

Immigration Decisions Do Little To Address Long-Term Farm Labor Needs



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For a nation of immigrants, we are having a tough time trying to figure out how to handle the next generation of men and women who want to work and live in the United States. In fact, it's been about six years since Congress' last real effort to reform the federal immigration system and address the approximately 11 million illegal immigrants in the United States.

As a result of the delay, the thousands of farmers and ranchers who depend on immigrant labor are having a tough time raising crops and livestock in the U.S.

In some cases, farmers have had to watch crops rotting in their fields at harvest time and ranchers have been hard-pressed to find workers willing to handle all of the chores.

Two recent decisions, one by the U.S. Supreme Court and another by President Barack Obama, do little to address the long-term needs of the farm sector.

The U.S. Supreme Court struck down three of the four main parts of the Arizona's controversial immigration law, ruling that the federal government has the sole power to enforce laws against illegal immigration.

However, the court rejected a challenge to the law's most controversial provision, which requires police to conduct immigration checks on individuals they arrest or stop for questioning if they suspect they are in the U.S. illegally. The court ruled that this portion of the law does not appear to violate the Constitution by intruding on the federal government's powers to control immigration. But the justices said further legal challenges to the provision could go forward after that part of the law takes effect.

Just one week prior, President Barack Obama issued an executive order to halt the deportation of young, illegal immigrants. His order incorporates part of the Development, Relief, and Education for Alien Minors (DREAM) Act, a measure pending in Congress that, while not granting citizenship to children who came to the United States as illegal immigrants, would remove the threat of deportation and grant them the right to work in the United States.

According to the Department of Homeland Security, the policy change will apply to those who came to the United States before they were 16 and who are younger than 30 if they have lived here for five years, have no criminal history, graduated from a U.S. high school or served in the military.

The President's move, made in the midst of a reelection campaign against Republican nominee Mitt Romney, may grant work permits to as many as 800,000 young immigrants brought to the United States illegally.

"While this might be a step in the right direction, it could set back efforts by the agricultural industry to get a new guest worker program or other needed immigration reform legislation passed in Congress," said Tom Nassif, president and CEO of Western Growers. "This may make for good politics, but does not solve the critical need America's farmers have for a legal, stable workforce."

"The mixed high court ruling, along with the recent executive order by the Obama administration to stop the deportation of some younger, undocumented individuals, fully illustrates how that, regardless of which path is chosen, the few options for immigration reform remain controversial and divisive," explained Jerry Kozak, President and CEO of the National Milk Pro-

ducers Federation.

"At the same time, these developments also show how critically necessary it is to resolve the immigration policy conundrum, especially for farmers and other employers concerned with maintain and recruiting a workforce," Kozak added.

The national agricultural workforce consists of an estimated 1.83 million hired workers.

According to the U.S. Department of Labor's National Agricultural Worker Survey (NAWS), more than half of agricultural workers are unauthorized. However, that estimate may be too low.

Some experts estimate that 70 percent or more of hired farm employees responsible for America's fruit, vegetable, dairy, livestock, nursery plant, and other production are, in fact, not authorized to work in the United States, pointed out California Farm Bureau Federation President Paul Wenger in congressional testimony earlier this year. "In California alone, we rely on 400,000 employees during peak season."

"It is not a problem confined to agriculture in the northeast, southern Border States or western states. This also is not just a problem for large farmers," Wenger emphasized. According to the U.S. Department of Agriculture, 60 percent of hired farm labor is hired by farms with annual sales of less than \$1 million.

One study done by the Center for North American Studies, at the Texas AgriLIFE Extension Service found more than three-fourths of employers surveyed in that state indicated that labor shortages had already forced them to reduce the size and/or scope of their operations. Others reported considering moving to another country or going out of business entirely. Labor shortages approaching 17 percent occurred among nearly two-thirds of the firms responding to this survey during 2006 and 2007. Labor shortages for 2008 were expected to range from 11-14 percent.

It seems like all three branches of the federal government recognize that there is a huge problem with our current immigration system, but few have the political will to provide comprehensive solutions – especially during a year dominated by presidential politics.

Western Growers Director of Federal Government Affairs, Ken Barbic, said the President's executive order "is at best short term relief to something that Congress needs to act on, whether we're talking about the DREAM Act specifically or larger immigration issues."

But Barbic also noted that the industry has long been "waiting for a congressional solution."

"There needs to be an incremental approach to address these immigrant concerns," he said. "There is broad support around some of these components, including doing something for agriculture, and for bringing in some more high-skilled visa recipients."

Sen. Saxby Chambliss, R-Ga., attempted to include an amendment that would reform the H2A guest worker system in the farm bill recently approved by the Senate floor. However, the "Harvest Act" failed to make it in the group of 73 amendments the chamber decided to debate. Even so, Barbic said the industry is "looking for something beyond" that type of legislation.

"Our position has long been that a farm bill probably is not the best vehicle for long-term immigration solution," he said "But we're definitely interested in seeing the issue given attention." Δ

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