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US bid to attract talent: Opening statement at the subcommittee hearing

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Part 1: A group of US lawmakers recently held a hearing titled – ‘Oh, Canada! How outdated US immigration policies push top talent to other countries.’ The aim of this subcommittee on Immigration and Citizenship, was to understand how Canada’s immigration laws and procedures are helping it to attract top talent, these learnings in turn could perhaps spur the necessary immigration reforms in the US.

Soon after Joe Biden was sworn in as President – one of the first steps announced was the presentation of a comprehensive immigration reform legislative package to the Congress. While several steps have been taken to strengthen the legal immigration system, there has till date been no major legislative reform.

"With today’s hearing, we explore the harmful effects that our antiquated immigration system has had on our ability to compete in the global race for talent, particularly in relation to Canada," was the opening statement by House judiciary committee chairman, Jerrold Nadler.

"A diverse talent base that includes the best and brightest minds from around the world is critical to strengthening our STEM advantage, and by extension—our national security interests. Toward that end, I note that the bipartisan National Security Commission on Artificial Intelligence calls immigration reform a national security imperative."

"The last time any significant changes were made to our immigration laws was in 1990. Back then, most of us were not using the internet, and cell phones had yet to be mass-produced. Things like text messaging and grid computing—which paved the way for cloud computing—had not even been invented. The Human Genome Project was launched but our understanding of the role that genes play in disease causation was only just beginning," he added.

"Things that we take for granted today were the stuff of science fiction 30 years ago. And yet today, we remain bound by an immigration system that is frozen in another era. Without reforms, there is no doubt that we will lose top scientific talent and innovators to both allies and adversaries with modernized systems," he continued.

Indian professionals, including highly-skilled workers in the STEM field can well relate to Nadler's following statement.

"First, temporary visa options for highly skilled workers are quite limited. Visas are available to individuals who have already risen to the very top of their fields, as well as those who are transferring from an overseas company to a US affiliate. But graduates of US universities—including those with master's and Ph.D. degrees—who wish to start their STEM careers here must often compete with thousands of others for one of a limited number of 'specialty occupation' visas." (This refers to H-1B visas).

"Those who are fortunate enough to beat the odds and obtain a temporary visa, face other obstacles if their employer wishes to sponsor them for permanent residence. As a result of annual caps on employment-based visas, many are forced to wait years—and in some cases decades—for an immigrant visa to become available." (TOI has often quoted a CATO Institute study. According to David J Bier, Immigration Policy Analyst at this think-tank the employment based green card backlog (EB2 and EB3 skilled category) for those from India had reached 7.41 lakh in April 2020, with an expected wait time of 84 years).

Nadler remarked that many immigrants who would otherwise pursue the American dream are now turning to other countries – notably Canada, which has made significant strides in building flexibility and incentives into their immigration system to attract skilled professionals to their shores.

"Programs like Express Entry, the Start-Up Visa, and the Global Talent Stream have proven so successful that those who have been failed by the US immigration system are now turning to Canada. Ironically, Canada's successful Start-Up Visa Program was inspired by legislation introduced in the House in 2011 that never became law. The results are paying off, with Toronto earning the moniker—the 'Silicon Valley of the North,' he stated.

"It is my hope that with this hearing, we can begin to build some consensus on reforms that are needed to ensure that our immigration system works for—not against—the American people," summed up Nadler.

In a series of articles, TOI will bring to you excerpts of suggestions made by some of the witnesses called for the hearing and by other experts who gave their written submissions.