



HR 1773: Agricultural Guestworker Act (Ag Act)

The *Ag Act* would establish a new agricultural guestworker program allowing US companies to hire foreign-born workers for temporary employment in that industry. Under the current system employer certification is required, which builds in some worker protections. However, under the *Ag Act*, employers would only need to attest—on their own behalf, with no outside verification—that they have adequate workplace conditions, recruitment practices, wages, and insurance coverage for worker injuries. Workers would be allowed to move between employers without losing their visa. Also, 10% of a worker's earnings would be withheld from their paycheck. The worker could only get this money from a U.S. embassy/consulate within 30 days of returning to their home country, and the worker must show they've followed program requirements. Furthermore, guestworkers under this bill would not be allowed to bring spouses or minor children under their visa. Finally, federal public benefits would not be available to guestworkers under the *Ag Act*.

HOW WOULD THIS POLICY IMPACT OUR COMMUNITIES?

Some of the *Ag Act* provisions are very similar to those in the infamous Bracero Program which exploited and abused 3 million temporary agricultural workers from the 1940s to the 1960s. If passed, the *Ag Act* would harm all workers by driving down wages, creating a second class of workers vulnerable to employer abuse, and providing reduced oversight of workers' rights. Eligible workers would be denied access to cost-saving benefits under the *Affordable Care Act* as well as social welfare programs designed for those most in need.

Most troubling is that guestworkers would not be allowed to become permanent legal U.S. residents, creating a class of workers exploited solely for their labor, held forever apart from being included as an equal in the country their labors serve.

WHY SHOULD THIS BILL BE OPPOSED?

- The bill sharply reduces oversight of workplace conditions by allowing employers to promise to follow the law, rather than going through a certification process that ensures adequate treatment of workers. This policy allows the fox to watch the henhouse.
- The bill would prevent federal legal aid programs from representing guestworkers, leaving these often low-income individuals without legal assistance when seeking remedies for workplace violations.
- Denying access to public benefits and savings under the *Affordable Care Act* is unfair and immoral. Our dedication to ensuring an adequate safety net should not be dependent on employment classification.
- Withholding hard-earned wages to incentivize workers to leave the US and show compliance with the guestworker program leaves workers vulnerable to unethical employers who may retaliate against them by refusing to verify compliance. Under similar provisions of the Bracero program, the withholding of funds was subject to corrupt mis-handling, and only through litigation and legislation were a portion of the funds released decades after the program ended.
- Denying guestworkers the ability to attain citizenship or any permanent legal residency in the U.S. exploits the labor of these workers and creates a second class of employees never able to be included as equals within the country their labors serve.



HR 1417: *The Border Security Results Act*

The *Border Security Results Act* would require the Department of Homeland Security (DHS) to assess and evaluate the current state of border security. The bill also calls on DHS to create a biometric exit program at ports of entry, reduce the number of undocumented immigrants crossing the Southern border by at least 90%, and reduce illegal items coming into the US. DHS would also be required to submit reports outlining these efforts and findings.

Additionally, DHS would need to consider using surveillance technology, drones, cameras, and sensors in order to “increase situational awareness”. More surveillance and biometric technologies are also to be explored at ports of entry. The Congressional Budget Office estimates that this bill would cost approximately \$5 million between the years of 2014-2018.

HOW WOULD THIS POLICY IMPACT OUR COMMUNITIES?

The American Friends Service Committee continues to hear grave concerns from border residents who are subjected to militarization of their communities, negatively impacting their quality of life. This trend promises to increase substantially if the *Border Security Results Act* becomes law. In 2012 the US spent over \$17 billion on border enforcement, much of which has gone to private corporations, despite the fact that migration across US borders is at historic lows.

This measure as drafted would further fuel division and violence through incredibly costly policies that unnecessarily – and ineffectively – militarize the US border.

WHY SHOULD THIS BILL BE OPPOSED?

- At \$17.9 billion last year alone, the current tab for border enforcement is larger than all other federal law enforcement agencies.
- Increasing allocations of hard-earned taxpayer funds to expand this militarization is irresponsible.
- AFSC urges we seek peaceful community-based solutions that respect the humanity of all people in the region that would provide more effective border controls at a fraction of the financial and human cost.
- Rather than cater to private corporations seeking to profit from new walls, drones, and other surveillance systems, lawmakers should heed the community, not those who want more profits from militarization.



HR 1772: *The Legal Workforce Act*

The *Legal Workforce Act* would expand and require employers to use an electronic employment verification system (EEVS) to check if potential employees have work authorization from the US government. This bill would allow employers to deny a job to anyone found to be work ineligible under a final EEVS verification. Currently, employers must conduct an EEVS query on individuals *after* they are hired, not before they're given the job. Additionally, this bill would limit which documents can be used to prove employment eligibility and identification of the worker. Employers that don't use the EEVS system, knowingly hire/employ workers without employment verification, or send false information to the EEVS, would face higher penalties. Finally, workers would have limited access to legal remedies such as class action lawsuits or judicial appeals if their employment eligibility was wrongly determined in the EEVS.

HOW WOULD THIS POLICY IMPACT OUR COMMUNITIES?

The AFSC is deeply concerned that any employment verification system undermines the safety and rights of workers, puts people's lives and livelihoods in the hands of a system fraught with errors, and does much more to fill the coffers of private companies than to control immigration.

The requirement that employees submit proof of authorization in order to work has been in the law only since 1986, and has negatively impacted workers' rights. Discrimination based on immigration status has led to an increase in exploitation of workers by unscrupulous employers and a tiered system of labor rights protections that has created less secure employment conditions for all. Non-payment of minimum wage and overtime, as well as wage theft, have become endemic in the low-wage service and industry economy that many immigrant workers occupy. Work authorization verification programs have resulted in further marginalizing undocumented workers and make this labor force vulnerable to exploitation and abuse. All forms of EEVS should be opposed, not expanded.

WHY SHOULD THIS BILL BE OPPOSED?

- The high rate of inaccurate results based on queries with the current EEVS--especially for foreign-born people for whom the error rate is 20 times higher than for native born workers-- could result in millions of people losing their job, even if they have work authorization. Foreign-born workers without authorization face job loss and deportation, resulting in family separation and financial hardship.
- Limiting worker access to administrative and legal remedies for errors in an EEVS query creates an unfair system in which only those individuals who can afford a private tort lawyer are able to fix an inaccurate result or address resulting abuse.



HR 2278: *The Strengthen and Fortify Enforcement Act (SAFE Act)*

The *SAFE Act*, similar to Arizona's "Show Me Your Papers" law, would require local and state police to give information about individuals arrested for immigration-related violations to the federal government, incentivize local agencies to enforce immigration laws by providing federal grants to cover related expenses, allow for indefinite detention of some immigrants, expand the list of grounds for deportation, and increase the capacity of federal immigrant detention facilities.

HOW WOULD THIS POLICY IMPACT OUR COMMUNITIES?

Allowing state and local law agencies to enforce immigration universally failed – and resulted in terrible human costs – in communities in which it has been implemented. Policies like these have been proven to promote racial profiling, drain local law enforcement resources, and increase targeting of undocumented immigrants by criminals who know this vulnerable population is less likely to report crime out of fear of deportation. The criminalization of immigrants tears families apart, lines the pockets of for-private detention center operators, and imperils community safety. Detention leaves children without parents, families without wage earners, and couples separated without warning or justification.

This bill would double down on broken policies and shirk the federal responsibility to build a system that is efficient, humane, and transparent, instead of one that simply punishes those trapped by its failures.

WHY SHOULD THIS BILL BE OPPOSED?

- Programs allowing local and state enforcement of immigration laws have proven to promote racial profiling, drain local law enforcement resources, and increase targeting of undocumented immigrants by criminals. The AFSC encourages policies that allow state and local law enforcement entities to dedicate themselves to protecting the safety of all those in their community without the constraints of being required to enforce poorly written and implemented immigration laws.
- The *SAFE Act* would undermine local democracy by invalidating local county and city ordinances as well as state legislation that place limits on local and state police cooperation with Immigration and Customs Enforcement.
- The AFSC urges state and local law enforcement entities to focus on their primary duty – protecting all those in a community – and oppose a bill that requires them to enforce poorly written and implemented immigration policies.
- Emphasizing punitive immigration laws ignores the root causes of migration and harms those seeking to reunite with family members or earn a living.
- Funneling people into an unfair detention and deportation system in which little due process exists will create weaker, more fragile communities as families are torn apart.
- For-profit operators of immigrant detention centers will likely be called on to accommodate the need for additional space to house immigrants detained and/or deported under the expanding criminalization provisions of the *SAFE Act*. Research and federal data show that these entities consistently fail to meet minimum safety standards, do not provide adequate medical services, and fail to provide guards with reasonable training and safety protections.
- Allowing for-profit corporations to financially benefit from the restriction of liberties and tolerance of abuses is an affront to human dignity.



HR 2131: *The Supplying Knowledge-Based Immigrants and Lifting Levels of STEM Visas Act (SKILLS Visa Act)*

The *SKILLS Visa Act* would increase visas available to those with education in science, technology, engineering or math and to employers recruiting foreign-born workers with those backgrounds for employment in this country. If enacted, the bill would alter the number of visas available to people seeking to have family members join them in the US. Furthermore, many approved sibling-sponsored visa applications would be cancelled, and citizens would no longer be permitted to petition for their siblings to receive a visa.

HOW WOULD THIS POLICY IMPACT OUR COMMUNITIES?

This bill would remove the ability of citizens to sponsor their siblings, and would eliminate many already-approved petitions, keeping US citizens from reuniting with their brothers and sisters. The *SKILLS Visa Act* favors immigrants of economic and social privilege by increasing the number of visas available to people with “high-skill” education while decreasing the ability of family members to petition for their loved ones to join them in the US. Prioritizing one class of immigrants over another is immoral and unnecessary.

Immigration visa allocation need not be a zero-sum game – overall caps should be removed to ensure that a path to documentation is a viable option for all.

WHY SHOULD THIS BILL BE OPPOSED?

- The proposed visa system discriminates against individuals who have not had educational opportunities, failing to recognize that all humans are able to contribute in a wide variety of ways.
- Eliminating approved sibling-sponsored visas is simply unfair. Punishing those seeking to be with loved ones in the U.S. is not sound policy.
- Family unification is one of the top drivers of migration. Families should be extended the opportunity to reunite through clear, legal, and timely channels. Creating an immigration system that does not account for this reality will not be a lasting solution to our broken system.
- Increasing the number of visas for one group of people while decreasing them for others is unnecessary. Current numerical limitations are arbitrary, outdated, and discriminatory. Caps on visas should be eliminated so that everyone seeking to contribute and build a new life in the US – not just those of greatest privilege – will have equal opportunity to pursue that dream.



H.R. 15: *The Border Security, Economic Opportunity and Immigration Modernization Act*

The *Border Security, Economic Opportunity and Immigration Modernization Act*, similar to what passed the Senate Judiciary Committee in May 2013, would require the Department of Homeland Security to establish and maintain “operational control” over the southern border and impose border triggers which must be met before anyone can adjust their immigration status under the bill, allows some undocumented immigrants to become citizens, requires mandatory E-Verify for all employers, creates alternatives to detention, and reforms visa programs.

HOW WOULD THIS POLICY IMPACT OUR COMMUNITIES?

The AFSC applauds the positive policies included in the bill, such as a path to citizenship and strong worker rights protections. However, we continue to be alarmed by political compromises that will subject southern border communities to a significant increase in military presence while lining the pockets of corporations, and high barriers to undocumented immigrants being able to adjust their status via the path to citizenship.

For some immigrants, H.R. 15 will provide a long and barrier strewn road to full citizenship. However, the bill would leave millions of immigrants behind in the shadows, vulnerable to employer exploitation, deportation, family separation and criminal acts all due to their immigration status. The AFSC is deeply concerned that immigrants are not permitted to adjust to lawful permanent resident status until a series of conditions are met, including operational control of the southern border and universal implementation of E-Verify. Holding immigrants hostage without full rights while creating more militarized borders is cruel, unnecessary and does nothing to address the root causes of migration nor the needs of immigrant communities.

ISSUES OF CONCERN WITH H.R. 15

- In H.R. 15, the road to citizenship for qualifying undocumented immigrants would take 13 years plus an indefinite amount of time based on meeting required “triggers” and processing the entire backlog of existing visa applications.
- This path is lined with harsh obstacles which will exclude millions of undocumented immigrants from being able to stay in the U.S. or adjust their legal status. Barriers to attaining provisional status and/or a green card include high application fees & penalties, demonstration of continuous employment, income above the national poverty level, English proficiency & some criminal convictions.
- Before any applications would be processed for immigration status adjustment, the Department of Homeland Security must submit a plan for securing the southern border. The AFSC believes there is no merit to the policy connecting status adjustment to border militarization. Additionally, no immigrant could adjust from Registered Provisional Immigrant status to Lawful Permanent Resident status, which could delay access to lawful status for an indeterminable amount of time, until:
 1. A mandatory electronic employment verification system is in place;
 2. An electronic exit system at all air and sea ports is implemented;
 3. A southern border strategy is executed; and
 4. A fencing strategy is nearly completed.
- The traditional family-based immigration system would be amended based on a point allocation system in which job skills are weighed more heavily than are familial ties to citizens in the U.S.
- All employers would be required to use an employment verification system, which must be in place before any applications to adjust immigration status are processed. Workers without documentation of legal status would be flagged in the system, barred from employment, and eligible for deportation.