

The Huffington Post  
August 18, 2011

By Alex Wagner

## Business, Immigration Groups Push White House On Skilled Worker Visa Reform

The White House has been dragging its feet on implementing basic administrative reforms that would ameliorate the country's broken immigration system, according to a coalition of organizations, including the U.S. Chamber of Commerce, the American Council on International Personnel, Immigration Works and the U.S. Conference of Catholic Bishops.

On Wednesday, the group released a [report](#) via the **National Foundation for American Policy**, urging the Obama White House to take greater action to reform regulations affecting skilled foreign-born workers and students with advanced degrees. According to the report:

Over the past several months, despite discussion of reviewing regulatory policies, employers have been met with the reality of agency actions that delay vital projects, force companies to go without valuable employees and push work outside the United States. While in speeches the President has justifiably criticized policies that lead to educating international students in America only to send them back to their home countries, his own agencies make it difficult for skilled foreigners to work in America.

As [comprehensive immigration reform](#) remains unlikely in the current political climate, the report highlights steps that the administration could take immediately -- ones that the group contends would have a tangible effect on the immigration system and specifically serve to attract foreign-born talent to U.S. shores.

"This is low-hanging fruit," the Chamber's senior vice president for Labor, Immigration and Employee Benefits, Randel K. Johnson, said on a conference call. "That doesn't take legislative change on Capitol Hill."

Among the areas of concern, the report highlights outmoded labor certification regulations that call on would-be employers of foreign nationals to first take out costly print ads in newspapers to solicit American applicants, "even though in many of the fields in which this process is likely to take place, print advertisements have completely disappeared," according to the report.

Said Johnson, "There are print advertisements even for nuclear physicists -- those should be stricken from the regulations."

"It's one of those 'duh' moments -- but it still continues to be on the books," he added. Other groups suggested the administration implement a "Trusted Employer Program" for companies that have "proven their commitment to compliance with U.S. immigration laws."

By streamlining the process in this way, they argue, the government could then focus on the eligibility of foreign national prospective hires and direct resources towards enforcement and fraud prevention.

As an example of the burden placed on employers looking to hire skilled foreign workers applying for [H1-B visas](#), the report notes:

"In the past year U.S. Citizenship and Immigration Services (USCIS) has conducted 15,000 on-site audits of employers that hire skilled foreign-born professionals. To put the enormity of 15,000 audits a year in perspective, in Fiscal Year 2009, there were only about 27,000 employers of new H-1B visa holders and 26,200 of them hired 10 or fewer foreign-born professionals."

Other suggestions included fast-tracking the visa applications for students with science, technology, engineering or math degrees (STEM) -- a sector that the White House has prioritized as a critical part of the 21st Century "[innovation economy](#)." At present, employers looking to hire foreign-born STEM specialists are required to demonstrate that there are a shortage of U.S. workers with such expertise through lengthy certification processes.

A reformed visa re-validation process, another suggestion in the report, would allow foreign nationals to renew visas for travel prior to their departure from the United States - rather than requiring them to return to their home countries to reapply.

Whether the administration will take up these suggestions remains to be seen. Austin Fragomen, Chairman of the American Council on International Personnel, told HuffPost, "Obviously we welcome anything the administration is willing to do to facilitate some of these ideas. But in the scheme of all the different ideas that have been floated, the suggestions we've been making are far more significant than the few concepts that the administration has put on the table."

Alejandro Mayorkas, the director of the USCIS, pushed back on assertions that the administration was not doing enough. "There are criticisms that we deserve, but the criticism that we're not doing enough is not deserved," he said.

"We're doing a tremendous amount across the spectrum," he explained, saying the White House immigration reform efforts were not limited to business and employment concerns but also extended to "family unity and humanitarian relief" issues.

"When we announce new initiatives, we have to implement them operationally -- and that is not something that is done overnight," he added.

"We are being incredibly forward leaning," he said, and as evidence, pointed to a recent Aug. 2 [Department of Homeland Security and USCIS announcement](#) to increase transparency and efficiency around visas for skilled workers.

Mayorkas said that he thought some of the group's recommendations were "well taken" but explained that he would have to further examine them to determine whether they might amount to regulatory and statutory changes -- ones that would ultimately require Congressional approval. "The devil is in the details," he said.

[http://www.huffingtonpost.com/2011/08/18/skilled-worker-visa-reform-business-white-house\\_n\\_929944.html](http://www.huffingtonpost.com/2011/08/18/skilled-worker-visa-reform-business-white-house_n_929944.html)