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From Capitol Hill to Silicon Valley, a debate over highly skilled immigrants

By [Steven Overly](#), Published: December 4

Chia-Pin Chang tacked one title onto his name last January when he earned a doctoral degree in computer engineering from George Washington University. Seven months later he added yet another: chief technology officer.

Along with a faculty mentor, the Taiwan native co-founded OptoBioSense after four years of developing a medical device that can quickly and cheaply measure the concentration of uric acid in a person's body.

The fledgling firm faces many of the challenges that early-stage companies endure. It has patents under review, trials to run, federal regulators to appease and a nagging need for capital.

But the company's biggest hurdle isn't business-related. Chang's soon-to-expire student visa will force him to leave the country, and likely close the business, come February unless he can secure an employer-sponsored green card.

"The difficulty I am finding when I try to find any jobs here is it requires either U.S. citizenship or the permanent residence, which I'm not qualified [for] right now," Chang said. "As you know, the U.S. economy is not quite good so most domestic companies, they try to help American people, so actually they are less willing to sponsor the foreigner."

It's a dilemma that Chang shares with thousands of other immigrants who graduate from American universities each year with advanced degrees, yet can't obtain the legal documents necessary to work here.

A growing number of policymakers, and some Republican presidential contenders, have recently proposed changing the system, arguing that highly skilled immigrants capable of starting companies in the United States offer the potential to create more jobs for Americans than they might take away.

But while the policy has consensus, it's not an easy sell at a time when the economy is down and many Americans struggle to find work. Furthermore, some politicians and immigrant organizations only want comprehensive reform for immigration, rather than policies that cherry-pick one class of immigrants over another.

Economic drivers

Like other entrepreneurs who have been forced out of the United States, Chang could take his company with him and license the intellectual property he developed from the university .

That arrangement would not only result in what some have bemoaned as a reverse brain drain, but it could deprive the United States of future tax revenue and jobs should his product reach its target market of 45 million patients annually.

“I thought about it, but I would be creating jobs and spiking the economy in Taiwan, rather than in the United States where I got my advanced degree from,” said Chang, who would prefer to stay here.

[Brookings Institution](#) scholar Darrell West said immigrant communities have developed a reputation for entrepreneurship, particularly in the science and technology fields where they earn a sizeable segment of the master and doctoral degrees.

Indeed, some of the country’s highest-profile and most profitable technology companies — including Google, Intel and Yahoo! — count at least one foreign-born founder.

“These started as small companies that became very successful, so we’re shooting ourselves in the foot in terms of economic development,” West said.

H1-B visas, a common employment green card for highly skilled individuals, are awarded directly to companies that vie for a limited number each year. Competition has cooled in the down economy, but West said in years past they’ve been snapped up in a matter of weeks.

Another less pervasive type of visa that requires an immigrant to prove an extraordinary ability, talent or skill are often granted to athletes, notable scholars or artists.

“Because of the system we have now ... a lot of these people get frustrated and they end up going home,” said Betsy Mullins, senior vice president of policy and political affairs at [TechNet, an organization that represents tech companies](#). “Then you have taxpayer dollars going into schools for people who we then push out of the country to go work for our competitors.”

And increasingly those competing countries and foreign businesses are better able to accommodate them. The once-sluggish economies of India, China and other developing nations now offer a viable, if not attractive, backdrop against which to launch a business.

“If we have immigration laws that are outdated or don’t recognize that which is the case right now, you’re immediately taking half of the talent pool off the table,” Mullins said.

Political debate

Last week brought a step toward reform as the Republican-controlled [House of Representatives overwhelmingly passed](#) the Fairness for High-Skilled Immigrants Act. If it becomes law, the bill would not increase the number of available visas, but instead redistribute a greater portion of them to countries with large populations and excess demand.

Sen. Chuck Grassley (R-Iowa) then put a hold on the bill, saying: “I have concerns about the impact of this bill on future immigration flows, and am concerned that it does nothing to better protect Americans at home who seek high-skilled jobs during this time of record high unemployment.”

Both Democrats and Republicans have ramped up support for highly skilled immigrants in the weeks prior to the vote, including several of the GOP contenders in a debate last month televised on CNN.

“Let me start and just say I think that we ought to have an H-1 visa that goes with every graduate degree in math, science and engineering so that people stay here,” GOP presidential contender Newt Gingrich [told the audience at D.A.R. Constitution Hall](#).

Mitt Romney echoed a similar position, going so far as to say the U.S. should “staple a green card to the diploma” of those who earn advanced degrees in math and science. “We want those brains in our country,” he said.

The Council on Jobs and Competitiveness, a nonpartisan task force assembled by President Obama to [address the nation’s economic challenges](#), made the same recommendation in its October report. At the time, local investor and council member Steve Case said the policy was critical in order to meet the immediate demand for talent at U.S. companies.

But even with bipartisan support on the measure, efforts to tackle immigration comprehensively have often prevented narrow or specific solutions from moving forward, said West, the Brookings scholar.

He said the question of admitting highly skilled immigrants might seem simple from a policy standpoint because they make up a small percentage of immigrants and their potential to boost the U.S. economy is widely acknowledged.

To solve that problem alone, though, might make it difficult to enact more comprehensive reform that also grapples with the politically divisive issue of how to handle the millions of undocumented immigrants who live here as well, he said.

“If you strip out the most popular part of the immigration reform, it makes it virtually impossible to do the rest of comprehensive reform,” he said. “The immigrants’ rights organizations don’t want this to pass unless they can attach the rest of the agenda.”

As executive director of the Washington-based [National Immigration Forum](#), Ali Noorani advocates policies that support the wide array of immigrants living in the U.S., including highly skilled workers.

The disagreement, Noorani said, arises from differing definitions of highly skilled. He said while workers with advanced degrees in technology propel the economy, so too do those with less education but relevant capabilities in fields such as agriculture and hospitality.

“We’re not in the business of putting one skill set against the other,” Noorani said. “Let’s stop thinking about the farm worker and the janitor as someone who doesn’t contribute to our economy, to be blunt.”

But as the political debate carries on, Chang’s time here continues to tick away. He and his wife, also in the United States on a visa, are preparing to return to Taiwan in two months unless money runs out first.

His departure will likely mean the end of his medical device business and the technology he built could be licensed to another company if George Washington University can find a buyer.

“It’s likely it could be closed,” he said.

David Nagel, his faculty mentor and co-founder, is more unequivocal. “Oh, it would be. Fundamentally I can’t do what he does for two reasons: I’ve got other responsibilities and he was the guy who did this.”

http://www.washingtonpost.com/business/capitalbusiness/from-capitol-hill-to-silicon-valley-a-debate-over-highly-skilled-immigrants/2011/11/30/gIQAocFITO_story.html