Fields of Dreams: The Case for H-2A Visa Reform

By “Coach Vance” Trefethen

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

Case Summary: Face it, there a lot of agricultural jobs involving back-breaking labor in the hot sun that most American citizens are simply not willing to do. But there are thousands of immigrants or would-be immigrants to whom such work is a golden opportunity compared to what they have at home. Lacking sufficient workers, farmers in labor-intensive agriculture crops in the U.S. today face two bad choices:  Either let the crops rot in the field, or hire illegal immigrants to do the work. They would like to hire the plentiful foreign workers who might come on an H-2A visa (for temporary agriculture work), but doing so is often too slow and costly. So slow, in fact, that the crops rot in the field while waiting for the H-2A process to finish and the legal workers to arrive. Instead, they turn to the multitude of illegal aliens willing to work immediately and without all the red tape. This plan reduces restrictions on H-2A visas and gets the illegal workers a pathway to legalization so that they get into the system and become taxpaying members of society. Law enforcement can then focus on high risk immigrants who pose a threat of terrorism instead of wasting resources chasing after those who are just trying to pick tomatoes. Everyone wins.

Fields of Dreams: The Case for H-2A Visa Reform 2

OBSERVATION 1. DEFINITIONS 2

H-2A Visa: 2

OBSERVATION 2. INHERENCY 2

FACT 1.  Labor shortages.   US agriculture can't obtain sufficient American workers, so they turn to foreign workers 2

FACT 2.  Legal hiring fails.  The H2-A visa is too cumbersome, slow, and costly. 2

FACT 3.  Illegal immigrants.  Labor shortages lead to increased hiring of illegal immigrants 3

OBSERVATION 3.  THE HARM. U.S. Economic Damage 3

A.  Crops rot in the fields.  Crops rot in the fields while waiting on H-2A delays 3

B.  We lose billions of dollars and thousands of jobs.  Agriculture labor shortages cause big economic harm 3

OBSERVATION 2. Our PLAN to be implemented by Congress and the President 3

OBSERVATION 3. ADVANTAGES 4

ADVANTAGE 1.  Labor shortages solved 4

ADVANTAGE 2.  Poor workers uplifted 4

A. The Link is:  Opportunity for the poor.  Agriculture jobs are economic opportunities for poor immigrants 4

B. The Impact is: Survival.  Farm work in America is a lifeline of survival for poor Mexicans 5

ADVANTAGE 3.  Better homeland security. 5

Getting farm workers legalized stops wasting resources so law enforcement can focus on the bad guys 5

Works Cited: H-2A Visa Reform 6

Fields of Dreams: The Case for H-2A Visa Reform

Lacking sufficient workers, farmers in labor-intensive crops today face two bad choices:  Either let the crops rot in the field, or hire illegal immigrants to do the work. Farmers recommend affirming that: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

OBSERVATION 1. DEFINITIONS

H-2A Visa:

Dr. Stephanie Mercier 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” <https://www.thechicagocouncil.org/sites/default/files/Midwest_Ag_final.pdf>

H- 2A Visa: A temporary visa for seasonal agriculture workers. The H-2A visa is only valid for jobs that last 10 months or less. The employer may choose to use the worker for subsequent seasons, but only up to a total of three years.

OBSERVATION 2. INHERENCY

FACT 1.  Labor shortages.   US agriculture can't obtain sufficient American workers, so they turn to foreign workers

American Farm Bureau Federation 2016 (non-profit farm advocacy organization, largest general farm organization in the US) AGRICULTURAL LABOR – IMMIGRATION REFORM June 2016  <http://www.fb.org/issues/docs/aglabor16.pdf>

Farmers and ranchers have long experienced difficulty in obtaining workers who are willing and able to work on farms and in fields. Jobs in agriculture are physically demanding, conducted in all seasons and are often transitory. To most U.S. residents seeking employment, these conditions are not attractive. A number of studies document this fact, and farm worker representatives also acknowledged this in recent congressional testimony. Yet, for many prospective workers from other countries, these jobs present real economic opportunities. In times of labor shortages farmers have relied on these foreign workers, who are admitted under a government sponsored temporary worker program known as H-2A, and on workers who appear to have legal status to be working in the United States.

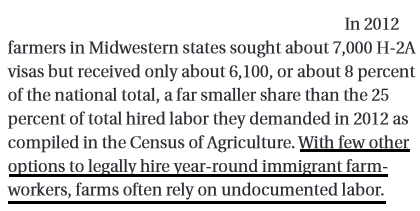
FACT 2.  Legal hiring fails.  The H2-A visa is too cumbersome, slow, and costly.

United Press International 2015  (journalist Yunita Ong) 5 March 2015 “The H-2A problem: Why a perfectly legal farmworker visa program isn't being used more” <http://www.upi.com/Top_News/US/2015/03/05/The-H-2A-problem-Why-a-perfectly-legal-farmworker-visa-program-isnt-being-used-more/7521425481876/>

"The system is burdensome, very costly and very complex," said Tom Nassif, the CEO of Western Growers, a trade association. Employers have to pay fees and file applications with multiple state agencies and departments for months in advance of hiring and endure long waiting times for approval, sometimes barely in time for harvest season, Nassif said. "There have been times when we need farmworkers immediately on the ground," said Billy Carter, who uses H-2A at his Eagle Springs, North Carolina farm to produce sweet crops, tobacco and strawberries. At the peak of hiring in 2013, farmers used H-2A for only about 10 percent of hires, according to a World Agricultural Economic and Environmental Services report published last year.

FACT 3.  Illegal immigrants.  Labor shortages lead to increased hiring of illegal immigrants

Dr. Stephanie Mercier, December 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” <https://www.thechicagocouncil.org/sites/default/files/Midwest_Ag_final.pdf>



OBSERVATION 3.  THE HARM. U.S. Economic Damage

A.  Crops rot in the fields.  Crops rot in the fields while waiting on H-2A delays

Joseph Erbentraut. 2016. (journalist) “U.S. Farmers Risk Losing Everything Because Of Absurd Immigration Procedures” 25 AUGUST 2016. [brackets added] <http://www.huffingtonpost.com/entry/farms-h2a-program-immigrant-workers-food-waste_us_57b5df93e4b034dc73261b36>

The U.S. has cracked down on the use of undocumented laborers coming into the country, resulting in [a widespread labor shortage](http://www.wsj.com/articles/on-u-s-farms-fewer-hands-for-the-harvest-1439371802) in agriculture and ballooning demand for H-2A visas. This has also meant more administrative delays in processing visa applications. Delays of even a week can result in major crop losses for farmers. Delays of a month or more can be devastating. [Joshua] Morgenthau was able to save his harvest in 2013, the year his workers were delayed, but he knows just how easily things can fall apart. “We’re lucky to have never lost an entire crop,” he said. Others aren’t so fortunate. A number of farmers in Georgia reported [six-digit losses](http://www.myajc.com/news/news/state-regional-govt-politics/losses-grow-for-georgia-farmers-waiting-on-feds-to/nrGQn/) this year due to delays in visa processing. Another farmer, in California, watched as [one-third of his Napa cabbage rotted](http://www.bloomberg.com/politics/articles/2016-06-06/crops-rot-while-trump-led-immigration-backlash-idles-farm-lobby) in the field while he waited for the H-2A workers to arrive.

B.  We lose billions of dollars and thousands of jobs.  Agriculture labor shortages cause big economic harm

Vincent "Zippy" Duvall 2017 (*poultry, cattle and hay producer from Greene County, Georgia, is the 12th president of the American Farm Bureau Federation*) 16 Oct 2017 " Worker Shortage Threatens U.S. Ag Sustainability" <https://www.fb.org/viewpoints/worker-shortage-threatens-u.s.-ag-sustainability>

The farm labor shortage also takes a bite out of our national economy. A study by the group New American Economy estimated that the shortage cost $3.3 billion in GDP growth in 2012 alone. As I’ve said many a time, we’re coming to a point where America will have to decide if we’re going to import workers or import our food. Increasing food imports means losing thousands of American jobs that are supported by agriculture. That same NAE study shows there would have been more than 89,000 additional jobs in 2012 if farmers had not faced workforce challenges.

OBSERVATION 2. Our PLAN to be implemented by Congress and the President

1. H2-A visa reform.  H2-A visas are reformed to include the following   
 a) “At Will” provision to allow the worker to move among multiple different employers

b) “Contract” provision to allow employees to work for up to 3 years without requiring a return back to their home country

2.  Legal Permanent Resident.  Existing undocumented agricultural workers can obtain a visa and qualify for permanent legal status by committing to working 200 days a year in agriculture for 3 years.

3.  Enforcement through the Dept. of Homeland Security, Immigration and Customs Enforcement and the Dept. of Labor, Wage and Hour Division. Penalties for violators are the same as for existing laws on visa fraud and illegal immigration.

4.  Funding through existing budgets of existing agencies, general federal revenues

5. Plan takes effect the day after an Affirmative ballot.

6. All Affirmative speeches may clarify.

OBSERVATION 3. ADVANTAGES

ADVANTAGE 1.  Labor shortages solved

American Farm Bureau Federation 2016 (non-profit farm advocacy organization, largest general farm organization in the US) AGRICULTURAL LABOR – IMMIGRATION REFORM June 2016  <http://www.fb.org/issues/docs/aglabor16.pdf>

Only reform through legislation can solve the agricultural worker problem. In seeking a meaningful legislative solution to agriculture’s worker shortage, AFBF believes that immigration reform must include the following: Agricultural Worker Program   
The uncapped Agricultural Worker Visa Program (AWP) will ensure agriculture’s future legal workforce. The AWP allows both employer and employee choice and flexibility by including two options:   
1. “At-Will” Visa employees have the freedom to move from employer to employer without any contractual commitment, replicating the way market forces allocate the labor force now.  
2. Contract Visa employees commit to work for an employer for a fixed period of time, giving both parties increased stability where it is mutually preferred.   
Current Workforce   
In order to minimize the impact on current economic activity, AFBF supports an adjustment of status for experienced but unauthorized agricultural workers who currently reside in the U.S. This adjustment should include the following components:   
1. These workers have a future obligation to work for a number of days annually in agriculture for several years.   
2. Upon completion of this future work obligation, the workers could obtain permanent legal status and the right to work in whatever industries they choose, including agriculture.

ADVANTAGE 2.  Poor workers uplifted

A. The Link is:  Opportunity for the poor.  Agriculture jobs are economic opportunities for poor immigrants

American Farm Bureau Federation 2016 (non-profit farm advocacy organization, largest general farm organization in the US) AGRICULTURAL LABOR – IMMIGRATION REFORM June 2016  <http://www.fb.org/issues/docs/aglabor16.pdf>

Farmers and ranchers have long experienced difficulty in obtaining workers who are willing and able to work on farms and in fields. Jobs in agriculture are physically demanding, conducted in all seasons and are often transitory. To most U.S. residents seeking employment, these conditions are not attractive. A number of studies document this fact, and farm worker representatives also acknowledged this in recent congressional testimony. Yet, for many prospective workers from other countries, these jobs present real economic opportunities.

B. The Impact is: Survival.  Farm work in America is a lifeline of survival for poor Mexicans

NC Farmworker Institute 2007 (a project of the NC Council of Churches’ Farmworker Ministry Committee, whose members include the Farm Labor Organizing Committee, Farmworker Unit of Legal Aid of North Carolina, National Farm Worker Ministry, North Carolina Farmworker Health Program, Student Action with Farmworkers, and Triangle Friends of the United Farm Workers) “Farmworkers and Immigration” <https://www.saf-unite.org/content/farmworkers-and-immigration>

Because agriculture is one of the most dangerous and lowest-paying occupations in the United States, the US agricultural industry cannot recruit citizens to fill much-needed jobs. Rather than improve wages and conditions in the fields, the industry recruits workers abroad where there are more laborers, fewer jobs, and much lower wages. Workers are also lured to labor on United States farms by the promise of a better life for themselves or their children: the “American Dream.”  
Push Factors: Many people in developing countries face extreme poverty, lack of jobs, natural disasters, armed conflict, and civil unrest. As economic refugees, many immigrant farmworkers have made the difficult decision to leave their homes and families in search of new possibilities in the United States.  
Globalization: Economies are developing in increasingly interconnected ways and international trade is occurring at unprecedented levels. This process of overlapping markets and free trade is called globalization.  
International agreements like the North American Free Trade Agreement (NAFTA) have increased imports to developing countries, but have not eliminated government subsidies for those products; this allows wealthy countries like the United States to sell some products below what they cost to produce. Under NAFTA, the United States increased corn exports to Mexico by 240%, and during certain years was able to sell corn 30% below its cost of production.Unable to compete with subsidized imports, over two million Mexican farmers have lost their jobs since 1994. Many have sought employment in the United States as a means of survival.

ADVANTAGE 3.  Better homeland security.

Getting farm workers legalized stops wasting resources so law enforcement can focus on the bad guys

American Farm Bureau Federation 2015 (independent, non-governmental, voluntary organization governed by and representing farm and ranch families) <http://www.fb.org/issues/aglabor/faqs/>

One way to help secure the border is to create legal ways for agricultural workers to enter. If our government doesn’t have to waste time and resources locking up farm workers, it can focus on preventing those with nefarious intentions from entering our country. We absolutely agree that America has to secure its borders. Creating a feasible agricultural worker program is a step in that direction. As long as there is demand in the U.S. for farm workers and a supply of workers willing to cross the border, hard-working people will continue to enter the U.S. to earn a living for themselves and their families back home. Creating a legal way for them to do so through a new agricultural visa, and a way to know who they are and what they’re doing while they are here, makes us more secure.

Works Cited: H-2A Visa Reform

1. Dr. Stephanie Mercier 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” https://www.thechicagocouncil.org/sites/default/files/Midwest\_Ag\_final.pdf
2. American Farm Bureau Federation 2016 (non-profit farm advocacy organization, largest general farm organization in the US) AGRICULTURAL LABOR – IMMIGRATION REFORM June 2016  http://www.fb.org/issues/docs/aglabor16.pdf
3. United Press International 2015  (journalist Yunita Ong) 5 March 2015 “The H-2A problem: Why a perfectly legal farmworker visa program isn't being used more” http://www.upi.com/Top\_News/US/2015/03/05/The-H-2A-problem-Why-a-perfectly-legal-farmworker-visa-program-isnt-being-used-more/7521425481876/
4. Joseph Erbentraut. 2016. (journalist) “U.S. Farmers Risk Losing Everything Because Of Absurd Immigration Procedures” 25 AUGUST 2016. [brackets added] http://www.huffingtonpost.com/entry/farms-h2a-program-immigrant-workers-food-waste\_us\_57b5df93e4b034dc73261b36
5. Vincent "Zippy" Duvall 2017 (poultry, cattle and hay producer from Greene County, Georgia, is the 12th president of the American Farm Bureau Federation) 16 Oct 2017 " Worker Shortage Threatens U.S. Ag Sustainability" https://www.fb.org/viewpoints/worker-shortage-threatens-u.s.-ag-sustainability
6. NC Farmworker Institute 2007 (a project of the NC Council of Churches’ Farmworker Ministry Committee, whose members include the Farm Labor Organizing Committee, Farmworker Unit of Legal Aid of North Carolina, National Farm Worker Ministry, North Carolina Farmworker Health Program, Student Action with Farmworkers, and Triangle Friends of the United Farm Workers) “Farmworkers and Immigration” https://www.saf-unite.org/content/farmworkers-and-immigration
7. American Farm Bureau Federation 2015 (independent, non-governmental, voluntary organization governed by and representing farm and ranch families) http://www.fb.org/issues/aglabor/faqs/