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Ted Cruz's Bad Idea: Expel International Students from America

By Stuart Anderson

While Donald Trump has garnered attention for his plan to keep Muslims out of America, fellow presidential candidate Sen. Ted Cruz (R-TX) has a questionable plan of his own – bar international students educated at U.S. universities from working in America.

Under a new bill (S. 2394) co-sponsored with Senator Jeff Sessions (R-AL), Sen. Cruz would expel upon graduation every international student with a bachelor's or master's degree by prohibiting them from obtaining an H-1B temporary visa or working on Optional Practical Training for a U.S. company. Approximately 90 percent of H-1B visa holders earn a bachelor's or master's degree and the Cruz bill would prevent them from returning to America to work on an H-1B for at least 10 years – well after they have already established careers in competing nations.

Good luck even if you earned a Ph.D., say immigration attorneys. You would need to work two years before being eligible for an H-1B and even then the bill requires so much legal liability and red tape – including a minimum wage of \$110,000 a year – it would prevent hiring and even make obtaining employment-based green cards (permanent residence) arduous or unlikely.

The Cruz bill would turn a subpar immigration system into a disaster, striking a dagger at innovation and job creation in America. Numerous entrepreneurs and key employees of startups have contributed to America via H-1B temporary visas, which generally are the only practical way for foreign nationals to work in America long-term. Optional Practical Training has allowed hundreds of thousands of international students to work for 12 months or longer in the U.S. after graduation.

Nearly half of the top 50 venture-funded companies in America had an immigrant founder, according to a 2011 study from the National Foundation for American Policy. More than 75 percent of these cutting-edge companies had an immigrant in a key job-creating position, such as V.P. of engineering. Like George Bailey from *It's A Wonderful Life*, Americans would discover that many U.S. companies and U.S. jobs would not exist because Ted Cruz barred from America the people who would have created them.

Sen. Cruz fails to appreciate that in a global economy, capital follows the talent, so expect large amounts of high tech and other investment dollars to leave America and flow to other countries, which would hurt U.S. workers. And the blow to the economy would be severe. Today, at U.S. universities an astonishing 77 percent of the full-time graduate students in electrical engineering and 71 percent in computer science are international students. The Cruz bill would send all these highly educated and talented people packing.

Only two years ago, Ted Cruz authored an amendment during the debate over the 2013 Senate immigration bill to raise the annual H-1B visa cap from 65,000 to over 300,000. What changed? Politics and unprincipled populism.

A Cruz press release cites the case of Southern California Edison where it is alleged the company laid off workers in order to replace them with foreign workers. But, as one might suspect, the situation is far more complex and hardly merits virtually ending high-skilled immigration to America. In December 2011, an employee shot and killed two supervisors in the company's information technology (IT) department. Following the incident, Southern California Edison commissioned a management report that produced scathing conclusions, citing "a fundamental lack of leadership" and "dysfunction." *Computerworld* reported, "Some of the [Southern California Edison] employees say the outsourcing move is linked to a 2012 report that found fault with the IT management culture."

A study by the Hackett Group found 70 percent of companies that outsourced a function cited a "need to change organization culture." While deciding what changes to make, there is no evidence available that Southern California Edison knew in 2012 which contractor it would use years later, never mind the visa status of employees who might work for the contractor. In fact, Southern California Edison tasked a law firm to solicit bids from multiple companies before even choosing a contractor. The reality, as in a handful of other recent cases, is once Southern California Edison executives decided to contract out key functions in information technology, the jobs of the employees in that department unfortunately were already lost – no matter which contractor was selected, even one with all U.S. workers.

The incidents cited in the media related to contracting out functions have nothing to do with whether Google or Facebook should be allowed to hire a graduate student out of a U.S. university and put them to work in the United States, rather than placing them outside of America – which is what would happen should the Cruz bill become law.

Ted Cruz has just told America, particularly the tech community and startups, that his presidency would be bad for innovation and job creation. Donald Trump wants to bar people from the country because of their religion. Ted Cruz wants to bar people who America helped educate and who are economically beneficial to the U.S. economy. It's hard to say whose plan is worse.

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