



AGRICULTURE COALITION FOR IMMIGRATION REFORM

APRIL 4, 2006

Dear Senator:

This week, the Senate is debating comprehensive immigration reform. The bill reported out last week by the Senate Judiciary Committee includes urgently-needed agricultural reforms known as “AgJOBS” that are bipartisan, comprehensive, and broadly supported. They should be retained in any final product that the Senate passes. Amendments to the AgJOBS section of the Judiciary bill that would jeopardize bipartisan support and impair meaningful reform should be resisted.

Senator Chambliss has filed a number of amendments (3227-3231, 3233 and 3236), the cumulative effect of which is to reduce the number of farm workers who can obtain temporary legal status (“blue card”) and eliminate the prospective agricultural work requirements of AgJOBS that allow experienced farm workers to obtain permanent legal status. The amendments would replace the earned adjustment provisions of AgJOBS with a “blue card” program that would give some undocumented agricultural workers a 2-year nonimmigrant visa before they would have to return home. **We urge rejection of these amendments.**

The rationale of the amendments—that AgJOBS would repeat the mistakes of the legalization programs of 1986—is wrong. Unlike the 1986 legalization program, AgJOBS provides an adjustment of status that is **earned** through up to five years of future agricultural work and payment of a fine—**it is not an unconditional forgiveness or amnesty**. In addition, unlike the 1986 reforms, AgJOBS provides major reform of the H-2A guest worker program, which is the long-term solution to the agricultural labor problem.

The earned adjustment provisions of AgJOBS are a critical component that allows an essential transition to a regularized agricultural work force over a period of up to 5 years. By contrast, the Chambliss amendments will not solve the undocumented worker problem, will deplete the agricultural work force before a transition to expanded usage of the H-2A program is possible, and will not serve agriculture’s needs because—

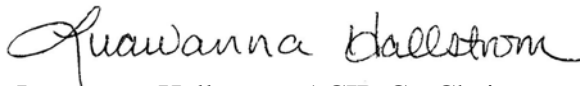
- They would reduce the number of workers who would qualify to obtain “blue card” status by imposing an arbitrary 8-hour day standard that ignores the fact that weather and market factors often result in less than 8 hours in the field (amendments 3227 and 3230);
- They would force many workers in blue card status to depart the U.S. before the 2 year visa expires because farm work is seasonal in nature and many workers would not be able to avoid a 60-day lapse in farm employment opportunities (amendment 3236);
- They would replace AgJOBS’ tough criminal exclusion provisions with an even more onerous standard that would exclude upstanding and hard working persons from the

program for violations of minor misdemeanor infractions, such as city ordinances, that do not involve moral turpitude (amendment 3234);

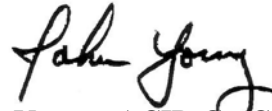
- 98% of the farmers in the U.S. who do not use the H-2A program would not be able to get permits and build the required housing within a 2-year period and make other adjustments to their business practices in order to participate in the program;
- U.S. consular offices would have insufficient time to prepare, build capacity, and acquire additional staff to handle the anticipated expansion of the H-2A program;
- They provide no incentive for undocumented workers to come forward and regularize their status because workers would have to leave their jobs and U.S. citizen spouses and minor children after 2 years and would have no opportunity to earn permanent resident status (amendments 3231 and 3233); and
- They would quadruple (from \$500 to \$2,000) the fines of farm workers and ignore the fact, that unlike the other adjustment of status proposals, only farm workers have an additional up to 5-year prospective work obligation in agriculture (amendments 3228 and 3229).

The Agriculture Coalition for Immigration Reform and National Council of Agricultural Employers are committed to abide by the reforms contained in AgJOBS, and we fully support them. As any amendments to AgJOBS are considered, we respectfully request that you resist any amendments that do not receive the clear support of AgJOBS sponsors Senators Larry Craig and Dianne Feinstein.

Sincerely,



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