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This bill could end Hispanic workforce immigration for the next decade. Will it pass?

Monique O. Madan

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WASHINGTON — A bill that would halt employment-based immigration from any countries other than India or China is headed back to the floor of the U.S. Senate next week.

If it passes, immigration policy experts estimate that for the next 10 years or so, Indian nationals, as well as a small number of Chinese nationals, would be the only foreign workers able to obtain green cards through employment – a move that would crush U.S. businesses seeking other talented foreign employees.

On Thursday, Utah Republican Sen. Mike Lee attempted to pass the House's "Fairness for High-Skilled Immigrants Act" – the Senate version is SB 386 – by unanimous consent on the Senate floor. The move, essentially a voice vote, bypasses Senate procedure in an attempt to pass legislation quickly. But it fails if just one senator opposes holding a voice vote.

Only one senator who was present blocked Lee's request – Georgia Republican David Perdue – so the fast-track effort to pass the bill temporarily failed. It's still unclear whether Florida Senators Marco Rubio and Rick Scott support or oppose the bill.

Scott's office told the Herald in an email that the senator is still reviewing the proposal: "Florida is an immigration state, and we value our diversity. But we also need to fix our immigration system so it makes sense." Rubio's staff did not immediately respond to emails Thursday. The bill, which passed the House 365-65 on July 10, is expected to be brought up again next week.

"I support this bill, but we have some language that needs to be clarified and I still have some concerns about the impact this legislation would have on some specific industries," Perdue said on the Senate floor. "I want to work with Senator Lee in addressing these concerns and come to a resolution very quickly. We want the exact same thing. This is totally consistent with what President Trump is trying to do in his long-term work to fix our broken immigration system. And with that, I object."

The proposed law would hinder the ability of Florida-based businesses to compete in a global economy, and dash the aspirations of any non-Indian or non-Chinese immigrants to obtain residence through employment. Regional immigration lawyers say Florida employers have traditionally sought Latin Americans and Europeans to boost their workforce.

“Employers from the states that are tech hubs, like California and Utah, traditionally utilize more Indian workers because they have more expertise in the tech profession,” said Tammy Fox-Isicoff, board member of American Immigration Lawyers Association.

She added: “In Florida, we have a lot of aircraft engineers, workers in the hospitality industry as well as workers involved with importing and exporting and luxury goods. Our workforce applicants predominantly come from Latin America and Europe. Miami is an international hub to Latin America. Because of this, employers tend to seek employees from Latin America.”

Every year, 140,000 green cards can be issued to foreign workers in the U.S. seeking permanent residency through their employment. Under the current law, any country is allowed a maximum of seven percent of that amount, which is about 9,800 green cards.

For decades, India has had the most applicants by a longshot, followed by China and the Philippines, according to the State Department. Because the number of Indian nationals applying is so large, the wait times for that country can be as long as half a century, according to the Cato Institute, a nonpartisan public policy research organization based in Washington, D.C.

Meanwhile, the same process for applicants from other countries such as Venezuela, Colombia, France, or anywhere else in the world, is much shorter because not as many people are seeking to immigrate to the U.S. through their employer, compared to India.

The new law would do away with the 7 percent per-country quota, and instead make the process first come, first served, with no maximum percentage of green cards assigned to any country. All countries would apply for the annual 140,000 green cards from the same bucket.

But because U.S. companies’ demand for Indian workers is so great, immigration policy experts estimate that the backlog of Indians getting green cards would take anywhere from seven to 10 years to clear, according to the National Foundation for American Policy, a non-partisan public policy research group based in Arlington.

If the bill passes, new applicants would have to stand in line behind the tens of thousands of Indian nationals already in the queue. According to the Cato Institute, last year there were about 370,000 Indian nationals, not including their spouses and children, in line for employment-based green cards.

“This is a cheap fix, not the right fix. This backlog is horrible but should be dealt with by enlarging quotas or exempting those deemed extraordinary or in the national interest, not by destroying immigration for the rest of the world,” Fox-Isicoff said, noting that the bill would dash the hopes of those who are currently in Deferred Action for Childhood Arrivals or Temporary Protected Status from obtaining residence through employment-based immigration.

“If it goes through, no one in Florida, except Indian nationals, will get residence through employment for the next decade or more. This will kill Florida, basically end all future Hispanic employment immigration to the U.S.,” she said.

In July, the Information Technology Industry Council, an advocacy and policy organization representing the nation’s major tech companies, sent a letter to members of the U.S. House of Representatives supporting the bill.

The bill “would eliminate arbitrary per-country caps on employment-based immigrant visas,” the letter says. “Our current immigration system dictates that nationals from a single country cannot annually comprise more than seven percent of the total number of employment-based visas.”

The letter adds that council member companies “are acutely aware that we live in an age where talent knows no borders. Preventing a skilled worker from providing his or her skill set in the United States because of an arbitrary limit placed on his or her country of origin is counterproductive and no longer makes sense in today’s economy.”

The Diversity Immigrant Visa program offers 50,000 green cards for those who are selected. The program was created to promote legal residence of citizens from countries with low rates of immigration to the United States.