



FARMWORKER JUSTICE

New Agricultural Worker Immigration Bill Would Provide Path to Immigration Status for Undocumented Agricultural Workers and Stabilize the Farm Labor Force

On May 3, 2017, Sen. Dianne Feinstein (D-CA), with 4 co-sponsors, introduced the “Agricultural Worker Program Act of 2017.” The bill would establish an earned legalization program for undocumented farmworkers who have been consistently employed in U.S. agriculture and meet other requirements. A majority of the nation’s 2.5 million farmworkers are undocumented.

This bill is critically important to our nation’s food and agriculture system. Under the Trump administration, farmworker communities across the country are living and working in fear of immigration enforcements and deportation. If enacted, this legislation would alleviate that fear by providing farmworkers and their families an opportunity to earn legal immigration status. The Act also protects agricultural employers of the eligible farmworkers from civil penalties for previously hiring undocumented immigrants. With legal status and a path to citizenship, farmworkers would be better able to improve their wages and working conditions, resulting in a more stable farm labor force, and greater food safety and security to the benefit of employers, workers, and consumers.

The bill would leave in place the existing H-2A visa program, which allows employers to hire agricultural guestworkers to address shortages of citizens and authorized immigrants. However, the bill would minimize the need for use of the H-2A program by providing a meaningful, long-term solution for agricultural employers. Recent H-2A guestworkers meeting eligibility requirements would be able to apply for blue cards.

The bill’s earned legalization program contains a two-step process:

Step 1: Apply for “Blue Card” Status: A farmworker could apply for a “blue card” – granting temporary residency and employment authorization -- during the one-year application period, which would begin after regulations are published. To qualify, workers must:

- prove employment in U.S. agriculture for at least 100 work days over the last two years;
- not be excluded by certain immigration laws;
- complete national security and law enforcement clearances;
- not have been convicted of a felony, aggravated felony, 3 or more misdemeanors, or certain crimes; and
- pay an application fee and a \$100 fine.

Family Members: A blue card farmworker’s spouse and children who have been present in the U.S. since on or before the date of the bill’s enactment would also be eligible for blue card

status. While in blue card status, farmworkers and their family members may travel outside of and return to the U.S. Immediate family members may also apply for and receive permanent resident status (a green card) when the farmworker does, so long as they continue to meet the admissibility requirements.

Step 2: Earn Legal Permanent Resident (“Green Card”) Status: The blue card farmworker and his/her spouse are authorized to work and may work in any occupation, but in order to earn lawful permanent residency (a “green card”), the blue card farmworker must:

- perform agricultural work for at least
 - 100 work days per year for each of the next 5 years; OR
 - 150 work days per year for each of the next 3 years;
- pay an application fee and a \$400 fine;
- pay any applicable federal taxes; and
- continue to meet other admissibility requirements.

Conclusion: Our broken immigration system is harming farmworker families, agricultural businesses, rural communities and the economy. Sen. Feinstein’s bill is a sensible step toward needed reform of our immigration system. This bill would bring greater fairness to our treatment of farmworkers while also providing a stable workforce for agricultural employers. The bill is largely based on the legalization provisions of the agricultural agreement included in the comprehensive immigration reform (CIR) bill, S. 744, presented to Congress in 2013, which earned 68 votes when it passed the Senate.

Farmworker Justice supports Sen. Feinstein’s proposed Agricultural Worker Program Act of 2017.

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