

Immigration Reform: The One-Sided Debate

By Murali Bashyam

Immigration reform has been a hot topic over the past few years. During the Bush Administration, Senators John McCain and Edward Kennedy introduced a bill that would have created a guest worker program for over 12 million illegal aliens in this country. That bill, and the outcry against illegal immigrants that resulted shortly thereafter, dominated the news and the Kennedy-McCain bill was narrowly defeated in Congress. Now the Obama Administration seems poised to give immigration reform another try. As our economy struggles to regain strength, the question our political leaders have to ask themselves is whether the immigration debate is focusing on the right demographic of immigrants.

The immigration debate over the past five years has focused solely on illegal immigration and illegal aliens. This debate has missed an entire demographic of immigrants – those who have followed the rules and are stuck in an inefficient system that keeps them in limbo for many years. Right now, it can take a professional immigrant worker between 5-8 years to get U.S. permanent residency (also known as “green card” status). Furthermore, it can take a U.S. permanent resident over 5-6 years to bring their spouse to the U.S. If a foreign student comes to America to obtain a U.S. Bachelor’s, Master’s or Doctorate degree, there is no guarantee that our immigration system will be conducive to them obtaining a work visa or permanent resident status. In fact, our immigration system seems content at doing whatever it can to turn these professional students and workers away and keeping families apart.

Recent studies have shown that the United States is currently experiencing its biggest brain-drain in history. Vivek Wadhwa, a Senior Researcher at Harvard Law School and Professor at Duke University, predicts that 100,000 to 200,000 highly educated foreigners will leave the United States over the next five years. In our global economy, professional workers now have a choice. Countries such as India and China are abound with economic opportunities that sometimes surpass what the United States can currently offer. But is that in and of itself the reason for this brain drain? It is unlikely – the United States and its economy are still very attractive to people from other countries. The difference now is perception – the perception among many immigrants is that the United States no longer wants them.

The danger to the United States economy of driving professional immigrant workers away is in the statistics. According to Wadhwa, more than half of the start-up companies in Silicon Valley between 1995 and 2005 had a founder who was a foreign-born national. Those start-up companies have created hundreds of thousands of jobs. Unfortunately, our immigration system is stacked against these foreign born nationals, especially those from India and China. The U.S. currently sets per country limits on the number of foreign born nationals who can obtain permanent residency in any given year. Also, the number of immigrant visas available is spread evenly among all countries. Therefore, an immigrant from India has the same chance of receiving an immigrant visa as someone from Ghana. The problem is that demand from India and China is much higher than demand from other countries. As a result, an Indian or Chinese professional worker can end up waiting for U.S. permanent residency for

over 5-7 years. Right now, all professional workers, regardless of country origin, are stuck in a 'green card' backlog that leaves them without hope for a quick resolution of their immigration status. That uncertainty makes them question whether to buy a house and settle here. It also makes them wonder whether they are missing opportunities in other parts of the world where immigration policy is much more favorable to professional workers. With the immigration quagmire that we currently have, more professional immigrant workers are leaving the U.S., and it is likely that as a result the next Silicon Valley will end up in India or China.

What is the solution? Instead of focusing on an 'all or nothing' approach to immigration reform that includes dealing with the illegal immigration problem, Congress and the President should address the system we have now and update it for our 21st century global economy. They should make it easier for foreign professional workers to stay in the U.S. and obtain U.S. permanent residency. They should also make it easier for people to quickly sponsor their spouses and other family members. A few months ago, Senators Robert Menendez, Kirsten Gillibrand, Edward Kennedy and Charles Schumer introduced the Reuniting Families Act. If passed, this bill would go a long way in reducing the backlog in many immigrant visa categories. Congress should pass other 'piecemeal' bills to make employment and family immigration easier and more efficient. One company's loss in hiring a worker it needs is another company's gain. And it is likely that the other company will be a competitor somewhere else in the world. The debate on immigration reform has focused solely on illegal immigration, illegal immigrants, and a guest-worker/amnesty program. Unfortunately, this debate has missed an entire demographic of immigrants, those who 'play by the rules' and are stuck in our broken immigration system. Unless this system is fixed, these immigrants will leave the U.S. and ultimately that will be our loss.

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