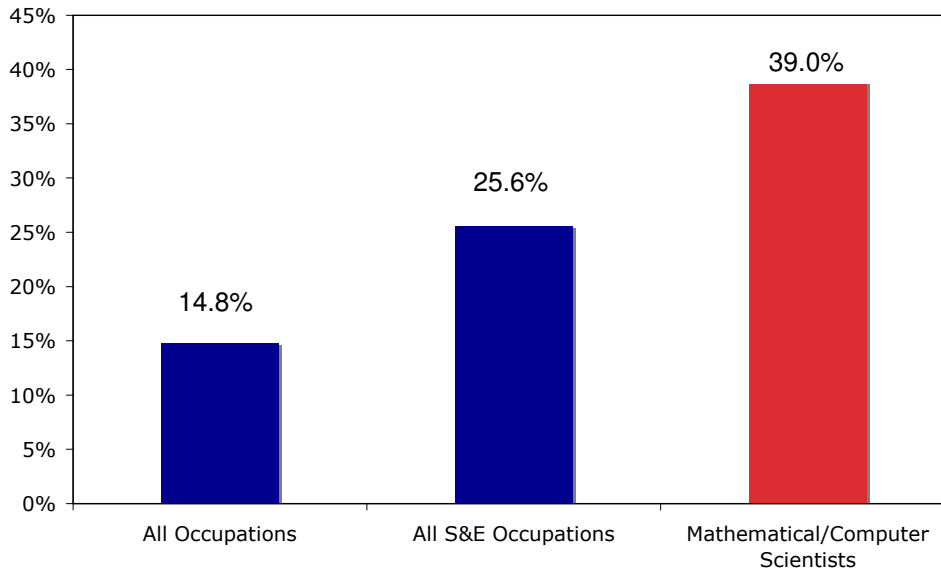


Employment-Based Green Cards and H-1B Visas: Competing for the World's Brightest

The competition to develop and supply the next wave of products and services requires access to those whose knowledge will foster expansion into new frontiers. While many of the world's top scientists, engineers, researchers and educators are U.S. citizens, others are not. It is fundamental to U.S. economic interests to provide world-class education and job training and to have a secure and efficient immigration system that welcomes highly educated and talented professionals to our nation.

Rapid Growth Forecast for Technical Jobs Percentage Change, 2002 to 2012

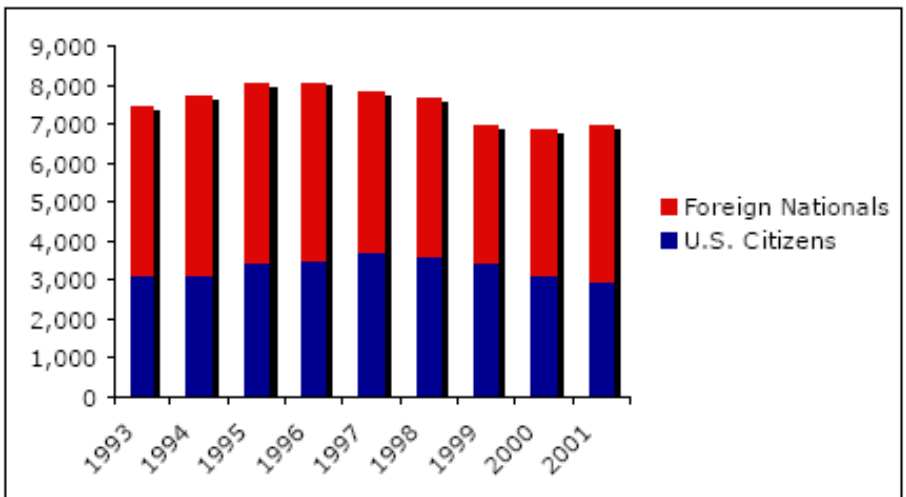


In a number of key technical fields, like science, technology, engineering and mathematics (STEM), the total number of graduates with advanced degrees has not kept pace with demand. This demand is projected to increase in the coming years, as the chart at left shows.

Source: U.S. Department of Labor, Office of Occupational Statistics and Employment Projections

Doctoral Degrees from U.S. Universities in Engineering, Mathematics and Computer Sciences

A majority of advanced degrees awarded by U.S. universities in areas of study like engineering, mathematics and computer sciences are to foreign nationals. According to the National Science Board, current trends suggest that if left unchecked, the number of U.S. citizens qualified for science and engineering jobs will be level "at best."



Source: National Science Foundation, *Science & Engineering Indicators - 2004*

At the same time, the United States may be unable to rely on foreign citizens to fill this talent gap. Current H-1B visa limits and backlogs in the employment-based (EB) green card program preclude U.S. employers from hiring and retaining many of these graduates. **The H-1B cap for fiscal year 2009 was exhausted during the filing period that began April 1, 2008.** This marks the first year that both the 65,000 overall cap and 20,000 cap exemption were reached during the filing period. This is the second year in a row that the overall cap has been reached during the filing period, and the fifth consecutive year that the cap has been reached on or before the beginning of the new fiscal year.

“America’s global leadership in technological advancement and innovation is being seriously challenged by other countries. The warning signs could not be clearer. The rest of the world is increasing its capacity, its investments, and its will to catch up with us. We cannot ignore this challenge.”

House Democrat’s Innovation Agenda

Additionally, **tremendous backlogs continue to plague the EB green card system**, forcing thousands of highly trained and sought-after professionals to remain in legal and professional limbo for years.

The foreign competition for these highly educated professional is intense, and if U.S. employers are unable to use this talent, foreign competitors will. The U.S. scientific, engineering and health communities cannot hope to maintain their present position of international leadership if they are unable to hire and retain highly educated foreign talent, thus becoming isolated from the rest of the world.

In short, America has always prospered by welcoming the best and the brightest from around the world. In the last 15 years, foreign nationals have started 25 percent of U.S. venture-backed public companies, accounting for more than \$500 billion in market capitalization and adding significant value to the American economy. Highly educated foreign-born professionals are one of America’s greatest competitive advantages, and we must not shut the door on these talented minds.