



July 13, 2021

The Honorable Zoe Lofgren
Chairwoman, Subcommittee on Immigration and Citizenship
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Tom McClintock
Ranking Member, Subcommittee on Immigration and Citizenship
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Statement for the record of the July 13, 2021, House Judiciary Committee's Subcommittee on Immigration and Citizenship hearing, "Oh, Canada! How Outdated U.S. Immigration Policies Push Top Talent to Other Countries"

Dear Chairwoman Lofgren and Ranking Member McClintock,

On behalf of the 24 national unions in the Department for Professional Employees, AFL-CIO (DPE), I wish to share our perspective on how U.S. immigration policies affect the country's professional workforce and the ability to attract international talent.

The topic of today's hearing is directly relevant to DPE's affiliate unions, which represent over four million professional, technical, and other highly skilled workers. The members of DPE's unions come from a diverse array of backgrounds, nationalities, and immigration experiences. Within our coalition are U.S. citizens, permanent residents, DACA beneficiaries, and professionals working on an array of temporary nonimmigrant visas - including F, J, H, O, and P visas. Members of DPE affiliate unions are professionals employed in nearly every industry as well as international graduate employees wanting to continue working in the United States.

DPE has long advocated for fundamental reforms to the U.S. immigration system to ensure enforceable workers' rights and labor standards in any visa program affecting professionals. We oppose low road immigration policies that benefit corporate interests by allowing differential treatment of workers as a source of cheap labor, and we support smart policies that ensure all working people can earn a fair return on their work. DPE's guiding belief is that U.S. immigration policies must work for professionals, and not just employers.

That is why DPE supports the Keep STEM Talent Act. Introduced in the House last Congress by Reps. Bill Foster (IL) and Eddie Bernice Johnson (TX), this legislation offers a high road approach for allowing talented graduates from U.S. colleges and universities to continue contributing to the American economy while ensuring that they can earn a fair return on their work. Under this legislation, international graduates who have earned STEM advanced degrees from American universities are exempt from the annual green card caps so long as their employers receive approved labor certifications and pay them above the median wage level for the occupation and geographic area. By offering in-demand graduates a direct path to permanence, rather than forcing them to accept precarious, temporary visas, this approach reinforces the professionalism of the STEM workforce and affords individuals agency in the labor market. DPE urges the Subcommittee to consider this legislation as it considers how immigration policies can attract talent to the United States.

DPE's commitment to a high-road immigration system is also why we advocate for policies that empower professionals. DPE supports allowing professionals to self-petition for permanent status and providing labor market mobility to individuals with approved I-140s. DPE also advocates for prohibitions on "breach fees," the far too common practice of employers requiring employees to sign one-sided contracts with enormous financial penalties that effectively bind these professionals to their jobs in exchange for sponsoring them for permanent status. DPE believes the Subcommittee should pursue these reforms so that the world's talent will feel certain that they will not face employer coercion if they come to work in the United States.

DPE also supports improvements to tracking the education to workforce pipeline. Underpinning the focus of this hearing is the question of the supply of available, qualified professionals in the United States. This Subcommittee, and the Congress as a whole, should have the most accurate statistical picture possible. It is not enough to take the corporate lobby at its word. After all, DPE has watched in recent years too many employers claim they cannot find qualified workers, only to layoff their employees, including members of our unions, and require them to train their foreign replacements as a condition for their severance.

While federal and state efforts have made strides to better track the education to workforce pipeline, Congress can and should take concrete steps to improve STEM education and workforce research and data and to assist workers, employers, and educators make informed decisions.¹ Currently, national surveys by the Census (Community Population Survey) and Bureau of Labor Statistics (Occupational Employment Statistics Survey) are the basis for identifying education and occupation trends. While the surveys provide valuable and suitable information for a variety of purposes, the data produced does not effectively identify state, regional, and national trends for STEM education and the STEM workforce.

Unemployment Insurance (UI) wage records, which are filed on a quarterly basis by employers, provide a picture of industry employment and separations, hours worked, and wages. However, UI records are currently a missed opportunity to capture accurate and dynamic

¹ For an example of existing federal-state efforts in improve education data and analysis of education outcomes, see Statewide Longitudinal Data Systems Grant Program administered by the Department of Education's National Center of Educational Statistics, https://nces.ed.gov/programs/slds/grant_information.asp.

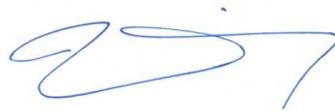
occupational data. Done correctly, the inclusion of occupational data in UI wage records would give policymakers, education systems, and all stakeholders insight to national, regional and local labor markets. Enhanced UI wage records could connect credentials and training to specific occupations and provide career mapping information over the course of changes and shifts to the economy.

Following the recommendations of the U.S. Department of Labor's Workforce Information Advisory Council, Congress should make a strong federal policy commitment toward a phased-in, well-managed and properly funded process for collecting and analyzing high-quality occupation data via states' UI systems' wage records. This policy commitment should be supported with increased funding for research and IT needs at the various state agencies performing education and workforce analysis. Finally, the benefit of overhauling and aligning UI records to provide occupational data should be articulated to the business community, education systems, and workers and students in the education-to-workforce pipeline and those in career transition.²

In sum, professionals need and expect coherent immigration policies to lift labor standards and protect all workers, regardless of their immigration status. If Congress wants to welcome the world's talent and recognize their contributions to our economy, it should understand the need and identify ways to ensure that these individuals are able to earn fair, family-supporting pay in an environment free from coercion. That means pursuing a high-road approach to immigration that puts professionals first by lifting wages, promoting worker empowerment, and ensuring that they can exercise their workplace rights free of retaliation or coercion. DPE stands ready to work with the Subcommittee to pass immigration reform that meets this mark.

If you have any questions, please contact DPE Assistant to the President/Legislative Director, Michael Wasser at mwasser@dpeaflcio.org or (202) 638-0320.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JDorning', with a stylized flourish at the end.

Jennifer Dorning, President

² DOL Workforce Information Advisory Council, *Recommendations to Improve the Nation's Workforce and Labor Market Information System*, Jan. 2018, https://www.doleta.gov/wioa/wiac/docs/WIAC_Recommendations_Report_2018-01-25_Final_and_Signed.pdf. Legislative text for including occupational information in UI wage records can be found in: U.S. Senate *Proposed legislation: S. 1269, Trade Facilitation and Trade Enforcement Act of 2015, Section 913. Improved collection and use of labor market information*, 114th Congress, S. Rept. 114-45, (May 13, 2015).