



Farmworkers and Immigration: Priorities for Reform

The public debate on immigration policy vitally affects the agricultural workers who cultivate and harvest our food. Around 80% of farmworkers are immigrants. Of the approximately 2 million seasonal workers on U.S. farms and ranches, over one-half lack authorized immigration status. Farmworkers work extremely hard, often in hazardous conditions, for very low wages, and perform an essential role in bringing food to our table.

Congress should enact legislation that reforms our broken immigration system and creates a road map to citizenship for undocumented farmworkers and their family members and for any immigrants who may be needed on our farms in the future. Proposals for anachronistic guestworker programs should be rejected as inconsistent with America's economic and democratic freedoms. Immigration reform should be a stepping stone toward modernizing agricultural labor practices and treating farmworkers with the respect they deserve.

Our Broken Immigration System Contributes to Poor Living and Working Conditions

The lack of authorized immigration status of so many farmworkers contributes to their poor wages and working conditions. There are roughly 4.5 million farmworkers and family members in the U.S. An estimated 50% to 75% of farmworkers are undocumented. Such marginalized workers fear joining labor unions, demanding improved job terms, or challenging illegal employment practices.

Farmworker wages are low. Many earn at or just above the minimum wage. Poverty among farmworkers is more than double that of all wage and salary employees. Few farmworkers receive any fringe benefits, such as paid sick leave or paid vacation. Decrepit, overcrowded housing is all too common. Health insurance is rarely provided by employers and few farmworkers can afford to purchase it on their own. Yet, agriculture ranks among the most hazardous occupations. Federal laws on overtime pay and collective bargaining exclude farmworkers, as do most federal occupational safety standards.

Agricultural workers experience rampant violations of employment laws, including minimum wage requirements. Frequently, farm operators hire workers through farm labor contractors, whom they claim are the sole "employers" for purposes of escaping immigration

and labor laws. Undocumented workers who challenge illegal employment practices risk losing their job and breaking up their families and other dire consequences of deportation.

Congress Should Provide a Roadmap to Citizenship for Undocumented Immigrants

Congress should reform the nation's dysfunctional immigration system. Our food system depends on at least one million undocumented workers employed on our farms and ranches. It is untenable to continue this way. Immigration reform should include a road map to immigration status and citizenship for undocumented farmworkers and their family members and for any agricultural workers needed in the future.

The opportunity to obtain legal immigration status would yield many benefits. Parents would no longer fear that the simple act of going to work or bringing children to school might result in deportation that separates them from their families. They could participate more actively in building vibrant communities. Employers could be confident that they were not violating immigration laws when hiring farmworkers.

An above-board agricultural labor relations system will lead to better working conditions, less employee turnover and higher productivity, all of which will help ensure a prosperous agricultural sector. Workers on farms and ranches could feel more empowered to speak up to obtain better wages and working conditions, to identify unsafe workplace practices, and to secure compliance with labor protections. The entire food system will benefit by responding to consumers' increasing interest in the conditions under which their fruits and vegetables are produced.

The Farmworkers of the Future: An Immigration System Worthy of Our Democracy

The people who cultivate and harvest our fruits and vegetables should not be deprived of our nation's economic and democratic freedoms. If workers from abroad are needed in the future to perform seasonal agricultural jobs for which United States workers are not available, they should be treated as immigrants who have the opportunity to earn citizenship. While some foreign workers may choose to work only seasonally and not remain permanently in the United States, that choice would be theirs. To prevent employers from displacing U.S. farmworkers and hiring vulnerable foreign workers under poor wages and working conditions, strong labor protections must be in place for both workers already in U.S. agriculture and those who come in the future.

Currently, employers may hire foreign workers on temporary visas through the H-2A temporary foreign agricultural worker program. The H-2A program does not limit the number of visas available to employers each year, but contains several important protections

aimed at reducing exploitation of foreign citizens of poor countries and protecting the jobs, wages and other labor standards of U.S. farmworkers. These labor protections are rooted in the experiences of the Bracero program, which nonetheless became notorious for abuses of Mexican citizens during its twenty-two year history ending in 1964. Still, H-2A workers are excluded from the principal federal employment law for farmworkers, the Migrant and Seasonal Agricultural Worker Protection Act.

Rampant violations of workers' rights are endemic to the H-2A program because it is inherently flawed and the labor protections to overcome those flaws are inadequate. The H-2A worker is tied to an employer for an entire season, must leave the country when the job ends, and never earns the opportunity to become an immigrant or citizen. The employers determine whether a foreign citizen obtains a visa and can return in a future year. In that restricted, dependent status, H-2A workers are too fearful to challenge unfair or unlawful conduct. For this reason, many employers prefer H-2A workers over U.S. workers who may have the freedom to quit a job. Further compounding the problem, many H-2A workers must borrow large sums of money each year to pay exorbitant fees to recruiters in Mexico and elsewhere to obtain these jobs. The H-2A program should have stronger protections across the arc of the workers' experiences: from the moment the workers are recruited in the foreign country to their experience in the workplace and back home again.

The immigration policy debate has always featured demands by powerful agribusiness interests for new, exploitative guestworker programs and devastating, anti-worker changes to the H-2A program. The present debate is no exception. We will work to defeat them again.

Any new visa program, and the H-2A program, should offer farmworkers and their family members a meaningful opportunity to become immigrants and citizens. Anything less would be contrary to our values of democracy, freedom and fairness.

A Practical, Realistic Solution is Possible

Now is the time to move forward on immigration reform. Compromise among legislators, farmworker organizations and agricultural employers has occurred before and with hard work can occur again. Farmworker Justice is committed to immigration reform that empowers farmworkers to improve their inadequate wages and working conditions. For today's and tomorrow's farmworkers, a roadmap to immigration status and citizenship, combined with strong labor protections and economic freedom, is essential to these goals.