

Creating a Workable Future Flow Program in Senate Immigration Bill

Day Two of Senate Mark-Up Will Tackle Trickiest Part of Reform

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Washington D.C. - Tomorrow, the Senate Judiciary Committee continues “mark-up” of S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act. The Committee will take up amendments related to Title Four, which addresses the majority of non-immigrant, temporary visas including those for high and less skilled immigrant workers, entrepreneurship and innovation programs, and a range of miscellaneous visitor visas. Title Four became one of the most intensely negotiated portions of the Gang of 8 bill, in part because issues regarding the future flow of immigrant workers strike at the heart of broad differences in opinion about how we supplement the American workforce through immigration.

Inherent in this debate are deeply nuanced questions about the best way to create a competitive business climate that does not undermine worker rights and protections, as well as the need to promote and encourage innovation and growth through immigration. The Gang of 8 should be applauded for tackling this enormous challenge and crafting solutions that attempt to address these concerns. This makes the bill significantly different from what was adopted in 1986—when a legalization program went forward without tackling the question of how to regulate the future demand for workers.

In this section of the bill, perhaps more than anywhere else, there will be disagreement about the best way to achieve a balance in S. 744 as it is readied for debate before the full Senate. In order to develop a smart and fair future flow program, Senators should keep in mind the following principles:

- The United States needs a workable, efficient, and flexible immigration system that responds to the rapidly changing demands of a 21st century economy, technologies, and migration patterns. People live and work and innovate in ways that are different than they were twenty years ago, and yet our immigration system continues to operate on a series of static quotas and rigid requirements that ignore advances in every sector of our economy and the way we live today.
- We can and should protect the wages and working conditions of all workers without creating a system that assumes that any businesses that employs foreign workers will exploit them. Punitive measures and more intensive government oversight should be reserved for those who have broken the rules.
- Employers can and should be required to show that they have made a legitimate and good faith effort to hire U.S. workers, but they should not be required to submit to rigid, bureaucratic rules that bear no relationship to business reality.
- Immigration levels should rise and fall based on the ebb and flow of our economy and the changing dynamics of our labor force. To achieve this, the system cannot be rigidly tied to broad, national employment levels or economic indicators that do not accurately reflect economic reality at the local level or within specific industries.

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