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## Effort afoot to exempt 20k from H-1B cap

The bill would allow hiring of more foreign grads with advanced degrees

News Story by [Patrick Thibodeau](#)

APRIL 19, 2004 ([COMPUTERWORLD](#)) - WASHINGTON -- There's a new push in Congress to increase by 20,000 the number of foreign workers holding H-1B visas. Proposed legislation would accomplish that by exempting foreign graduates with advanced degrees from the visa cap.

The bill, introduced earlier this month by Rep. Lamar Smith (R-Texas), is supported by Compete America, a coalition of manufacturers, academic groups and IT vendors such as Microsoft Corp., Intel Corp., Oracle Corp., and Sun Microsystems Inc.

This year's H-1B cap of 65,000 was reached in mid-February, less than five months after the Oct. 1 start of the federal fiscal year. Smith's bill, the American Workforce Improvement and Jobs Protection Act, wouldn't raise the cap, but it would exempt from that limit up to 20,000 graduates with a master's degree or higher from a U.S. university.

Students hired by universities and research institutions under the H-1B program are already exempt from the cap.

Most of the H-1Bs that U.S. companies are hiring "are coming out of our own schools," said Thom Stohler, a vice president at the American Electronics Association, a Washington-based IT trade group that has called for a higher H-1B cap. Businesses "are not going to Bangalore to find people; they are finding them here," he said.

"It's the position of the AEA that individuals who possess a master's or Ph.D. degree are not stealing American jobs; they are creating American jobs," said Stohler. Holders of advanced degrees tend to be employed in research and development work, he said.

Under U.S. immigration law, companies were allowed to begin applying this month for H-1B visas that will be issued at the start of the 2005 fiscal year. Vic Goel, an immigration attorney in Greenbelt, Md., said he expects that there will be enough applications between now and Oct. 1 to exhaust next year's cap of 65,000 visas. He said the period for issuing new H-1B visas that will begin on Oct. 1 could close the next

day.

Any increase in the number of H-1B visa holders will face opposition from labor groups, especially the IEEE-USA, a unit of the Institute of Electrical and Electronics Engineers Inc. in Washington that says its members are facing record unemployment levels.

"We question the need for a new visa exemption," said IEEE-USA President John Steadman, who noted that foreign graduate students can already work for two years in the U.S. under existing visa rules. "During that time, the company can evaluate their skills and petition for a green card on their behalf," he said.

The bill's prospects are uncertain. The co-sponsors are all Republican, and this is a contentious year for outsourcing. But Congress has acted before to increase the H-1B cap in election years.

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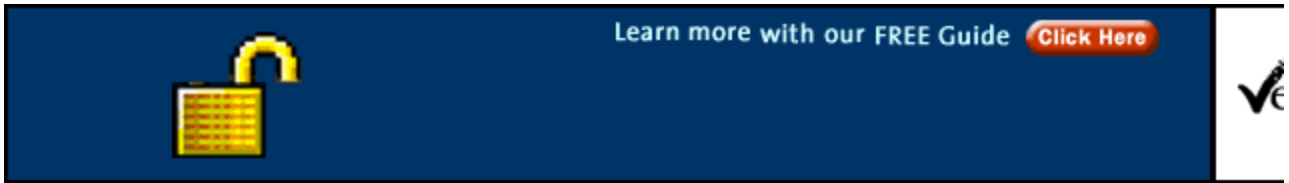
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