

September 24, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

On behalf of the members of Compete America, we want to express our thanks and appreciation for the briefing and discussion you hosted with President Barack Obama and White House Senior Advisor Valerie Jarrett on August 20, 2009. We hope the ideas shared at that event will help to provide you and the Administration with a legislative framework that will lead to enactment of comprehensive immigration reform in the 111th Congress. We are committed to this important and long-needed policy goal.

As you may know, Compete America is a broad-based coalition of knowledge-based industries and institutions of higher education. We are committed to advancing public policies in education and immigration that enable U.S. employers to hire and retain the best talent to work in the United States, create American jobs, and grow our economy. Whether the position is in information technology, health care, higher education, clean energy, or finance, competition for the world's top talent is global, and our nation's current education and immigration systems are not keeping pace with worldwide demand for innovation leaders.

A number of Compete America members participated in last month's discussion and had the opportunity to provide what we hope are constructive suggestions on several key issues critical to effective reform of immigration laws impacting the recruitment and retention of highly skilled professionals. These suggestions include:

Future Workforce: There has been much discussion about how best to manage legal immigration levels moving forward, especially as economic conditions improve. The high-tech industry, among many others, felt the limits of the current system as the economy grew during this and the previous decades. Any plan to address future immigration must be flexible enough to adapt to changing workforce conditions, including new, knowledge-based industries that are emerging in response to the policy goals that form the Administration's economic recovery plan, such as energy efficiency, health care information management, and advanced vehicle technology. Furthermore, we must make every effort to retain talented international students and scholars who graduate from U.S. universities and colleges. It would be unfortunate and self-defeating to educate talented international students in our universities only to force them after graduation to competitors overseas because of outdated visa limits. As a key priority, reform must provide a streamlined path to permanent residence for those who have a job offer and hold an advanced degree from a U.S. university.

We believe that, generally, an approach should be centered on the actual demand for permanent resident (green card) and temporary (H-1B) visas. For example, the evidence is clear that the demand for H-1B visas is tied to the overall demand for skilled professionals; when the economy is strong, the demand for knowledge workers, including for foreign professionals through the H-1B program, is high. When the economy constricts, H-1B demand subsides accordingly. This year's H-1B cap is not yet close to being reached. This is the exact opposite of what would happen if, as program opponents claim, the H-1B program was used as a way to replace American workers with cheaper foreign labor. As overall demand rises and falls, the cap on temporary skilled work visas should rise and fall along with it. This approach is far preferable to a cumbersome point system, as well as to the future flow commission concepts whose proponents notably include those who have a more restrictive view of legal immigration.

Elimination of Existing Backlogs, Both Employment- and Family-Based, & Avoidance of Future Delays: The employment- and family-based immigration systems are in desperate need of a clearing of the green card backlogs.

These delays separate families and impede U.S. competitiveness. On the employment-based side, these backlogs make it difficult for U.S. employers to retain professionals already on their payrolls. Talented foreign nationals are leaving the United States for opportunities abroad because the current backlogs prevent them from being promoted or changing job locations, and often their spouses cannot work. At the same time reform must ensure we avoid accumulating future backlogs, by ensuring visa supply responds to demand and by ensuring that unallocated visa numbers do not expire merely because of processing delays.

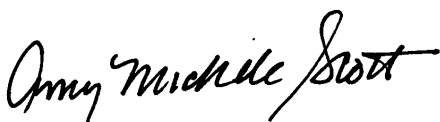
Trusted Employer Registration: A majority of participating U.S. employers make good-faith, effective efforts to recruit and train skilled U.S. workers and to comply with all immigration laws. For such employers, Compete America supports a Trusted Employer registration program. Employers with human resource policies and procedures that broadly ensure robust U.S. recruitment and compliant visa use should benefit from a streamlined petition process and be given preference in visa allocation. This compliance-based approach is a win-win for the government and employers, because it helps focus resources on willful violators who abuse our immigration laws, while simultaneously streamlining the system for the majority of employers who comply with our laws. We should strive for a system that punishes those who “abuse” the system, while providing real benefits for employers who take great efforts to comply with our laws.

Improved Worksite Enforcement: We recognize that worksite enforcement is critical to restore public confidence in our immigration system and to reduce abuses in the system. Compete America members are already participating in worksite verification programs and we are looking forward to working with you on these issues, especially given recent initiatives to broaden the required use of E-Verify.

DREAM Act: Compete America has supported in the past, and looks forward to lending our future support, to the Development, Relief and Education for Minors (DREAM) Act. It is essential that comprehensive immigration reform legislation include provisions that would remove federal barriers to higher education for children who were raised and educated in the US, excelled in their academic pursuits and provided service to our country. The DREAM Act reinforces and protects our country’s investments in the education of its youth, and helps ensure that America will capture the benefits of those investments.

Secretary Napolitano, the above recommendations are certainly not exhaustive, but they are representative of what we believe are essential elements of comprehensive reform. Many of these recommendations have been introduced as legislation in recent years, and have advanced through various stages of the legislative process with broad bipartisan support. We stand ready to work with you and the Administration on these and other constructive ideas for reform in the weeks ahead, and look forward to seeing this important effort through to its successful conclusion.

Very respectfully yours,



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