

Immigration Reform

Small business needs improved access to workers without placing heavy burdens on small firms

Problem:

Small-business owners stand to be significantly 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. Small firms are facing a shortage in skilled workers, making reform necessary, however some reform proposals put the onus of verifying immigration status on small firms and include unfair and hefty penalties.

- Almost half of all small-business respondents to a recent NSBA survey said they rely on highly-skilled workers with a STEM background
- According to a report from the SBA Office of Advocacy, immigrants start seventeen percent of all new businesses in the U.S.
- Despite the high levels of concern over illegal immigration, just slightly more than half of small-business respondents to an NSBA survey support requiring all employers comply with some kind of E-Verify system
- The GAO has found that E-Verify is highly inaccurate, in fact, more unauthorized workers are deemed authorized by the system (3.3 percent) than are found unauthorized (2.9 percent), meaning E-verify will deny jobs for as many as 35,000 Americans per month.
- Some immigration reform proposals would subject noncompliant small firms to civil fines up to \$25,000 and criminal penalties up to 10 years in prison and criminal fines of \$15,000 per illegal immigrant for non-compliance.

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.

- 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 (for skilled workers) and H-2B visas (for temporary workers) or accomplish a similar substantive result with new visa categories or by increased 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; and
- Ensure that the administrative burden for employment-related visas is reasonable.

Learn More:

[Download NSBA's 2013 Workforce & Immigration Survey](#)

[Read NSBA's latest updates on immigration and other employment & labor issues](#)

[Read NSBA's letter to the U.S. House of Representatives on immigration reform](#)

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