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PRESIDENT TRUMP AND IMMIGRATION: THE IMPLICATIONS FOR AMERICAN FARMERS

BY: CODY CONNER

In a speech given in Phoenix, Arizona, President Donald Trump stated that illegal immigration is “one of the greatest challenges facing our country today.”^[i] Indeed, throughout the President’s campaign, immigration was used to spark outrage against the existing immigration policy of the United States. However, a critical aspect of immigration reform that has not been given enough consideration is the potential impact on American farms.^[ii]

The recent raids by U.S. immigration authorities targeting undocumented immigrants are creating a wave of distress throughout America’s agricultural community.^[iii] Pete Aiello, general manager at Uesugi Farms in Gilroy, California, stated that farms in the western U.S. have already dealt with a dwindling labor supply, partly because of tightened border security for years.^[iv] When asked about President Trump’s proposed immigration plan, Aiello said, “The mood is not good . . . It’s one of significant trepidation.”^[v]



Researchers at the University of California, Davis have estimated that approximately “70% of all farm workers are living in the U.S. illegally.”^[vii] Although American farm-owners will continue to be impacted greatly by any immigration reform, President Trump’s approach could also lead to rising grocery costs for American consumers.^[viii] According to a Farm Bureau study, an approach of “only enforcement and not reform could increase food prices by as much as 6 percent as fruit, vegetable and livestock production wanes.”^[ix]

In order to fully elucidate this issue, some general background information regarding current law must be provided. The federal government instituted the H-2A Temporary Agriculture Program to establish “means for agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature.”^[xi] With the H-2A Program, many would believe that this immigrant workforce could easily be sustained legally.

However, the Program has served a very limited purpose.^[xii] In many cases, prospective employers may be discouraged by some of the Program’s requirements, “such as providing housing to H-2A workers and paying them the highest of the Federal or State minimum wage.”^[xiii] In addition, many dairy and nursery operations are precluded from participating in the H-2A Program because such operations need year-round labor, as opposed to temporary or seasonal workers the Program provides for.^[xiv] With these regulations in mind, the question that presents itself is whether the issue is the illegal immigrants seeking work, American workers refusing to perform such laborious duties, or the farm-owner employers that actively seek to cut costs by hiring illegal immigrants and paying them less than minimum wage.

[i] Philip Bump, *Here’s What Donald Trump Said in His Big Immigration Speech: Annotated*, Wash. Post (Aug. 31, 2016), https://www.washingtonpost.com/news/the-fix/wp/2016/08/31/heres-what-donald-trump-said-in-his-big-immigration-speech-annotated/?utm_term=.bd8716bf133c.

[ii] Mario Parker & Mark Chediak, *Trump’s Immigration Crackdown Triggers Anxiety Across U.S. Farms*, Bloomberg (Feb. 15, 2017), <https://www.bloomberg.com/politics/articles/2017-02-16/trump-s-f-35-calls-came-with-a-surprise-rival-ceo-was-listening>.

[iii] *Id.*

[iv] *Id.*

[v] *Id.*

[vi] Alan Gomez, *Trump Immigration Raids Show Greater Focus on Non-Criminals*, USA Today (Feb. 16, 2017), <http://www.usatoday.com/story/news/nation/2017/02/16/president-trump-immigration-raids-target-fewer-criminals/97988770/>.

[vii] *Farmers Concerned About Impact of Immigration Policies on Agriculture Industry*, 23 ABC News Bakersfield (Feb. 10, 2017), <http://www.turnto23.com/news/local-news/farmers-concerned-about-impact-of-immigration-policies-on-agriculture-industry>.

[viii] Parker & Chediak, *supra* note ii.

[ix] *Id.*

[x] Richard Marosi & Don Bartletti, *Hardship on Mexico’s Farms, A Bounty for U.S. Tables*, L.A. Times (Dec. 7, 2014), <http://graphics.latimes.com/product-of-mexico-camps/>.

[xi] Steven Zahniser, Tom Hertz, Peter Dixon & Maureen Rimmer, *The Potential Impact of Changes in Immigration Policy on U.S. Agriculture and the Market for Hired Farm Labor*, U.S. Dep’t. of Agric., at 1 (May 2012), https://www.ers.usda.gov/webdocs/publications/err135/20514_err135_1_.pdf.

[xii] *Id.*

[xiii] *Id.*

[xiv] *Id.*

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