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Proposed Guest Worker Visa Could Expand Access to Permanent Foreign Employees for Agriculture Companies

On October 24, the House Judiciary Committee passed, by the narrow margin of 17-16, proposed bill H.R. 4092, the Agricultural Guestworker Act, which would implement a new program called the H-2C Guest Worker Program. As opposed to the current H-2A Program, which covers only temporary workers, the H-2C Program would cover year-round employees, such as in the areas dairy, aquaculture, and food processor operations. The bill was introduced by Virginia Republican Representative Bob Goodlatte.

The existing H-2A temporary visa guest worker program currently excludes dairy farmers because their labor needs tend to be year round, as opposed to seasonal or temporary. Under the Agricultural Guestworker Act, about 450,000 visas would be available for workers qualified for the H-2C program. Moreover, returning workers under the H-2A program and those previously unauthorized would not be counted toward the 450,000 visa limit. A caveat to the undocumented worker provision is that those workers would have to return to their home country before they could participate in the AG Act, a risky proposition for an industry that cannot afford to lose those workers.

With such a close vote, it is not surprising that there were competing views on the bill on Capitol Hill. Representative Goodlatte stated that “[a]lthough no other country in the world rivals America’s agriculture industry, our nation’s farmers face many obstacles in today’s global economy,” and that “[o]ne challenge in particular is access to a stable and reliable workforce when not enough American workers can be found to fill jobs.” Meanwhile, Michigan Democrat John Conyers opposed the bill, questioning the effect it might have on American workers; he noted that it creates “an incentive to replace well-paid U.S. workers with temporary foreign workers at a drastically lower cost,” and that it lacks “real wage and labor protections,” meaning that “U.S. workers would almost certainly be disadvantaged and displaced.”

This *Immigration Law Alert* was written by Attorney [William C. Menard](#), a member of the [NMM Immigration Practice Group](#). If you have further questions or concerns in regards to this topic or any other immigration law issues, e-mail wcmenard@nmmlaw.com.

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