

A blue card could make immigrant farm workers legal

by Rich Schell

DESPITE the immigration issues around the wall and the travel ban, a possible solution to the labor issues for farmers (including dairy farmers) has been introduced. In the 115th Congress, Senators Feinstein, Leahy, Bennet, Hirono, and Harris have introduced the Agricultural Worker Program Act of 2017 in order to "improve agricultural job opportunities, benefits, and security for aliens in the United States." The crucial part of the bill is that both Senators Feinstein and Leahy commented on the needs of the dairy industry and the hope that the bill could help the dairy industry and its unique challenges.

Unlike some proposals to merely expand the current H2A program (which does not include the dairy industry), the bill has a clear provision for aliens to have hope to participate in a program for earned status adjustment so they can legally stay and work in the United States.

A pathway forward

The most important part of the

legislation is that it offers a path to residency in the form of a green card-like status — although the physical card might actually be the color blue. If the alien has worked in the U.S. in agriculture for 100 days and continues to work in agriculture for at least 100 days for five years or 150 days for three, then the alien, spouse, or child may apply for the card.

The second most important thing to be aware of is that short of comprehensive immigration reform, this is one of the few proposals that would allow skilled agricultural workers to stay in the country and become legal. Another very important part of this legislation is that once the aliens had their blue cards, they would be protected from deportation. This added sense of security would also allow them to participate more in American life.

It comes with fees

Of course little of value comes without cost. Filing for the blue card would require sending a form to the U.S. government and undergoing scrutiny for both employers and

workers. In this case, there would be a requirement to submit documents and most likely to be interviewed. There also would be a financial penalty to be paid for adjusting status by the employee. According to the bill, workers would be able to stay employed while they adjust without penalties for being undocumented.

Once the process was complete, the aliens would receive a "blue card." This would be much like a green card — machine-readable, photo identification, and tamper resistant. And like a green card it could be used for establishing eligibility for employment. It would also be possible for an alien to prevent deportation by applying for a blue card and receiving the benefit before being deported.

However, as noted, there are barriers and criminal convictions — depending on the number and severity it could be one of them. One of the huge benefits is that aliens could travel with their blue cards and return to the U.S. without a visa. However, there are limits to how long the alien could stay out of the U.S.

This is a positive sign that senators recognize the importance of immigration and immigrant workers to the farm economy. It is hard to say how it will do in Congress except that it seems likely it will do better in the Senate than in the House. Part of this is simply geography. Senators represent whole states, and almost every state has some farmers and farm production.

However, the U.S. House is different. Of the over 400 members, probably only about 10 percent or so represent districts with a significant number of farm voters. This means although all of their constituents may eat, it does not translate into the political will to solve the immigrant farm labor dilemma. 

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