



POSITION STATEMENT

ENSURING A STRONG HIGH-TECH WORKFORCE THROUGH EDUCATIONAL AND EMPLOYMENT-BASED IMMIGRATION REFORM

*Adopted by the IEEE-USA
Board of Directors (7 May 2019)*

American immigrant and non-immigrant admissions programs urgently need balanced reforms to help U.S. employers and U.S. workers compete successfully 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
- Normalizing the legal status of non-American technology professionals and STEM students in the United States who lack long-term residency status

This statement was developed by the 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 nearly 180,000 engineering, computing and allied professionals who are U.S. members of the 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 the fields of science and engineering. Immigrants' contributions are expected to become even more important in the future.

Permanent Employment-Based Visas--The United States admits foreign professionals seeking legal permanent resident status as immigrants on family and employer-sponsored visas - Green Cards. Because employment-based (EB) admissions are limited to 140,000 per year, with dependents counting against this cap, demand for Green Cards far exceeds the available supply. Per-country limits and visa processing inefficiencies exacerbate backlogs and create 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.

Further, student visas are "single-intent" visas, meaning students may not take any steps to transfer to another type of visa until after they graduate. "Dual-intent" visas allow visa holders to apply for other visas, usually green cards, while in the U.S. on a temporary visa.

Temporary Work Visas--Specialty occupation visas (H-1B) allow foreign professionals with Bachelor's degrees or higher to work for sponsoring employers for up to six years, and are available in limited numbers. H-1B workers are effectively tied to their sponsoring employers, and they may not start their own companies. Weak worker safeguards, coupled with lax government oversight and enforcement, have resulted in abuses that harm U.S. and foreign workers.

Intercompany Transfer Visas (L 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. 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 program oversight almost impossible.

IEEE-USA's Legislative Reforms

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

- International STEM graduate students should be given quick access to green cards, when they graduate from accredited U.S. educational institutions. Sufficient numbers of EB green cards should be made available and the application process be streamlined to allow all international students who earn a Master's or Ph.D. in a STEM field in the United States to get a green card within a year of graduating. Student visas should be dual-intent visas, so that students can begin their green card applications before graduating
- EB country caps should be eliminated, but only within the context of broader EB visa reform, so as to not disadvantage EB applicants from countries not subject to the caps
- The green card application process should be simplified and reformed to make the process easier, more transparent, and faster
- The H-1B visa is a temporary visa that ought to only be used when skilled American workers cannot be found. 85,000 visas annually are sufficient for this program, and the cap should *not* be raised
- Protections must 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. These programs must also be made more transparent and accountable