



Aligning Temporary Immigration Visas with US Labor Market Needs: The Case for a New System of Provisional Visas

By Demetrios G. Papademetriou, Doris Meissner,
Marc R. Rosenblum, and Madeleine Sumption
Migration Policy Institute

July 2009

Acknowledgments

The authors wish to express their appreciation to Michael Fix, Senior Vice President and Director of Studies at the Migration Policy Institute for his review of the report and insightful comments. The authors also wish to thank MPI Interns Nhu-Y Ngo and Raymond Tolentino for their work on this report.

We are especially grateful for the support of several funders for the work of MPI's US Immigration Policy Program and Labor Markets Initiative. In particular we wish to acknowledge the Open Society Institute and the Evelyn and Walter Haas, Jr. Fund. We also thank the Ford Foundation, whose general operating support has been essential to this project and so many others at MPI.

© 2009 Migration Policy Institute. All Rights Reserved.

No part of this publication may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopy, or any information storage and retrieval system, without permission from the Migration Policy Institute. A full-text PDF of this document is available for free download from www.migrationpolicy.org.

Permission for reproducing excerpts from this report should be directed to: Permissions Department, Migration Policy Institute, 1400 16th Street, NW, Suite 300, Washington, DC 20036, or by contacting communications@migrationpolicy.org.

Suggested citation: Papademetriou, Demetrios G., Doris Meissner, Marc R. Rosenblum, and Madeleine Sumption. 2009. *Aligning Temporary Immigration Visas with US Labor Market Needs: The Case for a New System of Provisional Visas*. Washington, DC: Migration Policy Institute.

Table of Contents

Executive Summary	i
I. Introduction.....	1
Rigid System.....	2
New Visa Stream.....	3
II. Background: The Traditional Goals of US Immigration Policy	4
III. How the Current System Works	6
IV. The Limitations of the Current System	9
Uncertain Immigration Status Undermines Integration and Competitiveness	10
Tying Immigrants to Employers Undermines the Rights of Workers and Limits Efficiency.....	12
The Limited Value of Strictly Enforced Temporary Migration.....	13
V. Provisional Visas: Matching Employment-Based Visas to Labor Market Reality	13
The Mechanics of the Provisional Visa	14
Provisional Visa Eligibility.....	14
Implementing a Provisional Visa Stream.....	15
VI. The Advantages of a Provisional Visa Program	16
VII. Conclusion	17
Appendices	19
Works Cited.....	22
About the Authors	24

Executive Summary

The failure to provide for future flows of employment-based immigration that the US economy needs was one of the most glaring mistakes of the 1986 Immigration Reform and Control Act (IRCA). Inadequate avenues for employment-based immigration remain one of the principle ways in which the current system is broken, depriving the US economy and employers of necessary workers and innovation while fostering new illegal immigration.

Reforming the employment-based visa system therefore must be a component of any comprehensive immigration reform legislation if it is to be effective. Labor market immigration policy must balance two competing goals: ensuring inflows of essential workers who support growth and competitiveness, while protecting wages and working conditions for US workers. Visa policies should also promote successful immigrant integration.

The US visa system has failed to keep pace with the evolving market for immigrant workers, and no longer meets these goals. So-called temporary visas have become the norm for meeting ongoing, broad-gauged labor market needs across a wide range of skills requirements, and 90 percent of the approximately 70,000 employment-based green cards issued annually now go to workers adjusting from a temporary visa.

Yet the temporary visa system through which they enter is flawed because it limits workers' labor mobility and so interferes with efficient labor markets. In addition, the pathway from temporary to permanent status — while well traveled in the aggregate — is too uncertain and bureaucratic, and so threatens US competitiveness and discourages long-term investment and immigrant integration.

This report proposes creating a new visa stream called provisional visas. Provisional visas would bridge temporary and permanent admissions to the United States for employment purposes in a predictable and transparent way, aligning the employment-based visa system more closely with immigration realities in today's economy.

Under a provisional visa, most employment-based immigrants would be sponsored by employers for three-year visas and could gain visa portability after one year. By meeting criteria designed to demonstrate suitability for long-term residence, provisional visa holders would be eligible for a second three-year visa, and many could eventually then adjust to lawful permanent residence and obtain a green card.

Provisional visas would create an integrated system that organizes immigration around the ways in which immigration and labor markets work in practice, with many employers today recruiting “temporary” workers for long-term jobs. The visas would be a tool to attract the best and brightest at all skill levels, many of whom have a choice of destination and may eventually be interested in permanent immigration and possibly citizenship. In combination with truly temporary visas for seasonal and short-term jobs, a provisional visa stream would ensure that sufficient opportunities exist to meet current and longer-term needs of the economy in ways well-tailored to individuals and the labor market. At the same time, Congress would control immigration levels by adjusting the number of incoming provisional visas and eligibility criteria for earning permanent residence.

Provisional visa eligibility would include individuals with extraordinary ability, those in jobs that require a bachelor's degree or more, and workers in low- and semi-skilled jobs. They offer a better solution to meeting labor market needs than a traditional temporary or guest worker program that circumscribes the labor rights of workers and makes permanent immigration and integration highly uncertain or even impossible.

A provisional visa system represents a win-win opportunity to break through the political deadlock about future flows. Replacing many temporary work visas with provisional visas would create a system which enhances workers' rights and improves wages and working conditions for all workers; encourages immigrant integration; supports economic growth by offering more competitive immigration benefits to potential entrants; and introduces flexibility into a rigid system.

I. Introduction

One of the most glaring mistakes of the 1986 Immigration Reform and Control Act (IRCA) was the failure to provide for the future flows of employment-based immigration needed by the US economy. Although the 1990 Immigration Act created new avenues for employment-based immigration, the limited opportunities for immigration within some skills categories and substantial inflexibility for most employment-based immigrants remain two principle ways in which the current immigration system is broken. Comprehensive immigration reform legislation must include meaningful changes in the employment-based visa system to help prevent future illegal immigration and to harness the advantages of immigration for the nation's growth and competitiveness.

Regulating the future flow of employment-based immigrants — new immigrants who are admitted for a specific job or based on a specific set of job skills —¹ is controversial in the best of times, much less during a global recession, because while immigration boosts the US economy as a whole, it has distributive consequences which create winners and losers. The resulting tension shapes the politics of immigration policy. Labor unions have made opposition to existing temporary worker programs like the H-2 visa a focal point of their consensus immigration position;² but employers and pro-business groups have been equally insistent that their support for comprehensive immigration reform depends on changes to make such visas more readily available.³ Lawmakers could lessen the conflict between these positions by adopting a provisional visa program that meets employer needs while better protecting the interests of US workers and supporting the pro-integration values of all Americans.

Labor market immigration policy must balance two main goals: supporting economic growth and competitiveness (including finding ways to recruit and attract global talent) while protecting the wages and interests of US workers. At the same time, policy should facilitate immigrants' social and economic integration. Solving this puzzle has become more important than ever — and will be a critical element of successful immigration reform — as globalization and rapid economic and demographic changes at home have undermined many workers' economic security while also increasing demand for workers in many sectors across the economy.

¹ The United States admits permanent immigrants in four categories: family-based, employment-based, humanitarian, and diversity. Employment-based immigration (including the spouses and children of employment immigrants) accounts for about 15 percent of these visas, while about 60 percent of visas are devoted to family reunification. In addition, foreigners can work in the United States, explicitly or incidentally, under numerous temporary visa categories and subcategories on nonimmigrant visas (NIVs). There are over 70 such nonimmigrant visa entry routes but only about 15 are primarily designed for employment; see Appendix 2. This paper focuses exclusively on employment-based immigration, both permanent and temporary, and does not take a position on the relative merits of the four different permanent immigration streams.

² For example, Ray Marshall, *Immigration for Shared Prosperity — A Framework for Comprehensive Reform* (Washington, DC: Economic Policy Institute, April 2009).

³ See e.g., Statement for the record of Elizabeth Dickson on behalf of Ingersoll Rand and the US Chamber of Commerce, "Guest Worker Programs: Impact on the American Workforce and US Immigration Policy," before the House Education and the Workforce Committee, 109th Cong., 2nd Sess., July 19, 2006.

The solutions require an overhaul of the US employment-based immigration visa system.

Rigid System

The current visa system, which owes its basic architecture to the 1965 amendments to the Immigration and Nationality Act, is far too rigid in setting conditions for immigrant recruitment. Most employers seeking to hire a permanent immigrant or a low-skilled temporary worker must painstakingly document their inability to hire a native worker. Many employers of high-skilled temporary workers must commit to specific employment conditions before petitioning for the immigrant's admission. And the most important visa categories, both permanent and temporary, confront strict numerical limits.

Such restrictions have produced wait times of up to six years for some employment-based green cards (i.e. visas authorizing lawful permanent residency), and a scramble to apply for scarce nonimmigrant visas, which in recent years have been exhausted within days or hours of the new fiscal year.⁴ In a previous report, we propose a Standing Commission on Labor Markets, Economic Competitiveness, and Immigration, to facilitate more regular adjustments to employment-based visa quotas based on systematic analysis of the economic impacts of labor market immigration.⁵

This report focuses on a second set of vital reforms: changes to the terms of most employment-based visas and to the rules that govern the marketplace. Under the current system, immigrants with green cards face no time limits on their legal residency and enjoy the same employment privileges and labor protections as US citizens. But at least several times as many foreign nationals are admitted each year as temporary workers.⁶ These

⁴ A nonimmigrant visa permits the holder to remain in the United States for a specified period and, in some cases, to work for a specified employer sponsor. Green cards, on the other hand, confer permanent residence and unrestricted employment rights. An employment-based green-card holder can apply for citizenship after five years of permanent residence.

⁵ Doris Meissner, Deborah W. Meyers, Demetrios G. Papademetriou, and Michael Fix, *Immigration and America's Future: A New Chapter* (Washington, DC: Migration Policy Institute, 2006), http://www.migrationpolicy.org/task_force/new_chapter_summary.pdf; and Demetrios G. Papademetriou, Doris Meissner, Marc Rosenblum, and Madeleine Sumption, "Harnessing the Advantages of Immigration for a 21st Century Economy: A Standing Commission on Labor Markets, Economic Competitiveness, and Immigration" (Washington, DC: Migration Policy Institute, 2009).

⁶ The United States admits about 70,000 workers annually on permanent visas (along with 90,000 spouses and children). Precise data on the number of temporary workers are not available. The Department of Homeland Security releases information on the number of nonimmigrant visa *admissions*, but this count overstates the number of workers because it includes multiple reentries in many cases. The State Department releases information on the number of visas issued at foreign consulates, but this count understates the number of workers because some temporary workers do not require a visa (such as Canadians in TN status) and because many visas last for more than one year. At the same time, some individuals issued visas abroad might never come to the United States, but are still counted in the State Department data. In addition, several nonimmigrant visa categories permit work but are not primarily designed for it. We estimate the total annual number of temporary work visas to be about 600,000; this estimate includes all those visa categories for which admission is primarily granted for purpose of employment, as well as Q visas designed for cultural exchange but involving extensive employment in many cases, and an estimated one-third of J visas, also designed for cultural exchange but sometimes involving employment; see Appendix 2. The number of people receiving temporary visas in the main

workers face restrictions on their labor mobility (it is difficult for them to change employers), and they have few chances for permanent residence.

These requirements were designed to protect the jobs, wages, and working conditions of US workers. In practice, however, restrictions on mobility and immigration status make the system opaque, cumbersome, and outdated for the majority of those who engage with or are affected by it — employers, immigrants, native workers, *and* US communities — and so the requirements fail to meet their basic objectives. Worse still, policy has been moving in the wrong direction: recent legislation and regulations have encouraged employers to rely more extensively on temporary visas, and green cards account for a decreasing share of employment-based flows.

New Visa Stream

We propose creating a new visa stream called provisional visas. Provisional visas would bridge temporary and permanent admissions to the United States for employment purposes. First proposed in *Immigration and America's Future: A New Chapter*, the 2006 report of the Independent Task Force on Immigration and America's Future convened by the Migration Policy Institute, such visas would more successfully balance competing policy goals, eliminate unnecessarily burdensome regulations, and strengthen immigrants' labor rights.

Under a provisional visa, most employment-based immigrants would enter the United States on initially time-limited visas,⁷ but they could earn the right to move freely in the US labor market. And many could eventually obtain permanent residency by meeting certain criteria and demonstrating that they have the attributes to succeed as US permanent residents and, if they choose, ultimately as US citizens. Employer recruitment would continue to drive provisional and immigrant-selection processes, determining which new workers come to the United States; but the lengthy, opaque, and uncertain process of gaining permanent status would be made transparent and predictable for both employers and immigrants.

Thus, provisional visas would resemble existing “dual-intent” visas like the H-1B (which permits adjustment of status to legal permanent residence) but would strengthen immigrant workers' labor rights within the United States and provide a more predictable path to permanent residency. Replacing most existing temporary visas with provisional visas structured this way would:

- reduce exploitation and potentially raise wages for all workers, and increase economic efficiency by allowing foreign-born workers to move to a better job;

categories that could fall under the scope of the proposed provisional visa program is about half as large; see the discussion in Section III, “How the Current System Works.”

⁷ Certain immigrants, such as those defined as having “extraordinary ability” who now enter on EB-1 visas, would continue to be eligible for green cards as an effective alternative to other countries' point systems; and agricultural and truly seasonal workers likely would continue to enter on traditional temporary visas. In addition, the system should retain the flexibility to allocate employment-based temporary visas on the basis of regional or bilateral treaties with sending countries, or to bring in workers in strategic industries or science and engineering fields outside of the provisional visa system.

- sharpen the United States’ competitive edge in selecting and attracting talented foreign-born individuals by giving them a clear opportunity to earn permanent residence as they already can in other destination countries such as Canada, Australia, and many European Union Member States;
- promote useful forms of immigrant integration and long-term investments in immigrants’ human capital;
- reduce bureaucracy during immigrant recruitment;
- facilitate return migration where immigrants seek temporary circumstances only or are not a good long-term fit to US needs; and
- rationalize employment-based visa policy and bring it into sync with the ways actual employment migration has evolved to meet legitimate US economic needs.

Provisional visas do not necessitate either higher or lower inflows of permanent immigrants than under the current system. They simply imply that the current proliferation of temporary visas must be reconciled with the eventual availability of green cards.

In this way, provisional visas represent an opportunity to break through the political deadlock about future flows. By replacing most temporary workers with provisional visa holders, lawmakers would create a system which better meets US economic interests, protects US workers, and builds broader support for immigration by promoting English language acquisition and immigrant integration. Indeed, with the exception of immigrants in seasonal occupations, who may continue to be subject to strictly time-limited visas, restructuring most temporary visas as provisional visas represents a win-win compromise for virtually every stakeholder in the immigration debate.

II. Background: The Traditional Goals of US Immigration Policy

Programs to ensure an adequate flow of immigrant labor are a recurring theme in the history of US immigration policy. One of the first federal immigration laws, in 1864, allowed employers to recruit contract laborers. Even when this type of immigration was prohibited two decades later, the 1882 Contract Labor Law made an exemption for what would now be called strategic industries (“industries not yet established in the United States”). The first US guest worker program, which suspended restrictions imposed by the Immigration Act of 1917, and the US-Mexico “bracero” guest worker program signed in 1942 were initiated to prevent wartime labor shortages; and both continued long after soldiers returned home.

Thus, supporting economic growth and competitiveness is a fundamental driver of immigration policy that leads to admitting employment-based immigrants who make vital economic contributions. Immigrants typically act as a complement to US workers because they help address skills needs, labor shortages, and locational mismatches. In these ways, employment-based immigration provides flexible and mobile sources of labor. Immigrants also help moderate the impact of a worsening age-dependency ratio resulting from a fast-growing retirement-age population and a thinning pipeline of new native workers. And

immigrants contribute to innovation which drives productivity and helps maintain the competitiveness of top US firms and universities.⁸

At the same time, US labor market immigration policy must protect the job opportunities, wages, and working conditions of US workers. Employment-based immigration should truly complement US workers, rather than simply provide a cheaper or more compliant alternative. And immigration must not be permitted to undermine labor market institutions. For example, falling real wages for the lowest-skilled workers in the past 30 years intensify concerns about immigration's negative impact on some workers' earnings.⁹

As a result, US immigration policy has traditionally included restrictions on both the volume and conditions of immigrant recruitment. For example, the 1887 Contract Labor Law sought to prevent employers' use of immigrants as strike breakers by making it unlawful "to import aliens into the United States under contract for the performance of labor or services of any kind." Increasingly restrictive immigration laws between 1917 and 1924 ultimately reduced immigration from Southern and Eastern Europe by 90 percent and eliminated virtually all Asian immigration until 1965. In that year's landmark immigration law, allies of organized labor were able to limit the number of green cards set aside for employment-based immigration to just 20 percent of the total and to impose tough requirements both on the recruitment of workers and on their terms of admission to the United States.

Ultimately, the success of immigration rests on the successful social integration of newcomers and screening out of immigrants who could pose threats to public safety and well-being. Immigrant integration receives substantially less attention in US policy than in other countries, where immigrant selection and terms of admission are often specifically designed with newcomers' integration in mind.¹⁰ That said, basic English language skills have

⁸ In particular, highly skilled immigrants and students make an enormous contribution to the country's science, technology, engineering, and math (STEM) fields. In the face of new competition from foreign universities, immigrants help to create a "critical mass" that makes the United States competitive. See Richard Freeman, "What Does Global Expansion of Higher Education Mean for the US?" (working paper 14962, National Bureau of Economic Research, May 2009).

⁹ About 90 percent of US workers experience real wage gains as a result of immigration, while limited English proficient workers and those without a high school degree are thought to experience small wage losses; see Giovanni Peri and Chad Sparber, "Task Specialization, Comparative Advantages, and the Effects of Immigration on Wages" (working paper 13389, National Bureau of Economic Research, September 2007); Pia M. Orrenius and Madeline Zavodny, "Does Immigration Affect Wages? A Look at Occupation-Level Evidence" (discussion paper no. 2481, IZA Institute for the Study of Labor, December 2006); and White House Council of Economic Advisors, *Immigration's Economic Impact* (Washington, DC: White House, 2007), http://www.whitehouse.gov/cea/cea_immigration_062007.pdf. In addition, David Card has concluded that immigration accounted for just 5 percent of the increase in inequality in the United States between 1980 and 2000; see David Card, "Immigration and Inequality" (working paper no. 14683, IZA Institute for the Study of Labor, January 2009).

¹⁰ Australia, for example, has increasingly focused on the recruitment of international students who are thought to integrate most successfully (since their qualifications are easily recognized, they are likely to have gained high levels of English language ability and learned basic Australian civic notions and an understanding of how to negotiate life in Australia). Canada has also adjusted its immigration system recently to ease the retention of immigrants with Canadian work or educational experience – again, in order to increase the likelihood that immigrants will integrate successfully. See Demetrios G. Papademetriou, Will Somerville, and Hiroyuki Tanaka, "Hybrid Immigrant Selection Schemes" in *Talent, Competitiveness*

been a requirement for naturalization since 1906, in part as a policy to facilitate participation in US civic life.

Although the United States has had nearly 150 years of experience with immigration regulation and labor market policy, it has always been extremely difficult to adjust policies to meet changing circumstances. In recent years, lawmakers have attempted to finesse the tension between promoting competitiveness and protecting native workers by relying more extensively on temporary employment-based visas. But under this system, a growing number of temporary workers are employed to do longer-term work, and the reliance on these short-term visas undermines immigrant integration and harms US workers and employers alike. Provisional visas would adjust the rules under which an immigrant enters the United States and participates in the labor market so that the US visa system would be better aligned with the traditional goals of US immigration policy in today's world.

III. How the Current System Works

The United States has a demand-driven, employer-led labor market immigration system compared to other major immigrant-receiving countries, many of which — like Canada, the United Kingdom, and Australia — admit a substantial proportion of their foreign workers through points selection systems which do not require employer sponsorship.¹¹ In contrast, most employment-based immigrants may only enter the United States through an employer sponsor, and their ability to remain in the United States depends on continued employment with their sponsors or on their obtaining another sponsor.

From the employer perspective, the most timely and efficient route for hiring workers from abroad under the current US system is a temporary worker visa. It typically takes four to seven years for a petition for permanent residence to receive approval, while some categories of temporary visas can be processed in one month or less. Employment-based green cards are also capped at about 160,000 per year, a number that includes the spouses and children of immigrant workers.¹² Thus, the vast majority of employment-based visas are temporary.¹³

In 2008, for example, 71,000 employment-based (EB) green cards were granted to workers, along with 96,000 derivative visas for their accompanying spouses and children.¹⁴ By

and Migration, eds., Bertelsmann Stiftung and Migration Policy Institute (Guetersloh, Germany: Bertelsmann Stiftung, 2009).

¹¹ Sweden and Norway, on the other hand, both recent entrants into the market for recruiting global workers, have opted for the labor-demand driven variant similar to that of the United States. See Papademetriou, Somerville, and Tanaka, *Hybrid Immigrant Selection Schemes*.

¹² The limit on total employment-based visas is 140,000 per year, but some “slots” may be reallocated from family- to employment-based categories, or vice versa, if not all visas in one of the two categories are distributed in a given year.

¹³ For a more comprehensive discussion of the current system's visa categories and their functions, see Demetrios G. Papademetriou and Stephen Yale-Loehr, *Balancing Interests: Rethinking US Selection of Skilled Immigrants* (Washington DC: Carnegie Endowment for International Peace, 1996).

¹⁴ Department of Homeland Security, *Yearbook of Immigration Statistics 2008*, Department of Homeland Security, 2009, Table 6.

contrast, we estimate that a total of almost 600,000 temporary visas authorizing employment were issued in 2008, including about 380,000 workers receiving one of the employment-based temporary visas primarily intended for work (H-1B, H-2A, H-2B, O, and L).¹⁵

In other words, about eight times as many foreign workers are admitted each year on temporary work visas as are granted employment-based legal permanent residency, a status which offers the same employment mobility and labor protections as those enjoyed by US citizens. This number includes many workers who likely would not be eligible for a provisional visa, among them most of those in cultural exchange programs and entering under treaty agreements. Excluding those categories, about four to five times as many workers are admitted on temporary visas which could fall under the scope of a provisional visa program.¹⁶

Immigrants who wish to remain in the United States after the term of their temporary visa typically must gain employer sponsorship for lawful permanent resident status. Only some temporary work categories permit visa holders to apply for permanent residence while in the United States. In general, more highly skilled visas (such as H-1B, L, and O) are classified as “dual-intent” visas which permit adjustment of status, while less-skilled visas (e.g. H-2s) do not (see Appendix 2).

This temporary-to-permanent transition is now an established part of the labor market immigration system. Ninety percent of employment-based green cards in 2008 went to workers who adjusted from within the United States from a temporary visa, cementing their already established strong attachment to the labor market.¹⁷ Adjustment of status has been the route into permanent residence for the overwhelming majority of employment-based green-card recipients for the past decade. In this sense, provisional visas would simply formalize and simplify a process which has long been in practice for much of the US employment-based visa system. (See Figure 1, which shows the percentage of green card recipients who adjusted from temporary status, primarily H-1B in recent years.)¹⁸

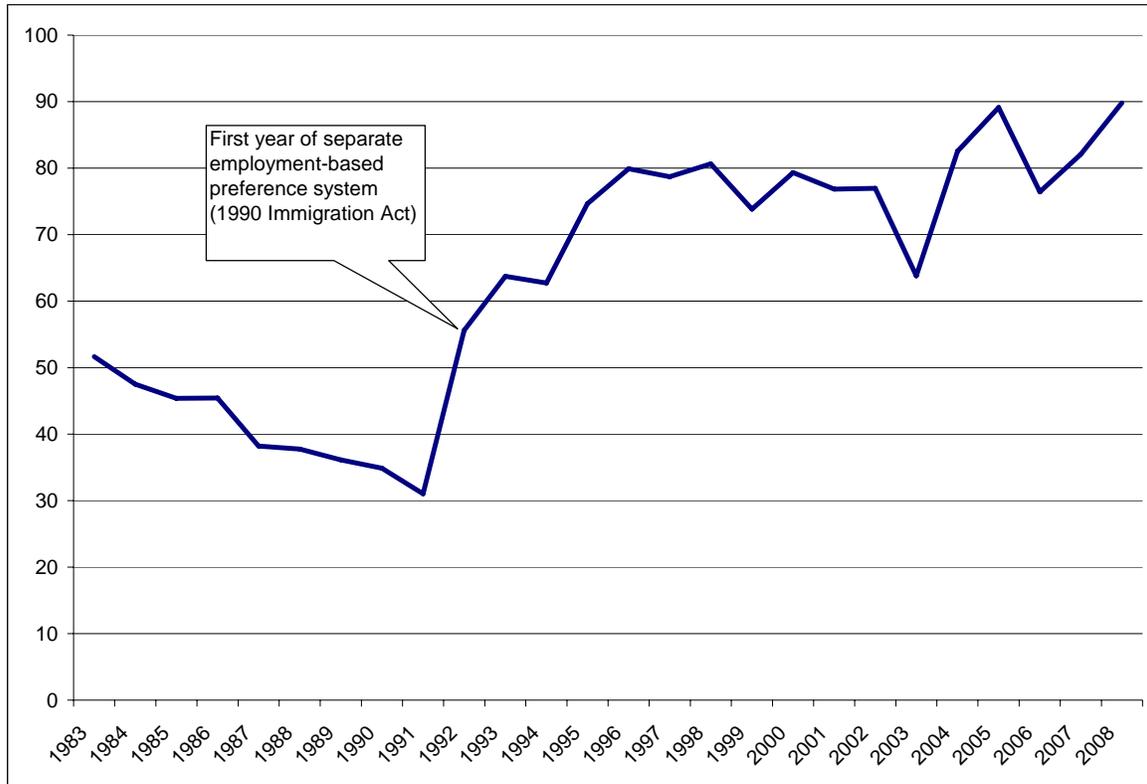
¹⁵ A precise count does not exist; see footnote 6. Our count of 600,000 includes one third of J-visa holders, a category designed for cultural exchange which includes a wide diversity of nonimmigrants, only some of whom resemble temporary workers. See Appendix 2 for a definition of each of the visa categories, terms, and numbers issued annually.

¹⁶ In this approximate calculation we have included the following visa categories: H-1B, L, O-1 and O-2, H-2B, and R.

¹⁷ Department of Homeland Security, *Yearbook of Immigration Statistics 2008*, Table 6.

¹⁸ Data are limited, but the best source of information on green-card holders' former visa status (the New Immigrant Survey) indicates that in 2003, 57 percent of employment principals adjusted to permanent status from H-1B. Guillermina Jasso, “Immigration and STEM Talent in the United States: Estimating the Size of the Pre-LPR Population” (manuscript, September 2008).

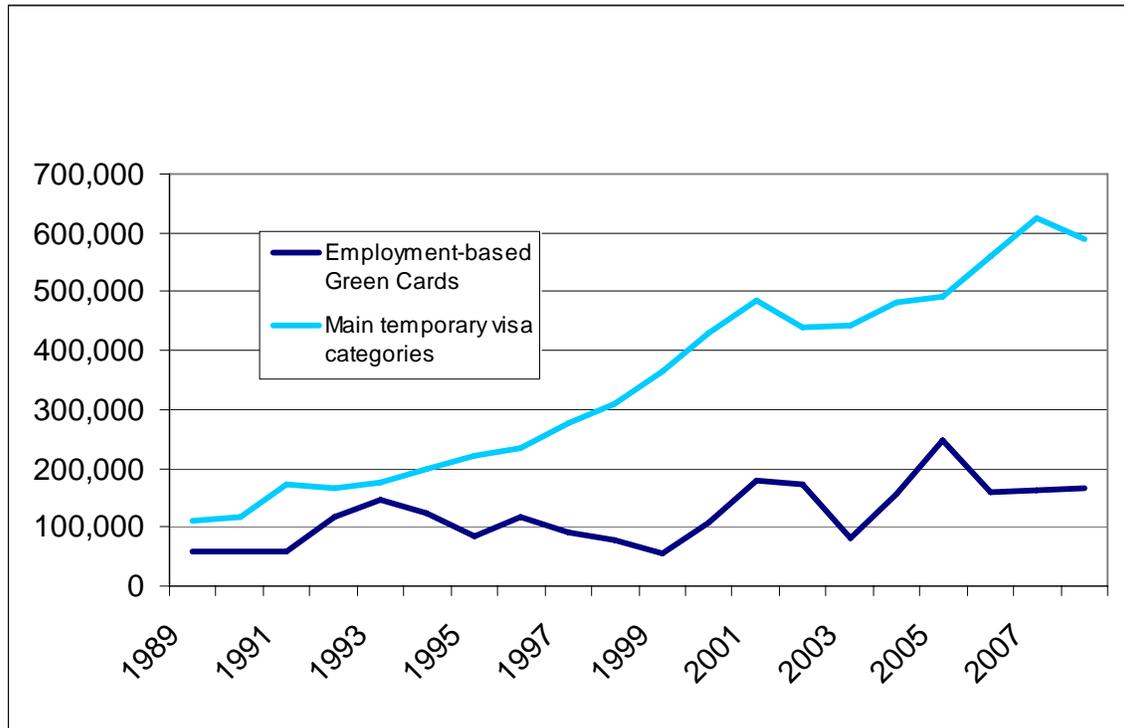
Figure 1. Percentage of Employment-Based Legal Permanent Residents Adjusting from within the United States, 1983-2008



Source: US Department of Homeland Security, *Yearbook of Immigration Statistics*; and US Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service*, various years.

There has been a substantial expansion in the number of temporary visas issued at US consulates abroad since 1989 (see Figure 2, which represents the major employment-based visa categories detailed in Appendix 2). By contrast, employment-based green card numbers have increased, but by a smaller margin.

Figure 2. Employment-Based Green Cards and Major Categories of Temporary Employment-Based Visas, 1989-2008



Source: US Department of State and Department of Homeland Security.

Note: Green card recipients include family members. Temporary visas do not, except in the case of E-1 and E-2 visas; temporary categories include E-1, E-2, E-3, E-3R, H-1B1, H-1B, H-1C, H-2A, H-2R, H-2B, and one-third of J-1, L-1, O-1, O-2, P1, P2, P3, Q-1, Q-2, R-1.

IV. The Limitations of the Current System

The current system has two primary failings.

- For temporary immigrants interested in permanent residence, the system is neither transparent nor predictable in its outcomes. As a result, US immigration policy creates barriers to recruitment of the most competitive foreign workers, and fails to ensure that successful temporary immigrants with the best potential to contribute economically and socially have the opportunity to share the full value of their human capital and gain permanent residence.
- Restrictions on the job mobility of temporary workers undermine their employment opportunities and prevent wage growth and upward advancement. By tying temporary workers to specific employers, the current system also creates conditions for unscrupulous employers to keep wages and working conditions for the foreign born below their fair market value, harming both immigrants and native workers.

In addition, where temporary immigrants work in long-term jobs, as is often the case, the rationale for temporary visas is flawed. One argument holds that immigrants should be limited to the jobs for which they were recruited. In theory, this prevents workers from leaving a job that has been certified as “needing” immigrant labor, to a job where demand is lower and where they might displace or otherwise depress the wages and working conditions of native workers.

A second rationale that is rarely stated is based on immigrants’ fiscal contributions, which may increase if workers never have the opportunity to age into Social Security, private pension programs, or other types of programs for older Americans.¹⁹ The first argument is faulty as we show below. The latter may be correct, but the fiscal benefits are small and not offset by the substantial corollary individual and social costs.

Uncertain Immigration Status Undermines Integration and Competitiveness

The US employment-based immigration system is unusual, compared to that of most other immigration countries, in the barriers that it creates for workers who want to adjust their status from temporary to legal permanent residence. These barriers create substantial costs and generate minimal benefits.

First, even for temporary workers on dual-intent visas, the transition to permanent status entails substantial uncertainty. Workers may not know for several years whether their employer will sponsor them for permanent residence or how long they will have to wait if they do gain employer sponsorship. There are insufficient permanent visas to accommodate all of the workers who qualify, sometimes resulting in delays of months or years before a “slot” opens up so that the worker can receive a green card.²⁰ By one estimate, more than 1 million foreign nationals had employment-based green card applications pending at various stages in the application process in 2006 —²¹ a stark contrast with the 160,000 green cards issued annually.

From the employer perspective, the application process is administratively burdensome, fraught with complex requirements, unanticipated expenses, and the risk of paperwork errors. Workers on time-limited visas may not be able to adjust to permanent status and remain in the United States, regardless of the contribution they may be making — meaning that employers may be forced to choose between losing a good worker and running afoul of immigration law.

¹⁹ While most temporary immigrants who do not eventually transition to permanent residence are not eligible to receive social security benefits, “totalization agreements” between the United States and some sending countries allow foreign workers to receive partial social security benefits if they have worked in the United States for a minimum qualifying period of about ten years. Conversely, workers on certain temporary visas which do not permit adjustment to permanent residence (including A, F1, J1, Q1/Q2, and H2A) are exempt from social security contributions.

²⁰ In recognition of the need to provide a bridge between temporary and permanent status, current law allows H-1B workers whose visa is due to expire while their green card application is still being processed to extend their temporary visa on a year-by-year basis. This bridge, however, is expensive and burdensome, sometimes requiring multiple applications for extensions and trips to US consulates abroad.

²¹ Jasso, “Immigration and STEM Talent in the United States.”

As a result, the current system discourages long-term investment by creating an uncertain time horizon over which individuals or employers can recoup investments in human capital.²² A foreign worker who knows that he or she may be required to return home after three years, for example, may decide that it is not worthwhile to enroll in vocational courses that are more useful to US employers than in the home country. He or she may also avoid home ownership and entrepreneurship, both of which pay off over years rather than months. At the same time, temporary workers and their families might feel little incentive to learn English, engage in their communities, and become fully participating members of society — even though many remain in the United States for many years or the rest of their lives. In other words, the fiction that many so-called temporary visas are truly temporary masks the reality of de facto permanent immigration processes and brings with it uncertainty about the future that can slow the pace and shape of social and economic integration.

Second, the US system is no longer internationally competitive with other countries which are offering more generous immigration benefits. Without reform, the United States may increasingly struggle to attract the “best and the brightest” — talented workers who have a choice of immigration destinations and are deeply invested in assuring the most favorable long-term prospects. The nation’s world-class research labs and clusters of other talented professionals represent primary drivers that attract such individuals. However, if the United States continues to offer opaque and burdensome immigration packages,²³ it risks losing its previously undisputed global advantage.

Indeed, no other English-speaking immigration country requires immigrants to rely exclusively on employers to move from temporary to permanent status.

- The United Kingdom typically grants permanent residence almost automatically, after five years of lawful residence.
- Australia, where many employment-based immigrants receive permanent visas from the outset, allows temporary visa holders to transition to permanent residence after two years without regard to employer sponsorship.
- Canada’s newly announced Canadian Experience Class visa also allows workers with high-skilled educational or work experience in Canada to self-petition for permanent residence after two years in the country.

²² Economist Christian Dustmann argues that return migration reduces investment both in immigrants’ own human capital, and in that of their children. See respectively Christian Dustmann and Yoram Weiss, “Return Migration: Theory and Empirical Evidence” (discussion paper no. 0702, Centre for Research and Analysis of Migration (CReAM), Department of Economics, University College London, February 2007); and Christian Dustmann, “Return Migration, Investment in Children, and Intergenerational Mobility: Comparing Sons of Foreign and Native Born Fathers” (discussion paper no. 3080, IZA Institute for the Study of Labor, September 2007).

²³ See Demetrios G. Papademetriou, Will Somerville, and Hiroyuki Tanaka, “Talent in the 21st Century Economy” in *Talent, Competitiveness and Migration*, eds., Bertelsmann Stiftung and Migration Policy Institute (Guetersloh, Germany: Bertelsmann Stiftung, 2009).

Tying Immigrants to Employers Undermines the Rights of Workers and Limits Efficiency

Immigrants with temporary work visas are legally bound to their employers. In most cases losing a job also means losing a visa and legal status in the United States. Employer “ownership” of the visa is partly a function of US recruitment rules, but it is likely to have detrimental effects for US workers and immigrants alike.

In theory, US immigration law permits employment-based immigration in most cases only when US workers are not available to perform the work. Employers petitioning for low-skilled workers must certify that they have tried and failed to recruit US workers. Employers petitioning for highly skilled workers must commit to a preapproved set of wages, working conditions, and benefits.

In practice, however, this process is little more than red tape.²⁴ Employers are more sensitive to a candidate’s qualifications and performance than citizenship and, in order to remain competitive, will want to hire the best worker for the job. At the same time, objective criteria to determine whether or not native-born candidates were “good enough” rarely exist in realms where soft skills and individual experience can matter much more than formal qualifications. In addition, overseers have virtually no capacity to measure a shortage at the level of a particular labor market, or to determine what it means for US workers to be “equally qualified” and “available” at the “prevailing wage.”²⁵ These recruitment restrictions, therefore, do little in practice to protect US workers.

At the same time, by tying immigrants to individual employers, the current system is more likely to undermine workers’ opportunities than to boost them, as earlier noted. Immigrants on temporary visas lack the most important tool for protecting their own labor rights: the ability to leave a bad job. As a result, employers have enormous leverage over their workers — they do not need to raise wages or provide better benefits in order to retain them.

The current system also limits economic efficiency by preventing foreign-born workers from responding to labor market conditions and switching jobs. Temporary visa holders seeking to remain in the United States by adjusting to green card status face an additional disincentive to changing employers, because they may be required to give up their place in line if their occupational classification changes while their application for legal permanent residence is pending.

In addition, if immigrants can gain upward job mobility into more skilled positions, such flexibility is likely to increase the positive impact of all forms of employment-based immigration on the economy, along with the labor market opportunities of all workers.²⁶

²⁴ See Papademetriou and Yale-Loehr, *Balancing Interests*.

²⁵ See Papademetriou, Meissner, Rosenblum, and Sumption, *Harnessing the Advantages of Immigration for a 21st Century Economy*.

²⁶ The economic research on the impact of immigration on native workers reaches a strong consensus that immigration is more beneficial (or in some cases less negative) for highly skilled workers than for the less skilled. This is in part because family immigration in particular is concentrated at the low-skilled end of the labor market — although immigration as a whole is also concentrated at the high end of the labor market,

Thus, allowing visa portability for most employment-based visas would allow immigrants to respond efficiently to changing labor market demands, moving to areas where the demand for their labor is greatest — an important economic plus.

The Limited Value of Strictly Enforced Temporary Migration

Why do we have a system that primarily grants temporary visas? The answer is *not* because we value temporary migration *per se*. Indeed, with the exception of primarily low-skilled seasonal work (of the kind that H-2A agricultural and some H-2B nonagricultural seasonal workers perform) and treaty-based visas, most temporary employment-based visas allow “dual intent,” permitting the worker to use the temporary visa as a stepping stone on the way to permanent immigration (see Appendix 2).

Dual-intent visas make sense because strictly temporary visas are not the optimal tool for meeting ongoing, established labor market needs, particularly from an integration perspective. Host-country work experience, education, and language ability are some of the most important contributors to foreign-born workers’ productivity and success. Thus, immigrant workers who are already succeeding in their current US jobs may well be the best candidates for future US employment. For most ongoing positions, therefore, there is little rationale for requiring turnover by replacing existing immigrants with a new round of temporary migrants.

V. Provisional Visas: Matching Employment-Based Visas to Labor Market Reality

Provisional visas offer a solution to these problems. Today’s immigration labor market demand is being met by illegal immigration and by large numbers of so-called temporary work visa holders who, in fact, often fill long-term jobs and are *de facto* immigrants. Immigration policy should recognize the natural linkage between temporary and permanent immigration — a linkage that has become a basic characteristic of the immigration system, and that contributes to the vibrancy of the economy and to successful immigrant integration.

Provisional visas accommodate the natural dynamics of immigration and the labor market by allowing employers to recruit workers for long-term jobs on the understanding that they may eventually be interested in permanent immigration and applying for a green card. Such visas provide both employers and workers the flexibility to exercise choices before committing to permanent immigration.

without substantial impacts on wages. Thus, increasing immigrants’ labor mobility may be most beneficial for workers at the bottom of the skills distribution. See Gianmarco Ottaviano and Giovanni Peri, “Immigration and National Wages: Clarifying the Empirics” (working paper no. 14188, National Bureau of Economic Research, July 2008); and George Borjas, “The Labor Demand Curve is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market” (working paper no. 9755, June 2003).

They also offer a better solution to meeting labor market needs than a traditional temporary or guest worker program that circumscribes the labor rights of workers and makes permanent immigration and integration highly uncertain or even impossible.

The Mechanics of the Provisional Visa

A worker with a provisional visa would be admitted to the United States for three years, and could renew his or her visa one time by meeting certain clear criteria during the initial visa period. At the end of the second period, assuming additional criteria have been met, the worker would have the option to transition to permanent status by applying for an available green card, without employer sponsorship.

Twelve months after the worker initially took up employment, the visa would be portable, allowing him or her to change employers without applying for a new visa. In this way, employers are assured they can recoup the up-front costs of sponsoring a visa. But the time is short enough to encourage employers to pay valuable workers what they are worth, on the understanding that the workers may move elsewhere after the 12-month period if their wages, working conditions, and opportunities are not improving.²⁷

Provisional visas should be designed to be flexible and responsive to labor market needs. The total number available in a given year (and hence a proportional number of employment-based green cards down the line) would be set by Congress based on the recommendations of an independent expert Standing Commission on Labor Markets, Economic Competitiveness, and Immigration.²⁸ The Standing Commission would make regular reports to Congress, at least every other year, to ensure that the number of provisional visas and the types of employment for which foreign workers can be recruited are consistent with the goals of US immigration policy.

What would be the criteria for earning permanent residence? The precise criteria should be debated robustly, but in broad outline, they are likely to include: minimum employment requirements (that is, to be employed or in school for a certain number of days per year); payment of all direct and indirect taxes; the maintenance of a clean criminal record; and acquisition of English language ability.

Provisional Visa Eligibility

Which visas would the provisional visa replace? At a minimum, the logic of provisional visas applies to existing dual-intent temporary employment-based visas: the E, H-1B, H-1C, L, O, and P visas.²⁹ Provisional visas should also be used for most workers on H-2B visas who

²⁷ Note that as is the case for most of the visas that we expect the provisional visa to replace, employers and employees would be responsible for paying all of the social security costs from the beginning of employment. (The usual conditions of totalization agreements would apply.)

²⁸ Papademetriou, Meissner, Rosenblum, and Sumption, *Harnessing the Advantages of Immigration for a 21st Century Economy*.

²⁹ The P visa represents an anomaly in this list, since many holders come to the United States for very short periods. However, some do stay for much longer – indeed the visa is valid for five years with a further five-year extension.

perform nonseasonal, ongoing work. These workers currently are not allowed to adjust to permanent status. But in many ways they — and native workers in the same fields — stand to gain the most from a policy that offers visa holders enhanced labor rights and opportunities for wage growth and upward job mobility. The same is true of many existing unauthorized immigrants, some of whom also might be eligible for provisional visas in a well-designed system. At the same time, provisional visas could also replace employer-sponsored EB-2 and EB-3 permanent visas which would become obsolete as immigrants now eligible for these visas would gain permanent residence through the provisional visa pathway.

Meanwhile, the immigration system should retain the flexibility to allow additional labor immigration outside of the provisional visa system. Very skilled workers should be immediately eligible for green cards through a streamlined EB-1 visa system; and additional “strategic visas” should be available for workers with specific skills (for example workers in green economy jobs whose admission would enhance national and economic security). These visas represent important mechanisms for recruiting the world’s most talented workers. Provisional visas would not be appropriate for genuinely seasonal immigrant workers for whom some version of the existing H-2A or H-2B visa would continue to be necessary. The system also should accommodate potential regional or bilateral treaties promoting circular migration flows.

Implementing a Provisional Visa Stream

To implement a provisional visa system, two questions must be asked. How, in practice, would the new visas replace the existing categories? And how should Congress set the overall number of workers granted admission?

The provisional visa is likely to be most effective in conjunction with wider reform of the categories of immigrants the country admits, including a consolidation and rationalization of the current alphabet soup of temporary visa categories requiring employer sponsorship. However, should Congress decide not to revisit the visa categories themselves, the proposed system also could be implemented not as a new visa but as a “principle” overlaid on existing visa categories. So crafted, the current routes (such as H-1B, L, or O) initially would retain the same caps and conditions of entry, but individuals receiving them would be given the new “terms and conditions” of visa portability and a predictable path to earning permanent residence.

As regards the number of green cards, Congress would retain control over total immigration in two ways: by adjusting the number of incoming foreign-born workers on provisional visas; and by determining the criteria by which provisional visa holders become eligible for permanent residence. Congress should seek advice on any changes to visa numbers from a Standing Commission on Labor Markets, Economic Competitiveness, and Immigration.³⁰

Not all workers on temporary visas will choose to stay in the United States even if they have the option to do so — a certain amount of “attrition” is common under any visa system —

³⁰ See Papademetriou, Meissner, Rosenblum, and Sumption, *Harnessing the Advantages of Immigration for a 21st Century Economy*.

and not all will meet the criteria to do so. As a result, the number of provisional visas issued in a given year would be larger than the anticipated number of green cards to be awarded down the line. Congress could adjust the number of future green cards by changing the criteria for earning permanent residence, such as the number of days that an applicant must be employed, or the level of English language proficiency to be demonstrated.

In other words, provisional visas do not imply higher or lower inflows of permanent immigrants than under the current system. They simply require that the current proliferation of temporary visas be reconciled with planning for the eventual availability of green cards: workers should not be admitted on *temporary* visas for *long-term* employment.

VI. The Advantages of a Provisional Visa Program

Provisional visas offer several clear advantages over the existing system of employment-based immigration. They would:

- *Protect the rights and working conditions of both immigrant and US workers.* Provisional visas would give immigrants clear ownership of their visas within a reasonable time frame, and would decouple long-term immigration status (the path to permanent residence) from a particular employer relationship. Visa portability would permit immigrants to leave a bad job, allowing more room for market forces to set wages and working conditions.
- *Protect the interests of employers.* Provisional visas would require less bureaucracy, since employers would not be required to sponsor multiple visas for the same worker. Employers would also gain greater certainty about their immigrant employees' future immigration status.
- *Promote immigrant integration and long-term investment in human capital.* The provisional visa's increased predictability would encourage immigrant workers to make investments that pay off over many years, including learning new skills or improving English language ability. This would improve long-term integration. Indeed, by establishing clear criteria which provisional visa holders must meet to renew their visas, the system would create positive incentives for immigrants to adopt the behaviors Americans value. Provisional visas provide an organic mechanism for the United States to prioritize over-arching criteria such as immigrants' English acquisition, constructive engagement with their new communities, paying taxes, or any other reasonable goals that Congress may determine.
- *Improve economic efficiency.* Provisional immigrants would be better able to respond to market demand by moving to where demand is greatest, rather than being tied to one employer or even one sector. Immigrants as a group are already thought to boost the economy because they are more sensitive to wage differentials across the country when they first arrive;³¹ provisional visas would allow them to remain flexible in this manner even as they wait for their permanent resident status.
- *Sharpen immigrant selection while preserving the market-driven system.* In recent years, governments across the world have grappled with immigrant selection systems in search

³¹ George Borjas, "Does Immigration Grease the Wheels of the Labor Market?" (Brookings papers on economic activity, 1:2001, Brookings Institution, March 2001).

of a more effective way to recruit immigrant workers who can make the greatest contribution and thrive in their country. Provisional visas retain the crucial selection device that allows this to happen — employer screening — while creating a mechanism to base permanent status decisions on a six-year track record in the United States.

- *Attract top talent from around the world.* The most talented immigrant workers — including young individuals with high potential — may have a choice of destination.³² World-class firms and universities still allow the United States to have something akin to a “right of first refusal” when it comes to the most talented.³³ This advantage must be safeguarded — and strengthened — as other countries (many of whom also offer good economic opportunities) provide a much more competitive immigration package, both to employment-based immigrants and to international students who represent one of the most important sources of foreign-born talent. The provisional visa would attract talented workers who are willing to work on time-limited visas, but want the option of permanent residence in the future, and allow the United States to continue to enjoy its overwhelming advantage in choosing the most qualified foreign workers for some time to come.
- *Facilitate enforcement where immigrants are not a good long-term fit.* The provisional visa would include requirements during the period of residence to be in touch with the immigration information systems (for example, providing updated employer and address information). Such requirements and records also would facilitate enforcement for workers who fail to meet the criteria for visa renewal or transition to permanent status. Provisional visa holders who leave as required at the end of their visa period could be first in line for a future provisional visa, while overstaying a provisional visa could bring disqualification from future legal admission.

VII. Conclusion

Provisional visas can help to meet and reconcile tensions among the core goals of US labor market immigration policy: supporting growth and competitiveness, protecting US workers, and facilitating integration.

Such visas also offer advantages to a wide range of stakeholders on all sides of the immigration debate.

- Employers retain full control over immigrant selection and recruitment, while gaining predictability, transparency, and fewer administrative burdens;

³² Papademetriou, Somerville, and Tanaka, *Talent in the 21st Century Economy*.

³³ Many of these workers currently come to the United States on EB-1 visas for workers who have been the subject of “national or international acclaim” in their field. This entry route is the way in which the United States selects the most highly skilled and talented foreigners. It represents a more effective alternative to other nations’ points systems, and should continue to operate. See Papademetriou, Somerville, and Tanaka, *Hybrid Immigrant Selection Schemes*.

- US workers benefit from immigrants' enhanced employment rights — namely the ability to change employers, assert workplace rights, and gain opportunities for wage growth and upward job mobility;
- Potential immigrants achieve greater freedom and certainty about their future, and
- All Americans benefit from enhanced incentives for English language acquisition and immigrant integration.

With provisional visas, employment-based immigration would take place through three basic immigration streams: temporary, provisional, and permanent. Such a system is the best way to meet the nation's future flow labor market needs. The immigration system must provide legal channels for regulating the employment-based immigration that is likely to be needed in the near and longer-term future. Across the skills spectrum, immigration must be treated as a strategic national resource. Sufficient opportunities and flexibility for legal immigration to meet legitimate labor market needs will reduce pressures for illegal immigration, providing the opportunity for enforcement and other new policies to be effective in preventing future illegal immigration.

Appendices

Appendix 1: Employment Visas — Annual Totals, 2006-2008

	2006	2007	2008
Green Cards			
All green cards	1,266,129	1,052,415	1,107,126
All “EB” Green Cards	159,081	162,176	166,511
Primary EB visa-holders	66,655	70,088	70,742
Nonimmigrants ^a			
Primary	771,271	861,365	835,337
Derivative	173,623	196,676	183,635

^a For a breakdown by category, see Appendix 2. Primary nonimmigrant visas include family members on E visas. Nonimmigrant visa data count the number of visas issued abroad, not the total number of temporary immigrants coming to the United States in a given year (see footnote 6 above).

Appendix 2. Nonimmigrant Visa Issuances and Border Admissions, 2008^a

Type	Visa	Description	Cap	2008 Visas Issued Abroad ^b	Average Admissions at the Border ^b	Term	Extension	Adjustment of status?
Highly skilled/ professionals	E1, E2	Treaty trader/ investor	None	35,450	225,105	2 years	Multiple	Yes
	E-3, E-3R	Australian Free Trade Agreement, Specialty occupations	10,500	3,075	7,950	2 years	Multiple (in 2-year increments)	No
	H-1B1	Professionals -- Chile, Singapore Free Trade Agreements	Included in H-1B	719	151	1 year	Multiple	No
	H-1B	Specialty occupations	65,000 ^d + 20,000 for US master's graduates + unlimited for nonprofit research organizations	129,464	434,401	3 years	One	Yes
	H-1C	Nurses	500	174	81	3 years	No	Yes
	L	Intra-company transferees	None	84,078	355,714	2 years	Up to 5 years total	Yes
	O1, O2	Extraordinary ability	None	14,065	47,268	Up to 3 years	Multiple (1 year increments)	Yes
	TN	NAFTA	None	---	82,468	1 year	Multiple	No
Total: High-skilled/professional				261,974^e	1,153,138			
Low- or mid-skilled	H-2A	Agricultural	None	64,404	102,284	Up to 1 year	Up to 3 years	No
	H-2B, H-2R	Nonagricultural	66,000	94,304	132,862	Up to 1 year	Up to 3 years	No
Total: Low- or mid-skilled				158,708	235,146			

Appendix 2. Nonimmigrant Visa Issuances and Border Admissions, 2008^a

Mixed skill	J	Exchange visitor	None	118,617 ^f	143,099 ^f	Period of petition	New petition	No
	P	Athletes and entertainers	None	37,652	69,126	Up to 5 years	Up to 5 additional years	Yes
	Q1, Q2	Cultural exchange	None ^g	2,444	2,689	Up to 15 months	No	No
	R	Religious workers	None	10,061	24,325	3 years	Up to 2 additional years	Yes
Total: Mixed-skill				168,774	239,239			
TOTAL NONIMMIGRANT VISAS				589,456	1,627,523			

^a Does not include U visas for victims of crime, or S visas for criminal informants. These visas confer employment rights, but admit very small numbers of individuals and do not have employment as a primary function.

^b Data on visas issued abroad is taken from US Department of State; average admissions at the border from Department of Homeland Security (average admissions for 2006-2008. Both columns count primary visa holders only except E visas, which include spouses and children. H-2B includes H-2R (uncapped returning workers).

^d The H1-B visa limit was 115,000 in FY1999-2000 and 195,000 in FY2001-2003.

^e Does not include most TN workers. Canadian citizens do not need a visa unless they wish to bring non-Canadian family members.

^f Number represents one-third of all J visas issued/visa holders admitted.

^g Irish Peace visas capped at 4,000.

Sources: US Department of Homeland Security, *Yearbook of Immigration Statistics*; and US Immigration and Naturalization Service, *Statistical Yearbook of the Immigration and Naturalization Service*, various years; 8 CFR 214.2, 214.6, 214.11, 214.15, 245.1, 274a.12 and VisaPro US Immigration Lawyer Services.

Works Cited

- Borjas, George. 2001. Does Immigration Grease the Wheels of the Labor Market? Brookings papers on economic activity, 1:2001. Washington, DC: Brookings Institution. <http://www.oecd.org/dataoecd/49/47/24741853.pdf>.
- Borjas, George. 2003. The Labor Demand Curve is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market. Working Paper 9755. Cambridge, Mass.: National Bureau of Economic Research. <http://www.nber.org/papers/w9755>.
- Card, David. 2009. Immigration and Inequality. [Working Paper w14683](#). Bonn, Germany: Institute for the Study of Labor IZA. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1335708#.
- Department of Homeland Security. Various years. *Yearbook of Immigration Statistics*. Washington DC: Department of Homeland Security. <http://www.dhs.gov/files/statistics/publications/yearbook.shtm>.
- Dickson, Elizabeth. 2006. Guest Worker Programs: Impact on the American Workforce and U.S. Immigration Policy. Statement before the House Education and the Workforce Committee on behalf of Ingersoll Rand and the US Chamber of Commerce, 109th Cong., 2nd Sess., July 19, 2006. Washington, DC: US Chamber of Commerce. http://www.uschamber.com/issues/testimony/2006/060719_testimony_guest_worker.htm.
- Dustmann, Christian. 2007. Return Migration, Investment in Children, and Intergenerational Mobility: Comparing Sons of Foreign and Native Born Fathers. Discussion Paper 3080. Bonn, Germany: Institute for the Study of Labor IZA. <http://ideas.repec.org/p/iza/izadps/dp3080.html>.
- Dustmann, Christian and Yoram Weiss. 2007. Return Migration: Theory and Empirical Evidence. Discussion Paper 0702. London: Centre for Research and Analysis of Migration, Department of Economics, University College London. <http://ideas.repec.org/p/crm/wpaper/0702.html>.
- Freeman, Richard. 2009. What Does Global Expansion of Higher Education Mean for the US? Working Paper 14962. Cambridge, Mass.: National Bureau of Economic Research. <http://www.nber.org/papers/w14962>.
- Jasso, Guillermina. 2008. Immigration and STEM Talent in the United States: Estimating the Size of the Pre-LPR Population. Manuscript, September 2008.
- Meissner, Doris, Deborah W. Meyers, Demetrios G. Papademetriou, and Michael Fix. 2006. *Immigration and America's Future: A New Chapter*. Washington, DC: Migration Policy Institute. http://www.migrationpolicy.org/task_force/new_chapter_summary.pdf.

- Marshall, Ray. 2007. *Immigration for Shared Prosperity — A Framework for Comprehensive Reform* (Washington, DC: Economic Policy Institute, April 2009).
http://www.epi.org/publications/entry/book_isp/#exec.
- Orrenius, Pia M. and Madeline Zavodny. 2006. Does Immigration Affect Wages? A Look at Occupation-Level Evidence. Discussion Paper 2481. Bonn, Germany: Institute for the Study of Labor IZA.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=382000.
- Ottaviano, Gianmarco and Giovanni Peri. 2008. Immigration and National Wages: Clarifying the Empirics. Working Paper 14188. Cambridge, Mass.: National Bureau of Economic Research.
<http://www.nber.org/papers/w14188>.
- Peri, Giovanni and Chad Sparber. 2007. Task Specialization, Comparative Advantages, and the Effects of Immigration on Wages. Working Paper 13389. Cambridge, Mass.: National Bureau of Economic Research.
<http://www.nber.org/papers/w13389>.
- Papademetriou, Demetrios, Will Somerville, and Hiroyuki Tanaka. 2009. Hybrid Immigrant Selection Schemes. In *Talent, Competitiveness and Migration*, eds., Bertelsmann Stiftung and Migration Policy Institute. Guetersloh, Germany: Bertelsmann Stiftung.
- _____. 2009. Talent in the 21st Century Economy. In *Talent, Competitiveness and Migration*, eds., Bertelsmann Stiftung and Migration Policy Institute. Guetersloh, Germany: Bertelsmann Stiftung.
- Papademetriou, Demetrios and Stephen Yale-Loehr. 1996. *Balancing Interests: Rethinking US Selection of Skilled Immigrants*. Washington DC: Carnegie Endowment for International Peace.
http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/16/78/0a.pdf.
- Papademetriou, Demetrios, Doris Meissner, Marc R. Rosenblum, and Madeleine Sumption. 2009. Harnessing the Advantages of Immigration for a 21st Century Economy: A Standing Commission on Labor Markets, Economic Competitiveness, and Immigration. Washington DC: Migration Policy Institute.
http://www.migrationpolicy.org/pubs/StandingCommission_May09.pdf.
- White House Council of Economic Advisors. 2007. Immigration's Economic Impact. Washington DC: White House Council of Economic Advisors.
http://www.whitehouse.gov/cea/cea_immigration_062007.pdf.

About the Authors



Demetrios G. Papademetriou

Demetrios G. Papademetriou is President of the Migration Policy Institute (MPI), a Washington-based think tank dedicated exclusively to the study of international migration. He is also the convener of the Transatlantic Council on Migration and its predecessor, the Transatlantic Task Force on Immigration and Integration (co-convened with the Bertelsmann Stiftung). The Council is composed of senior public figures, business leaders, and public intellectuals from Europe, the United States, and Canada. Dr. Papademetriou also convenes the Athens Migration Policy Initiative (AMPI), a task force of mostly European senior immigration experts that advises EU Member States on immigration and asylum issues, and the Co-Founder and International Chair Emeritus of *Metropolis: An International Forum for Research and Policy on Migration and Cities*.

He holds a PhD in Comparative Public Policy and International Relations (1976) and has taught at the universities of Maryland, Duke, American, and New School for Social Research. He has held a wide range of senior positions that include Chair of the Migration Committee of the Paris-based Organization for Economic Cooperation and Development; Director for Immigration Policy and Research at the US Department of Labor and Chair of the Secretary of Labor's Immigration Policy Task Force; and Executive Editor of the *International Migration Review*.

Dr. Papademetriou has published more than 200 books, articles, monographs, and research reports on migration topics and advises senior government and political party officials in more than 20 countries. His most recent books include *Still a Study in Ambiguity: Germany and its Immigrants* (co-author, forthcoming); *Gaining from Migration: Towards a New Mobility System*, OECD Development Center (co-author, 2007); *Immigration and America's Future: A New Chapter* (2006, co-author); *Europe and its Immigrants in the 21st Century: A New Deal or a Continuing Dialogue of the Deaf?* (2006, editor and author); *Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era* (2005, co-author); *NAFTA's Promise and Reality* (2003, co-author); *America's Challenge: Domestic Security, Civil Liberties, and National Unity after September 11* (2003, co-author); and *Caught in the Middle: Border Communities in an Era of Globalization* (2001, senior editor and co-author.)



Doris Meissner

Doris Meissner, former Commissioner of the US Immigration and Naturalization Service (INS), is a Senior Fellow at the Migration Policy Institute (MPI) where she directs MPI's work on US immigration policy. She also contributes to the Institute's work on immigration and national security, the politics of immigration, administering immigration systems and government agencies, and cooperation with other countries.

Ms. Meissner has authored and co-authored numerous reports, articles, and op-eds and is frequently quoted in the media. She served as director of MPI's Independent Task Force on Immigration and America's Future, a bipartisan group of distinguished leaders. The group's 2006 report and recommendations address how to harness the advantages of immigration for a 21st century economy and society.

From 1993 to 2000, she served in the Clinton administration as Commissioner of the INS, then part of the US Department of Justice. She first joined the Department of Justice in 1973 as a White House Fellow and Special Assistant to the Attorney General. She served in various senior policy posts at Justice until 1981, when she became Acting Commissioner of INS and then Executive Associate Commissioner, the third-ranking post in the agency.

In 1986, she joined the Carnegie Endowment for International Peace as a senior associate. Ms. Meissner created the Endowment's Immigration Policy Project, which became MPI in 2001.

A graduate of the University of Wisconsin-Madison, where she earned BA and MA degrees, she began her professional career there as assistant director of student financial aids. She was also the first executive director of the National Women's Political Caucus (NWPC).



Marc R. Rosenblum

Marc R. Rosenblum is a Senior Policy Analyst at MPI, where he works on the Labor Markets Initiative, US immigration policy, and Mexico-US migration issues.

Dr. Rosenblum is the author of *The Transnational Politics of US Immigration Policy* (University of California, San Diego Center for Comparative Immigration Studies, 2004) and has also published over 20 academic journal articles, book chapters, and policy briefs on immigration, immigration policy, and US-Latin American relations. His book *Defining Migration: America's Great Debate and the History of US Immigration Policy* analyzes US immigration policy since the Civil War, with a focus on the post-IRCA and post-9/11 periods (forthcoming, 2010); and he is the coeditor (with Daniel Tichenor) of *The Oxford Handbook of International Migration* (Oxford University Press, forthcoming).

Dr. Rosenblum earned his B.A. from Columbia University and his Ph.D. from the University of California, San Diego, and is an Associate Professor of Political Science and the Robert Dupuy Professor of Pan-American Studies at the University of New Orleans. He was a Council on Foreign Relations Fellow detailed to the office of US Sen. Edward Kennedy during the 2006 Senate immigration debate, and was involved in crafting the legislation, and later worked on President-elect Obama's Immigration Policy Transition Team.



Madeleine Sumption

Madeleine Sumption is an Associate Policy Analyst at the Migration Policy Institute, where she works on the Labor Markets Initiative and the International Program.

She holds a Masters degree with honors from the University of Chicago's Harris School of Public Policy Studies. There, she focused on labor economics and wrote a thesis on the development of social networks among Eastern European immigrants to the United Kingdom and its labor market implications. She also holds a First Class Degree in Russian and French from New College, Oxford.

Before coming to the United States, Ms. Sumption worked on education policy at the New Local Government Network in London.