

D.C. offering sound and fury but little clarity



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There is much activity in Washington, D.C., right now, but little government movement that is well enough developed to call for grassroots action yet. Here is a “laundry list” of some of the activity we’re following.

Executive Orders (EO): We have all heard about President Trump’s EOs on immigration and homeland security. These orders have caused significant angst among growers and employees. They have caused fear and uncertainty about worker availability, worker status and how to plan for 2017.

We know that the latest EO banning travel from some countries has been enjoined by a federal judge and cannot go into effect until that is resolved. The EOs on border security and enforcement are the ones of most concern to agricultural employers and employees. Some of the overall points on the EOs include increased border security (building a wall), reduction of enhanced processing of visas, clearly stating that using false identification to obtain any government services and/or employment is considered a deportable offense, and significant increases to the number of federal immigration and border patrol agents over the next several years.

Despite initial concern, the EO as written does not eliminate the possibility of visa interview waivers for returning H-2 workers if they are applying for the same visa

category within 12 months of having departed the United States. This is good news to the H-2 employer community.

Although not necessarily a direct result of the EOs, we understand that employers are seeing more immigration agent activity, and those of you within 100 air miles of the border have seen increased border patrol activity as well. This does not appear to be a direct policy decision to increase activity, but appears to be the result of individual offices and agents feeling more free to “do their jobs.” Regardless of the cause, employers have seen more activity and should always be prepared for I-9 auditing and to quickly access the required employment records.

Although only speculation at this point, recent history suggests that the current level of concern among the farm-worker community may well suppress the normal flow of migrant workers this year. Growers should be looking at options in the event fewer migrant workers are available.

Regulatory agency appointments: Although EPA and many other Cabinet positions have been approved, we are still waiting for hearings and approval for both secretary of agriculture and labor. Until these posts are filled, key management positions and contacts in both agencies remain in flux, and we are unable to begin building relationships on your behalf.

Even within the administration, most of the key positions to whom we would go for agricultural employer issues are yet to be filled.

Congressional actions: Congress is currently engaged with health care revisions, budgeting and discussion of tax reform. The Agriculture Workforce Coalition continues to meet weekly, and has met several times with House Judiciary Committee staff. Our goal remains a pathway to legal employment of the current domestic workforce if their documentation is found to be false, requesting pressure to

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make the current H-2A program work as Congress intended it, ability of employers with year-round need to access legal workers, and, in the longer term, a viable temporary visa program that will serve the needs of all agricultural employers.

The current Congress is not likely to progress any form of comprehensive immigration reform, so we are working to address what agricultural employers need – period.

Other: In general, the current state of flux in D.C. over potential Russian interference, surveillance accusations and inter and intra-party infighting are not helpful to the process of moving forward on agricultural employer issues. It is important to remember that agriculture has been promised for years that, when the timing is right, our issues will be addressed. With one party in control of the White House and both houses of Congress, it is time we remind them that now is the time to address agricultural issues, including the need for a stable and predictable workforce. **VGN**