

# Immigration and Farm Labor: Challenges and Opportunities

**Philip Martin**

*University of California, Davis*

Hired workers do most of the work on US farms; three-fourths of these workers were born abroad, and most are unauthorized. This article assesses the current state of the labor market for hired workers in fruit and vegetable agriculture and evaluates the options to deal with evolving farm-labor demand, supply, and labor-market operation patterns. If wages were to rise, the most likely response in fruits and vegetables would be labor-saving mechanization and increased imports of labor-intensive commodities, conclusions highlighted by Wallace Huffman (2012) in a series of policy-relevant articles. Cash grain agriculture is already largely mechanized, and labor is a smaller share of production costs, so rising wages would have fewer impacts in cash grains.

**Key words:** farm worker, immigration, mechanization.

---

## Introduction

Agriculture—the production of food and fiber on farms—is the keystone of the larger food system that includes industries such as seed and fertilizer firms that supply production inputs to farmers and the output sector comprised of firms that process and distribute food and fiber to consumers in the United States and abroad. There are 12 or more nonfarm jobs for each farm job in the US food system, and there are offsetting pressures on this nonfarm-to-farm job ratio of 12 to 1. Farmers are buying more inputs from nonfarm firms, but they are also performing more tasks on farms that were once done off the farm, such as harvesting and packing produce into consumer-ready packages. These offsetting trends help to keep the nonfarm-to-farm job ratio relatively stable.

In the United States, hired workers were about 60% of average employment on farms in 2010, and farmers and unpaid family members made up about 40% (Table 1). The consolidation of farms into fewer and larger units that specialize in the production of one or a few crop or livestock commodities promises to further increase the hired farm worker share of average employment on US farms to a projected 62% in 2020.

The United States has some of the world's largest labor-intensive farms that rely on hired workers. Labor-saving technologies have allowed family farms to operate larger units; another reason for large farms—especially in the Western states—is that large farms were not broken up into family-sized units in the 19<sup>th</sup> century when the transcontinental railroad encouraged a switch to labor-intensive crops.

During the 18<sup>th</sup> and 19<sup>th</sup> centuries, the United States developed three major types of farms that had different

ways of securing seasonal workers. Family farms in the Northeastern and Midwestern states relied on large farm families and an occasional hired hand to produce both crops and livestock on largely self-sufficient operations. These family farms became fewer and larger as labor-saving technology spread and more family members worked off the farm. In the Southeastern states, plantations relied on slaves to produce non-perishable cotton and tobacco for export to Europe. Most plantations had at least 400 acres and 20 slaves, and the price of slaves rose and fell with the prices of the commodities that they helped to produce.<sup>1</sup>

In western states such as California, agriculture evolved differently. Under Spanish and Mexican rule, large tracts of land—often 50,000+ acres—called ranchos were distributed to individuals. Most ranchos were cattle-grazing and wheat-producing farms after California became a state in 1848, and they were expected to be broken up into family farms when the transcontinental railroad in 1869 lowered transportation costs and interest rates. Family farmers were expected to arrive by train, buy enough land to support their families, and to grow a surplus that could be dried or canned and transported to consumers in the Eastern and Midwestern states.

Family farms were expected to replace ranchos because it was assumed that only large families could provide sufficient seasonal workers for labor-intensive fruit production. However, a seasonal work force became available to large farms during the transition from wheat to fruit after the 12,000 Chinese workers

---

1. For more details on these farming systems, see Martin (2003, Chapter 2).

**Table 1. United States: Agriculture and total employment (thousands) for 2000, 2010, and 2020.**

Sector and labor type	2000	2010	2020	Change	
				2000-10	2010-20
<b>Agriculture</b>	2,396	2,135	2,005	-11%	6%
<b>Wage and salary</b>	1,354	1,282	1,236	-5%	-4%
<b>Operator and family</b>	1,042	853	769	-18%	-10%
<b>Share</b>	43%	40%	38%		
<b>US total</b>	143,236	143,068	163,536	0%	14%

Sources: Sommers and Franklin (2012, p. 14) and Henderson (2012, p. 66).

who had been imported to help build the western leg of the transcontinental railroad were laid off. The recession in the 1870s that followed California's closer integration into the US economy led to discrimination against the Chinese, who were sometimes driven out of cities by workers who scapegoated them.

Fruit farmers hired these Chinese workers at relatively low wages, which increased the value of their farm land, since fruit generated more revenue per acre than wheat (the previous crop).<sup>2</sup> Families who did their own work on fruit farms had to pay high prices for land but earned the equivalent of the low wages paid to seasonal Chinese workers, who were three-fourths of the seasonal workers in the state in the early 1880s. As a result, relatively few family farms developed in California, and relatively few of Eastern and Southern Europeans who immigrated to the United States between 1880 and 1914 went to or stayed in California.

Legislation stopped Chinese immigration in 1882. As the Chinese farm work force aged and shrank, there were once again predictions that large California farms growing labor-intensive crops would have to be broken into family-sized parcels to obtain seasonal workers. However, Japan legalized emigration in 1885, and Japanese newcomers soon replaced aging Chinese as the core of the seasonal farm work force. The Japanese were followed by Punjabis and other South Asians early in the 20<sup>th</sup> century, Mexicans during WWI, Filipinos in the 1920s, Dust Bowl migrants in the 1930s, and Mexicans ever since.

2. *The low wages paid to Chinese workers were capitalized or incorporated into the price of land, giving California some of the most expensive farm land in the United States in the 1870s and 1880s despite its distance from most consumers. In 1888, for example, California orchard land was worth \$200 to \$300 an acre, while land used to produce wheat was worth \$25 to \$50 an acre. Fruit generated more revenue per acre, but also had higher costs, giving fruit farmers an incentive to reduce wages and costs.*

These waves of immigrants available to work seasonally in farm jobs made it unnecessary to break up the large farms that developed from land grants and entrepreneurs who assembled large farms, resulting in so-called factories in the fields that relied on seasonal workers who often migrated from lower-wage areas within the United States or from another country (Martin, 2003). The Tejon Ranch<sup>3</sup> in the southern San Joaquin Valley, with 270,000 acres that were originally four Mexican land grants, is an example of a large farm that has persisted.

### Hired Farm Workers

The supply of US farm labor—including the human capital embodied in workers—depends on

- the decisions of US workers about where to work. About 30% of hired crop workers are US-born, but almost all new entrants to the farm work force were born abroad;
- immigration patterns and the decisions of immigrant workers; and
- required training. Two-thirds of US-born crop workers—but only an eighth of the foreign-born workers—completed high school.

Today, hired farm workers are mostly immigrants from Mexico who have little education, and most are unauthorized.

The US Department of Labor's National Agricultural Worker Survey (NAWS) finds a mostly young, Mexican-born, and male crop work force (US Department of Labor, n.d.). The NAWS—which was launched in 1989 to detect possible farm labor shortages due to immigration reforms and has now interviewed 2,000 to 3,000 crop workers a year over the past quarter century—found that the Mexican-born share of the US crop

3. See <http://tejonranch.com>.

workforce was 55% in 1989-90, peaked at 80% in 1999-00, and now has dropped below 70%. The share who identified themselves as indigenous fell from 15% in 2005-06 to 6% in 2011-12.

The NAWS is the only US government survey that determines the legal status of respondents. Since 2002, about half of crop workers interviewed were unauthorized. The share of crop workers who are unauthorized is closely linked to the share of newcomers, who are workers who have been in the United States less than a year before being interviewed. Between 2010 and 2012, only 2% of crop workers were newcomers, down sharply from a peak 23% in 1999-2000.

Many of the newly legalized special agricultural workers (SAWs) began to leave the farm work force, so that by 1991 the declining share of SAWs matched the rising share of unauthorized workers. As shown in Figure 1, the SAW share fell from 32% of all crop workers to 15% between 1989-91 and 1998-2000. The share of SAWs has now stabilized at just over 10% (Martin & Taylor, 2013). Since the mid-1990s, there have been almost four unauthorized workers for each legalized SAW worker. Unauthorized workers are half of crop workers, but the share of SAWs has declined to less than 10%. The SAW experience suggests that, if there were another legalization of unauthorized farm workers, most would leave farm work within five years unless they were required to continue performing farm work.

Almost all of the foreign-born crop workers are from Mexico. Foreign-born workers differ significantly from US-born crop workers in legal status, education, and English proficiency. For example, 55% of the foreign-born workers are unauthorized, only 13% completed high school, and just 3% speak English well. Foreign-born crop workers are also more likely than US-born crop workers to be married.

US-born workers had average hourly earnings of \$9.74 in 2007-09, almost \$1 per hour more than the average \$8.89 of foreign-born workers. Foreign-born workers had more days of farm work in the past 12 months—200 versus 180—and were less likely to have health insurance provided by their current farm employer. One-seventh of foreign-born workers—versus one-quarter of US-born workers—had employer-provided health insurance in their current job.

SAW-legalized workers are older and have less education than foreign-born newcomers—an average of five versus six years (7% of both groups had graduated from high school in 2007-09)—but are much more likely to speak some English and to have incomes above the poverty line. By contrast, almost 95% of foreign-

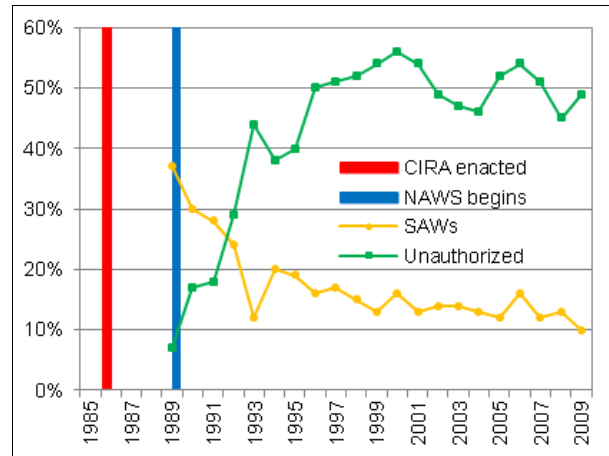


Figure 1. SAWs and unauthorized crop workers as a share of all crop workers in the United States, 1989-2009.

Source: US Department of Labor (n.d.)

born newcomers had below-poverty-level incomes. One-third of foreign-born newcomers were employed by labor contractors versus less than one-fourth of SAW-legalized workers, including only one-eighth in 2007-09. Foreign-born newcomers had fewer days of farm work than SAW-legalized workers, in part because not all were in the US for the full year before being interviewed.

### Immigration Reform

The United States is a nation of immigrants. US presidents frequently use the phrase “*e pluribus unum*” to remind Americans that they share the experience of themselves or their forebears leaving another country to begin anew in the United States. Immigration is widely believed to serve the US national interest, as immigrants better themselves while also enriching the United States (Martin & Midgley, 2006).

The major immigration issue for the past quarter century has been what to do about illegal immigration. The United States had 40 million foreign-born residents in 2010, including 11 million—almost 30%—who were illegally present (Martin & Midgley, 2006). Public opinion polls find widespread dissatisfaction with illegal immigration, showing that most Americans believe the federal government should do more to reduce illegal immigration. For example, a CNN/Opinion Research Corporation (ORC) poll in November 2011 found 55% of respondents supported deporting unauthorized foreigners in the United States, while 42% would offer them a path to legal residence (Polling Report, n.d.).

Congress has been unable to agree on what to do about illegal migration over the past two decades. After the mid-1990s, farmers acknowledged that half of their workers were unauthorized and tried to persuade Congress to make it easier for them to employ legal guest workers. However, in a June 1995 statement, President Clinton blocked their efforts, saying: “I oppose efforts in the Congress to institute a new guestworker or ‘bracero’ program that seeks to bring thousands of foreign workers into the United States to provide temporary farm labor” (Martin, 1998). However, the election of President Vicente Fox in Mexico, who made a Mexico-US guest worker program his top foreign policy priority, prompted negotiations leading to the passage of the Agricultural Jobs, Opportunity, Benefits, and Security Act (AgJOBS), which would lower barriers to hiring legal guest workers.

Farm employers and worker advocates joined a coalition of groups advocating comprehensive immigration reforms with three major elements—more enforcement to deter unauthorized migration, legalization for unauthorized foreigners in the United States, and new guest worker programs. Mexico’s then-Foreign Minister Jorge Castaneda in June 2001 laid out a four-pronged reform migration agenda for Mexico-US negotiations that included legalization, a new guest-worker program, reducing border violence, and exempting Mexico from visa quotas, and concluded, “It’s the whole enchilada or nothing.” Fox was visiting President Bush in Washington, DC and pressing for this “whole enchilada” immigration reform just before the September 11, 2001 terrorist attacks.

Congress tackled immigration in 2005, 2006, and 2007, at the height of the housing-fueled economic boom. The Republican-controlled House moved first, approving the Sensenbrenner bill—an enforcement-only bill in December 2005 that would have required all employers to participate in a federal program now called E-Verify, which allows employers to check the legal status of new hires against government databases. The House bill also called for hiring more Border Patrol agents and building a fence along one-third of the 2,000 mile Mexico-US border and would have defined “illegal presence” in the United States as a felony, making it harder for unauthorized workers to become legal guest workers and immigrants in the future.

The Democratic-controlled Senate approved the Comprehensive Immigration Reform Act (CIRA) in May 2006. Like the Sensenbrenner bill, CIRA would have required employers to submit data on all new hires to a government database and added fences and Border

Patrol agents. However, instead of defining unauthorized foreigners as felons, CIRA would have allowed them to earn a legal immigrant status by paying fees and taxes and learning English (Martin, 2006). When the Senate tackled immigration reform again in 2007, it was unable to approve a revised version of CIRA despite the active support of President Bush. Republicans who opposed “amnesty” and Democrats who feared that more guest workers would hurt US workers combined to defeat CIRA (*Migration News*, 2007).

## Immigration and Farm Workers

Farm employers and worker advocates have been active participants in the immigration reform debate. During the first attempt to deal with illegal migration in the Immigration Reform and Control Act (IRCA) of 1986, farm employers and worker advocates eventually agreed on a compromise that legalized unauthorized farm workers who had done at least 90 days of farm work in 1985-86 and made employer-friendly changes to the then agricultural guest worker program, whose name was changed from H-2 to H-2A (Martin, 1994).

Farm labor costs were expected to rise after enactment of IRCA as farmers raised wages to retain legalized workers or built housing to employ H-2A guest workers. Instead, illegal immigration continued and unauthorized workers used false documents to get hired. Since employers do not have to determine the authenticity of the documents presented by newly hired workers, they were not liable if the workers were later found to be unauthorized. Immigration reform thus contributed to the spread of unauthorized workers throughout US agriculture (Martin, Huffman, Emerson, Taylor, & Rochin, 1995).

The 2000 AgJOBS bill repeated the IRCA approach to unauthorized migration and agriculture, i.e., legalize current unauthorized farm workers and make it easier for farm employers to hire legal guest workers in the future (Martin, 2005). AgJOBS included several important changes. Like the SAW legalization program, AgJOBS would allow currently unauthorized farm workers to legalize their status immediately. However, to “earn” a regular immigrant status for themselves and their families, foreigners legalized under AgJOBS would have to continue to do farm work, a provision aimed at preventing an immediate exodus of newly legalized farm workers to nonfarm jobs (Martin, 2009).

The most recent version of AgJOBS—S 1038 and HR 2414 introduced in May 2009—would have allowed up to 1.35 million unauthorized farm workers who did at

least 150 days or 863 hours of farm work in the 24-month period ending December 31, 2008 to apply for Blue Card probationary status (*Rural Migration News*, 2009a). Blue-Card holders could work and travel freely within the United States and enter and leave the United States, and could earn an immigrant status for themselves and their families by continuing to do farm work over the next three to five years.

AgJOBS would change the H-2A program in three major ways to make it easier for farmers to recruit and employ legal guest workers (*Rural Migration News*, 2009b). First, farm employers could attest that they need guest workers and are paying prevailing wages rather than have the US Department of Labor (DOL) supervise their efforts to recruit US workers, a process called certification. Attestation would effectively shift control of the border gate from the DOL to employers.

Second, rather than provide free housing to H-2A and out-of-area US workers as is required currently, AgJOBS would allow farm employers to pay a housing allowance of \$1 to \$2 an hour—depending on local costs to rent two-bedroom units that are assumed to house four workers—if state governors certified that there is sufficient rental housing for the guest workers in the area where they will be employed. Third, the Adverse Effect Wage Rate—the minimum wage that must be paid to legal guest workers—would be frozen at last year's levels and studied, effectively reducing the AEWR by \$1 to \$2 an hour and offsetting the cost of the housing allowance.

Despite bipartisan support, AgJOBS has not been enacted. Meanwhile, farmers aware that (i) half of their workers are unauthorized, (ii) federal I-9 audits of their employment records can remove a large share of their workers, and (iii) more states are enacting laws requiring employers to use E-Verify express worries about obtaining new and replacement workers, worry that they could lose a large share of their workers suddenly to federal or state enforcement. Farmers are especially fearful of requirements to participate in the E-Verify program, which involves submitting data on newly hired workers to a federal database and learning instantly if the worker is authorized to be employed in the United States.

A continuation of the status quo would mean that about half of farm workers remain unauthorized, that federal I-9 audits and state laws disrupt employment and hiring unevenly, and that farm employment shifts toward the extremes—to intermediaries willing to absorb the risk of enforcement and toward investment in housing in order to employ H-2A guest workers. New entrants to the farm work force would continue to grow

up outside the United States, and enter the United States illegally to do farm work or enter legally as guest workers. Unauthorized workers fired after I-9 audits or not hired because their employer participates E-Verify typically remain in the United States and move on to another employer, so the status quo is likely to promote worker circulation that limits employer training of workers and worker advancement on particular farms.

The second option is stepped-up enforcement and new or revised guest worker programs. More federal enforcement and state immigration-control laws could be coupled with new guest worker programs or revisions to the current H-2A program that include the revisions in AgJOBS, i.e., no DOL-supervised recruitment of US workers, no requirement to provide housing for guest workers, and a lower minimum wage for guest workers. Several of the proposals made by and on behalf of farm employers would shift the administration of new or revised guest worker programs from the DOL to the US Department of Agriculture. Farm worker advocates oppose these so-called E-Z guest worker proposals.

The third option is comprehensive immigration reform that deals with all unauthorized foreigners in the United States—the one million employed in agriculture and the seven million employed in nonfarm jobs, as well as their three million dependents. Comprehensive immigration reform has three major components: enforcement, legalization, and guest workers, but the details of each component, and an assessment of how they could interact, makes enactment difficult. For example, how should employer participation in E-Verify be phased in, and should farm employers be exempt from having to recheck the legal status of returning seasonal workers? Should there be a separate legalization for unauthorized farm workers, and should it require farm workers who want to earn an immigrant status to continue to do farm work, or would any US work suffice to earn an immigrant status? Finally, what new guest worker program can balance the interest of farmers in having sufficient seasonal workers while protecting farm workers?

## Conclusions

Farm operators, unpaid family workers, and hired workers are the three major types of workers employed on US farms. Over the past quarter century, the share of average employment contributed by hired workers has been rising, so that hired workers are now about 60% of average employment on US farms. These hired workers are concentrated in three interrelated ways—by commodity, size of farm, and geography—so that most hired

workers are employed on large farms in California and a few other states that produce labor-intensive fruit and vegetable commodities. Dairies and nurseries are also important employers of farm workers.

More than half of the hired workers on US farms have been unauthorized since the mid-1990s, and almost all new entrants to the farm work force are unauthorized. Farm work is more often a less-than-10-year job rather than a career, and older hired workers who find nonfarm jobs are typically replaced by youthful newcomers from rural Mexico, giving especially seasonal agriculture something of a revolving-door labor market.

This revolving door is threatened by immigration reforms that may make it more difficult for newcomers to enter from abroad. Farm employers who rely on immigrant newcomers to replace workers who find nonfarm jobs want new and modified guest worker programs to make it easier to hire the foreign workers who are more than two-thirds of US farm workers, while worker advocates argue that there must be even stronger recruitment, housing, and wage protections to ensure that foreign workers are not preferred to US workers, and that guest workers are not exploited.

Farm employers and worker advocates reached a compromise in 2000 known as AgJOBS that would legalize currently unauthorized farm workers and make it easier for farm employers to hire guest workers in the future. AgJOBS has not been enacted, but the federal government has gradually tightened border and interior enforcement, prompting farm-labor shortage complaints. In some areas, average hourly earnings for farm labor have risen sharply.

Dependence on hired farm workers and concerns about fewer immigrant workers and sharply rising wages are not uniform throughout US agriculture. Midwestern cash grain farms hire few non-family workers, although Midwestern dairy and livestock farms are increasingly dependent on immigrant farm workers. The current H-2A guest worker program allows only farm employers offering seasonal jobs, generally defined as 10 months or less, to request permission to hire H-2A workers. The agricultural industry—as exemplified by the American Farm Bureau Federation—has asked for two new guest worker programs; one would tie workers to particular farms with contracts but oblige employers to provide housing for guest workers and another would permit guest workers to “float” from farm to farm. Farmers would not have to provide housing to floating guest workers.

Changing farm-labor supplies and wages in the face of immigration policy uncertainties prompt several

employer strategies. Most farm employers oppose federal laws requiring them to use the internet-based E-Verify system to check the legal status of new hires unless there is also an employer-friendly guest worker program. Meanwhile, some employers are investing in housing to employ H-2A guest workers, and some are investing in mechanical aids to enlarge the pool of available workers and labor-saving mechanization to make fewer and more expensive workers more productive. History is unlikely to repeat itself and flood the farm-labor market with new workers, as in the late 1980s, but it is not clear whether and how fast farm-labor costs will change and prompt more labor-saving mechanization or immigration reforms.

## References

- Henderson, R. (2012). Industry employment and output projections to 2020. *Monthly Labor Review*, 135(1), 65-83.
- Huffman, W. (2012, July). *The status of labor-saving mechanization in U.S. fruit and vegetable harvesting* (Working Paper #12009). Ames: Iowa State University, Department of Economics. Available on the World Wide Web: <http://www.econ.iastate.edu/research/working-papers/p15132>.
- Martin, P.L. (1994). Good intentions gone awry: IRCA and U.S. agriculture. *The Annals of the Academy of Political and Social Science*, 534, 44-57.
- Martin, P.L. (1998). The endless debate: Immigration and US agriculture (pp. 79-101). In P. Duignan & L. Gann (Eds.), *The debate in the United States over immigration*. Stanford, CA: Hoover Institution at Stanford University.
- Martin, P.L. (2003). *Promise unfulfilled: Unions, immigration, and farm workers*. Ithaca, NY: Cornell University Press.
- Martin, P.L. (2005). AgJOBS: New solution or new problem. *UC Davis Law Review*, 38(3), 973-991.
- Martin, P.L. (2006). Immigration reform: Implications for agriculture. *Agricultural and Resource Economics Update*, 9(4), 1-4.
- Martin, P.L. (2009). *Importing poverty? Immigration and the changing face of rural America*. New Haven, CT: Yale University Press.
- Martin, P.L., & Taylor, E. (2013, February). *Ripe with change: Evolving farm labor markets in the United States, Mexico, and Central America*. Washington, DC: Migration Policy Institute.
- Martin, P.L., Huffman, W., Emerson, R., Taylor, J.E., & Rochin, R. (Eds.). (1995). *Immigration reform and US agriculture* (Publication 3358). Berkeley: University of California, Division of Agriculture and Natural Resources.
- Martin, P.L., & Midgley, E. (2006). Immigration: Shaping and reshaping America. *Population Bulletin*, 61(4), 1-29.

- Migration News*. (2007). Senate: Immigration reform stalls. *Migration News*, 14(3). Available on the World Wide Web: [http://migration.ucdavis.edu/mn/more.php?id=3294\\_0\\_2\\_0](http://migration.ucdavis.edu/mn/more.php?id=3294_0_2_0).
- Polling Report, Inc. (n.d.). *Immigration* [data]. Washington, DC: Author. Available on the World Wide Web: <http://www.pollingreport.com/immigration.htm>.
- Rural Migration News*. (2009a). AgJOBS: Provisions, eligibility. *Rural Migration News*, 15(3). Available on the World Wide Web: [http://migration.ucdavis.edu/rmn/more.php?id=1466\\_0\\_4\\_0](http://migration.ucdavis.edu/rmn/more.php?id=1466_0_4_0).
- Rural Migration News*. (2009b). California: Sales, strawberries. *Rural Migration News*, 15(4). Available on the World Wide Web: [http://migration.ucdavis.edu/rmn/more.php?id=1491\\_0\\_5\\_0](http://migration.ucdavis.edu/rmn/more.php?id=1491_0_5_0).
- Sommers, D., & Franklin, J. (2012). Overview of projections to 2020. *Monthly Labor Review*, 135(1), 3-20.
- US Department of Labor. (n.d.). *National agricultural workers survey (NAWS)*. Washington, DC: US Department of Labor, Employment and Training Administration. Available on the World Wide Web: <http://www.doleta.gov/agworker/naws.cfm>.