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AgJOBS Immigration Bill Is Stealth Amnesty

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The debate over immigration amnesty could soon return to the Senate floor. According to press reports, Senator Diane Feinstein (D-CA) plans to attach the proposed Agricultural Job Opportunities, Benefits, and Security Act of 2007 (AgJOBS) to the Farm Bill Extension Act of 2007. The AgJOBS bill is all too similar to the comprehensive immigration reform bill that was rejected in Congress last spring, which would have granted amnesty to millions of people who are unlawfully present in the United States. Amnesty would worsen the immigration problem in America, encouraging more illegal border crossings and undermining the credibility of American immigration laws. Congress should reform and expand programs for visiting agricultural workers rather than use farm bill legislation to pass stealth amnesty.

Amnesty Returns. The AgJOBS proposal is a remnant of the failed comprehensive immigration bill, to which it was originally attached. Since that effort failed, AgJOBS advocates have been looking for an alternative vehicle for their bill.

AgJOBS shares the following flaws with the marred comprehensive reform legislation. The bill grants amnesty to agricultural workers who are currently unlawfully present in the United States. According to estimates, approximately 1.5 million workers would be granted “legalization,” as well as an additional 1.8 million family members.

In addition, the bill requires immigrant workers to apply for citizenship. Failure to apply for citizenship would result in their deportation.

Forcing such choices is itself objectionable. It also makes no sense: Currently, many migrant workers choose to keep permanent residence in their home country; this requirement would not allow such flexibility.

The bill also mandates that workers cannot be fired without “just cause.” This vague standard would likely result in employers being bogged down in litigation.

A Better Way. The agricultural sector in the United States does require seasonal workers, but amnesty is not the answer. Real, sensible immigration reform would help employers hire the workers they need by doing the following:

- Not granting amnesty to illegal workers.
- Simplifying and expanding existing H2-A programs in a manner that meets the labor demands of the marketplace and respects the rights of individual employees.

Conclusion. Attaching AgJOBS to the farm bill is another attempt at stealth amnesty and would create more problems than it would solve. Congress should reject such approaches and instead concentrate on real reform of existing visa programs, creat-

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ing credible legal alternatives to illegal border crossing and unlawful presence.

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