



## **Agricultural Labor and Federal Immigration Reform**

### *AFBF Issues Backgrounder*

U.S. agriculture faces a critical shortage of workers every year, as citizens are largely unwilling to engage in these physically demanding activities and guest worker programs are unable to respond to farmers' and ranchers' needs. This situation makes our farms and ranches less competitive with foreign farms and less reliable for the American consumer. Securing a reliable and competent workforce for our nation's farms and ranches is essential to agriculture and the U.S. economy.

Farmers and ranchers have long experienced difficulty in obtaining workers who are willing and able to work on farms and in fields. Jobs in agriculture are physically demanding, conducted in all seasons and are often transitory. To most U.S. residents seeking employment, these conditions are not attractive. Yet for prospective workers from other countries, these jobs present real economic opportunities.

Farmers who can document labor shortages in their area are permitted to bring in foreign workers under a government sponsored temporary worker program known as H-2A. This program, however, is not open to some sectors of agriculture (such as dairy) and historically has been expensive, bureaucratic and difficult for farmers to navigate. The demand for foreign workers is heightened due not only to a lack of a domestic workforce, but also the reverse migration of workers from the U.S. to Mexico, historic levels of immigration enforcement and, in some states, increased demands for employers to use E-Verify. Those factors, combined with an increasingly rigid and burdensome H-2A program, demonstrate the need for a new approach.

Reforms to the immigration system can ensure that American agriculture has a legal, stable supply of workers, both in the short- and long-term, for all types of agriculture. This requires a legislative solution that deals with the current unauthorized and experienced agricultural workforce and ensures that future needs are met through a program that will admit a sufficient number of willing and able workers in a timely manner. Past legislative proposals have attempted to reform the H-2A program to ensure a future workforce in agriculture. However, it is apparent that those proposals are no longer viable to meet agriculture's needs.

Agriculture needs a program that functions as efficiently as the current free market movement of migrant farm workers while providing the security of a contractual relationship in areas where there is little migration. Having lost confidence in the H-2A structure as a framework for future success, Farm Bureau is seeking a new approach to ensure a legal, reliable, long-term workforce for all sectors of the industry.

### *Federal Legislative Status*

AFBF continues to advocate to Congress to pass responsible legislative immigration reform that addresses border security, fixes the legal immigration system and provides farmers the access to a legal and stable workforce.

### *AFBF Policy*

Only reform through legislation can solve the agricultural worker problem. In seeking a meaningful legislative solution to agriculture's worker shortage, AFBF believes that immigration reform must include the following:

**Agricultural Worker Program** - The uncapped Agricultural Worker Visa Program (AWP) will ensure agriculture's future legal workforce. The AWP allows both employer and employee choice and flexibility by including two options:

1. "At-Will" Visa employees have the freedom to move from employer to employer without any contractual commitment, replicating the way market forces allocate the labor force now.
2. Contract Visa employees commit to work for an employer for a fixed period of time, giving both parties increased stability where it is mutually preferred.

**The Current Workforce** - In order to provide stability for American agriculture as we transition to a new program, AFBF supports an adjustment of status for experienced but unauthorized agricultural workers who currently reside in the U.S. This adjustment should include the following components:

1. These workers have a future obligation to work for a number of days annually in agriculture for several years.
2. Upon completion of this future work obligation, the workers could obtain permanent legal status and the right to work in whatever industries they choose, including agriculture.

### *Discussion Questions*

1. How many of your council members employ, or have known someone who employs, migrant labor? Do you see one or two types of agricultural production in the area employing migrant labor, or are more types of operations relying on this resource? Are migrant laborers in your neighborhood employed part- or full-time, temporary or long term? Share your experiences and observations, both positive and negative, on using migrant labor on the farm.
2. How do your council members define, "Homeland Security?" Are national issues concerning migrant labor related to your concept of Homeland Security, or are they separate issues?
3. What new, innovative approaches should the federal government consider as they look at creating a more flexible, employer-friendly migrant worker program for US agriculture?