

Public Forum
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Dear Editors and Reporter B. Mims:

The title of the article summarizes the employer-designed visa program well, as the visa recipient is indeed held. The H-1B visa holder works under conditions of virtual indentured servitude, since their visa is conditioned upon being continuously employed. Immigration attorneys (who view the H-1B visa as a high profit margin item) praise the "remarkable loyalty" of H-1B visa holders.

When the H-1B program is completely explained to American voters, they are horrified. However, program expansions were procured by opportunistic companies such as Microsoft, who starting in 1998, paid lobbyists Jack Abramoff and Ralph Reed to collaborate with former Rep. Tom DeLay for expansion. Contrary to federal law, things of value were exchanged for official acts.

When the public relations gloss is removed, we also learn that serious scholars have demonstrated that there are historically unprecedented gluts of technical professionals in the U.S. The gluts were exacerbated when the H-1B visa was created in 1990. H-1B has facilitated foreign technical professionals citizenship. However, millions of experienced American citizens (independent of their nation of birth) have been permanently displaced from their careers by this pliant and inexpensive labor force. **I'm unemployed - with a science Ph.D!**

If the status quo persists, the core of the United States economy will be destroyed from within. There have been several cases publicized regarding terrorists who have entered and remained in the U.S. under the authority of the H-1B visa program.

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Visas key to holding skilled workers

Shortage triggers political fight over U.S.-educated foreigners

By Bob Mims
The Salt Lake Tribune
Salt Lake Tribune

Manuele "Manny" Antonacci has fallen in love with America, and insists seven years in Utah have made the Mountain West, not his native Parma, Italy, his home.

But the clock is ticking for the recent University of Utah graduate. With his student visa expired, he is working part time at the U.'s International Studies office while sweating out his application for an occupational practical training visa, an OPT.

"An OPT would allow me up to 12 more months to find a job related to my major. Then, hopefully, my employer would like my work enough to apply for an H-1B visa, and I would be OK for another six years," he says. "After that, a [permanent residency] 'green card' is almost automatic."

Sound complicated? It is. Since the terrorist attacks of 9/11, scrutiny of U.S. immigration has tightened, and waiting lists for H-1Bs have grown from what was once a few months to be a year or more in some cases, even as applications for the "highly skilled worker" visas by American businesses and research institutions - including those in Utah - have soared.

Temporary work visas are good for three years, with a subsequent three-year extension. However, quotas for H-1Bs have failed to keep up with demand. The U.S. Citizenship and Immigration Services cap of 65,000 for fiscal 2007 was reached in May, with less than half of an estimated 135,000-140,000 applications approved.

That leaves many high-tech foreign workers at least four months away from the next round of H-1B applications. The same bureaucratic malaise permeates the visa/work permit system throughout, according to applicants, immigration lawyers and employees.

"It takes up to 90 days to get an OPT card in the mail," Antonacci says. "Until I get the OPT, I am allowed to work only 20 hours a week - and I can work at the university only until I get my OPT. My job here ends the first day of the fall semester."

Department of Labor statistics indicate that H-1B paperwork performed by American businesses, schools and laboratories has risen by roughly a third over the past few years. Utah is no exception, which saw 956 applications filed in 2005, up 35 percent from 650 two years earlier.

The University of Utah, with 80 filings, led the way among Utah companies followed by software-maker Novell and the LinuxNetwork supercomputer company tied at No. 2 with 14 H-1B filings each. Supplements maker Nu Skin, with 13, ranked third on the list.

Although the visas obtained have kept a variety of positions - from laboratory assistants and technicians to

senior level researchers - filled at the U., more are needed. And demand will only grow, argues Lorina Tester, the school's associate general counsel and chairwoman of the American Immigration Lawyers Association's Utah chapter.

Nationally "the birth rate is slowing, and we just can't put enough people into the system to funnel them into the [highly skilled] areas that are growing," she says. "If every single student we have in the [higher education] system now went into math, science and engineering, we still wouldn't have enough."

A 2004 National Science Foundation report shows the number of foreign-born, doctorate degree-holders has reached 25,000 and continues to grow, while American-born doctorates flattened out at around 18,000 beginning in late 1999.

And although no comparative Utah figures were provided, a recent U. Bureau of Economic & Business Research study found strong evidence that more H-1Bs are needed to fill highly skilled positions in the United States that are otherwise without qualified American candidates.

Nearly half (49 percent) of Utah's medical scientists are foreign born, as are 30 percent of the state's astronomers and physicists. Nearly a quarter of Utah's chemists and physical and agricultural scientists hail from abroad, as do 12 percent of the state's college professors.

Tester supports legislation introduced last month in the U.S. Senate that would, among other things, nearly double the existing cap on H-1Bs to 115,000. Texas Republican Sen. John Cornyn has a bill, co-sponsored by Sen. Bob Bennett, R-Utah, which also would provide for an automatic 20 percent annual increase if the cap is exhausted in a previous fiscal year.

"This bill will [keep foreign] U.S.-educated students [here] and promote competitiveness through a market-based approach," says Bennett spokeswoman MaryJane Collipriest. "America's top universities and high-tech industries are a magnet for the world's talent."

It could be well into this fall before the bill comes to a vote, and it has yet to win the full support of Bennett's fellow Utah Republican, Sen. Orrin Hatch.

"I would support increasing the H-1Bs if that's what the country needed to maintain our competitive advantage in the global marketplace. It's just not clear at this point how large or small the increase should be, or if an increase is needed at all," Hatch says.

Utah's senior senator also worries about an influx of foreign skilled labor depressing the tech sector's wages - a concern shared by the American Engineering Association. It questions whether the shortage of domestic skilled workers is as deep as H-1B backers say.

Foes of the program often cite a 2005 paper by Washington, D.C.-based Center for Immigration Studies to underscore their cynicism. This study states that actual pay rates reported by employers of H-1B workers are often thousands of dollars lower per year than those of American workers.

H-1B employers dispute the claims, noting that H-1B regulations require foreign workers be paid the prevailing wage for their skills.

Association President Richard Tax says his board is nearing approval of a position paper opposing both the importation of engineers, scientists, computer programmers and high-tech workers in general, and the H-1B visa program in particular.

"We believe H-1B and other legislation to import [high-skilled] foreign workers should be rescinded and these programs be abandoned," a draft of the paper states. The association suggests tax dollars could be better spent encouraging American students to pursue science.

Utah Gov. Jon Huntsman Jr. has long called for directing more of the state's student children into math and scientific studies to feed a growing high-tech sector, but he also supports increasing H-1B visas to fill the current gap between demand and supply.

"These are the visas that attract the brain power to many of our research-based companies now helping drive our economy," Huntsman spokesman Mike Mower says. "In a globally competitive environment, we want the best talent from around the globe to work alongside our state and nation."

Novell, which employs about 1,500 Utahns, echoes that sentiment. Spokesman Kevan Barney says the software developer regularly recruits new employees from U.S. graduate schools, and the best candidates often prove to be foreign nationals.

"We are looking for the best people, regardless, the best and brightest," he says. "Where they are from is not the issue."

Merit Medical CEO Fred Lampropoulos, despite complaints about waiting periods that often last for months for immigration paperwork to clear, says the H-1B program has benefited his South Jordan company. He has three workers with the visas and is seeking one more.

For Lampropoulos, there is little choice. He needs workers skilled in machining and molding injection technology to manufacture Merit's line of disposable medical devices, and to get the employees he may pay \$3,500-\$5,000 to process each H-1B.

He complains that technical colleges have thrown out some "old economy" skills, while focusing on such niche programs as beauty parlor and meat-cutting certification.

"We need processing engineers but have to go find these people because they just aren't here in our market," says Lampropoulos. "And they are in demand. As a matter of policy, we competitively bid for top-notch, skilled people who will make from \$65,000 to \$100,000 a year."

Vivek Malapati, a native of India who holds electrical engineering and business master's degrees from the U., recently went to work as a product manager for a Minneapolis power generation equipment company. He is working at what he says is a fair-market wage on an OPT permit while the company begins the H-1B application process.

Malapati, 25, says he considered following friends to countries with less-arduous visa procedures - among them Germany, Australia and Britain, but was lucky to get a job quickly in this country.

Many others, he says, are not as fortunate. They either decide to apply elsewhere, robbing America of the intellect they honed in the nation's schools, or like Manny Antonacci, face the prospect of eventual deportation to a homeland that is no longer home.

After a two-year LDS Church mission to Cyprus, a stint at Brigham Young University and transfer in 2005 to the University of Utah, Antonacci recently graduated with a bachelor's degree in environmental science. He dreams of a career as a wildlife biologist, following in the footsteps of his late father, an Italian conservation officer.

But so far, his status as a recently graduated international student has been a hurdle.

"Being a wildlife biologist has always been my passion. I've applied for many positions, with the U.S. Fish and Wildlife, the [state] Division of Wildlife Resources, the Nature Conservancy, Tracy Aviary and even Hogle Zoo," Antonacci says.

So far, no job offers. He says potential employers are impressed by his credentials, but grow leery when they learn they would need to get him an H-1B visa - a long process that can also cost thousands of dollars in fees - after his OPT expires.

"I don't want to go back to Europe now; I really have no ties there," Antonacci sighs. "I really do consider Utah my home."

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What is an H-1B visa?

* An employer sponsored, temporary visa (three years, with a possible three-year extension) for a specialty occupation, usually related to scientific research, laboratory work, mathematics or biotechnology.

* Current law caps H-1B visas to 65,000 a year. Congress is considering legislation that would raise the limit to 115,000.

* Employers of H-1B holders insist that there are not enough qualified Americans to fill the highly skilled, technical positions they have open. Opponents, such as the American Engineering Association, counter that employers simply don't want to pay higher salaries U.S. citizens demand.