


# Immigration Policy and Workforce Dynamics

By Leon Fresco

Holland & Knight LLP



# Policies Congress Often Tries Unsuccessfully to Address

- What, if anything, to do with undocumented individuals inside the United States
  - What, if anything, to do with the need for agricultural workers?
  - What, if anything, to do with the need for seasonal workers?
  - What, if anything, to do with the need for workers to perform jobs not requiring college degrees?
  - What, if anything, to do with the need for workers to perform jobs requiring college degrees?
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**Table XVI(B)**  
**Nonimmigrant Visas Issued by Classification**  
**(Including Crewlist Visas and Border Crossing Cards)**  
**Fiscal Years 2009-2013**


Visa Symbol/Class	2009	2010	2011	2012	2013
H1A Temporary worker performing services as a registered nurse	0	0	0	0	0
H1B Temporary worker of distinguished merit and ability performing services other than as a registered nurse	110,367	117,409	129,134	135,530	153,223
H1B1 Free Trade Agreement Professional	621	419	418	461	571
H1C Shortage area nurse	138	86	7	3	0
H2A Temporary worker performing agricultural services	60,112	55,921	55,384	65,345	74,192
H2B Temporary worker performing other services	44,847	47,403	50,826	50,009	57,600
H3 Trainee	2,084	1,778	2,108	2,927	2,712
H4 Spouse or child of H1A/B/B1/C, H2A/B/R, or H3	60,009	66,176	74,205	80,015	96,753
I Representative of foreign information media, spouse and children	15,219	13,450	14,177	14,447	14,298
J1 Exchange visitor	313,597	330,805	324,294	313,431	312,522
J2 Spouse or child of exchange visitor	31,944	32,797	35,090	36,722	39,874
K1 Fiance(e) of U.S. citizen	27,679	30,999	24,585	27,684	26,321
K2 Child of K1	4,188	4,532	3,575	4,108	3,787
K3 Certain spouse of U.S. citizen	7,210	3,882	668	290	144
K4 Child of K3	1,568	893	188	72	38
L1 Intracompany transferee (executive, managerial, and specialized personnel continuing employment with international firm or corporation)	64,696	74,719	70,728	62,430	66,700
L2 Spouse or child of intracompany transferee	59,579	69,233	76,949	71,782	74,104
M1 Vocational and other nonacademic student	9,257	9,192	10,049	10,331	11,320
M2 Spouse or child of vocational student	250	243	383	524	498
M3 Border commuter vocational or nonacademic student	0	1	1	0	1
N8 Parent of SK3 special immigrant	10	12	5	10	15
N9 Child of N8 or of SK1, SK2 or SK4 special immigrant	2	0	0	2	3
NATO1 Principal permanent representative of member state to NATO (including any of its subsidiary bodies) resident in the U.S., and resident members of official staff; principal NATO officers; and immediate family	37	22	16	6	8
NATO2 Other representatives of member states to NATO (including any of its subsidiary bodies), and immediate family; dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	6,741	6,194	6,499	6,252	5,351
NATO3 Official clerical staff accompanying a representative of member state to NATO, and immediate family	0	6	1	9	0
NATO4 Officials of NATO (other than those classifiable as NATO1), and immediate family	266	243	253	300	210
NATO5 Experts, other than NATO4 officials, employed in missions on behalf of NATO, and their dependents	69	92	92	92	63
NATO6 Members of a civilian component accompanying a force entering in accordance with the provisions of NATO agreements, and their dependents	196	531	536	504	519
NATO7 Attendant, servant, or personal employee of NATO1 through NATO6, and immediate family	3	2	1	2	3

# Agricultural Workers (a tale of two charts)

Fiscal Year 2020 data are preliminary and subject to change.

**Table XV(B)**  
**Nonimmigrant Visas Issued by Classification**  
**(Including Border Crossing Cards)**  
**Fiscal Years 2016-2020**

Visa Symbol/Class	2016	2017	2018	2019	2020
H1C Shortage area nurse	0	0	0	0	0
H2A Temporary worker performing agricultural services	134,368	161,583	196,409	204,801	213,394
H2B Temporary worker performing other services	84,627	83,600	83,774	97,623	61,865
H3 Trainee	1,435	1,232	1,036	1,035	475
H4 Spouse or child of H1B/B1/C, H2A/B, or H3	131,051	136,393	130,814	125,999	66,323
I Representative of foreign information media, spouse and children	14,536	14,126	11,874	11,312	4,888
J1 Exchange visitor	339,712	343,811	342,639	353,279	108,510
J2 Spouse or child of exchange visitor	40,408	39,354	39,580	38,282	15,232
K1 Fiance(e) of U.S. citizen	38,403	34,797	24,675	35,881	16,849
K2 Child of K1	5,727	5,388	3,981	5,201	2,460
K3 Certain spouse of U.S. citizen	102	15	6	5	2
K4 Child of K3	20	8	0	0	4
L1 Intracompany transferee (executive, managerial, and specialized personnel continuing employment with international firm or corporation)	79,306	78,178	74,388	76,988	35,942
L2 Spouse or child of intracompany transferee	85,872	85,254	78,711	80,720	35,710
M1 Vocational and other nonacademic student	10,305	9,587	9,317	9,227	3,928
M2 Spouse or child of vocational student	389	395	366	291	119
M3 Border commuter vocational or nonacademic student	0	0	0	0	0
N8 Parent of SK3 or SN3 special immigrant	16	9	18	17	8
N9 Child of N8 or of SK1, SK2, SK4, SN1, SN2, or SN4 special immigrant	5	0	4	7	2
NATO1 Principal permanent representative of member state to NATO (including any of its subsidiary bodies) resident in the U.S., and resident members of official staff; principal NATO officers; and immediate family	10	7	3	16	6
NATO2 Other representatives of member states to NATO (including any of its subsidiary bodies), and immediate family; dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	5,588	5,797	6,593	7,084	5,199
NATO3 Official clerical staff accompanying a representative of member state to NATO, and immediate family	2	0	0	0	0
NATO4 Officials of NATO (other than those classifiable as NATO1), and immediate family	168	214	202	245	110
NATO5 Experts, other than NATO4 officials, employed in missions on behalf of NATO, and their dependents	42	21	29	32	14
NATO6 Members of a civilian component accompanying a force entering in accordance with the provisions of NATO agreements, and their dependents	525	547	569	576	437
NATO7 Attendant, servant, or personal employee of NATO1 through NATO6, and immediate family	1	2	2	1	1
O1 Person with extraordinary ability in the sciences, art, education, business, or athletics	15,918	17,011	16,904	17,751	8,838
O2 Person accompanying and assisting in the artistic or athletic performance by O1	7,417	8,053	8,432	8,743	3,919
O3 Spouse or child of O1 or O2	4,836	4,974	4,923	5,337	2,658



# Seasonal Workers – Never Enough Supply to Meet the Demand

- On Jan. 28, 2022, the Department of Homeland Security and the Department of Labor published a joint [temporary final rule](#) increasing the numerical limit (or cap) on H-2B nonimmigrant visas by up to 20,000 additional visas during fiscal year (FY) 2022 for positions with start dates on or before March 31, 2022.
- USCIS added an additional 22,000 H-2B visas under the [FY 2021 H-2B supplemental visa temporary final rule](#).

# Non-Seasonal Work


- ▶ <https://www.usatoday.com/story/opinion/2022/02/04/afghan-refugees-warm-welcome-us/9253071002/>
  - ▶ “Colleges and universities offered admission, free tuition, scholarships and paths to credentials many Afghans will need to secure jobs. U.S. companies have posted thousands of jobs to meet a labor shortage and to help the Afghans integrate into our economy.”
- ▶ <https://www.uschamber.com/workforce/u-s-chamber-we-cant-fill-xx-million-open-jobs-without-more-legal-immigration>
  - ▶ “U.S. Chamber: We Can’t Fill 11.3 Million Open Jobs without More Legal Immigration”
- ▶ Creating a new work-force program for this group
  - ▶ Temporary vs. permanent?
  - ▶ How many per year?
  - ▶ At what wage?





# High-Skilled WorkForce

- Temporary vs. permanent?
- More green cards?
- Test for labor market?
- Country caps?
- Should employees actually have to work at the companies petitioning them for green cards?



# Administration -- Immigration Policies Currently Affecting the U.S. Workforce

- Delays to worldwide visa processing times
- Delays to USCIS processing times for work permits
- Negligible improvements to enhanced level of scrutiny introduced by prior Administration to employment immigration petitions
- Increasing pressure into the system from refugees and asylees along the Southern border -- with no work permit being given to people entering the United States seeking asylum