

2025 POLICY GUIDES

Immigration and Labor

Issue

As immigration law continues to impact our state, particularly the agriculture industry, processing plants, and related businesses, we are asking our members to establish clear guidelines within our policy regarding the verification and reporting of undocumented immigrants.

Background

Last session, Sen. Kathleen Kauth (District 31) introduced a bill that would require employers to use E-Verify, prohibit the knowing employment of unauthorized immigrants, and establish penalties affecting employers' licenses. Although the bill did not advance out of committee, it continues to have strong support among some members of the Legislature.

At the committee hearing in March, Nebraska State Dairy Association, Nebraska Farm Bureau, Nebraska Cattlemen, and Nebraska Pork Producers testified in opposition to LB532. Although NEFB has very little state policy on this issue, our opposition was based on the following rationale.

"Our farmers and livestock producers desire a legal workforce immigration process that enables us to properly care for our livestock and farms and agree that we need action on this issue. Our producers have complied, and will continue to comply, with all laws established by the state and federal government regarding workplace hiring practices; however, we believe regulatory authority for this issue is best handled at the federal level. Requiring E-Verify at the state level creates another layer of bureaucracy and government inefficiency that our members do not want, especially when they already file a federal I-9 form to verify employment eligibility. We urge the Legislature not to add more red tape to our hiring practices and redirect its efforts by engaging with our federal delegation to develop a legal workforce immigration policy framework that works.

Milking cows and providing husbandry to other livestock are incredibly demanding tasks. Finding people willing and able to perform these jobs is challenging enough. If those jobs go unfilled, our livestock producers are faced with serious production restrictions and animal welfare issues. Our associations have been very vocal about legal immigration and believe we need an enhanced guest worker program to meet our workforce needs."

E-Verify is an online system administered by the U.S. Department of Homeland Security in collaboration with the Social Security Administration. It allows participating employers to confirm the employment eligibility of newly hired individuals by comparing information provided on Form I-9 with records maintained by federal agencies. Participation in E-Verify is generally voluntary at the federal level, though it is required for certain federal contractors and in some states under applicable laws.

Employers typically use E-Verify after a job offer has been made and Form I-9 has been completed. The system is designed to support compliance with federal employment eligibility requirements. To ensure consistent application, employers are expected to use the system uniformly for all new hires, refrain from using it for pre-employment screening, and ensure appropriate training for staff responsible for employment verification. While E-Verify can assist in identifying potential discrepancies and unauthorized employment, it does not replace the Form I-9 process and may be subject to limitations such as occasional mismatches or delays in data verification.

On June 10, 2025, U.S. Immigration and Customs Enforcement (ICE) conducted a federal enforcement action at Glenn Valley Foods, a meat processing facility in Omaha, Nebraska. Approximately 74 employees were detained as part of an investigation into potential unauthorized employment. This resulted in a significant temporary reduction in the company’s operations, with production reportedly dropping to about 20% of normal capacity. The company stated that it had been using E-Verify for employee verification, raising questions about the system’s effectiveness in detecting identity-related discrepancies. The incident prompted local demonstrations and public discussions regarding the impact of immigration enforcement on business continuity, workforce stability, and community relations.

The United States agricultural and food processing sectors rely heavily on immigrant labor, with workers employed under a variety of visa programs and immigration statuses. The most common legal pathways include the H-2A visa for seasonal fieldwork and the H-2B visa for temporary jobs in food processing. In addition, many workers are lawful permanent residents or have other forms of work authorization, while a significant portion of the workforce lacks legal status, especially in crop production. The table below outlines the key categories.

Program/Status	Common Roles	Temporary or Permanent	Key Restrictions
<i>H-2A Visa</i>	Fieldwork, harvesting	Temporary (seasonal)	Only for seasonal agricultural work
<i>H-2B Visa</i>	Processing, packaging	Temporary	Cap on numbers; non-agricultural jobs
<i>Permanent Resident</i>	Any job	Permanent	No employment restrictions
<i>Undocumented</i>	Any role (unauthorized)	Unauthorized	No legal work authorization
<i>TPS/Refugee/Asylee</i>	Various roles	Both	Must have valid work authorization

Farm Bureau Policy

STATE POLICY:

Immigration (2024): We oppose sanctuary cities and counties in Nebraska.

FEDERAL POLICY:

137 / Immigration 1.1-1.6

Questions

- Should NEFB consider expanding its current state immigration policy to better address agricultural labor needs and enforcement challenges?
- What role should NEFB policy play in supporting documentation compliance and guiding enforcement practices?
- How can our policy balance the need for a stable workforce with the importance of clear and fair immigration enforcement?