

The Facts about S. 359, the Agricultural Job Opportunity, Benefits, and Security Act of 2005 (AgJOBS)

Sponsored by Senators Larry Craig (R-Idaho) and Edward Kennedy (D-Mass.)

AgJOBS is an amnesty for illegal alien agricultural workers

- According to *Black's Law Dictionary*, 6th Edition, amnesty is defined as “a sovereign act of forgiveness for past acts, granted by a government to all persons (or a certain class of persons) who have been guilty of a crime or delict.” The statutory penalty for illegal immigration is deportation. Any government plan that permits illegal aliens to avoid deportation is, thus, an amnesty, regardless of whether its supporters call it “earned legalization,” “regularization,” “rehabilitation,” or “Fred.”
- The claim by AgJOBS proponents that it is not amnesty because it penalizes illegal alien agricultural workers by requiring them to continue to work in agriculture defies common sense. Requiring an illegal alien to continue in the job he broke U.S. law to steal is not a penalty and will not rehabilitate anything except hope in millions of people around the world who will see that illegal immigration pays.

As many as three million illegal aliens could qualify for amnesty

- Dr. Philip Martin, Professor of Agricultural and Resource Economics for the University of California, Davis, estimates that 860,000 of the 1.2 million illegal aliens currently working in agriculture could qualify for amnesty under AgJOBS. Since the bill also grants amnesty to the spouses and children of these illegal alien workers, the total number to receive amnesty could reach three million or more. Just under three million illegal aliens were legalized during the “one-time-only” amnesty of 1986. [For a list of the six amnesties Congress has passed since the 1986 one, go to this link: <http://www.numbersusa.com/interests/amnesty.html>.]
- Since virtually all of the “special agricultural workers” granted the “one-time-only” amnesty enacted in 1986 left agricultural work as soon as they got a green card, AgJOBS puts illegal aliens on the path to U.S. citizenship in a two-step process.
 - First, illegal aliens are to be granted temporary residence and indentured for up to six years to ensure that they continue to work in agriculture in the short term.
 - Once these newly legalized aliens have provided the requisite cheap labor, they will be granted lawful permanent residence, the final stop on the path to U.S. citizenship.

Amnesty on the backs of Americans and legal immigrants

- The 1986 amnesty for “Special Agricultural Workers” (SAWs) proved that amnesty for illegal alien agricultural workers will not result in a stable, legal agricultural workforce.
 - As soon as the SAWs were granted permanent residence, they left agriculture in search of more lucrative jobs in other industries.
 - The amnesty encouraged more illegal immigration by holding out the promise of future amnesties for those who could evade U.S. law long enough.
 - When the SAWs left agriculture, the new illegal aliens were ready and willing to take the available agricultural jobs, thus bringing the industry full circle, to where we are now. AgJOBS will only repeat the cycle.
- While AgJOBS will not ensure a legal workforce, it will ensure an impoverished one.
 - Current law requires employers of H-2A workers to pay employees the greater of the “adverse effect wage rate,” the “prevailing wage,” or minimum wage. AgJOBS permits employers to set the wages for the indentured, formerly illegal workers at any level they wish, down to the minimum wage. Since the aliens have to perform agricultural work in order to become permanent residents, they will have no choice but to work at whatever wages and working conditions employers choose to offer.
 - AgJOBS also freezes wage levels for new, legal H-2A nonimmigrant agricultural workers at the January 1, 2003 level for three years following enactment. After three years, the adverse effect wage rate would be adjusted each year by the percentage change in the Consumer Price Index from two years prior. Industry-wide wages can be expected to plummet from unlivable to deplorable.

AgJOBS will undermine homeland security

- The AgJOBS amnesty will exacerbate an already untenable flow of illegal aliens, increasing the threat not only to the livelihoods and the quality of life of thousands of U.S. workers, but also to the physical security of all Americans. Amnesty programs are an invitation to fraud. By some estimates, as many as two-thirds of the applications filed for the 1986 SAW amnesty were fraudulent. Among those was one for a New York cabbie named Mahmud Abouhalima who had never worked in agriculture. Nonetheless, his application was approved. In 1993, after receiving terrorist training in Afghanistan, Abouhalima drove a vanload of explosives into the World Trade Center.
- The Bureau of Citizenship and Immigration Services currently has a backlog of over four million pending immigration benefits applications. Adding three million amnesty applications to that backlog would be reckless, at best. Congress should be encouraging adjudicators of immigration applications to be more thorough than ever, not overburdening them to the point that mistakes are inevitable—especially when those mistakes may have devastating consequences.