



# American Horse Council Washington Update

## MEMORANDUM

To: AHC Organizations

From: American Horse Council

Re: House Immigration Bill

Date: April 23, 2007

Comprehensive immigration legislation has been introduced in the House of Representatives to reform the nation's immigration laws. The Security Through Regularized Immigration and a Vibrant Economy Act of 2007 (H.R. 1645), called the STRIVE Act, was introduced by Representatives Luis Gutierrez (D-IL) and Jeff Flake (R-AZ).

Immigration reform, and particularly what to do with the estimated 12 to 15 million illegal and undocumented workers in the U.S., may be the most contentious issue that Congress has tried to deal with in many years. While many members of Congress see a broad approach as the only way to resolve the many complex issues, many other members want a border security and "enforcement-only" approach before undertaking the broader issues of undocumented workers and reforming temporary-worker programs.

This bill tries to satisfy both groups.

### Immigration and the Horse Industry

The issue of comprehensive immigration and guest worker reform is important to the horse industry. Horse breeders, ranchers, training facilities, horse shows, trainers and others depend on seasonal and long-term foreign workers to fill labor demands not met by American workers. The industry needs workable programs for its H-2A agricultural workers and its H-2B non-agricultural workers. Many employers in the horse industry also see comprehensive immigration/guest worker reform as a way to regularize their current workforce and meet their labor demands as the new programs are initiated.

### STRIVE Act

The STRIVE Act tries to take both approaches. To satisfy the "enforcement-first" proponents, many of the broader provisions cannot be implemented until the Secretary of the Department of Homeland Security has certified that improvements in border surveillance technology are being implemented; that the systems and infrastructure necessary to carry out improvements to immigration document security are ready to use; and that the first phase of Electronic Employment Verification System requiring the participation of critical infrastructure employers has been implemented.

The bill also provides for strict enforcement provisions, like hiring more border patrol agents, the use of new technologies, tamper-proof identification cards to replace social security cards, more federal detention space, a new electronic system for employers to electronically verify a worker's employment authorization and increased penalties on employers and workers who operate outside the system.

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### New H-2C Program

The STRIVE Act would initiate a new guest-worker program for “H-2Cs” that would replace many of the non-immigrant alien worker categories included in existing programs, including the current H-2B temporary and seasonal workers program. These H-2Cs would be year-round workers who could be admitted for three years. This new program would include the horse industry’s non-agricultural H-2B workers, but would not include current H-2A workers. The H-2A program would continue under the AgJobs provisions of the bill.

The H-2C visa would be valid for three years and renewable for another three. An employer would still have to give U.S. workers the job opportunity first, document that American workers are not available and document that alien workers would not displace U.S. workers or adversely affect their wages or working conditions. Alien workers would have to complete criminal- and terrorism-related background checks, pay a \$500 application fee, undergo a medical exam and show admissibility to the U.S.

The H-2C visa program would have an initial cap of 400,000, which would be adjusted annually based on market fluctuations.

H-2C workers would have an opportunity to apply for permanent resident status (Green Card), either through an employer or by self-petitioning, after five years of employment.

### New Employment Verification Requirements

The bill would create a system for employers to electronically verify a worker’s employment authorization and establish criminal penalties for employers and workers who operate outside the system. It would set up strong enforcement procedures.

Employers would have to verify the employment authorization of all new workers either electronically or telephonically.

### Earned Legalization for Undocumented Workers

Once the Secretary of DHS has made the required certification mentioned earlier, the STRIVE Act would authorize the initiation of a program providing conditional nonimmigrant status for undocumented immigrants (and their spouses and children) in the U.S. This would be the mechanism to allow undocumented workers to legalize their status. This status would be valid for six years. This would allow any aliens without proper documentation to regularize their status and remain in the U.S. and continue working.

To be eligible an alien must, among other things:

- Establish continuous presence in the U.S. on or before June 1, 2006;
- Attest to employment in the U.S. before June 1, 2006 and employment since that date (and submit related documentation);
- Complete criminal and security background checks;
- Pay a \$500 fine plus necessary application fees (fine exemption for children).
- Be eligible to receive a visa pursuant to the Immigration and Nationality Act;
- Not have been convicted of a felony or three or more misdemeanors;



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This provision could eventually allow such aliens able to earn U.S. citizenship. But such workers would have to satisfy other additional requirements and would have to go to the back of the line for permanent visas; the current immigrant backlogs would have to be cleared before qualified conditional nonimmigrant visa applicants (and their families) could adjust to permanent resident status.

### AgJOBS Bill Included in STRIVE

Title VI of the STRIVE Act includes the entire AgJOBS bill (H.R. 371), introduced by Congressmen Howard Berman (D-CA) and Chris Cannon (R-UT), in January. The AgJobs bill, which has broad agricultural support, would create a pilot program that would help identify agricultural workers without identification, including those in the horse industry, and allow them to legalize their status if they have worked a sufficient period of time in agriculture and continue to work in agriculture for an additional period. The AgJobs bill would also provide much-needed reforms to the H-2A program and streamline the process of hiring alien workers in agricultural positions, including those in the horse industry. (Please see the AHC Web site at [www.horsecouncil.org](http://www.horsecouncil.org) for more information on AgJobs.)

### Senate Action

Broad reform legislation similar to the STRIVE Act has not yet been introduced in the Senate. But the White House and various Senators are attempting to craft such legislation.

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