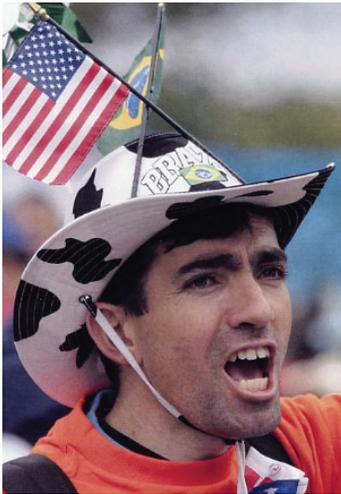


# AN IMMIGRATION POLICY THAT WORKS FOR WORKERS

What's Wrong, Why We Care  
and the  
Labor Movement's Policy Solution



FEBRUARY 2011 ★ AFL-CIO

# **An Immigration Policy that Works for Workers**

## **Meeting-in-a-Box**

### **Note to Presenter:**

Thank you for your interest in learning more about the AFL-CIO's immigration policy. This Meeting-in-a-Box was developed in response to an overwhelming demand from affiliate unions for resources to help facilitate a continued conversation on immigration and immigration reform in unions and communities across the country. We hope this Meeting-in-a-Box will provide the tools necessary to help begin an internal dialogue about the often difficult and emotionally sensitive issue of immigration and comprehensive immigration reform.

The PowerPoint is divided into four sections, each of which could take up to an hour. Feel free to modify the presentation based on your time limits. For help modifying the presentation or if you want more information or resources, please feel free to contact Devon Whitham, the AFL-CIO's immigration education coordinator, at (202) 637-5089 or [Dwhitham@aflcio.org](mailto:Dwhitham@aflcio.org).

In tough times like these the opponents of working people always try to increase their power by dividing us and pitting us against each other. Today, with union density in America is at the lowest it's been since the Great Depression and a human rights crisis taking places in Arizona and other parts of our nation, we simply cannot afford to let this happen. Now is the time for all of America's workers to come together to fight for good jobs, a stronger economy, and a just immigration policy that works for all. Thank you for your leadership on this important issue.

*"An injustice anywhere is a threat to justice everywhere."* – Dr. Martin Luther King Jr.

# **CONTENTS**

In this packet you will find:

## **Presentation**

- PowerPoint slides with notes
- Sources

## **Handouts**

- Handout 1—“The Line”; US State Department Family-Based Visa Bulletin, January 2011
- Handout 2—“The Line”; US State Department Employment-Based Visa Bulletin, January 2011
- Handout 3—“What Part of Legal Immigration Don’t You Understand?”
- Handout 4—Hoffman Plastic Compounds v. NLRB
- Handout 5A—“Gaming the System: Selective Immigration Enforcement When Convenient for Employers” Case Study #1
- Handout 5B—“Gaming the System: Selective Immigration Enforcement When Convenient for Employers” Case Study #2
- Handout 5C—“Gaming the System: Selective Immigration Enforcement When Convenient for Employers” Case Study #3

## **Resources**

- The Labor Movement’s Framework for Comprehensive Immigration Reform
- Q&A on the Union Movement’s Immigration Policy
- President Trumka’s Statement on Arizona Anti-Immigrant Bill SB1070
- The Anti-Worker Truth about the Republican House Judiciary Committee
- Sample Resolution in Support of Comprehensive Immigration Reform
- Sample Letters to the Editor
- Immigrant Rights Groups in Your State
- A List of Books and Resources for Further Reading



# An Immigration Policy That Works For Workers

What's Wrong, Why We Care, and the Labor Movement's Policy Solution

**AFL-CIO**

[Slide #1] *“An Immigration Policy That Works for Workers”*

Immigration is a difficult but important issue for the labor movement. While union membership provides a prism through which we can better understand the corporate forces behind many of the policies that affect our lives, immigration is often a confusing and emotional subject to analyze from the vantage point of working people.

Union members know all too well how the availability of a large pool of undocumented workers who are vulnerable to corporate exploitation is hurting all workers. While we're aware of the problem, the solution is not as obvious.

The labor movement has an immigration policy that reflects our approach to all the issues that face working men and women—the advancement of the rights of all workers and their families at the worksite and in the communities.

The purpose of this presentation is to provide a framework to discuss the issue of immigration and immigration reform from the labor movement's perspective. It aims to provide union members with information so they can better understand the labor movement's immigration policy and the reasons behind it.

## ***Immigration and the Labor Movement: Four Issues to Explore***

1. Why the Labor Movement Cares about Immigration
2. "Legality" and the Broken Immigration System
3. How Corporate Employers "Game" the Immigration System
4. The Labor Movement's Policy Solution

**[Slide #2]     *"Immigration and the Labor Movement: Four Issues to Explore"***

In this presentation we'll examine four issues related to immigration and the labor movement:

- Why the Labor Movement Cares about Immigration
- "Legality" and the Immigration System
- How Corporate Employers Manipulate the Immigration System
- The Labor Movement's Immigration Policy

## *Why We Care*



### [Slide #3] *“Why We Care”*

The labor movement cares about immigration and has an official immigration policy for many reasons, but today we'll look at four:

#### **The labor movement was built by immigrant workers.**

Immigration is at the heart of our history and what we stand for as the labor movement. Having an immigration policy that is inclusive and welcoming to new waves of immigrants pays tribute to the contributions of the immigrants of the past who built the US labor movement.

#### **Immigrants represent the future of the labor movement.**

Immigrants make up a growing percentage of the US workforce. The labor movement must welcome immigrants into its ranks in order to be able to fulfill its mission of improving the lives of working families by bringing economic justice to the workplace and social justice to our nation.

#### **The current treatment of immigrants in Arizona and other parts of the country is a threat to justice everywhere.**

The current treatment of immigrants in Arizona and many other parts of the country constitutes a major human rights crisis that we have a moral obligation to address.

#### **The current immigration system is hurting all workers.**

Unscrupulous corporate employers, with the help of high-paid corporate lawyers, have devised ways to manipulate the current immigration system in order to hurt workers and fatten their bottom lines. America's workers need a functioning immigration system that protects the rights and interests of all workers.

In this section we'll examine the first three reasons, before digging in and looking closer at the third later in this presentation.

## ***Built by Immigrants***



1909 Unorganized immigrant steel workers strike in McKees Rocks, Pa. and win all demands .



1909 "Uprising of the 20,000" female, mostly Jewish shirtwaist makers in New York strike against sweatshop conditions.



1912 "Bread and Roses" strike of 25,000 textile workers in Lawrence, Massachusetts unite a largely immigrant workforce with over a dozen national backgrounds.

### **[Slide #4] "Built By Immigrants"**

Throughout the late nineteenth and early twentieth century immigrant workers played a major role in building the modern day labor movement. Immigrants from Europe, including Ireland, Italy, Poland, Russia, and other places, fought for, and on many occasions shed blood, to achieve the basic labor standards we take for granted today.

**Discussion Question:** Do you know if any particular group of immigrants played a formative role in building your union or establishing labor standards in your city?

# *Immigrants Today*

## Top Ten Sending Countries for New Legal Permanent Residents; 2009

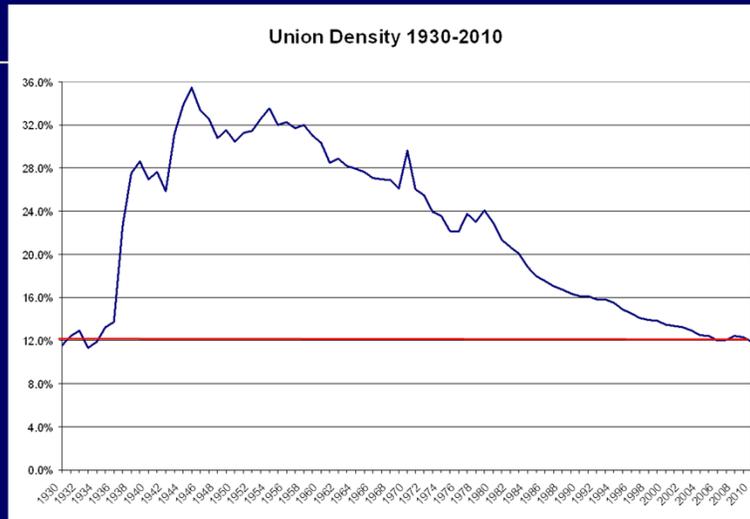
<b>Total</b>	<b>1,130,818</b>
Mexico	164,920
China	64,238
Philippines	60,029
India	57,304
Dominican Republic	49,414
Cuba	38,954
Vietnam	29,234
Colombia	27,849
South Korea	25,859
Haiti	24,280
Other countries	588,737

Source: Department of Homeland Security, Office of Immigration Statistics, Yearbook on Immigration Statistics.

[Slide #5] *“Immigrants Today”*

Today, most immigrants come from Latin America and Asia.

## ***Labor in Crisis***



Source: Bureau of Labor Statistics, Current Population Survey

**[Slide #6] “Labor in Crisis”**

These new immigrants are entering the United States at a time when the American labor movement is in peril. Today less than 12% of the American workforce is unionized. This is the lowest union density rate America has seen since the Great Depression.

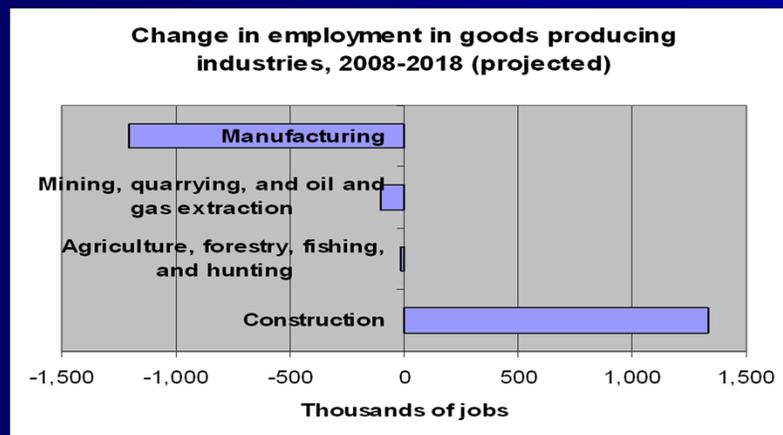
## ***Labor at a Crossroads: Economy Changing***



**[Slide #7]    “Labor at a Crossroads: Economy Changing”**

Union busting and the recession have killed union jobs across the country, but that’s not all. The US economy has changed. Good manufacturing jobs have been shipped overseas, and service sector jobs have taken their place.

## ***Labor at a Crossroads: Manufacturing Jobs Disappearing***



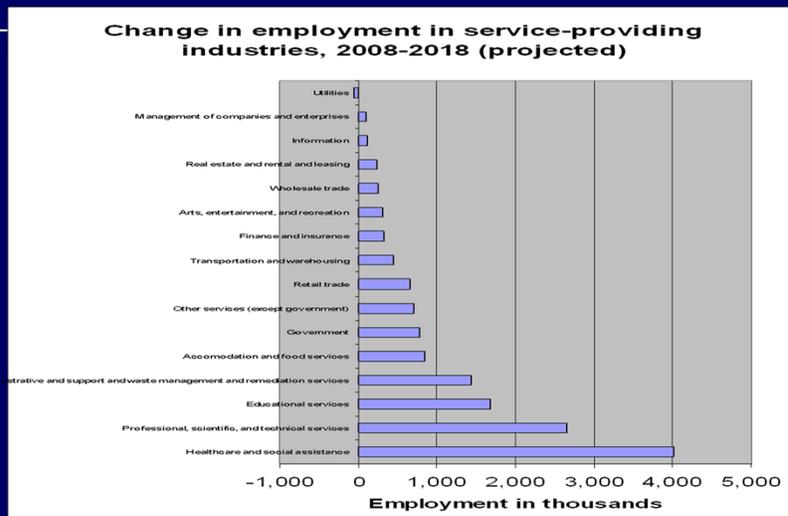
Bureau of Labor Statistics, Occupational Handbook, 2010-2011 Edition

### **[SLIDE #8] “*Labor at a Crossroads: Manufacturing Jobs Disappearing*”**

Unfortunately, this trend looks to continue. The goods producing industries are not projected to see overall growth over the next ten years. Most goods producing industries will lose jobs, the manufacturing industry chief among them.

Construction is the only goods producing industry that is expected to grow between 2008 and 2018.

## ***Labor at a Crossroads: Service Sector Jobs Growing***



Bureau of Labor Statistics, Occupational Handbook, 2010-2011 Edition

### **[Slide #9] “Labor at a Crossroads: Service Sector Jobs Growing”**

However service producing industries are anticipated to grow substantially, generating approximately 14.5 new jobs between 2008 and 2018. The industries that will see an increase of a million jobs or more are:

- The healthcare and social assistance sector;
- The professional, scientific, and technical services sector;
- The educational services sector; and
- The administrative and support and waste management and remediation services sector.

## ***Labor at a Crossroads: Jobs of the Future***

*Occupations projected to see the largest numeral growth, 2008-2018*



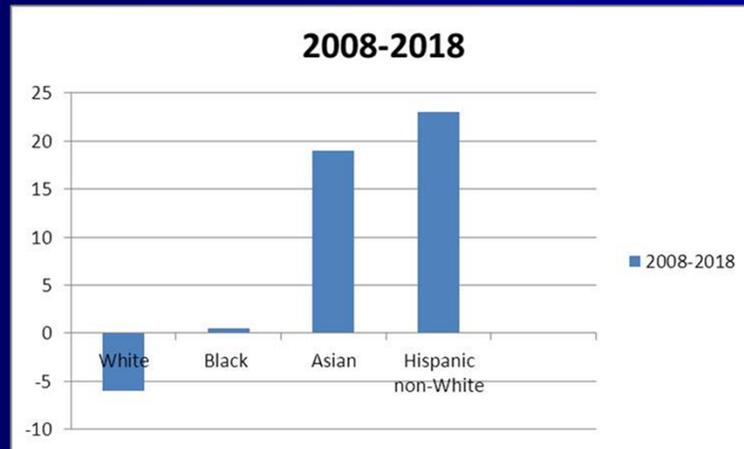
### **[Slide #10] “Labor at a Crossroads: Jobs of the Future”**

These photos represent the ten occupations that are expected to see the highest job growth between 2008 and 2018. Of the twenty occupations expected to see the highest numerical job growth in the next ten years, just 7 require any postsecondary education. Ten of the 20 occupations with the largest numbers of new jobs earned less than the national median wage in May 2008.

**Discussion Question:** Who fills these jobs today? Who is likely to fill them in the future?

## ***Labor at a Crossroads: The Workforce of the Future***

*Change in percentage of civilian labor force by race and ethnicity, 2008-2018*



*SOURCE: BLS Occupational Employment Statistics and Division of Occupational Outlook*

### **[Slide #11] “Labor at a Crossroads: The Labor Force of the Future”**

This chart shows the projected changes in percentage of total workforce by race and ethnicity. Between 2008 and 2018 the Hispanic non-White percentage of the total workforce is expected to increase 23%, while Asian-Americans will also increase their share of the total workforce by 19%. African-Americans will increase their share of the workforce by half a percent, while White non-Hispanics will decrease their percentage of the total workforce by 6 percent.

Immigrants are going to be part of the workplace and need to be part of our unions. Regardless of the documentation status of these workers, how the labor movement approaches the issue of immigration, and whether the labor movement is seen to be welcoming or exclusionary towards new immigrant workers, is likely to have a significant impact on whether these workers choose to organize and join unions.

## *Arizona: Modern Day Mississippi?*



[Slide #12] *“Arizona: Modern Day Mississippi?”*

Today, immigrants are under severe attack. Last April the state of Arizona captured the nation’s attention when Governor Brewer signed Senate Bill 1070 into law. The bill’s most controversial provision authorized law enforcement to question the immigration status of anyone stopped if the officer has a “reasonable suspicion” that an individual is an undocumented immigrant. The law sparked a heated national debate about immigration, immigration reform, the role of states and the federal government in determining immigration policy, racial profiling, and the role and treatment of immigrants in our nation’s economy and society.

These are pressing issues for our nation to grapple with, and there is a lot at risk. While the most controversial and egregious sections of SB 1070 have been blocked, other laws and policies currently in place and likely to pass this legislative session in Arizona and other states across the country threaten to undermine many of the core civil rights advances of the fifties and sixties.

# *What's the Matter with Arizona?*



Prisoners in Arpaio's "tent city" wear pink T-shirts that read "Clean(ing) and Sober" while working on a chain gang.



Maricopa County Sheriff Joe Arpaio, "America's Toughest Sheriff"

## [Slide #13] *"What's the Matter with Arizona?"*

The situation in Arizona is dire. The state has launched an all out war on immigrants and Latino Americans.

Last year the state passed a law that effectively bans ethnic studies classes in public schools and universities. The Arizona Department of Education also implemented a policy that teachers whose spoken English is deemed to be heavily accented cannot teach English classes.

Joe Arpaio, the Sheriff of Maricopa county in which Phoenix lies, has made a national name for himself as "America's toughest Sheriff." He is notorious for his aggressive enforcement of immigration laws, and has used his authority from a federal program to deputize volunteer posses to perform immigration sweeps, armed workplace raids, and set up checkpoints from which to interrogate immigrants and Latino Americans. Further, Arpaio has reinstated chain gangs, and has made a practice of marching prisoners in pink underwear through the desert to attract media attention. He has also set up a so-called "tent city" as an extension of his Maricopa County Jail, where inmates are exposed with minimal protection from 115 degree plus heat in the Arizona desert. He has referred to "tent city" proudly as a "concentration camp" for undocumented immigrants.

(Click on the tent city image to link to video)

## *What's Happening in Arizona Isn't Staying in Arizona*



[Slide #14] *“What’s Happening in Arizona Isn’t Staying in Arizona”*

Arizona is not just an isolated case of an out of control governor or Sherriff. In dozens states across the country SB1070 copycat bills have been introduced in 2011 legislative session. Several states have also introduced bills that attack the 14<sup>th</sup> amendment and attempt to deny citizenship to children born within the United States whose parents are undocumented. Though many of these bills are not expected to pass, every anti-immigration bill that’s filed takes a swipe at immigrant communities. The bills that do not become law are not harmless—they infect the political climate, and encourage anti-immigrant and anti-Latino sentiment that can often have dangerous consequences.

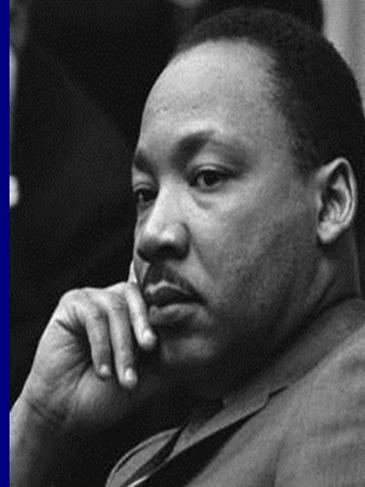
This video, produced by the Chicago-based Center for New Community, reveals the forces behind the anti-immigration movement sweeping the United States today. (**Click** “What’s Happening in Arizona Isn’t Staying in Arizona” to play video)

**"An Injustice Anywhere is a Threat to  
Justice Everywhere"**

**-Dr. Martin Luther King Jr.**



Coretta Scott King prays with Chicano leader Cesar Chavez during his June 1972 fast at the Santa Rita Center in Phoenix.



**[Slide #15] "An Injustice Anywhere is a Threat to Justice Everywhere"**

While the histories of the African American and Latino communities in the United States differ, there are many striking similarities between the struggle of the Latino community and the struggle of the African American community for justice in the United States.

The following clip highlights the work of the African American community in Phoenix, Arizona, to fight back against SB 1070 and the racist anti-immigrant political culture in Arizona today. (**Click "An Injustice Anywhere is a Threat to Justice Everywhere"**)

**Discussion Question:** How do you feel about Reverend Al Sharpton and other black community leaders' comparison of the fight for immigrant rights today to the fight for civil rights of the fifties and sixties? What are the similarities and/or differences between these two movements?

## Legality and the Immigration System

*“What does it mean to be illegal in an unjust system? Weren’t our civil rights leaders illegal when they broke segregationist laws? Weren’t our early union organizers called “illegal” when they went on strike and the police, gun thugs and even the army were called in to crush the strikes? Weren’t our enslaved ancestors also called “illegal” when they escaped to freedom?” —Ted Quant, Director of the Twomey Center for Peace through Justice at Loyola University in New Orleans*

### [Slide #16] *“Legality and the Immigration System”*

There is a lot of talk in the media about “illegal” immigrants. In this section we’ll examine the issue of legality within our immigration system, both historically and today. We’ll explore the history of immigration and naturalization laws in the United States, how the current system works (or doesn’t), and what it means to be “illegal” under our current system.

**(Click)** This is a quotation from Ted Quant, Director of the Twomey Center for Peace through Justice at Loyola University. Let’s keep this quote in mind as we learn more about US immigration law.

# "The Law" Through the Years

<p>CHAP. III.—An Act to establish an uniform Rule of Naturalization.(a)</p> <p>SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the pro-</p>		
<p>Naturalization Act of 1795</p>	<p>Dred Scott Decision of 1857</p>	<p>Chinese Exclusion Act of 1882</p>
		
<p>National Origins Act of 1924</p>	<p>Immigration Act of 1917</p>	<p>Mexican Repatriation, 1929-1939</p>

## [Slide #17] "The Law Through the Years"

Throughout the history of the United States immigration laws and policies have come as the result of political compromise and power struggles amongst different factions within American society. The resulting policies have often failed to serve the interests of workers or of the nation.

**(Click)** The **Naturalization Act of 1795** stipulated that only free white persons could become citizens of the newly formed United States, thus explicitly excluding enslaved African Americans and Native Americans from citizenship.

**(Click)** In the **Dred Scott Decision of 1857** the Supreme Court ruled that a person descended from Africans could not be a citizen of the US, and thus could not have rights under US laws.

**(Click)** The **Chinese Exclusion Act of 1882** explicitly banned Chinese people from entering the country under penalty of imprisonment and deportation. Further, it made Chinese immigrants already in the country permanent aliens by excluding them from citizenship. The Chinese Exclusion Act wasn't repealed until 1943.

**(Click)** The **Immigration Act of 1917** designated an "Asiatic Banned Zone," a region that included much of Eastern Asia and the Pacific Islands from which people could not immigrate.

**(Click)** The **National Origins Act of 1924** limited the number of immigrants who could be admitted from any country to 2% of the number of people from that country who were already living in the United States in 1890. As a result of this law, 87% of all immigration visas in 1924 were given out to people from Northwestern Europe, 11.2% were given to people from Southern and Eastern Europe, and just 2.3% were given out to people from outside of Europe.

**(Click)** The **Mexican Repatriation** refers to a forced migration that took place between 1929 and 1939, when as many as one million people of Mexican descent were forced or pressured to leave the United States. Approximately 60% of them were American born citizens.

### Discussion Question:

Can you think of a law or official US policy, either from American history or the present day, that was not just and not in the interests of you and/or your ancestors? What did or will it take to change that law or policy?

# Current Immigration System



## [Slide #18] "The Current Immigration System"

Like immigration laws of our nation's past, the current immigration system was established as the result of political compromise in Congress. The basic outlines of our current system were established in 1965 with the Immigration and Naturalization Act, which abolished the national quota system. Our system provides limited legal ways for immigrants to come to the United States, and those avenues can take decades.

Today the two main ways to legally immigrate into the United States is either by attaining a family-based or employment-based immigration visa. Current numerical caps for both types of visas were determined decades ago, and have remained unresponsive to our nation's changing economic and labor demands. These caps have created extremely long backlogs for immigrants who want to follow the law.

**"The Line" U.S. Department of State Visa Bulletin January 2011**

Family Visas	All Chargeability Areas Except Those Listed	CHINA-mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	Jan 1, 2005	Jan 1, 2005	Jan 1, 2005	Jan 1, 2005	Jan 8, 1993	June 1, 1994
2A	Jan 1, 2008	Jan 1, 2008	Jan 1, 2008	Jan 1, 2008	April 1, 2005	Jan 1, 2008
2B	April 15, 2003	April 15, 2003	Mar 1, 2002	April 15, 2003	June 22, 1992	May 15, 1999
3rd	Jan 1, 2001	Jan 1, 2001	Jan 1, 2001	Jan 1, 2001	Oct 22, 1992	Oct 22, 1991
4th	Jan 1, 2002	Jan 1, 2002	Jan 1, 2002	Jan 1, 2002	Dec 25, 1995	Jan 1, 1988

*1<sup>st</sup> Preference:* Unmarried adult children of a U.S. Citizen  
*2A Preference:* Spouses and minor children of LPR  
*2B Preference:* Unmarried adult children of LPR  
*3<sup>rd</sup> Preference:* Married adult children of a U.S. Citizen  
*4<sup>th</sup> Preference:* Brothers and sisters of a U.S. Citizen over 21

**We live in Mexico. Our husband and father is a Legal Permanent Resident of the United States. When this bulletin came out we saw we can finally qualify for green cards. Before what date did we first file our paperwork to start the legal immigration process?**



**[Slide #19] "Family Unification—Case Study of Mexican Family"**

Family unification is an important principle governing US immigration policy. The family-based immigration category allows US citizens and lawful permanent residents to bring certain family members to the United States. There are 480,000 family-based visas available every year.

Family based immigrants are admitted to the US either as immediate relatives of US citizens, or through the family preference system. Family members included in the preference system include adult children and siblings of US citizens and spouses and unmarried children of long-term permanent residents. The demand for family-based visas for family members who fall under the preference system far outpaces supply, so there are long backlogs for these visas.

No group of permanent immigrants (family-based and employment-based) from a single country can exceed 7% of the total amount of people immigrating to the United States in a single year. This means that people from countries with the highest demand for immigrant visas (China, Dominican Republic, India, Mexico and the Philippines) face even longer waits than others.

Every month the State Department puts out a highly anticipated bulletin that announces the date that different family preferences, from different countries, would have had to have filed their paperwork to now qualify for a green card. You have a copy of the bulletin on **Handout 1**.

Take a look at the situation of the family described here. They are the wife and children of a legal permanent resident. This means they fall in the 2A Preference category. Also, they are from Mexico, a country with high demand for immigrant visas.

**Discussion Question:** According to the January 2011 State Department bulletin, before what date did they need to have filed their paperwork to start the legal immigration process in order to qualify for green cards today?

*April 1, 2005—almost 6 years ago*

**"The Line" U.S. Department of State Visa Bulletin January 2011**

Family Visas	All Chargeability Areas Except Those Listed	CHINA-mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	Jan 1, 2005	Jan 1, 2005	Jan 1, 2005	Jan 1, 2005	Jan 8, 1993	June 1, 1994
2A	Jan 1, 2008	Jan 1, 2008	Jan 1, 2008	Jan 1, 2008	April 1, 2005	Jan 1, 2008
2B	April 15, 2003	April 15, 2003	Mar 1, 2002	April 15, 2003	June 22, 1992	May 15, 1999
3rd	Jan 1, 2001	Jan 1, 2001	Jan 1, 2001	Jan 1, 2001	Oct 22, 1992	Oct 22, 1991
4 <sup>th</sup>	Jan 1, 2002	Jan 1, 2002	Jan 1, 2002	Jan 1, 2002	Dec 25, 1995	Jan 1, 1988

*1<sup>st</sup> Preference:* Unmarried adult children of a U.S. Citizen  
*2A Preference:* Spouses and minor children of LPR  
*2B Preference:* Unmarried adult children of LPR  
*3<sup>rd</sup> Preference:* Married adult children of a U.S. Citizen  
*4<sup>th</sup> Preference:* Brothers and sisters of a U.S. Citizen over 21

I am Filipina and my brother, a US citizen, filed papers for me twenty-two years ago, when I was just a little girl. Can I apply for a green card yet?



**[Slide #20] "Family Unification—Case Study of Filipina Woman"**

Let's look at another example. Maria is from the Philippines. Her brother, Froilan, is a US citizen who filed her immigration paperwork 22 years ago, when she was just a little girl. Is she eligible to apply for a green card yet?

Let's take a look. As the sister of a US citizen, Maria fits in the 4th Preference category for family visas. She is also from the Philippines, a high immigration visa demand country.

**Discussion Question:**

According to the January 2011 State Department bulletin, what date would Maria's brother have had to file her paperwork before in order for her to qualify for a green card today?

*Her brother would have had to file paperwork on her behalf before January 1, 1988, in order for her to qualify for a green card today. That's over 23 years ago.*

**"The Line" U.S. Department of State Visa Bulletin January 2011** 140,000 employment-based immigrant visas, not including temp. visas (H1B, H2A, H2B, etc.)

Employment-based Visas	All Other Countries	CITIZENSHIP-instated born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1 <sup>st</sup>	No wait	No wait	No wait	No wait	No wait	No wait
2 <sup>nd</sup>	No wait	June 22, 2006	No wait	May 8, 2006	No wait	No wait
3 <sup>rd</sup>	Mar 22, 2005	Dec 15, 2003	Mar 22, 2005	Feb 1, 2002	April 15, 2003	Mar 22, 2005
3 <sup>rd</sup> subcategory: Unskilled Workers	Apr 22, 2003	Apr 22, 2003	Apr 22, 2003	Feb 1, 2002	Apr 15, 2003	Apr 22, 2003
4 <sup>th</sup>	No wait	No wait	No wait	No wait	No wait	No wait
Certain Religious Workers	No wait	No wait	No wait	No wait	No wait	No wait
5 <sup>th</sup>	No wait	No wait	No wait	No wait	No wait	No wait
Targeted Employment Areas/Regional Centers	No wait	No wait	No wait	No wait	No wait	No wait

*1<sup>st</sup> Preference:* Persons with extraordinary ability, Outstanding professors and researchers, and Multinational managers or executives  
*2<sup>nd</sup> Preference:* Professionals holding an advanced degree and Persons with exceptional ability  
*3<sup>rd</sup> Preference:* Skilled workers, Professionals, and Unskilled workers  
*4<sup>th</sup> Preference:* Certain special immigrants  
*5<sup>th</sup> Preference:* Immigrant investors who have a million dollars to invest in the United States and who will create or preserve 10 US jobs

**I am a millionaire. I want to move to the United States and start a business. How long ago will I have to wait to get a green card?**



**[Slide #21] "Employment-Based Visas—Case Study of Millionaire"**

Employment-based immigration is the other major avenue for legal immigration into the United States. The cap for employment-based visas is set at 140,000 visas per year, regardless of whether the US economy is booming and jobs are plentiful or if the economy is in a deep recession and facing high unemployment.

Like the family-based system, the employment based system has different preference categories as well. The longest waits tend to be for workers without advanced degrees or so-called "extraordinary ability." There are only 5,000 visas given out to "unskilled" laborers each year, meaning that it is nearly impossible for unskilled workers to immigrate legally unless they have a family member who can sponsor them.

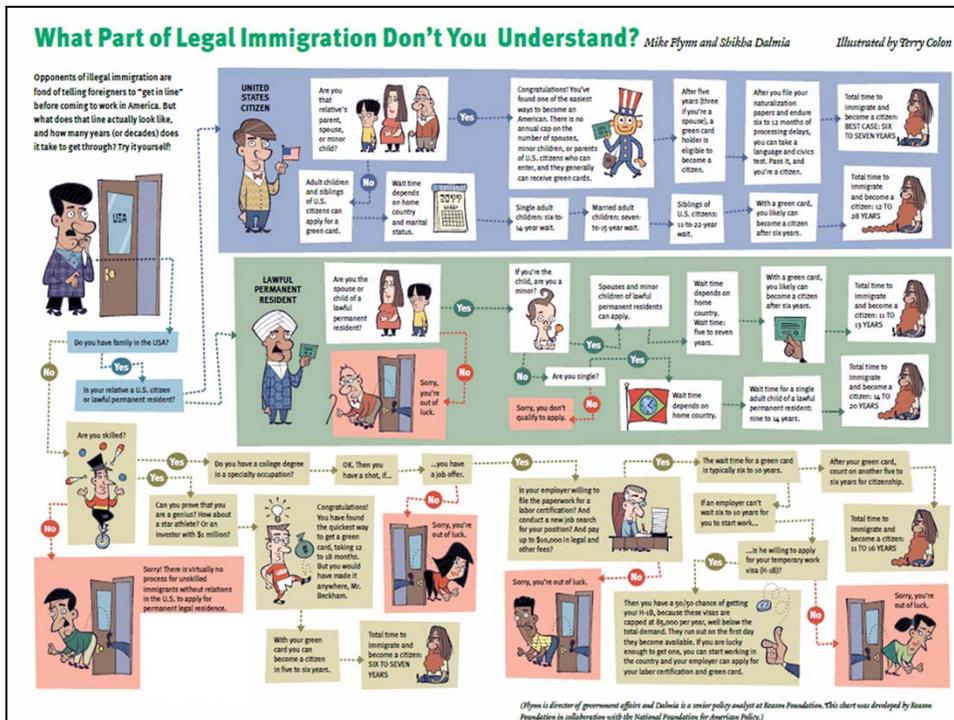
Just like with the family-based system, the State Department puts out a bulletin every month announcing the date before which perspective immigrants who have applied for employment based visas would have had to file their paperwork in order to qualify for a green card today. You have the January 2011 employment-based visa bulletin in your handouts.

Let's take a look at the example of this millionaire investor who wants to start a business in the United States. Refer to the employment visa bulletin on **Handout 2**.

**Discussion Question:**

Regardless of what country he's from, how long does he have to wait to get a green card?

*No time at all. There is no wait for millionaire investors who start a business and create 10 jobs in the United States.*



**[Slide #22] "What Part of Legal Immigration Don't You Understand?"**

**NOTE TO FACILITATOR:** Break large group into five smaller groups. Assign each group one of the profiles listed on **Handout 3**. Each group should also have a copy of the map shown on this slide.

This is a map of possible legal ways to immigrate into the United States. Each group will look at a different case study. You have five minutes to use this map to figure out the legal avenues that the person described in your group's case study has available to him or her to immigrate into the United States. Please be prepared to report to the full group whether your person qualifies for an employment or family-based visa, and how long they can expect to wait to get a green card and to qualify for US citizenship.

Profile 1—Peter, an unskilled laborer from Ireland.

*There is virtually no process for unskilled immigrants without relations in the US to apply for permanent legal residents.*

Profile 2—Lin-Lin, the elderly mother of a long-term permanent resident of the United States.

*Only spouses and children of long-term permanent residents qualify for a family-based visa. Lin-Lin is out of luck.*

Profile 3—Amrit, a college graduate from India with an immediate job offer in the United States that expires within six months.

*It takes between six to ten years to get a work visa, so Amrit's job offer will run out long before he is able to come legally with a green card. If his prospective employer is willing to apply for a temporary work visa he has a 50/50 chance at qualifying because these visas run out the very first day they become available due to high employer demand.*

Profile 4—Cecilia, graduate of a US high school who was brought into the US by her parents at a young age, whose parents are undocumented but younger sibling who was born in the US is a citizen.

*As of today, Cecilia has no legal path to citizenship. The DREAM Act is a piece of legislation that would provide her with such a path.*

Profile 5—Yuri, a millionaire entrepreneur who wants to start a company in the US.

*Millionaires like Yuri have found the quickest way to get a green card—taking 12 to 18 months. They can become a citizen within five to six years.*

**Discussion Question:**

Which person is best off in this system? Which person (or people) are worst off in this system? What have you learned about the immigration system?

*Adopted from SEIU's Immigration Education Curriculum, by Jones and Robalino.*

# Identify the Illegal Immigrant

A. Arnold Schwarzenegger, Austria



B. Salma Hayek, Mexico



C. Cesar Millan, Mexico



D. Michael J. Fox, Canada



[Slide #23] "Identify the Illegal Immigrant"

Because our current legal immigration system takes so long and is so complicated, a lot of people you wouldn't necessarily expect have found themselves out of status at one point or another.

How do we know what an 'illegal' immigrant looks like? Can we tell by looking? This is an issue raised by the Arizona Senate Bill 1070, which would have demanded police question anyone they had 'reasonable suspicion' to believe to be undocumented. Though the most controversial aspect of Arizona SB1070 was struck down in court, there is movement in at least 22 states across the country to pass a similar piece of legislation.

Now we're going to take a vote. Raise your hand if you think Arnold Schwarzenegger is illegal. Salma Hayek? Cesar Millan, the dog whisperer? Michael J. Fox? (Take vote)

The truth is that each of these celebrities has either admitted or is suspected of having been undocumented or out of status at one point or another.

- Arnold Schwarzenegger is rumored to have violated the terms of his tourist and business visas through unauthorized work activities. Still, he went on to become the governor of California. (1)
- Salma Hayek admits to having been illegal for a 'small period of time' when she let her visa expire. She soon returned to Mexico and renewed the visa. She has gone on to become an Academy Award winning actress, as well as an acclaimed director and producer. (2)
- Cesar Millan, creator and host, The Dog Whisperer, crossed the Mexican border illegally in 1990 at the age of 21 after paying a coyote \$100. He married a U.S. citizen in 1994, obtained legal status in 2000, and became a U.S. citizen in 2009. (3)
- Michael J Fox admits there was a period when he was living and working in the US illegally and would not return to Canada for fear of not being allowed back to the U.S. He had to hire immigration lawyers to "straighten it all out." (4)

## Discussion Questions:

Is illegality a person's identity or a moment in time? A character trait or simply a matter of paperwork? How are those with illegal status different from those who are legal?

*Adopted from SEIU's immigration education curriculum, by Jones and Robalino*

## Corporate Employers “Gaming” the System and Hurting Workers



[Slide #24] *“How Corporate Employers ‘Game’ the System and Hurt Workers”*

So far we’ve explored how the economy and workforce are changing. We’ve also examined the complexity of our current immigration system. Now we’re going to analyze in whose interest it is to keep the system as it is.

The current immigration system is corporate America’s best friend. The arbitrary caps our current immigration system places on employment visas don’t respond to changes in the economy’s demand for labor. That means they are the same regardless of whether the US economy is booming and jobs are plentiful or if the economy is down and jobs are scarce.

While globalization and free trade agreements have made it impossible for millions of workers to make a living in their home countries and have pushed them to migrate in search of work, US employers’ demand for cheap, exploitable labor has pulled these workers into undesirable jobs with poor wages and working conditions in the United States.

At the same time, the government’s focus on enforcing immigration laws and identifying and deporting undocumented workers has created a major disincentive for workers to speak out when they are being mistreated or organizing for better conditions. The result is a situation that is ripe for employer abuse and manipulation.

## Hoffman Plastic Compounds v. NLRB: Supreme Court's Gift to Corporate Employers



[Slide #25] *“Hoffman Plastics v. NLRB: Supreme Court’s Gift to Corporate Employers”*

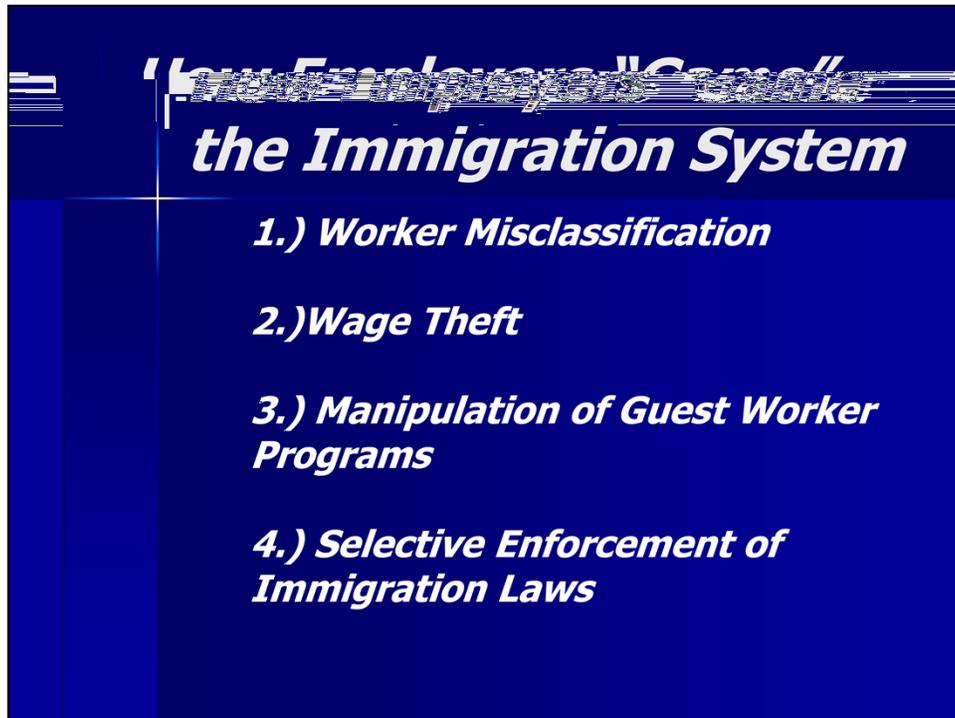
In 2002 the Supreme Court handed corporate employers a major gift with its Hoffman Plastic Compounds v. NLRB case decision. Take a look at **Handout 4** so you can follow along.

In this case workers in a tire factory were fed up with the low wages and dangerous working conditions they were subjected to by their employer. They decided to organize a union to fight back. A committee was formed and an organizing drive was gathering steam when the employer fired nine workers for their union activity.

The workers filed charges with the National Labor Relations Board and the employer admitted to having violated the National Labor Relations Act. However, he objected to having to pay back pay to an undocumented immigrant. The employer challenged the remedy, and the case made it up to the Supreme Court. The Supreme Court ruled that even though the employer violated the law, the undocumented worker was not entitled to back pay.

**Discussion Question:** Who does this decision help? Who does it hurt? What message does this decision send employers? What message does it send workers?

The courts have extended this decision to other employment laws, including workers compensation laws. In a perverse example, one state court determined that a contractor whose negligence on a construction site caused a worker to become incapacitated was not required to compensate the worker for lost earnings at the rate he was earning in New York, but rather at the rate he would have been earning in Mexico. Essentially, employers and contractors are now able to import the workplace standards of developing countries into the United States.



**[Slide #26] “Employers ‘Game’ the Immigration System”**

Employers, with the assistance of court decisions like Hoffman Plastic Compounds, have devised creative ways to manipulate our immigration system in many different industries.

We’ll now look at three ways that employers manipulate the system and hurt workers in the process. We’ll look at:

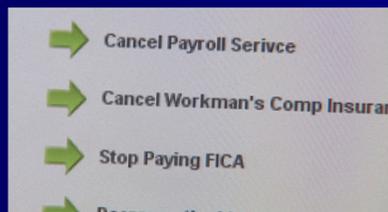
**(Click)** Worker misclassification ;

**(Click)** Wage theft;

**(Click)** Manipulation of guest worker programs; and

**(Click)** Selective immigration enforcement when convenient for employers.

# Gaming the System: Worker Misclassification



- Widespread in many industries.
- A 1984 IRS study found 20% of construction employers misclassify their employees.
- Way for employers to skirt immigration, labor and employment laws.
- Costing state and federal governments billions of dollars in lost payroll taxes, unemployment insurance premiums, and workers compensation premiums.

Screen shot from U & I LLC in Utah, a company that specializes in 'reclassification' services for employers.

## [Slide #27] "Gaming the System: Worker Misclassification"

Employers regularly "misclassify" workers as independent contractors in order to shirk their legal responsibilities to employees. Unlike employees, independent contractors are not covered by labor and employment law, and do not qualify for unemployment insurance compensation.

Misclassified workers are often undocumented immigrants. Employers take advantage of their undocumented status to misclassify them and deny them basic rights and benefits. Often times wage theft—not paying workers all wages earned—accompanies worker misclassification.

### Discussion Questions:

Who benefits from misclassifying undocumented workers?

*Employers who misclassify workers gain between a 20 and 40 percent competitive advantage on their labor costs over law abiding employers. (5)*

Who is hurt by it?

*Everyone, except the unscrupulous employer, is hurt by the practice of worker misclassification.*

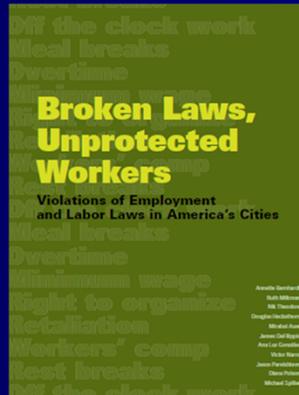
**Misclassified workers** are cheated out of the wages and benefits they deserve, like unemployment insurance and worker's compensation.

**Law abiding employers** lose out on contracts to unscrupulous employers that save on labor costs by misclassifying workers.

**Union workers** are passed over for jobs.

And **state and federal treasuries** see their revenues diminish as unscrupulous employers avoid paying unemployment and payroll taxes. Over 25 years ago, the IRS estimated that nearly **15% of employers misclassified some employees** as independent contractors under the tax laws, with an estimated revenue loss of \$1.6 billion each year in 1984 dollars—approximately \$3 billion in today's dollars. (6) Today it is estimated that more than \$4 billion each year in federal income and employment tax revenue is lost due to misclassification. (7)

# Gaming the System: Wage Theft



- 70% of workers in low wage industries (construction, food manufacturing, restaurant industry, janitorial services, and home health care) in NYC, LA, and Chicago, are immigrants.
- Every week, approximately 1.1 million workers in those cities and industries have **\$56.4 million** stolen from them in minimum wage, overtime, or other pay violations!

Source: *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities, 2009.*

## [Slide #28] "Gaming the System: Wage Theft"

Wage theft often accompanies the misclassification of workers. Quite simply, wage theft is when a worker is not paid all the wages he or she is legally owed.

This 2008 report on the results of a massive survey of 4,387 low wage workers in the United States' three largest cities—New York, Los Angeles, and Chicago—found that wage theft is widespread throughout low-wage industries in major cities where immigrant workers make up the majority of the workforce.

The workers surveyed labored in the **construction** industry, the **food manufacturing** industry, the **restaurant** industry, in **janitorial services** and as **home health care** workers. **70 percent of them were immigrant workers**, reflecting the prevalence of immigrant workers in those cities and industries.

Based on the survey's findings, the authors estimate that **every week in New York, Los Angeles, and Chicago, approximately 1.1 million workers have \$56.4 million stolen from them** in minimum wage, overtime, and other pay violations. (8)

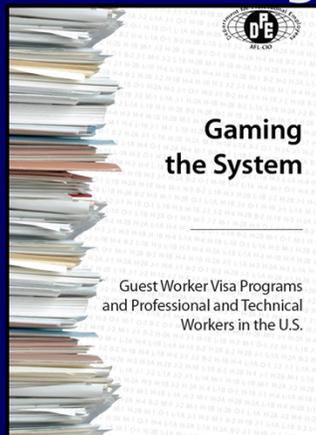
### Discussion Question:

Do you think employers are more or less likely to steal wages from undocumented immigrants than they are likely to steal from other, legal workers? Who does this practice hurt? How does it affect American workers?

*Employers are more likely to steal wages from undocumented immigrants, because such workers are less likely to complain for fear of retaliatory deportation.*

*Clearly, this practice hurts the workers who are stolen from. However, it also hurts other workers who are passed over for those jobs because employers have an incentive to hire and steal from undocumented workers, thus lowering standards for everyone.*

## Gaming the System: Manipulation of Guest Worker Programs



- Guest worker programs allow employers to sponsor foreign workers for temporary visas in order to fill positions that cannot be filled with American workers.
- Employers manipulate these programs by not searching for American workers in good faith, preferring to hire foreign guest workers instead.
- The effects of wages and workplace standards of guest worker programs are significant—a 2009 study of the H-1B program found that the program is associated with a 5-6% drop in wages for computer programmers.

### [Slide #29] *“Gaming the System: Manipulation of Guest Worker Programs”*

Guest worker programs are supposed to give employers the opportunity to hire foreign workers on a temporary basis for positions that they are unable to fill with qualified American workers. Under such programs employers are responsible for making a good faith effort to find domestic workers to fill open positions before petitioning the government on behalf of a foreign guest worker.

As you might expect, employers often do not search for qualified domestic workers to fill open positions in good faith. Many employers prefer foreign workers for a variety of reasons, not least among which is the fact that though guest workers are supposed to be paid the “prevailing wage” for their position, they are often paid much less.

In fact, a 2009 study by the Urban Institute found that admissions of guest workers under the **H-1B visa program are associated with a 5-6% drop in wages** for computer programmers and system analysts. If there was a genuine shortage of qualified workers, no wage decrease should be seen. (9)

## Gaming the System: Manipulation of Guest Worker Programs

### *How to Game the System*

The below screen captures are taken from "fair use" segments of law firm Cohen and Grigsby's Seventh Annual Immigration Law Update, held May 15, 2007. The remarks made by Cohen and Grigsby's Vice President of Marketing, Lawrence M. Lebowitz, sum up the purpose of such seminars succinctly: "Our goal is clearly not to find a qualified U.S. worker... our objective is to get this person a green card... so certainly we are not going to try to find a place where applicants would be most numerous."



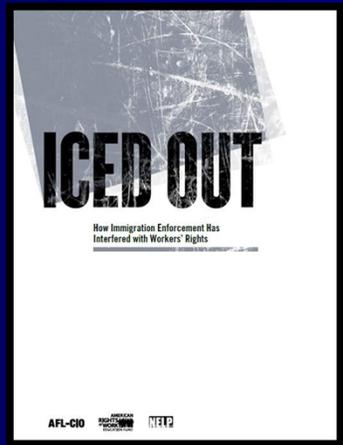
The purpose of seminars such as the one hosted by Cohen and Grigsby is to help firms meet the base requirements of U.S. labor and immigration law with no intent of actually hiring a domestic worker. Workers on H-1B visas, who should be paid the "prevailing wage" for their position, are often paid far less than a domestic counterpart would be and are tied to the firm regardless of work and safety conditions.

Video compliments of the Programmers Guild. For the full video, visit [www.programmersguild.org](http://www.programmersguild.org)

### [Slide #30] "Gaming the System: Manipulation of Guest Worker Programs"

The big winners of our broken immigration system are corporate employers and their lawyers, who make big bucks "advising" corporations on how to game the immigration system in order to fatten their bottom line. This screen captures a conference where the law firm Cohen and Grigsby advises participants on how to do just that. As the Vice President of Marketing, Lawrence Lebowitz described, "[their] goal is clearly not to find a qualified US worker...our objective is to get this [foreign] person..."

## Gaming the System: Selective Immigration Enforcement When Convenient for Employers



### [Slide #31] *“Selective Immigration Enforcement When Convenient for Employers”*

Current law leaves it up to employers to determine if a prospective employee is authorized to work. Employers often turn a blind eye to hiring undocumented immigrants until they start to speak up or collect benefits they are owed. In many cases, ICE and local law enforcement have colluded with employers to detain and deport “troublesome” undocumented workers. We’ll now look at a specific example of this in small groups.

**NOTE TO FACILITATOR:** Break the entire group into three smaller groups. Assign each group Case Study #1, #2, or #3, off of **Handouts 5A and 5B.**

One person from each group should read the case study allowed to the other group members. Then discuss the following questions. In ten minutes, be prepared to report back the details of your case study and your groups’ answers to the discussion questions to the entire group.

#### **Discussion Question:**

Who benefits from the interaction of immigration and labor or employment law in this case? Who is hurt by it? How are union members and/or American workers affected?

# Broken Immigration System: Winners and Losers

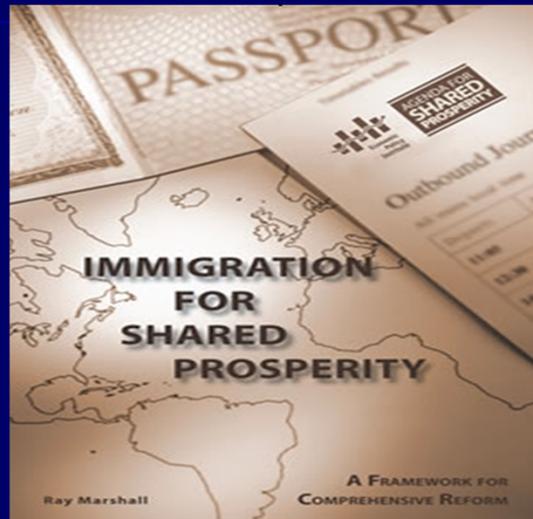


[Slide #32] *“Broken Immigration System: Winners and Losers”*

By now we have seen that the current immigration system is bad for workers. All workers—American born, documented, and undocumented—are being hurt by the broken immigration system, as are families that are getting separated, the US treasury, which is losing out on some income tax revenue, and law abiding businesses, who are being forced to compete with employers that break the law.

At the same time unscrupulous corporate employers and their high paid lawyers are making billions by manipulating the current system to their advantage. Other profiteers include human traffickers and the private prison industrial complex, who are profiting off of the imprisonment of immigrant workers.

## The Labor Movement's Policy Solution



[Slide #33] *“The Labor Movement’s Policy Solution”*

So what do we do about it? The AFL-CIO, along with Change to Win and under the guidance of former Labor Secretary Ray Marshall, has developed a comprehensive proposal for fixing our nation’s broken immigration system in a way that would work for America’s workers. It’s a policy that is focused on bringing about shared prosperity for all workers—not on a race to the bottom for corporate benefit.

## Labor Movement's Joint Unity Framework for Immigration Reform:

- **Establish an independent commission to determine future flows;**
- **A secure and effective workplace authorization mechanism;**
- **Rational operational control of the border;**
- **Adjustment of status of the current undocumented population;**
- **Improvement, not expansion, of current guest worker programs.**

### [Slide #34] *"The Labor Movement's Joint Unity Framework for Immigration Reform"*

Our policy consists of five interrelated pieces. It's important to understand that each of these pieces is dependent on the implementation of the others, and all are necessary to fix the system in a way that truly works for workers.

**(Click)** The first piece of our policy is the establishment of an **independent commission to assess and manage the admission of future legal immigrants into the United States, based on the real needs of the labor market;**

Instead of having a fixed number of employment-based visas regardless of what's going on in the economy, this commission would decide how many employment-based visas to give out each year. In an economy like ours today, when there is high unemployment, the number of employment-based visas given out would be quite low. In the future though, when jobs are more plentiful, those numbers would increase, thereby making undocumented immigration less prevalent.

**(Click)** Next, we call for a **secure and effective workplace authorization mechanism.**

As we saw in the case studies, under the current system it is left up to employers to verify the work authorization status of prospective employees. Far too often employers who had no problem hiring undocumented workers turn around and fire them, or have them deported, when they start organizing or demanding their rights. We need to come up with a workplace verification system that takes this power out of the hands of the employer.

**(Click)** We also call for **rational operational control of the border**, so we know who is in our country and can curb the flow of undocumented workers.

**(Click)** Fourth, we call for the **adjustment of status of the current undocumented population.**

Employers must not be able to hold the documentation status of workers over their heads when they organize or demand the fulfillment of employment and labor laws. Workers need to be able to normalize their status so they can come out of the shadows, fight back against abusive employers, and organize unions, thus lifting the wages and standards of all workers.

**(Click)** Finally, we call for the **improvement, not expansion, of guest worker programs.**

The current guest worker visa program lacks oversight, accountability, and is overly complicated. It needs to be reformed so that employers can't "game" the system at the expense of both US and foreign workers.

## Restoring the Right to Organize—Part of the Solution



**[Slide #35] “Restoring the Right to Organize—Part of the Solution”**

Reforming our immigration laws will make a significant difference in protecting workers from unscrupulous employers and raising standards for all workers, but is not enough. We need real labor law reform so that all workers who want a union can form one. Together, comprehensive immigration reform and labor law reform will take away employers’ incentive to exploit and abuse workers.

## What We're Doing:

- Working with worker centers and other allies.
- Educating and lobbying politicians.
- Providing technical support to worker centers and unions.
- Pushing for the DREAM Act and Comprehensive Immigration Reform

**[Slide #36] “What We’re Doing”**

The AFL-CIO is committed to fighting on behalf of all workers. We work every day with allies across the country to stand up to corporate employers and protect worker rights and build worker power.

**(Click)** We work with worker centers and other allies to fight back against exploitation, abuse, and misguided enforcement-only immigration bills currently before state legislatures.

**(Click)** We educate and lobby politicians so they better understand the issue of immigration from the perspective of working people.

**(Click)** We provide technical support to worker centers and unions who are engaged in organizing campaigns and have legal questions.

**(Click)** And we are actively pushing for the DREAM Act and Comprehensive Immigration Reform that brings workers out of the shadows and into the labor movement.

## What You Can Do:

- Educate leaders and members in your union and other community organizations
- Adopt a resolution and write letters to Congress in support of comprehensive immigration reform and the DREAM Act.
- Reach out to worker centers and other immigrant allies in your community.
- Write a Letter to the Editor in your local paper.
- Speak out against attempts to blame immigrants for the current economic mess corporate America created.

### [Slide #37] *“What You Can Do”*

Speak Up! Make your voice heard. The voice of American workers is often left out of policy debates. The corporate funded right wing is pushing an enforcement-only immigration agenda that will only drive undocumented workers further in the shadows, without dealing with many of the other failures of the immigration system we discussed in this session. Workers need to let their representatives in Congress know that the corporate right-wing does not speak for us.

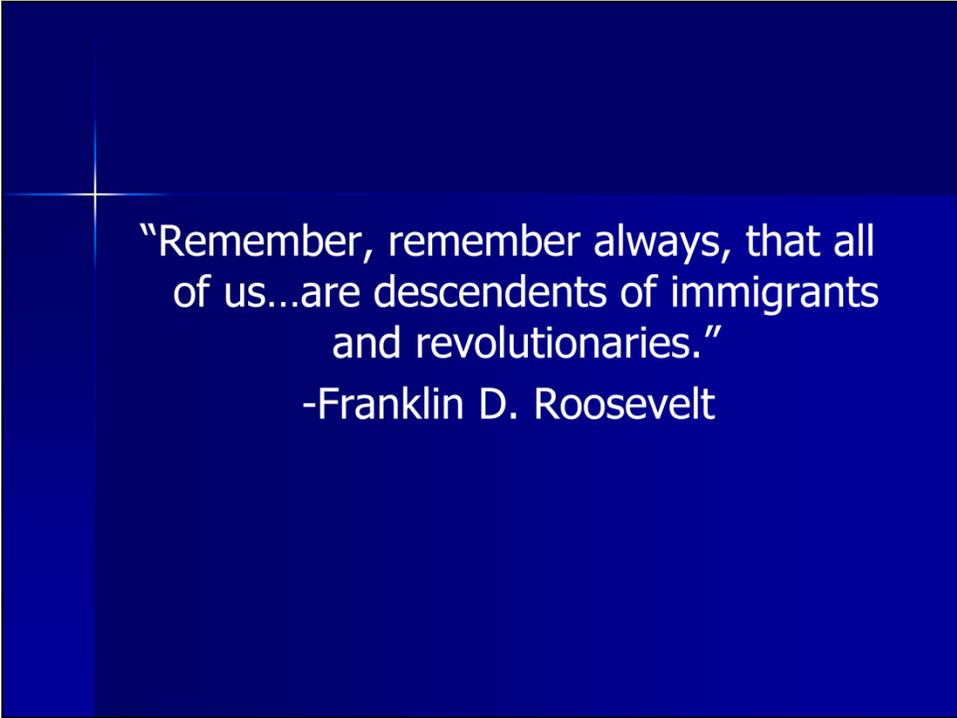
**(Click)** Educate leaders and members in your union and other community organizations about how the current immigration system hurts all workers and the need for comprehensive immigration reform.

**(Click)** Adopt a resolution and write letters to Congress in support of comprehensive immigration reform and the DREAM Act.

**(Click)** Reach out to worker centers or other immigrant allies in your community to discuss ways your union can worker collaboratively with them on pro-worker initiatives.

**(Click)** Write a Letter to the Editor in your local newspaper about why America’s workers need a comprehensive solution to the broken immigration system and not just an enforcement-only approach.

**(Click)** Speak out against attempts to blame immigrants for the current economic mess corporate America created.



“Remember, remember always, that all  
of us...are descendents of immigrants  
and revolutionaries.”  
-Franklin D. Roosevelt

**[Slide #37] “FDR Quote”**

And, in the words of Franklin D. Roosevelt, “remember, remember always, that all of us...are descendants of immigrants and revolutionaries.”

## Sources for PowerPoint Presentation

(1) *SEIU and Immigration Reform Curriculum*, p.74; “Schwarzenegger May Have Violated Terms of Nonimmigrant Visa,” <http://www.visalaw.com/03sep4/15sep403.html>

(2) “*Salma Hayek: I Was an Illegal Immigrant*,” Huffington Post, December 9, 2010. [http://www.huffingtonpost.com/2010/12/09/salma-hayek-i-was-an-illegal-immigrant\\_n\\_794586.html](http://www.huffingtonpost.com/2010/12/09/salma-hayek-i-was-an-illegal-immigrant_n_794586.html), [http://en.wikipedia.org/wiki/Salma\\_Hayek](http://en.wikipedia.org/wiki/Salma_Hayek)

(3) *SEIU and Immigration Reform Curriculum*, p. 72; “What the Dog Saw,” Malcolm Gladwell profile, New Yorker magazine, [www.gladwell.com/2006/2006\\_05\\_22\\_a\\_dog.html](http://www.gladwell.com/2006/2006_05_22_a_dog.html)

(4) “*Lucky Man: A Memoir*,” Michael J. Fox.; “Celebrities Who Were Once Undocumented,” Fox Latino, <http://latino.foxnews.com/slideshow/latino/entertainment/2010/12/09/celebrities-undocumented-immigrants/#slide=7>

(5) *The Social and Economic Costs of Employee Misclassification in the Michigan Construction Industry*, Dale L. Belman and Richard Block, School of Labor and Industrial Relations, Michigan State University, 2008

(6) *Strategic Initiative on Withholding Noncompliance (SVC-1), Employer Survey, Report of Findings*, .Ken Beier, Unpublished: Department of the Treasury, Internal Revenue Service, June 1989.

(7) *The Dunlop Commission on the Future of Worker-Management Relations: Final Report*. 1994. (\$3.3 billion projected loss in 1996 would be equivalent to \$4.47 billion in 2009 dollars).

(8) *Broken Laws, Unkept Promises: Violations of Employment and Labor Law in America's Cities*, Annette Bernhardt, Ruth Milkman, Nik Theodore, Douglas Heckathorn, Mirabai Auer, James DeFilippis, Ana Luz Gonzalez, Victor Narro, Jason Perelshteyn, Diana Polson, and Michael Spiller, 2009.

(9 ) Tambe, Prasanna, and Lorin Hitt. *H-1B Visas, Offshoring, and the Wages of Technology Workers?*, Working paper. Council on Foreign Relations, April 14 2009. <http://www.cfr.org/publication/19500/ssm.html>





## State Department Family Based Visas Bulletin—January 2011

Family	All Chargeability Areas Except Those Listed	CHINA-mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	01JAN05	01JAN05	01JAN05	01JAN05	08JAN93	01JUN94
2A	01JAN08	01JAN08	01JAN08	01JAN08	01APR05	01JAN08
2B	15APR03	15APR03	01MAR02	15APR03	22JUN92	15MAY99
3rd	01JAN01	01JAN01	01JAN01	01JAN01	22OCT92	22OCT91
4th	01JAN02	01JAN02	01JAN02	01JAN02	22DEC95	01JAN88

1<sup>st</sup> Preference: Unmarried adult children of U.S. Citizen

2A Preference: Spouses and minor children of Long Term Permanent Resident (LPR)

2B Preference: Unmarried adult children of Long Term Permanent Resident (LPR)

3<sup>rd</sup> Preference: Married adult children of a U.S. Citizen

4<sup>th</sup> Preference: Brothers and sisters of a U.S. Citizen over 21

## State Department Employment-based Visa Bulletin—January 2011

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	DOMINICAN REPUBLIC	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	22JUN06	C	08MAY06	C	C
3rd	22MAR05	15DEC03	22MAR05	01FEB02	15APR03	22MAR05
Other Workers	22APR03	22APR03	22APR03	01FEB02	15APR03	22APR03
4th	C	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C	C
5th	C	C	C	C	C	C
Targeted Employment Areas/ Regional Centers	C	C	C	C	C	C
5th Pilot Programs	C	C	C	C	C	C

1<sup>st</sup> Preference: Persons with extraordinary ability, Outstanding professors and researchers, and Multinational managers or executives

2<sup>nd</sup> Preference: Professionals holding an advanced degree and Persons with exceptional ability

3<sup>rd</sup> Preference: Skilled workers, Professionals, and Unskilled workers

4<sup>th</sup> Preference: Certain special immigrants

5<sup>th</sup> Preference: Immigrant investors who have a million dollars to invest in the United States and who will create or preserve 10 jobs

## **Hoffman Plastic Compounds v. NLRB: Supreme Court's Gift to Corporate Employers**

Workers in a tire factory were fed up with the low wages and dangerous working conditions they were subjected to by their employer. They decided to organize a union to fight back. A committee was formed and an organizing drive was gathering steam when the employer fired nine workers for their union activity.

The workers filed charges with the National Labor Relations Board and the employer admitted to having violated the National Labor Relations Act. However, he objected to having to pay back pay to an undocumented immigrant. The employer challenged the remedy, and the case made it up to the Supreme Court. The Supreme Court ruled that even though the employer violated the law, the undocumented worker was not entitled to back pay.

### **Discussion Question:**

Who does this decision help? Who does it hurt? What message does this decision send employers? What message does it send workers?



## Group 1 Case Studies

### “What Part of Legal Immigration Don’t You Understand”

You are an unskilled laborer with no family in the United States.

**Questions:**

What are the legal avenues open to you to immigrate into the United States? How long will it take for you to get a green card? How long will it take for you to become a US citizen?

\*\*\*

### “Gaming the System: Selective Immigration Enforcement When Convenient for Employers”

Francisco Berumen Lizalde worked as a painter for a non-union contractor in Wichita, Kansas.

He suffered an injury in November, 2005 when he fell eight feet from some scaffolding. His injury required surgery, and left him temporarily disabled and unable to work.

A month later, he was arrested and detained by Immigration and Customs Enforcement. He was charged with using fraudulent documents to obtain employment, to which he pled guilty, and he was sentenced to serve time and deported.

Although Mr. Lizalde had not fully recovered from his work-related injury when he was deported, the workers’ compensation insurance carrier stopped making temporary total disability payments in December 2005. His doctor advised him to seek follow up treatment for his work-related injury in Mexico.

**Questions:**

Who benefits from the interaction of immigration and labor or employment law in this case? Who is hurt by it? How are union members and/or American workers affected?

## Group 2 Case Studies

### **“What Part of Legal Immigration Don’t You Understand”**

You are college educated and have a job offer. Your prospective employer needs you to start on the job within six months. You have no family in the United States.

**Questions:**

What are the legal avenues open to you to immigrate into the United States? How long will it take for you to get a green card? How long will it take for you to become a US citizen?

\*\*\*

### **“Gaming the System: Selective Immigration Enforcement When Convenient for Employers”**

Workers at a Woodfin Suites Hotel in California joined together with a community group and local union to pass a ballot initiative for a living wage. Soon thereafter, the hotel fired 21 immigrant workers, claiming they had received letters from the Social Security Administration stating that the workers’ SS #s did not match SSA records.

When workers claimed unlawful retaliation, a local court ordered the hotel to reinstate them. However after the court ruling a California state senator contacted Immigration and Customs Enforcement on Woodfins’ behalf and ask that it investigate the status of the Woodfin Suites employees.

ICE heeded the Representatives’ call and conducted an audit of the hotel which resulted in 12 new firings.

**Questions:**

Who benefits from the interaction of immigration and labor or employment law in this case? Who is hurt by it? How are union members and/or American workers affected?

## Group 3 Case Studies

### **“What Part of Legal Immigration Don’t You Understand”**

You are the elderly mother of a long-term permanent resident of the United States. You want to live with your child in your old age.

#### **Questions:**

What are the legal avenues open to you to immigrate into the United States? How long will it take for you to get a green card? How long will it take for you to become a US citizen?

\*\*\*

### **“Gaming the System: Selective Immigration Enforcement When Convenient for Employers”**

Indian welders and pipefitters employed as guest workers for Signal International, based in Pascagoula, Mississippi, left their labor camps and reported themselves to the Department of Justice as victims of trafficking and forced labor in March 2008. The guestworkers say they had been charged recruitment fees of up to \$20,000, were housed in closely guarded, over-crowded labor camps, and were regularly threatened with deportation. When the workers reached out to a local church for help defending themselves against what they viewed as illegal activity by the employer, they say Signal International conducted a pre-dawn raid on its own labor camp, detaining five worker-leaders under armed guard. Signal publicly defended its actions with statements that it conducted the raid after consultation with ICE.

When the workers went on a Ghandian truth pilgrimage to illustrate their plight, ICE engaged in covert surveillance of their Montgomery, Alabama visit to a site honoring martyrs of the civil rights movement in the South. The DOJ and ICE have each refused to explain or disavow the surveillance. The DOJ continues to work with ICE, the agency in charge of arresting, detaining and deporting immigrants as the lead investigative agency on this and many other human trafficking crimes.

#### **Questions:**

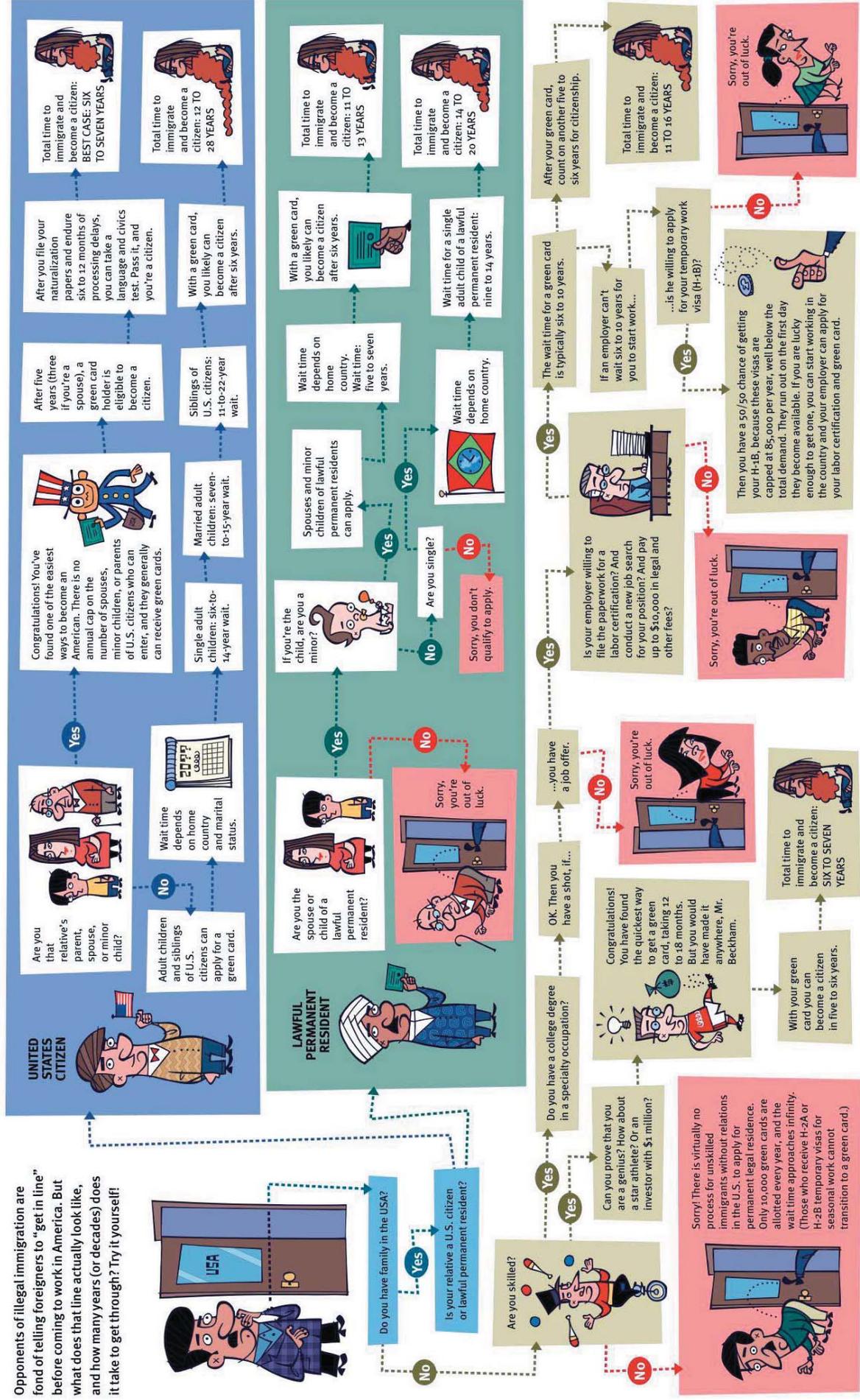
Who benefits from the interaction of immigration and labor or employment law in this case? Who is hurt by it? How are union members and/or American workers affected?



# What Part of Legal Immigration Don't You Understand?

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



(Flynn is director of government affairs and Dalmaia is a senior policy analyst at Reason Foundation. This chart was developed by Reason Foundation in collaboration with the National Foundation for American Policy.)





# The Labor Movement's Framework for Comprehensive Immigration Reform

## **AFL-CIO and Change to Win**

APRIL 2009

**IMMIGRATION REFORM** is a component of a shared prosperity agenda that focuses on improving productivity and quality; limiting wage competition; strengthening labor standards, especially the freedom of workers to form unions and bargain collectively; and providing social safety nets and high-quality lifelong education and training for workers and their families. To achieve this goal, immigration reform must fully protect U.S. workers, reduce the exploitation of immigrant workers and reduce employers' incentive to hire undocumented workers rather than U.S. workers. The most effective way to do that is for all workers—immigrant and native-born—to have full and complete access to the protection of labor, health and safety and other laws. Comprehensive immigration reform must complement a strong, well-resourced and effective labor standards enforcement initiative that prioritizes workers' rights and workplace protections. This approach will ensure that immigration does not depress wages and working conditions or encourage marginal low-wage industries that depend heavily on substandard wages, benefits and working conditions.

This approach to immigration reform has five major interconnected pieces:

- 1.** An independent commission to assess and manage future flows, based on labor market shortages that are determined on the basis of actual need;
- 2.** A secure and effective worker authorization mechanism;
- 3.** Rational operational control of the border;
- 4.** Adjustment of status for the current undocumented population; and
- 5.** Improvement, not expansion, of temporary worker programs, limited to temporary or seasonal, not permanent, jobs.

Family reunification is an important goal of immigration policy and it is in the national interest for it to remain that way. First, families strongly influence individual and national welfare. Families historically have facilitated the assimilation of immigrants into American life. Second, the failure to allow family reunification creates strong pressures for unauthorized immigration, as happened with the IRCA's amnesty provisions. Third, families are the most basic learning institutions, teaching children values as well as skills to succeed in school, society and at work. Finally, families are important economic units that provide valuable sources of entrepreneurship, job training, support for members who are unemployed and information and networking for better labor market information.

The long-term solution to uncontrolled immigration is to stop promoting failed globalization policies and encourage just and humane economic integration, which will eliminate the enormous social and economic inequalities at both national and international levels. U.S. immigration policy should consider the effects of immigration reforms on immigrant source countries, especially Mexico. It is in our national interest for Mexico to be a prosperous and democratic country able to provide good jobs for most of its adult population, thereby ameliorating strong pressures for emigration. Much of the emigration from Mexico in recent years resulted from the disruption caused by NAFTA, which displaced millions of Mexicans from subsistence agriculture and enterprises that could not compete in a global market. Thus, an essential component of the long-term solution is a fair trade and globalization model that uplifts all workers, promotes the creation of free trade unions around the world, ensures the enforcement of labor rights and guarantees core labor protections for all workers.

## **Future Flow**

One of the great failures of our current employment-based immigration system is that the level of legal work-based immigration is set arbitrarily by Congress as a product of political compromise—without regard to real labor market needs—and it is rarely updated to reflect changing circumstances or conditions. This failure has allowed unscrupulous employers to manipulate the system to the detriment of workers and reputable employers alike. The system for allocating employment visas—both temporary and permanent—should be depoliticized and placed in the hands of an independent commission that can assess labor market needs on an ongoing basis and—based on a methodology approved by Congress—determine the number of foreign workers to be admitted for employment purposes, based on labor market needs. In designing the new system, and establishing the methodology to be used for assessing labor shortages, the commission will be required to examine the impact of immigration on the economy, wages, the workforce and business.

## **Worker Authorization Mechanism**

The current system of regulating the employment of unauthorized workers is defunct, ineffective and has failed to curtail illegal immigration. A secure and effective worker authorization mechanism is one that determines employment authorization accurately while providing maximum protection for workers, contains sufficient due process and privacy protections and prevents discrimination. The verification process must be taken out of the hands of employers, and the mechanism must rely on secure identification methodology. Employers that fail to use the system properly must face strict liability, including significant fines and penalties regardless of the immigration status of their workers.

## **Rational Operational Control of Borders**

A new immigration system must include rational control of our borders. Border security is clearly very important, but not sufficient, since 40 to 45 percent of unauthorized immigrants did not cross the border unlawfully but overstayed visas. Border controls, therefore, must be supplemented by effective work authorization and other components of this framework. An “enforcement-only” policy will not work. Practical border controls balance border enforcement with the other components of this framework and with the

reality that more than 30 million valid visitors cross our borders each year. Enforcement, therefore, should respect the dignity and rights of our visitors, as well as residents in border communities. In addition, enforcement authorities must understand that they need cooperation from communities along the border. Border enforcement is likely to be most effective when it focuses on criminal elements and engages immigrants and border community residents in the enforcement effort. Similarly, border enforcement is most effective when it is left to trained professional border patrol agents and not vigilantes or local law enforcement officials—who require cooperation from immigrants to enforce state and local laws.

## **Adjustment of Status for the Current Undocumented Population**

Immigration reform must include adjustment of status for the current undocumented population. Rounding up and deporting the 12 million or more immigrants who are unlawfully present in the United States may make for a good sound bite, but it is not a realistic solution. And if these immigrants are not given adequate incentive to “come out of the shadows” to adjust their status, we will continue to have a large pool of unauthorized workers whom employers will continue to exploit to drive down wages and other standards to the detriment of *all* workers. Having access to a large undocumented workforce has allowed employers to create an underground economy, without the basic protections afforded to U.S. citizens and lawful permanent residents, and in which employers often misclassify workers as independent contractors, thus evading payroll taxes and depriving federal, state and local governments of additional revenue. An inclusive, practical and swift adjustment-of-status program will raise labor standards for all workers. The adjustment process must be rational, reasonable and accessible, and it must be designed to ensure it will not encourage future illegal immigration.

## **Improvement, Not Expansion, of Temporary Worker Programs**

The United States must improve the administration of existing temporary worker programs, but should not adopt a new “indentured” or “guest worker” initiative. Our country has long recognized that it is not good policy for a democracy to admit large numbers of workers with limited civil and employment rights.

# American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.  
Washington, D.C. 20006  
(202) 637-5000  
www.aflcio.org

## EXECUTIVE COUNCIL

**RICHARD L. TRUMKA**  
PRESIDENT

Gerald W. McEntee  
William Lucy  
Harold Schaitberger  
William Burrus  
William Hite  
Laura Rico  
Capt. John Prater  
Fred Redmond  
Fredric V. Rolando  
Newton B. Jones  
DeMaurice F. Smith  
James Boland  
Lee A. Saunders  
Veda Shook

**ELIZABETH H. SHULER**  
SECRETARY-TREASURER

Michael Sacco  
Robert A. Scardelletti  
Edwin D. Hill  
Leo W. Gerard  
John Gage  
Robbie Sparks  
Rose Ann DeMoro  
Matthew Loeb  
Diann Woodard  
D. Michael Langford  
Baldemar Velasquez  
Bruce R. Smith  
James Andrews  
Walter W. Wise

**ARLENE HOLT BAKER**  
EXECUTIVE VICE PRESIDENT

Frank Hurt  
R. Thomas Buffenbarger  
Clyde Rivers  
James Williams  
Larry Cohen  
Nancy Wohlforth  
Mark H. Ayers  
Randi Weingarten  
Patrick D. Finley  
Robert McElrath  
John W. Wilhelm  
Bob King  
Maria Elena Durazo  
Michael Goodwin  
Michael J. Sullivan  
Cecil Roberts  
Vincent Giblin  
Gregory J. Junemann  
James C. Little  
Richard P. Hughes Jr.  
Rogelio "Roy" A. Flores  
Malcolm B. Futhy Jr.  
Roberta Reardon  
Ken Howard  
General Holiefield  
Terence M. O'Sullivan

## Q & As on the Union Movement's Immigration Policy

*The labor movement's immigration policy reflects our approach to all issues that face working men and women—the advancement of the rights of all workers and their families at the worksite and in our communities. We hope this Q & A helps workers understand the labor movement's policy on immigration and the reasons for it.*

***Please feel free to contact Devon Whitham at (202) 637-5089 or [Dwhitham@aflcio.org](mailto:Dwhitham@aflcio.org) for further information.***

### ***Does the Union Movement Support Reform of our Immigration Laws?***

Yes. Overhaul of our immigration system is long overdue. The current system is a blueprint for exploitation of workers. We believe the U.S. must have an immigration system that protects all workers within our borders without compromising our fundamental civil rights and civil liberties.

### ***What Is the Cause of Illegal Immigration?***

Corporate driven globalization and the failure of the U.S. government to enforce workplace laws are pushing workers from their home countries and pulling them into the United States. Failed development policies have destroyed the economies of developing nations and have forced workers to migrate in search of jobs. At the same time, lax enforcement of employment and labor laws has made it easy for corporations to recruit and hire undocumented workers. Because those workers are often unable to exercise their workplace rights for fear of being deported, corporations are benefiting from the creation of an entire exploitable class of workers numbering in the millions that increase their profits at the expense of all workers.

### ***How Should the Immigration Laws Be Changed?***

Immigration law reform has to make protection of workers its main priority. That means reform must satisfy five interrelated principles:

- 1.) It must provide a mechanism for currently undocumented workers to be able to exercise their labor rights, which means it must provide a real path to legalization;
- 2.) It must create a mechanism for the admission of future workers to fill labor shortages; the number and characteristic of such workers should be determined by an independent commission;
- 3.) It must establish reasonable operational control of the border, including visa enforcement;
- 4.) It must ensure that employers hire only authorized workers, which requires a tamper-proof worksite authorization mechanism; and
- 5.) It must reject the creation or expansion of temporary worker programs (also known as "guest worker" programs).

Of course, the system must preserve social protections and guarantee civil rights and civil liberties to all.

### ***How Can You Support Legalization When So Many Americans are Unemployed?***

Legalization is part of restoring an economy that works for all. The broken immigration system is benefiting the very same corporations that devastated our economy. It allows corporations to exploit a vulnerable undocumented workforce, and allows those corporations to continue to operate outside the rule of law. Legalization would only affect workers who are already living in the U.S. and working alongside U.S. workers. Legalization would restore workers' ability to exercise their workplace rights, such as collectively organizing a union. It would also turn the unauthorized into tax-paying Americans, thereby expanding the tax base, which assists job creation.

The Center for American Progress recently concluded that comprehensive immigration reform would generate over \$1.5 trillion in GDP over the next ten years, while at the same time cutting costs for enforcement and deportation by hundreds of billions of dollars.

### ***How Would the Independent Commission Function?***

The independent commission is a flexible approach to setting the number and characteristics of future foreign workers. The Commission will gather labor market data, identify labor shortages and determine how many foreign workers are needed to fill those shortages. The Commission will then recommend those numbers to Congress for approval. During robust economic times the numbers would be larger than during a recession, when labor shortages might not exist.

### ***Why Does the Union Movement Oppose Guest Worker Programs?***

Current guest worker programs have a profoundly negative impact on labor standards and undermine American values. The programs allow corporations to turn permanent jobs into temporary jobs staffed by foreign workers who are often unable to exercise their labor rights. Under any guest worker program a worker's legal work authorization is tied to their continued employment with the corporation that sponsored their visa. A guest worker who complains about working conditions runs the risk of being fired and thereby losing their authorization to work in the United States. This condition of forced employment by a single employer creates the conditions for exploitation of guest workers. For this reason the union movement strongly supports the reform of existing guest worker programs and is against the expansion of any new guest worker programs.

### ***Why Should We Simply Allow People Who Came to the United States Illegally to Stay Here?***

It is neither realistic nor desirable as a nation to deport over 10 million people. At a time when public budgets are already strained because of current government policies that punish workers and give to the rich, trying to "deport" all undocumented workers would be fiscally irresponsible and a distraction from addressing the root causes of our current economic crisis.

### ***What is the DREAM Act? Does the AFL-CIO Support It?***

The DREAM Act is a piece of legislation that addresses the unique situation of U.S. high school graduates who were brought to the United States by their parents when they were young and therefore bear no responsibility for their undocumented status. It would provide legal status for any individual who arrived in the U.S. under the age of 16, has earned a high school diploma or GED, and has completed two years of college or military service. The AFL-CIO strongly supports the DREAM Act.

### ***What Is the AFL-CIO Doing to Make Sure Immigration Laws Are Fixed in the Right Way?***

We are working with our affiliates and our community partners in the courts and on Capitol Hill to make sure Congress understands that immigration reform must focus on the needs of workers, not corporations. We will also be developing and distributing more materials to State Feds, Central Labor Councils, and our affiliates to

ensure that working men and women understand how fixing our broken immigration system is an integral part of fixing our nation's broken economy.



# American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.  
Washington, D.C. 20006  
(202) 637-5000  
www.aflcio.org

## EXECUTIVE COUNCIL

**RICHARD L. TRUMKA**  
PRESIDENT

Gerald W. McEntee  
Michael Goodwin  
Michael J. Sullivan  
Clyde Rivers  
James Williams  
Larry Cohen  
Robbie Sparks  
Rose Ann DeMoro  
Matthew Loeb  
Diann Woodard  
D. Michael Langford  
Baldemar Velasquez  
Bruce R. Smith  
James Andrews

**ELIZABETH H. SHULER**  
SECRETARY-TREASURER

Michael Sacco  
William Lucy  
Harold Schaitberger  
Cecil Roberts  
Vincent Giblin  
Warren George  
Nancy Wohlforth  
Mark H. Ayers  
Randi Weingarten  
Patrick D. Finley  
Robert McEllrath  
John W. Wilhelm  
Bob King  
Maria Elena Durazo

**ARLENE HOLT BAKER**  
EXECUTIVE VICE PRESIDENT

Frank Hurt  
Robert A. Scardelletti  
Edwin D. Hill  
William Burrus  
William Hite  
Gregory J. Junemann  
James C. Little  
Richard P. Hughes Jr.  
Rogelio "Roy" A. Flores  
Malcolm B. Futhy Jr.  
Roberta Reardon  
Ken Howard  
General Holiefield  
Terence M. O'Sullivan  
Patricia Friend  
R. Thomas Buffenbarger  
Joseph J. Hunt  
Leo W. Gerard  
John Gage  
Laura Rico  
Capt. John Prater  
Fred Redmond  
Fredric V. Rolando  
Newton B. Jones  
DeMaurice F. Smith  
James Boland  
Lee A. Saunders

## **AFL-CIO President Richard Trumka On Arizona Anti-immigrant Law April 27, 2010**

Arizona's new anti-immigrant law (SB 1070) is an affront to American values of fairness and respect for our constitution. The AFL-CIO joins people of conscience around the country in condemning the law, which will make racial profiling the norm—if not a requirement—in Arizona and will be impractical, unenforceable and a waste of scarce public resources.

The law requires a police officer to stop a person and demand proof of immigration status when the officer has "reasonable suspicion" to believe the person is not authorized to be in the United States, regardless of whether he or she is suspected of a crime. The law puts Arizona's entire Latino population—the great majority of whom are U.S. citizens or legal residents—at risk of arrest.

It also severely undermines workers' rights: Any employer faced with Latino workers' complaints—in the form of a picket or a lawsuit—can simply call the police and have workers arrested under the guise of "reasonable suspicion." The law's chilling effect is all too clear.

The law turns public employees into federal immigration officials, requiring them to verify immigration status upon "reasonable suspicion"—a complex task that they are not trained, or paid, to do. To make matters worse, public employees must now perform that task under an ever-present threat of being sued because the law subjects local governments and their employees to potential lawsuits by any citizen who believes it is not being enforced strongly enough.

We need urgent action. The Arizona law should not be allowed to become a model; it is bad public policy and it should be put to rest. We call on the Department of Justice to step up to its fundamental mission of protecting and defending our civil rights and immediately bring legal action to stop Arizona from implementing its ill-guided and unconstitutional law. We also call on President Obama to publicly oppose and terminate all programs --- including collaborations between state and local law enforcement and the Department of Homeland Security (DHS) --- that result in racial profiling. Our focus should instead be on a comprehensive solution to the broken immigration system.

**Contact:** Amaya Tune 202-637-5018





**Building and Construction Trades Department**  
AMERICAN FEDERATION OF LABOR—CONGRESS OF INDUSTRIAL ORGANIZATIONS  
815 SIXTEENTH ST., N.W., SUITE 600 • WASHINGTON, D.C. 20006-4104  
(202) 347-1461 [www.BCTD.org](http://www.BCTD.org) FAX (202) 628-0724

**Mark H. Ayers**  
**President**

**Building and Construction Trades Department**

---

## President's Message: The 800 Pound Gorilla That Sits in the Middle of Arizona

The current firestorm that has erupted as a result of the enactment of the "Show Me Your Papers" law in Arizona has further enflamed the already contentious debate about illegal immigration.

Proponents of the Arizona law flatly state that it was needed because of the federal government's failure to act on comprehensive immigration reform that would address issues related to border security.

Critics, on the other hand, say the Arizona law is nothing more than a pathway to provide state and local police carte blanc authority to racially profile and harass Hispanics.

Either way, because of this firestorm, there are discussions now underway in Washington, DC relating to the introduction of a comprehensive immigration reform bill.

On April 30, Senate Majority Leader Harry Reid (D-NV) and several of his fellow Senate Democrats introduced a framework for an overhaul of immigration laws in light of the Arizona law. The Senate Democrats' approach would impose tougher sanctions on employers who hire illegal immigrants, create new identification cards for immigrant workers, reform temporary worker programs, and provide a sensible pathway for responsible immigrants to become full-fledged U.S. citizens.

For his part, President Barack Obama voiced his support for the plan, saying it is "a very important step in the process of fixing our nation's broken immigration system."

In truth, the entire debate around the issue of immigration never seems to effectively address the real problem - our collective national addiction to cheap labor and low wages. In America today, it's all about next quarter's profits and the bottom line. While exploitative businesses and their apologists hide behind empty slogans like "free markets," we know the only freedom they are fighting for is the freedom to exploit workers, steal wages and cut corners.

It's no secret certain industries, such as construction, rely heavily on illegal labor. In recent years, according to the Pew Hispanic Center, undocumented workers accounted for as much as

25% of the entire U.S. construction workforce. And in the residential construction sector, that number is even higher.

In many states, attempts have been made to require employers to check prospective employees on their legal status through the production of a driver's license, state ID card, or other positive means of identification. But this is hardly a fool-proof method of dealing with the problem, as evidenced by the results of an undercover operation spearheaded by Jobs for Georgians and the North Georgia Building Trades Council, and as reported by the Atlanta Journal Constitution:

“Jose Alvarez first asked about a bricklaying job with M&D Masonry at the Atlanta airport in March, and the foreman assured him that being an illegal immigrant wouldn't be a problem.

‘Do you have a picture ID?’ said Bob Beaty, hiring foreman for the Americus-based masonry company working on the new \$1.4 billion international terminal.

‘But it's not legal,’ Alvarez told him.

‘I know, I know, none of our guys are, but if you have a picture ID, you can get on here,’ Beaty said. ‘Everybody turns in a Social Security number and we take taxes out for that number. I know none of those numbers are right.’

This, ladies and gentlemen, is the crux of our national immigration problem.

And when states move to address these issues, they are inevitably thwarted by those whose business models are now predicated upon an addiction to cheap, easily exploitable labor.

This was the case in 2006, for example, when the state of Colorado attempted to crack down on employers who hire illegal workers. Governor Bill Owens was initially supportive of the bill, but when business leaders told him the price of a house might go up by 5 percent because some homebuilders could lose their exploitable labor, he backed away.

You can be sure, with talk about immigration reform heating up, that the U.S. Chamber of Commerce, the National Association of Home Builders, and the Associated Builders and Contractors (ABC) are all gearing up to engage lawmakers, because their “race to the bottom” business model relies upon the continued exploitation of workers who do not have the same right to join a union or recourse under the law as U.S. workers.

Let us examine what this “race to the bottom” approach (predicated upon the exploitation of undocumented workers) has done to the U.S. construction industry, and to U.S. construction workers. For starters, real wages for construction workers were lower in 2006 than they were in 1973! Adjusted for inflation, construction workers in 1973 earned the equivalent of \$22.13 an hour in today's dollars. However, actual average hourly pay for construction workers in 2006 was only \$18.29 – 17 percent below the 1973 rate, adjusted for inflation.

Additionally, even when contractors are making money, workers are not seeing the gains. According to the federal government's economic census, contractors' profits grew between 1977

and 2002. However, workers did not get their fair share of the gain; instead the proportion of construction receipts spent for payroll and benefits actually declined by almost 14 percent during the same period!

With those types of statistics in mind, it is simply idiotic for us, as a nation, to pass law after law – like the one in Arizona – and arrest someone with brown skin who can't produce an ID; or confiscate their cars; or deport people and break up families; when we don't have the sense or the courage to address the real issue - companies maximizing profits at the expense of workers, using a business model that relies on the lowering of standards and wages industry-wide by exploiting a workforce without the legal standing to demand justice.

Instead of demagoguery and divisiveness, we need comprehensive immigration reform that stops this exploitation. America's Building Trades Unions and this great country were built by immigrants seeking a better life for themselves and their families. Whether it's a temporary worker program that denies full rights and wages to those working in this country or the "Show Me Your Papers" law, anytime we treat immigrants like second-class citizens, we undermine our core values as Americans, and undermine the American Dream for all of us.

America's building trades unions will never stop in their quest to expose organizations like the Home Builders and the ABC for what they truly are – defenders and practitioners of an abhorrent business model that is contrary to our American beliefs.





## **Steelworkers Outraged Over Arizona's Shameful Immigration Bill**

FOR IMMEDIATE RELEASE: April 26, 2010

CONTACT: Gerald Dickey (412) 562-2281

Pittsburgh – The United Steelworkers (USW) union is proud of its long history of fighting to preserve American jobs while at the same time supporting common sense immigration reform that protects the rights of individuals in accordance with the U.S. Constitution.

“The recent law passed by the Arizona Legislature and signed by Gov. Brewer is nothing more than a pitiful attempt to pander to those in the political spectrum who would have us believe that our nation’s economic troubles lie solely at the hands of undocumented workers,” said USW International President Leo W. Gerard.

“Our country is in desperate need of immigration reform and the only way it can be done is to have it debated and passed in the U.S. Congress, not by 50 state legislatures,” he said.

“The Arizona law has the potential of subjecting our Latino population to racial profiling,” Gerard said. “This is unacceptable to us and to every American who respects human dignity.

“The image of police confronting people on the street, asking to see identification is akin to things that have not been witnessed since the fall of totalitarian dictatorships in the last century,” he said. “We can’t let our great nation go down that road. This law must be repealed.”

USW International Vice President and Director of Civil Rights Fred Redmond said the legislation threatens to roll back a half century of gains by the civil rights movement.

“We believe the law is unconstitutional,” Redmond said. “We commend President Obama for turning this over to the Justice Department for the investigation of civil rights violations.

“This can set back years of struggle for civil rights,” he said. “We have to stop this legislation in its tracks. It must be repealed.”



## THE ANTI-WORKER TRUTH ABOUT THE REPUBLICAN HOUSE JUDICIARY COMMITTEE

### Introduction

After four years of Democratic control, Republicans are now in charge of the U.S. House of Representatives. House Republican leaders have placed a familiar cast of characters in position to draft the chamber's strategy on immigration:

- **Rep. Lamar Smith (R-TX)** is now the chair of the House Judiciary Committee, and he has declared that immigration will be a top priority for his Committee. Smith was the chair of the House Immigration Subcommittee in 1996 when Congress passed a series of laws that ramped up enforcement against both legal and undocumented immigrants—bills that collectively made the broken immigration system worse, not better. Despite following Smith's enforcement-only strategy for nearly fifteen years, the number of undocumented immigrants in our country has continued to rise.
- **Rep. Elton Gallegly (R-CA)** is now the chair of the House Immigration Subcommittee, and he is preparing to launch a series of hearings on immigration enforcement at the beginning of the 112<sup>th</sup> Congress. Gallegly also has a long track record on immigration, and has focused much of his efforts on attacking children. For example, since the early 1990s Gallegly has sponsored legislation to deny U.S. citizenship to babies born in America based on who their parents are. In 1996, he famously pushed an amendment to deny undocumented children access to an education—the federal version of California's Proposition 187.
- **Rep. Steve King (R-IA)** is now vice-chair of the House Immigration Subcommittee. He may have been passed over for the top spot because of his incendiary comments, such as his comparison of immigrants to livestock and suggestion that we install an electric fence at the border to keep them out. Still, Smith and Gallegly share King's policy positions on immigration, and he will continue to play a key role in crafting their approach.

In one of his first acts of the year, Rep. Smith (R-TX) changed the name of the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law to the Subcommittee on Immigration Policy and Enforcement. The name change reflects the new priorities of the Committee—an enforcement-only approach with the goal of driving 11 million undocumented immigrants and their family members out of the country.

However, since a mass deportation policy is not popular with Latino voters, House Republicans are attempting to recast their approach in more palatable terms. Rather than change course and embrace comprehensive immigration reform—the only proposal that would truly level the playing field, turn workers into taxpayers, and restore the rule of law—they are simply recasting their anti-immigration agenda using pro-worker terms.

In this report, America’s Voice Education Fund (AVEF) peels back the pro-worker mask that Smith, Gallegly, and King are attempting to put on, and shows that they are motivated not by concern for workers but their desire to remove 11 million immigrants and their family members from the country. AVEF reviews their voting records on worker issues, and find that they have a long history of opposing policies to help American workers succeed, such as an increase to the minimum wage.

In reality, Smith, Gallegly, and King are simply carrying out the policies embraced by a shadowy coalition of anti-immigrant organizations—many of whom have been tied to white supremacists or labeled hate groups by the Southern Poverty Law Center. This report exposes that connection and makes it clear that groups like the “Coalition for the Future American Worker” are simply using American unemployment as the latest excuse to rail against immigrants. In the past, these same organizations have blamed immigrants for such diverse issues such as global warming, the housing crisis, a broken health care system, traffic congestion, and more.

Finally, AVEF examines why a mass deportation agenda is dangerous politics for the Republican Party. After pushing anti-immigrant policies for years and campaigning on the issue in the 2006, 2008, and 2010 elections, Republicans have boxed themselves in with Latino voters. Following the strategy of Smith, Gallegly, and King, they are the party of Proposition 187, the Sensenbrenner bill, the Arizona “papers, please” immigration law and copycat proposals in other states, the defeat of comprehensive immigration reform, and the defeat of the DREAM Act. Latino voters feel disrespected and attacked by the GOP, and are increasingly voting Democratic because of it.

As the 2010 Census results drive home, unless the GOP finds a way to reverse course on immigration and win at least 40% of the Latino vote, it will never see the inside of the White House again, and will become a minority party. With Smith, Gallegly, and King at the helm in the House, the GOP is poised to become a sinking ship with Latino voters unless real leaders in the Party step up.

## House Republicans' Immigration Plan is Bad for Workers and the Economy

### House Republican Judiciary Members Graded "F" for Voting Against Working Families

America's labor unions represent millions of dues-paying workers across the country. America's Voice Education Fund analyzed the voting records of Republicans on the House Judiciary Committee using key votes on issues that impact U.S. workers, according to unions and other worker advocates.

While House Republicans on the Judiciary Committee are now framing their long-standing policy of expelling millions of immigrants from America as a jobs program, these ratings paint a dramatically different picture of their motivations. They have a long record of voting against the interests of American workers, and an equally long record voting for policies advocated by the anti-immigrant lobby.

Below are grades given to veteran House Judiciary Committee Republicans from several major labor unions:

**100% earned a grade of "F" from the AFL-CIO<sup>1</sup>**

**100% earned a grade of "F" from the  
Service Employees International Union<sup>2</sup>**

**100% earned a grade of "F" from the  
American Federation of State County and Municipal Employees<sup>3</sup>**

Specifically, House Judiciary Committee Republicans opposed landmark legislation that would raise wages and improve the working conditions of U.S. workers multiple times. For example:

**71% Voted Against  
Increasing the Minimum Wage<sup>4</sup>**

**100% Voted Against  
the Employee Free Choice Act<sup>7</sup>**

**100% Voted Against  
Equal Pay for Women<sup>5</sup>**

**100% Voted Against  
Foreclosure Relief<sup>8</sup>**

**100% Voted Against  
Wall Street Reform<sup>6</sup>**

**94% Voted Against  
Providing Parental Leave for Federal  
Employees<sup>9</sup>**

Seven Republican Members of Congress who sit on the Judiciary Committee are freshmen and don't have Congressional voting records. However, two new members of the Judiciary Committee, Sandy Adams (FL-24) and Dennis Ross (FL-12), do have voting records from their service in the Florida State House. Rep. Sandy Adams received a grade of F from the Florida AFL-CIO for every year of her tenure, and Rep. Dennis Ross failed every year but one, when he

earned a D.<sup>10</sup> The remaining five freshmen Members have no voting records available for analysis.

In sharp contrast, all veteran Judiciary Committee Democrats earned a lifetime grade of A from the AFL-CIO for voting in the interests of working families.<sup>11</sup>

Additional information on the voting records of members of the House Judiciary Committee is available in the appendix.

## **Deportation is Not a Jobs Program; Comprehensive Immigration Reform Would Help the Economy**

Clearly, jobs and the economy are top issues for the vast majority of Americans. But rather than fixing the economy, the House Republicans' immigration plan would only make a bad situation worse by spending billions more taxpayer dollars on deportation, pushing millions more workers into the underground economy, and continuing the status quo where unscrupulous employers hold a powerful advantage over their law-abiding competitors and a captive workforce.

Here are the facts about immigration and our current economic situation:

Organizations representing actual workers have developed solutions to the broken immigration system that will help all workers.

Unlike the single-issue anti-immigrant organizations behind the Coalition for the Future American Worker, the AFL-CIO, Change to Win and their member unions are principally dedicated to fighting for policies that would benefit the American worker. Combined, the two organizations represent over sixteen million members and over sixty unions.

The AFL-CIO and Change to Win crafted "The Labor Movement's Framework for Comprehensive Immigration Reform."<sup>12</sup> Their framework describes immigration reform as "a component of a shared prosperity agenda that focuses on improving productivity and quality; limiting wage competition; strengthening labor standards, especially the freedom of workers to form unions and bargain collectively; and providing social safety nets and high-quality lifelong education and training for workers and their families."

Their approach to immigration reform has five major interconnected pieces:

1. An independent commission to assess and manage future flows, based on labor market shortages that are determined on the basis of actual need;
2. A secure and effective worker authorization mechanism;
3. Rational operational control of the border;
4. Adjustment of status for the current undocumented population; and

5. Improvement, not expansion, of temporary worker programs, limited to temporary or seasonal, not permanent, jobs.

These groups that were founded to fight for the American worker have studied the issue extensively and concluded that comprehensive immigration reform is the solution to our broken immigration system. Clearly, they have more standing when it comes to “worker issues” than re-cast anti-immigration organizations.

#### The status quo is not an option.

Opponents of comprehensive immigration reform have argued against reform both in times of high and low unemployment. Their continued attempts to block progress on immigration reform mean we are left with the status quo—a situation that most Americans agree is untenable. Indeed, continued failure to fix the broken immigration system has become another example of how Washington just doesn’t work. Reps. Smith, Gallegly, and others have primary responsibility for that failure. The immigration laws they passed in 1996 have not brought control and order to the system, and they refuse to advance solutions that would.

Comprehensive immigration reform would ensure that twelve million taxpayers are on the tax rolls and that their employers are paying their fair share as well. It would gut the underground economy that drives down standards for all workers. Stalling on comprehensive immigration reform only benefits bad-actor employers who profit from the race to the bottom.

#### Mass deportation is not a credible solution to America’s unemployment situation.

Some Members of Congress have asserted that the solution to high levels of unemployment is the deportation of millions of immigrants and their families. They compare the number of unemployed Americans to the number of undocumented workers, and suggest that unemployed Americans simply step into the jobs of undocumented workers. But spending billions more taxpayer dollars to crack down on hardworking busboys and housekeepers is not an American jobs program.

Sending an out-of-work auto worker and her family in Michigan to pick strawberries in California is not a credible answer to the many Americans desperately in need of good jobs at high wages with good benefits.

Removing immigrants from the economy would also remove jobs, as industries such as agriculture are decimated, related jobs in transportation and production are sent overseas, and consumers are removed from the economy.

The Republican policies promote a race to the bottom and rely on economic strategies that would hurt, not help, our country’s jobs problem. Comprehensive immigration reform would expand labor rights and create a level playing field to ensure better jobs and working conditions for all.

America cannot build a strong economy on the back of a broken immigration system.

Comprehensive immigration reform would generate billions in new tax revenues, and allow our immigration enforcement agencies to focus their resources on the worst of the worst, rather than non-criminal workers. Had the Senate's comprehensive immigration reform bill become law in 2006, the Congressional Budget Office estimates that it would have generated \$66 billion in new income and payroll taxes from 2007-2016.<sup>13</sup>

Mass deportation of twelve million undocumented immigrants is not a practical alternative to comprehensive reform. According to the Center for American Progress, even if a program could be designed to deport nearly 11 million immigrants who entered illegally or stayed here after their visas expired, it would cost nearly \$300 billion to implement.<sup>14</sup> A study by the Perryman Group concluded that deportation of the undocumented workforce would shock the economy, to the tune of \$1.8 trillion in annual lost spending and \$651.5 billion in annual lost output. The study also finds that if Congress passed legislation to restructure labor markets and the economy to move workers into jobs previously held by the undocumented, the nation would suffer \$552.6 billion in annual lost spending and \$245 billion in annual lost output.<sup>15</sup>

Even the conservative CATO Institute has said that "legalization of low-skilled immigrant workers would yield significant income gains for American workers and households."<sup>16</sup>

Comprehensive immigration reform would help to end the race to the bottom and improve the welfare of *all* workers.

Studies have shown that for nearly all workers, immigration has increased wages across the board.<sup>17</sup> However, in certain industries, our government has allowed bad actor employers to cheat the system, taking advantage of workers by paying substandard wages "under the table" or misclassifying them as independent contractors or temporary and part-time employees. Comprehensive immigration reform would help correct this unfair situation.

A study by Cornell University found that in New York State alone, between the years 2002-2005 employers in select industries underreported over \$4 trillion in taxable wages due to misclassification of their employees. The study also found that misclassification enabled "unscrupulous employers to ignore labor standards," denied "many workers protections and benefits that they are entitled to," and destabilized "the business climate, creating an un-level playing field and causing law-abiding businesses to suffer unfair competition."<sup>18</sup>

The Labor Movement's Framework for Comprehensive Immigration Reform presents a real solution that would benefit all American workers.<sup>19</sup>

The Framework warns that without an effective policy to legalize undocumented immigrants, "we will continue to have a large pool of unauthorized workers whom employers will continue to exploit to drive down wages and other standards to the detriment of *all* workers. Having

access to a large undocumented workforce has allowed employers to create an underground economy, without the basic protections afforded to U.S. citizens and lawful permanent residents, and in which employers often misclassify workers as independent contractors, thus evading payroll taxes and depriving federal, state and local governments of additional revenue. An inclusive, practical and swift adjustment-of-status program will raise labor standards for all workers. <sup>20</sup>

## **House Republicans’ Immigration Plan is Mass Deportation, Thinly-Disguised**

### **House Republican Judiciary Members Receive “A” Grade from Anti-Immigrant Lobby**

Every two years, the Federation for American Immigration Reform (FAIR) publishes a “Congressional Voting Report” evaluating Members of Congress on their immigration stances. FAIR is no ordinary interest group. It has been designated a hate group by the Southern Poverty Law Center for its disturbing connections to white nationalist organizations and individuals, and is part of a network of extremist organizations created by well-known white nationalist John Tanton. FAIR is also the organization behind the Coalition for the Future American Worker, a front group designed to put a “pro-worker” face on the anti-immigrant lobby’s anti-worker agenda.

America’s Voice Education Fund analyzed FAIR’s most recent Voting Report and found that every Republican on the House Judiciary Committee voted according to FAIR’s recommendations at least 90% of the time.<sup>21</sup>

[Additional information on the voting records of members of the House Judiciary Committee is available in the appendix.](#)

### **House Judiciary Republicans’ Allies**

The Coalition for the Future American Worker (CFAW) is the “pro-worker” face of the hard-line anti-immigrant lobby. But like FAIR’s champions in Congress, who cast themselves as having the interests of American workers at the heart of their anti-immigrant agenda, the Coalition for the Future American Worker is not what it claims to be.

CFAW has no staff, no office and does not pay its own bills – it is simply a project of hard-line anti-immigrant groups, many of which have disturbing histories and ties. Its website is registered to FAIR staff and Dan Stein, president of FAIR, Roy Beck of Numbers USA and Brantley Davis, partner in FAIR’s public relations firm, Davis & co. have served as spokespeople for CFAW.

No international unions are associated with the Coalition for the Future American Worker in any way. Only one local union, the Communications Workers of America Local 4250 is listed as a member of the coalition.

Unlike the grassroots, labor oriented persona that it seeks to project, most CFAW member organizations<sup>22</sup> are part of the anti-immigrant network created by noted white nationalist John Tanton.<sup>23</sup> The network includes organizations that have been designated as hate groups by the Southern Poverty Law Center and which share ties with extremist organizations. These organizations have spent hundreds of thousands of dollars for advertising under the “Coalition for the Future American Worker” name, with the goal of preventing action on comprehensive immigration reform. Member organizations of CFAW include:

- **Federation for American Immigration Reform.** Founded by John Tanton, who currently sits on the FAIR board of directors. FAIR has been designated a hate group by the Southern Poverty Law Center for its close ties to white nationalist individuals and organizations.<sup>24</sup> FAIR has employed staff of white nationalist organizations and has received over \$1.2 million from the Pioneer Fund, a foundation which promotes eugenics.<sup>25</sup>
- **American Immigration Control Foundation.** AICF has also been designated a hate group by the Southern Poverty Law Center<sup>26</sup> and has received funding from John Tanton and the Pioneer Fund. AICF president John Vinson is an advisor to the Council of Conservative Citizens (CCC), the reconstituted segregationist White Citizens’ Councils of the 1950s. According to CCC, a part of its mission is to “oppose all efforts to mix the races of mankind.”<sup>27</sup> Vinson is a frequent author for the Citizen Informer, a regular publication of the Council.<sup>28</sup>
- **Numbers USA, Education & Research Foundation.** NumbersUSA was founded and has been funded by John Tanton. It is the Internet activism arm of the anti-immigrant movement, which directs its dedicated online membership to send faxes and make calls to Congress in opposition to comprehensive immigration reform with a wide variety of rationales.<sup>29</sup> John Tanton called Roy Beck, the director of NumbersUSA his “heir apparent” and worked at Tanton’s controversial publication, the Social Contract Press, which was also designated a hate group by the Southern Poverty Law Center. Beck has been the featured speaker at a conference of the Council of Concerned Citizens.<sup>30</sup>
- **Californians for Population Stabilization (CAPS).** Diana Hull, president of CAPS, serves on the FAIR board of advisors and is a regular author for the John Tanton’s Social Contract Press. CAPS has been funded by Tanton, shared key staff with FAIR, and shared board members<sup>31</sup> with the Center for Immigration Studies, the Tanton-founded “think tank” of the anti-immigrant lobby. CAPS’ leaders have also spoken at events hosted by the Council of Concerned Citizens, and the organization is reported to have spent millions of dollars on political advertisements charging that immigrants are the cause of global warming and pollution.<sup>32</sup>
- **American Council on Immigration Reform.** The leader of the Council is Michael Cutler, a fellow at the Center for Immigration Studies, a group founded by John Tanton.<sup>33</sup> The Council is the face of the anti-immigrant lobby’s “national security” message.

- **American Jobs Coalition.** This group was created by Glenn Jackson, a member of the FAIR national board of advisors,<sup>34</sup> to promote the anti-immigrant lobby's agenda with a "pro-jobs" message.
- **American Engineering Association.** This organization has been supported by John Tanton's funding organization, U.S. Inc. Its former president and head of government relations are authors for Tanton's Social Contract Press.<sup>35</sup>

In 2004 and other years, CFAW spent an untold amount on advocacy advertising on television, directed at pro-labor candidates for office. One of their many ad campaigns, designed to damage the candidacy of then Congressman Martin Frost (D-TX), who received *a lifetime grade of A* from the AFL-CIO, was designed to benefit Rep. Pete Sessions (R-TX), who has *a lifetime grade of F* from the AFL-CIO. That same year, CFAW also sponsored ads to damage the candidacy of labor-supported candidates in Kansas and Iowa. Quickly after the ads began to run, Mark Smith, President of the Iowa Federation of Labor called them "just racist stuff with no factual basis." The NBC affiliate in Des Moines, IA pulled the ads from broadcast and its general manager labeled them "borderline racist."<sup>36</sup>

During the controversy, NumbersUSA director Roy Beck, then spokesman for CFAW said, "We don't represent any union members in Iowa, but we do represent the interest of labor."<sup>37</sup> In fact, Roy Beck and his colleagues in the anti-immigrant lobby have made a pattern of "representing" constituencies of which they are not a part.

- **Progressives.** Progressives for Immigration Reform (PFIR)<sup>38</sup> was created in January, 2009 by the anti-immigrant lobby to present a "progressive" face on the anti-immigrant lobby's agenda. Roy Beck of Numbers USA helped to recruit its new director, Leah Durant, a former attorney for FAIR and its legal arm the Immigration Reform Law Institute. Curiously, Durant's tenure at FAIR is missing from her biography on the PFIR website. The vice president of PFIR is a board member for FAIR and the Center for Immigration Studies. Its blogger, Philip Cafaro is an author for Mark Krikorian's Center for Immigration Studies.<sup>39</sup>
- **Environmental movement.** Similar to the model used to create the Coalition for the Future American Worker, FAIR other anti-immigrant organizations have created front groups such as "America's Leadership Team for Long Range Population-Immigration-Resource Planning" and others to promote their hard-line anti-immigrant agenda. Leaders of the anti-immigrant movement even went so far as making a failed attempt to take over the Sierra Club board of directors in 2004<sup>40</sup> to force the club to adopt an anti-immigration platform. And in 2005, a ballot question to strike the Sierra Club's longstanding policy<sup>41</sup> of not engaging on immigration was defeated by Sierra Club members 84 – 16 percent.<sup>42</sup> These failed takeover attempts are the vision of John Tanton himself who wrote in 1986, "The Sierra Club may not want to touch the immigration issue, but the immigration issue is going to touch the Sierra Club!"<sup>43</sup>

- **Latinos.** FAIR's Media Director, Ira Mehlman, is the contact person for FAIR's "Latino" front group, "You Don't Speak for Me."<sup>44</sup> The group's handful of spokespeople have appeared on news programs as representative of a grassroots movement of Latinos, despite being wholly a project of FAIR, and despite public opinion research from a variety of sources that shows comprehensive immigration reform to be an important issue to Latino voters.
- **African-Americans.** Choose Black America<sup>45</sup> was created by FAIR to advocate their anti-immigrant agenda with African American spokespeople and FAIR's press secretary, , Bob Dane, served as the press contact for CBA.<sup>46</sup> Several of the African American spokespeople at their opening press conference acknowledged that they had never spoken to one another – one even immediately distanced himself from the group upon learning more about them.<sup>47</sup> While the CBA website, and therefore the organization, has been shut down, one of its spokespeople, Frank Morris, a board member for the Tanton founded Center for Immigration Studies later became a spokesperson for CFAW.
- **Vietnamese.** Vietnamese for Fair Immigration (VIR)<sup>48</sup> was backed financially by FAIR and created by Tim Brummer under the Vietnamese pseudonym he created, "Tim Binh." VIR sponsored high-priced billboard ads featuring Latinos saying "no racist amnesty," which Brummer claims were paid for by the VIR membership. Brummer, aka Binh, is also a member of the Tanton-funded Californians for Population Stabilization. When it was revealed that "Binh" was actually Brummer, he said: "I speak Vietnamese, I eat Vietnamese food, I live with Vietnamese, in my mind, I'm half Vietnamese."<sup>49</sup>

## House Republicans – Dangerous Ambassadors to the Latino Community

The common theme uniting the House Judiciary Committee's immigration agenda in the 112<sup>th</sup> Congress is its underlying goal of expelling millions of immigrants and their family members from this country. Not only is this mass deportation approach clearly bad policy – it would decimate the agriculture and other industries, fuel the underground economy, cost hundreds of billions of dollars to implement, reduce tax revenues, and ultimately fail in fixing the immigration system – but it's an approach that could end the Republican party's hopes of regaining the White House for a generation.

Perhaps it is fitting that the House Judiciary Committee will likely define the Republican brand to Latino voters in 2012. In fact, it was the actions of this same committee that galvanized Latino voters on the issue of immigration reform in 2006, contributing to the Democratic sweep of Congress that year.

On December 16, 2005, the Republican-controlled House passed a notoriously anti-immigrant bill authored by Judiciary Committee Chairman Jim Sensenbrenner (R-WI). The so-called "Sensenbrenner bill" was a laundry list of anti-immigrant lobby priorities – the same priorities that the new Judiciary Committee leadership espouses today, using different rhetoric.

The legislation sparked an unprecedented backlash in Latino and immigrant communities and delivered a crushing blow to the Republican brand that was felt at the ballot box in 2006, ending the gains that President George W. Bush made with this community.

Now, with Reps. Lamar Smith, Elton Gallegly, and Steve King at the helm of the Judiciary Committee, it looks like the Republican Party is preparing to double down on its past mistakes.

In 2004, Latinos voted for Democratic nominee John Kerry over President George W. Bush by 59% to 40%, or a 3-2 margin. With respect to Latino immigrant voters, Kerry and Bush ended up even closer (52% for Kerry and 48% for Bush). Latino voters were a key factor in the Democratic takeover of Congress in 2006<sup>50</sup> and Barack Obama's win in 2008.<sup>51</sup>

In an otherwise overwhelmingly favorable year for Republicans, Latino voter support for Democrats in 2010 continued the pattern of the previous two election cycles. In 2010, Latinos voted for Democrats over Republicans by roughly 75%-25%, or a 3-1 margin according to election eve polling of Latino voters conducted by Latino Decisions in eight key states (AZ, CA, CO, FL, IL, NM, NV, TX).<sup>52</sup> Overall, Latino *immigrant* voters (foreign-born, now naturalized citizens) supported Democrats by even larger margins.<sup>53</sup>

Latino support for Democrats in 2010 acted as a firewall in key Senate races in the West, helping to keep the Senate in Democratic hands and stopping the Republican wave at the Rockies.<sup>54</sup> Senators Boxer (CA), Bennet (CO), and Murray (WA), as well as Reps. Gabrielle Giffords (D-AZ) and Raul Grijalva (D-AZ) and other House Members, won against tough challengers with strong support from Latino voters. And in the most-anticipated match-up of the 2010 cycle, Sharron Angle of Nevada bet the farm on her anti-immigrant wedge strategy and lost handily, as Senate Majority Leader Harry Reid won the Latino vote 90 to 8.<sup>55</sup>

Immigration is the biggest driver behind this shift toward Democrats over the past six years. Specifically in 2010, sixty percent of Latinos said immigration was either the most important issue or one of the most important issues in their decision to vote and who to vote for.<sup>56</sup> Only 14% said it was not a factor.

As witnessed by such recent events as former Florida Governor Jeb Bush's Hispanic Leadership Conference in South Florida, some Republican leaders have sensed the danger of continuing to follow the lead of House Judiciary Republicans on immigration and are speaking out.<sup>57</sup> However, the true challenge for these leaders is that the Republican Party needs to do more than change its rhetoric—it needs to change its policy proposals too. That will be hard, with Smith, Gallegly, and King driving the agenda in the House.

Syndicated conservative columnist Ruben Navarette recently noted, "When it comes to immigration, the Republican message is toxic. There is too much dishonesty, too much racism and too many simplistic solutions to what is a complicated problem. If the GOP wants to make a serious play for Hispanic voters in 2012 and beyond, this has to change."<sup>58</sup> And Linda Chavez, Reagan Administration official and conservative political commentator, wrote in December

2010, “The refusal of all but a tiny handful of Republicans to vote for the Dream Act will become a future nightmare. Hard-line anti-illegal immigrant rhetoric already has cost Republicans at least two U.S. Senate seats, Nevada and Colorado, even in a GOP landslide election.”<sup>59</sup>

Quite simply, if the GOP continues to follow Rep. Lamar Smith and his House Judiciary Republicans on immigration, it will follow them over the cliff with Latino voters.

## Appendix A: Members of the U.S. House Judiciary Committee

Republicans	Democrats
<b>Rep. Lamar Smith (TX-21)</b> <i>Chairman</i>	<b>Rep. John Conyers (MI-14)</b> <i>Ranking Member</i>
<b>Rep. Elton Gallegly (CA-24)</b> <i>Chairman, Immigration Subcommittee</i>	<b>Rep. Zoe Lofgren (CA-16)</b> <i>Ranking Member, Immigration Subcommittee</i>
<b>Rep. Steve King (IA-5)</b> <i>Vice-Chairman, Immigration Subcommittee</i>	
<b>Rep. James Sensenbrenner (WI-5)</b>	<b>Rep. Howard Berman (CA-28)</b>
<b>Rep. Howard Coble (NC-6)</b>	<b>Rep. Jerrold Nadler (NY-8)</b>
<b>Rep. Bob Goodlate (VA-6)</b>	<b>Rep. Robert Scott (VA-3)</b>
<b>Rep. Dan Lungren (CA-3)</b>	<b>Rep. Melvin Watt (NC-12)</b>
<b>Rep. Steve Chabot (OH-1)</b>	<b>Rep. Sheila Jackson Lee (TX-18)</b>
<b>Rep. Darrell Issa (CA-49)</b>	<b>Rep. Maxine Waters (CA-35)</b>
<b>Rep. Mike Pence (IN-6)</b>	<b>Rep. Steve Cohen (TN-9)</b>
<b>Rep. Randy Forbes (VA-4)</b>	<b>Rep. Hank Johnson (GA-4)</b>
<b>Rep. Tente Franks (AZ-2)</b>	<b>R.C. Pedro Pierluisi (PR-AL)**</b>
<b>Rep. Louie Gohmert (TX-1)</b>	<b>Rep. Mike Quigley (IL-5)</b>
<b>Rep. James Jordan (OH-4)</b>	<b>Rep. Judy Chu (CA-32)</b>
<b>Rep. Ted Poe (TX-2)</b>	<b>Rep. Tom Deutch (FL-19)*</b>
<b>Rep. Jason Chaffetz (UT-3)</b>	<b>Rep. Linda Sanchez (CA-39)</b>
<b>Rep. Thomas Reed (NY-29)*</b>	<b>Rep. Debbie Wasserman Schultz (FL-20)</b>
<b>Rep. Tim Griffin (AR-2)*</b>	
<b>Rep. Tom Marino (PA-10)*</b>	
<b>Rep. Trey Gowdy (SC-4)*</b>	
<b>Rep. Dennis Ross (FL-12)*</b>	
<b>Rep. Sandy Adams (FL-24)*</b>	
<b>Rep. Ben Quayle (AZ-3)*</b>	

\*These Members of Congress were elected in 2010 and therefore do not have voting records available for analysis.

\*\*Votes of the Resident Commissioner were not assessed by the organizations cited in this report and therefore not included in our analysis.

# Appendix B: Judiciary Committee Republicans

District	Name	Employee										FAIR 111th Congress Score <sup>2,1</sup>	
		Minimum Wage <sup>4</sup>	Free Choice Act <sup>7</sup>	Equal Pay for Women <sup>5</sup>	Foreclosure Relief <sup>8</sup>	Parental Leave <sup>9</sup>	Wall Street Reform <sup>6</sup>	AFL-CIO Lifetime Score <sup>1</sup>	AFSCME Lifetime Score <sup>3</sup>	SEIU 111th Congress Score <sup>2</sup>			
TX-21	Smith, Lamar - R <i>Chairman, Judiciary Committee</i>	Yes	No	No	No	Yes	No	No	No	11%	10%	0%	100%
CA-24	R Gallegly, Elton - <i>Chairman, Immigration Subcommittee</i>	No	No	NV	No	No	No	No	No	13%	9%	3%	100%
IA-5	R King, Stephen - R <i>Vice Chairman, Immigration Subcommittee</i>	No	No	No	No	No	No	No	No	8%	0%	0%	100%
UT-3	R Chaffetz, Jason -	NV	NV	No	No	No	No	No	No	5%	11%	0%	100%
NC-6	R Coble, Howard - Forbes, Randy -	Yes	No	No	No	No	No	No	No	13%	7%	0%	100%
VA-4	R Franks, Trent - R	No	No	No	No	No	No	No	No	15%	8%	3%	100%
AZ-2	R Gohmert, Louie -	No	No	No	No	No	No	No	No	4%	0%	0%	100%
TX-18	R Goodlatte, Bob -	Yes	No	No	No	No	No	No	No	10%	5%	0%	100%
VA-6	R Issa, Darrell - R	No	No	No	No	No	No	No	No	10%	5%	0%	100%
OH-4	R Jordan, James - R Lungren, Daniel -	No	No	No	No	No	No	No	No	13%	3%	3%	100%
CA-3	R Pence, Mike - R	No	No	No	No	No	No	No	No	3%	0%	0%	100%
IN-6		No	No	No	No	No	No	No	No	6%	3%	0%	100%

TX-2	Poe, Ted - R	Yes	NV	No	No	No	No	No	15%	10%	0%	100%
WI-5	Sensenbrenner, James - R	No	No	No	No	No	No	No	10%	8%	0%	100%

# Appendix C: Judiciary Committee Democrats

District	Name	Minimum Wage <sup>4</sup>	Employee Free Choice Act <sup>7</sup>			Foreclosure Relief <sup>8</sup>	Parental Leave <sup>9</sup>	Wall Street Reform <sup>6</sup>	AFL-CIO Lifetime Score <sup>1</sup>	AFSCME Lifetime Score <sup>3</sup>	SEIU 111th Congress Score <sup>2</sup>	FAIR 111th Congress Score <sup>2,1</sup>
			Choice Act <sup>7</sup>	Equal Pay for Women <sup>5</sup>	Equal Pay for Women <sup>5</sup>							
MI-14	Conyers, John - D <i>Ranking Member, Judiciary Committee</i>	Yes	Yes	Yes	Yes	Yes	Yes	94%	97%	100%	0%	
CA-16	Lofgren, Zoe - D <i>Ranking Member, Immigration Subcommittee</i>	Yes	Yes	Yes	Yes	Yes	Yes	92%	95%	100%	0%	
CA-28	Berman, Howard - D	Yes	Yes	Yes	Yes	Yes	Yes	92%	96%	100%	0%	
CA-32	Chu, Judy - D	NV	NV	NV	NV	NV	Yes	100%	100%	100%	0%	
TN-9	Cohen, Stephen - D	Yes	Yes	Yes	Yes	Yes	Yes	97%	100%	100%	0%	
TX-18	Jackson Lee, Sheila - D	Yes	Yes	Yes	Yes	Yes	Yes	97%	98%	100%	0%	
GA-4	Johnson, Hank - D	Yes	Yes	Yes	Yes	Yes	Yes	98%	100%	100%	0%	
NY-8	Nadler, Jerold - D	Yes	Yes	Yes	Yes	Yes	Yes	99%	99%	100%	0%	
IL-5	Quigley, Michael - D	NV	NV	NV	NV	Yes	Yes	93%	80%	92%	0%	
CA-39	Sanchez, Linda - D	Yes	Yes	Yes	Yes	Yes	Yes	98%	100%	100%	0%	
VA-3	Scott, Robert - D Wasserman Schultz,	Yes	Yes	Yes	Yes	Yes	Yes	99%	99%	96%	0%	
FL-20	Deborah - D	Yes	Yes	Yes	Yes	Yes	Yes	99%	100%	100%	0%	
CA-35	Waters, Maxine - D	Yes	Yes	Yes	Yes	NV	Yes	98%	98%	96%	0%	
NC-12	Watt, Melvin - D	Yes	Yes	Yes	Yes	Yes	Yes	98%	98%	96%	0%	

## End Notes

---

- <sup>1</sup> AFL-CIO Voting Record, (<http://tinyurl.com/ygig9ar>)
- <sup>2</sup> SEIU Voting Record, (<http://tinyurl.com/ye628le>)
- <sup>3</sup> AFSCME Congressional Scorecard, (<http://tinyurl.com/ycecccon> )
- <sup>4</sup> Fair Minimum Wage Act, Roll Call Vote #18, 1/10/2007.
- <sup>5</sup> Lilly Ledbetter Fair Pay Act, Roll Call Vote #9, 1/9/2009.
- <sup>6</sup> Wall Street Reform and Consumer Protection Act of 2009, Roll Call Vote #413, 6/30/2009
- <sup>7</sup> Employee Free Choice Act, Roll Call Vote #118, 3/1/2007.
- <sup>8</sup> Helping Families Save their Homes Act, Roll Call Vote #104, 3/5/2009.
- <sup>9</sup> Federal Employees Paid Parental Leave Act, Roll Call Vote #310, 6/19/10.
- <sup>10</sup> Florida State AFL-CIO Voting Records: <http://www.flafclcio.org/main/page/flralr>
- <sup>11</sup> AFL-CIO Voting Record, (<http://tinyurl.com/ygig9ar>)
- <sup>12</sup> The Labor Movement’s Framework for Comprehensive Immigration Reform, AFL-CIO and Change to Win, April 2009. (<http://www.aflcio.org/issues/civilrights/immigration/upload/immigrationreform041409.pdf>)
- <sup>13</sup> Congressional Budget Office Cost Estimate: S. 2611 Comprehensive Immigration Reform Act of 2006. 8/18/2006 (<http://tinyurl.com/d5g5p7>)
- <sup>14</sup> The Costs of Mass Deportation, Center for American Progress, March 2010 ([http://www.americanprogress.org/issues/2010/03/deportation\\_cost.html](http://www.americanprogress.org/issues/2010/03/deportation_cost.html))
- <sup>15</sup> An Analysis of the Economic Impact of Undocumented Workers on Business Activity in the US with Estimated Effects by State and by Industry, the Perryman Group, April, 2008 (<http://tinyurl.com/cjct5q>)
- <sup>16</sup> Restriction or Legalization? Measuring the Economic Benefits of Immigration Reform, CATO Institute, August 13, 2009 (<http://tinyurl.com/yeah5tm>)
- <sup>17</sup> Rethinking the Effects of Immigration on Wages, NBER Working Paper 12497, National Bureau of Economic Research, Inc., July 2006. (<http://tinyurl.com/yd67twa>)
- <sup>18</sup> The Cost of Worker Misclassification In New York State, Cornell ILR School. February, 2007 (<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1009&context=reports>)
- <sup>19</sup> The Labor Movement’s Framework for Comprehensive Immigration Reform, AFL-CIO and Change to Win, April 2009. (<http://www.aflcio.org/issues/civilrights/immigration/upload/immigrationreform041409.pdf>)
- <sup>20</sup> Ibid.
- <sup>21</sup> Federation for American Immigration Reform Voting Report, 111th Congress: (<http://bit.ly/hj1Hts>)
- <sup>22</sup> Coalition for the Future American Worker (<http://americanworker.org/>)
- <sup>23</sup> John Tanton’s Network, Southern Poverty Law Center (<http://www.splcenter.org/intel/intelreport/article.jsp?sid=72>)
- <sup>24</sup> Southern Poverty Law Center (<http://www.splcenter.org/intel/map/hate.jsp?s=DC>)
- <sup>25</sup> The Nativist Lobby, Southern Poverty Law Center ([http://www.splcenter.org/intel/nativist\\_fair.jsp](http://www.splcenter.org/intel/nativist_fair.jsp))
- <sup>26</sup> Southern Poverty Law Center (<http://www.splcenter.org/intel/map/hate.jsp?s=VA>)
- <sup>27</sup> Statement of Principles, Council of Conservative Citizens, (<http://cofcc.org/introduction/statement-of-principles/>)
- <sup>28</sup> Anti-Immigrant Groups, Southern Poverty Law Center (<http://tinyurl.com/mj22p>)
- <sup>29</sup> Southern Poverty Law Center ([http://www.splcenter.org/intel/nativist\\_numbersusa.jsp](http://www.splcenter.org/intel/nativist_numbersusa.jsp))
- <sup>30</sup> Southern Poverty Law Center (<http://www.splcenter.org/intel/map/hate.jsp?s=MI>)
- <sup>31</sup> Center for Immigration Studies ( <http://www.cis.org/About>)
- <sup>32</sup> The Spot – A Political Ad Blog. TNSMI/CMAG, 10/20/2009. (<http://tinyurl.com/yejl87s>)
- <sup>33</sup> Center for Immigration Studies, (<http://www.cis.org/About>)
- <sup>34</sup> FAIR ([http://www.fairus.org/site/PageNavigator/about/board\\_of\\_directors/](http://www.fairus.org/site/PageNavigator/about/board_of_directors/))
- <sup>35</sup> Center for New Community (<http://www.newcomm.org/pdf/CNC-CFAW.pdf>)
- <sup>36</sup> FactCheck.org (<http://tinyurl.com/ye27gtt>)
- <sup>37</sup> Des Moines Register, (<http://tinyurl.com/y8qhr7c>)
- <sup>38</sup> What is “Progressive” About Progressives for Immigration Reform, Center for New Community. (<http://tinyurl.com/yzcsgad>)
- <sup>39</sup> Center for Immigration Studies - <http://www.cis.org/EnvironmentalArgument>
- <sup>40</sup> A ‘hostile’ bid at the Sierra Club, Christian Science Monitor, 2/20/2004 (<http://tinyurl.com/yg92omo>)
- <sup>41</sup> Sierra Club policy platform, (<http://www.sierraclub.org/policy/conservation/immigration.pdf>)
- <sup>42</sup> Vote results for Sierra Club 2005 elections, ([http://www.susps.org/info/election\\_results.html](http://www.susps.org/info/election_results.html))
- <sup>43</sup> Environmental Organizations Targeted by Anti-Immigrant Bigots, Center for New Community (<http://tinyurl.com/yaga2de>)
- <sup>44</sup> [www.DontSpeakForMe.org](http://www.DontSpeakForMe.org)

- 
- <sup>45</sup> Immigration group may not be what they seem, San Diego IndyMedia, 12/16/2006.  
(<http://sandiego.indymedia.org/en/2006/12/123766.shtml>)
- <sup>46</sup> Archived page of Choose Black America website (<http://tinyurl.com/yesbqsm>)
- <sup>47</sup> EPluribus Media, Anti - Immigration Groups and the Masks of False Diversity (<http://tinyurl.com/yz4pgjf>)
- <sup>48</sup> Anti - Immigration Groups and the Masks of False Diversity, E Pluribus Media, 2/5/2007. (<http://tinyurl.com/yz4pgjf>)
- <sup>49</sup> Vietnamese Anti-Immigrant Group Really Isn't, Southern Poverty Law Center (<http://tinyurl.com/ykx5fe>)
- <sup>50</sup> The Surprise Winner in This Year's Election Is...Comprehensive Immigration Reform, National Immigration Forum, November 2006  
(<http://www.immigrationforum.org/press/release-display/the-surprise-winner-in-this-years-election-is/>)
- <sup>51</sup> Memo: What the 2008 Elections Mean for the Future of Immigration Reform, America's Voice, January 2009  
([http://americasvoiceonline.org/research/entry/memo\\_what\\_the\\_2008\\_elections\\_mean\\_for\\_the\\_future\\_of\\_immigration\\_reform](http://americasvoiceonline.org/research/entry/memo_what_the_2008_elections_mean_for_the_future_of_immigration_reform))
- <sup>52</sup> Latino Election Eve Poll Results, Latino Decisions, November 2010 (<http://latinodecisions.wordpress.com/2010/11/02/latino-election-eve-poll-results-november-2-2010/>)
- <sup>53</sup> Latino Firewall in the West Saves Senate for Democrats, America's Voice, November 2010  
([http://americasvoiceonline.org/press\\_releases/entry/latino\\_firewall\\_in\\_the\\_west\\_saves\\_senate\\_for\\_democrats/](http://americasvoiceonline.org/press_releases/entry/latino_firewall_in_the_west_saves_senate_for_democrats/))
- <sup>54</sup> Memo: Latino Voters, The 2010 Election, and Beyond, America's Voice, November 2010  
([http://americasvoiceonline.org/research/entry/latino\\_voters\\_the\\_2010\\_elections\\_and\\_beyond](http://americasvoiceonline.org/research/entry/latino_voters_the_2010_elections_and_beyond))
- <sup>55</sup> Nevada 2010 Election Poll Results, Latino Decisions, November 2010 (<http://latinodecisions.wordpress.com/recent-polls/nevada-2010-results/>)
- <sup>56</sup> Election Eve Poll in Eight States Reveals Key Facts About Latino Voters in 2010 Elections, America's Voice, November 2010  
([http://americasvoiceonline.org/press\\_releases/entry/election\\_eve\\_poll\\_in\\_eight\\_states](http://americasvoiceonline.org/press_releases/entry/election_eve_poll_in_eight_states))
- <sup>57</sup> Memo to the GOP: Courting Latino Voters Requires a Real Conversion on Immigration Reform, America's Voice, January 2011  
([http://americasvoiceonline.org/research/entry/memo\\_to\\_the\\_gop](http://americasvoiceonline.org/research/entry/memo_to_the_gop))
- <sup>58</sup> Toxic view of Hispanics is hazardous to health of GOP, San Jose Mercury News, 1/19/2011  
([http://www.mercurynews.com/opinion/ci\\_17140159?nclick\\_check=1](http://www.mercurynews.com/opinion/ci_17140159?nclick_check=1))
- <sup>59</sup> Opposition to Dream Act could lead to nightmare for GOP, Reading Eagle, 12/12/2010  
(<http://readingeagle.com/article.aspx?id=271179>)

**[State Fed, CLC, ALF or Union Local] AFL-CIO**

**Resolution Supporting Comprehensive Immigration Reform**

**[DATE]**

**WHEREAS:**

The failure to pass comprehensive immigration reform allows a shadow economy of fear and exploitation to grow, to the detriment of all Americans. It deprives millions of workers-- both immigrant and native-born--of their most basic workplace rights, exerts downward pressure on wages, undercuts good employers who follow the rules, cheats the government of billions of dollars in much needed revenues, and is tearing apart families; and

**WHEREAS:**

Immigration reform is a component of a shared prosperity agenda that focuses on improving productivity and quality; limiting wage competition; strengthening labor standards, especially the right of workers to organize and bargain collectively; and providing social safety nets and high-quality lifelong education and training for workers and their families. To achieve this goal, immigration reform must fully protect U.S. workers, reduce the exploitation of immigrant workers and reduce employers' incentive to hire undocumented workers rather than U.S. workers; and

**WHEREAS:**

Comprehensive immigration reform is long overdue. The AFL-CIO and Change to Win, with the assistance of former Secretary of Labor Ray Marshall and the Economic Policy Institute have developed a unified framework for comprehensive immigration reform that will benefit working families across the nation; and

**WHEREAS:**

The labor movement's framework contains five major interconnected pieces:

- (1) An independent commission to assess and manage future flows, based on labor market shortages that are determined on the basis of actual need;
- (2) A secure and effective worker authorization mechanism;
- (3) Rational operational control of the border and appropriate visa enforcement;
- (4) Fair adjustment of status for the current undocumented population; and
- (5) improvement, not expansion, of temporary worker programs like the H1-B and H2-B programs, limited to temporary or seasonal, not permanent, jobs; and

**WHEREAS:**

The labor movement recognizes that family reunification is an important goal of immigration policy and it is in the national interest for it to remain that way. Families have historically facilitated the assimilation of immigrants into American life, and are important economic units that provide valuable sources of entrepreneurship, job training, support for members who are unemployed and information and networking for better labor market information. Indeed, U.S. immigration policy must recognize that employment and family integration are interconnected: Family members work and workers have families; and

**WHEREAS:**

One of the great failures of our current employment-based immigration system is that the level of legal work-based immigration is set arbitrarily by Congress as a product of political compromise—without regard to real labor market needs—and it is rarely updated to reflect changing circumstances or conditions. This failure has allowed unscrupulous employers to manipulate the system to the detriment of workers and reputable employers alike; and

**WHEREAS:**

Future flows of immigrants must be based in real labor market shortages established by an independent commission.

**WHEREAS:**

The current system of regulating the employment of unauthorized workers is obsolete, ineffective and has failed to curtail illegal immigration. A secure and effective worker authorization mechanism is one that determines employment authorization accurately while providing maximum protection for workers, contains sufficient due process and privacy protections and prevents discrimination; and

**WHEREAS:**

A new immigration system must include rational control of our borders. Border security is clearly very important, but not sufficient, since 40 percent to 45 percent of unauthorized immigrants did not cross the border unlawfully, but overstayed visas. Border controls therefore must be supplemented by effective work authorization, a visa enforcement mechanism and other measures. An “enforcement-only” policy will not work; and

**WHEREAS:**

Immigration reform must include adjustment of status for the current undocumented population. Rounding up and deporting the 12 million or more immigrants who are unlawfully present in the United States may make for a good sound bite, but it is not a realistic solution; and

**WHEREAS:**

Having access to a large undocumented workforce has allowed employers to create an underground economy, without the basic protections afforded to U.S. citizens and lawful permanent residents, and in which employers often misclassify workers as independent contractors, thus evading payroll taxes, which deprives federal, state and local governments of additional revenue.

**WHEREAS:**

Temporary worker programs operate to the detriment of workers. Our country has long recognized that it is not good policy for a democracy to admit large numbers of workers with limited civil and employment rights.

**WHEREAS**

The labor movement is working with allies, including the Reform Immigration for America Campaign to promote comprehensive immigration reform based on the principles outlined in this Resolution.

**THEREFORE BE IT RESOLVED:**

That the [State Fed/CLC/ALF, Union Local] AFL-CIO calls upon Congress to promptly implement comprehensive immigration reform consistent with the approach described above, as further elaborated upon in the Ray Marshall/Economic Policy Institute report, "Immigration for Shared Prosperity: A Framework for Comprehensive Immigration Reform."

**BE IT FURTHER RESOLVED:**

That the long-term solution to uncontrolled immigration is to stop promoting failed globalization policies and encourage just and humane economic integration, which will eliminate the enormous social and economic inequalities at both national and international levels. An essential component of the long-term solution is a fair trade and globalization model that uplifts all workers, promotes the creation of free trade unions around the world, ensures the enforcement of labor rights and guarantees all workers core labor protections.

**BE IT FINALLY RESOLVED:**

The [State Fed/CLC/ALF/Union Local] AFL-CIO will continue to work with allies to promote comprehensive immigration reform based on the principles outlined in this Resolution, and will communicate this position to [State]'s congressional delegation.



## Sample Letters to the Editor

### LTE 1

[STATE] is facing serious challenges today, but far too many politicians are resorting to anti-immigrant rhetoric and legislation to divert attention from the real problem at hand—jobs and the economy. Anti-immigrant laws like [SB/HB XXXX] do nothing to fix the broken immigration system and will only drive undocumented workers further into the shadows where they are left vulnerable to exploitation and abuse, thus lowering the working standards for all of us.

America's workers need a comprehensive solution to the failed immigration system that will lift all boats—not a piecemeal enforcement-only approach. We call on [CONGRESS PERSON X] and our state legislature to remember America's proud historical legacy of immigration and take action on proactive, meaningful solutions that honor our history.

### LTE 2

President Obama has repeatedly called on Congress to move forward with the DREAM Act and immigration reform. Working families in [STATE] are proud to hear our President's commitment to fixing our broken immigration system, but we need continued action. Today more than ever, America needs the DREAM Act, an immigration bill for undocumented students brought to the US at a young age. To qualify, students must attend college or serve in the military for a minimum of two years, thereby enriching our nation through their service and education. Additionally, the bill will strengthen the U.S. economy by cutting the deficit by \$1.4 billion.

We hope Republican leaders in Congress will stop ignoring the DREAMs of undocumented students in the US, who can contribute greatly to our nation and our economy. America needs to keep the best and brightest here so they can innovate and create jobs. The livelihood and future of thousands of our young people in [STATE] are at stake. We applaud President Obama's statements, but we ask for more than words and rhetoric. Now is the time for Congress and the President to turn these DREAMs into reality and help bolster our economy.

### LTE 3

As an African American and proud trade unionist I am profoundly disturbed by the anti-immigrant movement gaining steam in America today. We in the African American community know all too well the dangers of mass incarceration, white supremacy and racism, and as such I am compelled to speak against the human rights violations being perpetrated against my Latino brothers and sisters in Arizona and other states across the nation.

I am particularly disgusted by the cynical right-wing attacks on the 14th amendment, one of the most significant amendments of the United States Constitution for African Americans. The 14<sup>th</sup> amendment effectively overturned the Supreme Court's infamous 1857 Dred Scott decision, which ruled that no slave or descendent of a slave could ever be a United States citizen. Today reactionary forces want to take our nation back over 150 years, to the days when babies born on US soil were denied US citizenship and voting rights.

In tough times like these the opponents of working people always try to increase their power by dividing us and pitting us against each other. We simply cannot afford to let them, there is too much at stake. As Dr. Martin Luther King Jr. said, "injustice anywhere is a threat to justice everywhere." I urge all people who care about justice to join me in emphatically denouncing the disgraceful attacks on immigrants and Latino Americans across the country.

## **Immigrant Rights Groups in Your State**

### **ALASKA**

Alaska Immigration Justice Project

### **ARIZONA**

Cadena;

Arizona Employers for Immigration Reform

Arizona Coalition for Migrant Rights

Coalition de Derechos Humanos

Florence Immigrant and Refugee Rights Project

Humane Borders

No More Deaths

Samaritan Patrol

Tucson International Alliance of Refugee Communities

Border Action

Somos America

### **ARKANSAS**

Coalition for Comprehensive Immigration Reform

### **CALIFORNIA**

California for Humane Immigrant Rights of Los Angeles

Clergy and Laity United for Economic Justice

United Farm Workers

Bay Area Immigrant Rights Coalition

Asian Pacific American Legal Center

SIREN

Somos Mayfair

Partnership for Immigrant Leadership and Action

San Diego Immigrant Rights Consortium

Long Beach Immigrant Rights Coalition

Interfaith Coalition for Immigrant Rights

Love Sees No Borders

Justice Overcoming Boundaries

CARECEN

Mujeres Unidas y Activas

Border Angels

### **COLORADO**

African Community Center  
Bell Policy Center  
Colorado Immigrant Rights Coalition  
Colorado Jobs with Justice  
El Centro Amistad  
El Centro Humanitario Para Los Trabajadores  
El Comite de Longmont  
Los Companeros  
Padres & Jovenes Unidos  
Prax(Us)  
Rights for All People/Derechos Para Todos  
Rocky Mountain Immigrant Advocacy Network  
Rocky Mountain Survivors Center (RMSC)

## **CONNECTICUT**

Regional Coalition for immigrants Rights  
Junta

## **FLORIDA**

Florida Immigrant Coalition

-SWER Facebook  
Florida Immigrant Advocacy Center  
Unite for Dignity  
Church World Service

## **HAWAII**

Immigrant rights and Public Interest Legal Center

## **ILLINOIS**

Caaaelii  
Illinois Coalition for Immigrant and Refugee Rights  
Central Illinois Organizing Project  
Southeast Chicago Community for Immigrant Rights

## **IOWA**

Eastern Iowa Coalition  
Immigrant Rights Network  
Iowa Citizens for Community Improvement

## **KANSAS**

El Centro

**KENTUCKY**

Kentucky Coalition for Immigrant and Refugee Rights  
Immigrant and Refugee Rights Advocacy Day  
Migrant Network Coalition

**MARYLAND**

**Casa de Maryland**

**MASSACHUSETTS**

MIRA Coalition  
Casa Obrera  
Centro Presente  
Brazilian Immigrant Center  
Immigrants Assistance Center  
Irish Immigration Center  
Political Asylum Immigration Representation Project  
The Welcome Project  
Student Immigrant Movement

**MICHIGAN**

Freedom House  
International Institute of Metro Detroit

**MINNESOTA**

Immigrant Law Center  
Minnesota Immigrant Freedom Network  
Minnesota Immigrant Rights Action Coalition  
Minnesota Advocates for Human Rights

**MISSISSIPPI**

Mississippi Immigrant Rights Alliance

**MISSOURI**

Missouri Association for Social Welfare  
Missouri Immigrant and Refugee Advocates

**MONTANA**

Montana Human Rights Network

**NEBRASKA**

Appleseed  
Immigrant Rights Network

**NEVADA**

PLAN Nevada

**NEW JERSEY**

Interfaith Refugee Action Team  
New Jersey Immigration Policy Network  
Immigrant Rights Defense Committee Of New Jersey

**NEW MEXICO**

Somos Un Pueblo Unido  
Center for Constitutional Rights

**NEW YORK**

May 1st Coalition  
Asian American Legal Defense and Education Fund  
Center for Immigrant Families  
Families for Freedom  
DRUM  
New York Immigration Coalition  
Human Rights First  
Coalition for Haitian Rights  
New Immigrant Community Empowerment  
Northern Manhattan Coalition for Immigrant Rights  
Breakthrough  
Immigration Equality

**NORTH CAROLINA**

CHISPA  
El Pueblo  
Latin American Coalition  
Eastern Carolina Immigrant Rights Project

**OHIO**

Hispanos Organizados  
Intercommunity Justice and Peace Center

## **OREGON**

Causa Oregon  
Center for Intercultural Organizing  
Rural Organizing Project  
Oregon Action  
Pineros y Campesinos Unidos del Noroeste

## **RHODE ISLAND**

International Institute of Rhode Island

## **SOUTH CAROLINA**

Coalition for New South Carolinans

## **TENNESSEE**

Tennessee Refugee and Immigrant Rights Coalition  
Mid-South Interfaith Network

## **TEXAS**

Criminal Justice Coalition  
La Fuerza Unida  
Las Americas Asylum Project  
Inmigrantes Latinos en Accion  
Lawyers Committee for Civil Rights Under Law  
Political Asylum Project Austin  
Workers Defense Project  
Houston Sin Fronteras  
Jovenes Inmigrantes Por Un Futuro Mejor  
Coalition of Higher Education for Immigrant Students  
Texas Employers for Immigration Reform  
Houston Association for Residency and Citizenship in America

## **VIRGINIA**

Boat People SOS  
Tenants and Workers United

## **WASHINGTON**

CASA Latina  
Hate Free Zone  
Northwest Federation of Community Organizations  
Northwest Immigrant rights Project  
Washington Community Action Network  
Comite Pro Amnestia

**WISCONSIN**

Voces de la Frontera  
Union de Trabajadores Inmigrantes  
Peace Action Wisconsin  
Worker Justice

**WASHINGTON, D.C.**

Center for Community Change  
Rights Working Group  
Capital Area Immigrant Rights Coalition  
Sikh American Legal Defense and Education Fund  
National Capital Immigrant Coalition

## **DREAMers Across the Country**

Arizona – AZ Dream Act Coalition: <http://azdreamactcoalition.weebly.com/>

California – DREAM Team LA: <http://dtlanow.com/>

California – IDEAS LA: <http://www.ideasla.org/>

Florida – Students Working for Equal Action: <http://www.swer.org/>

Illinois – KRCC: <http://www.chicagokrcc.org/en/index.htm>

Illinois – Immigrant Justice League : <http://www.ijjl.org/>

Indiana – Latino Youth Collective : <http://www.latinoyouthcollective.com/>

Kansas – Kansas/Missouri Alliance: <http://www.facebook.com/KSMODA>

Kentucky – Kentucky DREAM Coalition:  
<http://www.facebook.com/group.php?gid=58813087395>

Massachusetts – Student Immigrant Movement: <http://www.simforus.com/>

Michigan – One Michigan: <http://1michigan.org/>

Minnesota – Immigrant Freedom Network: a  
<http://immigrantfreedomnetwork.wordpress.com/>

Missouri: <http://www.facebook.com/KSMODA>

Nebraska: <http://www.facebook.com/group.php?gid=381334014504&ref=ts>

New Jersey: <http://www.facebook.com/group.php?gid=184246001262&ref=ts>

New York – Make the Road: <http://www.maketheroad.org/>

New York <http://www.minkwon.org/>

New York – New York State Youth Leadership Council: <http://www.nysylc.org/>

North Carolina – El Pueblo: <http://elpueblo.org/>

Oklahoma – DREAM Act Oklahoma : <http://dreamactok.com/>

Tennessee – Immigrant and Refugee Rights Coalition: <http://www.tnimmigrant.org/>

Texas: DREAM Act Alliance: <http://www.txdreamactalliance.com/>

Texas: University Leadership Initiative: <http://www.universityleadership.org/>

Washington – DC: Naka Sec: <http://nakasec.org/blog/>

Wisconsin: Voces De La Frontera  
[http://www.vdlf.org/get\\_involved/youth\\_and\\_students/](http://www.vdlf.org/get_involved/youth_and_students/)

Virginia: Dream Activist Virginia: [http://www.facebook.com/pages/Dream-Activist-Virginia/111179795573492?ref=ts&\\_\\_a=4](http://www.facebook.com/pages/Dream-Activist-Virginia/111179795573492?ref=ts&__a=4)

## Further Resources

### Curricula

1. *Building a Race and Immigration Dialogue in the Global Economy (BRIDGE): A Popular Education Resource for Immigrant & Refugee Community Organizers*. By Eunice Hyunhye Cho, et. al. National Network for Immigrant and Refugee Rights, 2004. Order at [www.nnirr.org](http://www.nnirr.org) (also in Spanish and Korean)
2. *Crossing Borders: Building Relationships Across Lines of Difference*. Center for Community Change. 2007. Focus on relationships between African-Americans and Latino (and other) immigrants within a context of the divided economy.
3. *Let's Talk Immigration*. Alethia Jones and Guillermo Perez. 90 minutes workshop for community and labor activists, includes a labor and a religion role play. Download at <http://uale.org/printable/node/734>
4. *UALE Immigration and Globalization Working Group*. Various curricula posted at <http://uale.org/resource-type/curriculum>
5. *Build the Wheel*. Collaborative website for sharing popular education curricula by community educators and organizers. [www.buildthewheel.org](http://www.buildthewheel.org)

### Documentaries:

1. *Uprooted Refugees of the Global Economy*. 28 min. National Network for Immigrant and Refugee Rights. Profiles 3 migrants to the US (one from Bolivia, Haiti, and the Philippines) after WTO and

IMF devastated their countries. Each profile is 10 minutes. Best for immigration and globalization.

Order at NNIRR. \$20

2. *AbUSed: The Postville Raid*. 96 min. Directed by Luis Argueta. The face of current immigration policy revealed through the gripping personal stories of the individuals, the families, and the town that survived the most brutal, most expensive, and the largest immigration raid in the history of the United States. Not yet widely available. Watch clips at [www.abusedthepostvilleraid.com](http://www.abusedthepostvilleraid.com) and contact Devon Whitham at [Dwhitham@aficio.org](mailto:Dwhitham@aficio.org) for help attaining a copy.

## Books

1. Bigelow, Bill. *The Line Between Us: Teaching about the Border and Mexican Immigration*. 2006.
2. Chomsky, Aviva. *"They Take Our Jobs!" and 20 Other Myths about Immigration*. 2007.
3. Hing, Bill Ong. *Defining America Through Immigration Policy*. 2004.
4. Hutchinson, Earl Ofari. *The Latino Challenge to Black America: Towards a Conversation Between African Americans and Hispanics*. 2008.

## Reports:

1. *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities*. By Annette Bernhardt, et. al. 2009. [www.unprotectedworkers.org/index.php/broken\\_laws/index](http://www.unprotectedworkers.org/index.php/broken_laws/index)
2. *ICEd Out: How Immigration Enforcement Has Interfered with Workers' Rights*. By Rebecca Smith et. al. 2009. [nelp.3cdn.net/75a43e6ae48f67216a\\_w2m6bp1ak.pdf](http://nelp.3cdn.net/75a43e6ae48f67216a_w2m6bp1ak.pdf)
3. *Close to Slavery: Guestworker Programs in the United States*. Mary Bauer of the Southern Poverty Law Center. 2007. Available at: [www.splcenter.org/get-informed/publications/close-to-slavery-](http://www.splcenter.org/get-informed/publications/close-to-slavery-)

[guestworker-programs-in-the-united-states](#)

4. *Immigration for Shared Prosperity*. By Ray Marshall. 2009. Economic Policy Institute. Available at: [www.epi.org/publications/entry/book\\_isp/](http://www.epi.org/publications/entry/book_isp/).

For other related reports see [www.sharedprosperity.org/reports.html](http://www.sharedprosperity.org/reports.html)

5. *Unfair Advantage: Workers and Freedom of Association in the United States Under International Human Rights Standards*. By Lance Compa. Human Rights Watch, 2000. Available at:

[www.hrw.org/en/reports/2000/08/01/unfair-advantage-workers-freedom-association](http://www.hrw.org/en/reports/2000/08/01/unfair-advantage-workers-freedom-association) united-  
states-under-international-hu

6. *(P)reviewing the Right-wing Playbook on Immigration Reform*. People for the American Way.

[www.pfaw.org/rww-in-focus/previewing-the-right-wing-playbook-immigration-reform](http://www.pfaw.org/rww-in-focus/previewing-the-right-wing-playbook-immigration-reform)

#### **Websites:**

1. American Civil Liberties Union Immigration Project; [www.aclu.org/immigrants-rights](http://www.aclu.org/immigrants-rights) Center for New Community - on tracking anti-immigrant organizations - [www.newcomm.org/](http://www.newcomm.org/)
2. Immigration Policy Center - great for state-specific data - [www.immigrationpolicy.org](http://www.immigrationpolicy.org)
3. National Immigration Law Center; [www.nilc.org](http://www.nilc.org)
4. Opportunity Agenda - great for latest polling data - [opportunityagenda.org/category/tags/immigration](http://opportunityagenda.org/category/tags/immigration)

