



FARMWORKER JUSTICE

The Citizenship for Essential Workers Act

On March 15, Senators Alex Padilla (D-CA) and Elizabeth Warren (D-MA) introduced the “Citizenship For Essential Workers Act,” S.747. Representatives Joaquin Castro (D-TX) and Ted Lieu (D-CA), along with more than 50 co-sponsors, introduced the bill in the House of Representatives as H.R.1909. The bill would provide over five million immigrant essential workers, including those working in agriculture, with the opportunity to apply for a green card.

Over the past year, farmworkers and other agricultural workers across the country have put their health at risk to secure our nation’s food supply. Often working or living in close quarters with inadequate protective equipment, agricultural workers are among the populations most vulnerable to COVID-19. As of March 2021, researchers estimate that more than 500,000 agricultural workers have contracted the virus, and more than 9,000 have died. For the majority of farmworkers, a lack of legal immigration status makes the situation even worse, preventing them from accessing critical testing, vaccination, and health care resources. Even where resources are available to undocumented workers, the constant threat of arrest and deportation prevents many from seeking them out.

The “Citizenship for Essential Workers Act” would recognize the sacrifices that immigrant essential workers have made to keep our country and our economy running during the COVID-19 pandemic by providing them with a green card. The main components of the bill include:

- **Eligible Essential Workers:** The bill would apply to all undocumented workers, as well as H-2A and H-2B temporary foreign workers, who have earned income in an essential occupation at any point from the start of the COVID-19 health emergency (January 27, 2020) until 90 days after its end. Eligible essential workers do not have to meet a minimum hours worked or employment duration requirement. The bill lists several industries and occupations that qualify as essential, including agricultural work—both seasonal and year-round—and “essential critical infrastructure labor and services” which, as defined by the Department of Homeland Security (DHS), covers a wide variety of occupations related to food and agriculture, in addition to various other occupations.

- **Permanent Legal Residency:** Eligible essential workers would be able to apply for permanent legal residency—a “green card”—both for themselves and for their parents, children, and/or spouse. If an eligible essential worker passed away due to COVID-19, their relatives would be eligible to independently apply for a green card. DHS will provide employment authorization to all applicants while applications are pending.
- **Proof of Employment:** The bill requires employers of essential workers to provide documentation of earned income when requested by an employee, and it ensures that evidence of employment used in an essential worker’s green card application will not be used for enforcement purposes against the employer. The bill also includes worker protections to ensure that no employee faces retaliation for requesting documentation to be used in their green card application.
- **Other Requirements to Apply:** Applicants for a green card under the Act must have been continuously present in the United States since at least January 1, 2021. Applicants are also subject to certain criminal bars, although some of these may be waived. Applicants will also be required to pay a reasonable fee and go through a background check as part of the application process.
- **Reforms to Immigration Law:** In addition to providing a path to citizenship for essential workers, the Act would make reforms to inadmissibility and deportability standards to restore fairness to our immigration system. It would also protect family unity by repealing the three- and ten-year bars for re-entry into the United States.

This bill would remove the fear of arrest and deportation experienced every day by farmworker families and would help to stabilize the farm labor force for the future. Farmworker Justice strongly supports the Citizenship for Essential Workers Act.