



IMMIGRATION / VISA POLICY

APRIL 2014

U.S. technology companies require continued access to the highly skilled foreign nationals who currently make up the U.S. shortfall in science and engineering students. This foreign talent complements rather than competes with the U.S. labor pool.

Background: The U.S. technology industry has been the engine of growth for the U.S. economy. Growth has depended on the industry's ability to continue its rapid technological advancement to continue to come up with "the next big thing." The U.S. must remain the global center of innovation. In order for the U.S. to maintain its leading role, the industry must recruit the best and the brightest minds from around the world.

While it may be preferable for the "best and the brightest" to be homegrown, the reality is that fewer U.S. students are pursuing advanced degrees in science, technology, engineering and mathematics (STEM). Foreign nationals involved in advanced research in universities and laboratories across the country have made up for this shortfall. U.S. companies must have continued access to such talented individuals.

CCIA's Position: If U.S. companies are to maintain their global competitiveness, the nation must remain the world's IQ magnet. Many of the highly skilled foreign nationals that companies wish to hire using employment visas are already doing research at U.S. universities. If these highly qualified people who have been trained and educated at our own universities cannot be hired by U.S. companies, they will have no choice but to return to their home countries and put their skills to use there. In effect, U.S. universities would be training our nation's competition. A targeted visa policy that allows U.S. companies to hire the highly skilled foreign nationals they need will be an incentive for companies to locate and expand their projects domestically, rather than moving jobs overseas.

Ideas and research are the raw materials with which the technology industry is built. We must be able to take advantage of the skilled workers who train in the U.S. and use them for the benefit of our economy, not drive them into the waiting arms of our overseas competitors under a policy of human protectionism. In a global economy, the competition for talent is also global. If innovation is to continue to propel the U.S. economy, we need to welcome and utilize the research and development skills of those who are willing to leave their home countries to invest themselves and their intellectual capital here. Foreign nationals make significant contributions to international patents filed in the U.S.

CCIA supports reforming the H-1B temporary work visa and employment-based permanent worker visa programs. In particular, a flexible market-based H-1B visa cap and an exemption from the cap for foreign nationals with advanced degrees in science, technology, engineering and mathematics are critical to our industry and to U.S. competitiveness. The employment-based (EB) green card system, which enables skilled foreign nationals to make long-term contributions to the U.S. economy, must be streamlined to reduce the backlogs that currently leave valued professional workers (and their employers) in procedural uncertainty for years.

Current Issues: The 113th Congress opened with new momentum for comprehensive immigration reform as the 2012 Presidential election results instilled in Republicans a need to address what many believe to be a gateway issue in attracting the support of Hispanic voters. In the Senate, the bipartisan Gang of Eight introduced the Border Security, Economic Opportunity and Immigration Modernization Act, including provisions increasing access to high skilled visas. The Senate Judiciary Committee approved the bill in May 2013 with amendments, including one from Sen. Orrin Hatch (R-UT) and Sen. Chuck Schumer (D-NY) on narrowing H-1B regulation. After a significant increase in border security funds, the full Senate passed the legislation in June 2013.

Meanwhile, the House Republican leadership had long been opposed to a comprehensive approach to immigration, preferring a piecemeal approach. Thus, there was little chance that the House would take up the Senate bill itself or craft a comparable bill. House Republicans opted to work on a series of individual bills each addressing a component of immigration reform (including the SKILLS Visa Act addressing high skilled immigration reforms). Unfortunately, the inordinate prominence of other issues (foreign policy, budgetary, health care) in the fall resulted in the House not taking floor action on immigration for the rest of 2013.

As 2014 began, there seemed to be renewed momentum as the House Republican Conference released its “Standards for Immigration Reform,” which included the need to address the inability of U.S. companies to hire highly skilled foreign nationals. However, that momentum has again slowed amid political calculations for the midterm elections in the fall.

As a member of the Compete America coalition, CCIA will continue to push for enactment of a long-term solution that addresses both the H-1B cap and the backlog in employment-based green cards. With the advent of yet another H-1B filing season under a clearly broken system, we are reminded that reform is urgently needed in the real world. Our industry must be able to both attract and keep the global talent it needs.