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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 9, 2014

President Barack Obama
The White House
Washington, D.C. 20500

Dear Mr. President:

You have made it clear that you plan to act unilaterally on immigration if Congress does not pass a comprehensive immigration reform bill. Recent reports indicate that you plan to act beyond expanding the Deferred Action for Childhood Arrivals program. I do not support efforts to circumvent Congress on immigration policy, and urge you to consider the harmful effects of some proposals on American workers should you act.

According to Politico, you and officials in your administration have met with leaders from various industries. In fact, your administration has met with leaders of business industries that rely on cheaper foreign labor in the United States. Many high tech companies have long argued that they need more skilled workers from abroad, when in reality many of these companies have laid off mass numbers of individuals. The tech sector layoffs alone have soared 68% for the first half of 2014.

I realize that some advocates are urging your administration to increase the allocation of visas or green cards available to foreign nationals, potentially through a recapture mechanism of supposedly-unused visas that busts the congressionally mandated caps. Some have also proposed that the administration reward applicants who do not receive a visa to be issued an employment authorization document nonetheless. Some suggest that your administration is looking to provide work permits and lawful status to workers in the agricultural industry if they have been in the country or working in the agricultural industry for a certain period of time.

Our employment-based immigration programs have served and could again serve a valuable purpose if used properly. However, they're being misused and abused. They're failing the American worker and not fulfilling the original purpose that Congress intended when it created them. Reforms are needed to put integrity back into the programs and to ensure that American workers and students are given every chance to fill vacant jobs in this country.

We need a President who is a champion for policies that protects American workers, no matter what industry. All employers who bring in visa holders should be held accountable and prove that foreign workers are needed. All employers, not just some, should be required to make a good faith effort to recruit U.S. workers. All employers, not just some, should be required to attest that they did not or will not displace a U.S. worker when applying for a foreign worker. All employers, not just some, should be required to offer the job to a U.S. worker who is equally or

better qualified. Anything short of this is failing the American people and those struggling to find jobs in today's economy.

Acting unilaterally for some businesses without providing protections for U.S. workers would be detrimental to the future of our workforce. Circumventing congressionally mandated caps would be an abuse of authority, and would diminish the programs we have put in place to protect American workers and visa holders.

I agree that changes are needed so that American businesses and U.S. workers are truly benefitting, and I am committed to legislation to ensure that we strike the appropriate balance. I would like to see your commitment to changing the law and working with Congress to make it happen.

I would appreciate a response to my concerns, including any information on the policies you may take on these matters. If you plan to act without a vote of Congress and without the consent of the American people, I ask that you provide me with details on how you will make sure that Americans are protected, not left behind and ignored.

Sincerely,


Charles E. Grassley
Ranking Member