

The Many Amnesties of H.R. 4916, the Farm Workforce Modernization Act

Amnesty #1—Legal status (“Certified Agricultural Worker” or CAW status) and an employment authorization document (not limited to agriculture) for illegal aliens (and their families) who have worked unlawfully in agriculture at least part time (1,035 hours or 180 workdays—the equivalent of working *most* weekends) during the past two years. (Sec. 101)

Amnesty #1a—Permanent resident status with a path to citizenship for illegal aliens (and their families) who successfully evaded the law and worked in agriculture unlawfully for at least 10 years prior to enactment of H.R. 4916 and have had CAW status for four years. (Sec. 111)

Amnesty #1b—Permanent resident status with a path to citizenship for illegal aliens (and their families) who successfully evaded the law and worked in agriculture unlawfully for fewer than 10 years prior to enactment of H.R. 4916 and have had CAW status for eight years. (Sec. 111)

A Little Indentured Servitude for Good Measure—The 1986 Immigration Reform and Control Act (IRCA) contained the first agricultural worker amnesty adopted by Congress. It gave amnesty to almost 1.1 million agricultural workers, plus their families. The problem was that most of them left agriculture for better-paying jobs as soon as they got their employment authorization documents. H.R. 4916 attempts to avoid that problem in the short term by indenturing for four years the illegal aliens who worked unlawfully in agriculture for more than 10 years prior to enactment. Those who worked in agriculture for fewer than 10 years prior to enactment would be indentured for eight years. Both groups of CAW amnestied aliens would have to show that they worked in agriculture for at least 575 hours or 100 days during each of the years they had CAW status in order to be eligible for a green card. Once they obtained their green card, their term of indenture would end and they could leave agriculture for good. (Sec. 111)

Amnesty #2—Legal status (H-2A status) and authorization to begin working lawfully in agriculture on a temporary basis for illegal aliens (and their families) who have worked unlawfully in agriculture for at least 575 hours or 100 workdays during the past three years (the equivalent of working about every third weekend over three years). (Sec. 101)

Amnesty #3—Prohibition on removal of ANY illegal alien who is *prima facie* eligible for CAW status (i.e., illegal aliens just have to say they work in agriculture and want to apply, and they have to be released and allowed to apply, or simply disappear) from the date of enactment until the CAW application period ends, which could be as long as three years. (Sec. 125)

Amnesty #4—The agricultural employers who unlawfully employed all these illegal aliens cannot be prosecuted or served civil penalties for their illegal activity, even though they essentially have to admit they employed the illegal aliens who apply for CAW or H-2A status. (Sec. 127)

Amnesty #5—Illegal aliens who apply for CAW or H-2A status cannot be prosecuted for social security fraud that they engaged in prior to applying for status. Of course, the victims of their fraud, whose social security numbers were stolen, get no such amnesty from the harm done to them. (Sec. 128)

Amnesty #6—Illegal aliens who apply for CAW or H-2A status, but are denied such status by DHS, effectively get amnesty, since the information in their applications cannot be used to establish their unlawful presence, locate them, and remove them from the United States. (Sec. 129)