

## **The SKIL Bill: It's About Competition**

### **Securing Knowledge Innovation and Leadership**

The United States benefits when highly educated foreign nationals live and work in this country. Foreign-born scientists, doctors, teachers, engineers and entrepreneurs help drive innovation and job creation here at home. In America, we have a long history of welcoming foreign students to study in our universities and a desire to attract the best talent from around the world to our worksites. However, our current immigration system continues to be a disincentive to remain here and work. It is counterproductive that we have allowed our broken immigration system to chase away irreplaceable foreign talent.

In addition to our broken immigration system, America's education system is not producing enough students educated in the fields of mathematics, sciences and engineering to meet workforce demands. Without a doubt, we must work to increase the pipeline of domestic talent. However, educating U.S. workers and attracting the world's brightest are not mutually exclusive. We need both to remain competitive.

U.S. employers must continue to be able to attract and retain highly educated and skilled talent to supplement the domestic workforce while keeping America on the cutting edge of innovation. Unlike ever before, the United States is in a fierce worldwide competition for this talent. And as our competitors continually step up their efforts to attract these workers, our immigration system is preventing U.S. businesses, universities, medical institutions and research centers from hiring this much-needed talent.

*The "SKIL Bill" (S. 2691/H.R. 5744) permanently fixes our broken employment-based system by welcoming American-educated workers who hold advanced degrees that are crucial to keeping America productive and always one-step ahead of our competition abroad.*

### **The SKIL Bill Retains Talent by Streamlining the "EB"(Green Card) Process**

#### **The Current Situation:**

- The green card process is plagued by years-long backlogs and extensive administrative delays that hold tens of thousands of highly educated applicants, currently working for U.S. employers, in legal and professional limbo.
- The annual EB cap of 140,000 is allocated equally among all countries. Individual countries are subject to annual ceilings, resulting in backlogs spanning up to an additional five years beyond the normal adjudication process of two to three years for those professionals born in high-demand countries, even if the overall visa limit is not reached.
- Unlike the H-1B visa cap, spouse and children count against the quota, taking over half the visas available annually to these professionals.

- EB immigrant visa holders are well-educated job creators who must pass strict labor market tests in order to be eligible for admission. America is rapidly losing this talent to other countries with more reasonable and welcoming immigration policies.

## **The SKIL Bill Provides Access to Talent through A Market-based H-1B Cap**

### **The Current Situation:**

- H-1B visas give employers the access they need to highly educated foreign professionals who work in the United States temporarily to fill a specialty occupation, that likely would remain unfilled otherwise. Current law caps the H-1B program to 65,000 visas a year, down from 195,000 in FY 2003. The FY 2007 (FY07) cap was reached four months before the start of the fiscal year.
- In November 2004, Congress created a cap exemption for 20,000 foreign nationals earning advanced degrees from U.S. universities. This cap was exhausted more than two month before the start of FY07.

Reaching these caps means that employers cannot hire this talent until October 2007.

### **Highlights of SKIL Bill's Solutions**

- Exempts those professionals who have earned an advanced degree from a U.S. university, as well as those who have earned a medical specialty certification based on post-doctoral training and experience in America from both the H-1B visa and EB green card caps to keep talent here and grow jobs for America workers.
- Creates a market-based H-1B cap that responds to yearly demand so that employers are not locked out of hiring or asked to estimate workforce needs a year in advance.
- Creates a new student visa that will allow those who earn a U.S. STEM bachelor's or higher degree to continue to work on their student visa until the processing on their EB green card is complete.
- Exempts priority workers, such as extraordinary ability workers and outstanding researchers and professors, in addition to spouses and children from the cap to make visas available for the professionals needed to keep America innovative.
- Allows for certain professionals stuck in the EB green card backlogs to pay a fee and file for legal, permanent residency even if an immigrant visa number is not available to them.
- Allows employers to pay a premium processing fee to expedite the processing of an immigrant petition, while helping to control visa delays overseas by providing certain professionals the ability to revalidate their visas here in the United States and allowing business as usual to be conducted in a timely fashion.
- Provides for a pre-certification system to streamline the processing of certain nonimmigrant and immigrant petitions.

*The SKIL Bill will permanently fix a broken immigration system that prevents many of the world's brightest minds from working for America.*