

Statement for the Record
Submitted to the U.S. Senate Committee on the Judiciary

On Hearing Titled:
“Immigrant Farmworkers are Essential to Feeding America”

Submitted by:
UnidosUS
Raul Yzaguirre Building
1126 16th Street NW, Suite 600
Washington, DC 20036-4845

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Introduction

UnidosUS, formerly the National Council of La Raza, is the largest national Latino¹ civil rights and advocacy organization in the United States. For more than 50 years, we have worked to advance opportunities for Latino families to enhance their significant contributions to the social, economic, and political tapestry of our great nation. In this capacity, UnidosUS and its Affiliate Network of nearly 300 community-based organization in 36 states, the District of Columbia, and Puerto Rico, work to provide education, health care, immigration, housing, workforce development, free tax preparation, and other services to millions of Latinos in the United States each year.

Through our Affiliate engagement, we have cultivated deep ties with on-the-ground communities across the country and serve these diverse constituents by amplifying their voice to legislators. Namely, we have documented stories and collected data that depict how workers and families of color have been systematically excluded from the U.S. social safety net since its inception. Throughout the COVID-19 pandemic, Hispanic workers—already in precarious standing due to existing, discrimination-fueled disparities—have suffered extreme economic dislocation. To develop an equitable vision for recovery and advancement for our nation, it is critical for legislators to develop a genuine understanding of these hardships.

In this statement for the record, we reassert one of the central arguments UnidosUS has made since the start of the pandemic: a pathway to legalization and citizenship for all undocumented essential workers is an integral part of a comprehensive pandemic recovery plan. We submit that there are fewer jobs more essential—during a pandemic or otherwise—than those held by farm workers. Their contributions have been, and continue to be, instrumental to the nation’s critical infrastructure and resiliency, while helping in no small part to power our recovery by keeping our population fed. We urge action on this important legislation to not only stabilize the workforce, but also ensure the equitable recovery the nation needs and demands.

Farmworkers have been the nation’s life preserver throughout the COVID-19 pandemic

Although the pandemic drastically altered the lifestyle of many Americans—with work from home, online school, and more—one facet has remained constant: the need to sustain the critical food production infrastructure to feed the nation. For millions of people, farmworkers are at the very beginning of that supply chain, an industry whose workers are disproportionately Latino and immigrant. Indeed, according to the U.S. Department of Labor’s National Agricultural Workers Survey, 83% of the nation’s farmworkers are Latino.ⁱ And, according to the Department of Labor about half of farm workers are undocumented.ⁱⁱ The facts speak for themselves: Latinos, many who are immigrants, are the face of our nation’s

¹ The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. This document may also refer to this population as “Latinx” to represent the diversity of gender identities and expressions that are present in the community.

agriculture industry, and farmworkers in particular have played an essential role in one of the most critical of infrastructure systems.

That is not to say that Latino and immigrant workers aren't also well represented in other sectors deemed essential by our government, including along other aspects of the farm-to-folk supply chain. The U.S. Department of Homeland Security's Cybersecurity & Infrastructure Security Agency has established a list of critical infrastructure sectors comprised of essential industries that the agency describes as "so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic, security, national public health or safety, or any combination thereof."ⁱⁱⁱ On that list, along with the transportation system, water system, and energy sector are agriculture jobs. Without farm workers, many Americans would lack access to fresh, nutritious foods. Our nation's economy, one-fifth which consists of agricultural activity, would see itself dramatically impacted without these essential workers.^{iv}

Paradoxically, even as these jobs are generally understood to be critical to the functioning of the nation, workers themselves continue to be put in precarious positions. By their nature, these jobs are high-risk and low pay: Individuals work for hours on end for close to minimum wage levels in the blistering sun without proper protective and other equipment, rest, or compensation. The most recent heat wave in the Pacific Northwest is a cautionary tale of what is to come if Latinos and other farmworkers continue to receive grossly inadequate support. Last month, 38-year-old farm worker Sebastian Francisco Perez died after working in temperatures above 115 degrees in the Willamette Valley of Oregon.^v

This without the background of a pandemic. During the COVID-19 health crisis, farmworkers have especially struggled to adapt—forced to choose between their physical health and their capacity to just barely support their families financially. Public health researchers at the University of California, Berkeley surveyed 1,091 adult farmworkers in Monterey County in California and found that 42% of individuals had an active, asymptomatic infection with COVID-19.^{vi} Moreover, 57% of participants exhibited COVID-19 symptoms and nevertheless continued to work.^{vii} Many farmworkers, pressured by fear of deportation and financial need, attempt to endure the illness and, in the midst of crowded living and working conditions, inevitably spread the virus to other laborers.^{viii} The fear of deportation has been a focal point of recent advocacy efforts by UnidosUS for a pathway to citizenship for essential workers. Congress should carefully consider the statements of the witness made part of this hearing who will testify to the full range of realworld challenges farmworkers have had to endure during the pandemic.

Citizenship is the only way to provide safety and peace of mind to undocumented farmworkers

Evidently, farmworkers are a vulnerable population, both before and during the COVID-19 pandemic. However, there is an added layer that many farmworkers confront that leaves them increasingly exposed to exploitation and abuse: immigration status. According to some experts,

more than one-fourth (27.3%) of foreign-born farmworkers—who already make up nearly half of our country’s agricultural workers—are undocumented.^{ix} Moreover, barely a quarter of farmworkers are U.S.-born. This is not a coincidence: The agriculture sector has long relied on Latinos, other communities of color, and undocumented immigrants, even despite well documented labor and workplace abuses and an immigration system with racially discriminatory underpinnings.^x

Most farmworkers in the United States do not receive the protections and freedoms enshrined in the National Labor Relations Act of 1935 and the Fair Labor Standards Act of 1938. According to labor advocates, these exceptions are said to have been written in by politicians who were a part of the Southern plantation owning class, who pursued an agenda to undermine Black field workers.^{xi} This signifies that in the present moment, farmworkers—the great majority of whom are Latinos—cannot receive overtime pay, except for a handful of states. For these workers, who receive an average wage of \$13.99 an hour as of 2019—approximately 60% of the average non-farm wage—to negotiate a higher wage or improved working conditions immediately puts them and their families at risk. Moreover, some employers have been known to retaliate against employees and their families by reporting them to ICE.^{xii}

The nation surely will reflect on the many lessons of the COVID-19 era. We strongly submit that one such lesson must be that it is wholly counterproductive and self-defeating to sustain policies that threaten deportation and thereby destabilize essential workforces. In the case of essential workers like farm workers, legal status is necessary to avoid these necessary pitfalls.

Immigrant farmworkers need on-the-ground support as well

While we continue to push for citizenship for farmworkers, UnidosUS and its Affiliate partners are doing their part to provide support to undocumented agricultural workers on the ground. For example, the Redlands Christian Migration Association providing much needed support to many migrant farmworker families across rural Florida. They are the state’s largest provider within the Migrant and Seasonal Head Start program, a federal program that provides child care services to young migrant children to ensure that they are safe and learning while their parents and out working in the field.^{xiii} Children of migrant and seasonal farmworkers are a particularly vulnerable population, given their isolation from necessary resources. Often residing in the property of their parents’ employers, these children do not have easy access to schools. These children live below the federal poverty line at twice the national rate, and 76% of this population is Latino.^{xiv} This is why UnidosUS established the Healthy and Ready for the Future Program, which has provided equitable oral and behavioral health services to more than 60,000 Latino children—with a focus on those from farmworker families—in partnership with Affiliates who are local federally qualified health centers and community-based organizations with Migrant and Seasonal Head Start programs.

Moreover, as part of its pandemic response to, among other things, address both the isolation of farmworker communities and the fear of COVID-19 spread, the UnidosUS **Esperanza Hope for All** initiative also seeks to breach the pandemic recovery gap afflicting Latinos.^{xv} One part of

this initiative is allocating more than \$2 million in grants to 35 Latino-serving community organizations, bringing information about COVID-19 vaccines directly into Hispanic neighborhoods across the country, including rural and urban communities where health resources are lacking or difficult to access. Combined with the several Affiliate partners in the UnidosUS family across the nation who are well trained in providing direct services to immigrant communities, we have helping thousands of families in need.

However, the reality is that in the face of the historic COVID-19 pandemic our collective capacity to conduct outreach is limited. A lack of immigration status, including the fear and confusion it generates, particularly among isolated communities like farmworker community, continues to be a top barriers.

Conclusion

The pandemic has made clear how interconnected we all are, and how fragile our critical infrastructure can be in times of crisis. The contributions of farm workers along one of our most important pieces of infrastructure, our food supply chains, cannot be discounted. It is true that we are past due for immigration reforms like the legislation compromising the subject matter of this hearing, but it has become equally evident that the nation’s inability to stabilize its workforce during moments for systemic shock—like a global pandemic—make America vulnerable.

The good news for the country is that a solution is within reach. It is in Congress’s immediate power to modernize our farm workforce by including a pathway to citizenship to these essential workers. UnidosUS supports the passage of the “Farm Workforce Modernization Act of 2021” and urges its immediate passage.

ⁱ Hernandez, Trish; Gabbard, Susan. “Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers.” JBS International: Research Report No. 13. January 2018. https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS_Research_Report_13.pdf (accessed 21 July 2021).

ⁱⁱ Ibid.

ⁱⁱⁱ Cybersecurity & Infrastructure Security Agency. “Critical Infrastructure Sectors.” Cybersecurity & Infrastructure Security Agency. 21 October 2020. <https://www.cisa.gov/critical-infrastructure-sectors> (accessed 21 July 2021).

^{iv} Cybersecurity & Infrastructure Security Agency. “Food and Agriculture Sector.” Cybersecurity & Infrastructure Security Agency. 2021. <https://www.cisa.gov/food-and-agriculture-sector> (accessed 21 July 2021).

^v Foden-Vencil, Kristian. “Series of vigils held for 38-year-old farm worker who died during the heat wave.” OPB. 3 July 2021. <https://www.opb.org/article/2021/07/03/oregon-heat-wave-deaths-farm-workers-sebastian-francisco-perez-vigil/> (accessed 21 July 2021).

^{vi} Eskenazi, Brenda, et al. “Summary Report: Prevalence and Predictors of SARS-CoV-2 Infection among Farmworkers in Monterey County, CA.” University of California, Berkeley. 1 December 2020. https://cerch.berkeley.edu/sites/default/files/ucb_csvs_two_pager_12_01_20_final.pdf (accessed 21 July 2021).

^{vii} Ibid.

^{viii} Contreras, Daisy. "Farmworkers who face extreme heat fear retaliation or deportation if they complain, says nurse." PRI. 21 July 2021. <https://www.pri.org/stories/2021-07-21/farmworkers-who-face-extreme-heat-fear-retaliation-or-deportation-if-they> (accessed on 21 July 2021).

^{ix} New American Economy Research Fund. "Immigration and Agriculture." New American Economy Research Fund. 22 July 2021. <https://research.newamericaneconomy.org/report/immigration-and-agriculture/?emci=6b308dbf-f7ea-eb11-a7ad-501ac57b8fa7&emdi=b2c5a3c1-03eb-eb11-a7ad-501ac57b8fa7&ceid=8384963> (accessed on 22 July 2021).

^x Kamasaki, Charles. *Immigration Reform: The Corpse That Will Not Die*. Mandel Vilar Press. 2019 July 16.

^{xi} Kelkar, Kamala. "When labor laws left farm workers behind — and vulnerable to abuse." PBS NewsHour Weekend. 18 September 2016. <https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse> (accessed on 21 July 2021).

^{xii} Fernandes, Deepa. "Undocumented workers fight for wages under the threat of deportation." PRI: The World. 20 March 2018. <https://www.pri.org/stories/2018-03-20/undocumented-workers-fight-wages-under-threat-deportation> (accessed on 21 July 2021).

^{xiii} Paniego-Béjar, Beatriz. "In a time of crisis, this UnidosUS Affiliate works hard to meet the needs of their local farmworker community." UnidosUS. 8 April 2020. <https://blog.unidosus.org/2020/04/08/unidosus-affiliate-rcma-coronavirus-covid19-response/> (accessed on 21 July 2021).

^{xiv} UnidosUS. "Healthy and Ready for the Future." UnidosUS. 2021. <https://www.unidosus.org/campaigns/red-nose-day-usa/main> (accessed on 21 July 2021).

^{xv} UnidosUS Blog. "UnidosUS and its Affiliates bring vaccine information directly to our community." UnidosUS Blog. 15 April 2021. <https://blog.unidosus.org/2021/04/15/unidosus-and-its-affiliates-bring-vaccine-information-directly-to-our-community/> (accessed on 21 July 2021).