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## Viewpoint: What Way Forward for Immigration Reform?

**Christine Neumann-Ortiz**

This year's May Day marches, where tens of thousands took to the streets in more than 30 cities, are fading into memory. But their motivation—pushing President Obama to fulfill his campaign pledge to pass immigration reform his first year in office—has lost none of its urgency.

On the campaign trail, candidate Obama promised to create a path to citizenship for the 12 million immigrants trapped in our broken immigration system. He acknowledged the need to renegotiate trade agreements, such as the North American Free Trade Agreement (NAFTA), that have resulted in the forced migration of an additional six million unauthorized workers from Mexico to the U.S.

### Hope in Chicago

This year's May Day march in Chicago was a far cry from the million-strong outpouring in 2006. But the 3,000 who did show marched at the crossroads of the immigrants' rights fight, faced with a government that could be the impediment or the vehicle for their demands. [Read more.](#) [1]

### What's Labor Up to?

In an interview, longtime immigrant rights activist David Bacon says labor's new joint position on immigration is inconsistent—and too friendly to employers. [Read more.](#) [2]

The spirit of the May 1 marches was hopeful: legislative work groups are being set up this summer to draft legislation, which the president says is a priority. But what kind of bill will emerge, and when? That depends in large part by the strength of coalitions between labor and the immigrant rights movement.

This year's May Day marchers highlighted the need to pass the Employee Free Choice Act (EFCA) and immigration reform as two pillars of the same effort to reduce wage competition and rebuild the labor movement.

EFCA and legalization together can improve workers' bargaining power. This is particularly true in a weak economy when people are more susceptible to abuse by unscrupulous employers. During the Great Depression a combination of job-creation programs and labor-rights legislation shifted the balance of power between corporations and workers, helping forge higher living standards.

In another significant development, the two labor federations, AFL-CIO and Change to Win, have overcome their division on the question of a guest worker program and unveiled a unified proposal for immigration reform.

The proposal includes five major points:

- The establishment of an independent commission to continuously assess labor market needs and determine the number of foreign workers admitted to work. Currently Congress produces an arbitrary, rarely updated number of work visas based largely on political compromise.
- The creation of a new employment verification system that is accurate, provides due process and privacy protections, prevents discrimination, and takes verification out of the hands of employers. Employers that fail to use the system properly would face significant fines and penalties.
- Border enforcement that respects the dignity and rights of visitors as well as border residents, focuses on criminals, and is enforced by professional border patrol agents, not vigilantes or local law enforcement officials. (Local officials require cooperation from immigrants as victims or witnesses in criminal investigations.)
- A legalization of the current undocumented population, which would raise working standards and eliminate the underground economy.
- Improvement, but not expansion, of guest worker programs. The programs would be limited to temporary or seasonal, not permanent, jobs.

### UNFINISHED BUSINESS

In 2007, the labor federations and many immigrant rights groups were divided on the question of a guest worker program. Existing guest worker programs have either omitted labor rights or failed to enforce them. The reason is simple: employers have more power over workers when they can not only fire them but deport them because employment is tied to a temporary work visa.

Though labor's unified position against the expansion of guest worker programs marks some progress, support for an employer verification system is a step backward from unions' previous campaigns to repeal "employer sanctions."

These sanctions, passed in 1986, made the employer responsible for checking a workers' immigration status. The result has been more discrimination, and a means for employers to retaliate against workers who stand up for their rights. One of the current systems for verifying work authorization, E-Verify, is full of errors, resulting in discriminatory treatment against persons who have legal status. (See Labor Notes, [August 2008](#) [3])

Trying to manage migration through enforcement-only strategies has failed miserably. It has also treated people horribly and at great cost. The only true beneficiaries have been the private, for-profit detention centers such as Corrections Corporation of America, and military and construction contractors, such as Boeing, GE, and Halliburton.

Labor's proposal is definitely right on one thing: The key to protecting and raising workplace standards relies on expanding the right to organize, and as the federations' platform says, "a strong, well-resourced and effective labor standards enforcement initiative."

This approach must explicitly enforce the rights of all workers—regardless of immigration status—so that any future worker who does not have legal status cannot be used to depress wages or undermine labor standards.

## **DON'T STOP WITH LEGALIZATION**

The litmus test for a pro-worker bill is whether it provides legalization with a path to citizenship. Unlike a guest worker program that creates a caste system in the American workforce, a path to citizenship provides equal footing for foreign workers in low-wage industries to assert their rights with native workers.

A broad legalization would also benefit the economy directly. Though most undocumented workers already contribute to our tax base, legalization would bring workers and employers out of the underground economy and increase tax revenues. Legalization would increase wages and spending, generating increased business investment and job creation that fuels economic recovery.

Border-crossing will carry on even after legalization if the poverty, unemployment, and forced migration bred by U.S. trade policy continue. Immigrant and labor coalitions must escalate our efforts to push the Obama administration to meet its pledge to renegotiate trade agreements alongside the push for immigration reform.

Immigration reform will happen. What will it resemble? That's up to immigrant-labor coalitions, locally and nationally, whose strength will be critical to create the best climate possible for a legalization bill that benefits all workers.

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Christine Neumann-Ortiz is the founder and executive director of Voces de la Frontera, a low-wage and immigrant workers center with chapters in Milwaukee and Racine, Wisconsin. See more of their work at [www.vdlf.org](http://www.vdlf.org) [4] and get involved in building a stronger grassroots coalition between labor and immigrants by contacting Neumann-Ortiz at [CIneumann@aol.com](mailto:CIneumann@aol.com)

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