

**League of Women Voters Grand Traverse Area Leelanau Unit
Committee Report on a Study of the Agricultural Migrant Worker Visa
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Guest worker visas: Non-governmental group positions

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To study the past, current and proposed employment methods and work visa programs used by agricultural employers in our area.

We all benefit from fresh home grown produce. We like variety in our fruits and vegetables. We want to know where they were grown and how they were grown. We want farmers to be profitable and workers to be treated fairly, compensated at a living wage and available to work when and where needed by farmers. When any of these goals are not achieved, there is a ripple effect in the economy and our community. My part of this presentation attempts to gather the perspectives of non-governmental entities on the question of how to best insure that farmers have adequate workers for their fields, orchards and food processing plants. Policies or position statements from agricultural employer or worker organizations may conflict, compliment or expand on each other. Clearly many have given this topic much consideration. Our farmers concur with the following statement of the Michigan Apple Committee.

“The No. 1 concern of growers in Michigan is availability of labor.
We need skilled workers to handle our Michigan crops.”

The local growers we interviewed agreed. Against this backdrop of the need for a seasonal, specialized and skilled agricultural workforce, there are many pending proposals. I will address ideas from the following groups: farm workers and their unions, immigration reform and faith based organizations, lawyers professional organizations, organized business and organized labor, the Farm Bureau and Michigan based agricultural organizations:

Many farm worker and immigration reform organizations, including the United Farm Workers Union, Guest worker Alliance, and the National Immigration Law Center favor programs that at least insure the following:

- A path to legalization;
- Legal protections more akin those guaranteed to U.S. workers;
- Ability to enforce their employment and labor rights in U.S. courts;
- Wage rates that protect the domestic labor force from unfair competition and vulnerable foreign workers from exploitation; and
- Ability to work for more than one farmer.

Many, many faith based groups agree. Archbishop Jose Gomez from of the Catholic Diocese of Los Angeles testified before Congress this past April:

From the perspective of the U.S. Catholic Bishops, immigration is

ultimately a humanitarian issue because it impacts the basic human rights and dignity of the human person.

[T]he strictly temporary status of H-2A workers in the United States makes them even more vulnerable to exploitation and abuse. Indeed, migrant farm workers often fail to complain about poor working conditions or an employer's demands out of fear that they will be retaliated against by not being recalled the following season.

All agricultural workers – those here both temporarily and permanently – are entitled to safe working conditions, adequate housing, a living wage and benefits for themselves and their families, and the opportunity to become permanent members of U.S. society.

The Interfaith Immigration Coalition (IIC) made up of 87 religious organizations from all the major US faiths has endorsed a comparable position.

Lawyer groups such as the American Bar Association and the American Immigration Lawyers Association support temporary worker programs that include a path to lawful permanent residence, labor protections, identity and security checks, and protections to ensure that U.S. workers are not disadvantaged.

However, just as all farmers or lawyers do not agree, **not all “worker groups” embrace the concept of expanding guest worker visas.** The **AFL-CIO** cautions that admitting large numbers of “guest workers” with limited civil and employment rights is not good policy for U.S. workers. They advocate improving current programs by removing the verification burden from employers, turning to “secure identification methodology” and beefing up enforcement to safeguard “maximum protection for workers, [with] sufficient due process.”

From a larger perspective the **U.S. Chamber of Commerce has coordinated the Essential Worker Immigration Coalition.** **EWIC** is comprised of an impressive list of 51 national business organizations:

EWIC urges provisions that

- Create a workable employment eligibility verification system.
- Allow for a sufficient immigrants and temporary workers to meet employer needs.
- Permit hard working, tax paying unauthorized workers to earn permanent status after meeting strict requirements such as law enforcement screening and learning English.
- Strengthen homeland security by providing for the screening of foreign workers and creating a disincentive for illegal immigration.

Another powerful entity, the **American Farm Bureau Federation** believes that reform must include the following:

- A visa that lasts at least three years and is renewable multiple times;
- However, workers without a continued visa must return to their home country;

- Allow interested agricultural workers who were unlawfully present and working in agriculture to remain in the US and continue working;
- Require a state employment agency to verify the employment eligibility of an applicant rather than placing an E-Verify type burden on the employer.

This past July **twelve Michigan agricultural organizations** sent a letter to Representative Lamar Smith, chair of the Judiciary Committee, with their ideas. The signatories included representatives from the cherry, apple, asparagus, blueberry, fruit processors and the vegetable industry. They want a guest worker program that

- Takes into account needs, which may change suddenly with weather, global market realities, or other variables beyond the grower's control.
- Retains current experienced seasonal migrant and foreign workforce even if currently unlawfully present ;
- Uses work authorization documents that are machine readable, tamper-resistant and include biometric identifiers.
- Provides for a 3 year visa with unlimited renewals.
- Allows workers with a valid visa to work for more than one farm.
- Pay ranges to be the average wage rate in a particular crop but not fall below state or federal minimum wage.
- Eliminates any housing requirement on the part of the farmers.

A 2009 Congressional study provides a lens through which to analyze guest worker proposals. The questions it suggests we ask are as follows:

Comparison of Program Requirements: Should a new guest worker program cover both agricultural and non-agricultural workers and include a unified wage requirement?

Eligible Population: Should a guest worker program be limited to aliens within the country (many of whom presumably would be unauthorized aliens) or to aliens outside the country or include both groups?

Legalization of Program Participants: Should a guest worker program include a legalization or earned adjustment program as part of a path to authorized immigrant status?

Treatment of Family Members: Should a guest worker's family members be allowed to accompany the worker?

Numerical Limits: Should there be a numerical cap of the number of guest workers in any given year?

Labor Market Test: What type of labor market conditions would have to exist, if any, in order for an employer to import alien workers?

Enforcement: How will the terms of a guest worker program be enforced?

Homeland Security: What and how much consideration should be given to border and homeland security matters?

Conclusion

Given today's political climate any new guest worker program will be controversial with many competing interests to be understood and acknowledged.

I close with the 2010 congressional testimony of Virginia apple grower Phil Glaize. It provides much food for thought, and much room for discussion and contemplation:

A common sense approach is needed both to reform the H-2A program and find a way to retain long-term valued employees. We must stop politicizing this issue and instead keep in mind that farms and businesses, jobs, rural economies, and our national food security are on the line.

Some refuse to consider any measure that provides a realistic solution for the experienced and hard working souls whose labor feeds us all. Some refuse to take up worthy individual measures as if every problem with our immigration system can or must be fixed at once. Yet, the costs of inaction are accumulating.

Save our farms, save U.S. jobs, save our rural communities and economies, save our American food supply. Compelling reasons to act.