IMMIGRATION REFORM FOR AGRICULTURE

SAF’s “Ask”:

A standalone E-Verify bill will devastate our agricultural economy. We oppose passage of H.R. 1147, the “Legal Workforce Act,” and also oppose any “agricultural exemption” or “phase-in time.” We support improved border security and an improved E-Verify program, but only when paired with an acceptable agricultural labor solution. Both of the following must also be included in any legislation:

1. An adjustment of status to allow us to retain our current, experienced, but unauthorized workers. This program should include incentives for agricultural workers to stay in agriculture for several years. Workers should eventually have the option of pursuing residency or maintaining a work visa in or outside of agriculture.

2. As a long-term solution, an Agricultural Worker Visa Program to ensure agriculture’s future legal workforce. The visas would be valid for agriculture employers registered through the USDA, distinct from visa programs for the general business community. This program should allow two options:
   a) An “At-Will” visa (a “free-market” solution) allowing workers to move from a registered employer to another registered employer without any contractual commitment.
   b) A “Contract Visa,” where the employer and worker commit to employment terms, giving both parties increased stability where mutually preferred.

The dangers to agriculture of passing standalone E-Verify cannot be overstated. As many as 70 percent of agriculture’s current 1.8 million workers are unauthorized. For years, growers have had no way of knowing if applicants are legal, because employers must accept documents that appear genuine. The current E-Verify system has problems which must be fixed, but most importantly, E-Verify without an agricultural worker resolution will deprive the industry of its workforce and threaten America’s economy and food security. Any solution must deal with this fact.

Based on a 2014 farm labor study conducted by the American Farm Bureau Federation, the impact of an enforcement-only approach to immigration that causes agriculture to lose access to its workforce would result in agricultural output falling by $30 to $60 billion.

Agriculture does not want an exemption from a mandatory E-Verify program. We need an improved E-Verify; an exemption would just make us a bigger target for enforcement.

Furthermore, without first addressing agriculture’s labor crisis with a solution that meets our workforce needs, no amount of phase-in time is adequate for our industry.

In the short term, work authorization for current employees is necessary to maintain stability in agriculture and in agricultural communities. Many trained and trusted employees who have been with a company for years may be unauthorized.
For long-term stability, a new Agricultural Worker Visa Program will provide access to a legal, reliable workforce into the future and the flexibility to meet the needs of all producers. However, it will take time to put the new options into place. They will provide a future workforce, but cannot replace the current workforce which has critical skills and experience.

President Obama’s executive actions on immigration do not address the agricultural labor crisis, and indeed might make it worse.

Agriculture already faces a critical lack of workers. Wages are not the issue. The average wage in agriculture is well above minimum wage and higher than in some service sectors where the work is typically indoors, year-round, and less demanding. Few Americans apply for labor-intensive, and often seasonal, jobs.

Enforcement and audits, focused on employers, are increasing. Most employers are found to be following the law, yet are forced to fire dedicated and experienced workers.

Agriculture contributes more than $100 billion each year to our economy, thanks in large part to immigrant farm workers. But due to our failure to pass a viable immigration policy, agricultural production is downsizing or moving offshore. The three-to-five additional American jobs each agriculture job supports in communities across America are also lost.

All Americans have a stake in this issue: our lack of a viable immigration policy is putting our economy at risk.

For further information:
Lin Schmale, lschmale@safnow.org
Shawn McBurney, smcburney@safnow.org