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## **IMMIGRATION REFORM: CAN CONGRESS CURE DECADES OF BAD IMMIGRATION POLICIES?**

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If “Blue Collar” comedian, Ron White, were to comment on the current state of national immigration reform, the Spanish translation might be as follows: “No se puede arreglar estúpido. Estúpido es para siempre.” (“You can’t fix stupid. Stupid is forever”).

How does a “nation of immigrants” find itself in this situation? Why can’t Congress pass a sensible law that secures our borders and allows a reasonable flow of needed labor? The answer is, you can’t fix stupid. Congress can’t “fix” the imbecilities of decades of immigration policies that have not met our nation’s security and labor needs.

It is estimated that there may be as many as 15 million undocumented persons in this country, many of whom are performing unskilled or lower wage jobs. They did not appear here overnight. Many have been in the United States for years and have been allowed to stay as a result of the government’s “wink and a nod” attitude towards enforcement. Our strong economy needs these “illegal” workers because the nation has been at full employment for a number of years, so the government has just looked the other way.

American history tells us that immigrants have always been willing to work at lower paying jobs. A burgeoning immigrant population performed the lower wage or unskilled jobs generated by the emerging industrial economy of the US during the twentieth century. Changes occurred in recent decades. The proportion of European immigrants decreased. The United States now participates in a global economy where goods and many services can be produced almost everywhere. Immigration policies discouraged immigration of unskilled labor in favor of higher wage workers or students who aspired to be engineers, or work in the science, health care or technology fields. For decades our government has been granting disproportionate numbers of visas to engineers, health care workers, physicists, doctors and technicians, instead of granting visas to immigrants needed for lower wage jobs.





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The construction industry operates in the wake of what these policies have wrought. Consistently, the construction industry accounts for approximately 10% of the nation's gross domestic product and is one of the top two or three employers. Nonetheless, despite continued efforts to promote workforce recruitment, education and training through school to work programs, college and university outreach, and professional development training, there still remains a drastic shortage of workers in the industry at every level, both skilled and unskilled. There are not enough workers (immigrant or domestic) to do the unskilled work (even though the industry pays the same legal wages to both); and the educational system is producing fewer skilled craftsmen and engineers.

Immigrants comprised a substantive portion of the work force that was needed to build our modern nation. Immigration laws and policies allowed for the workers that were needed. That has changed. Current immigration law provides construction companies the ability to bring in workers to perform unskilled tasks in non-agricultural industries through the H-2B visa program. Unfortunately, annually there are less than 75,000 of these visas available and the workers allowed to enter the United States via this program may only stay for less than one year. Nonetheless, the program is utilized to its full capacity. For example, the Department of Homeland Security announced on January 4, 2005, that the annual cap for H-2B visas had been exhausted for 2005, meaning that no more applications for those workers would be accepted for the remainder of that calendar year.

Nonetheless, according to the Pew Hispanic Center, the construction industry has more than 1.4 million unauthorized workers, accounting for about 12% of the industry work force. This is the largest number of unauthorized workers in any major industry category. According to these same studies, most unauthorized workers are performing lower wage or unskilled jobs in private households, or in the food, manufacturing, farming, furniture, construction, textiles, food service, hospitality or manufacturing sectors of the economy.

These people work in the shadows of our society. In the early part of the twentieth century, these "illegal" immigrants would have been granted entry visas to work under standards that then existed. We know them. They are our parents, our grandparents, and our great-grandparents. Is it worthy of a great nation of immigrants that those who have recently come to work and seek a better life remain in the shadows? Is it not time for them to be brought into the light?



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Comprehensive immigration reform is needed; but you can't fix decades of "stupid" with one law. Nonetheless, we need to begin.

The House has focused on border security, and imposing criminal penalties on illegal immigrants and those that assist them. Proposals emanating from the Senate largely incorporate the tough border enforcement aspect of the House bills but offer undocumented workers an opportunity to legalize their status. Proposals coming out of the Senate have included a guest worker program which makes temporary work visas available for lower wage workers and allows for renewal of employment eligibility as warranted by market demand. Senate proposals have also included the creation of an immigration identification system that would allow employers, as well as government officials, to electronically verify and track workers.

The House and Senate have not been able to agree on a reform package that has passed through a conference committee. It is likely that no legislative solution will be reached before the elections in 2008 as the debate has become emotionally charged and politically polarized. But this is an important debate for a nation of immigrants. Comprehensive legislation is needed to fix our outdated immigration policies. Our nation should expect its lawmakers to pass legislation that effectively secures our borders and allows a reasonable flow of immigration needed to fill jobs for the American economy. Stupid need not be forever. Congress needs to fix this now.

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