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**TESTIMONY OF JACOB FABER, RESEARCHER FOR
THE CENTER FOR SOCIAL INCLUSION**

before

THE NEW YORK CITY COUNCIL IMMIGRATION COMMITTEE

April 10th, 2008

Good afternoon. I want to thank the members of the Immigration Committee for holding this important hearing on the positive impact immigrants have on New York City. My name is Jacob Faber and I am a Researcher at the Center for Social Inclusion (CSI). CSI is a national policy advocacy organization, serving as a bridge between policy research and grassroots activism in order to create more effective strategies for promoting equality and opportunity. We conduct applied research, training and public education, and support the development of multi-racial alliances and networks with the goal of dismantling structural racism.

Both locally and nationally, the debate on immigration too often emphasizes tensions between immigrant and non-immigrant groups. While tensions exist, they are often overstated and our focus on them obscures the real issue, which is that structural arrangements limit opportunities for communities of color and immigrant communities. Tensions are symptoms of these inequities and indicate that our structural arrangements are not working.

By structural arrangements, I am referring to the ways our public and private institutions interact to produce barriers to opportunities, such as well-paying jobs, good schools, safe and affordable housing, etc.

The impact of these arrangements is clearly visible in New York. While being one of the most diverse cities in human history, most of our neighborhoods are still very segregated. The results are communities of color and immigrant communities isolated from good jobs and living disproportionately in concentrated poverty.

These patterns of isolation and exclusion continued even during the city's recent economic boom. We are losing affordable housing at a faster rate than we are building and preserving it. One third of the city's schools do not pass federal standards. Our economic base continues to move from one of middle-class manufacturing jobs, to low paying service and retail jobs. These, and other structural problems, disproportionately affect communities of color and immigrant communities, who have actually seen an increase in poverty since 2001. This scarcity permits the persistent wage exploitation of immigrant workers and the exclusion of other poor communities.

The socioeconomic trends affecting the city, as well as the resulting tensions, are part of larger regional dynamics and require solutions at multiple levels – from the neighborhood to the city to the region.

There are important steps we can take to alleviate tensions. For example, by supporting policies that tie growth in the suburbs to growth in the cities, we can build opportunities that benefit all communities. Proof of this is a nationwide study of 74 metropolitan areas, which found that investments in a city's low-income communities help increase regional income growth.

By recognizing the shared fate of all communities, we are able to see our mutual need for structural changes and the policy solutions that can help us make those changes. At the same time, our policy solutions should recognize that while all communities suffer from bad structural arrangements, different communities are impacted differently.

We applaud the immigration committee for taking the steps it has to support the discussion of these issues and offer the following additional steps:

- 1) **Support policies** that are informed by and connected to long-term strategies that account for the shared needs of poor people of color and immigrants, as well as the unique needs of different populations.
- 2) **Support multi-racial alliances** by partnering with them and strategically allocating public resources to promote effective alliances and partnering.

On behalf of the Center for Social Inclusion, I thank you again for the opportunity to provide this testimony.



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**Testimony presented by Anthony Ng
Deputy Director of Policy & Advocacy, United Neighborhood Houses**

**Before the Immigration Committee of the New York City Council
Kendall Stewart, Chair**

"Immigrants' Contributions to the Economy."

April 10, 2008

Good morning. My name is Anthony Ng, Deputy Director of Policy and Advocacy at United Neighborhood Houses. Thank you for holding this important hearing to examine the contributions that immigrants make to the economy here in New York City. Today, I will discuss some of the human services that our member agencies offer, which help immigrant New Yorkers improve their lives and integrate into society, and further facilitate their contributions to this city economically, but also socially and culturally. As many of us know, New York City has always been a city of immigrants, and the demographic data of this City continues to illustrate this fact. Today, New York City's population is close to 8.2 million people. About 40 percent of New Yorkers are foreign-born, with almost 2/3 of the City being immigrants and the children of immigrants. The contributions of immigrant New Yorkers have shaped the City in countless ways, and have made New York the exciting, vibrant, and interesting place it is today. New York's immigrants are also remarkably diverse, with close to 170 languages spoken by families with children in New York's public school system.

Through the work of United Neighborhood Houses (UNH), and our member agencies, we continue our long tradition of serving immigrants and helping them to flourish in New York and the U.S. Founded in 1919, UNH is the membership organization of New York City settlement houses and community centers. Rooted in the history and values of the settlement house movement, UNH promotes and strengthens the neighborhood-based, multi-service approach to improving the lives of New Yorkers in need and the communities in which they live. Our membership comprises one of the largest human service systems in New York City, with 34 agencies working at more than 400 sites to provide high quality services and activities to a half million New Yorkers each year. Services provided by our members include: early childhood education, after-school programs and youth development programs, adult literacy classes, English classes for recent immigrants, job training, meals and supportive services for the elderly, mental health counseling, drug prevention, and art, music and drama programs. These services are free, or low cost, and subsidized by public and private funds.

In addition to offering human services, UNH members also offer opportunities to help community members speak out for their rights and improve conditions in their lives and neighborhood. Some of our members have created youth, and family councils and leadership projects to organize their community, offer advocacy skills training, and participate in activities to express support for their issues. Through these councils and projects, community residents

have spoken at public forums, attended rallies and marches, and met with elected officials to improve public education, obtain more affordable housing, urge for comprehensive immigration reform, and expand youth services.

Both immigrants and non-immigrants alike utilize the human services delivered by UNH members. To reach immigrants with these services, our members design the programs to ensure that they are delivered in a linguistically and culturally appropriate manner. This includes hiring bilingual staff that can speak the dominant language in a community and incorporating cultural practices and considerations in programming. UNH member agencies have their central office in, or have program sites located in some of the City's major immigrant communities such as Jackson Heights, Sunset Park, Flatbush, East Harlem, Tremont, Flushing, Coney Island, and Chinatown. These communities are home to a sizeable number of the City's Latino (Puerto Rican, Dominican, Mexican, South and Central American), Caribbean, West African, East Asian, South Asian, and Russian populations.

UNH members are also among the City's primary immigrant service providers. There are 3 general types of immigrant services: English for Speakers of other languages (ESOL) classes, immigration legal assistance, and citizenship assistance.

- About 3/4 of UNH members offer adult literacy programs, primarily in ESOL. Adult literacy also includes ABE, BENL, and GED.
- Nine UNH members offer immigration legal services with lawyers they have on staff, or through a partnership with a legal services organization such as the Legal Aid Society.
- Almost half of our members also offer citizenship assistance. These services help immigrants apply for citizenship, take civics classes to prepare for the citizenship exam, and prepare for the citizenship interview.

The current work of UNH members in immigrant communities is similar to what they offered at the turn of the last century. Back then, UNH members also provided English classes, registered new voters, and were active in advocating for social reforms such as better housing conditions and ending the practice of child labor. While today's immigrants are more diverse and from more parts of the world than over a century ago, UNH and its members continue to help immigrants integrate through the same strategies of offering human services and opportunities to participate in American democracy. And as the population of their communities have changed, so too have the programs offered, and the staff of our agencies.

Staff and participant changes

The staff that work at our agencies, and the community members that benefit from their programs, reflect the diversity that is New York City. Our 2007 member survey compiled a lot of useful information about our members and their programs. Some interesting data that I'd like to share include:

- Over forty languages are spoken by the staff of UNH member agencies.
- Over seventy languages are spoken by program participants at UNH agencies.
- Over 14,500 New Yorkers take adult literacy classes (doesn't include ESOL) through UNH's members.
- Over 13,600 New Yorkers obtain immigrant services such as ESOL, immigration legal services, and citizenship services through UNH's members.

Adjusting program delivery

A hallmark of our agencies is their ability to adapt to new populations that move into a neighborhood. It is an ongoing process. For example, one of our members in the Lower East Side, developed a program for the increased numbers of Asian seniors that now live in the neighborhood. Their senior program historically, mostly served Puerto Rican and other Latino seniors. Now, the Asian and Latino seniors get along and share friendships, food, and culture with each other. Another member in East Harlem has become one of the main providers of basic education in the native language (BENL) instruction. BENL helps one become literate in their native language, thereby speeding their ability to actually learn English. Finally, one Queens UNH member is exploring the idea of starting a community credit union, to offer better financial services to immigrants who are seeking affordable financial products and still learning how to navigate the world of credit, savings, and investment in the U.S.

Continued demand for immigrant services

As our City's immigrant community continues to grow, the demand for the services that help immigrants integrate into society continues to increase. In particular, immigrant New Yorkers want to learn English, become U.S. citizens, and need the legal services to support their efforts at applying for citizenship.

The High Demand for ESOL Classes

Indeed, improving one's English skills is a key strategy for immigrants to better integrate into life in New York City and the U.S., making the importance of ESOL programs very clear. When immigrant New Yorkers speak better English they can obtain jobs with better pay, better benefits, and a career ladder; increase participation in our democracy by being equipped to contribute to civic and community life. ESOL classes also help recent immigrants live more independent and confident lives. For example, with better English skills one may feel more comfortable on public transportation; interacting more closely with their children's teachers; running errands within one's neighborhood.

ESOL programs are also vital to workforce development and economic development efforts¹. Immigrant New Yorkers with good literacy skills can better communicate with employers, co-workers, and customers. They are more employable, and provide a labor pool to fill jobs in the growing sectors of our economy – retail, customer service, healthcare, construction, and small business. Immigrants that attend ESOL classes at multi-service community based organizations (CBOs) like UNH members, may also utilize childcare, citizenship programs, immigration legal services, afterschool programs, and senior programs. It's also possible that immigrants may come for these human services first, and then learn that they can also take an ESOL class. Either way, ESOL classes are often leveraged with other human services to meet the needs of the student, and help further their socioeconomic opportunities.

A review of 2000 and 2005 U.S. Census data explains why the demand for ESOL classes is so high -- about a quarter of New York City's adults -- about 1.23 million -- have inadequate English skills². However the resources to fund ESOL classes have not kept pace with demand and meet less than 5 percent of the need. Only 62,467 students are enrolled in government funded

¹ In November 2006, The Center for an Urban Future and Schuyler Center for Analysis and Advocacy released a report entitled "Lost in Translation," that details the important relationship between improved English skills amongst immigrants and a more prepared workforce for New York State in the decades to come.

² Center for an Urban Future and Schuyler Center for Analysis and Advocacy. "Lost in Translation," p.4. Inadequate English skills are defined as adults ages 18-64 that speak English less than very well.

literacy programs, with about two-thirds in ESOL programs and the remaining 1/3 in adult basic education, and GED programs.³

Citizenship and Legal Services

Immigrants continue to face challenges to attaining U.S. citizenship, such as the introduction of a redesigned citizenship exam in 2008 and increased application fees that have already been enacted. Fueled by these changes and rumors of changing federal immigration law, immigrants have been applying for citizenship with a renewed urgency. Naturalization applications in New York State have gone up 77% from 86,173 in FY2006 to 112,482 in FY2007. In New York City, naturalization applications filed through programs that depend on funding from the Department of Youth and Community Development have gone up 65%, from almost four thousand in FY2006 to over six thousand in FY2007. The redesigned naturalization exam will also make English instruction with a civics component and test preparation even more crucial in helping one pass the exam.

Applying for citizenship also requires legal assistance and guidance in completing the application forms, preparing for the naturalization interview, and the chance that legal representatives may accompany applicants to the naturalization interviews. Moreover, as citizenship application fees have doubled, more naturalization applicants are seeking fee waivers, which require additional legal assistance to complete.

Funding for Immigrant Services

When we talk about New York City being a welcoming place for immigrants, settlement houses and other community-based organizations are the front doors that they walk through to make themselves feel at home. Through the programs of our members, immigrants can improve their lives. Since CBOs are key institutions in delivering these services in many immigrant neighborhoods throughout the City, adequate public funding for community-based immigrant services must be a priority.

For the FY 2009 budget, we urge the City Council and the Mayor to work together to restore vital funding for English classes for recent immigrants, legal services for immigrants, and adult literacy classes, as follows:

- \$11.25 million for the Immigrant Opportunities Initiative (IOI), which supports CBOs to deliver ESOL classes, immigration legal services, and immigrant worker legal services.
- \$1.5 million for the City Council Adult Literacy Services Initiative.

We look forward to working with you to restore this funding, and ensure that immigrant New Yorkers continue to have immigrant services that help them lead productive lives. Thank you.

UNH Members: CAMBA-Center for Family Life in Sunset Park - Chinese American Planning Council - Citizens Advice Bureau - Claremont Neighborhood Centers - Cypress Hills Local Development Corporation - East Side House Settlement - Educational Alliance - Goddard Riverside Community Center - Grand Street Settlement - Greenwich House - Hamilton-Madison House - Hartley House - Henry Street Settlement - Hudson Guild - Jacob A. Riis Neighborhood Settlement House - Kingsbridge Heights Community Center - Lenox Hill Neighborhood House - Lincoln Square Neighborhood Center - Moshulu Montefiore Community Center - Queens Community House - Riverdale Neighborhood House - SCAN New York - School Settlement Association - Shorefront YM-WHA of Brighton-Manhattan Beach, Inc - Southeast Bronx Neighborhood Centers - St. Matthew's and St. Timothy's Neighborhood Center - St. Nicholas Neighborhood Preservation Corporation - Stanley M. Isaacs Neighborhood Center - Sunnyside Community Services - Third Street Music School Settlement - Union Settlement Association - United Community Centers - University Settlement Society

³ Literacy Assistance Center. This includes funding administered by the NYS Dept. of Education (SED) – WIA Title II, EPE, WEP, and ALE. In 2006, SED administered over \$54 million of this funding to NYC. Enrollment figures for ESOL and adult basic education programs supported by City tax levy dollars and the Community Services Block Grant are not included.

**NEW YORK CITY COUNCIL
IMMIGRATION COMMITTEE HEARING**

April 10, 2008

Oversight - Immigrants' Contributions to the Economy

**Elana Broitman
Director, City Policy and Public Affairs**

Chairman Stewart, Council members, thank you for allowing me to make a presentation to you today. I represent UJA-Federation of New York, which helps to serve a broad spectrum of New Yorkers throughout the five boroughs by supporting a network of over 100 social service agencies, many of which serve immigrants. We do this, thanks to the generosity of our tens of thousands of donors and in partnership with the Council, major component of which are the Immigrant Opportunities Initiative as well as the Adult Literacy Initiative, for which we are grateful.

While UJA-Federation does not take government funding, our agencies rely on public funding, in addition to philanthropic support, to provide a myriad of services, including immigrant services, health care, case management, affordable housing, legal aid, mental health counseling, and transportation for the elderly. Many of the services are provided under contract with the City's Department of Youth and Community Development (DYCD).

We applaud you for shining a light on immigrants' contribution to the economy. There have been some very good recent reports such as one by the Fiscal Policy Institute and the NY Immigration Coalition regarding that very contribution, and the fact that immigrants are an agent of economic growth not just for New York City, but even for the state. There have also been articles, including last week in the New York Times regarding the fact that immigrants are net payers into the social security system, helping to underpin our national pension program.

What is often left unsaid is that immigrants come to the United States often against many obstacles and then face more barriers, such as lack of language or knowledge of American business and social mores, all of which make it that much more difficult for them to succeed. What they do have is determination and endurance. It is up to us, the government and social service sector, to give them the tools to succeed against the odds.

Let me take this opportunity to describe some of the ways in which the UJA-Federation network of agencies helps immigrants integrate and succeed.

Linguistic and Cultural Appropriateness

A number of our agencies employ professionals, who are themselves immigrants. Whether it is the Kings Bay YM-YWHA, run by a Russian émigré, or the Edith and Carl Marks Jewish Community House of Bensonhurst, whose immigrant program is run by an immigrant, or the agencies with multiple programs with staff representing different communities, we believe that makes the programs stronger. The professionals understand first-hand the interests, concerns and needs of the clients.

English as a Second Language

ESOL classes are a fundamental underpinning of integration. Without English capacity, it is difficult for immigrants to obtain citizenship, get jobs or advance in jobs, or help their children and grandchildren in school. Our network has ESL programs in every single borough in New York City. The key is gearing those ESL classes to the clients' needs – civics, jobs, etc. For the work-related ESL, it is very helpful to complement them with vocational training and assistance in finding jobs.

Economic Success

A key measure of integration is economic independence. Our network addresses that in several ways.

Vocational Training

First, of course, is vocational training. Immigrants need to learn new skills or update the skills they are bringing from their home countries. Our agencies work with the Workforce One centers and have large job-searching databases in order to match their clients with actual jobs. They look at the growing sectors in New York City and plan their vocational programs accordingly. For example, the Metropolitan Council on Jewish Poverty, runs a successful program training new medical technicians and emergency personnel. The Jewish Child Care Association trains family day care providers, many from immigrant communities. Not only do these programs bring economic viability to the immigrants, but these bilingual new emergency medical personnel and child caregivers can help the health care system address the needs of immigrant patients.

Skilled Immigrants

Another interesting economic security program is to help immigrant professionals obtain the certification they need to practice their original careers in New York. Skilled immigrants face the multiple barriers of not knowing English, particularly the vocabulary required in their jobs, new accreditation requirements, and often a workplace culture that is different from the one they knew. The training they require includes: English as a Second Language, including vocational ESOL, preparation to retake certification exams, and help with job search, job placement and workplace training skills.

This is what our agencies have been doing with the small grants we have provided to them over the past several years. As a private philanthropy, however, we see our role as identifying previously unmet needs and providing seed funding to support innovative ideas. Once the need and the response are proven, we do not have the funds to continue such programs on a scale needed by a city like New York. The ideal partnership between philanthropic and government endeavors is that government should pick up new

programs launched by the non-profit sector, and expand them to the scale needed by the city.

Let me now describe for you just a few of the programs that we have funded.

- 50 hours of training to immigrants to prepare them to take the city's civil exam in order to be able to enter government service.
- 100 immigrants with teaching experience received counseling, guidance and support to enable them to successfully complete teacher and teacher assistant certification exams.
- A subset of this group received almost 50 hours of training to help them pass educational certification exams.
- Another program provided case management to immigrants with a variety of skill bases to take the steps necessary to obtain employment in their field.
- A city-wide program offered a 16-week course to train immigrants in bookkeeping programs and learn the computer skills necessary to successfully compete in New York City's marketplace for bookkeeping and office positions.

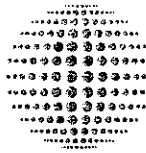
Immigrant Entrepreneurs

Yet a third type of economic security program is to support and foster what immigrants tend to do very well – becoming entrepreneurs. For example, The Bensonhurst Business Club (BBC) is a program of the Edith and Carl Marks Jewish Community House of Bensonhurst (Marks JCH). It is an established member of the Brooklyn Chamber of Commerce. Yet it began as a grassroots project initiated by Russian-Speaking Jewish businessmen and women and professionals in 2002. The BBC has approximately 100 active members who enjoy monthly meetings where they have opportunity to network with fellow entrepreneurs and with prominent community leaders. BBC sponsors the following specific projects.

- The Micro Enterprise Loan Program –outreach, mentorship and provision of interest-free loans up to \$25,000 for business startups & expansions (in collaboration with Hebrew Free Loan Society),
- The Bensonhurst Business Institute (BBI) - an eight week technical training on “How to Start and Successfully Run a Small Business” (in collaboration with Hebrew Free Loan Society),
- Financial Literacy Institute-run by financial industry professionals as volunteer instructors in the classes for recent immigrants,
- Immigrant Inventors and Innovators group,
- Businesswomen group, and
- The Summer Youth Internship Program is designed to place 15 members of the Marks JCH Teen Program with BBC member owned businesses.

The latest developments in BBC activities are the establishment & strengthening of relationships with other ethnic business communities with the help of local elected officials.

Thank you, again, for inviting me to testify today. I would be pleased to answer any questions.



Partnership for New York City

IMMIGRANTS' CONTRIBUTION TO THE ECONOMY

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL IMMIGRATION COMMITTEE

THURSDAY, APRIL 10, 2008

DIANA TORRES, VICE PRESIDENT, GLOBAL COMPETITIVENESS

PARTNERSHIP FOR NEW YORK CITY

Good morning. Thank you Chair Stewart, and members of the committee for the opportunity to testify today - and for holding this hearing examining a critical, yet often overlooked piece of our city's economy.

The Partnership for New York City represents the city's business leadership and its largest private sector employers. In March 2008, the Partnership published *Winning the Global Race for Talent: How U.S. Visa & Immigration Policies Threaten the New York Economy & Cost American Jobs*. I have provided a copy of the report with my testimony today.

Our central theme is that the New York economy is more dependent than ever on immigrants, whether they come here to study, to work or to conduct business. Contrary to what many people think, immigrants are helping to create jobs for Americans. The Partnership supports investment in education and training to better prepare our domestic workforce for jobs in the global economy, but America's future equally depends on keeping our doors open to people with skills, talents and dreams from around the world.

An immediate concern for New York is the Federal cap on H-1B visas for highly skilled professional workers. West Coast technology companies have long argued that they need more H-1B visas to fill jobs for which there are an inadequate number of trained specialists in the U.S. What we discovered is that employers in New York City and the Tri-State metropolitan region have an equally urgent need for professional visas. Our

members report that entire functions and divisions of companies are moving to cities like London where it is far easier to bring the talent from around the world into the country.

Employers in the Tri-State region currently employ more immigrants with H-1B visas than the entire state of California—currently a total of 21% of all H-1Bs. The demand for these foreign skilled workers is not confined to technology companies, but includes businesses in financial services, media, energy, accounting, law, education, health care and architecture.

Only 11% of the H-1B visas granted in New York City went to employees of the city's Fortune 1000 companies. Most go to small businesses that need specific language skills and international relationships to connect them to global markets.

Contrary to the concerns of many, foreign professional workers are not taking jobs from Americans. Less than 1% of the nation's workforce is made up of H-1B visa holders—and these foreign employees are actually creating many American jobs. For example, one of our Partnership members who came to the U.S. twenty years ago on an H-1B visa founded a company that today has 20,000 employees. In another case, 900 U.S. jobs were safeguarded because of work done by a single H-1B visa holder. These types of contributions by immigrants to the American economy are repeated across the neighborhoods of New York City and State.

The Partnership wishes to play a constructive role in dealing with the wider issue of illegal immigration and border security, but we firmly believe that American competitiveness, economic growth and job creation should be the first focus of U.S. immigration policy. As a result, our report recommends a series of measures that would help American businesses to compete.

Currently the cap on H-1B visas is not in line with the number of applications received. We believe that allowing the H-1B visa cap to respond to market demand would be a crucial step in the fight for international intellectual capital. Additionally, enacting an exemption from the H-1B cap for students with higher degrees in Science, Technology, Engineering and Math (STEM) subjects would allow the best and brightest graduates to stay and work here in the United States.

Beyond H-1B visa reform, the Partnership supports the recently announced Department of Homeland Security Rule extending the term of Optional Practical Training visas from 12 months to 29 months, although we would welcome the expansion of the fields of study to include the financial services industry.

We are pleased that the City Council is examining this issue in its oversight capacity, and the Partnership stands ready to assist wherever possible to ensure that any new immigration policies crafted in Washington will work to increase not only New York's, but the nation's competitiveness in the global economy.

Thank you for your time, and I would be happy to answer any questions you may have.

**TESTIMONY OF KAREN KAMINSKY, DIRECTOR OF COMMUNICATIONS AND
DEVELOPMENT FOR THE NEW YORK IMMIGRATION COALITION**
before
THE NEW YORK CITY COUNCIL IMMIGRATION COMMITTEE
April 10, 2008

Hello. I'm Karen Kaminsky, director of communications and development at the New York Immigration Coalition, and we appreciate the opportunity to testify today on such an important issue.

A year ago, efforts by Congress and the White House to pass a comprehensive immigration reform bill collapsed. Since then, the immigration debate has been fueled primarily by frustration and anger and the only proposals that seem to gain traction are those that focus on enforcement as the solution.

New York City, and its leaders, have demonstrated tremendous leadership in acknowledging the contributions immigrants make to our city and the importance of investing in immigrant communities so that we all benefit. We are here today to urge you to work with us to help change the tone of the national discourse on immigration. The New York Immigration Coalition has launched our "Truth about Immigrants" campaign to shift the terms of the debate so that we as a nation can actually arrive at real solutions that address the legitimate concerns around immigration. More than 20 organizations, immigrant and non-immigrant, have come together to go out and engage diverse audiences in an honest dialogue about immigration.

The fact of the matter is, we have 12 million people living here without legal status—in a nation that prides itself on being a nation of laws. Whatever side of the fence, so to speak, you might be on, there's general consensus that that's an issue to be reckoned with—and not so much consensus on how.

Immigrants come to escape poverty and political unrest and they come for freedom and opportunity and for family, and they also come because we need them; at a basic level we need workers. We have an aging workforce and a declining birth rate and baby boomers on the verge of retirement, and we simply don't have enough native-born workers. Not at the less-skilled end of the labor force, where we're facing shortages among farm workers, janitors, etc., and not at the high-skill end of the labor force either, where we're facing shortfalls in fields such as nursing, high tech, and accounting.

Immigrants aren't the only answer to our labor woes. After all, we need to shore up the native-born work force. We've seen more than a decade of government cutbacks in the very worker training that provides real opportunity for economic advancement. We have schools that graduate students without the skills to participate in our economy, and we have skyrocketing drop out rates among African Americans, among others. We need to strengthen our math and science education so more native-born workers can fill high tech jobs, we need to fund the Pell grant system adequately so more people can go to college, and we need to enforce our labor laws, so employers aren't motivated to hire cheap and easily exploited undocumented workers.

Given how poorly our nation has invested in its native born workforce, is it any wonder such workers would feel threatened by immigrant workers? So even though most economists agree that immigration has little to no negative impact on wages or employment, and often has a positive impact, the fact is, if you feel you can't get a leg

up, you'll focus on the flesh-and-blood person down the street that has the job you want, and you're going to be angry if that person is undocumented, if he shouldn't be here.

And the government that's failed to invest in your education or job readiness is going to prefer that you focus on the undocumented immigrant as the cause of your woes. And too much of the current debate is being driven by politicians and pundits who stoke that very resentment.

So why is that person here, and why didn't he come legally? And how equipped are we to respond to our need for labor?

Don't ask. At the high-skill end of the spectrum, the cap for high-skill visas is set so low that businesses have to outsource those jobs. The Partnership for New York City just issued a report showing how we're losing our global competitiveness because our immigration and visa policies make it impossible to hire the workforce we need.

At the low-skill end of the spectrum, the millions upon millions upon millions of jobs in the service sector, construction, etc., that have fueled much of our economic growth? We issue just 5000 immigration visas a year. Is it any wonder we have illegal immigration?

And families face unconscionable delays in reuniting. You want to bring your spouse over, it can take five years—longer than many marriages last. You kiss your sweet seven year-old goodbye, and by the time she can join you here, she's deep in the throes of adolescence. What would you do? You may decide it's worth it to be here with your family while you wait for your papers to come through. Live with the fear of deportation or be separated from your loved one. People make hard choices.

Which brings me to a point about the undocumented population. They are members of families, live in homes with US citizens and permanent residents—that is, they are not a distinct population that can be extricated wholesale.

The avenues for obtaining legal status are narrow, labyrinthine, and studded with roadblocks along the way. And they don't match up with reality. Hence 12 million here without legal status.

But since the immigration reform bill collapsed, the trend has been on enforcement as the way to deal with it. But enforcement is what we've been doing all along. Beginning in the 1990s, we created a much less welcoming environment. We denied food stamps, Medicaid and SSI even to legal immigrants (the undocumented have never been eligible for such help). We beefed up enforcement—border patrol spending increased by more than 500% between 1986 and 2002, and detention and removal by 750%. We put tough measures in place, automatically deporting people without a hearing, detaining asylum seekers, detaining minors, and restricting judicial review. We've seen our detention population increase exponentially, with more than 280,000 people detained in 2006 alone. Last year, we deported 276,000 people. That's like kicking out the entire population of Flushing and Park Slope combined.

This get-tough approach should have had an impact, no? Deterred folks from coming and pushed others to leave? In fact, the 1990s was numerically the highest immigration decade in our history and high immigration rates continue. In spite of everything, immigrants still choose to make America home. Despite the punitive environment. Despite the increasing danger in crossing the border that resulted in nearly 3,000 deaths between 1998 and today. Meaning immigrants come for work, for freedom, for opportunity. They don't come for a handout or the easy life.

Enforcement alone won't solve the problem, because it addresses the symptom—illegal immigration—and not the cause—an inadequate framework for legal immigration. And even with this exponential growth in enforcement spending, it will still take some fifty years to deport the undocumented. And at what cost? A study put the cost of deporting all undocumented conservatively at \$230 billion over five years, as if it were even possible. That sum? Four times the size of the budget of the City of New York. And at what further cost? When Riverside NJ passed an ordinance that would punish employers who hire undocumented immigrants or landlords who rent to them, hundreds of immigrants left the town and the local economy dried up. Riverside ultimately rescinded the ordinance, having realized that all those immigrants, instead of being a problem, were actually crucial to the town's economic vitality.

America has always been a creative nation, tackling complex issues with ingenuity. But we are mired right now in an uncreative and ineffectual mode, impelled more by our understandable frustration with the situation, and by our anger, than by a visionary sense of who we are as a nation and how we can uphold our highest values, which include both an adherence to the rule of law and a generosity, compassion, and recognition of the inherent dignity and worth of all people.

Aristotle said, "Law is order, and good law is good order." The reverse, then, is also true. Bad law is disorder. And that is where we are right now. You cannot have 12 million people living in the shadows, acknowledged with a wink and a nod and trotted out as red meat when it's politically expedient to do so, and pretend that we are a nation of laws.

We must do better, because the alternative is unthinkable: the continued existence of what amounts to an American underclass, a continued draining of resources toward ineffectual enforcement, the continued cheap trick of setting people against each other while ignoring the critical social and economic issues that we as a nation must address. We can make sure that our leaders in Washington get real:

- That they address our broken immigration system by ensuring that the visas we make available are adequate for our needs;
- That family unity is honored;
- That undocumented immigrants have a real opportunity to gain legal status;
- That we invest in developing our native-born workforce and that workplace protections are enforced, so that all workers benefit;
- And that we target enforcement strategically, so that our resources are not squandered, our borders are secure, and we return to being a nation that upholds the rule of law and protects the civil rights and liberties of all.

We need your help to make this happen. We're proud to be in a city where the City Council has demonstrated its leadership by strengthening immigrant communities through adult literacy and citizenship and ESL and legal services. New York City is a model for others. So please help change the climate. We urge the City Council to pass a resolution that calls for an honest dialogue around immigration and rejects the politics of division that are driven by anger and fear. Provide an alternative model for local leaders across the nation to follow, and to pressure leaders at the national level to stop running scared on this issue.

Thank you. We appreciate having had this opportunity to speak with you today.

City Council Hearing to Shed Light on Role of Immigrants in New York.

Testified by: Evelin J. Zumba

Organization: The Latin American Workers Project, Inc

Date: April 10, 2008

Good Afternoon to all New York City Council present at this hearing today. My name is Evelin J. Zumba and have come her today representing the Latin American Workers Project, Inc. Founded in 1997 by the and for Latino workers, the Latin American Worker's Project, Inc. (LAWP) is a non profit with 6,000 pre-member and members, including about 3,600 day laborers. Our members face many obstacles which included language barriers, educational limitations, job insecurity, discrimination, labor exploitation, and lack of health care, all of which contribute to poverty, illness, fear and isolation. *The mission of LAWP is to empower documented and undocumented workers, through organizing and education, to become leaders in their communities and to achieve better living and working conditions.* Our main goals are to develop leaders in our community, to change the conditions that lead to exploitation, to strengthen the grassroots base of the labor movement, and to create grassroots economic alternatives. We pursue our goals through collective action, community organizing, education, creative expression, and a coalition with allies that support our case.

Many have the wrong misperception that immigrant workers come to the United States to take away jobs for our citizens. However, many of these workers are in employed in construction, restaurants, and cleaning services and others that employers need because citizens of our society are not willing to do. Which is why is important for organizations like ours to have and create job centers for the laborer community. We have been organizing Day laborers for over 10 years with or without resources. If we can

create job centers in New York the capacity of laborer will be greater to reach and educate. Compare to the corner sites that we can only reach a certain amount with limited services. Having these Community Job Centers we can provide leadership among these workers, and when we refer to leadership we talk about the community, their homes, and with their families. We currently operate the Bay Parkway Job Center and organize three hiring sites in Brooklyn, Queens, and the Bronx. We currently have the only Community Job Center in New York City. From which we have about 12 workers that have succeed with the training we have provided them and become leaders in our communities. I can give an example of an outstanding member who came out of our Community Job Center in Brooklyn Gusatvo Duarte who is the only Latino contractor in the industry of the finest carpentry in New Jersey working for Home Depot. And like him there is many others that have develop such skills and are serving the working communities.

We hope that today many here can understand the importance of supporting documented and undocumented workers that are known as the Day Laborers. That we can over see the barriers that have been obstacles supporting to have Community Job centers.

TESTIMONY TO CITY COUNCIL IMMIGRATION COMMITTEE
Thursday, April 10, 2008

Good morning. Thank you for convening this important hearing launching Immigrant History Month.

I am Rabbi Michael Feinberg and I serve as Executive Director of the Greater New York Labor-Religion Coalition, an interfaith worker rights and economic justice advocacy organization in New York City. I am here this morning representing the more than six hundred clergy and congregations in all five boroughs and drawn from many diverse faith traditions- Muslim, Jewish, Christian, Hindu, Sikh, Buddhist and others- that make up our network.

I am also representing the New Sanctuary Movement, a local interfaith effort that is part of a growing national movement of religious communities standing with immigrant families facing deportations and family separation, and offering them support and safe haven.

I join this panel to testify to the profound stake the religious community has in the issue of immigration and in immigrant rights. This stake is twofold- born both of pragmatism and religious principles.

Firstly, in many of our faith communities immigrants- both newcomers and first generation- are disproportionately represented in our own congregations. In the most real sense immigrants are our flock, the people in the pews, who attend religious services and find a primary sense of community in their churches, mosques, synagogues and temples. These immigrants form a vital part of the spiritual vitality of our communities.

It is precisely to these institutions and to their religious leaders that many immigrants turn for pastoral counseling and as a point of first entry into a myriad of social service referrals and supports, from legal help, English language instruction, and assistance accessing city services. So then, as religious leaders, our standing with immigrants and acting as allies and advocates for them comes as a practical expression of our pastoral and congregational responsibilities.

But just as importantly, we come to the issue as allies to immigrants and their communities out of our faith commitments themselves, the central place that social justice generally, and the ethical treatment of immigrants specifically, hold in our religious texts and traditions.

In my own tradition, Judaism, the protection of - and empathy with - immigrants form a core theme in the Hebrew Bible and in later rabbinic teachings.

We are taught that because we, through our ancient Israelite ancestors, were strangers in the land of Egypt, we should "know the heart of the stranger" and love and respect the stranger.

In this season, the prelude to Passover, a festival celebrating liberation and freedom, it seems particularly fitting to be addressing this issue. From our own history as Jewish immigrants, exiles and refugees it is an issue that resonates deeply and calls us to act.

Just once the Hebrew Bible commands us to "Love your Neighbor", but more than fifty times the commandment to "Love the Stranger" is repeated and given ethical emphasis. In today's terms the Bible's "strangers" or resident aliens, are the immigrant workers and their families living, working and struggling in our neighborhoods and communities, often facing xenophobia, racism, harassment and economic exploitation for simply doing so.

From each of our faith traditions comes the clear prophetic mandate to stand with immigrants, to reach out to them, partner with them, and to offer them our hospitality, support, compassion, and most importantly- our solidarity.

As faith leaders and faith communities, we fully embrace immigrants and immigrant rights, and work toward the full expression of these values in a fair and just immigration policy, both locally and nationally.

Thank you.

Submitted by:

Rabbi Michael Feinberg
Executive Director
Greater New York Labor-Religion Coalition
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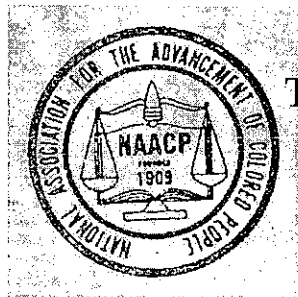
Good morning to everyone in the room and thank you in advance for listening to me.

My name is Natalia Aristizabal I'm currently a student at Queens College. I arrive to the United States at the age of twelve like most young people not knowing that I was going to stay here, or not go back to see the rest of my family for a while. Not knowing what to expect or the language, all I knew is that my mother was here, that I missed her terribly and that I was supposed to be here regardless of the conditions or if even wanted to be here. The journey has not been easy, I had to face discrimination in High School because I was "different" and didn't know the language, but I was determined to make it. I started realizing that I was not the only person in this situation, my friends, teachers and closest mentors were also here from somewhere else and it was with them where I found most of my support.

Every time I hear a xenophobic comment, or news I get mad but fuel, see most of the people in my life, at my school and work, in my communities are immigrants. They are hard working immigrants that are looking for the opportunities to succeed and integrate themselves into this society. We make economic contributions, create business, we are teachers and students, activists and lawyers. I'm standing here telling you my story, as a young Latina, proud to be called an immigrant, I have had the opportunity to study and overcome the barriers, there are many more like me, what makes me special is that right now I can stand here and tell you there are many more where I come from, people fighting for their dignity and working for a better society.

Currently I'm working in an exciting initiative called the Afro-Latino project, the aim is to bridge the differences or misunderstanding of the two communities and celebrating our culture. We also publish information that is particularly relevant to these two communities. My professor and immigrant from Panama has been a blessing to my formation, we have focused on the history of immigration and civil rights. There is a great need to organize and better the conditions of both the Afro and Latino Americans, we are both being faced not only with the same issues but also with the same discriminations is just that at times is presented to us differently. I see the great need to change and make this a stronger society not only so the youth who have come here after me don't have to face the same challenges but also for future generations, because of this I'm a member of the NYS Youth Leader Council which is an organization started by immigrant youth who saw the need to fight for the Dream Act. We also work with other youth who might not know the system well enough or don't have enough support around them. We do workshop on how to access higher education, voter campaign, know your right among other fields that we work in, so that they can and continue being the strength and fuel that motivates this country. So that they don't let certain limitations stop their future. We are working very hard because we are the New Americans.

Thank you



The National Association For The Advancement of Colored People
Northeast Queens Branch
133-31 39 Avenue PMB 258
Flushing NY 11354

Kenneth D. Cohen
President

I bring you greetings from our NYS Conference President Hazel N. Dukes. The NAACP founded in 1909 by a diverse group of individuals of that time addressed the issue's surrounding segregation and hatred. For the next almost 100 years we have knocked down those doors and opened opportunities that have advanced those African Americans and others who were the victims of that day. All the while creating a venue that would advance all people of color that would come to these shores and open those same opportunities. It has not been so long that some change has happened and we have just recognized the 40 anniversary of the assassination of Rev. Dr. Martin Luther King Jr. A man who set his goal to bring people together, and his life shortened by hate itself.

The NAACP in New York City is making attempts to address the issues of the day. I could continue and deliver a speech that would not describe New York City or we could encourage discussion as we are doing with our work with the New York Immigration coalition and YKASEC, one of our partners. I can tell you of how my parents moved to /south /flushing in 1952, a small community nestled between Fresh Meadows and Kew Gardens. That once had German and Italian immigrants as well as a few African Americans. I can tell you that my family was NOT welcomed there and my mother experience women in the local store who would ask her to take her family back to where there came from. I tell this story to bring about a parallel. New York City is made up of many communities most segregated by one ethnic group or another, until a family feels they have accomplished financial success to live their dream and move to a better community, the American Dream. Just like in the case of my family, many times they move into a community that does not welcome them. Many times we are safe in the confines of our own and others fearing and resisting, the unknown stereotype and profile individuals. By design we are pitted against each other and made to feel we cannot live or work together. Currently we have created a tough love type of dialogue group where we are bringing out the hard discussion and talking about it.

It was thought that if we broke bread together and shared each other's culture it would smooth our differences out, and there is a need to have cultural knowledge of each other. But the facts are the facts and if there is no knowledge of history of the struggle the African American has experienced in this country to get to where we are today. Those because of the voting rights act and the civil rights act are the preamble to the rights for all. That Brown V. Board opened the doors for ALL children to

attend school anywhere. That African Americans were brought to these shores in Chains not of their own free will, as SLAVE'S to toil in fields as FREE LABOR. That it has taken 100's of years and we have not fully accomplished Freedom. We share these accomplishments with the masses that seek Freedom and equality in this City and Country.

It is important that we not exhibit the same hatred of the unknown that we experienced as people moving into new communities, or should I say old communities. I can only say in conclusion that we can exist together and we do share a commonality both in what we want and where we are going as human beings. That the National Association for the Advancement of Colored People will stay true to their commitment as long as "Freedom is under Fire" because people come in all colors.



**Testimony of
YKASEC – Empowering the Korean American Community
To the New York City Council
On Role of Immigrants in New York**

Good Morning,

My name is Chris Chung, and I am a Program Associate from YKASEC, a Korean American community-based organization. Since its founding in 1984, one of YKASEC's main areas of focus has been Immigrant Rights, so it no surprise that we would be taking part in this very important campaign.

The struggle for immigrant rights is one that the immigrant communities should not take on alone, but one that we must share with the concerned communities at large, because housing, education, health; these are not immigrant specific issues but ones falling under the category of civil rights. For this reason, we are very happy to be partnering with the Northeast Queens Branch of the nation's oldest civil rights organization, the NAACP.

Together we will work to create an environment of open dialogue between the African-American and immigrant communities. We will do this by hosting workshops and group discussions, preparing published materials to be distributed, and taking advantage of other media outlets to spread the word. Too often tension between the African-American and immigrant communities have been exploited to divide them when there are common issues faced by both that need to be addressed. These workshops and discussion groups will create a forum where these common interests and issues can be discussed.

America prides itself on being a diverse nation. Its history of welcoming immigrants to its shores has earned America the name, "The Nation of Immigrants." Today in the face of anti-immigrant groups and legislation, Americans are faced with a question: What kind of America do you want? One that is divided or one that celebrates diversity? One that is based in hate, or in harmony?

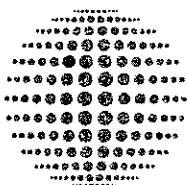
We at YKASEC and our partners in the Truth About Immigrants campaign see the hope for an America that we can all be proud of; one that celebrates the union of diverse peoples. For together we are stronger, and together we build America's future.



WINNING THE GLOBAL RACE FOR TALENT

How U.S. Visa & Immigration Policies Threaten the New York
Economy & Cost American Jobs — And How We Can Fix It

March 2008



Partnership for New York City

“The ability to attract people and talent is the single biggest predictor of a city’s economic success.”

— New York City Mayor Michael Bloomberg

INTRODUCTION

Employers across all industries are engaged in a high-stakes global race for the best and brightest. As a result, the size, quality and diversity of the talent pool in a city or country are the first criteria of business in determining where to locate jobs.

America's ability to maintain the world's best and most productive workforce in an increasingly competitive environment depends on 1) education and continued training of the domestic workforce, and 2) smart immigration and visa policies that maintain the infusion of top talent from around the world.

The Partnership for New York City recently conducted an unprecedented survey of international companies in its membership that have headquarters or major operations in New York in order to better understand how this city is stacking up in the race for global talent. The results were alarming. Thousands of jobs are being lost or relocated for reasons that New York City and State government can do very little about: America's visa and immigration policies.

Over the past decade, New York and other U.S. employment centers have been put at a severe competitive disadvantage because of increasing restrictions on the movement of foreigners in and out of the United States, whether in their capacity as employees, scholars, or business travelers.

There are concrete public policy measures which could be taken to put New York back on an even-footing in the race for global talent, but those steps are being hampered by what should be a separate issue — the emotional political debate over what to do about the estimated 12 million to 20 million foreigners who reside in the U.S. illegally.

Professional and business travel visas attract highly educated and uniquely skilled workers to America; in turn these workers help U.S. businesses compete and grow.

PROFESSIONAL EMPLOYEE H-1B — “SMART GROWTH” — VISAS

The most serious problem for New York business is the cap on professional visas, known as H-1Bs. H-1B visas are available for three years (renewable once for a maximum of six years) to foreign nationals who have a job offer in an occupation requiring specialized knowledge, including architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts. There is a national cap of 65,000 H-1B visas annually (with a further 20,000 slots available to graduates of U.S. educational programs). Employers currently apply for an allocation of H-1Bs beginning on April 1 of each year. In 2007, the cap was substantially oversubscribed on the first day applications were open, with more than 150,000 applications received.

The intention of imposing a cap was to discourage employers from hiring foreign workers instead of qualified domestic workers. In 2006, however, new H-1B professionals comprised just 0.07% of the total U.S. labor force, suggesting that this is not a significant source of displacement.¹ Even in the three states with the largest numbers of H-1B visa-holders (CA, NY and NJ in that order)², these professionals make up less than 1% of the total labor force in each state.

There is plenty of evidence that H-1B employees actually contribute to new domestic job creation. One Partnership survey response from a major investment bank drives home the point:

“We are a company that invests significant amounts of money in education and training of current and future U.S. workers. However, these efforts are insufficient to meet our company's immediate needs. The visa cap does not create jobs for Americans;

1 The Grassley Visa Tax — *Wall Street Journal*, Nov 2, 2007

2 Department of Labor's Foreign Labor Certification Disclosure Data on H-1Bs

its only effect is to restrict our firm's development within the U.S. and, consequently, push jobs and tax revenues across our borders. The policy helps rival destinations."

Reports one technology company headquartered in the Northeast: "We just hired 1,000 programmers in India. We couldn't get U.S. visas for any of them. Now that we have critical mass there, future hires will go there, not here."

THE IMPORTANCE OF H-1B VISAS FOR NEW YORK JOBS

New York is particularly dependent on maintaining open doors to global talent. Businesses in the New York Tri-State Region employ 21 percent of the foreign professionals working in the U.S. with professional H-1B visas, more even than California. Importantly, many of these visa holders do not work for large corporations. The majority of H-1B employers are small professional firms for which a handful of multilingual foreign employees are critical to their ability to connect with global markets and compete on an international playing field.

In January, 2007, Mayor Bloomberg and Senator Charles Schumer released a study prepared by McKinsey & Co. titled *Sustaining New York's and the US' Global Financial Leadership*. Among the important findings was that restrictions on professional and business travel visas are one of the biggest problems to overcome if New York City is to retain its status as the world financial center. London's relative openness to international workers and travelers was flagged as a key competitive advantage.

THE PARTNERSHIP FOR NEW YORK CITY EMPLOYERS

More than a year later, conditions have only gotten worse. The Partnership for New York City recently surveyed its membership to define the impact of

visa and immigration issues on key sectors of the New York economy. It secured responses from sixty-three companies, including many of the country's largest employers, as well as foreign headquartered companies doing business here.

Industries ranging from financial and professional services, to energy, travel, and media were covered by the survey responses. In each case, it was clear that companies are no longer off-shoring jobs primarily to reduce labor or real estate costs, as was the case in the manufacturing and technology sectors during the twentieth century. In certain cases, employers are relocating business operations to places that are even more expensive than the U.S., simply to achieve access to the best and brightest employees and to assure their global mobility.

Eighty-five percent of the employers surveyed share the position that U.S. visa policies are a significant and growing problem for the New York economy, resulting in the annual loss of hundreds of jobs. Many of these companies reported that they were unable to hire or retain individuals they wanted for key jobs in New York because of problems securing a visa.

The Partnership found that whole divisions and functions of companies and professional service firms are being relocated overseas to places where there is easy and immediate access to world talent. One bank reported that their New York offices lost 100 new hires in 2007 as a result of the unavailability of appropriate visas. An investment firm located a derivatives operation in London because the Chinese national whom they hired to head it could not get a visa to work in New York.

"U.S. work visa restrictions impair our ability to recruit and hire the best talent in a highly competitive global market," states a response to the survey from a financial services company. "The restrictions put U.S. firms at a disadvantage compared to non-U.S. firms with employees predominantly based in

overseas locations. We believe that these restrictions, if not relaxed, will diminish New York's status as the world's financial capital and hinder NY-based companies' ability to compete globally."

New York-based companies reported organizing international employee and client gatherings in Canada or London because entrée to the U.S. is difficult and unpredictable. Accounting, legal, and management consulting firms are finding it hard to continue traditional practices of rotating foreign associates through the New York office for orientation and training. Businesses that recruited foreign graduates from American universities find that these institutions have lost ground to foreign competitors because of visa policies that discourage enrollment by foreign students. Businesses are investing in state-of-the-art video conferencing equipment in place of international travel because even short-term visas for business purposes are hard to obtain and, for many foreigners, customs procedures have made entering the U.S. unpleasant. The result is a growing skills gap in the U.S. at the same time as international talent is being aggregated in more open locations.

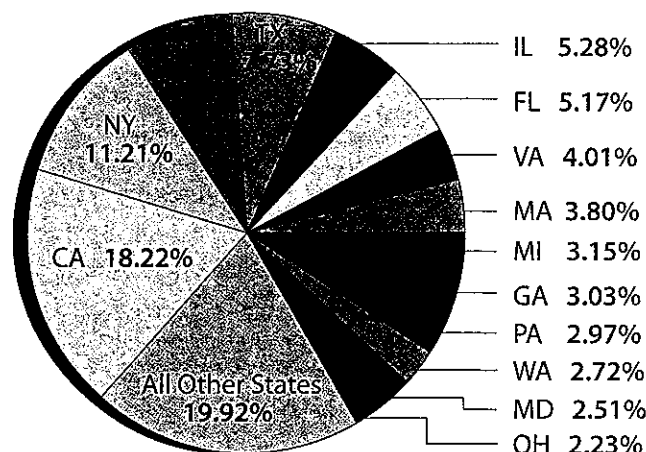
THE IMPORTANCE OF H-1B VISAS FOR U.S. JOBS

Demand for Visas Spans the Country, Industry Sectors and Companies of All Sizes

Historically, America's West Coast high tech community has been the dominant business voice on professional visa issues. However, both the Partnership survey and the Department of Labor's Foreign Labor Certification Disclosure Data on H-1Bs for 2006³ reveal that limited availability of

H-1Bs is equally important for employment centers across the country.

States with Highest Usage of H-1B Visas



While California has the highest number of H-1Bs of any state, the New York Tri-State has the largest concentration in the nation:

	H-1B Visa Share
New York Tri-State (NY, NJ, CT)	21.04%
California	18.22%

Of the ten thousand plus employers applying for H-1B visas in New York City, most are small businesses that require foreign talent to connect them to global markets. In 2006, only 11% of the H-1B visas granted in New York City went to employees of the city's Fortune 1000 companies.

A 150-person management consulting firm based in Lower Manhattan employs several H-1B professionals. They provide the following illustration of the role foreign professionals play in their work:

³ A one to one relationship does not exist between the number of workers certified by the Department of Labor (DOL) and the number of work visas issued by the United States Citizenship and Immigration Services (USCIS). DOL Foreign Labor Certification data indicates an interest by U.S. employers to hire foreign workers; it does not provide direct evidence that these employers actually hired the workers. For example, DOL typically

certifies over three times the number of foreign work requests than the number of H-1B visas issued by USCIS.

“One contract last year involved renegotiating supply contracts for a South Carolina-based manufacturer of electronics components. The work involved heavy analytics and intense communication with Chinese vendors — performed by one of our staff members, a native Mandarin-speaking Caltech PhD employed here on an H-1B visa. Our work restored the South Carolina firm to profitability and helped safeguard the employment of its 900 U.S.-based employees.”

A mid-sized design firm expresses similar frustration: “We currently have projects in China, Indonesia, and India, but we do not have a deep enough reservoir of staff with relevant knowledge and language skills to handle the growth opportunities we see in Asia. Our experience with the current system of trying to

employ foreign nationals suggests that this will only change for the worse.

“Add to this the global mobility of the kind of talent we need, and the expected shortage of knowledge workers in the U.S. in the decades ahead. The resulting message is clear: to the extent that our clientele and staff are international, current U.S. policy toward skilled foreign labor poses a significant obstacle to the expansion of our U.S. operations.

“Asia is not a less expensive place to practice, but the operational complexities of having an office in Asia are considerable so once we make an investment in Asia we will have to look for ways to leverage it as much as possible. It will become a magnet attracting more of our future growth and resources, attracting

Talent Goes Overseas — Partnership Survey Respondent

“This year about 30 members or about 4 percent of our new hires were unable to receive an H-1B visa in last year’s lottery, and they have no other legal visa options that would allow them to remain in the U.S. to work, even though they each have completed a degree in a U.S. university. In fact, for a large portion of these new hires, we will not even file an H-1B visa petition until about 6 months after their start date because they did not yet hold an undergraduate degree in April of this year, which is a prerequisite for filing an H-1B petition. As a result, an increasing number of our new hires will be forced to leave the country for an indefinite period of time pending H-1B visa approval via the lottery system.

“This situation has several costs to our company:

- **“Capacity to serve our U.S. clients** — we cannot deploy these 30 people for up to a year serving our U.S. clients.
- **“Diversity and level of talent** — we have had to encourage potential new hires without a visa to apply to our international offices from the start, decreasing the diversity and arguably the level of talent that we hire into our U.S. offices. We have heard anecdotally that the uncertainty and complications posed by the current immigration situation deter some foreign nationals from even considering U.S.-based employment opportunities.
- **“Retention of talent in North America** — we are not sure that these 30 people, once deployed abroad, will return to serve our U.S. clients.
- **“Mobility costs** — there are several transactional costs to us, including moving expenses and loss of time/productivity as individuals adjust to a new business culture after transferring internationally.”

investment that would otherwise have stayed here in the United States.”

Labor market needs in the U.S. that create such high demand for H-1B visas are not concentrated in any particular sector. Although computer-related applications take the largest share of H-1Bs awarded, there are also significant numbers awarded for administrative specialties, medicine, architecture, education, law, financial, insurance and real estate jobs. The top 20 users of H-1B visas in New York City include banks and investment firms and their technology suppliers as well as two top universities (Columbia and New York University) and two major medical centers (Mount Sinai and Memorial Sloan-Kettering).

BEYOND H-1B VISAS — OTHER OBSTACLES TO COMPETITIVENESS POSED BY U.S. VISA POLICY

Many companies responding to the Partnership survey report difficulties throughout the visa and immigration system, well beyond the problem of obtaining H-1B visas. In general, businesses express frustration with the impact of U.S. policies on international mobility that makes the U.S. a less competitive location for recruitment, education, training, meetings and special events. Employers also identify obstacles at every stage of the process involved in the path to citizenship for foreign immigrants to the U.S., regardless of their skill level.

For example, employers look to hire talented foreign students educated at U.S. universities through an employment authorization called **Optional Practical Training (OPT)**. Under this program, foreign students attending U.S. universities can work during their studies or for one year after their graduation. In some cases, current OPT employees are being forced to pursue advanced degrees — at the expense of the employer — simply to maintain their student visa status. But this is a stopgap measure. Employers point to the need to extend the allowable length

of employment under OPT to 29 months, to give students a better chance to obtain an H-1B visa.

Professional services firms with international practices have generated significant job growth in New York over the past decade, partly because New York is where they train, develop and then re-deploy recruits from around the world. But rotation of an international workforce through New York and the U.S. has become problematic under current visa policies for both domestic and foreign international companies that establish operations in the U.S.

The L-1 visa was designed to allow employers to transfer employees from other jurisdictions to their U.S. office, sometimes in significant numbers, under “blanket” petitions. While L-1 visas are not subject to an annual cap, many companies are reporting significant delays in processing them. One multinational financial services firm comments: “Our company’s ability to relocate existing staff into the U.S. for certain positions is severely hampered by the time required to obtain proper immigration permits and restrictions placed on family members or accompanying partners. Therefore, in a very competitive industry, our available talent pool is significantly reduced. This is a primary reason why London is becoming a more competitive financial center at New York’s expense. It is simply much easier to build a team and manage talent mobility abroad than in the U.S.”

The problems associated with L-1 visas threaten to get worse. Proposals have been introduced in Congress to restrict L-1 visa blanket petitions to avoid displacing domestic workers, despite a recent report by the Inspector General in the Department of Homeland Security⁴ which concluded this was not a significant national trend.

Short-term visits by foreign nationals are a critical component of international business activity, whether

4 Review of Vulnerabilities and Potential Abuses of the L-1 Visa Program, DHS OIG January 2006

for investor presentations, closing transactions, conferences or client meetings. Long waiting times in overseas consulates and frequent denials of short-term B-1 visas for unspecified reasons are another significant issue affecting U.S. competitiveness. Some progress was made in 2007 with the passage of legislation that expanded eligibility for a visa-waiver program. This allows nationals of designated countries to enter the U.S. for up to 90 days without applying for a visa before leaving home. For those countries that cannot participate in the visa waiver program, however, long delays continue.

Employment-Based Green Cards offer permanent residency status to non-U.S. citizens based on a job offer from a sponsoring employer. 140,000 Employment-Based Green Cards are available annually. As with other areas of the immigration system, this area is subject to excessive delays and backlogs, with some applications taking over 7 years before a Green Card is granted.⁵

An architecture firm responding to the Partnership survey commented: “We are about to initiate four employment based Green Card applications, all for employees with advanced or professional degrees from top tier U.S. schools. We are playing a very high stakes game with the government in which the rules seem rigged against us. It will be a tremendous waste of our resources and their talent if any of them fail to get approved. Moreover, if any of them are not approved and if they are eventually forced to leave the country, given their U.S. education and experience, they will all be highly desirable employees in whatever country they land. This would put excellent talent, talent that we helped to develop, in the hands of non-U.S. competitors.”

Foreign nationals from India, China, Mexico and the Philippines face particularly long backlogs, as each country has a quota of 7% of the available

employment-based green cards. Demand significantly exceeds supply and the unused allocation of visas from other countries is rarely assigned to these four countries.

HOW THE FEDERAL GOVERNMENT CAN KEEP AMERICAN BUSINESSES COMPETITIVE

Missing from the national debate over visa policies have been representatives of the cities and metropolitan employment centers across the country with globally linked economies. That is beginning to change. During the past few months, Mayor Bloomberg has come out strongly on this issue, opening his January 2008 State of the City message with the following comment: “New York gives [immigrants] unlimited opportunities and these families help make New York the nation’s economic engine, its financial hub, its fashion center, its media mecca, and its cultural capital. And that’s one of the messages I’ve been speaking out on, to those who are wailing against immigration, to those politicians who, all of a sudden, have embraced xenophobia, I say: open your eyes.”

Actions that would relieve the visa crisis and help American businesses compete in the global race for talent include:

- Allowing the H-1B visa cap to respond to market demand;
- Enacting an exemption from the H-1B cap for students with higher degrees in Science Technology Engineering and Math (STEM);
- Extending the term of Optional Practical Training visas from 12 months to 29 months;
- Increasing the Employment-Based Green Card cap from 140,000 currently to 290,000;
- Supporting visa policies which facilitate normal international business operations, including the continuation of L-1 visa “blanket” petitions for companies with U.S. subsidiaries or affiliates

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with combined sales of \$25 million+ or a U.S. workforce of at least 1000 employees;

- Establishing guidelines and procedures for expedited and/or pre-clearance of temporary business visa applications (B-1 Visas) and the implementation of policies to expedite the processing of business/professional visas for temporary workers.

POLITICAL REALITIES: PROFESSIONAL AND TRAVEL VISAS VS. THE BORDER SECURITY DEBATE

The above actions need to be taken quickly so that American companies and cities can compete on a level playing field with other international employment centers and continue to maximize job creation in the U.S.

However, the intense debate in Washington over border security and the millions of foreigners residing illegally in the U.S. threatens to distract from what should be unifying causes — American competitiveness, economic growth and job creation. The Partnership for New York City stands ready to help address the issue of professional and travel visas, as well as play a constructive role in moving the larger, more contentious immigration debate towards reasonable ground — including a path to citizenship for millions who have acted responsibly while living and working in the U.S.

CONCLUSIONS

Competitiveness has become even more important in a U.S. economic environment many are describing as recessionary. The Institute for Supply Management published statistics in January 2008 showing the first shrinkage in the U.S. service sector in nearly five years. The full impact of the credit crisis on New York's and the nation's economy has yet to be seen. New York and the nation need to promote a positive business environment where access to talent is not discouraged but facilitated.

Current federal visa policies are hurting key U.S. industries and the cities where they are concentrated. Education and workforce development policies are critical in developing American talent but need to be combined with effective visa and immigration reform in order to have an impact now. Effective visa reform will help both to safeguard American jobs and create opportunities for business expansion at a time when the economy needs it most. The Partnership for New York City intends to join with representatives of other metropolitan business organizations to make the case for federal action on visa and immigration issues. This policy brief is only the first step.

Partnership for New York City

With a mission to maintain the city's position as a global center of commerce and innovation, the Partnership for New York City is an organization of the leaders of New York City's top corporate, investment, and entrepreneurial firms. They work in partnership with city and state government officials, labor groups, and the nonprofit sector to enhance the economy and culture of the city. The Partnership focuses on research, policy formulation, and issue advocacy at the city, state, and federal levels by leveraging its network of CEO and Corporate partners. Through its affiliate, the New York City Investment Fund, the Partnership directly invests in economic development projects in all five boroughs of the city.

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