

Statement for the Record

House Subcommittee on Immigration Policy and Enforcement

“H-1B Visas: Designing a Program to Meet the Needs of the U.S. Economy and U.S. Workers”

March 31, 2011

The National Immigration Forum works to uphold America’s tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

We are submitting our views about the subject of this hearing on H-1B temporary worker visas.

The U.S. benefits from the many immigrants with special skills it attracts each year. The H-1B program is an important component of our system, in that it allows American employers to temporarily employ foreigners who have particular skills employers need. Unfortunately, the program (and other temporary worker programs) has become to a large extent a substitute for a permanent employment system that does not provide enough visas for skilled workers. Our immigration admission system has not been adjusted in more than twenty years.

The vast majority of individuals receiving green cards through the employment-based immigration system are adjusting from temporary visas. Many H-1B visa holders are here because employers want to hire them permanently, but there are simply not enough employment visas available. H-1B workers can have their three-year temporary status extended for another three years. During that entire time, workers are dependent on the sponsoring employer, and there is no certainty that a permanent visa will come through at the end of their temporary stay. The uncertainty results in many giving up and leaving the U.S., taking their skills with them. This hurts U.S. competitiveness.

The lack of employment visas is not just a problem experienced by high-skilled workers and their employers. There are virtually no visas available for lower-skilled workers, even though demand for these workers has at times been very high.

Congress must update the employment-based admission system. In the H-1B context, more permanent visas would provide more certainty for the foreign worker, who would then be able to invest in making this country his (or her) permanent home. It would also provide more protection for the worker, who would no longer be dependent on a single employer for his or her status. American workers and foreign workers alike benefit if one group is not especially vulnerable to a bad-apple employer’s illegal behavior.

For those employers who ultimately want to hire a worker permanently, more permanent visas would provide greater certainty, removing the fear that a worker would have to leave after six years.

The inadequacy of our permanent admission system has created a patchwork of strategies to go around it, and a patchwork of regulation and enforcement that would be less necessary if the root problem was addressed. Congress must reform our broken immigration system.