

## **Using Immigrant Labor – The Current Situation**

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### **1. Our industry's ability to secure adequate supply of immigrant labor is being challenged in three primary areas:**

- a. Agriculture – H2A
  - i. Efforts by anti-immigrant groups
  - ii. Politicians running on anti-immigrant platforms
  - iii. States have passed some sort of new laws to deal with illegal aliens (i.e. Oklahoma 1804)
  - iv. Inadequate supply of H2A workers to fill current demand, and the system is cumbersome to use
- b. Landscaping – H2B
  - i. 66,000 worker cap for 2008 has already been met, no more applications accepted
  - ii. Congress failed to come to agreement on a solution in 2007, which means we will have a greater shortage of H2B workers available in 2008
- c. DHS Social Security Mismatch Enforcement
  - i. New rule will likely be implemented in 2008
  - ii. Provides for civil and criminal penalties for employers that retain workers that have mismatched social security numbers more than 90 days after notification by SSA
  - iii. Requires that employers check the SSN of its workers against a national database which has been proven as inaccurate

### **2. What is likely to happen?**

- a. No one sees comprehensive immigration reform coming up again in Congress before the 2008 election
- b. Some see a possibility for a narrower package of reform, such as AgJobs, legislation especially if DHS moves forward with the SSN mismatch rule implementation
- c. Each of our businesses will be under more scrutiny and subject to increased inspection by immigration authorities

**3. How are we approaching the issue at Imperial Nurseries?**

- a. Have implemented a policy that terminates employees that are unable to reconcile SSN mismatch issues
- b. Extremely cautious approach to sourcing labor through third party (contractor) sources
- c. Regular communication with members of Congress regarding the importance of finding a reasonable solution to this problem.  
Need to do more on the state level