

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

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