

CALIFORNIA IMMIGRATION PLAN TO LEGALIZE WORKERS FACES HURDLES

By Matt O'Brien
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If Manuel Pérez can persuade Gov. Jerry Brown and the state Legislature to take a stand, California could be the next state to insert itself into the national immigration debate by adopting a role that belongs to the federal government.

Instead of a state-directed illegal immigration crackdown in the style of Arizona and Alabama, however, California would grant state work permits to tens of thousands of undocumented workers who are already harvesting fields, cleaning offices and preparing food.

"We believe we can become the model," said Pérez, a Democratic assemblyman who represents the Coachella and Imperial valleys. But not long after he and a conservative Central Valley Republican announced they were "tired of waiting for a federal solution," Assemblywoman Linda Halderman, R-Fresno, has erased her name from the legislation the pair co-authored.

The bipartisan coalition backing the bill is breaking up, leaving Democrats with the choice of going alone in a statehouse they dominate or reaching out with a compromise.

"The reality is, we've gotten a little bit off track," said Barry Bedwell, president of the California Grape and Tree Fruit League, which represents farmers and still backs the bill. "We're now trying to really get back into focus."

California's farmers and farm workers and the politicians who represent them have long battled each other over labor issues, but they agree on one thing: the state's \$37.5 billion agriculture industry is heavily dependent on illegal immigrants. By many accounts, at least half and perhaps more than three quarters of California's farm workforce is made up of immigrants not authorized to live and work in the United States.

"It's incontrovertible that the majority of our workers are here without proper documentation," said David Puglia, vice president of the Western Growers Association. "That puts everybody in a bad place."

What to do about it has confounded the farm industry for more than a decade.

Frustrated that immigration reform is a non-starter in Congress, Pérez said his bill, AB 1544 (the California Agricultural Jobs and Industry Stabilization Program), would allow California to fix a problem caused by federal inaction.

Illegal immigrants who pay a state fee and prove they are trying to become proficient in English and that they have been working in California for at least 150 days can get a permit authorizing them to live and work in the state.

"We're not importing folks from Latin America or Mexico," said Pérez, contrasting his plan with proposals to invite more seasonal guest workers. "We're talking about workers who have been here now for a period of years, who have raised their families here already."

Critics say state lawmakers have no business trying to tinker with the immigration system, which is in the legal purview of the federal government. They also question farmer fears of a worker shortage when rural unemployment rates are so high.

"We want to stick to the rule of law," said Assemblyman Mike Morrell, R-Rancho Cucamonga, who was the lone dissenter when an Assembly labor committee voted 4-1 to move the bill forward last month. "What if it gets overturned in the courts? Then it's all for naught."

Morrell said the current legislation is also far more broad than its proponents suggest, affecting not just agriculture but also domestic services, janitorial work and restaurants.

Halderman, the co-author, dropped her name from the legislation several weeks ago and has declined to say why. A surgeon and first-term lawmaker who is not running for re-election, Halderman "still supports its concept and intent" but not all of the specifics, said Pérez aide Amy Wilson.

Some growers said they and Halderman lost interest when the United Farm Workers of America pushed Democrats to add more provisions protecting workers. The powerful labor group supports the bill but is also declining further comment.

Meanwhile, farm employers are split on whether to support the risky measure.

Already burned by state immigration legislation that has hurt its Arizona members, Western Growers is neutral on the Pérez bill, although Puglia said he understands where it is coming from.

"As a policy matter, we have advocated that immigration reform is the exclusive province of the federal government," Puglia said. "Congress needs to get off its rear and do something."

California lawmakers are not the first to try to try to legalize their own state's workforce. Utah's Republican-dominated Legislature passed legislation in March 2011 that would legalize some immigrant workers if the federal government granted a waiver, which it never did.

Oklahoma State Senator Harry Coates, a Republican, introduced a similar bill there in December after a state crackdown forced many illegal immigrant workers south to Texas, hurting local employers in the construction industry. Coates, however, said his bill is not getting anywhere because immigration is too toxic an issue in an election year.

"It's so frustrating. We can't seem to get any traction on anything. My colleagues don't want to touch a hot potato like this," Coates said. "Every state's just trying to fend for themselves. I thought it was a commonsense idea."

Pérez may have more luck in California, but the legislation could be merely symbolic if the federal government refuses to authorize the plan, said UC Davis economist Phil Martin, who studies agriculture and migration.

"I think they'll pass it in California through the Legislature, but I don't think (the Department of Homeland Security) is likely to grant any waivers," Martin said. "I'll be surprised if anything will take effect."