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What Could Immigration Reform Look Like?

Some Likely Immigration Reform Proposals and The Impact of These Proposals To Employers and Job Seekers

Up until recently many thought that Immigration reform was dead, but the 2012 election changed all of this. Now, for the first time in years, both Democratic and Republican legislators are talking about Immigration reform as a top legislative priority for 2013. This article takes a look at some of the areas that key lawmakers are talking about and what the impact of these changes will be on employers and job seekers.

So what could Immigration reform look like? The discussions that have occurred over the years really boil down to a few key issues and arguably one of those issues, Amnesty, has stalled progress on even the issues that everyone agrees on. Let us start with one possible Immigration reform that everyone agrees on.

Highly Skilled Workers May Have an Easier Path to A Green Card & Citizenship

Even with an M.B.A., a Law degree from Harvard Law School and a Certified Public Accountant Designation, it is extremely difficult for me to get a green card in the U.S.. In fact, I have lived and legally worked here for over 13 years, including obtaining a law degree here, and I still do not have one. Similarly, the U.S. trains millions of highly skilled engineers, health care professionals, scientists, and technology/computer science professionals and then ships them (and their skills) back to their home country. Read more about how to obtain a Green Card by [clicking here](#).

Unlike many other countries, the U.S. currently makes it very difficult for highly skilled labor to get a green card and this situation does not improve even for people who have paid more than \$200,000 to get their degrees in the U.S.. During the 2012 election campaign, both Presidential candidates agreed that highly skilled workers educated in the U.S. should have an easier path to a green card and this is a reform we may see in future legislation.

This change would almost certainly assist employers to find talent in areas such as science, math and technology that will ultimately increase innovation and the

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competitive advantage for companies in the U.S.. Moreover, options for highly skilled job seekers will present themselves and many who would love to stay in the U.S. after graduation would have the option to do so.

Amnesty to Undocumented Workers Who Are Currently In The U.S.

One reform that has caused an enormous amount of controversy is the idea of offering Amnesty to undocumented workers such that they have a path to legally staying in the U.S. and obtaining citizenship. In 2010, Senators Charles Schumer (D) and Lindsey Graham (R) drafted a blueprint for reform, and proposed a “tough but fair” path to legalization for undocumented individuals who were currently in the country but the proposal did not go anywhere.

This stall in the legislature was primarily because the idea for some of offering Amnesty to those who are in the country without documentation is untenable and this applies to both some Democrats and Republicans. For the first time in years though, some variation of Amnesty seems like it will be an integral part of Immigration reform in the near future. The first step in this process was President Obama’s Deferred Action Order which was a stop gap measure for the Dream Act. (The Dream Act in essence gave Amnesty to undocumented children but did not get through Congress). Read more about deferred action by [clicking here](#). While it is likely that some form of Amnesty will be proposed, it will probably have a number of restrictions and will not present a clear path to a green card to the 11 million undocumented workers. That being said, the political environment is currently extremely positive and a thoughtful compromise is a very real possibility.

Amnesty could have widespread impact for both employers and job seekers. Most notably, many undocumented workers who work “under the table” would be able to legally enter the workforce, pay taxes and lead a normal life.

Creating a Temporary Worker Program

Many farmers, agricultural works, construction companies and others have strongly expressed a need for more temporary workers to fill jobs that they cannot get Americans to fill. Also, according to Labor Department projections, the U.S. economy will continue to create a net 400,000 or more low-skilled jobs annually in service sectors such as food preparation, cleaning, construction, landscaping and farming/agriculture.

In the past, proposals have been made for easier temporary worker program Visas but a cap has usually been imposed which falls far short of the need and many argue that a visa cap below the actual demand would only perpetuate the problem of illegal immigration. This is another area where we will likely see Immigration reform and there will be a direct impact (likely for the better) to all of the employers mentioned above that rely on temporary workers to support their business.

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Strengthening the Border and Immigration Enforcement Efforts & Creation of a Special Social Security Card

Likely Immigration reform would also involve a concerted effort by the Government to strengthen our border enforcement efforts. Moreover, as we have seen over the last several years, the Government's trend of deportations in record numbers will likely continue with a focus on those who have committed crimes.

Also, it is likely that proposed legislation would require all U.S. citizens and legal immigrants who want jobs to obtain a high-tech, fraud-proof Social Security card. Past proposals have indicated that the cards would not contain any private information, medical information or tracking devices but the "Big Brother" aspect of the card does scare some people. This of course would come along with tougher sanctions on employers who hire undocumented workers and the purpose of the card is to prevent those who do not have the right to work from working.

Any Questions?

Contact Scott Legal Services, P.C., www.legalservicesincorporated.com today and let us help you with your Immigration needs. You can also call us at 212-223-2964 or email us at iscott@legalservicesincorporated.com.

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