

Effects of Immigration on those in Colorado today

Writing in the *National Voter* for February 2007 (page 7), Katherine Fennelly of the LWVUS immigration study committee concludes that the U.S. government refuses "either to authorize sufficient numbers of visas for the legal entry of low-skilled immigrant workers or to enforce employer sanctions [against hiring visaless workers]. At the same time," she continues, "Americans are about equally divided in their opinions about current levels, with half saying that the number should be decreased, and another half saying that it should be maintained or even increased."

How does U.S. immigration policy and practice affect employers and workers here in Colorado? Especially problematic is the need to fill jobs in such areas as farming, meatpacking, manufacturing, building construction, restaurants, and other retail enterprises. Sanctions against employers have already been strengthened. Mexicans are being apprehended at the border and imprisoned. Agents of Immigration and Customs Enforcement (ICE, the largest investigative arm of the Department of Homeland Security [DHS]) are conducting raids; the one at the Swift & Co. meatpacking plant in Greeley attracted especially wide attention. Still, even though entering the U.S. illegally entails life-threatening risks and often considerable expense, working here is an attractive proposition for poor and desperate people. An estimated 225,000 to 275,000 workers without legal status are in Colorado. Some never had a visa, others have overstayed their visit.

To enter the country legally, temporary workers need an "H"-category visa, H-2A for temporary agricultural workers and H-2B for others. Of all the visa categories defined by the U.S. Citizenship and Immigration Service (USCIS, also under DHS) --- these include visas for students, tourists, soccer players, concert pianists, nurses, teachers, and on and on --- the H-visa process is perhaps the most complex. First the prospective employer (not the aspiring visitor) applies to the Department of Labor (DOL) stating his/her need and demonstrating that U.S. workers are not available; in some cases s/he must interview U.S. workers sent by the DOL's State Workforce Agency (SWA) and then report in detail why they will not fill the particular need. With DOL certification, the employer can petition USCIS for H visas. The process is notoriously expensive, bureaucratic, and cumbersome.

A recent *Jim Lehrer NewsHour* report titled "Farmers in Colorado Struggle with Labor Shortage" (PBS, August 20) featured employers who are definitely among the "half" of Americans who want the visa quotas raised. The reporter interviewed an onion farmer near Pueblo, a professor at Colorado State University's Cooperative Extension in Fort Collins, a fruit grower in Palisade, and a nursery owner in Littleton. As a result of ICE raids, fewer [presumably undocumented] people showed up to work this year. Farmers who braved the H-2A process could not get enough help, either.

To meet this year's sudden, severe labor shortage, five farmers in Pueblo, under a pilot program, pay the state over \$9 an hour, per worker, for volunteer prisoners to harvest their crops. Growers in western Colorado, who do not have that option, have been forced to cut production by as much as 50 percent. Labor shortages continue to have serious economic consequences for farmers and growers, their communities, and all of Colorado.

Under the H-2B visa for temporary nonagricultural workers, the annual quota is 66,000 workers, and it was already filled in the spring. The owner of Arapahoe Nursery and Tree Farm, in Littleton, who had used H-2B workers successfully for almost ten years, could not get enough workers this year; the government misplaced his paperwork, his guest workers arrived months late, and he almost lost his entire inventory.

What is the solution? Higher quotas? A more efficient process? Punishment of undocumented workers and those who employ them? As reported in the August *Colorado Voter* (page 4), at our LWVCO convention in May, a representative of Swift & Co., talking about the raid, noted that in the past Swift and other employers have been fined by the Department of Justice for asking job candidates for additional documentation!

Many states, including Colorado, punish undocumented workers and their families. A 2006 Colorado law denies most non-emergency benefits, including public housing, unemployment benefits, and Medicaid, to immigrants over 18 who cannot prove legal residency. The time frame for verifying legality is short, the penalties for noncompliance severe. Enforcing the law could cost Colorado taxpayers about \$2 million this year, more than the cost of the denied benefits; however, because no new funds were appropriated, implementation may be delayed. Some business owners believe that the new laws are even keeping *legal* workers out of our state, perhaps because the workers' families include undocumented members.

To protect employers and workers alike, some advocate the issuing of Social Security cards or other identification embedded with tamperproof electronic information, termed "secure identifiers" (SIDs). A federal law mandates that all state drivers' licenses have such information and protections by 2008-2009, but many states can't afford the costs involved. Should the U.S. admit more temporary workers? Fewer? Whatever the decision, the consequences will affect everyone.