House to Push Mike Lee's S.386 Bill, Create Class of 'Half Immigrants'

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A stripped-down version of Sen. Mike Lee's (R-UT) S.386 stealthy immigration bill may be added to the House spending bill, forcing GOP Senators to decide if they want to create a new class of low-wage half-immigrants, say lobbyists and insiders.

The Senate's approval of a House-passed version of Lee's bill would trigger a multi-ethnic worldwide push on Congress to approve more green cards and would transfer more wealth from GOP heartland states to the coastal states, say critics.

"I know legislators have been told this is more or less a technical correction [bill], that it won't affect most people, and it'll just let people who've been waiting in line" for years, said Russell Harrison, the director of government relations for the nation's association of engineers, the IEEE-USA. But, Harrison said, the bill is poorly drafted, never got a hearing, and will "make a royal mess out of things."

He continued: "We've been telling people that for a while now … Very small changes can have huge implications for many people … I think the basic problem is that [it has been marketed as] too small of an issue for many people to commit the resources that are necessary to really understand it. But a lot of [lobbyists] like messes — there's lots of money in messes."

Lee's bill would close several fraud loopholes in the H-1B program, but it would also create a novel class of half-immigrants who will have permanent legal permission to work in the United States — but only temporary, short-term, permission to live in the United States.

These non-resident workers are created by a clause in Lee's bill that allows visa workers to get lifetime work permits just two years after their employer sponsors them for green cards.

The visa workers could get the lifetime work permits just two years after starting a U.S. job — yet those work permits do not allow them to live legally in the United States. This means a large population of half-immigrants would work while relying on a series of temporary tourist and student visas to be legally in the United States.

"There's a lot of sections in the bill which are poorly drafted, poorly thought through, haven't really been vetted, and haven't been talked about," said Harrison. "So, most legislators simply don't understand what's in there."

Congress has a history of making huge mistakes in immigration law during the end-of-year rush. In December 2008, for example, Congress unanimously passed an antitrafficking bill. That bill has allowed illegal migrants to move into the United States and then force federal agencies to deliver at least 300,000 of their children to their new addresses throughout the United States.

Lee's office did not respond to questions from Breitbart News.

Demand for More Green Cards

On December 2, Lee slipped his bill through the Senate by using the Senate's "Unanimous Consent" rules after sidelining many opponents with various underlined concessions during the last several years. The win was aided by an inside corps of tech lobbyists and an outside barrage of invective and protests from groups of Indian visa workers and their employers.

If made law, the Lee bill also would also create a huge lobbying front against GOP Senators to demand more green cards each year, say the bill's supporters.

Lee's bill allows Silicon Valley's Indian and Chinese workforce to get green cards much faster, but it does not raise the huge inflow of 140,000 foreign workers and spouses each year. So, the gains for Silicon Valley's Indian and Chinese workers will be a loss for the many non-Indians who want to immigrate from the Philippines, South America, Africa, Asia, or Europe.

Nearly all of those provisions are backed by Rep. Zoe Lofgren (D-CA), who is the House champion for the companion bill, H.R. 1044.

Lee's bill "obviously improves the situation a lot for Indians, but overall, the numbers [of annual green cards] are dire," said David Bier, an employee at the Cato Institute. "Congress must also increase total green cards," above the 140,000 annual "Employment Based" that employers can deliver to their employees and their spouses, he said in a tweet.

That worldwide scramble for green cards that will be caused by Lee's bill will unite many activists from the "Rest of the World" (ROW) to pressure Congress to allow more green cards, said a tweet from Anirban Das, the founder of a pro-Indian pressure group, Skilled Immigrants in America:

Perfect is the enemy of progress. Right now, only Indians (and to some extend Chinese) face the brunt of the broken immigration system. More Green Cards is the solution. Once country cap is removed, ROWs will join the fight for more reforms. Right now, they have no incentive.

The multi-ethnic campaign will be bolstered by Fortune 500 companies and by numerous U.S. universities, say lobbyists and activists.

The Lee bill's tilt towards Silicon Valley is softened by an amendment from Florida Sen. Rick Scott (R). The amendment reserves some of the annual supply of green cards for the employers of migrants who are not H-1Bs, such as the hospital chains in Florida and elsewhere that hope to build their own pipeline of foreign doctors and nurses.

The tech companies have worked alongside the aggressive Indian activist groups to push Lee's S.386 — and will work with other activist groups to pressure the GOP to further expand migration into Americans' national labor market and voting booths.

The Half Immigrants

The Lee bill — but not the Lofgren H.R, 1044 original — creates a new class of non-resident, non-immigrant legal foreign workers, or half-immigrants, say the bill's critics.

The work-permit provision is central to Lee's bill because Silicon Valley has helped pack roughly 600,000 foreign workers into a press that awards roughly 70,000 green cards to workers

each year. Most of Silicon Valley's Indian workforce must wait for many years because long-standing diversity rules seek to spread green cards to people from many countries worldwide.

Congress set no caps on annual sponsorships, so Silicon Valley and the Fortune 500 keep sponsoring more than 70,000 workers each year because temporary workers stay in their jobs once they are sponsored.

The early filing provision refers to the early filing of the routine "Adjustment of Status" documents that allow would-be migrants to get work permits. The early-filing rule was reportedly added to Lee's bill by Sen. Dick Durbin (D-IL).

Most importantly, the work permits can be won by the uncapped number of foreign graduates who enroll in American colleges to get a three-year STEM-OPT work permit program, according to Bier at the Cato Institute. The lifetime work permits are "the most important unequivocally positive change" from the early 2020 version of the bill, Bier wrote, adding:

It would also allow other temporary workers, such as those on Optional Practical Training, to extend their status when they otherwise would not be able to, potentially enabling them to avoid having to obtain an H-1B at all.

The bill sets no limit on the award of these lifetime work permits. So all migrants who choose to enroll in the three-year version of the uncapped "Optional Practical Training" program could quickly earn the lifetime work permits in exchange for providing employers with as little as two years of low-wage labor.

In 2019, 72,116 foreign graduates held three-year STEM-OPT work permits.

That number would dramatically increase once the Lee bill allowed foreign graduates to win the huge bonus of a permanent work permit for spending several years of their lives working long hours at low wages. That number is growing rapidly, from 2015's level of 27,493 STEM-OPT workers — even as wages for American graduates declined slightly from 2016 to 2019.

Nationwide, companies have imported at least 1.3 million white-collar graduates to work Fortune 500 jobs that would otherwise have gone skilled U.S. graduates. A September 2020 report by the Federal Reserve concluded that the family median income level of high school graduates rose by six percent in 2019 — but the median or midpoint income of college graduates fell by two percent from 2016 to 2019.

Lee's "early filing" work permits can be won by any migrant who can legally work in the United States for a little more than two years, said Rosemary Jenks, the policy director at NumbersUSA. The population includes the roughly 100,000 new H-1B visa workers that enter the United States each year, plus tens of thousands of J-1 and L-1 visa workers each year, she said.

"Every non-immigrant [visa worker] program, except for tourists and transit aliens, now essentially becomes permanent — every one of them," Jenks said. "All of them," providing they find employers to sponsor them for work permits. She continued:

Under this bill, the employer can ensure that that worker never has to leave and that that job never opens up to even the possibility of having an American worker … the landscapers and construction companies can all do it wit H-2Bs if they can keep the H-2Bs in the country for two years.

The Partisan Wealth Shift

The Lee and Lofgren bills will worsen the shift of wealth from heartland states to coastal states.

The nation's current population of roughly 1.3 million cheap, white-collar visa workers boosted job totals in the high-cost coasts while draining investment, jobs, and wealth from interior states, including and Kentucky and Alabama.

The two bills dramatically expand the award of green cards to Indian workers — from roughly 7,000 per year up to a maximum of 70,000 or year. This ten-fold award would dramatically expand the incentive for more Indian graduates to take more jobs in the United States so they can compete to get hired for H-1B visas that allow them to get green cards.

There is no limit to the number of foreign graduates who can take U.S. jobs — providing they first enroll in U.S. universities so they can qualify for the federal OPT work permits. The OPT is a huge feeder for the H-1B program, and it helps tech employers avoid hiring independent American professionals in heartland states.

For example, the vast majority of OPT workers in 2017 and 2018 went to work for employers on the coasts, so providing a huge subsidy to employers in the favored states.

In 2017 and 2018, just 659 OPT workers worked for employers in Sen. Richard Shelby's (R) Alabama, while 44,526 workers went to California, 24,6111 went to New York, and 22,870 went to Texas, according to a pro-OPT group that is supported by Mark Zuckerberg's FWD.us advocacy group.

Unsurprisingly, Lee's bill is backed by Minority Leader Chuck Schumer (D-NY), and Sen. Kamala Harris (D-CA).

The same report showed that just 627 OPT workers went to employers in Sen. Mitch McConnell's (R) Kentucky, 52 went to employers in Sen. Lisa Murkowski's (R) Alaska, 138 went to employers in Sen. Susan Collin's (R) Maine, 1,428 to Sen. Marsha Blackburn's (R) Tennessee — and only 204 went to North Dakota, the home state of GOP Sen. Kevin Cramer who backs Lee's giveaway bill.

Without OPT, coastal investors would be pressured to move their jobs, wealth, and real-estate values from their coastal bases to the heartland counties and towns that are home to many young American graduates.

Federal data shows that the current flow of H-1B workers — and their OPT substitutes — move to the coastal districts, so reducing corporate investment in heartland towns and cities, such as GOP Rep. Roger Adderholt's corner of Georgia, or GOP Rep. Chuck Fleischmann's portion of Tennessee.

The visa worker wealth-shift also takes place within states. For example, Rep. Kay Granger's 12th district gets a few, lower-wage H1B workers while the vast majority of new jobs go to other Texas districts that are home to the visa workers.

The OPT holders are allowed to take a wide variety of jobs after earning any one of a very wide variety of degrees, including urban forestry, artificial intelligence, computer graphics, lab technician, and "Heating, Ventilation, Air Conditioning, and Refrigeration Engineering Technology/Technician." A secretive panel decides the menu of eligible degrees and jobs at the

Department of Homeland Security (DHS), which works with universities that are eager to attract more foreign students with the promise of three-year work permits. DHS officials have declined to provide any information about the panel to Breitbart News.

"The sky's the limit," said Vaughan, at the Center for Immigration Studies.

Congress' Rush to Christmas

Harrison said the bill is being quietly marketed as a minor correction to hugely complex immigration laws, amid a time of chaos and transition, and with little media coverage. He said:

Most people don't understand the intricacies of the immigration system. And, in fairness to legislators, our immigration system is incredibly complicated. Very small changes can have huge implications for people. And in that environment, most legislators are not immigration attorneys. Most of the staff are not immigration attorneys. Unless you're going to devote a tremendous amount of energy to interpreting what exactly these [draft] laws are going to do, you can't really understand them and most legislators don't have that kind of time. This [seems not to be] a major issue. It's not going to move a million votes in the next election. I think the basic problem is that it [seems] too small of an issue for many people to commit the resources that are necessary to really understand it.

…

This is important to American society, it's important to the economy, but politically, it's just not [prominent]. And right now, at this very moment in Washington, you've got an [presidential] election that people are trying to settle, you've got two more elections coming up in a couple of weeks that'll decide who gets to run the Senate, the budget is not done, the [Pentagon bill] is not finished yet. You know they have huge projects that they have to finish … and their deadline is next Friday. The political reality is that they're running out of time to think about things.

"This is the problem with this bill — nobody has thought this through," she said, adding:

This is exactly why it is so problematic for people who don't understand the immigration system to try to tinker in ways like this because it turns out they're not actually tinkering — they're creating massive conflicts within the law that somebody is going to have to work out, and it's likely going to work out to the foreign workers' advantage and the employers' advantage, and to Americans disadvantage.

In 2008, "Congress didn't listen to anyone saying, 'You know, this is going to incentivize parents sending their children to the border,'" she said. The result is that many hundreds of thousands of Central American illegals have migrated to northern cities and then used the migrant-smuggling coyotes and federal agencies to cooperatively relay roughly 300,000 of their "Unaccompanied Alien Children" to their new addresses in Americans' towns.

On January 5, 2021, Georgia's populist voters will decide whether the state's GOP Senators will lose their jobs.