Why the U.S. Chamber of Commerce Is Suing the Trump Administration

The president's immigration policies are bad for business.

By Thomas J. Donohue
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Over the past few weeks, the Trump administration has decided to close the door to engineers, executives, information technology experts, doctors, nurses and others who come to the United States on work visas. It has attempted to ban international students from attending American colleges and universities that hold classes virtually in the fall. And it has shown an unwavering commitment to canceling the Deferred Action for Childhood Arrivals program, or DACA.

Taken together, these are the most restrictionist immigration policies in nearly a century. This is a fundamental mistake at a time when our nation's economy is already suffering.

If you want businesses to grow and the economy to rebound, you allow skilled workers to come here legally to work and contribute to the well-being of our nation; you don't lock them out. If you want the next revolutionary start-up to be founded in America, you welcome foreign students; you don't threaten to upend their lives and send them home during the middle of a pandemic. And if you want children to grow up to reach their potential and live their American dream, you give them the tools and certainty to succeed; you don't kick them out of the only country they've ever known.

How did we get to this point?

Last month, the administration issued a proclamation severely restricting legal immigration into the United States for work purposes. The executive order puts up a “Do Not Enter” sign for all sorts of skilled workers who come to our country legally to contribute to the economy. The sweeping order will push jobs and investment overseas and slow our economic growth at a time when we need it most.

Take for example a manufacturer we heard from who is opening up a new production line here that will create jobs for American workers. To ensure that this new facility and its equipment function properly when it opens up, the company needs to temporarily employ technical experts from overseas. The administration's proclamation directly prevents this from happening — meaning no international experts, no new production line and no new jobs for American workers. Unfortunately, there are many other businesses across a host of industries in similar predicaments.

This week the U.S. Chamber of Commerce and a coalition of trade associations and businesses, including the National Association of Manufacturers, the National Retail Federation and TechNet, filed a joint lawsuit seeking an injunction to stop the Department of Homeland Security and the State Department from implementing the administration's proclamation restricting the use of various nonimmigrant worker visas.

Not only does the policy threaten America’s economic interests, but these restrictions clearly exceed the authority of the executive branch, as they take a sledgehammer to the immigration laws that Congress crafted over many generations.
The administration should learn a lesson from its other attempts to restrict legal immigration.

Last week, the Department of Homeland Security wisely reversed course on its policy banning international students from staying in the United States if their college or university holds classes virtually in the fall, but only after widespread condemnation of this idea and numerous lawsuits. The policy would have denied places in colleges and universities for tens of thousands of talented students and future leaders, while choking off tuition revenue at a time when many schools are struggling financially. We supported the lawsuit filed by Harvard and the Massachusetts Institute of Technology that ultimately led to the administration rescinding this policy.

The administration also can learn from its ill-fated attempt to repeal the DACA program. The program protects young people who have lived here since they were children. Last month, the Supreme Court gave the administration an out — blocking on procedural grounds the administration’s 2017 decision to rescind the DACA program. Rather than taking the opportunity to work with Congress on a permanent fix for Dreamers, the administration is considering another effort to end the program, pulling the rug out from 700,000 DACA recipients.

Taken together, these decisions form a broader policy that essentially says, “keep out the skilled, the brilliant, the young seeking to help us grow.” The administration prudently changed course on the student visa issue; it should now take the opportunity to promote economic growth and job creation by rescinding last month’s proclamation limiting legal immigration and abandoning its efforts to repeal DACA.

The Chamber hopes to work productively with the administration on these issues, as we have on a broad array of other policies like tax reform and streamlining regulation. But if the administration persists with its job-killing immigration restrictions, we will see them in court.

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