

H-2A Mutates, Voices Spring up Everywhere

Generally speaking most are dissatisfied with the too-slowly evolving proposed changes to the H-2A program. It is too little, too late and affects too few in the workplace. There are schemes being generated on the Internet, from lawyers offering services as brokers for companies, to those who are switching visas from H-2B and H-2B to J-1 program applicants. Now could be a strange time to step out into the federal immigration programs to find applicants if you do not know what you are looking at.

As one commercial recently expressed:

"I don't even know enough to know that I don't know!"

Best to stick to the tried-and-true, the more reputable people in the business, if they are doing the job for you. However, here are the two viewpoints circulating out there that reflect the most predominant ones:

#1-The first comes from **Recordnet.com**. The article posted reads, "*Migrants Hope to Cut a Fair Deal.*" It comes from California special interests groups, and is of course, anti-H-2A. Keep in mind that, as the article itself states, "California ranks eight n the nation among states with the most employers using the (H-2A) program...(yet)... The number of H-2A workers used in California during the 2007 fiscal year was 3,098, up from 2,292 in 2006."¹ (A veritable 'drop in the bucket, statistic-wise.)

"It's unfortunate that the president has to resort to piecemealing because we were unable to pass comprehensive immigration reform," said Jose Rodriguez, executive director of El Concilio, a multiservice organization that provides immigration assistance...

..."Public hearings in Stockton, where concerns, testimonials and complaints will be recorded, will be held at the Mexican Community Center. They are being organized by Luis Magaña, an activist with Proyecto Voz (Project Voice) and the American Friends Service Committee.

"The national committee hasn't announced its stance on the proposal, but Magaña doesn't believe the group will support it, because migrant workers already living in the United States will be excluded from participating. That, Magaña said, is unfair to domestic workers, who pay taxes and have already established their lives here."²

Meanwhile, from **Reuters**, there is this:

"WASHINGTON (Reuters) - President George W. Bush's proposed overhaul of the federal guest worker program will result in lower

wages for farm workers and harsher working conditions for an already beleaguered group.”³

Then, through a series of shortfall presentations, the *Reuters* reporter, Ayesha Rascoe, details the new, lower wage expectations of immigrant workers, how the new wage stats are artificially arrived at by the federal government (which is taking charge more of that area), how the housing issue is not being addressed, but skirted by putting up housing ‘vouchers’ of indeterminate amounts and how less red tape and looser regulations would “make it easier for farmers to break program guidelines.”⁴

All-in-all, Rascoe paints a very dismal picture for us about the proposed changes.

Yet, further into the article, the Paul Schlegel, Director of public policy for the American Farm Bureau, admits that the steps are in the right direction, even if they are impotent:

“Despite the objections, Paul Schlegel, director of public policy for the American Farm Bureau, said his organization is encouraged that the Bush administration is trying to make the underused program less bureaucratic.

“Schlegel said the changes will improve circumstances for farm workers by encouraging farmers to use the program, which makes farmers more accountable for wages and housing.”⁵

Meanwhile, one measure not mentioned when advocacy groups are pushing for comprehensive immigration and which **would not** be in the best interest of farmers under AgJOBS is this little bit of information:

“Under AgJobs, for example, guest workers would be able to sue employers who do not uphold their contracts.”⁶

Then, from *The Arizona Republic*, is a blurb about a program that employers are trying to get passed in the Arizona legislature, allowing the state to create and run a guest-worker program for Mexicans in Arizona:

“The bill, introduced by Rep. Bill Konopnicki, R-Safford, passed 6-0 Monday in a hearing of the House Financial Institutions and Insurance Committee that he chairs. Rep. Albert Tom, D-Chambers, voted present. A similar bill introduced by Sen. Marsha Arzberger, D-Willcox, is pending in the Senate.

“At least 27 lawmakers have signed on as sponsors to the bills - 18

Democrats and nine Republicans. Lawmakers in Colorado and Kansas have inquired about the plan Arizona is considering, Arzberger said. Even so, it is unclear whether the bills have enough support to receive a vote in either chamber.”⁷

Clearly, impatient with the slow progress at the Federal level, some politicians are seeking to take matters into their own hands at the state level. It has its detractors and advocates alike:

One detractor cries:

“This bill will allow many people who are here illegally . . . to get back-door amnesty,” said Carl Seel, chairman of the PACHyderm Coalition, a pro-Republican organization that opposes the legislation. He tried to equate the proposal with slavery, a move Konopnicki rejected as untrue and off point.”⁸

However, the bill’s author counters with:

“Konopnicki stressed that the bill would create a two-year test program that allowed only legal immigrants from Mexico who would be screened and monitored. It doesn't offer a path to citizenship or residency and would require the workers to remain with a sponsoring employer.”⁹

But, as the bill has little chance of passing, it should be seen at this juncture as only an entertaining footnote.

¹ Jennie Rodriguez, “*Migrants hope to cut a fair deal*,” February 19, 2008, on Recordnet.com website at: http://www.recordnet.com/apps/pbcs.dll/article?AID=/20080219/A_BIZ/802190321. (accessed 2-22-08)

² Ibid.

³ Ayesha Rascoe, “*US guest worker program changes hurt farm workers*,” Feb 21, 2008, on Reuters website at: <http://www.reuters.com/article/reutersEdge/idUSN2165176420080221>. (accessed 2-22-08)

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ronald J. Hansen, “*Temp worker bill advances in Ariz. House*,” Feb. 18, 2008, on The Arizona Republic website at: <http://www.azcentral.com/specials/special12/articles/0218biz-tempworkers0219.html>. (accessed 2-22-08)

⁸ Ibid.

⁹ Ibid.