

## 2009 SHARED PRINCIPLES

**Compete America** is a coalition of corporations, educators, research institutions and trade associations committed to advancing public policies that enable U.S. employers to hire and retain the world's best talent. America's race to innovate and produce the next generation of products and services for the world market requires highly educated, inventive and motivated professionals. Likewise, the United States must maintain its position as a world leader in education and basic research. While many of the world's top engineers, educators, scientists and researchers are citizens of the United States, a significant and growing number are not. America's scientific, educational, economic and technological leadership has been aided by the many outstanding contributions of foreign nationals. **Compete America** believes it is in the United States' economic interest to provide world-class education and job training, and to maintain a secure and efficient immigration system that welcomes talented foreign students into U.S. higher education institutions and talented foreign professionals into the U.S. economy.

**Compete America** members invest billions of dollars toward public and private initiatives that provide a world-class education to American students, especially in such critical fields as math and science. We support education at all levels, including incumbent worker retraining. A concern is that American students are falling behind their international peers in math and science achievement, and that too few American students are seeking degrees in key fields that are indispensable to economic strength, such as science, technology, engineering and mathematics (STEM). We believe that accountability and high standards at the K-12 level will improve student achievement, and increase student interest. **Compete America** supports programs to attract and retain more students in STEM and other critical fields, and we support funding for basic research that will ensure that our universities are turning out the next generation of innovators who will drive America's economic growth.

However, in many crucial disciplines, most notably in science and engineering, 50 percent or more of the advanced degrees earned at U.S. universities are awarded to foreign nationals. This is not surprising, given waning U.S. student interest in these fields at the same time that the number of U.S. jobs in STEM fields has grown substantially. Foreign students work alongside their U.S. peers in U.S. universities on cutting edge research, often funded by taxpayers and industry. American policy should encourage these talented foreign students to remain in the United States, rather than return home or move to another country to compete against us. It should likewise encourage the best talent from universities abroad to contribute to the U.S. economy, rather than to the economies of our economic competitors. A secure and efficient immigration system is a key component of this policy.

**Access to Talent** – U.S. employers must have timely access to highly-educated foreign nationals and have the ability to keep that talent in their workforce permanently when economically beneficial. This can be achieved by:

- Ensuring that the immigration system has the flexibility to respond promptly to a changing U.S. economy, new employment opportunities and increased demands on the immigration system itself.
- Prioritizing that temporary and permanent employment-based quotas align to meet market demands, while eliminating processing delays and backlogs that undermine U.S. competitiveness. Our system's permanent backlogs can stretch well beyond six years, making it difficult for employers to retain professionals already on payroll. Further, subjecting employers and potential employees to a lottery for certain temporary visas, where they must win a game of chance in order to access critical talent to work in the U.S., cuts against American economic interests and undermines business predictability.
- Encouraging the best and the brightest international students to study at U.S. universities, while supporting top students from universities abroad to join the American workforce. Action like

extending optional practical training work periods for students graduating out of our U.S. universities helps keep critical talent in America.

- Streamlining the path to permanent resident status for talented foreign professionals who have job offers from U.S. employers.
- Ensuring that employer needs and market demands determine which foreign professionals join the U.S. workforce.

**Security, Efficiency and Enforcement**– The goal of promoting national security, while increasing efficiencies in the immigration process is critical to a global market. Additionally, both fraud and willful misrepresentation within nonimmigrant and immigrant visa programs is unacceptable and must be curtailed. These goals can be met by:

- Using appropriate technologies efficiently to screen out bad actors, while also facilitating the admission of legitimate foreign students, business visitors, and professionals.
- Enhancing information sharing and cooperation among government agencies charged with tracking international students and scholars, conducting background checks, adjudicating petitions and applications, carrying out labor market tests, inspection and program enforcement activities.
- Ensuring immigration laws are clear and enforceable and advance the interests of U.S. employers, U.S. workers, and the U.S. economy.
- Recognizing that long-term modifications to enforcement of appropriate visa program rules must be paired with long-term relief and reforms of the temporary and permanent employment-based immigration system.
- Providing adequate funding and authority for reasonable enhanced enforcement measures, employer outreach and continued compliance activities.
- Applying appropriate sanctions, including both civil and/or criminal penalties to employers, and employees who abuse our immigration system by violating program rules.
- Ensuring that modifications to program rules are carefully targeted to worker protection, fraud prevention, and other enforcement goals they are designed to achieve. Such modifications should not interrupt the productive use of visa programs for the highly skilled by responsible employers.

**Processing Excellence** – Decisions on immigration applications must be transparent, predictable, consistent and timely, so that employers may plan effectively. This can be achieved by:

- Focusing government resources intelligently. Trusted employers and solid occupational requirements should be “pre-certified” for approval, as long as the qualified individual foreign national passes credentials and background checks.
- Requiring that the Department of Homeland Security, the Department of Labor, and the State Department achieve a prompt processing pace that supports rather than hinders the nation’s interest in international talent mobility.
- Directing the user fees paid by employers remain reasonable and are put toward ensuring prompt processing timeframes, especially as U.S. Citizenship and Immigration Services (USCIS) continues to rely on increased user and **premium processing fees** to fund its efforts.
- Fostering partnerships between the government and employers to improve processes, to provide timely notification of policy news, and to respond to changes in the immigration system by way of online tracking and/or electronic notification.