

# Going North on a Plane Rather Than a Train *Regulated Visas as an Alternative to Irregular Migration from Central America*

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## Footnotes

- <sup>1</sup> “Southwest Land Border Encounters,” U.S. Department of Homeland Security Customs and Border Protection, last modified March 15, 2022, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.
- <sup>2</sup> Andrew Selee et al. *Laying the Foundation for Regional Cooperation: Migration Policy & Institutional Capacity in Mexico and Central America* (Washington, D.C.: Migration Policy Institute, 2021), <https://www.migrationpolicy.org/research/regional-cooperation-migration-capacity-mexico-central-america>; Doris Meissner, *Rethinking the U.S.-Mexico Border Immigration Enforcement System: A Policy Road Map* (Washington, D.C.: Migration Policy Institute, 2020), <https://www.migrationpolicy.org/research/rethinking-us-mexico-border-immigration-enforcement>; Randy Capps, Doris Meissner, Ariel G. Ruis Soto, Jessica Bolter and Sarah Pierce, *From Control to Crisis: Changing Trends and Policies Reshaping U.S.-Mexico Border Enforcement* (Washington, D.C.: Migration Policy Institute, 2019). <https://www.migrationpolicy.org/research/changing-trends-policies-reshaping-us-mexico-border-enforcement>.
- <sup>3</sup> Michael Clemens, “Violence, Development, And Migration Waves: Evidence From Central American Child Migrant Apprehensions,” *Journal Of Urban Economics* 124, No. 103355 (July 2021), [Doi:10.1016/J.Jue.2021.103355](https://doi.org/10.1016/j.jue.2021.103355).
- <sup>4</sup> Sarah Rose, Reva Resstack, and Helen Dempster, *Addressing the “Root Causes” of Irregular Migration from Central America: An Evidence Agenda for USAID* (Washington, D.C.: Center for Global Development, 2021), <https://www.cgdev.org/publication/addressing-root-causes-irregular-migration-central-america-evidence-agenda-usaid>.
- <sup>5</sup> “Administrator Samantha Power on New H-2B Visa Allocations for Northern Central America and Haiti” (statement), United States Agency for International Development, last modified April 1, 2022, <https://www.usaid.gov/news-information/press-releases/dec-20-2021-administrator-samantha-power-new-h-2b-visa-allocations>
- <sup>6</sup> The authors developed these recommendations as part of a coordinated initiative between the Migration Policy Institute and the Center for Global Development. Related publications include Cristobal Ramón, *Investing in Alternatives to Irregular Migration from Central America: Options to Expand U.S. Employment Pathways* (Washington, D.C.: Migration Policy Institute, 2021), <https://www.migrationpolicy.org/research/alternatives-irregular-migration-central-america>; Rose, et al., *Addressing the “Root Causes.”*; Michael McDonnell and Reva Resstack, *Work Visas to the US: How Do We Make Sure Women from the Northern Triangle Don’t Get Left Behind?* (Washington, D.C.: Center for Global Development, 2021) <https://www.cgdev.org/blog/work-visas-us-how-do-we-make-sure-women-northern-triangle-dont-get-left-behind>; and Michael Clemens, Reva Resstack, and Cassandra Zimmer, *Harnessing Northern Triangle Migration for Mutual Benefit* (Washington, D.C.: Center for Global Development, 2021) <https://www.cgdev.org/publication/harnessing-northern-triangle-migration-mutual-benefit>. Some recommendations also came from an internal 2022 MPI memorandum on ethical recruitment proposals written for stakeholders working with MPI and the Center for Global Development.
- <sup>7</sup> For analysis of how the H-2A nonagricultural program can adopt similar measures, see: Ramón, *Investing in Alternatives to Irregular Immigration*.
- <sup>8</sup> Erin Babich and Jeanne Batalova, *Central American Immigrants in the United States* (Washington, D.C.: Migration Policy Institute, 2021). <https://www.migrationpolicy.org/article/central-american-immigrants-united-states>.
- <sup>9</sup> “Adjusted Refusal Rate - B-Visas Only by Nationality Fiscal Year 2020”, U.S. Department of State, <https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/RefusalRates/FY20.pdf>.
- <sup>10</sup> Selee et al. *Laying the Foundation for Regional Cooperation*.
- <sup>11</sup> “Central America and Mexico: Operational Update, July 2021,” UN High Commissioner for Refugees, last modified August 31, 2021, <https://reliefweb.int/report/mexico/central-america-and-mexico-operational-update-july-2021>.
- <sup>12</sup> American Immigration Council, *A Guide to Title 42 Expulsions at the Border* (Washington, D.C.: American Immigration Council, 2021), <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.
- <sup>13</sup> International Crisis Group, *Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle* (Brussels: International Crisis Group, 2020) <https://www.crisisgroup.org/latin-america-caribbean/83-virus-proof-violence-crime-and-covid-19-mexico-and-northern-triangle>; and Maria Micaela Sviatschi, “Spreading Gangs: Exporting US Criminal Capital to El Salvador,” *American Economic Review*, Forthcoming. Draft available at [http://www.micaelasviatschi.com/wp-content/uploads/2021/11/making\\_agang25x10.pdf](http://www.micaelasviatschi.com/wp-content/uploads/2021/11/making_agang25x10.pdf).
- <sup>14</sup> “CBP Releases Operational Fiscal Year 2021 Statistics,” U.S. Department of Homeland Security Customs and Border Protection, last modified January 3, 2022, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-operational-fiscal-year-2021-statistics>.
- <sup>15</sup> Clare Ribando Seelke and Joshua Klein, “Mexico: Background and U.S. Relations,” *Congressional Research Service*, R42917, <https://crsreports.congress.gov/product/pdf/R/R42917>.
- <sup>16</sup> Mathias Czaika and Hein De Haas, “The Effectiveness of Immigration Policies,” *Population and Development Review* 111, no. 3 (September 2013): 487–508. [doi:10.1111/j.1728-4457.2013.00613.x](https://doi.org/10.1111/j.1728-4457.2013.00613.x).

- <sup>17</sup> Jessica Bither and Astrid Ziebarth, *Creating legal pathways to reduce irregular migration? What we can learn from Germany's Western Balkan Regulation* (Berlin: Migration Strategy Group on International Cooperation and Development and The German Marshall Fund of the United States, October 2018), <https://www.gmfus.org/sites/default/files/Creating%20Legal%20Pathways%20to%20Reduce%20Irregular%20Migration.PDF>.
- <sup>18</sup> Michael Clemens and Kate Gough, *Can Regular Migration Channels Reduce Irregular Migration? Lessons for Europe from the United States*, Center for Global Development, February 2018, <https://www.cgdev.org/sites/default/files/can-regular-migration-channels-reduce-irregular-migration.pdf>.
- <sup>19</sup> Carlos Gutierrez, Ernesto Zedillo and Michael Clemens, *Shared Border, Shared Future: A Blueprint to Regulate US-Mexico Labor Mobility*, (Washington D.C.: Center for Global Development, 2016), <https://www.cgdev.org/publication/sharedfuture>.
- <sup>20</sup> McDonnell and Resstack, *Work Visas to the US*.
- <sup>21</sup> Anna Triandafyllidou, Laura Bartolini, and Francesca Guidi, *Exploring the Links Between Enhancing Regular Pathways and Discouraging Irregular Migration* (Geneva: IOM, 2019), [https://publications.iom.int/system/files/pdf/exploring\\_the\\_links\\_2019.pdf](https://publications.iom.int/system/files/pdf/exploring_the_links_2019.pdf).
- <sup>22</sup> The United Nations Economic and Social Commission for Asia and the Pacific, *Towards Safe, Orderly and Regular Migration in the Asia-Pacific Region* (Geneva: United Nations, 2018), <https://www.unescap.org/sites/default/d8files/knowledge-products/Migration%20report.pdf>.
- <sup>23</sup> U.S. Congressional Research Service, *The H-2B Visa and the Statutory Cap* (Washington, D.C.: Library of Congress, 2020), <https://crsreports.congress.gov/product/pdf/R/R44306/8>.
- <sup>24</sup> Ibid.
- <sup>25</sup> "Nonimmigrant Visa Issuances by Visa Class and by Nationality," U.S. Department of State, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>.
- <sup>26</sup> Gray Delany, *SEA Statement on Additional Visa Release* (Leesburg, VA: Seasonal Employment Alliance, 2021), <https://sealabor.com/2021/12/20/sea-statement-on-additional-visa-release/>.
- <sup>27</sup> "20 C.F.R. § 655.20(p) - Notice of Acceptance: H-2B Temporary Non-Agricultural Program," U.S. Department of Labor, <https://www.law.cornell.edu/cfr/text/20/655.20>.
- <sup>28</sup> Ramón, *Investing in Alternative Pathways*, 9.
- <sup>29</sup> For a center-left perspective, see: Daniel Costa, *Temporary Work Visa Programs and the Need for Reform* (Washington, D.C.: Economic Policy Institute, 2021), <https://www.epi.org/publication/temporary-work-visa-reform/>. For a center-right perspective, see: David Bier, *H-2B Visas: The Complex Process for Nonagricultural Employers to Hire Guest Workers* (Washington, D.C.: Cato Institute, 2021), <https://www.cato.org/publications/policy-analysis/h-2b-visas-complex-process-nonagricultural-employers-hire-guest-workers>.
- <sup>30</sup> Emmanuel Abuelafia, Marta Ruiz-Arranz, and Giselle Del Carmen, *In the Footprints of Migrants: Perspectives and Experiences of Migrants from El Salvador, Guatemala and Honduras in the United States* (Washington, D.C.: Inter-American Development Bank, 2018), <https://publications.iadb.org/publications/english/document/In-the-Footprints-of-Migrants-Perspectives-and-Experiences-of-Migrants-from-El-Salvador-Guatemala-and-Honduras-in-the-United-States.pdf>; Anita Isaacs and Jorge Morales Toj, "Guatemala Is America's Best Chance to Fix the Immigration Problem," *The New York Times*, June 7, 2021, <https://www.nytimes.com/2021/06/07/opinion/kamala-harris-guatemala.html>.
- <sup>31</sup> Congressional Research Service, *H-2A and H-2B Temporary Worker Visas: Policy and Related Issues*, R44849, 9 June 2020, <https://sgp.fas.org/crs/homesec/R44849.pdf>.
- <sup>32</sup> U.S. Department of Homeland Security Customs and Border Protection, *Fiscal Year 2020 Entry/Exit Overstay Report* (Washington, D.C.: U.S. Department of Homeland Security, 2021), [https://www.dhs.gov/sites/default/files/2021-12/CBP%20-%20FY%202020%20Entry%20Exit%20Overstay%20Report\\_0.pdf](https://www.dhs.gov/sites/default/files/2021-12/CBP%20-%20FY%202020%20Entry%20Exit%20Overstay%20Report_0.pdf).
- <sup>33</sup> "For First Time, DHS to Supplement H-2B Cap with Additional Visas in First Half of Fiscal Year," U.S. Department of Homeland Security, last modified January 31, 2022, <https://www.dhs.gov/news/2021/12/20/first-time-dhs-supplement-h-2b-cap-additional-visas-first-half-fiscal-year>.
- <sup>34</sup> The U.S. government can create the program with input from safe recruitment stakeholders such as CIERTO Global, Stronger Together, the International Labor Organization (ILO), and IOM, which has released general principles and good practices for ethical recruitment. The ILO and/or IOM could design and manage the certification process, which may incorporate the IOM's IRIS voluntary certification scheme for this program (see more here: "IRIS Voluntary Certification Scheme," International Organization for Migration, <https://iris.iom.int/iris-voluntary-certification-scheme>).
- <sup>35</sup> The Honduran government currently requires foreign recruiters that want to contract large numbers of Honduran workers to register with the agency that oversees these recruiters. The Honduran government also prioritizes working with employers through its referral program to mitigate the actions of unscrupulous employers and recruiters. Guatemala is currently crafting a law that would require foreign labor recruiters to register with the ministry, which will oversee their activities. Honduran Secretariat of Labor and Social Welfare Official, interview with the author, May 19, 2021 and Guatemalan Ministry of Labor and Social Welfare Official, email message to author, November 17, 2021.
- <sup>36</sup> The origin country governments currently conduct these visits to register complaints from their nationals working in the H-2 program. Honduran consulate staff must visit workers at least once during their stay in the United States to determine if they have problems with their employer. The Guatemalan government has similar requirements for its consulate staff as well. Ramón, *Investing in Alternative Pathways*, 7; Guatemalan Ministry of Labor and Social Welfare Official, email message to author.
- <sup>37</sup> Beatriz Magaloni and Melanie Morten, "Immigration Law as Development Policy: Mexican Guestworkers and the H-2A Visa Program." Work in Progress.