How Many Michigan Farmworkers Could Get Regularized Under New Legislation? By Zachariah Rutledge and Clare McGrady

An important part of the farm labor policy discussion revolves around the employment of undocumented farmworkers. Recently proposed legislation known as the Farm Workforce Modernization Act (FWMA) would provide a pathway to legal status for undocumented farmworkers. In this article, we estimate the number of undocumented Michigan crop farmworkers who would be eligible for legal work authorization by the recently proposed FWMA.

Under Title 1 of the FWMA, undocumented crop workers who have worked in US agriculture for at least 180 days over the last two years would receive legal work authorization under a special Certified Agricultural Worker (CAW) status. Our analysis uses data from the National Agricultural Worker Survey (NAWS) to estimate the share of the workforce that would be CAW eligible and the Quarterly Census of Employment and Wages (QCEW) to estimate the number of crop farmworkers employed in the state. Combining these data sources provides us with the information required to estimate the number of farmworkers who could get regularized in Michigan.

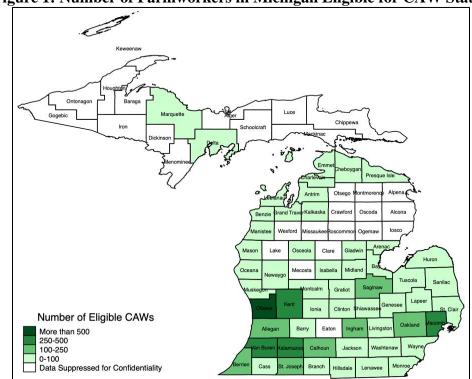


Figure 1: Number of Farmworkers in Michigan Eligible for CAW Status

According to the 2022 QCEW, there are about 20,000 full-time equivalent non-H-2A crop production jobs on the books of Michigan farm employers. However, due to worker turnover throughout the year, the number of individual farm employees is higher than 20,000. As such, our estimates are conservative in nature and provide estimates of the minimum number of farm employees that could become regularized under the FWMA.

We estimate that at least 5,000 undocumented crop farmworkers could become eligible for CAW status throughout the state. The leading counties are Ottawa with at least 730 CAW eligible workers, 460 workers in Kent County, 330 workers in Macomb County, 310 workers in Kalamazoo County, and 260 in Van Buren County. Figure 1 shows the number of crop workers eligible for CAW status by county across the state of Michigan. A majority of the eligible crop workers work in the southwestern part of the state. Estimates for CAW eligibility of the remaining counties can be found in the second column of Table 1.

Table 1: Estimated CAW Eligible Workers by County in Michigan

County	Estimated Certified Agricultural Workers	Estimated CAWs Eligible for Permanent Resident Status after 4 years	Estimated CAWs Eligible for Permanent Resident Status after 8 years
Allegan	140	60	70
Antrim	40	20	20
Arenac	10	4	4
Barry	10	6	7
Bay*	70	30	40
Benzie	10	5	5
Berrien	240	110	130
Branch	30	20	20
Calhoun	140	60	70
Cass*	30	20	20
Charlevoix	10	4	5
Cheboygan	10	3	3
Clinton*	70	30	40
Delta	10	3	3
Emmet	10	6	6
Genesee	50	20	30
Gladwin	10	3	4
Grand Traverse	30	10	10
Gratiot*	50	20	30
Hillsdale	40	20	20
Huron*	70	30	40
Ingham*	160	70	80
Ionia	50	20	20
Isabella	20	8	9
Jackson*	50	20	20
Kalamazoo*	310	150	160
Kalkaska	20	9	10
Kent*	460	220	240
Lapeer	50	20	20
Leelanau	40	20	20
Lenawee*	80	40	40
Livingston	40	20	20

3.5	220	1.50	100
Macomb*	330	160	180
Manistee	20	10	10
Marquette	40	20	20
Mason	60	30	30
Midland	10	5	6
Monroe	70	30	40
Montcalm	70	30	40
Muskegon	100	50	50
Newaygo	50	30	30
Oakland*	200	90	110
Oceana*	90	40	50
Osceola*	10	5	5
Ottawa*	730	340	380
Presque Isle	10	6	7
Saginaw*	160	80	80
Sanilac	50	20	20
Shiawassee*	10	5	6
St. Clair	10	6	7
St. Joseph*	160	80	90
Tuscola	50	20	30
Van Buren*	260	120	140
Washtenaw	70	30	40
Wayne	90	40	50
Total	5,000	2,400	2,600

Note: The * symbol indicates data for NAICS codes 111 (direct hire crop) and 1151 (crop support services) were disclosed in the QCEW database. Values in column 1 may differ from the sum of columns 2 and 3 due to rounding.

Access to Green Cards

Under Title 1 of the FWMA, CAW eligible crop workers would be able apply for permanent resident status (a green card) if they continue to perform farm work in the US. CAW eligible workers who have performed at least 10 years of US farm work could apply for permanent resident status in 4 years if they continue to work in US agriculture for at least 100 days per year, and those who have performed less than 10 years of US farm work could apply for permanent resident status after 8 years.

The share of the crop workforce in the Lake region that would be eligible for a green card in 4 years is about 12%, which is 47% of the CAW eligible workforce. This share translates to at least 2,400 Michigan crop production farmworkers that could obtain a green card in 4 years. Figure 2 displays the number of crop production employees in each county that could obtain a green card in 4 years. The leading counties are Ottawa County with at least 340 workers, Kent County with 220 workers, Macomb County with 160, Kalamazoo County with 150, and Van Buren County with 120. Estimates for green card eligibility after 4 years for the remaining counties can be found in column 3 of Table 1.

The share of the crop workforce in the Lake region that would be eligible for permanent resident status in 8 years is 13%, which is 53% of the workforce that is eligible for CAW status. In Michigan, we estimate that at least 2,600 workers would be eligible for a green card in 8 years. Figure 3 displays the number of workers in each county that would be eligible for a green card after 8 years. Again, the counties with the most eligible workers are Ottawa County with at least 380 workers, Kent County with 240 workers, Macomb County with 180 workers, Kalamazoo with 160 workers, and Van Buren with 140 workers. Estimates for crop workers eligible for permanent resident status in 8 years for the remaining counties can be found in column 4 of Table 1.

Regularization of undocumented farmworkers has important implications for Michigan's rural communities. Farmworker advocates have long sought a pathway to legal status and argue that it would reduce their vulnerability and promote employee welfare. From a production standpoint, regularization could pose new production challenges if employees leave agricultural work for other sectors of the economy once they obtain a green card. Such a trend would likely lead to increased demand for the H-2A visa program, which is typically more costly and administratively burdensome. The Farm Workforce Modernization Act also contains provisions for changing the H-2A program rules to make it easier and more efficient for producers to use.

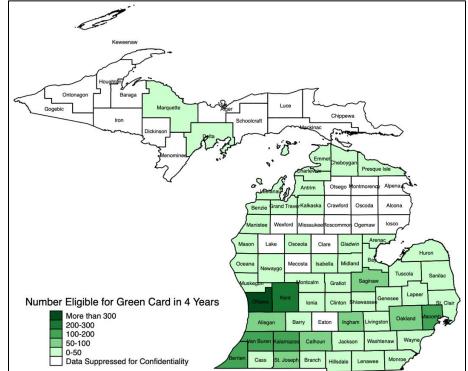


Figure 2: Number of Farmworkers Eligible for Permanent Resident Status After 4 Years

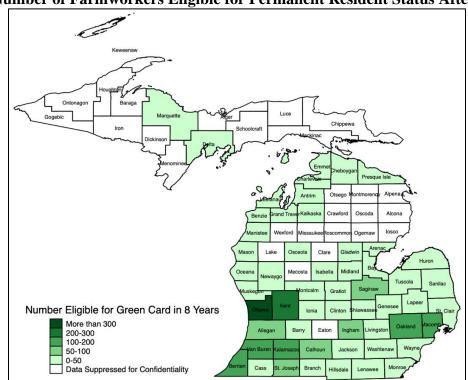


Figure 3: Number of Farmworkers Eligible for Permanent Resident Status After 8 Years