United States General Accounting Office

GAO

Draft Report to Representative Howard Berman

September 1998

H-2A AGRICULTURAL GUESTWORKER PROGRAM:

Experiences of Individual Vidalia Onion Growers

Notice:

This draft is restricted to official use.

This draft report is being provided to obtain advance review and comment from those with responsibility for the subjects it discusses. It has not been fully reviewed within GAO

B-

September 10, 1998

The Honorable Howard Berman
House of Representatives

DRAFT

Subject: H-2A Agricultural Guestworker Program: Experiences of Individual Vidalia Onion Growers

Dear Mr. Berman:

Some members of the Congress, agricultural employers and the press have reported incidents where growers have experienced worksite enforcement efforts by the Department of Justice's Immigration and Nationalization Service (INS) that have left them with a shortage of labor during key harvest periods. The H-2A program provides a way for U.S. agricultural employers to bring nonimmigrant foreign workers (hereafter referred to as "H-2A workers") into the country to perform seasonal agricultural work on a temporary basis when workers within the United States are unavailable.[1] To qualify for the program, employers must demonstrate a shortage of agricultural workers in the United States (hereafter referred to as "domestic workers"). One step employers must take in demonstrating that domestic workers are not available is to attempt to recruit domestic workers within a multi-state area where workers have traditionally been found or are expected to be found and be unsuccessful in doing so. Employers must also agree to provide specified wages, benefits, and working conditions to both domestic and H-2A workers.

---

[1]See 8 U.S.C. 1101(a)(15)(H)(ii)(a).

On December 31, 1997, we issued a report reviewing various aspects of Labor's H-2A agricultural guestworker program, including the likelihood of a widespread agricultural labor shortage and its effect on the need for nonimmigrant guestworkers, such as those obtained from programs like H-2A.[2] In May 1998 you sent us a letter asking us to provide information regarding the experiences of selected agricultural employers or growers with both INS and the H-2A guestworker program. In subsequent discussions with your office, we agreed to provide information describing the recent experiences of individual onion growers in the proximity of Vidalia, Georgia. You asked that we specifically address the following questions:

- What was the experience of these growers with the INS, the H-2A agricultural guestworker program, and the Georgia State Employment Service?

- What wages, benefits, working and living conditions were offered and proposed to prospective domestic and H-2A workers?

- What recruitment efforts were conducted and proposed regarding domestic and H-2A workers?

- How consistent is the information we obtained for this review with the information we reported in December 1997?

To answer your questions, we interviewed Labor and INS officials at headquarters and in Atlanta, Georgia; officials at the Georgia Department of Labor; and five onion growers, including officers of Vidalia Harvesting, Inc., the organization that submitted an application for H-2A workers. We also interviewed farm labor advocates in Georgia,

---

[2] H-2A Agricultural Guestworker Program: Changes Could Improve Services to Employers and Better Protect Workers (GAO/HEHS-98-20, December 31, 1997).

Florida, and Texas as well as farm labor employment agency officials and recruiters in Georgia and Texas. Finally, we reviewed H-2A applications and related correspondence, INS worksite enforcement documents, and other related documents. We conducted our work in accordance with generally accepted government auditing standards between July 1998 and August 1998.

In summary, in response to earlier INS warnings that it was planning to target illegal farmworkers in the Vidalia onion producing area of Georgia, growers filed an application for H-2A workers in February 1998 with Labor and the Georgia Employment Service. However, the growers we spoke to told us that they dropped this application because they believed the program was too costly and left them vulnerable to lawsuits from labor advocates. Because the growers had withdrawn their application and INS officials believed that growers were employing many workers unauthorized to work in the United States, INS conducted an enforcement action in the Vidalia, Georgia area in May 1998, during the height of the onion harvest. Although INS' enforcement operation lasted only 1 day and resulted in the detention of 21 workers out of an estimated harvest workforce of 3,500, growers reported widespread disruption to the onion harvest covering periods from a few hours to a few days because workers, both those legally and those not legally authorized to work, stayed away from work out of fear. Growers did not know that, in the event of an unexpected shortage of workers such as that caused by the INS enforcement action, Labor could certify an H-2A emergency application quickly--by waiving the requirement that growers apply 60 days before the date workers were needed.

The wages and benefits growers offered to domestic workers differed from those that would have been required had the growers hired workers under the H-2A program. Specifically, the wage rate Labor said growers would have to pay to both H-2A and domestic workers doing similar work, as a condition for obtaining H-2A workers, was higher than the rate growers reported that they currently paid to domestic workers. In addition, some growers provide housing to some or all of their domestic workers for which they generally charge workers a maintenance fee. Under the H-2A program the growers would have been prohibited from charging a maintenance fee and would have had to provide housing to all workers, who live too far to commute–both H-2A workers and domestic workers.

If the growers had pursued their application to bring in workers from outside the United States through the H-2A program, their efforts to recruit domestic workers would have had to be more extensive than they were for the 1998 harvest. The growers have traditionally relied on approaches such as the use of farm labor contractors (crew leaders) who bring workers from the traditional migrant sources in Florida and other states that stay throughout the harvest season. Labor accepted the growers' plan for how they would first actively recruit domestic workers before obtaining H-2A workers. This plan included the provision that growers use farm labor contractors and pay them a "reasonable fee" of $8.00 per worker for their services. Because the growers dropped their H-2A application early in the process, however, the recruitment plan was never used, and the growers relied on their traditional recruitment strategy. The growers we spoke with did not attempt to recruit workers directly from onion growing regions of Texas because they considered the recruitment fees to be too high, although officials at Texas farm labor employment agencies we interviewed contend they had large numbers of workers available.

In general, the information we obtained during this review regarding the availability of workers within the U.S., INS's limited enforcement capabilities, and the prevalence of confusion about the requirements of the H-2A program, is consistent with the information we reported in December 1997.

BACKGROUND

Growers of many fruits and vegetables rely on low wage workers to perform seasonal farmwork, including tasks such as planting, pruning, harvesting, and packing. Workers must be available when needed or growers, particularly during the harvest, can suffer financial losses. Ensuring an adequate supply of harvest labor is especially important for crops with relatively short harvesting periods. Domestic workers can be U.S. nationals, U.S. citizens, or aliens who present documentation that they are legally authorized to work. Many domestic workers currently employed in U.S. farm work, however, are not legally authorized to work in the United States. Labor estimates that 37 percent of all farmworkers within the United States are not legally authorized to work in this country. Farmworkers are predominantly foreign born, Hispanic and male.[3]

Vidalia onions, a vegetable that has grown in popularity in recent years, are only grown within 20 small counties in southeast Georgia. Many of the approximately 147 registered Vidalia onion growers from this region also produce other crops, including tobacco, and other vegetables, such as collard greens. The harvesting season for Vidalia onions stretches from late April to the middle of June. An estimated 3,500 workers are employed during the peak of the Vidalia onion harvest. The annual cash value of the Vidalia onion crop is estimated to be about $60 million.

The purpose of the H-2A program is to help ensure agricultural employers an adequate labor supply while protecting the jobs, as well as the wages and working conditions, of domestic workers. Under the program, agricultural employers who can demonstrate a shortage of domestic workers can request authorization to use H-2A workers. During fiscal year 1997, agricultural employers used the H-2A program to import over 23,000 workers, about a 53-percent increase over fiscal year 1996 levels.[4]

[3]Labor's National Agricultural Workers Survey found that in 1995, 69 percent of all farmworkers were foreign born; 78 percent of these workers were Hispanic, with most of these workers from Mexico. About 80 percent of all farmworkers were male and about two-thirds were younger than 35. See A Profile of U.S. Farm Workers: Demographics, Household Composition Income and Use of Services, April 1997, U.S. Department of Labor, Office of the Assistant Secretary for Policy, p.1-5.

[4]GAO/HEHS-98-20, Dec. 31, 1997, p. 18.

Justice, through INS, authorizes the State Department to issue nonimmigrant visas for H-2A workers only after Labor certifies that a labor shortage exists and that the wages and working conditions of domestic workers similarly employed will not be adversely affected by the importation of the H-2A workers. This certification is based on, among other things, proof that the employer has actively recruited domestic workers, that the state employment service has certified a shortage of farm labor, and that housing to be used for H-2A workers meets health and safety requirements. The Department of Agriculture (USDA) conducts surveys and advises Labor in Labor's determination of the minimum wage rates to be paid by employers of H-2A workers--the so called "adverse effect wage rates"--which are designed to mitigate any adverse effect their employment may have on domestic workers similarly employed. The state employment service agencies also conduct wage surveys to determine the wages prevailing in a particular area or crop. Federal agencies are responsible for protecting the workplace rights of both H-2A and domestic workers. Labor's Wage and Hour Division (WHD), part of the Employment Standards Administration (ESA), is responsible for ensuring that agricultural employers comply with their statutory and contractual obligations to H-2A workers, including wages, benefits, and working conditions. The H-2A program's equivalent treatment or "prevailing practices" provision requires that the employers provide the same wages, benefits and working conditions to both foreign workers hired under the H-2A contract and domestic workers employed in "corresponding employment," such as migrant and seasonal farmworkers recruited through the Interstate Clearance System.[5] For example, employers of domestic workers recruited through the interstate clearance system must pay the workers the prevailing wage rate as determined by the state employment service and provide worker housing certified as meeting minimum health and standards. Both H-2A workers, as well as any domestic workers, must be offered the higher of the minimum wage, the prevailing wage, or the adverse effect wage rate.

[5]The Interstate Clearance System is a national network operated by Labor's Employment and Training Administration in conjunction with the individual state employment service agencies, where job orders are posted and referrals are made.

In order to protect the employment opportunities of domestic workers by giving them first choice of accepting these temporary positions, H-2A provisions also require that before Labor certifies that a labor shortage exists, an employer must conduct "positive recruitment" activities; that is, the employer must actively recruit domestic workers for the requested H-2A job openings. As part of this recruitment requirement, employers must submit to the local state employment service agency a copy of the H-2A application, which includes a job offer for the H-2A positions that the state will enter into the interstate clearance system. Employers must also actively recruit workers in the ways described in the recruitment plan Labor approved as part of their application.

In addition to admitting qualified workers under the H-2A program, INS is responsible for protecting domestic workers by ensuring that (1) foreign workers do not enter the United States illegally and (2) U.S. employers do not knowingly hire illegal workers. Within INS, border management is largely the responsibility of the Border Patrol, while INS investigators throughout the country are responsible for identifying, apprehending, and expelling illegal workers and for sanctioning employers who knowingly hire individuals who are not authorized to work in this country.

Our December 31, 1997 report assessed the H-2A program's ability to meet the needs of agricultural employers while protecting U.S. and foreign agricultural workers, both at present and if a significant number of nonimmigrant guestworkers is needed in the future. We concluded that

- A sudden widespread farm labor shortage requiring the importation of large numbers of foreign workers is unlikely now or in the near future, although localized shortages could exist for specific crops or geographic areas.

- Although many farmworkers are not legally authorized to work in the United States, INS does not expect its enforcement activities to significantly reduce the aggregate supply of farmworkers.

- While few agricultural employers seek workers through the H-2A program, those that do are generally successful in obtaining workers on both a regular and an emergency basis. However, the Department of Labor does not always process applications on time, which makes it difficult to ensure that employers will get workers when they need them.

- Poor information on H-2A program access and the involvement of many agencies in the program may result in redundant oversight and could confuse employers who are considering participation.

The report presented a series of recommendations to the Departments of Labor and Justice that could enhance the H-2A program's ability to ensure growers an adequate supply of workers while maintaining protections of the wages and working conditions of foreign and U.S. farmworkers.

GROWERS' DECISION NOT TO USE THE H-2A PROGRAM LED TO INS ENFORCEMENT ACTIONS

In the year prior to May 1998, INS had participated in meetings with the Georgia onion growers, officials from the Georgia Employment Service, farm labor advocates, and other interested parties to discuss how to ensure an adequate supply of legal workers for the Vidalia onion industry. The growers had publicly acknowledged the presence of large numbers of illegal workers in their industry and wanted to explore options for obtaining a legal workforce, including the use of the H-2A program. During these meetings, INS officials urged the growers to consider either accessing the H-2A program or otherwise ensuring they were obtaining legal workers. INS had said that failure to either access the program or otherwise ensure a legal workforce would result in an INS enforcement action in the midst of the onion harvest. Growers agreed to explore using the H-2A program.

On February 13, 1998, a number of Vidalia onion growers, organized as Vidalia Harvesting, Inc. filed an application with Labor for H-2A workers. Labor initially rejected the application citing the applicant's failure to offer the prevailing wage rate, provide a description and location of housing, or include a recruitment plan for domestic workers. It also cited a lack of specificity in the work to be performed under the contract. The growers submitted modifications that corrected the last three deficiencies. At the same time, they contested the accuracy of the prevailing wage rate set by Labor, asserting that Labor's proposed wage was inconsistent with the actual local prevailing wage rate. On February 25th the growers filed an appeal for an administrative hearing on the issue of the prevailing wage. However, on March 4th, prior to the hearing, the growers dropped their application for H-2A workers.

Growers told us that they withdrew their application primarily because they disagreed with Labor's determination of the prevailing wage that was to be paid to the H-2A workers. In addition, growers told us that they feared that participating in the H-2A program would leave them open to potential lawsuits by worker advocacy groups, who the growers believed opposed the use of the H-2A program in their area.

INS officials told us that they targeted illegal farmworkers harvesting Vidalia onions in response to the growers' decision to abandon their effort to obtain H-2A workers and reports that the growers were using illegal workers. They also described the enforcement action as a response to the urging of a member of Congress to take action against the use of illegal workers in the Vidalia area. INS' operation plan for this action states that "The intent is to conduct an enforcement operation in the target area to target those farmers who are employing illegal aliens versus utilizing the H-2A program provided. Upon completion of the operation the farmers in the target area will then begin to utilize the H-2A program." INS officials told us that an additional motivation behind their enforcement action was the desire to contradict the impression presented in our December 1997 report that INS was not going to conduct enforcement operations in agriculture.[6] Despite citing this motivation, INS officials acknowledged that the difficulties we had presented in our 1997 report about detaining large numbers of illegal workers in agriculture were accurate--that it would be operationally impossible to remove the large number of illegal workers from agriculture, an action which could create a nationwide farm labor shortage.

Prior to their enforcement action, INS officials notified the growers, the Georgia Department of Labor and the Mexican consulate that an enforcement action was imminent during the forthcoming harvest season. They did not, however, make public the place or the date.

INS initiated its planned 10-day operation, called "Southern Denial" on May 13, 1998, during the peak of the Vidalia onion harvest, targeting several farms in the Toombs and Tattnall County area of southeastern Georgia that it believed to be employing illegal aliens. INS worksite enforcement activities were limited to 1 day and involved efforts to apprehend and detain illegal aliens at the two separate farms.[7] During the first day of

---

[6] In our report, we outlined INS' inspection priorities, which emphasized "abusive employers"; the significant operational difficulties in conducting enforcement actions in agriculture; the costs of detaining large numbers of unauthorized workers; and the comparatively small number of inspections conducted at agricultural worksites, with little prospect of this number increasing. See H-2A Agricultural Guestworker Program: Changes Could Improve Services to Employers and Better Protect Workers (GAO/HEHS-98-20, Dec. 31, 1997). pp. 34-35.

[7] According to an INS summary of the enforcement action, the foreman at the first farm consented to an INS search of the premises and 14 workers were detained. The second action involved an open field with an estimated 75 workers harvesting onions. INS agents were initially unable to locate a farm manager or owner and were, therefore, unable to question workers that remained in the field. They did detain 4 workers who fled that field. Soon after, INS reported that its agents were met by the owners of the second farm, a Congressional staff member, and a reporter for a Georgia newspaper. The owner of the farm challenged the authority of the INS to enter the field and detain or question workers and refused INS' request to question the 20 workers who remained in the field. INS officers apprehended and detained three additional persons away from both farms

operations, the growers asked the INS to suspend operations and meet with them to discuss the situation. INS suspended operations and, after negotiations that included meeting with both growers and Congressional staff, presented a written agreement to the growers on May 19th. The growers agreed to share with INS all business records, including payroll records, involving the farm labor contractors with whom they did business. The growers also agreed to hire legal workers in the future.

Although INS officers apprehended only 21 workers out of a estimated regional harvest workforce of 3,500, all of the growers we spoke to reported some short-term disruptions in production because workers, both legal and illegal, fled or did not report for work. Estimates of these disruptions ranged from an hour to several days. Growers reported some financial losses, including one as high as $100,000 out of a $2.5 million crop, and strained relations with some large customers. Other growers reported smaller financial losses. We did not verify the accuracy of the growers' loss estimates.

Despite the potential for losses from the raid, both the growers and Georgia Employment Service officials told us that they were unaware that the statutory requirement that growers submit H-2A applications at least 60 days prior to the date of need could be waived when growers had an emergency need for workers. The growers' consultant who filed their regular H-2A application told us that he could have supplied workers through the H-2A program on an emergency basis to the affected growers within a week of their application but that none of the growers requested such assistance.

---

who were fleeing the area.

WAGES AND BENEFITS GROWERS PROVIDED TO DOMESTIC FARMWORKERS DIFFERED FROM THOSE REQUIRED UNDER THE H-2A PROGRAM

The wages and working conditions Vidalia onion growers provided during the 1998 harvest season to domestic farmworkers differ from what the H-2A program would have required. For domestic workers, these growers reported paying a piece rate of 70 to 75 cents per 60-pound bag of onions to workers harvesting onions and hourly wages ranging from $5.15 to $6.00 for workers in the packing shed. Some of the growers provided housing to some or all of their workers, using both housing on the farm and at local hotels. Growers told us that they generally charged a maintenance fee for the housing on their farms, which was as high as $200 per month for housing accommodating a worker's family of five people. Growers also told us that they did not increase either the wages or benefits offered in order to replace any workers lost due to INS' enforcement actions.

The growers' biggest concern with the H-2A program was the requirement that they pay the H-2A workers a prevailing wage rate determined by Labor to be 80 cents per 50-pound bag of onions. The growers we spoke to believed that this rate was too high and that the prevailing wage survey conducted by the Georgia Employment Service was flawed. The growers said that there is only one size bag used in the Vidalia area and it is a 60-pound bag. All of the growers we interviewed reported wage rates of 70 cents to 75 cents per 60-pound bag. The assertions of the growers we talked to, however, conflict with information we received from other sources in the Vidalia onion industry regarding the weight of a "standard" bag. For example, the Vidalia Onion Committee, the industry trade group, publishes production statistics estimating the average number of 50-pound bags of onions that are produced per acre. If the growers had participated in the H-2A program, the Labor-specified prevailing rate of 80 cents per 50-pound bag would have been 28 percent higher than the rate of 75 cents per 60-pound bag. If a 50-pound bag is actually the customary practice, however, so that the 75-cent rate is for a 50-pound bag, the prevailing wage rate specified by Labor for participation in the H-2A program would have been about 7 percent higher than the rate growers had been paying.[8]

As another factor to be considered, growers using H-2A workers would also have been prohibited from charging housing maintenance fees to both H-2A workers and domestic workers similarly employed, as is their current practice. The growers also expressed dissatisfaction with the H-2A program's disparate treatment provisions that require growers employing workers from outside the country under the H-2A program also provide housing to domestic workers from outside the work area who are employed doing similar work. Growers expressed confusion, however, about the details of this provision. For example, one of the largest onion growers thought that he would be required to provide housing for the 25 telephone operators he employs in his mail order business if he provided it to H-2A onion harvesters although this was clearly not the "similar employment" that triggers this requirement.

Growers also expressed the view that the H-2A program tended to encourage costly litigation about wages, benefits and working conditions from labor advocates. Many of the growers we spoke to feared being sued by labor advocate groups about housing or other issues. They believed these groups would sue them simply because the groups opposed the use of H-2A domestic workers in the area. For example, the consultant retained by the growers to advise them on their H-2A application stated that, at one point, the growers considered creating a separate corporation that would be the entity for importing H-2A workers. The proposed corporation would have had sufficient housing for the incoming H-2A workers but would have employed no domestic workers so

---

[8]The actual increased wage cost of H-2A workers is also difficult to determine because some employer payroll costs for domestic workers, such as Social Security and unemployment insurance taxes are not paid on the wages earned by H-2A workers. Conversely, growers must provide workers' compensation insurance for both H-2A workers and any domestic workers they employ for similar work. Under Georgia state law, growers not employing H-2A workers are not required to provide such insurance for domestic workers.

growers would not be subject to the disparate treatment provisions requiring them to provide housing to domestic workers. According to the consultant, labor advocates had made it clear that they would sue the growers if that strategy was pursued and, therefore, it was dropped.

Growers we talked to believe the H-2A program should be revised to make it work in the Vidalia onion industry. Among their concerns, they opposed current program rules requiring that growers guarantee H-2A workers wages for three quarters of the contract period regardless of market or weather conditions, the payment of an adverse wage rate and the requirement that H-2A applications be submitted 60 days prior to the date of need. Although they supported the requirements of employer-provided housing and vigorously opposed the use of housing vouchers, they thought that growers should be permitted to charge workers housing maintenance fees.[9] They also believed that farm labor contractors should be more tightly regulated to protect growers and workers from unscrupulous farm labor contractors. The growers have submitted to their Congressional representatives a written 10-point proposal for changes to the H-2A program,which we have included as enclosure I.

GROWERS' RECRUITMENT EFFORTS DIFFER FROM THOSE REQUIRED UNDER THE H-2A PROGRAM

Growers applying for permission to bring in workers from outside the United States through the H-2A program would have had to conduct more extensive recruitment efforts to obtain domestic workers than they used for the 1998 harvest. The onion growers used

[9]Growers, their consultant and officials from the Georgia Employment Service we interviewed all opposed the use of housing vouchers. They expressed fears about the impact of vouchers on the communities where workers would be brought, believing that vouchers could result in substandard working conditions for farmworkers and could spread communicable diseases like tuberculosis. The growers' proposal also did not recommend moving the H-2A program out of Labor or eliminating the requirement of Labor certifying a labor shortage.

an assortment of strategies to meet their 1998 harvest labor needs, drawing domestic migrant workers mostly from outside the Vidalia onion growing area, as has been their custom for many years. Growers we interviewed told us that most of the growers used workers provided by farm labor contractors and some groups of workers who perennially come to the Vidalia area for the harvest from Florida and other states. They stated that, in general the farm labor contractors and workers just "show up" without advance notice. Growers told us that they also filed job offers with the Georgia State Employment Service, although they received comparatively few workers from this source. The growers told us that while these sources provide sufficient labor, they are concerned about the extent to which these workers provide fraudulent documents, particularly when the workers are not clearly born in this country.

Growers told us that they have practical problems meeting the Immigration and Nationality Act requirements for them to verify that workers are either U.S. citizens or otherwise authorized to work in the U.S. They said that when they review the required documents, they cannot distinguish between those that are valid and those that are fraudulent. They also fear that the only way INS will accept that workers are legally authorized to work is if they are H-2A workers.

In response to INS's notice that they planned to target enforcement efforts at farmworkers harvesting onions, attorneys for Vidalia Harvesting Inc. contacted labor advocates in Georgia, Florida, and Texas for assistance in identifying sources of labor. These advocates provided the attorneys with a list of farm labor recruitment agencies and farm labor contractors in both Florida and Texas who in turn provided names to the growers. However, few growers contacted these sources.

In order to participate in the H-2A program, Labor required that the growers develop a recruitment plan for hiring domestic workers. The plan, developed by the growers and approved by Labor, specified that the growers would take the following actions:

- contact former workers

- advertise in the local radio and print media
- hold a job fair
- advertise in Texas and Florida
- use the state Employment Service, including the interstate job clearance system
- use word of mouth
- use their consultant as a labor recruiter, and
- use other recruiters and farm labor contractors, including crew leaders.

Labor required that the growers fully use all means of recruitment in their approved plan, including the use of farm labor contractors. Labor specifically directed that the plan include the use of recruiters and farm labor contractors–and that they were to be paid a reasonable fee for their services–because they had determined that using contractors was a prevailing practice among the Vidalia growers. The reasonable fee proposed by the growers, and accepted by Labor, was $8.00 per worker.

Because the growers abandoned their application, this plan was never implemented. However, labor advocates and Texas farm labor recruiters we spoke to said that the growers would not have been successful in obtaining the services of farm labor recruiters because the $8.00 per worker fee was far too low to cover even the administrative costs of the typical recruiter. Labor recruiters we talked to in Texas reported fees ranging from $87 to $455 per worker. The owner of one farm labor recruitment agency stated that he had been contacted earlier in the season by a Georgia grower needing workers for the onion harvest. His total fees range from $255 to $448 per worker, including recruitment costs, depending on the number of workers requested and the length of the contract. For this fee he processes the paperwork verifying the employee's work eligibility, transports the workers to the worksite and provides a food allowance to the workers. In addition, he provides up to a 2-month guarantee that the worker is legally authorized to work and will complete the contract or the worker will be immediately replaced at no charge. While he stated that his firm could only process about 400 workers because of its limited size, with the other farmworker employment agencies in his area he could easily supply all the estimated 3,500 workers needed for the Vidalia onion harvest.[10] According to the farm labor contractor, the grower told him that his fees were too high, and he was not willing to pay more than $8.00 per worker.

If the growers had failed to recruit domestic workers under the H-2A contract and had been permitted to recruit H-2A workers from Mexico as they had requested, the growers would not have incurred any recruitment fees for these workers. This is because recruiters in Mexico can charge the fees to prospective H-2A workers for the privilege of participating in the H-2A program. Labor advocates reported they have heard of recruitment fees charged to foreign workers as high as $3,000 per worker.

INFORMATION OBTAINED IN THIS REVIEW IS CONSISTENT WITH 1997 REPORT

The information we collected from multiple sources–INS; Labor; the Georgia Employment Service; Vidalia onion growers and the consultant on their H-2A application form; labor advocates; and labor recruitment agencies–is generally consistent with the major findings and conclusions of our December 1997 report regarding the conditions of the agricultural labor market, the presence of unauthorized farmworkers, INS enforcement capabilities and priorities, and the prevalence of confusion about the requirements of the H-2A program.

---

[10]Texas labor advocates and a labor recruiter we spoke to said that the Rio Grande valley is one of the largest onion growing areas in the nation and currently has extremely high unemployment rates. The recruiter said that because the Vidalia, Georgia harvesting season occurs when many Texas farmworkers are unemployed, there would be no problem meeting the labor needs of the Georgia growers. Further, these workers would be legal, with the workers transported through INS checkpoints on their way to Georgia. Although some growers in the Vidalia area, including one who was one of the applicants for H-2A workers, used Texas onion workers in past years, Vidalia growers who contacted this recruiter earlier this year said that his fees were too high and refused his services.

Consistent with the findings of our report, the Vidalia onion growing area, in aggregate, appeared to have ample supplies of labor for its 1998 harvesting needs, although a significant proportion of that farm labor supply may have been fraudulently documented. The Vidalia onion industry provides a good example of the difficulties facing employers in conducting their operations as they attempt to comply with federal immigration and other workplace laws. The Vidalia onion growers defined a labor shortage as an inability to get sufficient numbers of domestic workers that they could be certain were not using fraudulent documents. However, as we reported, the growers do not currently have a means to identify fraudulent documents and could not refuse to hire the available workers without violating the Immigration and Nationality Act's anti-discrimination provisions.

The Vidalia onion industry also demonstrates the weaknesses in the current state employment service practices in certifying the existence of a labor shortage for H-2A applications. Officials at the Georgia Employment Service, which is responsible for certifying a labor shortage for the purposes of the H-2A program, told us that they rely primarily on the recruitment success of the employment service, including the interstate clearance system, to provide the workers requested on the H-2A job order. If sufficient workers are not referred through the clearance system, which in recent years has not been a significant source of farmworkers, the employment service then certifies the existence of a labor shortage for that application.

INS and Georgia state employment service officials that we spoke to also relied on the number of unemployed workers in a grower's county as a primary indicator in determining the existence of a labor shortage. Yet relying solely on unemployed workers living in the H-2A applicant's county to serve as the available pool of labor does not take into account workers from neighboring counties. More important, it does not consider domestic migrant workers available from other areas or states, including the traditional supply states of Florida and Texas that have historically provided the labor required to harvest the onions. On the other hand, the growers' success at recruiting these workers is dependent on their ability and willingness to pay the necessary recruitment and transportation costs to obtain these workers.

Although of short duration, the Vidalia onion growers experienced the sudden labor shortages we described in our 1997 report for those employers INS targets for their limited enforcement efforts. Such shortages may not be limited to the percentage of workers not legally authorized to work. For example, one of the largest onion growers told us that although most of the 300 workers in his packing shed were legally authorized to work, when INS agents arrived to obtain payroll records, these workers fled, refusing to return for up to 3 days.

Further, the Vidalia onion industry may have been unusually vulnerable to INS enforcement efforts in that regional INS enforcement officials received a congressional request to conduct an enforcement action, and the growers identified themselves as using unauthorized workers. As we described in our 1997 report, this INS operation demonstrated the operational impediments facing the agency in conducting large-scale enforcement efforts. Although INS and the growers believed that the vast majority of the 3,500 workers estimated to be employed in the Vidalia onion harvest lacked legal authorization to work, the operation resulted in the detention of only 21 workers. As INS officials acknowledged in their interviews with us, this is consistent with the findings of our 1997 report describing the impediments INS faces in conducting operations in agriculture, as well as the difficulty in balancing enforcement at agricultural worksites with its other enforcement priorities.

Confusion continues to hamper growers' efforts to access the H-2A program. Growers reported many concerns about the program, including issues about its wage, housing and recruitment requirements as well as other matters. However, the growers' application met every requirement except offering of the prevailing wage rate, which the growers had proposed to appeal. Further, the growers, while reporting disruptions in production from INS activity, also did not know that an emergency application for H-2A workers could be approved within days of an application. Although growers would have had to pay the prevailing wage rate that they had contested, according to their consultant he could have had H-2A workers in Georgia within one week.

As we stated in our December 1997 report, the current farm labor situation, coupled with the enforcement impediments facing INS in agriculture, may provide a window of opportunity to find viable alternatives to the use of illegal workers, including the use of other domestic labor supplies and reforms to the H-2A program that we suggested in our report. For example, during this review, we contacted a number of farm labor contractors and labor recruitment agencies in the Rio Grande Valley of Texas, a major onion producing region of the U.S., who told us that they could provide supplies of legal farm labor with experience in onions on short notice to Georgia growers. These workers, who growers or recruiters could transport through the many INS checkpoints located between the border areas of Texas in their transit to Georgia, could also be hired under a variety of relationships, including the direct supervision and payment of these workers by the Georgia growers themselves. It is conceivable that the use of domestic onion workers from Texas could alleviate the legitimate fear onion growers now have of hiring an illegal workforce.

- - - -

As arranged with your office, unless you publicly announce the contents of this correspondence earlier, we plan no further distribution until 1 day after its issuance date. At that time, we will send copies of this correspondence to other committees that have oversight responsibilities for federal agencies involved in the H-2A program. We are also sending copies to members who have previously expressed interest in these issues. If you have any further questions, please call me at (202) 512-7014. Other major contributors to this correspondence include Charles Jeszeck, Assistant Director, Lise Levie, Evaluator-in-Charge, and Robert C. Crystal, Assistant General Counsel.

Sincerely yours,

Carlotta C. Joyner
Director
Education and Employment Issues

DRAFT

DRAFT

Ten Point H-2A Reform Program of Georgia Growers Association

1. The requirement than an application must be filed at least 60 days prior to [the] need [for workers] should be reduced to 30 days.

2. [The H-2A] contract time should be amended to include "or duration of crop activity," and market conditions as well as acts of God should be considered legitimate reasons for ending the contract. (The three quarters guarantee would continue to apply to either case.)

3. [Labor's] regulations should be modified to allow the federal minimum wage rather than the Adverse Effect Wage Rate (AEWR) to be used as a base "training wage" for inexperienced workers for the duration of the training period stipulated in the contract. Further, employers should be allowed to specify agricultural experience as conditions of [workers] being hired.

4. Change the 50 percent rule so that once employers are certified [for the H-2A program] and foreign workers are employed, employers would be obligated only to hire local (non-immigrants who reside within commuting distance) applicants. We also recommend that the obligation to hire local workers be for the duration (100 percent) of the H-2A certification period or the duration of the crop activity.

5. Continue to require employer provided housing but allow reasonable charges (perhaps capped at $25 per week) to cover maintenance, repair, clean up and utility costs.

6. Eliminate the Adverse Effect Wage Rate (AEWR) and use only the prevailing wage rate for the area in which the employment occurs.

7. Allow foreign workers to move from one H-2A certified employer to another certified employer at any time during the certification period. Subsequent employers could amend their certifications and the final employers would be responsible for transportation back to the workers' country.

8. Strengthen the program of registering farm labor contractors (FLC) to require some sort of certification/licensing and bonding. At a minimum, allow employers to require bonding as a condition of employment.

DRAFT

9. Eliminate the requirement that FLCs must be hired by employers who apply for H-2A certification if use of FLCs is the prevailing practice in the area.

10. Create a national verification system so the employers can check on the legal status of domestic workers who are hired before and during the H-2A

DRAFT

Related GAO Products

H-2A Agricultural Guestworker Program: Changes Could Improve Services to Employers and Better Protect Workers (GAO/T-HEHS-98-200, June 24, 1998).

H-2A Agricultural Guestworker Program: Response to Additional Questions (GAO/HEHS-98-120R, April 2, 1998).

H-2A Agricultural Guestworker Program: Changes Could Improve Services to Employers and Better Protect Workers (GAO/HEHS-98-20, Dec. 31, 1997).

H-2A Agricultural Guestworker Program: Response to Additional Questions (GAO/HEHS-98-120R, April 2, 1998).

DRAFT

Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed (GAO/GAD-98-21, Dec., 11, 1997).

Passports and Visas: Status of Efforts to Reduce Fraud (GAO/NSIAD-96-99, May 9, 1996).

Border Patrol: Staffing and Enforcement Activities (GAO/GAD-96-65, Mar. 11, 1996).

Immigration and the Labor Market: Nonimmigrant Alien Workers in the United States (GAO/PEND-92-17, Apr. 28, 1992).

The H-2A Program: Protections for U.S. Farmworkers (GAO/PEMD-89-3, Oct. 21, 1988).

Debra

Could do
joint employment
+
Housing rules (waive)

Registry (pilot ?)
Housing
8 1/2 % (use for transportation)

Any other transportation $ that can be accessed (OMB ?) to front costs for all migrant workers ?)

Steve Redburn
talked to staff
FY2000 HUD
proposal on migrant
housing

USDA rural housing $

wages
housing
3/4 guarantee
recruitment (?)
legalization

50% Rule

TABLE OF CONTENTS

Introduction.. i

Major Findings.. iii

Chapter 1: Demographics.. 1

Ethnicity/Place of Origin... 1
Age.. 3
Gender.. 6

Chapter 2: Family Composition and Living Arrangements................ 8

Family Status... 9
Farm Workers and Their Living Arrangements.......................... 10

Chapter 3: Income and Poverty... 17

Income, Earnings and Assets of Farm Workers.......................... 17
Family Income and Poverty.. 24
Social Insurance and Service Programs..................................... 27

Chapter 4: Legal Status.. 33

The Changing Proportions of Legal Status Categories.............. 33

Survey Method.. 38

A Profile of U.S. Farm Workers: Demographics, Household Composition,

Income and Use of Services

Introduction:

This special report written for the *Commission on Immigration Reform* describes the current U.S. farm workers' population and trace trends since 1988. It relies on data collected by the U.S. Department of Labor's National Agricultural Workers Survey (NAWS).

The information is important to the Commission's work because farm workers represent a large, low-wage labor market which is made up mostly and increasingly of foreign born individuals. Moreover, due to the high turnover in the farm labor market, many of these individuals are young and relative newcomers to U.S. labor markets. The role of young, newcomer immigrants in our labor markets is a crucial issue which the Commission must confront.

The NAWS survey is uniquely well situated to shed light on the issue of immigrant-reliant labor markets. Since 1988, the NAWS, three times a year has surveyed a random sample of the nation's crop farm workers. The interviewed farm workers reveal detailed information about their basic demographics, legal status, education, family size and household composition, wages and working conditions in agricultural jobs, and participation in the non-agricultural U.S. labor force. This information allows for an in-depth look at current farm workers and for the tracing of changes occurring since 1988.

In chapter one, the report describes the current pattern and changing demographics of the farm workers' population touching on the ethnic composition, the age and gender distribution, and the division among immigration and citizenship categories. The survey demonstrates that during the study period (1988-1995), the farm workers' population became increasingly male, increasingly foreign born and that each successive period showed a higher proportion of foreigners working without legal authorization. The second chapter details the household composition of farm workers.

The chapter explores, in a novel way, the propensities of some farm workers to live away from their close family members while others tend to be accompanied by family while doing farm work in the United States. In the third and last chapter, the report describes the low level and lack of improvement in income and details the low social service utilization patterns of farm workers. Again, the comparison groups used for analysis are based on ethnicity, age, gender and immigration status.

Unless otherwise stated, the data reported in this paper are from the 1994-1995 period, or the most recent period with useable data. In addition, we include comparisons across all periods where significant trends exist. The term farm worker is used throughout the paper. However, the NAWS interviews only crop workers (not livestock) which the USDA estimates make up about two-thirds of all farm workers.

Major Findings:

- Over time the farmworker population has become increasingly male (now 80% are men).
- Over time the population has become increasingly foreign born (now 70% are foreign born).
- Farmworkers are very young (2/3 are less than 35) and almost one fifth are in their first year of US farm work.
- Most adult foreign farmworkers are married and have children.
- Most foreign born farmworkers with families live and work separately from their spouses and children.
- Most foreign farmworkers live with non-relatives.
- Most (3/5th) farmworkers are poor; and the proportion seems to be increasing over time.
- Despite their poverty few use social services.
- About 100,000 foreign-born eligble farmworker households may be excluded from each of the major programs such as food stamps, Medicaid and WIC due to legislation passed by the 104th Congress.
- The proportion of unauthorized rose quickly as citizens and the newly legalized population left.. In the 1994-1995 period, 37% of farmworkers were unauthorized, up from 7% in 1989.

Chapter 1: Demographics.

Introduction

This chapter addresses agricultural workers' national origin, age, gender, and their right to work legally in the United States.

Summary of Findings

- The proportion of foreign-born workers rose 10% from 1989 to 1995. Seven in ten agricultural workers were born outside the United States.
- Farm workers were quite young; two-thirds were under the age of thirty-five.
- The proportion of farm workers who were younger than 17 doubled from 4% in 1989 to 8%; most young workers were either white U.S. born or Mexicans and were found in specific regions of the country.[1]
- The participation of women in farm work declined over the last several years from 25% to 19%. One in three U.S. born workers was a woman whereas only one in eight foreign-born workers was a woman.

Ethnicity/Place of Origin

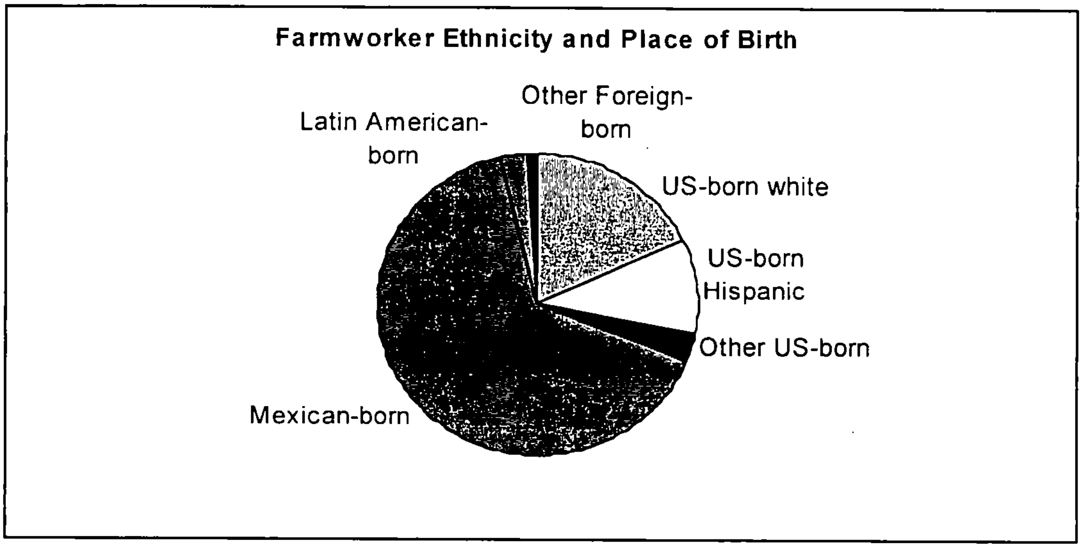
A fundamental characteristic of farm workers and a good place to start discussion of this population is their racial and ethnic diversity. To simplify this discussion, the farm work population has been divided into three U.S. born and three foreign-born groups. The three U.S. born groups are: (1) farm workers who are white and not Hispanic; (2) farm workers who identify themselves as Hispanic; and (3) all other farm workers born in the United States. The three foreign-born groups are: (1) farm workers born in Mexico; (2) farm workers born in other

[1] The NAWS interviews farmworkers 14 years of age and older. This estimate includes only interviewees. An analysis of workers below 14 would demonstrate the proportion of child labor in agriculture. This information will be analyzed in a later report.

Latin American countries; and (3) farm workers born in all other countries, including the Philippines, Southeast Asia, Haiti, and English-speaking Caribbean islands.

Farm workers were predominantly Hispanic; most were foreign-born (see Figure 1.1). Almost 7 out of 10 farm workers were foreign-born. Of the foreign-born workers, 94 % were born in Mexico. Among the remaining 3 out of 10 farm workers born in the United States, approximately two-thirds were non-Hispanic whites, and one-third were of Hispanic background. A very small percentage (<3% of all farm workers) represented other ethnic groups including African American and Asian American farm workers.

Figure 1.1



Source: NAWS 1994-95

U.S. born Hispanic workers, approximately 10% of all farm workers, included a variety of ethnic groups. A clear majority (66%) were of Mexican or other Latin ancestry, and Puerto Rican workers made up the remaining one-third of this population (see Table 1.1).

Several changes occurred in the ethnic composition of farm workers. Over the seven-year period of the survey, the population of foreign-born farm workers increased by 10 %; by 1994-95 they comprised 69% of all farm workers. This rise in foreign-born workers was due primarily to a dramatic increase in the proportion of Mexican farm workers, from 53% of all farm workers in FY 1990-91 to 65% in FY 1994-95. Over the same period of time, the ratio of farm workers who were born in the United States dropped to 31%, due to a decrease in the number of both U.S.-born white workers and U.S.-born Hispanic workers.

Table 1.1 Ethnicity of SAS Workers

FOREIGN-BORN

ETHNICITY	% OF FOREIGN-BORN	% OF TOTAL
Mexican	94%	65%
Other Latin	5%	3%
Asian	<1%	<1%
Other Caribbean	<1%	<1%
Other	<1%	<1%
TOTAL FOREIGN-BORN	100%	69%

U.S. BORN

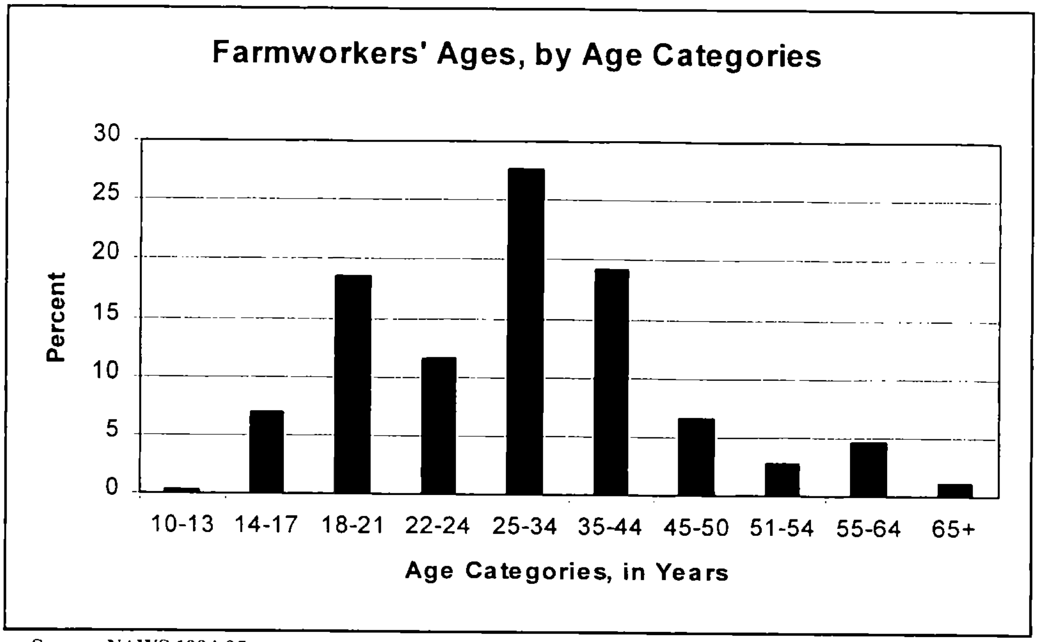
ETHNICITY	% OF U.S. BORN	% OF TOTAL
Whites (non-Hispanic)	59%	18%
Hispanics	32%	10%
African-Americans (non-Hispanic)	8%	2%
Other	1%	<1%
TOTAL U.S. BORN	100%	31%

TOTAL	100%	100%

Age

In our analysis period (1994-1995), farm workers as a group were quite young. Two-thirds were younger than 35; over one-fourth were 21 or younger. A relatively small number of farm workers (15%) continued to work past the age of 44, and only 6% were over age 55 (see Figure 1.2).

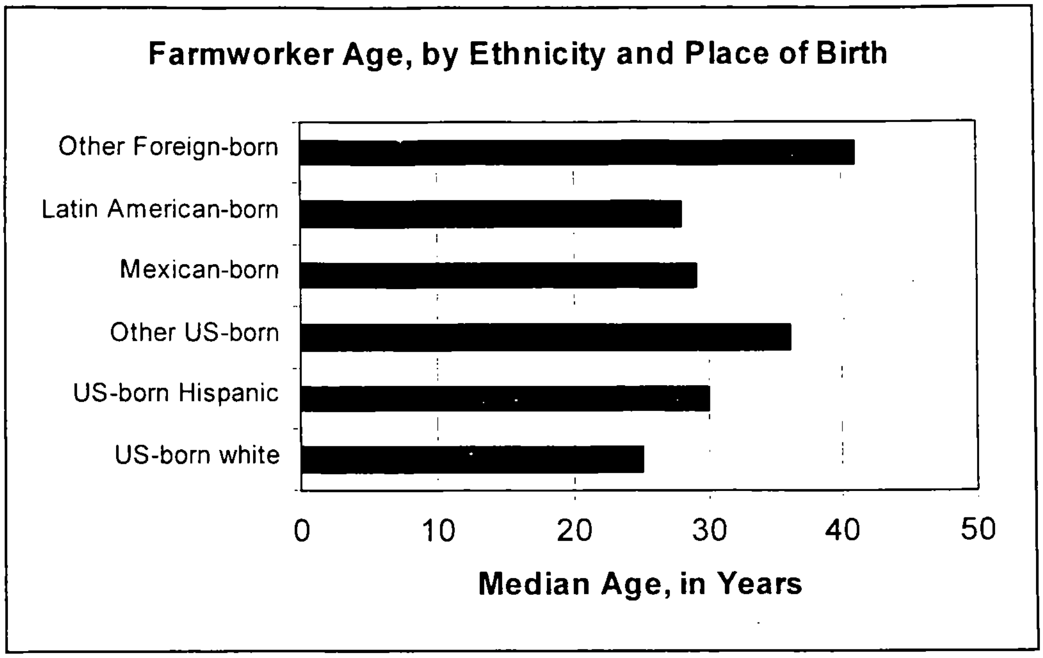
Figure 1.2



Source: NAWS 1994-95

The ethnic groups discussed earlier varied with regard to workers' median age (see Figure 1.3). U.S. born white workers were the youngest (median age=25). All the groups of Hispanic workers, including foreign-born Mexicans and other Latinos as well as U.S.-born Hispanics were relatively young. The median ages of these groups ranged from 28 to 30 years. Other U.S. born workers, primarily African and Asian Americans (median age=35) and foreign-born workers of Asian, Pacific Island and Caribbean origins (median age=41) tended to be older than other farm workers.

Figure 1.3



Source: NAWS 1994-95

Although the median age of farm workers remained stable over the course of the survey, there was an increase in the proportion of farm workers who were very young. The proportion of workers 17 and younger doubled from 4 % of the entire farm worker population in FY 1990-91 to 8% in FY 1992-93. The increase of young workers in the population was due primarily to an influx of young U.S. born whites into the work force. In FY 1989, only 23% of young workers were white, whereas whites comprised 48% of the young workers in FY 1994-95. The proportion of young Mexican workers remained fairly stable over this time period; 36% of young workers were Mexican nationals. That almost half of farm workers in this age group were white was surprising given that, overall, U.S. born white workers represented only 18% of the farm worker population.

Nearly one-half of these young white U.S. born farm workers came from farm backgrounds; 52% said their parents worked on a farm at some point in time. Very young Mexican workers were even more likely to come from farm backgrounds; 61% said their parents had recently done farm labor in the United States.

Young, white farm workers tended to live in somewhat different geographical regions of the country than their Mexican counterparts. Two-thirds (67%) lived in the Midwest or Great Plains. Mexicans workers 17 and younger, by contrast, were most commonly found in the West, Midwest, and Southeast regions of the country (28%, 31%, and 21%, respectively).

Only one in six young U.S. born white farm workers worked in harvest jobs, compared to one-half of young Mexican workers. Additionally, fewer young white farm workers planned to continue doing farm work as a long-term career; only one in four (27%) said that they would stay in farm work for more than five years. A larger proportion of young Mexican farm workers (50%) intended to remain in farm work for more than five years.

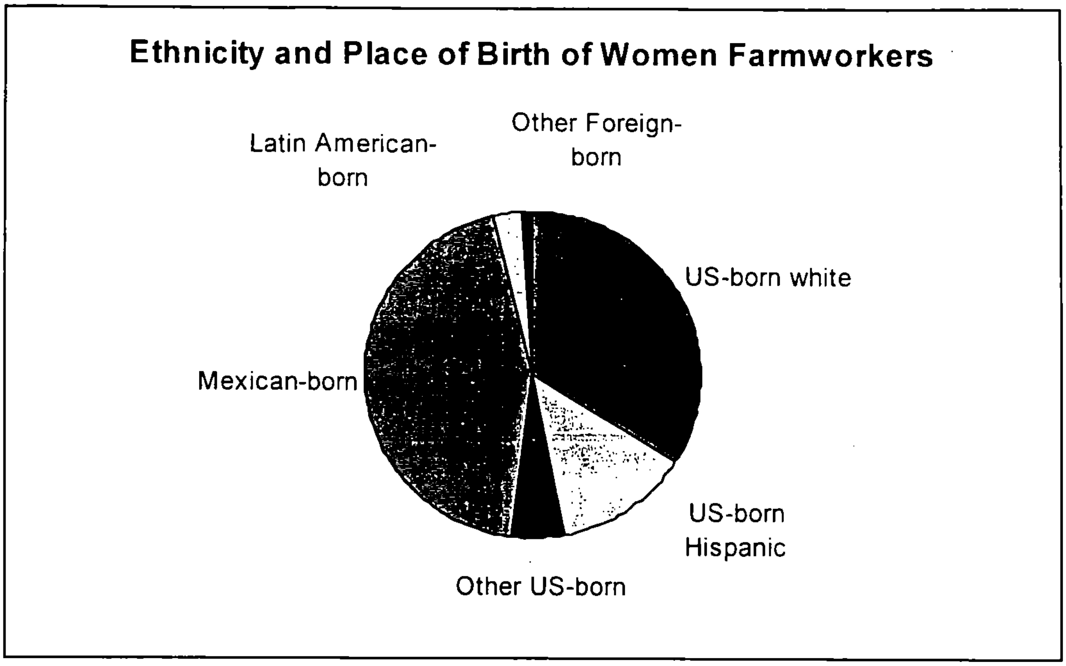
Native white workers, particularly young white workers, continued to have a presence in the farm labor force. Trends revealed by these data demonstrate that, although U.S. born whites made up a smaller proportion of the farm labor population in FY 1994-95 than in FY 1990-91, young whites were still entering the labor force in certain regions of the country and in certain tasks.

Gender

There was an overall decline in the proportion of women in the farm labor force from the beginning of this study. In the late 1980s, one in four farm workers (25%) was a woman, while in the mid-1990s that ratio had dropped to one in five (19%).

Women farm workers differed somewhat from the overall farm worker population in terms of ethnic makeup; approximately one-half (52%) of all farm worker women were born in the United States as compared to one-quarter of the male farm workers (see Figure 1.4). Of these U.S. born women workers, two out of three were non-Hispanic white. Of the remaining farm worker women, those 48% who were born abroad, nine out of ten were Mexicans. Among all U.S.-born Hispanic workers, there was a striking contrast between Puerto Rican workers and others; only 4% of Puerto Rican workers were women, whereas 37% of non-Puerto Rican Hispanic workers born in the United States were women.

Figure 1.4



Source: NAWS 1994-95

Proportionally, women comprised a larger part of the U.S. born farm worker population than they did among workers born abroad; every third U.S. born farm worker was a woman while only one in eight foreign-born farm workers was a woman.

There were also differences between U.S.-born workers and foreign-born workers when gender and age were considered together. Among U.S. born workers, women tended to be older than their male counterparts (32 and 25 years old, respectively) while among the foreign-born farm workers, there was no meaningful difference in age between men and women (29 and 30 years old, respectively).

Similar to farm workers as a whole group, one in five (18%) young (17 years or younger) farm workers was female, but this differed according to place of birth. One in six young U.S. born white workers was female compared to one in ten young Mexican workers. Examining young female workers as a group, three in four (74%) were born in the United States and one in four (26%) was born abroad.

Chapter 2: Family Composition and Living Arrangements

Introduction

This chapter will discuss the family composition and living arrangements of the farm workers interviewed by this survey. We will examine the marital and parental status of farm workers, the number of people with whom they lived, and their relationships to their living companions.

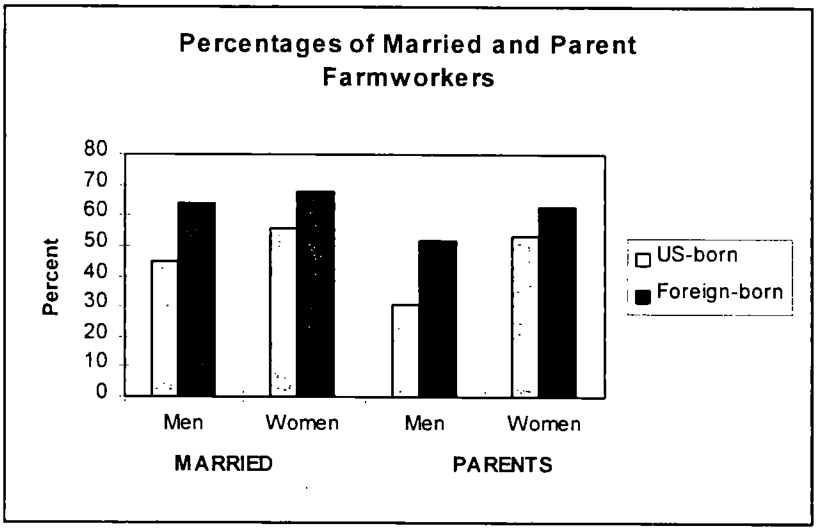
Summary of Findings

- Two in five married farm workers were living away from their spouses while doing farm work; the same proportion were living away from their children while doing farm work. Moreover, the proportion seemed to be increasing in recent years.
- Most adult farm workers (three-fifths) were married.
- Approximately one-half of the adult farm workers were parents of children under age 18; forty-three percent of adult farm workers were parents of children ages 14 and under.
- Eighty-one percent of farm worker parents of small children were foreign-born.
- Fifty-six percent of all farm workers lived in living situations which contained unrelated individuals.
- Half of the male farm workers lived in living situations which were made up exclusively of people unrelated to themselves, while only one in ten women farm workers lived solely with unrelated persons.
- Nearly half of all farm workers lived in living situations which contained family members.
- Over one-third (37%) of U.S. born farm workers were likely to be married to someone who was born in Mexico.
- About seven percent of married Mexican-born farm workers had spouses who were born in the United States.

Family Status

Most (three-fifths) farm workers who were 18 years or older were married; however, this proportion varied by place of birth. While farm workers born in the United States were less likely than foreign-born workers to be married (49% and 64%, respectively), male and female farm workers were equally likely to be married (60% and 62%, respectively). Forty-five percent of U.S. born men were married, while 64% of foreign-born men were married. Similarly, 56% of the U.S. born women were married, while 68% of the foreign-born women were married (see Figure 2.1).

Figure 2.1



Source: NAWS 1994-95

Within the farm workers' community there is considerable cross-marriage of U.S. born Hispanics to Mexicans. Looking first at the farm workers who were born in the United States, we found those farm workers were likely to be married to someone who was born in Mexico. Among the married U.S. born Hispanic male farm workers, 27 percent had Mexican wives. Among the married U.S. born Hispanic women, almost two thirds (65%) had Mexican husbands. Nearly two-thirds (65%) of the Mexican spouses in these marriages had worked as farm workers.

If we look at the Mexican-born farm workers, the percentages are quite different. Among married male Mexican farm workers, only 7 percent had U.S. born wives. Among married female Mexican farm workers, 8 percent had U.S. born husbands. About one-third (36%) of the

U.S. born spouses in these marriages had worked as farm workers. Because these families had one adult who was born in the United States, family members are more likely than families with no U.S. born adults to benefit from social service programs.

Approximately half of the adult farm workers were parents children ages 17 and younger. Almost three-fifths (58%) of the adult female farm workers were parents, while just under half (47%) of the male farm workers were parents. Foreign-born farm workers were more likely than U.S. born farm workers to be parents (53% and 39%, respectively). This also held true when looking at men and women separately. Among men, 52% of the foreign-born workers were parents, while only 31% of U.S. born workers were parents. For women, 63% of the foreign-born workers were parents, while only 53% of the U.S. born workers were parents.

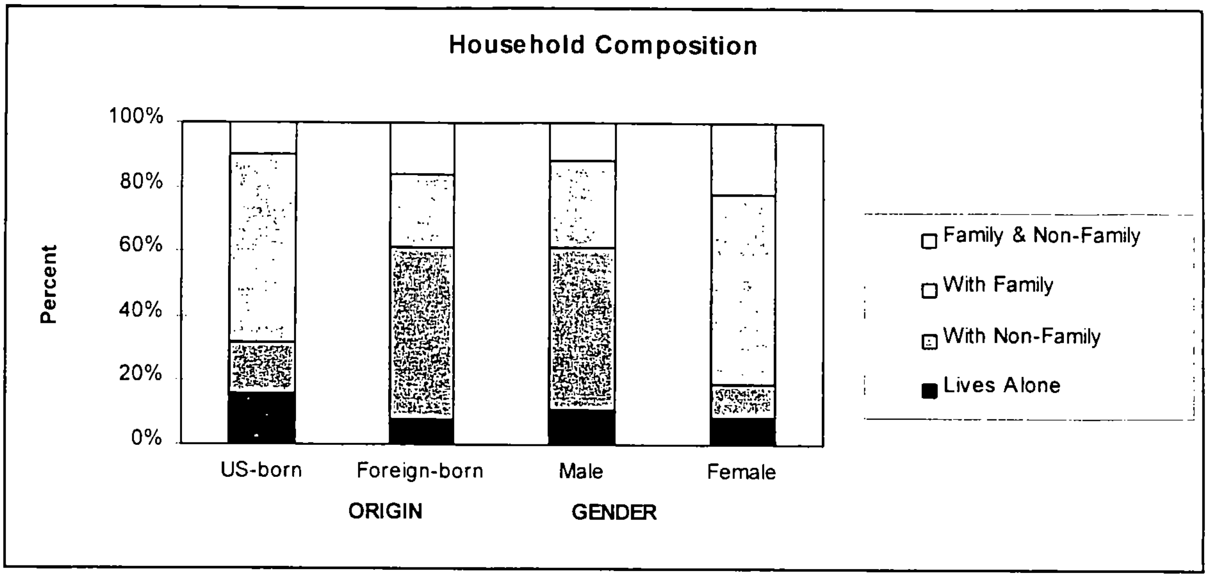
Forty-three percent of adult farm workers were parents of children ages 14 and under: 14% had one child in this age group, 22% had two or three children, and 7% had four or more children. Half of the foreign-born workers had children's ages 14 or under, while only 28% of the U.S. born workers had children in this age group. Eighty-one percent of farm worker parents of small children were foreign born. Later in this chapter, we will discuss the issue of whether these children were living with their parents.

Some farm workers (8%) were themselves minors. Of these, the percentage of young farm workers (age 17 and younger) who were married is quite small (4%). Generally, more young women were married than young men (9% and 3%, respectively). Young foreign-born workers were more likely to be married than their U.S. born counterparts (12% and 4%, respectively, over all years of the survey). Approximately 4% of these young farm workers had children of their own.

Farm Workers and Their Living Arrangements

The survey found that 10% of all farm workers lived completely alone, not sharing their residences with family members, work mates, or other individuals. The level of farm workers who lived alone varied by ethnic group. Fewer than 10 percent of the U.S. born Hispanic farm

Figure 2.2



Source: NAWS 1994-95

workers or the farm workers born in Mexico or other Latin American countries lived alone, while as many as 27% of the non-white, non-Hispanic U.S. born farm workers lived by themselves. Similar proportions of men and women workers lived by themselves without any living mates (8% of the women workers and 11% of the men workers).

Number of Occupants in Farm Worker Living Situations

Farm workers born in the United States were more likely than foreign-born workers to live in living situations which contained only one or two other people (44% versus 19%, respectively), whether or not these other people were related. Foreign-born workers, on the other hand, were more likely than U.S. born workers to share a residence with many (i.e., five or more) people (46% versus 19%, respectively)

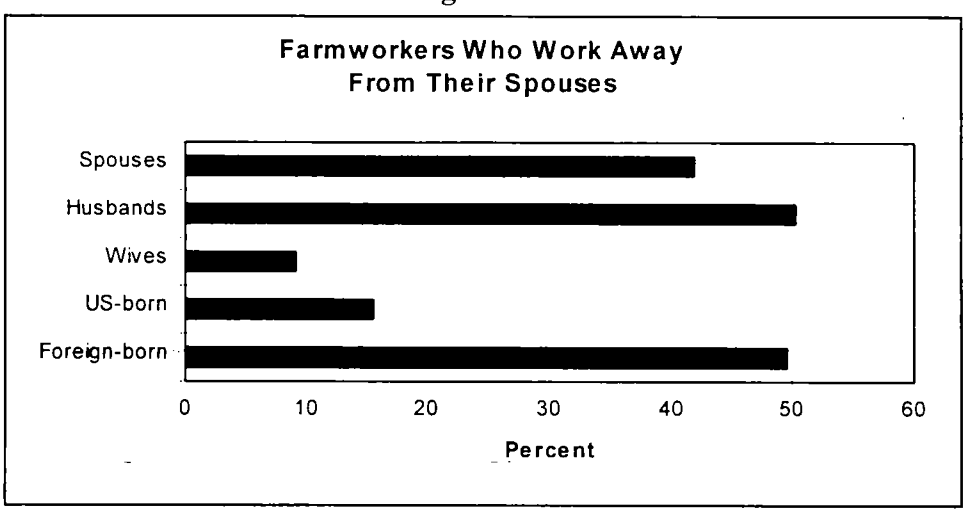
Farm Workers Living With Family

About half (48%) of all farm workers lived in living situations which contained family members (spouses or children, as well as siblings or other relatives). Seven out of ten U.S. born farm workers lived with family, while not more than four in ten of the foreign-born workers lived with family members (see Figure 2.2).

A majority of farm workers now do U.S. farm work away from their nuclear families. Forty-four percent of farm workers in FY 1994-95 were accompanied by a spouse, a child, or a parent who lived in their households. This percentage had declined since FY 1990-91, when three-fifths (61%) of farm workers lived with a spouse, a child, or a parent.

While most adult farm workers were married, a sizeable percentage of them lived without their spouses while doing farm work. Two-fifths of married farm workers were interviewed while living away from their spouses. The proportions of farm workers living without their spouses varied strikingly by the gender and the national origin of the farm worker. One-half of the married male farm workers lived without their wives, while only 9% of the married female Farm workers lived without their husbands. One-half of the foreign-born married workers lived

Figure 2.3

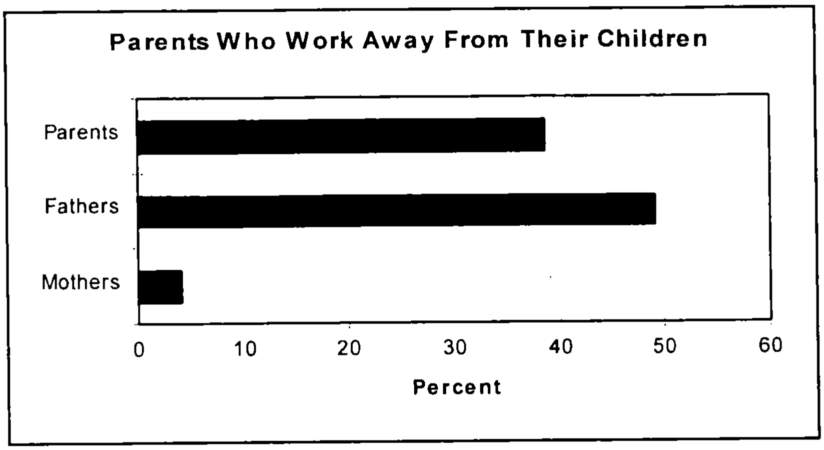


Source: NAWS 1994-95

without their spouses, while only 16% of the U.S. born workers were without their spouses (see Figure 2.3).

There is evidence from the survey that the high rate of separation of men from their families is part of a pattern of immigration among Mexican farm workers employed in the United States in which the men enter the United States prior to their wives. Among female Mexican farm workers only 11 percent came before their husbands to the United States. Among the males, 67 percent came before their wives. A minority of couples entered the United States at the same time; this pattern accounted for 30% of the female and 22% of the male farm workers.

Figure 2.4



Source: NAWS 1994-95

In addition to separation from their spouses, many farm workers were separated from their children while working in farm work. Of farm workers who had children, two in five (42%) reported that their children lived in other locations (see Figure 2.4). Looking further at

this situation, the survey found that nearly two-fifths (38%) of the farm worker parents who had children age 14 and under reported that these children lived in other locations, while 13% of the farm worker parents who had children age 15 and older (into adulthood) reported that these children lived in other locations. (Nine percent of the farm worker parents had children in both age groups who lived in other locations.)

Men were more likely to be separated from their children than were women. In FY 1994-95, half (49%) of the male farm workers who had children reported that their children lived in other locations, an increase from 35% in FY 1989. On the other hand, only 4% of the female farm workers who had children reported that their children lived in other locations, down from 8% in FY 1989.

A small percentage of all farm workers (9%) lived with one or both of their parents. The proportion of farm workers who lived with their parents rose dramatically when looking only at the farm workers who were age 17 or younger: 53% lived with at least one parent. Conversely, nearly half (47%) of the younger farm workers lived on their own, away from their parents. A much higher percentage of young U.S. born farm workers lived with their parents compared to young farm workers who were born in other countries (75% to 20%, respectively). The large group of foreign-born teenage farm workers living without their parents (80%) may be of special interest to social service delivery agencies.

In comparing farm workers born in the United States with those born in other countries, we found that larger proportions of U.S. born farm workers lived with their families than their foreign counterparts. Over the years (1989 to 1995), approximately 8% of the U.S. born farm workers who had close family lived away from these family members. On the other hand, one-third of the foreign-born farm workers who had close family lived away from their family members. Moreover, for the foreign born only, the most recent two-year period showed a rise in this proportion. It rose to 44%.

Women farm workers were more likely to live with family members than were male farm workers. Nearly six out of ten female farm workers lived solely with family members, while fewer than three in ten male farm workers lived with family members only (see Figure 2.2).

Nearly all farm workers (94%) who lived in living situations that contained family members were accompanied by at least one immediate family member: a spouse, a child, or a parent. Looking at the households which contained only family members, more than one-half of the U.S.

born farm workers (58%) lived with family members only, while fewer than one-quarter of the foreign-born workers (23%) lived only with family (see Figure 2.2). Of farm workers who lived in living situations with any family members, approximately one-quarter lived with one family member, about one-quarter lived with two family members, nearly two-fifths lived with three or four family members, and one-eighth lived with five or more family members.

Farmworkers Living With Family and Non-Family

Some of the living arrangements of farm workers may contain non-family residents as well as family. Among those farm workers who lived in a nuclear family setting (containing a parent, spouse, or child), a relatively high number had non-family members also living with them. Grouping all farm workers together, one-fifth (20%) of these nuclear families served as an anchor or host for non-family members. It is likely in these cases that the majority of these non-family household members were either work associates or people from the same sending areas abroad. However, these "mixed households" were quite rare among the U.S. born farm workers —just eight percent of the non-Hispanic and nine percent of the Hispanic U.S. farm workers lived in living situations which contained both immediate family members and non-family participants. However, 29 percent of the Mexican-born and 41 percent of the other Latin American-born farm workers living in a nuclear family setting had non-family residing with them. The propensity for these workers, many of whom did not live with members of their immediate families, to live with non-relatives may have been driven in part by their need to pool resources.

For all farm workers, 56% lived in living situations which contained unrelated individuals (family members may have also been present). This proportion varied widely by whether the farm worker was born in the United States or not; over two-thirds of the foreign-born workers lived in living situations that contained unrelated individuals, while approximately one-quarter of workers born in the United States lived in such households.

Farm Workers Living With Non-Family Only

The most common living pattern for farm workers was to live exclusively with non-relatives. Male farm workers were much more likely than their female counterparts to live in living situations with only unrelated individuals. Half of the male farm workers lived in living situations made up only of people who were not their relatives, while only 11% of the women workers lived with unrelated persons only.

The inclination to live in living situations which contained only unrelated individuals is particularly pronounced among the unauthorized workers. Seventy-five percent of the unauthorized workers lived in living situations which contained only people who were not related to themselves, while only 36% of legal permanent residents (LPRs), 15% of citizens, and 23% of workers with other legal statuses lived in living situations which contained only unrelated individuals.

The survey results imply that many of the workers who lived exclusively with non-family members were occupying labor camps or lived jointly with large numbers of people in small houses and apartments. This pattern became apparent by comparing workers who lived with large numbers of non-family members with other workers. For example, overall, about one in five farm workers lived in housing provided by the employer to the worker, and about one fourth of all farm workers reported that they lived on the U.S. farm where they worked. However, if we look just at the one-sixth of the farm worker population that lived exclusively with six or more non-family living mates, we see that 55% lived in housing provided by the employer; another third rented from a non-employer. Moreover, one-half of these workers who lived with six or more non-relatives lived on the employer's farm.

Chapter 3: Income and Poverty.

Introduction

In this chapter we will discuss farm worker income and poverty levels, personal assets, and the use of social insurance and social services. We begin by examining farm worker sources of personal income including farm and non farm earnings, and personal assets. Next, we look at family incomes and the poverty level among farm worker households. Finally, we look at farm worker family use of social insurance programs such as Social Security and unemployment, as well as social service programs such as Food Stamps and welfare payments.

Summary of Findings

- Farm workers had low individual earnings from farm work; the median income from farm work was between $2,500 and $5,000. Three-fourths earned less than $10,000 annually.
- Only one-fourth of the farm workers had non farm work earnings. The median personal income from farm work and other work sources combined was between $5,000 and $7,500.
- Few farm workers had assets. About half (49%) owned a vehicle and about one-third owned or were buying a house or trailer in the United States.
- Farm worker households also had low family incomes. The median was between $7,500 and $10,000, and over three-fifths of farm worker households were in poverty.
- Despite pervasive poverty among farm workers, few used social insurance or social service programs.

Income, Earnings and Assets of Farm Workers

Farm workers derived their personal income from two main sources: farm work and non-farm work. Farm workers relied on these earnings for most of their income as they had few income-producing assets, and, as we will discuss later in the chapter, farm workers received little money from social insurance or social service programs.

Combining all sources of income, most individual farm workers had low incomes. The median personal income for farm workers was between $5,000 and $7,500. Many (28%) had personal incomes under $2,500. Almost three-quarters had personal incomes that did not exceed $10,000, and only one in seven had a personal income over $12,500. Moreover, median personal incomes have remained between $5,000 and $7,500 since 1988, which means that personal incomes, in inflation-adjusted dollars, likely fell during this period.

There are differences in personal income levels among the various ethnic and nationality groups. To facilitate this discussion we have categorized farm workers into three groups: foreign-born workers (of whom 94% are Mexican), U.S. born Hispanics (USH) and U.S. born workers who are not Hispanic (USNH). Although all groups have median income levels which show low individual, or personal, earnings, foreign-born workers had a higher median personal income than the U.S. born. Foreign-born workers earned between $5,000 and $7,500 while the U.S. born workers as a group had a lower median income, between $2,500 and $5,000 (see Figure 3.1). The lower median income level for U.S. born individuals overall was due to the very low income among USH ($2,500-$5,000); USNH reported higher median earnings, between $5,000 and $7,500.

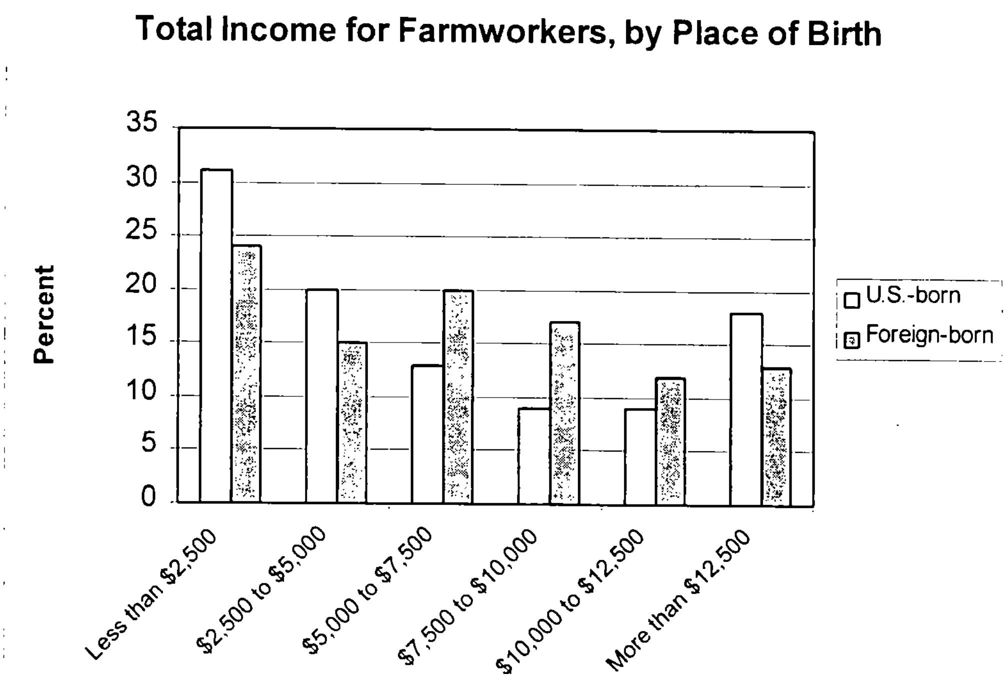
There were also significant differences in personal income among workers with varying immigration and citizenship status. Green card holders or legal permanent residents (LPRs) earned between $7,500 and $10,000 a year whereas citizens and people with other work authorizations (such as amnesty and family unity) tended to have a lower median income of between $5,000 and $7,500. Unauthorized workers had the lowest median income-- between $2,500 and $5,000.

Gender was also a determining factor in annual personal income. Women farm workers had lower personal incomes than men. The median income for women farm workers was between $2,500 and $5,000, while for men, it was between $5,000 and $7,500.

As we shall see further on in this chapter, both for women and for the different ethnic groups, lower individual income did not necessarily translate to lower family income.

Farm Earnings

Figure 3.1



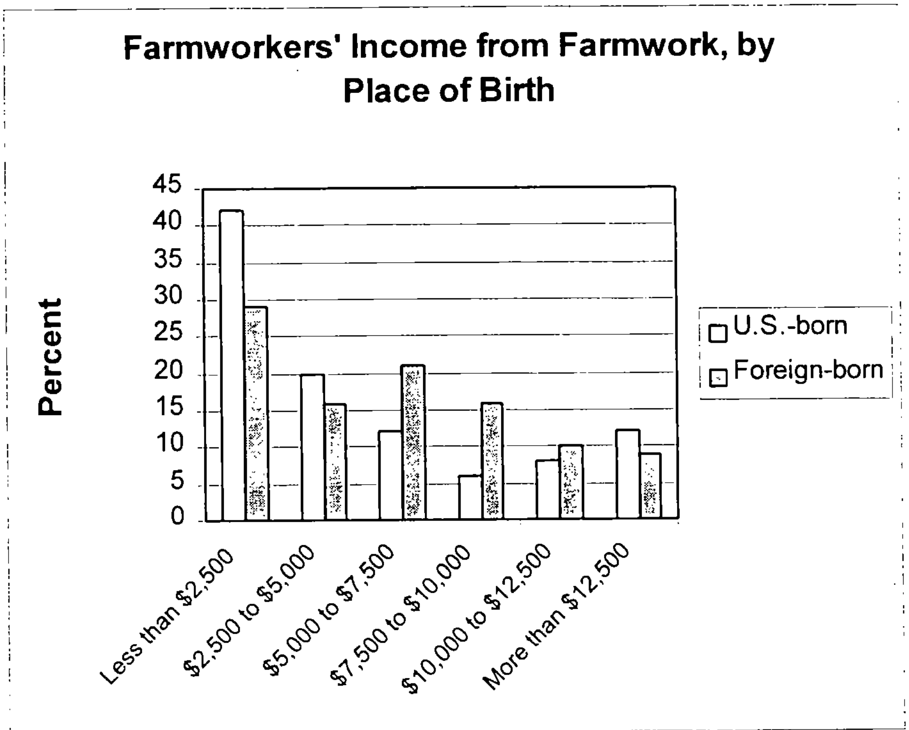
Source: NAWS 1994-95

Oftentimes workers earned only part of their total personal income from farm work. In general, the farm work portion of a worker's earnings was quite low. The average worker took in between $2,500 and $5,000 per year from farm work. Half (53%) earned less than $5,000 annually from farm work. One in eight (13%) earned $5,000-$7,500; 12% made $7,500- $10,000 and another 8% earned $10,000- $12,500 in farm work.

Workers' earnings from farm work varied by place of birth and ethnic group. Foreign-born workers earned slightly more than the U.S. born. Foreign-born workers had median earnings between $5,000 and $7,500 while U.S. born workers earned between $2,500 and $5,000 annually (see Figure 3.2). Among U.S. born workers farm income varies by ethnic group: USNH earned less farm income than the USH. The median farm income for USNH was between $1,000 and $2,500 while USH had a median annual income between $2,500 and $5,000. Apparently, the USNH were able to earn more off farm than the USH were; for the USH the median for their farm income was the same as their total personal income (see discussion of Personal Income below).

Women earned less from farm work than men. Half of women farm workers (51%) earned less

Figure 3.2



Source: NAWS 1994-95

than $2,500 in farm work, while the same proportion of men farm workers (49%) earned up to $5,000. Only one in ten women (10%) earned more than $10,000 in farm work, while two in ten (22%) men did. Women earning more than $12,500 from farm work were rare (5%); it was more than twice as common (13%) for a man to earn this much from farm labor.

Farm earnings varied by age as well. Wages tended to rise with age, up to 25 years. Young farm workers tend to have very low earnings. Median farm earnings for workers younger than 18 were between $500 and $1,000. Farm workers between the ages of 18 and 21 had median earnings of $1,000 and $2,500. For farm workers between 22 and 24 years old, median farm earnings rose to between $2,500 and $5,000. For farm workers over age 25, the median farm earnings were between $5,000 and $7,500.

Farm earnings also varied greatly by region in which the interview occurred. Workers in the Midwest had the lowest farm earnings--between $1,000 and $2,500, and more than one-third of workers (37%) had earnings of less than $500 a year from farm work. Workers in the Northeast and the Southeast earned slightly more. Median farm earnings in those regions were between $2,500 and $5,000. Workers in the Western states had the highest earnings, although their farm incomes were still relatively low. Median farm earnings in this region were between $5,000 and $7,500 per year.

Off-farm Work

While for most farm workers the only source of earnings was U.S. farm work, about one-fourth of farm workers also worked in non-farm work. The proportion of workers combining farm work and non-farm work varied by place of birth, age, and region. U.S. born workers were twice as likely to do non farm work than the foreign-born workers (41% and 19%, respectively). Workers between the ages of 18 and 35 were more likely than workers over 35 to combine farm and non-farm work (29% and 21%, respectively). Farm workers in the Midwest and the Western Plains were most likely to do non-farm work (43%), while smaller proportions of farm workers in the Northwest (20%), Northeast (16%), Southeast (24%), and West (8%) did both farm and non-farm.

Personal Assets

Apart from personal belongings, about one-third of all farm workers had no assets either in their home country or in the United States. About half had no U.S. assets. In this section we focus on differences in asset possession by ethnic and nationality groups and by legal status.

The proportion of farm workers possessing any assets depended on place of birth and ethnicity. Almost two thirds of the U.S. born workers (66%) had U.S. assets while only 44% of foreign-born workers possessed such assets. However, among the U.S. born groups, USNH were most likely to hold U.S. assets. Over three quarters (78%) of USNH had assets in the United States while only 40 % of USH had any U.S. assets.

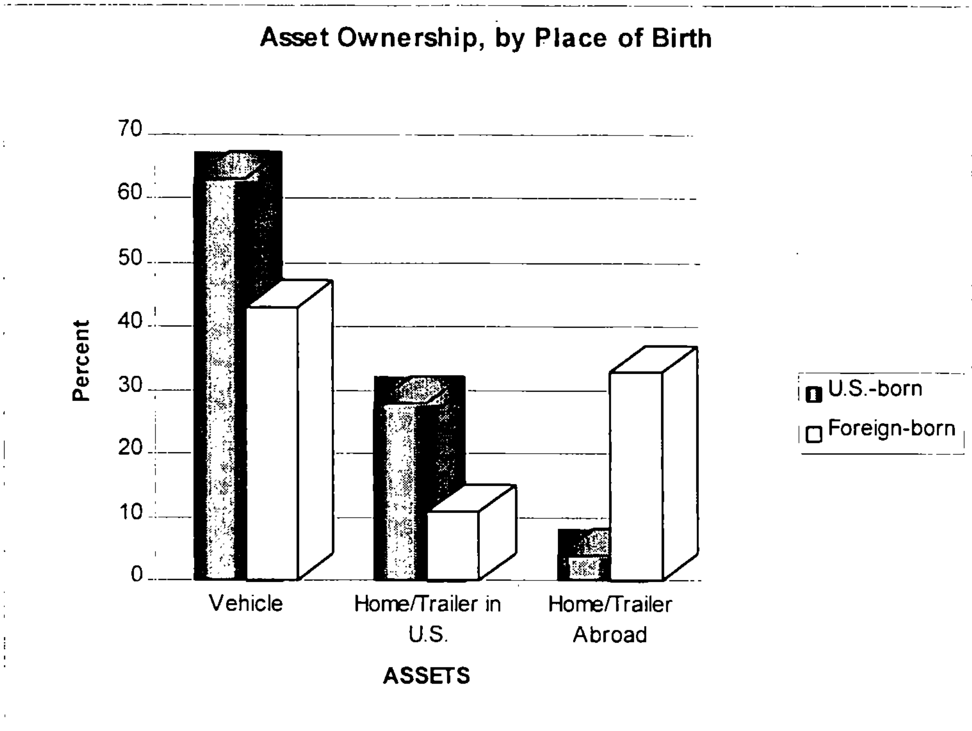
In regards to foreign assets, the situation was reversed. Foreign-born workers held most of the foreign assets. Over one-third had an asset abroad while only 4% of U.S.-born workers did. Furthermore, all U.S. born workers with foreign assets were USH. About one eighth (12%) of the USH possessed a foreign asset.

Looking at asset owners by legal status revealed interesting trends. Workers holding U.S. assets were most likely to be either citizens or LPRs, while people who had work authorization but no green card were less likely to own a U.S. asset. Fewer than one-fourth (23%) of unauthorized workers had any U.S. asset at all. Looking at the foreign-held assets revealed that similar proportions of all three immigrant categories--LPRs, work-authorized, and unauthorized workers--possessed assets in their home countries. Over one-third of each group owned at least one foreign asset. Citizens were least likely to have foreign assets, and as we mentioned earlier, these citizen-held foreign assets were owned exclusively by the USH.

The most common asset among all farmworkers was a vehicle. Almost half (49%) of the farmworker population owned an automobile or truck. This proportion of ownership can be viewed from another perspective; despite the long distances many need to travel in rural farm areas, more than half of farmworkers (51%) did not own a vehicle.

Vehicle ownership varied by place of birth and ethnicity. Workers born in the United States were more likely to own a vehicle than those born abroad (63% vs. 43%) (see Figure 3.3). Most of these vehicle owners were USNH. Almost three quarters (74%) of USNH owned a car or truck and only 40% of USH owned a vehicle.

Figure 3.3



Source: NAWS 1994-95

If we look at vehicle ownership by legal status, we notice that the citizens and LPRs were more likely to possess a vehicle than the other legal categories. About two-thirds of these two groups owned a vehicle while 44% of work authorized foreign workers and 24% of unauthorized workers had vehicles.

Since half of farmworkers did not own a vehicle, many found themselves in a situation where they had to pay for rides to work. Almost one in five (18%) paid for rides to work. Among the foreign-born workers, the rate was even higher--24% paid someone for a ride to work. Owning a dwelling was a much less common form of asset holding than vehicle ownership. About one in six farm workers owned or was buying some kind of dwelling in the United States.

Although most of these dwellings were permanent houses, one in every five was a mobile home. Overall, the proportion of farm workers who owned a dwelling in the United States (about one in six) declined slightly over time.

Twice as many U.S. born workers were home (or trailer) owners than foreign-born workers (28% vs. 11%). Again, among U.S. born workers, more USNH than USH owned a dwelling. One third of USNH owned a home while only 16% of USH did.

Home ownership viewed by legal status groups also revealed differences. Twenty-eight percent of citizens owned a home, and 21% of LPRs did as well. By contrast, only 8% of those who had work authorization and 4% of unauthorized workers owned a home.

Shifting our discussion to homes abroad, we found that almost one-third of foreign-born workers owned a dwelling abroad, and this proportion (about one-third) was similar for all groups including unauthorized workers. As expected, few U.S. born workers owned homes abroad. Still, USH were the exception--almost one in ten owned a home abroad. Fewer women farm workers owned homes abroad than men (6% vs. 26%).

Family Income and Poverty

In the sections above we discussed farm, non-farm and the total personal income of farm workers. Here we turn our attention to total family (as opposed to individual) income from all sources. Median total family income--between $7,500 and $10,000--was quite low. Moreover, since 1988, this level of income has shown no change, and, considering inflation, income for both individuals and families has likely deteriorated in real terms during these years.

Family Income

Much of the difference in family incomes across groups was due to differences in family composition. Workers in households with multiple wage earners had higher family incomes than those who lived alone or had only one wage earner in the household. For example, despite women farm workers' lower personal incomes, when we consider total family income, women farm workers, on average, lived in households with more income than did the men farm workers. For men farm workers, the median income of their families was between $7,500 and $10,000, while for families in which female farm workers lived, the median earnings were between $10,000 and $12,500. This higher income level was largely a reflection of the fact that most women (approximately three quarters) lived with relatives who were wage earners while most men (approximately two-thirds) lived on their own without close family present.

Similarly, farmworkers differ in their living patterns and resultant family income levels depending on where the farmworker was born and according to his or her ethnic group. Median family income among the U.S.-born workers was $10,000 to $12,500 a year, while families with a foreign-born farmworker earned a median of between $5,000 and $7,500. Among U.S.-born workers, the USH lived in households with lower income than the USNH ($5,000-$7,500 vs. $17,500-$20,000).

Among the legal status categories, citizens and LPRs had higher median family incomes--they earned between $10,000 and $12,500 annually. Those with work authorization who did not have a green card earned less; their median annual income was between $7,500 and $10,000. Unauthorized workers, most of whom lived without family, had a much lower median family income--between $2,500 and $5,000.

Incomes alone do not provide a complete measure of standard of living, and measures of poverty provide one way of describing the low levels of income in farm worker families since they account for differences in family size while using constant dollar figures.

Poverty

Overall, the farm worker population was quite poor -- over three-fifths (61%) of the population lived below the poverty line. This level was higher than reported for the NAWS population in 1990 when only half were reported living in poverty.

Differences in ethnicity and place of birth were found among those who fell below the poverty line. Forty-five percent of the U.S. born and 69 percent of the foreign-born lived in poverty. Among the U.S. born workers, the USNH were much less likely to be living in poverty. Less than one third of the non-Hispanic workers lived in poverty compared to nearly three-quarters of the USH. Moreover, the majority of the USNH families in all the family size categories containing six or fewer people lived above the poverty line. Even the majority of those USNH who lived apart from family lived above the poverty line. By contrast, the foreign-born and the USH farm workers both were quite likely to have incomes below the poverty line. More than two-thirds of each group lived in poverty. In fact, the majority of these farm workers, in any of the family size groupings, lived in poverty.

Poverty levels also varied with citizenship and immigration status. A minority of citizens (46%) lived below the poverty line while the majority of all of the immigrant categories lived in poverty. Fifty-four percent of the LPRs, 68 percent of the work-authorized without a green card, and 80 percent of the unauthorized lived in poverty.

Proportionally fewer women (54%) lived in poverty than men (63%). This occurs because women tended to be in households with more than one wage earner whereas more men live apart from family.

Poverty varied with the size of the family. Those who lived apart from their families were very likely to live in poverty. These unaccompanied workers (those without parents, spouse or a child present) were about half of all farm workers. Those who lived in small family groups of two to four people were the least likely to be poor -- less than half of these were poor. This group of small families made up about one-third of the population of farm workers. The remaining one sixth of the population, who lived in households with large families (more than 4 members), were quite likely to be living below the poverty line.

Married farm workers who lived together and did not have small children were less likely to be poor. One-third of the childless married farm workers who lived with their spouse lived in poverty, whereas over two-thirds of those who lived apart from their spouse lived below the poverty line.

Single mothers were particularly prone to live in poverty. Mothers with small children at home experienced different levels of poverty depending upon their relationship with a spouse. Those mothers with no spouse at all, about one fifth of the total of mothers, had the highest level--almost nine in ten lived in poverty. Married mothers living away from their husbands, about 5 percent of the total, also had a high level of poverty--78 percent lived below the poverty line. However, married mothers who lived with their husband and children actually had a lower level of poverty (53%) than the average for all farm workers (62%).

Social Insurance and Service Programs

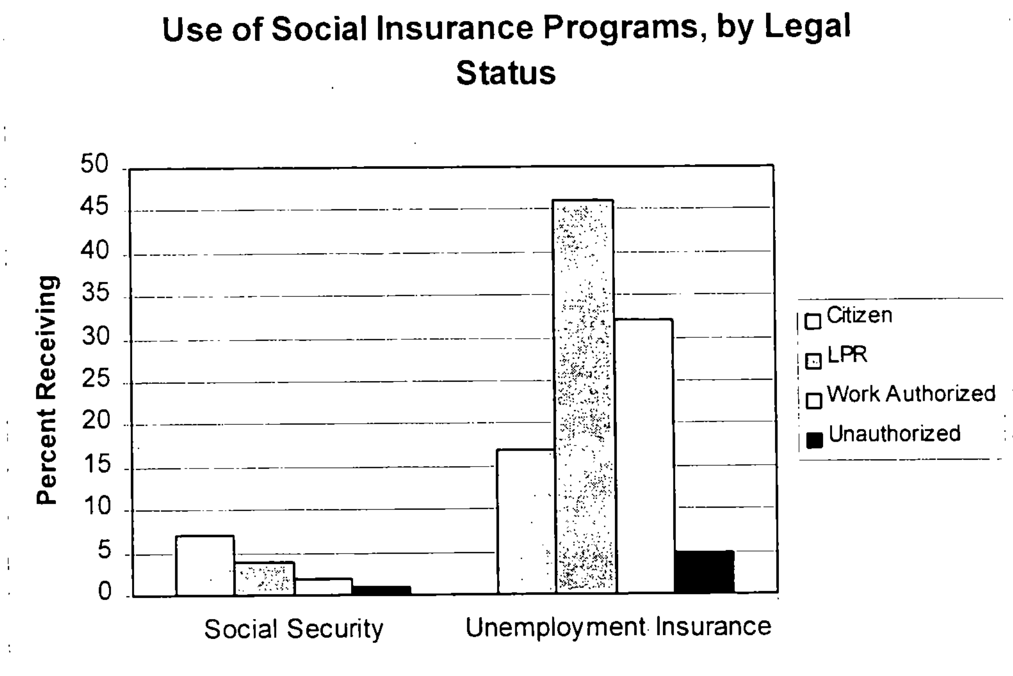
In the two sections below we will discuss the frequency (and not the quantity) with which farm workers utilize these programs. The first section covers the level of use of Unemployment Insurance, Disability and Social Security pensions. The second section covers means-tested assistance programs like Medicaid, Food Stamps, AFDC and the WIC program.

Social Insurance Programs

The utilization levels of social insurance programs by farmworkers were quite low overall. Only four percent of the households had received either social security pension or disability benefits in the two years before the survey. Unemployment Insurance (UI) utilization was also low for a population out of work for much of the year; only about one in five workers had received unemployment insurance in the two-year period prior to the interview.

If we look at the utilization rates, some interesting patterns emerge. Farmworkers born in the United States (both Hispanics and non-Hispanics) received benefits more than twice as often from the Social Security Administration, pension and disability, than did the foreign-born. However, among the U.S. born workers, the rate was just 7 percent.

Figure 3.4



Source: NAWS 1994-95

For unemployment insurance utilization, the pattern was reversed. Foreign-born workers were more likely to receive unemployment insurance benefits (22%) than the U.S. born(16%). However, among the U.S. born there was a wide gap between the non-Hispanics of whom only 9 percent collected and the Hispanic U.S. born of whom 30 percent collected.

The use of social security services varied with citizenship status and gender. Seven percent of citizens received services from the Social Security Administration, while 4 percent of the LPRs, 2 percent of the other work-authorized and just 1 percent of the unauthorized received such services (see Figure 3.4). Women received these payments twice as often as men (7% vs. 3%). Recall, however, that more than twice the proportion of female farm workers are U.S. born (52%) than are male farm workers (25%).

Unemployment Insurance utilization also varied with legal status but not with gender. Seventeen percent of citizens, 46 percent of LPRs, 32 percent of the other work-authorized and 5 percent of the unauthorized collected unemployment insurance.

The level of farmworkers who received unemployment insurance remained constant over time, at about 20%. However, use of social security pensions and disability benefits seems to have declined, from a high of 10 percent to 4 percent during the study period (1989-1995).

Social Service Programs

Despite the high levels of poverty, the low rate of social insurance use and the scarce assets held by the majority of farm workers, the group as a whole used few social services. However, certain programs, in particular Food Stamps and Medicaid, were used by significant groups of farm workers. To a lesser extent, the WIC Program (Special Supplemental Food Program for Women, Infants, and Children) and cash assistance programs[1] were used. Other social service programs including publicly subsidized housing were rarely used. The levels of utilization of the Food Stamps program did not change significantly since 1989.

The NAWS data can only be used as an upper-bound on the level of services used by unauthorized workers and their families. The NAWS asked whether anyone in the household used various social services, but it only had legal status data on the farm worker. In some cases, the unauthorized farm worker may have an eligible family member who was legitimately receiving social services. Looking at NAWS data on services to households of unauthorized workers probably overstates the level of unauthorized workers using social services.

That said, the families associated with unauthorized workers used few social services in the United States. About 7 percent of unauthorized farm workers used each of two social services for which they and their households may be eligible under some circumstances--Medicaid and WIC. For other programs, unauthorized workers might qualify if there was a person with the

[1] We combined AFDC and local cash assistance programs into one category.

proper immigration or citizenship status living in their household. About 7 percent of households where an unauthorized farm worker was interviewed used Food Stamps and about one percent received cash transfers.

In the analysis which follows we will often limit our discussion to the legally authorized workers who use the vast majority of social services. In this way, we can estimate the percentages of legally qualified farmworker users of services at the time that the 104th Congress passed welfare and immigration legislation.

Looking at the major programs without the unauthorized, we see that social service programs were still used only by a small minority: 20 percent used Medicaid and Food Stamps, 11 percent used WIC, and 5 percent received some kind of cash payment.

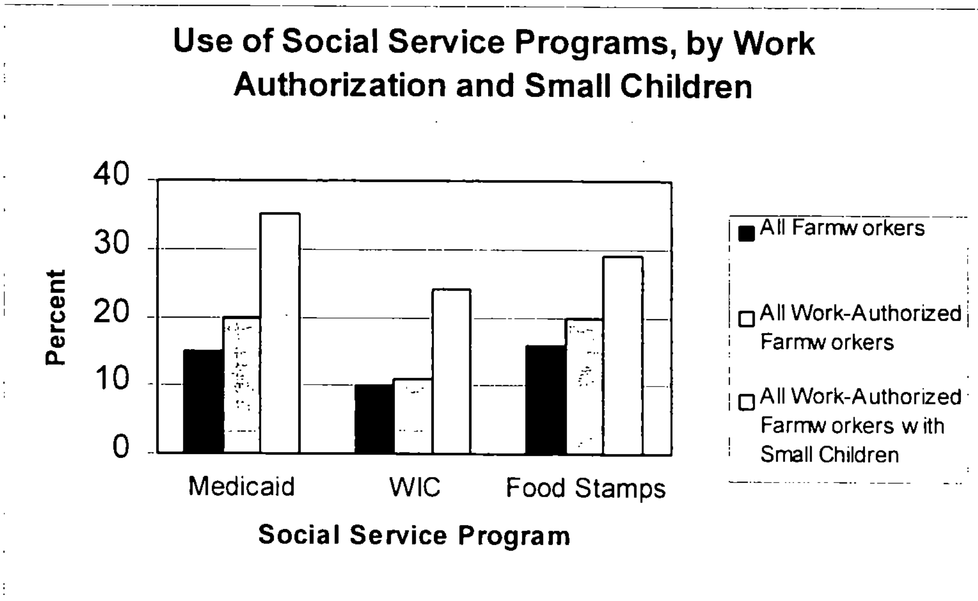
When we looked only at farmworkers with proper immigration or citizenship status who also had small children (less than 15), we found somewhat higher proportions of social service utilization. Over a third (35%) used Medicaid, 29 percent used Food Stamps, almost a quarter (23%) used WIC, and 7 percent received cash transfers (see Figure 3.5).

The use of service programs varied by the place of birth and ethnicity for the legally eligible farm workers with small children. The U.S. born Hispanics were the biggest users of services. About half of these workers with small children used Medicaid and Food Stamps, over a third used WIC, and one in six used cash assistance programs. The U.S. born non-Hispanics and the foreign-born with eligible immigration status had lower levels of usage. At most, only one-third of either of these groups used any service. For the foreign-born workers with eligible immigration status and with children, the use of cash payments was exceptionally low, at four percent. However, between 21 and 33 percent of this group used Medicaid, Food Stamps and WIC.

It should be pointed out that although the proportions for some groups may not be large, the absolute levels were sizable. If we assume that there were 1.6 million crop workers,[2] then approximately 15 percent, or about 250,000 workers, were receiving Food Stamps and Medicaid. Of these recipients, many were foreign-born farm workers with eligible immigration status (but were not citizens).

For example, 35 percent of Food Stamps recipients were foreign-born non-citizens; 47 percent of Medicaid Program recipients and 41 percent of WIC recipients were foreign-born non-citizens. Therefore, for the Food Stamps program about 87,500 crop workers, the Medicaid Program about 117,500, and the WIC program about 102,500 will potentially be affected by legislation passed by the 104th Congress.

Figure 3.5



Source: NAWS 1994-95

---

[2] The estimate of the Commission on Agricultural Workers was 2.5 million farmworkers. According to USDA calculations, crop workers were approximately two-thirds of all farmworkers. Therefore, we estimate that there were about 1.6 million crop workers.

Among the workers who had eligible immigration or citizenship status and were below the poverty line, many did not receive services despite their eligibility. For the two major farm worker service programs, Food Stamps and Medicaid, a large majority of the population with

eligible immigration status living below the poverty line did not receive the service. Among the poor with eligible immigration or citizenship status, about a quarter received Medicaid and about a third obtained Food Stamps. In WIC and cash assistance, the level of receipt for the farm worker poor was even lower-- 17 percent received WIC and 8 percent received cash assistance.

Chapter 4: Legal Status

Introduction

In this chapter we discuss the shifts in the proportions of different immigration categories over the years of the study.

Summary of Findings

- The Immigration Reform and Control Act (IRCA) legalized a very large group of farm workers. The vast majority of these workers became Legal Permanent Residents. Many of these newly legalized workers stayed in U.S. agriculture and many left.

- The proportion of unauthorized workers rose considerably over the course of the survey; over one-third (37%) of all farm workers sampled during the last data collection cycle had no work authorization.

- The proportion of newcomers entering agriculture has been very high in recent years. In 1994-1995, 18 percent of all farm workers were working in U.S. agriculture for the first time. Of these first year farm workers, 70 percent were unauthorized foreigners.

The Changing Proportions of Legal Status Categories

We pointed out in Chapter 1 that there has been a steep increase in the relative size of the foreign-born population while the U.S. born population declined during the study period. Since 1989, the proportion of U.S. born workers has dropped by 10 percent. The long-term trend toward a higher proportion of foreign-born workers on a national basis is well documented not only in this paper, but also in the report of the Commission on Agricultural Workers.[1]

---

[1] Report of the Commission on Agricultural Workers, November, 1992, Washington, D.C.

There has been another important trend within the growing foreign born population. Since 1989, the number of newly legalized IRCA applicants and other work-authorized foreigners has been declining as a proportion of the population, while the proportion of unauthorized workers have increased. The shifting legal categories of immigrants since the passage of IRCA may be simply a nominal change which reflects an ongoing, long-term replacement/displacement of legal, veteran foreign workers by younger newcomer immigrants.

In 1987 and 1988, more than one million foreigners who listed their occupation as farm worker applied for legalization under the Special Agricultural Workers and the General Amnesty program.[2] Most of these individuals spent two to four years as Temporary Residents, and then the vast majority of them obtained Legal Permanent Resident (LPR) status, mostly in the 1990 to 1992 period. We call these the IRCA-applicant group. This group of more than a million workers had an important impact on a labor market estimated at 2.5 million workers.[3]

Because of the once-only legal categories introduced by IRCA and the transformation of the legal of a large group of workers in very few years, presenting the data in two different ways is necessary. First, we divide the workers by their status at the time of the interview, and then we describe them by the manner in which they became legalized.

The first categorization highlights the growth of the Legal Permanent Resident group (those who hold "green cards"), as the IRCA applicants and their relatives converted to Legal Permanent Resident status. It also shows the complementary fall off, of workers with Temporary Resident (IRCA applicants)or Pending (asylee and refugee applicants) statuses who had work authorization. The Temporary and Pending status workers fell from 35 percent to 4 percent, while the Legal Permanent Residents grew steadily from 13 percent in 1989 to 25 percent during the most recent period (see Table 4.1). These numbers reflect in part the movement of the IRCA

[2] The Special Agricultural Workers had to demonstrate that they had worked in U.S. fruit, vegetable and horticultural agriculture for 90 days during the 1985-1986 season. The General Amnesty workers had to show they had lived continuously in the United States since January, 1982. The IRCA-applicant farm workers were overwhelmingly SAWs.

[3] See Report of the Commission on Agricultural Workers.

applicants from temporary residents to permanent residents. Notice, however that the decline in the Temporary-Pending group is greater than the increase in the Legal Permanent group. The first declined by 31 percent while the latter grew by just 12 percent.[4]

Table 4.1 Percent Distribution of Farm workers by Legal Status at the time of Interview

Current Legal Status	FY 1989	FY 1990-91	FY 1992-93	FY 1994-95
Citizen	42%	42%	35%	32%
Legal Permanent Resident	13%	13%	20%	25%
Temporary, Pending Status	35%	26%	14%	4%
Unauthorized	7%	16%	28%	37%
Unknown	3%	3%	2%	2%

There is a clear explanation of why the LPR proportion did not grow as much as the proportion of the Temporary and Pending status workers fell. Many Special Agricultural Workers (SAWs) and the General Amnesty Workers legalized by IRCA left agriculture. The increase in LPRs represented only those IRCA-legalized individuals who remained in agriculture. Although many IRCA-legalized workers stayed in agriculture, large numbers left. In 1989, one-third of all farm workers were IRCA-legalized, while in 1994-1995 that proportion had declined to 19 percent. A small group of other legal categories like asylum and refugee claimants (Other Work Authorized) also dropped from 7 to 3 percent (see Table 4.2). As these workers departed agriculture, a very large group of unauthorized workers entered--from only 7 percent in 1989, the proportion grew steadily to 37 percent in the 1994-1995 period.[5]

---

[4] There was another category of method of adjustment which was also expanding among farmworkers during the years of the study. Workers who had applied to adjust their immigration status through family unification programs grew from 1 percent to 8 percent of all farmworkers (see Table 4. 2).

[5] There has been a small increase in the H2-A agricultural nonimmigrant worker program. In 1996, the number increased to about 17,000 workers.

Table 4.2 Percent Distribution of Farm workers by Method of Legalization

Method of Obtaining Legal Status	FY 1989	FY 1990-91	FY 1992-93	FY 1994-95
Citizen	42%	42%	34%	30%
IRCA Applicant	33%	29%	25%	19%
Family Program	1%	3%	6%	7%
Other Work Authorized	7%	7%	4%	3%
Unauthorized	7%	16%	28%	37%
Unknown	11%	3%	2%	2%

The survey also shows evidence of a rapid influx of newcomer farm workers from abroad during the period of the study, and most of these first time U.S. farm workers were unauthorized. In 1994-95, 18 percent of all farm workers were in their first year in U.S. farm work. Of these newcomers, 70 percent were unauthorized foreigners.[6]

It cannot be shown directly from the survey data why so many of the newly legalized and other work authorized groups left agriculture during this period. It may be that opportunities for non farm work "pulled" them out of agriculture. However, the survey does demonstrate clearly that an extreme surplus of workers has existed throughout the study period and continues today. In fact, even during the peak month of July, less than three-fifths of farm workers are employed at farm work (see Table 4.3). During the period of the study, real farm worker wages[7] and earnings (see Chapter III above) declined. Therefore, it is equally as likely that the continuing farm labor

[6] Most of the rest were young citizen workers 22 years of age. Sixty percent of the citizen newcomers were less than 22 years of age.

[7] See data from the Quarterly Agricultural Workers Survey of the USDA.

surplus and the worsening economic conditions for farm workers may have "pushed" the veteran workers out of agriculture.[8]

By legalizing a large part of the agricultural labor force, IRCA temporarily reduced the level of unauthorized farm workers. In 1989, only 7 percent of farm workers were unauthorized. However, the tendency for new entrants to enter agriculture every year from abroad showed absolutely no sign of slowing despite the large legalization program.

Table 4.3 **Percent of Farm Workers in Different Activities**

NATIONAL FIGURES BY MONTH					
	U.S. FARM WORK	**U.S. NON-FARM WORK**	**NOT WORKING WHILE IN U.S.**	**ABROAD**	**TOTAL**
JAN	28%	14%	28%	30%	100%
FEB	31%	14%	28%	27%	100%
MAR	37%	12%	26%	25%	100%
APR	46%	11%	22%	21%	100%
MAY	51%	13%	19%	17%	100%
JUN	56%	12%	13%	19%	100%
JUL	56%	12%	13%	19%	100%
AUG	53%	12%	14%	21%	100%
SEP	47%	12%	19%	22%	100%
OCT	43%	13%	21%	23%	100%
NOV	38%	13%	23%	26%	100%
DEC	32%	13%	25%	30%	100%

Data collected from October 1994 to September 1995. Sampling of activity performed in the month done on the week containing the 15th of the month.

[8] One unanswered question is whether this displacement of unauthorized workers by unauthorized workers would have occurred had real farmworker wages and earnings not declined or if other adjustments in the labor market, such as employer provided housing, health insurance, vacations, and the like, had occurred during the post-IRCA period.

Survey Method

Each year since the inception of the study the NAWS has interviewed approximately 2,500 randomly selected agricultural workers across the United States. The sampling procedure respects seasonal and regional fluctuations in the level of agricultural work activity. Each fiscal year includes a fall cycle, a winter cycle, and a spring/summer cycle of interviews. The number of interviews conducted during a cycle is proportionate to the amount of agricultural activity at that time of year.

The NAWS uses sites' area sampling to obtain a nationally representative group of workers while containing travel costs of survey staff. A sample of 288 counties in 25 states was selected to represent 12 distinct agricultural regions. No fewer than four counties were chosen from each region. Multi-stage sampling is used to choose respondents in each cycle. The likelihood of a given site being selected varies with the size of its agricultural payroll.

Agricultural employers within each of the selected counties are chosen randomly from public agency records, including unemployment insurance files and Agricultural Commissioners' pesticide registrations. These sources of employer names are supplemented from lists maintained by such agencies as the Bureau of Labor Statistics, the Agricultural Soil and Conservation Service, and the state Department of Industrial Relations.

NAWS lead interviewers' contact the selected employers, explain the purpose of the survey, and obtain access to the work site to schedule interviews. Interviewers then go to the work site, explain the purpose of the survey to the workers, and ask a random sample of them to participate. Interviews then are conducted in the worker's home or at another location of the worker's choice.