

David Runsten

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Immigration reform is the topic of the day. I read that Representative Dana Rohrabacher, (R-CA) suggested that employers turn to the prison population to fill jobs in agriculture. “Let the prisoners pick the fruits,” Mr. Rohrabacher said. “We can do it without bringing in millions of foreigners.” Perhaps the Congressman doesn’t remember, but much the same thing was said at the end of the Bracero Program in 1965. In fact, a program was created to bus people from skid row in downtown Los Angeles out to the Ventura orchards. Most of them didn’t last a day.

So California farmers turned back to the Mexican immigrants to do the farm work, because they grew up on farms and understood what it meant to do farm work. They were mostly undocumented because there was no legal way for them to come: Mexico is allotted the same number of visas as Botswana. Many were legalized by the Immigration Reform and Control Act in 1986. But Congress once again did not legalize the flow and twenty years have passed, which is why over 90 percent of the California agricultural labor force is now composed of undocumented immigrants. Undocumented migration didn’t stop just because Congress said it should. In fact, it didn’t stop even in the face of a massive increase in law enforcement on the border. All the enforcement has done is drive up the cost of crossing the border to several thousand dollars, thereby discouraging anyone who gets here to go home to visit his family.

The anti-immigrant forces argue that we “should not reward illegal behavior” by granting legal status to undocumented immigrants. But aren’t we rewarding illegal behavior now by allowing businesses to employ the undocumented? Does anyone seriously believe that the undocumented are benefiting more from their labor than are their employers or U.S. consumers?

The reality is that the labor market is working well. U.S. employers have jobs that Mexican workers migrate north to fill. Recruitment occurs through friends and relatives. The only problem is that Congress has declared this process illegal. In a country that values highly the working of free markets, this is the most ironic aspect of the immigration situation.

Not everyone needs to be a legal permanent resident just because he crossed the border and found a job. Many people will go back to Mexico. In fact, about 150,000 go back every year. And many workers will find temporary jobs in agriculture, construction, or services, and migrate back and forth. The proposal to provide the new flow with temporary work visas is a good one: legalize the flow, maybe issuing several hundred thousand work visas a year, adjusting the number for labor market conditions. Workers who find permanent employment and stick with it can eventually seek permanent residency. Some have suggested that we call these work visas “North American Visas,” recognizing that NAFTA has had significant dislocating effects in Mexico but that it did not allow labor to circulate in the same way that it freed up capital and goods flows.

Legalizing this currently illegal labor market that California agriculture depends on is the simplest and most efficient solution: a work visa, labor rights, the right to collect on insurance payments and social security, and the ability to go home and visit one's family. The availability of a continuing flow of legal workers will remove any justification for hiring the undocumented and will allow authorities to gain control over immigration. Unfortunately, simple solutions do not seem politically palatable in Washington, DC, and the current proposals being debated there are sure to fail to resolve the problems.