

Reform immigration job laws to ease laborious burdens

By Leonard D'arrigo, Commentary **Published 4:44 pm, Wednesday, April 26, 2017**

As an attorney focusing on employment-based immigration, I see firsthand the impact of flawed policy and our broken immigration system on employers on a daily basis. One of the biggest and most dangerous misconceptions is that U.S. employers only hire foreign workers for "cheap labor."

This dangerous perception could not be further from the truth, whether we're referring to highly skilled foreign labor (H-1B visa) or lower-skilled positions (H-2 visa). It often costs an employer two to three times more to import foreign labor than it to hire and maintain a U.S. worker. There are certain minimum prevailing wage requirements that only apply to foreign workers, government filing fees and legal fees costing thousands of dollars.

More Information

Leonard D'Arrigo of Waterford is an attorney with Whiteman Osterman & Hanna in Albany and the chair of the American Immigration Lawyers Association's upstate New York chapter.

For employers focusing on highly skilled professional positions, the goal in a competitive economy is to hire the best qualified, regardless of nationality. For employers recruiting for lower-skilled positions in farming and landscaping, the goal is to get reliable and hard-working labor.

Our visa and green card programs provide a system of protections for U.S. workers before foreign labor may be imported, including, in some cases, advertising requirements.

Immigration is a volatile and polarizing debate. This is not about outsourcing jobs. These are highly skilled and educated individuals legally in the U.S. who are filling a skills gap that many employers have struggled to fill for years. These individuals pay taxes, buy homes and contribute to the economy.

The most complicating factor in this debate is the lack of information and the sensational distortion of the facts. The reality is that we are a nation of immigrants. Although imperfect, the H-1B and H-2 visa programs have been instrumental in both attracting the world's leading researchers and scientists to our great nation, as well as filling lower-skilled, less attractive positions that no one wants to do.

We are approaching crisis stage for our lower-skilled U.S. positions. These are the farmworkers, landscape workers, horse grooms, construction laborers and restaurant workers. The jobs that no American workers want to do.

I represent farms and seasonal business not only in New York, but also around the country that have similar stories. We are facing a generational crisis. Unlike years past, our youth have no interest in performing hard manual labor. No one wants to shovel cow manure, work outside in extreme temperatures or work long hours. We all want food on our table, but we ignore the cries of our farmers and seasonal businesses to have a reliable labor force.

The visas programs are inadequate and so expensive that it shuts most employers out. It can cost more than \$8,000 for a single season to bring in lower-skilled foreign labor. The H-2B visa is also limited to 66,000 per year, which has proven to be not even close to meeting the demand. This year, the U.S. Department of Labor received a 96 percent increase in H-2B applications in the first week of filing, shutting out thousands of businesses from the program altogether. Many of our local businesses will lose millions of dollars this year because of lack of labor to fill these lower-level positions.

The need for reform is an understatement.

© 2017 Hearst Communications, Inc.

H E A R S T