

Effort Applauded but Complaints Pile Up as H-2A Stalls

Citing the reasons of immigration reform failures and the need for visa reform, the Bush Administration proposed changes to the H-2A program to hire foreign agricultural workers. Changes include Federal control, wage adjustments, and new filing time deadlines, among other things.

From *The American Daily.com*, Paul M Weyrich writes:

“The proposed changes include a system for calculating how foreign workers are paid and centralizing the application process under the Federal Government. ...Under the change proposed by the Bush Administration, the new system would use data compiled by the Bureau of Labor Statistics Occupational Employment Survey, which is used to calculate required minimum wages for other visa programs administered by DOL.

“The new rules would require employers to file applications with DOL, thereby eliminating the involvement of state agencies. The changes also would increase the number of days from 45 to 75 that a farmer is required to spend recruiting American workers for jobs before filling them with foreigners.

“The changes do not require Congressional action and can take effect after a 45-day public comment period, according to THE WASHINGTON POST.”¹

Weyrich’s conclusion is that “they should be commended for proposing these changes.”

Next, from the article: “*H-2A reforms offer too little*,” *Capital Press.com*, which touts itself as the “West’s Ag site,” has this, from its editorial page:

“Last week, USDA Deputy Secretary Chuck Conner perked up the ears of farm employers when he proposed changes to the federal temporary guestworker program, known as H-2A. Conner acknowledged the serious shortcomings of the current program and its bureaucratic delays in being of any use to farmers. Its failings, he said, are seen in the infinitesimal number - about 75,000 out of the estimated 1.2 million agricultural workers in the country who are hired through the H-2A program.”²

And this is the problem by most estimates—namely that the number of workers involved is small in proportion to the number of illegal laborers available to do the work. What’s the answer? Some see it as legalizing illegals; however, as we

have seen in cases of Arizona, Oklahoma and Pennsylvania, the answer is coming in a new and different form: De-incentive the hiring of illegals.

Realizing the growing momentum toward this movement, the advocacy groups for illegals are throwing up roadblocks to any forward proposals toward improving the H-2A program.

Again, from the *Capital Press*;

“Manuel Cunha, president of California's Nisei Farmers League, was even more pointed, calling the H-2A reforms a "Band-Aid" in a conversation with Capital Press.

“Cunha, a longtime immigration reform advocate, said the only true fix to the nation's immigration mess is comprehensive reform that includes a guestworker program that allows farmers to legally hire seasonal workers. That fix has long been needed and there is added urgency that it comes soon.”³

Then, there are other avenues still to be explored—example: “No-Match Letter:”

“Immigration and Customs Enforcement officials tried to crack down on employers of workers who submit false Social Security numbers to get hired, but federal judges found fault in the program and suspended it until March 24, 2008. The Department of Homeland Security is expected to take another run at enforcing "no-match letters" as soon as next month.”⁴

And how about AgJOBS, (of which we have heard very little of late)?

“Agriculture groups still hold out hope that they can pass AgJOBS legislation this year with the help of Sens. Dianne Feinstein, Larry Craig and some of their colleagues. But with presidential politics intruding on legislative priorities like immigration reform, it appears the chance of passing AgJOBS looks about as good as building a snowman in the Sahara Desert.”⁵

And the editorial writer's summary at *Capital Press* is this: “While attention on the problem by Chuck Conner is welcome, it does not go nearly far enough to correct a problem that has festered for way too long.”

More pro's and con's are on display over at *The Houston Chronicle*, on it's website. One farmer is against H-2A in any form-(although curiously his objection is never specifically named in the article), “*Some farms oppose changes in ag-worker program*”:

“Bruce Frasier's family has been growing fruits and vegetables near Carrizo Springs since 1913, when Woodrow Wilson was president and a gallon of gas cost 12 cents. The farm survived the two World Wars, the Great Depression and the oil crisis of the 1980s.

“But, Frasier said, a persistent shortage of workers may finally drive the farm out of business.

“Frasier isn't swayed. He said no matter how the program is tweaked, he still won't use it.

“I will shut my doors before I go to H2A,” he said. “I will scale down or do something else.”⁶

And, as usual, there is the obligatory labor advocate group leader, piling on with her negative spin:

“Dolores Huerta, who co-founded United Farm Workers with Cesar Chavez in the 1960s, called the proposed changes “terrible” for workers.

“There is no reason for them to dilute the provisions of the H2A program to import more foreign workers,” Huerta said on a visit to Houston this week. “We're trying to get legalization for the undocumented workers we have here right now.”⁷

However, there are the stalwart defenders of the program as well. Fermin Venegas, who is a sheep shearing contractor in Fort Stockton, Texas has this to say about H-2A:

“It's a lot of paperwork,” he said. “It's a process and it takes time. I'm not speaking for the general public, but it works for me. If it wasn't because of that, I would have been out of business a long time ago.”

“Venegas said shearing is a skill that few Americans have.

“I'm 100 percent for it,” he said of H2A. “If I had President Bush in front of me, I would ask him not to take it away, but to expand it, streamline it, so we can bring people in to work.”⁸

At the end of the 45-day waiting period, we will see what impact—if any—the new changes will have. Even if they are minimal however, at least they are steps in the right direction and offer hope for the users of H-2A.

¹ Paul M. Weyrich, “*The Farm Worker Shortage, Immigration and a Probable Solution*,” 2/15/08. The American Daily website at: <http://www.americandaily.com/article/21656>. (accessed 2-16-08)

² “H-2A reforms offer too little,” 2/15/2008, on editorial page at Capital Press website at: <http://www.capitalpress.info/main.asp?SectionID=75&SubSectionID=767&ArticleID=39296&TM=82835.95>. (accessed 2-16-08)

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Susan Carroll, “Some farms oppose changes in ag-worker program,” Feb. 8, 2008. on Houston Chronicle website at: <http://www.chron.com/disp/story.mpl/metropolitan/5527194.html>. (accessed 2-16-08)

⁷ Ibid.

⁸ Ibid.