



BNA DAILY LABOR REPORT

Immigration: GUESTWORKER PROGRAMS NEED REFORM AS PART OF LARGER OVERHAUL, PANELISTS SAY

By Derrick Cain

October 26, 2009, Monday

Current guestworker visa programs need to be overhauled as part of a comprehensive approach to reforming the nation's immigration system, panelists said Oct. 23 during a program sponsored by the Woodrow Wilson International Center for Scholars.

Speaking during a session about "Fixing a Broken Immigration System: Historical and Contemporary Perspectives on Reform," Tamar Jacoby, president of Immigration Works USA, said she is trying to mobilize employers who hire documented workers and undocumented workers.

"I thought they were in the best position to make the case [for visa reform] to center-right lawmakers," Jacoby said. "The employers I work with have a stake in getting immigrant employment on legal footing."

Jacoby said there are "plenty of bad actors" among employers that abuse immigrant workers, but said, "Is what percent good guys?"

She quoted the Social Security Administration as stating that 75 percent of undocumented workers "are going through the paperwork, paying taxes."

Jacoby said the immigrant workers are filling niches that are not filled by U.S. workers. She said that in 1960, 50 percent of men dropped out of school to look for low-skill jobs, and that currently, 10 percent of men do so.

Current visa quotas are not meeting market demand, she said, and should be directly tied to market demand.

"Not an open border," she said. "Quota levels that float up and down based on market need. We need an adequate supply of legal workers."

Jacoby advocated creating a provisional visa that could potentially earn an immigrant the right to citizenship. She envisioned a less complex visa application process.

"Over-regulating employers is not going to solve the problem," she said. "We need to push back nativism."

Transnational Labor Visa Proposed.

Jennifer Gordon, associate professor at Fordham Law School, said she viewed the guestworker programs "from the perspective of caring less about the status of a worker and more about the wages and a safe working environment."

Currently, an employer must sponsor an immigrant worker to receive a work visa. Gordon said that arrangement needs to be scrapped because it leads to the "most exploitation" with employers.

Instead, Gordon proposed a "transnational labor visa" which would serve as an agreement between countries. A worker who wants to emigrate for purposes of work would have to do the following: join an independent organization of workers in his or her home country; join an independent organization of workers in the host country; and take an oath not to take less than the prevailing or minimum wage and to report employers who do not pay such wages.

"The core idea is to look how the current system undermines immigration," Gordon said. "This would make it simple for employers to get workers, but at fair wages."

No New Deal Here.

David Bacon, senior fellow at the Oakland Institute, said undocumented workers do not get disability pay, do not get unemployment insurance benefits, and 300,000 of these workers were incarcerated on immigration-related charges in 2008.

"For people without papers, the New Deal never happened," Bacon said. "[The Homeland Security Department's Immigration and Customs Enforcement] is punishing workers who make more [money], who are more visible."

Bacon said the government should stop putting undocumented workers through the criminal process, and should dismantle holding facilities.