

Agricultural Job Opportunities and Benefits Act (AgJOBS)

- Undocumented agriculture workers would be eligible for a “blue card” if they can demonstrate having worked in American agriculture for at least 150 work days (or 863 hours) over the previous two years before December 31, 2008.
- The blue card holder would be required to work in American agriculture for an additional three years (working at least 150 work days per year) or five years (working at least 100 work days per year), before becoming eligible to apply for a green card to become a permanent legal resident.
- The blue card would entitle the worker to a temporary legal resident status. The total number of blue cards would be capped at 1.35 million over a five-year period, and the program would sunset after five years.
- Before applying for a green card, participants would be required to pay a fine of \$500, show that they are current on their taxes, and show that they have not been convicted of any crime that involves bodily injury, the threat of serious bodily injury, or harm to property in excess of \$500.
- Employment would be verified through employer issued statements, pay stubs, W-2 forms, employer contracts, time cards, employer sponsored health care or payment of taxes.
- All blue cards would have encrypted, biometric identifiers and contain other anti-counterfeiting protection.
- The bill also would streamline the H-2A seasonal worker program so that it realistically responds to agriculture needs.
- The bill would shorten the labor certification process, which now often takes 60 days or more, and reduce the approval time to 48 to 72 hours.
- The bill also would require that growers first advertise and recruit U.S. workers in the local area by filing job notifications with state employment agencies.
- The Department of Labor would be required to process H-2A applications within 7 days and notify the consulate or port of entry within 7 days of receipt.
- The Adverse Effect Wage Rate would be frozen for three years, to be gradually replaced with a prevailing wage standard.
- H-2A visas would be secure and counterfeit resistant.