

Guest-Worker Visas Sticking Point on Immigration Rewrite

By Julie Hirschfeld Davis & Kathleen Hunter - Mar 22, 2013 10:38 AM CT

With Senate Republicans and Democrats moving closer to an agreement to grant a chance at U.S. citizenship to 11 million undocumented immigrants, a long-simmering dispute between organized labor and the business lobby risks sapping momentum for the measure.

The two constituencies are at odds over a new program to provide U.S. work visas to low-skilled foreign workers, placing pressure on lawmakers poised for a compromise. Unions are pressing for a limited visa system that guarantees better wages for future immigrant workers, while businesses seek a broader program more responsive to their hiring needs.

Mexican migrant workers carry boxes of organic cilantro during the fall harvest at a farm in Wellington, Colorado. Photographer: John Moore/Getty Images

It's the tougher side of what is otherwise a broadening consensus in both parties around an immigration plan, whose centerpiece is a path to U.S. citizenship for undocumented immigrants. A bipartisan group of eight senators is nearing a deal to bolster border security and workplace verification while revamping the legal immigration system.

Republican Senator Marco Rubio of [Florida](#), a member of the group, called the guest-worker issue "one of the more difficult parts" of the negotiations.

"I'm not going to be part of a bill that doesn't create a process whereby people can come to this country temporarily in the future if we need them," Rubio said yesterday. "There's no secret that the broader [labor movement](#), with some exceptions, would rather not even have an immigration bill."

Political Consequences

The disagreement carries significant political consequences for Republicans and Democrats alike, essentially making them choose between their strongest constituencies -- organized labor for Democrats and big business for Republicans -- and achievement of an overriding policy goal that both parties increasingly see as an electoral imperative.

Hispanics accounted for 10 percent of voters in the 2012 presidential election. President [Barack Obama](#) won 71 percent of their votes, and just 27 percent backed Republican nominee [Mitt Romney](#), who had proposed "self-deportation" for undocumented immigrants. Since then, a growing chorus of Republicans has publicly backed legal status for undocumented immigrants.

Meanwhile, a group of Republican officials who unveiled a top-to-bottom review this week called for the party to back "comprehensive immigration reform" or see its appeal shrink.

“It is in neither party’s interest for one group within a party to stop this, because it is bad for the economy if we don’t have immigration reform,” former Mississippi Governor and Republican National Committee Chairman [Haley Barbour](#) said this week, referring to labor unions’ objections to a guest-worker program.

Worker Program

Former Pennsylvania Governor [Ed Rendell](#), a Democrat co-chairing an immigration task force with Barbour at the Bipartisan Policy Center in [Washington](#), said it is ultimately up to Obama to persuade Democrats not to abandon the bill if the immigrant-worker program doesn’t match the unions’ agenda.

“If we don’t get guest-worker provisions that are exactly in line with what labor wants, we can’t hold up the bill because of that,” Rendell said. “We’ve got to do the best we can to preserve and protect the interests of organized labor, but in the end you can’t always get what you want.”

The president, he added, has “his work cut out for him.”

The bipartisan plan, expected to be unveiled early next month following a two-week congressional break, also faces a potentially rough road in the Senate and uncertain fate in the House, where Republican opposition to granting citizenship to undocumented immigrants is more prevalent.

Closed-Door Negotiations

At issue, for now, is a proposed new program that would allow immigrants to work temporarily in the U.S. while allowing them the option of seeking permanent residency. In closed-door talks, labor unions and Democratic negotiators are proposing to allocate 10,000 such visas initially and cap the program at 200,000 visas, according to people close to the negotiations who requested anonymity to describe them.

That number would increase or contract through a formula that factored in U.S. economic and employment data and the recommendations of a government panel. Businesses would have to pay immigrant workers hired through the program a certain wage, in some cases much higher than would otherwise be required.

Many in the business community regard the proposal as unworkable and tantamount to not having a guest-worker program. They say the idea is costly, cumbersome and too slow to meet their employment needs.

‘Will Not Work’

“Watching the negotiations unfold, I’m beginning to believe that the only guest-worker program that unions are willing to support is a guest-worker program that will not work,” said Tamar

Jacoby of ImmigrationWorks USA, a nationwide federation of state-based business groups advocating for rewriting immigration laws.

Republicans have instead proposed starting the program with more visas -- 25,000 or 35,000 -- and basing the decision to raise or lower the amount more heavily on employers' needs and recruiting efforts than on government recommendations.

"Republicans are going to have to make a decision if they're willing to accept a completely unworkable guest-worker program as the price of getting comprehensive immigration reform," said Geoff Burr, vice president of federal affairs for Associated Builders and Contractors. "They're coming dangerously close to attaching themselves to something they will regret."

Labor unions say U.S. businesses are trying to create a program that would let them import workers who could be easily exploited and paid low wages.

'Lower Wages'

"What business is trying to do is to rewrite the rules of future flow to undermine the wages of local workers," said Ana Avendano, director of immigration and community action at the AFL-CIO. "It will be difficult, we think, for Senator Rubio to go back to Florida and explain to his constituents why he held up a path to citizenship for 11 million people simply because his donors wanted to pay lower and lower wages."

Labor leaders aren't working to undermine a deal, Avendano said. They are "committed to advancing a bill that guarantees a path to citizenship for millions of people," she said.

[Arizona](#) Senator [John McCain](#), a Republican member of the Senate group, said he doesn't anticipate that union-business tension over the work-visa program will derail the talks.

"I don't think so," McCain said in an interview yesterday. "I will do everything I can to keep it from going off the rails."

McCain said Obama called him before leaving on a trip to [Israel](#) to thank him for his work on the immigration issue and to offer his support for an immigration-law rewrite.

Citizenship Wait

The Senate group is considering a measure under which it would take 13 years for undocumented immigrants to gain U.S. citizenship, according to people close to the discussions. They would receive probationary legal status during a 10-year wait for a green card for permanent residency, and would have another three-year wait before applying for citizenship.

[Brian Fallon](#), a spokesman for [New York](#) Senator [Charles Schumer](#), a Democratic member of the group, said in an e-mail yesterday that the group was "very, very close to a final agreement."

McCain said he hoped senators could reach agreement on most of the major issues before leaving for a two-week break.

“Obviously there are concerns on our side about the influence of the unions, and on their side there’s concerns about the influence of business,” McCain said. “That’s why we’ve got to continue these negotiations, recognizing that sometimes both sides are not going to be happy.”

2007 Effort

Republican opposition to a citizenship plan scuttled a 2007 effort to overhaul immigration policy, as opponents slammed the bill as “amnesty” and flooded Senate telephone lines, e-mailboxes and fax machines.

The AFL-CIO opposed that measure because it included a guest-worker proposal and had the support of many Democratic senators -- including then-presidential candidate Obama -- for amendments designed to kill that part of the bill.

Another issue the Senate group is trying to resolve is how to grant permanent legal status to immigrants who have received a graduate degree in a science or technology field from a U.S. university.

Technology companies in Silicon Valley have been pushing for a provision that would almost double the number of visas for higher-skilled workers, or so-called [H-1B visas](#), to 115,000 from the current 65,000 cap. Rubio is a co-sponsor of a bill introduced in January that pairs the cap increase with an escalator clause based on company demand for such workers.

“This is by far the most optimistic we have been that something meaningful is actually going to happen, and happen this year,” [Carl Guardino](#), president of the Silicon Valley Leadership Group, said yesterday in an interview. The group represents about 300 companies including software-makers Redmond, Washington-based [Microsoft Corp \(MSFT\)](#). and [San Jose](#), California-based [Adobe Systems Inc \(ADBE\)](#).

<http://www.bloomberg.com/news/2013-03-21/guest-worker-visas-sticking-point-on-immigration-rewrite.html>