



CHANGES MADE BY THE AMENDMENT TO H.R. 4760, "THE SECURING AMERICA'S FUTURE ACT"

- **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.

- **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.

- **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.

- **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.

- **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.

- **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.



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- **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.
- **Agriculture's Concern:** Employers would be required to post their petitions on their farms for public examination, potentially exposing them to harassment and intrusions.
- ✓ **Solution:** Eliminates the requirement that farmers make the petition available for public examination.
- ✓ **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.
- ✓ **Additional Change Regarding U.S. Customs and Border Protection Authority:** Clarifies that U.S. Customs and Border Protection is subject to the Religious Freedom Restoration Act in the course of its activities on federal land.