

Senate Bill on Immigration and its Workforce Implications

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“A camel is a horse designed by committee.”

Alexander Issigonis

The Senate bipartisan immigration reform bill addresses both economic security and border control. But in cobbling together the several strands of often mutually inconsistent ideas, the result is a legislative camel: it may get you where you want to go, but it is not pretty. Two key proposals addressing America’s workforce needs – the guest workers provision and the “points” system favoring highly educated workers – are especially unattractive.

In virtually every region of the United States, immigrants provide necessary labor. There are too few “native born” workers to support the economy, much less grow it. Although immigrants are overrepresented in low-wage, low-skill jobs, it is not because people born here are unwilling to do the same work. In many communities, unfilled jobs are in industries where employment overall is growing rapidly and where local labor cannot expand fast enough to keep up.

The guest worker proposal attempts to meet this demand without recognizing the human dimensions of the challenge. It would restrict guest workers from working more than two consecutive years at a time: they must return home for a year before seeking another two-year job, and cannot work for more than six years altogether. Guest workers are also discouraged from bringing their families. The effect will be an influx of workers with no attachment to their communities and few work incentives because advancement is not possible. The bill fails to reflect the realities of the workplace and ignores the fundamental need to be with one’s family.

The bill will cause employers to turn over their immigrant workforce every other year, losing many of their best workers in the process. On the other side, guest workers will have no practical recourse in the event that they experience substandard working conditions. Although the bill permits workers to change employers, they may only do so without any interruption in employment and only when the new employer has obtained the same certifications as if the business was hiring new guest workers outright.

The Senate bill also shifts U.S. policy in the direction of Canada and Australia by encouraging immigration by the world’s best and brightest. The bill seeks to meet the demand for workers in projected high growth occupations and industries with demonstrated shortages, such as health care. On the surface, this makes sense, especially in light of global competition for competent talent. But, here again, the details are not pretty.

The U.S. must get much better at employing internationally-educated workers in jobs commensurate with their skills if a skills-based policy is to work. Many of us have met a cab driver who was a medical doctor or a hotel desk clerk who was an engineer “back home.” In 2005, Ilana Akresh, a researcher at the University of Illinois, estimated that within one year of receiving authorization to work in the U.S., fifty percent of immigrant workers experienced downgrading in their jobs when compared to their last jobs overseas. Unfortunately, there is nothing in this legislation that addresses this mismatch.

We must also get better at identifying our labor needs. The proposal relies on the federal government to determine where and to what extent the U.S. has not produced sufficient workers to meet employer demand. Can we trust the government to make these judgments? Remember last decade’s projected shortage of IT workers and the subsequent dot-com bust? The legislation lays out a detailed points structure that uses the same methods that led to those inaccurate projections in the 1990s. This time, failure will cost the economy dearly.

Finally, immigrants form new enterprises at a rate that exceeds that of native-born Americans. The bill does very little to encourage immigration by those who are willing to start businesses and employ American workers. In favoring those who are offered jobs working for others, the Senate plan may inadvertently discourage the most creative from emigrating to the U.S.

How do we achieve an immigration policy that is a thoroughbred rather than a camel? First, the guest worker provisions should be rewritten to promote long-term attachment to employment, family unity, and integration of workers into the community. Second, immigrant workers must be afforded the same rights as native-born workers to challenge unfair wages and working conditions without fear of deportation. Giving immigrants these rights protects all workers, especially the most vulnerable, by stopping employment exploitation. Third, the policy should assist internationally-educated immigrants to obtain jobs and start new businesses that are linked to their skills and experience. And, fourth, we must step back from enshrining a specific points system and require, instead, that the proposed Standing Commission on Immigration and Labor Markets design a system that truly addresses America’s economic needs.