AG CHANGES IN THE SECURING AMERICA'S FUTURE ACT, 2.0

Agriculture's Concern: Workers will need to demonstrate that they have non-immigrant intent or deep ties to their home country that they have no intention of abandoning. How will a worker who has been in the U.S. for 10 to 20 years achieve that requirement?

Solution: This change eliminates the requirement that H-2C workers demonstrate non-immigrant intent. (Page 1)

Agriculture's Concern: The Department of Homeland Security could refuse to issue a 24 or 36-month visa for a worker with a seasonal job offer and this will negatively impact the number H-2C workers available each year.

Solution: This change clarifies that, at the request of the alien, a visa shall be issued for the maximum continuous period of authorized status. (Page 13)

Agriculture's Concern: Farmworkers and employers are uncertain that an unlawful farmworker will be allowed back into the U.S. when he or she departs for the initial touchback required by the AG Act.

Solution: This change clarifies that the Secretary of Homeland Security shall issue a document to an alien who is the beneficiary of an approved H-2C petition authorizing the alien to travel to the United States without a visa after completing the initial touchback. (Page 14)

Agriculture's Concern: Employers need more flexibility with regard to the start date of their H-2C workers.

Solution: This change allows an employer to begin the employment of petitioned-for H–2C workers up to ten months after the first date the employer requires the labor or services of H–2C workers. (Page 17)

Agriculture's Concern: In addition to the at-will provisions in the AG Act, greater portability is needed for workers who wish to transition from one agricultural job to another.

Solution: This change authorizes an H-2C worker to accept new employment upon an employer's filing of a new petition on his or her behalf. This employment authorization will continue until the new petition is adjudicated. (Page 22)