

SOUP ANYONE? THE IMPACT OF TRUMP'S IMMIGRATION POLICIES ON THE RESTAURANT & HOSPITALITY INDUSTRIES



By Michael Wildes, Immigration Counsel at Davidoff Hutcher & Citron LPP and Managing Partner at Wildes and Weinberg, P.C.

America is a nation of, and built by, immigrants. Throughout history, some of the most significant contributions made to our country, which have led to our becoming a world leader, were made by immigrants including: building the nation's first railroads, providing labor during the Industrial Revolution, and fighting in wars to protect our nation. Although we are a nation of and by immigrants and as a businessman our President was also a product of the hospitality world, his efforts in immigration reform are anything but immigrant-friendly. These policies have impacted all of our communities, but can be seen most clearly in the restaurant and hospitality industries.

The latest U.S. Census data shows that approximately 25% of all restaurant employees are foreign born and that 30% of businesses owned in the restaurant and hospitality industries are owned by immigrants. In some cities, immigrants comprise as much as 70% of their workforce. According to a Pew Research study, in 2016 there were approximately 11.3 million undocumented people in the U.S. and according to a Bureau of Labor Statistics report, of the 12.7 million employees in the restaurant industry, approximately 1.4 million are undocumented immigrants. Although U.S. immigration policies prohibit hiring undocumented individuals, the continuing labor shortages in these areas often force companies to hire undocumented workers. It is not simply the service industries which are reliant upon undocumented workers but also private households (22%); farming, fishing and forestry services (26%), cleaning and maintenance (16%) and construction (15%) have the same needs.

As a stark reminder of how dependent certain U.S. industries are on undocumented workers, on February 16, 2017, a “Day Without Immigrants,” was held and immigrants throughout the United States decided not to report to work to protest President Trump’s immigrant policies. Restaurants, daycare centers, construction sites and coffee shops in Washington D.C., New York City, San Francisco, Phoenix, Chicago, Boston, Austin, and Philadelphia, to name a few, either were closed or offered limited services.

Two of Trump’s immigration reforms that are having the most impact on the restaurant and hospitality industries are the increased immigration enforcement and the move to reduce the overall number of individuals permitted to enter the United States as immigrants. While Trump has stated that his Administration would focus only on deporting undocumented foreign nationals who commit serious crimes, there have been several cases of undocumented, non-criminal foreign nationals being deported, including enforcement sweeps and federal raids at restaurants and food processing facilities. Many businesses in these industries as well as the agricultural industry have reported significant labor shortages and the inability to locate workers, especially the undocumented workers upon whom they have historically relied, because they are too scared to show up to work. Moreover, the Administration is seeking reform that would drastically limit the number of immigrants permitted to enter the U.S. each year. “If enacted, restrictions would reduce the number of people coming to the United States by at least 30 million over the next half-century, according to the Pew Research Center.”

Trump’s immigration policies are causing drastic labor shortages in industries, like the restaurant, hospitality and agricultural industries, which have historically experienced labor shortages. These labor shortages in turn could lead to crops dying and a significant increase in prices for food and services. As a law firm dedicated to practicing U.S. immigration law for more than a half century, we understand the dire need to reform our Nation’s immigration system. However, these efforts need to balance our national enforcement interests with our local interests and take into account that immigrants are woven into every fabric of American society and the regulation of immigrants in one area can have enormous impacts on life in other areas of our communities. The main ingredients of our restaurant and hospitality industries depend on it.

About the Author: Michael Wildes is the managing partner with the leading immigration law firm of Wildes and Weinberg, P.C. He serves as counsel to several hotel chains; hospitality groups and several international/corporate law firms. He is an adjunct professor at the Benjamin N. Cardozo School of Law in New York and teaches Business Immigration Law. He is a former federal prosecutor with the United States Attorney’s Office in Brooklyn (1989-1993). Having represented the United States government in immigration proceedings, Wildes is a frequent participant on professional panels and commentator on network television and radio with regard to corporate immigration law, employer sanction work and compliance. He has testified on Capitol Hill in connection with anti-terrorism legislation and is internationally renowned for his successful representation of distinguished individuals and corporate clients. He represents many performing artists, directors, writers, models, actors/actresses, athletes, race car drivers, fine artists, art dealers, curators, and literary agents. His boutique law firm specializes exclusively in the practice of U.S. immigration and nationality law. It was established in 1960 by his father Leon Wildes whose best known accomplishment was his successful representation of John Lennon in his widely publicized deportation proceedings, the circumstances of which have inspired several films, documentaries, and a recent book that Michael Wildes wrote the Foreword. More than 50 years since its inception, the firm continues to serve a distinguished domestic and international clientele and covers all areas of U.S. immigration law, including employment and investment-based immigration, work permits, permanent residence for qualified individuals, family-based immigration, asylum applications and all temporary and permanent-type visas.

Wildes’ recent clients include First Lady Melania Trump, famed artists Sarah Brightman, Lio’nel Richie, Boy George, many of the former Miss Universes’ as well as soccer icon Pele, master Chef Jean-Georges, and other talented artists. He was also the mayor of Englewood, New Jersey, where he resides. Wildes and Weinberg, P.C. has offices in New York City, Miami, New Jersey and Los Angeles.