

# Lawmakers Advance Pathway For Immigration Reform



SARA WYANT

WASHINGTON, D.C.

The Senate Judiciary Committee recently did something that few thought would be possible: they approved incredibly controversial legislation aimed at comprehensive immigration reform. The bill could provide a pathway to citizenship for millions of undocumented farm workers, while investing millions more in protecting our borders and setting strict new requirements on employers.

The 13-5 committee vote on S.744 is only the first hurdle in the long, drawn out battle this summer to overhaul our nation's immigration laws. But the vote indicated that both Senate Democrats and Republicans seem willing to finally compromise.

The outcome could be a big win for farmers and ranchers who rely on immigrant labor to harvest crops, milk cows and tend to other daily duties. The bill would create a "blue card" visa program for experienced farm workers, and new versions of the current agricultural worker visa program.

Three Republicans - Sens. Lindsey Graham, S.C., Jeff Flake, Ariz., and Sen. Orrin Hatch, Utah, joined 10 Democrats to approve the "Border Security, Economic Opportunity, and Immigration Modernization Act."

Senate Majority Leader Harry Reid, D-Nev., expects to bring the measure to the floor next month, even though the bill still faces a very uncertain future on the Senate floor, Sen. Dianne Feinstein, D-Calif., was one of several who applauded the bill.

"The bill establishes a new 'blue card' program for legal status and a pathway to citizenship for current undocumented farm workers and creates two new agricultural visa programs to ensure farmers can legally hire future workers when local workers are unavailable," Feinstein said.

The United Farm Workers (UFW), which was heavily involved in the drafting of the bill with agriculture employers, said this represented another step "for hundreds of thousands of farm workers to one day reunite with their families."

"Under the new immigration process that is being proposed, farm workers would be able to work in the fields without fear of getting deported immediately," said UFW President Arturo Rodriguez. "The bill would give professional farm workers temporary legal status and the right to earn a green card in the future by continuing to work in agriculture."

Under the proposal, undocumented farmers would be eligible to obtain legal status through the blue card program. Agricultural workers who can document working in U.S. agriculture for a minimum of 100 work days in two years would be eligible for the new program.

Then, farm workers who fulfill blue card work requirements, pay all their taxes, have not been convicted of any felony or violent misdemeanor, and pay a \$400 fee would be eligible for the current green card. Those work requirements include performing at least five years of agricultural employment for at least 100 work days per year, or performing at least three years of agricultural employment for at least 150 work days per year.

Under the proposal, the new agricultural worker program would establish two work options: a portable, at-will employment-based visa and a contract-based visa program. The H-2A program would sunset one year after the new visa program is enacted. The new program, administered by the USDA, would provide three-year visas.

Employers of workers under the program would have to register with the USDA as a designated agricultural employer. Under the plan, workers who become unemployed for more than 60 consecutive days would lose their status and would have to depart from the United States.

The program would be capped at 112,333 visas per year for the first five years of enactment. After five years, the agriculture secretary would determine the cap on an annual basis based on established criterion.

**The proposal would set wage rates for these**

## occupation categories:

- Farmworkers and laborers (Crop, Nursery, and Greenhouse) at \$9.64/hour.
- Graders and sorters at \$9.84/hour.
- Dairy and livestock at \$11.37/hour.
- Agriculture equipment operators at \$11.87/hour.

Other categories to be determined by the agriculture secretary.

## In addition to these guidelines:

- Each base wage would increase annually by at least 1.5 percent, but no more than 2.5 percent as established by the employment cost index.

- Under the program, all employers would have to provide housing or housing allowances during the term of employment.

- All employers would be required to use the federal work verification program, E-Verify, over a five-year period. Employers with more than 5,000 employees would be phased in within two years, more than 500 employees would be phased in within three years, and all employers, including agricultural employers would be phased in within four years.

- As part of the E-Verify system, every non-citizen would be required to show his or her "biometric work authorization card," or his or her "biometric green card."

The bill aims to get tougher on employers who hire those who cross U.S. borders illegally. Employers would be prohibited from hiring, recruiting, or referring for a fee an alien who is not authorized to work in the United States; failing to comply with E-Verify or document requirements; or continuing to employ an unauthorized alien.

Employers would be required to examine specified documents to verify an individual's identity and employment status and use an identity authentication mechanism once it becomes available. Within five years after enactment, all Social Security cards issued shall be fraud-, tamper-, wear-, and identity theft-resistant.

To "beef up" security, the U.S. Customs and Border Protection (CBP) would be required to add 3,500 officers between enactment and September 30, 2017. The CBP would also be required to deploy additional mobile, video, and agent-portable surveillance systems, as well as unmanned drones in the Southwest border region.

But even with all of these changes, several senators remain unconvinced that the measure goes far enough to solved the problems.

"I voted for amnesty for 3 million people in 1986, and it didn't solve the problem," noted Sen. Chuck Grassley, shortly after the committee voted to approve the bill. "And, today, we're right back at the same place, talking about the same problems, and proposing the same solutions."

"The sponsors of this bill want you to believe it's different than the 1986 legislation. They say it will be a tough and expensive road, and it would be easier to just go home than to go through this process. They say the bill will make us safer and that a legalization program will be different this time around. The bill includes very little, if anything, to improve the executive branch's ability to enforce the law," Grassley explained.

However, Grassley says he is still optimistic that the bill can be approved through "common sense" amendments on the Senate floor.

"Serious consideration must be given to amendments that strengthen our ability to remove criminal gang members, hold perpetrators of fraud and abuse accountable, and prevent the weakening of criminal law. We must seriously consider how the bill works to the detriment of American workers, and find consensus around measures that require employers to recruit and hire from homegrown talent before looking abroad. We must be willing to close loopholes in our asylum process, prevent criminals and evildoers from gaining immigration benefits, and ensure that we're improving our ability to protect the homeland," Grassley emphasized. Δ

SARA WYANT: Editor of Agri-Pulse, a weekly e-newsletter covering farm and rural policy. To contact her, go to: <http://www.agri-pulse.com/>



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