

USA Today

March 18, 2015

Feds deny more visas for 'specialized' foreign workers

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Foreign employees of U.S. companies are having a harder time getting into the country under a specialized visa category, according to a report being released Wednesday.

About 35% of petitions by American companies to bring to the U.S. employees working overseas who have a "specialized knowledge" in their fields were denied in 2014 by U.S. Citizenship and Immigration Services, the fourth straight year that figure has risen. The denial rate for those visas, known as L-1B visas, was as low as 6% in 2006, according to the report from the **National Foundation for American Policy**.

The biggest increase in denials affected Indian nationals trying to get into the USA. Applications for Indians were denied 56% of the time, compared with 22% for Chinese, 21% for Mexicans and 19% for French, according to data obtained by the foundation through a Freedom of Information Act request.

Stuart Anderson, executive director of the foundation, said the steady rise in denials started in 2008, when the United States plunged into a deep recession. He said that has led to a "protectionist" culture at the immigration enforcement agency in favor of American technology workers.

Anderson said denying visas to Indians and others with high-tech backgrounds is a "misguided attempt" to protect U.S. workers and will end up forcing companies to ship more jobs overseas. "If you're making it more difficult to transfer employees to work in America, then you're more likely to see that work take place outside the United States," he said.

Others say the rise in denials is more the result of the government concluding that companies were taking advantage of the visa system to bring in cheaper competition for American technology workers.

Most high-tech foreign workers enter the country through the H-1B visa program, which grants up to 85,000 visas a year to foreigners trained in science, technology, engineering and mathematics. On Tuesday, the Senate Judiciary Committee held a hearing to consider a bipartisan bill that would expand and possibly more than double the number of visas granted each year.

Some on the committee said the H-1B program, and others like it, should be reduced or restructured to better protect American workers.

"The program was intended to serve employers who could not find the skilled workers they needed in the United States," committee Chairman Sen. Chuck Grassley, R-Iowa, said. "Over the years the program has become a government-assisted way for employers to bring in cheaper foreign labor, and now it appears these foreign workers take over — rather than complement — the U.S. workforce."

Jessica Vaughan, director of policy studies at the Center for Immigration Studies, said similar abuses extend to the L-1B visa, which is designed for U.S. companies to bring their workers with "specialized knowledge" to the United States from branches overseas. Instead, she said American companies, such as Cognizant Technology Solutions, and Indian companies, such as Infosys, have abused the system to import everyday technology workers to push out higher-priced American workers.

"The type of 'specialized knowledge' these workers had would be things like Microsoft products and databases, these rather common skills that lots of workers have all over the world," Vaughan said.

Some in Tuesday's hearing said those concerns are too shortsighted and ignore the broader benefits that immigrants play in the technology economy.

"The overwhelming weight of the current research on immigration shows that in our dynamic labor market, skilled immigrants complement their U.S.-born counterparts," said Benjamin Johnson, executive director of the American Immigration Council. "Skilled immigrants' contributions to the U.S. economy help create new jobs and new opportunities for economic expansion."

Shin Inouye, a spokesman for USCIS, said it would need to review the full report before he could comment on the findings.

"USCIS decides each request for an immigration benefit or service on a case-by-case basis, based on the totality of the evidence provided and all relevant legal requirements," he said.

Whatever the reason for the denials, immigration lawyers say it has made life difficult for U.S. companies that must struggle to plan around the uncertainty of the visa denials.

Betsy Lawrence of the American Immigration Lawyers Association said the group has been asking USCIS to provide clearer guidance on its visa policy. When President Obama announced in November that he would move to protect up to 5 million undocumented immigrants from deportation, he also issued orders to improve a legal immigration system that had become "burdensome for businesses."

Lawrence said the group has received no response to its pleas for clarity. "It's incredibly frustrating," she said. "There's no predictability in the process whatsoever."