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Call to Congress: Rescue the farm labor market by legalizing experienced migrant workers

By Bruce Goldstein

Charlene Turczyn's [recent column](#) for *On Small Business* outlines several important problems facing our nation's farm labor supply but fails to offer a solution that would both help farmers and protect the rights of their workers.

Farmers like Turczyn looking to recruit workers in the absence of a sufficient U.S. workforce should support legalizing the current "experienced" workforce, which is between 50 percent and 70 percent undocumented. Until that happens, they can use the current [H-2A](#) agricultural guest worker program. It exists expressly for that purpose and provides many farmers with a productive, seasonal workforce.

While Turczyn argues that the existing process needs to be streamlined, the [Department of Labor](#)'s role in the H-2A process is essential to protect workers. The application process is carefully timed to ensure that U.S. workers interested in these jobs have an opportunity to apply. Other protections in the program are necessary to protect the guest workers from exploitation and prevent U.S. workers from displacement and [adverse effects](#) on wages and working conditions.

The Department of Labor recently improved the H-2A visa process while maintaining its essential review of applications to ensure they do not include illegal terms. In fiscal year 2011, 95 percent of applications for H-2A labor certifications were approved and 85 percent of all determinations were processed timely. A campaign by some farmers to strip protections for U.S. and foreign workers would result in a step back for workers' rights and add to farm labor problems down the line.

Turczyn is right, in that [tightening immigration laws](#) will only make agricultural labor supply problems worse. Instead, Congress should enact a solution that does two key things: enable current experienced undocumented farmworkers who are already in the country to earn legal immigration status by meeting stringent requirements, and reform the existing guest worker program to prevent employers from displacing U.S. workers by hiring exploitable guest workers.

Turczyn was also correct when she wrote that “highly productive, experienced migrant farm personnel are valued.” They deserve fair treatment and an opportunity to earn legal immigration status.

http://www.washingtonpost.com/blogs/on-small-business/post/call-to-congress-rescue-the-farm-labor-market-by-legalizing-experienced-migrant-workers/2012/05/16/gIQAypuYUU_blog.html