UNIONS UNITE TO SUPPORT COMPREHENSIVE IMMIGRATION REFORM

By

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For many years, Big Labor saw illegal immigration as a substantial threat to the interests of their "constituents"—the American worker. Now, Big Labor has run the numbers and determined that throwing its support behind immigrant workers will ultimately pay off in attracting a new group of potential dues-paying union members. In doing so, however, Big Labor must walk a delicate tightrope to avoid alienating its traditional base of support.

On April 14, the two primary labor federations in the United States, AFL-CIO and Change to Win, published a joint plan to push for comprehensive immigration reform legislation that would both protect U.S. workers and "reduce the exploitation of immigrant workers and reduce employers' incentive to hire undocumented workers rather than U.S. workers." Labor's joint plan comes on the heals of an announcement by President Obama who, on April 10, 2009, said that he considers comprehensive immigration reform to be a key legislative priority.

Given the amount of influence Big Labor is wielding in Congress, its agenda offers some guidance to employers on the direction the legislative debate will go. The joint report by AFL-CIO and Change to Win includes five major principles that Labor believes to be essential in any comprehensive immigration reform bill. These principles are:

1. Establishing an independent commission to assess and manage the future flow of immigrant workers, based on labor market shortages.

2. Legalization of undocumented workers already present in the United States.

3. Creating a secure and effective method of worker authorization.

4. Improving current guest worker programs, but not expanding those programs.

5. Created a "rational" operational control of the border.

The Labor Federations' report states that the "independent commission" model for monitoring the future flow of immigration is a key component to its support of immigration reform legislation. Under this model, an independent commission would be appointed to determine labor market need for both temporary and permanent employment visas based on a methodology approved by Congress. The premise of the independent commission is to address what many see as the great failure of the current employment-based immigration system – immigration quotas for certain visa categories are set arbitrarily by Congress, often as a product of political compromise without regard to real labor market needs. Nursing, for example, is an

area that has been underserved by the current immigration process. The Joint Commission on the Accreditation of Healthcare Organizations has reported that there are more than 150,000 vacant nursing positions in the country, creating a substantial burden for our Nation's healthcare system. Our current immigration system, however, does not recognize nursing in most circumstances to be a "specialized occupation." Consequently, most foreign-born nurses (even those who received training in the United States) are not able to qualify for temporary work visas like the H-1B visa. While foreign-born nurses receive priority for permanent residency application (the "Green Card"), the waiting period for Green Cards is several years, thus making this avenue unavailable for many healthcare employers as a practical matter.

The U.S. Chamber of Commerce has opposed the commission process advocated by Big Labor as politically problematic. Certainly, Big Labor would advocate for the appointment of commission members with a Labor background to give unions control over the flow of immigrant workers in different employment categories. As always, the devil will be in the details. Hopefully, the U.S. economy will rebound sooner, rather than later, and continue to be a magnet for attracting the best minds and workers in the world.