

Immigration Reform

OVERVIEW

As the economy recovers, ABC member companies likely will face a shortage of qualified workers—both craft professionals and legal laborers. Unfortunately, current immigration laws disproportionately affect construction companies due to their fluctuating work needs.

Current immigration law allows construction companies to bring in workers to perform unskilled tasks in non-agricultural industries through the H-2B visa program for seasonal workers. However, the H-2B visa program can be time-consuming, expensive and largely unsuccessful for the construction industry because of its limitation based on seasons.

ABC's immigration policy—developed by ABC's Immigration Task Force—states any successful reform measure must work to ensure the enforcement of our laws, the security of our borders and the prosperity of our economy. Immigration reform will fail without a legal channel allowing willing and essential foreign workers the opportunity to work legally in this country.

ABC continues to actively monitor Congress for the introduction of any legislation that runs counter to ABC's position on comprehensive immigration reform.

WHAT IS E-VERIFY?

E-Verify is a system that electronically verifies the employment eligibility of newly hired employees. E-Verify allows participating employers to electronically compare employee information taken from the Form I-9 (the paper-based employee eligibility verification form used for all new hires) against more than 425 million records in the Social Security Administration's database and more than 60 million records in the Department of Homeland Security's immigration databases.

As of Sept. 8, 2009, the federal government requires the use of E-Verify on all federal solicitations and contract awards. However, Congress has not mandated the use of E-Verify for all employers.

ABC supports E-Verify as a voluntary program expressly limited to the verification of new employees' Social Security numbers. However, there are a number of problems with the E-Verify system's current functionality and accuracy that could unnecessarily expose employers acting in good faith to legal liability.

ABC SUPPORTS

- Reforming the nation's immigration policy to facilitate a sustainable workforce for the American economy while ensuring national security.
- Securing the nation's borders and enforcing current immigration laws.
- Creating a workable and reliable system that can be used by both large and small employers to determine an employee's legal status.
- Creating a temporary worker program that will help the construction industry meet increasing labor demands.
- Creating a way for undocumented workers to gain legal work status.
- Adding meaningful "safe harbor" provisions to E-Verify. Employers who comply in good faith when using the system should not be subject to an enforcement action by the federal government, or a lawsuit by that employee.

ABC OPPOSES

- Any policy that shifts the burden of policing citizenship documentation, such as Social Security cards and drivers' licenses, to employers.
- Making E-Verify permanent and mandating that all employers use the program. ABC has submitted to Congress several issues with E-Verify that must be addressed prior to the program becoming a permanent fixture in the American economy.