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ABSTRACT

Computer & Communications Industry Association

IMMIGRATION/VISA POLICY

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- *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 as a whole. Its success 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 best and the brightest minds from around the world must want to come and do their work here.

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 and engineering. Foreign nationals involved in advanced research in universities and laboratories across the country have made up 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 H-1B visas are already here 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 would 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 we ourselves train, 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. 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 green card system must be streamlined to reduce the backlogs that currently leave valued professional workers (and their employers) in procedural uncertainty.

Current Issues: CCIA supported the Senate's 2007 efforts aimed at comprehensive immigration reform. We believed it was a good opportunity to focus attention on and address long-standing

problems with the H-1B and employment-based green card process. While we did not support all aspects of the bill, we were nevertheless disappointed when the cloture vote failed, cutting short what was and remains a necessary debate on a critical issue to our industry. The emotionally charged tone of the debate (especially on illegal immigration) has rendered the issue so radioactive that any legislative movement on comprehensive reform now appears unlikely.

Yet, the skilled immigration situation remains in need of immediate attention. For the second straight year, the annual cap for H-1B visas was hit immediately after U.S. Citizenship and Immigration Services (USCIS) began receiving applications. Indeed, USCIS had implemented an interim rule clarifying the process for dealing with an expected rush of applications on and after April 1st. The shortage of visas has become so chronic that the adjudicating agency is now writing regulations based on the assumption that the cap will be hit on the first day. It is unacceptable that while our industry faces this crisis, our government seems content to write that crisis into the rules.

Some members of Congress have responded with legislation. Bills introduced by Rep. Gabrielle Giffords (D-AZ), Rep. Lamar Smith (R-TX), and Sen. John Cornyn (R-TX) would enact emergency increases in the H-1B cap. The Cornyn bill also calls for recapturing unused green cards, while a bill by Rep. Patrick Kennedy (D-RI) would exempt holders of U.S. doctoral degrees from green card quotas. CCIA applauds these efforts and 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. Our industry must be able to both attract and keep the global talent it needs.