



HEAVY LIFTING

ACHIEVING IMMIGRATION REFORM IS A TOUGH JOB DESPITE STRONG SUPPORT FROM AGRICULTURE. BY CHERYL TEVIS

It's not the life that Shaun Duvall envisioned when she moved with her husband to the scenic small town of Alma, Wisconsin in 1980. She was looking forward to enjoying the view from their home overlooking the majestic Mississippi River, and perhaps teaching French for a few years.

But in 1984, she was offered a job teaching high school Spanish. "A few years later, Extension ag agent Carl Duley came to me and asked if I'd be willing to help with translation issues between farmers and their new Mexican workers," Duvall says.

John Rosenow was one of the first farmers to meet with her. In 1997, he and his wife Nettie had expanded their herd and formed an LLC with another farmer. They found it increasingly difficult to find help, and hired their first Hispanic employees in 1998. "Labor always had been a limiting factor in Wisconsin," he says. "Having a new source of workers was the beginning of the transformation of the dairy industry here."

By 1999, Duvall and Rosenow had formed a nonprofit called Puentes/Bridges, Inc. She organized a trip to Mexico in 2001, accompanied by Rosenow and a handful of other farmers, to



Shaun Duvall



John Rosenow

visit the home villages of their employees. Duvall quit teaching in 2004, and formed SJD Language and Culture Services to work full time with dairy farmers in Wisconsin, Minnesota, and Iowa and their employees.

Ten years ago, only 5% of workers on Wisconsin farms were immigrants. By 2008, that figure jumped to 40%. The Rosenows employ nine.

"They're excellent workers, and so much more capable than what we could find before," he says. "They won't leave unless they find good workers to replace them while they're gone."

Chris Weisenbeck, a Durand, Wisconsin, dairy farmer agrees. When two Mexican men came to his

farm looking for work in 1998, he was hesitant. But he needed reliable workers. After hiring them, he eventually traveled to Mexico with Duvall. About 150 other farmers have followed suit.

"I've been to the villages, and there's no work," he says. "They're glad to work here. It's frustrating as an employer to have very capable workers who have difficulty with their papers, and getting drivers' licenses. I'd like legislators to understand the problems we're having."

There's little evidence that Congress is listening. Hopes were raised in 2013 when the Senate passed a bipartisan immigration reform bill, and the House passed a few bills out of committee. Late last



Chris Weisenbeck

year, Rebecca Tallent, a veteran immigration advocate, was hired as the House speaker's immigration

adviser. Then reform efforts stalled out.

The issue of a pathway to citizenship is the most controversial provision. Yet a recent poll from the Pew Research Center reveals that Hispanics feel it's more important to work here without the threat of deportation than to gain a path to citizenship: 55% to 35%. (See graph at right.)

While politicians in Washington, DC continue to spar about immigration reform, farmers and farm workers are left to fend for themselves on the front lines.

IMMIGRANTS WORK ACROSS AG SECTORS

Foreign-born workers have a long history in the U.S., harvesting fruits, vegetables, and horticultural crops in

California, Arizona, Texas, Florida, and other states.

The Immigration Reform and Control Act of 1986 was an effort to help legalize the farm work force. It imposed sanctions on employers who knowingly hired unauthorized workers and also legalized 2.7 million unauthorized workers, including Special Agricultural Workers.

"If we look at post-1986 immigration reform, legalized workers moved rapidly out of ag and were replaced over time by unauthorized workers," says Neil Conklin, Farm Foundation president.

Changes in farm structure and ag technology also precipitated a shift in the U.S. hired workforce. In the decades that followed, immigrant labor gained ground in almost every sector of U.S. agriculture, particularly large-scale livestock operations. A National Agricultural Workers study reveals that in New York, 70% of dairy workers are Hispanics from Mexico, 24% from Guatemala, and one percent from Honduras.

Hispanics were asked,

"DO YOU PREFER RELIEF FROM DEPORTATION OR A PATHWAY TO CITIZENSHIP?"

- Pew Research Foundation

55%
RELIEF

35%
CITIZENSHIP

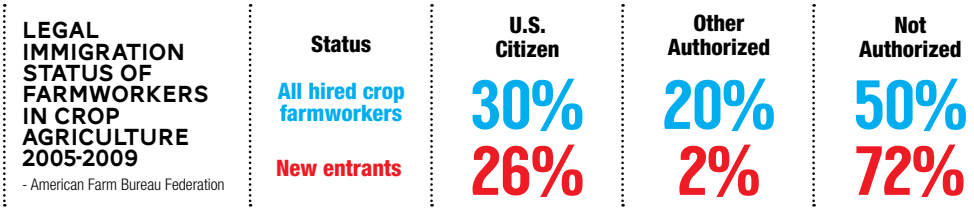
Today the Agricultural Workforce Coalition estimates there are 1 to 1.5 million hired employees in U.S. crops and livestock. About 60-70% are working here illegally.

"We're increasingly dependent on foreign-born labor," Conklin says. "Ultimately we have to resolve the issue of how to handle the status of these workers. It's important to the U.S. economy, and agriculture."

This was underscored when unauthorized immigration slowed in response to the 2007 recession. New state

laws aimed at immigrants in Alabama, Arizona, and Georgia, exacerbated the situation. Ag employers in Georgia reported \$300 million losses in harvested perishable crops in 2011 because of worker shortages. The Obama administration also began stepping up deportations, reporting a record 400,000 deportations in fiscal 2012.

"Our biggest worry is labor, or the lack thereof," says Jim Bittner, Singer Farms, Appleton, New York. "If Washington cannot get the immigration mess fixed, we'll



need to take a serious look at lower-labor crops. A number of fruit and vegetable growers have already made the switch to corn and soy from cabbage and apples.”

IMPACT OF IMMIGRATION
REFORM ON PRICES, PRODUCTION

Labor is farmers’ third highest expense, accounting for 17% of production costs for the sector; it rises to 40-50% for more labor intensive crops, including fruit, vegetables, and horticulture.

A new report commissioned by the American Farm Bureau Federation suggests that agricultural labor reform focusing only on immigration enforcement would raise food prices over five years by 5 to 6%, and would cut U.S. food and fiber production by as much a \$60 billion. Fruit production would be the hardest-hit, plummeting 30-61%, followed by a decline in vegetable production of 15-31%. Livestock production would drop by 13- 27%.

An alternate reform scenario including immigration enforcement, a revised guest worker program, and the opportunity for skilled ag laborers to earn an adjustment in status would have



CUMBERSOME RESTRICTIONS AND PAPERWORK
STIFLE LEGAL CONTRACT PROGRAM

The Immigration Reform and Control Act of 1986 puts the onus for legal hiring on farm employers like Jim Bittner, an Appleton, New York fruit grower. Employees are required to fill out a federal I-9 employment eligibility form, and provide valid IDs and/or work authorization. Employers must examine the documents and make a good faith decision about their validity. E-verify, the federal government’s voluntary online system to verify worker status, uses Social Security cards.

The alternative to hiring undocumented workers is the H-2A Temporary Agricultural Program. In order to fill temporary or seasonal jobs with H-2A workers, employers must “demonstrate there are not sufficient U.S. workers” and that H-2A workers will not “adversely affect” the wages and work conditions of U.S. workers in similar jobs. Employers must complete several forms, deal with three federal agencies, and recruit the workers.

Only 70,000 workers were brought in under H-2A in 2012. Michael Lewis hires five workers through the Snake River Farmers Association in Malta, Idaho. He’s required to pay \$10.69 per hour. “Some have come here legally for 30 years to work for me,” he says. Lewis went to Washington recently to urge Congress to pass immigration reform. “They need to do something before more damage is done to agriculture,” he says.

Frank Gasperini, Jr., executive vice president, National Council of Agricultural Employers, agrees. “The way it is now, H-2As must contract with one employer, return home, and come back with a different contract,” he says. “We’d like a program allowing them to do a job for one employer, then work for another, with only a short gap between to go home to take care of family matters. One reason our immigration policy is so broken is that it forces anyone who’s here improperly to stay here improperly.”

little effect on food prices, and less than a 1% impact on farm income.

An unprecedented number of farm organizations are supporting immigration reform. A workforce willing to labor for relatively low wages and benefits would keep domestic food prices low, and help farmers remain competitive in a global market. (See article on page 00).

“We need more workers, and an avenue to get them here,” says Michael Johnson, a Fountain, Minnesota, farmer. “Dairy farming is year-round. We definitely need reform.”

Other reform advocates like physician assistant Mike Mullin want to protect immigrant well-being and improve work conditions. He sees 40,000 patients annually at the Migrant Health Service in Rochester, Minnesota.

“Hispanics show up for work when they’re sick or injured because they don’t want to look weak,” he says. “They don’t complain. I see them only after it affects their productivity and safety. The real answer is addressing the documentation issue head-on and trying to improve it.”

According to a 2010 report by the National Agricultural and Rural Development Policy Center (NARD), the average crop worker earns about \$9 per hour, and works just under 200 days per year. Only 18% of crop workers have health insurance; immigrants aren’t eligible under the Affordable Care Act.

NARD advocates the following three major goals:

1 Provide farm employers with

sufficient legal workers on terms that keep U.S. agriculture competitive.

2 Provide protections for current and future hired farm workers to ensure they receive adequate wages and safe working conditions.

3 Increase opportunities for foreign-born farm workers to return with savings to their countries of origin, or to stay in the U.S. and move up in the labor market.

“Agriculture is an entry level job for undocumented workers,” Conklin says. “If the ag workers legalized in 1986 had stayed in the sector, fewer undocumented workers would be working today.”

Mexico currently is undergoing an upturn in manufacturing, and fertility rates in Latin America are declining. “This is likely to reduce the availability of these workers in the U.S,” he says. “We have to look at fundamentally changing what we do in agriculture to continue to attract workers. We can’t expect a steady flow of workers willing to take hazardous, dirty jobs at relatively low wages.”

Farmers need to step up for their efforts.“Most producers I work with show a level of sensitivity by seeking help,” Duvall says. “Many travel to Mexico. That’s a quantum leap. They may put a little extra into human resources, beef up housing or pay for English classes if it’s economically possible. It doesn’t cost anything to greet Hispanic workers daily. It’s a cultural thing that means a lot.”

Michael Johnson attended a Finding Common Ground Forum at the Upper Midwest Agricultural Safety and Health Center in Minneapolis earlier this year to gather resources to help the six Hispanic workers on his family farm, Trailside Holsteins. (Download a pdf of

the Forum summary at <http://www.umash.umn.edu/com-monground/index.html>.)

Johnson, 28, and his wife have packed gift boxes with photos of their employees, local Minnesota products, and toys for their employees’ children in Mexico.

“Family is really important to them,” he says. “They’re very close-knit. At our farm meetings, we encourage them



Top: Gregorio prefers working here to cutting sugar cane in Mexico for \$10 per day. Middle: Two workers attend a bilingual health and safety class. Bottom: Erasmo Tentzohua finishes milking at the John Rosenow farm near Durand, Wisconsin.

to bring photos of their family members. They seem to appreciate it, and we hope it makes their situation easier.”

But the issues of immigrant culture, language, and acceptance in rural communities are real. “Rural people lack exposure to other cultures,” Duvall says. “I’ve seen people grow and change, be more welcoming, and less threatened.”

It’s an adjustment for co-workers, too. “I sat down with my employees, said it would be a good experience, to embrace it, and carry that attitude into the community,” Rosenow says. “I won’t tolerate stereotyping.”

TAILOR REFORM

If legislation gains traction, it may be limited to a piecemeal approach, instead of a broad, sweeping overhaul.

“We need reform tailored to different needs,” Duvall says. “Most want to work here a few years, and then go home. Others want to come and go, using a work permit, or an 11-month visa. Maybe it’s capped at five to seven years, and authorities run checks on it. For those who want to be citizens, 10 to 15 years is too long to start the process. Illinois has a driving permit that only requires proof they’ve lived at the same address for six months.”

A Pew Research Center estimate based on government data indicates 11.7 million unauthorized immigrants were living here in 2012. “If there’s no reform this year, I don’t see it until 2017,” says Frank Gasperini, Jr., National Council of Ag Employers.

Duvall doesn’t see an end in sight for her work (puentesbridges.com). “Interpreters are a dime a dozen,” she says. “I offer a teaching focus. As I interpret, I interject understanding, and that’s needed by workers and farmers.”



THREE IMMIGRANTS, THREE STORIES

Blanca, age 28, worked in the U.S. for about six years. She has a pre-law degree, but came here because there were so few opportunities in Mexico. She arrived with only a backpack; rode three buses to the border, crossing it in the trunk of a truck. Then she walked for three days. The first time she found a job at a North Carolina factory. She returned to Mexico, and when she came back to the U.S., she worked at a Wisconsin dairy farm, where she milked a cow for the first time. “People told me the job would be about cows,” she says. The first few days on the farm, she fell down and cut her right leg. “I hear health care in US is expensive, so I used the cows’ healing ointment on my leg. I did not know what to do, and did not want to fail the farmer.”

Cipriano, age 42, arrived in the U.S. in 1988, crossing the border at age 16. He worked in vegetable production in California, using an immigration permit. He obtained a driver’s license. After 9-11, his permit was revoked. He later worked on a ranch. He pays taxes and has car insurance, but no health insurance or bank account. “I can’t vote,” he says. But his biggest regret is that he can’t go back and forth across the border to see his wife and three children, ages 13, 9, and 3. A year ago, he started the paperwork to be a citizen. But he couldn’t complete it without information from his birthplace in Mexico. “If you want to cross from Mexico to the U.S., you pay \$8,000 to a coyote,” he says. “I teach my children there always is a possibility I would not be here some day. I save money in case of a problem, so my wife could work it out without me.”

Margarito, 28, could write his name when he came to the U.S. several years ago, but not much more. He learned quickly on a Wisconsin dairy farm, and was put in charge of the calves. He was the farm owner’s right-hand guy. In 2008, he became homesick, and went back to Mexico. In 2012, he left Mexico to return to Wisconsin to work. When Shaun Duvall visited Mexico last November, a woman approached her, and asked if she could help find Margarito. He is presumed to have been killed by drug traffickers when he was crossing the border.



POLITICAL CONSIDERATIONS WEIGH HEAVILY IN
DECISION TO PURSUE REFORM IN 2014

More than 70 agricultural associations and businesses have formed the Agriculture Coalition for Immigration Reform, in support of Senate bill S.744. The Senate bill expands and reforms the temporary worker program to allow a three-year visa for ag workers. It creates a pathway to citizenship for temporary workers: Unauthorized workers would be required to settle taxes, pay fines and wait in line for 13 years. It also authorizes \$46 billion for more border security. “It’s not amnesty like in the 1980s,” says Frank Gasperini, Jr. National Council of Ag Employers. “It also offers incentives for workers to stay in the ag industry.”

Congress has a narrow window to act prior to the August recess for mid-term elections. Executive action to halt deportation for those without criminal record is a less welcome alternative.