

Employment Based Visa Retrogression



On behalf of thousands of **legal** EB immigrants
affected by retrogression

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H1-B versus EB

- H1-B Visa
 - Temporary Legal non-immigrant skilled workers
 - Usually valid for 3 years (plus an extension)
 - Limited scope with respect to career growth/investments/economic contribution
 - 65,000 available per year (currently)
- EB Visa (Green card)
 - Permanent Legal Immigrant skilled workers
 - Great scope for entrepreneurship
 - Home Owners
 - Blending into the society
 - The Great American Dream
 - Per country limit every year within very limited available green cards (140,000)

Some Facts

(Source: www.competeamerica.org)

- 50% or more of the post-graduate degrees at US universities are awarded to foreign students, especially in Science and Engineering
- It is counterproductive for the U.S. to train foreign scientists and engineers and then send them home to compete against American businesses
- By 2010, if current trends continue, more than 90 percent of all scientists and engineers in the world will be living in Asia
- Innumerable success stories about businesses created by legal EB immigrants. Since EB immigrants are highly-qualified and highly-skilled, these businesses have created a plethora of jobs in the US, both in downstream and upstream industries

Green Card(GC) Retrogression Issue

- EB Visa Retrogressed on January 1, 2005 and became worse on October 1, 2005
- Normal GC process : 2-4 years
- GC process due to Retrogression: 4-12 years
- Spouses cannot contribute to the economy
- Difficulty in changing jobs, stagnated career growth
- No visibility on important decisions (home buying, financial investments, entrepreneurship, family planning)
- Consideration of other immigrant-friendly destinations

Recommendations

- Revive section 8001 of S.1932.ES bill (Budget Reconciliation)
- Recapture unused Green cards (90,000) from prior fiscal years. These numbers are mandated by the congress but never used in the previous fiscal years.
- As per current system, spouse and minor children of skilled workers are counted against limited employment visa numbers, leaving less numbers for actual workers. Therefore, dependents of skilled workers should not be counted against employment visa numbers.
- Applicants with approved employment-immigrant visa, should be entitled to apply for permanent residence and obtain EAD cards, regardless of their priority dates.
- Support some kind of automatic adjustment of status for qualified people. (For example: qualified people that have worked in the US for 3 or more years legally)

Proposals from Lawmakers

- Sen. Chuck Hagel
 - EB immigrants that have worked in the US for 3 or more years should be eligible for adjustment of status automatically
- McCain/Kennedy/Kolbe/Gutierrez
 - Increases quota on EB immigrants to 290,000 to alleviate retrogression
- Sen. Arlen Specter
 - Marked up several competing proposals into an omnibus bill for discussion in Spring 2006

Supporting Information

- Article “Give Us Your Skilled Masses” on November 30, 2005: Page A-18 of Wall Street Journal. Mr. Becker is a Nobel laureate in economics (1992)
- <http://www.flight-capital.com/>
- http://www.becker-posner-blog.com/archives/2005/10/many_more_skill.html
- www.competeamerica.org
- http://home.businesswire.com/portal/site/google/index.jsp?ndmViewId=news_view&newsId=20051115005685&newsLang=en (This is an article by the eminent economist **Michael Porter**)
- http://enr.ecnext.com/free-scripts/comsite2.pl?page=enr_document&article=febiar051114
- www.reason.org/ps333.pdf (By Ted Balaker and Adrian T. Moore, Ph.D May 2005 - ASSESSING THE REAL THREAT TO JOBS)

Immigration restrictions could slow job growth (Extract of an article By Ted Balaker and Adrian T.Moore)

- - By 2015, US economy will need 16 million additional workers due to aging population.
 - The US, a country of immigrants, has been a magnet destination for entrepreneurial foreigners and has gained from them, as they have gained from the US.
 - Immigration not a zero-sum game. Some immigrants take away jobs, but most create jobs for native-born Americans and increase American productivity.
 - US now competing with rest of the world for talent, and immigration restrictions in recent years are making it difficult.
 - Just as free trade lets each country specialize in what it does best, a flexible immigration policy helps support innovation in the US.