

RESOLUTION 11

The Labor Movement's Principles for Comprehensive Immigration Reform

Submitted by the Executive Council
Referred to the Legislation and Policy Committee

IMMIGRATION REFORM is a component of a shared prosperity agenda that focuses on improving productivity and quality; limiting wage competition; strengthening labor standards, especially the right of workers to organize and bargain collectively; and providing social safety nets and high-quality lifelong education and training for workers and their families. To achieve this goal, immigration reform must fully protect U.S. workers, reduce the exploitation of immigrant workers and reduce employers' incentive to hire undocumented workers rather than U.S. workers. The most effective way to do that is for all workers—immigrant and native-born—to have full and complete access to the protection of labor, health and safety and other laws. Comprehensive immigration reform must complement a strong, well-resourced and effective labor standards enforcement initiative that prioritizes workers' rights and workplace protections. This approach will ensure that immigration does not depress wages and working conditions or encourage marginal low-wage industries that depend heavily on substandard wages, benefits and working conditions.

This approach to immigration reform has five major interconnected pieces: (1) an independent commission to assess and manage future flows, based on labor market shortages that are determined on the basis of actual need; (2) a secure and effective worker authorization mechanism; (3) rational operational control of the border; (4) adjustment of status for the current undocumented population; and (5) improvement, not expansion, of temporary worker programs,

limited to temporary or seasonal, not permanent, jobs.

Family reunification is an important goal of immigration policy and it is in the national interest for it to remain that way. Firstly, families strongly influence individual and national welfare. Families have historically facilitated the assimilation of immigrants into American life. Secondly, the failure to allow family reunification creates strong pressures for unauthorized immigration, as happened with the Immigration Reform and Control Act's (IRCA's) amnesty provisions. Thirdly, families are the most basic learning institutions, teaching children values as well as skills to succeed in school, society and at work. Finally, families are important economic units that provide valuable sources of entrepreneurship, job training, support for members who are unemployed and information and networking for better labor market information. Indeed, U.S. immigration policy must recognize that employment and family integration are interconnected: Family members work and workers have families.

The long-term solution to uncontrolled immigration is to stop promoting failed globalization policies and encourage just and humane economic integration, which will eliminate the enormous social and economic inequalities at both national and international levels. U.S. immigration policy should consider the effects of immigration reforms on immigrant source countries, especially Mexico. It is in our national interest for Mexico to be a prosperous and democratic country able to provide good jobs for most of its adult population,

thereby ameliorating strong pressures for emigration. Much of the emigration from Mexico in recent years resulted from the disruption caused by NAFTA, which displaced millions of Mexicans from subsistence agriculture and enterprises that could not compete in a global market. Thus, an essential component of the long-term solution is a fair trade and globalization model that uplifts all workers, promotes the creation of free trade unions around the world, ensures the enforcement of labor rights and guarantees all workers core labor protections.

1. Future Flow

One of the great failures of our current employment-based immigration system is that the level of legal work-based immigration is set arbitrarily by Congress as a product of political compromise—without regard to real labor market needs—and it is rarely updated to reflect changing circumstances or conditions. This failure has allowed unscrupulous employers to manipulate the system to the detriment of workers and reputable employers alike. The system for allocating employment visas—both temporary and permanent—should be depoliticized and placed in the hands of an independent commission that can assess labor market needs on an ongoing basis and—based on a methodology approved by Congress—determine the number of foreign workers to be admitted for employment purposes, based on labor market needs. In designing the new system and establishing the methodology to be used for assessing labor shortages, the commission will be required to examine the impact of immigration on the economy, wages, the workforce and business. It should consider the perspective of all key stakeholders, and the methodology it adopts should consider an ongoing role for labor representatives.

2. Worker Authorization Mechanism

The current system of regulating the employment of unauthorized workers is defunct, ineffective and has failed to curtail illegal immigration. A secure and effective worker authorization mechanism is one that determines employment

authorization accurately while providing maximum protection for workers, contains sufficient due process and privacy protections and prevents discrimination. The verification process must be taken out of the hands of employers, and the mechanism must rely on secure identification methodology. Employers that fail to properly use the system must face strict liability, including significant fines and penalties regardless of the immigration status of their workers.

3. Rational Operational Control of the Border

A new immigration system must include rational control of our borders. Border security is clearly very important, but not sufficient, since 40 percent to 45 percent of unauthorized immigrants did not cross the border unlawfully, but overstayed visas. Border controls therefore must be supplemented by effective work authorization, a visa enforcement mechanism and other components of this framework. An “enforcement-only” policy will not work. Practical border controls balance border enforcement with the other components of this framework and with the reality that more than 30 million valid visitors cross our borders each year. Enforcement, therefore, should respect the dignity and rights of our visitors, as well as residents in border communities. In addition, enforcement authorities must understand that they need cooperation from communities along the border. Border enforcement is likely to be most effective when it focuses on criminal elements and engages immigrants and border community residents in the enforcement effort. Similarly, border enforcement is most effective when it is left to trained professional border patrol agents and not vigilantes or local law enforcement officials—who require cooperation from immigrants to enforce state and local laws.

4. Adjustment of Status for the Current Undocumented Population

Immigration reform must include adjustment of status for the current undocumented population. Rounding up and deporting the 12 million or more immigrants who are unlawfully present in

the United States may make for a good sound bite, but it is not a realistic solution. And if these immigrants are not given adequate incentive to “come out of the shadows” to adjust their status, we will continue to have a large pool of unauthorized workers whom employers will continue to exploit in order to drive down wages and other standards, to the detriment of *all* workers. Having access to a large undocumented workforce has allowed employers to create an underground economy, without the basic protections afforded to U.S. citizens and lawful permanent residents, and in which employers often misclassify workers as independent contractors, thus evading payroll taxes, which deprives federal, state and local governments of additional revenue. An inclusive, practical and swift adjustment of status program will raise labor standards for all workers. The adjustment process must be rational, reasonable and accessible and it must be designed to ensure that it will not encourage future illegal immigration.

Fines, penalties and/or other requirements that are imposed as part of this process should not be so onerous as to deter these workers from registering for adjustment.

5. Improvement, not Expansion, of Temporary Worker Programs

The United States must improve the administration of existing temporary worker programs, but should not adopt a new “indentured” or “guestworker” initiative. Our country has long recognized that it is not good policy for a democracy to admit large numbers of workers with limited civil and employment rights.

The AFL-CIO calls upon Congress to promptly implement comprehensive immigration reform consistent with the approach described above, as further elaborated upon in the Ray Marshall/Economic Policy Institute report, “Immigration for Shared Prosperity: A Framework for Comprehensive Immigration Reform.”