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Harvesters

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The INS raids highlight the fact that much of the state's farm work is done by people who are not permanent residents. A majority of them foreigners, they average \$6.90 an hour, according to a 1995 state report, not that high a wage by U.S. standards, but a lot more than they might make for similar work in their native lands. Since the mid-1980s, Latin Americans and Caribbean residents from such countries as Jamaica and Haiti have replaced African-Americans and Puerto Ricans as the state's harvesters.

One farm owner, Ed Hansen Jr., of Stanley in Ontario County, said the seasonal nature of farm work, along with its physical demands, is unattractive to many local residents.

"I don't know where I'd turn to recruit such a force (locally)," he said, adding that the region's relatively low unemployment rate means local residents are not looking to work on farms.

Even the New York State Department of Labor acknowledges that it's unlikely the state's crops will ever be harvested completely by state residents — let alone U.S. citizens.

Fred Padula, a labor department spokesman, said his department has referred as many as 6,000 workers a month this year to the state's farms, which use between 50,000 and 100,000 migrant workers each year. Yet, the labor department knows many of the workers it refers are not state residents; the law does not allow department officials to ask such workers if they're U.S. citizens or not.

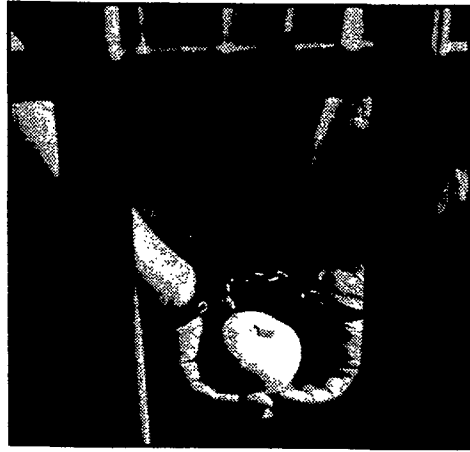
"There is a clear and compelling need for outside labor," Padula said.

Family-unfriendly

Deportations of illegal aliens often split up families, many made up of some members who are here legally and others who are here illegally, farmworkers told the *Courier*.

For example, Jane, 30, and her brother were deported to Mexico earlier this year after being arrested by the INS, only to return to New York state so that they could be with their ailing mother and their father. Their mother, Jane added, is a resident alien who is perfectly within her rights to work in the United States.

Meanwhile, Jane's brother was recently nabbed by the INS again in another raid at the farm where he worked. When Jane spoke to the *Courier*, she said her brother



was currently in jail in another state, awaiting probable deportation. And her mother — who suffers pain from a herniated back disc, yet still harvests cabbage — ponders her son's fate, Jane said.

"She doesn't know what she's going to do," Jane said, through an interpreter. "She cries all day."

Catholic farmworker advocates are not happy about the situation. One such advocate is Sister Mary Jane Mitchell, SSJ, who coordinates the Interdiocesan Hispanic Migrant Ministry Program, a cooperative effort of the dioceses of Rochester and Buffalo. Sister Mitchell is polite enough when talking about illegal aliens — she prefers the term "people without papers" — but it's clear from her words that she's angry about their status in this country.

"The part I truly feel is immoral is that we expect people to come here six or eight months to pick crops, and yet we don't want them to have a family life," she said.

Likewise, Xochitl Palacios expresses dismay at the situation. A Mexican-born U.S. citizen and the daughter of migrant farmworkers, she serves both migrant and settled Hispanics as Hispanic pastoral associate at St. Francis DeSales in Geneva, and shares Sister Mitchell's outlook.

"Instead of worrying so much about the border, worry about the people working here," she said. "It's where you're getting your food."

Cabbage patch 'criminals'

It's no secret that laborers here illegally are the backbone of New York state's agricultural system. According to the INS, as many as 50 percent of the state's farmworkers lack the proper documentation — work permits, resident alien papers — to work here each year. Legal experts and Catholic Church workers say the figure is probably much higher.

According to a state government estimate, the workers — documented or not — help produce as much as \$3 billion in rev-

enue yearly for the state's agricultural industry. Because they use false information to get their jobs, the aliens also pay into the Social Security system without ever receiving its benefits. Nonetheless, laborers without proper papers are technically considered criminals under U.S. law.

In a phone interview, Winston Barrus, acting deputy district director of the INS office in Buffalo, pointed out that an immigrant who reenters the country illegally after being deported, is considered a felon and could be jailed for more than a year. However, he added that, unless the alien has a criminal past, the federal government will generally just deport the person again. Barrus also pointed out that in arresting such workers, the INS is simply enforcing the laws passed by the U.S. government.

"These are people who are here illegally," he said of those arrested in recent raids. "They may have diseases, they may have criminal records, they may be terrorists. We don't know who these people are."

He added that the agricultural industry is far from the only industry that uses illegal labor. Garment factories, for example, often employ illegal aliens, he said.

"Where do you draw the line?" he asked rhetorically. "You let the agricultural workers enter, but you don't let ... (other) workers enter?"

The INS doesn't simply exist to make life miserable for farmers, he added.

"We're certainly not looking for confrontation," he said. "We have no animosity toward farmworkers or the farm owners. On the other hand, we can't look the other way."

Down on the farm

To a farm owner like Ed Hansen Jr., Barrus' words smack of federal government hypocrisy. Farm owners — unlike the INS — don't have access to the records of their workers, he noted, and must assume the documents the workers give them are authentic.

Hansen, with his father Ed Sr., owns a 1,850-acre Ontario County farm in Stanley. The Hansens grow cabbage, carrots, cucumbers, beans and corn, he said in a phone interview. They hire as many as 35 workers to help them tend their farm and harvest their crops each year, he said.

In August, the INS audited the hiring records of his farm, Hansen said, and found that 14 workers had submitted fraudulent information — for example, false work visas or fake Social Security numbers — when they were hired. In late September, the INS raided his farm and arrested a dozen workers who lacked proper documentation, he

said.

Ironically, Hansen said the INS told him he had done all of his hiring legally, and that he simply had been fooled by his workers. It's typical for farmers like himself to not know exactly who works legally or illegally in their fields, Hansen said. Farm owners fear being charged with discrimination if they ask a worker with an accent whether he or she is here legally or not, he explained.

For two weeks after the raid, Hansen said he had to scramble for new workers, a difficult task since most in the area had already been hired out. He'll never trust the INS again because the agency endangered the harvesting of his crops, he noted.

"I have little respect for (the INS) anymore," he said. "I don't accept them. There was no problem solved here when they came."

A new solution?

A bill — H.R. 2377 — has been proposed in the U.S. Congress that would amend current immigration law to allow more aliens to temporarily work in this country. The new bill would also cut down on the paperwork involved in farm owners recruiting foreign labor.

John Lincoln, a dairy farmer in Bloomfield, Ontario County, and president of the New York State Farm Bureau, which represents 28,000 farm owners, explained that farmers are fed up with the INS coming after their workers. He noted that some of his members have expressed interest and support for H.R. 2377.

However, James F. Schmidt, executive director of Farmworker Legal Services, a not-for-profit corporation that represents migrant workers in civil cases, contends that amending the immigration law might make life easier for farm owners, but conditions for migrants would remain unchanged. They would still be among the country's lowest-paid laborers, he noted, doing jobs most U.S. citizens would not take.

"There's domestic labor in this country that's not being given the opportunity to work in this country," he claimed. "The continuous use of undocumented labor ... keeps wages down."

Nonetheless, he agreed with everyone else who spoke to the *Courier* that 1997 may go down in migrant history as one of the most fearful years ever.

"What we're finding that we've never found before is that people are afraid to leave the camps," he said. "They won't go to church, they won't go into their communities because they've actually become prisoners in their own camps."

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