



May 16, 2013

Re: Farmworkers and Proposed Amendments to S.744

Dear Members of the Senate Judiciary Committee:

Farmworker Justice and the United Farm Workers support the Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744. We are pleased that the bill includes the agricultural compromise that resulted from intense negotiations between Senators Feinstein (D-CA), Bennet (D-CO), Rubio (R-FL), Hatch (R-UT), an agribusiness coalition, and the United Farm Workers. **After careful consideration of the impact of proposed amendments on that delicate compromise, we ask your strong support for the following amendments:**

- **Sen. Blumenthal's Amendments 3, 4, and 5** would add needed provisions to ensure the effectiveness of Subtitle F, Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad, which aims to curb trafficking and international recruitment abuses. Abuse in the international recruitment of workers across visa programs is rampant and in its worst form results in forced labor and human trafficking. Regulation of international labor recruiters is necessary to protect U.S. and international workers and to maintain the integrity of our immigration system. **We urge Senators to vote YES on Blumenthal 3, 4 and 5.**
- Sen. Feinstein's Amendment 13 provides for grant assistance for entities that will assist eligible farmworkers and family members in filing their applications in the blue card program. The bill already provides for grant assistance for organizations to assist RPIs, farmworkers should be treated equally. **We urge Senators to vote YES on Feinstein 13.**
- Sen. Coons's Amendment 4 would change the start date in the merit-based visa system from four years after the date of enactment to 18 months after the date of the enactment. While we are pleased that S.744 would provide future nonimmigrant agricultural workers an opportunity to self-petition for legal permanent residence status through the merit-based system, it is inadequate to meet the needs of the future agricultural labor force. This amendment offers one step toward improving the system. We will continue working with Senators to better address this need. **We urge Senators to vote YES on Coons 4.**

We ask that you oppose the following amendments:

- Sen. Grassley's Amendment 29 would require all employers to use E-Verify within 18 months of the date of enactment of the act, without providing adequate time for the system to be implemented for such a high level of use or addressing the concerns of agricultural employers. **We urge Senators to vote NO on Grassley 29.**
- Sen. Sessions's Amendment 46 requires that nonimmigrant agricultural visa workers be processed when they enter and leave the United States using a biometric entry and exit data system (as defined in section 7208(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(b))). This system was considered and rejected by the sponsors of S.744 due to its high cost and lack of feasibility, among other reasons.

The agricultural program already has provisions for a more practical tracking program.
We urge Senators to vote NO on Sessions's Amendment 46.

Other Amendments We Support: More broadly, while we have some concerns about the comprehensive immigration bill, we understand that the gang of eight has designed the bill to be a fair and balanced approach to comprehensive immigration reform that will be able to garner sufficient bipartisan support to pass the Senate with over 60 votes. That said, we urge you to support the principles within the scope of the broad agreement that support workers' rights and ensure that the roadmap to citizenship for the current undocumented and for future farmworkers is fair and inclusive.

- Amendments That Strengthen Protections for Workers: We support amendments that would ensure adequate protections for workers, including protections against immigration enforcement during investigations of labor laws, workers' rights to access employment records, and access to work authorization while applying for a U or T visa. **We urge Senators to vote YES on Blumenthal 11, 13, 17, and 18; and Leahy 3.**
- Amendments that Would Positively Affect Dreamers: We support a faster path to citizenship, educational opportunities and equal treatment for immigrant children brought here at a young age, including farmworker children. **We urge Senators to vote YES on Blumenthal 1; Hirono 21; and Coons 10.**
- Amendments that Would Strengthen Due Process and Civil Rights: We support amendments that strengthen or clarify rights to due process and judicial review and increase protections against civil rights violations, including national origin discrimination. **We urge Senators to vote YES on Blumenthal 2, 7, and 14; Hirono 18 and 19; Franken 7; and Feinstein 12.**
- Legalization Programs: We support a roadmap to citizenship for the 11 million undocumented immigrants that is comprehensive, accessible and inclusive. **We urge Senators to vote YES on Hirono 13.**
- Protections for Battered Spouses: Sen. Klobuchar's Amendment 1 provides VAWA self-petitioner-based remedies for derivative battered spouses and children of blue card holders and nonimmigrants. **We urge Senators to vote YES on Klobuchar 1.**

Other Amendments We Oppose: There are many amendments that seek to undo the delicate balance represented in the Gang of 8's immigration reform bill. Some of these amendments would make the legalization program unduly restrictive by disqualifying individuals who have committed offenses based on immigration status or one-time misdemeanors that are being relabeled as serious crimes. Some amendments also seek to prohibit individuals from legalizing if they would qualify for certain public benefits, even if they have never applied for those benefits. Below is a list of amendments that we urge you to oppose due to the harmful impact they would have on the legalization program or other important provisions in the bill.

- Amendments That Would Eliminate or Significantly Undermine the Legalization Programs: We also oppose amendments that would delay implementation of the legalization process, narrow the pool of eligible applicants, deter eligible applicants, increase the burden on applicants, waste government resources, or otherwise limit the programs' effectiveness or ability to draw the support needed for S.744 to pass the Senate. **We urge Senators to vote NO on the following amendments:**
 - *These Amendments Affect the Blue Card Program and the Broad Legalization Program*

- Grassley 7, 8, 9, 16, 17, 19, 23, and 27
- Cornyn 5
- Hatch 3¹
- Lee 8, 12, and 13
- Sessions 10, 19, 40, 41, 42, and 44
- *These Amendments Affect the RPI Program Only*
 - Grassley 10, 11, and 18
 - Hatch 4
 - Lee 7, 10, 11, and 12
 - Sessions 26, 27, and 28
- Amendments That Would Increase Criminal Bars to Legalization: We oppose amendments that would add single misdemeanor or immigration status-related incidents to the already long list of crime-related grounds that would make an individual ineligible for legalization (under any of the bill's three legalization programs: the RPI Program, the DREAM Provisions and the blue card program for agricultural workers). **We urge Senators to vote NO on Cornyn 3 and 4; Grassley 8, 34, 43, 44, and 46; Hatch 22; and Sessions 22.**
- Amendments That Would Reduce the Current and Future Benefits Available to Immigrants: Current law and S.744 would require legalizing immigrants to wait a long time for federal means-tested and other benefits. RPI and Blue Card program participants would not be eligible for these benefits for 10 – 13 years and Dreamers would have to wait at least 5 years to receive such benefits. We oppose amendments that would increase this waiting period and/or make certain classes of immigrants ineligible for public benefits, and/or take away the contributions immigrants have been making to social security. **We urge Senators to vote NO on Cruz 2 and 3; Hatch 5, 21, 23, and 24; and Sessions 25, 30, and 31.**
- Amendments That Would Reduce Due Process Rights and Civil Rights Protections: We oppose amendments that would strip immigrants of due process protections in application and removal processes, remove protections against civil rights violations, or limit the discretion of adjudicators and judges to promote family unity. **We urge Senators to vote NO on Grassley 11, 17, 21, 22, and 50; Hatch 18; and Lee 15.**
- Amendments That Would Negatively Affect Future Visa Programs: We oppose amendments that would make harmful changes to the carefully negotiated agricultural nonimmigrant visa program, for example by chipping away at the visa validity period (Sessions 8) and by denying visa holders the ability to renew visas in the United States. **We urge Senators to vote NO on Grassley 55 and Sessions 7 and 8.**

Thank you for your consideration and for all of your hard work on S.744. Please do not hesitate to contact Adrienne DerVartanian, adervartanian@farmworkerjustice.org if you have any questions or concerns.

Sincerely,

The United Farm Workers & Farmworker Justice

¹ The text in Hatch 3 is ambiguous as to whether the amendment applies to the blue card program or only the RPI program.