

Immigration Concerns for Dairy Farmers

Earlier in the week I joined with Utah dairy farmers in a seminar to discuss immigration issues. Attorneys from the Rocky Mountain Employers Immigration Alliance discussed rights, responsibilities and a recommended course of action should Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE) officials pay a visit to local dairies. Presenters indicated that most investigations are initiated because a disgruntled employee, or former employee, raises a red flag to DHS or ICE officials. As such, it is essential that employers meet all legal requirements and that each employee is treated with dignity and respect.

A recent dairy publication reported the guilty verdict of a dairy farmer in Benton County, Iowa. The owner of the dairy was convicted of engaging in a pattern of knowingly employing illegal aliens. Since his business provided housing for his employees, the dairy was also cited for harboring illegal aliens for commercial advantage and financial gain. These allegations will likely result in a permanent termination of this specific dairy.

It all began in November 2001 when Birker Inc. hired a husband and wife who were undocumented illegal aliens from Mexico. There is evidence, however, that they provided some documents that led their employer to believe they were legal. They proved to be good workers, so in May 2004 an additional family member was hired to work on the dairy. Later, the health insurance provider refused coverage because the employee's identity could not be confirmed. Wanting to be helpful, the employer met with an immigration attorney attempting to legalize their status. They were never successful in that attempt.

The owner of the dairy faces a possible maximum sentence of 6 months in prison and/or 5 years probation. He may also be fined \$3,000 per alien, and additionally be assessed special fees. The dairy business faces a possible maximum sentence of probation for 1 to 5 years, a fine of up to \$500,000 or twice the gross gain resulting from the offense.

A significant number of Hispanic workers are employed on Cache County farms and ranches. They have proven to be capable and dependable employees who are essential to the success of most agricultural operations. As the fastest growing ethnic group in Utah, we are making continual efforts to reach out to our Hispanic friends. Undocumented workers cannot be legally hired, however.

It seems no one is satisfied with the current situation where Mexican nationals are crossing the border, often ignoring US immigration laws, and obtaining employment in the US. Our economy continues to absorb their numbers as they find employment in construction, manufacturing, hospitality and agricultural jobs. This influx continues despite the substantial cost and obstacles immigrants face in arriving in this country. Obviously, there is economic incentive to immigrate to this nation, legally or illegally.

I well remember an April 2001 meeting at Bridgerland Applied Technology Center with over 60 agricultural employers and employees. The purpose of our meeting was to assist Spanish workers with application for US citizenship. The Legal Immigration Family Equity Act reportedly provided an

opportunity to become totally legal. We had presentations from the Utah Office of Hispanic Affairs, US Department of Immigration Services, Utah Hispanic Advisory Council and legal counsel from a local law firm. Following the presentations, we spend the rest of the day filling out volumes of paperwork. Experts told us the process could take years and the expense would likely be more than Spanish workers could afford. I don't know that any of those applicants ever became citizens. The entire process was almost overwhelming.

A fashionable proposal that I find troubling is the proposition to hold employers liable if they hire undocumented workers. How would an employer know? Certainly, there is no way for a small Cache Valley dairyman to know if the documents provided are legal or fake. Presenters at our seminar emphasized the need for agricultural employers to comply with every legal requirement. I-9 forms, for example, must immediately be completed and filed for every employee. If employers have any reason to believe an employee has a bogus social security number and they can't resolve it, the employer has no choice but to let them go. If an employee is here illegally there is usually no lawful way to keep them here, regardless of how good an employee they are or have been.

There are no easy answers to our current immigration problems. It is a reality that the US economy achieves a major benefit from individuals who perform jobs that US citizens are often unwilling to do. Surely we can come up with easier ways for hard working individuals to come and go legally.