



Farm Labor Outlook from the Viewpoint of Sacramento

Bryan Little
Farm Employers Labor Service

How Many?

Estimates Vary:

- U.S. -- 1.5 million to 3 million; are some double-counted?
- CA – EDD estimates 400K +/- at peak seasons, 50K every day



How Many?

Estimates Vary:

- 1990 – 1.14m. – 3m. US
- 2007 – 1.032m. – 2m. US

*(Nat'l. Ag Worker Survey, USDOL;
USDA Econ. Res. Svc.)*



How Many?

In California:

- 480K for harvest periods
(May-Sept.)
- 50K every day
(*CA EDD*)



Where are they From?

- In US: 72% Foreign-born
- 68% from Mexico
 - 45% from traditional “worker-sending” Mexican states:
Guanajuato, Jalisco, Michoacan
 - 20% from S. Mexico:
Guerrero, Oaxaca, Chiapas,
Puebla, Morelos & Veracruz

(USDA ERS)



Where are they From?

- In CA: 98% Foreign-born
- 93% work in fruit, vegetable, and horticultural sectors
- On average, work about 190 days/year
- 68% unauthorized

(P. Martin, UC Davis)



With What Industries do We Compete?

- In construction
14%-25% unauthorized
(MarkUp&Profit.com)
- In hospitality & leisure,
5.5% undocumented
(Pew Hispanic Center)



We've Been Short on Workers – Who's Getting Hurt?

Former Penn State ag economist James Holt estimated that labor is 40%-60% of cost of goods sold for labor-intensive sectors of agriculture:

- Fruits
- Vegetables
- Ornamentals/Nursery
- Flowers



We've Been Short on Workers – Who's Getting Hurt?

- Heavy production of these commodities in a handful of states:
 - California
 - Florida
 - Texas
 - Oregon
 - Washington
 - Michigan
 - New York



How Can an Alien Get Legal Status?

- *Immediate Relative Category:* A US citizen can apply for legal status for a spouse/child (under 21) as little as one year
- *Preference Category:* A citizen can apply for status for:
 - Unmarried adult child (6 yrs. +/- from Mexico/Philippines, 15 yrs. +/-)
 - Married adult child (8 yrs. – 18 yrs.)
 - Siblings (11 years; Mexico 14 yrs.; Philippines 22 yrs.)
- *Preference Category:* a legal permanent resident alien (LPR) can apply for status for spouse, minor children, unmarried adult children (6 yrs. – 20 yrs.)



How Can an Alien Get Legal Status?

- Employer Sponsorship: usually H-1b visa holders (high-tech workers)
- Refugee/Asylum: must be a victim of persecution for:
 - Religion
 - Race
 - Nationality
 - Membership in a social group
 - Political opinion



How Can an Alien Get Legal Status?

But -

An alien who crossed and resided in US illegally may not apply and is barred for 3 or 10 years from any immigration benefit (i.e. the right to apply for legal status).



How Can an Alien Get Legal Status?

- Variation in waiting times “country quotas”
- Certain countries (Africa, Asia) have more “quota slots” than others (Central America, Europe)
- Countries with large numbers of illegals already here have fewer quota slots



How Can an Alien Come to the US Legally to Work in Ag?

- H-2 program is the only legal route for ag workers.
- Farm employer, or association of farm employers, or a broker, must:
 - Convince the U.S. Department of Labor there are no U.S. workers available and willing
 - Convince USCIS none of the workers pose a security threat
 - Convince State Department none of the workers post a flight risk



How Can an Alien Come to the US Legally to Work in Ag?

Once farm

employer/association/broker has crossed those hurdles:

- Pay for in-bound transportation
- Pay for housing/meals
- Pay super-minimum wage (Adverse Effect Wage Rate or Prevailing Wage)
- Pay out-bound transportation



How Can an Alien Come to the US Legally to Work in Ag?

H-2a accounts for @ 60,000 workers
(remember, the U.S. labor ag labor
force is 1.5 million to 3 million)



It's Getting Harder and Harder to Get In...

- Illegal border crossings dropped from 1 million+ in 2005 to 286,000 in 2011
- Net migration to US near zero
(Pew Hispanic Center)



What's the Solution?

In 2013, the American Farm Bureau's Board of Directors adopted a statement of principles, describing what agriculture needed in an immigration reform approach:

- Legalize the labor force already working in agriculture
- Provide a workable temporary worker program with two branches
 - Contract workers for growers needing certainty of workers' presence when/where needed
 - Non-contract workers where there has traditionally been a stream and circulation of workers
- No federal labor standards, other than what applies to all ag workers:
 - MSPA
 - State regulations
- Administered by USDA



What's the Solution?

- Limited numbers of visas, adjustable by Secretary of Ag
- Travel/Visa costs borne by worker
- Waiver of 3/10 year bar on admissibility
- Visa portability – workers can vote with their feet – their best protection
- Growers can provide housing or provide housing stipend
- Grower has a 30 day “right-to-cure” for violations of administrative procedures , but not labor standards violations



Who Supports - Who Opposes?

- Opponents – the usual suspects
 - Some farm-worker advocates – CRLA, Farm-worker Justice Fund
 - Immigration restrictionists -- Numbers USA, Federation for American Immigration Reform
- Supporters – the industry and:
 - Agricultural Workforce Coalition – everybody in the industry including American Farm Bureau
 - Bibles, Badges, & Business – a coalition of religious, law enforcement and employer groups pushing immigration reform
 - Partnership for a New American Economy – Michael Bloomberg \$\$



So, What's the Hold-Up?

- For Republicans
 - The Tea Party
 - Conservative restrictionists (FAIR, Numbers USA)
- For Democrats
 - Some Farm-worker advocacy groups
 - Industrial unions in AFL-CIO
- For Everybody
 - Political inertia
 - Both sides would rather have a political stick to beat the other side with than solve the problem.



Conclusions

