

Dulling a Nation's Competitive Edge

Former senior policy official says death of H-4 program would erode global advantage of U.S. jobs



By Aziz Haniffa

The former head of policy at the precursor to the U.S. Citizenship and Immigration Services blasted the Trump administration's intended elimination of the H-4 EAD as an action that will dis-

courage talented workers from establishing careers in the U.S. and erode the nation's competitiveness.

Stuart Anderson, formerly of the Immigration and Naturalization Service, said that although the administration has talked about "merit-based immigration," the strategy translates into admitting fewer immigrants

and eliminating categories for parents, adult children and siblings of U.S. citizens.

"Taking away the ability of the spouses of H-1B visa holders to work in America is an example of a policy decision that will carry no benefit to the nation," Anderson told India Abroad. "In fact, it will discourage highly skilled people from making their

careers in America. In addition, removing the ability of H-4 spouses to work punishes these women, and it primarily affects women, and for no reason that anyone can articulate."

Anderson, executive director of the National Foundation for American Policy, an Arlington, Virginia-based policy research group that follows trade and immigration issues, slammed the Trump administration's policies which, he said, have been "disappointing to anyone who cares about U.S. competitiveness

and America's tradition as a nation of immigrants." He said there was no denying that "the administration's policies on H-1B visas have been designed to limit the number of highly skilled people who can work in the United States, both now and in the future."

This has been done, and will continue to be done, by forcing employers to pay increasingly higher wages for H-1B visa holders, limiting the ability of companies to place H-1B professionals on client sites and narrowing who is eligible to obtain H-1B status.... Anyone who runs a major U.S. corporation or a startup company, or is an economist with a reasonable amount of sense, views the administration's immigration policy choices as counterproductive and economically destructive."

Referring to recent reports, Anderson noted: "One should pay particular attention to the way the policies on H-1B visas interact with the restrictions expected against international students, particularly an expected regulation to limit the ability of international students to work on Optional Practical Training after graduation."

He said he believed the Trump administration policy makers were demonstrating their desire to break the cycle by which international students get hired by U.S. companies after graduating U.S. universities and later obtain

H-1B status and eventually become lawful permanent residents and citizens.

"This 'cycle' Trump administration policy-makers views so negatively, of course, has been enormously beneficial to America, as evidenced by the numerous companies that have grown with help from talented

people born in India and elsewhere and the enormous number of successful companies founded by immigrants from India, China and other countries," he said.

"It is not a good time for those who believe in America's tradition as a nation of immigrants but eventually these types of restrictive policies will end," he said.

"We should hope in the meantime it is possible to limit the damage before the harm to people and the country becomes so great that the harm cannot be undone."

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"In the absence of economic independence," Khanna said, "they become vulnerable."

Khanna had also signed on to a letter to Nielson initiated by Rep. Anna Eshoo (D-Calif.) with 13 other lawmakers from districts in California that had also urged the DHS Secretary not to discontinue the EAD program. "It is an American value that everyone, regardless of gender, deserves to be able to use and enhance their skills, be financially self-sufficient, thrive mentally and physically, and pursue their dreams," the lawmakers said.

"For some, the inability to work, pursue one's goals, or contribute to one's family can lead to a loss of self-worth and depression, which greatly impacts the H-1B holders as well as their family members," the lawmakers said.

Acknowledging the need for immigration reform, the lawmakers said they believed that "depriving spouses who live in the U.S. for decades of work authorization is not the way forward.... The H-4 rule is a matter of both economic competitiveness and maintaining family unity."

The USCIS notes that between May 2015 and Dec. 25, 2017, it had approved 126,853 applications for employment authorization for H-4 visa holders. The agency said this number includes 90,946 initial approvals, 35,219 renewals, and 688 replacements for lost cards.

Meanwhile, the Congressional Research Service, often dubbed Congress' own think tank in the Library of Congress, said in a recent report that 93 percent of the total H-4 visa holders are from India and that more than one-fifth of the H-4 recipients with EADs live in California. Texas and New Jersey together account for another 20 percent. It also said 93 percent of the total EADs issued were granted to women with 7 percent to men.

Another report by the Pew Research Center revealed that Indian students constituted the largest group among the 1.5 million foreign students authorized to work in the U.S. after graduation under the Optional Practical Training program visa between 2004 and 2016.

The second largest group

during this period was from China, followed by South Korea. Pew said it obtained the information under a Freedom of Information Act request of an analysis of U.S. Immigration and Customs Enforcement.

The OPT program is a work authorization provided by the USCIS under the F-1 student visa program that allows foreign students immediately after graduation to be temporarily employed for as many as 12 to 36 months in a field directly related to their area of study. The Pew report said more than half of foreign graduates approved for employment through OPT specialized in STEM fields.

"The OPT program has grown to become the primary way the U.S. has retained foreign students graduating with STEM degrees from its colleges and universities," said Pew associate director Neil Ruiz, an author of the report. "Foreign students obtaining authorization to remain and work in the U.S. after graduation come from all corners of the globe, and major metro areas in the U.S. tend to attract them in large numbers."