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Mike Nobles-President, H2AUSA.COM

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Controversy



**H-2A Crew Waiting to go to Work for
Lakemont Harvesting, Lake Wales, Florida**

FROM: THE H-2AUSA FRONT DESK:

Farm Bureau Sends Revision Request

True to the wishes of governmental agencies, the grace period before adopting the new proposed reforms to the H-2A program has resulted in a barrage of requests by the users of the system—namely commercial agricultural and farm interests.

The American Farm Bureau Federation is the most recent entry into the fray. They have sent a list of recommendations to the U.S. Department of Labor. Included among their requests is for the dropping of the “adverse effect wage rate.”

“Growers have been clamoring for years for a more sensible, market-based wage,” said AFBF President Bob

Stallman. “We are hopeful the Labor Department can implement this reform in an open, transparent manner that makes it easier for farmers and ranchers to use the program.”

“Other reforms AFBF supported in its comments were: eliminating the 50 percent rule regarding domestic recruitment; providing a housing voucher

for program users; and including packing and processing employees, as well as the dairy sector, as part of the program.

“Farm Bureau also asked the department to change some of its proposals. AFBF said the 120-day recruitment requirement was far too long and should be cut to no more than 60 days. AFBF also called for fundamental due-process reforms in the department’s proposed debarment process, and it strongly urged the department to scale back the enormous increase in fees it was proposing for program participants.

“In comments to a companion rule proposed by the Department of Homeland Security, AFBF urged DHS not to change its existing treatment of sheepherders and how it treats them under its visa provisions.”¹

It remains to be seen if the Department of Labor is open to these informed suggestions.

¹ From American Farm Bureau Homepage, “AFBF Urges Revisions for Temporary Worker Program,” April 15, 2008. Website at:

<http://www.fb.org/index.php?fuseaction=newsroom.newsfocus&year=2008&file=nr0415b.html>.

(accessed 4-19-08)

Florida Growers Coming Around to H-2A Program

From the Naples News.com site are these comments by growers in Florida who are becoming accustomed to worker shortages and seem to be heading toward adoption of H-2A program opportunities.

This, from the article, "*Region's growers, worker advocates cautious about guest worker reform,*" by writer, Laura Layden:

"A few years ago, Paul Meador's company made the decision to "do things the right way."

"The Southwest Florida citrus grower started getting seasonal harvesters through a federal guest worker program known as H-2A.

Many others in the agriculture industry have shunned it because it's too expensive and involves too much red tape.

"But Meador, vice president for Everglades Harvesting & Hauling Inc. in LaBelle, which has thousands of acres of citrus in Collier, Hendry and Highlands counties, said his company saw it as a way to make sure it had legal workers.

"Certainly having labor available to us when we need them is a benefit," he said. "But we just weren't willing to continue to use the undocumented labor force that we were struggling with. At some point, there was going to be some enforcement done, and we just knew there was a better solution to it."

"Through the H-2A program, Everglades Harvesting brings in about 300 seasonal workers from Mexico every year to help pick its citrus groves.

"More growers soon could follow in his company's footsteps."¹

All this is being considered by Florida growers as the National debate goes on:

"Presidential hopefuls Sen. Hillary Rodham Clinton, D-N.Y., and Sen. Barack Obama, D-Ill., are among the Congressional leaders who oppose the proposed plan.

"I am deeply concerned that the Bush Administration's proposed H-2A regulations would worsen an already flawed program," Clinton said recently in a press statement.

... "In announcing the changes, Secretary of Labor Elaine Chao said, "This issue must be addressed now, or our country will see eroding competitiveness in its agricultural sector, crops being left to rot in the fields, and increasing shifting of domestic food production to overseas."²

Back to the Florida Growers. Here is a further sampling of their viewpoints on using H-2A workers:

"This season, the Florida Fruit and Vegetable Association received more applications through its H-2A certification program than it did a year ago. And it expects to receive even more next year.

"There are more threats to losing the current workforce. So people are trying to look at the H-2A program and trying to use it. But they are finding out how difficult it is," Morgan said.

... "Cooperative Producers, a large grower with 7,400 acres of citrus in Hendry, Collier and Lee counties, applies for some of its workers through the U.S. and Mexican consulates and many of its workers were actually born here and live here year-round, Murphy said.

"Because his company harvests so much fresh fruit, the work isn't as seasonal and requires more skills so it tends to draw the same workers year after year. Most area growers send their oranges to the juice plant, and their workers are more migratory.

"The workers we are bringing here and wanting to house are a better lot than just the folks that might cross that wall," Murphy said. He plans to try the H-2A program next season after it's modified."³



And the Florida Farm Bureau Federation? Seems they have a 'wait and see' policy...only, they may wait too

long to save much of this year's citrus crop if they are not careful!

"The Florida Farm Bureau Federation is still reviewing the proposed changes.

"The jury is still out for us. We've got the people looking at it. It's a lot to look at," said Kevin Morgan, the federation's director of agriculture policy."⁴

¹ [Laura Layden](#), "Region's growers, worker advocates cautious about guest worker reform," March 22, 2008. Website at: <http://www.naplesnews.com/news/2008/mar/22/regio-ns-growers-worker-advocates-cautious-about-gu/>.

(accessed 4-3-08)

² [Layden](#).

³ [Layden](#).

⁴ Layden.

Film on Migrant Labor Stirs up Controversy

A documentary by filmmaker Angelo Mancuso has brought attention once more to the plight of the migrant laborer in America. Mancuso, after talking to and filming workers and farmers along the Eastern Coast, recently opened his film to viewing at a recent showing of "American Harvest," (oddly similar to the title of an earlier documentary, "Harvest of Shame" from years gone by which featured Edward R. Murrow's narration of the trek along the same pathway decades ago that also relates the tales of the lives of migrants.

According to Mancuso, not much has changed. He said:

"...it didn't take long to realize how essential migrant workers are to the process, he told a full house at The Majestic Theater, where a screening of his documentary "American Harvest" played Wednesday night.

"And the film's focus shifted accordingly, Mancuso said.

"As part of the events going on throughout Gettysburg during National Farm Worker Awareness Week, college students, farmers and the general public got a sneak peek Wednesday at "American Harvest," a film documenting Mexican migrant workers and their role in American agriculture."¹

The filmmaker had a hard time putting his work together, with the reticence of the farmers to speak to him—fearing some sort of condemnation, and the workers—possibly fearing retribution

because of their employers concerns with being made to look bad. Of Mancuso's quest, he declares, "A raging debate over illegal immigration makes the issue complex and emotional for many."² He also said that "he hoped to cut through much of that."³

His goal, he states was:

... "to show migrant workers and their employers, and to give a factual, non-biased account that tries to avoid the politics that often overshadows the bigger picture."⁴

While I was researching information about "American Harvest," I found a totally refreshing conversation about the film and the author on a site featuring a radio interview of Mancuso on Dennis Miller's radio shows at the link:

http://americanharvestmovie.com/Angelo_Mancuso-Dennis_Miller_Interview_01-10-08.mp3.

(***IMPORTANT*** if you link to this you will be connected in approx. 30 seconds through a Quick Time Venue AFTER LOOKING AT A BLANK SCREEN FOR A BIT-Do not let this stop you. My computer linked to it well-others may not if not equipped with a Quick-Time program.)

Anyway, this was an astonishingly-well done interview by the host, Dennis Miller, which covered the co-topics of migrant workers, illegal immigration and even the H-2A visa program. Open and frank, Mancuso opens the interview, talking of his film and about the plight of migrant workers. Miller counters, by asking Mancuso of his own background, in order to gain some perspective on the filmmaker, who is of Italian descent and who also says his ancestors were all legal immigrants, except for one grandfather, who was an illegal one. Miller tells him that it rather discounts the argument for fair treatment if one enters this country on an illegal footing, taking the laws of this country for naught and having the advantages, then downing that country. Mancuso seems nonplussed by the comment.

Mancuso holds his own and talks of the pay of migrants being about nine-and-a-half dollars per hour. Miller asks if that is everywhere? Unfortunately, Mancuso tries to dodge Miller's question, whereupon Miller jumps to the challenge and asks, "Who does my heart bleed for here?" to Mancuso. Mancuso says some migrants make nine and some make twenty an hour, depending on the labor pool in the area.

Miller asks about what the illegals make? (He obviously knows they make much less. Oh, well, there goes the case for illegal aliens not being exploited.) Mancuso then brings up the H-2A program and how it does not handle the workload, as there are too many farms without workers. Miller counters again by pointing out that at least they are legal.

Mancuso sums up by saying that he was grateful to the farmers who spoke to him and that they were—to a man—good, honest, hardworking people

and that he did not think the ones he talked to were out to exploit any of the migrant workers.

It is a breathtakingly good interview!

Leaving the interview, I found yet another article on a site that talked of the movie. This was done at the conclusion of the viewing at a college campus. Here are some snippets from that article:

"The college (Gettysburg College) hosted the forum on immigration reform and its impact on agriculture, consumers and the economy in the Eisenhower Room of the Gettysburg Hotel.

... "The group met as a panel Thursday in Gettysburg to discuss migrant labor and vent their frustration with the lack of leadership and courage from Washington, D.C. The discussion centered around the showing of "American Harvest," a film by Angelo Mancuso.

"About one million people work on farms part-time or seasonally, Mancuso said. An estimated 70 percent of farm workers can work because they have false documents.

"The nation's two guest worker programs annually allow fewer than 150,000 workers into the country. Prospective workers sometimes wait in line three days to apply."⁵

Unfortunately, at this site anyway, the conversation seemed to turn from a discussion of migrant labor to a pep rally for pro-illegal immigration. Here are a few of the comments in evidence at the post-film meeting at the college:

"We need to put a human face on this," Jorge Perez-Rico, Gettysburg, told the panel. "Every year at least 500 people die crossing the border. This is a desperate situation. I see workers and good friends at risk. My question is: What's next?"⁶

Also:

... "The system is breaking apart families, according to Enrique Ruiz Sanchez, consulate of Mexico in Philadelphia. Parents sometimes leave their children with tutors in the U.S. while they travel back and forth in hopes the children will have a better life."⁷

And:

"The humane thing to do is also the economically sensible thing to do," said

Bruce Larson, political science professor at Gettysburg College, said."⁸

Yet, between the film, the radio interview and the college forum, one could find a common thread—that of concern with a problem that has been festering much too long in the consciousness of this country—that of the role and treatment of the migrant worker. If you get a chance to see the film in your area, do so.

¹ Steve Marroni, "Filmmaker discusses realities of migrants in U.S.," 03/27/2008. Website at: http://www.eveningsun.com/ci_8715237. (accessed 4-1-08)

² Marroni.

³ Marroni.

⁴ Marroni.

⁵ Jim Hook, "Gettysburg panel: Congress has no interest in fixing immigration," Editorial on website at: http://www.publicopiniononline.com/ci_8723855. (accessed 4-1-08)

⁶ Hook.

⁷ Hook.

⁸ Hook.

