

“Less Documented” Immigrants and the Changing U.S. Economy

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Abstract: Research on immigrant and undocumented migrant workers in the United States tends to overlook the range of legal and various other barriers to employment that such workers face in the U.S. labor market. This paper proposes the category “less documented” worker to reflect a broader spectrum of employment barriers for immigrant workers. Drawing on a participatory research project with less documented workers in Southern California, this study describes how changes in the U.S. economy are forcing immigrant workers to find new ways of obtaining work, that the search for work and types of employment are increasingly flexible and contingent, yet typically have a coherent organizational structure, and that the range and diversity of work that immigrant workers engage in is far broader than was previously known.

Keywords: Participatory research, day laborers, undocumented workers, migrants.

INTRODUCTION

Research on undocumented immigrant workers and day laborers in the United States has progressed rapidly over the past decade. Immigrants of various types (both documented and undocumented) are often located at the margins of the economy, and in-depth study of this population is difficult to realize with large-scale surveys or existing data sets. An increasingly thorough body of work among qualitative researchers in a number of fields, however, shows the often-contradictory economic pressures that face immigrant workers in the United States and illustrates how they often are faced with a range of legal, economic and social options for finding work, many of which are antithetical to one another. Typically, these immigrant workers are dichotomously characterized as either “documented” or “undocumented.” Unfortunately, this distinction overlooks the complex set of legal, economic, and social positions that immigrant workers, particularly recent arrivals, have in the U.S. labor market. The aims of this paper are to analyze challenges that this broad range of immigrant workers I call “less documented,” face within the U.S. labor market. In particular, I seek to understand how these workers obtain and retain employment in an unregulated and informal labor market. Thus, I look specifically at the dynamics that are underway as these workers and employers negotiate employment, and the job seeking strategies that less documented workers use across a range of settings—including hiring halls and local social networks to find and retain work.

Undocumented workers typically find employment with firms that are seeking low-wage and lesser skilled employees with limited or flexible job attachment. All of these factors mean that lesser documented workers are typically working in the secondary labor market, or on in the informal economy, “off the books.” This segmentation of the labor market reflects the growing inequalities in the U.S. economy, as

lower-skilled workers face increasingly precarious labor market attachment due to subcontracting, the rise in temporary work, and higher skilled workers find relatively greater employer attachment due to their specialized skills.

These changes in the U.S. economy have altered the labor market significantly, as local temporary work and other forms of employment replace more stable worker-firm attachments. Temporary work refers to the use of temporary employment agencies, where workers are not offered permanent, but rather temporary positions (even though some jobs do become permanent in the long run for workers). Additionally, the increasing cost cutting by firms through the use of sub-contractors means that workers are often employed in lower paying or less stable work positions-sub-contractors have far less oversight from regulatory authorities and wage and hour violations are more prevalent among them. Thus, the workers in this study are located primarily in the secondary or what is often termed the tertiary labor market—those at the edges of regular, formal employment, such as temporary work or informal economic activity.

To broaden our understanding of immigrant workers across a range of legal, economic, and social statuses, I define the term “less documented immigrant worker” as any immigrant worker who is undocumented, partially documented, or with paperwork allowing them to work in the United State legally, but who have limited work histories or verifiable backgrounds. Undocumented workers do not have permanent resident status; they are technically working illegally in the United States. Those workers who are “partially documented” are workers who may have one or more forms of documentation, but lack the others. For instance, they may have a work visa, but lack a permanent address or driver’s license, or vice versa. I propose that the encompassing category of less documented is useful to circumscribe the status of these immigrant workers. Merely focusing on the undocumented or documented immigrant worker excludes the fact that these workers are often moving back and forth through these different statuses. In some cases visas expire, but workers remain the United States while awaiting their renewal, or in other cases workers arrive planning to obtain

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the proper documentation, but with delays or difficulties in gaining the work visa, they often remain in the country for long periods, especially if they are already employed. As a whole, these less documented workers represent a large and growing portion of the U.S. labor force.

Given that these workers have fewer credentials or may not have legal work papers, they typically face a range of barriers for employment and must resort to difficult labor market strategies such as seeking work at day-labor sites to find employment. The barriers these workers face in job attainment, retention, and economic mobility are numerous. First, some workers do not have visas, green cards, or other documentation allowing them to work legally in the United States. In order to be employed in the United States, a worker must have a work visa which provides permanent resident status, allowing the holder to legally live and work in the United States. The "green card" as it is called (recently changed to 'pink' in color) is obtained through sponsorship, usually by an employer or relative, or through refugee/asylum status and some other humanitarian programs. Additionally, some applicants apply directly for a work visa, usually to work as independent business entrepreneurs or highly skilled/technical experts. For the less documented immigrants in this study, visa holders all have the H-2 visa; for seasonal jobs (for which there is typically short demand) these are given out *via* lottery on an annual basis. This work visa is designated for individuals who will be employed in non-agricultural positions that are seasonal, intermittent or which can be labeled a onetime occurrence. Positions that qualify include those in the Hospitality, Restaurant, Tourism, Landscaping, Construction, and other unskilled worker categories. The H-2 visa includes two more specific categories, H-2A for agricultural work, and H-2B for all other types of employment. Spouses and children of H2B work visa holders may enter and remain in the United States in H-4 status. H-4 visa holders may attend school in the U.S. but are not legally allowed to be employed. In all cases, even though the H-2B work visa can be issued for up to one year, it is assumed the temporary need has a "clear beginning and end" that will self-destruct in a year or less by a "prearranged date" when each non-immigrant worker must promptly return home. H-2B workers do not qualify for temporary work unless the job where they will be working is temporary by regulation, which typically is a job that can last up to 10 months. All workers in this study who are on work visas, approximately 57% of the total, are on H-2B visas.

MOVING FROM DOCUMENTED, TO LESS DOCUMENTED, TO UNDOCUMENTED

Holding an H-2B visa does provide the ability to work. A constant problem is the limited time frame that the work allows. This forces less documented workers to continually search for work. Many H-2B work visa employees, upon entering the country, are able to find employment throughout various employment seasons. For example, employers that typically need workers during the summer seasons do not have as many jobs open during winter months, and thus are not able to make full use of H-2B workers. These workers may then find another employer that needs workers for winter and spring months, and continue their stay in the U.S. without being required to return to their home country. This cycle can continue up to three years, after which the non-

immigrant worker must pursue a different status or return to home. For the workers in this study, each time the temporary work approached an end, they had to determine whether or not to remain and look for work, or to return home. This process engenders a constant cycle of movement across different states of potential documentation. Some workers, for instance, were constantly looking for jobs every few months, as their short term visa would be expiring. This created a great deal of desperation for those who had not secured employment to take the place of their current job once their visa expired.

Some workers may be in the process of obtaining formal documentation, but such processes take a significant amount of time, often suffering from bureaucratic delays. In the interim, these workers need to find employment, and in job seeking they encounter barriers because of these documentation problems. Additionally, some immigrant workers may have documentation that expires, and therefore are in the process of being re-documented. In the interim, they chose to stay in the United States. Many of these workers can wind up entirely undocumented because their visa or "green" card application might have been rejected. Third, significant portions of immigrant workers do not have adequate supporting materials to meet employer-hiring criteria. In this case, workers might not have a documentable job history, viable residence that gives them a permanent address, references which can be either personal or professional, or documentation of specific job-related skills. Education or specialized training in a home country, for instance, is often difficult to prove without certification; even in such cases, many employers are skeptical of foreign credentials. Additionally, many employers, even for entry level and lower-skilled jobs, require credit and background checks. Without a previous credit history or means to conduct a background check, some employers are reticent to hire 'immigrants' for work. Of course, some workers lack a few of these credentials, others just one or two, but in any event, these criteria define a category of immigrant worker of those "less documented" who face great challenges in the U.S. labor market. Given these complex barriers to employment, there is a need to understand how immigrant workers in the United States find and retain employment.

STUDY AIMS AND RESEARCH SETTING

In order to understand the labor market practices and experiences of less documented workers, the aims of this study were primarily exploratory. The population in the study is less documented immigrant workers in San Diego County, which is an ideal site for examining immigration and labor markets in the United States due to its size, economy, and border location. Having more than three million residents, San Diego County is the sixth most populated county in the United States. It contains both a large urban area (the city of San Diego), as well as rural areas where agriculture and ranching occur. As the furthest southwest county in the contiguous United States, San Diego sits along the U.S. Mexico border across from Tijuana, Mexico. This border crossing zone is the most heavily crossed in the world and the diversity of the economy in San Diego County, including services, construction, high technology, agriculture, and industry, make it a central site for examination of both formal, documented labor flows to and from the United

States, as well as labor and employment practices that affect the less documented. Indeed, the San Diego-Tijuana region can be viewed as a type of “ground zero” for movement of people, capital, contraband, labor, culture, and ecological forces [1]. Within the context of the rapidly integrating U.S. and Mexican economies, less documented workers play an increasingly important, yet little studied pool of workers providing living and working in the United States, but also contributing to their home countries through remittances, and other transnational social and economic practices.

Within San Diego County, less documented workers form the basis of a large and growing pool of labor that stretches across the local “formal” and “informal” economies. Their employment and labor market experiences provide critical insights into immigrant workers and the changing U.S. economy as deregulation, limited labor protections, and increased hiring of immigrant workers shapes American society. As I began interviewing day laborers to study the job seeking strategies of economically marginal immigrants in the U.S. economy, it became clear that the employment and labor market dynamics of immigrant workers was far more complex than the dichotomous categories of “documented” and “undocumented.” Indeed, many of the men in preliminary interviews embodied a range of legal and economic statuses that made the research aims far more complex and challenging. The study broadened beyond the categories of what was most relevant in these workers’ labor experiences.

The central aim was to determine the job seeking strategies of immigrant workers in the secondary or tertiary labor market. In this regard, I follow labor market segmentation theories of contemporary U.S. labor market dynamics. This approach shows how the U.S. labor market is stratified into different segments, where primary workers have strong labor market attachment at the core of the labor market, and secondary and more tertiary workers are generally lower-paid, have less steady employment, and work (on the tertiary level) in the informal or illicit economy. Second, the study sought to determine which industries and occupations were likely destinations for the immigrant workers. Additionally, the study aimed at identifying the mechanisms through which workers maintained employment. More broadly, I sought to use participatory research to further understanding of immigrant worker challenges in the labor market, as well as illuminate changes in employment practices in the U.S. economy, particularly on the U.S. Mexico border.

The research was conducted in San Diego County, California, 2004-2005. The sample included 70 Latino men who ranged in age from 18 to 52, with an average age of 25. Two thirds of the participants were between the ages of 18 and 29. Of study participants, the vast majority were from Mexico, but several were from the Central American countries of Guatemala (3) and Honduras (1) respectively. The sample was not intended to be entirely male and Latin American in origin, but selection of respondents through chain referral sampling of the “less documented” workers resulted in an entirely male sample.

METHODOLOGICAL ISSUES

Less documented immigrants are a difficult population to study, raising a number of important methodological con-

cerns. First, less documented workers are not readily identifiable by existing databases or through standard sampling methods. By defining these workers as those without documents allowing for legal work in the United States, or those with very limited or no previous work histories or verifiable background information (credit checks, previous addresses, etc.), there is no way to clearly identify this population for sampling. This population can include those who are undocumented -- often counted as illegal aliens -- but it also includes immigrants who have a more complex set of challenges in obtaining employment due to a complex set of factors (described above). Thus, it is unclear how large this population is in the United States. There are no data available that document the number of people without work histories or those that lack verifiable skills or training, or have legal work status. Yet, this population is critical for understanding current difficulties in immigrant labor market incorporation. Workers without the background or qualifications, as I document in this paper, are often marginalized into a different segment of the labor market. As an exploratory study, I am more concerned with mapping out labor market dynamics of these ‘less documented’ workers, and less concerned with random sampling and statistical precision.

Aside from estimation and sampling concerns, a second methodological issue is how to access and then interact with the population. Undocumented workers are often difficult to identify without actually asking a person’s legal status in the United States. Not surprisingly, many of these workers may be reticent to be interviewed because of their legal status. This means that it is very difficult to obtain information from this population without intensive fieldwork where trust and community ties are established. For such studies, some researchers use proxies, which typically are community gatekeepers or key informants. Additionally, studying undocumented immigrants may result in strong reaction effects to surveys or interviews. This occurs when people do not want to discuss certain topics or answer questions honestly because they are concerned for their well being, legal status, or the issue/topics are simply too sensitive to be discussed openly. This respondent error in interviews can complicate any investigation of undocumented immigrants, and some of the most successful methods of data gathering with this population depend on intensive ethnographic research, or snowball samples using trustworthy community members to assist in the research [1].

These methodological challenges demonstrate a great need for more participatory and community-driven research and data gathering in particular. Despite the need, however, participatory research with immigrant populations in the United States has been used most widely in health research [2]. Participatory research with undocumented immigrants is limited and even fewer studies are conducted regarding employment and labor market experiences. Of these studies, ethnographic accounts of job seeking and labor market dynamics are based on qualitative studies of day laborers [3] or larger multi-site surveys in different cities [4]. After two weeks of interviewing workers at several day labor sites in Central San Diego, I developed a participatory research project with the help of a key informant and two other workers who agreed to participate in the study.

THE ACCIDENTAL RESEARCHER: A PARTICIPATORY DESIGN

I met Javier¹ at a regular day-labor site in San Diego. He has been in the United States for several years, and previously was working legally as an injection mold operator for a plastics manufacturer. The company closed down, and when his Visa expired, he was unable to find another position with a firm that would assist him to get a new Visa. With a family and extended kin in Tijuana to support, he decided to stay in the United States. First he worked for a friend with an automotive repair business, but when that business slowed, he was forced to seek work at day labor sites. Fluent in English and with a good knowledge of mechanics, he is overqualified for virtually all the day labor that he finds. When I met him he was quick to answer my questions about day labor in San Diego and workers he calls colloquially calls *compadres* each morning.

After two weeks of frequent interviews at the day labor sites in Central San Diego, often meeting Javier at the day labor site, Javier agreed to help me polish a set of questions, using his own knowledge of day labor and less documented labor market practices of immigrant workers. His efforts led me to develop a participatory research design that included himself and another worker, Lucas, as interviewers. Interviews were not recorded due to an unwillingness of many less documented workers to be on tape, however, structured interview questionnaires were used and examined for inter-rater reliability. Additionally a majority of the interviews took place with two or more of the researchers present, ensuring the interviews were uniformly conducted.

This participatory research project was designed to gather as much data as possible, with as much reliability and validity, in the allotted time of the study. Initially planned as a one year project, the study later included an additional period of follow up interviews. To facilitate this, particularly given difficulty to reach population, participation of less documented workers in the San Diego labor market was crucial. Through the course of a year I gathered field data with the participation of Javier and several other key informants. These men were all compensated for their participation. In total, Javier was able to conduct 31 interviews; I conducted 25; and Lucas completed 14. While not exhaustive of the population of less documented workers, our findings in this study do point to poorly understood job-seeking and retention practices among these day workers, and they provide insights into a changing U.S. economy which has a great demand for cheap, flexible, immigrant labor.

FINDING WORK

How do less documented immigrants find work given barriers to employment? Studies of day laborers provide substantive insights to the process [5, 6]. I distinguish between formal and informal hiring sites. Formal hiring sites include employers, temporary staffing or employment agencies, or hiring halls. Informal hiring sites refer to street corners, parking lots, and public spaces where the hiring of less documented workers occurs. In each case, the hiring process

and outcomes typically differ. Both represent different options for less documented workers.

Formal hiring sites typically have regulations regarding who can accept work that require documentation of citizenship and/or employability status. Temporary staffing agencies have the highest credential and documentation requirements, but "hiring halls" also find less documented workers employment. The presence of hiring halls has become common in many U.S. cities, and typically local communities have non-profit or faith-based groups that help to run the programs. Usually hiring halls have been affiliated with labor unions in the United States, but in San Diego County they are established by non-profit or faith-based organizations for the purpose of finding unemployed workers jobs. Indeed, San Diego has only a few hiring halls operating and they have been established recently; the first few have been in operation since 2001. All hiring halls must verify worker eligibility for employment, but they often go beyond the temporary employment agencies in aiding immigrants finding work. They do this through providing translation services and in some cases doing background and reference checks on workers without work histories to establish the worker's credibility for an employer. Typically, the hiring halls have relationships with local employers, many who are seeking short-term, less-skilled workers, while the staffing agencies have contracts with larger firms, including national retail and food chains, construction firms, and large employers with hundreds of employees. Thus, hiring halls refer these workers to relatively smaller and more local firms, while temporary employment agencies tend to work with larger, more established firms. Both job placement organizations, however, offer work in similar occupations, ones that most less documented workers traditionally have found jobs: landscaping, construction labor, freight moving/hauling, food service, and sanitation work.

In this study, however, only 10% of the workers surveyed had resorted to a hiring hall, despite the advantages that such halls can offer. One such hiring program in North San Diego County, the Interfaith Community Service hiring hall, does serve as a labor conduit, linking up employers with prospective employees, as well as providing free English and health and safety classes. Workers who take advantage of these sites are typically fully documented, but have limited English language skills, few job skills, and little or no work histories. Sometimes they have other issues that make job seeking through more formal mechanisms difficult such as applying directly to an employer for a job. On the other hand, workers without documents or who have not had luck with hiring halls resort to informal job seeking practices.

Informal hiring of less documented workers occurs usually two ways, either at day labor sites or by word-of-mouth hiring networks. Research on day laborers and hiring processes shows these locations are generally organized and regulated informally [7]. Workers calling themselves *jornaleros* or *esquineros* (day worker or corner worker) frequent day labor hiring sites on the street, and employers and prospective workers negotiate jobs and wages typically on the spot. This type of hiring occurs across San Diego County in over 20 different locations. Most of these locations fall into two categories. The first is parking lots or streets near major retailers such as Home Depot and Lowes, and the sec-

¹The names Javier and Lucas are pseudonyms to protect their confidentiality. At the time of writing both men remained undocumented, Javier in San Diego County, while Lucas had moved to Arizona to work with a family member on a farm.

ond is street corners near busy intersections. Typically, groups of workers gather as early as 5:00 AM. The busiest recruiting time occurs between 8:00 and 10:00 AM. Some employers that open early may show up even earlier; usually these are construction or landscaping firms which start at 6:00 and end at 2:00 or 3:00. In these cases an “early shift” of *jornaleros* will show up, especially those who seek early shifts or specifically construction or landscaping work.

The actual negotiation process for jobs is typically quick and straightforward, with some caveats. When a potential employer shows up at a hiring site, and negotiation begins, usually within five to ten minutes jobs and wages are agreed upon, with most employers (in cars) simply stopping at the side of the street (some might park) and yelling “I need three guys for 8 hours of landscaping [shoveling, mowing, etc] at ten dollars an hour.” This type of quick bidding garners a response or there is a negotiation over the hours/wage, but that typically does not happen. In an economic sense, the laws of supply and demand operate very quickly as much of the contracting is an “open bid.” In this way an employer announces the type of work and pay they can offer and those interested step forward. In cases where there are more applicants than jobs which almost always seems to occur, then the day labor sites usually go on a first-come, first-served basis.

In short, the unwritten rules of stepping-up for a job require that those arriving first get first choice of the jobs and space in the queue based on time of arrival established. This is also subject to negotiation, however, if some workers want a job more than others, they may “cut in the line” (*colarse or saltarse el turno*) if it has been agreed and permitted by workers higher up the queue. There is a remarkable degree of coordination by workers to ensure that the process of queuing-up is orderly, but this, it was explained, is due to the overriding need to get employers to stop and make an offer. If fights break out or arguments ensue about who was in line first, then potential employers are reticent to take workers on. As a Mexican man hiring two men to do work on his house explained, “I’m not going to hire anyone on the corner; some of these guys look like gangbangers. If they have a bloody nose I don’t ask them if they want work.”

This brings up a final caveat in the negotiation process: sometimes employers reject workers. This typically occurs because someone does not “like the look” of those first in the queue, or a worker does not have appropriate attire. Typically work boots are needed for mowing or construction work and not all workers have them. If a worker is rejected by an employer or is simply not picked out of a group for work, then they keep their position in the queue. Finally, there are instances when workers reject the work being offered, and in such instances, workers push themselves back into the fold of workers and wait for the next prospective employer. For instance, many workers have a preferred type of work or area of expertise that they prefer to do. Skilled carpenters who can work power tools or know construction techniques hold out for those higher paying jobs, while some workers may prefer work unloading trucks. Other workers prefer washing windows, cars, and dishes, and so forth. One man who held a part-time job with a cleaning company also worked occasionally as a day laborer if he could get similar cleaning jobs such as houses, windows, or fences. His favorite and highest paying job from day labor work was a \$500

payday for washing all the cars at three lots owned by an auto dealer.

Despite some informal regulation and normative structure to the hiring process, this type of informal bargaining can bring conflicts. In some cases workers organize in groups or simply negotiate individually to underbid for jobs that employers are offering. When this occurs, social frictions arise. Because nobody at hiring sites wants to get “underbid” by another worker, this is generally frowned upon. Fights have broken out over such actions. Additionally, the negotiation of wages and work occurs during and after completion of the job. In some cases workers report being paid less than what they were initially hired to do, although sometimes they have been paid more. This absence of legal protections and lack of formal regulations through this type of hiring and employment process places wage pressures directly on competing workers at informal hiring sites.

Added to these pressures is the irregularity of day labor work. Many workers often wait several hours before getting a job, and many workers who are less documented experience bouts of unemployment that last several days. Periods of unemployment lasting several weeks are not uncommon. This echoes findings in other studies, further illustrating how typical employment of this population remains intermittent at best [8, 9]. Hiring also occurs, however, through networks which undergird the less documented workers labor market strategies.

STRUCTURE TO THE CHAOS: HIRING NETWORKS, KIN, AND FICTIVE KIN

Although day labor sites typically are seen as chaotic and informally regulated social spaces, some scholars argue that such processes are undergirded by a fairly stable set of social practices and structures which impose a level of social structure and order to the process. Thus, Malpica [10] argues that despite their unstructured appearance, day labor has structure in several important dimensions: repeat employers that rehire the same workers reduce substitutability, which imposes a structure, and the predominance of a male supply of workers similarly imposes organization along gendered lines. The same employer might hire a number of day laborers repeatedly or a few employers might regularly hire their labor from the same locations. My research supports Malpica’s findings, but also suggests two additional components to the structuring process of day labor and informal hiring practices.

The first structure that reproduces informal hiring practices is the collaborative networking of workers as groups to coordinate hiring with employers. This occurs largely through snowball type networks. In these cases there is typically a central or point person who has a connection to a job or who has been offered a job, but the employer needs more help. The point person might provide a list of possible co-workers, often contacting them himself, and thereby acts as both a mediator of employment and a labor recruiter. This system saves the employer a good amount of time and resources, and if the employer trusts the judgment of the point person, then this practice provides a pre-screened pool of labor. Additionally, many of these workers rely on immediate or extended kin or fictive kin networks.

In the case of kin networks, the relationship is clear: a family member refers workers to jobs. In some instances,

this is a close relation, such as a parent, or it may be a distant cousin or uncle. In any case, kinship, as in so many social processes, is a critically important social network, yet little is known about how it acts as a systematic fixture in the informal or illicit economy, or at least for less documented workers on the margins of the U.S. labor market. In this study I found that 48% of workers had relied on kin for employment on a regular basis. This suggests that the potential importance of kinship networks in immigrant employment is critical and that those without such networks or who lack access to them (as some workers do not experience good supportive relations with their kin) are at a serious labor market disadvantage.

In the event that a worker does not have actual kinship networks from which to draw for hiring, fictive kin networks also exist. A *tio* or "uncle" to many immigrant workers may be an older man who has worked the informal hiring circuit for years, and who provides access to jobs for younger men that he thinks would benefit from work, and/or who he thinks are good workers and good to have on a work team. In these instances, use of fictive kin is more limited, occurring among 10% of the workers in this study. When combined with regular kinship networks, these practices suggest that more than one-half of less documented immigrant workers rely on some form of kin-oriented or socially arranged hiring network for employment. This finding indicates that the social structure to the secondary and tertiary labor markets is far more organized and complex than the chaos that might appear on the surface of day labor sites and hiring halls. Each of these networks also appear to serve as important communication networks for a range of other work related issues, ranging from transportation, to health care, and banking and check cashing information. In addition to determining how and what resources less documented workers use to gain work, this study sought to determine which types of occupations and industries workers find employment. In the case of less documented workers, this requires clarifying if these workers are finding work in the "informal" and "illicit" economy, or the "formal" and "licit" one.

WHERE THE LESS DOCUMENTED WORK: FORMAL AND INFORMAL SECTOR EMPLOYMENT

To clarify the range of employment practices, I use the terms "informal," "formal," and "cash in hand" work and "day labor." These four different categories of employment of less documented workers overlap somewhat but encompass the full domain of employment of these workers. By "informal" economy or informal sector, I refer to work that is outside the legal regulatory scope of the state. This can include "cash in hand work" and "day labor" (which I distinguish later) but can also include informal subcontracting by formal sector firms, where the "formal" economy hires workers "informally" off-the-books. The formal economy I define as that which is regulated by the state. In such cases less documented workers are hired directly, or through temporary employment agencies or hiring halls for proper, documented employment. Among the 70 participants in this study, the split between formal and informal employment was relatively even; 44% of men reported working in the formal sector, having found work through legal and documented means, and 56% men reported working in the informal sector. For those working formally, the work was largely

in services such as the food service, construction, or the retail sector. Informal employment largely occurs in the construction and landscaping industries, with some jobs originating not in firms but households.

Formal sector employment occurs one of two ways. First, despite ostensible legal barriers to employment, many workers who are less documented find work in the private sector, working with false work credentials or are hired despite lacking proper work credentials. In such cases, employer verification fails or the employer ignores the workers false or limited work credentials. As mentioned earlier, these men find employment in only three industries, restaurants, retail, and construction. Some men reported working in manufacturing in the past, but currently, none of the manufacturing firms in San Diego County have employed them. Second, workers at hiring halls or those using temporary employment agencies can obtain jobs in these industries through those intermediaries. This is a more limited form of employment, with only two workers in the study reporting finding work through these mechanisms. A larger number of men found employment by applying directly to restaurants, retail establishments, or construction firms.

Within informal sector employment, jobs can be further divided into the categories of "cash-in-hand" employment and day labor. Often the two are not distinguished within the literature, but my research among immigrant workers in San Diego shows that there are important distinctions between the two. These distinctions illustrate how the labor market and employment conditions and strategies of immigrant workers vary widely and how much of the employment opportunities are of very limited duration with tenuous employer-employee relationships, and often marginal or "last-resort" jobs. I use "cash-in-hand work" to refer to work that occurs outside of the state regulated employment law and practice but that is either paid for by households for short-term, cash only jobs (sometimes called "under-the-table"), which might not last a full day, when they are of very limited duration. Day labor, which I discuss in more detail in the next section, is more widely found as a short-term, one-time job where workers are paid by firms. Thus, the distinction I make is that households which always pay in cash or are required by workers to pay in cash, are "cash-in-hand work," while day laborers through other mechanisms might be paid in a number of ways, including checks.

Day labor is most prevalent in the construction and landscaping industries, particularly it seems, among smaller firms that have more limited capacity to maintain regular payrolls but hire additional help, off the books, for periodic work. Of the men interviewed in this study, 36% were involved in construction and 19% in landscaping and yard work. Of these workers, nearly all of them had worked as a day labor employee for either a single-day or a specific project. Examples of day labor work include supplementary labor for landscaping crews, in which case the worker joins a landscaping crew on a project, sometimes for a single day, but more often for two days, where he and is paid off-the-books by the firm. For instance, in one case a worker, Jose, spent a week working for a small landscaping firm doing lawn mowing, trimming, and edging in several large apartment complexes. He was hired for a total of two days, but this extended to several days total as the company, a small

firm of about 12 employees, suddenly had more contracted jobs than it could fill on short notice. The hiring process is often too lengthy to have workers fill-out paperwork before being sent to a jobsite, so the firm had a the crew leader, a Latino who had started as a day laborer, stop and pick-up additional help to get the jobs completed on time and on budget. While this type of ultra-flexible labor market strategy provides the firms with quick, cheap, and relatively hassle-free labor that avoids employment verification, taxes, benefits and social security, among other administrative burdens, it does not provide a steady stream of employment for workers seeking entry-level positions.

In this study, I found several new practices that illuminate the complexity of the day labor market dynamics in the U.S. economy. I should re-iterate that I view these as part and parcel of a broader economy in which these less documented workers find, keep, and search for jobs, at the same time that employers of various types find, keep, and hire or fire workers at the margins of the “formal” labor market. First, day laborers in San Diego are employed by a far larger range of employers than the previous research has reported. In my survey of less documented workers, approximately 65% were currently active or had in the past, worked as “day laborers.” Typically the research shows that these workers are hired for temporary job opportunities lasting from 1-3 days, which generally are in construction, light industry or factory work, shipping and receiving or warehouse work [13]. Employers in San Diego, however, include a large proportion of cases where they are households, retail shops, and even churches. Over half (35) of the participants in this study had worked for a household directly at one point, and 5 of the men had worked for a church or non-profit organization at one point over time they sought work as a day laborer.

For the less documented work, a higher range of work is performed. Some men were asked to clean windows, wash vehicles, shovel ashes from fires, wash dishes, and in one case, serve as the barbeque cooks at a large outdoor party. One worker reported he spent a morning cleaning cars for one family, and then some neighbors hired the man to clear brush and do yard work. The following day, he was hired back to clean out a basement and move boxes because of flood damage caused by plumbing that leaked. This type of “jack of all trades-as-cheap labor” employment characterizes much of the respondents’ employment as day laborers, making the previous characterizations of their occupations highly problematic.

Day labor is typically characterized as more exploitive [13], wherein the employees lack regular breaks and might face hazardous and unregulated work conditions. The less documented San Diego workers in this study did report hazardous work conditions, which clearly violated the occupational health and safety laws. At the same time some workers albeit the minority reported advantages to working for specific firms or employers. Occasionally employers particularly the households have provided benefits to day laborers. One man, for example, described how a family that hired him to help remodel offered to help him get his visa application processed (family members worked as lawyers). Another man related how a family that hired him to do yard work gave him a car; with few offers from E-Bay, they included it as part of payment for his work. Finally, several

men reported that households hiring them typically offered better work conditions than firms do, including time for breaks, offers of food, cold drinks, and so forth. This appears to be prevalent among day laborers hired by other immigrant families. Interestingly, and an area for future research, is that over half of the less documented workers hired as day laborers found employment at one time or another with an immigrant family that was Latin American and also East African, Vietnamese, Chinese and Russian. This informal process of inter-ethnic hiring is poorly understood, and raises new questions about hiring the less documented and the related job retention practices found in the U.S. economy.

SUB-CONTRACTING WORK

The third category of work that this research encountered is what I term “sub-contracting work.” This is work done by one individual or a group of workers for a firm which might have been sub-contracted to do work, or it may be that the worker or a group of workers decides to perform a job as part of a larger project, but they are hired as if they were sub-contractors. The distinction is that unlike sub-contracting in the formal economy, this form of sub-contracting is entirely informal, although it occurs by firms working ostensibly in the formal economy. Some case studies will clarify this set of economic and social relationships.

Sub-contracting work takes two forms. In the first case, a firm in the formal economy is hired to perform a job, and it seeks workers at day labor sites or looks for workers through the existing networks of less documented workers, or less documented workers apply for jobs or are referred to jobs at the company. Thus, a firm that has a formal contract for a job avoids doing the job itself and instead hires less documented labor to organize and do the job more cheaply. This type of employment occurs for a host of reasons. First, workers often get these jobs because they have worked for the company before and are then called for a job, or they have an existing social network that allows them to find out the firm needs workers, where upon the worker contacts the company or simply is referred to the company by their social network. In other words, there are recruiting and hiring relationships that have been established to allow this type of off-the-books sub-contracting to occur.

From the employer’s side, there are numerous benefits to this type of arrangement. First, the firm reduces labor costs dramatically as these are cash only employees; benefits, taxes and other costs are not included as part of the wage. Second, firms engaging in this type of hiring can have the greatest amount of flexibility in hiring and firing; there are no labor unions, contracts or legal restrictions imposed on hiring or termination practices. Some instances exist where this process occurs through legal procedures, where people who are less documented are hired as temporary employees. In this case, the business simply bypasses a temporary employment agency or other labor contractor to hire the workers directly. How and why this occurs in my estimation largely are a function of the particular industries and immigrant labor streams in which this type of sub-contracting occurs most often, namely, construction and landscaping. Although no data exist on which industries sub-contract the most, my discussions with informants, suggests that these two industries offer sub-contracting work to keep costs low

and to maintain a flexible labor force. This is especially true for small business firms, where most of the less documented workers find work. For small firms, I was told, work is highly contingent on whether or not the business has a steady flow of contracts or if they are constantly but intermittently going from job to job. If work is sporadic, then firms cannot hire employees on a regular basis, but have to hire contingently, that is, whenever work comes in. Less documented workers are the ideal form of employee: they are highly contingent and willing to be hired off-the-books, for low wages.

While the data from this study were derived from a small, non-random sample, wages for landscapers and construction laborers among less documented workers is significantly less than wages reported by those working within these industries in the formal economy. For example, construction laborers in this sampling of workers averaged \$9.25 per hour, while the mean wage for those reported in the formal economy was \$15.96 [11]. For landscaping and grounds-keeping workers the wages were \$7.20 for less documented workers, and \$10.34 for the formal economy [12]. There is clearly a penalty for less documented workers, a price they pay in part for marginal status in the labor market and in the U.S. economy.

Because of these circumstances, less documented workers and small construction and landscaping firms have developed a highly symbiotic relationship. From the employer's perspective, they have a highly flexible work force that is often ready to work immediately. In fact, several workers explained that they have given their mobile phone numbers to employers and remain as backups in the event an existing worker calls in sick or a replacement is needed. This informal contracting system is arranged among workers and firms that have already worked together. From the workers perspective, this is not the ideal scenario (they would prefer steady work), but it does avoid the worry and risk that the employer will do thorough background or document checks. An additional benefit of this set of arrangement is that networks of trust are forged and hiring networks developed, which produces a broad web of social connections that provide a "formal" structure that undergirds the "informal" labor market. In short, my informants describe more structures and "formal" arrangements that allow less documented workers to gain employment, than has been described previously for kin and fictive kin hiring networks.

SUMMARY AND CONCLUSION

Work experiences and labor market practices of less documented immigrant workers vary widely but several key findings emerge from this participatory research project.

First, findings of this study point to substantive changes in the ways that immigrant labor is or is not incorporated into the changing U.S. economy. Lack of institutional oversight for H-2 visa employers, when combined with the decrease in labor protections and concomitant rise in sub-contracting and informal employment practices, all contribute to the development of new forms of employment for less documented workers. In this way, the strategies and practices of less documented workers are not an effort to skirt the law or avoid official labor markets, but rather they are a response to a set of economic and political policies and practices that exploit and marginalize these workers. Less documented workers in landscaping, as mentioned, report earnings less

on average than landscapers overall in San Diego County. If we take an occupation with a greater wage differential such as construction labor, wage savings to employers is even greater. Using a conservative estimate of wage differentials between day laborers and those in the formal economy based on the average wage of the less documented workers construction laborers in San Diego County with the average county wage based on employment data from the California Office of Employment Development shows a difference of \$6.37 per hour. Over a 40-hour work week this sums to \$254.80 and for a single month it amounts to \$1019.20. This figure represents employer cost savings only in wages and does not include lost Social Security and payroll taxes, which when added makes the savings to employers even greater [14].

Second, while it may appear that the organization of day laborers and the informal economies within which less documented workers find jobs is chaotic, in fact very regularized systems and relationships have been established to manage employer/worker recruitment. This is particularly true for the daily practice of presenting oneself ready and able to work, prior to the process of negotiating a work arrangement with prospective employers, who seek compliant day laborers from local street corners.

Third, the range and complexity of work performed by less documented workers is far more complex and broad than previously conceived. These workers work in both the "formal" and "informal" economies. Some work for households, some for non-profit private firms. Sub-contracting has emerged as a new form of employment which skirts legal and moral employer-employee regulations and relationships. Temporary agencies, hiring halls, and a range of other labor market institutions all have less documented workers moving through them and performing a vast range of work. Even though the occupations in this sampling of less documented workers is small, this study nonetheless illustrates how broad the workplaces and activities are for these workers. This raises the important question as to how large and how interwoven with the "formal economy" much of the "informal" and illicit employment is.

While these less documented workers face a range of legal, social, and economic challenges, there is also an extraordinary range of employment practices and labor market incorporation processes that are underway. As this study shows, these workers have been forced to respond to adverse economic policies and practices. H2-B visa holders who have faced wage and hour violations with little legal recourse often leave these jobs in search of other work that is offered clandestinely or illegally. Delays in obtaining documentation or lack thereof, encourages workers to seek day labor jobs or use the available informal social networks or fictive kin to find employment. This raises a host of new questions for further research: what role do networks play in labor market practices of marginal immigrant workers? What role do race, ethnicity, or gender play in the job-seeking, and in the hiring and firing practices of these less documented workers? Given a massive transformation of the U.S. economy particularly with the rise of sub-contracting and limited Federal oversight of employers, what are the implications for workers and employers as the U.S. economy continues to demand these cheap, flexible workers?

Lastly, I want to highlight the benefits of collaborative and participatory research. Many scholars, particularly those that work with difficult-to-reach study populations, have noted the advantages of participatory research. Indeed, Community Based Participatory Research (CBPR) has become de rigeur for many areas of scholarship, particularly in the public health fields. In the cases that I presented here, I applied a participatory research approach to employment and labor market experiences and practices. Benefits of this approach are in the quality of the data, which by other methodologies might be impossible to obtain. Without the assistance of Javier and other day laborers whom I met in San Diego, for example, it would not have been possible to gather the range and complexity of information that I summarized above. Finally, I should note that one of the central missing questions in this study is the concern of social power and agency. Despite some benefits accruing to these less documented workers, for the most part they remain marginalized in the U.S. economy, receive less pay and have far fewer chances for occupational mobility. Although there is a long-standing activist effort by labor unions and various faith-based organizations and others to champion the rights of such workers, such as workers rights centers, this growing contingent in our economy remains politically disenfranchised. Thus, power still flows from the top down, Federal law and potential sanctions to employers not with standing.

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