

Immigration Enforcement

Bill Wright, a successful Utah dairyman and state legislator was at the All-Utah dairy show last week. I enjoyed visiting with Bill because he is always more than willing to share an opinion, and we usually agree. As we talked Bill told me that his actions on immigration reform in the recent legislative session have not made him popular with some people. He is convinced, however, that he has taken the lead on an issue that the federal government has long ignored.

3SHB 116 that Wright sponsored, and was recently signed into law, is often referred to as the Guest Worker Program Act. The bill petitions the federal government to allow Utah to create a legalized state guest worker program for illegal immigrants who meet certain conditions. If the program were actually implemented today, it would be unconstitutional. The bill petitions the federal government for a waiver to implement a state program in the absence of federal action.

To qualify for a valid two- year Utah Guest Worker permit, workers must be in the United States before May 10, 2011, be at least 18 years of age, live in Utah, provide accurate contact information, present evidence they have a job or will be working within 30 days, have no criminal record, have a driving privilege card or provide evidence they will not be driving. Workers must also pay a one-time fine for being here illegally. The fines would be different depending on the situation, but there is a fine involved for breaking the law to get here.

Details of the legislation require that applicants for the guest worker card will pay the actual costs to process the card. They also have to pay for his or her background checks. Initially, there will be a \$4 million cost to the state to develop a database to keep track of guest workers' applications and renewals. After that, there is an ongoing positive fiscal note to the state of more than \$12 million because we will be collecting state taxes, and we assume not all workers are paying taxes now. To have a guest worker permit and maintain it, guest workers will be required to withhold social security, federal and state income taxes. It is anticipated that this legislation will have a positive fiscal impact for the state of Utah in addition to providing a way for workers to be here legally.

During our visit, Mr. Wright reminded me of how very dependent our society has become on the work ethic of immigrants. Without their labors we would have difficulty surviving, especially in the construction, agricultural and service industries. If we attempt to enforce current immigration laws on people who are contributing citizens in our society by sending them home as some suggest, we would have total chaos.

3SHB 116, Bill says, is a very simple concept. If you have a job and can meet the listed qualifications, you can receive a guest worker permit. If you don't have a guest worker permit and you're here... either there are no jobs or you're not a very good employee. In whichever case, those individuals are invited to leave.

On the federal level, Senators from four states introduced legislation this week titled H-2A Improvement Act. This act, if passed, will authorize foreign dairy workers and sheep herders to remain in the United

States for an initial period of three years. The act also gives the U. S. Bureau of Citizenship and Immigration Services the authority to approve a worker for an additional three-year period.

Under present law, farms that hire seasonal workers to harvest fruits and vegetables can utilize the H-2A visa program. Dairy farms are not included because milk production is not considered seasonal work. The new H-2A visa legislation would provide a measure of equity so that dairy owners are treated the same as other farm employers who currently can use the H-2A program. There is a greater sense of urgency for legalized status because of heightened immigration enforcement activities directed at employers.