SCIENTIFIC WORKFORCE

U.S. Immigration Bill Would Extend Warmer Welcome to Highly Skilled

A clock began ticking for India's Anjali Mahajan as soon as she finished her Ph.D. in biophysics from Ohio State University in Columbus last December. Under U.S. immigration rules, Mahajan had 1 year to find an employer willing to sponsor her for a work visa, known as an H1-B. The window seemed far too short to find the job she wanted, as a research scientist in the pharmaceutical industry. Returning to India wasn't an attractive option, either, because her husband had a good U.S. job.

And so, in April, she settled for plan B, which was to remain in academia. By accepting a position as a postdoc at the University of Illinois, Chicago (her husband got a transfer there), she's all but guaranteed a timely work visa because of a rule exempting academic jobs from the annual H1-B cap of 65,000.

Foreign students may have more of a choice than Mahajan did if Congress passes a massive immigration reform bill that the U.S. Senate began debating last week. Two provisions in the 628-page legislation would help somebody in Mahajan's position. One would increase to 2 years the time allowed for foreign students to obtain an H1-B. The second would increase the H1-B cap from 65,000 to 115,000, with the option of raising it to 180,000.

The overall bill would alter the landscape of high-tech immigration. One of its pillars is a framework for a new merit-based system of granting permanent residency to immigrants that would strongly favor young workers with advanced degrees in science and engineering fields, including Mahajan. Under this system, individual applicants would be awarded points toward their so-called green card based on specific criteria such as a graduate degree, employment in a STEM (science, technology, engineering, and mathematics) occupation, a recommendation from a U.S. employer, and fluency in English. (Mahajan's score would be 80 points out of 100, a fairly high rating.) The 140,000 applicants with the best scores would receive green cards annually. After 8 years, the number would rise to 380,000 a year.

The bill (S. 1348) has drawn mixed reactions. "Allowing students 2 years to find a job in their field is a good move that would help draw more global talent to U.S. universities," says Debra Stewart, head of the Washington, D.C.–based Council of Graduate Schools. But Stewart is ambivalent about the point system. "It appears to have been successful in some countries, but its specifics will determine whether it would increase our competitive position."

Those specifics are already causing heartache. Businesses feel they are being pushed aside. Unlike the current system, which hinges on employer sponsorship, a recommendation from an employer earns only a handful of points. "The points don't ensure that the worker will be fully employed and beneficial to the economy," says B. Lindsay Lowell, a demographer at Georgetown University in Washington, D.C. Lowell would like the employer's word to carry more weight.

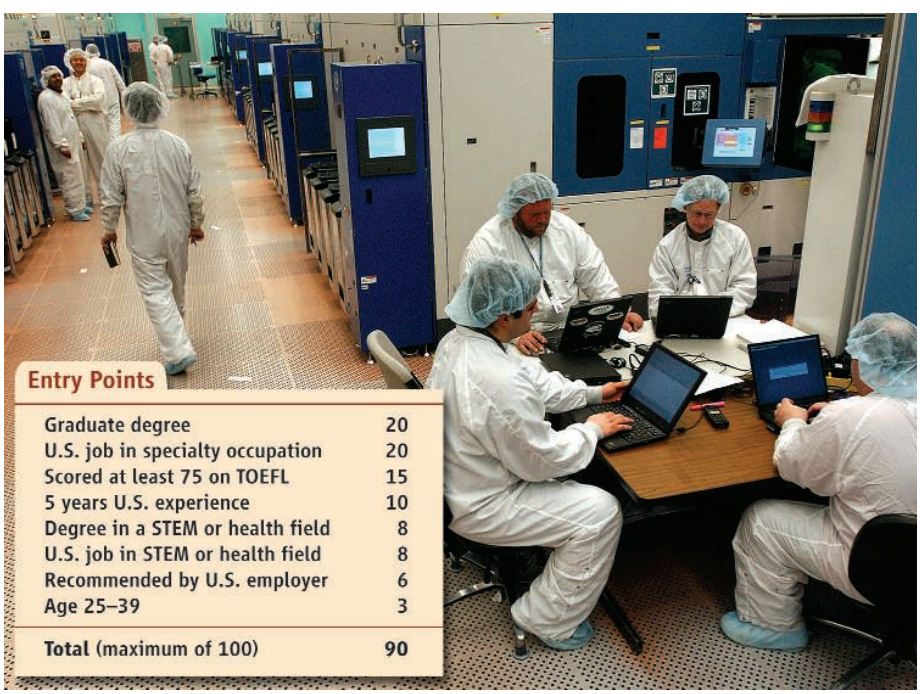
Observers say that the system could also mean fewer foreign students at U.S. universities, as a graduate degree has the same value regardless of where it is earned. A better way of attracting and retaining foreign talent would be to "staple green cards to the degrees of foreign students graduating with master's and Ph.D.s from the U.S.," says Lynn Shotwell of the American Council on International Personnel in Washington, D.C. "These are people that we simply don't want to turn away."

Shotwell says the point system also leaves applicants guessing whether they will qualify for permanent residency. In contrast, Canada and Australia allow individuals who reach a set passing mark to become residents. "The message it sends to a skilled foreign worker is: Examine your options," she says. "If one country says you can get residency, buy a house, get settled, and move on with your life, and the other country says: 'We can't guarantee that you will get it,' where would you rather go?"

Although Shotwell thinks the bill doesn't go far enough in welcoming foreign talent, others say it recklessly flings open the doors. Jack Martin of the Federation for American Immigration Reform in Washington, D.C., which favors stricter laws, says that some of the bill's provisions will continue to depress the wages of U.S. workers. Instead of raising the H1-B cap, Martin says, Congress should "restructure the program so that it responds to real market need for foreign workers" through metrics such as "rising salaries for workers in a particular job classification."

Martin also opposes doubling the time allowed for foreign students to find a job. He says that the change simply creates "a new category of workers who can be taken advantage of by American employers before being hired permanently."

Legislative aides predict that the provisions increasing the H1-B cap and the time to find a job will remain in the bill, which will be voted on later this summer, but that the merit-based system will face close scrutiny. **–YUDHIJIT BHATTACHARJEE**



Top scorer. A foreign-born scientist with a graduate degree who has worked in the United States for 5 years would earn 90 points toward a green card under the Senate bill.

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