



Immigration Policy and Priorities

The Greater Lehigh Valley Chamber recognizes that Immigration reform is part of the solution for creating a stronger, more successful, and unified nation. America is a nation of immigrants, and welcoming immigrants reflects the key values on which this country is based: hard work, perseverance, taking on challenges, acceptance of culture and showing compassion.

Immigration reform is a bipartisan issue on which everyone can agree that a working immigration system contributes to a stronger country—economically, socially, and culturally.

It is clear that reforming our current immigration system can benefit everyone, however, we must ensure that we have a legal immigration system that works. Consistency and transparency are necessary to enforce our laws, protect our borders, keep workforce talent, create jobs, and provide overall health and safety as we move forward in the 21st century.

Although numerous research studies have reported varying data, it is reported by the Pew Research Center that 11.7 million illegal immigrants must become documented in order to become contributors to the Nation's overall good.

The Chamber recognizes that there are also a sizeable number of people around the world who have waited more than a decade to legally immigrate to the United States. Any policy adopted and supported must not reward those that have illegally immigrated into the country with the same rights and privileges of citizenship or voting before those who have properly waited their turn have achieved those benefits and privileges.

We therefore believe the following:

Whereas the Chamber supports policy that allows illegal immigrants a legal and clear path to documentation to allow for proper employment and taxation;

Whereas the Chamber believes that no person who has circumvented the immigration process and entered the country without proper authorization should be afforded the right to become a citizen or vote for a period of not less than 15 years;

Whereas the Chamber recognizes the complexity of the immigration issue, we believe the issue should be addressed incrementally in scope so that legislative leaders can clearly understand what is being passed.

The Chamber supports:

- A federal employment verification system that is easily accessible and manageable for employers.

- Systemic reform for green card and temporary worker programs for high-skilled and lesser-skilled workers so that the current system becomes more reliable and accountable
- An attainable legal status for the estimated undocumented people in the U.S. --as well as an increased capacity for advanced skilled individuals needed for high priority occupations-- in order to facilitate a legal and stable workforce
- Improving and enhancing enforcement to protect our borders while facilitating the flow of free trade and travel
- Legislation that takes meaningful steps toward addressing all critical immigration priorities that supports business and free enterprise
- Establishment of an effective analytical tool and data collection mechanism

The Chamber opposes actions which:

- Impose unmanageable and inconsistent electronic employment verification systems
- Lower caps on visas that cripple the current nonimmigrant worker visa systems
- Fail to include a mechanism to ensure businesses a future flow of workers to fill jobs with the best available candidates

Priority areas include:

Electronic Employment Verification System

- Together with Congress, implement an effective, federal electronic employment verification system that includes limited subcontractor liability and establishes a safe harbor provision for employers using the system in good faith

High-Skilled Immigration

- Access to both temporary and permanent visas for highly skilled workers (including L-1 and H-1B as well as EB green cards). These visas must be available so that employers are able to compete effectively in the global marketplace
- The creation of a new STEM (science, technology, engineering, and mathematics) green card category

Essential Lesser-Skilled Workers

- Ensure that all legal, essential, lesser-skilled workers have the opportunity to apply for positions that match their skill sets
- Secure additional, essential, lesser-skilled workers to counteract demographic trends; provide for targeted, earned legalization of those undocumented, lesser-skilled workers already here; challenge burdensome new regulations of H-2B nonagricultural worker programs; and support creation of manageable agricultural and non-seasonal lesser-skilled worker programs

KEY:

H-1B is a non-immigrant visa in the United States under the Immigration and Nationality Act, section 101(a)(15)(H). It allows US employers to temporarily employ foreign workers in **specialty occupations**. If a foreign worker in H-1B status quits or is dismissed from the sponsoring employer, the worker must either apply for and be granted a change of status to another non-immigrant status, find another employer (subject to application for adjustment of status and/or change of visa), or leave the US.

The regulations define a "specialty occupation" as requiring theoretical and practical application of a body of highly specialized knowledge in a field of human endeavor including but not limited to biotechnology, chemistry, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, law, accounting, business specialties, theology, and the arts, and requiring the attainment of a bachelor's degree or its equivalent as a minimum (with the exception of fashion models, who must be "of distinguished merit and ability"). Likewise, the foreign worker must possess **at least a bachelor's degree or its equivalent and state licensure, if required to practice in that field. H-1B work-authorization is strictly limited to employment by the sponsoring employer.**

H-2B visa nonimmigrant program permits employers to hire foreign workers to come temporarily to the United States and **perform temporary nonagricultural** services or labor on a one-time, seasonal, peakload or intermittent basis.

The H-2B visa classification requires the United States Secretary of Homeland Security to consult with appropriate agencies before admitting H-2B non-immigrants. Homeland Security regulations require that, except for Guam, the petitioning employer first apply for a temporary labor certification from the United States Secretary of Labor indicating that: (1) there are not sufficient U.S. workers who are capable of performing the temporary services or labor at the time of filing the petition for H-2B classification and at the place where the foreign worker is to perform the work; and (2) the employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. The Department of Labor will review and process all H-2B applications on a first in, first out basis.

Employers seeking to employ temporary H-2B workers must apply for Temporary Employment Certification to the Chicago National Processing Center (NPC). An employer may submit a request for multiple unnamed foreign workers as long as each worker is to perform the same services or labor, on the same terms and conditions, in the same occupation, in the same area of intended employment during the same period of employment. **Certification is issued to the employer, not the worker, and is not transferable from one employer to another or from one worker to another.**

L-1 visa is a visa document used to enter the United States for the purpose of work in L-1 status. It is a non-immigrant visa, and is **valid for a relatively short amount** of time, from three months (for Iran nationals) to one year (Mexico), two years (Brazil, Russia, China), to five years (India, Japan, Germany), based on a *reciprocity schedule*. With extensions, the maximum stay is seven years.

L-1 visas are available to employees of an international company with offices in both the United States and abroad. The visa allows such foreign workers to relocate to the corporation's US office after having worked abroad for the company for at least one continuous year within the previous three prior to admission in the US. The US and non-US employers must be related in one of four ways: parent and subsidiary; branch and headquarters; sister companies owned by a mutual parent; or 'affiliates' owned by the same or people in approximately the same percentages. The L-1 classification also enables a foreign company which does not yet have an affiliated U.S. office to send an employee to the United States to help establish one, with additional requirements.

Spouses of L-1 visa holders are allowed to work without restriction in the US (using an **L-2 visa**), and **the L-1 visa may legally be used as a stepping stone to a green card under the doctrine of dual intent.**

In 2010, the U.S. Citizenship and Immigration Services (USCIS) approved 74,719 L-1 visas, out of 91,086 applications (a refusal rate of 18%). As stated on Wikipedia.

Employment Based Green Cards (EB Green cards): 5 EB “preference” categories

EB-1 is a preference category for United States employment-based permanent residency. It is intended for "priority workers". Those are foreign nationals who either have "extraordinary abilities", or are "outstanding professors or researchers", and also includes "some executives and managers of foreign companies who are transferred to the US". It allows them to remain permanently in the US. **Workers can “self-petition” and do not need a employer sponsor.**

EB-2 otherwise known as lawful permanent residence. EB-2 is split into two subcategories. **A.** for members of the professions who have earned an advanced academic degree. The person must also either have a job offer from a U.S. employer or qualify for a "national interest waiver." This category is sometimes called EB-2(A). **EB-2(B)** is for foreign nationals with exceptional ability in the sciences, arts, or business, who are likely to substantially benefit the U.S. national economy, cultural or educational interests, or welfare in the future.

The **EB-3** is an immigrant visa preference category for United States employment-based permanent residency. It is intended for "skilled workers", "professionals", and "other workers". Those are prospective immigrants who don't qualify for the EB-1 or EB-2 preferences. **The EB-3 requirements are less stringent**, but the backlog is much longer: typically 6 to 9 years, except for residents of India and China, for whom the backlog is even longer, sometimes more than 12 years. Unlike persons with extraordinary abilities in the EB-1 category, **EB-3 applicants require a sponsoring employer. There is no "self-petition" category.**

EB-4 also called “special immigrants,” the EB-4 category includes a mix of green card types, **some of them having no connection to employment or work.** One of the subcategories is for ministers and religious workers who have received job offers from religious organizations in the United States, as discussed in this article. The other EB-4 subcategories include classifications like foreign medical graduates, former U.S. government workers, children dependent on a U.S. juvenile court, and international broadcasters.

EB-5 also known as Immigrant Investor Program created by Congress in 1990 to stimulate the U.S. economy through job creation and capital investment by foreign investors. Under a pilot immigration program first enacted in 1992 and regularly reauthorized since, certain EB-5 visas also are set aside for investors in Regional Centers designated by USCIS based on proposals for promoting economic growth. **All EB-5 investors must invest in a new commercial enterprise, which is a commercial enterprise** * key credits Nolo and Wikipedia

***The Pew Center is a non-partisan research organization and is regarded as most reliable as reported in the New York Times.**