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ABSTRACT

Computer & Communications Industry Association

IMMIGRATION/VISA

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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, and to do that the best and brightest minds from around the world must want to 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, technology, engineering and math (STEM). 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. In a global economy, the competition for talent is also global. If innovation is to lead the U.S. out of this economic crisis and to a new economic model, we need to utilize the research and development skills of those who are willing to put their skills to use here.

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 Obama administration has stated that it intends to address immigration this year. CCIA welcomes this commitment and looks forward to action by this Congress on comprehensive immigration reform. In the House, Chairwoman Zoe Lofgren (D-CA) of the Immigration Subcommittee on the Judiciary Committee has expressed her intention to pursue a comprehensive approach.

Yet, the skilled immigration situation remains in need of immediate attention. While the economic situation has resulted in a decrease in the number of H-1B applications this year, the annual cap is still expected to be hit before the start of the fiscal year. In addition, there is an increasing focus on the availability of green cards as a more long-term, and therefore more appropriate vehicle for securing skilled foreign workers. This year, Rep. Flake (R-AZ) has introduced H.R. 1791, the Stopping Trained in America Ph.D.'s from Leaving the Economy Act (STAPLE Act) of 2009, exempting holders of U.S. Ph.D. degrees in STEM fields from the employment-based green card cap as well as the H-1B cap. CCIA applauds such 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.