Agriculture at high stake

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Body

Standing outside a dilapidated house where 23 tomato pickers ate and slept hip to shoulder this harvest season, Luis Rios is among the undocumented farm workers caught in the uncertainty of immigration reform.

But like many fellow workers, Rios said he does not necessarily want to obtain citizenship. He just wants a way to work here legally and eventually return home.

"We all think differently, but I just want a permit to work," said Rios, 37, a native of southern Mexico, who has followed the crops between Florida and Tennessee for four years. "That way, I could go home and see my family."

Agribusiness and its undocumented farm workers are distinct stakeholders as Congress prepares to meet in conference committee this summer and decide the fate of an estimated 12-million illegal immigrants.

The House passed a bill that would focus on border security and make it a felony to be in the country illegally. The Senate's bill would provide a guest worker program and make legalization possible to millions.

To advocates of legalization, workers like Rios represent the country's contradictory treatment of undocumented immigrants: It's not legal for them to come work here, but they find jobs when they arrive.

Researchers estimate that 500,000 undocumented workers came here illegally last year, and most of them found jobs. But critics say the number of visas authorized for unskilled laborers does not come close to meeting the demand.

"Every year, we need about a half a million more than the quota provides for," said Tamar Jacoby, senior scholar at the Manhattan Institute. "We don't get the immigrants legally, and we don't get the rule of law that we want."

In contrast, the Senate bill has a provision that would legalize as many as 1.5-million farm workers over five years, by creating a new document called a "blue card" that would give the bearer the legal right to be here and work.

Because a ***higher*** percentage of farm workers are undocumented compared with other industries in which immigrants are also employed, advocates say their legalization is crucial to the nation's food supply.

Farm jobs - unlike those in construction - are not likely to attract Americans because they require hard labor in rural settings with extreme weather.

"We have always argued that ***agriculture*** is unique and that this nation's ability to feed itself is a matter of national security," said Craig Regelbrugge, co-chair of the ***Agriculture*** Coalition for Immigration Reform in Washington, D.C.

Agriculture at high stake

There are 1.6-million farm workers nationally, about 150,000 of them in Florida.

Studies from the Pew Hispanic Center show that 24 percent of all farm workers are undocumented. But advocates cite a study from the late 1990s that found that 50 percent of farm workers were undocumented, and the number could be ***higher*** still.

"If you focus on the traditional farm workers, tomato pickers, citrus harvest crews ... you will conclude that it's a lot ***higher*** than 50 percent," said Rob Williams, director of the Migrant Farmworker Justice Program for Florida Legal Services.

And legislation that keeps farm workers out could hurt farms, advocates of legalization say.

Because farm workers who pick crops tend to be the newer arrivals, advocates fear that a bill that would only crack down on the border would hurt ***agriculture*** disproportionately. Even the Senate bill could block them out because many farm workers aren't likely to have lived here five years.

A few growers in Florida already faced shortages of workers this season, said Ray Gilmer, spokesman for the Florida Fruit and Vegetable Association.

"We want the farm workers that have been working on Florida farms to continue to have access to those jobs," Gilmer said. "Whether they do it as guest workers or working toward resident status, either way, that would be fine."

But opponents such as Rep. James Sensenbrenner, R-Wis., chairman of that House Judiciary Committee, have said that the House will not agree to any "amnesty."

"The blue card is not a guest worker program," said Steven Camarota, director of research at the Center for Immigration Studies. "Every single person is put on a path to ... citizenship."

Like the 1986 amnesty that also included a farm worker provision, critics say, the blue card proposal, sometimes called "Ag Jobs," would attract fraud and abuse.

For example, they say, it could attract people who have not been here the five years required for the other type of legalization but have not worked in ***agriculture***. Or the farm worker process also could allow people to apply for permanent residency sooner.

"This bureaucracy is overwhelmed," Camarota said. "There's no way to verify."

But Ag Jobs would take steps to prevent the fraud that occurred in 1986, Williams said.

For example, he said, for-profit businesses that made money from filing applications 20 years ago would be banned from filing paperwork on immigrants' behalf this time.

An even better deterrent to fraud, Williams said, would be the requirement in Ag Jobs that farm workers remain in farm work for a few years, which was not present in 1986.

"I don't think that many people would say picking tomatoes for three years or picking oranges for three years would be an easier path to anything," Williams said.

Critics say a way to solve the ***agricultural*** industry's dependence on undocumented immigrants is by offering ***higher*** wages to Americans or using new harvesting machines.

In response, Regelbrugge said wages for farm workers nationally average $9.50 an hour, substantially more than the federal minimum wage of $5.15. Therefore, he said, it's not low wages but the harsh nature of farm work that discourages Americans from doing it.

Most mechanization that is possible, such as for low-hanging vegetables and fruits, has already been implemented, he said.

Other critics of legalization go even further, saying that the United States should not import unskilled workers.

Perhaps low-skill ***agricultural*** jobs should not be done in the United States, said Will Adams, a spokesman for Rep. Tom Tancredo, R-Colo., one of the most vocal critics of illegal immigration.

"It might be an industry, at least parts of which, we cannot do in America," Adams said.

Some doubt that any bill will be passed this year. That would leave farm workers like Luis Rios in limbo.

Last week, he was getting ready to head to South Carolina to harvest tomatoes. Then it will be Tennessee before returning to Florida sometime next spring.

A work permit, he said, would mean being able to visit his wife and young daughter in Mexico.

And if he wanted to come back to Florida, he said, "we wouldn't have to walk through the desert, struggling to stay alive."

HELP WANTED?

Farm worker advocates say legal opportunities for undocumented immigrants to work are too scarce. A bill passed by the Senate would expand those opportunities, they said.

THE STATUS QUO

* The federal government gives out 66,000 visas for hotel, golf course and other unskilled workers from around the world each year.

* There are an additional 5,000 permanent residency green cards for unskilled workers.

* A separate ***agricultural*** guest worker program has no cap on the number of workers. One drawback: Farmers say it's bureaucratic, impractical and expensive. So it's seldom used.

SENATE PROPOSAL

* Includes a provision to legalize as many as 1.5-million farm workers over five years.

* To get a "blue card" allowing them to work legally, immigrants would have to show that they worked in ***agriculture*** at least 150 days during the last two years. They would be required to work in the industry three to five more years after receiving a blue card. Then they could pay a $400 fine and apply for permanent residency.

* For other immigrants, the Senate bill would grant legalization if they have been here more than five years and guest worker status if they have been here between two and five. But they would have to leave the country if they have been here less than two years.

Graphic

PHOTO, ZACH BOYDEN-HOLMES, (3)

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