

Offloading Migration Management: The Institutionalized Authority of Non-State Agencies over the Guatemalan Temporary Agricultural Worker to Canada Project

Giselle Valarezo

Published online: 25 June 2014

© Springer Science+Business Media Dordrecht 2014

Abstract The global expansion of migration programs managed by non-state actors has cleared the way for the inception of the Guatemalan Temporary Agricultural Worker to Canada project. Responsibility over the regulated migration scheme has been delegated to the International Organization for Migration (IOM) and the Quebec private interest group la Fondation des entreprises pour le recrutement de la main-d'oeuvre étrangère (FERME) in an effort to reconfigure the state governance approach and advance market mechanisms. By transferring authority to non-state agencies, the Canadian and Guatemalan governments also offload protection of migrants' social welfare, granting the IOM and FERME with regulatory authority migrants. The transfer of control has granted non-state agencies with considerable clout over migration policies and the implementation of new labour recruitment schemes, creating a trans-national space of institutionalized authority for non-state actors over the movement of migrants.

Keywords Managed migration programs · Non-state actors · Guatemalan temporary migration

Depicted as an instrument for legal migration and safe return devised to benefit actors and institutions both in the home and host countries, the calculating side of migration schemes is often overlooked in lieu of economic gains garnered from the regulated movement of migrant workers. A state-led neoliberal scheme of transferring control of migration programs to non-state agencies, such as non-governmental organizations (NGOs) and private interest groups, in order to outsource social welfare responsibilities and minimize costs is on the rise in the new era of global migration. In 2002, after

G. Valarezo (✉)

Liberal Arts Studies, George Brown College, Toronto, ON, Canada

e-mail: giselle.valarezo@gmail.com

considerable lobbying from private interest groups, the Canadian government introduced a low-skilled pilot project, now formally referred to as the Pilot Project for Occupations Requiring Lower Levels of Formal Training (NOC C and D),¹ as a branch of the larger Temporary Foreign Worker Program (TFWP). The temporary migration initiative granted the Guatemalan government the opportunity to solidify a long sought after migration program that permits the recruitment of Guatemalan workers through the Guatemalan Temporary Agricultural Worker to Canada (TAWC) project.

Abella (2004) asserts that prior to 1973, the recruitment of migrant labour was largely managed by state auspices, highlighting the strength of Germany's *Gastarbeiter* program. Although the Canadian government implemented the heavily regulated TFWP with the purpose of appeasing labour demands of local employers and ensuring the controlled movement of foreign workers, the duty of managing the labour migration programs is increasingly being offloaded to non-state actors. The process of state divestment is exemplified by the growing presence and influence of employer associations and private organizations in Canada like the Foreign Agricultural Resource Management Services (FARMS),² la *Fondation des entreprises pour le recrutement de la main-d'oeuvre étrangère* (FERME)³ and a series of hiring agencies. A similar tactic was adopted by the Guatemalan government when migrant workers were first sent to the province of Québec in 2003. Although the TAWC project is still relatively young, in contrast, the longer-standing Seasonal Agricultural Worker Program (SAWP),⁴ the rapid growth and change in the program, require further investigation to better understand the labour-sending and labour-receiving states approval of non-states management of migrant labour.

Conceptualization of governments' market-oriented approach to migration and the increased authority of non-state actors over the regulated movement of migrant workers and an outline of Guatemalan TAWC project provide a strong framework for discussing the governance approach of the Canadian and Guatemalan government and the authority of IOM and FERME. This paper engages in a critical analysis of states' outsourcing of management responsibilities and non-state actors' governance approach to the TAWC project by assessing the roles of: (1) the Guatemalan and Canada governments; (2) the International Organization for Migration (IOM) and; (3) FERME. The research is largely based on in-depth interviews conducted in Guatemala and Canada with migrant workers, government officials and non-state agencies. The interviews were conducted between 2009 and 2011 in both Guatemalan and Canada. In addition, policy developments and alterations to the TAWC project were charted over the years, delineating the transition of states' governance approach. These methods are part of a larger mixed-methods doctoral research project that explored the political practices of Guatemalan migrant agricultural workers. The policy research and in-depth interviews

¹ The low-skilled pilot project is a branch of the Canadian TFWP that streams workers on the basis of duties based on the National Occupational Classification (NOC) system. Skilled workers are grouped into levels O, A and B and low-skilled and unskilled workers are categorized into levels C and D.

² FARMS is an Ontario-based non-profit agricultural association responsible for the coordination of foreign seasonal agricultural labour.

³ FERME is the Quebec-based non-profit agricultural association responsible for the coordination of foreign seasonal agricultural labour.

⁴ Introduced in 1966, the SAWP recruits foreign workers solely from Mexico and participating Caribbean countries.

are utilized to address a research agenda that explores the institutionalization of non-states agencies' authority over migrant workers.

Even though the topic of temporary agricultural labour in Canada is increasingly reported by academics and researchers alike (Basok 2002; Preibisch and Binford 2007; Hennebry 2008), very little is written on the growing presence of temporary Guatemalan migrant agricultural labour in Canada. The data available on Guatemalan policies governing the TAWC project is quite limited, given that the IOM and FERME are official administrators of the program. This methodological approach captures a critical overview of the TAWC project and a growing global trend of privatizing migration programs. Moreover, it allows for the conceptual exploration of the transnational reconfiguration of managing migrant labour.

The Guatemalan TAWC project reinforces the contradictions of the state governance approach to develop a highly regulated program, while shifting authority to non-state agencies. The neoliberalized regulation of the migration program does not signify a divestment of the state, but rather, a reconfiguring of power relations to rationalize the Guatemalan and Canadian governments' tactic of privatizing the TAWC project. Both governments offload social welfare responsibility of migrants to non-state actors, therein, granting the IOM and FERME with regulatory authority to operate a more market-oriented migration program. State divestment and the transfer of control legitimizes non-state agencies' governing role over the mobility of migrants and diminishes states' accountability, therein creating a transnational space of institutionalized authority for non-state actors over migrant welfare. While managed migration programs are touted as protecting migrants on social grounds, the outsourcing of the TAWC project to the IOM and FERME sanctions a market-oriented governance approach that prioritizes private interests over the safeguarding of migrants.

Framing Managed Migration Programs

A theoretical deliberation of states' neoliberal agenda of advancing market mechanisms influence over the regulated movement of migrant workers provides a scaffold for critically analyzing the transfer of power to non-state agencies. Reconfiguration of the labour-sending and labour-receiving states' governance approach to migration and the privatization of social responsibility blur the boundaries between public and private institutions and sanction the involvement of non-state forces through new forms of regulation. It should be noted that the central focus of the conceptual discussion is not so much the role of government, but rather the increased regulatory control of market-oriented non-state agencies.

The reframing of state authority under neoliberalism in recent decades has resulted in the diminishment of welfare provisions, and in turn, the privatization and outsourcing of public services. Conventional notions of the state that exclusively combine sovereignty and territoriality have been replaced by a state that promotes advancement of the market through neoliberal restructuring (Ilcan 2009). Transformation of modern states' role and responsibilities does not signify a reduction of state authority as the governing and regulating institution. Instead, the shift from more traditional conceptualizations of governance denotes a reconfiguration of power relations to align with neoliberal policies (Lemke 2002). The states' governance approach

is rationalized through classical notions of liberalism that nourish the assertion that markets, rather than states, rule over the distribution of the factors of production, giving way for global markets of free labour (Dreher 2007). The deepening and widening of market relations and the modification of governance structures has created a space for private interests to be involved in regulating labour, in particular, disciplining labour and freeing the mobility of labour (Overbeek 2002).

Ilean (2009) argues that the privatization of governance under neoliberalism has resulted in a shift from social responsibilities to private responsibilities that “absolves the state of responsibility for the distribution of society’s resources” and advances a market-oriented agenda. Rife with complexities and contradictions, the neoliberal management approach is rationalized through an outsourcing of state responsibility to non-state actors with the promise of efficiency and economic gains. Even with the reconfiguration of the states’ responsibilities, however, labour-sending and labour-receiving governments still intervene and influence the size and composition of migration, as government authorities and policy makers continue to implement market-based regulations that promote or restrain migration (Ball and Piper 2002; Overbeek 2002; Teitelbaum 2002). Through the development and implementation of policies and practices, states are able to retain control over the mobility of migrant workers and ensure that the most market-friendly approach is promoted as the necessary mode of governance.

Global neoliberal restructuring has prompted states to take a more strategic approach to migration, so as to profit from the cheap disposable labour of temporary migrants. Labour-receiving states develop and advance policies and practices that protect national interest and naturalize flexible and disposable labour with minimal rights attached as the fundamental modes of social organization (Fraser 2003; Kearney and Beserra 2004; Dreher 2007; Chin 2008). The strategy to transform flexible labour markets as part of a cost-cutting approach to improve global competitiveness has resulted in the intensification of labour market segmentation, social exclusion and wage inequality. In advancing more flexible accumulation strategies, the receiving state and employers take advantage of the growing pool of unemployed and the weakened working class, leaving disadvantaged workers to accept flexible labour as the natural path to take in order to survive the lack of economic prospects (Theodore 2003). These regulations allow labour-sending governments to retain control of migrant mobility, while minimizing their involvement in migrant social welfare.

Ostergaard-Nielsen (2003) asserts that sending states are also reorganizing their approach to outward migration as a strategy for economic development. Many poorer sending states have come to strategically modify approaches to migration in response to changes in migrants’ orientations, a rising but not universal trend (Ostergaard-Nielsen 2003; Baubock 2003). Neoliberal restructuring in poorer countries and a lack of labour opportunities afforded to local nationals have impelled sending governments to assume a more accepting attitude towards outward migration. Aside from offloading the responsibility of providing its national population with access to labour, the sending government also benefits from the capital, skills and knowledge acquired by migrant workers (Baubock 2003). Ultimately, economic necessity and unstable development force migrants to rely on external labour and tolerate increased regulations on their circular movement, driving many to flock to more stable countries.

The authoritative position of non-state actors in the management of migration schemes has also become increasingly powerful as states subcontract functions, and hence control, to employer associations and non-governmental agencies control of migrant labour. Non-state agencies hold considerable clout over state-implemented migration policies and initiatives. For example, the lobbying efforts of Canadian employer associations have pushed the federal government to amend immigration policies to permit the entry of low-skilled foreign labour in a manner that favours employer interests. Menz explains the increased sway that private interests hold over government strategies, stating that: “labour migration policies are influenced by labour market interest association seeking to imprint their preferences on regulatory policies” (2009, p. 125). Businesses lobby for efficient amendments that intensively privatize selection and admission procedures, sanctioning the ability of employers to act as agents of the public interest and allowing them to oversee and monitor the documented migration of foreign workers (de Lange 2011).

Migration programs are being structured more and more to suit the interest of employers or agencies, endowing non-state actors with increased authority over the management of documented foreign workers. According to de Lange (2011), with the shift of responsibility to private interests more concerned with financial incentives, migrant rights will not be properly safeguarded or given due recourse. Since sending and receiving states are reluctant to coordinate migration, private interest groups have gradually been encouraged to assume control over the recruitment and placement of migrant workers (Abella 2004). The sanctioned authority of private interest groups and NGOs has created transnational spaces of control that lessens the limitations of national borders for non-state actors. A form of transnational private governance enables non-state actors to cooperate at a transnational scale, institutionalizing rules and standards of behaviour that favour private interests (Graz and Iölke 2008).

The Guatemalan Temporary Agricultural Worker to Canada Project

The TAWC project was first designed as a 2-year pilot plan by the IOM, with the intention of hiring 25 workers in the inaugural year. This number quickly rose to 215 by the end of 2003 and has exponentially grown since then. In 2010, the number of Guatemalan migrant workers had risen to approximately 4,200 in Québec and 4,500 in all of Canada (see Table 1). Overall, more than 14,000 Guatemalans have been sent to

Table 1 Number of Guatemalan temporary agricultural workers in Québec from 2002 to 2010

Year	Guatemalan
2002	
2003	215
2004	324
2005	668
2006	1,208
2007	2,015
2008	2,934
2009	N/A
2010	4,200 (approx)

Source: FERME 2011
N/A not applicable

Canada throughout the existence of the TAWC project. Prior to 2002, the only foreign workers eligible to apply for a temporary work permit in Canada were highly skilled workers or low-skilled workers contracted through the SAWP and the Live-in-Caregiver Program (LCP). The creation of the TAWC project would not have been possible without the launch of the TFWP and the establishment of a low-skilled pilot project.

Since the 1940s, farms have been consolidating and families have become significantly smaller, which has resulted in a demand for seasonal wage labour (Basok 2002). Initiated in 1966, as a short-term solution to the mounting pressure to fill labour demands in the agricultural sector, the SAWP has now become a permanent fixture in Canada. Bilateral agreements established with Mexico and participating Caribbean countries has permitted the entry of 25,000 foreign workers for up to 8 months each season to toil in fields all across Canada (UFCW Canada 2011). The TFWP first began as the Non-Immigrant Employment Authorization Program (NIEAP), which was introduced in 1973, as the Canadian government began to shift away from permanent immigrant policies towards a stronger reliance on temporary foreign labour (Fudge and MacPhail 2009). The NIEAP eventually opened the door for the formally titled Pilot Project for Occupations Requiring a Lower Level of Formal Training in 2002. The new low-skilled foreign labour program filled employment demands in Canada's meat, construction and tourism industries and has now come to include sectors such as agriculture, oil refineries and food services. A new stream of low-skilled workers was introduced on January 1, 2011, separating agricultural workers from the regular stream. The new agricultural stream is meant to facilitate more transparency than the regular stream, providing foreign agricultural workers with more safeguards from excessive mistreatment.⁵ Human Resources and Skills Development Canada (HRSDC), Citizenship and Immigration Canada (CIC), and the Canada Border Services Agency (CBSA) are the government branches responsible for the joint administration of the TFWP.

Prior to the introduction of the TAWC project, agricultural employers could only recruit workers through the SAWP. The trade restrictions⁶ placed on Canada by the WTO impeded the Guatemalan government from bargaining entry of Guatemalan agricultural workers through the SAWP. Attempts by the Guatemalan government to negotiate entry into the SAWP were thwarted by the most favoured nation exemption, since SAWP participating members have already established bilateral agreements prior to the introduction of the WTO restriction.

Not until the Canadian federal government devised a low-skilled stream through the TFWP was the Guatemalan government able to initiate negotiations with the Canadian government agencies and businesses to push for the entry of Guatemalan seasonal migrant workers. The initiative to launch an agreement between the two countries was

⁵ The most progressive developments under the agricultural stream that have increased the protection of foreign agricultural workers have been limiting the stream to on-farm primary agriculture and aligning wage rates to the SAWP, which follows a wage rate commodity based system.

⁶ The MFN exemption, a principle of non-discrimination amongst World Trade Organization (WTO) members, restricted trading partners from establishing new agreements with other member countries. Preferential treatment with regards to trade in goods or services was not permitted by WTO members after the one-time exemption. Canada secured the long-standing MOUs with Mexico and Caribbean countries by listing participating SAWP countries as an MFN exemption under the General Agreement Trade in Services (GATS).

instigated by the Guatemalan government in its search to find a more secure channel that permitted the documented migration of the country's population. After directly approaching FERME, the Guatemalan government began negotiations for a pilot project deal in 2003, permitting the recruitment of Guatemalans into Québec's agricultural sector. FERME, a growers association administered by a board of agricultural producers, was first founded in 1989 to assist Québec employers in facilitating the recruitment of foreign workers. FERME's mission is to ease employers' labour demands, acting as the intermediary between employers and governments and organizations and agencies.

Upon solidifying an agreement with FERME, the Guatemalan government handed over the administrative responsibilities of the TAWC project to the Guatemalan IOM branch, recognizing the need for international knowledge and expertise to manage the project for the success of the program. The IOM is one of the more prominent intergovernmental organizations in the field of migration and has worked with various governmental, intergovernmental and non-governmental partners. Offloading administrative responsibilities to the IOM was a way for the Guatemalan government to evade the need for private recruiters and ensure the security of migrant workers. According to the Ministry of Foreign Relations, transferring responsibility to IOM "eases the execution of the process. It is an international organization and it is quite knowledgeable on this material. They have all the resources, information and capacity to manage this type of migration project" (Ministry of Foreign Relations Official 2010). By handing over administrative responsibilities, the Guatemalan government officials sought to garner knowledge and expertise from the IOM, building up the government's capacity to independently manage the TAWC project down the road.

Without government intervention and input, FERME and the IOM jointly developed a Letter of Understanding and the abiding regulations, in compliance with relevant Canadian and Guatemalan migration and labour legislation, for the recruitment of Guatemalan migrants into Québec. The two non-governmental agencies established an agreement unique to the province, opening the doors to the seasonal flow of Guatemalans onto farm fields all across Canada. According to the IOM, this migration project between Guatemala and Canada "has contributed to improving the bilateral relationship between both countries and has become an international cooperation model proving that regulated, dignified and effective migration is possible" (International Organization for Migration IOM 2008, p. 4).

For nearly a decade, the IOM and FERME worked hand in hand to manage and oversee all administrative tasks of the TAWC project. In Guatemala, IOM assumed responsibility over (1) selecting temporary agricultural workers while taking into account the needs and demands of Canadian employers; (2) assisting recruited candidates with preparation of paperwork and records required by Canadian immigration and (3) organizing pre-departure sessions and accompanying hired workers to airport at departure. FERME, in turn, took on the administrative duties of (1) coordinating employer requests for foreign workers; (2) helping employers put in order all papers that need to be submitted to HRSDC and CIC and (3) preparing all travel arrangements. The transnational division of administrative responsibility granted FERME and the IOM with the authority to cooperatively manage a migration program that is now touted as the model scheme to organize the recruitment and placement of migrant workers.

With minimal government involvement, Guatemalan migrant workers are forced to confront systemic forms of exploitation engrained in the employer-driven program. Interviewed Guatemalan migrants identified a series of struggles, including but not limited to: denial of information regarding rights; unwarranted repatriation; blacklisting from the program; confinement on the farm and racial discrimination. These forms of mistreatment stem from two systemic problems entrenched in the TAWC project.

Firstly, lack of support and assistance leaves migrants with minimal knowledge regarding access to certain rights. A Guatemalan migrant woman explains how workers are not provided with information on their rights by government officials: “We are only given a sheet of a paper and on this paper all of our rights are explained to us. We have little contact with the [Guatemalan] consulate because they are too far away to be reached” (Guatemalan migrant #1 2010). Secondly, economic dependency on the TAWC project has forced migrants into silence, fearful of denouncing mistreatment and violation of their rights. Economic restraints burdening migrant families have created a vicious cycle of dependency on seasonal migration. In the words of one Guatemalan migrant: “The first year I travelled, I realized that I had to keep on returning. You look for work [at home], but it is still not enough to pay for the basic necessities” (Guatemalan migrant #2 2010). Minimal support in combination with dependency on the program has left migrants with a double disadvantage.

Reconfiguring the Role of the State

While the recruitment of foreign workers for economic optimization is not a novel phenomenon, the intensified reliance on non-state actors to manage the movement of temporary migration highlights the Canadian and Guatemalan governments’ interests in moving away from social welfare concerns towards more economic points of interest. The emerging consensus amongst government officials to favour market-based initiatives over state-managed solutions has advanced new forms of governance (Overbeek 2002). The divestment of the Canadian and Guatemalan governments has resulted in a reconfiguration of managed migration.

A Human Resources and Skills Development Canada (HRSDC) official justifies the expansion of migration programs on the basis that it “facilitates the entry of temporary foreign workers to Canada to meet the short-term labour and skills needs of employers who are unable to find suitable Canadians or permanent residents to fill a job” (HRSDC Official 2010). As official administrators of the Canadian TFWP, HRSDC officials have assumed limited roles in monitoring the TAWC project and affording support to migrant workers. Since Canada is not a signatory to the agreement between IOM and FERME and not a party to the employment contract, even though the Labour Market Opinion⁷ and work permits are issued by Canadian authorities, the state continues to exonerate itself from responsibility for the general health and welfare of low-skilled migrants in the agricultural sector. HRSDC claims to have no authority to intervene in the employer–employee relationship or enforce the terms and conditions of employment. An HRSDC official rationalizes the lack of federal government involvement by

⁷ The Labour Market Opinion analyzes the effect foreign workers could have on Canada’s labour market and how the offer of employment could potentially impact Canadian jobs.

insisting that “regulation and enforcement (over employment and health standards) is the responsibility of the provinces after the hiring process occurs” (HRSDC official 2010). Since the regulation of employment and health standards is managed at the provincial level, these diverging policies permit inconsistency amongst different Canadian employers.

Lack of government involvement also permitted Québec agricultural employers to overcharge Guatemalan migrants for accommodations since their arrival in 2003. Only after lobbying by United Food and Commercial Workers (UFCW) Canada was action finally taken by the Québec Labour Standards Board, which concluded that the \$45 “CAD” a week deduction for housing was in direct violation of the \$30 “CAD” a week maximum allowable under provincial labour standards. The decision to charge \$45 “CAD” for accommodation was originally negotiated between FERME and Guatemalan authorities and sanctioned by the Canadian federal government (UFCW Canada 2011).

Reconfiguration of migration policies has also resulted in differences between the SAWP and TAWC project contracts, creating distinct realities for migrants who work alongside each other. For example, Guatemalans are limited to signing contracts with only their employers, while SAWP workers are provided with labour contract that includes participating governments as signatory parties. A few interviewed Mexican migrant workers noted the ability to change employers if they were able to secure a job on a different farm (Mexican migrant 2010). Guatemalan counterparts are unable to access the same channels given the constraints on their contract. Even though the long-standing foreign agricultural program functions under established bilateral agreements, the SAWP is also heavily criticized for the lack of government involvement with respect to labour and health standards (Basok 2004; McLaughlin 2009).

SAWP workers are permitted to work a maximum of 8 months each year, but are able to return year after year if they secure a contract. Guatemalan migrants, on the other hand, are allowed to stay up to 24 months and capped at a 4-year limit as temporary foreign workers. As previously noted, Guatemalan migrants must pay their employers for accommodation, while SAWP workers are provided housing free of charge. The limitations placed on Guatemalan migrants not only intensify their vulnerability as disposable labour, but also naturalize the market-oriented shift in migration policy.

The long sought-after strategy to send workers abroad has also permitted the Guatemalan government to outsource the management of documented migration. Upon solidifying an agreement with FERME, the Guatemalan government handed over administrative responsibilities of the TAWC project to the IOM, recognizing the need for international knowledge and expertise to manage the program. For the Guatemalan government, offloading administrative responsibilities to the IOM was a way to evade the need for private recruiters and ensure the security of migrant workers. According to the Ministry of Foreign Relations, transferring responsibility to the IOM “eases the execution of the process. It is an international organization and it is quite knowledgeable on this material. They have all the resources, information and capacity to manage this type of migration project” (Ministry of Foreign Relations Official 2010).

The government justifies indirect involvement in the program by validating the role of officials from both the Ministry of Foreign Relations and Ministry of Labour and Social Provisions, which, according to officials from the Ministry of Foreign Relations,

are intermittently involved in the recruitment process. Since the inception of the program, however, the IOM has acted as the leading entity in the design, execution, administration and evaluation of the TAWC project. Neither the Ministry of Foreign Relations nor the Ministry of Work and Social Provision have established any written contracts with recruited Guatemalans, allowing the government to be unaccountable to their citizens living and working abroad. According to the Guatemalan Labour Code Article 34, Chapter 1, the Ministry of Labour and Social Provision is the primary government agency conferring direct authorization for the recruitment of Guatemalan workers (Ministry of Labour and Social Provisions 1995). At no point has the Ministry of Labour and Social Provisions made any effort to include itself in any contractual process; instead, it has relied on the IOM to regulate the signing of all labour contracts between workers and employers.⁸ While airfare is covered by employers, workers are still expected to pay for certain processing fees and, up until recently, were required to leave a deposit before travelling to Canada.

Administrative responsibilities over the TAWC project were originally outsourced to the IOM Guatemala office, anticipating that the organization would afford seasonal migrants the same safety and security as millions of other refugees and migrants regulated by IOM. The Ministry of Foreign Relations justifies the government scheme:

The government provides IOM with the funds to administer these programs, because it eases the execution of the process. IOM is an international organization and is quite knowledgeable on this type of material, plus they have all the resources, information and capacity to manage this type of migration project. This initiative exists as a viable alternative and given the experience of the IOM we see it as a good thing. We consider it the best option for the execution of the program. (Ministry of Foreign Relations Official 2010).

Guatemalan research institutions like la Mesa Nacional para las Migraciones en Guatemala (MENAMIG) and el Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) argue that Guatemalan government officials should be more involved in administering the TAWC project. An INCEDES official argues that “the function of IOM should be to help the state of Guatemala and provide technical support. Instead, IOM Guatemala designs, executes, administers and evaluates the program” (INCEDES official 2010).

Although the IOM is regarded as an international humanitarian agency for aiding the movement of migrants and refugees, unlike many other NGOs the organization has the finances, resources and political clout in Guatemala to influence government decisions regarding issues of migration. FERME, in turn, has a vested economic interest in holding sway over the entrance of foreign workers into the province of Québec. As an employer association with a firm grip on the agricultural industry in Québec, FERME has been able to strengthen command over the TAWC project by lobbying the federal government to meet employment demands of growers in the province.

⁸ Labour Code article also states that recruitment and transportation fees must be paid by the employer or recruiting agent.

The Questionable role of the IOM

As the leading intergovernmental organization in the field of migration, the IOM has attained a prominent reputation for the management of projects geared towards facilitating and regulating economic migration and addressing forced migration. The IOM is committed to a mission that advances humane and orderly migration for the benefit of migrants and society as a whole (IOM 2011). In Guatemala, an IOM office was opened to tender professional services relating to migration activities and efficient and transparent recruitment facilitating services. Globally, the IOM has over 420 field locations in 125 countries and aims to expand employers' recruitment schemes through a business-like model that advertises services to employers and migrants alike.

By assuming administrative duties of the TAWC project, a scheme originally initiated by the Guatemalan government, IOM officials also accepted responsibility of overseeing the protection and safeguarding of temporary migrants (Guatemalan consulate official 2010). In offloading these duties, the Guatemalan government awarded the IOM with a certificate of no accusations and no penalties, giving the IOM impunity from any wrongdoings and allowing the organization to be unaccountable to the state. The state strategy grants the IOM with unwavering authority and strengthens the regulatory presence of the organization in Guatemala.

IOM Guatemala touts the TAWC project as a program that (1) ensures that Guatemalan workers return to their home communities; (2) plays a role in meeting the labour needs required by the Canadian agriculture sector and (3) provides support for an improved quality of life for participating Guatemalans (International Organization for Migration IOM 2008). For Delbert Field, the current Chief of Mission of IOM Guatemala, the TAWC project is "more than a commercial operation since we are working under our constitution and we are adding the value of the presence of the administration of an international organization, which means things are going to be transparent and consistent" (Field 2010). IOM Guatemala assumes an inclusive approach in managing the TAWC project as a "one-stop shop" service, managing all administrative duties from candidate selection up until pre-departure, in addition to post-arrival and re-integration services (IOM 2009).

In the past, the IOM has been criticized for profiting from the international migration of humans by operating under a business-like model. As a humanitarian organization, the IOM validates all decisions and activities under the premise that the international entity acts on behalf of the well-being of migrants. The use of human rights terminology such as "protection", "opportunity", "assistance" and "partnership" and the promise of safeguarding the interest of migrants mask how the international organization serves the calculated neoliberal agenda of "managed migration" and reinforces institutionalized control over the flow of migrants (Ashutosh and Mountz 2011). The use of a business-like model to operate the TAWC project led to the implementation of questionable actions and policies by the previous IOM administration, under the leadership of Günther Müssig who was later replaced by Delbert Field.

An article published by the national *Prensa Libre* (2009) newspaper in Guatemala claimed that money funnelled into the IOM, under the management of the former director, by the national government was improperly handled. Additionally, the article criticized the Guatemalan government for giving large sums of funds to the IOM for the

development of various projects unrelated to migration issues. The cost of the projects totalled 786 million quetzales (US\$98 million) between 2004 and 2008, of which the IOM made a total commission of 51 million quetzales (US\$6 million) at a rate of 4 %. The *Prensa Libre* (2009) article accused IOM Guatemala, under the former IOM Guatemala director, of a long history of corrupt dealings that included the disappearance of money from projects subcontracted to the organization.

According to Ashutosh and Mountz, “the ‘good work’ done by the IOM serves to obscure some of its ‘shady’ operations” (2011, p. 28) surfacing all across the globe. Ashutosh and Mountz (2011) raise concerns over the IOM’s involvement in managing an offshore refugee detention centre in Naura as part of Australia’s “Pacific Solution”, a policy designed to intercept and detain individuals at sea before they can reach Australia and make asylum claims. Although the detention centres in remote locations created unease over the protection of human rights, the IOM, contracted by the Australian government, successfully operated these centres through the use of international human rights terminology and reliance on the organization’s reputation as internationally renowned facilitator of human migration. What is more, the establishment of a contractual relationship with states not only conceals abuses but also creates ambiguity as to who is responsible for human rights violations carried out by the IOM on behalf of partnering states (Ashutosh and Mountz 2011).

In 2009, Delbert Field was ushered in as the new Chief of Mission of IOM Guatemala and began to rebuild the integrity of the local office, a process that entailed an overhaul of the TAWC project. With the old Chief of Mission gone, the Canadian–Guatemalan migration program underwent many changes to better meet the needs of migrants and erect safeguards. Upon their return from Canada, migrants now fill out an anonymous feedback sheet, imparting comments on how the program can improve (Field 2011). In addition, a mandatory 4,000 quetzales bond was also eliminated under the direction of Delbert Field.

At the end of 2010, FERME notified Field that the Québec growers’ association wished to terminate its partnership with the IOM and, henceforth, no longer required the organization’s service. Even though the contract with IOM was not up for renewal until the following year, FERME was granted permission to sever the LOU with IOM and independently operate the recruitment of migrants in the province of Québec. Field explained that FERME decided to terminate the agreement for financial reasons, as the Québec growers’ association deemed the organization’s charge of approximately \$120 per worker to cover administrative fees far too high for employers. The IOM Chief of Mission makes it clear that “they (FERME) did not accept my proposal that I have some kind of minimum coordination with them for the benefit of the workers” (Field 2010). Instead, FERME resolved to assume all administrative responsibilities of Guatemalan migrants’ seasonal movement between Québec and the country of origin. After severing all ties with IOM Guatemala, FERME opened up an office in Guatemala City, allowing them to acquire commands over the movement of Guatemalans into Quebec.

The Unwavering authority of FERME

Québec agricultural employers first began to recruit Mexican and Caribbean foreign workers through the SAWP in 1974. Québec farmers became the first Canadian

employers to recruit Guatemalan migrants in 2003. With the growing demand for foreign labour, it became necessary for FERME to acquire other governments interested in sending nationals to work abroad, but more importantly, to diversify the source-countries of foreign labour arriving into the province. In 2010, FERME signed a recruitment agreement with the Honduran government, quite distinct from the LOU affirmed with IOM Guatemala. Essentially, the new agreement gives FERME authority over the recruitment process and minimizes the role of the Honduran government. During the 2011 harvesting season, FERME intended to recruit approximately 300 Honduran workers onto Québec farms, with the intention of steadily increasing this number over the coming years (Mantha 2011).

In an article written for *FOCALPoint*, René Mantha (2011), the director of FERME, maintains that the growing demand for foreign labour in the Québec agricultural sector is the result of (1) a drop in local birth rates; (2) a change in the local labour force as a result of improved economic and employment opportunities and (3) a drop in the number of farms but also a rise in land suitable for cultivation for large scale farms still in operation. According to Mantha (2011), local producers are left with no other option than to turn to foreign workers to cover the growing demands for agricultural labour in the province.

Growers' associations, FERME and FARMS, have been heavily criticized for engaging in employer preference, a labour strategy employed by FERME to advance farmers' economic interest. Since the inception of FERME, there have been rapid changes in the demographic composition of foreign workers in the province of Québec, especially with the introduction of the pilot low-skilled scheme. Employer preference is a labour strategy employed by FERME to advance farmers' economic interest. As the first group of agricultural foreign workers granted to entry into Canada in 1966, Jamaicans secured a dominant standing when the SAWP was first launched. The entrance of Mexico into the program in 1974 brought about a quick rise in the number Mexican migrants, while the number of Jamaican workers stagnated (Basok 2002). Employer preference in Québec quickly changed once Guatemalan foreign workers were introduced into the agricultural landscape. In under a decade, the number of Guatemalans working recruited into Québec rapidly matched those coming from Mexico. FERME further expanded the pool of readily available foreign workers by granting employers the option of hiring migrants from Honduras. By broadening the national/ethnic selection of migrants, employers are afforded the option to switch employees if and when they are dissatisfied with workers from a specific country (see Table 2). This system of disposability creates competition amongst workers and compels them to succumb to the will of employers.

According to Preibisch and Binford (2007, p. 16), racial/national shifts in labour force compositions in the agricultural industry are driven by employers' "quest for a more docile, exploitable labour force." "Country surfing" (Preibisch and Binford 2007) is a process whereby employers pit foreign workers against each other in an endeavour to find the most flexible and reliable labour source. The practice is in complete opposition of Article 16 of the *Québec Charter of Human Rights and Freedom*, which forbids discriminatory practices when hiring, employing or firing a person (The Québec Commission on Human Rights and Youth Rights 2011). Since discrimination is defined as the distinction, exclusion or preference of certain individuals on the basis of race, colour, sex, pregnancy, sexual orientation, civil status, religion, political convictions, language, ethnic or national origin, social conditions or a handicap under Article 10 in the Québec charter, employers and FERME are blatantly ignoring safeguards that

Table 2 National origin of agricultural foreign workers in Québec 2002 to 2010

Year	Mexican (QC/N.B.)	Guatemalan	Caribbean (Jamaica)	Honduras
2002	2,637		81	
2003	2,649	215	104	
2004	2,835	324	86	
2005	3,002	668	126	
2006	3,033	1,208	158	
2007	3,037	2,015	165	
2008	3,536	2,934	157	
2009	N/A	N/A	N/A	
2010	N/A	4,200 (approx.)	N/A	300 (approx. in 2011)

Source: FERME 2011 and Mantha 2011

N/A not applicable

should be protected by the provincial government (The Québec Commission on Human Rights and Youth Rights 2011).

The growth of a disposable pool of foreign labour and creation of a competitive work environment grants FERME and Québec employers an authoritative mechanism to discipline the migrants. The practice of changing labour-sending countries, or threatening to do so, has created tension amongst migrant groups returning for a subsequent season (Preibisch and Binford 2007). The competition between different national/ethnic groups works to the advantage of FERME and agricultural employers, as migrants try to outperform one another in the fields. When Guatemalan agricultural workers were first brought into Québec, Mexicans were intimidated by the presence and rapid growth in the number of newly arrived migrants seen as in direct competition with them. Mexican migrants working in and around the community of St. Rémi, Québec, constantly spoke of the threat of being replaced by Guatemalans if their work performance was not in accordance with employers' expectations. Andrea Gálvez, the former director of AWA Québec says the fears of Mexicans are justified: "Mexicans are scared of losing their jobs, and I think it is a fear that is quite founded. We [AWA] continue to work with them to say that it is not the fault of Guatemalan workers that they are losing their jobs, it is the employers who are unjustly firing you" (Galvez 2010).

Increasingly, Canadian employers are attracted to the prospect of hiring workers from the SAWP and TAWC project as it reinforces a competitive working environment where migrants must outperform one another to safeguard their jobs (Preibisch 2010). Selective recruitment of Guatemalans is strategy employed by FERME and Québec agricultural employers to also respond to the rise in political organization amongst foreign workers. Unionization of agricultural workers is regarded as damaging to the agricultural industry, and as a result, the mobilization of Mexican workers, supported by UFCW, poses an imminent threat to employers (Preibisch 2010). The historical pattern of ethnic/national worker preference is part of FERME's strategy of augmenting employers' competitive advantage, therein controlling the workers' productivity.

By dissolving the IOM of administrative responsibilities in Québec, FERME has not only expanded its administrative scope, the private organization has also capitalized on

its regulatory authority to assume command over the retention and recruitment of Guatemalan migrant workers in the province. FERME's unwavering state-sanctioned authority is further institutionalized as the private interest group garners control over new pools of readily available foreign labour. Transparency and accountability are diminished without the presence of a reciprocal relationship with government officials (Ghosh 2007), permitting FERME to develop and implement practices that favour employer interests. With the Guatemalan and Canadian government unwilling to question or challenge the growing monopoly FERME holds over foreign agricultural workers, this private firm will continue to retain command over migrants' social welfare, expanding the transnational space of steadfast control.

Concluding Remarks

The Guatemala TAWC project encapsulates a growing regression towards the neoliberalized regulation of managed migration programs and the predominance of non-state agencies as the governing bodies of migrant labour. In acquiring state-sanctioned control over the TAWC project, the IOM and FERME have also gained regulatory authority over developing market-oriented migration policies and practices. While the global recruitment and placement of migrant workers is not a novel phenomenon, the offloading of social responsibilities to some non-state actors, as a cost-effective strategy, has legitimized the privatization of the migration scheme. Moreover, the creation of transnational spaces of institutionalized control permits non-state agencies to discipline migrants in a manner that is favourable to private interests. Although IOM Guatemala is now under new directorship and overhauled policies, the stronghold that FERME holds over migrant agricultural labour has intensified the process of market demands trumping migrant social welfare. FERME's monopoly over the TAWC project grants the private interest group with unwavering authority over migrants, who rendered commodities to agricultural employers in Québec. Ultimately, in an effort to appease market demands, the Guatemalan and Canadian governments have negated their social responsibility of protecting migrant welfare.

Without the proper safeguarding of migrants traversing borders, the rights of Guatemalan migrants will continue to be disregarded. Exposed to systemic forms of exploitation engrained in the TAWC project, Guatemalans yield to the authority of non-state agencies, as a result of their financial dependence on seasonal migration to Canada. Effective administration of migration program not only requires the direct involvement of government officials, but should also include migrant participation. As signatories of the labour contract, Guatemalan migrants should also have direct input into the organization of the TAWC project. The inclusion of proper representation in the migration scheme, will shift attention to the welfare of Guatemalan migrants and generate stronger transnational cooperation amongst all participating parties.⁹ Future research that supports these efforts would help to foster migrant agency and minimize the power and authority of private agencies.

⁹ A group of organized Guatemalan migrants are in negotiations to formalize an agreement with the US-based Centro Independiente de Trabajadores Agrícolas or Independent Farmworkers Center (CITA) that would sanction the recruitment of Guatemalans to Arizona. The program would be directly administered by the workers themselves.

References

- Abella, M.I. (2004). The role of recruiters in labor migration. In D S. Massey and J.E. Taylor (Ed.), *International Migration: Prospects and Policies in a Global Market* (201–211). New York: Oxford University Press.
- Ashutosh, I., & Mountz, A. (2011). Migration management for the benefit of whom? Interrogating the work of the International Organization for Migration. *Citizenship Studies*, 15(1), 21–38.
- Ball, R., & Piper, N. (2002). Globalization and regulation of citizenship—Filipino migrant workers in Japan. *Political Geography*, 21, 1013–1034.
- Basok, T. (2002). *Tortillas and tomatoes: transmigrant Mexican harvesters in Canada*. Montreal: McGill-Queen's University Press.
- Basok, T. (2004). Post-national citizenship, social exclusion and migrants rights: Mexican seasonal workers in Canada. *Citizenship Studies*, 8(1), 47–64.
- Baubock, R. (2003). Towards a political theory of migrant transnationalism. *International Migration Review*, 37(3), 700–723.
- Chin, C. B. N. (2008). Labour flexibilization at sea: 'Mini U(nited) N(ations)' crew on cruise ships. *International Feminist Journal of Politics*, 10(1), 1–18.
- de Lange, T. (2011). The privatization of control over labour migration in the Netherlands: in whose interest? *European Journal of Migration and Law*, 13, 185–200.
- Dreher, S. (2007). Neoliberalism and migration: an inquiry into politics of globalization. In R. Dombois & T. Faist (Eds.), *Volume 3: Politics, Society, and Community in a Globalizing World*. London: Transaction Publishers.
- Field, D. (2010). Guatemalan IOM. Guatemala City, Guatemala. Personal Interview.
- Field, D. (2011). Guatemalan IOM. Guatemala City, Guatemala. Personal Interview.
- Fondation des Entreprises en Recrutement de Main-d'oeuvre agricole Étrangère (FERME). (2011). *Achievements and Testimony*. Montreal: FERME. Retrieved from: <http://www.fermequebec.com/4-Realisations-et-temoignages.html>.
- Fraser, N. (2003). From discipline to flexibilization? Rereading Foucault in the shadow of globalization. *constellations*, 10(2), 160–171.
- Fudge, J. & MacPhail, F. (2009). The temporary foreign worker program in Canada: low-skilled workers as an extreme form of flexible labour. *Comparative Labor Law and Policy Journal*, 31, 101–139.
- Galvez, A. (2010). The agricultural workers alliance. Montreal, Canada. Personal Interview.
- Ghosh, B. (2007). In A. Pecoud & P. de Guchteneire (Eds.), *Managing migration: towards the missing regime in migration without borders: essays on the free movement of people* (pp. 97–118). New York: Berghahn Books.
- Graz, J. C., & Iölke, A. (2008). *Transnational private governance and its limits*. New York: Routledge.
- Guatemalan consulate official. (2010). Montreal, Canada. Personal Interview.
- Guatemalan migrant #1. (2010). Santiago Sacatepéquez, Guatemala. Personal Interview.
- Guatemalan migrant #2. (2010). Santiago Sacatepéquez, Guatemala. Personal Interview.
- Hennebry, J. L. (2008). Bienvenidos a Canadá? Globalization and the migration industry surrounding temporary agricultural migration in Canada. *Canadian Studies in Population*, 35(2), 339–356.
- Human Resources and Skills Development Canada Official. (2010). HRSDC. Ottawa, Canada. Email Correspondence.
- Iltan, S. (2009). Privatizing responsibility: public sector reform under neoliberal government. *Canadian Review of Sociology*, 46(3), 207–234.
- Instituto Centroamericano de Estudios Sociales y Desarrollo. (2010). INCEDES. Guatemala City, Guatemala. Personal Interview.
- International Organization for Migration (IOM). (2008). *Second evaluation—program temporary agricultural workers to Canada: working notebooks on migration 25*. Guatemala City: IOM.
- International Organization for Migration (IOM). (2009). *IOM's services for the facilitation of recruitment of temporary foreign workers* (pp. 1–2.s). Geneva: IOM Headquarters.
- International Organization for Migration (IOM). (2011). *About IOM: Mission*. Geneva: IOM. Retrieved from: <http://www.iom.int/jahia/Jahia/about-iom/mission/lang/en>.
- Kearney, M., & Beserra, B. (2004). Introduction: migration and identities: a class-based approach. *Latin American Perspectives*, 31(5), 3–14.
- Lemke, T. (2002). Foucault, governmentality, critique. *Rethinking Marxism: A Journal of Economics, Culture and Society*, 14(3), 49–64.
- Mantha, R. (2011). Foreign workers on the rise. *FOCALPoint*, 10(5), 8–9.

- McLaughlin, J. (2009). *A case study of Mexican and Jamaican migrants in Canada's seasonal agricultural workers program. Migration and health: implication for development*. Ottawa: FOCAL.
- Menz, G. (2009). *The political economy of managed migration: nonstate actors, Europeanization, and the politics of designing migration policies*. Oxford: Oxford University Press.
- Mexican migrant. (2010). St. Remi, Quebec. Personal Interview.
- Ministry of Foreign Relations Official. (2010). Ministry of Foreign Relations, Guatemala City, Guatemala. Personal Interview.
- Ministry of Labour and Social Provisions. (1995). *Guatemala Labour Code*. Guatemala City: Government of Guatemala.
- Ostergaard-Nielsen, E. (2003). *International migration and sending countries*. New York: Palgrave Macmillan.
- Overbeek, H. (2002). Neoliberalism and the regulation of global labor mobility. *The ANNALS of the American Academy of Political and Social Science*, 581, 74–90.
- Preibisch, K. (2010). Pick-your-own labor: migrant workers and flexibility in Canadian agriculture. *International Migration Review*, 44(2), 404–441.
- Preibisch, K., & Binford, L. (2007). Interrogating racialized global labour supply: an exploitation of the racial/national replacement of foreign agricultural workers in Canada. *Canadian Review of Sociology*, 44(1), 5–36.
- Prensa Libre. (2009). Se dispara ejecucion de obras mediante OIM. *Prensa Libre* May 25.
- Teitelbaum, M. S. (2002). The role of the state in international migration. *The Brown Journal of World Affairs*, 8(2), 157–167.
- The Québec Commission on Human Rights and Youth Rights. (2011). *The Québec Charter of Rights and Freedoms*. Québec City: Government of Québec.
- Theodore, N. (2003). Political economies of day labour: regulation and restructuring of Chicago's contingent labour markets. *Urban Studies*, 40(9), 1811–1828.
- UFCW Canada. (2011). *The status of migrant farm workers in Canada 2010-2011*. Canada: Rexdale: United Food and Commercial Workers (UFCW) Canada and Agriculture Workers Alliance.