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Dealing with a dearth of H-1B visa slots

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A focus on illegal immigration has overshadowed the need to reform America's system for skilled immigrants. Sen. John Cornyn, R-Texas, will oversee a field hearing Thursday at the University of Texas at Dallas that may start to correct this problem.

Because Congress has failed to allocate enough H-1B visas, U.S. employers often must wait more than a year to hire a skilled foreign national. In nine of the past 11 years, employers used up the entire H-1B quota before the fiscal year ended; in the past three years, employers exhausted the quota before the fiscal year *started*.

H-1B visas are essential -- there is no other way to hire an outstanding international student off a U.S. campus, or a researcher/professional from abroad. The wait is five years or more in the skilled green-card categories (for permanent residence) because Congress also has failed to raise those quotas.

Companies employ many outstanding Americans, but to compete globally, U.S. firms also must hire top talent without regard to place of birth. Current visa limits have caused U.S. companies to hire and place more personnel outside the U.S.

Ill-conceived immigration policies may discourage students from coming to America to start a career. In fact, first-time science and engineering graduate enrollment for international students declined for the third year in a row in 2004, according to the National Science Foundation.

In 2005, U.S. universities awarded 55 percent of master's degrees and 67 percent of Ph.D.s in electrical engineering to foreign nationals. Simply put, when U.S. companies recruit off college campuses, they find many of the potential new hires to be foreign nationals.

Under the law, U.S. employers must pay foreign nationals hired on H-1B visas as much as similar American professionals. Moreover, companies typically pay \$6,000 in various legal and government fees, which have funded more than 40,000 scholarships for U.S. college students in science and engineering, according to research by the National Foundation for American Policy.

Cornyn's bill (S 2691), which was included as part of the Senate's broader immigration bill passed in May, would largely solve the key problems facing skilled immigrants and innovative American employers.

It would raise the annual cap on H-1B visas from 65,000 to 115,000, provide for market-based increases in future years and add broader exemptions for those with advanced degrees. In addition, recognizing that it makes no sense to train and

educate people and then ask them to leave the country, the bill makes it easier for international students to transition to work and provide an increase in green cards so that highly skilled individuals could stay, innovate and prosper in America.

During the past two decades, skilled immigrants have created many leading-edge companies.

A good example is Houston-based Tanox, which employs 182 people. Tanox founder Dr. Nancy Chang came to America from Taiwan as an international student. After completing her degree at Harvard Medical School, she was hired on a visa by a U.S. pharmaceutical company.

In 1986, with the help of venture capital, she co-founded Tanox with the goal of developing an asthma drug that focused on the allergy-related basis of asthma. At the time, this ran counter to the central belief in how asthma operated. The perseverance paid off in June 2003, when the Food and Drug Administration approved Xolair to treat those with asthma related to allergies.

Today, Tanox is developing TNX-355, an antibody for the treatment of HIV/AIDS, and is in discussions with the FDA regarding clinical trials.

Chang, who holds seven patents, said she is passionate about AIDS because, as a young researcher, she worked in one of the first laboratories to confront the disease.

"As an international student, I came to the United States frightened and scared. But I found if you do well and if you have a dream, you will find people in America willing to help and give you an opportunity," said Chang.

When we maintain rational employment-based immigration policies, we help ourselves and play to America's unique strength as a nation of immigrants.

We should ask ourselves a simple question: Is it better to educate international students and send them abroad to work for U.S. competitors, or to assimilate these talented individuals to create jobs and innovation here in America?

We think that Nancy Chang could tell you the answer.

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