

NSAC Principles on Immigration Reform (As Amended March 2020)

A socially just farm labor policy is a basic element of agricultural sustainability, along with environmental stewardship and economic viability. We recognize that human dignity is a core principle for immigration reform. We affirm that farmworkers contribute enormously to the food system as it operates today.

Comprehensive immigration reform is absolutely necessary to end the challenges and injustices associated with having undocumented workers in the United States. Everyone in the country needs legal papers. The goal should be to eliminate all incentives for employment of undocumented workers. This requires the legalization of the existing undocumented immigrants and a sufficient annual influx of legal immigrants at all skill levels. However, if a significant population of undocumented workers remains after immigration reform, with no obvious path to legalization, then such measures as e-verify and secure ID cards will be just as problematic for agriculture as they are today.

Not everyone needs to be a U.S. citizen or a Legal Permanent Resident. There can be a transitional period for many immigrant workers, where they determine whether they want to remain in the United States. We do support a path to citizenship for those who desire it. We also support organizations that work to restore the economy and capacity of countries altered by colonization, understanding that the effects of colonization have led to emigration pressure.

Some of the principles of immigration reform that we would ideally include:

1. Legalization of all current undocumented individuals

There are an estimated 11 million undocumented immigrants in the country, and the only way to resolve this problem is to legalize them, giving them either work visas (temporary status) or green cards (Legal Permanent Resident status). Long-term residents given temporary visas should have a fast-track opportunity to obtain green cards.

2. A path to permanent status including eventual citizenship for those who continue to work and farm in the United States

There should be a clear path to permanent status including eventual citizenship for anyone working on a farm who lacks immigration status or any farmer who is ineligible for federal farm programs due to immigration status. We should not create groups of second-class workers or farmers who can never become citizens. Not all immigrants will choose this path, but the opportunity should exist.

3. All workers have full labor rights, including the right to change jobs and work for any employer

All immigrant workers should enjoy full labor rights. There should be no restrictions on the labor market mobility of any group of immigrants. This is a basic American value. Farm workers should be included in the protected right to freedom of association and collective bargaining, federal minimum wage, and federal overtime pay. All immigrant workers should also be able to collect on insurance payments to which they and their employers contribute, including unemployment, workers compensation, disability, and social security. They should also have the right to have drivers' licenses, have some way to purchase health insurance, and be included in nutrition programs.

4. Enforcement and strengthening of labor, health, and safety laws

The continued provision of immigrant labor to American employers should be counterbalanced with strict and equal enforcement of applicable labor, health, and safety standards, such as Worker Protection Standards. Farmworkers and farmers engage in statistically one of the most dangerous occupations in the U.S. Worker Protection Standards should be strengthened to better protect farm workers from workplace hazards such as pesticide exposure. Farmworkers have a right to a safe and dignified workplace.

5. Move away from industry-specific guestworker programs

Programs should not limit workers' rights and ability to move among different industry sectors. The immigration system should be revised so that workers have portability and can freely choose their employer. Industry-specific programs will simply lead to desertion and the continued employment of undocumented workers by employers for whom the guestworker programs are too costly, slow, or unworkable. Industry-specific guestworker programs are unfair to the workers involved, present unfair competition to domestic workers, favor a particular set of employers with the resources to utilize them, and create incentives leading away from a legal labor force.

6. Work visa program for manually skilled workers and other classes of workers implemented rapidly

In order to avoid the re-creation of an undocumented labor market in agriculture and other manually-skilled sectors, we propose that the government move rapidly to implement programs of provisional work visas for noncitizens, including spouses and dependent children. These portable work visas, good for some reasonable period of years, would allow noncitizens to enter and exit the United States and work for any

qualified employer. Workers would be eligible for temporary visas even if they have the intention to remain in the U.S. indefinitely (dual intent).

7. Quotas of different provisional worker types set by an impartial commission

An impartial commission representative of all stakeholders would set the total number of manually skilled, highly educated, or other types of workers that would be admitted, define the characteristics of such workers, and decide which employers would be qualified to hire them, if not all employers. It could also conduct research on the role and trajectory of immigrants in the American economy.

9. Immigration programs should be funded and structured to prevent employers from recovering costs by exploiting workers

Congress should appropriate adequate funds to ensure that application fees charged by immigration and consular authorities to process and adjudicate petitions and visa issuance for immigrant workers are reasonable. Immigration laws should provide for penalties, such as by barring participation in guest worker visa programs for a certain period of years, for any employers that try to recoup their payments of immigration and consular fees and any other required costs such as transportation, meals, and housing, from their immigrant workers, either through direct reimbursement or through exploitative wage or working conditions.

10. Support development programs in migrant-sending countries to encourage alternatives to emigration

Programs to support development initiatives in migrant-sending countries will eventually lessen migration pressures.

11. Support training programs to help workers integrate into American society or return to their countries of origin

All immigrants who enter the United States should be provided opportunities for adult education and skill improvement.