

# The Farm Workforce Modernization Act Can be a Bipartisan Win



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Bipartisan immigration solutions have long eluded success in Congress. We've had a lot of false starts and close attempts over the past two decades, and while that can make progress on immigration reform seem near impossible, there are still big opportunities for common sense and bipartisanship on immigration legislation. Nowhere is that truer than with regard to our farm workforce.

The *Farm Workforce Modernization Act* would bring America's farm-based immigration process into the 21st Century. It's a win-win for businesses and workers, making it easier to hire workers essential to our economy, and bringing long-term laborers out of the shadows and into better working conditions (which in turn will advance better conditions for American workers alike).

Here's why the *Farm Workforce Modernization Act* should be a clear bipartisan victory that this Congress can get across the finish line.

**It's Good for Red, Purple, and Blue States**

## **IT'S GOOD FOR RED, PURPLE, AND BLUE STATES.**

Across America, 204,000 farmworkers come here seasonally and legally to work in our agricultural industry through the H-2A visa system. <sup>1</sup> These visas are critical to meeting the labor force needs of farms across the country when the American labor pool cannot fulfill employers' demands. Under this system, every farmer must certify they cannot fill the position with an American worker before obtaining a visa for a foreign-born employee. And these workers are essential to keeping our agricultural industry going, especially in Florida, Georgia, Washington, South Carolina, and California, which together account for roughly half of all H-2A visa recipients. <sup>2</sup>

Demand for H-2A visas has steadily risen year over year, more than doubling over the last decade. Just 60,000 visas were issued in 2009, compared to more than 200,000 in 2019. <sup>3</sup> Increasingly, farms across the country rely on these guestworkers to keep food on American tables.

The *Farm Workforce Modernization Act* would make the process easier for employers to hire and retain the workforce they need to keep this industry afloat. First, by allowing long-term guestworkers to transition to longer term stays and eventually permanent immigration status in the United States, the bill would grow our domestic agricultural worker pool and decrease the need for employers to go through the H-2A visa application process each year. It would help to streamline the application process for visas by bringing it online and allowing electronic filing for applications, create better resources for employers to understand the process, and increase the efficiency of application processing. <sup>4</sup> It would also open the visa program to agricultural jobs that aren't seasonal, giving employers greater flexibility in meeting their labor needs when they may occur all year long. <sup>5</sup> And it would provide grants and low-interest loans to employers to build employee housing, helping reduce employer overhead costs for these workers.

## **It's Good for Guestworkers.**

Because of the temporary nature of these existing visas, legal guestworkers can almost never transition to a green card or become American citizens, no matter how many years in a row they apply for and receive a visa and work here in the United States. <sup>6</sup> This may suit some workers who prefer spending time in their home country and only working in the United States seasonally, but others have worked here for decades and would like the option to settle permanently in the United States. These folks have clearly shown themselves to be hardworking contributors to our economy, and we should be doing everything possible to retain them. The bill would do this by allowing guestworker with 10 years of work experience here in the United States to apply for permanent legal residency. It sets aside 40,000 green cards annually for agricultural workers and would also allow families to stay together by providing visas to spouses and minor children of these guestworkers. <sup>7</sup>

The bill also makes a much-needed change to help workers and agricultural employers. It creates a pilot program for visa portability, allowing 10,000 immigrants with H-2A visas to receive a portable H-2A visa. Under normal circumstances, if a visa holder loses his or her job, they have to return

home. This pilot portable visa would allow visa holders to remain in the United States if they can

home. This pilot portable visa would allow visa holders to remain in the United States if they can find qualifying new employment within 60 days—streamlining the process for workers and farmers alike.<sup>8</sup>

## **It Promotes Accountability.**

As much as states rely on the H-2A visa system, it's well known that America's agriculture also relies heavily on undocumented labor. It's estimated that half of farm laborers are undocumented.<sup>9</sup> And despite being here without legal status, these folks have established deep roots in our country and contributed continuously to our communities and the American economy. These workers have been essential in every sense of the word, both during the pandemic this year and for decades before. While H-2A visas help make up for a domestic labor shortage in agriculture, they are nowhere near enough—leaving farmers to go outside the legal immigration system to stay afloat.

If signed into law, this bill would grant “conditional agricultural worker” (CAW) status to undocumented laborers who worked at least 1,035 hours between March 8 2019 and March 8 2021. Those eligible would also have had to have remained in the United States continuously during that period and not have a criminal record. Moreover, moving forward, mandatory E-verify would be implemented for the agricultural industry after providing a way for the existing undocumented workforce to gain legal status, ensuring that the problem we have created does not repeat itself.

If those conditions are met, an applicant's legal status in the United States is valid for 5 and a half years and renewable for the same amount of time afterwards. While a worker has this conditional status, he or she may apply for a green card if he or she performs 575 hours of work either in a 10 year period, including 4 years while holding CAW status, or a total of 8 years from when they gain legal status as a CAW.

These reforms provide a structured pathway to citizenship for those who have or are willing to spend decades working in our agricultural sectors. And when the average undocumented worker has been in this country for over 15 years, finding a reasonable pathway to legal status provides certainty both for immigrants and our farming businesses.<sup>10</sup>

## **It's an Opportunity for Bipartisan Success.**

Immigration remains polarizing in the broader political and policy arenas. But meeting the needs of our agricultural industry and bringing hard-working immigrants into legal status isn't. It's both a commonsense and compassionate reform that will safeguard our agricultural industry and ensure it can continue to be competitive with those around the world.

That's why the *Farm Workforce Modernization Act* passed in the House of Representatives even in the midst of the Trump Administration. Despite Trump's ire towards immigrants and any real progress to reform our immigration system to make it work for our economy and American workers, the

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*Farm Workforce Modernization Act* was supported by dozens of House Republicans, including 30 who remain in office in the current Congress. And it's supported by over 300 organizations across the agricultural sector, as well as the Chamber of Commerce.<sup>11</sup> Lawmakers on both sides of the aisle should prioritize getting this needed legislation across the finish line.

## Conclusion

The *Farm Workforce Modernization Act* should be a bipartisan win for America. It improves our immigration and labor systems for both guestworkers and employers. It includes strong accountability and flexibility measures that are exactly what this country needs. Immigration reform can be challenging and divisive. This bill isn't. The Senate should send it to President Biden's desk immediately.

### TOPICS

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## ENDNOTES

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