

TALKING POINTS

AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY (AGJOBS) ACT: A CENTRAL ELEMENT OF REFORM

Our immigration laws fail to account for the economic and social realities confronting the U.S. Nowhere is this more evident than in the agricultural sector where the shortage of legal, documented agricultural workers has reached crisis proportions. Yet, the millions of undocumented individuals who work grueling jobs to put food on our table cannot assert the most basic rights and protections. Agricultural Job Opportunities, Benefits, and Security (AgJOBS) Act of 2009 (S.1038/H.R.2414) is a bipartisan compromise bill that would help protect the rights of workers and also sustain businesses for growers.

AGJOBS WOULD PROVIDE LONG AND SHORT-TERM RELIEF THROUGH A REFORMED H-2A PROGRAM AND AN EARNED ADJUSTMENT PROGRAM

- **The current H-2A program is overly burdensome, complicated, and inefficient.** It is so expensive and difficult to use that it places only about 40,000-50,000 guest workers per year—a mere 2 to 3% of the estimated total agricultural work force. And, according to GAO, more than 40% of the time the DOL missed statutory deadlines for processing employer applications to participate in the H-2A program.
- **The Department of Labor (DOL) estimates that over 50% of the 1.6 million agricultural workers are undocumented foreign nationals.** (Private estimates run much higher.) Without the proper documentation, these workers are forced to live in the shadows and are vulnerable to severe exploitation.
- **The bipartisan AgJOBS Act would replace a broken system with a “win-win” solution, including a streamlined process for employers and additional rights for employees, and provide relief through an earned adjustment program.** Under this program, undocumented workers would be eligible to apply first for temporary resident status based on their past work experience, and then become permanent residents upon satisfying prospective work requirements.

THE AGJOBS BILL WOULD ENHANCE OUR NATION’S SECURITY

- **It is in our national security interest to know who is working in food production and to have an effective means of monitoring these essential workers.** Additionally, American consumers would benefit from a safe, stable, American-grown food supply rather than having to rely increasingly on foreign imports.
- **AgJOBS would require half a million workers to come out of the shadows and register their presence with the government.** Future guest workers under the H-2A program would be screened and monitored to address security concerns. This process allows allowing us to focus on the people who mean to do us harm rather than on those who cross our borders to fill our labor market needs.

AGJOBS LEGISLATION MUST BE INCLUDED IN MUCH-NEEDED COMPREHENSIVE IMMIGRATION REFORM

- While AgJOBS focuses on the unique needs of the agricultural sector, it must be included in a broader immigration reform package designed to make legality the norm.
- To fully address our economic, humanitarian and security needs, any comprehensive reform must include: an opportunity for undocumented immigrants living and working in the U.S. to earn their permanent legal status; a worker program that would legalize future flows of essential workers; and a reduction of the backlogs in family-based immigrant visas.

AN OPPORTUNITY TO EARN LEGAL STATUS DOES NOT EQUAL “AMNESTY”

- AgJOBS’ critics misleadingly allege its earned adjustment program is an “amnesty.” Nothing could be further from the truth. Workers would have to both demonstrate past work contributions and make a substantial future work commitment to earn the right to remain in this country.

Because the AgJOBS’ earned adjustment program would be a one-time opportunity for workers already present in this country who have a significant U.S. work history, it would not encourage future unauthorized migration.