At least 50 percent of US crop workers have been unauthorized for the past
decade, according to DOL’s National Agricultural Workers Survey
(www.doleta.gov/agworker/naws.cfm). The AgJOBS immigration reform
proposal, re-introduced May 14, 2009 as S 1038 and HR 2414, would provide a
path to legal status for some unauthorized farm workers and revise the H-2A
temporary worker program to make it easier for farm employers to employ
legal guest workers.

Immigration is transforming rural and agricultural areas across the US.
Newcomers from abroad fill seasonal jobs on crop farms, year-round jobs in
many livestock operations, and jobs in food processing and meatpacking firms.
Most remain in their first US jobs for less than a decade before moving up the US
job ladder, which usually means finding nonfarm and non-food related jobs in construction or services. When the economy booms, the revolving door that brings newcomers into farm and farm-related jobs turns faster, prompting worries of labor shortages as entry-level workers leave farm and farm-related jobs. During recession, there is some movement back down the job ladder, as from construction to farming.

On May 21-22, 2009, researchers from around the US met with Congressional and industry, union, and community leaders in Washington DC to discuss:

1. Immigration trends affecting rural and agricultural areas, pending immigration reform proposals, and the perspectives of employers, unions and advocates
2. The impacts of immigrant farm workers on agriculture in particular states and commodities
3. The impacts of immigrants in communities in rural and agricultural areas

There was a special focus on the impact of the 2008-09 recession on immigration and integration in rural America.

This report summarizes the discussion. It was distributed to participants for comments and corrections, but not formally approved by them. In some cases, presentations were supplemented with materials from Rural Migration News (http://migration.ucdavis.edu/rmn)

We are grateful for the support of the Farm, Giannini, and Northwest Area Foundations, the North Central Regional Center for Rural Development, the Southern Rural Development Center, the Julian Samora Research Institute, the UC EU Center of Excellence and the UC Gifford Center for Population Studies.

**Immigration Reform**


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1. Until 2004, seminars examining the “changing face” of rural America were held in areas attracting immigrants to fill farm jobs. These changing face seminars brought researchers together with farm employers, community leaders, and migrant advocates and included field trips that followed the pattern of workers from fields to settlement, beginning with employers, turning next to the mayors, police chiefs and teachers who act as bridges between established residents and newcomers, and concluding with migrants and migrant advocates. On two occasions, March 1998 and April 2002, seminars in Washington DC allowed researchers to report the findings to policy makers, who in turn discussed the issues on which they wanted information and analysis. Since 2006, the seminars have been held in Washington DC.
1. a Foreign Worker Adjustment Commission (FWAC) to determine the number of immigrants admitted for economic reasons and the number of guest workers
2. improved border enforcement and a means to track foreigners inside the US (about 45 percent of the unauthorized are believed to have entered the US lawfully)
3. creation of a federal agency that would issue secure work IDs to eligible workers. Workers would request PINs from this agency to present to employers when they are hired to demonstrate their legal right to work in the US (workers rather than employers would interact with the federal agency)
4. a path to legal status for unauthorized foreigners in the US because there is no practical alternative to legalization, and
5. the improvement, but not expansion, of guest worker programs

Marshall stressed the need to develop incentives in a new immigration system that encourage worker and employer compliance rather than evasion of immigration, tax, and labor laws. He emphasized that the immigration status quo is breeding cynicism among workers and employers and altering labor markets in ways that may make it harder for US youth to gain entry-level jobs. It is suicidal to put the US on a low-wage path, he argues, aiming to compete with lower-wage workers in other countries by importing them in a globalizing economy.

AgJOBS

Senator Dianne Feinstein (D-CA) re-introduced the Agricultural Job Opportunity Benefits and Security Act (AgJOBS), as S 1038 on May 14, 2009; a companion bill, HR 2414, was introduced in the House. Feinstein argued that AgJOBS was necessary because there is a “farm emergency” mostly “caused by the absence of farm labor.” She asserted that farmers “have tried and tried and tried” to hire US workers, but found few “who are willing to take the job in a hot field, doing backbreaking labor, in temperatures that often exceed 100 degrees.”

Feinstein said that due to the lack of farm labor, farmers have “watched their produce rot in fields, and have been forced to fallow close to half a million acres of land. Reviewing predictions of asparagus production ending in California’s Imperial Valley and fruits and vegetables from Colorado, she concluded that the lack of farm workers is leading to “nothing less than the slow vanishing of American agriculture.”

Feinstein recited stories of US farms and nurseries trying to recruit US workers at apparently high wages and failing to attract many. She said that Yuma-area lettuce producers were unable to find enough harvest workers to harvest lettuce in spring 2008 despite paying $10 to $19 an hour. The average hourly earnings of field workers in the Mountain III region of AZ and NM in April 2008 were $9.38 an hour. One reason why some employers have difficulty recruiting workers is
that the unpaid driving time to the fields can be up to four hours a day, and
workdays can be only four to six hours.

Senator Charles Schumer (D-NY), chair of the Senate Immigration
Subcommittee, echoed Feinstein. Schumer read the description of “agricultural
worker” in the BLS 2008-2009 Occupational Outlook Handbook and said farm
work is “not the description of a life most Americans would want for
themselves, much less for their children.” Instead, “immigrants who need these
jobs to support the families they left behind in their native country” are filling US
farm jobs.

Legalization
AgJOBS would allow up to 1.35 million unauthorized farm workers who did at least
150 days or 863 hours of farm work in the 24-month period ending December 31,
2008 to apply for Blue Card probationary status during an 18-month sign-up period
H-2A workers who did sufficient qualifying work could qualify for Blue Card visas,
but not H-2A workers admitted after the enactment of AgJOBS.
Under the House version of AgJOBS, unauthorized workers earning at least $7,500
from farm work during the qualifying period would also qualify for Blue Cards.

Unauthorized farm workers could apply for Blue Card visas that include personal
biometric data through government-approved qualified designated entities or a
licensed attorneys, including legal aid programs funded by the federal government;
the sign-up period would begin seven months after AgJOBS is enacted and last for
18 months. Workers would present evidence of their qualifying work, such as
employer-issued payroll records, time cards and other work-related documents, or
obtain affidavits from contractors or fellow workers that, “by a preponderance of
the evidence” demonstrate they did sufficient qualifying farm work. Applicants
must pay an application fee and a $100 fine.

Blue Card holders could work and travel freely within the US and enter and leave
the US. The unauthorized family members of Blue Card holders who are in the US
could obtain a “derivative” probationary legal status that allows them to obtain
work permits that do not require farm work; they could also travel in and out of
the US with their derivative legal status.

Blue Card holders could earn an immigrant status for themselves and their families
by continuing to do farm work. There are three continued farm work options: (1)
performing at least 150 days (a day is at least 5.75 hours) of farm work a year
during each of the first three years after enactment; (2) doing at least 100 days of
farm work a year during the first five years; or (3) working at least 150 days in any
three years, plus 100 days in a fourth year (for workers who do not do 150 days in
the first three years). For six years, employers of Blue Card holders are to provide
them with written records of their farm work and submit a copy to DHS
(employers may be fined up to $1,000 for not providing employment records to
DHS).
Blue Card holders are eligible for earned benefits such as unemployment insurance and the earned income tax credit, but not to means-tested benefits such as Food Stamps until five years after receiving Blue-Card status.

To become immigrants within seven years of receiving status, Blue Card holders would have to document their farm work in probationary immigrant status, show that they filed income tax returns, and pay an application fee and a $400 fine; their family members would become immigrants at the same time. Blue Card holders could receive up to 12 months credit for farm work not done due to pregnancy and injury to themselves or a minor child, severe weather conditions that reduced farm jobs, or being fired without “just cause” by a farm employer and unable to find another farm job after a “reasonable job search.” Administrative mechanisms would be established so that injured and unjustly fired workers could receive appropriate work credit.

H-2A Changes
The H-2A program allows farm employers to request certification from the US Department of Labor to have foreign workers admitted “temporarily to the United States to perform agricultural labor…of a temporary or seasonal nature.” DOL certified 94,000 farm jobs to be filled with foreign workers in FY87, the most ever.

There were about three million jobs on US farms in the 2007 Census of Agriculture (COA)—farmers reported hiring 2.6 million workers directly (the same worker employed on two farms is counted twice) and direct hire farm labor expenditures were 83 percent of the $26 billion total. Farmers reported that a third or one million of these jobs lasted at least 150 days; since most H-2A workers are employed at least 150 days, H-2A workers fill almost 10 percent of the at least 150 day jobs on US farms.

AgJOBS would make it easier for US farm employers to employ H-2A guest workers. Most of the changes would begin one year after the enactment of AgJOBS, but the AEWR would immediately return to its 2008 level and be frozen there for three years.

The H-2A program would change in three major ways under AgJOBS. First, attestation would replace certification, effectively shifting control of the border gate from the US Department of Labor to employers, who would make assertions (assurances) to DOL that they have vacant jobs, are paying at least the minimum or prevailing wage, and will comply with other H-2A requirements. Employer job offers, to be filed at least 28 days before workers are needed, would be posted on the internet and no longer circulated via the interstate clearance system. Not more than 14 days before the employer-specified starting date, the employer must advertise for US workers.
Under AgJOBS, DOL would review employer assurances for ‘completeness and obvious inaccuracies’ and approve them within seven days of receipt. Foreign H-2A workers would arrive and go to work, and DOL enforcement of employer assurances would respond to complaints of violations of H-2A regulations, such as guaranteeing work for at least three-fourths of the work period specified by the employer, hiring local workers (including Blue Card holders) who apply for jobs until 50 percent of the work period stated by the employer is completed, and reimbursing 100 percent of the transportation costs of workers who complete the job. Under AgJOBS, there must be mandatory mediation to try to resolve disputes before suits are filed.

Second, rather than provide free housing to H-2A and out-of-area US workers, farm employers could pay a housing allowance of $1 to $2 an hour to employ H-2A workers, depending on local costs to rent two-bedroom units that are assumed to house four workers. The state’s governor would have to certify that there is sufficient rental housing for the guest workers in the area where they will be employed in order for H-2A employers to pay a housing allowance rather than provide free housing.

Third, the Adverse Effect Wage Rate, the minimum wage that must be paid to legal guest workers, would be frozen at 2008 levels and studied (www.foreignlaborcert.doleta.gov/adverse.cfm). If Congress failed to enact a new AEWR within three years, the AEWR would be adjusted on the basis of the three-year change in the Consumer Price Index and eventually rise with the CPI by up to four percent a year.

The H-2A program currently allows only employers offering seasonal jobs to participate, although H-2A sheep and goat herders have been allowed to work in the US continuously for up to three years as an exception. Under AgJOBS, dairy workers would be added to the exceptions—H-2A dairy workers could work three years continuously in the US. Dairy farms accounted for 15 percent of direct-hire labor expenses in 2007, about the same as fruit and nut farms, and reported hiring 176,000 workers, two-thirds for more than 150 days on their farms.

Employer job orders become contracts that H-2A and US workers can sue to enforce. Currently, H-2A workers can sue to enforce these contracts in state courts; under AgJOBS, they could sue employers who violated contracts in federal courts. If workers file suit to enforce their contracts, growers can request mediation from the Federal Mediation and Conciliation Service, and the parties must attempt to resolve their dispute for 90 days before the suit can proceed.

H-2A workers would be offered protections comparable to MSPA of 1983, including assurances that the vehicles used to transport them were safe. Even though many of those who recruit H-2A workers are or should be FLCs, AgJOBS, unlike MSPA, does not require the disclosure of wages and working conditions to workers at the time and place of recruitment.
Many requirements of the H-2A program would continue under AgJOBS. These including having employers reimburse H-2A (and US workers from beyond commuting distance) for their transportation and subsistence costs if they complete their work contracts, requiring employers to continue to hire US workers until half of the work contract period is completed, and guaranteeing work to H-2A and US workers for at least 3/4 of the contract period.

**Eligibility Estimates**

How many unauthorized workers would qualify for legalization under AgJOBS? If two-thirds of the estimated 1.4 million crop workers are unauthorized, and a third of the estimated 429,000 livestock workers are unauthorized, there were a total 1.1 million unauthorized farm workers in 2007.

Farm workers qualify for legalization by having done at least 863 hours or 150 days of farm work in the 24 months ending December 31, 2008. Based on NAWS data, about 80 percent of unauthorized crop workers would qualify; if all of the unauthorized livestock workers qualify, up to 880,000 unauthorized workers could be legalized. If there were an earnings test in addition to a work requirement, workers earning over $7,000 in 2007 and 2008 would qualify.

There are no national estimates of the number of persons employed for wages on US farms. Instead, a USDA survey of farm employers reports employment and average hourly earnings, and a DOL survey of farm workers reports worker characteristics (including legal status) and earnings.

USDA’s NASS (http://usda.mannlib.cornell.edu/MannUsda/viewDocumentInfo.do?documentID=1063) estimates employment on US farms four times a year. It reported that an annual average 884,500 workers were hired directly by farmers in 2002, when the average hourly earnings of field and livestock workers were $8.17 (an additional 250,000 workers were brought to farms by contractors and custom operators). By 2007, NASS estimated that an annual average 739,800 workers were hired directly by farmers, down 16 percent, and that the average hourly earnings of field and livestock workers were $9.49, up 16 percent (an additional 325,000 workers were brought to farms by contractors and custom operators).

DOL’s NAWS (www.doleta.gov/agworker/naws.cfm) interviews several thousand workers employed on crop farms each year. The NAWS finds that about three-fourths of crop workers were born in Mexico and that most are unauthorized. The NAWS survey of workers finds lower hourly earnings than the NASS survey of employers, in part because supervisors are excluded from the NAWS but included in the NASS.

One way to estimate the number of farm workers who may be eligible for legalization under AgJOBS is to divide the crop and livestock labor expenditures
of farmers in each state by the average hourly earnings of farm workers in that state. The NASS survey reports the average hourly earnings of field workers, but only a combined field and livestock average hourly earnings.

Dividing almost $18 billion in crop labor expenditures by field worker earnings that ranged from $8.30 to $10 across NASS regions in 2007 yields 1.9 billion hours worked on crop farms. Dividing these 1.9 billion hours by the 1,384 average hours worked by crop workers (40.7 hours a week, according to the NASS survey of employers, and 34 weeks of farm work a year, according the NAWS survey of crop workers), yields 1.4 million crop workers.

Dividing the $8.5 billion in livestock labor expenditures by employer-reported average hourly earnings, and assuming that 70 percent of the combined field and livestock wage in each state is attributed to crop workers and 30 percent to livestock workers, generates 873 million hours worked in livestock farms in 2007. Livestock workers are employed more hours than crop workers, an average 2,035 a year based on the NASS report of 40.7 hours a week times 50 weeks. The result is an estimated hired livestock work force of 429,000.

No one knows how many farm workers are unauthorized. If two-thirds of the estimated 1.4 million crop workers and one-third of the estimated 429,000 livestock workers are unauthorized, there were a total 1.1 million unauthorized farm workers in 2007. Higher unauthorized worker shares generate more unauthorized; if 70 percent of crop workers and 40 percent of livestock workers are unauthorized, about 63 percent of US hired workers, some 1.2 million, are unauthorized.

Unauthorized farm workers would be eligible for legalization under AgJOBS if they worked at least 863 hours or 150 days in the 24 months ending December 31, 2008. NAWS data suggest that 80 percent of the crop workers interviewed were employed more than 74 days. Using the 2/3 crop and 1/3 livestock unauthorized shares, and assuming that 80 percent of the 923,000 unauthorized crop workers qualified and all of the 142,000 unauthorized livestock workers qualified, yields 880,000 eligible unauthorized farm workers.

It may be hard for unauthorized workers to find documentation of their farm hours and days worked in 2007 and 2008. For some unauthorized workers, it may be easier to find a W-2 statement that shows farm earnings in 2007 and 2008. Based on NAWS estimates of worker earnings, a W-2 statement showing combined 2007 and 2008 earnings of $7,000 or more should include almost all eligible farm workers.
Migration, Recession, and Meatpacking

Unauthorized Foreigners: 2008

The 39 million foreign-born residents in 2008 were 13 percent of the 305 million US residents, according to the Current Population Survey. There has been enormous growth in the US foreign-born population. In 1970, the 10 million immigrants were less than five percent of US residents; by 2010, the 40 million immigrants are likely to be more than 13 percent of US residents. In 1970, when Mexico’s population was about 50 million, there were less 750,000 Mexican-born US residents. By 2010, when Mexico is expected to have 110 million residents, there are likely to be 13 million Mexican-born US residents, meaning that more than 10 percent of those born in Mexico have moved to the US.

Of the 39.3 million foreign-born in 2008, 12.7 million or 32 percent were born in Mexico, 10.7 million or 27 percent were born in Asia, and 8.9 million or 23 percent were born in the Caribbean, Central and South America—there are more Mexicans in the US than any other immigrant group in any other country. Over a third of the Mexican-born US residents arrived between 2000 and 2005, an average 625,000 a year.

The foreign-born in 2008 comprises three major groups:

- about 14 million are naturalized US citizens
- almost 14 million are legal immigrants and temporary visitors such as students
- 12 million are unauthorized, including 60 percent or seven million Mexicans (80 percent of the unauthorized are Latin American)

The major migration story in 2009 is stabilization in the stock of unauthorized foreigners. Until 2007, the number of unauthorized foreigners in the US was increasing by about 500,000 a year, including 300,000 unauthorized Mexicans. Mexican and US data suggest that fewer Mexicans are attempting to enter the US illegally; tougher enforcement and the recession are cited as the major reasons.

Almost half of the unauthorized foreigners in the US are families with children, more than double the share of US households with children (about 20 percent). Most unauthorized foreigners are adults (there are 1.5 million unauthorized children), and most of the adult men and women who are unauthorized in the US have children. Indeed, in unauthorized families, there are almost three US-born and US-citizen children for every unauthorized child. The number of US-born children in unauthorized families has been increasing by 260,000 a year.

Unauthorized foreigners are spreading throughout the US. In 1990, California had 42 percent of the estimated 3.5 million unauthorized foreigners in the US, and the top six states had 80 percent. By 2008, California’s share had fallen to 22 percent of 12 million unauthorized foreigners, and the same six states had only
60 percent of the total. In many of the “new growth” states of the Midwest and southeast, most immigrants are unauthorized.

Unauthorized foreign-born adults in the US, when arrayed by their level of education, have an hourglass or barbell shape. About 32 percent of US-born adults 25-64 had a college degree or more in 2008, and eight percent did not complete high school. Among the unauthorized in the US less than 10 years, 20 percent completed college and 43 percent did not complete high school.

Unauthorized men are more likely then US-born men to be in the labor force, 94 percent of the 18-64 year olds in 2008 versus 83 percent. The reverse is true for women—73 percent of the US-born 18-64 year olds are in the labor force, versus 58 percent of the unauthorized women 18-64. Unauthorized workers were 5.4 percent of US workers in 2008, but were 30 percent of workers employed in services, 21 percent of those employed in construction, and 15 percent of those employed in production and repair occupations.

CPS data suggest that 25 percent of those employed in farming occupations are unauthorized; DOL NAWS data for the narrower group of crop workers suggest 50 percent unauthorized. CPS data suggest that 15 to 20 percent of workers in cleaning and construction occupations are unauthorized, as are 10 to 15 percent of those employed in food preparation and production occupations.

Households headed by unauthorized foreigners have low per capita incomes because they have larger families and lower earnings. The median income of households headed by US-born persons was $50,100 in 2007, and $36,000 for households headed by unauthorized foreigners. Households with US-born heads had an average 2.4 persons for a per capita income of $23,000; those with unauthorized heads averaged 3.5 persons for a per capita income of $12,000. About 45 percent of children in households headed by an unauthorized foreigner, and 60 percent of adults in such households, did not have health insurance in 2008.

Recession: Hispanics and Meatpacking

Traditionally, the Hispanic unemployment rate has been 1.5 times the rate for whites; the Black rate has usually been twice the white rate. Kochhar emphasized that the Hispanic unemployment rate, 4.8 percent, was only slightly above the white rate, 4.4 percent, at the end of 2006; almost three-fourths of the net growth in Hispanic employment between 2003 and 2006 represented foreign-born Hispanics. Half of the net increase of foreign-born Hispanic employment between 2003 and 2006 was in construction.

By April 2009, the gap between the Hispanic unemployment rate, 11.3 percent, and the white rate, eight percent, had widened toward the traditional 1.5 to one ratio. Just over half of the 22 million Hispanics in the US labor force are foreign born. Between the fourth quarter of 2007 and the fourth quarter of 2008; foreign-
born Hispanic workers lost 292,000 jobs, mostly in construction, while US-born Hispanic workers gained 147,000 jobs.

Kandel reviewed the changing US meatpacking industry. Per capita consumption of meat rose from about 150 pounds per person per year in the mid-1950s to stabilize at about 200 pounds in the mid-1990s. In 1975, per capita poultry consumption surpassed pork consumption, and in 1985, poultry surpassed beef, so that today about half of the meat consumed by the average American is poultry.

Poultry processing is more labor intensive than pork or beef processing, and a combination of fewer and larger plants operating in rural areas attracted Hispanic migrants. With almost 60 percent of the 500,000 employees in nonmetro areas, meat processing is the largest manufacturing industry in rural America. The number of meat processing workers in nonmetro counties doubled to 300,000 between 1981 and 2005. The injury and illness rate in meat slaughtering has fallen, but at about eight per 100 employees in 2007 is twice the rate for workers employed in janitorial services.

The shift from urban to rural meat processing plants was accompanied by declining union membership and falling real wages for production workers. Turnover rose—some plants hire 200 workers in the course of a year to keep 100 job slots filled, 100 percent turnover. Some meat processors may encourage high turnover to minimize the cost of fringe benefits, which can add 20 to 30 percent to wage costs and are not usually available to production workers until they have been employed at least several months.

Many of the newly hired workers in rural meat processing are Hispanic immigrants. There are four major explanations for the rapid growth of the Hispanic population in rural America. The first is IRCA, which legalized about 2.7 million foreigners in 1987-88, 85 percent Mexican—legal status allowed them to move around the US, including from seasonal farm jobs to year-round meat-processing jobs. A second reason is recruitment, as meatpackers and poultry processors hired Hispanics for their strong “work ethic,” especially on second-shifts in small towns that had few residents and workers. After pioneer migrants were established in particular plants, current workers recruited friends and relatives to accept year-round jobs in areas with relatively low living costs.

Third, the weak economy and relatively inhospitable political climate in California in the late 1980s and early 1990s encouraged many Hispanics to seek employment opportunities elsewhere. Finally, a complementary service economy evolved that allowed some established migrants to provide goods and services to growing Hispanic populations.

Immigration inspectors have devoted special attention to the employment of unauthorized foreigners in meat processing. Meat processing is highly
concentrated, meaning that the largest four firms account for 60 to 80 percent of the poultry, pork, and beef produced. The largest meat processors participate “voluntarily” in the E-Verify program, which allows employers to check on the legal status of newly hired workers.

Despite checking the legal status of new hires, meat processing employs a significant number of unauthorized workers, 20 to 25 percent by most estimates. The largest-ever Immigration and Customs Enforcement agency raid occurred December 12, 2006, when ICE agents inspected workers at six Swift & Company beef and pork processing plants that employed a total of 15,000 workers, 7,000 on the first shift and 8,000 on the second (only first-shift workers were apprehended). Some 1,282 unauthorized workers were arrested, including 170 who were accused of identity theft for using valid Social Security numbers belonging to other people to get jobs.

On May 12, 2008, ICE agents arrested 380 workers at kosher meat packer Agriprocessors in Postville, Iowa. In an unusually speedy prosecution of the unauthorized workers, 297 mostly Guatemalan workers pleaded guilty to federal criminal charges that resulted in five-month sentences for knowingly using Social Security cards or legal residence documents that belonged to others to get jobs at Agriprocessors.

This rush to judgment was criticized by migrant advocates, who argued that the illiterate migrants did not understand that they were pleading guilty to criminal charges. In May 2009, the US Supreme Court ruled unanimously that federal identity-theft laws may not be used against unauthorized workers who used false Social Security numbers to get jobs unless they knew the SSN that were using belonged to someone else.

Active enforcement may have slowed the growth of Hispanics in meat processing. Between 2000 and 2008, the white share of the meat processing labor force fell from about 40 to 35 percent, the Black share was stable at about 20 percent, and the Hispanic share was stable at about 35 percent. However, the Asian share rose sharply, in part because employers sometimes sought to hire refugees after immigration raids removed Hispanic employees.

The Obama Administration has announced that it will shift the enforcement focus from apprehending unauthorized workers to focusing on employers who knowingly hire and abuse unauthorized workers. DHS Secretary Janet Napolitano on April 30, 2009 issued guidelines that require CE agents to obtain indictments or commitments from US attorneys to prosecute an employer before staging workplace raids that lead to the arrest of workers "for civil immigration violations at a work site." ICE managers are to notify DHS headquarters at least two weeks before planned worksite raids with proposed strategies for prosecuting employers.
Hispanics are mostly urban—they are about 15 percent of US residents, but less than 10 percent of nonmetro residents. However, Hispanics accounted for over half of population growth in nonmetro countries in recent years, and a relaxed immigration enforcement regime or legalization could expand their presence. As Hispanics settle in nonmetro areas with their US-born children, the focus of policy attention may expand from employment to public education, health care, and other integration issues. Almost 75 percent of the Hispanics employed in meat processing had less than a high school education in 2008.

Immigration Reform Outlook

Krikorian emphasized that President Obama has largely maintained Bush Administration migration policies, which aimed to step up enforcement in order to demonstrate that illegal migration is under control, paving the way for legalization. Both Bush and McCain had an emotional attachment to immigration reform that included legalization, while Obama has clearly made health care, education, and energy higher priorities. The recession combined with these other priorities makes comprehensive immigration reform that includes legalization unlikely in 2009-10. However, smaller reform steps, from fewer workplace raids to Temporary Protected Status for Haitians to approval of the Development, Relief and Education for Alien Minors (DREAM) Act, are likely.

Sharry argued that Democrats were elected in 2008 to tackle tough issues, including immigration, and that Obama “owes” his 75 percent share of the 10-11 million strong Hispanic vote to his pledge to support comprehensive immigration reform, especially in key mountain states. The DHS change of enforcement focus—emphasizing prosecutions of employers who abuse unauthorized workers rather than just arresting workers—was cited as an example of the new sensitivity to Hispanic immigration concerns.

Obama will begin a “conversation” about immigration with Congressional leaders June 8, 2009. Some believe that this conversation, coupled with evidence of a declining stock of unauthorized foreigners, could lead to Congressional consideration of major immigration reform legislation in Fall 2009 or Spring 2010. However, supporters of immigration reform are mindful of the failure to enact legislation in 2006 and 2007, and some say they cannot afford to fail a third time.

The immigration status quo persists despite widespread dis-satisfaction because it is the second-best solution for those who cannot achieve their first-best option. Admissionist migrant advocates want more immigrants admitted and unauthorized foreigners legalized; the status quo allows unauthorized foreigners to establish roots, including having US-born children, that increase chances for legalization. Restrictionists who want migration reduced and unauthorized foreigners to “self-deport” hope that the implementation of federal laws such as REAL ID drivers’ licenses and the enactment of state and local laws that make it
Harder for unauthorized foreigners to find jobs and housing will reduce illegal migration.

Most of the migrants and employers at the core of illegal migration can live with the status quo. Most migrants get the higher-wage jobs they seek, and employers find the workers they want to fill the jobs they offer. Unless immigration reform promises to “legalize the status quo,” US employers have little incentive to compromise. Many would like legal rather than falsely documented workers, but not at the cost of higher wages and benefits.

Comprehensive immigration reform entails three major elements: legalization for at least some of the estimated 12 million unauthorized foreigners in the US, a secure ID to close the labor market door to unauthorized workers, and dealing with future flows of migrant workers. The first two elements are similar to the mid-1980s three-legged stool, but future flows has replaced adding Border Patrol agents and border control infrastructure as the third element.

Each of the three elements is complex. Those aiming for comprehensive immigration reform must effectively juggle three balls in the air, each of which attracts intense interest. The major issues in legalization include how many fees and hurdles to put in front of unauthorized foreigners seeking to legalize their status, the major issues with secure IDs involve cost, penalties, and liability, and future flow debates center on the role of market indicators to determine the “need” for migrant workers.

The legalization and secure ID issues have not changed significantly since the debate over immigration reform began a decade ago. However, with unemployment significantly higher in 2009, the future flow debate has changed. Instead of a new guest worker program that would admit several hundred thousand guest workers, a Commission will collect data and make recommendations on how many foreign workers should be admitted. Advocates of legalization acknowledge that employers will block reforms that do not include new guest worker programs and hope a Commission can satisfy employers that their interest in guest workers is protected.

Industry and Worker Perspectives

O’Brien emphasized agriculture’s dependence on foreign-born farm workers. If the status quo persists, future farm workers are growing up today somewhere outside the US. Some of the 50 state farm bureaus have endorsed AgJOBS, but not the umbrella American Farm Bureau Federation. The AFBF has been a critic of the current H-2A program, which it says "raise wages and benefits for foreign farm workers above market-clearing levels without leading to an increase in Americans seeking farm jobs."

More farmers are using the H-2A “facilitators” to recruit and employ foreign workers. The AFBF believes that the H-2A program can grow enough to satisfy
the needs of many farmers for seasonal workers. DOL certified about 77,000 jobs to be filled with H-2A workers in FY07; AFBF believes that the number could top 100,000 in FY09, depending on whether employers will be allowed to continue to use OES data to determine the AEWR. With more “facilitators” or agents helping farmers to bring H-2A workers into the US, the cost of H-2A housing can be spread over more employers. Facilitators can also ensure that there is sufficient work to satisfy guarantees that employers make to workers.

O’Brien’s study for the American Farm Bureau Federation in January 2006 estimated the effects of an enforcement-only immigration reform. It considered farm labor supply and demand “in balance” in 2005, and concluded that an enforcement-only strategy that removed 50 percent of farm workers believed to be unauthorized could reduce US farm sales by up to five percent.

The AFBF study put average farm labor “wages” at $9.50 an hour, more than the $6.60 an hour of food preparation workers. A key assumption was that, since average hourly farm earnings are already higher than food preparation earnings, food prep workers would not be attracted to do farm work (they would have already moved to farm work). With 10 percent of FVH producers “financially vulnerable” at $9.50 an hour wages, the AFBF projected that raising farm wages 51 percent to $14.35 an hour would double the share of vulnerable producers to 20 percent.

The AFBF concluded that higher farm wages would lead to more imports but not much additional mechanization, at least in the short term. Instead, AFBF called for a guest worker program to allow the entry and employment of 500,000 foreign workers a year and permit “the open market to determine wages and benefits” rather than “arbitrary guidelines to protect American workers.”

Regelbrugge emphasized agriculture’s dependence on foreign workers and the high share of farm workers who are unauthorized to make the case for AgJOBS. The spread of foreign-born and often unauthorized workers to dairies and other non-crop farms has increased interest in legalization, since many aging farmers recognize that it may be Hispanics who take over their farms. A combination of the recession and fewer workplace raids, the OES data base that lowers the AEWR in some areas, and the blocked social security no-match enforcement program has reduced intense interest in immigration reform, but agriculture in the long-term needs the legalization and H-2A reforms embodied in AgJOBS.

Rodriguez echoed the view that AgJOBS is the key to helping farm workers and farmers. He noted that the basic compromise of legalization in exchange for employer-friendly changes to the H-2A program was brokered by Rep Howard Berman (D-CA) in December 2000, and that employers and worker advocates have been seeking passage of AgJOBS since.
Goldstein emphasized the importance of approving AgJOBS, noting that many current unauthorized farm workers may not be able to become H-2A workers because they have been illegally in the US, which could prevent them from receiving visas. He criticized DOL efforts to make the H-2A program more employer friendly, putting new regulations in effect January 17, 2009 that converted the H-2A program from a certification to an attestation program, changed the formula for determining the Adverse Effect Wage Rate (AEWR), and modified the 50 percent rule, which requires US farm employers to continue to hire US workers until half of the usual 10-month period of employment of H-2A workers has been completed.

On March 17, 2009, DOL announced that the new H-2A regulations would be suspended for nine months. However, farm employers are allowed to submit applications for H-2A workers under the new regulations, explaining why the AFBF anticipates an upsurge in applications.

Goldstein noted that worker advocates were not satisfied with many of the provisions of AgJOBS, but accepted them to achieve a workable compromise that legalized farm workers. He emphasized that, if there is a collective bargaining agreement at a particular farm, unions and employers could negotiate wages, benefits and many of the other job-related items spelled out in the law for guest workers admitted under the revised H-2A program, providing flexibility when a farm has a union, and rules spelled out in law when there is no union.

**Research Perspectives: US**

The changing face of rural and agricultural America is visible in the commodities and communities attracting newcomers from abroad. However, several national trends can be gleaned from the variety of local impacts. First, the hired farm work force on crop farms consists primarily Mexican-born men, most of whom are unauthorized, and most of whom earn about half the average US hourly wage of $17 an hour. Seasonal work and low wages combine to produce high turnover; the NAWS reports that up to a fifth of the workers interviewed are in their first year of US farm work.

Immigration reform may increase farm wages. The impact of rising wages is more likely to reduce the demand for farm workers rather than to increase the supply. Because most farm commodities are packed or processed, coordination between growers and handlers is often required to speed labor-saving changes. Government played such a coordinating role in the mechanization of the processing tomato harvest in the 1960s, and could speed mechanization again in the 21st century by promoting labor-saving change.

Migrants are more than workers. As they settle in the communities in which they work, they change the “face” of their communities while generating new challenges and opportunities. Children from poor families who do not speak
English are often a challenge for local schools to educate, as are workers and families who lack health insurance. On the other hand, newcomers can maintain the viability of meat or other plants in small towns, stabilizing the population. Some rural towns face the choice of accepting more diversity with immigration or depopulation as jobs disappear.

The US has two programs under which US employers anticipating shortages of workers to fill seasonal jobs can receive permission to employ foreign workers. There is no ceiling on the number of jobs that can be filled by farm workers with H-2A visas, but there is a 66,000 a year ceiling on H-2B visas. The H-2A program is expanding, and there are pressures to expand the number of H-2B visas available because employers want to fill more than 66,000 jobs with H-2B workers.

The US is not the only country grappling with demographic changes in agricultural areas due to an influx of foreign farm workers. Spain has had one of the industrial world’s fastest economic growth rates and a very high rate of immigration over the past decade, as newcomers arrived to fill jobs in construction, export-oriented fruit and vegetable agriculture, and services. Managing this migration has proved challenging.

### Labor Supply and Demand

Since 1989, the US Department of Labor’s National Agricultural Workers Survey (NAWS) has been interviewing farm workers. The NAWS was originally designed to determine the supply or availability of farm workers, since IRCA required monitoring the farm labor market to assess the extent of farm labor shortages. There were no farm labor shortages during the 1989-93 period for which the NAWS was mandated, but the NAWS continued to interview workers employed on US crop farms and today generates the most comprehensive socioeconomic data on workers employed on US crop farms.

Carroll, Saltz and Gabbard reported that about half of the crop interviewed over the past decade have been unauthorized. The share of migrants—defined as those who moved at least 75 miles to work in agriculture, including from Mexico to the US—has been falling, and was about a third in 2005-07. Less than six percent of the crop workers interviewed were follow-the-crop migrants, meaning that they moved at least 75 miles from a US-base to work for wages on a crop farm.

Almost three-fourths of farm workers were born in Mexico. About half of the Mexican-born farm workers were from west-central Mexico, led by Michoacan and Guanajuato, and a fifth were from southern Mexico, led by Oaxaca (a third were from the rest of Mexico). Most foreign-born workers who were interviewed arrived at least a decade earlier, but this 10-year average is obscured by the fact that 40 percent of those interviewed first arrived in the US a year before being interviewed, and 45 percent arrived at least a decade earlier.
Migrant streams from southern Mexico are the newest, and e.g. migrants from Oaxaca have been in the US on average six years, versus 12 years for other Mexican migrants.

The workers interviewed had a median six-seven years of education; 20 percent had at least a high-school diploma. US-born farm workers had more education, an average 11 years. About 75 percent of those interviewed spoke primarily Spanish.

About 90 percent of the workers interviewed had one (78 percent) or two (15 percent) farm employers during the preceding year. On average, those interviewed did US farm work for 38 weeks the previous year, plus three weeks of US nonfarm work; they were in US but not working eight weeks, accounting for a total 49 weeks. Workers averaged 189 days of farm work, an average five days a week. Excluding newcomer farm workers raises the average number of farm work days to 230, which is full employment (48 weeks x 5 days = 240 days).

Most workers were interviewed while employed on fruit, 29 percent, vegetable, 25 percent, and horticultural specialty operations such as nurseries, 25 percent. Most of the workers interviewed, 86 percent, were employed directly by the operators of the farms on which they worked. Foreign-born newcomers employed in fruits were most likely to be employed by labor contractors.

Workers were employed an average 44 hours a week; 22 percent worked 50 or more hours a week. Working 44 hours a week for an average 38 weeks means that those interviewed did 1,672 hours of farm work the previous year. At the average reported wage of $8 an hour, those interviewed averaged $13,400 a year from farm work. Only 10 percent were paid piece rates, and they earned an average $8.76 an hour, compared with $7.53 for the 83 percent of workers paid by the hour—the high wages of piece rate workers and salaried employees pulled the average for all workers up to $8 an hour.

The NAWS obtains data on individual and family income during the previous year. Over half of those interviewed in recent years reported that their total income was between $7,500 and $17,500 the previous year, with the largest single group, about 20 percent, reporting a total income of $12,500 to $15,000.

The NAWS presents a mixed picture of US crop workers. Most are foreign-born, unauthorized, and male. Crop workers have an average seven years education. By doing 38 weeks of farm work a year (almost 1,700 hours), they earn over $13,000 a year. Average farm worker earnings of $8 an hour were 50 percent more than the federal minimum wage between 2004 and 2006 (then $5.15 an hour), which may explain why 70 percent of those interviewed expected to be doing farm work for another five years.
However, the NAWS interviews 15 to 20 percent new workers each year, which suggests 100 percent turnover every five to six years. It is entirely possible that the US crop labor force, like work forces in other high-turnover industries such as fast food and meatpacking, consists of a core of more year-round and stable workers with long tenure, and a revolving door of new entrants who try farm work before moving on to nonfarm jobs. New hires often involve recruitment and training cost, while experienced workers expect higher wages and benefits, forcing employers to weigh the benefits and costs of reducing turnover. Many employers in high-turnover industries follow a two-tiered strategy, ensuring that their core workers are satisfied while tolerating high turnover among workers who handle seasonal surges.

Huffman noted that the prices farmers received for commodities spiked in summer 2008, fell sharply, and have risen again—although not to spring 2008 levels. Corn prices peaked at $5 a bushel in July 2008, when soybeans reached $12 a bushel, up 40 percent over 2007 prices. Livestock producers suffered from higher feed costs, and some sent more animals to slaughter, maintaining employment in meat processing, the largest manufacturing industry in rural America.

Employment of hired workers in US agriculture has been declining, and today they are concentrated in FVH commodities. The demand for hired workers is derived from the demand for FVH commodities, and more affluent consumers are likely to increase the demand for fresh commodities that in many cases currently use hand labor.

The harvest and handling of some FVH commodities has been mechanized, but issues that range from shakers damaging trees to bruises from being shaken from branches have limited the spread of mechanization in many FVH commodities. New plantings are usually dwarf varieties amenable to mechanization and mechanical aids, but new plantings are limited in many commodities by growing international competition. Higher US wages would likely speed mechanization, may increase imports, and may change farming practices in some commodities.

**Migrants and Communities**
Flora explored the aftermath of May 12, 2008 immigration raids at the Agriprocessors plant in Postville, Iowa. Postville, which had 2,800 residents in 2008, had cattle and turkey processing plants. The cattle plant closed in 1980s, and was reopened as a kosher meat processing plant by Aaron Rubashkin of the Lubavitch Hasidim sect of Jews in 1990. His sons moved to Postville to operate the plant, and the tensions among local residents were described by Stephen Bloom in a 2000 book, "Postville."

Agriprocessors relied on newcomers to the US to staff its dis-assembly lines, beginning with Ukrainian and Russian immigrants from New York City. After
Postville’s turkey processing plant burned in 2003 and did not reopen. Agriprocessors hired many of the Hispanics who had been employed there. Agriprocessors expanded to 900 employees, and eventually accounted for 60 percent of the kosher meat and 40 percent of the kosher poultry produced in the US (most of the meat produced at Agriprocessors was non-kosher).

Agriprocessors had critics, and moved aggressively against them. A 2004 PETA video showing animal cruelty prompted a boycott by some consumers. The EPA in 2004 charged that Agriprocessors had violated pollution standards, and Agriprocessors was investigated several times for hiring underage workers and not paying the minimum wage.

Flora concluded that despite the problems with Agriprocessors, Postville residents tried to accommodate the differences that accompanied Jewish owners and Hispanic and other immigrant workers. Postville’s efforts to promote tolerance amid diversity were highlighted in the film, *Postville: A Clash of Cultures in Heartland America*, that emphasized how residents got along.

Migrant advocates planned for disruptive immigration raids, but did not anticipate the May 12, 2008 ICE raid on Agriprocessors. The almost 400 arrests and the government’s strategy of charging workers with identity theft rather than immigration violations took advocates by surprise. Workers arrested at Agriprocessors were taken to the National Cattle Congress in nearby Waterloo unless they had young children, in which case they were fitted with GPS ankle bracelets and released in Postville.

Federal prosecutors threatened those arrested who had used others’ identities to get jobs at Agriprocessors with felony identity theft charges, a crime carrying a two-year minimum prison sentence. As a result, most of the workers arrested pleaded guilty and were sentenced to five months in federal prison and deported. Some of the interpreters later charged that the mostly illiterate migrants did not understand that they were pleading guilty to federal criminal charges.

Agriprocessors tried to replace the workers who were arrested, but turnover was very high. In November 2008, Agriprocessors declared bankruptcy and the Postville City Council declared an economic and humanitarian disaster. Employment shrank, several managers were charged with hiring unauthorized and underage workers, and the dependence of families in which adults are not legally authorized to work on private charity increased. Businesses that depended Agriprocessors’ employees, including landlords, lost money; a third of the 700 homes in Postville were reportedly up for sale in 2009. Declining property and sales taxes limit the ability of Postville officials to respond, and the population is dropping—it may have dropped from 2,800 to 1,800 between May 2008 and May 2009.
Many of the Lubovichers involved with Agriprocessors and Postville believe the immigration raid was part of a broader conspiracy to attack their business and way of life. Community leaders in Postville are trying to revive the town, perhaps with another company to operate the plant, so that the diverse residents of Postville can return to the accommodation and acceptance that marked pre-raid Postville.

**International Perspectives**

Miller summarized the policies of France and Switzerland to import seasonal foreign workers. Switzerland, not damaged by WWII, recruited Italian workers to fill seasonal jobs under a bilateral agreement beginning in the late 1940s. In 1964, this agreement was amended to allow Italians who had worked seasonally in Switzerland five consecutive years to earn an immigrant status and have their families join them in Switzerland.

One result was the anti-overforeignization movement in Switzerland, which did not succeed in stopping the influx of seasonal workers but did force the Swiss government to cap annual admissions. During the 1980s and 1990s, human rights activists attacked seasonal worker programs that tied migrants to particular employers and required them to leave when their jobs ended. The Swiss government has phased out seasonal worker programs, with limited exceptions made for so-called A8 nationals of EU countries that joined May 1, 2004.

France has the largest farming sector in Europe, and the southern part of the country (Midi) produces large quantities of labor-intensive fruit and vegetable commodities. Especially in the 1960s, French farmers relied increasingly on Spanish and Portuguese as well as Moroccan and Tunisian migrants to harvest crops, especially wine grapes.

Some of these migrants settled in France, even though they were supposed to depart at the end of the season. They were legalized routinely until 1972, and then became a cause célèbre for unions and other groups seeking to improve the status of foreigners in France. Admissions declined from 120,000 a year in the early 1980s to 58,000 a year in the early 1990s.

In the 1990s, French farmers in the Midi continued to complain that they lacked sufficient local workers despite the efforts of the French government to move unemployed workers into seasonal farm jobs. They managed to change seasonal worker policy by layering, adding new elements, and conversion or redirecting the aims of policy. Especially in the past five years, French farmers have echoed the EU Commission in arguing that opening new and wider channels for seasonal migrants can reduce irregular migration and foster “co-development” in migrant countries of origin.

The government on April 2, 2003 aimed to restrict admissions to 2001-02 levels and to limit most migrant workers to six months in France (some additional
migrants were admitted for the grape harvest). The six-month limit is important because French courts sometimes gave immigrant status to foreigners who filled jobs lasting eight months for several years. Five farm jobs were on a list of 150 “unattractive occupations” (métiers en tension) published May 1, 2006, when an estimated 1.4 million workers were employed in French agriculture, half seasonally. About 20,000 foreign workers were admitted to fill seasonal jobs in 2007.

In 2009, French employers who want to hire foreign workers to fill seasonal jobs try to recruit local workers at least two months before their need date, posting job offers at the local employment service office unless their job is on the list for which no labor market test is required. County governments (prefects) review employer requests, as well as the housing available for the foreign workers the employer wants to hire.

Employers may recruit non-EU workers for at least four months in countries with which France has signed seasonal labor agreements, Morocco and Tunisia, as well as those with co-development agreements, Senegal, Gabon, Congo, Cape Verde, Benin, and Mauritius. Employers pay administrative feed based on the length of the contract, e.g. E336 for six months, and seasonal foreign workers are entitled to the minimum wage (SMIC) of E8.71 an hour in 2008. Migrants have contracts that spell out their wages, deductions for housing and meals, and promise to leave France within 10 days of the end of their contracts.

Spain’s strawberry farmers are most closely linked to seasonal migrant workers. The US produces a quarter of the four million tons of strawberries a year. China is the second-leading producer, about 800,000 tons a year, but almost all of China’s strawberries are consumed within the country. Spain produces about 300,000 tons of strawberries a year, over 90 percent for the fresh market, but exports 75 percent of its production to Germany, France, the UK, and other countries.²

Some 50,000 to 60,000 workers are employed in strawberry fields in Huelva in southwestern Spain, including 30,000 guest workers recruited under bilateral labor agreements with Morocco, Colombia, Ecuador, Poland, Romania, Bulgaria and Senegal (workers are also recruited in the Ukraine, but a bilateral agreement was signed only in May 2009; seasonal workers are not recruited in Colombia and Ecuador because of high transportation costs). There are few unauthorized workers in Huelva strawberry fields.

² Spain exports about 225,000 tons of fresh strawberries a year; the US about 100,000 tons. Japan is the fourth leading producer, about 200,000 tons a year, almost all of which are sold within the country. Poland is fifth, with about 160,000 tons a year but low yields and low prices are shrinking the industry. Mexico is sixth, with about 140,000 tons a year; its exports of 35,000 tons a year are double Polish exports.
Employers must apply for certification that they need foreign workers at least 105 days before the expected work-start date, and most producers use one of five employer associations, Freshuelva, COAG, ASAJA, UPA-CORA, ACPH, to recruit foreign workers for them. Employers pay a fee to such organizations to them to negotiate the bureaucracy by ensuring that they complete applications for certification correctly, that is, not in a manner aimed at discouraging the employment of local workers. Employers do not pay a fee for certification to the government, and they must recruit at least 10 foreign workers, which favors the associations.

Provincial authorities (and growers) attempt to recruit Spanish workers for at least 15 days before the recruitment of foreign workers officially begins. This local recruitment typically does not produce many workers, since most local workers seeking farm jobs want to go to work right away, not in 100+ days. During the 15-day recruitment window, some growers hire local workers who do not require housing. Workers from other Spanish provinces may require free housing in Huelva, and many want to work only the 35 days necessary to qualify for 180 days of UI benefits (some Spanish workers work for cash wages while drawing these UI benefits).

Employers are certified to recruit foreign workers 90 days before their need date. Recruitment outside Spain is conducted under rules established in bilateral agreements, usually by agents of the employer in cooperation with sending-country labor ministries. The Spanish government transmits the number of workers to labor-sending governments, which usually recruit at least twice the number of workers expected to report to a central location to be interviewed for jobs in Spain (employers can also request guest workers by name). The foreign workers selected are issued personal identification numbers (NIE) by the Spanish Ministry of the Interior, which enables them to receive visas to enter Spain.

Workers who harvest strawberries in Huelva during the peak March-June season earned at least €5.33 ($7.50) an hour in 2008; planters earn €5.77 an hour. Harvesters are expected to pick at least 80 boxes, each 2.5 kg, a day, or about 440 pounds of strawberries a day. Workers are to have at least 18 days of work each month.

Plewa emphasized that Spain’s bilateral labor agreements reduce illegal migration and guarantee Spanish strawberry growers sufficient seasonal workers to harvest their crop. However, seasonal strawberry harvesting jobs become less attractive to nationals of Eastern European countries, who prefer year-round or higher-wage jobs in the UK or Ireland. Spain signed a bilateral agreement with Ukraine May 12, 2009; many Spanish farmers prefer Eastern

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3 Farm employers in other Spanish provinces may be required to pay up to 20 percent of the cost of their housing.

As strawberry growers rely more on non-EU workers, the risks of illegal migration increase. Moroccans may seek nonfarm jobs and settle in Spain, increasing illegal migration and giving rise to new programs that seek to recruit e.g. only women who leave their children in Morocco. The new twist is the AENEAS-Cartaya program, which makes EU funds available to help admit seasonal foreign workers as part of co-development—the only married women with children program is part of AENEAS-Cartaya. Cartaya’s mayor wants to extend the Cartaya Circular Migration program, which brought 700 Senegalese to Huelva in 2008, to other provinces and industries.

Plewa emphasizes that farmers want high prices for strawberries and a stable and affordable supply of harvest workers. They prefer legal to unauthorized workers, but are also skeptical of recruiting in countries in which selection criteria are not transparent, as in Bulgaria and Moldova. Guaranteeing migrants who abide by rules the right to return the following year does reduce irregular migration; growers have recently turned to pilot programs to test workers from new sources, including 270 Filipina women. Bringing migrants from more distant places may open new sources of irregular migration and lead to permanence because of higher transportation costs.

Spain was Europe’s leading country of immigration between 2000 and 2007, adding about 4.5 million immigrants to bring the total to 5.2 million in a population of 45 million. About 60 percent of the immigrants are non-EU foreigners from Latin America, Africa, and Eastern European countries such as Ukraine, and they typically filled low-skill jobs in Spanish construction, agriculture, and services.

By 2007, over 12 percent of Spanish workers were immigrants. The immigrant share of the Spanish construction labor force doubled from 10 to 20 percent between 2000 and 2005.

The Spanish economy went into a severe recession in 2008. The unemployment rate among foreigners in the Spanish labor force, 28.4 percent in spring 2009, was almost twice the rate of native Spanish, 15.2 percent. In response to recession, the Spanish Ministry of Labor reduced the maximum number of one-year work permits for foreign workers from 15,731 in 2008, including 659 for agriculture, to 901 in 2009, including 24 for agriculture. Seasonal worker admissions were not affected—they have been exempt from annual quotas since 2006. The MOL believes that there is competition between migrant and Spanish workers in year-round jobs, but not in seasonal jobs.
Martin-Kupstch reported that Germany’s seasonal worker program operates under memoranda of understanding signed by the German Labor Ministry and Labor Ministries in source countries, admitting migrants for up to four months (three months before January 1, 2005) to work for one employer if local workers are not available to fill vacant jobs in agriculture and forestry, hotels and restaurants, fruit and vegetable processing, and sawmills (90 percent of admissions are migrants who work on German farms and forests). Employers request seasonal foreign workers and submit proposed contracts to local labor offices that spell out wages and working conditions as well as provisions for employer-provided housing, meals, and travel arrangements, in a process simplified in 2005.5

Germany’s Employment Service tests the labor market to ensure that local workers are not available at the prevailing wage, and charges employers an administrative fee of €60 per migrant. German employers may request foreign workers by name, and they do for about 90 percent of those admitted. Employers and migrants make payroll tax contributions that are about 35 percent of wages. Beginning July 1, 2005, German employers of seasonal workers from EU-10 countries must pay e.g. Polish social security taxes to Polish migrants in Germany.6 Individual farms may not hire (rotating groups of) seasonal workers for more than eight months a year unless they grow fruits and vegetables, hops or tobacco (raised from seven months on January 1, 2005).

About 86 percent of the 334,000 seasonal migrants admitted in 2004 were Poles. The German Labor Department insisted in 2006 that 10 percent of farm workers be German—it subsidized farm wages to bring them to €13 to €20 an hour tax free, or $17 to $25. The number of Poles working as guest workers on German farms fell by 15 percent to 270,000 in 2006.

**Immigration and Commodities**

**California Raisins**

Raisin grapes are a commodity in which a combination of increasing competition from imports, rising wages, and uncertainty about the future availability of hand harvesters are encouraging labor-saving mechanization. Harvesting raisin grapes was long considered the single most labor-intensive activity in North America, requiring 40,000 to 50,000 workers for the six week harvest.

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4 Farmers must provide “adequate housing” to seasonal workers, but there are regular reports during the asparagus harvest of Polish workers sleeping in their cars, suggesting the presence of illegal workers, workers colluding with employers to circumvent housing requirements in exchange for higher pay, or both.

5 [http://www.arbeitsagentur.de/vam/vamController/CMSConversation/AnzeigeContent?docId=69143&rc=5&ls=false&ut=0](http://www.arbeitsagentur.de/vam/vamController/CMSConversation/AnzeigeContent?docId=69143&rc=5&ls=false&ut=0)

6 If seasonal foreign workers are employed less than 2 months in Germany, the workers and their employers do not have to pay social security taxes on their wages.
Grape varieties that mature earlier, allowing canes to be cut and grapes to dry into raisins while on the vine, the dried on the vine or DOV method of production, can be harvested mechanically with wine grape harvesters that have rotating fingers to knock the raisins from the vines and convey them to a continuous paper tray or bins. Half of the 2008 raisin grapes were harvested with some type of mechanization—about 35 percent was harvested with machines that laid partially tried raisins on a continuous paper tray, and 15 percent were harvested into bins after drying into raisins on the vine.

California in 2008 had 225,000 acres of raisin-type grapes, including 221,000 bearing acres (98 percent); 92 percent were Thompson seedless. Newly planted grapes require about four years to reach commercial yields, but it takes six to seven years after planting to achieve yields of 8-12 tons of green grapes or 2-3 tons of raisins per acre.

There are about 4,500 raisin growers with an average 50 acres each; many raisin growers are retired and depend on raisins for a second or retirement income. Raisin production has been rising, from an average 200,000 tons a year in the 1970s, 300,000 tons a year in the 1980s and 1990s, and 400,000 tons a year between 2000 and 2003; raisin production peaked at 484,000 tons in 2000.

A Federal Market Order has regulated the flow of raisins to the US market since 1949. A Raisin Advisory Committee that includes producers and handlers determines how much of the crop will be marketed immediately as “free tonnage” and how much will be placed in the “reserve pool” and sold at concessionary prices to foreign buyers or the school lunch program. The price received by growers is the weighted average of the free and reserve prices, so that a grower price of $1,310 a ton, as was negotiated by the Raisin Bargaining Association for 2008-10, means about $800 a ton to growers on all their raisins if 60 percent of the raisin crop is free tonnage.

Raisin farmers in recent years have had gross revenues of about $350 million a year from 425,000 tons of raisins a year, an average of about $800 a ton. However, raisin prices have fluctuated over the past three decades between $200 and $1,250 a ton. In the late 1990s and between 2000 and 2002, there was a surplus of raisins due to high production and foreign competition, and only 56 percent of raisins were allotted to free tonnage. Between 1999 and 2000, prices dropped from $1,220 a ton to $569 a ton, and fell further to $377 a ton in 2002, largely as a consequence of reduced purchases of Thompson seedless grapes by wineries.

Raisins are vulnerable to rain damage during the 2-3 weeks they are drying in the conventional paper tray system. Grapes are literally sugar balls, with twice as much sugar as sugar cane or sugar beets. Every August, farmers measure the

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7 Fewer raisins were crushed for wine since the 1990s than in earlier years.
rising sugar level of their grapes and, when they contain 22 or 23 percent sugar, most turn to contractors for harvesters. Farmers are required to have their raisins drying on the ground by a certain date, typically about September 20, to collect payments under their crop insurance policies in the event of rain. The longer farmers wait to begin the harvest, the more workers are needed. If the harvest begins 20 days before the “rain date,” twice as many workers are needed than if the harvest begins 40 days before the rain date.

Harvesters are paid piece rate wages of almost cent a pound or 25 cents for each 20-pound tray; contractors receive an additional 10 cents a tray to cover their costs and profits. Growers harvesting 10 tons of green grapes or 1,000-20 pound trays an acre pay $250 in wages to workers plus $100 in overhead payments to contractors. If growers receive a net $800 a ton for 2.5 tons of raisins per acre, labor costs of $350 an acre are 20 percent of the $2,000 gross revenue per acre.

Some grape varieties reach optimal sugar levels earlier, at the beginning rather than the end of August. A machine can cut the canes holding bunches of green grapes so they begin to dry into raisins while still on the vine, the so-called dried-on-the-vine (DOV) method of harvesting. Another machine with rotating fingers knocks the raisins from the vine and places them on a continuous paper tray in the vineyard for further drying or, if they have completely dried, conveys the raisins to a bin traveling alongside the harvester.

Mechanization eliminates 90 percent of the harvesting jobs as well as worries about rain-damaged raisins. Under DOV, the demand for labor shifts from August-September to the winter months for careful pruning that facilitates the hand or mechanical cutting of the canes that begins the drying process, when there is widespread unemployment among farm workers. Mechanization is spreading, but to use machines, traditional vineyards must be retrofitted with stronger stakes and trellising at a cost of up to $2,000 an acre.

The major factors encouraging mechanization are increased global competition, combined with higher wages and labor uncertainty. To remain competitive, California producers must reduce their production costs, which is most easily achieved by reducing labor costs and increasing yields in DOV systems. Major obstacles to mechanization include the structure of the industry, large numbers of relatively small producers, and the availability of labor. New plantings are designed to be harvested mechanically, but there are few new plantings of a commodity that can be produced cheaper abroad and stored. In this way, trade, labor, and mechanization interact.

8 A 1991 survey reported that the average piece rate was $0.16 a tray, about the same rate that had been paid for the previous decade. In 1994, EDD found that the prevailing wage was $0.17 a tray, and rose to $0.19 a tray by 1997.
Florida
Florida was the nation’s ninth largest farm state in 2006, with farm sales of $7 billion, including 80 percent from crops. The leading crops were greenhouse and nursery commodities worth $1.9 billion, oranges worth $1 billion, and tomatoes worth $805 million.

Florida farmers reported farm labor expenses of $1.6 billion in the 2002 COA which, at average hourly earnings of $8.69, generated 90,000 year-round jobs. An average 81,000 workers employed by crop and crop support employers were covered by Florida’s UI system in 2006 in four major sectors, vegetables and melons, where UI-covered employment averaged 18,000 in 2006, fruit farming, 9,600, greenhouses and nurseries, 24,300, and crop support activities (mostly labor contractors) 25,500.

About 50 Florida farmers have been certified to fill 2,000 jobs with H-2A workers in recent years, mostly in citrus. Employers may request that the Florida Employment Service complete an I-9 form on each worker being referred to a job on their farms, and many do. In these cases, work authorization documents are presented to the ES office and copied, and a verification form is given to the worker to present to the employer. The employer must complete another I-9 form for the newly hired employee, and can use the E-Verify system to check on the validity of the documents presented.

Tomatoes are the most important vegetable crop, accounting for a third of the $1.6 billion in vegetable sales in 2006; Florida produces a third of US fresh tomatoes. Almost all Florida tomatoes are the mature greens favored by the food service industry, meaning they are harvested while green and ripened with ethylene gas.

There are 16 major Florida tomato growers, and many extend their season by growing tomatoes along the eastern seaboard. Tomato growers hire workers directly and via labor contractors, and some encourage workers to follow the ripening tomatoes from south to north. Workers are guaranteed the minimum wage, but are generally paid piece rates of $0.40 to $0.50 per 30 to 35 pound bucket of tomatoes picked. Picking 20 to 25 buckets an hour generates average hourly earnings of $8 to $10 (the FL minimum wage is $7.21 in 2008), although many workers are employed only four to six hours a day and 30 hours a week, for weekly earnings of $240 to $300.9 The Florida harvesting season is 20 to 30 weeks, generating $6,000 to $9,000 in seasonal earnings.

A mechanical harvester developed for California processing tomatoes was used to harvest mature green tomatoes in the 1970s, but lack of uniform ripening and problems with bruising mean that all fresh-market tomatoes are hand harvested.

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9 Tomato harvesters sometimes travel up to four hours a day to reach fields to harvest tomatoes, so they may be away from home eight hours but be paid for four.
today. Florida tomatoes are staked, meaning the vines grow up on a wooden stake and making it harder to harvest tomatoes mechanically. Plant breeders are working on varieties that do not need to be staked, which could reduce facilitate mechanization.

The major recent labor-saving change has been a mechanical aid that makes hand harvesters more efficient, a conveyor belt that moves slowly through the field and saves harvesters steps to dump their full buckets of tomatoes. The conveyor belt changes the piece rate from an individual rate to a group piece rate.

The major labor issue in the Florida tomato industry is the penny-a-pound campaign of the Coalition of Immokalee Workers (CIW), which mounted a boycott Taco Bell that persuaded its owner, Yum Brands, to agree in March 2005 to raise the price it pays growers by a cent a pound so that the piece rate for pickers could be raised from $0.45 to $0.75 a bucket. The CIW then turned to McDonald’s USA, which in April 2007 concluded a similar agreement, followed by Burger King in May 2008, Whole Foods in September 2008, and Subway Restaurants in January 2009.

However, there is currently no mechanism to pay harvesters the extra cent, which is accumulating in bank accounts. Until the entire industry participates, growers say they know only how many tomatoes a worker picks, not who bought them.

Oranges are Florida’s most important fruit, with sales of $1.2 billion in 2006 from about 500,000 acres generating 200 million 90-pound boxes of fruit. Florida orange acreage is shrinking because of urbanization, hurricanes and disease (citrus canker and citrus greening), not rising wages. These non-labor factors have encouraged many growers in the urbanizing middle of the state to believe that their days as citrus farmers are numbered.

Florida’s oranges, most of which are processed into juice, are mostly harvested by hand for piece rates of $0.70 to $0.90 per 90-pound box; with overhead and other costs, harvesting costs growers about $1.60 a box. Most workers harvest 8-10 boxes an hour, for hourly earnings just above Florida’s $7.21 minimum wage. Most workers are employed about 1,500 hours or 33 weeks during the orange harvesting season.

Mechanical harvesting of processing oranges costs about $1.35 per 90 pound box, 16 percent cheaper than the $1.60 cost of hand harvesting. However, only about 10 percent of Florida’s oranges are harvested mechanically, largely because machines work best in new plantings designed for mechanical harvesting, and there are few new plantings. Other factors slowing mechanization include damage to trees, the fact that the machines do not pick clean enough to eliminate gleaners and reliance on only one manufacturer, Oxbo.
The major factor encouraging the mechanization of Florida orange harvesting is the need to reduce labor costs due to Brazil’s ability to produce oranges at a lower-cost. Some expect further refinements in the machines plus EPA approval of abscission or loosening chemicals to increase the share of oranges harvested mechanically.

**Washington**

Stromsdorfer reported that WA farmers reported far fewer “labor shortages” in 2008 than in previous years. The state surveys employers each month, and the share of those reporting shortages fell to less than three percent in 2008 versus a peak of six percent in 2007.

Washington is the major producer of cherries and apples, both of which are hand harvested. The demand for labor to pick cherries peaks July, while the demand for apple harvesters peaks in September, creating a saddle or U-shaped demand for labor, with pear harvesting providing the major employment opportunity in August. Total UI-covered agricultural employment peaked at 113,000 in July, was 104,000 in September, and reached a low of 53,000 in December and January.

Cherries have been an expanding and highly profitable crop for growers, but poor weather in 2008 reduced the size of the crop, from about 160,000 tons in 2007 to 100,000 tons in 2008. The average annual employment of seasonal workers in cherries fell from 5,900 in 2006 to 5,000 in 2007 to 3,400 in 2008. Unlike 2006, when a late cherry harvest led to a 20 percent jump in the piece rate for picking cherries as apple growers competed with cherry growers for workers to thin their apple crop, there was no jump in cherry piece rates in 2008.

Further wage increases in 2007 aimed at heading off a shortage of farm workers stabilized the labor supply despite fewer new entrants to the WA farm work force due to stepped up border enforcement. There may also have been fewer exits from the farm work force because of the slowdown in construction.

Unlike the reduced employment in cherries, employment in apples rose as production jumped from 2.6 million to 3.1 million tons. The average annual employment of seasonal workers in apples was almost 19,000 in 2008, up from 15,000 in 2007. In the major cherry and apple counties, unemployment rose significantly between 2007 and 2008, up more than 0.5 percent in most major farming counties, and seasonal employment did not rise as much in 2008 as in 2007.

Most labor market indicators point to more workers available to do the state’s farm work in 2008 than in 2007. Stromsdorfer noted that there is no official definition of labor shortage, and that the degree to which labor demand exceeds supply is often judged by what happens to real wages, which are expected to rise if the demand for labor exceeds the supply.
In 2007, it was hard to determine whether labor shortage complaints were due to fewer new-entrants or a rising demand for farm workers, as e.g. cherry production expands. However, in 2008, it appears that the demand for farm workers was stable, but the supply increased, helping to explain falling real average hourly earnings in apples and cherries. In 2007, the average hourly nominal earnings of workers employed in apples were $12.22, and fell to $12.19 in 2008; for cherries, the drop was from $16.89 to $16.48. In real or inflation-adjusted terms, apple earnings have not risen for the past decade, while cherry earnings have increased by 40 percent.

In short, rising unemployment due to the US recession added to the supply of farm workers in 2008, a year in which cherry production fell and apple production rose. An increased labor supply with a relatively stable demand meant stable or falling earnings. Over the past decade, real average hourly earnings have risen in cherries, but not in apples.

**Colorado**

Colorado is primarily a livestock state—two-thirds of the $6 billion in 2008 sales were livestock products. Farmers had labor expenditures of $391 million, according to the 2007 COA. According to quarterly NASS surveys of employers, hired farm worker employment peaks in July at about 15,000, and almost all of the hired workers reported are employed on the responding farm for 150 days or more.

Thilmany emphasized that the state’s green industry was larger than the $300 million farm value of nursery and greenhouse commodities—with the larger sector that includes nursery and garden centers, landscape care and maintenance, and golf courses and florists, the “green industry” hired almost 35,000 workers and paid total wages of $1.2 billion in 2006—annual earnings of FTE workers averaged $55,000 for the mostly nonfarm work force. By contrast, the state’s nonfarm meatpacking industry employed 6,500 workers in 2006, paying them $210 million or about $32,000 a year.

Colorado is an aggressive user of the H-2B program, which admits seasonal workers to fill nonfarm jobs, and a growing user of the H-2A program, 237 employers were certified to fill 1,925 jobs with H-2A workers in FY07. A few farmers, mostly in the San Luis Valley, the largest alpine valley in North America, have been especially vocal about lack of labor to harvest vegetables. In response, the state experimented with using prisoners as farm workers,10 and in May 2008, the Colorado legislature approved HB 1325 to create a five-year Nonimmigrant Agricultural Seasonal Worker Pilot Program.

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10In 2007, farm employers paid the CO Department of Corrections $9.60 an hour for the inmates (including payroll taxes), and the inmates got $1 to $4 a day.
HB 1325 has the state Department of Labor and Employment (www.coworkforce.com/Emp/msfw_guestworker.asp) help farmers, for a fee of $100 per worker, to obtain DOL certification to employ H-2A workers. If necessary, the state will send recruiters to Mexico to recruit up to 1,000 workers to fill the farm jobs for which farmers were certified by DOL to employ H-2A workers, expanding in five years to 5,000 workers. The pilot program also assists agents who help farmers obtain H-2A certification and recruit workers to fill jobs.

Thilmany emphasized the importance of considering the multiplier effects of migrant spending, emphasizing that a large and growing Hispanic population has significant buying power. For example, Weld county, the major farm county in the state, is almost 30 percent Hispanic. JBS is the world’s largest meatpacker, bought Swift Foods in 2007, in part because of losses linked to December 12, 2006 raids that removed 252 unauthorized workers from the flagship plant in Greeley, which had a total 2,200 workers. Wages had already increased at the unionized plant, but to return to full production, Swift had offered signing bonuses of up to $1,500 for those who referred workers who stayed on the job at least several months.

The Weld county sheriff and district attorney began their own version of immigration enforcement in October 2008, searching the records of Amalia’s Translation and Tax Services in Greeley to find individuals using false social security numbers under Operation Numbers Game. According to DA Ken Buck, the average return among the 1,300 suspect returns seized showed $800 in taxes paid and, because of exemptions and earned income and child care tax credits, about $2,000 in refunds.

The sheriff used these tax return data to make arrests for identity theft, and noted that many of those arrested worked at the JBS-Swift plant in Greeley. Those arrested used other people’s Social Security numbers to get hired at JBS-Swift, but used separate Individual Taxpayer Identification Numbers to pay their taxes (about $50 billion in income taxes was paid by persons using ITINs, available to those who cannot get SSNs, between 1996-2003)

The ACLU sued the sheriff and district attorney, and a state judge on April 13, 2009 ordered a halt to the local enforcement actions, concluding that the sheriff did not have probable cause to seize the tax returns. The judge likened Operation Numbers Game to taking medical records from a doctor’s office because one patient was a suspected drug user. IRS records are confidential, and the sheriff was told to return the tax returns or destroy them.

Before the use of the returns for identity theft enforcement was stopped, 70 people were arrested. Even though the US Supreme Court ruled in May 2009 that unauthorized workers cannot be arrested for identity theft unless they knowingly used another person’s SSN, those arrested in Weld county are likely
to be deported by immigration judges, which use different standards than criminal courts.

New York

New York is a dairy state: milk accounted for almost half of the state’s farm sales of $3.5 billion in 2006. Dairy farms were the largest employers of both regular (more than 150 days on the responding farm) and seasonal workers, accounting for 42 percent of the 24,500 regular worker “hires” in the 2002 COA and 26 percent of the 43,000 seasonal “hires” (a person employed on two farms is counted twice in these data).

The three labor-intensive sectors, fruits worth $265 million, vegetables worth $553 million, and horticultural specialties such as greenhouse and nursery crops worth $402 million, accounted for 80 percent of crop sales in 2002. Dairy farms accounted for 44 percent of the farm labor expenses in 2002, followed by 20 percent for greenhouses, 13 percent for vegetable farms, and 10 percent for fruit farms.

New York has more H-2A workers than any other state in the northeast. Over 200 farm employers were certified to fill 3,100 jobs with H-2A workers in FY06; about 80 percent of these jobs were in apples. According to the NY MSFW service plan, there were about 4,600 MSFWs employed in apples in 2006, followed by 1,700 in nurseries and greenhouses and another 1,700 in vegetables.

New York is the third largest dairy state, with a third as many cows as the 1.8 million in CA and half as many as the 1.2 million in WI. Maloney’s survey found that almost 90 percent of the work on NY dairies with 600 cows or more was done by hired workers, and that these hired workers were increasingly Hispanic immigrants. These large dairies account for an increasing share of milk production, which means the Hispanic presence in the dairy sector is growing.

However, stepped up enforcement from the growing number of immigration agents stationed near the Canadian border sometimes isolates Hispanic workers on dairy farms, since they fear arrest or harassment if they leave the farm. Most dairy workers live on the farm where they work, and employers praise their “work ethic,” or willingness to work long hours (62 hours a week in one survey) for $400 to $600 a week. WI wages are higher, in part because fewer WI dairies provide housing to their workers.

Dairy farming is clearly on a fewer and larger trajectory — fewer farms with more cows will produce an increased share of the nation’s milk. With feed the largest cost of producing milk, and fluid milk expensive to transport, the industry is likely to remain spread throughout the US. The major question is who will do the work on fewer and larger dairy farms. The options include unauthorized migrants, legal H-2A migrants (who could remain in the US up to three years if the sheepherding model is applied to dairy farms as proposed), or
machines, as would occur if robotic milking spreads. Most dairy farmers support the AgJOBS proposal that would legalize illegal workers and simplify admissions under the H-2A program.

**Michigan**

Bitsch reported that Michigan had farm sales of almost $6 billion in 2007, including about $1.4 billion in FVH commodities. Farm labor expenditures were about 10 percent of farm sales in 2007, and almost all of these expenditures were for directly hired workers. Many of the workers hired in Michigan are seasonal—according to the COA, almost ¾ of the 86,000 jobs on farms in 2007 were for workers employed on that farm less than 150 days.

Michigan fruit and vegetable farmers traditionally hire workers who live in south Texas to fill seasonal farm jobs. Relatively well-developed recruitment, housing, and infrastructure assistance such as health care and education services have traditionally brought these US Hispanic citizens from one of the poorest areas of the US to high-wage Michigan for 4-5 months a year.

Michigan's Department of Labor and Economic Growth sends staff to south Texas each winter to encourage workers to travel north to Michigan, advising them of the social services available to migrant farm workers and their families. Migrant families driving north sometimes stop at the Migrant Farm Labor Center in Hope, Arkansas, a federal-state funded rest stop for workers headed from south Texas to Midwestern states.

**Impacts on Communities**

Immigration may be the most important human resource change in rural and agricultural areas; immigration brings mostly Hispanic young people into rural areas that often have aging white populations. Farmers have switched to high-value and value-added commodities as land prices and demand for FVH commodities increased, creating a demand for labor that was satisfied in part by attracting immigrants from Mexico. Many have settled in rural and agricultural areas, introducing immigration in some areas for the first time in a century.

**North Carolina**

Griffith explained the changing NC tobacco industry, emphasizing that under the 1998 Master Settlement Agreement seven tobacco companies agreed to change the way tobacco products are marketed and pay the states an estimated $206 billion to cover the additional health care costs they incurred (http://ag.ca.gov/tobacco/msa.php). In 2004, the federal government ended the tobacco farm price support program (nonrecourse loans) and domestic production controls (marketing quotas) after the 2004 crop year, with transition payments tobacco quota owners and active tobacco producers financed by an assessment on tobacco product manufacturers and importers of $9.6 billion over 10 years.
The tobacco industry moved from west to east (into the central Piedmont area), from smaller to larger farms--to areas and farmers more inclined to mechanize the harvesting of tobacco. Most tobacco is now farmed under contract to buyers, so that warehouse auctions are disappearing as the demand for farm labor falls. Employment of both local and H-2A workers has declined, even as some growers switched to other labor-intensive crops, including berries.

There were also changes in the farm labor system. In 2004, the Farm Labor Organizing Committee reached an agreement with Mount Olive pickle and the North Carolina Growers Association, the recruiter of 8,000 H-2A workers, that makes the H-2A workers employed on the cucumber and tobacco farms to whom NCGA supplies H-2A workers FLOC members, contributing 2.5 percent of their earnings to FLOC in exchange for a grievance mechanism and FLOC efforts to reduce corruption in Mexican recruiting.

The NCGA initially cited the FLOC contract as a marketing tool, promising growers and end to lawsuits. However, many growers complained that too many grievances were filed under the FLOC contract, prompting some to drop out of the NCGA and obtain workers via other sources. NCGA opposes AgJOBS, fearing that the number of H-2A workers may shrink with legalization, while FLOC has turned its attention to tobacco companies, seeking to get them to pay more for the tobacco leaf they buy.

More recently, a combination of stepped up federal and local enforcement of laws affecting migrants, and the slowdown in construction with recession, has scared immigrant workers in NC. Construction employment fell sharply in 2008, forcing some ex-farm workers back into agriculture, while enforcement in food- and meat-processing firms prompted some unauthorized workers who had moved up the job ladder from seasonal farm jobs back into the farm labor market. The number of H-2A workers is shrinking as more other workers are available to fill farm jobs, weakening both NCGA and FLOC.

There are thus short-term uncertainties around signs of a more settled Hispanic immigrant population, exemplified by more Hispanic-owned and oriented businesses and services. Soccer teams are expanding, there is increased political participation, especially of US-born youth with immigrant parents, and there are more grassroots organizations and links between them.

Texas
Texas has more farms and more cattle than any other state, and is the only state in which a quarter of farm labor expenses in 2002 were in beef cattle ranching. About 10 percent of the US farms reporting expenses for hiring workers in 2002 were in Texas; they reported hiring 166,000 workers sometime during the year, creating the equivalent of 72,000 year-round equivalent jobs (individuals hired on two farms are counted twice in the 166,000 number).
Saenz and Manges-Douglas reported Texas is a majority-minority state, with a population of 24 million in 2008 that has been increasing faster than California’s population (37 million in 2008) since 2004-05. One reason is that Texas has been attracting US residents from other states, while California has been losing US residents to other states. California attracts more immigrants and has a larger net natural increase each year.

About 14 percent of Texas workers are Hispanic immigrants. They are the highest share of workers in several construction-related occupations, including drywallers and laborers, but the largest numbers are employed as cooks and janitors. Employment in these “Hispanic immigrant occupations” rose much faster than employment in all occupations between 2000 and 2007.

Texas is reacting to rising Hispanic immigration in several ways. ICE raids on workplaces have been both applauded and condemned. Some local cities have enacted ordinances in support of (unauthorized) migrants, while others have enacted ordinances that aim to penalize employers who hire them and landlords who rent to them. Bills pending in the state legislature would penalize employers who hire unauthorized workers and take other steps to make it more difficult for unauthorized foreigners to live in Texas. Public sentiment appears to be anti-migrant, but most of the more draconian bills are unlikely to become law.

New York
Dudley noted that up to 65,000 farm workers may be employed sometime during the year in New York’s $3.6 billion a year farm industry, including nearly a third employed in the dairy industry and 2/3 in FVH commodities. Almost all of these farm workers are immigrants, usually born in Mexico, with about six years of Mexican education. About two-thirds of hire farm workers live year-round in New York.

Dudley reported that most farm workers wanted more information about immigration laws and procedures—almost all of those interviewed knew someone who had been arrested. Many expressed an interest in learning English and more about US culture and services, including health care services. Some expressed an interest in acquiring skills so they could move up the US job ladder.

Enforcement by ICE agents and state and local police has created a fear in many immigrant homes that they could be targeted, keeping many at home. Some do not travel to their countries’ consulates in New York City to obtain passports and other documents that could make their life in the US easier for fear of arrest and detention on route. In some cases, seemingly innocent interactions with police for non-migration related reasons can lead to detention until ICE intervenes to determine a person’s legal status. One result of this climate of fear is isolation, as more migrants avoid social activities that could draw attention to themselves and others. Attendance at Spanish language religious services and cultural celebrations have significantly decreased as a result of such fears.
Many New Yorkers acknowledge that unauthorized foreigners fill low-level jobs, and a majority would be in favor of allowing them to stay—although far more favor a temporary legal status than a path to US citizenship.

**Ohio**

Majka and Majka reported on interviews with first- and second-generation immigrants in Dayton, Ohio. Dayton and the state of Ohio is not major destinations for immigrants—about three percent of the state’s 11.4 million residents in 2000, and three percent of Dayton’s 166,000 residents, were born abroad. The largest single region of birth of foreigners in Ohio and Dayton was Europe.

The Hispanic population of Dayton is increasing, and focus-group interviews found that most had relatively little education (nine years or less) and that most were in the US about 6-7 years. About a quarter of those interviewed were employed in agriculture; most reported that they used networks of friends and relatives to find jobs.

Churches and libraries were most open to these newcomers, while hospitals, schools, and police and courts posed the biggest challenges for them. An inability to communicate was often a major obstacle to accessing these institutions, whether waiting for hospitals or schools to provide translators or understanding bills and documents printed only in English. Some Latino immigrants perceived this lack of communication as discrimination against Latinos, although European immigrants who lacked English reported similar communication problems.

There is a general distrust of police, especially after reports that Mexican drivers’ licenses, matricula consular cards, and other IDs were confiscated. Many of those interviewed complained of being stopped by police for no apparent reason, and being treated poorly by the officers involved.

The immigrants interviewed wanted integration to be a two-way street, with local residents and institutions adapting to them even as they sought to integrate. They asked for more bilingual staff in public and private businesses, and for more local residents to learn more about the immigrants and the countries from which they came.

The children of immigrants who are learning English are climbing the US job ladder, which was often the major reason why their parents immigrated to the US. Their higher level of education and English-language skills suggest they will not follow their parents into low-wage jobs. Thus, if the industries that currently rely on immigrants with little education do not restructure, they are likely to seek a new source of newcomers to fill jobs as current immigrants move up the US job ladder and their US-educated children begin at higher rungs.
Mexico: Economy and Trade

Mexico, the place where most US farm workers were born, is in recession; the economy is expected to shrink at least five percent in 2009. Mexican tourism is shrinking because of the recession, the H1N1 flu strain, and drug-related violence, and remittances are falling as US unemployment rises and enforcement at the border is tightened.

Nonetheless, the Mexican economy is fundamentally sound, according to Ortiz-Mena. Much of Mexico’s 2009 oil output is already sold for $70 a barrel (about 40 percent of Mexican government revenue is from oil) and Mexican banks did not take undue risks in the recent boom after emerging from the so-called Tequila crisis of 1995-96. The Mexican government is using its stimulus spending to improve the country’s infrastructure, and the social safety net is far stronger today than during previous recessions. Most poor women with children receive cash payments under Opportunidades in exchange for getting their children’s health checked regularly and ensuring that their children go to school.

The official Mexican unemployment rate is under four percent, but the underemployment rate is estimated to be at least 26 percent of the 45 million-strong labor force. Export-oriented manufacturers that create formal sector jobs, including the auto industry, have been hard hit by the US recession.

Escobar emphasized that poverty peaked in the mid-1990s, and has since fallen to about 20 percent based on personal “capabilities” to cover the cost of food, education and health; down from 30 percent in the early 1990s. About 25 percent of rural residents are considered poor, versus 10 percent of urban residents.

Rural Mexico is being transformed by emigration and government transfers. With the emigration of especially men, many farm families are producing less of their own food, and switching from crop production to livestock because livestock requires less labor. Government Opportunidades payments have been far more important than remittances in reducing rural poverty—far more poor families receive them than receive remittances. Up to 8 percent of poor rural Mexican households (in 2006) depend largely on remittances, but most rural Mexican households do not.

Despite emigration, Mexico still has a significant rural population, about 27 percent of the 106 million Mexicans. The number of potential US migrants remains large, raising the question of why so many people remain in rural Mexico. While up to 40 percent of rural men in their 20s leave, most young rural Mexican men stay, and many migrants return to retire. The rural Mexican men who emigrate increasingly aim for urban jobs in the US or Mexico, which means that the supply of rural Mexicans to rural America may have peaked between 1995 and 2005.
Most poor Mexican rural households are not self-sufficient in food. The price of the "basic food basket" has risen faster than the consumer price index, and food self-sufficiency has been falling in rural Mexico as fewer crops are planted. Cash transfer payments were raised to partially offset rising food and fuel costs, but poor rural families more dependent on purchased food and fuel are falling behind.

Calvin focused on factors affecting imports of labor-intensive commodities from Mexico, noting that climate (winter production) and labor costs were Mexico’s two competitive advantages. Technology, tariffs, and risk factors have also affected trade patterns.

US strawberry production more than doubled between 1990-92 and 2006-08, from about one billion to two billion pounds. Imports are less than 10 percent of US consumption, and almost all strawberry imports are from Mexico during the winter months (US production peaks between April and June), that is, fresh strawberry trade is dictated more by weather than labor costs. As with other commodities, the Mexican share of imports is much larger for frozen than for fresh strawberries because Mexican labor savings are more important to produce commodities that can be stored.

U.S. imports of Mexican fruit and vegetables have increased, for fruits from 700,000 million tons in 1990 to 1.8 million tons in 2007 and for vegetables from 1.2 million tons in 1990 to 3.2 million tons in 2007. The two leading vegetable imports from Mexico are tomatoes, which accounted for a third of vegetables imported from Mexico in 2007, and peppers, which accounted for 19 percent.

Mexican fresh vegetable imports are particularly important during the winter when US field (non-greenhouse) production of tomatoes and peppers is limited largely to Florida. But good weather is not always enough. The Mexican tomato export industry, which was facing financial difficulties in the 1980s, rebounded after growers adopted Israeli tomato varieties that increased shelf life and improved profitability. While U.S. imports of Mexican tomatoes have increased, the Mexican share of US consumption has declined due to increased tomato imports from Canada. The introduction of greenhouse technology in Canada has made the United States a net tomato importer from Canada.

Some commodities that are very labor intensive, including green onions and frozen broccoli, are increasingly produced in Mexico and exported to the United States. Green onions are especially labor intensive; most of the green onions consumed in the United States are grown around Mexicali, Mexico. Mexican green onions were implicated in a food borne illness outbreak in the United States in 2003, but a concerted effort to reduce the risks of contamination resulted in the market returning to normal the following year. In contrast, imports of Mexican cantaloupes fell sharply after they were implicated in food borne illness outbreaks during three consecutive years.
Most tariffs on produce were quite low before NAFTA began on January 1, 1994, but tariffs on asparagus and cantaloupes were high and had long phase-out periods. Imports of Mexican asparagus have increased as the tariff declined, but imports of asparagus from Peru, which has duty free access, have increased even faster. Peru supplies most US fresh asparagus between August and December.

Beginning in 1993, the United States began reducing phytosanitary barriers which had kept Mexican avocados out of the U.S. market since 1914. Imports increased rapidly, and in 2005 Mexico overtook Chile to become the largest foreign supplier of avocados to the U.S. market.

Changes in the U.S. produce industry have also had impacts on imports from Mexico. US lettuce imports from Mexico total only about 2 percent of domestic consumption, but are growing rapidly. Bagged salads have become increasingly important to the lettuce industry, and many are supplied by firms under contracts that specify how much is to be delivered each week. U.S. producers contract with growers in Mexico as insurance in case of disruptions of their U.S. production.

Zahniser reported on an effort to model the impacts of immigration reform on foreign-born workers. Using a CGE model (www.monash.edu.au/policy/mon-usa.htm), the goal is to examine how various proposals might affect 700 occupations. The model will assume about 570,000 legal US farm workers earning an average $10.25 an hour and 680,000 unauthorized farm workers earning an average $9 an hour.

Initial results suggest that stepped up enforcement might shift the US occupational mix toward more employment in low-wage occupations, the opposite of what would be expected, and impose an enforcement tax on employers and others who try to evade enforcement. Admitting the “optimal” number of immigrants, by contrast, increase US welfare, especially if those admitted pay fees to the US government for visas.

Bibliography and Agenda
The papers and presentations on which this report is based are available at: http://migration.ucdavis.edu/cf/index.php Further information on how immigration is affecting agricultural America is available at: http://migration.ucdavis.edu/rmn/index.php

Immigration Reform: Implications for Farmers, Farm Workers, and Communities
Meeting and Lodging: UC-DC (www.ucdc.edu)
1608 Rhode Island Avenue, NW, Washington, DC 20036
Tel 202-974-6200 Fax: 202-974-6250
Thursday-Friday May 21-22, 2009
At least 50 percent of US farm workers are unauthorized. Immigration reform may provide a path to legal status for some currently unauthorized farm workers and make it easier for farm employers to employ legal guest workers under a revised H-2A temporary worker program.

The purpose of the meeting is to learn about how the recession is affecting migration patterns, assess the immigration reforms being considered, hear from employer and worker advocates about the impacts of immigrants on agriculture and communities, and discuss ongoing research on these issues. Presentations are posted at: (http://migration.ucdavis.edu/cf/index.php).

The conference is organized with the support of the Farm, Giannini, and Northwest Area Foundations, the North Central Regional Center for Rural Development, the Southern Rural Development Center, the Julian Samora Research Institute, and the UC EU Center of Excellence and the Gifford Center for Population Studies. For further information contact Philip Martin (plmartin@ucdavis.edu)

Thursday, May 21, 2009
7:45am Breakfast available in conference room on the ground floor

8:30am A Plan for Comprehensive Immigration Reform, Ray Marshall, Uni-Texas

9am Immigration Patterns and Rural America, Chair, Philip Martin, UCD
Immigration Patterns, 1986-2008, Jeff Passel, Pew Hispanic Center
Recession, Stimulus, and Hispanic Workers, Rakesh Kochhar, Pew Hispanic Center
Meatpacking and Migration in Rural America, William Kandel, USDA

10:30 Break

10:45 The Outlook for Immigration Reform, Chair, Susan Martin, ISIM
Mark Krikorian, Center for Immigration Studies
Frank Sharry, America’s Voice

12 Lunch

1:00 Industry and Worker Perspectives on Immigration Reform
Patrick O’Brien, American Farm Bureau Federation
Craig Regelbrugge, American Nursery & Landscape Association
Bruce Goldstein, Farmworker Justice
Arturo Rodriguez, UFW

2:30 Break
3:00 Research Perspectives on Immigration, Agriculture, and Communities, Chair, Neil Conklin, Farm Foundation
The Changing Farm Work Force? Daniel Carroll, DOL and Susan Gabbard, JBS International (Aguirre)
How do Labor Market Adjustments occur in Agriculture? Wallace Huffman, Iowa State University
How is Immigration Changing Rural Communities? Cornelia Flora, Iowa State University

4:30 Seasonal Farm Worker Programs in Other Countries
France, Mark Miller, University of Delaware
Germany, Christiane Kuptsch, ILO
Spain, Piotr Plewa, University of Delaware
Christian Ligeard, French Embassy
Daniel Naujoks

5:45 Adjourn

7:15 Dinner, Logan Tavern, 1423 P St. NW, www.logantavern.com

Friday, May 22, 2009
7:30am Breakfast available in conference room on the ground floor

8:30 Farm Labor: Commodities and Areas, Chair, Philip Martin, UCD
California and Raisins, Philip Martin, UCD and Bert Mason, CSUF
Florida and Citrus/Tomatoes, Fritz Roka, U-Florida
Washington Tree Fruits, Ernst Stromsdorfer and John Wines, Washington ESD
Colorado, Dawn Thilmany, Colorado State
New York and Dairy, Tom Maloney, Cornell
Michigan, Vera Bitsch, Michigan State University

10:45 Break

11 Farm Labor: Commodities and Areas II

11:30 Lunch

12:15 Immigrant and Communities, Chair, Cornelia Flora, Iowa State University
Nebraska and the Midwest, Lourdes Gouveia, Uni of Nebraska-Omaha
Carolinias, David Griffith, E Carolina University
Texas, Rogelio Saenz, Texas A&M University
New York, Mary Jo Dudley, Cornell University
Ohio, Linda and Theo Majka, University of Dayton
2pm  Break

2:15  Mexico-US Developments, Chair, Rubén Martinez, Michigan State
     Recent Economic Developments in Mexico, Antonio Ortiz-Mena, Mexican
     Embassy
     Mexico-US Fruit and Vegetable Trade, Linda Calvin, USDA
     Modeling Mexico-US Labor Adjustments under NAFTA, Steve Zahniser
     and William Kandel USDA

3pm  Adjourn