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Trump 2.0 and Farm Labor

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Farm Employment and Farm Workers

The 115,000 U.S. farm establishments registered with unemployment insurance (UI) agencies hire about 2.5 million farm workers some time each year to fill 1.5 million year-round or full-time equivalent (FTE) jobs, including the 80% of FTE jobs covered by UI. (Smaller farms are exempt from UI in some states.) Many farm jobs are seasonal, so it takes two 6-month or three 4-month jobs to create one FTE farm job. California accounts for a third of average or FTE farm employment covered by unemployment insurance (see Figure 1), and California farms employ 850,000 workers some time each year (Hooker et al., 2024).

Some 2.5 million people work on U.S. farms for wages each year, and 80% or 2 million were born in Mexico, including 1.7 million who have settled in the United States and 300,000 who arrive with H-2A visas and depart after working an average of 6 months in the United States (Rural Migration News, 2022). Half of the 1.7 million settled Mexican-born farm workers are unauthorized, so the total U.S. farm workforce includes 850,000 unauthorized workers and 1.6 million legal farm workers (see Figure 2), including U.S. citizens, legal immigrants, and legal guest workers (U.S. Department of Labor, National Agricultural Worker Survey).

Most farm jobs and most farm workers are on farms that produce fruits and nuts, vegetables and melons, and horticultural specialties that range from mushrooms to nursery plants. On these fruit-vegetable-horticulture (FVH) or specialty crop farms, the cost of hired labor is 35%–40% of production expenses. Total farm labor costs are \$50 billion a year, and the FVH or specialty crop farms that generate 15% of U.S. farm sales account for half of farm labor expenses (see Figure 3; Rural Migration News, 2024b).

Trump 1.0 and Biden

During his first term, President Trump sought to reduce unauthorized migration over the Mexico-U.S. border by erecting a wall, adding Border Patrol agents, and making it more difficult and costly for foreigners to enter the

United States and apply for asylum. Asylum applicants flee persecution at home, enter the United States, ask to be recognized as refugees, and—if found to need protection—are allowed to resettle in the United States. During the several years required for final decisions on their applications, most receive work permits, helping to explain why many asylum seekers pay smugglers \$5,000–\$10,000 to get into the United States even though 60%–70% of asylum applications are rejected (Harris, 2021; Rural Migration News, 2024c, 2025).

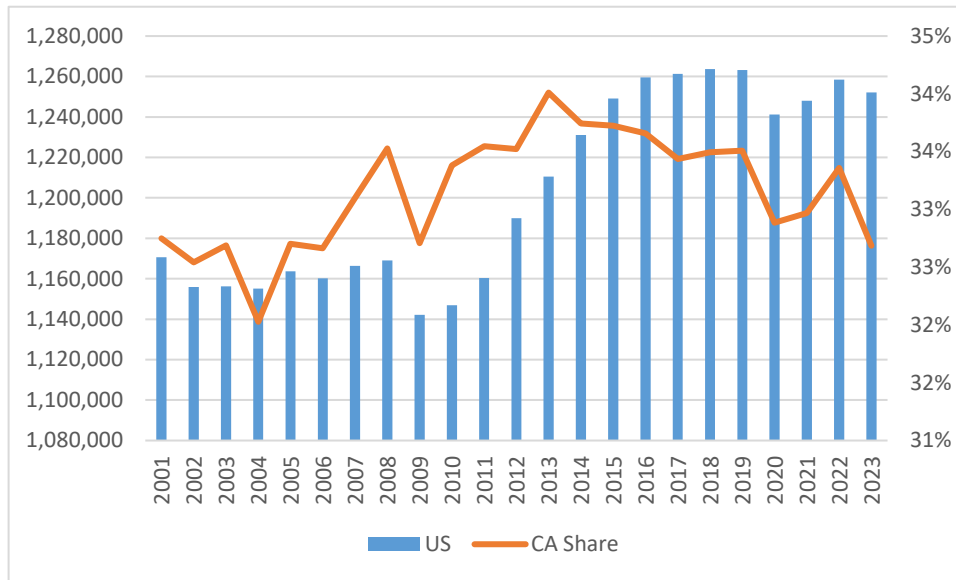
Most unauthorized foreigners and asylum applicants move to cities and seek year-round jobs rather than becoming seasonal farm workers. With few newcomers seeking farm jobs, some 15,000 farmers have turned to the H-2A program to obtain legal guest workers to fill seasonal farm jobs, defined as those lasting up to 10 months.

H-2A workers pose a trade-off for farmers. On the one hand, H-2A workers are younger and more productive than the unauthorized workers who were in their 20s when they arrived in the 1990s and early 2000s and are now settled in the United States. These settled workers are now in their 40s and 50s and less productive than younger H-2A workers in repetitive hand harvest jobs such as picking apples or berries.

H-2A workers are more expensive than U.S. workers in California because they must be paid an Adverse Effect Wage Rate of \$19.97 an hour (in 2025), when the state's minimum wage is \$16.50. Employers must also provide H-2A workers with free housing and transportation to and from workplaces. The total cost of H-2A workers is often \$30+ an hour in California, versus \$20+ for U.S. farm workers, including payroll taxes.

President Trump in April 2018 said: “For the farmers, OK, it is going to get good. We’re going to let your guest workers come in. They’re going to come in, they’re going to work on your farms ... but then they have to go out” (Rural Migration News, 2018). Trump created an interagency task force charged with “streamlining,

Figure 1. California Accounts for One-Third of Average Farm Employment



Source: Quarterly Census of Employment and Wages (www.bls.gov/cew).

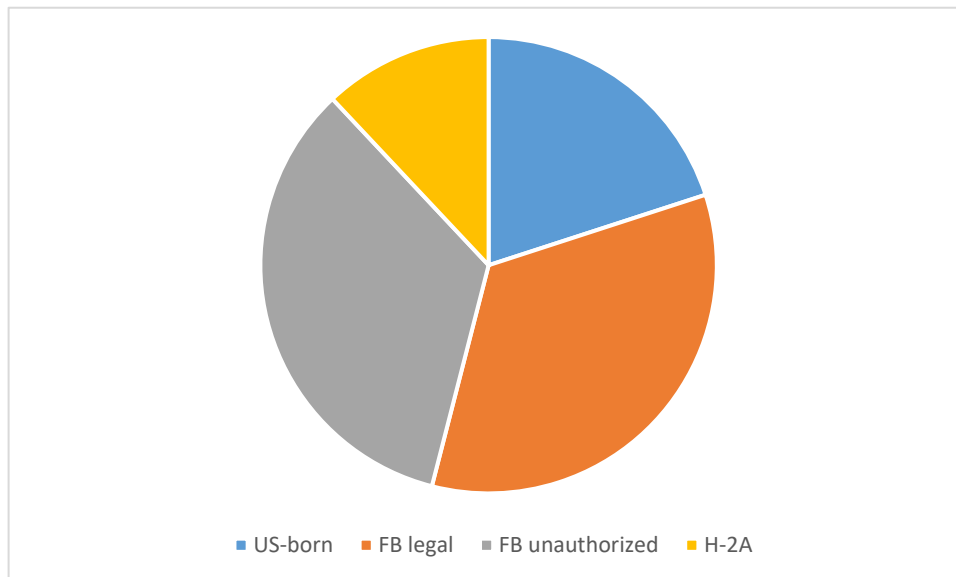
simplifying, and improving the H-2A temporary agricultural visa program.”

In July 2019, the U.S. Department of Labor’s Office of Foreign Labor Certification proposed over 700 pages of H-2A regulations that included changing the process of determining AEWRs. Instead of the single \$19.97 California AEWR, the new regulations would set a minimum wage for each occupation or job title. This means that field workers would be paid \$19.97, but agricultural truck drivers and workers who construct buildings on farms could have an AEWR of \$30 an hour

or more, reflecting the average wage reported by nonfarm employers to the DOL Occupational Employment and Wage Statistics program.

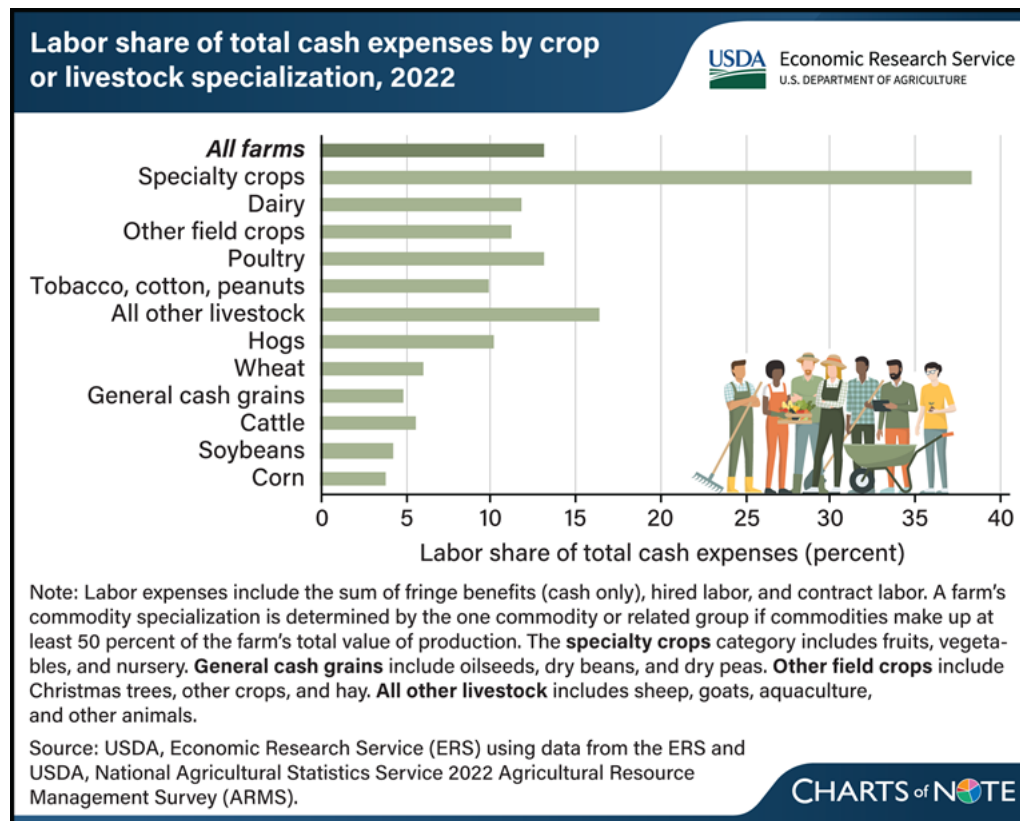
Before these AEWR-by-job-title regulations could take effect, the USDA cancelled the Farm Labor Survey (FLS) in 2020, meaning that there were no hourly earnings data collected from farmers to set AEWRs. In response, the DOL proposed a 2-year freeze on the old statewide AEWRs, after which AEWRs were to rise by the same percentage as the Employment Cost Index for nonfarm wages and salaries. However, a federal judge

Figure 2. One-Third of U.S. Farm Workers Are Unauthorized



Source: National Agricultural Workers Survey (<https://www.dol.gov/agencies/eta/national-agricultural-workers-survey>).

Figure 3. FVH or Specialty Crop Farms Pay Half of Farm Wages



Source: USDA Economic Research Service (<https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=110172>).

in December 2020 ordered the USDA to resume the FLS and blocked the DOL from freezing the AEWR, so there were no significant changes to the H-2A program during Trump's first term.

The Biden Administration withdrew the Trump H-2A AEWR-by-job-title regulations, and the action shifted to Congress. Farm employer and worker advocates pushed for enactment of the Farm Workforce Modernization Act (FWMA), which was approved by the House in 2021 (Charlton, 2024; Rural Migration News, 2021). The FWMA would repeat the compromise at the heart of the Immigration Reform and Control Act (IRCA) of 1986, that is, legalize unauthorized farm workers and make it easier for farm employers to hire legal guest workers.

Unlike the unauthorized farm workers legalized by IRCA, the unauthorized farm workers legalized under the FWMA would have to continue to do at least 100 days of farm work a year for 4–8 years, depending on how long they had been in the United States. After completing this additional farm work, FWMA-legalized farm workers and their family members could obtain immigrant visas.

For farm employers, the FWMA would provide 20,000 3-year H-2A visas so that guest workers could fill year-round jobs in dairies and other livestock operations. The FWMA would cap annual AEWR increases at 3.25% while the government studied the need for an AEWR to

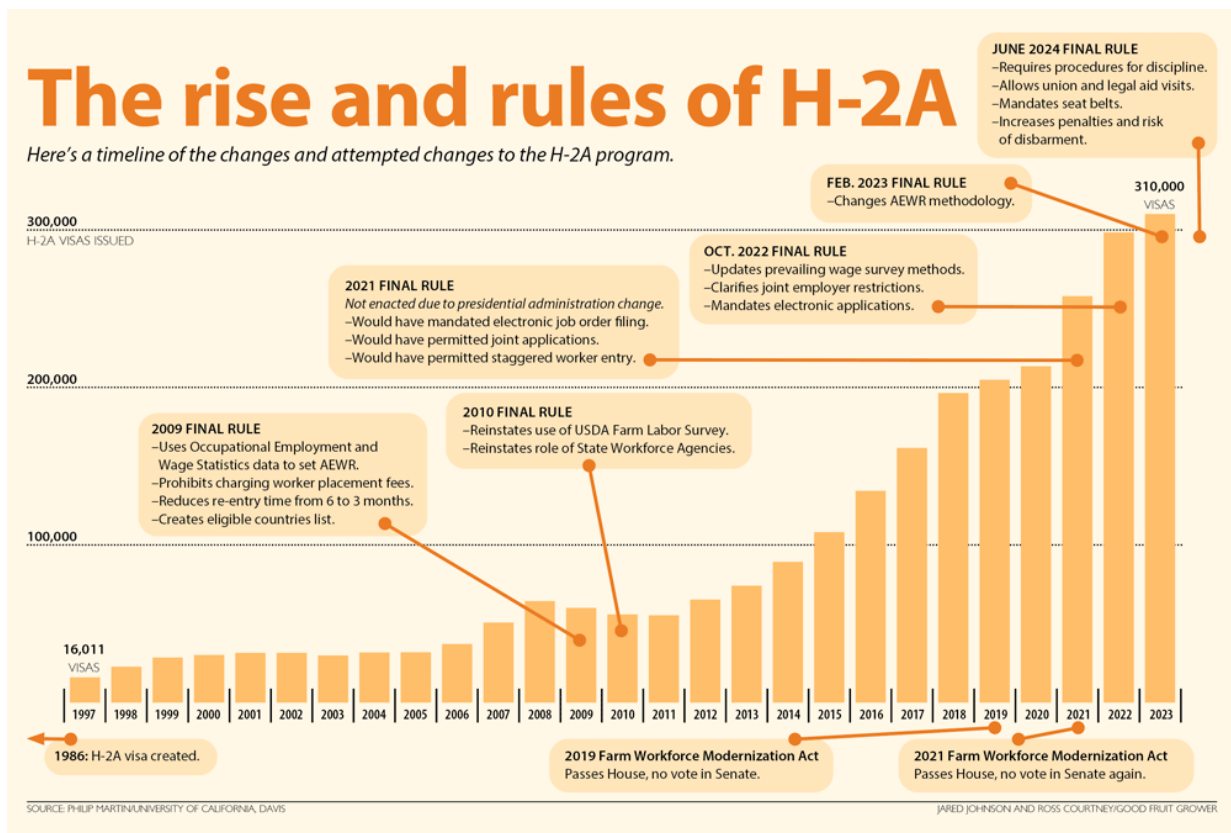
protect U.S. farm workers. Finally, the FWMA would require all farm employers to participate in E-Verify, the internet-based system that allows employers to check the legal status of newly hired workers.

The FWMA was not enacted, prompting Biden's DOL to implement a revised version of the AEWR-by-job-title regulation in 2023 and to issue new worker protection regulations in 2024. These Biden H-2A regulations are controversial. Farm employers who hire H-2A workers to drive trucks, transport workers, or construct buildings sued to block them, arguing that they could not afford a doubling of the AEWR. Other groups sued to block the worker protection regulation that grants H-2A workers union organizing rights even though farm workers are excluded from the National Labor Relations Act (Rural Migration News, 2024a). The suits against the Biden wage regulation are ongoing, but federal judges blocked implementation of portions of the worker protection regulation (see Figure 4).

Trump 2.0

A second Trump administration could have three major implications for hired farm labor, including fewer unauthorized workers, H-2A changes, and an acceleration of the mechanization, migrant H-2A worker, and import trends already underway.

Figure 4. Some Biden H-2A Regulations Were Enjoined by Courts



Source: U.S. Department of State (<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>).

Most of the 850,000 unauthorized U.S. farm workers arrived in the 1990s and early 2000s, when unauthorized newcomers in their 20s were a quarter of U.S. crop workers. These settled and unauthorized farm workers are now in their 40s and 50s, have been in the U.S. several decades, have U.S.-born children, and do not migrate around the United States to fill farm jobs. If Trump deports these settled unauthorized foreigners, will there be farm labor shortages?

The answer depends on how and how fast large-scale deportations occur. If deportations were to occur in a way that unauthorized workers are here today and gone tomorrow, adjustment costs could be severe, especially for farm employers who offer year-round jobs and those who do not have the housing required to employ H-2A workers. If deportations shrink the number of unauthorized farm workers over a decade or more, farm employers would have time to adjust by mechanizing hand tasks, hiring H-2A workers, or switching away from labor-intensive crops and animals.

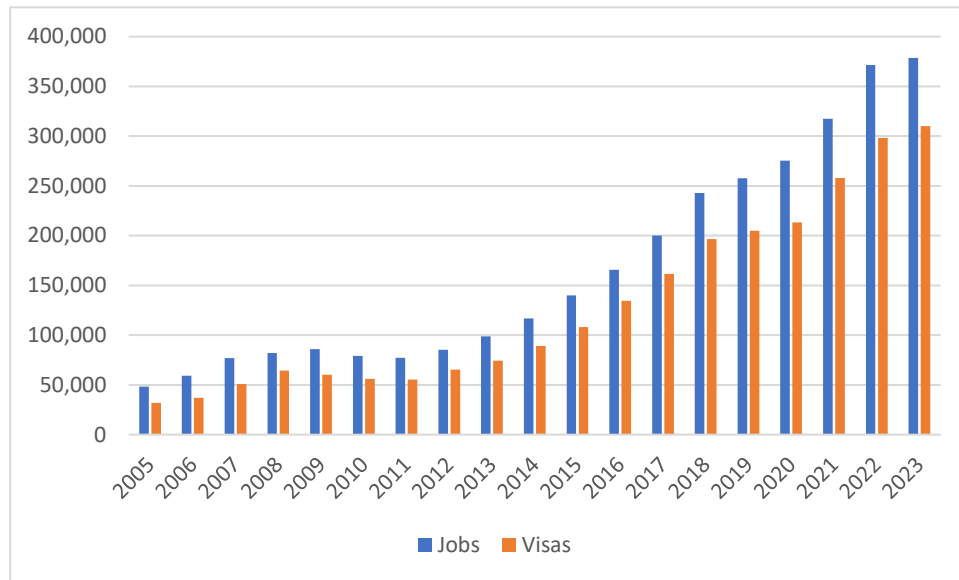
Large-scale deportations could put the spotlight on the H-2A program that certifies almost 400,000 seasonal farm jobs to be filled by over 300,000 H-2A workers; there are fewer workers than jobs because some H-2A workers fill two jobs (Castillo, Martin, and Rutledge, 2024). The number of H-2A jobs quadrupled over the

past decade (see Figure 5), reflecting settled workers aging out of farm work, so that H-2A workers account for 15%–20% of average employment on U.S. crop farms and over half of employment in Florida orange groves and Georgia onion fields. H-2A workers account for 5% of California farm workers. Most H-2A workers are employed in coastal areas with high housing costs that may be shunned by settled workers because of high housing costs.

Farm labor costs are increasing faster than nonfarm labor costs because the demand for labor exceeds supply and state laws have raised the cost of all farm workers. California requires farm workers to be paid an overtime wage of 1.5 times their regular wage after 8 hours of work a day or 40 hours a week (Hill and Tanabe, 2023), farm employers must implement safety procedures when temperatures exceed 80°F and more safety procedures above 95°F, and state law allows private attorneys to sue employers who violate labor laws on behalf of workers (the Private Attorneys General Act or PAGA). A third of U.S. farm workers are in California, which has one of the highest state minimum wages and extensive regulation of farm labor markets. Laws in other states are also increasing the cost of farm workers.

Farm employers hope that the Trump Administration will

Figure 5. Number of H-2A Jobs Certified and Visas Issued Quadrupled Over the Past Decade



Source: U.S. Department of Labor and Department of State (<https://www.dol.gov/agencies/eta/foreign-labor/performance> and <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>).

make three major changes to the H-2A program. First, they want the AEWR to be frozen and eliminated unless the DOL can show that the presence of H-2A guest workers adversely affects U.S. farm workers. Instead of depressing U.S. wages, a rising AEWR may raise wages for U.S. farm workers because some farm employers who face labor shortages may raise wages to attract U.S. workers in order to avoid the housing and transport costs of H-2A workers (Rutledge et al., 2024). U.S. workers in areas with H-2A workers know the AEWR and expect farm employers to pay an AEWR wage, and most do.

Second, farm employers want to employ H-2A workers in year-round jobs on animal and livestock farms. Employing H-2A workers on one farm for several years rather than for 6 months would provide labor insurance for the farming operation but raise questions about families, children in school, and health care. Some farmers want the right to sponsor especially good workers for immigrant visas, as in Canada.

Third, farm employers want modifications to H-2A regulations to reduce their costs, such as eliminating the requirement to provide free housing to H-2A workers or collecting rent from H-2A workers for housing and deducting the cost of transportation from worker wages. Countries such as Canada, Australia, and the United Kingdom require farm guest workers to pay some or all of the cost of their transportation to the employer and rent for housing at the worksite.

On the other side are worker advocates who believe that guest workers are vulnerable to trafficking and

exploitation. They want tougher labor laws and more enforcement to protect all farm workers. The DOL investigates fewer than 1,000 U.S. farms each year and finds labor law violations on 70% of the farms that are investigated (Costa, Martin, and Rutledge, 2020; Escalante and Taylor, 2024). Violations of H-2A regulations account for over half of the back wages and civil money penalties that are assessed by the DOL, prompting worker advocates to warn against allowing the H-2A program to expand.

Trump 2.0 could simplify H-2A regulations as desired by farm employers or eliminate the H-2A program. Simplifying regulations to reduce employer costs would likely speed the growth of the H-2A program. Embracing the recommendations of the Heritage Foundation's Project 2025, on the other hand, would mean phasing out the H-2A program and subsidizing mechanization (Berry, 2024, p. 611). Speeding up mechanization would likely accelerate the trend toward fewer and larger producers and encourage farmers who cannot mechanize to change crops, which could increase fruit and vegetable imports.

Americans can be supplied with fresh fruits and vegetables by producing them in the United States with machines or migrant workers or by importing fresh fruits and vegetables, sometimes referred to as the machine, migrant, and import (MMI) choices. The United States imports 60% of its fresh fruit and 40% of its fresh vegetables. Half of the imported fruit and three-quarters of imported vegetables are from Mexico, reflecting Mexico's ability to produce during the winter months and wages that are a tenth of U.S. levels.

The MMI choice for a particular commodity reflects factors that include U.S. comparative advantage and the availability of labor, capital, and technology. The United States has a comparative advantage in crops such as fresh apples, where employers are turning to migrant H-2A workers as a bridge to mechanization until orchards are replanted with dwarf trees and robots are perfected. However, U.S. production of crops such as asparagus, fresh tomatoes, and raspberries that are labor intensive and offer few prospects for mechanization are likely to shrink in the face of rising imports from lower wage countries.

The future of farm labor under President Trump 2.0 is uncertain. Farm employers hope that the second Trump Administration will reverse Biden policies that raised the cost of H-2A guest workers and that sympathetic judges block implementation of federal and state laws and regulations that raise farm labor costs. Trump 1.0 was sympathetic to the concerns of farmers, especially those hurt by competing priorities such as tariffs on Chinese goods, suggesting that Trump 2.0 could be sensitive to the desires of farmers and reduce H-2A regulations and costs if deportations reduce the supply of farm workers.

What Next

President Trump's second term may bring significant changes to U.S. migration policies that reduce unauthorized migration and deport some or all of 850,000 unauthorized U.S. farm workers. The deportations could lead to farm labor shortages and employer-friendly changes to H-2A guest worker policies with or without parallel efforts to speed up the mechanization of hand-labor tasks.

During Trump's first term, there were no significant changes to the H-2A program, which expanded because few of the unauthorized newcomers and asylum seekers who arrived replaced those exiting the farm workforce. During the Biden Administration, the number of unauthorized foreigners and asylum seekers surged. Few of these newcomers became farm workers, and new regulations increased the cost of H-2A workers, but the H-2A program continued to expand, albeit at a slower pace as the costs of H-2A workers rose.

President Trump 2.0 could deport unauthorized workers and reverse the Biden regulations, which would fuel faster H-2A expansion, or phase out the H-2A program and subsidize mechanization, which would likely accelerate trends toward fewer and larger producers and a higher share of imported fresh produce. The most likely scenario is for Trump 2.0 actions to accelerate all three of the MMI patterns, leading to more mechanization, more migrant guest workers, and more fruit and vegetable imports.

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