

High-Tech Workers Part of U.S. Immigration Debate

Tom Price



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If Congress takes up immigration legislation before the end of next year—which President Obama and congressional leaders have vowed to do—lawmakers will consider competing proposals for changing the way U.S. employers hire workers from overseas.

There's no disputing that foreign-born individuals play an important role in American science, but high-tech companies, researchers and legislators disagree about how many legal high-tech workers should be employed in the United States.

Foreign students earn a majority of the doctorates awarded by U.S. universities in mathematics, computer sciences and engineering. A quarter of all U.S. scientists and engineers were born overseas, as were 40 percent of those with PhDs. Immigrants helped to found Intel, eBay, Yahoo and Google.

At the heart of the current debate is the H-1B visa, which U.S. employers obtain so they can import 65,000 skilled workers annually—plus an additional 20,000 with advanced degrees—for three-year terms that can be renewed. In recent years, before the current recession, the visa cap was met almost as soon as applications were accepted, and high-tech employers want the cap raised. Advocates for U.S. high-tech workers want a lower cap, or at least tighter restrictions on who qualifies.

“The United States will find it far more difficult to maintain its competitive edge over the next 50 years if it excludes those who are able and willing to help us compete,” Microsoft founder Bill Gates said during one of his many calls on Congress to allow more foreign-born workers. “These people are going to be hired. It's just a matter of (in) what country.”

Canada places no limit on skilled foreign workers, according to Canadian immigration lawyer David Cohen. That factored into Microsoft's decision in 2007 to build its research-and-development facility in Vancouver, just 140 miles from its Seattle-area headquarters. Canada also makes it easier for foreign workers to obtain permanent residence or citizenship, Cohen said.

“We were having trouble getting visas for the best and the brightest to come to Seattle,” Microsoft Chief Executive Steve Ballmer said. “It's a bit goofy because, for every person we hire to be an engineer, there's probably another four or five people who we employ at Microsoft.”

Computer Science Professor Norman Matloff of the University of California

at Davis—a leading H-1B critic who opposes expanding the program—dismisses such comments as scare tactics.

“If they could shift these jobs off shore, they would, because it's cheaper,” Matloff said. However, “there are lots of jobs you simply cannot take off shore.” Thus, Matloff believes that the true reason why high-tech companies want the cap raised is that H-1B workers work for lower pay than their American-born counterparts.

But not everyone views that as a bad thing. For example, former Federal Reserve Chairman Alan Greenspan maintains that reduced earnings can actually help the American economy.

The current quota for foreign workers is “far too small to meet the need,” Greenspan told the Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship. Restricting foreign workers creates a privileged elite whose incomes are supported at noncompetitively high levels, he said. “Greatly expanding our quotas for the highly skilled would lower wage premiums of skilled over lesser skilled,” providing

a bonus for the economy by reducing income inequality, he added.

This year, researchers at New York University and the University of Pennsylvania business schools estimated that H-1B visas depress the earnings of computer programmers, systems analysts and software engineers by five to six percent. The General Accounting Office interviewed employers who said they hired H-1B workers because they would accept lower pay than Americans.

H-1B workers have been paid as little as \$8.22 an hour. The median wage for new H-1B computer professionals in 2005 was \$50,000, according to U.S. Citizenship and Immigration Services. That was below the typical entry-level salary for college graduates in that field, said Ron Hira, a Rochester Institute of Technology professor who studies the high-tech workforce. The four largest users of H-1B visas are Indian-owned

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companies whose U.S.-based workers help American firms obtain low-cost services overseas.

Hira acknowledged that some American employers need to import highly skilled workers because of shortages within the United States. He favors expanding the number of green cards that allow such workers to become permanent residents.

“Let’s fix the program so employers can have access to these specialized workers,” Hira said. “Let’s raise the threshold so they are actually specialized workers and the employers actually look for Americans first.”

Many employers trace the shortages to inadequate primary and secondary science education in the United States. Fewer than half of U.S. high school graduates have been prepared for college math in recent years, according to ACT, an education and workforce-development organization best known for its college admissions testing. About a quarter have been ready for college science. Moreover, after starting college, roughly half of math, science and engineering students switch to other majors, according to education researcher Elaine Seymour.

Addressing those concerns, Congress has recently increased funding for science research and education. Matloff

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argues that more Americans would go into science if they were paid better.

Congress used February's economic stimulus legislation to slap new H-1B restrictions on financial services companies that received federal funds through the Troubled Assets Relief Program. Those companies now must offer jobs to qualified Americans before hiring H-1B workers. The companies can't employ H-1B workers if they lay off U.S. workers in equivalent positions six months before or after the H-1B workers are hired.

Sen. Richard Durbin (D.-Mich.) and Charles Grassley (R.-Iowa) have introduced Senate legislation to extend those restrictions to all H-1B visas. Jobs would have to be broadly advertised to Americans before foreign workers could be brought in. Visas would not be granted to employers with more than 50 U.S.-based employees if a majority

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already held temporary-worker visas. The bill would increase the government's enforcement capabilities and raise minimum pay requirements.

Addressing employers' desire for a stable supply of long-term foreign workers, Rep. Jeff Flake (R.-Ariz.) introduced legislation that would grant permanent residence to foreign graduates of U.S. higher education institutions in science, technology, engineering and math.

Congress is likely to take up these issues only as part of comprehensive immigration reform, a Durbin aide said. Immigration legislation is likely to be considered next year, but it's too early to predict what, if anything, would be adopted.

Jeff Lande, executive vice president of the high-tech trade association TechAmerica, said he doesn't expect Congress to consider creating more high-tech visas or green cards until the economy grows stronger. He argues that H-1B abuses don't occur as often as critics maintain. He said the high-tech industry will work with Congress to craft a proposal that accomplishes what everyone needs. ▲

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