

1 **Resolution Calling on Congress to Support and Enact**
2 **the AFL-CIO Policy on Immigration**
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4 **WHEREAS**, the AFL-CIO has labeled the U.S. House version of immigration reform
5 (HR 4437) "a mean-spirited attack on workers and immigrants", and views another bill -
6 the so-called STRIVE Act which is now pending before the House - unacceptable partly
7 due to its exploitive "guestworker" provisions and lack of basic workplace protections;
8 and
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10 **WHEREAS**, the U.S. Senate immigration bill that was debated this year would have
11 created a three-tiered, apartheid-like structure for dealing with the current
12 undocumented population; and
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14 **WHEREAS**, the union movement's policy is to treat all workers as workers and
15 therefore build worker solidarity to combat exploitation and raise standards for all; and
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17 **WHEREAS**, the union movement's policy on immigration needs to be the policy of the
18 U.S.; and
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20 **WHEREAS**, NAFTA destroyed the agricultural economy in Mexico and millions of
21 agricultural workers have lost their livelihoods and moved into Mexican urban areas to
22 compete for jobs. This has lowered wages in urban centers and displaced workers who
23 have moved north, looking for work; and
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25 **WHEREAS**, it would be shameful for the U.S. to enact mean-spirited and apartheid-like
26 immigration policies that would further punish workers who are already being
27 victimized by NAFTA and other horribly-flawed anti-worker trade agreements;
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29 **THEREFORE BE IT RESOLVED THAT**, the Washington State Democratic Central
30 Committee calls on all Members of Congress to support and enact into law the tenets
31 established in the document entitled The AFL-CIO POLICY ON IMMIGRATION,
32 which is attached hereto and BE IT FURTHER
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34 **BE IT FURTHER RESOLVED THAT**, the Washington State Democratic Central
35 Committee call on all Members of Congress to refuse to pass mean-spirited and
36 apartheid-like legislation under the guise of "immigration reform"
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38 **BE IT FURTHER RESOLVED THAT**, copies of this Resolution, together with the AFL-
39 CIO Policy on Immigration, shall be mailed to all Members of the Washington State
40 Congressional Delegation.
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43 Submitted by the Skagit County Democrats to the Washington State Democratic Central
44 Committee for consideration at its June 30, 2007 meeting in the Tri-Cities. (Date
45 Submitted 6/2/2007)

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47 The WSDCC Resolutions Committee "AMENDED THIS RESOLUTION AND
48 RECOMMENDED A PASS" at its June 30, 2007 meeting in the Tri-Cities.

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50 The WSDCC "PASSED" this resolution at its June 30, 2007 meeting in the Tri-Cities.

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53 **AFL-CIO Policy on Immigration**

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55 The AFL-CIO proudly stands on the side of immigrant workers. Immigrant workers are
56 an extremely important part of our nation's economy, our nation's union movement
57 and our nation's communities. In many ways, the new AFL-CIO immigration policy
58 signals a return of the union movement to its historical roots. It is increasingly clear that
59 if the United States is to have an immigration system that really works, it must be
60 simultaneously orderly, responsible and fair. The policies of both the AFL-CIO and our
61 country must reflect those goals.

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63 The United States is a nation of laws. This means the federal government has the
64 sovereign authority and constitutional responsibility to set and enforce limits on
65 immigration. It also means our government has the obligation to enact and enforce laws
66 in ways that respect due process and civil liberties, safeguard public health and safety
67 and protect the rights and opportunities of workers.

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69 **THE CURRENT SYSTEM IS BROKEN**

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71 Unfortunately, the current system of immigration enforcement, while failing to stop the
72 flow of undocumented people into the United States, is causing workplace
73 discrimination against immigrants and minorities, particularly undocumented workers.
74 The current system leaves unpunished unscrupulous employers who exploit
75 undocumented workers and retaliate against them when they join with other workers
76 to assert their rights, thus denying labor rights for all workers. This system of
77 workplace immigration enforcement in the United States, with its emphasis on the I-9
78 system, is broken, targets workers instead of the egregious employers who exploit them
79 and needs to be fixed

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86 **LABOR'S PRINCIPLES**

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88 We believe the following principles should form our national immigration policy.

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90 **Specifically:**

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92 • Undocumented workers and their families make enormous contributions to their
93 communities and workplaces and should be provided permanent legal status
94 through a new legalization program;

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96 • Employer sanctions and the I-9 system should be replaced with a system that
97 targets and criminalizes employers who recruit undocumented workers from
98 abroad for economic gain;

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100 • Immigrant workers should have full workplace rights, including the right to
101 organize and protections for whistle-blowers;

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103 • Government safety net benefits are important for all workers, and those unfairly
104 taken away by Congress in 1996 should be restored.

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106 • Labor and business together should design mechanisms to meet legitimate needs
107 for new workers without compromising the rights and opportunities of workers
108 already here; and

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110 • Guest worker programs should be reformed but not expanded.

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112 The AFL-CIO supports a broad legalization program that makes no distinction based on
113 country of origin and that allows undocumented workers and their families who have
114 been working hard, paying taxes and contributing to their communities the opportunity
115 to adjust to permanent legal resident status. We should recognize that one of the
116 reasons for undocumented immigration is that our current legal immigration system for
117 family members and for workers is in shamefully bad shape. A broad legalization
118 program providing permanent residence status, rather than a large new guest worker
119 program, should be the focus of our efforts.

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121 The AFL-CIO and its affiliated unions will work vigilantly with our coalition partners
122 representing the immigrant, ethnic, faith and civil rights communities to ensure that
123 comprehensive legislation providing for legalization and the enforcement of workplace
124 rights for all workers is introduced in Congress and ultimately signed into law.

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126 History has proven that mistreatment of one group in a workplace ultimately will lead
127 to the mistreatment of all workers. We must be mindful of and learn from the history of
128 oppression that many U.S. workers have faced, in particular the long struggle of African

129 American workers. All workers must understand the difference that unions make for
130 workers, whether it is a living wage, better benefits or a safer work environment.
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132 Q&As on AFL-CIO's Immigration Policy

133 Q: What Is the AFL-CIO's Immigration Policy?

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136 **A:** The union movement's policy is to treat all workers as workers, and therefore
137 build worker solidarity to combat exploitation and raise standards for all.
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139 Throughout the history of our country, immigrants have played an important
140 role in building our nation and its democratic institutions. Immigrants also have
141 played a vital role in building the union movement. The AFL-CIO's immigration
142 policy recognizes the important contributions foreign-born workers make to our
143 economy and to our community, and it welcomes immigrant workers into our
144 movement.
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146 The trade union movement was built by immigrants. Irish ironworkers and
147 German bricklayers – just to name a few – established working standards for all
148 trades across the nation. From the birth of America's union movement,
149 immigrant laborers have used all means available to fight for workers' rights. It
150 is more important than ever that we stand alongside our immigrant brothers and
151 sisters at a time when workers are under attack from corporate forces on all
152 fronts.
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154 We know from our long experience that employers try to destroy worker
155 solidarity by attempting to divide workers along race, gender, and in the last
156 decade, immigration status. The U.S. Chamber of Commerce's recent campaign
157 to deny millions of workers the freedom to form unions by dividing them into
158 "supervisors" and "non-supervisors" is the most recent example of this well-
159 established union-busting tool of dividing workers into different "classes."
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161 Q: Does the AFL-CIO Support Reform of our Immigration Laws?

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163 **A:** Yes. Overhaul of our immigration system is long overdue. The current system
164 is a blueprint for exploitation of workers – both native-born and foreign – and is
165 feeding a multimillion-dollar criminal enterprise at the U.S.-Mexico border. We
166 believe America must have an immigration system that protects all workers
167 within our borders, and at the same time guarantees the safety of our nation
168 without compromising our fundamental civil rights and civil liberties.
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170 Q: What Is the Cause of Illegal Immigration?

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172 A: Globalization and the failure of the U.S. government to enforce workplace
173 laws are pushing workers from their home countries and pulling them into the
174 United States. Failed development policies and trade agreements have destroyed
175 the economies of developing nations and forced workers to migrate in search of
176 jobs. NAFTA, for example, destroyed the agricultural economy in Mexico.
177 Millions of agricultural workers have lost their livelihoods and moved into
178 Mexican urban areas to compete for jobs. This has lowered wages in urban
179 centers and displaced workers who now have moved north, looking for work. At
180 the same time, lax enforcement of labor laws created an incentive for
181 corporations to recruit and hire workers who came to the United States from
182 Mexico without authorization to work – the undocumented. Because those
183 workers are often unable to exercise their workplace rights, corporations have
184 created an entire class of workers – numbering in the millions – who are forced
185 to labor in substandard conditions. The only way to remove the economic
186 incentive to exploit workers – and thus diminish illegal immigration – is to
187 ensure that all workers have full labor rights.
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189 **Q: How Do Employers Benefit from Illegal Immigration?**
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191 A: Employers and contractors who rely on undocumented workers often are able
192 to avoid abiding by U.S. workplace laws, gaining a substantial economic
193 advantage over employers who play by the rules. In the construction industry,
194 contractors often misclassify undocumented workers as “independent
195 contractors” to avoid their responsibility to carry workers’ compensation
196 insurance, pay required state and federal employment taxes and skirt various
197 other legal requirements. The National Employment Law Project estimates that
198 employers and contractors who regularly misclassify workers as “independent
199 contractors” have a 30 percent competitive advantage over those who operate
200 lawfully.
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202 The U.S. Supreme Court handed employers yet another economic incentive to
203 recruit and employ undocumented workers in its 2002 decision in the Hoffman
204 Plastics Compounds v. NLRB case. The court ruled that undocumented workers
205 are not entitled to back pay, the only monetary remedy available under the
206 National Labor Relations Act (NLRA). In other words, an employer who illegally
207 fires an undocumented worker during an organizing campaign faces no out-of-
208 pocket cost for that illegal action. Unfortunately, courts have extended that rule
209 to other employment laws, including workers’ compensation laws. In a perverse
210 example, one state court determined that a contractor whose negligence on a
211 construction site caused a worker to become incapacitated was not required to
212 compensate the worker for lost earnings at the rate he was earning in New York
213 but rather at the rate he would have been earning in Mexico. Essentially,
214 employers and contractors now are able to import the workplace standards of
215 developing countries into the United States.

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Q: Don't Undocumented Workers Benefit from Being in the United States Illegally?

A: In our view, illegal immigration is driven by economic incentives that allow employers to exploit a certain class of workers – currently, undocumented workers. Illegal immigration benefits no one except employers who want to operate at the margin and need an exploitable workforce to do so. Blaming workers for their own exploitation serves only to move the spotlight away from improper corporate behavior by focusing it on the workers.

Q: How Should the Immigration Laws Be Changed?

A: The current immigration system provides no protections for either native- or foreign-born workers. Corporations have the best of all worlds right now: They are able to use the broken immigration laws to recruit and import undocumented workers and at the same time avoid their obligations to abide by U.S. labor and employment laws. The result is that corporations have been able to create a secondary class of workers in our nation numbering in the millions – the "ndocumented," whose inability to meaningfully exercise their labor rights has allowed employers to lower working standards for all workers.

Immigration law reform has to make protection of workers its main priority. That means reform must satisfy fi ve interrelated principles: (1) It has to provide a mechanism for currently undocumented workers to be able to exercise their labor rights, which means it must provide a real path to legalization; (2) It must require the government to enforce labor and employment laws vigorously in order to remove the employers' incentive to recruit and employ undocumented workers; (3) It must reject the creation of temporary worker programs (also known as "guest worker" programs) that harm workers; (4) It must guarantee that new foreign workers will be able to fully exercise their labor rights; (5) It must preserve social protections and guarantee civil rights and civil liberties to all.

Q: Why Does the AFL-CIO Oppose Guest Worker Programs?

A: Guest worker programs allow corporations to turn permanent jobs into temporary jobs staffed by foreign workers who often are unable to exercise their labor rights. Under any guest worker program, a corporation has the ability to import foreign workers who remain under an employer's control, not only for their livelihood, but also for their legal immigration status. Workers are unlikely

259 to complain about substandard working conditions because if they do they could
260 lose their jobs and face deportation.

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262 Guest worker programs also transform the fundamental nature of U.S. society.
263 We are a nation of citizens, not guests. Workers who are imported into the
264 United States only for their labor, and only temporarily, have no incentive to
265 invest in their communities, to buy homes or to engage in the long-term struggle
266 for good jobs, health care or pensions. Guest worker programs essentially create
267 a second class of citizens who remain marginalized with no voice in our
268 democracy.

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270 **Q: Why Does the AFL-CIO Support 'Legalization'?**

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272 **A:** The current immigration system operates entirely to benefit corporate
273 interests. We recognize that the law-breakers are the employers and contractors
274 who have been freely employing undocumented workers to maximize their
275 profits at the expense of established U.S. workplace standards. We recognize that
276 the current system has allowed contractors and employers to create an
277 underclass of workers who number in the tens of millions and whom they can
278 exploit for economic gain. We also know these workers don't labor in isolation;
279 they work right alongside U.S. citizen workers. We know the anti-worker
280 corporate argument that immigrants are doing the work U.S. workers won't do is
281 false. The overwhelming majority of jobs in all industries across the economy –
282 more than 80 percent in construction and more than 86 percent in the service
283 industry – are being done by U.S. citizens and legal immigrant workers. Yet,
284 there is overwhelming evidence that in industries that rely on immigrant labor,
285 employers and contractors use immigrant labor to undermine wages and
286 working conditions. The only way to remedy that is to ensure all workers have
287 full labor rights. We must fight to bring all currently undocumented workers
288 who are already working in our industries and on the jobs we are trying to
289 organize to the same level as other workers. And the only way to do that is to
290 legalize the existing undocumented workforce. Otherwise, we continue to supply
291 employers and contractors with a steady supply of exploitable workers.

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295 **Q: Does this Mean the AFL-CIO Supports 'Open Borders'?**

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297 **A:** No. We recognize that the United States has the sovereign authority and
298 constitutional responsibility to set and enforce limits on immigration. An "open
299 borders" policy would play into the hands of corporations that would like
300 nothing better than to treat workers as commodities. The U.S. government's
301 failure to enforce U.S. workplace standards has created a de facto open border
302 enabling corporations to reach around the globe and encourage workers to come

303 to this country in search of jobs. That is why protection of workers should be the
304 cornerstone of any new immigration law.

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306 **Q: Why Should We Simply Allow People Who Came to the United States Illegally to**
307 **Stay Here?**

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309 **A:** The United States is, and always has been, the largest immigrant-receiving
310 nation on earth. That is the fiber of who we are. And the reason we have been
311 able to prosper and become the most powerful nation in the world is that we
312 have been able to value the complex contributions our citizens make. What has
313 set us apart from the rest of the world is that we are a nation of citizens, not
314 guests.

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316 Integrating waves of immigrants into the fiber of our nation has required
317 struggle— often painful struggle. But to make sure all of our citizens have a
318 voice in our society, our nation has done it. We have encouraged newcomers to
319 invest in their communities, to establish roots, to buy homes, to send their
320 children to college— in short, to be a part of the “American Dream.” And the
321 union movement has been the driving force for that dream. We engaged workers
322 in the struggle for the eight-hour workday, for the freedom to form unions and
323 for health and safety protections on the job. When we did that, we didn’t carve
324 any worker out because we understood that dividing workers into different
325 “classes” only benefits employers. If we engage in policies that allow
326 corporations to create a secondary class of citizens, with no political and civil
327 rights, we will only be supporting the creation of a class of workers who have
328 absolutely no incentive to engage in the long-term fight for good jobs with
329 decent benefits, including health care and pensions.

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331 Additionally, it is neither realistic nor responsible to assume we are going to
332 deport all undocumented workers. At a time when public budgets already are
333 strained because of current government policies that punish workers and give to
334 the rich, trying to “deport” all undocumented workers is fiscally irresponsible. A
335 report by the Center for American Progress recently concluded that mass
336 deportations would cost the U.S. Department of Treasury at least \$206 billion
337 over five years (\$41.2 billion annually) and could cost as much as \$230 billion or
338 more. Spending \$41.2 billion annually would exceed the entire budget of the U.S.
339 Department of Homeland Security for fiscal year 2006 (\$34.2 billion) and is more
340 than double the annual cost of military operations in Afghanistan (\$16.8 billion).
341 Mass deportations also would have a profoundly negative effect on U.S. citizens
342 and on our communities, given that 85 percent of immigrant families with
343 children are “mixed status” families, which means at least one household
344 member is a U.S. citizen or a lawful permanent resident.

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346 **Q: Does the AFL-CIO Support Any of the Current Legislative Proposals?**

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A: No. The U.S. House version of immigration reform (H.R. 4437) is a mean-spirited attack on workers and immigrants. It will do nothing meaningful to address the immigration crisis. That bill makes criminals of the currently undocumented population, which will only serve to drive millions of people into further desperation and poverty. The U.S. Senate version does not adequately protect workers. It creates a three-tiered, apartheid-like structure for dealing with the current undocumented population and still leaves workers in temporary status for years and years. It also creates a large, new guest worker program that will only help corporations drive down workplace standards for all workers.

Q: What Is the AFL-CIO Doing to Make Sure Immigration Laws Are Fixed in the Right Way?

A: We are working with our affiliates and our community partners, including worker centers – in communities, in the courts and on Capitol Hill – to make sure Congress understands that immigration reform must focus on the needs of workers, not corporations. The struggle for workers’ rights is a difficult one and workers must stand together to make sure corporations are not able to dilute the strength of our voice by painting us as anti-immigrant.

Q: What Is the Difference between the AFL-CIO’s Immigration Policy and Change to Win’s Immigration Policy?

A: Change to Win has not articulated an immigration policy. Two of the Change to Win unions, SEIU and UNITE HERE, support the expansion of guest worker programs that is reflected in current legislative proposals. Two other Change to Win Unions, United Food and Commercial Workers and the Teamsters, have issued statements strongly opposing guest worker programs and have been lobbying with the AFL-CIO against the expansion of those programs.