

LWVMI AGRICULTURAL MIGRANT/SEASONAL WORKER POSITION UPDATE AND CONSENSUS MATERIALS FOR PROPOSED CONCURRENCE

OUR TASK

At the 2017 state convention delegates passed a motion to conduct an updated study of Section 1. B of the LWVMI Agricultural/Seasonal Worker Position. Subsequently, the state Board voted to use the concurrence process as follows:

a. State Board asks Leelanau League to:

1. Revise Section 1. B. of the LWVMI Agricultural/Seasonal Worker Position by deleting the sentence “Should allow a lawfully present, qualifying person to apply for or secure and renew a driver’s license or obtain identification card.” and substituting the sentence “Should allow a person to apply for or secure and renew a driver’s license or obtain an identification card regardless of immigration status.”

2. Provide appropriate background information and pros and cons for the proposed revision to the state Board.

b. State Board distributes revised 1. B. along with background information and pros and cons to each local League, requesting them to review the materials and decide whether to concur with the revision by a certain date.

c. Responses to the proposed concurrence would be returned to the state Board who would decide whether there was consensus on the concurrence.

d. If so, the revised position would be adopted by the state Board. It would have the same status as any other current LWVMI position.

On December 2, 2017, the LWVMI Board approved the following materials for distribution to local Leagues.

Your task is to review the materials and decide whether to concur with the proposed revision by **April 1, 2018. The LWVMI Board will then decide whether there was consensus on the proposed concurrence.**

Please send responses to Marian Kromkowski, LWVMI Vice President for Program at mfkrom@gmail.com.

This document will provide a historical introduction and information both supporting and opposing this proposed revision to the LWVMI Agricultural/Seasonal Worker Position.

OVERVIEW

At its May 2015 convention the LWVMI adopted by concurrence the position studied and passed by the LWV Leelanau County in January of 2015. The Leelanau League conducted extensive interviews and research on how best to address the continuing and evolving challenges faced by the agricultural sector to secure and sustain a viable and skilled migrant and seasonal workforce. The introduction to the current LWVMI position reads as follows:

“State and local governments should pass legislation and publicly fund programs and services that address the ongoing challenges faced by agricultural employers to recruit and retain viable, skilled migrant/seasonal farm workers. It is quality of life issues for workers and their families that draw workers in a competitive labor market. Quality of life is enhanced by safe, healthy, affordable housing; education; health care; fair treatment by law enforcement and other services provided by state and local government offices and agencies.”

Section 1.B. of the position currently provides for allowing ‘a lawfully present, qualifying person to apply for or secure and renew a driver’s license or obtain an identification card.’ Bills regarding drivers’ licenses and IDs, *regardless of immigrant status*, were introduced in Lansing in 2016 and again this year. The 2015-2016 Michigan Law Revision Commission Report On Driver’s Licenses, State Id, And Michigan Immigrants did not take a position on revisions but approved including an extensive summary at pages 59-69 in its Annual Report in order to make it available for review by the Legislature and the public.

http://council.legislature.mi.gov/Content/Files/mlrc/2015-2016MLRCAnnualReport_FINAL.pdf

Migrant/seasonal workers often run afoul of the law because they do not have valid driver’s licenses. Everyone in Michigan has to prove that they are “legally present” to get a driver’s license. Driving without a license or with a suspended license is a misdemeanor in Michigan carrying up to a \$500 fine and 93 days in jail. Drivers who were legal at one time may continue to drive on a suspended license because they cannot afford their re-instatement fees, or fines and costs associated with the conviction. Getting to work, appointments, and taking care of family needs depend on being able to drive.

Similarly, proving your identity is crucial; however, people from many backgrounds lack state sanctioned identification (e.g., driver’s license or state identification card) and, accordingly, are unable to perform simple daily tasks. Without a valid ID, you cannot prove your identity to law enforcement, cash a check, sign a lease, or even check out a book from the library.

According to data produced by the National Agricultural Workers Survey 2013-2014, U.S. Department of Labor Migrant Seasonal Farmworkers:

80% of all farmworkers were Hispanic,

47% did not have work authorization, 53% had authorization,

72% were born in Mexico, 4% were born in Central America,

59% drive to work, 14% ride with others

13% use Raiteros (drivers who transport workers to jobs, often for a high fee)

7% walk, 6% take a labor bus, 1% take public transportation (rare in rural agricultural areas).

www.doleta.gov/agworker/pdf/NAWS_Research_Report_12_Final_508_Compliant.pdf

Until 1990 no state required proof of legal status to acquire a drivers' license. Currently, 12 states and the District of Columbia grant conditional driver's licenses and ID cards regardless of immigration status. In addition, local communities are offering conditional ID cards without regard to immigration status.

A caveat: In today's political climate there is a valid fear among immigrant rights advocates that undocumented persons who seek any type of benefit afforded US citizens or persons with valid visa status may subject themselves to further scrutiny, arrest and/or deportation. Applying for a drivers' license, an ID or previously Deferred Action for Childhood Arrivals status (DACA provides lawful status for obtaining a license or ID) are wrought with risks that must be weighed by the individual, ideally after consultation with a legal advocate.

RESOURCES

DRIVERS' LICENSES

Living In Car Culture Without A License - Ripple Effects of Withholding Driver's Licenses from Unauthorized Immigrants by Sarah E. Hendricks

<https://www.americanimmigrationcouncil.org/research/living-car-culture-without-license>

Pew Charitable Trusts Research & Analysis - Impacts of Licensing Unauthorized Immigrants www.pewtrusts.org/en/research-and-analysis/analysis/2015/09/10/impacts-of-licensing-unauthorized-immigrantsanalysis

The Pew Charitable Trusts Research & Analysis - Driver's Licenses for Unauthorized Immigrants: 2016 Highlights (Addresses new programs by Hawaii and Delaware) <http://www.pewtrusts.org/en/research-and-analysis/analysis/2016/11/22/drivers-licenses-for-unauthorized-immigrants-2016-highlights>

Drivers licenses for unauthorized immigrants: Experts Discuss State Experiences <http://www.pewtrusts.org/en/research-and-analysis/analysis/2015/12/15/drivers-licenses-for-unauthorized-immigrants-experts-discuss-state-experiences>

State Laws Providing Access to Driver's Licenses or Cards, Regardless of Immigration Status (Chart with state licensing details) www.nilc.org/wp-content/uploads/2015/11/drivers-license-access-table.pdf

Deciding Who Drives: State choices surrounding unauthorized immigrants and driver's licenses www.pewtrusts.org/~media/assets/2015/08/immigrationdecidingwhodrives.pdf

IDENTIFICATION CARDS

Poor in Michigan with no ID. "I am somebody. I just can't prove it." <http://www.bridgemi.com/detroit-journalism-cooperative/poor-michigan-no-id-i-am-somebody-i-just-cant-prove-it>

Washtenaw County first in state to issue county ID cards <http://michiganradio.org/post/washtenaw-county-first-state-issue-county-id-cards>

Kalamazoo County ID: Kalamazoo College Report (detailed review on the new ID) file:///C:/Users/FOC%20Owner/Documents/Outlook%20Files/lwvlc/Kalamazoo_County_ID_Report.pdf

Detroit approves municipal ID program for homeless, undocumented immigrants

http://www.mlive.com/news/detroit/index.ssf/2016/05/detroit_approves_municipal_id.html

Campaign pushes Tucson ID for undocumented workers By Alex Devoid for the Arizona Daily Star

http://tucson.com/news/local/campaign-pushes-tucson-id-for-undocumented-workers/article_4ecf99be-4bd4-5aff-9a7c-0fc7b3465ac9.html

CONSENSUS QUESTION AND DISCUSSION

1. A person should be allowed to apply for or secure and renew a driver's license or obtain an identification card regardless of immigration status.

Agree

Disagree

No Consensus

OPTIONAL COMMENTS (250 word limit):

PRO: Arguments and support for issuing conditional driver's licenses and identification cards regardless of immigration status:

- * Enhances the ability of the LWVMI and local Leagues to advocate for a more robust position on Agricultural Migrant/Seasonal Worker issues.
- * Increases workforce and economic participation by making it easier for individuals to travel to work, shop, access health care and social services, rent an apartment, purchase insurance, open a bank account.
- * Meets agriculture sector's need for farm workers with driver's licenses.
- * Mitigates the lack of public transportation designed to get workers to job sites within the county.
- * Promotes public safety by ensuring that drivers are trained, screened and tested; law enforcement will more efficiently and effectively identify individuals they stop.
- * Widens the insurance pool and lower costs for all Michigan residents because licensed and insured drivers submit fewer claims.

- * Increases state revenue through vehicle registration and taxes on insurance premiums and car purchases.
- * Improves the quality of life by encouraging participation in community and church activities.
- * Decreases the fear factor in the work force facilitating cooperation with law enforcement.
- * Creates a positive climate for workers and makes Michigan more competitive in recruiting and retaining workers.
- * Legal advocates can apprise an individual regarding the risks associated with seeking any type of benefit generally afforded only to US citizens or persons with valid visa status.
- * Eliminates potential for fraud as it carries a distinguishing mark and a printed message explaining that it is a driving-only license and is not be used for any other purpose, such as voting or obtaining state or federal benefits.

PRO RESOURCES:

Michigan farmers want to bring back driver's licenses for migrant workers

http://www.mlive.com/business/west-michigan/index.ssf/2016/12/michigan_farmers_seek_looser_r.html

Factors Influencing Number of Alternative Driver Licenses Issued by

States <http://www.pewtrusts.org/en/research-and-analysis/analysis/2015/11/23/factors-influencing-the-number-of-alternative-drivers-licenses-issued-by-states>

States Continue to Expand Immigrants' Access to Driver's Licenses (Provides a brief review of state success in issuing driver's licenses) <https://cliniclegal.org/resources/newsletter/states-continue-expand-immigrants-access-drivers-licenses>

605,000 undocumented immigrants received drivers licenses last year (California licensing success) <http://www.dailynews.com/2016/01/27/605000-undocumented-immigrants-received-drivers-licenses-last-year/>

There's been a boom in driver's licenses issued to immigrants here illegally (California licensing success - personal comments) <http://www.latimes.com/local/california/la-me-0208-immigrant-drivers-licenses-20160208-story.html>

Lawsuit Challenging Government's Failure to Disclose Information Regarding U.S. Customs and Border Protection's Participation in Domestic Law Enforcement

Activities <https://www.americanimmigrationcouncil.org/news/lawsuit-challenging-governments-failure-disclose-information-regarding-us-customs-and-border>

CON: Arguments against allowing conditional driver's licenses and identification cards regardless of immigration status:

- * Reluctance on the part of lawmakers to modify the position requiring proof of U.S. citizenship or immigration status which became law in 2008 on the basis that those without documents have broken the law, have no right to be here and should not be rewarded.
- * Such government issued documents could lead to non-citizens voting.
- * Such government issued documents invite fraud and abuse.

* Those without documents could be more vulnerable to scrutiny, arrest and/or deportation because of data gathered in the application process.

* Advocating in the current anti-immigration climate for those without legal status may make the situation worse for agricultural migrant/seasonal workers.

CON RESOURCES:

*Driver's Privacy Protection Act, 18 USC Section 2721 (Privacy exception for any government agency to carry out its functions) https://en.wikipedia.org/wiki/Driver%27s_Privacy_Protection_Act

* How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information <https://www.nilc.org/issues/drivers-licenses/ice-dmvs-share-information>

*130K Illegal Aliens Could Receive Michigan Driver's Licenses under Proposal <http://www.breitbart.com/texas/2017/08/09/130k-illegal-aliens-receive-michigan-drivers-licenses-proposal/>

*Fearing President Donald Trump's hard-line policies, immigrant activists drop support of Phoenix ID card <http://www.azcentral.com/story/news/local/phoenix/2017/06/07/fearing-president-donald-trumps-hard-line-policies-immigrant-activists-drop-support-phoenix-id-card/323201001/>

*Why Drivers Licenses for Illegal Immigrants Undermines the Path to Citizenship <https://townhall.com/tipsheet/conncarroll/2014/01/06/why-drivers-licenses-for-illegal-immigrants-undermines-the-path-to-citizenship-n1772677>

*Should illegal immigrants be allowed to possess driver's license? <https://hubpages.com/politics/illegal-immigrants-with-drivers-licenses>

*Drivers Licenses for Illegal Aliens <http://www.cairco.org/issues/drivers-licenses-illegal-aliens>

FROM LEAGUE BASICS:

CONSENSUS: Collective opinion of a substantial number of League members, representative of the membership as a whole, after objective study of an issue.

CONCURRENCE: Agreement by League members with a position on an issue reached by a small group of members or by another League.

REACHING MEMBER AGREEMENT:

Before the League can take action, members must agree in broad terms on what they think about various aspects of the policy issue. The board usually selects the method to be used: consensus (where agreement is reached using League responses to specific questions) or concurrence (where agreement or a vote on a pre-stated position is required).

The technique most often used in the League for reaching member agreement is consensus by group discussion. It is not a simple majority, nor is it unanimity; rather it is the overall sense of

the group as expressed through the exchange of ideas and opinions, whether in a meeting of the full membership or a series of smaller discussion meetings.

Regardless of the method used, it is essential that members have an opportunity to become informed before being asked to make decisions on the issue under consideration. It is through this process that League members become educated on a given issue, and this is what makes subsequent League action on that issue uniquely credible and respected. During the study phase, members have an opportunity to examine the facts and key pro/con points. They are encouraged to discuss the political realities of action and to contribute ideas for the board to consider when it formulates an action strategy after a position is reached. If the League has a position on a given issue, action can be taken as appropriate. The issue does not need to be studied each time action is thought to be necessary.

If adopted by consensus, the Updated AGRICULTURAL MIGRANT/SEASONAL WORKERS would read as follows:

SOCIAL POLICY POSITIONS
THE AGRICULTURAL MIGRANT/SEASONAL WORKERS

Statement of Position adopted _____.

State and local governments should pass legislation and publicly fund programs and services that address the ongoing challenges faced by agricultural employers to recruit and retain viable, skilled migrant/seasonal farm workers. It is quality of life issues for workers and their families that draw workers in a competitive labor market. Quality of life is enhanced by safe, healthy, affordable housing; education; health care; fair treatment by law enforcement and other services provided by state and local government offices and agencies.

I. Local and State Law Enforcement

A. Should minimize language barriers and overcome distrust between law enforcement and the migrant/seasonal agricultural worker community by having reliable interpretation services readily available; by securing cultural awareness training for all department employees; by developing avenues to broaden communication; and by providing legal rights information to the migrant/seasonal agricultural worker community.

B. ~~Should allow a lawfully present, qualifying person to apply for or secure and renew a driver's license or obtain an identification card.~~ Should allow a person to apply for or secure and renew a driver's license or obtain an identification card regardless of immigration status."

II. Public Education

A. Local School Districts

1. Should provide a quality education and support for the children and parents in migrant/seasonal agricultural worker families.
2. Should offer English as a Second Language (ESL) for children and parents, including evening classes.
3. Should offer social programs to integrate students and migrant/seasonal families into the school community

III. Health Care

- A. Publicly funded health care services should provide day and evening hours of service, on-site interpreters and access to mental health and substance abuse services without requiring documentation as criteria for care.
- B. The migrant/seasonal agricultural worker community should be made aware of services available and how to access those services.

IV. Housing Quantity and Quality

A. Township and County Planning and Zoning Ordinances

1. Should allow agricultural labor housing year round or for three-season occupancy.
2. Should reflect consistency among township planning commissions and zoning boards to allow a streamlined permit and building process in support of quality agricultural labor housing.

B. County Governments

1. Should adopt and administer government public funding programs in support of repair and refurbishment of unlicensed agricultural labor housing.
2. Should appoint a bilingual facilitator to handle complaints to the Board of Health and Construction Code Department.
3. Should give priority to regular and timely oversight, inspection, and enforcement of health and construction standards for all area unlicensed agricultural labor rental housing.

C. State Government

1. Should increase public funding for building new or refurbishing existing agricultural labor housing.

2. Should eliminate agricultural labor housing permit and licensing conflicts between state agencies such as the Michigan Department of Agriculture and Rural Development (MDARD) and the Michigan Occupational Safety and Health Administration (MIOSHA).

3. Should expand licensing for and require inspections of agricultural labor housing with four or fewer migrant/seasonal workers.

V. County Boards, Commissions, Committees, Authorities and Non-Governmental and Not-for-Profit Agencies which receive county funds

A. Should work cooperatively with local governmental units and organizations to address the needs of agricultural employers and the migrant/seasonal agricultural worker community.

B. Should provide publications for the public in both English and Spanish for distribution to agricultural employers to be given to their migrant/seasonal workers.

C. Should have reliable interpretation services readily available.