

Finding common ground on immigration

The immigration system has been broken for more than three decades.

Building an immigration reform package in a vitriolic political environment remains a huge challenge. Oregon's agricultural industry is united in seeking a solution to the perpetual labor crisis. Getting from there will demand that we reconsider what a solution could look like.

Washington, D.C. has changed since the 1986 Immigration Reform and Control Act was passed. Congress envisioned a two-step process — first bring undocumented people into legal status, and second, create a visa system to assure a legal labor supply.

They completed the first step in 1986, but the second step failed in 1988 — I know, because I had a front-row seat. Since then, no attempt to create a visa system has even come close to passing.

The Trump effect

Donald Trump ran for president as a hawk on immigration, with his signature promise to build a wall on the United States-Mexico border. His election changed what is possible and altered how the issue is even discussed. People now have more difficulty finding common ground. They didn't have an easy time at that to begin with.

For a long time, the far left and the far right have used the political tumult to raise funds. Congress is guilty of not getting something done. It is not a partisan issue, either — both sides have failed.

This administration is forcing immigration advocates to reset expectations. Instead of hoping for permanent legal status for undocumented workers, our best hope may be a visa system without amnesty. So, what does that look like?

The only train in the station?

U.S. Rep. Bob Goodlatte (R-Virginia), chairman of the House Judiciary Committee, has not been a friend on immigration policy over his career. Now that he is close to retirement, however, he has mounted a significant effort for immigration reform. To many involved

in this issue, this might be one of the few windows to achieve meaningful change.

Rep. Goodlatte has proposed creating an H-2C visa that would complement the H-2A visa for temporary or seasonal agricultural work and the H-2B visa for non-agricultural work (including forestry and landscaping). While the specifics may cause anxiety amongst the nursery and greenhouse industry members, Rep. Goodlatte's ideas will serve as the menu for any future bill.

His bill includes the following elements:

- **A one-time opportunity** for all undocumented workers to get right with the law.
- **An initial three-year work visa.**

Upon expiration, two-year renewals will be allowed indefinitely as long as the worker has no disqualifying incidents.

- **An ag-only limitation.** The worker must prove they were working in agriculture on or before October 23, 2017.

• **A cap of 450,000 H-2C visas.** At the urging of Oregon agriculture and others, the bill was changed so that current workers do not count under this cap. The cap also has an escalator clause to allow for growth.

• **A touchback provision** requiring workers to leave the United States temporarily. It's complicated, but the bottom line is it's bad policy. To answer fears that workers could get stuck outside U.S. borders, the bill was improved to allow existing workers to visit the nearest country for just one day, then return.

• **A timeout provision** requiring each worker to leave the United States for one month every three years. The time away could be cumulative, meaning multiple exits adding up to 30 days.

• **An E-Verify requirement.** The electronic worker verification program would be enacted permanently 18 months after the worker visa program is up and running.

There is plenty here to be nervous about. The potential impact on the agricultural workforce could be enormous. There is deep anxiety regarding the fundamental structural issues of asking undocumented workers to sign up for an untested visa and leave the country to obtain work authorization status. The OAN continues to work with state and national groups to churn



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through the big issues that will impact the agricultural community.

The destruction of common ground

On big and emotional policy issues, the small-but-very-vocal political minorities on both sides usually win.

On one side, there are those who never supported “amnesty.” They were only inclined to go along if significant reductions in total immigration numbers were achieved. They attach issues like Deferred Action for Childhood Arrivals (DACA) as a way to mollify objections raised by both Democrats and Republicans — but only as a way to advance their agenda. If it all goes south, status quo wins without capitulating on granting legal status to undocumented immigrants.

On the other side is the group for whom no deal is better than a “bad” deal. But without enough compromise, “no deal” always wins.

It has kept playing out like this for three decades, but Americans want our immigration system changed. Poll after poll shows strong support for a system that allows willing immigrant workers to stay, but makes more of them abide by the rules.

Get ready for an anxiety train

Labor is a big deal for the nursery and greenhouse industry. We must secure a stable and available workforce.

The Goodlatte bill is not likely to be the finished product, but we must look for serious opportunities to push for a visa system that works for agriculture. As your executive director, I'm well aware it needs to get done, but we must make sure that the cure for our immigration policy ills does not irreparably harm us. ☺