

Immigration Law \approx Foodservice

Obama and Immigration

by Becki L. Young

Many foodservice employers are anxious to know the position of the new presidential administration on immigration, particularly as it relates to amnesty or legalization of undocumented workers. Although it is too soon to know specifics, the official policy statements of the Obama administration as well as the comments of policy advocates who follow these issues closely, may offer some insight.

President-elect Barack Obama has repeatedly expressed support for comprehensive immigration reform, meaning a top to bottom overhaul of the country's immigration system including improvements to the system for legal

immigration, enhancements to border security, and legalization of the millions of undocumented immigrants here in the United States. The Obama administration's official issue paper on immigration (<http://www.barack-obama.com/pdf/issues/ImmigrationFactSheet.pdf>) emphasizes the following priorities:

Bring People Out of the Shadows ("Amnesty" or "Legalization"):

President-elect Obama has expressed support for a system that allows undocumented immigrants to pay a fine, learn English, admit they've broken the law,

and go to the back of the line for the opportunity to become citizens. Obama also supports the DREAM Act, which offers citizenship to college-bound young people brought to the United States illegally as children. Many commentators believe that priority issues such as stimulating the economy, ending the war in Iraq and repairing the nation's health care system could make it tough for the President-elect to deliver on his pledge to overhaul the nation's immigration laws, and in particular to create an amnesty or legalization program for undocumented workers. Instead of a program that would grant permanent status to unauthorized workers, some observers believe it is more likely that any new immigration legislation would grant temporary legal status to such workers and require them to register and pay taxes; whether to grant them a more permanent status could be reassessed at a later date.



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Improve Our Immigration System:

The incoming administration believes we must fix the country's dysfunctional immigration bureaucracy to balance the needs of American workers and the U.S. economy. They also recognize the need to increase the number of people we allow into the country legally to a level that keeps families together and meets the demand for jobs that employers cannot fill. One issue on which the new administration has not clarified its position is whether to offer more green cards based on job skills needed by US employers, or to continue the current arrangement that favors family-based immigration.

Create Secure Borders:

The new administration has expressed support for additional personnel, infrastructure and technology on the border and at our ports of entry. They believe we need additional Customs and Border Protection agents equipped with better technology and real-time intelligence. Obama has said he supports strong bor-

ders, and he voted to authorize the border fence, but he has said that a fence ultimately is not the best approach to secure our borders.

Remove Incentives to Enter Illegally:

Barack Obama supports the federal government's new employment eligibility verification system (e-Verify) which allows employers to verify that their employees are legally eligible to work in the U.S. Obama has said he favors making such a system mandatory for all employers but he wants it to include improved accuracy and privacy standards.

Honor our Immigrant Troops:

The new administration believes that legal immigrants who have fought for the US overseas should benefit from expedited procedures towards citizenship.

The foodservice industry is a major employer of immigrants. The number of foodservice workers who are immigrants (both legal and illegal) is estimated at about 1.4 million, or about 10 percent of the industry's total workforce ("New Immigration Reform Bill Sparks Industry Optimism," Nation's Restaurant News, April 2, 2007 by Paul Frumkin). Thus, many foodservice employers have a keen interest in the immigration issue and how it will be addressed by the incoming Obama administration. In the upcoming months, as the new administration takes office, we can expect to gain further clarification on this very critical and timely topic.



Becki L. Young has been working in the field of immigration law since 1995. Ms. Young's practice focuses on employment-based immigration law. She has represented employers in a variety of industries, including investment banking and securities, information technology, health care, and hospitality, providing advice on work permits and related immigration issues. Contact her to learn more or to schedule a personal consultation by calling 202-232-0983 or e-mailing becki.young@blylaw.com.

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