

9 FAM APPENDIX Q, 100 SPECIAL AGRICULTURAL WORKERS

*(CT:VISA-1082; 10-20-2008)
(Office of Origin: CA/VO/L/R)*

9 FAM APPENDIX Q, 101 PURPOSE AND TEMPORARINESS OF APPENDIX

(CT:VISA-1082; 10-20-2008)

The following background information on Special Agricultural Workers (SAWs) is provided for the use of consular officers who must adjudicate immigrant visa (*IV*) applications of family members of aliens who initially acquired status under the SAW program. (See 9 FAM Appendix Q, 400.)

9 FAM APPENDIX Q, 102 STATUTORY AUTHORITY

(CT:VISA-1082; 10-20-2008)

Sections 302 and 303 of the Immigration Reform and Control Act of 1986 created two new classes of agricultural worker entrants (SAWs and *Additional Special Agricultural Workers (ASAWs)*) who were neither nonimmigrants nor immigrants in the traditional sense. These provisions were incorporated in the basic Act as INA 210 and 210A.

9 FAM APPENDIX Q, 103 SPECIAL AGRI- CULTURAL WORKERS (SAWS)

(CT:VISA-1082; 10-20-2008)

The first class consisted of individuals who had previously worked a requisite time in qualifying agricultural pursuits in the United States, sub-divided into Group 1 and Group 2 based on the extent of former agricultural employment (see 9 FAM Appendix Q, 201.1 and 9 FAM Appendix Q, 201.2). Applications for this class were to be accepted during the 18-month period from June 1, 1987 through November 30, 1988. There were delays in implementing this program, in part due to several lawsuits, which pushed back the closing date

somewhat.

9 FAM APPENDIX Q, 104 ADDITIONAL SPECIAL AGRICULTURAL WORKERS (ASAWS)

(CT:VISA-1082; 10-20-2008)

The second class (also known informally as replacement agricultural workers (*RAWs*)) was designed to allay the fears of those who thought it likely that many of the first group would leave agricultural pursuits once permanent residence was granted. It was to consist of agricultural workers to fill gaps, if any, in the agricultural work force subsequent to the end of the original program. Applications for this status were to be accepted during the three years beginning in FY-90; i.e., October 1, 1989. This program was never implemented.

9 FAM APPENDIX Q, 105 STATUS

(CT:VISA-1082; 10-20-2008)

SAWs were to be granted "temporary resident" status initially (see 9 FAM Appendix R, Temporary Resident Aliens), with the prospect of adjustment to permanent resident status at a later date. (See also Chapter 9 FAM Appendix Q, 300.)