



Taking Action on Immigration

Realistic Solutions for Fixing a Broken System



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I. Introduction

America is a nation of immigrants. It is also governed by the rule of law. Today's U.S. immigration system fails to honor those values. Eleven million immigrants live in the United States illegally, and legal channels for immigration fail to meet the needs of the U.S. economy.

The time has come for realistic immigration solutions that will both strengthen national security and boost economic growth. America needs an immigration system that places more resources toward enforcement of laws, produces a more dynamic and skilled labor force, and enables U.S. businesses and workers to compete more effectively in the global marketplace. Getting reform right is essential to a healthier economy — accelerating growth, encouraging hiring and creating jobs.

That is why, as American business leaders, the Business Roundtable proposes common sense solutions that will better secure U.S. borders; provide for consistent enforcement of laws; and encourage immigrants to come here legally, work hard and contribute to America.

II. Improving Security and Enforcing Immigration Laws

With 11 million unauthorized immigrants, the United States must do a better job of securing the borders and enforcing immigration laws. Increased border enforcement has helped bring illegal entry to the lowest levels in two decades — yet a weaker economy has contributed as well, and as economic conditions improve, illegal immigration will grow more attractive unless additional enforcement provisions are put in place. That is why the Business Roundtable proposes that the U.S. government:

Eliminate the magnet of illegal employment. The Pew Research Hispanic Center estimates that 5 percent of the American workforce is not authorized to work.¹ American business leaders are ready to participate in a nationwide electronic system for verifying the eligibility of every new hire in the United States.

Proposed solutions include:

- ▶ *Phasing in mandatory compliance with the current electronic employment verification system for all new hires after the unauthorized workforce and temporary worker programs have been addressed and only after DHS certifies that the database supporting this verification system is at least 99.5 percent accurate. Failure to comply would result in appropriate penalties.*
- ▶ *Ensuring a single nationwide standard for use of this system by pre-empting relevant state laws.*
- ▶ *Protecting employers that are using the system in good faith from legal action that may result from complying with it.*

Pursue more effective strategies to secure American borders and ports of entry. According to the U.S. Department of Homeland Security (DHS), only 15 percent of the southern border is secure, and only 44 percent of that border is under operational control.

¹ Jeffrey Passel and D'Vera Cohn, Unauthorized Immigrant Population: National and State Trends, 2010, Pew Research Hispanic Center, www.pewhispanic.org/2011/02/01/v-workers.

Proposed solutions include:

- ▶ *Mandating additional physical and surveillance resources* as appropriate to meet ongoing security needs.
- ▶ *Authorizing the U.S. government to enter into immigration enforcement agreements* with foreign countries to ensure cooperation in limiting illegal immigration from those nations. Citizens of countries that participate in enforcement efforts could then become eligible for additional permits to work legally in the United States.
- ▶ *Increasing penalties* for criminal violations related to human smuggling.
- ▶ *Improving and expanding ports of entry* to increase the capacity for detecting violations and to reduce waiting times.
- ▶ *Finalizing the entry-exit data system* at air and sea ports of entry to identify visa overstays.

Provide for consistent and effective enforcement of immigration laws across the country. Local law enforcement officials in fewer than 100 counties across the United States are currently trained to directly verify the immigration status of criminals they apprehend or already hold in custody. Local communities also lack confidence that criminal immigrants who have been apprehended and turned over to federal officials will not be released back into the community.

Proposed solutions include:

- ▶ *Streamlining the legal process* to ensure that criminal immigrants in the United States who are identified and properly detained are not released back into the community.
- ▶ *Facilitating the ability of local law enforcement across the country to determine electronically the immigration status of individuals* they arrest for criminal offenses, and enabling local law enforcement to work more effectively to support federal immigration authorities to remove from the United States those who are here illegally.

III. Welcoming Legal Immigrant Workers To Contribute to America

It is important that legal channels of immigration meet U.S. economic needs, especially as enforcement of immigration laws improves. America has a long history of welcoming immigrants who contribute to our society, and our economy has benefited from their knowledge, skills and hard work — particularly in the high-demand science, technology, engineering and mathematics (STEM) fields.

Under current U.S. law, foreign-born workers must be as well paid as their American counterparts to prevent exploitation and remove any hiring preference for immigrants over Americans.

An immigration system that meets our economic needs will not only allow needed workers to come here today but also adjust to our changing economy each year based on objective data. The last major law to reform legal immigration was enacted in 1990. We cannot wait that long again to adjust immigration limits as different economic sectors fluctuate. That is why the Business Roundtable proposes that the U.S. government:

Increase the number of highly educated immigrants permitted to work legally in the United States each year. Studies show that highly educated, foreign-born professionals are net job creators. Low quotas for both H-1B temporary visas and permanent residence green cards are the primary problems for employers seeking to hire high-skilled foreign nationals. Visa shortages and long waits created by the current law lead highly sought-after world talent to either leave America or choose to remain overseas and work for foreign competitors.

Proposed solutions include:

- ▶ *Increasing the number of H-1B visas and exempting from the annual cap H-1B workers who have degrees in needed fields from U.S. universities.*
- ▶ *Allowing individuals with advanced STEM degrees from U.S. universities to immediately qualify for a green card to work and live in the United States. A high percentage of STEM graduate students at U.S. universities are foreign born, and America would benefit from encouraging them to stay and work here.*

- ▶ *Reducing the employment-based green card backlog* by “recapturing” unused visas caused by processing delays from prior fiscal years, exempting the dependents of those sponsored from counting against the annual quota and eliminating the per-country limit. Employers often wait several months to hire outstanding individuals and foreign-born scientists, and many engineers and researchers wait a decade or more just to receive a green card.
- ▶ *Maintaining flexibility in the high-skilled visa categories* by avoiding overly bureaucratic rules that inhibit access to skilled workers.
- ▶ *Granting highly educated individuals more flexibility for themselves and their spouses*, including by:
 - Allowing H-1B visa holders to move between employers more easily;
 - Allowing spouses of H-1B visa holders to work;
 - Permitting high-skilled visa holders to renew their visas from within the United States, subject to appropriate security precautions; and
 - Enabling foreign students to pursue a green card while on a student visa.
- ▶ *Creating a new visa classification for immigrant entrepreneurs*. Those who are prepared to invest resources in the United States and are contractually bound to employ Americans are by definition job creators and should be welcomed.

Establish a workable legal system for those who may not have higher education but are needed for specific sectors, including agriculture, hospitality and construction. Under current law, there is no visa category for foreign workers to legally work in the United States on a year-round basis in these areas. Additionally, the current seasonal agricultural visa program and other seasonal work programs are either insufficient to meet current needs or too bureaucratic to work efficiently. As employers comply with new requirements for the electronic verification of work eligibility, the legal immigration system must meet these needs today and in the future.

Proposed solutions include:

- ▶ *Creating a new visa classification for long-term, nonseasonal workers.* Such workers would be protected under U.S. employment laws and have “portability,” meaning they could leave to work for any employer that complies with the requirements of the program. The annual limit on less-skilled workers should fluctuate based on market forces, and workers should be able to earn green cards if they succeed in America.
- ▶ *Expanding the current H-2B temporary visa program for seasonal workers to meet current demand.*
- ▶ *Creating a new temporary agricultural worker visa program* administered by the U.S. Department of Agriculture that would allow workers to move easily between employers. Immigrants living in the United States illegally who have passed appropriate background checks, have worked in agriculture and continue to do so could become eligible for a green card based on their work in that industry.

IV. Finding a Solution for Unauthorized Immigrants and Integrating Immigrants into Society

Of the 11 million unauthorized immigrants in the United States today, close to two-thirds have been living and working in the United States more than a decade, according to DHS. It is unrealistic to expect such a large number of people who have set down roots to leave voluntarily, and deporting them would disrupt the workforce, harm the economy and cost billions of dollars. While there must be a penalty for breaking the law, a realistic solution requires a tough but fair way for immigrants who contribute to America to earn the right to stay and work in the United States.

Speaking English and understanding our history and system of government are the backbone of citizenship and American society. Those who are permitted to stay and all prospective citizens should learn English and civics, just as so many have done in the generations before them. A single common language not only improves societal cohesion but also makes it easier to do business. That is why the Business Roundtable proposes that the U.S. government:

Allow those unauthorized immigrants already residing here to come forward, pay a penalty and earn a legal status. This would permit them to remain in the U.S. permanently and work and travel freely.

Proposed solutions include:

- ▶ *Requiring applicants to undergo a series of requirements before qualifying, including security screening, registering for selective service, admitting to wrongdoing, paying a fine, and acquiring the requisite knowledge of English and U.S. civics.*
- ▶ *Permitting spouses and minor children to enter the United States to be reunited with the principal applicants.*
- ▶ *Enabling individuals who entered the United States as minors (under age 18) and who have been educated in U.S. schools to qualify for green cards, subject to appropriate screening and restrictions.*

- ▶ *Ensuring that those who qualify for the option to earn their citizenship do not “jump in line” ahead of legal immigrants who did not violate U.S. immigration laws.*

Facilitate the integration of immigrants into American society through incentives and programs designed to encourage the learning of English, civics and American history.

Proposed solutions include:

- ▶ *Creating a public-private foundation to which private companies could contribute to educate immigrants on the values and responsibilities of citizenship and dedicating resources for adult education.*
- ▶ *Providing grants to help prospective citizens learn English.*



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