

# HIGH TECH Workers

## More or Less — Here or There?

By Noure Alo

Immigration reform has been a hot topic for the last few years. President Bush has brought this issue to the forefront and several proposals have struggled to make it through the partisan-dominated floors of the U.S. Congress. While media coverage has focused on the impact reform will have on illegal immigrants, one increasingly difficult issue is now gaining its own share of attention: the limited availability of visas for the high-tech worker.

High-tech workers have traditionally entered the U.S. employment market through the “H-1B” visa. Essentially, the H-1B is a temporary visa that allows a foreign worker with the equivalent of a U.S. Bachelor’s degree to work in the United States in certain industries — primarily technology or science-related fields — for six years (with the possibility of short extensions). The United States Citizenship and Immigration Services can only accept 65,000 such visa petitions until the annual cap is reached.

While it wasn’t headline news, it certainly created a stir in technology and science-related circles when the H-1B visa cap was reached on the very first day applications were accepted. How much of a stir? One of the most outspoken opponents of capping the number of H-1B visas is none other than Microsoft chairman Bill Gates, who has spoken before Congress about the issue and always has a lot to say about the limited amount of high-tech worker visas. One of his biggest contentions is that there shouldn’t be a cap at all. “The whole idea of the H-1B thing is don’t let too many smart people come into the country. Basically, it doesn’t make sense,” says Gates.

Taking a step back, it’s important to look at the raw data: The USCIS began

accepting applications on April 2, 2007 for the 65,000 available H-1B visas (there are also 20,000 additional visas for individuals with U.S. master’s degrees). On that very day, 133,000 applications were received. This means that at least 48,000 highly skilled workers will be denied visas without any review of their applications. Likely among those denied will be applicants with computer science degrees from Ivy League universities and highly-accomplished professionals who have made significant contributions in their fields.

Which begs the question: Isn’t it in the best interest of the U.S. economy to retain the skilled workers who are educated here? Do we not want to attract the best and brightest skilled workers from around the world? As it stands, current regulations don’t seem compatible with these intentions. Many argue that until Congress increases the H-1B visa cap, the U.S. is severely limiting its potential for economic growth and diminishing its ability to remain competitive in the global market.

Advocates of increasing the number of H-1B visas have pointed out that the current cap of 65,000 is arbitrary and has little correlation to industry demand. Compete America, a Washington DC-based lobbying group that includes corporations such as Microsoft, Intel, and Hewlett-Packard, says that the need for more H-1B visas is urgent because companies can’t meet their demand for skilled labor under the current cap. They maintain that this year’s H-1B visa shortage will only result in the increased off-shoring of science and technology-related jobs to foreign markets. Gates has even gone so far as to call the H-1B visa shortage a “crisis,” sparking speculation that the current H-1B policy might be

causing the U.S. to become the victim of a self-induced “brain drain” with potentially damaging long-term effects. The U.S. is making it “infinitely more difficult to maintain its technological leadership if it shuts out the very people who are most able to help us [the U.S.] compete,” according to Gates.

Many U.S. university officials share Gates’ viewpoint. They insist that an increase in the H-1B cap will attract a higher caliber of international students, who will be able to remain in the U.S. if the path to permanent residency is also streamlined. As it stands now, graduating international students are only permitted to work in the U.S. for one year after graduation and must leave the U.S. if they are unable to obtain an employment-based visa during that short window of time. American universities invest substantial resources in their foreign students with the expectation that these graduates will at least have the opportunity to contribute their skills to the U.S. economy. The current H-1B cap effectively results in U.S. universities becoming training grounds for foreign skilled workers to take their knowledge to foreign markets, because opportunities for remaining in the U.S. on an employment-based visa are severely limited.

Despite its high-profile advocates, H-1B cap expansion faces widespread opposition. In fact, some would like to see the H-1B visa abolished altogether. Opponents claim that tech employers like Microsoft and Intel support H-1B expansion because the visa allows them to hire foreign skilled workers who are willing to work for much lower rates than American citizens and Permanent Residents, thereby keeping salaries for computer scientists and engineers artificially low. However, H-1B advocates point out that all H-1B applications must include a Labor Condition Application, in which the employer attests that the employee will be paid the prevailing wage for the position. Prevailing wages are determined by the U.S. Department of Labor, and should employers refuse to comply with the LCA, they face heavy penalties. Such regulations, if enforced properly, should ensure that U.S. citizens and permanent residents aren’t being unfairly overlooked by employers in favor of “cheap foreign labor.”

Others make the claim that foreign skilled workers should not even have the opportunity to take jobs from American workers. However, when the alternative

is off-shoring, isn't it preferable to keep jobs on American soil, even if some of those jobs are being filled by foreign skilled workers? Many in the science and technology sectors maintain that foreign skilled workers don't take jobs from U.S. permanent residents and citizens, but, rather, create them. A Duke University study revealed that, over the last decade, 25.3% of American engineering and technology companies have been founded by immigrants. In 2006 alone, U.S.-based immigrants contributed 25% of all international patent applications. Innovations taking place on U.S. soil help the American economy to stay competitive in the global market. Moreover, science and technology industries have relatively low unemployment rates, weakening the argument that H-1B visa workers are taking jobs from U.S. permanent residents and citizens.

Legislators are making efforts to revise the current cap in light of the crisis. Representatives Luis V. Guttierrez (D-Ill) and Jeff Flake (R-AZ) have drafted the Security Through Regularized Immigration and a Vibrant Economy (STRIVE) Act, a bill that calls for increasing the cap on H-1B visas to 115,000, which can be further increased up to 180,000, as needed. The legislation would also exempt certain individuals who have earned advanced degrees in science, technology, engineering, or math from the U.S.

While this may not be the perfect solution, it is clear that one is needed. We cannot afford to continue to fall behind countries such as India and China due to arbitrary restrictions and limitations. With outsourcing being de rigeur, we should combat its negative effects by increasing our yearly cap on high-tech worker visas and realizing the return of our universities' investments.



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