, the numbers of foreign farm workers admitted under the H category have been far below the usual number of bracero admissions. Indeed the actual majority of H admissions has been of non-farm types in both the H-1 and H-2 component classes.

The absolute relative magnitudes of the three main classes of temporary workers over the last two decades are shown in the accompanying Table 2. It is notable that the H-2 class has been steadily reduced, while the two higher-level classes have been strongly expanding.

Focusing on the H-2 workers as of 1976, when their total was approximately 30,000, the largest single group was farm laborers, numbering just over 10,000. If some 2,000 lumbermen are added to make a "field-work" group, it came to just 40 percent of the H-2 total. These workers comprised mainly West Indians to harvest apples on the East Coast and sugar cane in Florida, plus Canadians for lumbering in the northeastern states, and Hispanics for sheep herding in the West.

Contrary to the usual supposition, the urban types of H-2s outnumbered the rural. Middle-level professionals, technicians, and entertainers numbered about 13,600 in 1976, while nearly 4,000 persons were in low-level urban occupations (Laborers, Service Workers, and Household Workers).

In more recent years, with incomplete data, the indications are that within the apparently declining total of H-2 admissions, farming and lumbering workers are in stable numbers, and have taken a rising proportion, as they now number about 13,000 a year.⁹

In administering the H-2 program, the U.S. Department of Labor (DOL) is responsible for making the determination as to the non-availability of American workers (a procedure called "labor certification") and the determination that the employment of aliens will not "adversely affect" the wages and working conditions of U.S. workers.

⁸ *Ibid.*, pp.406

⁹ Information from J.K. Breslin, Jr., director of INS office in West Palm Beach, Florida, extrapolating from the 1984-85 experience of that office in dealing with Caribbean H-2 workers.

TABLE 2
TEMPORARY FOREIGN WORKERS ADMITTED INTO THE U.S. 1968 - 1984
 (ROUNDED AVERAGES)

Workers of distinguished merit and ability (H-1)	1968 - 71 11,000	1972 - 79 ^a 16,000	1983 ^b - 84 41,000
Other temporary workers (H-2)	1968 - 70 57,300	1971 - 75 38,500	1976 - 84 25,600
Exchange Visitors ^c (J-1)	1968 - 79 47,000		1983 - 84 92,000

Notes: Figures shown above are rounded averages for intervals of relatively stable numbers.

^a Figures for 1979, in all three classes of workers, are blown up from reported data for nine months, Oct. 1978 - June 1979.

^b Figures for 1980 - 83 are considered unreliable, due to restricted statistical resources.

^c Special student admissions comprised the bulk of "Exchange Visitors" until 1979; but were about one-third of this class in 1984.

Source: Immigration and Naturalization Service, annual reports, 1968-79, Tables 16, 16A, 16B; and preliminary Non-Immigrant tabulations #4 for 1983 and #7 for 1984. Fiscal years, ending in September.

The DOL specifies recruitment procedures that must be followed in the domestic labor market before an employer can obtain H-2s. In determining the "adverse effect wage rates", the DOL sets specific dollar-and-cents rates per hour, in each year, for the agricultural and logging jobs. All other H-2 jobs are required to conform to "prevailing wages" for each type and location of a job as well as minimum working conditions, as determined by the DOL's regional administrator in each case.

The recruitment procedures allow for group contracts of aliens and employers, and the participation of the aliens' government. Admissions range from a few weeks or a season, up to about 11 months, with possibility of renewal, usually up to a maximum of three years.

Virtually all of the H-2s are reported to return home at the end of the specified stay. It is estimated that the "abscondee rate" is only about eight percent.¹⁰ These returns are facilitated, in the case of the farm workers, by practices of group-busing and group-housing. In the case of the non-farm H-2s, their returns are provided by the nature of their work and their contracts; those who want to stay on can usually obtain legal "adjustment" to permanent-resident status.

The chief focus of H-2 controversy in recent years has been the farm-

¹⁰ Breslin, cit.sup.

workers. The apple growers and sugar cane farmers contend that even with earnings at, or often above, the adverse-effect levels, and with efforts to recruit American workers (including efforts in urban disadvantaged areas and in Puerto Rico), there are severe shortages of competent American labor to meet the harvesting needs. The domestic labor supply appears to be restricted by unattractive features of the jobs in question, together with the attitudes of American workers and the real alternatives open to them. Conversely, the labor union argument claims that the level of wages and working conditions has been so depressed by the use of H-2s and illegal aliens, as to repel American workers of good quality, and to preclude upgrading the work and corresponding pay.

The actual statistical record shows rising wages for hired farm workers as a whole during the period in question — rising somewhat faster than non-farm wages, and considerably faster than the cost-of-living index — but the level today is still about 30 percent below nonfarm earnings.¹¹ Meanwhile, farm employment has been progressively curtailed by labor-saving technological changes that raised productivity and earnings of the reduced number of workers retained on the farms. Indeed, the availability of H-2 workers did not prevent the mechanization of sugarcane cutting on Louisiana farms, while Florida sugar continued with manual cutting as best suited to its terrain and crop. In the short run, however, if neither H-2s nor illegal aliens were available, the fruit and vegetable growers would face either a physical shortage of workers needed for the harvest, or a huge rise in costs to attract more American workers or to reduce the need for them.

The labor-market impact of the non-farm H-2s seems to be still less than for the farm workers. They are certified for admission on grounds of special skills or abilities not available in this country at all, or not available at particular places and schedules and other conditions that the employer requires. Correspondingly their wages are not below, and often are well above, the "prevailing" rates stipulated by the DOL.

Conversely, the admission of H-2 workers has shown little effect, so far, upon illegal inflows. The jobs in question cannot be appreciably precluded by H-2 numbers that are generally less than one percent of the American stock in the several fields and occupations (at most around 2% in 3 fields).¹²

As regards the high return record of the U.S. H-2 program, critics claim that it would break down for any greatly enlarged volume. In Western Europe the guest-workers, who were imported in the 1950s and 1960s, have resisted repatriation in the 1970s and 1980s, despite even substantial bonus offers.¹³

¹¹ Reubens, *cit.sup.*, pp.40-41.

¹² Reubens, *cit.sup.*, pp.16-17, Table 2.

¹³ W.R. Bohning, "Guestworker Employment in Selected European Countries", in Brown and Shue, eds., *cit.sup.*, especially pp.117 ff.

However, the European guest-workers went mainly into industrial jobs, whereas U.S. H-2s are sought either for farm work or for services. Secondly, the European hosts — from the outset or soon thereafter — gave guest-workers indefinite stays, mobility, and substantial civil rights; whereas U.S. H-2s have been very limited in these respects. The most important difference is that the European guest-workers were soon permitted to bring their families, as a matter of social rights; whereas the U.S. H-2 program has generally excluded dependents of farm workers, although admitting some spouses and children of specialized urban H-2s. Families put down roots, and seek to become part of the host society. When they and their children encounter discrimination, they become truly "second-class citizens" — in contrast to strictly temporary foreign workers, who are admitted without dependents and leave when their work is completed.

OTHER TFWs: H-1s AND EXCHANGE VISITORS

The H-1 class of temporary workers is composed almost entirely of professional, technical and kindred (PTK) workers, qualified as of "distinguished merit and ability". Artists and Entertainers are the largest single class; Engineers and Administrators have grown strongly. It is notable that physicians are seldom admitted under the H-1 heading but rather as Exchange Visitors.

The class of Exchange Visitors is used for foreign professionals admitted for stays of 2 or 3 years, nominally in exchange for similar personnel going abroad from the U.S. This class also provides for special admissions of students (those sponsored by their own governments), who comprised 80 percent of the Exchange Visitors total when it was around 40,000 a year, and — with only slightly larger admissions of these students today — they comprise 30 percent or more of the current, much larger total. Of the remainder, the major sub-classes are Teachers, Scientists and Research Workers, Medical Personnel, and Managers and Administrators. Many of these Exchange Visitors are recruited for the less attractive branches of their professions and the less popular locations.

This history of the foreign medical graduates (FMGs) is a particularly illuminating case of the manipulation of a foreign temporary flow in relation to domestic demands and supplies. During the 1960s and 1970s, when Americans complained of a "doctor shortage", substantial numbers of FMGs were admitted, principally as Exchange Visitors, mostly on three-year stays (often renewable), and they filled vacancies in poverty-area hospitals, in nursing homes, in remote small towns, and neglected medical specialties. Thus the FMGs came to constitute about 30 percent of the residential medical staff in all hospitals in the U.S., and over half of New York City's municipal hospitals.¹⁴ However, public pressures forced a large expansion of U.S.

¹⁴ R. Stevens and J. Vermeulen, *Foreign Trained Physicians and American Medicine* (Dept. of Health, Education and Welfare, Washington:1972), especially pp.16-17.

medical schools after 1965; and subsequently special-interest pressures led Congress to declare in 1976 "the end of the doctor shortage", and to decree the sharp curtailment of FMG admissions. Yet municipal hospitals in New York City and other such areas, facing the loss of irreplaceable personnel, were able to obtain from the INS deferments and "exceptions" for their indispensable FMGs for several years thereafter.¹⁵ Meanwhile, physicians' fees have continued high and rising, due to several factors among which is the limited supply of medical personnel.

POLICY IMPLICATIONS

In the preceding pages, we have traced the record of U.S. experience with temporary foreign workers in several different categories over four decades.

A more complete evaluation of this record requires reference to a model of labor-market "needs" and "capacity to absorb", which have developed in detail elsewhere.¹⁶ In this model (titled N/CA), "need" means "an excess of labor demand over supply at current prices", and is usually indicated by a tendency for wages to rise while vacancies persist. Likewise, "capacity to absorb" is defined as "an excess of supply of social facilities over demand for them at current prices", and is usually indicated by little or no rise of prices as the demand increases (the "prices" here include service charges, rentals, budgetary outlays, taxation, crowding and queues, cultural conflicts, and the like).

Labor market needs for foreigners include some high-level special talents which are rare or actually unique. Admissions of such persons is generally conceded to be justified.

As for low-level workers, however, the reality of "need" for foreigners cannot be entirely accepted at face value. On the one hand, it is supported by those who cite vacancies and short supply. Arguing along socioeconomic lines, and taking the job traits as given, they point to the values, attitudes, and "reservation wages" of natives, and their prospects of obtaining superior jobs eventually, together with the available alternatives to working (unemployment compensation, welfare payments, support by family and friends, and hustling, crime, and other illicit activities). All these factors imply inelastic supply of native workers for the jobs in question at small increases over current wages; and even suggest declining availability or actual withdrawal of native workers (*e.g.*, garment-sewing workers, household workers, migrant farm workers) who are then replaced by foreigners — except perhaps in times of extraordinary high unemployment.

The opposite school, arguing along the lines of technological and organizational innovation, looks at the particular jobs and their potential trans-

¹⁵ E.P. Reubens, "International Migration in North-South Relations", in *The Challenge of the New International Economic Order* (Westview Press, Boulder, Colo.:1981), p.235

¹⁶ E.P. Reubens, *Interpreting Migration*, Occasional Paper No. 29, New York Univ., Center for Latin American Studies: Dec. 1981.

formation. It suggests that some jobs can be eliminated altogether, whether by mechanization and rationalization or by abandoning those particular lines of production. Other jobs can be made attractive by improving their status, wages, and working conditions, especially by raising the official minima as much as may be necessary to attract workers or trainees. The case of Japan, which gets along without alien workers, can be invoked here.¹⁷

The difference between those two approaches becomes a matter of costs and timing of change within the existing socio-economic structure. Over the long run, no doubt, the economy would adjust to the proposed mechanization, upgrading, retraining, and relative price shifts, bringing higher productivity per worker employed, and more equitable distribution of income among those employed. However, a full shift to the Japanese model of respect for low-level work would be slow to accomplish, and unacceptable to many Americans in unions, management and government.

Meanwhile, in the short run there would be rising costs and prices, reduced volume, reduced or relocated employment, aggravated inflation, and intensified imports, with the heaviest burden borne by the most troubled cities and the most disadvantaged groups of citizens. In the end, the jobs at the bottom of the new scale in pay, quality, and prospects might be no more acceptable to native workers than before. If so, they would remain for the aliens, who might be admitted under an accommodative immigration policy — most effectively via a temporary foreign worker policy governed by labor-market criteria.

Supposing that foreign workers — both PTK and Unskilled — are “needed” in the foregoing senses and in some substantial magnitude, what are the extent and limitations of the “capacity to absorb” them in the economy and society of the host country?

One of the primal grounds of opposition to foreigners is a matter of population growth, ecology, and pressures on the environment. While this is a debatable impact at present volumes of immigration, it seems clear that if the inflow were allowed to rise without limit, drawing from Third-World total population of some two and one-half billion, the impact could become overwhelming. Accordingly all advanced nations maintain — or at least try to maintain — barriers against immigration and the alleged “natural right to migrate”.

The most specific charge as to the costs of foreign workers concerns their use of social services, supposedly worsening the scarcity of such facilities, and supposedly not paying for them adequately or at all. Recent studies, however, indicate that legal immigrants use social facilities, and pay fees and taxes (mainly scales and income taxes, and property taxes in rentals), in

¹⁷ See, E.P. Reubens, “Low-Level Work in Japan Without Foreign Workers”, *International Migration Review*, vol.15, no.4, Jan. 1982.

about the same way as do comparable low-income segments of the native population, receiving about the same degree of social subsidy.¹⁸

Furthermore, many of the legal temporary workers, being (like illegal entrants) mostly able-bodied young adults without dependents, have much lower need or inclination to use public social services. They are not committed to remain in this country permanently. Indeed, returns home can be facilitated by withholding part of earnings until actual departure.

A final implication of the TFWs role, as seen in the record over four decades, is their contribution to coping with the illegal-alien problem: as substitutes for illegal workers, and as complements to other controls.

On the one hand, the legal admission of large numbers of TFWs would go far toward filling up the job vacancies that currently attract illegals. This alone would serve as a powerful immigration control.

On the other hand, TFW legal admissions can be used to reinforce the new Immigration Act's regulations on immigration and prohibition on the employment of illegals. First, employers will not easily relinquish their illegal aliens, nor fully cooperate with the INS, unless they can get TFWs in their place. Secondly, while TFWs must be paid "prevailing wages" — in contrast to the sub-standard wages paid to some illegals in small firms — the TFWs will be more acceptable to employers now that it is unlawful to hire illegals at any wage. Thirdly, once the existing stock of illegal aliens is reduced — by the new Act's provisions for "amnesty" — and is held down by the prohibition on hiring illegals, thereafter a flexible TFW program can serve to meet fluctuating labor needs and rising labor standards while keeping the illegal inflows under control.

The new Act does make special provisions for enlarging the supply of H-2 workers; but only for seasonal farm harvesting, and along with offers of eventual permanent residence and family reunification. In comparison, the strict H-2 program developed in this article (and in more detail in several cited publications by the present writer) could more flexibly meet this country's labor needs and the aspirations of our neighbors, while minimizing burdens on our capacity to absorb immigrants.

¹⁸ D. North chapter in M. Kritz, ed., *U.S. Immigration and Refugee Policy* (Heath:1983); T. Muller, *The Fourth Wave* (The Urban Institute, Washington:1984); S. Weintraub, "Illegal Immigrants in Texas: Impact on Social Services", paper delivered at annual meeting of American Political Science Assn., Washington, Aug. 30, 1984.

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