

TALKING POINTS

BUSINESS IMMIGRATION REFORM IS NECESSARY EVEN DURING THE ECONOMIC DOWNTURN

YOU DON'T FIX THE BRIDGE DURING RUSH HOUR

Creating legal channels to funnel economic migrants is more manageable when there is less pressure on the border and at the worksite. It gives policymakers the economic and political space to carefully establish a fair and flexible legal framework for admitting future migrants.

LEGAL IMMIGRANT WORKERS CONTRIBUTE TO OUR ECONOMIC SECURITY

Effective business immigration that will provide a needed boost to our economy requires immediate reform of our current immigration system. The current business immigration system is completely outmoded. It does not serve the interest of enticing and retaining the "best and the brightest." Nor does it address long-acknowledged shortages in various industries and geographic regions.

To address the serious flaws in our current business immigration system we need the following elements to be part of any reforms:

- Highly streamlined temporary-to-permanent processes for professional immigrants sought by U.S. employers in the fields in which U.S. educational institutions are not providing sufficient U.S. workers, including science, technology, engineering and mathematics.
- Provide legitimately needed level of visas to replace unlawful migration channels.
- Targeted, well thought out programs to address long-term shortages and help our nation's health, education and well-being, whether the occupations are viewed as "professional" or "skilled," such as nurses, nurse assistants, home health care aides and teachers.
- Labor market protections that promote hiring qualified U.S. workers for vacancies and protect wages and working conditions of all workers, but that recognize and respect the real-world recruitment in which employers regularly engage to obtain employees with needed skills without regard to national origin.
- A program for temporary professional workers that recognizes the fact that the need for such workers is market-driven, and that artificial and static caps are detrimental to our economy.
- New temporary and permanent immigration categories that recognize the contributions and accomplishments of foreign nationals that are beyond a bachelor's degree, but not quite extraordinary ability and international renown.
- Elimination of employment-based immigration backlogs, which only freeze employer-employee relationships and prevent talented individuals from progressing to their highest level of professional activity.
- Carve-out of dependents from employment-based visa caps, to ensure that all visas under the cap go to employees needed by U.S. employers.

- Reasonable, efficiently-managed programs that will assist small businesses, in areas such as innovative technologies and alternative energy development, in accessing and retaining key foreign talent, whether through a broadening of the standards for national interest waivers or through other avenues.

THE CURRENT CONCEPT OF AN IMMIGRATION COMMISSION IS FLAWED

Some have advocated for the creation of an immigration commission to set binding immigration levels controlling the future flow of foreign nationals who may enter the U.S. The commission concepts that have been proposed thus far have serious drawbacks:

- **The idea for a standing commission on immigration and labor markets remains too amorphous conceptually.** Sufficient oversight and enforcement of current labor protections must be a critical goal, but such a commission would add a layer of national-level determinations of local labor market needs. This would make the system more complex rather than simplifying a process that is burdensome for employers in need.
- **The notion of a small group of individuals who would assess labor market data and then set immigration levels based upon that data is completely untested, and potentially dangerous.** The use of government commissions to determine policies is rarely insulated from political pressure.
- **Labor data available through U.S. government sources is updated only every two years.** The data is backward looking and not equipped to assess our current and future needs. Before any type of commission could work, we need to develop an effective, real-time measurement of the evolving needs of business and the U.S. economy. Otherwise, any determinations made by such a commission would be outdated almost before they can be implemented.
- **The needs of employers for unique or highly skilled labor are often the bellwether of future larger trends as new technologies transform the labor market.** Moreover, employers often seek very specific skills, not generic ones. General labor statistics will not reflect these needs. However, a real-time market based system, allowing employers to demonstrate the immediate absence of needed skills, can.

FUTURE FLOW PROJECTIONS REQUIRE ACCURATE DATA COLLECTION

The domestic and international forces that impact our country's need for immigrant workers are extremely complex. The ability to gather reliable data to predict future labor needs as well as future influx of immigrants is crucial to our nation's ability to have a flexible, rational context for the setting of appropriate immigration levels. While Congress does have the responsibility to set appropriate levels of immigration, it would be helpful to establish a taskforce of experts in the areas of world migration patterns, demographics and labor economics, to perform long-term studies of issues and emerging trends. Key issues to study include:

- Census data on U.S. birth rates over the next 5, 10 and 20 years, as well as the aging of the U.S. population.
- Rates of graduation from high school and percentages of high school students attending college across the U.S.
- Numbers of U.S. citizens and permanent residents who will graduate from university-level programs in science, technology, engineering and mathematics, as opposed to other disciplines, over a specific period of time.
- Future potential labor shortages by industry, occupation and U.S. geographic region.
- Future need for foreign direct investment to spur economic growth by U.S. geographic region.
- Whether our nation's economic needs would be best served by moving some employment-based immigration functions and/or programs to government agencies that are charged with increasing the nation's economic stability, such as the Department of Commerce.
- Whether Congress should consider certain immigration-related incentive programs to encourage foreign nationals studying in particular disciplines in the U.S. to remain in the U.S. to work in a particular capacity in a specific geographic region.
- Whether the current distinctions between professional workers, skilled workers and unskilled workers provide the appropriate paradigm through which future U.S. labor needs should be addressed.
- World demographic, natural or socio-economic changes that may be predicted to have an impact on the flow and source of immigration to the U.S.