

Getting in and getting on

The proposed immigration reforms in the US seem mostly intended to supply cheap and docile guest workers for short-term use by employers, rather than full US citizens

By: Benoît Bréville – July 12, 2013

The US right has harboured two opposing views on immigration for decades. Either foreign workers are a threat, taking American jobs, living on social welfare and challenging public security; or they are virtuous, hard workers who will do jobs Americans now don't want, determined entrepreneurs who arrive penniless in the US and start up their own businesses. Are they a burden on the nation or an asset to the economy? The conservatives want to protect "American values", while the neoliberals advocate more open borders to stimulate growth.

Mitt Romney, the Republican Party's presidential candidate in 2012, urged illegal immigrants to "self-deport" back home – if not, the authorities would do it for them. This did not endear him to the millions of Latinos in the US waiting for a relative to be made legal: he won only 27% of their votes, compared with Barack Obama's 71% (1).

"It's really hard to get people to listen to you on economic growth, on tax rates, on healthcare, if they think you want to deport their grandmother," said Florida senator and Tea Party star Marco Rubio just after the election. The Republican Party needs to abandon its anti-immigrant rhetoric if it still wants to win presidential elections – not just legislative elections, where gerrymandering can ensure success.

'Keep the best'

Leading conservatives have recently started talking about the economic benefits of freedom of movement. Anti-tax activist Grover Norquist recently wrote: "The United States is the most immigrant-friendly nation in the world and the richest country in the world. This is not a coincidence. Those voices that would make us less immigrant-friendly would make us less successful, less prosperous, and certainly less American" (2). Paul Ryan, member of Congress for Wisconsin and former vice-presidential candidate, said: "We need to make sure that we have an economy that is wired for the 21st century. And that means we need to keep the best and the brightest here in America. That means, hardworking people who want to contribute, work hard, play by the rules, and rise. That helps everybody in this country. That is what immigration is" (3).

Obama had promised during his election campaign to reform US immigration policy. In December 2012 a bipartisan group of eight senators (including Rubio) met in an unusual spirit

of cooperation to draft a reform bill, and in April the Border Security, Economic Opportunity and Immigration Modernization Act was presented to Senate. It has attracted influential supporters ranging from the libertarian Cato Institute to the centre-left Center for American Progress, from the US Chamber of Commerce (USCC) to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and from the conservative Wall Street Journal to the pro-democratic television station MSNBC.

The legalisation of millions of illegal immigrants, which civil rights organisations have been demanding for many years, is the most promising element — and the most controversial. Some on the US right are opposed to an “amnesty” that rewards those who have broken the law. To appease these fringe elements of the Republican Party, whose support will be needed to get the act passed, the “path to citizenship” is designed to be long, expensive and uncertain.

The 11 million illegal immigrants who arrived in the US before 31 December 2011 would be granted “probationary status” for 10 years, provided they paid a fine, back taxes (if they had worked illegally) and administration fees totalling several hundred dollars. At the end of the 10 years, during which they would have to pay taxes but would not have access to Medicaid, health insurance or social security, they would receive a permanent residence permit (Green Card) and the right, after another three years, to apply for US citizenship. To be naturalised, they would need to pass tests (English language, civics) and have a spotless record: the slightest criminal misdemeanour would waste all their efforts. The oldest (who may die before completing the process), the poorest (who can’t afford it) and the most recent arrivals (who have entered the US since the cut-off date) would be excluded.

The eight senators have also demanded tighter border controls. The federal authorities estimate that they currently prevent 40% of attempted illegal crossings; they would have to stop 90%. That may be difficult without extensive militarisation: there are already 10 guards for every mile of the US border with Mexico. “The priorities of those politicians supporting comprehensive immigration reform appear concerned with making a pathway to citizenship more discouraging than realisable,” said leftwing magazine Counterpunch (4). Yet it still looks too easy to some on the right.

The debate over legalisation has nearly eclipsed another aspect of the reform that is just as important, and just as enlightening about the new view of immigration in the US: an overhaul of the work visa system. In 2007 President George W Bush asked the AFL-CIO and the USCC to come up with joint proposals. But while the USCC wanted to expand its reserve of immigrant labour, the AFL-CIO feared that an influx of migrant workers would lead to a fall in US wages. They were unable to agree. Since then, pressure groups have pleaded for more visas to be issued each year, including the National Association of Home Builders, farmers’ groups, the USCC and thinktanks such as the Cato Institute, the Brookings Institution and ImmigrationWorks USA. Facebook founder Mark Zuckerberg and colleagues in Silicon Valley have formed a lobby to press for easier visa conditions for highly qualified workers.

In February USCC president Thomas Donahue and his AFL-CIO counterpart Richard Trumka announced a historic agreement directly linked to the immigration reform project. “We have created a new model, a modern visa system,” said Trumka, who sees legal immigration as a way

to swell union ranks. The text of the agreement suggests that modernity also stands for flexibility and greater submission to the demands of employers, who, if the law is passed, could adjust the flow of immigrants to suit themselves.

The number of engineers, scientist and mathematicians who can be invited to work in the US each year, currently restricted to 65,000, would rise to 110,000, or even 180,000 during periods of rapid economic growth, exacerbating brain drains already costly to their home countries. Foreign scientists educated at US universities would be granted permanent residence; they currently get a one-year visa. India and China produce five to six times as many new engineers as the US every year, and the US is trying to catch up.

A new “W visa” would be created for low-skilled workers in sectors short of labour (5) such as restaurants, hotels, retail and personal services, where jobs are underpaid and non-exportable, and immigrant labour keeps prices low. In the New York Times, David Brooks wrote: “Thanks to the labor of low-skill immigrants, the cost of food, homes and child care comes down, living standards rise and more women can afford to work outside the home” (6).

The USCC asked for 400,000 of these visas; the AFL-CIO wanted only 10,000. The number of visas would be set at 20,000 in the first year, 35,000 in the second, 55,000 in the third and 75,000 in the fourth. After that, it would be determined by the Bureau of Immigration and Labor Market Research, a new agency set up to manage the system and respond to the demands of the business sector, with a cap of 200,000. This system based on just-in-time planning would defer to the private sector. The American Enterprise Institute thinktank comments: “Market forces are the best way to determine how many and which immigrants employers want to hire. Arbitrary caps set by politicians or bureaucrats cannot respond quickly enough to changes in the economy, nor can they fully incorporate hard-to-measure local economic conditions.”

No more Green Card lottery

The text of the Act does not explain how a labour shortage is defined or measured. Employers, who are required to treat immigrants and US citizens the same, could easily take advantage of its ambiguity to bring wages down, or prevent them from rising, as former labour secretary Robert Reich, who now teaches economics at Berkeley, explains: “As soon as any increase in demand might begin to push their wages higher, employers can claim a labor shortage — allowing in more guest workers, who will cause wages to drop back down again” (7).

This measure is based on a narrow vision of migration, focused on numbers. There would be restrictions on the number of visas for family members: siblings and married children over the age of 31, among others, would be excluded. Because chance has no place in a world governed by market principles, the reform would also end the Green Card lottery, in which 55,000 foreigners win permanent residence rights in the US every year. The new merit-based system would take into account the sector in which the applicant intends to work, qualifications, country of origin and command of English. It would be a filtered, selective system, involving no luck or randomness.

In the US, where everything has its price, immigrants are increasingly seen as a “long-term investment”, based on a rational calculation of costs and benefits. It has even been suggested

that the federal government should auction work visas to businesses and that “the auction price of permits would signal the demand for immigrants and guide the upward and downward adjustment of the permit numbers” (8). That sounds like auctioning slaves.