SELECTIVE EFFECTS OF
THE IMMIGRATION REFORM AND CONTROL ACT OF 1986
ON FARMWORKER LIVING AND WORKING CONDITIONS IN THE U.S.

By

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by

Douglas Ian Bagby
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SELECTIVE EFFECTS OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 ON FARMWORKER LIVING AND WORKING CONDITIONS IN THE U.S.

By

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This study challenges the assumption that the Immigration Reform and Control Act of 1986 (IRCA 1986) achieved its primary purposes. Data found in the USDA’s National Agricultural Workers Survey is evaluated to determine whether IRCA 1986 succeeded in curbing undocumented immigration to the U.S. by stabilizing the agricultural labor force with legalized workers. The Act intended to deter continued undocumented immigration to the U.S. and to legalize many long-time undocumented resident workers.

A brief overview of farmworker immigration trends in the United States is offered to explore recent immigration issues affected by IRCA 1986. An additional study in south Florida is assessed to determine some of the responses of farmworkers and growers to IRCA, illustrating how both groups have used specific strategies to avoid the Act’s regulations and sanctions.

Florida’s unique agricultural history and immigration is compared and evaluated in relationship to two farmworker labor supply communities in California and Texas,
demonstrating the ethnic diversity of the Florida farmworker population. Impoverished housing, lax documentation, and ethnic group occupational preferences are three primary reasons given to explain the exodus of farmworkers from the U.S. agricultural labor force.

The thesis finds that future implementation of immigration policies and regulations must be improved and remain consistent in their sanctions and intentions. Without evaluations, similar immigration policies will continue to have reverse effects on maintaining control of immigration to the U.S.
CHAPTER 1
INTRODUCTION

Recent U.S. Immigration

During the 1990s, the United States experienced the largest wave of immigration in the country’s history (Lessinger 1995). The highly publicized Immigration Reform and Control Act of 1986 (IRCA) was intended to curb illegal immigration to the U.S. and to legalize numerous undocumented immigrants who had been residing and working here for many years. This study examines some of the federal guidelines that were passed under IRCA 1986, the regulations that legalized immigrant workers, specifically agricultural workers, and how both employers and employees have used different strategies to take advantage of the regulations for employment purposes. I also briefly examine how this federal policy has influenced recent immigration, focusing on how it has changed the destination-state of many immigrant farmworkers from Mexico and other Latin American countries throughout the U.S. and specifically, Florida.

The Immigration Reform and Control Act of 1986 enabled illegal immigrants in the U.S. to become legal. After gaining legal residency, however, many left the agricultural sector (US DOL 2000). This exit from farmwork created a new demand in the agricultural labor market that encouraged many laborers to illegally cross the borders to fill the newly vacated farmworker positions. While the demand for immigrant labor was strong, IRCA’s employer sanctions and fines were intended to deter them from hiring illegal workers. This study, therefore, affirms that the system continued to perpetuate a cycle of poverty, limited rights, and violations of workers' vulnerabilities, where
employers knew they could underpay and mistreat these immigrant farmworkers, who had no alternatives. The Immigration Reform and Control Act of 1986 had two main objectives: to curb the tide of illegal immigrants to the United States through sanctions against employers that hired them and to legalize long-time resident undocumented immigrants through its amnesty programs (Margolis 1994).

While the provisions of the act are straightforward, its results have not been easily defined and some unintended consequences have resulted from the 1986 law. One consequence of IRCA 1986 is that the burdens of farmworker documentation and housing are the responsibility of everyone (involved in the agricultural business) but the growers or employers. Within the agricultural business, employers use labor contractors to avoid legal responsibilities and to maintain control over labor by controlling farmworker housing, wages, and benefits.

While there has never been a shortage of farmworkers in the United States, there has been a shortage of the cheap, legal farmworkers, growers use to minimize costs. These farms that use farmworkers are far from bankruptcy, for the U.S. Department of Agriculture estimated that Florida nurseries took in about $9.9 billion dollars in sales last year, which was a 33% increase from 1997 (Coombs 2003). Labor-intensive agriculture continues to grow, as in the case of Florida, where more workers will be required to keep up with the cheap labor demand needed to continue to increase revenues.

**Literature Review**

Farmworkers in the United States have been the subject of many studies on housing, wages, household composition, education, migration, and many other topics regarding their lives in the U.S. and abroad. Some academic reports, such as Roka and Cook (1998), evaluate farmworker housing, demographic make-ups of various counties,
and economic impacts of farmworkers in Florida and the United States. Other sources (Burns 1989, 1993; Heppel 1992) have done extensive ethnographic research in specific farmworker communities, examining ethnic identities, gender roles, interethnic relations and conflict, immigration status, and work preferences. These studies, among others, have also included immigration policies and some of their impacts. While many studies briefly address federal policy related to farmworkers, they often only use policy as a historical reference to begin an examination of a topic.

While several books and articles have been written on U.S. immigration, these sources primarily focus on one ethnic group, such as Stepick (1998) and Durand (2000), who studied Haitian and Mexican immigration, respectively. Farmworkers’ health, occupational safety, pesticide exposure, as well as their economic impact have been examined in various texts, particularly focusing on California agriculture (Mitchell 1996). However, aside from the literature used in this study, there is relatively little information regarding the impact that IRCA 1986 had on farmworkers across the United States. Few sources were available regarding how IRCA 1986 allowed growers to avoid its sanctions; how it affected agricultural labor supply and demand; and how this related to recent migration trends, and other unintended results.

**Objectives**

The goals of this study are:

- To evaluate if the Immigration Reform and Control Act of 1986 (IRCA) achieved its two main objectives: stemming the tide of illegal immigration, and maintaining a legal agricultural workforce.

- To define strategies used by growers or employers to avoid IRCA’s employer sanctions.

- To define strategies that farmworkers have used to obtain work in the U.S.
• To determine if there are any discrepancies in what the U.S. government requires in order for laborers to work in its fields versus what it requires for such people to live in its housing.

• To briefly examine recent U.S. and Florida immigration history to determine which ethnic groups primarily have made up farmworker labor force in the U.S. and Florida.

• To examine some of the reasons why farmworkers leave agriculture.

• To evaluate what the future appears to entail for immigrant farmworkers in the U.S., regarding their working and living conditions.

**Methodology**

Stakeholder analysis is a research method used to provide an organizational structure from which different viewpoints of the stakeholders involved with farmworker issues may be compared and examined. A purposive sampling method is also used in conjunction with the stakeholder analysis (while learning in the field) to generate information and identify new, relevant stakeholders on farmworker housing, as well as health and working conditions (Bernard 1995:95). In the snowball sampling method we used, researchers ask stakeholders to identify other stakeholders in their community who also have expertise in the area of farmworker housing and working conditions (Bernard 1995:97). Most of these stakeholder interviews were conducted by telephone, face-to-face, or through focus groups. In addition to these interviews, secondary information (such as publications from academics, federal agencies, and newspapers) was used to frame the situation of immigrant farmworkers in the U.S. and Florida.

Among these sources, the U.S. Department of Labor’s National Agricultural Workers Survey (NAWS) reports are useful. They have randomly sampled farmworkers in the U.S. three times a year since 1988. The significance of the NAWS reports is that they were designed to offer the United States government a means to track immigration
in the U.S., specifically in response to IRCA 1986. Two NAWS reports are used to provide recent additional data from the NAWS 1994-95 and 1997-98 research periods, published in 1997 and 2000, respectively. The interviews offer detailed information about U.S. farmworkers’ basic demographics, legal status, education, family size and household composition, wages and working conditions (US DOL 1997).

Data gathered by the United States Census Bureau are also used in this study, as well as other documents from the Center for Immigration Studies, which also uses the U.S. Census data. Data found in a 2002 report from the State of Florida’s Department of Community Affairs, “Stakeholder Analysis of Farmworker Housing in Florida,” are also used to apply ethnographic methods and to continue exploring some farmworker issues in two selected regions in south Florida, Collier and Dade Counties. In this area, interviews were used to examine the diversity of farmworkers found in Florida, their housing and working conditions, their strategies in dealing with IRCA’s 1986 provisions, and some reasons why they leave farmwork. These two Florida counties were selected because they are home to two farmworker labor supply communities: Homestead in Dade and Immokalee in Collier.

A housing provider in the stakeholder analysis explained that these two Florida communities are home to a couple of the nation’s largest government-subsidized farmworker housing complexes. Homestead has the Everglades Community Association, the largest government-subsidized farmworker housing complex in the U.S.; and Immokalee has Farmworker Village, the second largest government-subsidized farmworker housing complex. These two regions, Collier County (SW) and Dade County (SE), are also home to a variety of farmworkers: migrant and seasonal,
unaccompanied and accompanied, offering unique study sites that demonstrate the
diversity and mobility of the Florida farmworker labor force. The stakeholders in these
communities are therefore familiar with the diverse Florida farmworker population.

An ethnographic study of farmworkers living in Indiantown, Florida, (Burns 1989,
1993) was also used to examine work preferences of different ethnic groups, the diversity
of the immigrant agricultural labor force in another small Florida community, and finally,
to examine some of the reasons why farmworkers leave agriculture to pursue other jobs.

The agricultural industry has succeeded in maintaining lower food prices while
insuring profit margins because it is able to employ farmworkers who cope with
substandard living conditions and often work under authoritarian labor control methods.
Even in the wake of the North American Free Trade Agreement (1994), investments in
agriculture continued because it is one of the few commodities that cannot be exported to
reduce the labor-production costs outside of the United States. Therefore, the quality,
quantity, and cost-efficiency of labor are central components in the process of successful
agricultural production. This industry-control over its labor force is so important for
costs and production that the by-products (poverty, injury, and inhumanity) are the often-
overlooked costs to farmworkers to putting food on the nation’s table (Giffith et al.
1995b: 270).

While much of the theory dealing with the working poor, specifically farmworkers,
is dominated by labor market theory, this study will only use two models from this
theoretical perspective: a labor reserve model and a competitive labor model. Because
of the multi-faceted situation that shapes the farmworker working and living conditions in
the U.S., these two models are only representative of the extensive literature found on economic labor market theory.

**Theoretical Perspectives**

In the agricultural industry, the land itself is a fixed investment and it is also the primary means of production. The returns on investment in land may be realized in two ways: earning profits from land through improvements and its overall appreciation, or making the land productive through farming. Through his California study, Mitchell found that the appreciation of farmland values is often directly linked to the promise of inexpensive and assured labor, and without the promise of labor, agricultural land is too heavily capitalized and cannot be sold. He argues that growers compensate for their economic uncertainty in seasonal agriculture by taking greater control of their capital through costs of labor and forms of labor production and reproduction (Mitchell 1996: 110).

Mitchell states that growers have two strategies to control labor costs: minimizing the costs of housing and sanitation through subcontracting, which shifts the costs to the community, or providing the most basic, cost-efficient facilities on the farms. He found the more widely used method is that of minimizing the costs of housing and sanitation, delegating those burdens to the farmworkers and local communities. By choosing the former, the growers rely on a daily reproduction of labor that occurs due to an oversupply of labor in the area. This abundant labor supply insures that it does not matter if any particular laborers return to work each day, only that enough return (Mitchell 1996: 111).

**Labor Reserve Model**

A labor reserve model is used because it has become a primary worker adaptation model for farm labor processes. Three recent developments that describe and affirm the
application of this theoretical model to this study are: 1) the increase in proportions of unaccompanied male immigrant farmworkers 2) an increase in cyclical migration, especially between regions with low costs of living and high labor demand regions 3) and the use of cyclical unaccompanied male migrants, who are generally younger than they were 20 years ago (Griffith et al. 1995b: 280).

Another dimension of the labor reserve model of worker adaptation that applies to this study is how geographic regions or political entities separate the production and reproduction of labor. This separation of labor production and reproduction is clearly defined in that the costs of maintaining and reproducing workers during youth and old age are often found in separate geographical regions (Griffith et al. 1995b: 280). In addition to the transferred labor production and reproduction maintenance costs, the labor reserve model also demonstrates that their limited rights and control of their work and living situations undermine the potential for farmworkers to assimilate or unionize. In the labor reserve model, assimilation refers to more than wearing new clothing or learning new eating habits, but addresses the farmworkers' understanding of empowerment and economic opportunity, as well as their development of collective resistance.

Although there are some differences between immigrant farmworkers and other working poor in the U.S. labor force, their similarities offer important insights regarding social, cultural, and economic theory (Griffith et al. 1995b). While some reports advocate that farmworkers’ behaviors and creative responses to their social and economic conditions in the United States in many ways reflect the direction that many Latin American nation-states have moved in recent decades, this study will focus primarily on
Latin American immigrant farmworkers’ behaviors and creative responses to their social and economic conditions here in the U.S., specifically in Florida.

The U.S. agricultural force is diverse and often segmented by divisions such as ethnicity, gender, and legal or citizenship status, which also contribute to the labor reserve model’s undermining argument. This fragmentation of the farmworker labor force allows their employers to disregard regulations covering occupational safety and health, unemployment insurance, social security taxes, transportation, wages and working conditions. Through subcontracting or having crew managers, responsibilities shift away from the growers to the labor contractors. This intermediation allows the agricultural employers and crew supervisors to maintain control of labor through disguised means of debt peonage and patron-client ties, as well as other power-relations that are often found within families, networks, or ethnic groups (Griffith et al. 1995b).

**Immigrant Farmworkers: Working Poor**

By definition, the working poor work in jobs that provide incomes below the amount necessary to feed, clothe, and shelter oneself and one’s dependents (Griffith et al. 1995b: 275). The demand for labor for these jobs is not met strictly as a result of economic incentives; rather, to work these jobs, workers must accept extremely low standards of living, have additional means to earn money, or have been coerced to work in some form. Low-income, or poverty level labor markets, tend to have workers who are in at least one of these situations. Farmworkers are often characterized as young and unaccompanied by family, or they may come from domestic households in which the members pool their incomes to make ends meet. Farmworkers have also often been forced into farmwork here in the U.S. due to citizenship status or political hardship at
home, and pulled into farmwork due to debts, family obligations, or network and ethnic affiliation (Griffith et al. 1995b: 276).

**Competitive Labor Model**

Because farmworkers come to the United States from various backgrounds, usually either desperate or ready to accept lower wages than other workers, they create an element of competition to meet the demands of the farmworker labor market. Therefore, the agricultural labor market has been labeled a competitive labor market in the social sciences, contrasting with labor markets that have been long dominated by labor unions, or primary sector labor markets (Griffith et al. 1995b: 276).

A close relationship between work and housing is often found in the farm labor market. Griffith et al. (1995b: 285) also determined where farm labor contractors closely control housing, artificial support networks provide an institutional and social context for work. Some farmworker advocates often argue that grower-provided housing is progressive or positive; however, in the context of the network-based reciprocal transactions, free housing comes with a social and economic cost: control.

When the labor market is not housing-provided-controlled, the street-corner hiring practice becomes the method of choice, as in Immokalee, Florida, where a bus station serves as a hub for workers to congregate and find work every morning with one of the many labor contractors. In communities such as Immokalee, labor contractors, who basically control the entire existence of their workers through provided-housing, coexist with the other labor contractors who hire from the street-corner labor pool. Some social scientists argue that this coexistence creates the most mature immigrant communities by creating a balance between newly arrived workers and settled immigrants, forming a
transition for many between life in the U.S. and their country of origin (Griffith et al. 1995b).

Competitive labor markets often do not provide its workers or communities with the financial securities that come with primary-sector or union-bound labor markets. Furthermore, workers in competitive labor markets may be fired without warning or reason, supervisors may invoke physical or mental abuse, or farmworkers may be exposed to hazardous materials or workplace conditions without proper safeguards.

**U.S. Policy: Migration Cycles and Transnationalism**

Immigrants have been channeled or attracted to select regions, cities, communities and neighborhoods, which have facilitated the development of transnationalism. Allegiances that form among immigrants in the U.S. within the transnational contexts are founded less on nation-state boundaries and citizenship than on the basic materials that shape ethnicity: language, religious beliefs and affiliations, music, food, and shared pastimes. Although some of these similar ethnic backgrounds facilitate bonds, they may also perpetuate former allegiances from previous conflicts as well. Conflicts between ethnic groups have become an integral part of the social processes that have shaped many nation-states, along with policies in the United States and abroad. The U.S. agricultural labor market has received refugees from conflicts in Latin American countries such as Guatemala, El Salvador, and Haiti, along with other economic refugees from Mexico and other regions that have been a defining part of the farmworker force since the early part of the 20th century (Griffith et al. 1995b).

The United States has been anything but passive in the development of transnationalism through its immigration policies. Instead of creating a consistent means for farmworkers to establish citizenship to lessen the necessity for undocumented
workers, the U.S. legislative programs have failed to stabilize and have actually fueled the cycle of migration that often serve as the foundation for the growth of transnational communities.
CHAPTER 2
OVERVIEW OF RECENT HISTORICAL WAVE OF U.S. IMMIGRATION

Changes in U.S. Immigration

Recent immigrants from Asia, Latin America, and the Caribbean continue to change the ethnic landscape in the United States (Lessinger 1995). The Center for Immigration Studies (2002) found that the number of foreign-born immigrants in the 2000 Census (31.1 million) had more than doubled since 1980 (14.1 million). The Center also found that recent immigrants make up 11.1% of the total U.S. population, which is close to the all-time-high of 14.8% foreign-born population reached in 1890. The Center for Immigration Studies projects that if current immigration trends continue, at least 13 million documented and undocumented immigrants will probably settle in the U.S. during the first decade of the 21st Century.

Immigration has often been associated in the minds of many Americans with the massive influx of southern and eastern Europeans at the turn of the 20th century. Since the late 1960s, however, the United States has again become a country of large-scale immigration from other regions (Lessinger 1995). In 2000, the majority of foreign-born people in the U.S. consisted of people from Latin America (52%), which had increased from 31% in 1980 and 42% in 1990 (Center 2002). Why has there been a recent surge in immigration, particularly illegal immigration, during the 1990s? What role did federal policies such as the Immigration Reform and Control Act of 1986 play in this increase of illegal immigration?
While people from Mexico comprise more than three quarters (77%) of the U.S. farmworker labor force, people from different Latin American countries (2%), Asia (1%), and other countries (1%) complete the total foreign-born farmworker labor force here (Flocks et al. 2002). In Florida, however, while Mexican-born farmworkers generally represent a majority in the farmworker labor force across the state, regional variation occurs, particularly in south Florida, where an ethnically diverse farmworker labor force has developed in recent years. Because of the increase in immigration by Latin Americans, and the continued geographic, economic, historical and political ties that form U.S.-Mexico relations, a brief overview of Mexican migration to the U.S. is offered to illustrate how immigration policy has shaped current processes of immigration.

A Brief Look at Mexican Immigration

Due to geography, the four U.S. states that border Mexico-California, Arizona, New Mexico, and Texas-have naturally drawn greater concentrations of Mexican immigrants than non-border states. Geography, however, is not the sole indicator of which states consistently draw immigrants, since Illinois has been a destination for immigrants for many years. In addition to geography, patterns of economic growth in the United States and other countries, as well as U.S. immigration policies, have encouraged immigration, and have directed where immigrants flow in search of work (Durand et al. 2000: 1).

Early in the 20th century, Mexicans primarily went to Texas. After 1910, however, California emerged as the state of increasing attraction for Mexican immigrants, continuing to gain numbers at the expense of Texas during the 1920s and 1930s. California did not surpass Texas in its numbers of Mexican immigrants, however, until the implementation of the Bracero Program (1942-1964) that complemented California’s
emergence as an economic power. California would continue to dominate Mexican immigration into the 1980s (Durand et al. 2000: 1).

Since the 1990s, Mexican immigration has been transformed from a regional to a national phenomenon, and by 1996, nearly one-third of the new arrivals from Mexico were going to places other than the five traditional gateway states (California, Arizona, New Mexico, Arizona, and Illinois), which historically absorbed 90% of all Mexican immigrants (Durand et al. 2000: 1).

The Classic Period of Immigration: 1910 to 1920

Mexican-born immigrants had two historical U.S. immigration periods: the classic period of open immigration, which is based on data from the 1910 and 1920 censuses, followed by the Bracero period of U.S.-sponsored labor migration, based on the censuses of 1940, 1950, and 1960 (Table 2-1). The table presents the distribution of immigrants across “gateway” states, with about 50% of all Mexican immigrants living in Texas during the classic period (1910-1920). The next closest state in the quantity of immigrants during this classic period was California, which increased 5% over this decade. During the classic period, Mexican immigrants went primarily to the three geographically closer states-Texas, California, and Arizona-which together absorbed about 85% of all Mexico-U.S. immigrants (Durand et al. 2000: 3).

Meanwhile, the arrival of the railroads connected agricultural and mining areas in the Southwest to industrial cities in the Northeast and Midwest, creating continuous economic growth and a greater demand for labor. The U.S. and Mexican railroads were integrated in the early part of the 20th Century, providing a link between the labor supply and its demand. Subsequently, the first waves of migration to the United States were initiated in part due to the railroads (Durand et al. 2000: 5).
The Bracero Program: 1942-1964

Realizing in the 1960s that it was unable to control immigration, the federal government introduced the Bracero Program, one of its first attempts to regulate undocumented migration. Through the Bracero Program, undocumented Mexican immigrants were to receive temporary work authorization; however, the program actually created a dependency for agricultural employers on Mexican labor, as they faced no legal obstacles in contracting undocumented workers. After 22 years of the program, Mexican laborers had also become accustomed to migrating seasonally, while some of them even began to settle in the United States. This pattern of migratory work that was created under the Bracero Program in the mid-twentieth century is still evident in the new immigration patterns today (Lewis & Clark 2003). Furthermore, the failure of the Immigration and Naturalization Service (INS) to regulate immigration from Mexico became an issue of national concern.

The Bracero Program also coincided with an unprecedented economic boom in California, increasing its labor demand, therefore drawing more Mexican immigrants than in previous years. Meanwhile, Mexico’s government was making futile attempts to distribute millions of hectares of land to its peasants who did not have the capital required to cultivate the land. In addition, the Mexican government’s policy of Import Substitution Industrialization created high rates of industrial and urban growth, but could not provide enough jobs for the increased flow of in-country migrants looking for capital. These pressures to seek alternative means of earnings, coupled with the rising demand for labor in the U.S., created a labor market supply and demand match. Therefore, many Mexicans made their way to California, and would eventually dominate the farm labor market, along with some manufacturing and service industries (Durand et al. 2000: 6).
Significant changes occurred between 1950 and 1960, due to the large expansions of the Bracero Program. Until 1950, only 67,000 bracero workers were brought into the United States, but by the late 1950s, an estimated 400,000 Bracero Program laborers were in the U.S. The vast majority of these migrants were sent to the California growers; and by 1960, California had surpassed Texas as home to the largest concentration of documented Mexican immigrants (Table 2-1).

During this time period (1940-1960), the number of Mexican immigrants migrating to non-gateway states, which had been important destinations during the classic period (1910-1920), greatly declined. At the same time, Mexican immigration to industrialized states such as Michigan and New York increased, along with immigration to agricultural states such as Washington, where Mexicans sustained the fruit-picking labor force.

The Undocumented Period of Immigration: 1964-1986

The undocumented period of immigration (1964-1986) was characterized by a rapid expansion of legal and illegal Mexican immigration. Because of the nature of undocumented immigration, accurate estimates are not available. From 1970 to 1980, however, California’s population of Mexican immigrants continued to grow, having the majority (53%) of foreign-born Mexicans by 1970, which increased by 4% by 1980 (Table 2-2). This trend continued in Mexican immigration with a growing concentration in California, along with a greater diversification of immigrant destinations among all other states.

The popular concern and national attention that was given to immigration in the 1970s continues today. Several studies offer various accounts and figures on undocumented immigrants, their origins, and their settlement patterns. In 1980, for
example, it was estimated that there were between 3.5 and 6 million undocumented immigrants living in the United States, and about half of them were of Mexican origin.

Another report estimated that in 1986 there may have been 4 million undocumented workers living in the U.S.; and by 1996, the INS estimated that the total number of undocumented immigrants residing in the U.S. was about 5 million, ranging from 4.6 million to 5.4 million. These estimates indicate that the undocumented immigrant population grew by approximately 275,000 people annually from 1992-1996, which is about the same annual growth of 281,000 estimated for the previous period. Although the growth in the undocumented immigrant population shows some fluctuations from year to year, the level of growth has been fairly consistent during the 1990s (Lewis & Clark 2003).

One of the objectives of this study is to examine why U.S. immigration from Mexico and other Latin American countries increased so much in the 1990s. This thesis proposes that the Immigration Reform and Control Act of 1986 (IRCA), with its Special Agricultural Worker program, actually perpetuated these increases in immigration. The following chapter examines IRCA and some of its intentions and implications.
Table 2-1. Distribution of Mexican Immigrants by State of Residence: 1910-1960

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<td>2.1</td>
<td>1.8</td>
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<td>10.2</td>
<td>9.4</td>
</tr>
<tr>
<td>Immigrants in Non-gateway States</td>
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</tr>
<tr>
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Source: Partial Table found in Social Science Quarterly (1910-1960 Integrated Public Use Micro Data Samples).

Table 2-2. Distribution of Mexican Immigrants by State of Residence: 1970-1996

<table>
<thead>
<tr>
<th>States</th>
<th>Pre-IRCA Period</th>
<th></th>
<th>Post-IRCA Period</th>
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<td>1.9</td>
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<tr>
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<tr>
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<tr>
<td>Florida</td>
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<tr>
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<tr>
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<tr>
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<tr>
<td>Washington</td>
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<td>8.9</td>
<td>11.0</td>
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Source: Partial Table found in Social Science Quarterly (1910-1960 Integrated Public Use Micro Data Samples).
CHAPTER 3
IMMIGRATION REFORM AND CONTROL ACT OF 1986

Purpose and Implementation

The Immigration Reform and Control Act of 1986 and its Special Agricultural Worker (SAW) program at first appeared to have the U.S. government’s support and clear guidelines. The intent of IRCA 1986 and its SAW program was for undocumented, long-time resident immigrants to gain legal status and to curb more undocumented immigrants from coming to the U.S. Certain provisions within the IRCA program, however, permitted employers to evade the sanctions and penalties and to continue to hire illegal immigrants (Margolis 1994: 21). While the provisions of the act are straightforward, its implications have not been clearly defined and have resulted in some unintended consequences. Some of these consequences are lived out today by immigrant workers who have limited rights, poor working and housing conditions, and unsustainable wages.

This study examines some of the federal regulations that were passed in IRCA 1986, the intent of the regulations in regards to legalizing immigrant workers, specifically agricultural laborers, and how both employers and employees took advantage of the regulations. Through this analysis, some conclusions will be drawn on how this policy has influenced the immigration process and immigrant farmworkers’ working and living conditions in Florida, and the United States.

The highly publicized Immigration Reform and Control Act of 1986 (IRCA) and some of its provisions have had a major impact on the lives of immigrants in the United
States. There were two main objectives of IRCA: to stem the tide of illegal immigrants coming to the United States through sanctions against employers that hired them and to legalize long-resident undocumented aliens through the amnesty program (Margolis 1994: 21).

One of the provisions of IRCA 1986 was the amnesty program. This program allowed undocumented aliens who could prove that they were in the United States prior to January 1, 1982 to apply for amnesty. The amnesty applications had to be filed in the twelve months preceding May 1988, and those approved for amnesty were granted temporary residence, the right to work, and later, permanent resident status, and eventually, qualification for a green card. A significant number of immigrants did not qualify for amnesty simply because they arrived after the January 1982 deadline. For this reason, IRCA 1986 neither solved the documentation problem, nor stopped the immigration problem, because IRCA assumed that undocumented immigrants who did not qualify for amnesty would return to their own countries once they could not find work in the United States (Margolis 1994: 22).

The other objective behind the Immigration Reform and Control Act of 1986 was to limit the work available to illegal immigrants through employer sanctions. A joint study by the Rand Corporation and the Urban Institute suggested that this provision had only a slight effect on the rate of illegal immigration. The study found that getting jobs in the U.S. was slightly harder than before the passage of IRCA; meanwhile, economic and political conditions in Mexico and other countries contributed a steady supply of immigrant labor. The demand for cheap immigrant labor has remained an important factor in many U.S. policy and economic decisions as well.
Other provisions within the IRCA program actually gave the employers a means to 
 evade the sanctions and penalties and to continue to hire illegal immigrants (Margolis 
 employer to accept the potential workers’ documentation at face value without requiring 
 the immigrants to demonstrate a specific document, such as an INS-issued green card 
 (Scalise 1998). The anti-discrimination provisions of IRCA 1986 declare,

Employers with four or more employees are prohibited from committing document 
 abuse. Document abuse occurs when an employer requests an employee or 
 applicant to produce a specific document, or more or different documents than are 
 required, to establish employment eligibility, or rejects valid documents that 
 reasonably appear genuine on their face. (Runyan 1992: 2)

Due to the wording of this IRCA provision, employers were able to use what some 
 might call a loophole to hire undocumented individuals. Sanctions and fines, intended to 
 deter employers from hiring illegal workers, were almost void. Therefore, the system 
 continued to perpetuate a cycle of poverty, lack of rights, and poor living conditions for 
 immigrants because employers and their buyers knew that they could underpay and treat 
 or mistreat immigrants as they wished (Runyan 1992).

Because some farmworkers were under the age of 16, these younger immigrants 
 could use other forms of identification to establish work eligibility. Minors also used 
 many easily obtained forms of identification (a school report card or identification card, 
 hospital record, or day care record) that might have been valid or false, to meet the 
 identification requirement and establish employment eligibility.

The Immigration Reform and Control Act of 1986 remained ineffective because 
 adult immigrants could use a variety of U.S. documents that could be easily obtained or 
 made. A professionally produced green card could be purchased from $600 to $1,000, 
 although many workers claimed that it was easy to pass off a fake green card, since most
Americans did not know what a legitimate one looks like. Other forms of work documentation were acquired less expensively, such as fake or stolen social security cards that sold for as little as $20 on the street. The other easily acquired and readily accepted form of identification for labor purposes was a driver’s license. Licenses could also be false or legitimate and were easily obtained since a person had to only pay the fees, demonstrate a permanent address, and pass the examinations (Margolis 1994: 117-120).

Although IRCA passed in 1986, the program’s provisions and employer’s sanctions were gradually implemented from 1987 through 1989, so that the full effects of IRCA were not felt until after 1990. According to the U.S. Immigration and Naturalization Services’ 1991 data, around 2.3 million Mexican farmworkers acquired legal documents between 1987 and 1990 (Lewis & Clark 2003). This massive legalization of Mexican immigrants had two initial impacts: first, it flooded the local labor markets with newly legalized immigrants; and secondly, it gave these newly legalized immigrants a new freedom to move and seek other kinds of employment.

Whereas illegal immigrants usually avoided moving too often to minimize the risk of detection, newly legalized immigrants had full U.S. labor rights and lost their fear of deportation or arrest. These newly legalized immigrants began to exercise their freedoms, changing location and occupation, along with other factors that encouraged them to move as well. For example, deteriorating economic conditions and a growing hostility towards immigrants in California, where nearly 55% of those legalized lived in 1990, promoted immigrants’ moves to other states (Durand et al. 2000: 9). Another reason for moving to new areas was the threat of employer sanctions by IRCA, which
made it illegal for the first time for employers to hire undocumented workers. Both civil and criminal penalties were to be imposed against those who violated this policy.

Employers responded to these sanctions by hiring labor subcontractors to satisfy their labor demands. These subcontractors were usually citizens or legal immigrants who make a contract with the employers to provide a specific number of farmworkers. The agreements often include other criteria: the duration of the contract, a description of the job, and the establishment of the workers’ wages. Because of the way growers responded to IRCA’s sanctions with the use of labor contractors, farm laborers were the ones hurt most due to their substandard wages and working conditions. Through these strategies, many employers were able to avoid the threat of prosecution under IRCA, while not having to file extensive paperwork. Furthermore, the subcontractors profited by keeping a share of the farmworker’s earnings in return for their services. Once again, the farmworkers were the ones dealt the greatest burdens in the U.S. agricultural industry (Durand et al. 2000: 9).

Special Agricultural Worker Program of IRCA 1986

The Special Agricultural Workers (SAW) program of IRCA 1986 provided legal resident status to about one million agricultural workers in the United States. This easily accessible route to amnesty, proper work documentation, or a green card, was offered through Immigration Reform and Control Act’s additional provisions, specifically for farmworkers. The SAW program was particularly advantageous for those immigrants who arrived after the 1982 cutoff date for the general amnesty program.

Under the Special Agricultural Workers program, undocumented individuals in the United States, who had been employed as farm laborers for at least ninety days between May 1985 and May 1986, could apply for amnesty and ultimately, permanent U.S.
residency. Because of the flexible provisions found in the SAW program, amnesty
applications under the SAW program far outnumbered those filed under other IRCA
provisions.

**National Agricultural Worker Survey**

Beginning in 1988, two years after the implementation of the IRCA 1986, the U.S.
Department of Labor began to conduct a survey of farmworkers living in the U.S., the
National Agricultural Workers Survey (NAWS). The extensive survey is usually
performed for a two-year period in which random samples of the nation’s agricultural
workers are interviewed three times each year. The farmworkers reveal information
about their basic demographics, legal status, family size and household composition, and
wages and working conditions (US DOL 1997). For the purposes of this study, the
NAWS reports’ data from the 1994-1995 research period, published in 1997, and the data
from the 1997-1998 research period, published in 2000, will be used to determine if
IRCA 1986 reached its goals, about ten years after it was passed.

The Immigration Reform and Control Act legalized a large number of farmworkers,
the majority of who became legal permanent residents. Many of the newly legalized
farmworkers continued in agricultural work in the United States, while many also left the
sector (US DOL 1997).

**Analysis of the National Agricultural Worker Survey**

From 1989-1998, the proportion of United States-born farmworkers dropped
considerably by 20%, one decade after IRCA, and the proportion of unauthorized
farmworkers greatly increased by 45%. However, the most significant indicators of
IRCA’s results are found in the movement within the farm labor force in the central two
categories, legal permanent resident and temporary-pending status. These two categories
serve as a means to assess IRCA’s progress towards one of its goals: to legalize and maintain a farmworker labor force for U.S. agriculture (Table 3-2).

The U.S. Department of Labor's National Agricultural Workers Survey (NAWS) records indicate that shortly after IRCA 1986 went into effect in 1989, 48% of the farmworkers had either established legal permanent residency or were in the process as temporary-pending status candidates. However, 3 to 4 years later (1992-1993), when the full effects of IRCA should have taken place, only 21% of the temporary-pending status candidates had either been approved or moved on, while the legal permanent resident category showed only 7% growth. Furthermore, the category of unauthorized farmworkers quadrupled in the same 3 to 4 years, increasing to 28%. By the time of the next reporting period (1994-1995), the greatest number of post-IRCA farmworkers (25%) had become legal permanent residents, increasing the total number of legal permanent farmworkers by 12%. Meanwhile, the number of temporary-pending status farmworkers had dropped by a total of 21% from the 1989 to the 1994-1995 reporting period, indicating that about half of the farmworkers that sought legal permanent status under IRCA 1986 had left farmwork during the next 5-6 years (Table 3-1). Meanwhile, the number of U.S. citizens still doing farmwork declined by 10%.

Another key indicator that demonstrates that IRCA 1986 was not successful in legalizing and maintaining an immigrant labor force is in the growth of the unauthorized category, and by 1994-1995, 37% of farmworkers in the U.S. were working without proper documentation. The number of unauthorized farmworkers again increased by 15% from the 1994-1995 period to the 1997-1998 period, in which more that half (52%) of the farmworkers were unauthorized to work in the United States (Table 3-1).
While the number of illegal immigrant farmworkers increased, the total number of legal permanent residents and potential temporary-pending status candidates continued to decline, with many of those legalized under IRCA having already left the farmworker labor force by 1998. Meanwhile, the U.S.-born farmworkers continued to leave agriculture, dropping another 10%, further depleting the legal farmworker labor force, which only formed 22% of the farmworker labor force by 1998 (Table 3-1).

A clear explanation exists for why the legal permanent resident proportion of farmworkers did not grow as much as the temporary-pending status worker numbers declined. Many of the Special Agricultural Workers (SAW) and the General Amnesty Workers legalized by the Immigration Reform and Control Act of 1986 moved on from agriculture. By legalizing a major portion of the agricultural labor force, the Immigration Reform and Control Act of 1986 temporarily reduced the numbers of unauthorized farmworkers. Because the working and living conditions of farmwork were so difficult, a trend began for the newly legalized farmworkers to move on to other forms of labor. This created a gap in the labor market that attracted new immigrants to enter the agricultural labor force from abroad. The trends in the reports indicate no signs of this influx of newcomer farmworkers declining, despite the large legalization program.

One significant finding by the 2000 Census is the recent move by Latin American immigrants to rural areas of the U.S. Some of these rural and agricultural areas across the U.S. had not received many immigrants in over a hundred years. The Census found that the Latin American populations in these communities doubled or tripled in the 1990s. As recent immigrant trends have indicated, from around the 1980s to present, many of the Latin American immigrants arriving to fill jobs in agricultural and related industries
move on to urban areas after they acquire contacts and legal status in the United States (Martin 2001). Additionally, their children, educated in the U.S., are not likely to follow their parents into the fields or slaughterhouses. Meanwhile, agriculture and related industries continue to have revolving door labor markets, in which newcomers fill jobs for a few years, and then move on, to be replaced by even newer arrivals (Martin 2001). This cycle perpetuates the same immigrant labor conditions that brought about IRCA and SAW in the 1980s, and some state legislation, such as Proposition 187 in California in the 1990s. These are only some of the immigrant issues that still have not been resolved today.

Some of the provisions in IRCA 1986 also increased the budget of the U.S. Border Patrol, which launched a series of repressive crackdowns at two of the nation’s busiest U.S.-Mexico gateway cities, El Paso and San Diego. Along with repressive border-crackdowns and farmworker wage cuts by subcontractors, California experienced an economic recession due to defense cutbacks at the end of the Cold War. This lead to a negative public sentiment in California against immigrants, which culminated in 1994 with the passage of Proposition 187, a referendum that sought to bar undocumented migrants from receiving publicly provided health, education, and welfare services (Durand et al. 2000: 10).

Therefore, an unusual set of circumstances occurred in the early 1990s: IRCA 1986 had restructured immigrant employment through subcontracting causing wages to decline, a severe recession had occurred, and a wage competition had developed due to the influx of newly legalized immigrants into the labor markets, along with growing hostility towards these immigrants. All of these changes occurred north of the border
while Mexico endured an economic crisis of its own during 1994. These changes created
not only a greater need for income in Mexico’s traditional immigrant-sending states, but
also affected capital and financial security among middle-class, non-traditional sending
states, as well. As these new migrants entered the binational labor market, they naturally
sought to avoid the difficult circumstances that surrounded immigration in traditional
gateway states, resulting in a flow that shifted Mexican immigration away from them
towards non-traditional destination states (Durand et al. 2000: 10).

For example, in six short years, the percentage of Mexican immigrants in
California dropped 10%, and Texas continued to lose immigrants from Mexico, falling to
an all-time low of 17% in 1996. The proportion of Mexican migrants going to non-
gateway states reached the highest percentage (21%) in the history of Mexico-U.S.
migration, doubling the numbers from the previous period. Therefore, in a brief time,
Mexican immigration was transformed from a narrowly geographically orientated
process into a nationwide movement, with its effects being felt throughout the country
(Durand et al. 2000: 11).

**Plans to Continue Farmwork**

One of the goals of IRCA 1986 was to insure that the agricultural industry had a
stable labor force. Many issues have been studied about farmworkers obtaining work
eligibility or how long they remain in agriculture. One way to assess how long
farmworkers could possibly be in the agricultural labor force is to ask them in a survey.
According to the NAWS report for the 1997-1998 research period, only about half (54%)
of the farmworkers said they intended to continue in agricultural work for more than five
years or as long as they were able. Twenty-seven percent of the farmworkers indicated
that they intended to continue in farmwork for 3 years or less.
The 1997-1998 NAWS report also found that farmworkers had many contacts across the United States and that their ability to locate work was fairly accessible. Overall, 59% of the farmworkers indicated that they had relatives or close friends who already had non-farmwork employment in the U.S. To further examine the farmworkers’ access to other jobs, they were asked if they could obtain a U.S.-based non-farmwork job within one month; 35% indicated that they were confident they could.

These indicators serve to demonstrate that the current trends for farmworkers to move on to other geographic locations and forms of employment are going to continue. The rates of their moves from agriculture and their replacement by unauthorized workers will only increase in the years to come to meet the demand for agricultural labor in the U.S.

While the majority of studies focus on immigrant farmworkers from Mexico working and living in Texas or California, an objective of this study is to examine some of the dynamics and diversity found in the farmworker labor force in Florida.
Table 3-1. Current Legal Status of U.S. Farmworkers

<table>
<thead>
<tr>
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<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Citizen</td>
<td>42%</td>
<td>42%</td>
<td>35%</td>
<td>32%</td>
<td>22%</td>
</tr>
<tr>
<td>Legal</td>
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<td>20%</td>
<td>25%</td>
<td>24%</td>
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<tr>
<td>Permanent Resident</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary-Pending Status</td>
<td>35%</td>
<td>26%</td>
<td>14%</td>
<td>4%</td>
<td>2%</td>
</tr>
<tr>
<td>Unauthorized</td>
<td>7%</td>
<td>16%</td>
<td>28%</td>
<td>37%</td>
<td>52%</td>
</tr>
<tr>
<td>Unknown</td>
<td>3%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>0%</td>
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Table 3-2. Method of Obtaining Legal Status

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen</td>
<td>42%</td>
<td>42%</td>
<td>34%</td>
<td>30%</td>
<td>19%</td>
</tr>
<tr>
<td>IRCA Applicant</td>
<td>33%</td>
<td>29%</td>
<td>25%</td>
<td>19%</td>
<td>16%</td>
</tr>
<tr>
<td>Family Program</td>
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<td>3%</td>
<td>6%</td>
<td>7%</td>
<td>11%</td>
</tr>
<tr>
<td>Other Work Authorized</td>
<td>7%</td>
<td>7%</td>
<td>4%</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Unauthorized</td>
<td>7%</td>
<td>16%</td>
<td>28%</td>
<td>37%</td>
<td>52%</td>
</tr>
<tr>
<td>Unknown</td>
<td>11%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>0%</td>
</tr>
</tbody>
</table>

CHAPTER 4
IRCA 1986 AND FLORIDA

A Brief Overview of Immigration to Florida

This chapter examines the diversity of the south Florida farmworker labor force, in which Guatemalans, Haitians, Mexicans, and other ethnic groups comprise a unique situation found in Florida’s agricultural labor. First, I offer a brief overview of how commercial agriculture began in Florida and how Florida’s current farmworker labor force came to be so ethnically diverse. To demonstrate the unique Florida situation, I compare a Florida labor supply community with two other agricultural labor supply communities in California and Texas. Finally, using studies of farmworker agricultural communities in south Florida, I examine the various strategies used by growers and farmworkers in Florida in response to IRCA 1986, as well as some of the reasons why different ethnic groups tend to continue or leave farmwork.

Beginnings of Commercial Agricultural Production in Florida

Florida’s east coast contains Dade County, home to the crowded cities of Miami and Miami Beach, along with more than 80,000 acres of agricultural land that support more than 1,500 farms. Homestead, Florida, a farmworker labor supply community in Dade County, has a subtropical climate that allows it to be the harvest home to a variety of agricultural crops, ranging from tropical fruits to winter vegetables (Heppel 1992: 161). A straight drive from Dade County directly west across Alligator Alley (Interstate 75) through the famous Florida Everglades and Big Cypress Swamp arrives at the southwestern coast of Florida. On the southwest coast, Collier County is similar
topographically to Dade, with a mixture of resort areas in Naples and Marco Island, along with 220 farms inland that cover over 330,000 acres (Heppel 1992: 161). Collier County also has a comparable farmworker labor supply town called Immokalee that lies about an hour’s drive inland from Naples.

I attended a Community Advisory Board Meeting sponsored by the Farmworker Association of Immokalee, Florida. This meeting demonstrated the diversity of the farmworker labor force in south Florida, since the meeting was conducted in English, Spanish, and Haitian Creole, accommodating everyone’s native language. I offer a brief overview of immigration to Florida to provide a background to their responses to IRCA 1986, as well as some of the farmworker issues that were discussed.

Agricultural production in Florida, specifically tomatoes, has a long history dating back to around 1880, when the first commercial tomatoes were grown in the central west region of the state (Heppel 1992). About 20 years later, the first commercial tomatoes were grown in Dade County (Homestead), a place considered unsuitable for agriculture around the turn of the last century. After a farmer discovered the importance of applying fertilizer to the crop, however, Dade County soon became the number one county in shipping tomatoes to northern markets. This tomato business became very profitable, employing hundreds of picker and packers, and for 30 to 40 years, tomatoes dominated the fields. The numerous consecutive years of planting without crop rotation depleted the soils and disease took over the tomatoes and soil, so tomato production shifted to the rocky pineland soils, where tomatoes are produced today (Heppel 1992:163).

The early 20th century history of the area around Collier County (Immokalee, Florida) sounds like a Western pioneer scene, consisting of a trading post and a mission
to deal with the regional Native Americans (Seminoles). Lack of roads delayed the
commercial tomato production in Collier County, and agricultural production did not
come to the area until 1930, after the railroad brought a means to transport the produce to
northern markets (Heppel 1992:163). Since then, tomato production has continued to
grow, and today, the tomato industry accounts for 45% of the total vegetable acreage in
southwest Florida (Roka and Cook 1998: 8).

Agricultural Labor in South Florida

At the turn of the last century, the labor force for the south Florida tomato harvest
consisted of southern African Americans, regional Seminole Indians, along with some
Bahamians, who had migrated to Miami or came seasonally to Florida to work in
agriculture. Bahamians were brought to the U.S. to work because, as growers claim
today, the agricultural labor supply was reported to be scarce. Therefore, informal
programs were instituted to bring in Bahamians to work during harvest. These labor
programs were formalized, and from 1943 to 1966, Bahamian laborers were given short-
term contracts that were to be supervised by the Colonial and U.S. governments. These
federal labor programs were only intended to supplement the U.S. agricultural labor
supply with foreign-born workers, since domestic workers continued to be the dominant
group harvesting U.S. fields (Heppel 1992: 164). These formal and informal programs,
along with an increasing demand for agricultural labor, would continue to encourage
other immigrant groups to migrate to Florida in search of work.

Florida has a unique immigration history due to various immigrant groups coming
to find work in the U.S. as a point of entry throughout the 20th century. Florida, along
with most of the East Coast states, traditionally relied on a U.S.-born agricultural labor
force, employing only a small number of legal temporary workers from the Caribbean to
work its agricultural sectors, rather than trying to solve their seasonal labor needs by looking to Mexico. The ethnic make-up of the agricultural labor changed gradually until the mid-20th century; then it began to change dramatically with different waves of migration. These trends in immigration continued through the latter half of the 20th century, and now, almost the entire tomato harvest labor force in Florida is made up of Latin American workers. In spite of this recent rapid influx of primarily Latin American migrant workers, Florida has also continued its history of using guest worker programs to supplement its domestic and immigrant labor. In 1991, the Florida agricultural industry employed approximately 10,000 Caribbean workers in its sugar cane industry through the H-2A program (Heppel 1992: 164).

As stated earlier in this study, a housing provider in the stakeholder analysis explained that south Florida is home to two farmworker labor supply communities, Homestead (Dade County) and Immokalee (Collier County). These towns have two of the largest government-subsidized farmworker housing complexes, which are key home-bases for some of the U.S. farmworkers.

**Dade County: Waves of Immigrant Farmworkers**

In Dade County (Homestead) before 1950, most of the tomato fields were small, ranging from 50-60 acres, but when tractors replaced mules, fields began to expand. As stated earlier, around the 1950s, many of the laborers in southwestern Florida came from the Bahamas, who were eligible to work in agriculture through guest worker programs (1943-1966). In the 1950s and 1960s, Puerto Ricans began to enter the farmworker labor force, though Mexican workers would soon replace them in the 1970s. During the late 1970s and early 1980s, there were a growing number of undocumented workers; and throughout the 1990s, Central Americans, primarily from Guatemala, joined Florida’s
increasing numbers of its primarily Mexican/Mexican-American labor force (Heppel 1992: 164).

**Collier County: Waves of Immigrant Farmworkers**

During the 1960s, the labor force of Florida’s southwestern Collier County (Immokalee) primarily consisted of African Americans, some living up to 30 miles away in Fort Myers. Only a decade later, the general ethnic make-up of the farmworker labor force around Immokalee would change significantly, as well as where the workers would live and be housed in Immokalee. By the 1970s, most of the farmworkers lived in Immokalee, and its farmworker labor force was comprised of Mexicans and Mexican-Americans, who had moved to the area from Texas, along with African-Americans, and Caucasians. Only a relatively small percentage of the Collier County labor force was undocumented during this time (Heppel 1992: 164).

By the late 1970s and early 1980s, the number of undocumented Mexican farmworkers along with the number of Haitian workers increased dramatically. The influx of Haitians had come in response to President Kennedy’s explicit encouragement of immigration by Haitians to the U.S. due to the human rights violations of President Francois Duvalier's office. In 1965, the U.S. Immigration Act went into effect, allowing family members to bring close relatives to the U.S. Therefore, by the late 1960s, almost 7,000 Haitians became U.S. permanent residents each year, while approximately 20,000 came on temporary visas each year (Stepick 1998: 4). With the passage of the Immigration Reform and Control Act in 1986, Haitians, who had been recorded by the INS prior to January 1, 1982, were able to receive permanent residency. In addition, Haitians also had the opportunity to apply for permanent residency under one of the two
seasonal agricultural worker programs of the Special Agricultural Worker program (Burns 1989: 43).

Guatemalans were the last of the newcomers to enter the Florida agricultural labor force, arriving from the mid-1980s to the present. During the last century, Guatemalan Mayans migrated due to the political and armed violence in Guatemala. As of 1982, about 46,000 Guatemalan refugees had fled to Mexico; some of them migrated later to the United States (Montejo 1999: 190). Guatemalans were able to apply for political asylum as a means to obtain a temporary resident alien document for 12 months (Burns 1989, 1993). Today, there are more than 200,000 Guatemalans in the United States, and Indiantown, Florida, has the most recognizable community of Mayan people in Florida. The influx of Guatemalan Mayans into the Indiantown community more than doubled its population by the 1990s (to a little over 6,000 people), where they obtained jobs as farmworkers (Burns 1999: 139).

While the shifts in the composition of the agricultural labor forces in places such as Indiantown, Immokalee, and Homestead, have a unique historical dynamic that is different from other immigration trends in the United States, the common theme within all of the changes and history of Florida’s agriculture has been the employers’ search for the cheapest possible labor (Heppel 1992).

**Competition Over Labor**

In both south Florida counties, competition between agriculture and non-agricultural industries for labor is troubling for farm employers. Another underlying tension found in south Florida comes from the various immigrant groups that have migrated to the area, such as Cubans, Puerto Ricans, Mexicans, Guatemalans, Bahamians, and Haitians. These immigrants groups, as well as others, sometimes interact
uneasily among themselves and more often with African-Americans, Mexican-Americans, and Caucasians (Heppel 1992: 161).

Agriculture and tourism dominate industry in south Florida, with the service industry of tourism being the largest non-farming employment category for both Dade and Collier Counties. Agriculture has always been a major industry in both counties; in 1987, the market value for agricultural products sold in Dade and Collier Counties totaled $250 million and $118 million, respectively (Heppel 1992: 162). These figures indicate the financial investment and return that the state of Florida, its growers, and many others enjoy as revenue.

One significant indication of Florida’s continued dependence and investment in agriculture around the time of IRCA 1986 was that the values of agricultural products from Dade County had increased 28%, from 1982 to 1987; meanwhile, the market values of the agricultural products from Collier County had increased 78%, from 1982 to 1987. These figures demonstrated that the agricultural sector was dynamic, and that a stable, cheap labor supply would be necessary in order to continue to develop the agricultural land and increase its size and sales (Heppel 1992: 162).

A recent report (Evans 2000) found that agriculture is the second most important industry in Florida, generating $18 billion in economic value a year, which is the foundation for all other contributing economic segments, such as food wholesaling and retailing. These economic sectors that are directly related to agriculture add about $35 billion to the Florida economy, while the agricultural industry is responsible for creating more than 500,000 jobs, along with a payroll of over 10 billion dollars each year.
Although these two south Florida Counties are similar in their dependence on agriculture and tourism, they differ in some aspects within these industries.

The structure of agriculture in the two south Florida Counties is different. In Collier County (Immokalee), farms are larger than those in Dade County (Homestead), with Collier’s average farm size in 1987 being 1,483 acres, compared to the average farm size of only 51 acres for Dade. The population sizes of the two counties also differ substantially. In 1986, Dade County had a population of about 1.8 million, while Collier County had a population of about 121,000. It was estimated that both Collier and Dade Counties employ an average of approximately 20,000 seasonal agricultural workers per year (Heppel 1992: 162).

**Comparison of Ethnic Diversity: Three U.S. Farmworker Labor Supply Communities**

Florida, along with Texas and California, is one of the top three states in labor-intensive agriculture in the U.S. The majority of the acreage in Florida is designated for citrus, sugar cane, and vegetables, which are mostly perishable and require hand harvesting (Heppel 1992). Florida has a unique situation, given its compatible agricultural climate and geographical location, along with a diverse population in south Florida’s labor supply communities of Immokalee and Homestead. A study by Griffith et al. (1995a) demonstrates the diversity of farmworkers that live in south Florida, as opposed to two other agricultural labor supply communities in California and Texas. The Griffith et al. study (1995a) of the ethnicity of different labor supply communities reveals that Immokalee, Florida, has a much more diverse farmworker force than the predominantly Mexican labor forces of the agricultural labor supply towns of Parlier, California or Weslaco, Texas (Table 4-1).
The differences in ethnic composition of the farm labor force reflects the reliance on extended family and village networks in farm labor recruitment, which results in ethnic clustering and the institutionalization of immigration flows to different communities. Labor market dynamics and geography are found to play important roles in the processes through which immigration flows become institutionalized; however, participation of federal and local governments in the formation of the farmworker labor force has often proven to be more powerful than either the labor market or geography (Griffith et al. 1995a).

I offer a comparison between labor supply communities in three of the key agricultural labor states, California, Florida, and Texas. The labor supply community of Weslaco, Texas, was the only community with low rates of immigration. These lower rates might be attributed to the large portion of Mexican-Americans in the farmworker labor force (46%), or deterioration in agricultural job opportunities in Texas. Lower immigration rates in Texas are significant due to its geographical location, since Texas relied on immigrant laborers from Mexico in the first half of last century. Furthermore, each winter, a stream of Mexican migrants passed through southern Texas en route to other labor demand communities in Florida (Immokalee and Homestead) and California. In 1995, California was still the dominant destination of Mexican immigrants.

The greatest diversity, however, was in the farmworker labor force in the community of Immokalee, Florida. In Immokalee, the numbers of Guatemalan and Haitian farmworkers (38%) were almost equivalent to those of Mexican descent (43%). Many other ethnic groups comprised the remaining 19% of the agricultural labor force
(Figure 4). Cyclical migrants from Mexico and Guatemala formed the largest group of unaccompanied migrants (43%) in Immokalee, Florida (Griffith et al. 1995a).

**Grower’s Responses to IRCA 1986 in South Florida**

Heppel’s (1992) study revealed that in response to the Immigration Reform and Control Act’s sanctions and regulation, growers in both Dade (Homestead) and Collier (Immokalee) Counties organized a badge system in order to centralize the bookkeeping requirements of the law. For the growers to be protected against hiring undocumented workers, they created a “badge,” a plastic ID card, which a farmworker would present in order to be hired by either a grower or a labor contractor in south Florida. To become work-eligible, the workers were to present the required documents along with an I-9 and a picture ID. To accommodate the large numbers of farmworkers applying for amnesty under IRCA 1986, both south Florida counties created an office to process these applications shortly after IRCA was passed.

The South Florida Tomato and Vegetable Growers’ Association of Dade County (Homestead) established a Labor Division in the fall of 1987, and by April 1990, 14,000 badges had been issued. Over half of the workers’ cards that were issued for legalization were through the Special Agricultural Worker (SAW) program or through the INS. Of these workers obtaining cards, one-third of the cards were based on documents showing citizenship, and about one-tenth of the cards were given to permanent resident aliens (Heppel 1992: 174).

In Collier County (Immokalee), about 85 growers from the area founded the Immigrant Agricultural Worker ID office in 1987; by 1990, the office had issued almost 29,000 ID cards. The majority of these were for farmworkers who had gone through the Special Agricultural Worker (SAW) program (Heppel 1992: 174).
The south Florida badge systems were developed with a significant amount of input from the INS, which intended to regularize the hiring of a portion of the farmworker labor force. Conscientious growers who complied with IRCA’s provisions found their paperwork requirements easy to maintain, and enforcement by the INS was made easier, although not necessarily more effective. However, the badge system again placed the burden on the farmworkers, forcing them to pay for the costs of the cards, as well as the time spent away from work to obtain them (Heppel 1992: 174).

Agricultural employers throughout the years have asked for guest workers because they feared that they would have a labor shortage. South Florida has had a substantial surplus of labor for many years, with refugees and immigrants from the Caribbean as well as Mexico, Central and South America, who were confident that they could obtain employment.

A major complaint from growers concerned the management of the Immigration Reform and Control Act’s Special Agricultural Worker program, specifically the amount of false documentation that was supplied for a price by dishonest contractors. When the IRCA-abiding growers denied employment to unauthorized workers themselves, they would find out that local competitors were still hiring anyone, placing the conscientious growers at a competitive disadvantage (Heppel 1992: 177).

**Farmworker Responses to IRCA 1986 in South Florida**

Undocumented workers often had difficulties finding employment, so they used various strategies to find work. They typically found work with “pin-hookers” or labor contractors who were flexible with work documentation requirements. Pin-hookers, who were entrepreneurs who picked and sold tomatoes on a small scale, were a relatively unique feature of the south Florida tomato industry and had been around for more than
thirty years. With the help of family members or a few hired workers, the pin-hookers bought a field of tomatoes from a grower with the agreement that the tomatoes would be sold in-state, since the majority of Florida’s tomatoes were shipped out of the state for commercial use. The majority of the pin-hookers in south Florida were Mexican permanent residents, who either hired resident aliens or friends and relatives, documented or not, to help. Pin-hookers were usually paid in cash by the growers, but gave up their benefits, since taxes were not included in their wages (Heppel 1992: 175).

Another south Florida farmworker strategy was to pick with a legally badged worker and receive a portion of that authorized worker’s wages. Desperate for work authorization under IRCA 1986, many workers either eventually obtained the required documents or falsified documents, in order to receive the south Florida ID badge and permission to work (Heppel 1992: 175).

At the time of Heppel’s study on agriculture in south Florida in 1991, there had been limited enforcement of IRCA 1986. She noted that one large raid had occurred since IRCA, but that it had conveniently taken place at the end of the season when there was a surplus of unemployed workers in the Immokalee area. Heppel also found that the Immigration and Naturalization Service had been unable, or chosen not to do follow-up investigations of irregular documentations referred to them by Florida’s Department of Labor.

Burns (1989, 1993) found that undocumented workers obtained work with the smaller agricultural businesses, or did day labor in agriculture, through contracts with crew bosses that paid them in cash. The subcontractor crew bosses are often given all of the wages for the workers that they oversee, and then they are expected to pay social
security and unemployment benefits for each worker. Unfortunately, crew leaders are notorious for paying farmworkers in cash, retaining the social security and benefits money for themselves.

**Crew Leader Control Over Farmworkers in Florida**

For more than seventy years, agricultural workers in Florida have been organized into crews under the supervision and control of a crew leader, sometimes called a subcontractor in other studies (Burns 1989, 1993). The primary function of the crew leader or subcontractor is to secure enough labor for a grower to be insured of having a sufficient labor supply during harvest times. Crew leaders in Florida also assume a number of other responsibilities on behalf of the growers, including labor recruitment, housing, transportation, supervision, record-maintenance, and the ultimate control-factor, payroll. Exploitation of workers and abuses of power continue today in Florida, as licensed labor contractors must compete with unlicensed contractors. Both kinds of labor contractors continue to underpay or mistreat their work crews, often failing to turn in social security or other withholdings (Heppel 1992: 167).

One way that employers maintain control over their labor forces is through the constant threat to the undocumented workers that they may either lose their jobs or even be turned over to the Immigration and Naturalization Service. Therefore, the workers cannot complain about their exploitation and working conditions (Burns 1989). While many of the farmworkers join social or recreational unions, such as churches, soccer leagues, or music groups, they are often not familiar with labor union organizations so these organizations have had limited success. Burns (1989) offers an example from Guatemalan farmworkers’ perspectives to demonstrate some of the reasons why having labor unions with different ethnic groups are often difficult. He states, because they
come from the Mayan highlands of Guatemala and have limited experience with unions, the farmworker union organizers have difficulty forming relationships with many migrant labor communities. Another reason cited by Burns (1989) why some ethnic groups do not adhere to labor organizations are the language differences between the organizers and the Guatemalan Maya, impeding further success for a labor union.

Similar situations regarding labor control in agriculture occur today in Immokalee, Florida. John Bowe’s (2003) article of the *New Yorker* magazine, “Does slavery exist in America?” examines the control that labor contractors exert over their workers. Bowe demonstrates how labor contractors, who provide farmworker crews to tend and harvest crops for growers in south Florida, can exert near-absolute control over their workers’ lives. These contractors are often in charge of groups of workers ranging in size from a dozen to hundreds, accompanying them as they work and travel the crops’ seasons.

Bowe also explains that the labor contractors maintain the payrolls, deduct taxes, and are often the only source of food, housing and transportation to and from the fields for the farmworkers. They provide these benefits and services for a fee. The farmworkers are further subjected to the control of the labor contractor because they are often not knowledgeable of their rights, unlikely to speak much English, might speak different languages from their co-workers, and are sometimes bewildered by the American culture. The labor contractors are able to insure that they will be able to maintain a labor supply, since about 90% of the laborers in south Florida are new each season (Bowe 2003:107).

In Burns’ study on farmworkers in Indiantown, Florida, he found that construction companies allow their employees 72 hours to obtain a work permit. This regulation
insures that these industries maintain a large labor pool of transient workers, since many
of them move from job to job every 72 hours or simply change their names and
information to extend the job another 72 hours (Burns 1989:44).

Farmworker Housing

Housing has been a central component of the U.S. farm labor market for decades. After the Civil War, the Southern agricultural features of sharecropping and tenant farming retained the newly freed laborers to the land, providing housing as a major way of coercion. Today, housing remains a cornerstone of maintaining a farm labor force, one that must be ready to travel the migrant streams across the United States. In the stakeholder analysis, a housing provider explained how crucial housing is to maintaining an agricultural labor force (Appendix A). This farmworker housing provider stated, “If we have housing, then we can get labor; without housing, we cannot harvest our crops. That is the bottom line.”

Farmworker housing in the labor demand regions in the North differs in many ways from the housing in the farm labor supply communities of California, Florida, and Texas. The quality, quantity and design of housing available in a northern labor demand area directly affect the composition of the farmworker labor force. For example, labor demand areas that provide housing for farmworker families are able to recruit U.S.-citizen farmworkers and employment-authorized workers. In contrast, the labor demand areas, which neither provide housing nor housing designed only for unaccompanied males, attract and become dominated by new immigrant workers (Griffith et al. 1995a).

Housing in traditional home base labor supply communities is characterized by low-cost housing, and much of this housing is extremely crowded, dilapidated, and minimally affected by zoning regulations. The infrastructure of rented rooms, garages,
trailers, and shacks that has developed in such labor supply towns as Immokalee, Florida, enables the single-male workers to cluster together. This clustering of farmworkers facilitates the drive-by recruitment by labor contractors, who are often also landlords or friends of landlords, keeping the rental units occupied while supplying labor for their crews. These crowded housing accommodations also facilitate the networking that underlies labor recruitment and farmworker migration (Griffith et al. 1995a).

I conducted a focus group of farmworkers in Homestead, Florida, as a part of a stakeholder analysis of farmworker housing in Florida. Many of the responses by the stakeholders and farmworkers to the questions on farmworker housing concerned the issue of documentation and access to housing. Some of the respondents advocated that the issue of documentation dictated where a farmworker would live: government-subsidized farmworker housing or privately owned housing. These responses lead to this study on immigration policy, documentation, and farmworker housing. The correlation between housing, documentation, and labor control was portrayed in a farmworker’s response to a focus group question (Appendix B).

I asked the Homestead subsidized-housing focus group, “What is the best housing that you have lived in here in the U.S.?” A farmworker focus group participant responded, “…this one (Everglades Community Association, the nation’s largest government subsidized farmworker housing complex) is good, but if you get a different kind of job, you might lose your house here.”

Many of the home-base labor supply communities, such as Immokalee and Homestead, Florida, have low-income housing and continue to promote more public-housing efforts. However, public housing is only able to accommodate those farmworkers who are U.S. citizens or have proper documentation in order to live there.

As stated earlier in this study, according to the National Agricultural Workers Survey (NAWS) report from the 1997-1998 research period, only about half (54%) of the
farmworkers intended to continue in agricultural work for more than five years or as long as they were able. Twenty-seven percent of the farmworkers indicated that they intended to continue in farmwork for 3 years or less.

Agricultural labor is often left by immigrants soon after arriving in the United States and is seen by many of them as merely a point of entry into the U.S. labor markets. There are many reasons why immigrants exit from farmwork in the U.S. One reason is that they do not enjoy working in U.S. agriculture, finding little fulfillment in the manner in which it is organized. Some farmworkers claim to find greater satisfaction in working in agriculture in their homelands because they often perform many parts of the labor in the agricultural production process. In U.S. agriculture, they usually perform the only available job, often picking the same crop from sunrise to sunset. Another reason that some farmworkers leave agriculture is labor competition. For example, although migrant workers from Guatemala have many agricultural skills, they too often find themselves competing with the faster, physically larger Mexicans workers in the fields; this pushes Guatemalans to exit farmwork to pursue other jobs. Mexicans who have done migrant farmwork for many years remain longer in the agricultural labor force than Guatemalans and Haitians (Burns 1989: 34).

Another reason why migrant farmworkers do not stay in agriculture is that it requires mobility, and immigrants are often married. The costs of transportation, establishing new residences several times a year, locating schools when accompanied by children, and finding off-season jobs make it difficult for them to earn a living to support their families (Burns 1989: 34).
The danger involved in agriculture also causes some workers to leave farmwork, since pesticides, accidents in the fields or while commuting to or from work, and robberies are all reasons to exit the agricultural labor force as soon as possible. Burns (1989, 1993) found that recently arrived men and women farmworkers around Indiantown, Florida, were sometimes susceptible to developing skin rashes and other maladies due to chemicals found in pesticides and fertilizers applied to the crops. The farmworkers, who are not familiar with U.S. agricultural practices, seldomly take proper precautions, such as wearing protective clothing, washing themselves and their clothing upon returning from the fields, and avoiding the spray of crop-dusting planes.

Farmworkers often search for less dangerous, year-round jobs, often similar to agriculture. For example, golf course construction and maintenance, as well as nursery work, are some of the occupations that former farmworker immigrants enter, if given the opportunity. In his farmworker study on Indiantown, Florida, Burns (1989: 35) found that many of the golf course grounds keepers and construction bosses preferred Guatemalans as workers. The specific agricultural skills that the Guatemalans had developed working back home enabled them to give proper care in planting and caring for the delicate golf course greens. Another reason that the golf course supervisors tend to favor hiring Guatemalans is that they work hard all day without complaining, which is sometimes related to their limited English proficiency (Burns 1989: 35).
Table 4-1. Ethnicity of Current Farmworkers in Traditional U.S. Farm Labor Supply Communities: Immokalee, Florida; Parlier, California; Weslaco, Texas

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Immokalee, FL</th>
<th>Parlier, CA</th>
<th>Weslaco, TX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexican</td>
<td>34%</td>
<td>74%</td>
<td>54%</td>
</tr>
<tr>
<td>Mexican American</td>
<td>9%</td>
<td>17%</td>
<td>46%</td>
</tr>
<tr>
<td>Mixtec</td>
<td>5%</td>
<td>9%</td>
<td>0%</td>
</tr>
<tr>
<td>Guatemalan</td>
<td>21%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Haitian</td>
<td>17%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>African American</td>
<td>3%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Anglo</td>
<td>3%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>2%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Other*</td>
<td>5%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>99%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>


Note: Percentages may not total 100% because of rounding.
* Includes Jamaican, Cuban, and other Latino
CHAPTER 5  
CONCLUSION  

Implications of IRCA 1986  

One of the purposes of this study was to determine if the Immigration Reform and Control Act of 1986 (IRCA) had accomplished its two main objectives: to curb illegal immigrants to the United States and to legalize long-time resident undocumented immigrants through its amnesty program. IRCA 1986, however, did not reach the first of its two main goals, stemming the tide of illegal immigrants to the United States. According to the U.S. Department of Labor's National Agricultural Workers Survey (NAWS), about a decade after IRCA 1986 was implemented, 52% of the farmworker labor force was undocumented (US DOL 2000). These figures indicate that many new undocumented immigrants had come to fill the gaps left in the agricultural labor market, once many recently legalized workers exited its labor force.  

The Immigration Reform and Control Act of 1986 also did not achieve its second goal, to stabilize the U.S. agricultural labor force by legalizing many long-time resident undocumented immigrant farmworkers through its Special Agricultural Worker (SAW) programs. The data from the U.S. Department of Labor's NAWS reports indicate that in 1989, 35% of the farmworkers interviewed were in the temporary-pending status; by 1998, however, only 2% of the farmworkers were seeking temporary-pending legal status. The significance of these figures is found in the small increases in percentages of the legal permanent resident category of the NAWS reports, where the newly legalized numbers should have been found, if they continued in farm labor. In 1989, 13% of the
farmworkers interviewed had legal permanent resident status, and by 1998, this category's percentage had only increased by 11%. These figures indicate that in this time period, about two-thirds of those farmworkers seeking legalization, had already exited the farmworker labor force. This massive exit by farmworkers from the U.S. agricultural labor force indicated that IRCA 1986, specifically its Special Agricultural Worker programs, did not maintain a legalized farmworker labor force.

Because of these shortcomings by IRCA 1986, increases in cyclical migration were perpetuated by the IRCA policy for two reasons. Migrant farmworkers who were legalized under the Special Agricultural Worker program (SAW) were able to travel back and forth from the U.S. to their homeland more economically and safely. When they were undocumented, they had to pay fees to get across the border, and now they were able to return home during the off-season. Furthermore, cyclical migration encouraged new migration, as people gathered information and learned about labor networks, reducing their fears about coming to work and live in the U.S. (Griffith et al. 1995a).

The intent of the SAW program was to implement a requirement to hire only authorized workers, while legalizing and recognizing the contributions of many workers who had been in the U.S. illegally. The SAW program, however, did not fulfill the goal of stabilizing the immigrant agricultural labor force for the long term because it failed to improve farmworker wages, working and living conditions, which would have encouraged immigrants to continue to work in U.S. agriculture. They were now entitled to find stable employment with better wages in other industries, and since about three-fourths earned less than $10,000 annually, many did so. This occurrence has been evident with the flow of Latin American immigrants to rural areas in the United States.
Although the attrition of people from agriculture who were legalized under the SAW program has been gradual, it has still been cumulatively substantial (Scalise 1998).

Growers often voiced concerns about limited labor supplies, but these were found to be unnecessary, even though they sometimes reported that they had greater difficulty finding workers. Heppel (1992: 174) found that in Dade County (Homestead) in 1990, there were plenty of available workers; in Collier County (Immokalee), however, both labor contractors and packing houses reported an increased difficulty finding workers, even though production was not affected.

In other parts of the U.S. where research has been conducted, many growers, farmworkers, and others involved in agriculture, viewed IRCA 1986 as a an unenforceable law designed to fail. Growers argued that they were asked to take on the task of the Immigration and Naturalization Service and be a second form of border patrol, in which their industry was delegated the job of providing documentation for workers who wanted to become legal. In south Florida, a difficult issue surfaced, as the Florida Rural Legal Services sued many growers in Dade County (Homestead) over labor contractor abuses. The evidence for the cases became known once the farmworkers’ employment histories indicated that they had been underpaid and lacked proper deductions for social security (Heppel 1992: 176).

Another objective of this study was to determine how growers and farmworkers responded to IRCA 1986, and what kinds of strategies they used for employment purposes. Many growers developed strategies to avoid documentation accountability by using subcontractors, who would serve as a liaison between the farmworkers and growers. This grower strategy allowed them to be absolved of their responsibilities found
under IRCA’s employer sanctions, while they were assured a certain quantity and consistency of cheap labor through the subcontractors.

Undocumented farmworkers also developed strategies to gain employment, in spite of IRCA’s documentation requirements. Some of their strategies were evident in their use of the south Florida badge system, “pin-hooking” for crops on fields they purchased to sell produce locally, or obtaining false documentation to have work eligibility (Heppel 1992). Burns (1989) also found that some industries, such as construction, already have a built-in system for people that do not have documentation because of the 72-hour time rule to obtain proper work documentation.

Through my research and findings from many stakeholders in south Florida, housing was always an issue that was closely associated with documentation. The possibility of a discrepancy in what the U.S. government requires for immigrant farmworkers to work in its fields versus what it requires for workers to live in its housing was brought to my attention in a focus group interview in Immokalee, Florida.

I asked the Homestead private-renting focus group, “What would you like to change about farmworker housing if you had the opportunity?” (Appendix B) One of the farmworker participants said, “…to work here, they don’t ask for any documentation for the illegals, but to live in their housing, they ask for too much documentation.”

This response, as well as many others concerning farmworker housing in Florida, lead me to further investigate whether there were any discrepancies in what the federal government required in order to work and in order to be housed in the U.S.

Discrepancies were found in what the U.S. government requires of farmworkers to work in its fields versus its requirements to live in its subsidized housing. To become work-eligible, farmworkers may present one of many easily obtained documents (a driver’s license or social security card) to their employers or subcontractors. In addition
to these documents, flexible provisions found in IRCA's anti-discrimination clause, cited in Chapter 3, allowed for employers to accept documents at their face value and not to question their validity.

Similar provisions, however, are not found in the documentation requirements for government-subsidized housing. These discrepancies were addressed during a stakeholder analysis interview in Immokalee, Florida. A housing provider explained that a farmworker must meet the following requirements in order to live in U.S. government-subsidized housing: 1) the head of the household must be 18 years old, have U.S. permanent residency status, and have earned at least $2,665 in farmwork within the previous 12 months, and 2) the family must demonstrate a history of living together as a family unit, which may consist of extended family members who have lived together, not only as a nuclear family. The stakeholder also added that this family requirement is different under the U. S. Department of Agriculture's subsidized housing guidelines, as opposed to the regulations found under the U.S. Department of Housing and Urban Development, where proof of a family unit is not a requirement.

**Prospects for the Future of Farmworkers in Florida**

Through studying farmworker housing in Florida, the issue of housing, its design, and conditions, remained a key component in attracting and maintaining farmworkers in the agricultural labor force. As stated earlier, housing conditions and design directly affect farmworker migration patterns, along with what kinds of farmworkers (accompanied or unaccompanied by family) are attracted to that particular agricultural area.

For example, labor demand areas that provide housing for farmworker families are able to recruit U.S.-citizen farmworkers and employment-authorized workers. In
contrast, labor demand areas that do not provide housing or housing designed only for unaccompanied males, tend to attract and become dominated by new immigrant workers.

Heppel (1992: 177) stated that there are no shortages of farmworkers in south Florida, only a shortage of cheap, legal workers. With continued growth of labor-intensive agriculture in Collier County, Florida, additional farmworkers will be required to harvest the fields in the future. One of the incentives that would encourage farmworkers to stay in agriculture and make a living doing farmwork, would be for the growers or U.S. government to provide better wages.

Social injustices to immigrant farmworkers are too often tolerated, ignored, or unseen because the immigrant farmworker labor force, estimated between 2-3 million, is a very small proportion of the total U.S. labor force (Griffith et al. 1995b: 271). The farmworkers also work on a seasonal basis, often migrating from job to job throughout the year, typically earning annual incomes far below federal poverty levels. One of the reasons they are forgotten is that they usually live in isolated rural settings, far away from town-centers, or in unsightly slums or concrete-block labor camps on the edge of town. Besides having to accept substandard housing and poverty-level wages, along with being placed on the fringes of society, they are frequently forced to use tightly controlled housing and transportation arrangements.

In order to achieve the Immigration Reform and Control Act’s (1986) objectives: maintain a stable, legal, quality farmworker labor force in the United States, more policy decisions regarding housing, wages, and living and working conditions must be made. Furthermore, consistency in the implementation of regulations that do not burden workers with unreasonable stipulations to be eligible for housing must also be addressed. The
farmworker issues require not only legal policy, but also a broader set of policies and regulations that protect the labor, civil, and human rights of farmworkers in the U.S.
APPENDIX A
INTERVIEW GUIDE FOR STAKEHOLDERS

Name: ___________________________ Position: ___________________________

Introduction

Personal:
Purpose: To gain a better understanding of issues – such as housing availability, affordability, location, and home environment – housing for Florida farmworkers in order to make policy recommendations to the state.

Availability/Access

What kind of housing for farmworkers is available in your area?

Follow-up for housing providers: What kind of housing do you provide?

Follow-up for housing providers: In your experience, what kinds of workers make the best tenants? Why?

Follow-up for housing providers: What is the best way to deal with high tenant turnover common in worker housing?

Do you think there is enough housing for workers in your area?

Where are the best places for workers to live in your area?

Follow-up: Why are these the best places?

Follow-up: Can you describe other examples of successful worker housing in the state or country?

What are some of the barriers that keep workers from applying for subsidized housing in your area?

What are the obstacles to building good housing for workers in your area?
**Home Environment**

In your opinion, what can be done about substandard worker housing in your area?

What are the regulations like in your area for worker housing?

Follow-up: How are regulations enforced in your area?

What kinds of housing do you think workers prefer?

**Closing**

What is the state doing well with regards to housing for agricultural workers?

What kinds of worker housing opportunities should the state be investing in?

Follow-up: If you or the state had more resources to devote to worker housing in your area, what would you like to see done?

Are there any other people you know with expertise in this area that we should talk to?
APPENDIX B
ENGLISH VERSION OF FOCUS GROUP GUIDE
FOR WORKERS IN SUBSIDIZED AND PRIVATE HOUSING

Introduction

• Each group should have from six to ten Spanish-speaking workers.
• One group should consist only of workers who live in subsidized farmworker housing.
• One group should consist only of workers who live in private housing.
• Workers should be over the age of 19.
• Both men and women can be included.

Give Brief Introduction to Focus Group

Focus Group Moderator:

Thanks for coming. Your assistance is important.

This is an informal discussion group. It will take about 1 ½ hours.

We want to learn your opinions about housing for farmworkers in your area.

We will use the information to make recommendations to the State of Florida about housing for farmworkers.

We would like your permission to tape record our discussion. No one will be identified in our notes. The information will only be used by people working on this project.

This is a discussion; so don’t wait to be called on. Feel free to ask the group questions too, but please speak one at a time so I can get your opinions on the tape.

We are interested in all your ideas, comments and suggestions

There are no right or wrong answers - we want to hear everyone’s opinions

We have a lot to cover so I might change the subject or move ahead, but let me know if you want to add something.
I will now read a form in Spanish that says you are giving us permission to interview you. I will then pass around copies of the form in English and Spanish. The English and Spanish forms say the exact same thing, but we need for you to sign the English form only. Only the people working on this project will see this form.

QUESTIONS

Please introduce yourself by telling us the type of work you do and how long you have done that type of work.

Focus Group Moderator: We are interested in things like what kind of housing is available for workers in your area and what you think is the best kind of housing.

Think back to when you first came to the United States. Before you moved into the first place you lived, what did you hope the place you would live in the U.S. would be like?

Go around the group and ask each person in a “round robin” for this question only.

What is the best housing you have lived in the United States?

Follow up: What made that place the best?

What do you like about the housing where you live now?

5. What are some of the obstacles of getting into subsidized housing in this community?

Follow up: How could those obstacles be changes?

1. What are some ways that workers pay for housing if the rent is too expensive?

2. How could housing for workers be made more affordable?

3. In the community where you now live, who knows the most about farmworker housing?

9. What is one thing that you wish you could change about housing for workers if you had the chance?

Go around the room and ask each person in a “round robin.”

If you have time, give a brief summary of the most important things that were discussed,
then ask:

Does this describe what we have talked about?

Have we missed anything?

*Thank you. Your opinions are very helpful.*
APPENDIX C
SPANISH VERSION OF FOCUS GROUP GUIDE
FOR WORKERS IN SUBSIDIZED AND PRIVATE HOUSING

Introducción

- Cada grupo debe tener entre seis a diez trabajadores que hablan español.
- Un grupo debe consistir de trabajadores quienes viven en vivienda subsidiada trabajador.
- Un grupo debe consistir solamente de trabajadores quienes viven en vivienda privada.
- Trabajadores deben tener 19 años o más.
- Hombres y mujeres pueden ser incluido.

Introducción al Grupo de Foco en Breve

Moderador del Grupo de Foco:

Gracias por venir. Su asistencia es importante.

Este es un grupo de discusión informal. Nuestra reunión durará 1 hora y media.

Queremos que nos digan sus opiniones sobre vivienda para trabajadores en su area.

Usaremos esta información para hacer recomendaciones al estado de Florida sobre vivienda para trabajadores.

Nos gustaría su permiso para grabar por casete nuestra discusión. Esta información será usada solamente por la gente que está trabajando en este proyecto.

Esta es una discusión abierta y queremos que se sienta libres para hablar y para hacer preguntas del grupo. Lo único que pido es que hablen uno a la vez para la grabación.

Estamos interesados en todos de sus ideas, comentarios, y sugerencias.

No hay comentarios buenos o malos-solamente queremos escuchar las opiniones de cada persona.
Tenemos muchos temas para discutir. De vez en cuando voy a cambiar el tema para poder terminar en el tiempo que tenemos.

Voy a leer un consentimiento en español que dice que ustedes están dando permiso para hacer esta entrevista con nosotros. Luego, voy a pasar copias del consentimiento en inglés y español. Las hojas en inglés y español dicen la misma cosa exactamente, pero necesitamos que firman solamente la copia en inglés. Solamente la gente quien está trabajando en este proyecto verán esta hoja.

PREGUNTAS

1. Por favor, nos digan el tipo de trabajo que hace y por cuanto tiempo ha hecho este tipo de trabajo.

Moderador del Grupo de Foco:

Estamos interesados en información sobre que tipo de vivienda está disponible para trabajadores en su area y que piensan es el mejor tipo de vivienda?

2. Recuerdan cuando primero vinieron a los estados unidos. Antes de moverse en el primer lugar que vivieron, cuales eran sus esperanzas de vivienda en este país?

Damos una vuelta y cada persona en su grupo contesta esta pregunta.

3. ¿Cuál es la mejor vivienda en que han vivido en los estados unidos?
   - ¿Porqué fue ésta la mejor?

4. ¿Cuales son algunos de los problemas que tienen cuando tratan de obtener vivienda subsidiada en esta comunidad?
   - ¿Cómo pueden cambiar estos problemas?

6. ¿Cuales son algunas maneras que los trabajadores pagan para su vivienda si el alquiler es demasiado caro?

7. ¿Cómo pueden hacer vivienda para trabajadores que sea más razonable de costo?

8. ¿Cómo pueden cambiar las condiciones malas que muchas de las viviendas privadas tienen?

9. ¿Qué es una cosa que le gustaría cambiar sobre vivienda para trabajadores si tuviera la oportunidad?

Damos una vuelta y cada persona en su grupo contesta esta pregunta.
10. ¿Hay otros puntos que quieren agregar?

Muchísimas gracias. Sus opiniones son muy importantes para nuestro estudio para el estado de Florida.
Proyecto de Vivienda para agricultores del estado de Florida

Por favor lea este consentimiento con detenimiento antes de tomar la decisión de participar en este estudio

Propósito del trabajo de investigación: Este estudio es para proveer recomendación en como mejorar el diseño y la construcción de viviendas para agricultores y trabajadores de temporada en el estado de Florida. Este estudio esta financiado por la División de Asuntos Comunitarios del estado de Florida. La meta del proyecto es describir los sucesos y los obstáculos de buenas viviendas para trabajadores migratorios y agricultores de estación.

Discusión en Grupo: Discutiremos el tema de la vivienda en forma de grupo. Usted y otros participantes interesados en mejorar la calidad de vivienda para agricultores (activistas, oficiales de la ciudad o del condado, desarrolladores de vivienda) discutirán como mejorar el diseño de las viviendas, como mejorar los servicios, y recomendaciones para cambios en estas viviendas. Estamos interesados en sus ideas sobre las viviendas en sí, también como nuevas viviendas se ajustarían a la comunidad, y que obstáculos enfrentarían todos ustedes en este grupo en desarrollar comunidades útiles y seguras.

Nuestra discusión en grupo durara alrededor de una hora y media. Tomaremos nota de los temas discutidos, pero no revelaremos sus nombres o información.

Riesgos y Beneficios: Su participación ayudara a desarrollar mejores planes para nuevas viviendas en el futuro. No hay riesgos envueltos en su participación, y son libres de negarse a discutir cualquier asunto en cualquier momento. También pueden sentirse en libertad de desalojar el cuarto en cualquier momento.

Compensación: Usted no recibirá compensación por su participación. El grupo local que les reclutó recibirá $200 por las actividades que benefician a la comunidad en su totalidad.
Confidencialidad: Su identidad será confidencial hasta el grado que provee la ley. Nosotros no tendremos su nombre anotado en otro lugar que no sea esta forma. Esta forma no estará relacionada en ningún momento a las notas que obtendremos de los grupos de discusión. Su nombre no será usado en ningún reporte.

A quien puede contactar si tiene alguna pregunta sobre este proyecto: Dr. Allan F. Burns, Director del Departamento de Antropología de la Universidad de Florida. 1112 Turlington Hall, University of Florida, Gainesville, Florida 32611. Telefono (352) 392-2253 x. 205.

A quien puede contactar sobre los derechos que tiene usted como participante de este estudio: UFIRB Office, Box 112250, University of Florida, Gainesville, FL 32611-2250; Teléfono 352 392-0433.
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U.S. Department of Labor

BIOGRAPHICAL SKETCH

Douglas Bagby was born in Alexandria, Virginia, on March 6, 1971. He is the son of Daniel and Janet Bagby, and he has a younger sister, Bryn Bagby. He attended Baylor University in Waco, Texas where he completed a Bachelor of Arts degree in sociology and English in 1994. Upon graduating, he worked as the director of volunteers at an emergency assistance agency, Caritas of Waco. While at Baylor, Bagby met his wife, Patricia McCall, and they were married in her hometown of Memphis, Tennessee on July 12, 1997. Shortly after being married, the Bagbys moved to Costa Rica, where he taught English as a Foreign Language. In 1999, the Bagbys moved to Austin, Texas where Douglas taught English as a Second Language to adults. In 2000, the Bagbys moved to Concepción, Chile where Douglas was an English as a Foreign Language Assistant Professor at San Sebastián University and Medical School. Bagby completed a master’s degree in Latin American studies with a concentration in anthropology from the University of Florida in 2003 and will continue to study at the University of Florida in the Department of Anthropology’s Ph.D. program.