Cultivating the Dream: Migrant Experiences Under Free Trade Agreements

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"The backbone of my business is migrant workers- without them we would fall apart." – Jim, Elhannon Nursery

Abstract:
This study is a comparison of two different regional free trade agreements, NAFTA and the European Union. It analyzes the goals and structure of the respective agreements, the provisions for migration and labor in each agreement, and how these provisions translate to the employment conditions of migrant workers who have immigrated to a more developed nation to gain employment in low-skill jobs. The first group examined is Mexican migrant workers in agriculture and hospitality in the United States post-NAFTA, and the second group is Polish migrant workers in agriculture and hospitality in Britain after the 2004 accession of the EU. While the EU and NAFTA appear to be disparate free trade agreements that account for migration and labor differently, the employment conditions of Polish and Mexican migrant workers are similar. The inadequacy of migration and labor provisions in regional free trade agreements, as well as a lack of foresight in both agreements led to parallels in low-skilled migrants workers' experiences.

Introduction

From the 1980s through today, beginning with the support of U.S. President Ronald Reagan and U.K. Prime Minister, Margaret Thatcher, there has been a proliferation of liberal economic policies with an emphasis on free market principles. A major component of these policies has been the creation and adoption of regional free trade agreements (RTAs) with trends towards regionalism (Cohn, 2012). By early 2005, nearly 260 RTAs had been reported to the World Trade Organization (Brown, 2005). In principle, these regional free trade agreements allow for nations in close proximity to have greater economic integration and cooperation

(Duina, 2006). One of the ways that states involved in free trade agreements achieve this is by facilitating trade with each other by opening their markets and lowering or removing tariffs on goods and services. While regional free trade agreements can foster stronger regional ties and economic development, they can fail to address major human rights issues and abuses.

One of the most significant regional free trade agreements is NAFTA, or the North American Free Trade Agreement, which was officially signed into law on December 8, 1993 and enforced on January 1, 1994 and involves the U.S., Canada and Mexico. Historically, NAFTA was the first reciprocal RTA between two developed countries (U.S. and Canada) and a Least Developed Country or LDC (Mexico). The key goals of NAFTA were the elimination of barriers to trade, increased cross-border movement of goods and services, and expanded investment opportunities. These economic successes were viewed as the potential catalyst for elevating living standards in all involved nations (Duina, 2006). NAFTA was created for economic purposes and has remained strictly an economic free trade agreement despite some efforts by some involved parties to change it (Cohn, 2012).

In contrast to NAFTA, the European Union began as a series of 76 to 109 regional free trade agreements between European nations between the years of 1948 and 1994 (Cohn, 2012). These free trade agreements officially created a customs union known as the European Union in 1993; this union signified collaboration in more than just trade and economics. The EU is viewed as the most advanced of RTAs because it has broader and deeper integration (Cohn, 2012). Its creation demonstrated the capacity for market building with regionalism and encouraged other nations to engage in RTAs (Duina, 2006).

As a result of their divergent goals and partners, NAFTA and the EU have different provisions for labor and migration. In the development of NAFTA, its architects did not initially

include provisions or a legal framework for migration, nor labor. Mexican President, Carlos Salinas encouraged the recognition of migration and labor within the free trade agreement; however, U.S. and Canadian leaders were focused on quick capital investment. These leaders realized how contested labor and migration were in the context of this agreement and did not want to impede the rapid establishment of the agreement. Eventually, there was the creation of a side agreement for labor, which many believe is insufficient in enforcing and regulating labor standards.

Migration was never formally addressed in NAFTA, and was deliberately left out by trade negotiators. In contrast, the formation of the EU included comprehensive conditions that focused on labor, migration, employment conditions and development assistance. More developed states in the EU recognized the need to assist their weaker neighbors for the sake of a stronger union. One of the main aspects of the EU that makes it fundamentally different from NAFTA is its emphasis on the free flow of goods and services, as well as *people* (Duina, 2006). Under NAFTA, there is no account for migration despite increased trade and fluidity in goods and services, whereas in the EU workers are permitted to move freely throughout countries in the union.

The huge variances in the provisions for labor and migration in NAFTA and the EU would seemingly lead to differences in the employment conditions and situations of their low-skilled migrant populations. However, Mexican migrants working in the U.S. in agriculture and hospitality, and Polish migrants working in Britain in agriculture and hospitality, face much of the same adversity and serve similar roles in their adopted societies. In both the U.S. and Britain these migrants often perform jobs that natives are reluctant to do, or seldom apply for, and receive low wages for long hours of demanding, and sometimes, dangerous work under

precarious conditions. While some natives recognize migrants' hard work and their contributions to society, others view migrants as a threat, and as a result treat them with a lack of dignity and respect.

Literature Review

Discourse on regional free trade agreements

The concept of free trade, first outlined by Adam Smith (1776) in *The Wealth of Nations,* states that free trade among other nations augments economic interests. Those who support Smith's position and regional free trade agreements argue that these agreements help all involved partners' economies, facilitate communication, and promote coordination in dealing with arising contemporary problems such as illegal migration or cross-national crime (Duina, 2006). An influential U.S. economist, Lawrence H. Summers (1991), emphasizes the potential for RTAs to promote trade, as well as other benefits in domestic and welfare policies of involved nations. Furthermore, Baldwin (1996) offers that greater integration of some nations through a union, such as the EU, incentivizes others to enter the area or participate in the agreement. Many liberalist scholars and economists view RTAs as positive efforts towards global free trade, but argue for more multilateral approaches that transcend regional and national boundaries (Duina, 2006).

In contrast to liberalist scholars and economists and those in support of regional free trade, realists and historical materialists and some other economists view RTAs as impediments to a nation's economic success and national sovereignty. One of the main reasons for this is because of their reliance on a self-help system proposed by foundational realist scholars, Hobbes (1650) and Machiavelli (1532). Furthermore, scholars recognize RTAs as reflections of asymmetries of power, wealth and technology among involved partner states (Cohn, 2012). An

example of this is contemporary scholar, Jagdish Bhagwati (2012), who views regional free trade agreements as efforts by one stronger party to impose their dominance on a weaker nation in close proximity. Bhagwati and others critical of RTAs see the working class and poorest states as the main losers in RTAs and multinational corporations and dominant states as the main beneficiaries (Cohn, 2012).

By opening markets, nations are relying on the economic principle of comparative advantage, which states that a nation should specialize in a product that they have a relative advantage over in comparison to another nation (Cohn, 2012). In these regional free trade agreements, a nation focuses on what it can better produce or receive in comparison to a neighboring nation. After recognizing their capabilities, involved nations lift most or all tariffs, quotas or special fees or taxes and other barriers to trade in order to have rapid and continuous growth and business with each other (Ong Hing, 2010). In the case of asymmetrical agreements, the comparative advantage of the wealthier nation is often distorted. Scholars, Saggi and Yildiz (2010) emphasize that multilateral free trade agreements are only effective when nations have symmetric endowments but that when nations have asymmetric endowments, bilateral agreements are preferable. For example, in the case of the U.S. and Mexico under NAFTA, agricultural subsidies and mechanization change Mexico's comparative advantage in agriculture. Despite the fact that Mexico originally has a comparative advantage in agriculture, the U.S. ends up having a competitive advantage and benefitting more from the trading relationship because of subsidies and more advanced technology (Ong Hing, 2010). These nations in the same geographical area come together to unite and promote trade and development; however, their net gains are not equal.

Migration in free trade agreements

For many years there has been an ongoing debate on how migration should be incorporated into free trade agreements. At the moment, there is no single international organization or treaty with the purpose of managing migration. One reason is that migration is not often viewed as a global good and consequently does not have a comprehensive normative or institutional response (Panizzon, 2011). Instead, trade and labor migration are governed under specific free trade agreements and through the World Trade Organization/General Agreement on Trade in Services (GATS) and specifically under Mode 4 with the "temporary movement across borders of natural persons" (World Trade Organization, 2016). In order to facilitate labor market integration, the temporary movement of foreign workers has been liberalized under GATS. However, the regulation of this flow of workers has been tenuous. At the Doha Development Agenda of the WTO in 2001, there was increasing pressure from developing nations to improve management of the flow of labor and migration.

Since 9/11, one of the ways that migration has been managed is through the deliberate selection of low and high skilled workers. A nation's choice to incorporate high skilled workers relates to scarcity. Scholars, such as Panizzon (2011), argue that nations want to augment their own economies by gaining these desirable high skilled workers and hinder other nations' benefits in the process. In contrast, low-skilled migrants occupy a secondary labor market in industrialized nations, which results in divides among migrants along skill, educational and occupational lines rather than according to nationality. Panizzon (2011) argues that the determinative factors of migration are the market-oriented values of workers, such as their skills and age. How nations and free trade agreements are dealing with migration is often difficult because of the differences in the need and desire for low or high skilled migrants.

Labor in free trade agreements

After World War II and the Bretton Woods conference in 1944, labor standards and rights were negotiated under GATT. In the following years, there was the consensus about the growing need for the development of a better system, which led to the formation of the U.S. Trade Act of 1974. The U.S. insisted that four minimum international labor standards be addressed under GATT or in the development of free trade agreements: child labor, forced labor, workplace health and safety and discriminatory practices applied to export. However, ultimately many other nations rejected the enforcement of these standards (Pier, 2006).

The 1974 trade act was followed by the 1988 and then 2002 reforms, which did not show much progress or substantial improvement in providing worker standards and protections. Pier (2006) argues that both of these later agreements were steps back for labor provisions. Critics of these trade reforms believe that there was no guidance for nations to fulfill and implement objectives and standards. Nations were free to employ the standards as they deemed necessary and were not subject to much oversight. In addition, there was the incorporation of vague and ambiguous language that was often difficult to interpret and follow. One example of this is that nations' should "strive to ensure" that their domestic labor laws be abided by (Pier, 2006). Many were leery of the effectiveness of the reforms as a result of the lack of support for the implementation of the reforms and direct language in their development.

One of the other key points of contention in the creation of labor provisions in free trade agreements is whether there should be internationally recognized workers' rights or whether nations should only be required to enforce their existing labor laws and should have the ability to devise standards at their own discretion (Pier, 2006). This debate has caused on going tension between trade agreement negotiators and labor interests (Pagnattaro, 2004). Those in support of

linking labor rights with free trade agreements argue that free trade agreements are an ideal context for the promotion of human rights and better working conditions. In addition, they recognize that it is unfair for U.S. workers to compete with foreign workers who are subjected to low wages, and often, difficult working conditions with little ability to change their situations. In turn, they believe labor must be addressed in the preamble, as well as in the main text of free trade agreements. However, those who oppose these efforts argue that they are an infringement on the sovereignty of trading partners (Pagnattaro, 2004). They also believe that free trade will improve the economies of involved nations, and as a result will naturally augment these nations' living standards and work conditions. These individuals recognize that labor rights and accounts for human rights in RTAs can slow down the process and would rather see these agreements in practice as quickly as possible.

Goals of NAFTA and the EU

The goals of NAFTA are outlined under article 102 of the agreement and focus on the elimination of barriers to trade, emphasize cross-border movement of goods and services, and expanded investment opportunities. NAFTA was created for economic purposes and has remained strictly a free trade agreement. However, Mexico's president, Vincente Fox, proposed that NAFTA extend to the free movement of labor, as well as goods and services. He also called for the creation of a development fund to upgrade North American infrastructure as a whole (Cohn, 2012). Fox's efforts are similar to the EU's emphasis on the promotion of development throughout the union. However, the U.S. and Canada did not support these conditions and believed that the market alone would facilitate development and greater integration. Consequently, NAFTA was formed as a free trade area to promote greater openness among

member states, but each member was able to retain its own trading policies towards nonmember states (Cohn, 2012).

The U.S. viewed NAFTA as an effort to gain Mexico as a stable and reliable ally against other foreign powers. The EU's enlargement and consolidation gave the U.S. a reason to join and create a free trade agreement to promote regionalism. In addition, there was a goal of dismantling agriculture with subsidies. Mexico would no longer be able to compete with U.S. subsidies and would import goods, such as, corn, wheat, beef, poultry etc. (Ong Hing, 2010). In addition, agricultural policies in NAFTA included the incorporation of seasonal permits for migrants entering the U.S. to work in agriculture and limited visas in other industries, such as hospitality (Ong Hing, 2010).

In contrast to NAFTA, the EU is a customs union, which has the same characteristics of a free trade area plus a common external tariff toward outside states. Custom union members have less autonomy to make their own decisions and need to make unanimous decisions as a union (Cohn, 2012). This has been one of source of debate by members of the EU and has made some nations more reluctant to enter and remain part of the union. Furthermore, the 2005 EU constitution was not passed because a number of EU 10 nations, including the Netherlands and France, felt that they would lose too much autonomy and that the EU would become more bureaucratic with a hefty 300-page constitution (Murphy, 2006). The EU also has a major social component that attempts to bring similar standards and norms across the board. Due to these social and political components, the EU is seen as the strongest example of regional integration to date. However, more recently this has come in to question with the potential for the exit of some major involved nations, such as Britain. Britain, as well as some other member states,

believe that the union restricts them and that they bear too much of the burden of weaker, indebted nations (De Freytas-Tamura, 2016).

NAFTA and migration and labor policies

One of the main criticisms of NAFTA is that it did not account for labor or migration in its creation and implementation. Instead of recognizing the potential implications of this trade agreement on migration, the creators of NAFTA were solely focused on quickly expanding opportunities for capital investment (Boskin, 2014). Initially, Mexican president Carlos Salinas looked to address migration in the agreement, but President George H. W. Bush told him that this would make the pact difficult to pass in Congress (Orme, 1996). There were many anti-immigration sentiments at the time, and Bush felt that this kind political climate would impede the passage of the agreement. However, under the subsequent President Bill Clinton's administration, there was a push for side agreements to account for labor, migration and environmental concerns (Orme, 1996).

Ultimately, these leaders were more concerned about getting NAFTA passed in a timely manner rather than ensuring the incorporation of side agreements for migration and the environment (Boskin, 2014). The agreement was subsequently passed without mention of immigration, which has led to many of the social consequences and human rights abuses of Mexican migrants. It is difficult to believe that this was unintentional and that these leaders truly believed immigration was irrelevant (Ong Hing, 2010). Hussain (2008) argues that this agreement lacked a level of foresight and was only focused on immediate growth. The gap in provisions for immigration in NAFTA is one of the most contentious aspects of the agreement to this day.

In regards to labor in NAFTA, there was the formation of a side agreement, known as NAALC (North American Agreement on Labor Cooperation). NAALC was formed to coordinate and ensure the protection of labor laws of involved nations. However, under this side agreement, each country was to effectively uphold its own labor laws (O'Donovan, 2006). Pagnattaro (2004) emphasizes that trading partners were not required to adopt any new worker rights laws or to conform to any international standards. O'Donovan (2006) recognizes that issues arise with a reliance on each involved nation's labor laws because Mexican labor laws are often seen as weaker than the U.S.; however, this can also be difficult within the U.S. Many labor conditions are made at the state level in the U.S. rather than the federal level, which can lead to some discrepancies in working conditions especially in agriculture and manual labor (O'Donovan, 2006).

More recently, labor laws have been more linked to the protection of human rights, and this has been true with NAALC's labor provisions as well. The protection of human rights is increasingly viewed as paramount and there are continuous efforts by advocacy groups to emphasis and promote their salience (Lee, 2010). Pagnattaro (2004) acknowledges the positive goals and efforts of NAALC to promote and protect labor and worker rights but stresses its lack of enforceability. Many argue that labor should be accounted for within the body of a free trade agreement, not just in a side agreement, because side agreements do not have the same disciplinary procedures. If a country fails to abide by labor laws, there is not as much of a consequence on NAFTA overall. The trade agreement between the U.S. and Jordan (Jordan FTA) is considered to be more effective in both promoting and enforcing labor rights because the labor provisions are incorporated into the main text of the agreement rather than solely addressed in a cursory side agreement (Pagnattaro, 2004).

European Union and migration and labor policies

In contrast, during the development of the EU comprehensive conditions that focused on labor, migration, employment conditions and development assistance were incorporated. Early on, more affluent European countries sought to assist in the development of weaker nations, relying on the shared-responsibility model (Ong Hing, 2010). One of the goals of these efforts was to stabilize the number of workers moving from less developed nations to more industrialized nations for work. Massey (2007) argues that the EU created a common market and shared agricultural and trade policies to ensure transparency and alignment. In addition, they eliminated customs to allow for more mobility and emphasized the importance of the free flow of people (Ong Hing, 2010). One of the specific regulations addressing migration is Regulation No 492/2011, which provides for the free flow of workers throughout the union. This emphasis on the free flow of people is in direct contrast to NAFTA's sole focus on the exchange of goods.

More recently, the EU has shifted towards an increased understanding of the need to address migration goals in its external policies (Boswell, 2003). In 2004, the EU let in former Eastern Bloc countries, often known as A8: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, and Slovenia. Some nations within the EU recognized that there would be increased migration pressures after the accession of these nations and made provisions accordingly. The majority of the original EU countries put limits on the number of migrants eligible to migrate from these nations. One of the reasons for this was that seven of these former Soviet bloc nations were considered developing and their citizens had more incentive to look for work outside their nation's boundaries (Ong Hing, 2010). After 2011, there were no more restrictions to migration within the EU. However, an important step for the EU in terms of migration was the creation of the Task Force For Migration Policy that looked to

specifically account for immigration concerns (Katseli, 2004). The Take Force for Migration Policy is devoted to migration while NAFTA does not have an equivalent body.

Problem Formulation Leading to Research Focus

One of the crucial gaps that I found in my research was an analysis of the EU's provisions for migration and labor and the employment conditions of migrants as opposed to NAFTA's provisions (or lack there of) and how these affect the social conditions of low-skilled migrants working under its terms. Both Britain and the U.S. are both highly industrialized, powerful nations that have a strong reliance on migrant workers for low-skilled jobs, particularly in agriculture and hospitality. Due to the heavy reliance on migrants, there is some mistreatment and exploitation of these workers. There is not much scholarly connection between the provisions of these agreements and the employment and work conditions of migrants.

In addition, there is a lack of acknowledgement of the similarities of the situations of migrant workers in these two industrialized nations despite the vast differences in the regional free trade agreements they are currently engaged in. I was curious to find out what led these two distinct regional free trade agreements to have similar conditions of low-skilled migrant workers in agriculture and hospitality. My research question became: Why are two disparate regional free trade agreements (NAFTA and the EU) resulting in similar employment conditions for migrants? I was interested in studying to what degree this gap connects to the EU's overall transformation, since the 2004 accession, into an agreement that is more aligned with NAFTA with regards to migration, labor and low-skilled labor.

Methodology and Cases

My case selection came about as a result of the recognition of the existence of two low-skilled migrant communities in the U.S. and Britain and the fact that both nations are engaged in important regional free trade agreements. The U.S. and Britain are the more dominant and industrialized actors, and their views dictated the formation and implementation of the agreements. The second step of my case selection was the choice of Mexican migrants because of their participation as the LDC in NAFTA. I chose Polish migrants in Britain, since the 2004 accession of the EU, as my comparison because Poland was considered to be a less industrialized and weaker player in this agreement. In addition, both Mexican and Polish migrants have language barriers in their new countries and major cultural differences.

After deciding on the two countries and migrant communities, I looked more closely at the social conditions and employment experiences of these low-skilled migrants in a variety of industries. I decided to focus on agriculture and hospitality because these two sectors both have some of the largest numbers of Mexican and Polish migrants working in them. In addition, both sectors are considered to be the lowest and least desirable professions for natives. Agriculture has the lowest wages and some of the most abysmal working conditions, while hospitality is recognized as a slightly more desirable field because it includes more social interaction, the possibility for language acquisition and has room for upward mobility. I thought it would be interesting to study two of the lowest skill jobs but with slight variations in level and desirability.

For my methodology, I relied on a variety of secondary sources. The fundamental basis of my research was the theory and importance of regional free trade and regionalism. I researched various theorists' opinions on free trade, as well as a number of scholarly criticism and support for regional free trade. In addition, I relied on secondary sources to study the goals

and provisions for labor and migration in both NAFTA and the EU. It was important to recognize the discrepancies in the objectives and structure of the two agreements in order to study their labor and migration provisions and migrant communities. The other major aspect of my research was interviews with Mexican migrant workers, as well as their employers, in agriculture and hospitality.[1] While I was able to use primary sources to conduct in-person interviews with Mexican migrants and their employers, unfortunately, due to geographical and time constraints, I was unable to get firsthand accounts from Polish workers or employers in Britain. I recognize that I only spoke to a few migrants and employers and that their opinions and impressions are not widely applicable. If I were to have more time and resources, I would be sure to conduct more extensive interviews with migrants throughout the United States, as well as in Britain.

Findings and Analysis

Case # 1: Temporary labor in the U.S. post NAFTA

Many nations engaging in free trade agreements recruit temporary or seasonal migrant workers to fill certain voids in the labor market. The U.S. currently has two guest worker programs that emerged at the federal level after NAFTA: the H-2A program and the H-2B. Through the H-2A program in the U.S., foreign nationals can be legally brought into the U.S. to perform temporary jobs in agriculture. The H-2B federal program permits visas for temporary nonagricultural work. One of the requirements for these programs is that there must be evidence that there are not enough native U.S. citizens who are willing, able or qualified to do the work. In addition, these additional workers should not adversely affect the wages and working conditions

[1] Appendix 1

of U.S. workers. Workers involved in these programs are directly tied to the employers, and in some situations can be subjected to workplace abuse because of a lack of oversight (Farmworker Justice, 2016).

Congress and federal agencies in the U.S. have made efforts to investigate and impose labor law requirements on employers, but they are often unsuccessful because workers have no way to enforce these requirements. Many workers suffer in silence for fear that if they speak out, they will lose their visas and be forced to return to their home countries and will be unemployed once again (Farmworker Justice, 2016).

Visa process and immigration regulations for Mexican Migrants

One of the stated goals of NAFTA was to further encourage development in Mexico. This goal relates to the rhetoric of the EU, which emphasized the promotion of development of weaker nations within the union. However, it was not simply altruistic; the strengthening of the Mexican economy was seen as a way to discourage migration to the U.S. for work. Mexican migration had risen with the Bracero Program after the Korean War (Orme, 1996). However, when the Bracero Program ended, many Mexican workers were sent back to their home country and struggled to find work (Orme, 1996). Through NAFTA, President Salinas believed that their economy would be more stable and workers would receive higher wages.

Unfortunately, the treaty placed increasingly heavy burdens on Mexican workers, especially in the agricultural sector, as these workers were forced to compete with major U.S. companies producing crops without subsidies (Bacon, 2014). Corn was one of the products most affected by these subsidies; however, many other products have suffered as well. As a result, there was the rising pressure for Mexican workers to make the journey to U.S. for better wages

and a higher quality of life for their families. The number of legal immigrants admitted to the U.S. rose from 2.5 million in the 1950s to 9.1 million in the 1990s following the introduction of NAFTA (Borjas, 2007).

The 9.1 plus million legal migrants that came to the U.S. following NAFTA came to find work and build lives for themselves and their families. However, it has become increasingly difficult to come to the U.S. as a Mexican migrant because there are now less visas provided by the government. After NAFTA, the implementation of federal programs for H2A and H2B workers initially lead to an influx of workers. However, the overwhelming number of Mexican, as well as other Central American migrants, seeking work has lead to the decrease in the number of visas given each annually.[2]

In addition, rhetoric about Mexican immigrants taking the jobs of native citizens has led to increased animosity towards migrants more recently. Some leaders and media outlets employ anti-immigrant and xenophobic ideas to use migrants as scapegoats for U.S. problems. In the process, many Mexican migrants working legally in the U.S. are viewed as "illegals" and undocumented criminals and rapists. One of the H2-A migrants I interviewed, Victor, from Elhannon Nursery, as well as his boss, Jim, commented on the lengthily and bureaucratic process of obtaining a visa. Victor explained how even if his employer wants fifteen workers for the spring season, the immigration office may only give him eight or ten visas (personal communication, April 18, 2016). Currently, Elhannon has eight H2-A workers who are only permitted to be in the country until December. Jim expressed how he would love to have more migrants and allow them to stay longer but must abide by the strict regulations and send them home to Mexico by December 15, 2016 (personal communication, April 18, 2016).

[2] Figure 2

Discrimination and marginalization of Mexican migrant workers

Many of the migrant workers that have come to the U.S. have created vibrant communities for themselves. However, many of these enclaves have been characterized by having weaker educational attainment, lower wage earning workers, and a lack of assimilation of the residents (Borjas, 2007). One of the reasons for the creation of these concentrated communities of Mexican migrant workers is that they seek to attain their deep cultural and linguistic traditions (Tutino, 2012). In addition, many of these workers face tremendous amounts of discrimination and are not accepted into other communities. In many cases, native U.S. workers view Mexican migrants as a threat to their carefully constructed lives. Instead of recognizing the humanity of these workers who are only seeking to improve the situation of their families, some native workers only see them as inferior and calculating (Tutino, 2012).

Discrimination can be especially prevalent in rural areas of the U.S. where there is not as strong of a Hispanic community and where workers are brought in to perform jobs that cannot be done mechanically. In the Midwest of the U.S., and in other parts of the U.S., there is more of a reliance on machines for agricultural work; however, on apple orchards or in nurseries there is a need for laborers to do the work. In Petersburg, NY, at Elhannon Nursery, there is a predominantly white population and H2-A workers who brought in to work seasonally are often marginalized. Migrant worker, Heraldo, from Elhannon Nursery expressed how he and the seven other workers at the nursery live together in a small apartment in Hoosick Falls, a few miles away from their job. When they are not working, they find it difficult to engage in the community and make connections especially because they do not speak English (personal communication, April 16, 2016). Many of the residents of the town view these workers as inferior and subscribe to anti-immigrant sentiments.

In addition, at the nursery, Jim explained how his five native white workers often refuse to work alongside the Mexican workers and ridicule them throughout their work shifts (personal communication, April 16, 2016). Jim acknowledges the poor behavior of his native workers and only hires them out of necessity because he cannot get more seasonal visas for migrant workers. He explained how his native white workers often skip work for fishing trips or fun activities throughout the spring and summer and do not have nearly the same work ethic or drive of his Mexican migrant workers (personal communication, April 16, 2016).

He explained the connection he has with the H2A workers that come each year and how these migrants are all cousins, brothers and relatives from the same family from a small town in Puebla, Mexico. He has a built a relationship with this family based on mutual respect and trust and understands that all of these workers come to provide for their children and other loved ones at home. Jim's recognition and respect for his workers, makes them want to work hard, and he explained how they are willing to put in all of their energy and effort regardless of the day. Jim expressed how he believes any successful business and employer needs to recognize the value of their workers and to treat them with respect. When questioned about other bosses and employers treatment of migrants, Jim emphasized how he wished he could say they all have the same level of gratitude but he did not believe this was the case (personal communication, April 16, 2016).

Working conditions and wages of Mexican migrants

Along with strong levels of discrimination and marginalization, many Mexican migrant workers receive incredibly low wages under abysmal conditions. Many workers, especially those who cannot speak English, take on riskier or more strenuous jobs that do not pay well because they cannot find work elsewhere. A migrant's English proficiency directly relates to his

employment, and agriculture is often a viable option because it does not require language acquisition. As high as 68% of respondents who speak no English make less than $300 a week. Furthermore, on average, farm workers in the U.S. work 42 hours a week and earn $7.25. Their wages are often based on how many buckets or bags they pick of whatever crop they are harvesting (National Farm Worker Ministry, 2016). These workers work tirelessly regardless of the weather and make very little money. More generally, Mexican migrants earn among the lowest weekly earnings in the U.S. The 2004 average of Mexican migrants' earnings was $300 a week, and women tend to earn significantly less than men (Kocchar, 2005).

Hospitality is often viewed as a more desirable profession for migrant workers. One of the main reasons for this is that there is room for upward mobility and it is a more social job. Mexican migrants working in hospitality may start out as a dishwasher but can work their way up to being a waiter, and in some cases, a manager. At Agricola Eatery, there is currently a Mexican migrant, Juan Villanueva, who came to the U.S. fifteen years ago and is now one of the head managers of the restaurant. He was able to obtain an H2-B visa, shortly after NAFTA, to come work in the U.S. In the beginning, he did not speak any English and had trouble assimilating to his new life in the U.S. His boss, Billy, expressed how Juan worked incredibly hard in the kitchen, always arriving at work on time and sometimes staying late (personal communication, April 20, 2016). At Agricola, a starting salary for a dishwasher is higher than minimum wage, $10.50 an hour and if workers work more than 40 hours a week they receive time and a half (Billy, personal communication, April 20, 2016). With time, Juan was able to learn English and became an asset to the restaurant. Billy says that Juan is an example for his other workers who know that if they work hard they can make strides in the industry and build better lives from themselves and their families (personal communication, April 20, 2016).

The low wages that some migrants receive can also involve precarious working conditions and treatment. At Agricola, migrants are receiving fair wages and are treated well; however, this is not the case in some restaurants. Billy explained how many restaurants do exploit their workers because hospitality it is a tight margin business, and business owners can make more money on the short term by paying their workers less with questionable standards (personal communication, April 20, 2016). He claims that the way in which Agricola runs their business is not the industry standard and that many employers try to work around legality (personal communication, April 20, 2016). This bending of the law or lack of recognition of workers rights can lead to outdated standards or an unprofessional or unsafe environment for workers. In 2012 alone, 708 Latinos were killed in the workplace (National Council of La Raza, 2016). Some construction sites and farms have outdated standards for their workers, and there are under resourced enforcement agencies (National Council of La Raza, 2016).

Case #2: Polish migrants post 2004 accession of the EU

In the wake of the 2004 accession to the EU, there was a dramatic rise in the number of Polish migrant workers entering Britain for low-skilled jobs. Unlike some other members of the EU, the U.K. decided not to apply restrictions to the number of migrants entering the U.K. Nationals from the eight new nations in the EU, including Poland, had immediate access to the U.K. labor market. They had to register with the Worker Registration Scheme, but could immediately take up employment as of May 2004. As a result, Polish migrants went from the thirteenth largest to the largest national group in the U.K. (Sherwood, 2014).[3] One of the main reasons that they arrived in Britain was for a better quality of life and the potential for greater

[3] Figure 4

opportunities (Sherwood, 2014). British social benefit programs are also seen as a draw for many Polish migrants. Many of these workers came to work at low-skill jobs in: construction, agriculture, and hospitality. Even though the EU has more provisions for migrants, Britain specifically did not think long-term about the impacts of immigration on low-skilled jobs and thought primarily about capital growth (Sherwood, 2014). This lack of foresight is reminiscent of NAFTA's migration policies.

A complicated aspect of the 2004 accession of the EU was how the original institutional mechanisms of the EU would fair. Some scholars, such as Murphy (2006) emphasize how the EU's provisions were created for a union of as low as six members to as high as fifteen members. The original cooperating countries of the EU were: Belgium, Germany, France, Italy, Luxemburg, and the Netherlands, and all of these nations had relatively stable and strong economies in comparison to other European nations. In addition, the EU was founded on a Franco-German platform, which had to shift and change with more Eastern European nations (Vucheva, 2009). Murphy argues that the procedures were made for these original countries and other industrialized countries, and not for 28 countries with a variety of different economic, social, and political situations. The 2004 accession did drastically change the make up of the union and Murphy, as well as other scholars recognize the difficulty of transferring original procedures and provisions to the new union.

Discrimination and marginalization of Polish migrants

There are some positive perceptions regarding the rise of Polish immigrants because some argue that they benefit the economy and that the immigrants lead productive lives in Britain (Sherwood, 2014). However, others emphasize the discrimination and marginalization

that these migrants face (Human Rights Watch, 2014). One of the important debates is whether comparatively, their conditions are better than migrants in other industrialized nations. On average, these Polish migrants workers are significantly younger than their native British counterparts and are more likely to be male (Sumption, 2009).[4] This fact can increase the discrimination of workers because many native workers believe that Polish immigrants are taking their jobs. This fear of job loss has many parallels to the Mexican situation in the U.S. It also influences how these migrants are perceived and treated by their community at large, as well as their employers.

In the town of Boston in Lincolnshire, England there is a large population of Polish migrants, as well as migrants from "new" EU nations, such as Lithuania, Latvia and Romania. The town has the greatest proportion of eastern European residents in all of Britain. Since 2001, the number of Polish residents rose from 40 to 3,000 (Dugan, 2014). Despite this large migrant population who come seeking work primarily in agriculture and in factories, Boston is known as one of the least integrated towns in England (Gallagher, 2016). Many town residents are reluctant to discuss the topic of immigration and are resentful of the number of Eastern European migrants there are in the town. They express this by saying that there are now too many Polish supermarkets, hair salons and restaurants on West Street in the main part of the town. The shops and restaurants in the town are segregated and the migrant businesses are all in their native languages. Another source of tension is the pressure that large numbers of migrants has placed on local schools and doctors' offices. Some express frustration over placing their children into overpopulated and weaker schools in Boston (Mac Cormaic, 2013). Dugan (2014) stresses how if they are ever going to make progress in integration and more positive relations between

[4] Figure 5

natives and migrants, they need to more openly discuss the contested topic of immigration and make new policies.

Despite the discrimination and isolation that many migrants face in Boston, there are some employers who recognize the value of Polish migrants. For example, at Staples Vegetables, a 10,000-acre farm outside of Boston, there are as many as 1,000 (predominantly migrant) workers (Dugan, 2014). The company's director recognizes the value of his migrant workers and says he would not be able to grow crops in the U.K. without them. Staples' director's comments about Polish migrants are similar to Jim's comments about his Mexican migrant workers at Elhannon Nursery. Both of these businessmen have a difficult time filling all open positions with natives and value the work ethic and commitment of their migrant workers. In addition, the story of Polish migrant, Ben, mirrors that of Juan at Agricola Eatery. Both young men came to their adopted nations shortly after the 2004 accession of the EU and the implementation of NAFTA, and have worked their way up in their jobs. Ben originally worked picking vegetables and now works in the office at Staples. He expresses his appreciation for the opportunities he has received in Britain compared to what he could have achieved in Poland.

Working conditions and wages of Polish migrants

One of the most significant problems for Polish migrants is their low wages. With the increase in immigration, came a downward shift in wages in Britain, especially in the agriculture, domestic, and hospitality sector. For example, day rates in construction fell by almost 50% with the increase of migrants (Sherwood, 2014). Another reason for low wages is that many of these low-skilled jobs are domestic or in agriculture where the employers do not need to abide by stringent working regulations or acceptable wages. Some workers in agriculture can often work

in terrible conditions for very little pay. There has been documentation of psychological, as well as physical abuse.

Strikes and Protests of Polish Migrants

In August of 2015, Polish migrants stood up for their cause and held strikes all over Britain. Much of the information surrounding theses strike and protests was that these workers wanted to remind Britain of how important they are to the economy and stop the scapegoating of their nationality (Davies and Carrier, 2015). In the weeks prior to the event, there was an article in a prominent Polish newspaper in Britain, Polish Express, which gave a narrative of a day in Britain without their 10,000 Polish migrant workers. This article emphasized the true necessity of Poles in Britain and ignited a spark in many readers that led them to organize for a larger strike and protest (Davies and Carrier, 2015). Some migrants were reluctant to participate because they did not want to be penalized by employers and experience negative repercussions (Owen, 2015).

While some migrants did not support the protests and the Federation of Poles in Great Britain was not involved, a major organizer of this event was the British Poles Initiative. About 1,000 of participating migrants conducted daylong strikes from work and demonstrated in Westminster. While other migrants donated their blood to nearby clinics to send poignant messages about their worth in British society. Blood donor centers were filled with Polish migrants looking to make a difference and show their appreciation for Britain (Davies and Carrier, 2015).

These events have many connections to Mexican migrant experiences and feelings of discontent. Many of the Polish migrants who played a role in these strikes feel underappreciated

by British society and recognize that they are sometimes seen as threats rather than as assets. Mexican migrants have some of the same sentiments; however, they are often less likely to rally for large-scale protests, such as this August event, because of the fear of losing their visas and being sent back home. While Polish migrants may experience backlash from their employers, they do not have the same risk that Mexican migrants with visas face. These protests represent efforts by migrants to express their worth and react against the hostility they face.

Conclusions

After conducting my research I was able to come to several important conclusions about the connection between provisions for labor and migration in RTAs and experiences of low-skilled migrants. My first conclusion is the inadequacy of the provisions for labor and migration in both NAFTA and the EU. While originally, I thought that the EU's provisions were better and did not as strongly account for the poor conditions of migrants as in the case of NAFTA, I realized how much they did impact these migrant experiences. The EU originally placed an emphasis on the importance of transparency and alignment with provisions for labor, migration, development and employment conditions; however, many of these original provisions did not have the same worth as the union grew and changed.

After the 2004 accession, the EU was no longer a union of Western European nations with similar political, social, and economic conditions. The inclusion of former soviet bloc nations with weaker economies, different histories of authoritarian regimes, and unique cultural traditions, led to a change in the symmetry of the regional free trade agreement. The idea of a shared, collective identity for Europe began to have less salience. Furthermore, the EU's provisions were devised for a smaller union and were more difficult to manage with as many as

twenty-eight involved nations. As a result, there has been the exploitation of stronger EU powers, such as Britain, on weaker nations, such as Poland. The power dynamics and asymmetrical relationship between involved nations makes it more similar to NAFTA.

Finally, the concept of the free flow of people became more difficult to monitor and control. While other EU members did place restrictions on migration until 2011, Britain immediately let in A8 nationals. It is difficult to assess whether it was truly a miscalculation on the part of the British government or whether British leaders deliberately did not restrict migration in order to gain low-skilled migrants who would accept low wages under poor conditions. This lack of foresight or deliberate attempt to remove restrictions led to a lack of integration of Polish migrants in Britain. Even in a town, such as Boston, England, which relies on a large number of these natives for work in agriculture, there is a low-level of integration. Poles in Boston have created their own communities and live segregated from the rest of the towns' residents. If Britain and the EU more generally had recognized and properly planned for the large flow of migrants following the 2004 accession, perhaps there would not be such clear levels of discrimination and segregation of migrant communities.

In the case of NAFTA, the lack of provisions and clear exclusion of migration from the agreement led to the conditions of low-skilled migrants. The inclusion of the NAALC was an effort to promote and ensure worker rights and standards; however, because it is only a side agreement it has not been effective in ensuring the quality and partnered nations' compliance with these standards. In order for it to have been effective, labor needed to be addressed within the body of the agreement. This would have held nations more accountable, and if they failed to comply with labor standards, they would suffer consequences. In addition, more stringent and universally recognized labor conditions are necessary. The exclusion of migration led to the

exploitation of Mexican migrants in the U.S. While trade negotiators suspected that the free flow of goods and services would lead to increased migration pressures, they were fixated on their immediate economic gains. If these leaders had laid a better framework for migration, there would have been better integration, as well as treatment of migrants. Migrants must be viewed with a sense of humanity and as important contributors to society rather than as villains looking to harm the native population.

Potential Contributions and Next Steps in Research

The potential contribution of this work is an innovative understanding of how the asymmetrical or symmetrical nature of a free trade agreement, and specifically provisions for labor and migration, can contribute to the experiences and employment conditions of migrant workers in agriculture and hospitality. This research provides for a more comprehensive study of how NAFTA and the EU relate or differ in their provisions for immigration and labor and their subsequent consequences on employment conditions of Mexican and Polish migrants. It can help prompt action in advocacy and policy for migrant workers. In addition, it gives these migrant workers a voice and helps to shed light on an often overlooked or misunderstood issue.

A next step in my research would be to conduct more interviews with migrants and employers throughout the U.S. and Britain. I believe that this would strengthen my argument and give me a better outlook into general migrant experiences in both nations. I recognize that I only focused on specific areas, and some rural towns specifically, and would take the opportunity to explore these dynamics in urban areas with more diverse populations and histories.

Appendix

Appendix 1

Names of Interviewees:

- Maria- Mexican migrant working in dairy at Clear Echo Farm, Schuylerville, NY
- Jairo, Herlado, Juel, Jacobo and Victor Bravo Pérez- Elhannon Nursery (total of eight H2A workers)
- Jim- Head of Elhannon Nursery, Petersburg, NY
- Billy Van Dolsen- Manager of Agricola Eatery, Princeton, NJ

Interview Questions for Migrants:

1) Where are you from originally?
2) Who long have you been in the United States?
3) Why did you come to the United States?
4) What were you doing in Mexico before coming here?
5) How would you describe your life here compared to in Mexico?
6) How would you describe the conditions or environment of your work place?
7) How was hours do you work in a given day or week? How many days do you get off?
8) How much are you paid? Do you ever receive or have you ever received a raise?
9) Do you face discrimination in the work place? If so, in what ways?
10) Do you face discrimination outside of the work place? If so, in what ways?
11) How do your boss and coworkers treat you?

Interview Questions for Elhannon Nursery and Clear Echo Farm (agriculture):

1) Why do you hire H2A workers?
2) How long have you been using H2A workers?
3) Is it difficult to get visas and workers legally?
4) What are your impressions of your Mexican workers as opposed to your other workers?
5) How would you describe the working environment of your workers?
6) Do you believe that other farms or businesses working in the agriculture industry treat and care for their workers in the same way that you do?
7) What do you think about NAFTA and immigration?

Interview Questions for Agricola Eatery (hospitality):

1) How many Mexican workers do you currently have working in the restaurant?
2) How do you obtain these workers? Is it a difficult process?
3) How much do you pay your workers?
4) How many hours do they work in a given week or month?
5) What are your impressions of your Mexican workers as opposed to your other workers?
6) How would you describe the working environment for your workers?
7) Do you believe that other restaurants or businesses working in hospitality treat and care for their workers in the same way that you do?
8) What do you think about NAFTA and immigration?

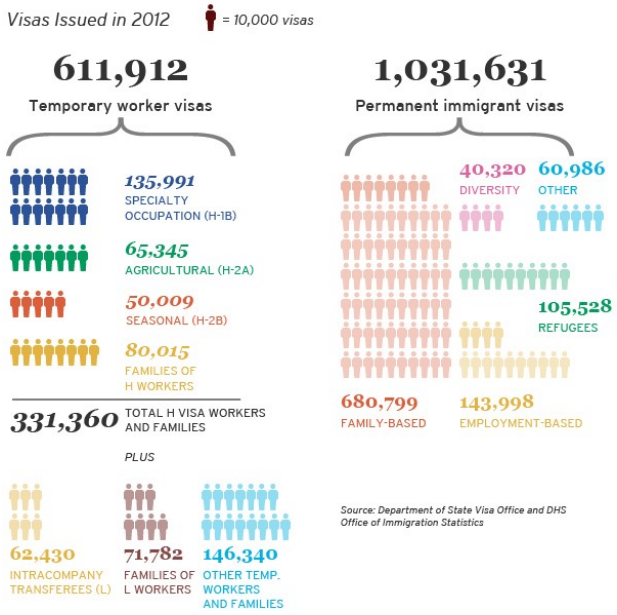

Figure 2

Table 13
Industry Distribution of Employed Migrants in the U.S. (percent)

	Total	Males	Females
Migrants' Industry in U.S.			
Agriculture	11	11	11
Hospitality	17	18	16
Construction	19	28	2
Manufacturing	19	18	21
Cleaning/maintenance	9	7	13
Domestic service	4	1	10
Commerce/sales	7	6	11
All other industries	14	12	17
Total	100	100	100

Source: Pew Hispanic Center, Survey of Mexican Migrants, July 2004 - January 2005

Figure 3

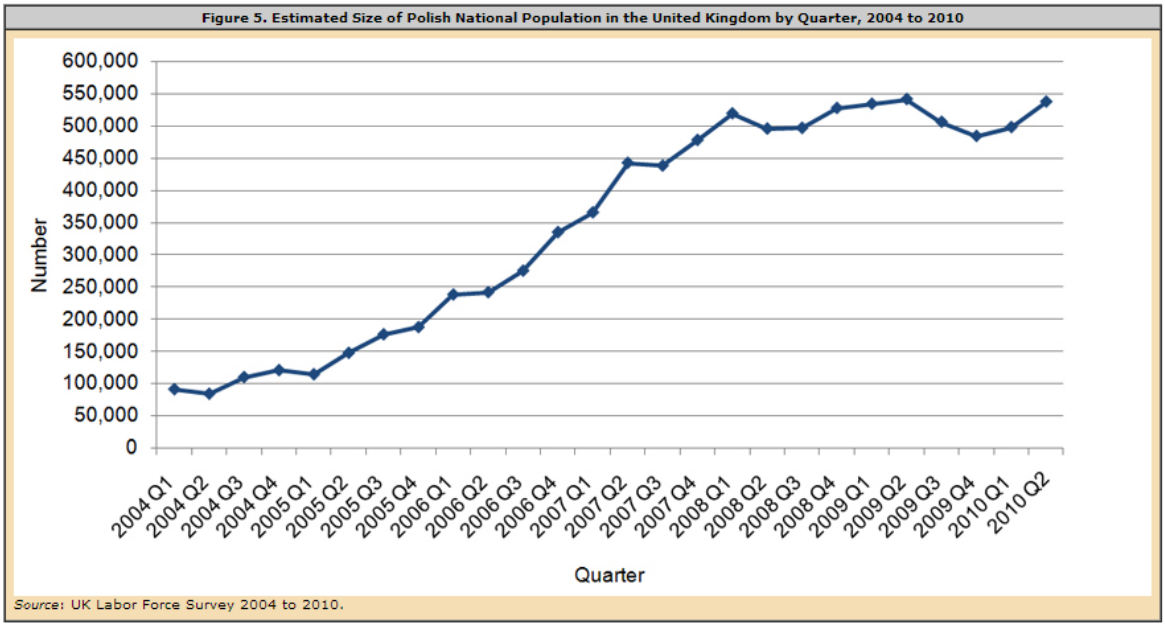

Figure 4

Table 1: Characteristics of working age natives and immigrants arriving between 2004 and 2007

Nationality	Median age	% Female	% (of employed) in unskilled* occupations	Median school leaving age
Polish	26	43.8	63.6	19
Other A8	26	45.0	62.9	18
Other immigrants	28	48.3	24.5	21
Natives	39	47.7	18.6	16

*Including: process, plant and machine operatives, assemblers, construction workers, transport and machine drivers; other labourers, porters, bar and restaurant staff and cleaners

Figure 5

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