

U.S. Seeks Rules to Allow Increase in Guest Workers

THE NEW YORK TIMES

October 10, 2007

By STEVEN GREENHOUSE

Bush administration officials said yesterday that they were developing new rules so the nation's farmers could bring in more foreign guest workers to prevent a recurrence of problems like growers' letting their fruit rot because there were not enough laborers for the harvest.

Farm groups have long pressed the administration to eliminate hurdles that make it hard to bring in guest workers, saying they face a crisis because stepped-up federal immigration enforcement has reduced the number of farm workers. By many estimates, more than half of the nation's 2.5 million farm workers are illegal immigrants.

Administration officials said they saw a need to make procedural changes and larger regulatory changes in the guest worker program after Congress killed an immigration overhaul last summer.

"The current temporary agricultural worker program has become too antiquated and too cumbersome to be used effectively by producers," said a White House spokesman, Scott Stanzel. "The program needs to be updated to reflect today's economy and to utilize technological and other advances."

Under the H-2A program, farmers can bring in temporary workers after demonstrating that American workers are not interested in the jobs and after going through a lengthy application process. Currently, they bring in about 50,000 such workers a year.

After President Bush called for changes in the program on Aug. 10, the White House, the Department of Labor and the Department of Homeland Security solicited recommendations from farm groups on how to streamline the program.

The administration is pressing ahead on that effort, first reported in The Los Angeles Times, after some growers in the Northwest let their cherries and apples rot because of a shortage of workers and after some growers in North Carolina did not plant cucumbers this year because they feared not having enough workers for the harvest.

The National Council of Agricultural Employers has written to the administration to urge changes like speeding up the H-2A application process, easing housing requirements for guest workers, reducing the required wage for these workers and increasing the types of work they are allowed to do — poultry processing might be included, for instance. Grower groups have also urged the administration to ease requirements that they run newspaper advertisements to determine whether American workers want the jobs.

The council's executive vice president, Sharon M. Hughes, said the application process often took so long that by the time some farmers obtained guest workers the harvest was over. Ms. Hughes said the number of farm workers available was down about 200,000, or nearly 10 percent, from last year because of more aggressive border enforcement.

"Right now," she said, "the H-2A program provides about 2 percent of the farm work force and for us to try to double that number with the current government infrastructure would cause it to collapse on itself unless we have these reforms."

The executive vice president of the Western Growers Association, Jasper Hempel, said: "We're caught in a vise. When labor isn't available, we have a legal program using H-2A, but many farmers can't use that program because there are so many impediments. They throw up double requirements. They don't process papers when they say they will. There isn't enough staff."

Grower groups say that even more than administrative changes, they would prefer enacting stalled legislation that would greatly streamline the H-2A program and create a path to citizenship for many undocumented farm workers.

A Labor Department spokesman, David James, said the administration was mindful of the farmers' concerns.

"The Department of Labor," Mr. James said, "is now in the process of identifying ways the program can be improved to provide farmers with an orderly and timely flow of legal workers while protecting the rights of both U.S. workers and foreign temporary workers."

Advocates for farm workers have voiced dismay about the administration's plans and the industry's recommendations.

"The industry's demands would amount to a cheap foreign labor policy," said Bruce Goldstein, executive director of Farmworker Justice. "They would make it easier for employers to bring in guest workers and slash wage rates and other labor protections."

The administration also faces criticism from conservative groups that dislike bringing in more immigrants.

"If there is a demonstrable need for the workers, we have no objection to bringing them in," said Ira Mehlman, a spokesman for the Federation for American Immigration Reform, which opposes liberalizing immigration rules. "But here they're trying to tip the balance in favor of employers. The administration wants not just to cut down on administrative procedures, but to bypass the whole process that has been put in place to protect American workers."