

AMERICA'S IMMIGRATION SYSTEM UNDERMINES COMPETITIVENESS SKILLED IMMIGRANTS MUST BE WELCOMED

Our immigration system is 20 years out of date. As immigration reform is endlessly debated in Congress, America is losing its competitive edge in relation to other countries that see the value in attracting immigrants with the skills they need to create jobs and contribute to their economies.

Clearly the U.S. benefits from the many immigrants with special skills it attracts each year. For example, engineering and technology companies founded by immigrants in the U.S. between 1995 and 2005 employed 450,000 workers and produced \$52 billion in sales in 2005. More than 40% of America's Fortune 500 companies were founded by immigrants or the children of immigrants.

Work Visas for Immigrant Professionals are Hard to Get

Yet, our increasingly outdated immigration system is unable to meet the needs of our workforce or our economy, driving talent from the U.S. While skilled immigrants—and their employers—wait up to nine years for an immigrant visa, our economy overall suffers. There is a multiplier effect when companies hire these immigrants: for example, technology companies hire, on average five to seven additional workers for every high-skilled immigrant hired.¹ The obstacles U.S. companies face to hiring these immigrants are instead causing some of them to move some operations abroad, where they encounter fewer obstacles to hiring the talent they want. Meanwhile, other countries, such as Australia, Britain, and Canada, are taking advantage of the broken U.S. system and luring the talent we discourage.

Forgoing Return on Investment

Each year 400,000 students come from around the world to study at our leading universities. Nearly half of all recent science, technology, engineering and mathematics (STEM) doctoral graduates from U.S. schools are foreign students. Instead of encouraging them to stay after they have been trained in our colleges and universities, our immigration laws basically tell them to go home.

Permanent or Temporary?

The vast majority of individuals receiving green cards through the employment-based immigration system are adjusting from temporary visas. Temporary visas, such as the H-1B visa for immigrants coming to work mainly in the technology fields, are more vulnerable to abuse, because the temporary worker is dependent on the employer sponsor and cannot easily change jobs. In truth, many H-1B visa holders have employers who want to hire them permanently, but there are simply not enough employment visas available.² Backlogs for employment-based green card have grown long enough that they outlast the term of stay for temporary visa holders, and some immigrant professionals decide they cannot put their lives on hold for so long for an outcome that is uncertain.

The National Immigration Forum urges Congress to ensure that Americans have opportunities to acquire the education and training needed in today's high tech job market and, at the same time, to update the employment-based visa system as part of an overhaul of our outdated immigration laws. Reforms to the employment immigration system include:

- Make green cards available for students who obtain an advanced degree in the U.S.—particularly those with a degree in Science, Technology, Engineering, and Mathematics—and provide legal status for talented students who were brought here by their parents and who grew up here and were educated in American schools.
- Clear the backlog in the employment-based immigration preference categories and lift the per-country limits. There is an insufficient number of visas available overall, and this situation is made worse for employment-based immigrants coming from certain countries, like India and China, where caps on the number of visas available for any one country create even longer waits for some talented foreign professionals.
- Don't count the spouses and children of immigrant professionals against immigration caps. Allowing professionals to bring their families is crucial to attracting them to our shores, but the spouses and children of immigrant professionals should not be counted against the already-low number of visas slotted for use by highly-skilled immigrant workers.
- Re-capture worker visas that have gone unused in recent years due to delays in processing applications for immigrant visas. If the immigration agency cannot process visas to fill the annual limit quickly enough, unused visas are not available the next year. Making those visas available would help to reduce the number of people who are waiting in a visa backlog.
- Make immigrant entrepreneurs eligible for a two-year visa if a U.S. investor is willing to invest in their start-up idea and then allowing them to become permanent residents if they create full-time jobs in the U.S. and produce revenues within those two years, and
- Strengthening existing temporary worker programs like the H-1B program, to provide more protections for workers. The H-1B program allows employers to hire workers temporarily from abroad when there are no qualified American workers available. By changing the conditions of the visa to provide more portability, the worker would no longer be dependent on a single employer to stay in the U.S.

¹ National Foundation for American Policy, "H-1B Visas and Job Creation," NFAP Policy Brief, March 2010. Available at: <http://www.nfap.com/pdf/080311h1b.pdf>.

² Jeanne Batalova, "The Growing Connection Between Temporary and Permanent Immigration Systems," *MPI Insight*, Migration Policy Institute, January 2006. Available at: http://www.migrationpolicy.org/ITFIAF/TFI_Batalova.pdf.