Skilled-Worker Visa Applicants Expected to Soar

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U.S. businesses are bracing for another round of visa roulette, as applications for high-tech professionals -- accepted by the government starting on Tuesday -- are expected to far outstrip supply.

The H-1B visas enable U.S. companies to hire skilled foreign workers for certain jobs that are difficult to fill domestically. Attorneys who help employers file petitions say they haven't seen a decline in interest despite the economic downturn. Last year, the U.S. government received 124,000 applications for H-1B visas, nearly double the congressionally mandated cap of 65,000, so the visas were awarded by lottery.

This year, visas will be granted to 65,000 individuals randomly chosen from a pool of petitions filed in the first five business days in April, as stipulated by U.S. Citizenship and Immigration Services, the federal agency that oversees the process. Selected foreign professionals can begin work at the employer that filed for them in the fiscal year starting Oct. 1.

Low unemployment in the high-tech sector coupled with the narrow window for petitioning for H-1Bs "will offset any softness in the overall economy," predicts Steve S. Miller, a Seattle attorney whose clients include many companies that employ foreign professionals. "We will end up with another lottery."

Greg Failla, chief executive of privately held Transpire Inc., which develops software for use in treating cancer patients, has his fingers crossed, while immigration proponents are making efforts in Congress to open the U.S. wider to foreign high-tech workers. Calls to expand the program have failed.

Transpire, of Gig Harbor, Wash., relies on workers with expertise in nuclear physics and engineering coupled with applied programming. "Only a handful of graduates each year in the U.S. have the ideal skill set for what we need," says Mr. Failla, whose company's software helps doctors to target radiotherapy on tumors. Transpire's software is also used in homeland security, fusion-power research, spacecraft design and oil exploration.

The company is submitting an H-1B application for a Serbian national with a background in physics-based numerical simulation software. "He has been working for us remotely for the past two years," Mr. Failla says. "But we can't put him on critical work until he is here in the U.S."

Transpire also hopes to hire a Venezuelan national who is due to graduate within months from a Texas university with a doctorate in nuclear engineering.

The H-1B visa allows 65,000 foreigners with at least a bachelor's degree and specific skills to work for a U.S. company for a six-year period. The program allocates an additional 20,000 visas to foreign nationals with advanced degrees from U.S. universities.

U.S. high-tech companies for years have called on Congress to increase the cap on visas for skilled foreigners. In testimony to Congress earlier this month, Microsoft Corp. Chairman Bill Gates warned lawmakers that the U.S. risks losing its competitive edge in technology unless it can secure qualified workers.

"Other nations are benefiting from our misguided policies," Mr. Gates said. "They are revising their immigration policies to attract highly talented students and professionals who would otherwise study, live and work in the United States for at least part of their careers."

Changes to the H-1B visa program were included in the immigration-reform bill that failed in Congress last year.

The visa stalemate has prompted some companies to expand overseas. In September, Microsoft opened its first software-development center in Canada, saying it enabled the company to recruit and retain highly skilled people "affected by immigration issues in the U.S."

The week after Mr. Gates's testimony, two bills were introduced by legislators to raise the quota. A bill sponsored by Rep. Lamar Smith, a Texas Republican, would bring the number of H-1B visas to 195,000. A bill drafted by Democratic Rep. Gabrielle Giffords of Arizona would boost the cap and exempt foreigners educated at U.S. institutions from the quota.

A study released March 10 by the National Foundation for American Policy, an Arlington, Va., policy research group, found that on average every foreign national on an H-1B visa generates another five to 7.5 jobs, depending on the size of the technology company.

But critics contend that the H-1B program takes jobs from U.S. citizens, lowers wages and is exploited by foreign companies, particularly from India, that send workers to the U.S. for training and then return them home.

Some lawmakers, worker-advocacy groups and immigration restrictionists have voiced strong opposition to bringing more foreign workers to the U.S.