

Agricultural Guest Worker (AG Worker) – Permit Program

Jointly Proposed By: Mark Williams, Agribusiness Henderson County (AgHC) and Bert Lemkes, General Manager of Tri-Hishtil, at the request of NC District 11 Congressman Mark Meadows

In response to U.S. agriculture's critical need for a reliable and adequate source of labor, a new and viable guest worker program is proposed to facilitate foreign agricultural workers for seasonal labor, along with full time guest workers for year-round producers and farm-related packing and processing operations. An Agricultural Guest Worker (AG Worker) program would allow those in this country now working in agriculture to continue working, but only if conditions are met to receive an AG Worker permit and become documented. The goal of the program is to improve national security, while providing a solution to the current and future labor needs for U.S. agriculture. To accomplish this, the following is proposed:

- **Administrative Authority** – USDA would administer the AG Worker program and work with other federal, state and local departments and agencies as needed. The program should be kept simple for farmers and workers to use it efficiently and effectively, at a reasonable cost.
- **Permit Issuance** - Permits would be issued in the U.S. upon meeting program requirements and improperly documented workers currently working in the U.S. would not be forced to return to their country of origin prior to issuance.
- **Criminal Background** - Criminal background checks by Homeland Security and local law enforcement would be required and applicants guilty of serious crimes, past, present or future, will not receive or be allowed to retain a permit. Infractions or minor crimes such as misdemeanors, minor traffic violations or currently being present in the country without proper documentation are considered exceptions. All approved AG Workers would have clear documentation, making it easier for law enforcement to identify individuals and deport those here illegally.
- **Work History** - It is required that improperly documented workers must provide proof of U.S. employment for the 3 previous years, with a minimum threshold of 1,000 hours worked each year. Additionally, they shall provide evidence that payroll taxes (Social Security, Medicare etc.) were deducted from wages received or pay a one-time reasonable fine.

- Terms – The permit would be valid for 3 years and renewable with a reasonable fee as long as the holder remains in compliance, has no criminal convictions and employment needs of U.S. agriculture continue.
- Industry Specific Work – With proper reporting, permit holders would be allowed to change employers, but limited to jobs in the agricultural industry.
- Citizenship – AG Worker permits will be issued solely for employment and are not a pathway to citizenship. Unemployed workers with a permit must return to their country of origin if they are unable to find subsequent work within a reasonable period.
- Program Costs – Users of the program are to pay fees or taxes to cover the cost of the program and any other government benefits received.
- Future Workforce – Applications for an AG Worker permit for future workers will be completed by the applicant in his or her country of origin and administered by USDA in cooperation with the State Department and related agencies within the applicant’s home country.
- Number of Permits – The market-driven demand for labor will be the determining factor for the number of permits issued. Jobs will first be made available to U.S. citizens and if availability of workers remains inadequate, AG Worker permits will be granted as needed to meet demand.
- Touch Back Requirements – AG Workers will be required to report on their employment status annually and may remain in the U.S. for the term of their permit if in compliance. They may go back and forth to their country of origin during the permit period, but will be required to remain outside the U.S. a cumulative minimum of one month during each 3 year period.
- Family Members of Workers – Residence permits for family members would be tied to the valid AG Worker permit. Non-U.S. family members can also apply for a permit. The AG Worker and each resident family member would be eligible to receive standard public benefits if Federal, State and local taxes and other standard withholdings are paid.
- E-Verify – The AG Worker permit will be acceptable documentation for approval through E-Verify.
- Drivers’ License – The AG Worker permit will serve as valid identification for the holder to obtain a driver’s license.