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Stuart Anderson: Visa system needs reform

By STUART ANDERSON / For the Register

Legalization of the undocumented population can be a key element in a political compromise to fix major flaws in America's immigration system. The primary reason for illegal immigration is not a lack of personnel at the border but the lack of legal means to enter the United States to work at lower-skilled jobs. Moreover, low quotas for high-skill visas and green cards hamper U.S. competitiveness. The time has come to implement the best policies for America.

Foreign nationals cannot enter the U.S. and work legally on a full-year basis in a restaurant, hotel or other "lower-skilled" jobs. The federal government prohibits legal visas for the types of jobs at which the majority of people in the country now illegally work.

Problems also plague America's system for admitting highly educated foreign nationals. H-1B temporary visas are often the only practical way to hire a skilled foreign national, including international graduate students from U.S. universities. Yet for more than a decade the annual supply of H-1B visas has been exhausted before the end of the fiscal year, leaving U.S. companies at risk of losing talented people to foreign competitors.

Senate Bill 744, the immigration bill, does an exemplary job of providing more green cards for skilled immigrants, including eliminating the employment-based green card backlog for professionals and adding an exemption from green card quotas for international students with a graduate degree from a U.S. university in a science, technology, engineering or math field. However, the bill also includes several measures to make it more difficult for companies to employ individuals on H-1B and L-1 (intracompany transferee) temporary visas. These provisions on wage rates, fees and outplacement, in addition to harming global competitiveness, are likely to be found in violation of U.S. commitments under the General Agreement on Trade in Services, leading to potential trade retaliation and a loss of jobs for U.S. technology companies.

HR 2131, the SKILLS Visa Act, which passed the House Judiciary Committee in June, avoids the heavy regulatory provisions on H-1B and L-1 visas in the Senate's immigration bill, with the exception of requiring H-1B visa holders to be paid much higher wages than comparable U.S. professionals. Such a provision on wages would distort the labor marketplace and cause unintended consequences. HR 2131 also increases the annual level of H-1B visas. But unlike the Senate bill, HR 2131 adds an insufficient number of new green cards to keep pace with demand and significantly reduce the current long backlog for employment-based immigrants.

For many lawmakers, their primary interest in reform is to legalize the status of those in the country illegally. They view it as important to allow long-term residents and young people brought here by their families the chance to share in the American Dream.

The solution is to capitalize on the energy for legalization of the undocumented population to help solve the two most important problems facing our nation's immigration system – the lack of work visas, which contributes to illegal immigration and immigrant border deaths, and the need to provide more temporary visas and green cards to attract and retain talented individuals from around the world.

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