

POSITION STATEMENT

Ensuring a Strong High-Tech Workforce Through Educational and Employment-Based Immigration Reforms

*Approved by the IEEE-USA
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Balanced reforms in the United States' immigrant and non-immigrant admissions programs are urgently needed to help U.S. employers and U.S. workers compete, and to be successful in knowledge-based, technology-driven global markets. Instead of increasing our national dependence on temporary visa programs, IEEE-USA recommends that permanent (immigrant) admissions programs be the preferred source of supply for professionals in science, technology, engineering and math (STEM) fields. Such professionals may be needed to satisfy labor market demands that cannot be met through enhanced education and training opportunities for American workers.

Priorities for reform should include:

- Increasing the availability of permanent, employment-based (EB) visas, and streamlining the immigrant admissions (Green Card) process, to make these visas the preferred path to citizenship for foreign professionals in STEM fields
- Allowing foreign students with advanced degrees in STEM fields from U.S. schools, and job offers from U.S. employers, to transition directly from student visas to Green Cards
- Reforming the H-1B temporary work visa program to ensure that U.S. and foreign workers are treated fairly, by requiring all participating employers to make good faith efforts to recruit U.S. workers, to use the program to augment, not replace, American workers, and to pay H-1B workers fair market-based wages.

This statement was developed by IEEE-USA Government Relations Council, and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA advances the public good, and promotes the careers and public policy interests of the more than 200,000 engineering, computing and allied professionals who are U.S. members of IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE, or its other organizational units.

Background

Research indicates that foreign-born professionals make the U.S. economy more diverse, productive and innovative, and its workforce younger and more creative. This characterization is especially true in professional fields, such as science and engineering, where immigrants currently hold seven percent of the Bachelor's degrees, 29 percent of the Master's degrees and 39 percent of the Ph.D. degrees. Their contributions are expected to become even more important as demographic trends push older U.S. workers into retirement.

Permanent Employment-Based Visas – Foreign professionals seeking legal permanent resident status can be admitted as immigrants on family or employer-sponsored visas, or Green Cards. Because employment-based (EB) admissions are limited to 140,000 per year, with dependents counting against this cap, demand for Green Cards exceeds the available supply. Per country limits and visa processing inefficiencies exacerbate backlogs and long waits, especially for applicants from high-demand countries, such as China and India.

Temporary Student Visas – Foreign students who come to study at U.S. educational institutions are admitted on temporary student (F) visas. Student visas are available in unlimited numbers. Under current law, foreign students must return home upon completion of their studies, unless U.S. employers agree to sponsor them for Green Cards, or temporary work visas.

Temporary Work Visas – Specialty occupation (H-1B) visas allow foreign professionals with Bachelor's, or higher, degrees to work for sponsoring employers for six years, and are available in limited numbers. H-1B workers are effectively tied to their sponsoring employers. Weak worker safeguards, coupled with lax oversight and enforcement by government agencies, can result in abuses that harm U.S. and foreign workers.

Intercompany Transfer Visas (L Visas) -- allow employers to transfer employees working outside of the United States into the country for up to seven years. L visa applicants must have specialized skills that are hard to find outside of their company. Like the H-1B, L visa holders are tied to their employer. While the H-1B visa is bad, the L visa program is much worse. The program has almost no worker safeguards, little oversight, and very limited transparency. Simple data, like how many visas are issued each year, is unavailable, making oversight of the program almost impossible.

IEEE-USA Legislative Reforms – IEEE-USA believes that Congress should take the following steps to improve America's high-skill immigration system:

- The H-1B visa is a temporary visa that ought only to be used when skilled American workers cannot be found: 65,000 visas annually are sufficient for this program, and the cap should not be raised.

- International STEM graduate students should be given quick access to green cards when they graduate from U.S. educational institutions. Sufficient numbers of EB green cards should be made available to allow all international students who earn a Master's or Ph.D. in a STEM field, to get one of the green cards, within a year of graduating.
- Protections need to be put in place to protect foreign and American workers from the misuse of H-1B and L visas. These protections should include: a ban on use of visas for outsourcing, better wage protections, limits on the use of excessive numbers of visas by any one company, and hire-American rules.