



## CHANGES TO THE SECURING AMERICA'S FUTURE ACT FOR AGRICULTURE

**Agriculture's Concern:** Farmworkers and employers are uncertain that an unlawful farmworker will be allowed back into the country when he or she departs for the initial "touchback" required by the bill.

**Solution: Allow Farmers to "Preapprove" / "Precertify" Workers Before They Leave the U.S.** This change creates certainty for farmers by allowing them to seek and receive preapproval of their H-2C petitions for their current workforce BEFORE their workers leave the country for their touchback and allows the precertification of the workers' admission back into the U.S. BEFORE they leave, via the issuance of advance parole documents.

**Agriculture's Concern:** The bill only provides six months for current unlawful workers to touchback, which is not enough time and will interrupt the growing season for farmers.

**Solution: Extended Touchback Window.** This change extends the period of time following implementation of the H-2C program during which unlawful farmworkers must complete their touchback from six months to one year. This allows employers of seasonal workers to coordinate the touchbacks of their farmworkers during periods that are less critical, and provides enough flexibility for farmers who employ year-round workers to stagger the touchbacks of their farmworkers and reduce the impact on operations.

**Agriculture's Concern:** The cap is insufficient to address the needs of seasonal agriculture and the maximum visa term of eighteen months is insufficient to provide a stable labor supply.

**Solution: Lengthened Visa Term.** This change extends the standard visa term from eighteen months to twenty-four months while keeping the time period required for workers to return home at forty-five days. This would increase the total number of agricultural workers subject to the cap who could be in the U.S. at any one time to 900,000 after the first year of the program (because each year a total of 450,000 new workers would be allowed to obtain visas under the cap and stay for two years so there would always be an overlap). This calculation does not take into account those, like all current unlawful farmworkers, who will never count against the cap.

**Agriculture's Concern:** Farmers do not have enough time to prepare for mandatory E-Verify.

**Solution: Extend the E-Verify Effective Date as it Applies to Agriculture.** This change extends the implementation of the E-Verify requirement for agricultural employers from eighteen months to twenty-four months.

**Agriculture's Concern:** Many farmers rely on migrant, or "at-will," farmworkers and the bill does not sufficiently provide certainty that the "at-will" program will actually take effect.

**Solution: Expedited At-Will Employment.** This change requires DHS to implement technology to support at-will employment under the H-2C program no later than twenty-four months after enactment and allows "at-will" employment no later than twenty-four months after enactment.

**Additional Change Regarding Meatpackers' Visa Cap:** This change eliminates the escalator clause for meatpackers. This change results in a hard cap of 40,000 visas per year for meatpackers.