

**WWS 591e Policy Workshop: Immigration Policy**  
**Temporary Workers**  
Fall, 2005

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T, 7:00 – 10:00 PM  
Location: TBD

**Context:**

In January 2004, President Bush proposed a temporary worker program to match willing foreign workers with U.S. employers to fill jobs that US workers allegedly will not accept. Since that time, the presumption that a temporary worker program can address the alleged labor shortages for *both* high- and low-skill workers and solve the problem of undocumented immigration by bringing workers out of the shadows. The advantage of a temporary worker solution to labor shortages is that it offers flexibility that is desirable in seasonal jobs and that the number of workers admitted can be adjusted to cyclical changes in labor demand.

Currently there are several omnibus immigration reform bills that propose a temporary worker program, but they deal with key issues, such as border security, undocumented migration, and status adjustment in different ways. Their success depends on the nature of compromises across several highly contentious issues: (1) whether the specific provisions of the guest worker alternative satisfy needs for both skilled and unskilled labor that are also consistent with the regional integration goals intended by NAFTA and DR-CAFTA; (2) whether the resident undocumented population, now in excess of 10 million, would be eligible to participate in the program and under what terms; (3) whether the economic interests of domestic workers, including prior legal immigrants, would be adequately protected; and (4) how much “status equality” guest workers would enjoy relative to permanent workers.

**Challenge:**

CIS (formerly INS) maintains annual counts of persons admitted under the H-1 and H-2 visa categories. Because DOL does not keep statistics on H-visa workers “as a group,” there is a dearth of information about the employment experiences of H visa holders, including systematic evidence about how much they are actually paid compared with comparable US workers, how many of them renew their visas for a second terms, what share adjust their status through employer sponsorship, and how they are identified and recruited for specific jobs. For undocumented workers, researchers have compiled estimates of their current numbers, demographic characteristics, geographic and occupational distribution using residual and retrospective methods. There is also credible research showing a wage bonus associated with a change in legal status (for undocumented immigrants).

However, there is little if any direct evidence that the large pool of employers of undocumented immigrants would use legal temporary workers if a legal option were available; to what extent subcontracting arrangements promote the use of undocumented workers among large industries (and who would be responsible for violations in the event employer sanctions were tightened); whether a large-scale amnesty program will undermine the economic position of unskilled US workers; and whether an expanded temporary worker program will subvert the employment preference categories of legal immigration. The administrative oversight of a temporary worker program poses additional challenges (e.g., monitoring changes in labor demand by skill level; entries and exits of temporary workers; and adherence to wage and safety standards), which require substantial inter-departmental cooperation and the development of international administrative systems (e.g., totalization agreements).

**Client:**

The **North American Business Committee (NABC)**, a standing committee of the **Council of the Americas (CoA)**, which is an organization dedicated to strengthening democratic institutions, diplomatic relations and commercial ties throughout the Americas, as well as promoting understanding through arts and culture. James Jones, former ambassador to Mexico, chairs the NABC, a consortium of business members from Mexico, Canada and the United States that provides high-level consultation to policymakers and the diplomatic community more generally on issues of trade and migration throughout the Americas. Successful immigration policy requires support of the business community.

**Task Order:**

To identify and evaluate the political compromises necessary to implement a fiscally responsible, enforceable, and humane temporary worker policy that addresses real employment shortages; complements rather than undercuts the economic position of domestic workers; promotes US competitiveness in the region and globally; and does not undermine national security.

**Illustrative Questions:**

Outside of agriculture, what industries would be most affected (positively or negatively) by a temporary worker program for skilled and unskilled labor? What incentives would employers have to participate in a legal, temporary worker program? How will status adjustments be reconciled with the caps on legal immigration? How would employer compliance with labor standards (minimum wages, social security payments, overtime compensation, etc.) and social benefits (social security, health care) be monitored? What would be the financial obligations of federal, state and local government versus the private sector in program administration and enforcement? What types of incentives will be implemented for guest workers to return and what provisions will be needed to transfer their earned benefits to origin countries? Should NAFTA and CAFTA countries be given special consideration in the design of a temporary worker program?

## Syllabus Topics

### Week 1 (20 September)      **Navigating the Policy Thicket: Temporary workers and immigration reform**

**Objective:** To situate a temporary worker program in the debate about comprehensive immigration reform; to justify the course focus on non-agricultural workers; and to provide an overview of recent immigration legislation and specific changes in the temporary worker visas. We will discuss course objectives, agree on the scope of activities to be pursued, and devise a preliminary division of labor.

#### *Key Legislation*

- 1952 Immigration and Nationality Act
- 1986 Immigration Reform and Control Act and its Antecedents
- 1990 Immigration Act
- 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA)

#### **Readings:**

##### *Temporary Workers—Divergent perspectives*

Vaughan, Jessica. 2003. "Shortcuts to Immigration: The 'Temporary' Visa Program is Broken." *Backgrounder*, Center for Immigration Studies. January. Available online at [www.CIS.org/articles/2003](http://www.CIS.org/articles/2003)

Martin, Philip L. and Michael S. Teitelbaum. 2001. "The Mirage of Mexican Guest Workers." *Foreign Affairs*, 80(6): 117-131.

Griswold, Daniel T. 2002. "Willing Workers: Fixing the Problem of Illegal Mexican Migration to the United States." Cato Institute, Center for Trade Policy Studies, #19. October 15. Available online at [www.cato.org](http://www.cato.org).

Krikorian, Mark. 2004. "Flawed Assumptions Underlying Guestworker Programs." *Backgrounder*, Center for Immigration Studies, February. Available online at <http://www.cis.org/articles/2004/>.

Lowell, Lindsay B. 2001. "The Foreign Temporary (H-1b) Workforce and Shortages in Information Technology." Pp. 131-162 in Wayne Cornelius (ed.), *The International Migration of the Highly Skilled: Demand, Supply, and Development Consequences in Sending and Receiving Countries*. San Diego: University of California.

*Background -*

Century Foundation. 2000. *Immigration Reform: The Basics*. NYC: The Century Foundation.

National Immigration Forum. *Immigration Basics*, 2005. online at [www.immigrationforum.org](http://www.immigrationforum.org)

**Week 2 (27 September)      Lessons from Experience: Domestic and International Comparisons**

**Objective:** To consider the key lessons from US and international guest worker programs; to evaluate the shortcomings of the provisions of IRCA and subsequent enforcement; to illustrate topical aspects of high-skill temporary worker programs; and to identify markets and mechanisms that match labor supply and demand in the US and regional markets.

**Guest:** *Lindsay Lowell*, is Director of Policy Studies at the Institute for the Study of International Migration at Georgetown University. Previously, he served as Assistant Director for the Mexico/U.S. Binational Study on Migration for the U.S. Commission on Immigration Reform. He is co-editor of *Sending Money Home: Hispanic Remittances and Community Development*, and has published over 100 articles and reports about employment, immigration, and economic development.

**Readings:**

*General & International*

Briggs, Vernon M., Jr. 2004. "Guestworker Programs: Lessons from the Past and Warnings for the Future." *Backgrounder*, Center for Immigration Studies: 1-7. available online at [www.CIS.org](http://www.CIS.org)

Meissner, Doris. 2004. "U.S. Temporary Worker Programs: Lessons Learned." *Migration Information Source*. Washington, DC: MPI available online at [www.migrationpolicy.org](http://www.migrationpolicy.org).

Massey, Douglas S. 2005. "Backfire at the Border: Why Enforcement without Legalization cannot Stop Illegal Immigration." Cato Institute Center for Trade Policy Analysis. Available online at [www.freetrade.org/pubs/pas/tpa-029es.html](http://www.freetrade.org/pubs/pas/tpa-029es.html)

Lowell, Lindsay B. 2005. "The United States." Pp. 211 – 234 in Niessen and Schibel (eds.) *Immigration as a Labour Market Strategy: European and North American Perspectives*. Migration Policy Group.

*Insights from Agriculture*

Wasem, Ruth. E. And Geoffrey K. Collver. 2003. "Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues." *Report for Congress*. Congressional Research Service, Domestic Social Policy Division, January 24.

*Lessons from H Visa holders*

Lowell, B. Lindsay. 2004. "Demand for Skilled Immigrants in Information Technology: Following the Labor Market from Bubble to Bust." *Perspectives on Work*, 8(1): 25-27.

Lowell, B. Lindsay. 2001. "Temporary Workers and Evolution of the Specialty H-1B Visa." Pp. 33-43 in Lydio F. Tomasi (Ed.), *In Defense of the Alien*, Vol. XXIII. New York: Center for Migration Studies.

Jacqueline Hagan, and Susana McCollom. 1998. "Skill Level and Employer Use of Foreign Specialty Workers," in Lindsay Lowell (ed.) *Foreign Temporary Workers in America: Policies that Benefit the U.S. Economy*. Westport, CT: Quorum Press.

**Week 3 (4 October)****Task Scope and Client's Task Order**

**Objective:** To provide a deeper understanding on labor mobility from the perspective of the business sector; to discuss the task order in light of the free trade agreements and the growing reliance of business on foreign workers; and to consider how interests of the business sector can be juxtaposed against those of other stakeholders

**Guest: Eric Farnsworth**, Vice President, Council of the Americas. Eric Farnsworth, Vice President of the Council of the Americas, heads the Washington, DC office. He served as policy director in the White House Office of the Special Envoy for the Americas from 1995-98. He holds an MPA degree from Princeton University.

**Readings:**

Council of the Mexico-US Business Committee. 2005. *A Compact for North American Competitiveness*. Washington, DC. Council of the Americas.

Center for Strategic International Studies. 2004. "Managing Mexican Migration to the United States: Recommendations for Policy Makers." *Report to the U.S.-Mexico Binational Council*. Washington, DC: CSIS Mexico Project.

Committee for Economic Development. 2001. *Reforming Immigration: Helping Meet America's Need for a Skilled Workforce*. NY, New York: Research and Policy Committee, CED.

GAO, 2000. "H-1B Foreign Workers: Better Controls Needed to Help Employers and Protect Workers." GAO/HEHS-00-157, September. Available online at: <http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.88&filename=he00157.pdf&directory=/diskb/wais/data/gao>

GAO, 2003. "H-1B Foreign Workers: Better Tracking Needed to Help Determine H-1B Program's Effects on U.S. Workforce." GAO-03-883, September. Available online at <http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=d03883.pdf&directory=/diskb/wais/data/gao>

#### **Week 4 (11 October)                      Immigration Policy Landscape: Competing Proposals**

**Objective:** To discuss the main immigration proposals on comprehensive immigration reform and their likelihood of success; to provide an understanding of the legislative process and the nature of compromises required to enact legislation; and to consider the likely alternatives to omnibus immigration legislation

**Guest:** *Diane Jones*, Princeton University's Director of Government Affairs, is located at the Washington, DC office. Previously she served as a professional staffer and acting staff director for the Research Subcommittee of the U.S. House of Representatives Committee on Science, where she worked on legislation signed into law by the 107<sup>th</sup> Congress, including the Act to Create a Department of Homeland Security.

#### **Readings:**

Bruno, Andorra. 2005. "Immigration: Policy Considerations Related to Guest Worker Programs." *Congressional Research Service Reports*, CRS1-28. Washington: Domestic Social Policy Division. Updated 31 May.

Papademetriou, Demetrios 2004. "Evaluating a Temporary Guest Worker Proposal." Testimony before the Immigration, Border Security and Citizenship Subcommittee of the Committee on the Judiciary, United States Senate, February 12.

*Skim from online sources:*

#### **Secure America and Orderly Immigration Act**

John McCain R-Ariz.

Edward Kennedy D-Mass.

- Undocumented workers now in the U.S. could apply for temporary work permits.
- Workers would be eligible for permanent residency.
- Creates 400,000 visas a year for foreign workers who wish to enter the U.S.
- Immigrant-advocacy groups have cautiously embraced act.

### **Comprehensive Enforcement and Immigration Reform Act**

Jon Kyl R-Ariz.

John Cornyn R-Texas

- Workers could apply for permission to work for government-approved employers.
- Workers must return to their home countries to apply.
- After five years, the workers must leave. No path to permanent residency or citizenship.
- Groups seeking to restrict immigration support it.

### **Rewarding Employers that Abide by the Law and Guaranteeing Uniform Enforcement to Stop Terrorism (REAL GUEST) Act of 2005.**

Tom Tancredo, R-Colorado

- Militarizes border
- Makes unlawful migration a felony and raises fines for document fraud
- Mandates verification of employment authorization, including verification of social security numbers, and raises fines for employer violations
- Requires 72 hr notification of health services delivered to unauthorized residents as condition of reimbursement

**Week 5 (18 October)**

### **Stakeholders and Competing Interests: Unions, Advocacy Groups & Industry Associations**

**Objective:** To identify the key stakeholders in the immigration debate, their positions on temporary worker proposals; to consider the prospects for reconciling competing objectives on immigration more generally and temporary workers in particular; and to gain an understanding of the prospects for political alliances among “strange political bedfellows” and the “exchange currencies” for political cooperation.

**Guest:** *TBD*. (Possibly head of U.S. Chamber of Commerce)

### **Readings**

MPI. 2004. “Immigrant Union Members: Numbers and Trends.” Immigration Facts #7, May. Available online at [www.migrationpolicy.org](http://www.migrationpolicy.org)

- Wilson, Charity. 2004. "Unions and immigrant Workers: Organized Labor and Communities work together for Change." *Perspectives on Work*, 8(1): 16-18.
- Martin, Philip. L. 2004. "Promise Unfulfilled. Why Didn't Collective Bargaining Transform California's Farm Labor Market?" *Backgrounder*, Center for Immigration Studies, January. Available on line at [www.cis.org](http://www.cis.org).
- Heilemann, John. 1996. "Do you know the way to Ban José?" *Wired*, Issue 4.08 (online).
- Miller, John J. 1998. "The Politics of Permanent Immigration: How Pro-Immigration Forces Triumphed—and Why they're Likely to be Doing So." *Reason Magazine*. <http://reason.com/9810/fe.miller.shtml>
- Donohue, Thomas J. 2005. "The Need for Comprehensive Immigration Reform: Serving our National Economy." *Testimony* on behalf of the U.S. Chamber of Commerce before the U.S. Senate Subcommittee on Immigration, Border Security and Citizenship of the Committee on the Judiciary. 26 May. Available online at: <http://www.uschamber.com/NR/rdonlyres/ejrod5riteca3dhhbw4akl4hfvwj2h2f5kh2qcrk5seksmy7zcodnsp27xmb5xejpdjkwcmupt4s7bqonlywf652b/TJDIImmigrationTestimony52605FINAL.pdf>

**Week 6 (25 October)                      Immigration and Economic Growth: Scoping labor demand and its economic consequences**

**Objective:** To evaluate the dimensions and composition of undocumented migration since the 1986 IRCA legislation; to review positions about economic costs and benefits of immigration; and to consider whether and how a temporary guest worker would enhance economic productivity and social welfare

**Readings:**

- Katel, Peter. 2005. Do illegal workers help or hurt the economy? *CQ Researcher*, 15(17).
- Camarota, Steven A. 2004. "Economy Slowed, But Immigration Didn't. The Foreign-Born Population, 2000-2004." *Backgrounder*. Center for Immigration Studies, November. Available online at [www.cis.org](http://www.cis.org).
- Koch, Kathy. 1998. "Should more foreign workers be admitted?" *CQ Researcher*, 8(16).
- Chishti, Muzaffar A. 2004. "How would millions of guest workers impact working Americans and Americans seeking employment?" *Testimony before the Subcommittee on Immigration, Border Security, and Claims Committee on the Judiciary*, United States House of Representatives, March 24. Washington, D.C.

Valenzuela, Abel Jr., Janette A. Kawachi, and Matthew D. Marr. 2002 "Seeking Work Daily: Supply, Demand and Spatial Dimensions of Day Labor in Two Global Cities." *International Journal of Comparative Sociology* 43(2):192-219.

Valenzuela, Abel Jr., Ana Luz González, Nik Theodore, Edwin Melendez. 2005. "In Pursuit of the American Dream: Day Labor in the Greater Washington D.C. Region." UCLA: Report of the Center for the Study of Urban Poverty.

## **BREAK**

### **Week 7 (8 November) Worker Protections: Health, Social insurance and family considerations**

**Objective:** To discuss the status equality of temporary workers in terms of benefit packages; to consider the need for and prospects of developing totalization agreements compatible with free trade agreements; and to evaluate how family needs of workers would be reconciled with business needs for workers

#### **Readings:**

##### *Social Security and Taxes*

Dinerstein, Marti. 2004. "Social Security 'Totalization'. Examining a Lopsided Agreement with Mexico." *Backgrounder*, Center for Immigration Studies, September. Available online at [www.cis.org](http://www.cis.org).

Apfel, Kenneth S. 2003. "Security for workers on both sides of border." *Austin American-Statesman*, September 20.

Porter, Eduardo. 2005. "Illegal immigrants are bolstering Social Security with billions." *NYT*, April 5.

MPI. 2004. "International Agreements of the Social Security Administration." *Immigration Facts*, #6. January. Available online at [www.migrationpolicy.org](http://www.migrationpolicy.org)

Camarota, Steven. A. 2005. "Immigration in an Aging Society. Workers, Birth Rates, and Social Security." *Backgrounder*, Center for Immigration Studies, April. Available online at [www.cis.org](http://www.cis.org).

##### *Health Care*

Berk, Marc L., Claudia L. Schur, Leo R. Chavez and Martin Frankel. 2000. "Health Care Use among Undocumented Latino Immigrants." *Health Affairs*, 19(4): 51-64.

GAO, 2004. "Undocumented Aliens: Questions Persist about their Impact on Hospitals' Uncompensated Costs." Report to Congress No. GAO-04-472. General Accounting Office. Available on line at:  
<http://www.gao.gov/new.items/d04472.pdf>

Ku, Leighton and Sheetal Matani. 2001. "Left Out: Immigrants' Access to Health Care and Insurance." *Health Affairs*, 20(1):247-255.

Center for Public Policy Priorities. 2001. "The Straight Story: Health Care for Uninsured Undocumented Immigrants in Texas." *Policy Page*, #138, 14 August. Available online at [www.cppp.org/files/3/pp138.pdf](http://www.cppp.org/files/3/pp138.pdf)

**Week 8 (15 November) Mexico, NAFTA and DR-CAFTA: What justifies "Special Considerations"**

**Objective:** To discuss whether Mexico warrants special consideration in the design of a temporary worker program; to consider the labor mobility implications of the two free-trade agreements with countries that supply large numbers of undocumented migrants; and to propose criteria and strategies for allocating temporary worker visas among free-trade partners

**Readings:**

Huntington, S. P. 2000. "Reconsidering Immigration. Is Mexico a Special Case?" *Backgrounder*, Center for Immigration Studies, November. Available online at [www.cis.org](http://www.cis.org).

Papademetriou, Demetrios G. 2004. "U.S. & Mexico Immigration Policy & the Bilateral Relationship." *Testimony before the Senate Foreign Relations Committee*, United States Senate, March 23.

Papademetriou, Demetrios. 2002. "A Grand Bargain: Balancing the National Security, Economic and Immigration Interests of the U.S. and Mexico." Migration Policy Institute, April. Available online at [www.migrationpolicy.org](http://www.migrationpolicy.org)

Papademetriou, Demetrios G. 2002. "The Shifting Expectations of Free Trade and Migration." Chapter 2 in Audley, Papademetriou, Polaski and Vaughn (eds.), *NAFTA's Promise and Reality: Lessons from Mexico for the Hemisphere*. Washington, DC: Carnegie Endowment for International Peace.

Martin, Philip. 2003. "Economic Integration and Migration: The Mexico-US Case." WIDER: United Nations University, Discussion paper. April.

Council of the Americas. 2005. Testimony Submitted for the Record in the Senate Finance Committee Hearing on the U.S.-Central America-Dominican Republic FTA. COA: April 13.

**Week 9 (22 November)      Toward a Systematic Framework: Administrative and Social Tradeoffs**

**Objective:** To identify the key ingredients (necessary and sufficient) of a successful temporary worker program; to discuss competing interests and political alliances needed to secure political support; and to sketch the tentative policy recommendations based on interim research

**Readings:**

U.S. Commission on Immigration Reform. 1997. "A Credible Framework for Immigration Policy." Pp. xvi-lix in *Becoming an American: Immigration and Immigrant Policy*. Report to Congress. USGPO: US Commission on Immigration Reform.

Fix, Michael, Doris Meissner and Demetrios Papademetriou. 2005. "Independent Task Force on Immigration and America's Future: The Roadmap. *Policy Brief*. Migration Policy Institute.

Swartz, Rick. 1999. "Proposed Framework for Consideration of Fundamental Reform of the Agricultural Labor System in the United States." April 6, mimeo.

Jonas, Susanne. 1999. "Rethinking Immigration Policy and Citizenship in the Americas: A Regional Framework." Pp. 99-118 in Jonas and Thomas, (eds.), *Immigration: A Civil Rights Issue for the Americas*. Wilmington, DE: Scholarly Resources Inc.

Matloff, Norman. 2003. "Reform of the H-1B Work Visa: Major Points." Online at <http://heather.cs.ucdavis.edu/Summary.html>

**Week 10 (29 November)      Interim Reports**

**Week 11 (6 December)      Interim Reports**

**Week 12 (TBD)              Presentation, Washington DC**