

**United States Agriculture and the Effects of  
Increased Enforcement of Immigration Laws**

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**Abstract**

The American agriculture industry relies heavily on the labor of migrant workers, both documented and undocumented. Especially under the Trump Administration, America saw an increased enforcement of, and amendments made to the “Illegal Immigration Reform and Immigrant Responsibility Act of 1996,” as well as the introduction of the “Build the Wall, Enforce the Law Act of 2018.” The culmination of these measures as part of an agenda to secure the Southern Border between the U.S. and Mexico has resulted in a steep decline in immigration from Mexico to the U.S. and an increase in deportation of illegal immigrants. The agriculture industry has been and will continue to be the first to suffer the effects of this agenda. America relies so heavily on migrant workers, especially within the food production sector of agriculture, yet the process for Naturalization (or obtaining legal citizenship) is difficult, costly, and time intensive. As a country, we must work to improve the system to allow easier access for migrant workers to obtain legal citizenship in a country that they have labored for and have recently been deemed essential for.

**United States Agriculture and the Impacts of Increased Enforcement of Immigration Laws**

Since President Donald Trump's term in office began in January of 2017, the Trump Administration worked to secure the Southern border of the United States in order to reduce and eventually eliminate uncontrolled migration of illegal immigrants into the U.S. This agenda was developed in response to the border crisis and has been enforced through "more than 400 executive actions on immigration," (Pierce and Bolter, 2020). Steps that were taken to support this agenda include securing "historic cooperation agreements with the Governments of Mexico, Honduras, El Salvador, and Guatemala," (The White House, 2020), refugee resettlement, and enhanced border security efforts by deploying thousands of troops to the border. Immigration and Customs Enforcement (ICE) reported the arrest of more than 12,000 aliens attempting to reach the U.S. Border in 2019. Though each of these steps played a large part in the reduction of illegal immigration from Mexico to the U.S., one of the most well-known components of this agenda is the construction of the border wall between the U.S. and Mexico. The Trump administration proposed a Congress bill that was titled, "Build the Wall, Enforce the Law Act of 2018" with the intentions of building a wall along the Mexico-United States border to control the flow of immigrants between the two countries. This bill was proposed in attempt to amend the existing Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the terms relating to the enforcement of immigration laws. "Specifically, the bill prohibits any individual (e.g., an employer) from restricting or interfering with the enforcement of the immigration laws by federal officials," and "denies states or localities that fail to cooperate in the enforcement of the immigration laws eligibility for federal funds and law enforcement grants," (Congressional Research Service, 2018). In addition to revisions of the provisions including detention of aliens, penalties for the criminal offense of reentry after removal from the U.S., and

establishment of new and specific grounds of inadmissibility and deportability for aliens, this bill also “provides funding for border barriers, technology and other resources at the southern border to prevent illegal entry,” (Congressional Research Service, 2018). The result of the culmination of these measures that were taken by the Trump Administration was a steep decline in illegal immigration. But what exactly does such a severe decline in immigration mean for industries that are widely supported and driven by the labor of immigrants, such as the agricultural industry?

### **Migrant Workers in Agriculture**

American agriculture today relies heavily on the labor of workers, both documented and undocumented. The number of self-employed and family farmworkers has declined by 74% between 1950 and 1990 (from 7.6 million to 2.01 million) according to data from the Farm Labor Survey of the USDA’s National Agricultural Statistic Service (USDA, 2020). Throughout the end of the 20<sup>th</sup> century, farm employment and farm dynamics changed drastically; while farms in 1950s were primarily family owned and operated, farms now are being ran by hired farmworkers, often undocumented, migrant workers. An article published by the American Farm Bureau Federation (a U.S.-based insurance company and lobbying group that represents the American agricultural industry), estimates that the agriculture industry requires “anywhere from 1.5-2 million hired workers,” (American Farm Bureau Federation, 2019) and that approximately 50-70 percent of these hired farm laborers in the United States today are unauthorized and are living in the United States without legal documentation. The Farm Bureau Federation goes on to explain that farmers have been and will continue to be “the first to bear the negative economic impacts of decreased border crossings and migrant labor shortages,” (American Farm Bureau Federation, 2019) seen with the crackdown on illegal immigration and deportation of workers that originated from Mexico.

Many tasks within the agricultural industry, and more specifically farm work, would be impossible without the employment of farmworkers. Although advancements have been developed to improve productivity and efficiency of crop production and harvest, some crops simply cannot be easily harvested or farmed with the use of machinery. The employment of immigrants for labor is especially evident in the harvest of these crops that are not easily accessible to be harvested with machinery. These crops include berries, cherries, grapes, oranges, apples, tomatoes, head lettuce, bell peppers, cucumbers, onions, and many more – all staples within our country and most found on the Produce Marketing Association’s top 10 most popular fruits and vegetables in the U.S. list. In addition to harvesting crops by hand, these workers are found in the fields tending to the crops throughout the entire growing season; they perform various tasks including picking rye out of wheat fields, hoeing or hand-pulling invasive weeds out of crop rows (especially with organic crops in which herbicides cannot be used to control weeds and other invasive plants), and many other tasks that cannot be accomplished with the use of machinery. These workers additionally possess wide knowledge of crops such as these and can easily discern between fruit and vegetables that are ready to be harvested and those that need to be left to ripen. Ernie Farley, manager of Andrew & Williamson Fresh Produce, is very confident in his employees. He explains that “a picker must first determine how ripe the fruit is. Then, if rain is in the forecast for the next few days, he might decide to harvest it immediately. If not, he may choose to leave it to ripen a bit further,” (Estabrook, 2019). Farmers place a lot of trust in these workers to satisfactorily tend to their crops to avoid damage throughout the growing season and to harvest these crops in a timely manner so that the produce can be delivered to stores and markets before becoming overly ripe.

Although these individuals work non-stop for hours in the blazing sun, bent over the

crops or their tools for prolonged periods of time, they are severely undercompensated for their efforts and reside in constant fear of being reported due to lack of documentation. Many undocumented workers come to America to work hard and provide for their families; the higher wages in the United States (though relatively low for American citizens' standards) are enough to draw these illegal immigrants from their home country of Mexico. Workers in the crop production area of agriculture are typically compensated between \$10 and \$12 an hour, but this amount varies between every state and typically exists below the amount of minimum wage for the state. Ricardo Salvador, Director of the food and environment program for the Union of Concerned Scientists, estimates that these families earn a meager \$10,000 per year, as farm labor is not year-round work. In addition to being undercompensated for their work, these workers face exploitation and abuse on a daily basis. Undocumented farmworkers "are not protected by U.S. labor laws and they live every day under the threat of arrest and family separation – all while working in extremely difficult conditions," (Moriarty, 2020). Despite all the challenges that undocumented workers face, many have lived in the United States for a long time. The majority of undocumented immigrants have lived in the U.S. for more than ten years. The workers and these families have "contributed greatly with little recognition," and have "more than earned their place in the American story," (Moriarty, 2020).

### **Why aren't Americans Hired for These Jobs?**

With U.S. unemployment rates as high as they are – 6.7 percent, as reported by the U.S. Bureau of Labor Statistics in December of 2020 (Bureau of Labor Statistics, 2020) – many question why American citizens are not hired to fill these job positions. Many of the jobs have been assumed by migrant workers because "farm work can be physically demanding, dirty and socially denigrated work" (Dudley, 2019). Not only that, but it is one of the most dangerous

occupations in the United States. Many farmers turn to migrant workers because they are unable to find and keep reliable U.S. citizens to hold the jobs. A study conducted in North Carolina exemplifies this claim. During the time of the study, there were 489,000 people unemployed statewide. The North Carolina Growers Association listed 6,500 available jobs. “Just 268 of those 489,000 North Carolinians applied, and 245 were hired. On the first day of work, 163 showed up, and a grand total of seven finished the season. Of the mostly Mexican workers who took the rest of the jobs, 90 percent made it through to the end” (Haspel, 2017). The migrant workers are seemingly the only ones willing to fill jobs that are widely undesired by American citizens. Though migrant workers labor in return for lower wages than American laborers may, farmers report that “even when wages and benefits are increased, there are still not enough U.S. citizens applying” (Moriarty, 2020) for farm labor jobs due to the difficult, strenuous labor and dangerous conditions that these types of jobs are characterized by.

### **Potential Effects of Migrant Labor Declines**

Because migrant workers are performing the work that Americans do not want to do, at a lower wage compensation, prices of agricultural commodities remain relatively low. A study done by the dairy industry suggests that “if federal labor and immigration policies reduced the number of foreign-born workers by 50 percent, more than 3,500 dairy farms would close, leading to a big drop in milk production and a spike in prices of about 30 percent. Total elimination of immigrant labor would increase milk prices by 90 percent” (Dudley, 2019). These workers are greatly improving the U.S. economy and keeping the prices of agricultural products, such as milk, as low as possible. Many farms, feedlots, and dairies would be unable to function without the employment of migrants. As immigration laws get stricter, many farm, dairy, and feedlots will be unable to remain open and in business, which will cause commodity prices to spike

(something that we are already beginning to see within our country).

With stricter and stricter immigration laws over the past few years, farmers have been struggling to find enough people to fill farmworker positions. This issue has existed since even before the coronavirus (COVID-19) pandemic began, though the issue has certainly been exacerbated throughout the pandemic. In 2019, “56% of California farmers reported being unable to find all the workers they needed,” (Moriarty, 2020). Farmers have begun to experience the consequences of this growing issue; without adequate labor to harvest the crops that they have already planted, farmers must stand by helplessly as their crops, left in the field long past their ripen state, end up rotting in the field before the limited numbers of workers can harvest them. The farmers must prioritize certain crops over others, as there are simply not enough workers to harvest them all. John Hollay, senior director of government relations for the United Fresh Produce Association, explains how difficult it is for farmers to stand by and watch their carefully planted and tended plants shrivel in the field. Some years natural disasters and weather-related issues result in the loss of crops, which leads to produce shortages in stores, but this problem is much different. Hollay explains that “we have the crops but not enough workers to harvest them,” (Estabrook, 2019). This problem is very frustrating for farmers. After all the difficulties that farmers normally face – drought, hail, flooding, lack of moisture, insects, invasive weeds, etc. – have all been overcome, there are just simply not enough workers to get the produce from the fields to the stores to be purchased and consumed by customers.

With labor shortages, the U.S. will certainly see an increase in commodity prices, but the country will also face severe consequences, economically, from the reduction of undocumented workers. The American Farm Bureau Federation estimates that the total loss of all undocumented workers in the country would cause the agricultural output to drop 30 to 60 billion dollars. Even



now, the U.S. is spending more money and are facing declines in both employment and GDP, as they must look to other countries to import produce from. According to a report by the Farm Bureau, the share of produce consumed by Americans that is imported has increased by 73.9% from 1998-2000 to 2010-2012. They estimate that farm labor shortages explain “as much as \$3.3 billion in missed GDP growth in 2012,” for the U.S. The Farm Bureau Federation additionally estimates that if growers were not faced with labor challenges, there would have been 89,000 more jobs available and the “American GDP would have grown by almost \$12.4 billion in 2012 and produced almost \$4.9 billion more in annual farm revenues,” (American Farm Bureau Federation, 2019). Allowing immigrants into the United States to be hired as farmworkers would improve the GDP of the U.S. and increase farm revenues immensely. Another consideration is granting the farmworkers that are already within the U.S. legal status to continue to live and work in the U.S. with documentation. The nonpartisan Congressional Budget Office has found that “providing legal status to current undocumented workers would have a net positive effect on the federal budget, increasing tax revenues,” (Moriarty, 2020). Allowing undocumented farmworkers to adjust to legal status would not only allow farmers to legally maintain their workforce, but it would allow these immigrants to earn a fair wage, be better protected from exploitation and abuse and fully participate in the communities which they have called home for years.

### **H2-A Guestworker Program**

While there *are* legal options for employing migrant workers in the United States, there are limitations and restrictions that make the programs relatively difficult for producers to utilize. The temporary H-2A guestworker program grants visas for temporary or seasonal work. Through this program, a U.S. farmer can sponsor workers for temporary employment visa if sufficient

numbers of domestic workers are not available. “In 2019, about 258,000 immigrant workers were granted temporary H-2A visas,” (Moriarty, 2020) which is less than 4% of the total number of workers required for food production. The H-2A programs do help address labor shortages, but the numbers granted are simply insufficient for the amount of labor that is required for agricultural production. In addition to a shortage in numbers of workers, there are many other restrictions that make this program very difficult, and in some cases impossible, for operations to utilize. Year-round food and farm industries such as dairy farms and poultry processing plants can employ H2-A workers, but only seasonally, which has brought many of these to rely on undocumented migrant labor. Another example of the hardships faced when using this program is the cost. This program is costly for employers, as they must provide housing, transportation, wage guarantees and other benefits. The process is expensive and very slow; “on average, workers arrive to pick crops 22 days late,” (Moriarty, 2020). If the process takes so long that the workers arrive too late to harvest the crops, then the farmers find themselves facing the same problem of overripe crops.

Jack Hockersmith, a local farmer that utilizes the H-2A guestworker program was interviewed regarding his experience. This individual receives help for up to 10 months each year beginning April 1<sup>st</sup> from workers coming from South Africa. His farming operation is very small, and he typically only hires one worker per year. The workers that are hired to help Jack typically tend to his feedlot cattle, fix fences for the cattle, plant and harvest wheat, soybeans, and corn, monitor irrigation, and put up and transport hay. He explains that he has been using the program for 15 years, as of 2021. Jack was asked why he utilizes this program rather than hiring American workers; he explains that he is unable to find workers that desire these types of positions in America. Advertising the job in Wyoming typically does not result in any interest,

whereas posting the job in South Africa results in 12-20 applications per year. He speculates that this is due to labor-intensive duties that are required of someone who assumes this position, combined with the moderate pay (\$14.65/hour, which is more than two times the Federal and State of Wyoming Minimum wage [\$7.25/hour]). When asked if he has been pleased with the outcomes and results of the program, Jack is hesitant – he explains that through this program, “you never really know what [kind of worker] you are going to get,” (J. Hockersmith, personal communication, March 26, 2021). He receives approximately 15 applications (resumes) each year that he and his wife sift through to find the perfect match. He does note that many of the applicants are not as truthful as he would like on their applications, explaining that it seems that many applicants use the same template paragraph for their personal statement, as some of the paragraphs match the others, word for word. When these workers come to his farm in Wyoming, he appreciates experience with and he expects them to be able to “fix fence, work with cattle, run combine, run tractors... and if they can work on machinery that is really good,” (J. Hockersmith, personal communication, March 26, 2021). Jack has faced some frustrations with the workers over the years. One year, the worker Jack had hired refused to fix fence and elected to return to South Africa prematurely because he was asked to do so. Another year, the applicant that was hired explained on his resume that he had farm experience, but upon arrival to Jack’s farm, had no knowledge of farm equipment or procedures. Jack explains that this worker had explained to him that he knew he would not have been hired if he did not lie and say that he had those skills on the application. Finally, during the summer of 2020, Jack was unable to hire any workers due to COVID-19 due to concern for spread of the disease. In this case, Jack was expected to complete all of the work that he typically hires help for by himself, at nearly 75 years of age. Jack additionally described the expenses involved in the use of this program. These expenses

include flights to and from South Africa for the workers, hourly wages (\$14.65/hour, as determined by the Department of Labor), housing that has been inspected by Wyoming Workforce Services, transportation, workman's compensation, use of the Placement Service (government charges for the processing through the Department of Labor), and the services of a consulate in South Africa.

Though Jack has faced some hardships with the use of this program, he has met some of his lifelong friends, as well. One of his first workers was one that he will never forget. Jack explains that this worker worked very hard and was willing to learn any and everything. This worker returned for three consecutive years and Jack eventually helped him achieve legal citizenship within the U.S. so that he and his family could move to the United States, as citizens, and not just as workers. Jack reports that he continues to keep in contact with this worker, who had progressively transitioned from employee to friend. Jack has learned to appreciate the program. Without this program, it would be very difficult for him to continue his farming and small feedlot and cow/calf operation. With the help of the workers that he hires each year, he can continue to do what he loves: farming and raising cattle.

An American dairy producer was additionally interviewed regarding his experiences employing migrant workers. This producer's name will be kept anonymous but will be referred to as John Smith. John reports that 90% of his employee population is made up of migrant workers (J. Smith, personal communication, April 4, 2021). He utilizes the H-2A program, as well as the TN visa program, which "permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities," (US Citizenship and Immigration Services, 2021). The TN program produces highly qualified employees, many of which have college educations. Workers with a TN visa are permitted to work year-round,

whereas workers affiliated with the H-2A program are seasonal employees. The workers hired through this program are qualified to manage crops, partake in the veterinary hospital crew, or supervise feed in the feed mill, depending on the field of their degree. When questioned about any pay differences between migrant workers and workers that come from the local community, John explains that migrant workers are sometimes even paid more than non-migrant workers through this program because the pay scale is set by the government. The dairy is responsible for providing housing when using this program, as well. The problem with this program being used by a dairy operation, though is that workers using a TN visa are not permitted to milk the dairy cattle. Milking is a daily task, occurring throughout much of the day, all year long. Even while utilizing both of these programs, dairy operations still face a gap in employment and must turn to migrant workers outside of these programs for year-long help. They look to local community members, advertising in newspapers, but still struggle to find takers for jobs within the dairy. John explains that you must show proof that you advertised a job opening in the United States before you can obtain a TN visa. He notes that the last time they posted an ad, they had a total of zero applicants interested in the job. Migrant workers that have legal documentation make up the remaining population of this dairy's employee workforce and make it possible for the dairy to maintain productivity year-round.

### **Farmworkers are *Essential*.**

Hopefully, it is clear the immense impact that migrant workers have on the agricultural industry, and therefore the everyday lives of Americans. However, their importance and impact has become even further exemplified throughout the coronavirus pandemic. These unprecedented times and circumstances have "highlighted [immigrant workers'] crucial work as agricultural workers harvesting American's food; clerks stocking grocery shelves; and delivery

drivers bringing food to the safety of people's homes," (Svajlenka, 2020). According to the Department of Homeland Security, more than two-thirds of undocumented immigrant workers have frontline jobs and were deemed "essential" to helping the country survive the pandemic. Even so, they are considered one of the most vulnerable groups due to the "lack of access to health care, ineligibility for many government relief payments, and job instability," (Svajlenka, 2020). The labor of undocumented workers has always been essential, but it took a global pandemic for it to be recognized as so by the U.S. government. Even so, they continue to face discrimination from many sides. For example, Nebraska Governor, Pete Ricketts announced in a news conference that undocumented immigrants will not be candidates to receive COVID-19 vaccinations until after all other citizens and legal residents have received their vaccinations. As mentioned above, these undocumented workers are largely "essential," and are at a high risk of exposure due to their essential status. An article found on Washington Post states that "hundreds of undocumented workers do in fact work in the crowded, high-risk facilities deemed essential to the nation's food supply," (Armus, 2021). The workers that have been considered "essential," and have worked throughout the entire pandemic while putting themselves and their families in danger to keep food on the tables of Americans but are to be denied vaccinations until all others have received them. Regardless, many undocumented workers are simply thankful that their role is finally being recognized and appreciated by American leaders and citizens. Hector Lujan, who owns a berry growing company (Reiter Brothers) that employs thousands of field workers describes undocumented workers as "unsung heroes" for guaranteeing that Americans maintain food security, even throughout the pandemic. Hector states that "'it's sad that it takes a health crisis like this to highlight the farmworker's importance,'" (Jordan, 2020). It is true that undocumented workers have been underappreciated, undercompensated, and have faced

exploitation and deportation for many years, but this might be changing. These essential workers have proved how necessary they are to American consumers.

### **Conclusion**

Where would America be without the integration of migrants into the workforce? The agricultural industry could be severely impacted by an increase in immigration policies and deportation of workers that are already in the United States, as was proposed by the Trump Administration. Farmers, feedlot and dairy owners, and countless others will be unable to afford to keep their businesses operating without the employment of immigrant workers. It is likely that there will be few U.S. citizens willing to take over these roles, which could potentially put these farmers out of business for good. Who then, is expected to feed the ever-growing population of the country?

Fortunately, the Biden administration has recognized the immense contribution that immigrant workers have in the agricultural industry and the U.S. economy. President Biden sent an Immigration Bill to Congress, which includes the U.S. Citizenship Act of 2021. This bill aims to allow immigrant workers the opportunity to “earn citizenship,” (The White House, 2021). In the article regarding the U.S. Citizenship Act it is explained that the bill “provides hardworking people who enrich our communities every day and who have lived here for years, in some cases for decades, an opportunity to earn citizenship.” (The White House, 2021). The Biden Administration has considered the contributions that immigrant workers have made in agricultural production as well as to our economy. This bill will protect these workers and may help them earn citizenship in the country they have labored for over the past years, or even decades. The process of legalization is extensive, difficult, and very time intensive. In order to even apply for citizenship, the individual must have either been a lawful, permanent resident for

5 years, be married to a U.S. citizen, be serving in the U.S. Military or be a child of a U.S. citizen. (U.S. Citizenship and Immigration Services, 2020). After confirming eligibility, the application process begins. The steps to naturalization include filling out and submitting an N-400 form, proving lawful admission to the United States, getting photographed and fingerprinted, getting a background check, complete an interview, take an English and civics test, and finally taking an Oath of Allegiance. Not only is the process time intensive, but it is also very expensive. The fee to obtain an N-400 form is \$640.00, in addition to a Biometrics fee of \$85.00, which added together costs \$725.00 (U.S. Citizenship and Immigration Services, 2020). This amount of money can be impossible for some families to afford, which may be a reason that so many workers in the U.S. remain undocumented. As citizens, we should work to improve this process, and make it easier (and less costly) for those that have been working for years in the U.S. to achieve legal citizenship and additionally allow those that wish to come work in America to do so. We must create a better system so that these workers that have labored for years can officially take their place as citizens in our country in which they have more than earned their place and to provide opportunities so that those individuals that wish to come to America to work and support their families can do so.



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