

Press on June 2012 NFAP study on the green card problems facing skilled immigrants:

The Wall Street Journal (video interview)

<http://online.wsj.com/video/opinion-why-were-kicking-out-foreign-engineers/3140E50F-5CA0-45CD-A4E5-22FF9BFCC591.html>

The Daily Caller

<http://dailycaller.com/2012/06/15/congress-awol-in-the-global-competition-for-talent/>

Forbes

<http://www.forbes.com/sites/stuartanderson/2012/06/15/green-card-problems-growing-worse-for-skilled-immigrants/>

<http://www.forbes.com/sites/stuartanderson/2012/06/13/no-hiring-new-h-1b-visa-holders-for-the-next-15-months/>

Linda Chavez (Syndicated Column)

<http://patriotpost.us/opinion/13823>

The Daily Caller

June 15, 2012

Congress AWOL in the Global Competition for Talent

By Stuart Anderson

Nero at least fiddled while Rome burned. The U.S. Congress is doing almost nothing while American companies struggle in the global competition for talent. Americans companies' inability to hire talented foreigners makes it hard for them to grow, invest and innovate inside this country and encourages them to expand outside of the U.S.

Two recent developments illustrate the problem. First, this month, U.S. Citizenship and Immigration Services announced it had reached the statutory limit of 85,000 on H-1B visas (20,000 reserved for advanced degree holders from U.S. universities). That means, with the exception of employment at universities or nonprofit research institutes, no foreign national can start working in the U.S. on a new H-1B visa until October 1, 2013, more than 15 months from now. While it's possible for graduates of U.S. universities to be eligible to work on Optional Practical Training (OPT), that option is not available for many potential hires and in any case, given the difficulty of obtaining either H-1B temporary status or permanent residence, the OPT program leaves participants uncertain about their long-term future in the United States.

The second development is that the U.S. Department of State announced in its most recent Visa Bulletin that wait times are likely to get longer for employment-based green cards. An analysis by the **National Foundation for American Policy** found that, depending on the category, wait times could already range from eight years to perhaps decades for Indian and Chinese nationals being sponsored today for green cards (permanent residence). The State Department announced a wait time may be developing for prospective immigrants in the employment-based first preference (EB-1) category (outstanding researchers and professors, aliens of extraordinary ability), which previously had no backlog.

Moreover, in another development, skilled foreign nationals from countries other than China and India in the employment-based second preference (EB-2) category, which is for persons of "exceptional ability" and "advanced degree" holders, will soon experience backlogs. The State Department already was not accepting new green card applications for nationals of China and India in the EB-2 category for the rest of this fiscal year.

The annual limit of 140,000 employment-based immigrant visas has remained in place since the Immigration Act of 1990. As a result, years of backlogs have developed,

particularly for individuals from India and China, who also face a “per country” limit that restricts the number of individuals admitted annually from one nation.

The problem affects not just employers in high technology, but also health care providers, aerospace companies, financial firms, equipment makers, pharmaceutical companies and many others. It also affects the individuals sponsored for the green cards, who live in legal limbo, which is difficult on spouses and children. Individuals waiting in temporary status for their green cards may be limited in their advancement opportunities because a promotion could require starting the green card process again.

A [new report](#) from the National Foundation for American Policy confirms that by making the following two changes, Congress could go a long way toward alleviating the long wait times for skilled immigrants: 1) eliminate the per-country limit for employment-based immigrants; and 2) provide an exemption from employment-based green card quotas for foreign nationals who earn a master’s degree or higher in science, technology, engineering or mathematics (STEM) from a U.S. university.

In November 2011, the U.S. House of Representatives passed H.R. 3012, the Fairness for High Skilled Immigrants Act, by a vote of 389-15. The legislation would eliminate the per-country limit for employment-based immigrants over a four-year period. However, the bill, sponsored by Rep. Jason Chaffetz (R-UT), Rep. Zoe Lofgren (D-CA), House Judiciary Committee Chair Lamar Smith (R-TX) and others, has yet to become law. Senator Charles Grassley (R-IA) has so far blocked the bill in the Senate. Bills introduced by Rep. Lofgren (H.R. 2161), Senator Jerry Moran (S. 3217), Senator Lamar Alexander (S. 3192) and Senator John Cornyn (S. 3185) would provide additional green cards for skilled immigrants in STEM fields.

Without changes to the law, the long wait times for high-skilled foreign nationals, including those educated in America, will continue. Ultimately, this will result in less investment and business growth in the United States. That means fewer jobs for Americans, as talented foreign-born individuals choose to develop innovations and start businesses in other nations.

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Forbes

June 15, 2012

Green Card Problems Growing Worse for Skilled Immigrants

By STUART ANDERSON

Immigrating legally to the United States is not easy. “Over the past several months, skilled foreign nationals have seen no improvement in their prospects for obtaining green cards and, in fact, wait times are likely to increase in employment-based immigration categories,” according to a [new report](#) released by the National Foundation for American Policy (NFAP), an Arlington, Va.-based policy research group.

An October 2011 analysis found the wait times for skilled immigrants, particularly those from India and China, could last 5 to 8 years, or potentially even decades in some cases. The State Department has reported in the latest Visa Bulletin that wait times could be imposed on individuals from countries other than India and China in the employment-based second preference (EB-2), for persons of “exceptional ability” and “advanced degree” holders, with the employment-based first preference (EB-1) category (outstanding researchers and professors, aliens of extraordinary ability) also possibly becoming backlogged as well.

Unlike the long-term problems in entitlement programs such as Social Security, the solutions to reducing the long wait times for employment-based green cards are easy to implement and have received bipartisan support. These solutions center around two areas: eliminating the per country limit and providing more green cards.

Providing additional green cards or exempting from the annual limit foreign nationals with advanced degrees from U.S. universities in a science, technology, engineering or mathematics (STEM) field, while also eliminating the per country limit, could have a significant impact on employment-based green card backlogs.

The [October 2011 NFAP analysis](#) estimated, “An exemption of at least 50,000 for advanced degree STEM graduates would eliminate the backlog in the employment-based second preference (EB-2) and make the category current within three years. It would also eliminate the employment-based third preference (EB-3) backlog and potentially make the category current within 10 years.” Even 25,000 additional green cards for holders of

U.S. advanced STEM degrees would likely “eliminate the backlog and make the EB-2 category current in 4 years.”

An argument made against providing more green cards to highly skilled foreign nationals is that doing so would harm the job prospects of Americans. However, skilled scientists, researchers and professionals help create more jobs and innovations. Moreover, such individuals are typically hired as part of the normal recruitment process, complementing, not replacing, Americans. A recent economic analysis supports the view that immigrants help expand economic opportunities for others.

A study by Madeline Zavodny, a professor of economics at Agnes Scott College, concluded, “Immigrants with advanced degrees boost employment for U.S. natives. This effect is most dramatic for immigrants with advanced degrees from US universities working in science, technology, engineering, and mathematics (STEM) fields.”

The research performed for the American Enterprise Institute and the Partnership for a New American Economy examined employment data in the United States for the year 2000 through 2007. The analysis found, “An additional 100 foreign-born workers in STEM fields with advanced degrees from U.S. universities is associated with an additional 262 jobs among U.S. natives. While the effect is biggest for U.S.-educated immigrants working in STEM, immigrants with advanced degrees in general raised employment among US natives during 2000-2007.”

Long wait times carry implications for whether or not highly skilled foreign nationals, including international students, will be able to make their careers in the United States. Fixing this problem makes economic sense and is in line with America’s tradition as a nation of immigrants.

Forbes

June 13, 2012

No Hiring New H-1B Visa Holders for the Next 15 Months

By STUART ANDERSON

H-1B temporary visas are important because they typically are the only practical way for a skilled foreign national, including international students educated on U.S. campuses, to work long-term in the United States. Despite this, U.S. companies will not be able to hire anyone on a new H-1B visa for a long time.

“Companies that didn’t file a visa petition before this week must wait until April 2013 to try again and won’t be able to employ an H-1B worker until October 2013,” explains the *San Jose Mercury News*. Why is that?

U.S. Citizenship and Immigration Services just announced, “On June 11, 2012, USCIS received a sufficient number of petitions to reach the statutory cap for FY 2013. On June 7, 2012, USCIS also received more than 20,000 H-1B petitions on behalf of persons exempt from the cap under the advanced degree exemption. USCIS will reject petitions subject to the cap for H-1B specialty occupation workers seeking an employment start date in FY 2013 that are received after June 11, 2012.”

It will still be possible for those already in H-1B status to change jobs to another employer or for someone to obtain a new H-1B visa to work at a university or nonprofit research institute. But other than in such circumstances and perhaps a few others, such as transferring in existing employees from abroad on L-1 visas, the door is effectively shut.

Some would respond: “This is good, now more Americans will be hired.” Things aren’t so simple.

The law of unintended consequences tells us that unexpected things happen when government laws interfere with the natural flow of economic activity. Economist Mark Perry, citing James Gwartney, recently described an example of unintended consequences on his economics blog *Carpe Diem*:

“In the former Soviet Union, managers and employees of glass plants were at one time rewarded according to the tons of sheet glass produced. Not surprisingly, most plants produced sheet glass so thick that one could hardly see through it. The rules were

changed . . . Under the new rules, Soviet firms produced glass so thin that it was easily broken.”

Preventing U.S. employers from hiring skilled foreign nationals, including recent graduate students in engineering and other tech fields, *inside* the United States encourages opening offices and expanding resources for placing foreign-born personnel *outside* the United States. It could also discourage more investment in the United States. Small employers unable to find the right skilled people may simply grow less.

In a study for the American Enterprise Institute and the Partnership for a New American Economy, economist Madeline Zavodny found a connection between companies hiring H-1Bs and overall employment: “The data show that states with greater numbers of temporary workers in the H-1B program for skilled workers and H-2B program for less-skilled nonagricultural workers had higher employment among US natives. Specifically: Adding 100 H-1B workers results in an additional 183 jobs among U.S. natives.”

Others might say: “I don’t mind foreign nationals working in the U.S. but it’s better if they worked on green cards.” Yes, it would be ideal if employers could sponsor valued individuals for permanent residence in a timely fashion. Unfortunately, that is easier said than done.

[A new report](#) from the National Foundation for American Policy found, “Over the past several months, skilled foreign nationals have seen no improvement in their prospects for obtaining green cards and, in fact, wait times are likely to increase in employment-based immigration categories.” An earlier analysis by the National Foundation for American Policy concluded (in October 2011) that wait times for employment-based green cards sponsored today can last 5 years or even decades, depending on the category and country of origin.

A 15 month moratorium on hiring new H-1B visa holders will hopefully at least lead to a moratorium on blaming skilled foreign-born scientists, engineers, and other professionals for economic problems in the United States. If history is a guide, we shouldn’t count on it.

SYNDICATED COLUMN (Linda Chavez – Boston Herald and elsewhere)

Thursday, June 14,2012

We Need More Highly Skilled Workers

By Linda Chavez

Can the federal government adequately predict exactly how many mathematicians, engineers, biochemists, and inventors the United States will need 20 years in the future? I doubt many of us would answer yes. Yet, federal immigration policy does exactly that in allotting work visas for highly skilled employees.

Most of the debate over immigration has centered on low-skilled workers, especially the large population of illegal immigrants who have entered the country over the last two decades. But our legal immigration system is dysfunctional as well. The system primarily focuses on reuniting foreign-born relatives with family members who are already here, paying little attention to what's good for our economy and what will benefit Americans by creating more jobs and wealth for all of us.

Congress tried to fix the problem in 1990 when it established special visas for highly skilled workers and researchers, professors and others of outstanding abilities. But the law set the limit of visas available to 140,000 -- which included those for family members of those admitted. Worse, it applied the same absolute quotas on populous countries like China and India as it did on tiny countries like Luxembourg.

Wait times to obtain employment visas for professionals from India and China can already be eight years or more. To be eligible for these visas, applicants must already have a job offer. How many employers are willing to extend an offer eight years down the road? Only government bureaucrats have the hubris to imagine they can predict future needs with such clarity.

And the problem is even worse for some categories of employment-based visas. Workers from India defined as professionals and skilled workers can face a 70-year wait! And Chinese workers in these categories face up to 20 years before obtaining a visa. The state department has already advised employers and applicants for visas that quotas for those with advanced degrees will run out in July.

The problem is especially acute for foreign students graduating from American universities with degrees in science, technology, engineering and mathematics (STEM), according to a new study by the National Foundation for American Policy (NFAP).

As the study points out, although some of these graduates can get extensions on their temporary visas to allow them to stay in the United States, many end up having to leave - taking their highly valuable skills earned at American universities with them.

Those who oppose increasing the number of visas available for the most highly-skilled immigrants argue that such workers take jobs that would otherwise go to Americans. But studies consistently find that foreign-born workers with advanced degrees from U.S. universities in the STEM fields actually create jobs for Americans.

A study of employment data by the American Enterprise Institute found, for example, “An additional 100 foreign-born workers in STEM fields with advanced degrees from U.S. universities is associated with an additional 262 jobs among U.S. natives. While the effect is biggest for U.S.-educated immigrants working in STEM, immigrants with advanced degrees in general raised employment among U.S. natives during 2000-2007.”

The study also found that it didn’t matter which field or where immigrants earned their advance degrees, their presence increased employment for American native workers, with 44 new jobs created for every 100 highly trained immigrants employed. Limiting access to those immigrants most likely to contribute to the U.S. economy is foolhardy. There is bipartisan support for trying to fix the problem, but the approaches vary widely, including some that would simply re-allocate existing visas available to other categories of permanent resident applicants.

The NFAP states the problem well: “Absent changes in the law by Congress, the long wait times for high skilled foreign nationals, including those educated in America, will continue. At a time when there is fierce competition around the world to hire highly skilled individuals, this threatens to deprive the country of talented individuals who will choose to develop innovations, make their careers and raise their families in other nations.”

But in an election year when sentiments on immigration run high, politicians may find it easier to do nothing.

(Linda Chavez writes for Creators Syndicate)

Information Technology Industry Council

The U.S. Economy Could Use Some Good News on Skilled Immigration

By Robert Hoffman, ITI

June 13, 2012

Our immigration system is hurting our nation's economic recovery. Yes, not exactly breaking news, but we got another reminder of this well-known reality yesterday when the U.S. government announced that all 85,000 new H-1B visas for Fiscal Year 2013, including 20,000 for U.S. advanced degree graduates, were used up as of Monday. It took only ten weeks to hit the H-1B cap. Compare that to last year, when it took eleven months to hit the H-1B cap.

The H-1B visa is a catch-all skills visa for anyone with a college degree or its equivalent. The current H-1B visa program is roughly the same as it was in 1990 – when Facebook's Mark Zuckerberg was in first grade and the U.S. economy was one third the size it is today. While commonly known as a tech visa, everyone from gourmet chefs to fashion models can work in the U.S. on an H-1B visa. Unfortunately, for established businesses like Apple, or emerging start-ups like Yelp, they will have to wait more than 15 months for any H-1B-eligible professional to start on the job in the U.S.

If current trends are any indication, the demand for H-1B visas soon will reach the pre-recession level, when H-1B visas were used up in a matter of hours. The job demand is clear – as of today, the website dice.com has more than 85,000 postings for U.S. tech jobs – and those are the ones publicly advertised. Microsoft alone reports that they have more than 5,000 U.S. job openings. The lack of H-1Bs will make it harder to fill those jobs and further fuel the U.S. economic recovery.

Don't think U.S. companies will just sit patiently and wait till next year. They can't afford to. If companies can't bring the talent to the jobs, then, often, the next best option is to take the jobs to the talent. That's good news for countries like Canada and Chile.

They are proving that, thanks to advances in telecommunications and information technologies like cloud computing, it is relatively easy to create tech parks for established companies, or innovation incubators and mini-Silicon Valleys where innovators and entrepreneurs test drive new ideas that can spawn the creation of new businesses or even new industries. In these environments, the most precious resource is knowledge.

And while the U.S. government has handed us another sobering reminder of the challenges of recruiting talent, Stuart Anderson of the National Foundation for American Policy ([NFAP](http://NFAP.org)) has released a [new study](#) that further piles on the embarrassing evidence of our failed immigration policy. The report, "Still Waiting: Green Card Problems

Persist for High Skilled Immigrants,” finds that the wait times for permanent resident visas (also known as “green cards”) continue to mount for skilled professionals, particularly those from India and China. Last October, an NFAP study found that an Indian national today could have to wait up to 70 years – 70 years! – for a green card. In its report released today, the NFAP finds that green card wait times for mostly advanced degree graduates are increasing, adding to a growing perception that the U.S. is no longer attractive or feasible as a career destination for foreign innovators and entrepreneurs.

After all, a green card is necessary if a skilled foreign professional wants to advance professionally in the U.S. within an established company, or if he or she seeks to start a new company in the U.S. In this fast-paced economy, green card wait times of five years or more should be unacceptable.

Today’s NFAP study noted that Congress could reduce wait times for green cards in two ways. First, eliminate the annual per-country green card limit for employment-sponsored immigrants. Right now, the system allocates only seven percent of green cards to one nationality each year, and unfairly discriminates against countries that have invested in producing skilled talent. Again, this is not breaking news to policymakers on Capitol Hill. A bipartisan bill introduced by Representative Jason Chaffetz of Utah (and strongly supported by ITI) to repeal the per-country limits on employer-sponsored green cards [passed the House](#) with 389 votes. The Chaffetz bill is bogged down in the Senate, but negotiations involving Senators Charles Schumer and Chuck Grassley are close to a conclusion.

The second recommendation is to exempt U.S. advanced degree graduates in science, technology, engineering and math (STEM) from green card quotas. There is bipartisan interest in a similar approach reflected in bills introduced in the [House](#) and [Senate](#) – the Startup Act 2.0 – that would provide green cards for advanced degree STEM graduates, and provisional green cards for foreign entrepreneurs who want to start a business in the U.S. ITI [supports](#) initiatives like Startup Act 2.0. After all, ITI’s member companies – household names like Intel, Microsoft, Oracle, and Google – were once startups, and many of them were founded or co-founded by immigrants or the children of immigrants.

Yesterday’s H-1B announcement and today’s NFAP report are not breaking news, but, instead, are the latest indicators in a trend of bad news when it comes to the state of U.S. immigration policy. It’s up to Congress to break the trend and provide some good news that immigration policy is helping, and not harming, the revival of the U.S. economy.

Robert Hoffman serves as Vice President of Government Affairs for the Information Technology Industry Council.