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SB-831 Agricultural workers: immigration: parole. (2023-2024)

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Senate Bill No. 831

CHAPTER 636

An act to add Article 9 (commencing with Section 12092) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, relating to agricultural workers.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 831, Caballero. Agricultural workers: immigration: parole.

Existing federal law, the Immigration and Nationality Act, makes certain aliens ineligible to receive visas and ineligible to be admitted into the United States, except as specified. The act authorizes the United States Attorney General to parole into the United States, on a case-by-case basis for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the United States, as specified.

Existing law authorizes the Governor to enter into specified agreements with the federal government on behalf of the state. Under existing law, these agreements concern various subject matters, including, but not limited to, health, such as the state Medicaid plan relating to the Medi-Cal program, and transportation matters.

This bill would authorize the Governor to enter into an agreement with the United States Attorney General to establish a program for the United States Attorney General to grant an agricultural employee, as defined, parole pursuant to the above-described authorization under the act, as specified. Subject to implementation of that program, the bill would require the Governor to prepare a report on the impact of the program on the 3rd year of the renewal of the program, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is soon to be the fourth largest economy in the world. This economy relies on a healthy workforce capable of meeting the needs to keep the economy strong.

(b) California is a major agricultural producing state in the United States with more than \$50,000,000,000 in agricultural annual revenue and producing over 13 percent of the United States agricultural value. California produces more than 400 commodities, including over one-third of the vegetables and three-quarters of the fruits and nuts consumed in the United States.

(c) California's agricultural sector is vital to the economy of the state, including small and rural communities. California's agricultural commodities are also exported globally. According to a study by the University of California, Davis, every dollar of

value added (labor and property income and indirect business taxes) in farming and agriculture-related industries generates an additional \$1.27 in the state economy. For every 100 jobs in agriculture, there are 94 additional jobs created throughout the state. California's ability to grow food domestically is important to maintain the health and welfare of the 40,000,000 residents that live in the state, in order to reduce the need to import food from other countries. California's agriculture contributes significantly to the state's economic well-being and is vital to its stability and growth. This business sector relies upon a stable workforce to maintain economic production and revenues. However, farmers and agricultural producers in California are struggling to find a reliable and consistent workforce.

(d) Despite the country's need for labor there are still many workers who are undocumented and not eligible to obtain a work permit due to the federal government's failure to take action. Undocumented workers are a primary workforce in agriculture despite the risk of deportation by the federal government. Additionally, undocumented agricultural workers have no access to disability benefits and social security benefits that they earn as part of their work in agriculture due to their immigration status.

(e) During the COVID-19 pandemic, our country experienced a shortage of paper products, hand sanitizer, face masks, and many other goods, but fresh fruits and vegetables were always available. Undocumented agricultural workers were classified as essential workers, yet they were ineligible to receive unemployment benefits or any other COVID-19 relief granted by the federal government and faced higher infection and death rates than other workers.

(f) California recognizes the value of undocumented workers and their families and has enacted legislation to protect their rights and integrate them into our society. California provides benefits and resources for undocumented California workers, such as disability insurance; paid family leave; Medi-Cal, Women, Infants, and Children program (WIC); as well as free or reduced school meals. California also provides resources for Deferred Action for Childhood Arrivals (DACA) recipients. There are about 590,000 DACA recipients in the United States and approximately 28 percent of DACA recipients live in California. California created the California Dream Act that allows undocumented students and DACA recipients to receive financial aid. Despite all the work California has done to protect undocumented workers, they continue to face the possibility of deportation, family separation, and lost wages and benefits due to their immigration status, all of which negatively affects California's economy, public safety, and quality of life in our communities.

SEC. 2. Article 9 (commencing with Section 12092) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 9. California Program for Agricultural Employees

12092. As used in this article, the following terms apply:

(a) "Agricultural employee" has the same meaning as that term is defined in subdivision (b) of Section 1140.4 of the Labor Code.

(b) "Parole" has the same meaning as that term is used in Section 1182(d)(5)(A) of Title 8 of the United States Code, which authorizes the United States Attorney General, on a case-by-case basis, to parole an alien applying for admission to the United States if there is an urgent humanitarian reasons or significant public benefit.

(c) "Program" means a program for an agricultural employee to be granted parole.

12092.1. To address the state's critical need for labor provided by agricultural employees, and the economic harm California faces from the uncertainty surrounding the immigration status of the state's agricultural employee workforce, the Governor, on behalf of this state, may enter into an agreement with the United States Attorney General, or the United States Attorney General's designee, to establish a program for the United States Attorney General, or the United States Attorney General's designee, to grant an agricultural employee, living in the state, parole.

12092.2. Subject to the implementation of the program, on the third year of the renewal of the program, the Governor shall prepare a report to the Legislature, in accordance with Section 9795, on the impact of the program on all of the following:

(a) The state's critical need for labor provided by agricultural employees.

(b) The state's ability to attract and maintain its agricultural employee workforce.

(c) Other effects on the state's economy.