

AFL-CIO

STATEMENT FOR THE RECORD

House Judiciary Subcommittee on Immigration and Citizenship
HEARING: The U.S. IMMIGRATION SYSTEM: THE NEED FOR BOLD REFORMS
Thursday, February 11, 2021

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is a federation of 56 unions that represents 12.5 million working men and women, including those who have been laboring on the front lines throughout the pandemic. We strive to ensure that every person who works in this country receives decent pay and benefits, safe working conditions, fair treatment, and full due process. Our members work in every state in the union and every sector of the economy, and come from every region of the world. We represent working people with every type of immigration status, including undocumented workers, guestworkers, asylum seekers, refugees, legal permanent residents and citizens. It is their needs and realities that inform our statement for this hearing.

The COVID-19 pandemic has shone a light on structural failings that the labor movement has long fought to address. Too many people are forced to work outside of the formal economy, denied the right to join a union, and misclassified, with no access to health care coverage and the social safety net. The pandemic also has revealed the systemic undervaluing of work now understood to be essential for our survival. Much of this frontline work is performed by people of color who confront issues of structural racism, and many of whom also face threats from our inhumane immigration system. Now is the time to address these core failures.

We have a long way to go to achieve fairness in our immigration, economic, and justice systems, and the current crises have created both an opportunity and a mandate to make important strides forward. As a core part of our Workers First Agenda, America's unions renew our call to make the global economy work for working people and build a more just immigration system. The AFL-CIO urges Congress to enact a broad path to citizenship for all of the millions of people whose labor helps our country to prosper and to reject efforts to exclude, criminalize and disempower our nation's workers. We have put forward concrete proposals to keep all workers safe amidst the pandemic and reform systems that, for too long, have allowed a subclass of exploitable workers.

Now is the time to rebuild the safety net and ladders of opportunity for everyone who lives and works here, and that cannot be done without reforming our immigration system. In order to spur a just recovery, Congress must act swiftly to enact a pathway to citizenship, including the Dream and Promise Act, and long-overdue reforms to our work visa programs. Advancing an inclusive, practical and swift adjustment of status program will help raise labor standards for all workers

American Federation of Labor and Congress of Industrial Organizations

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • www.aflcio.org

RICHARD L. TRUMKA
PRESIDENT

ELIZABETH H. SHULER
SECRETARY-TREASURER

TEFERE GEBRE
EXECUTIVE VICE PRESIDENT

and spur economic recovery. It will also help correct the unjust treatment of frontline workers and close racial wage gaps. The pathway created must be broad, affordable and accessible, and reject decades of criminalization of our immigrant workforce.

House passage of the Dream and Promise Act was a milestone for our country that showed that we can expand rights and protections for millions of people without tradeoffs that escalate fear or treat workers as disposable commodities. Recipients of TPS (Temporary Protected Status,) DACA (Deferred Action for Childhood Arrivals) and DED (Deferred Enforced Departure) help to build, feed, serve, educate, and care for our nation, and putting them on a well-earned path to citizenship will benefit our entire workforce. We urge you to expedite passage of the Dream and Promise Act in the coming weeks to reinforce that important victory and catalyze broader gains.

We also look forward to the introduction of the American Citizenship Act of 2021, which offers an important new framework for more sweeping immigration reforms that rightly have citizenship at their center. The bill promises to keep families together, enhance workplace rights, provide safe harbor to refugees and asylum seekers, and keep our doors open to working people from all over the world.

While we push to enact such crucial reforms, America's unions remind lawmakers that significant work is also needed to make our labor laws and our labor migration pathways more just. This is why we are calling for immediate passage of the Protecting the Right to Organize (PRO) Act, and renewing our call to reform, rather than expand, our exploitative work visa programs in order to ensure full rights and protections for everyone.

Both our labor laws and our immigration system should continue to serve the real needs of people, rather than the purported needs of employers. Our overall green card allocation should continue to emphasize family and humanitarian pathways and our approach to employment-based entry should be data-driven and rights-based. The availability of work visas should be tied to actual shortages in the U.S. labor market, as determined by independent experts, not industry lobbyists. Were such a system in place, we would see a natural correction of the number of work visas issued in times of severe labor market disruption such as we are now experiencing.

To end the abuses that plague our work visa programs, we need to correct the power imbalance that gives employers all the control and leaves workers susceptible to exploitation. We can and must advance a new framework for labor migration. The Seasonal Worker Solidarity Act introduced by Representative Castro outlines a bold new approach that ends captive employment, respects family unity, lifts labor standards and affords migrant workers a path to citizenship. This bill rejects entrenched patterns of discrimination by reining in corporate power and promoting opportunity and equal rights for all workers in affected industries. Unions will push to enact such reforms across all work visa categories, as well as to regulate foreign labor recruiters and hold employers responsible for the rampant abuses workers experience in the recruitment process.

American Federation of Labor and Congress of Industrial Organizations

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • www.aflcio.org

RICHARD L. TRUMKA
PRESIDENT

ELIZABETH H. SHULER
SECRETARY-TREASURER

TEFERE GEBRE
EXECUTIVE VICE PRESIDENT

Given the long history of challenges in passing meaningful immigration bills through Congress, we urge Members to utilize any and all strategies possible to get overdue reforms across the finish line. We also urge you to join our calls for the Biden Administration to take immediate and assertive steps to ease the suffering in our workplaces and communities while legislation moves forward.

America's unions oppose enforcement-only policies that criminalize our immigrant communities, encourage racial or ethnic profiling, and erode due process protections. Instead, we call for rational and humane border policies, clear separation of immigration enforcement from local law enforcement, and concrete measures to prevent retaliation against workers based on their immigration status.

The right way to use immigration policy to boost wages is by expanding rights and ensuring that all working people—regardless of immigration status—have access to the full protection of labor and employment laws. Immigration enforcement must complement, rather than conflict with, a strong, well-resourced and effective system of labor standards enforcement. Our policies must remove barriers to freedom of association and prevent the threat of deportation from being used as a weapon to keep working people from asserting their rights on the job or demanding safe and just treatment. As corporations continue to push for immunity from obligations to protect their workforce and customers, the corrective power of collective worker action to check corporate greed takes on elevated societal significance. Creating a process to extend deferred action protections to brave workers who take a stand to demand workplace safety, fairness and justice will help protect us all.

The pandemic makes clear just how interconnected we are as it threatens everyone in our country and around the globe. Working people are all in this together, and we need our government's response to reflect that reality. We renew our call for an inclusive response to this health, economic and racial justice crisis that puts workers first. Enacting a broad and inclusive pathway to citizenship is necessary to remediate long standing injustice and exploitation, and will also reap broad benefits for our economy and our democracy. We cannot have a just recovery while we maintain a workforce with tiered rights, so we urge Congress to take swift and decisive action to extend permanent protections to all working families.

A more just immigration system is possible, and our policy framework will help create better jobs, build a stronger economic future, and support the basic rights and dignity of all working people. We look forward to working with you to advance this bold reform agenda.

American Federation of Labor and Congress of Industrial Organizations

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • www.aflcio.org

RICHARD L. TRUMKA
PRESIDENT

ELIZABETH H. SHULER
SECRETARY-TREASURER

TEFERE GEBRE
EXECUTIVE VICE PRESIDENT