



# Demagoguery and Demographics:

Impacts on California Farmworkers,  
their Employers, and the Communities they Live in

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# The “Perfect Storm”: Looming Threats to California Farmworkers and Agribusiness

- The Trump administration’s published and proposed anti-immigrant Executive Orders (EO’s) are major threats to farm labor supply and California’s economic well-being.
- The anti-immigrant right-wing’s goal: mass “self-deportation”. Administration strategy: bullying rhetoric and “street theater” to underscore ICE/CBP “gaze of surveillance”.
- Actual “self-deportation” will probably be minimal. But the tough-guy messaging campaign will lead to widespread “hunkering down” even if DHS ability to ramp up actual deportation rates is modest. The early impacts are already evident.
- Beefed-up border control will further decrease an already dwindling supply of new Mexican migrants. However, the new “interior enforcement” approach already in place and other proposed anti-immigrant initiatives will have a much more serious impact .
- The threats extend beyond FW’s themselves: to their employers, to family members, to rural communities eroding small business revenue and services to low-income families, as well as declines in tax revenue.

# Why California Agriculture and Farmworkers Are So Vulnerable To Anti-Immigrant Demagoguery

- Almost all (91%) of California FW's are foreign-born and two-thirds of them lack work authorization.
- More than half of CA's 700,000 FW's (58%) live in HH's with their spouses and children. More than 4 out of 5 of their children are US-born. These families are here to stay.
- One-third of California farmworkers are legal permanent residents. Although they "played by the rules" now they are threatened with deportation for getting help from programs they are legally entitled to use.
- Administration edicts will constrain unauthorized workers' labor market participation and mobility, decreasing their availability and pushing the most economically marginal into crisis.
- Most FW families' need help from public programs to thrive—e.g. Medi-Cal, SNAP, WIC, school lunches. The administration wants to restrict eligibility and access to all.
- FWs' are vulnerable to rhetorical bluffing because their ability to assess the government's ability to follow through on its threats against immigrants and their families is limited (as is the general public's). Random enforcement by ICE amplifies perception of risk.

# Agriculture's Distinctive Vulnerability: Reduced Flows of New Workers

- Flow of Mexican migrants has already been way down for some years. In 2014 only 1% of the California FW's were "newcomers" ( i.e. <1 yr. in US ) vs. 28% in 1999-2000.
- Administration border control strategy (at this point) rests mainly on saber-rattling style messaging. A paper tiger—but with some teeth and a loud roar. Messaging is crucial.
- Result of threats: higher payments to immigrant smugglers (e.g. \$10K last month), greater risk of detention in the interior not just in the 100 mile "danger zone" near the border.
- Actual border apprehensions may increase slightly due to s carte blanche to CBP agents—but not dramatically. CBP budget request for 5,000 new agents and technology will not be fully funded. Moreover, hiring new agents, procuring technology will take time.
- Despite anti-immigrant "populist" mythology very few U.S.-born workers want to work in the fields. In 2014, only 9% of the CA farm labor force was U.S.-born. Increases in # of U.S.-born workers have been at most 1%/year over the past decade. Unlikely to increase.

# Hopes For More Hours From Current FW's? Not Likely!

- **High Labor Force Participation Already**--Current farmworkers can't work much more than they now are. Younger FW's already work an average of 46 hrs./wk. for 230 days/yr.
- **The Aging Legalized Workforce**--The average SAW legalized under IRCA at the age of 29 is now 60 years old. One-third of CA farmworkers are now 45+.
- **Increasing Disability and Morbidity**--Middle-aged FWs' ability to work will be very limited by age 55. Increasing incidence of musculoskeletal and diabetes-related problems constrain both the amount and type of work aging FW's can perform.
- **Decreased Health Care Access for FW's**--Trump-induced fears will further erode FWs' already low health care utilization. The heaviest impact will probably be on routine health screening which might have caught "silent" disease precursors.
- **A Specific Concern: the Diabetes Problem:** A model of decreased health care utilization suggests that loss of Centers for Disease Control funding for health promotion, screening, and treatment might increase the FW disability rate from diabetes alone by 0.7%/yr. in the FW population --a loss of 6,000 workers per year due to delayed diagnosis and screening.
- **Improved Wages and Working Conditions**—Of course will help—but the limitations are real. Employers need to focus on encouraging increased labor force participation among women. Better fringe benefits might help more than pay increases among the settled, aging workforce.

# Already-Published Enforcement Initiatives: Threats to FWs, Agricultural Employers, and Rural Communities

Administration Policy Initiatives	Level and Type of Impact	Time Frame and uncertainties
<p>"Border Security and Immigration Enforcement Improvements" Executive Order</p>	<p><b>Moderate</b>—<u>decreased</u> flow of new Mexican workers due to increased cost of border-crossing and fear.</p> <p>Greatest where Customs and Border Patrol (CBP) is already operating in Imperial, Riverside, San Diego counties</p>	<p>Already in place—impact depends on funding (\$286M increase for CBP operations, \$1.4B for wall) and resolution of many issues re hiring agents.</p> <p>Long-term threat due to ongoing reduction in annual flow (not just stock) of migrants</p>
<p>"Interior Enforcement" Executive Order</p>	<p><b>Major</b>-lower <u>overall</u> farm labor force participation</p> <p><b>Huge</b> impact on newcomers ( who arrive after 2013)</p>	<p>Already in place--impact depends on CBP and ICE funding (\$1.2B increase for ICE)</p> <p>Also depends on ICE focus on "target-rich" locations including agricultural workplaces</p>
<p>DHS Implementation Memo (changes in ICE procedures)</p>	<p><b>Widespread</b> high impact on Priority 2 and Priority 3 undocumented FW's and family members and modest impact on non-priority undocumented</p>	<p>Also ICE approach to collapsed enforcement priorities with limited funding not yet known. Cranking up the numbers with lazy Priority 3 detentions?</p> <p>Messaging and counter-messaging greatly affects impact even if there is limited implementation.</p>

# Modeling the Impacts of the **Published** EO's on California Farm Labor Supply

Factors Affecting Labor Supply	Basis and Assumptions: Decreased Migration, "Hunkering Down", and Removals	Decrease in Labor Supply
Increased Border Enforcement Deterrence on Migration	Assume 50% reduction in new entries to CA farmwork (currently 1% of <u>entire</u> FW labor force)	-0.5%
Risk of expedited removal for those who entered after 2013	6.3% of <u>undocumented</u> FW's <4 years in U.S. at risk. Impact--20% less labor force participation. Also deters prospective migrants.	-0.6%
Risk of apprehension for <b>Priority 1</b> (Felons)	2.9% of <u>undocumented</u> FW's at at risk. Assume 30% reduction in overall labor force participation	-0.5%
Risk of apprehension for <b>Priority 2</b> (3+ or a serious misdemeanor)	3.5% of <u>undocumented</u> FW's at risk. 20% reduction in overall labor force participation	-0.4%
Risk of apprehension for <b>Priority 3</b> (final order of removal)	4.7% of <u>undocumented</u> FW's at risk. Assume 20% reduction in labor force participation	-0.9%
Threat of detention for <b>non-priority</b> undocumented FW's	Remaining 84% of the <u>undocumented</u> FW's. Assume 5% reduction in labor market participation	-2.3%
Actual removals (interior only)	0.9 % of <u>all undocumented</u>	-0.5%
<b>Aggregate Impact on California Farm Labor Force: Immediate</b>	<i>*Minimal overlap among categories (except actual deportations are from at-risk populations)</i>	<b>-5.7%</b>

# Pending Initiatives : Further Threats to Farmworkers, Agricultural Employers, and Rural Communities

Policy Initiatives	Level and type of Impact	Time Frame and Uncertainties
<p>"Protecting Taxpayers" draft EO (Public Charge)</p> <p>(said to be imminent)</p>	<p>Threat of deportation or denial of immigration benefits due to "public charge" (using a means-tested program)</p> <p>Type/extent of messaging and counter-messaging.</p>	<p>Blocked by litigation? But impact already from messaging re risks.</p> <p>Catastrophic if implemented.</p>
<p>Federal Budget cuts</p> <p>(very likely!)</p> <p>FY18-19?</p>	<p>Loss of funding for migrant/community health centers lowers access and decreases worker availability.</p> <p>Less funding for CDBG, CSBG, HUD, USDA cuts "safety net" programs-hurting local providers and low-income families including FW's. Also community-level impacts!</p>	<p>Impact uncertain (depends on CA response (but fiscal pain inevitable)</p> <p>Litigation countering federal effort to penalize sanctuary cities/states</p>
<p>Anti-immigrant administrative actions</p> <p>(very likely!)</p>	<p>Added restrictions to program utilization. Possible efforts to revise SNAP, WIC, HUD eligibility for mixed-status families result in FW family crises.</p> <p>State efforts to offset federal admin. restrictions?</p>	<p>Impact on state, county, city fiscal picture.</p> <p>Loss of per capita revenue and changes in other formulae.</p>
<p>"Protecting American Jobs" draft Executive Order</p> <p>(implementation unclear)</p>	<p>Catastrophic if E-verify implemented w/out legalization—Impact on worker mobility and availability</p> <p>Includes threat to Census 2020 and ACS—major impact on CA federal funding and political representation</p>	<p>Current proposal for E-verify: study of "strengthened incentives", not mandatory. Widespread opposition and litigation.</p> <p>Unlikely before FY19 at earliest</p>



# Modeling the Impacts of the **DRAFT** Executive Orders: Uncertainties but Possibly Catastrophic and Ongoing!

Factors Constraining FW Labor Supply	Assumptions: Likely budget cuts and administrative actions to exclude mixed-status families from program eligibility	<b>YEARLY</b> Loss of Labor Supply
Budget cuts and anti-immigrant regulatory actions re program eligibility	FW's work availability affected by own and family members' health from decreased access to health care and key programs	-0.5%
"Protecting Public" EO dampening use of Medi-Cal and other key programs	Less FW availability for work due to family members' illness and HH crises due to reluctance to use SNAP, WIC, LHEAP	-0.8%
E-verify—impact on hiring newcomers	impacts only for new hires. Assume 50% compliance. Assume newcomers=2% of labor force (due to border deterrence)	-1.0%
E-verify- impact on undocumented FW's moving between crop-tasks or employers	26% of CA FW's with >1 employer). Assume 40% of FW's with multiple jobs are undocumented. Assumed loss of mobility from not going to 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> jobs=4 mos. on the average.	-3.7%
E-verify- impact on undocumented FW displaced by small farm failure	Assume 2% of undocumented FW's are displaced by production shutdown resulting from 50% E-verify compliance each year.	-1.1%
E-verify- impact on temporary exits of undocumented FWs:	Affects all re-hires: Women bearing children and briefly leaving for child care. Also workers with disabilities. Estimate 7%/yr.	-2.0%
<b>ANNUAL</b> Impact on CA Farmworker Labor Force (2019—onward)	<i>*Research required to determine overlap. Impact results in ongoing ANNUAL loss of farm labor hours</i>	<b>-8.8%</b> annually

# Summary of Immediate and Future Impacts of Anti-Immigrant Policies on Farm Labor Supply

- ***Mass deportation is impossible.*** But multiple, relatively small impacts on FW's and labor supply will interact to create a major crisis for California agribusiness and communities.
- ***Lower migration in-flows and suppressed labor force participation are much bigger problems than actual deportations.*** Current messaging and enforcement will result in an immediate loss of 5-10% of labor hours just in 2017.
- ***Real-world limitations on CBP and ICE actual ability to deport—even*** with increased expenditures. But impacts from the published EO's and guidelines are inevitable—even with roadblocks because the strategy rests on demagoguery meant to spur "self deportation"
- ***The situation will get worse in future years.*** U.S.-born workers in the farm labor force have seldom increased more than 1% per year. The availability, stability, and work quality of U.S.-born labor supply is questionable.
- ***Impacts of the unpublished EO's are uncertain but some impact is inevitable.*** The "Protecting Taxpayers" and "American Jobs" EO's will increase perceived risk even if litigation drastically slows implementation. Possible loss of 1.3% of labor force each year if "American Jobs" is blocked—but an additional 7.8% if E-verify were implemented.
- ***Cumulative impact will likely be a 5-15% reduction in California farm labor force by 2020*** — depending on messaging, implementation, and industry ability to recruit U.S.-born workers.

# No Deus Ex Machina: Guestworker Programs Will Not Solve Agribusiness' Labor Problems

- Farmwork is less seasonal than in the past—more pre, post-harvest, and year-round work now. Only 27% of overall California farm employment is now in harvest tasks. One-third of the currently unauthorized FW's work in more than one phase of production.
- Guestworker programs will not overcome the need for long-term workers trained to work within company management guidelines and use crop-specific technology reliably. As production unit size and technology use increase, long-term workers will be increasingly necessary. "Circular" migration inefficient—in part due to churning.
- Some major industry sub-sectors—e.g. dairy and nursery-- need year-round permanent workers. Guestworker programs providing temporary workers are not what they (or any employer needs). "Dual-intent" visas are needed. Workers can come, go, settle or not.
- Despite the Republican majority in Congress, lobbyists' quest for stripped-down uncapped guestworker programs is unlikely to be fulfilled. Racist anti-immigrant voices (e.g. King) are strong—they're not interested in business/economic well-being, especially in the West.
- Efforts to put stripped-down H-2A programs in place will face the same log jam that killed ACA "repeal and replace" legislation. Democrats will oppose weaker worker protections while anti-immigrants will oppose any new admissions of foreigners. But unilateral administrative action is possible.

# Widespread community-level impacts of policy actions and messaging

- Serious long-term negative impacts on texture of community life due to “hunkering down” (analysis from Putnam 2007): decreased trust and loss of social/civic capital.
- Negative impacts on immigrant family life—decreased mobility/earnings and less access to health services. Impacts are widespread because the threats are extended to settled, mixed-status immigrant families.
- Increased economic pressure, “gaze of surveillance”, and fewer service resources will escalate FW families’ stress levels—resulting in serious psychological, physiological impacts on health
- “Ripple effects” from disruption of labor-intensive agricultural production will result in a vicious downward economic spiral for local businesses and civic institutions .
- Anti-immigrant groups use Putnam’s research to argue against immigration but ignore his sound recommendations for nurturing community trust. Commitments to “sanctuary” will need to be expanded into proactive multi-faceted immigrant integration programs. Real community-wide benefits to immigrant integration/welcoming.
- California’s state-level response may mitigate impacts—but fiscal pressures on state, county, and municipal government will be inevitable. The state, counties, and cities will litigate some federal actions—but that’s expensive and outcomes are not always certain.

# Solutions?

- **Agribusiness pressure on Congressional representatives will be critical.** Continued viability of labor-intensive agriculture rests on rolling back Trump administration anti-immigrant policies.
- **Messaging to counter the hate-filled bullying rhetoric and reconfirm California's commitment to immigrants must be proactive**—from all sectors of society, the full spectrum of institutions.
- **Agribusiness and immigrant advocates need to jointly oppose enforcement policy, advocate for legalization.** Tom Nassif argued strongly for legalization in 2016. And far-sighted employers pushed for DAPA. Agribusiness must work closely with immigrant advocates (and vice-versa).
- **A new stripped-down guestworker program is not politically viable.** Internal conflict among Republicans, coupled with opposition from Democrats, will block legislative change.
- **Providing more seasonal workers will have limited utility.** Agriculture needs access to an ongoing supply of long-term, not temporary, workers so training investments can be recouped.
- **NSAC/WKF Approach—North American Agricultural Visa (NAAV)** Admissions should be via “dual intent” visas offered directly to foreign-born workers providing them labor market mobility, freedom from immigrant smugglers, and a pathway to citizenship. No need for employers to submit repeated applications, complain about DOL bureaucracy, or benefits for H-2A workers. A level playing field for all workers. Compliance with workplace laws, yes! Special treatment, no!

# Thank you!

- A summary bibliography is available on request from Ed Kissam ([edkissam@me.com](mailto:edkissam@me.com))
- Related in-depth discussion papers are available on the WKF Fund website <http://www.wkfamilyfund.org>

## Appendix: Details on Provisions and Impacts of the Published and Unpublished Executive Orders

- Executive Order on Interior Enforcement (“Enhancing Public Safety in the Interior of the U.S”), January 25, 2017
- Executive Order on Border Security (“Border Security and Immigration Enforcement Improvements”), January 25, 2017
- Department of Homeland Security Implementation Memo: February 20, 2017
- Draft Executive Order on Public Benefits (“Protecting American Taxpayers”), January, 2017
- Draft Executive Order (“Protecting American Jobs and Workers by Strengthening the Integrity of Foreign Worker Visa Programs”)—including discussion of E-verify, census question on immigration status, and reports on unauthorized immigrants.

# Impacts of The “Interior Enforcement” Executive Order and the DHS Memo : Escalating Uncertainty and Anxiety

- Expanded definition of criminality: Re-entry after deportation, use of false documents to obtain work (Garcia de Rayos-Phoenix), arrest for alleged gang affiliation (Ramirez Medina-Seattle)—even without being charged or convicted of a crime.
- Elimination of priorities for removal has put **ALL** unauthorized FW’s and mixed-status HH’s at risk. Randomness augments sense of risk. If agricultural worksite raids begin, this will greatly amplify anxiety. Settled families likely to be most apprehensive—reports of increased demand for Mexican passports for U.S.-born children a worrisome indicator.
- Increase in Anxiety will be greatest among Immigrants in Priority 2 (3+ misdemeanors or unlawful entry/re-entry since 2014) and Priority 3 categories (final order of removal)
- Messaging-apprehensions of low-priority unauthorized immigrants have already greatly escalated stress and begun to curtail trips to some worksites and health clinics. New accounts of random arbitrary arrests amplify “hunkering down”.
- Expansion of expedited removal—major source of anxiety (due to Kafka-esque lack of recourse) for any undocumented FW’s who were not in the U.S. before January 1, 2014.



# Impacts and Uncertainties: The “Border Security” Executive Order

- Rhetoric re ending “catch and release” implies increased use of expedited removal. Section 2 (b)-(d) includes arrest on suspicion of violating immigration law.
- Efforts to reinstitute 287(g) local law enforcement collaboration with ICE and CBP. The impact is unclear due to individual jurisdictions’ stance and outcome of the California Values Act (De Leon SB 54). However, there would be constraints on AZ border-crossers if local sheriffs cooperate.
- Impact would be greatest in “danger zone” of 100 miles from the border. Reports of migrant deaths and injuries probably more vivid in these communities. Affecting Imperial, San Diego, and Riverside County agricultural production.
- Constraints on hiring—DHS seeks to eliminate current use of polygraph test in CBP hiring which was instituted by Congress to counter infiltration by drug cartels and decrease incidence of bribery. A heavy lift due to GAO report on earlier scandals. But erosion of other hiring requirements is very likely.
- Border wall construction itself is too slow to have a major impact in the near future although more vigorous, less accountable CBP operations will increase border-crossing costs and reliance on smugglers. (\$1.4 billion augmentation—windfall for immigrant-smuggling industry).

# Impacts of the Draft “Protecting Taxpayers” EO: Extending Targeting to Settled Immigrants

- Threatens deportation of legal immigrants based on revised definition of public charge,. Greatly heightening community anxiety—because it targets settled LPR’s (29% of the FW population) and mixed-status families.
- Broader definition of “means-tested” programs includes major ones with widespread use in low-income communities—e.g. school lunch programs, SNAP, Medi-Cal, WIC. The EO would probably include state-funded means-tested programs as well as federal.
- Unauthorized immigrants will fear deportation or being barred from future legalization (or other options-e.g. U visa, VAWA, family petition). Pregnant women or others using emergency Medi-Cal might be (or feel) vulnerable.
- Decrease in health care service utilization would be significant (reduction in 2-year rate of health care utilization down from 50% to 25%). Extent of “hunkering down” and decreased labor force participation unclear but effects will be tragic’.
- The power of President Trump’s “bully pulpit”! Vigorous litigation would probably block implementation but the Trump administration’s strategic goal is primarily messaging (to anti-immigrant constituents and to immigrants).

# Impacts of the “Protecting American Jobs” Draft Executive Order: Disaster for Agribusiness and FW’s

- E-Verify would curtail employment options for unauthorized immigrants. Workers would probably be able to remain with their current employer but not change jobs.
- One quarter (24%) of California FW’s (those with >1 employer each year) would lose their ability to move from one employer to another--more than \$2000/yr. in earnings. Decreased ability of undocumented FW’s to move from one crop-task to another would seriously disrupt agricultural employers’ labor supply.
- 17% of FW’s would lose >\$yr. in off-season non-farm employment earnings—increasing need for financial help and pressure on charities which remain available(e.g. Food Banks)
- I-9 procedures for “re-hiring” workers suggests that pregnant women, temporarily disabled workers, and seasonal workers could not be re-hired by their employer without querying the E-verify database. Another 5% of FW’s , would be hurt by the “re-hiring” provisions.
- Negative impacts on agribusiness would affect non-agricultural businesses and citizens as well as immigrant FW’s. Even if E-verify non-compliance is prevalent, risks (and actual costs) of non-compliance for both workers and employers would be high.

# “Poison Pill” for California Communities: Proposed Census Question on Immigration Status

- The “Protecting American Jobs” draft Executive Order proposes to add a question on immigration status to the census—part of efforts to suppress immigrant response and, thus, decrease political representation in states such as California.
- The question would have a major negative impact on census response in California (where 27% of all residents are foreign-born, 6% undocumented, and 12% of families are mixed-status with at least one undocumented person in the HH)
- Adding the question on immigration status to the decennial census or American Community Survey (ACS), would result in a loss of \$1-3 billion per year in federal program funding for California in the 2021-2030 decade
- Courts might enjoin this effort—due to the 2016 Supreme Court *Evenwel* decision, the constitutional mandate for a decennial census, and courts’ opinion that the ACS is an integral component of the constitutionally-protected decennial census.
- But a 1999 Supreme Court decision distinguishes use of census data for apportionment from use for funding allocation (suggesting the question might be allowed on the ACS since these data are not directly used for apportionment).