

IMMIGRATION POLICIES AFFECTING FLORICULTURE

Congress must recognize agriculture's unique position regarding its labor force and provide realistic ways to establish a legally authorized workforce and guest worker program as immigration policies are developed.

SAF's "ASK"

Oppose stand-alone mandatory E-Verify legislation, including S.179, the "Accountability Through Electronic Verification Act," which would cripple our agricultural economy. Support true reform which includes enforcing immigration laws at the border, improving verification of employment authorization and creating an acceptable agricultural workforce development program.

WHAT IT IS:

The dangers to agriculture of passing standalone mandatory E-Verify cannot be overstated.

Under the 1986 immigration reform bill, employers face penalties for hiring workers who are not legally in the country and authorized to work. Employers must follow a document inspection process for each new hire to avoid sanctions and must accept documents that appear genuine. Since then, growers have had no reliable way of knowing if they are hiring legal employees because they must accept documents that appear genuine or face potential charges of discrimination.

It is estimated that as much as 70 percent of agriculture's current 1.8 million workers are unauthorized and utilize false documents. As a result, many trained and trusted employees who have been with a company for years may be unauthorized and subject to deportation due to Immigration and Customs Enforcement (ICE) audits or raids. Proponents of stronger employment verification enforcement support the creation of a mandatory electronic verification system known as E-Verify.

The current document based verification system has problems which must be fixed, but most importantly, a mandatory E-Verify without consideration of the impact on the agricultural workforce will deprive the industry of its workforce and threaten America's economy and food security. Any solution must deal with this fact.

Agriculture contributes more than \$100 billion each year to our economy. Two to three additional American jobs are supported by every agricultural job. A huge sector of the industry relies on manual harvesting of fragile flowers, fruits and vegetables and that

manual labor supply is shrinking. Due to Congress' failure to pass a viable immigration policy, agricultural production is downsizing or moving offshore.

Based on a 2014 farm labor study conducted by the American Farm Bureau Federation, the impact of an enforcement-only approach to immigration that causes agriculture to lose access to its workforce would result in agricultural output falling by \$30 billion to \$60 billion.

Agriculture already faces a critical lack of workers. Wages are not the issue. The average wage in agriculture is well above minimum wage and higher than some service sectors where the work is typically indoors, year-round, and less demanding. Few Americans apply for labor-intensive, and often seasonal, jobs.

WHERE IT IS:

Always difficult and contentious, the issue became almost radioactive during the last Congress.

Then-President Obama issued several executive actions which stopped the deportation of undocumented immigrant parents of U.S. citizens and legal residents and expanded an earlier order that shielded from deportation undocumented immigrants who were brought to the United States as children. He also issued another executive action that granted work permits to foreign workers on temporary work visas and extended the visas for H-1B workers.

The unilateral actions by the president enraged Republicans in Congress who not only opposed his policies but also charged that the actions unlawfully circumvented Congress.

During the 2016 presidential campaign, Donald Trump made securing America's borders, deporting those illegally in the U.S., and enforcing existing immigration laws a centerpiece of his campaign.

In his first week in office, President Trump signed an executive order that required the immediate construction of a wall on the Mexican border, another order to ban federal funds to "sanctuary cities" that do not cooperate in the identification and deportation of those in the country illegally, and a third order placing a six-month hold on all refugees from countries that have been cited as sources of terrorists.

The Department of Homeland Security issued two memos implementing the orders. The memos noted that DHS would make it a priority to remove not only those undocumented immigrants convicted of a serious crime, as the Obama administration did, but also those who were charged with a crime, who could face such a charge, who have defrauded the government or misrepresented themselves, who have misused government benefit programs, and who pose a risk.

DHS personnel can arrest or apprehend anyone suspected of violating immigration laws.

The Trump Administration was reported to also be drafting another order to “deny admission to any alien who is likely to become a public charge” and would deport immigrants who do become dependent on public services within five years of arriving in the country.

Another order would restrict the number of H-1B visas, typically issued to those in high technology fields, and prevent them from being issued to foreign nationals who are found to be “not in the national interest.”

After years of frustration and with President Trump in office, the Republican majority in Congress is prepared to act on border security and possible interior enforcement.

There is a great deal of support to enforce current immigration law rather than consider reform. S.179, which would mandate that every employer use E-Verify to confirm the ability of employees to work in the United States, has been introduced in the Senate by the chairman of the Senate Judiciary Committee, Senator Charles Grassley (R-IA). No action has yet been taken on the bill.

WHAT TO SAY:

Enactment of a stand-alone E-Verify bill would cripple American agriculture, undermine our economy, threaten our food supply, and ultimately fail to control illegal immigration.

We are seeing severe worker shortages across the country. Agricultural employers, including floriculture growers, are already in a labor crisis – and it is getting worse.

Agriculture must have a solution for our current workforce and a mechanism to access a future labor supply before supporting E-Verify and other enforcement proposals.

A viable immigration policy needs to be established that secures our borders, our economy and our food supply. In order to achieve this, legislation should be enacted that includes providing legal status for current employees to ensure continued production in agriculture and also creates a new agricultural worker visa program that will provide access to a legal, reliable workforce into the future.

Agriculture does not want an exemption from a mandatory E-Verify program. An exemption would make agriculture an even greater target for enforcement measures. In recent years, enforcement and audits have been conducted at record levels. Many employers are found to be following the law, yet are forced to fire dedicated and experienced workers.

Agriculture does not want a phase-in period to a mandatory E-Verify program unless it is part of a new immigrant labor program to meet agricultural requirements. Without first

addressing agriculture's labor crisis with a solution that meets our workforce needs, no amount of phase-in time is adequate for our industry.

In the short term, legal status for existing employees is necessary to maintain economic stability in agriculture and maintain our food supply.

For long-term stability, a new visa program must be created to provide future access to workers with flexibility to meet the needs of agriculture.

Immigration policies must address the reality that our economy, our labor supply, as well as our borders, must all be secured.

When employers are suddenly forced to "do without" employees, businesses and communities are devastated. Every agriculture job supports an additional two to three jobs in the community. Agricultural production – and the economy – suffer.

YOU MIGHT HEAR:

"These people have broken the law. I can't reward breaking the law."

- **Entry without inspection is definitely against the law but is in the same category as violations like trespassing or speeding which are satisfied through fines, etc. It is not criminal. Proposals supported by the industry incorporate penalties and fines for that violation and would require earning any work authority or legal status provided and showing a benefit to the U.S. economy.**

"Why take jobs away from Americans? U.S. agriculture just wants cheap labor."

- **We are not taking jobs away from Americans. Agriculture jobs are open for domestic workers and employers would always have to advertise for and hire any U.S. workers who are available and apply. As numerous economic studies have shown, the U.S. birth rate is not keeping up with future workforce needs or the retirement security needs of the current workforce. Hand harvesting is physical work traditionally done by a younger workforce. We are seeing an aging out of workers in agriculture with no available domestic replacement.**

"The borders must be secure first before anything can be done."

- **The borders have been increasingly secured as the number of patrol agents has quadrupled in the last 10 years effectively trapping people who have traditionally gone back and forth and has actually contributed to the illegal population problem we have today. To impose further border security and mandatory E-verify enforcement without an accompanying solution to agriculture workforce development will devastate the agricultural industry resulting in billions of dollars of lost revenues.**