

Roll Call

FEINSTEIN AIMS TO PROVIDE WORK PERMITS FOR SOME ILLEGAL FARM LABORERS

By Ellyn Ferguson
October 4, 2011

Sen. Dianne Feinstein is pushing to provide worker permits to illegal immigrant farm workers and their families, but she may not have the support of a union ally because the proposal would not provide permanent legal status or lead to citizenship.

Feinstein, a California Democrat, wants foreign-born field workers to be able to obtain a blue card and legal residency for up to five years if they continue working in agriculture. Permanent residency is not politically feasible, she told Arturo S. Rodriguez, president of the United Farm Workers of America.

Citizenship will not “fly in this Congress,” Feinstein said during a Senate Judiciary subcommittee hearing on the difficulties that dairy farmers and fruit, vegetable and nursery plant producers say they face in finding legal workers.

Rodriguez said his organization would have to review the proposal, which Feinstein plans to introduce as legislation, before deciding whether to support it. He said he favored the guest worker program in the comprehensive immigration bill (S 1258) that Sen. Robert Menendez, D-N.J., has introduced, which would allow undocumented workers to earn legal status with their farm work.

“What we cannot accept is compounding the problem by adding yet another exploitative guest worker program that does not provide a path to legal status for workers already here,” Rodriguez said.

Segments of agriculture are highly dependent on a largely immigrant workforce, almost 70 percent of which is undocumented. They say the H-2A guest worker program is cumbersome and expensive, and often forces farmers to bring workers in either too early or too late to be useful.

They also said that U.S. workers typically are not interested in the back-breaking work, or are too slow or unreliable. Rodriguez’s union ran a well-publicized call for Americans to take field jobs, he said, and only 11 people did so.

Connie Horner, president of Horner Farms, Inc., an organic blueberry farm, called H-2A “a well-intentioned mess.”

Witnesses said that a lack of a comprehensive immigration overhaul has put farmers in a legal and financial bind.

Farmers would be affected by pending legislation that would require all employers to use an online verification of workers’ immigration status. Last month, the House Judiciary Committee approved a bill (HR 2885) by Chairman Lamar Smith, R-Texas, that would require that employers use a verification system known as E-Verify, which runs a job

seeker's information against Social Security Administration and Department of Homeland Security records.

E-Verify currently is a small, voluntary program.

Jobs Moving Elsewhere

All told, considering E-Verify legislation at state and federal levels, ongoing federal immigration raids and tight labor markets, "it is clear that U.S. agriculture will be decimated without a workable mechanism to hire the labor we need," said Tom Nassif, president and CEO of the Western Growers Association.

If this continues, Nassif and other agriculture witnesses said, farms would be lost or moved across borders and the United States would increasingly become dependent on foreign countries for many crops.

"To some degree, we need to ask ourselves: 'Do we prefer to have our food produced domestically with the use of some foreign labor, or in other countries with foreign labor for all of the jobs?'" said Robert A. Smith, senior vice president of Farm Credit East, a firm that works with Northeast farm businesses.

Witnesses were not the only ones who said there would be consequences if there is no resolution of the farm-worker issue.

New York Democrat Charles E. Schumer, chairman of the immigration, Refugees and Border Security Subcommittee, said the lack of an agricultural guest worker program constituted a "death threat" to farms in his state.

"We need a solution that provides farmers with the ability to transform their current illegal workforce into a tax-paying, English-speaking legal workforce," Schumer said. "Failing to act is both a food security threat and an economic security hazard."

Jeff Sessions, R-Ala., said he understood the situation, but that he was unwilling to give farmers everything they wanted.

"You're not entitled to unlimited amounts of low-cost labor even if that is your desire," Sessions said, noting that the first priority should be protecting the U.S. border.

He offered an alternative to Feinstein's proposal: Allow farm workers to stay legally for less than a year, with no family members included.