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Computer & Communications Industry Association

ABSTRACT

IMMIGRATION/VISA POLICY   APRIL 2012

> ➤ *U.S. technology companies require continued access to the highly skilled foreign nationals who currently make up the U.S. shortfall in science and engineering students. This foreign talent complements, rather than competes with, the U.S. labor pool.*

Background: The U.S. technology industry has been the engine of growth for the U.S. economy. Growth has depended on the industry's ability to continue its rapid technological advancement to continue to come up with "the next big thing." The U.S. must remain the global center of innovation. In order for the U.S. to maintain its leading role, the industry must recruit the best and the brightest minds from around the world.

While it may be preferable for the "best and the brightest" to be homegrown, the reality is that fewer U.S. students are pursuing advanced degrees in science, technology, engineering and math (STEM). Foreign nationals involved in advanced research in universities and laboratories across the country have made up for this shortfall. U.S. companies must have continued access to such talented individuals.

CCIA's Position: If U.S. companies are to maintain their global competitiveness, the nation must remain the world's IQ magnet. Many of the highly skilled foreign nationals that companies wish to hire using employment visas are already here doing research at U.S. universities. If these highly qualified people, who have been trained and educated at our own universities, cannot be hired by U.S. companies, they will have no choice but to return to their home countries and put their skills to use there. In effect, U.S. universities would be training our nation's competition. A targeted visa policy that allows U.S. companies to hire the highly skilled foreign nationals they need will be an incentive for companies to locate and expand their projects domestically, rather than moving jobs overseas.

Ideas and research are the raw materials with which the technology industry is built. We must be able to take advantage of the skilled workers who train in the U.S. and use them for the benefit of our economy, not drive them into the waiting arms of our overseas competitors under a policy of human protectionism. In a global economy, the competition for talent is also global. If innovation is to lead the U.S. from recession and to a new economic model, we need to welcome and utilize the research & development skills of those who are willing to leave their home countries to invest themselves and their intellectual capital here. Foreign nationals make significant contributions to international patents filed in the U.S.

CCIA supports reforming the H-1B temporary work visa and employment-based permanent worker visa programs. In particular, a flexible market-based H-1B visa cap and an exemption from the cap for foreign nationals with advanced degrees in science, technology, engineering and

mathematics are critical to our industry and to U.S. competitiveness. The employment-based (EB) green card system, which enables skilled foreign nationals to make long-term contributions to the U.S. economy, must be streamlined to reduce the backlogs that currently leave valued professional workers (and their employers) in procedural uncertainty for years.

Current Issues: With a Republican-controlled House and a Democratic-controlled Senate in an election year, comprehensive immigration reform efforts have proven to be difficult. However, the skilled immigration situation remains in need of immediate attention. While the continuing economic situation resulted in a lower number of H-1B applications for the third straight year, and the visa cap was not hit within days of the start of the filing period as it was before the recession, the cap was reached in November 2011, two months into the fiscal year. There is also an increasing focus on the availability of green cards as a more long-term, and therefore more appropriate, vehicle for securing skilled foreign workers.

If the political environment does not allow for progress on a comprehensive approach, perhaps support can be built for a narrower approach addressing H-1B and green card availability. High-skilled legal immigration and illegal immigration are completely distinct issues, and linking them under a comprehensive approach has never been a good fit. Waiting to address H-1B and green card availability because of an inability to address illegal immigration makes as much sense as refusing to modernize the DMV because you can't address the problem of vehicular theft. The current economic situation has led to a focus on jobs and competitiveness. In December, the American Enterprise Institute and the Partnership for a New American Economy released a study ("Immigration and American Jobs") showing that immigrants with advanced degrees boosted U.S. native employment (2.62 jobs for every foreign-born worker with an advanced STEM degree). We hope that such evidence, of highly skilled immigration complementing rather than competing with U.S. workers, will spark movement on the issue. Skilled immigration reform efforts could garner support in the context of encouraging rather than penalizing those respecting the rule of law by engaging in the legal immigration process, and freeing entrepreneurial companies to compete for global talent.

One piece of legislation that was actually passed by the House (but awaiting action in the Senate) is Rep. Jason Chaffetz's (R-UT) H.R. 3012 (Fairness for High-Skilled Immigrants Act), which would eliminate per-country limits for employment-based (EB) green cards. While this may make distribution of EB green cards more even, it does not increase their number. We would like to see movement on bills that would increase the cap or provide exemptions for advanced degree holders, such as Rep. Zoe Lofgren's (D-CA) IDEA Act and Rep. Jeff Flake's (R-AZ) STAPLE Act.

CCIA will continue to push for enactment of a long-term solution that addresses both the H-1B cap and the backlog in employment-based green cards. Our industry must be able to both attract and keep the global talent it needs.