

Florida Farm Bureau Issue Briefs

Agricultural Policy Division

PO Box 147030
Gainesville, FL 32614
(352) 374-1544

Immigration Reform

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Issue:

After the Senate failed to reach a final vote on comprehensive immigration reform legislation, attention turned to the House where its leaders are considering moving parts of the comprehensive bill, possibly including an agricultural reform package. While Congress considers whether and how to move forward on this issue, it is critical that we keep up pressure to act this year by highlighting the consequences of inaction.

Background:

Farmers and ranchers face a “Catch 22” when verifying the status of their workforce. It is illegal “knowingly” to hire someone who is not authorized to work, but the employer is limited in what he or she may ask to determine who is authorized. If the employer requests more or different documents when the original documents appear reasonable on their face, the employer could be subject to Justice Department investigation or lawsuits for discriminating in employment. If, on the other hand, the employer accepts those documents but later is notified by the Social Security Administration that information contained in the documents does not match agency records, then the employer may not be safe from prosecution for knowingly hiring an illegal worker.

Currently the only sure alternative is to recruit workers from abroad under the H-2a temporary guest worker program. But the H-2a program is expensive because it requires prospective users to offer free housing and transportation as well as a minimum of the “adverse effect wage rate” or AEWR – the average wage for all field and livestock workers across several states. Moreover, the program is excessively bureaucratic, requiring subsequent approval by four governmental agencies (Labor, Homeland Security and State, as well as the state employment agency) – even if the farmer needs just a few workers for a few weeks. It also can be a magnet for litigation, forcing growers to spend large sums in court or accept the demands of taxpayer-funded attorneys. Most year-round livestock operations are not eligible for H-2a, even though labor requirements are no less of a problem for these than other operations.

Florida Farm Bureau endorsed the bipartisan compromise that recently failed in the Senate as providing immediate relief from labor shortages and Homeland Security raids. It is critical that comprehensive immigration reform legislation get signed into law this year.

FFBF Policy:

Florida Farm Bureau supports the employment of legal foreign workers through a guest worker program that is reliable, simple and cost competitive.

Farm Bureau strongly supports reforming the H-2a program so that it:

- More closely follows the H-1b and H-2b programs, both of which allow employers to pay workers a prevailing wage (not an artificial AEWR);
- Accommodates the needs of modern agriculture, including year-round livestock operations, whose labor needs have changed since the inception of the program; and
- Eliminates unnecessary bureaucracy and red tape so it is more responsive and timely to growers' needs but does not make the program more of a litigation magnet than it is now.

Action:

County Farm Bureau members are urged to keep attention focused on the immigration issue and the importance to agriculture of obtaining meaningful reform this year. Examples include: op-ed pieces, editorial board visits, press conferences, press availabilities, press releases and sharing with the media documented instances of where labor shortages have hurt producers.

Members are also asked to document specific instances of farms that have been harmed by labor shortages. We will be providing information to American Farm Bureau who will compile an extensive record to support our need for immigration reform. Please forward all information to Kevin Morgan at kevin.morgan@ffbf.org