

## **DRAFT - Comprehensive Immigration Reform**

(updated 12/03/07)

### **The Issue:**

The U.S. construction industry employs 7 million workers and is projected to need 180,000 net new jobs annually over the next ten years. AGC of America is a strong advocate for comprehensive immigration reform and an active member of Essential Worker Immigration Coalition ([www.ewic.org](http://www.ewic.org)).

### **Why It Matters to Contractors:**

As the workforce shortage continues to be one of the industry's greatest challenges, the ability to draw labor from legal immigrants is critical. Comprehensive Immigration Reform will provide a larger work force pool for the industry and increase the economic security of the U.S. Comprehensive reform will relieve contractors of 1) liability for undocumented workers hired by subcontractors (provided the contractor did not know the employee was undocumented), and 2) the role of "immigration police".

### **AGC Position:**

AGC believes that comprehensive immigration reform is necessary to provide for the increased security of our nation as well as address the critical workforce shortage facing the construction industry. *Comprehensive reform should not be unnecessarily punitive or place undue burdens on contractors.* AGC of America has outlined these components of a solid comprehensive immigration reform policy:

1. Creation of a Guestworker Program.
  - Visas that are valid long enough to insure training investment is not lost
  - Renewable visas that allow sponsorship of employees for permanent residency during visa process
  - Flexible visa caps that meet the needs of the marketplace
  - Individuals using the employer-sponsored visa should be required to remain with the employer for a set period of time (unless abuse of the employee is found)
  - All labor and employment laws should apply
2. Undocumented workers should be afforded the opportunity to establish earned legal status.
  - This does not mean amnesty but a process that includes a proven history of work contribution, applicable fines, English proficiency and background checks. This process should exempt employers who have implemented reasonable background checks from liability.
3. Employee verification process should be simplified with proven programs gradually implemented to ensure accuracy of results. The new systems should contain the following:
  - Easy to use verification process available to employers and applied only to new hires
  - New systems phased in so as not to overburden employers
  - Certainty in the process so employers are not left in legal limbo with non-confirmations
  - Employer does not assume liability for terminating non-confirmation employees
4. Employers should not have to be the "Immigration Police."
  - Employers should be exempt from penalty for good faith violations (i.e., document fraud)
  - Any increase in fines should be reasonable and capped
  - Safe harbor for contractor should subcontractor employ an undocumented immigrant (provided the contractor did not know the employee was undocumented)
  - No expansion of debarment under Federal Acquisition Regulations beyond current law.

