



FARMWORKER JUSTICE

Senate Bill Would Allow State-Run Guestworker Programs

On May 4, 2017, Sen. Ron Johnson (R-WI), with co-sponsor Sen. John McCain (R-AZ), introduced the “State Sponsored Visa Pilot Program Act of 2017,” S. 1040. The bill would allow individual states to create and sponsor temporary work visas in any occupation for foreign citizens.

The proposed program would delegate broad authority to states to create their own guestworker programs, including the ability to establish the terms and conditions of the visas. Renewal of the visas would be contingent on the sponsoring state’s request. States could also establish interstate compacts for joint administration of visas.

At the request of a sponsoring state, current undocumented immigrants who could prove they were present in the U.S. on December 31, 2016 could receive state-sponsored temporary work visas if they pay fees and a penalty of \$1,000, as well as fulfill any additional requirements established by each state. Spouses and minor children of sponsored workers could also be eligible for visas under the program.

A key element of the program is the requirement that workers continue to live and work in their sponsoring state(s). States could require a bond from workers to ensure that they do not leave the state. If a worker moves to or obtains employment in a non-sponsoring state, the bond would be forfeited, the worker’s employment authorization would be revoked, and s/he would be placed in expedited removal proceedings. Furthermore, each worker would pay a mandatory bond of at least \$4,000 if more than 3% of their sponsoring state’s workers moved to or worked in another state during the previous year.

Sen. Johnson’s bill lacks any requirements for states to provide protections against the abuses that are endemic to guestworker programs. Farmworker Justice is concerned about the bill’s limitations on workers’ mobility and employment opportunities, as workers would be tied to their sponsoring state(s) under the threat of deportation. The bill’s bond and fee provisions would exacerbate workers’ vulnerability and could result in debt bondage. Under the program, employers would have a captive workforce, with no incentive to improve labor conditions for those guestworkers or U.S. workers. The mandatory bond provision would impose collective punishment on innocent individuals. Additionally, the proposed bill essentially gives states free rein to establish immigration policy. Immigration policy is a federal issue and with good reason. It does not make sense to allow states to enact their own laws regulating the admission and treatment of foreign citizens.

Farmworker Justice opposes Sen. Johnson’s proposed State Sponsored Visa Pilot Program Act of 2017. Congress should pass legislation granting undocumented farmworkers and their families the opportunity for immigration status and a path to citizenship, not merely a restrictive temporary work permit.