



**STATEMENT**  
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## A FIRST STEP

*Washington – The bipartisan Gang of Eight Senators working to craft comprehensive immigration reform appeared to reach tentative agreement this weekend on a new visa program for less skilled immigrants. IW president Tamar Jacoby made the following statement.*

This is an important moment – a first step down a historic path.

Under current law, the United States has no visa program – and we've never had one – for less-skilled immigrants working in year-round, nonfarm jobs. Our economy couldn't function without them: the hospitality, construction, cleaning and maintenance, food processing and food-service industries would all be severely hobbled and in some regions come close to collapse. So it's long past time we created a way for these workers to enter the country and work legally.

The deal announced this weekend by members of the Gang of Eight is a critical breakthrough. It's a thoughtful, innovative package – vital bipartisan recognition that we need a visa program for less-skilled foreign workers to fill jobs when there are no willing and able Americans.

But there's still work to be done. It's no secret: the negotiations were difficult. Labor unions skeptical that the U.S. needs a less-skilled worker visa program had an outsized influence on the process. The Republican Senators in the Gang of Eight did the best they could under the circumstances. But the deal is skewed by union demands – and several of its most ingenious, most thoughtful elements will not work as intended on the ground, primarily because the program is too small.

The stakes could hardly be higher: without a workable temporary visa program, the nation can have no hope of ending illegal immigration.

An overwhelming majority of the 11 million unauthorized immigrants living in the U.S. today would rather be here legally. They came and stayed illegally only because, when work beckoned, there was no lawful way for them to enter the U.S. And if we fail to create a legal way in today, in 10 or 20 years we're going to find ourselves in exactly the same predicament – wondering what to do about a *new* 11 or 12 or who knows how many million unauthorized immigrants.

The new blueprint has much to recommend it. It bears little resemblance to conventional temporary worker programs. Willing employers and willing workers will interact freely as in a normal marketplace: workers can quit and move from job to job within the program. And although the number of visas available will be capped by an annual quota, employers who still cannot fill empty positions can pay extra to hire workers to keep their businesses running and contributing to the economy.

But the proposed visa program is much too small to meet U.S. labor needs – now or in years ahead.

Recent history makes the point. In the early 2000s, when the economy was booming, more than 350,000 unauthorized immigrants entered the U.S. every year to work. Even in 2011, with the economy still sluggish and uncertain, the number was 150,000. But the new program will start by admitting only 20,000 workers a year and will never, no matter how robust the economy, issue more than 200,000 visas annually.

That won't be nearly enough to replace illegal immigration.

In theory, the program will automatically adjust in size in response to economic circumstances, growing in good times when more workers are needed and shrinking in down times, when more Americans are seeking work. But the formula that's supposed to drive this rise and fall is poorly designed – so dependent on national economic data and Washington bureaucrats that it's unlikely to be responsive to the reality of changing needs in the myriad, diverse local labor markets that make up the U.S. economy.

Also troubling, the program proposes to pick economic winners and losers, singling out the construction industry for special quotas within quotas and barring access to medium-skilled labor. Together, these restrictions could severely limit construction growth in the years ahead – just as the industry is poised to take off and drive the rest of the economy to full recovery.

The Gang of Eight blueprint is a solid beginning, but there is more work to be done. ImmigrationWorks looks forward to working with the Gang of Eight and with other members of Congress, in the House and the Senate, to enact a workable visa program that incorporates the many good ideas in this first draft.

**ImmigrationWorks USA president Tamar Jacoby can be reached for comment at 202 480-2076.**

*ImmigrationWorks USA is a national federation of employers working to advance better immigration law. The network links major corporations, national trade associations and 25 state-based coalitions of small to medium-sized business owners concerned that the broken immigration system is holding back the nation's economic growth. Their shared aim: legislation that brings America's annual legal intake of foreign workers more realistically into line with the country's labor needs.*