



## AILA's Take on Business Issues in S.744

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Contacts: Greg Chen, [gchen@aila.org](mailto:gchen@aila.org); Bob Sakaniwa, [bsakaniwa@aila.org](mailto:bsakaniwa@aila.org)

American businesses, communities, and families are all affected by the shortcomings of our outdated immigration laws. The Senate immigration bill, S.744, which passed out of committee on May 21<sup>st</sup>, presents the best opportunity in decades to effectuate a lasting solution. As reform moves forward, the American Immigration Lawyers Association (AILA) urges Congress to enact the best possible law that meets our nation's needs.

S. 744 contains several positive reforms for businesses, especially in the permanent immigration context (i.e. green cards). However, for temporary immigrants (H-1Bs and L-1s), the bill creates new requirements that would needlessly complicate employers' ability to obtain critical employees.

### **S. 744 reflects an understanding of how foreign workers can benefit our economy by:**

- Focusing the annual numerical limits for green cards on the workers themselves and exempting those in categories already known to create jobs;
- Raising the limits on H-1Bs to levels that are closer to the realities of today's marketplace;
- Eliminating nonsensical and discriminatory limits on visa numbers based on country of origin;
- Providing visas for innovators who can attract investment and create jobs in the U.S.;
- Recognizing the important place foreign physicians occupy in our healthcare delivery system by reforming the Conrad 30 program and making it permanent.

### **Employment-based provisions of S. 744 were improved by the Senate Judiciary Committee, but some elements should be examined further:**

- Highly-skilled immigrants complement their native-born peers and work side-by-side with them. The bill requires that many foreign workers be paid significantly more than their U.S. peers, and as a result, will likely generate resentment among American workers.
- The Judiciary Committee markup added a requirement for all H-1B employers to first recruit U.S. workers and deleted an unworkable job offer requirement for most H-1B employers.
- The bill now includes an unworkable and clunky internet recruitment process for H-1Bs to be designed by Department of Labor (DOL).

As S. 744 moves to the Senate floor, AILA recommends opposing amendments to S. 744 that would further encumber business's ability to hire certain foreign workers. The law needs to be workable for employers of all sizes. Small businesses, while lacking deep pockets, are the fuel of our economy and need realistic access to the talents that can help them grow.