

Kan. plan: Allow illegal immigrants to stay, work

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TOPEKA, Kan. (AP) — A coalition of business groups will propose Kansas start a new program to help some illegal immigrants remain in the state so they can hold down jobs in agriculture and other industries with labor shortages, coalition representatives disclosed Tuesday.

A spokeswoman for the Washington-based Immigration Policy Council called the proposal "unprecedented" and questioned whether the federal government would allow such a program, though she was sympathetic toward supporters' goals. Utah has set up a guest-worker program, but it doesn't take effect until 2013 and was part of a broader package of initiatives on immigration.

The Kansas proposal also is notable because it complicates the debate over immigration issues in the home state of Kris Kobach, a former law professor who helped draft tough laws against illegal immigration in Alabama and Arizona. Kobach, known nationally for advising state and local officials across the nation on immigration issues, is secretary of state, the chief elections official in Kansas.

The proposal is likely to stir controversy in the Kansas Legislature and divide the Republican majority, some of whose members are pursuing proposals to crack down on illegal immigration. Representatives of the business coalition, which includes agriculture groups and the Kansas Chamber of Commerce, provided a draft copy of their proposed legislation to The Associated Press ahead of its formal introduction in the House and Senate.

Supporters of the proposal acknowledge they're trying to protect industries heavily reliant on laborers, particularly agriculture. But state officials and backers don't have any hard numbers for how many jobs are in danger of going unfilled. Kansas has an estimated 45,000 illegal-immigrant workers.

"What it says about the debate is that states are tired of waiting," said Wendy Sefsaf, the Immigration Policy Council's spokeswoman. "There's immigration legislation moving all the time, everywhere."

The coalition spelled out details of its proposals only days after state Agriculture Secretary Dale Rodman publicly discussed the possibility of getting a waiver from the U.S. Department of Homeland Security to allow agriculture businesses to hire illegal immigrants in jobs they're having trouble filling.

The coalition's representatives said their proposal would make a waiver unnecessary. And Department of Agriculture spokeswoman Chelsea Good said Tuesday that while Rodman has spoken several times with federal officials about labor problems in agriculture, the agency hasn't submitted a formal waiver request.

Backers of the proposal believe their new program would be helpful to commercial dairies and feedlots in western Kansas, as well as landscaping, roofing and some construction businesses. In December, unemployment rates in most of the western half of the state were less than 4 percent, well below the state figure of 5.9 percent.

"It's a good starting point," said state Senate Agriculture Chairman Mark Taddiken, a Clifton Republican. "We have a labor shortage in certain industries, agriculture being one of them, and we're turning to solve that shortage problem."

The new program proposed by the groups would create a pool of immigrant workers businesses could tap after the state certifies a labor shortage in their industries. The state would support

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individual workers' requests from the federal government for authorization to continue working in the U.S., despite not being able to document that they are in the country legally.

"The key is, these are people that are in Kansas," said Allie Devine, a Topeka attorney and former state agriculture secretary who lobbies for business owners on immigration policy. "We're asking to keep those people here, let them remain and let them work."

Utah created its guest-worker program last year, and Georgia officials were directed to study the idea. There were two unsuccessful proposals in Texas last year, and lawmakers in New Mexico, Oklahoma and Texas have proposed programs for their states. But other states with large immigrant populations, including California and Florida, don't have such programs.

Sefsaf predicted the federal government would block such efforts, just as it's tried to block laws like Alabama's and Arizona's, as encroaching on its power. Kobach agreed, calling the Kansas proposal "a legal impossibility and a political fantasy."

The proposal is not part of Brownback's legislative agenda, and he's not supporting it, spokeswoman Sherriene Jones-Sontag said.

The proposal comes only months after the state Department of Social and Rehabilitation Services enacted a new policy Oct. 1 that reduced or denied food stamps benefits to hundreds of U.S.-born children of illegal immigrants. Legislators also are pursuing several proposals to crack down on illegal immigration.

State Rep. Lance Kinzer, an Olathe Republican who's pushing proposals to crack down on illegal immigration, called the business groups' plan "amnesty" for such immigrants. He said the state — working with Democratic President Barack Obama's administration — would give legal status to immigrants "by fiat" despite their being in the U.S. illegally.

"It should make some people mad," Kinzer said. "A proposal like that, I think, is unlikely to make it through the legislative process."

The proposed program would be for illegal immigrants who have been in the U.S. at least five years and have committed no more than one misdemeanor, aside from traffic infractions. The immigrant also would have to agree to work toward English proficiency. Essentially, coalition members said, the federal government would make their deportation a low priority while they continue to work in the U.S.

Businesses would have to pay a fee of up to \$5,000, plus an additional \$200 for each worker, to tap the labor pool, and they'd have to agree to follow federal labor standards. Money raised by the fees would go to community groups to help finance English lessons, immunizations and other services.

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