The Immigration and Nationality Act (INA)

As SHRM marks its 75th anniversary, the organization is looking towards its centennial year by advancing policy recommendations that will make the world of work better. The Immigration and Nationality Act (INA), the comprehensive U.S. immigration statute, is in dire need of updating as the entire culture of work has shifted drastically since the last major amendment more than 30 years ago. The workplace immigration system should not continue to hinder the ability of U.S. workplaces to remain competitive and thrive.

Businesses Consider Immigration a Powerful Workforce Development Strategy

Organizations that seek to thrive in the increasingly competitive and global world consider the immigration system as an avenue to hire for hard-to-fill positions (employment-based immigrant and non-immigrant visas); supplement temporary or seasonal workforce needs (H2-A/Bs); and expose their current workforce to new cultures and ideas (J-1s).

The U.S. Workplace Immigration System Needs To Be Modernized

SHRM research confirms that while employers have overall positive experiences with their foreign-born workers, that stands in contrast to the levels of positive experiences with the system as a whole. Additionally, a majority of employers agree that the United States is losing out on talent because of its immigration system, with support spread relatively evenly across various regions, employer sizes and industries.

Policymakers must advance commonsense policy solutions that remove barriers for U.S. companies to access educated, accessible and legally authorized workers.

Driven by data, SHRM offers policy recommendations and guidance on how policymakers can modernize the U.S. immigration system and better enable the nation to compete globally:

✓ **Invest** in All Aspects of the Immigration Infrastructure

✓ **Enable** Permanent Electronic Submissions of Immigration Petitions/Forms

✓ **Implement** a Known/Trusted Employer Program

✓ **Eliminate** Country Caps for Employment-Based Immigrant Visas

✓ **Streamline** the Issuance and Adjudication of Employment Authorization Documents

✓ **Authorize** Automatic Renewals of Previously Adjudicated Applications

✓ **Allow** Year-round Eligibility of Seasonal Employment Visas and Release Additional Visas

✓ **Create** One Reliable, Entirely Electronic Employment Verification System

✓ **Increase** Access to Employment-Based (EB) Visas

✓ **Ensure** All EB Visas Are Utilized Through the Recapturing of Previously Unused Visas

✓ **Provide** More Legal and Regulatory Consistency Regarding the Status of DACA Recipients

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In 2023, SHRM launched a comprehensive workplace immigration survey to see how immigration fits into the greater workforce landscape. SHRM's workplace immigration research was intentionally developed in consultation and partnership with policymakers from both sides of the political aisle, as well as employment-based immigration experts and practitioners, to ensure its outcomes could guide important policy decisions related to modernizing the U.S. immigration system.

HR professionals say that immigration...

1 Makes the United States Competitive

Nearly 3 in 4 (73%) responding employers agree that increased immigration encourages economic growth and makes America more globally competitive. Over half (54%) of employers agree that the United States is losing top talent to other countries because of the U.S. immigration system.

2 Should Be Streamlined

Over 2 in 3 (68%) employers agree that they would benefit from a more streamlined process for organizations to access American-educated, foreign-born talent. The most common source organizations recruit foreign-born workers from is American universities (40%).

3 Could Address the Shortage of Workers

Overall, 57% of organizations reported that they would benefit from an increase in available and legally authorized workers on visas, with medium and large employers agreeing at higher levels (63% and 68% respectively). Of organizations that have explored hiring foreign-born talent to address workforce shortages, nearly 2 in 3 (65%) say it has been somewhat or very successful.

4 Needs To Be Secure

Employers are invested in the integrity and security of the U.S. immigration system. More than two-thirds (68%) say that the screening process to allow foreign-born workers to remain and work in the United States should be strenuous to address potential security concerns.

5 Is Unpredictable and Uncertain

Over half (55%) agreed that it is risky to invest in foreign-born talent because of the uncertainty in the immigration system and that they would be willing to invest time, effort and resources into pursuing foreign-born talent if there was more certainty in the system.

Want to know more? Reach out to SHRM to receive the full report and tune into SHRM's quarterly webcast, the Global Talent Series, to gain the latest insights from experts on workplace immigration and global mobility policies. Contact us at governmentaffairs@shrm.org.