

## **Changes Planned In Visa Program For Farmworkers**

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### **Body**

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The Bush administration proposed **changes** yesterday to a little-used agricultural guest-worker **program** that would provide incentives for farmers to hire foreigners legally.

The proposed **changes** include a system for calculating how foreign workers are paid and centralizing the application process under the federal government.

Immigration advocates said the **changes** would weaken rules that protect workers under the **program**. The administration defended the proposal as a direct response to Congress's failure last year to **change** the nation's immigration laws and as a way to address a shortage of legal **farmworkers**.

"It is precisely because Congress failed to pass comprehensive immigration reform that the president directed executive agencies to take a closer look at the **programs** they administer," said Leon R. Sequeira, the assistant secretary of labor for policy. "Our goal here is to make the **program** work so that agricultural employers will use it to hire more workers legally."

The proposed rules do not require congressional action and can take effect after a 45-day public comment period.

About 75,000 foreign workers participated in the H-2A **visa program** last year. Meanwhile, 600,000 to 800,000 undocumented laborers worked on U.S. farms illegally, the Labor Department estimates.

Perhaps the most significant **change** to the **visa program** would be a new method for figuring wages for foreign **farmworkers**.

The current rules are intended to ensure that foreign workers are not paid wages that undercut those paid to U.S. workers. But the wage scales have been criticized by some who claim that they do not accurately reflect market wages by occupation, skill level and geographic location. 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 the department.

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The **changes** would also require employers to file **visa** applications with the Labor Department, eliminating the role of state agencies.

The proposed **changes** would increase the number of days a farmer is required to spend recruiting U.S. workers for jobs before filling them with foreigners, to 75 days from 45. They also would require contractors that recruit foreign workers to post bonds with the federal government. And they would prohibit employers from passing on processing fees to foreign workers and would increase fines for abusing workers.

Bruce Goldstein, executive director of **Farmworker** Justice, said the proposed **changes** would do away with much of the Labor Department's enforcement of the current rules. And he said wages were likely to decrease. He said the Labor Department should do more to enforce rules already on the books.

"Rather than spend its resources to lower wage rates, the Department of Labor should have announced a campaign to actively enforce workers rights under this **program**," Goldstein said.

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