

# NYFB Labor Action Items

## New York Farmers Need Agricultural Immigration Reform



New York Farm Bureau • 159 Wolf Rd., Suite 300, Albany, NY 12205 • 1-800-342-4143 • <http://www.nyfb.org>

### AGRICULTURAL LABOR and IMMIGRATION REFORM

New York farmers have long had trouble in obtaining workers who are willing and able to work on farms. Jobs in agriculture are physically demanding, conducted in all seasons and require skill. In addition, dairy cows and other livestock need to be milked and cared for 365 days a year. These conditions are not attractive to many U.S. residents seeking employment, and agricultural employers are finding it increasingly difficult to attract and retain workers while competing with other industries. As such, farmers often rely on workers who appear to have legal status to be working in the United States and foreign workers, who are admitted under a government sponsored temporary worker program known as H-2A temporary guest worker program.

The number of H-2A workers employed in New York State to help harvest crops like fruits and vegetable as well as perform seasonal jobs has increased greatly over the past several years. ***New York State ranks in the top 10 for certified H-2A positions (number 9 out of all 50 states) with 8,482 positions in FY 2020 or 3% of total certified positions (USDOL 2020).*** This highlights the importance of the H-2A program to New York farmers as well as the importance of making it an effective and cost-efficient program. However, the cost of the program continues to increase as wage rates continue to rapidly increase and the paperwork associated with the program is quite cumbersome. Despite the challenges the COVID-19 pandemic has brought to farmers, demand for the H-2A program continues to grow.

Review of Positions Certified FY 2020 EOY (% of total certified FY 2020 EOY)			
Top 10 States of Employment	Florida	39,064	14.2%
	Georgia	27,614	10.0%
	Washington	26,832	9.7%
	California	25,453	9.2%
	North Carolina	22,052	8.0%
	Louisiana	11,332	4.1%
	Michigan	9,912	3.6%
	Arizona	8,602	3.1%
	New York	8,482	3.1%
	Kentucky	6,952	2.5%

### The Need for A Better Agriculture Visa Program

Unfortunately, neither our current H-2A guest worker visa program, nor relying on workers who may have questionable legal status is providing a reliable supply of workers. The current guest worker visa program is not available to dairy farm workers and other year-round agriculture positions due to the seasonal requirements of the H-2A visa. Either reforms to the current H-2A visa program or a new worker visa program are needed. This includes allowing for both seasonal and year-round employment, consistent wage rates for both employers and employees, and a streamlined and flexible program that would allow farmers to offer workers either contract or at-will employment.

### Pathway for Current Farm Workers

Of the approximate 50,000 farm workers in New York State, it is estimated that over a half do not have status to work in the U.S. Farm workers need to have the opportunity to gain legal status, through an adjustment of status. These could include showing proof of steady employment in agriculture, paying taxes, and passing a criminal background check. It is also important that any legislation which provides an adjustment of status for these farm workers have a probationary period allowing individuals to gain status without retaliation.

### Action: Support comprehensive agriculture immigration reform that includes:

- A redesigned, affordable guest worker program that allows the employment of both seasonal and year-round workers.
- A pathway for current agricultural workers to gain legal status to work in the agricultural industry.