AMERICAN
SUBCONTRACTORS
ASSOCIATION

Immigration Priorities

MISSION STATEMENT: The American Subcontractors Association (ASA) supports comprehensive immigration reform that strengthens the nation's national security interests through thorough and efficient public policy addressing the construction industry's growing workforce needs to carry out critical infrastructure improvements and meet the demands of the 21st century.

BACKGROUND: Current United States immigration policy has left behind a system that is fundamentally flawed and increasingly impractical to meet the needs of the American workforce. The consistent deviation of immigration policy through administrative rule-making and executive orders rather than a permanent solution that brings consistency at the local, state and federal levels has left the construction industry in disarray. The industry requires a comprehensive legislative package to address current immigration concerns including the lack of technological advancements to verify work status and a failure to implement a uniform process for legal immigration to support workforce needs in the construction industry. The ASA supports public policy that fairly and efficiently provides employment verification, a system to allow temporary guest workers in certain industries where the workforce demands have not or cannot be met by American citizens, and a fair and feasible way to address the current undocumented population in the United States.

ASA IMMIGRATION PRIORITIES:

Enhancing our National Security Interests: Any reforms to our nation's immigration system strengthen our national security through efficient and effective screening of all foreign workers, securing our national borders, and consistent policies and procedures to establish a feasible temporary worker visa program. Implementing these policies and procedures provides a disincentive for illegal immigration.

The Federal Government Must Set Immigration Policy: Any immigration reform must preempt state and local laws to be effective. Immigration is a federal issue and there must be one uniformed standard to make compliance possible. Without preemption, the burden to comply with employee standards will be impractical and counterproductive to an effective solution.

Utilize Technological Advancements to Verify Employment Status: Construction employers require an efficient, reliable method to electronically verify (E-Verify) an employee's work status to shield them from liability for making hiring and firing decisions based on one's work authorizations.

Employer Liability of Unauthorized Workers: Public policy should layout clear and definitive policies and practices to allow employers to understand who they may hire. The "knowing" standard must remain the liability standard for the employment of unauthorized workers which continues to allow employers to act on the information they can verify or know to be true.

Vicarious Liability in Immigration-Related Employment Matters: Contractors should only be held responsible for their own employees. Subcontractors should not be held liable and subjected to penalties should another contractor be found in violation of employment laws and regulations.

Increase Access to the H-2B Visa Program in the Construction Industry: The program needs to meet the realities and demands of the construction industry. New immigration policy should release returning workers who have a record of following federal immigration laws from counting against the cap on H-2B Visas in order to meet the industry's workforce demands.

A Pathway to Citizenship for Undocumented Workers: Undocumented workers who pay taxes and are in good standing with U.S. immigration policies and criminal statutes should have the opportunity to earn permeant legal status. While the ASA does not support an amnesty program for all undocumented individuals, those who have lived and worked in the country for a certain period, are contributing to our economy, and have obeyed our laws should receive protected status.

Expand Visa Programs to Relieve Worker Shortages: Immigration reform should establish new visa programs to allow immigrants to be a productive member of our economy. Guest worker programs should be established to meet the nation's workforce needs and should implement the following standards: (1) the total length of a valid visa should be consistent with the length of training required along with employer need; (2) visas should be renewable so long as there is still industry demand for employees; (3) employers should be able to sponsor guest employees to obtain permanent residency so long as their guest visa is still valid; (4) the cap on the number of guest visas should be formulized based on industry need; and (5) guest workers should be provided the same labor and employment protections as American citizens.