Without H-1B Visa Changes Microsoft May Continue Foreign Expansion

By Clyde McGrady Posted at 10:26 a.m. on Sept. 25

Over the last two days, the National Academy of Sciences held a series of panels for its discussion of "High-Skilled Immigration Policy and the Global Competition for Talent." There to discuss the policy implications of an immigration overhaul was **William Kamela**, who served at the Department of Labor during the Clinton administration, and is now Microsoft's federal policy lead for workforce readiness and immigration issues.

During the panel discussion, Kamela brought up Microsoft's decision to open a new training and development center in Vancouver, British Columbia. The center is slated to open in late 2015 and is expected to bring 400 new jobs to the region.

When asked about Microsoft's response to inaction on immigration reform, Kamela asserted that we can expect more decisions like the Vancouver move should Congress not raise the cap on H-1B visas, stating that they'd like more H-1B visas but if they can't get them they may go to more places like Vancouver or Hong Kong.

Microsoft, like many tech companies, would like to see an expansion of the H-1B visa program, which would make it easier for them to recruit much sought-after foreign talent in the field of computer science. More specifically, they would like to see the current cap on visas (85,000) raised or abolished entirely. (However, some critics have argued that an expansion of the program isn't needed and that companies like Microsoft only want to replace American workers with younger and cheaper labor.) Included in last summer's immigration reform bill (S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act), was a proposal to double the cap. Although it passed in the Senate 68-32, the bill was not taken up in the House. **House Speaker John Boehner** once considered taking on an immigration overhaul but decided against it after pressure from fellow Republicans. Since then, the House has passed bills dealing with border security and deportation.

President Obama, in a June 30 Rose Garden ceremony, promised to take executive action to overhaul immigration by the end of the summer. He later announced that he would be postponing the decision until after the November midterms.

Obama is considering two proposals that would affect the tech industry. One proposal would "exclude dependents from the numerical cap on employment-based green cards, which is now 140,000 a year." The other proposal would "'recapture' unused employment green cards from previous years." Though another panelist, Felicia Escobar, Special Assistant to the President on Immigration, admitted that the White House was "still trying to figure out [its] flexibility" from a legal standpoint and that there is no "silver bullet" for addressing high-skilled immigration policy through the framework of executive action.

But of course without a legislative fix, any executive action could be reversed by the next administration in 2017. With Republicans upset over Obama's potential action, it is unclear whether the two sides will be able to come together and move forward on a comprehensive deal anytime soon.

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