



U.S. CHAMBER OF COMMERCE

Fixing our Broken Immigration System

House Legislation Addresses Business's Immigration Priorities

U.S. CHAMBER GOAL

Enacting legislation that transforms our broken immigration system into one that drives job creation and economic growth. The current system is indefensible and unacceptable.

SOLUTION

Immigration reform should include: 1) reforming our legal immigration system, including both green card reform and implementing workable temporary worker programs for high-skilled and lesser-skilled workers as well as the agriculture industry; 2) a federal employment verification system that is workable for employers; 3) a legal status for the estimated eleven million undocumented people here, allowing them to emerge from the shadows, creating a stable workforce; and 4) improving enforcement to protect our borders while facilitating the flow of trade and travel. **The U.S. Chamber supports legislation that takes meaningful steps towards addressing all four critical immigration priorities.**

LEGAL IMMIGRATION

Issue: Green Card Reform. Our current immigration system hinders the ability of U.S. companies to compete for the talented workers they need to thrive. Of the approximately one million new lawful permanent residents each year, only about 59,000 are issued green cards based on their skills.

Solution: Reform the legal immigration system so the workforce needs of employers are better met when sufficient numbers of qualified American workers are not located. **Making our green card system open and attractive to talented foreign workers will boost American competitiveness as well as economic and job growth.** Approved by the House Judiciary Committee on June 27, H.R. 2131, the SKILLS Visa Act, establishes a new annual pool of 55,000 green cards for foreign nationals earning U.S. PhDs and Masters in STEM fields, phases out certain family-based green card categories, and eliminates the per country caps that have resulted in lengthy wait times for many employment-based immigrants. Further steps should be taken to expand green card access by those with skills needed by our nation's economy, such as having Congress set numerical limits for sponsored workers but not the spouses and minor children of those workers.

Issue: Temporary Work Visa Reform. Existing temporary worker programs are very limited, especially the H-1B for high-skilled workers and the H-2B for seasonal or temporary need workers, and difficult to use, such as the H-2A for agriculture. Further, currently no temporary worker program exists for non-seasonal lesser-skilled jobs, even where an employer cannot find American workers.

Solution: Create workable temporary worker programs that allow employers to hire immigrants for jobs in the U.S. in accordance with the demands of the economy. **Workable temporary worker programs will promote job and economic growth – along with reducing the pressure of illegal migration.** Workable lesser-skilled and agriculture work visa programs are perhaps the only real-world alternative to unauthorized migration and, therefore, are key to border control and protecting our national security. *High-skilled:* H.R. 2131, the SKILLS Visa Act, increases the number of H-1B visas from 65,000, with an additional 20,000 set aside for U.S. graduate degree holders, to 155,000 plus 40,000 for Masters and PhD graduates of U.S. universities in STEM fields. The House approach tightens the required wage rules for hiring foreign workers to ensure Americans get the first crack at jobs, but ensures employers have access to private surveys to identify the required wages. *Lesser-skilled:* There must be a means to lawfully hire foreign lesser-skilled workers when Americans are not available in sufficient numbers, because the highest number and percentage of job growth in the U.S. through 2020 is expected in low and moderate skill jobs that cannot be mechanized

or outsourced. *Agriculture*: Approved by the House Judiciary Committee on June 19, H.R. 1773, the Agricultural Guestworker Act, proposes a new temporary foreign worker program in agriculture, redefining agriculture to include dairy as well as meat and chicken processing; however, further related issues must be tackled to address mutual concerns of growers and workers.

ENHANCED EMPLOYMENT VERIFICATION SYSTEM (E-VERIFY)

Issue: There is no national mandate to use the E-Verify system, which many think is the best way to verify that employers are hiring lawful workers. However, some states and locales have begun to establish their own employment verification schemes, creating a patchwork of inconsistent and unclear mandates for employers. This is burdensome for employers doing business in more than one state or locality and for small businesses that do not have the resources to monitor varying requirements.

Solution: Create clarity and consistency for employers in a workable employment verification system. Doing so would both turn off the “job magnet” by discouraging immigrants from coming and/or staying here illegally, and promote respect for the rule of law. Approved by the House Judiciary Committee on June 26, H.R. 1772, the Legal Workforce Act, creates a uniform, national, and modernized policy regarding employment verification, including a mandate for all of the nation’s employers to use E-Verify for new hires, on a phased-in basis. Critically, the bill includes strong preemption language of state and local laws that currently mandate the use of E-Verify or establish state or local investigation or enforcement schemes. It also creates a clear safe harbor for good faith efforts by employers and requires private employers to only verify new hires (not reverify their entire workforce). The House bill ensures that employers will no longer be investigated or fined when they act in good faith. In addition to redefining the good faith defense, H.R. 1772 also establishes a good faith compliance standard, ensures there are no obligations beyond the direct employer-employee relationship, establishes that the government must provide an integrated single employment verification obligation (integrating the I-9 process into E-Verify) available fully electronically as well as telephonically, recognizes that further work must be done regarding identity authentication, and avoids any new obligations for federal contractors.

EARNED LAWFUL STATUS

Issue: More than 11 million undocumented immigrants are estimated to be residing in the U.S. Neither deportation nor self-deportation of these folks is realistic, and ignoring this issue will not make it go away.

Solution: There must be a workable means for people who are currently undocumented to come out of the shadows, without creating a permanent underclass of people prohibited from earning citizenship. Providing an opportunity for the undocumented to earn legal status, after paying a fine, learning English, and complying with other strict criteria, is important for employers to ensure a stable workforce, in light of estimates that in excess of seven million undocumented workers are interwoven into the nation’s workforce. Moreover, an earned legalization program – including a requirement that all undocumented persons successfully complete criminal background checks – will “shrink the haystack” and allow law enforcement to be more strategic, and effective, in looking for dangerous foreign nationals who should be removed, thus enhancing national security.

BORDER CONTROL

Issue: Consensus on how to control our nation’s borders and how to measure the achievement of sufficient border security has been elusive. Clearly, our national security requires we take further steps toward border security but we can neither adopt an “enforcement only” approach nor can we support a tactic of using “enforcement first” before considering any other immigration reforms.

Solution: H.R. 1417, the Border Security Results Act, bipartisan legislation reported out of the House Homeland Security Committee on May 15 by voice vote, builds upon past improvements at the border by addressing metrics for measuring control and issues related to surveillance, technology, and personnel.

