

# Innovation and Immigration

Center for American Progress



SOURCE: AP/Dennis Cook

Bill Gates, Chairman of Microsoft, testifies before the House Science and Technology Committee in March about the need for increasing H1-B visas for high-tech workers.

June 11, 2008

Right-wing hate radio continues its crusade to politicize and poison the immigration debate, but more level-headed members of a House Judiciary subcommittee later this week will examine an aspect of the immigration debate that is central to U.S. leadership in the worldwide competition for scientific and technological innovation.

The subject of the hearing before the House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law on Thursday is no substitute for a comprehensive solution to our country's broken immigration system. But the subcommittee members will explore a critical issue—the need to create “Highly Skilled Worker Green Cards,” alongside timely legislative proposals to reform our immigration visa program so that the productivity of our scientific research can be maximized with a stronger investment in the intellectual capital of immigrant students in the United States.

As Bill Gates detailed in his testimony before the House Committee on Science and Technology's 50th anniversary earlier this year, the U.S. government is essentially losing money by funding high-quality research and then forgoing the talent that produced the research when foreign students on expiring visas can no longer stay in the country.

Current law governing highly educated foreign workers does not allow the country to meet its demand for them. High-tech employers desire the expansion of the H-1B visa program that governs these overseas workers, but the number of permanent visas available must be increased first.

An expanded higher-educated workers program, however, must also not create incentives for companies to seek foreign workers before looking for qualified U.S. workers. Any new program should protect against abuses of the existing program, which allows companies to use temporary workers as a strategy to train overseas workers and then offshore existing U.S. jobs.

Granting permanent resident status to highly educated workers, for example, would prevent companies from taking away jobs from U.S. citizens. It would also preserve the freedom of job mobility for highly educated immigrants essential to maintaining appropriate labor conditions across the board in industries affected by highly educated immigrants.

Another idea would be to "fast-track" employment-based visas for foreign students who receive advanced technical degrees from U.S. universities. Such a fast-track system is currently under debate through revisions to current implementation of immigration policy and legislation on Capitol Hill.

Then there's the Securing Knowledge, Innovation, and Leadership (SKIL) Act of 2007 (HR 1930), proposed by Rep. John Shadegg (R-AZ), which was referred to the House immigration subcommittee on June 4. The SKIL Act would enact the steps needed to ensure the continuance of scientific growth and innovation in the United States by highly skilled foreign students. Having gone through revisions over the past couple years, the SKIL Act of 2007 amends the Immigration and Nationality Act by exempting from the annual H-1B visa cap all foreign students who have earned a master's degree or higher from an accredited U.S. university, or who have been awarded a medical specialty certification based on post-doctoral training in the United States.

The SKIL Act has tailored the previous H-1B cap to allow for a yearly 20 percent growth in the cap so long as the previous year's quota is filled. If the quota is filled in a particular year, then the act allows for a foreign student with an approved labor certification to still apply for permanent resident status. In order to speed up the process, SKIL directs the Department of Homeland Security to establish a pre-certification procedure for companies who file multiple employment petitions.

As the subcommittee members (and eventually the entire Congress) consider these types of proposals, they should not pit "high-skilled" immigration and family-based forms of

immigration against one another. A combination of education and employment-based immigration and more traditional forms of family-based immigration are in line with our American values. Well-crafted immigration reform would also capitalize on the ability of these varied forms of immigration to be sources of economic growth.

Clearly there's a need for congressional action soon. Case in point: Last year's Department of State fiasco of allowing and then subsequently rejecting requested visa applications from highly educated immigrants. Even the Department of Homeland Security now recognizes this emergency—it recently extended by 17 months the time that foreign students in science, engineering, technology, and mathematics are allowed to remain in the United States without a work visa after their graduation.

This allows more time for foreign students to obtain employment in the United States. Nor does this move threaten U.S. students seeking science and tech jobs here at home. The reason: U.S. students will have to compete with these foreign students anyway since companies are increasingly opening offices abroad. If we do not develop the new products and services from innovation and higher productivity here at home, then our standards of living and quality of life will stagnate, and our economy will become less and less competitive.

We must continue to improve our economy and quality of life by investing in innovation, which means we need to build the workforce that includes the foreign students we have trained at our universities in order to keep up with our increasingly scientifically advancing world.