

# Texas Lawmakers “Surprised” Over Hiring of Non-Citizen Prison Guards on Work Visas

by Matt Clarke

Texas has 112 prisons and employs 23,700 guards – which is 2,600 shy of the number authorized by the state legislature. The shortage of prison staff is not new and neither is the state’s use of non-citizens as guards. The Texas Department of Criminal Justice (TDCJ) has a large number of immigrant employees, especially from Nigeria and Mexico, who were hired after they obtained permanent residency status; e.g., the prized “green card.”

What is new is the TDCJ’s recent admission to having hired at least 34 foreign guards on work visas. Over the past decade, the number of immigrant guards has greatly increased. For example, a decade ago there were a half-dozen Nigerian guards working at the TDCJ’s Ramsey Unit; currently, entire shifts are largely composed of Nigerians, who make up a significant minority on other shifts.

The prevalence of hiring non-citizen prison guards is well known to Texas’ 156,000 prisoners. Immigrant guards bring with them a host of potential problems, such as limited English language skills and cultural differences that can lead to misunderstandings and confrontations. They can also reflect a greater propensity for violence or corruption that is more common among public officials in their home countries. On the positive side, some foreign guards came to America seeking

education and may already have college experience or degrees that their U.S. citizen co-workers lack.

State Senator Robert Nichols recently received constituent questions about Nigerian guards on work visas being hired at the TDCJ’s Michael Unit. When Senator Nichols investigated, he was surprised to learn the concerns were true and the use of guards on work visas was widespread. TDCJ spokeswoman Michelle Lyons said the hiring of non-citizen guards was legal, and has been an ongoing practice due to a chronic shortage of prison staff. [See: *PLN*, Sept. 2008, p.38].

“Those with work visas work mostly as correctional officers, but also in food service and transportation,” said Lyons. “Traditionally, they’ve mostly worked in the Houston area, but they’re now working in Huntsville and Palestine.” She also noted that the TDCJ keeps track of foreign workers to make sure they stay current on their visas.

“It’s legal,” said Senator Nichols, “but it doesn’t appear to be a very good policy.” He noted that some of his constituents were concerned about employing non-citizens in public safety positions. Further, the fact that the TDCJ felt compelled to do so was a reflection on the low pay that prison guards receive.

“What this shows me is that TDCJ

is so desperate in their hiring that they’re taking these folks,” said State Senator John Whitmire. “It raises all kinds of questions. I believe I can speak for most Texans in saying it is not what we had in mind when we discuss a proper public safety policy.

“With all due respect to those people who are legal workers, I don’t think we should have foreign nationals guarding our prisoners. I’ve been around the prison system for years and years, and this is the first I’ve ever heard that the state is doing this.

“It’s not what I know about the system that worries me, it’s what I don’t know –and this is an example of that.”

Whitmire’s surprise is a bit hard to believe considering he is the longstanding chairman of the Senate Criminal Justice Committee, which oversees the state’s prison system. What is more likely is that politicians were perfectly willing to turn a blind eye to hiring immigrant prison guards on work visas so long as they could continue to underpay them. The current starting salary for TDCJ guards is approximately \$26,000, which is one of the lowest in the nation. The TDCJ has requested a 20% pay increase for state prison guards,

though it is unlikely to be approved due to the current economic crisis.

A number of other state prison systems, including those in New Mexico and

Arkansas, only hire U.S. citizens. ❏

Sources: *Austin-American Statesman*, *Beaumont Enterprise*, personal interviews