

## Immigration Reform

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### Problem:

The Biden presidency will likely be friendlier to business immigration needs, however there still may be challenges facing employers who supplement their work-force with high-skilled foreign labor. Thus, small-business owners stand to be impacted by various broad immigration reform proposals, specifically as they relate to availability of workers and compliance with new and/or existing rules and regulations. President Biden has said he will work with Congress to first reform temporary visas to establish a wage-based allocation process and establish enforcement mechanisms to ensure they are aligned with the labor market and not used to undermine wages. He is supportive of expanding the number of high-skilled visas and eliminating the limits on employment-based visas by country, which create unacceptably long backlogs. However, employers should not expect all scrutiny of the high-skilled nonimmigrant visa programs to disappear with the Biden administration.

- According to the most recent NSBA data, more than one-in-three small employers hire some kind of immigrant worker: green-card holders, temporary foreign workers or VISA holders. Only one-half of one percent of small firms say they hire undocumented workers.
- More than half of all small-businesses surveyed by NSBA said they rely on highly-skilled workers with a STEM background—with one-third of small-business owners responding they are having difficulties hiring STEM workers.
- The majority of small firms support some kind of required use of an improved E-Verify or similar employee verification system if it included a safe harbor clause for employers operating in good faith.

### Solution:

Any comprehensive immigration legislation must address the concerns of the small-business community in order to foster economic growth and to help small businesses prosper and create jobs. Any actionable reform proposals should:

- Ensure that mandatory E-Verify requirements have reasonable penalties, contain swift error correction mechanisms and compensate individuals and small businesses for out-of-pocket losses sustained due to database errors.
- Increase the number of available visas for foreign-born students graduating from a U.S. university with an advanced degree in a STEM field.
- Increase the cap for H-1B visas and H-2B visas or develop new visa categories or increase employment-related permanent resident slots.
- Establish a new visa category for highly-skilled immigrant entrepreneurs.
- Eliminate the per-country numerical limit on employment-based visas.
- Ensure that the administrative burden for employment-related visas is reasonable.