

Biggest challenge to immigration reform may be guest workers

By Franco Ordonez - Bee Washington Bureau

Saturday, Nov. 24, 2012 | 10:16 PM

WASHINGTON -- As immigration talks resume, the public debate once again has zeroed in on the merits of granting some type of so-called amnesty to 11 million illegal immigrants. But another, more complicated dispute -- where the sides are equally entrenched -- is brewing behind the scenes between organized labor and business interests.

That debate, over how to manage future flows of legal immigration, particularly the size and scope of some kind of temporary worker program, could just as easily derail any type of immigration overhaul.

Farmers from California to North Carolina say they need more temporary workers to grow and pick crops. Increased border enforcement has made it harder to fill crucial agriculture jobs.

Plant managers in North Carolina and South Carolina, for example, have been forced to turn to prisons to man assembly lines at poultry plants. Farmers need more hands in the orchards picking nuts and fruits in California's Central Valley and grapes at vineyards in Washington state's Tri-Cities area.

"The workers are not here," said Manuel Cunha, president of the Fresno-based Nisei Farmers League. "You got to have milkers. You don't bring anyone out of the unemployment line to milk cows."

But labor unions are wary of expanding guest-worker programs, insisting on a path to citizenship and worrying about what they say are abuses of the guest-worker programs and unfair competition to American laborers.

In North Carolina, growers have been able to harvest their crops thanks to about 7,500 foreign workers employed by farmers through the federal H-2A temporary visa program.

The program brings foreign agriculture workers in for months at a time, pays wages for their labor and sends the workers home until the next season. In all, about 70,000 workers were hired through the H-2A program last year.

The program is widely criticized by farmers as cumbersome and expensive. Lee Wicker, deputy director of the North Carolina Growers Association, advocates for revamping the program to make it more cost effective and easier to use.

He said Americans simply do not want to do the back-breaking work picking fruits and vegetables.

"We had 270 U.S. applicants apply for 7,500 openings," Wicker said of this year.

Talks on developing comprehensive immigration legislation resumed this month after Latino voters overwhelmingly supported President Barack Obama for another term.

Republican leaders, mindful of the electorate's demographic changes, now say they're willing to discuss some type of path to legalization for some of the estimated 11 million people who are living in the United States illegally.

But in return, they say, border security must be improved and Democrats have to stand up to unions and support an expanded guest-worker program, including some non-agriculture jobs, in order to prevent future waves of mass illegal immigration.

Some fear that a path to legal status without an accompanying worker program would lure more undocumented immigrants into the United States.

"There is so much agreement on border security, employment verification," Sen. Lindsey Graham, R-S.C., told McClatchy Newspapers. "It breaks down on the number of guest workers. Unions hate that, but we have to have it. And the 12 million is a problem for the Republicans. We have to find some common ground."

A similar dispute, Republicans say, helped derail the Senate's 2007 comprehensive immigration bill. Then, an amendment was introduced that would have phased out a new program to increase the number of temporary workers. Republicans saw the temporary worker program as a critical compromise to limit future waves of illegal immigration.

Supporters of the 2007 bill warned the amendment could sink the deal, but the Senate adopted it in a 49-48 vote, including a "yes" vote from then-Sen. Barack Obama. It was widely seen as a deal breaker that helped unravel the coalition backing the bill.

"All the shouting in the media is about 'amnesty,' " Tamar Jacoby, president of ImmigrationWorks USA, which represents employers who favor more temporary workers, said in a panel discussion Friday about rethinking reform.

"But the real hard part is this conversation between labor and business and structuring a system that works. Literally in '06 and '07 there were two debates going on. One was on TV, but the real hard talks in the backroom were about business and labor and getting this right. And they were very stubborn talks."

Thousands of immigrant farmworkers and other low-skilled laborers come to the United States through seasonal guest-worker programs.

Many unions oppose the programs, saying they're rife with abuse and that immigrants have little recourse because they're tied to one employer and cannot change jobs.

Unions oppose a large expansion of temporary worker programs, but they support the creation of an independent commission to manage future worker flows based on labor market shortages. They say any bill also must include a path to citizenship.

"It's crucial," said Ana Avendano, director of Immigration and Community Action at the AFL-CIO. "Without it, we won't support a bill."

White House officials said they don't want to get ahead of the legislative process. But Republicans already are putting on the pressure, saying Obama must stand up to organized labor in order to get the deal passed.

According to a 2011 White House blueprint of ideas for immigration reform, Obama supports making changes to the H-2A program and also has suggested establishing a "new, small" temporary worker program for lower skilled, non-seasonal, non-agricultural workers to be hired when no Americans are available.

Republicans leaders, such as rising Republican star Sen. Marco Rubio of Florida, say a larger program is necessary to address economic needs and to prevent another mass wave of illegal immigration.

"It's also critical that whatever we do on legalizing folks that are here today is not done in a way that will incentivize folks to do that in the future," Rubio said last week at the Washington Ideas Forum.

<http://www.fresnobee.com/2012/11/24/3078060/biggest-challenge-to-immigration.html>