

Plan Eyes Fast Green Cards for Farmworkers

By Sara Murray

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Farmworkers in the U.S. illegally could earn a green card in as few as three years – a decade sooner than other unauthorized immigrants – under a bipartisan Senate immigration plan.

The proposal would allow agricultural workers to gain permanent legal status, otherwise known as a green card, in three to 10 years, depending on how long they commit to working in the farm industry, according to a person familiar with the negotiations. The Senate plan allows most other immigrants in the U.S. illegally to qualify permanent legal status after a decade.

For farmworkers to qualify, they first have to prove they've worked in agriculture for at least two years. If they work another three years in the industry – and at least 150 days each of those years – they can qualify for a green card.

The number of years it takes to qualify for permanent legal status depends on how many days each year laborers work in agriculture. If they work on farms 100 days per year, it would take them five years to qualify for a green card, the person said.

The expedited options are supposed to provide incentives for agricultural workers to stay in the industry, which would help stabilize the workforce for employers. While three years to a green card is a far shorter time frame than what would be available for other unauthorized immigrants, it's also a tough bar to meet, according to people in the agricultural industry. It would likely mean that workers have to skip from farm to farm and crop to crop to ensure they clock 150 days each year.

The proposal is tentative and all eight senators involved haven't signed off on the broad immigration legislation. Sen. Marco Rubio (R., Fla.) has concerns that selling such a quick path to permanent status to other Republicans could be tough, the person familiar with the talks said. A spokesman for Mr. Rubio declined to comment.

Mr. Rubio and Sen. Michael Bennet (D., Colo.), both members of a bipartisan Senate group crafting immigration legislation, have been working with Sens. Dianne Feinstein (D., Calif.) and Orrin Hatch (R., Utah) on the agricultural component. They're negotiating with farmworkers' unions and growers about how to deal with existing agricultural workers who are unauthorized and how to revamp the farmworker visa program.

Senators have reached an agreement on many components of immigration legislation and they overcame a major hurdle last week when the Chamber of Commerce and AFL-CIO agreed to a new visa program for low-skilled workers. But agriculture remains a challenge.

Growers and farmworkers' unions are still battling over the size of the agricultural visa program and how high the minimum wage should be for workers who participate.

“Grower associations are insisting to Congress that farmworkers are currently paid too much,” said Maria Machuca, a spokeswoman for the United Farm Workers of America. “It would be a grievous mistake to allow agribusiness to use the debate over immigration reform to further reduce wages of the poorest workers in the country.”

Growers said that the existing wage calculations artificially inflate agricultural pay and make the program too onerous for employers, which leads to illegal immigration and could lead growers to move production offshore.

“The primary reason people do not use the H-2A program is because the wage is too expensive,” Kristi Boswell, director of congressional relations for the American Farm Bureau Federation, said of the existing agricultural visa program, known as the H-2A visa. “What has happened in the past is this underground market of workers. We’re hoping to avoid that.”

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