



Guest workers: past, present and the future

By Gülcan Önel and Derek Farnsworth

The U.S. agricultural sector has a long history of dependence on foreign workers, and the Florida citrus industry is no exception. Even though mechanical harvesting systems saw increased usage between 1999 and 2006, the discovery of citrus greening in 2005 and its subsequent spread across Florida virtually eliminated mechanical harvesting efforts by 2015 in order to minimize any unnecessary mechanical stress on infected trees.

Today, a strong demand for seasonal foreign agricultural workers prevails. In recent years, a shrinking supply of both domestic and “newcomer” (workers who have been in the United States less than a year) migrant workers, coupled with more aggressive enforcement of U.S. immigration laws, has pushed Florida citrus growers to recruit an increasing number of foreign agricultural guest workers through the H-2A visa program.

The H-2A program allows employers to hire foreign workers to perform seasonal or temporary agricultural work when insufficient numbers of qualified U.S. workers are available at the place and time needed. According to Mike Carlton of the Florida Fruit & Vegetable Association, more than half of

Florida citrus in the 2014–2015 season was harvested by foreign guest workers through the federal H-2A program.

As the H-2A program gains momentum among growers, immigration policies that permit foreign nationals to work in the United States continue to be a topic of heated discussion. There remains the concern that the importing of foreign workers may adversely affect the employment and wages of U.S. citizens who work in similar positions.

On the other hand, many agricultural employers demand revised guest worker programs to simplify the hiring of foreign workers to ensure a continuing supply of farm labor. Simultaneously, worker advocates argue for stronger enforcement of recruitment, housing and wage protections to ensure that foreign workers are not selected over qualified U.S. workers, and that guest workers are not exploited.

HISTORICAL PERSPECTIVE

In this uncertain immigration policy environment, reviewing past guest worker initiatives undertaken in the United States may help shed light on current initiatives and predict the outcome of some of the proposed alternatives to the current H-2A program.

Although foreign workers were an essential component of the workforce since the colonial period, workers recruited to perform jobs on a seasonal basis and then return home were not commonplace until World War I. The first guest worker policies in the United States emerged as a national emergency program during the war.

The United States established a series of bilateral agreements with Mexico, which led to a seasonal migration from 1917 to 1921 that has been termed “the first bracero program.” The term “bracero” comes from the Spanish word “brazo,” which means “arm.” So, bracero literally means one who works with his arms. The program was terminated in 1922 after the war concluded. During the lifespan of the program, 76,862 Mexican workers were admitted to the United States; only 34,922 of those workers returned to Mexico.

With the start of World War II, the military manpower requirements of the United States and the need for labor in manufacturing led to another labor shortage in the nation’s agricultural sector. The U.S. federal government established the second bracero program in 1942 to alleviate these agricultural labor shortages. The program consisted of an agreement between the U.S. and Mexican governments, which stipulated that the Mexican government would recruit Mexican laborers and supply them to the United States under temporary contracts.

The majority of these workers ended up in agricultural production, though some also built railroads under the railroad bracero program. The program lasted until 1964. During this time period, 7.5 million contracts were signed. Despite the fact that Mexican workers were to return to Mexico following the harvest, many of the bracero program workers remained in the United States after their contracts ended.

The bracero program provided a much-needed agricultural

workforce for U.S. growers during wartime. However, the program is also credited with increasing undocumented rural Mexican migration to the United States, which remains an issue to the present day. Lastly, the bracero program received significant criticism for the exploitation of Mexican workers. For example, 10 percent of wages were typically withheld from these workers for planned pensions, but often never repaid. Workers were also deloused with DDT at border stations and often placed in inadequate housing conditions.

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In 1952, the Immigration and Nationality Act was passed. Among its many provisions was the formal creation of the H-1 program for “temporary workers of distinguished merit or ability,” and the H-2 program for “other temporary workers.” Initially, agricultural employers made the greatest use of the H-2 program. In 1969, at its peak of usage, over 69,000 visas were issued. The program became popular, especially with sugarcane growers in Florida and apple growers in the Northeast who argued that it was difficult to attract and hold citizen workers for highly seasonal and strenuous work. In 1986, the Immigration Reform and Control Act (IRCA) split the H-2 program into two separate temporary visas — the H-1A for non-agricultural workers and the H-2A for agricultural workers.

PROPOSED LEGISLATION

Over the years, both growers and labor advocates have repeatedly criticized the H-2A program. Growers have raised concerns that the program is administratively cumbersome, expensive and ineffective at meeting their labor needs. Farm worker advocates have argued that the program does not provide sufficient protections for workers.

After years of political debate, representatives of growers and workers reached a compromise in 2000 with the Agricultural Job Opportunity, Benefits and Security Act (AgJOBS). This act approached the issue of unauthorized migration in agriculture the same way that the IRCA did: legalize current unauthorized farm workers and make it easier for farm employers to hire legal guest workers in the future. The legislation would allow unauthorized farm workers to legalize their status immediately, as long as they continued to do farm work.

AgJOBS became the basis of a bipartisan compromise on foreign agricultural workers in the 106th Congress, but it was never enacted. More recently, AgJOBS titles were included in comprehensive immigration reform bills considered in the 109th and 110th congresses. None of these bills were enacted either.

In June 2013, the Senate took a bipartisan step toward immigration reform and passed S.744, the Border Security,

Economic Opportunity, and Immigration Modernization Act. The bill proposed to replace the current H-2A program with a W-3 visa for contract agricultural workers and a W-4 visa for at-will agricultural workers as part of a new “W” nonimmigrant visa category.

The 2013 bill took a comprehensive approach to modernizing the U.S. immigration system. Proposed changes included moving the administration of agricultural guest worker programs from the Department of Labor to the Department of Agriculture. This would provide a pathway to citizenship for unauthorized immigrants living in the country, streamline the legal visa system, mandate the e-verification system to drastically reduce unauthorized workers and allocate a significant budget increase to help tighten border security.

The 2013 Senate efforts stalled, however, in the House of Representatives and have slowly faded away in the 113th Congress. The only pieces of immigration legislation debated so far in the 114th Congress have been enforcement-only bills. Even though the 2013 bill was not passed into law, it signals what elements are likely to be included in future comprehensive immigration legislation.

LABOR SUPPLY

The recent fall in the supply of domestic (and, most likely, undocumented) agricultural workers has caused the H-2A program to see increased utilization. Data from the Department of Labor’s National Agricultural Workers Survey reveals that only 2 percent of crop workers were newcomers between 2010 and 2012. This is significantly less than the 23 percent rate realized between 1999 and 2000.

A reversal of this trend of declining newcomers is not expected anytime soon. As a result, growers dependent on seasonal labor must continue to adapt to changing farm-labor supply and wages. The H-2A program is a costly endeavor; nevertheless, it appears the program will continue to be a viable strategy to reduce uncertainty in labor availability.

This historical perspective on agricultural guest worker programs offers insight into today’s immigration policy discussions. Once again, the U.S. agricultural sector faces a shortage of qualified and willing seasonal workers. However, the path to filling these positions includes valid concerns regarding workers’ rights, American job security and appropriate immigration procedures. It is clear that immigration policy will continue to be a major topic of debate with few clear solutions.

Currently, researchers at the University of Florida’s Institute of Food and Agricultural Sciences are conducting new farm worker surveys to understand farm workers in their full context, which in turn will help both the growers and workers better navigate these times of immigration policy uncertainty. 🍊

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