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## Bush Proposes New Temporary Worker Program

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*This month's Policy Beat is dedicated to explaining the White House's views on immigration reform announced January 7, as well as reactions from Congress and stakeholders.*

On January 7, in his first formal request to Congress in 2004, President George W. Bush announced his administration's views on immigration reform. The announcement marked the first time Bush has addressed immigration policy in a significant way in the past two years. The proposal, which was delivered in the form of a statement of principles, included, among other things, the creation of a temporary worker program for newcomers and for immigrants currently living in the US without authorization. Bush explained that such reform was needed to reduce the potential national security threat of having eight million unidentified, unauthorized immigrants in the United States. He also stressed that the proposed reform would help prevent future exploitation of immigrants and human smuggling, and protect the wages of all workers. The president declared that the United States' immigration system was "broken" and proposed that a system of "matching willing workers with willing employers" be the cornerstone for reform. The announcement was given days before Bush's meeting with Mexico's President Vicente Fox at the Summit of the Americas. Mexico is the source country for the majority of authorized and unauthorized immigrants in the United States.

Bush's proposal included the following ideas:

- The program would be open to new workers applying from their home country and to unauthorized immigrants currently living in the US.
- The proposed temporary worker program would be non-sector specific—agricultural workers, construction workers, and those working in hotel services, for example, would be eligible to apply for legal temporary status.
- The number of visas available under the temporary worker program would be determined by the number of available jobs. Currently the US has annual visa caps for several of its temporary worker programs, such as the H-1B program ([click here for more on H-1B](#)).
- The new temporary visas would be valid for three years, and would be renewable an unspecified number of times.
- Visas would be portable—a visa would not be tied to a particular job and each immigrant would have the right to change jobs, even across sectors.
- Unauthorized immigrants applying from within the US would be required to pay a fee and prove they are currently employed.
- Immigrants applying from abroad would require an offer of employment from a US employer for a job that the employer could not fill with a domestic worker.
- Temporary workers under the new program would be able to leave and reenter the country at will. However, once the temporary worker visa is no longer renewable, the foreign worker would be required to return to their home country permanently.
- After the initial domestic registration phase for unauthorized immigrants in the US, the program would only be applicable to newcomers applying from their home country.

- The proposal includes the creation of an electronic database of willing foreign workers and willing US employers. After verifying that a reasonable effort to hire a US citizen has been made, the government would then facilitate a match and begin processing the temporary work visa for an eligible applicant.
- All applicants would have the opportunity to apply for permanent resident status ("green card") during the course of their legal stay in the US, but only through existing channels. In accordance with current requirements, all applicants would need a sponsor (either an employer or a family member) to become eligible for residency, and permanent visas would first have to become available. No preferential status would be given to applicants participating in the temporary visa program—each application would be processed in the order received.
- Two financial incentives are built into the proposed program: tax-preferred savings accounts and Social Security totalization. ([click here for more information on Social Security totalization](#)) The US would work with sending countries to allow temporary workers to contribute a portion of their earnings to savings accounts, with reduced or no taxes, that could be collected upon returning home, and to allow returning immigrants to receive credit in their nation's social security system for work done in the US.

The statement, in addition to proposing a temporary worker program, also includes:

- A "reasonable" annual increase in legal immigrant admissions. Currently, the annual cap for immigrant admissions is 675,000 (excluding immediate relatives of US citizens), only 5,000 of which are available for employment-based admissions for low-skilled workers.
- Re-examining "the standard of knowledge in the current citizenship test...to ensure that new citizens know not only the facts of our history, but the ideals that have shaped our history." The Bureau of Citizenship and Immigration Services (CIS) of the Department of Homeland Security has already been engaged in re-evaluating the citizenship test and oath of allegiance taken by all new citizens in the US.

### **Reactions to the Administration's Proposal**

Congressional and public response to the administration's proposal has been mixed. However, there is clear consensus that President Bush has taken a key step toward immigration reform by acknowledging the failures of the current immigration system and opening a much-needed debate on immigration policy, particularly with regard to undocumented immigrants in the US.

Despite many positive reactions to the spirit of the president's statement, however, many legislators, immigration experts, advocates, and other stakeholders have voiced concerns over the proposal. Critics across the spectrum strongly doubt whether an already overburdened and underfunded immigration system riddled with technological challenges can deal with an influx of applications for both a large temporary worker program and any expansion of the permanent immigration system. There is also concern that a large guestworker program would adversely affect the wages of domestic workers. The anti-immigration wing in the US has in turn chosen to portray the president's proposal as an amnesty. They argue that the most recent amnesty program conducted in 1986 did nothing to stem illegal immigration and encouraged increased legal and illegal immigration flows. Furthermore, they maintain that current border control and interior enforcement is inadequate for the challenge of strong enforcement and will not deter future illegal immigration, even with the proposed temporary worker program in place.

Immigrant advocacy groups and human rights organizations also voiced strong concerns about the plan, stating that it does not go far enough to protect temporary workers and provides too few incentives for undocumented workers to come forward. Most immigrants would rather fall back into the black market, they assert, than return home and face hunger, poverty, and unemployment. Many, including union leaders, also argue that illegal immigration flows will not decrease significantly without first affording a clear path to

citizenship. Although many of today's undocumented immigrants might qualify for green cards under the president's proposal, substantial increases in both annual admission limits and administrative capacity would be required to accommodate applicants in a timely manner. Immigrant advocates criticizing the proposal have compared it to the "Bracero program," a temporary agricultural worker program run from 1942 to 1964 that was plagued by charges of abuse of workers.

### **Other Reforms Before Congress**

Although some policymakers are skeptical of the possibility of passing legislation this year, others point to immigration reform bills already presented before Congress. Political debate on the issue will be shaped by the fact that both the Democratic and Republican parties are eager to appeal to the large and rapidly growing Latino electorate, for whom immigration policy has traditionally been a key issue. Various bills from both houses include: Senator McCain (R-AZ) and representatives Kolbe (R-AZ) and Flake's (R-AZ), "Land Border Security and Immigration Improvement Act," Senator Cornyn's (R-TX), "Border Security and Immigration Reform Act of 2003," and a more limited, "Agricultural Job, Opportunity, Benefits and Security Act of 2003" introduced by Representative Cannon (R-UT) and Senator Craig (R-WY). The president's proposal is in many ways a combination of different elements from these three bills, relying heavily on Senator Cornyn's and the McCain/Kolbe/Flake bills. The most recent addition, introduced January 21 in response to Bush's proposal, is senators Hagel (R-NE) and Daschel's (D-SD), "Immigration Reform Act of 2004: Strengthening America's National Security, Economy and Families." These bills offer varying alternatives to reducing the illegal immigrant population in the US and strengthening immigration enforcement. Some of the bills also attempt to increase avenues for citizenship and enhance immigrant integration.

In 2002, CIS admitted 1,295,228 temporary workers (including intracompany transferees and exchange visitors). Approximately eight percent, or 105,310 of those admitted, were low-skilled workers—agricultural workers, non-agricultural workers, and industrial trainees. Similarly, in 2002, CIS admitted over 174,968 million employment-based immigrants (adjustments and new arrivals) with only one percent of those being low-skilled workers. The estimated backlog of pending immigrant applications, according to a January 2004 GAO report, is 6.2 million. Credible estimates of the United States' population of undocumented immigrants range from 8 to 12 million people. ([click here for information on the undocumented population in the US](#)).

Note: The details of the administration's immigration proposal were compiled from various documents published by the White House, including the president's remarks and a background briefing held by senior officials the evening of January 6, 2004.

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