

## Congress Takes a Wrong Turn on Way to Stimulus

Cite as "AILA InfoNet Doc. No. 09020666 (posted Feb. 6, 2009)"

FOR IMMEDIATE RELEASE:

Friday, February 6, 2009

CONTACT:

George Tzamaras

202-507-7649

[gtzamaras@aila.org](mailto:gtzamaras@aila.org)

WASHINGTON, DC - The American Immigration Lawyers Association (AILA) believes Congress took a disturbing step backwards today - to an era of employment protectionism. Adopting by voice vote an amendment by Senators Sanders (I-VT) and Grassley (R-IA) - who like to frame issues through an "us versus them" lens - the Senate caved to an old reactionary instinct: when times get tough, turn inward, put on the blinders, and hunker down. Unfortunately, we know empirically that this instinct is deeply counterproductive to economic growth and creates a climate of jingoistic divisiveness.

The Sanders-Grassley amendment that was originally filed made no pretense about the objective: it barred TARP fund recipients from hiring foreign workers under the H-1B program for one year. In part, we suspect, because of the ugly optics surrounding such a blatantly protectionist message, the amendment was subsequently dressed up with some qualifiers and legal niceties. But the net effect of the amendment that ultimately passed is the same: the financial institutions who receive funding under the program will be hard pressed to hire any foreign nationals (or extend the visas of currently employed foreign workers) for a 2-year period.

A March 2008 National Foundation for American Policy report ([NFAP report](#)) has shown that for every H-1B position requested by an S&P 500 U.S. technology company, overall employment at the company increased by five workers. The report also found that among companies in the study sample experiencing layoffs, for every H-1B position requested, total employment was estimated to be two workers more than it otherwise would have been.

Instead of seeing the current economic calamity as a global problem and immigrants as part of the collective solution, the Senate unwisely chose to restrict the financial industry's access to top-flight global talent who can help create jobs for U.S. workers. In these difficult economic times, we cannot afford knee-jerk, fear driven policies that will stymie growth. Our nation's capacity to funnel the world's diverse talent pool into a highly productive economic engine is a central reason that we are the wealthiest nation in history.

AILA calls on Congress to adopt forward-looking policies that embrace our status as the preeminent landing spot for the world's best and brightest. It is time to turn our back on short-sighted, insular policies, not on the world's highest achievers who can help lift us from our economic malaise.

###

The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance

the quality of immigration and nationality law and practice, and enhance the professional development of its members.