

Visa Plan Poses Bipartisan Test

By Gerald F. Seib
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You might think, in an election year in which immigration will be a political football, that there couldn't possibly be bipartisan agreement on fixing any part of the current immigration system.

You would be wrong. There is one area—expanding the number of visas given to highly skilled foreigners, particularly those who learned math and science at American universities—where two senators have found a lot of bipartisan agreement. And a whole lot of business-community support to boot. But that doesn't mean anything actually will happen this year. And therein lies a sad tale of Washington's dysfunction.

The two senators are Jerry Moran of Kansas, a Republican, and Mark Warner of Virginia, a Democrat. They are co-authors of the Startup Act, a bill designed to knock down some of the barriers that stand in the way of entrepreneurs trying to launch new companies.

Part of the law is an attempt to make it easier to raise financial capital. An equally important part, though, is an attempt to make it easier to attract human capital—the brainpower that is so important in a 21st-century economy, in which America's biggest advantage is its ability to educate great minds and then give them the freedom to innovate their way to high-tech solutions.

The legislation would do this by expanding the current—and limited—American program to give visas to foreigners with particularly valuable skills and education.

These visas, called H-1B visas, are three-year permits issued each year to American companies who apply for them. Under current law, they are capped at 65,000 new visas a year, plus an additional 20,000 that can be issued to workers who graduated from American universities with master's degrees or higher.

Those numbers don't meet the demands of American companies most years. Consider this: Employers can apply for each year's batch of H-1Bs on April 1. In 2008, the legal quota was filled in one day, according to the Government Accountability Office. In 2009, it took five days.

One of the consequences of this ceiling is a brain drain. Because the U.S. still has the world's greatest university system, smart young people come here to learn math, science and engineering—and then often can't stay to put their education to work in America because they can't get legal status. They return home and start new high-tech companies there.

"It's a ridiculous foreign policy," says Mr. Warner, who knows a bit about the process from his earlier career as a telecom entrepreneur.

So the legislation he and Mr. Moran have written would take two steps. It would create a new visa, in addition to the H-1Bs, for as many as 50,000 foreign students who graduate from an American university with a master's or Ph.D. in science, technology, engineering or mathematics. And it would create a second visa for as many as 75,000 immigrant entrepreneurs

who, while here on one of these new visas or an existing H-1B, register a new business or raise \$100,000 in capital.

Mr. Moran visited Silicon Valley recently and found this idea of attracting bright minds was the top issue on the minds of many high-tech leaders. He also says most of his fellow senators get it. "I would guess 80% of my colleagues in the Senate, if asked about the visa issue and the need to retain the necessary intellectual capacity in the U.S., would say, 'Yeah that's necessary, we need to do something'... This is now the most common conversation I have" about the bill.

But here's where Washington paralysis gets in the way. Democrats don't want to do something about this narrow issue of visas for highly educated workers because they are holding out for more-comprehensive changes to the immigration system, something badly wanted by the Hispanic groups that are an important part of the Democratic base. If they give in on high-tech visas, they will lose leverage to push a broad overhaul.

And Republicans don't want to give in on a broad immigration overhaul because they object to any plan that might give a path to citizenship to people currently here illegally. Beyond their philosophical qualms, many Republican politicians will say bluntly that they think that just amounts to creating more Democratic voters.

Meanwhile, other countries aren't waiting. Notably, Canada has just "dramatically" increased the number of visas it gives highly skilled workers, Mr. Warner says, providing a convenient nearby landing pad for American-educated engineers and scientists.

Mr. Moran last week talked with American electronics firms and urged them to push Congress for action. "This issue," he says, "is so important that you can't let the politicians use the excuse that if we can't do everything, we won't do anything."

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