

Green-card red tape sends valuable engineers packing

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Disenchanted with life in immigration limbo, San Antonio resident Praveen Arumbakkam is abandoning his American dream and returning to his native India.

A senior programmer at a fast-growing IT company, Arumbakkam volunteered for the Red Cross in Texas after Hurricane Katrina hit in 2005. He worked on disaster recovery management software to locate displaced persons, track donations and organize aid distribution.

He had hoped to start a nonprofit disaster recovery management solutions company in the United States, but now he's decided he doesn't want to wait any longer for his green card.

When professionals such as Arumbakkam give up on the States, it creates serious economic consequences, said Vivek Wadhwa, lead author of a study on the subject released last week.

"We've set the stage here for a massive reverse brain drain," said Wadhwa, Wertheim Fellow at Harvard Law School's Labor and Worklife Program.

By the end of fiscal 2006, half a million foreign nationals living in the U.S. were waiting for employment-based green cards, according to the study, released by the nonprofit Kauffman Foundation. Titled "Intellectual Property, the Immigration Backlog, and a Reverse Brain-Drain," the study was based on research by Duke, Harvard and New York University. If spouses and children are included, the number exceeds 1 million.

The study looked at the three main types of employment-based green cards, which cover skill-based immigrants and their immediate families. Including prospective immigrants awaiting U.S. legal permanent resident status but living abroad, the numbers hit almost 600,000 in the first group and almost 1.2 million in the second.

The number of available green cards in the three categories totals approximately 120,000. "If there are over a million persons in line for 120,000 visas a year, then we have already mortgaged almost nine years' worth of employment visas," said study author Guillermina Jasso, an NYU sociology professor.

The report also notes that foreign nationals were listed as inventors or co-inventors on 25.6 percent of the international-patent applications filed from the United States in 2006, up from 7.6 percent in 1998.

U.S. companies bring in many highly skilled foreigners on temporary visas and train them in U.S. business practices, noted Wadhwa, an executive in residence at Duke University's Pratt School of Engineering. Those workers are then forced to leave, and "they become our competitors. That's as stupid as it gets," he said. "How can this country be so dumb as to bring people in on temporary visas, train them in our way of doing business and then send them back to compete with us?"

Many in the engineering profession argue that American tech employers take advantage of the work visa system for their own benefit. They state that though there is plenty of American engineering talent available, employers use the programs to hire cheaper foreign labor.

And others counter the concern that large numbers of foreign residents will depart America. Most immigrants who have waited years for green cards will remain firm in their resolve, given the time and effort they have already invested, believes Norm Matloff, a computer science professor at the University of California at Davis. "People are here because they want to be here," he said. "They place a high value on immigrating."

But while Arumbakkam wants to be here, he has had enough of waiting. And his story is typical of those foreign-born tech professionals who return home.

In July 2001, the then 27-year-old Arumbakkam arrived on a student visa to get his master's in information technology at Clarkson University in Potsdam, New York. He has a bachelor's degree from the highly ranked University of Madras in southern India.

Arumbakkam said he "pretty much loved the society and the infrastructure for advanced education" in the States. In the post-Sept. 11 climate toward foreigners, however, he found it difficult to get work. After sending out countless resumes, he took an internship in Baltimore, followed by a job in Michigan.

That post didn't bring him any closer to his goal of permanent residency, however. He next took a job in San Antonio and insisted his employer secure him a green card. About that time, the government established an "application backlog elimination" center. "My application went straight into this chasm. I don't know what happened after that," he said. "That was pretty much a blow."

In 2005, he landed his current job, where he's happy with the work environment and the salary. His employer applied for a green card when the government rolled out an online system that was supposed to streamline the process.

But since then, with two applications in the works, Arumbakkam has been waiting-and waiting. In the meantime, his work status can't change, meaning no pay raises or promotions.

Arumbakkam knows plenty of others in the same boat. In early 2006, he ran across Immigration Voice, a nonprofit national group that supports changes in immigration law affecting highly skilled workers. The 22,000-member organization includes professionals in a wide range of

fields, from engineers and doctors to architects. Many have families, and all are stuck in the legal process.

"I heard horror stories," said Arumbakkam. One is the tale of a quality assurance engineer employed by a midsized consulting firm in Oklahoma working with Fortune 50 companies. The Indian engineer was hired at a salary that was 30 percent lower than he expected. This was in exchange for the promise that his employer would file a green card application. He was told the money would go to attorneys' fees.

For four years, the engineer asked about his application and was repeatedly told it was coming along. The employer blamed the slow progress on the law firm. In fact, the employer had never filed the application. Finally, the engineer found other work and restarted his efforts to obtain permanent residence.

In another case, a senior strategic projects manager who has an engineering background and is working for a Fortune 100 company has been waiting 13 years for his green card, Arumbakkam said.

That manager, also Indian, applied for permanent residency in Canada at the same time he applied for it in the States. After 18 months, Canada offered it to him and his family. His wife and children moved to Vancouver, B.C., where he visits regularly while waiting for a change in his U.S. residency status.

Indians in the United States often have too much trust in their employers and lack knowledge of resources that could help them understand their immigration options, Arumbakkam said. He plans to attend an Immigration Voice rally in Washington on Sept. 18 to urge congressional action on immigration.

But he isn't optimistic. "I just feel that I'm getting pushed further down as far as my career is concerned," he said.

Arumbakkam pointed out that he has no accent, calling it a measure of his assimilation. "I've opened up my mind, opened up my heart and soul," he said. "It tells me that I've really integrated here-the way of life, the culture, the melting pot."

To understand the larger picture, it's important to start with why U.S. tech companies hire highly skilled foreign nationals in the first place, said Boston lawyer Russell Swapp. "It's a supply issue," said Swapp, who heads the national immigration practice at Seyfarth Shaw, a 700-attorney firm: There simply aren't enough Americans with the education levels in tech necessary to meet employer demand.

And politics is at work in the often-contentious immigration dialogue.

Everyone agrees that a comprehensive solution to illegal immigration is needed. But politicians with their own agendas cause trouble for those wanting to focus on legal immigration, he said.

"There are folks in Congress who are holding legal-immigration initiatives and legislative proposals hostage," said Swapp. "They're using [those initiatives] as bargaining chips in the debate on illegal immigration."

The entire economy suffers as a result, said Swapp, whose clients are Fortune 500 companies.

"Corporate America is being competitively disadvantaged because they're unable to hire a sufficient number of highly skilled and educated foreign nationals," he said.

Strong opinions surround the "supply debate." Critics of corporate budgets say an unwillingness to pay homegrown talent competitive wages is the cause of the problem. They say salaries simply have to be higher in order for more U.S. students to want to study engineering, instead of pursuing degrees that will lead to jobs in higher-paying fields.

For years, numerous studies have shown that the U.S. must do a better job of preparing graduates in the fields of technology, math and science. For some, it's a national policy issue.

Ron Hira, assistant professor of public policy at the Rochester Institute of Technology, identifies three policy issues that need to be addressed for progress to be made: the appropriate number of available green cards, criteria for obtaining them, and the path to permanent residency.

No public policy forum has adequately tackled those questions, and no analysis has been good enough to inform their answers, he said.

Hira believes the United States can and should encourage the immigration of skilled workers-with clear limits.

"Let's say you lift the cap on employment-based green cards for people with advanced degrees," he said. "You're going to have lots and lots of people who'll want to immigrate to the U.S."

For Arumbakkam, the discussion is purely academic. He has already made up his mind to leave.

"Basically, my dream for giving back to this community by starting a company and employing Americans did not take off," he said. "It's going to be hard to go back."