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## Tech companies scramble for visas

[Oakland Tribune](#), [Mar 30, 2007](#) by [Michele R. Marcucci](#)

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The end of March is a crazy time for Gali Schaham Gordon, and this year is crazier than any she's faced before.

Gordon is an immigration attorney, and like others across the country she is frantically trying to complete her business clients' H-1B visa applications before the visas, for high-tech and other skilled workers, run out.

Each year since 2004, when the H-1B visa "cap" dropped from a temporary high of 195,000 to 65,000, the visas have disappeared in an ever-shrinking time frame. Last year the visas were gone in less than two months. Another 20,000 visas set aside for workers with a master's degree or higher disappeared in four months.

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This year, San Francisco-based Schaham and other immigration attorneys said the visa supply could be exhausted in a matter of days because of heightened awareness of the situation and increased hiring. So they're rushing to get applications to U.S. Citizenship and Immigration Services by Monday, the first day of filing for next year's visas.

"This year there's a huge scramble. Everyone assumes it's just going to run out in a day," said Jean Kim, a San Francisco immigration lawyer whose firm, Stiller & Buxbaum, expects to file about 60 applications Monday. "We're all afraid that if we wait to file on Tuesday or Wednesday, that's it. They're gone." The H-1B frenzy may not be the first thing most Americans think about when pondering immigration reform. But some business leaders say increasing the number of visas and green cards for skilled foreign workers is critical to the country's economic survival.

The visas, for which employers file, are for architects, engineers, computer programmers, accountants and others in specialized fields requiring theoretical or technical expertise. California companies held more than one of every six of the visas in 2006, according to the Department of Labor.

Business leaders have said America lacks the homegrown talent to drive its knowledge industries, often because not enough natives are interested in the jobs. They said the nation's immigration policies are driving foreign talent, often trained at major American universities, back overseas, where it is becoming easier to work and start businesses.

Some of the brightest lights in the new corporate firmament -- Yahoo, eBay, Google and others -- were created by immigrants, they said, many schooled in the United States.

This year roughly a fifth of University of California, Berkeley, graduate students are from overseas, and in 2004 more than a third of Stanford's graduate students were, reports from those schools show.

But this year's university graduates likely won't be eligible for the visas, business leaders and immigration attorneys said, because the visa supply will run out before students get their diplomas this spring. That means many either will have to take time off from jobs and head home until a visa comes through or will leave the United States for good.

Tech leaders and their industry groups are lobbying Congress to increase the supply of visas and green cards for skilled workers. The fight has lured luminaries such as Microsoft founder Bill Gates, a longtime proponent of removing the visa cap, who testified to Congress in early March.

Gates and others predict dire consequences if the changes aren't made, which could include exporting scores of jobs.

"Because of the arbitrary caps, we have to go where the talent is. If the talent is offshore, that's where we have to go," said Robert Hoffman, Oracle's vice president of government and public affairs and co-chairman of Compete America, a coalition of corporations, universities and others that is pushing for more job training and education and changed immigration policies.

Some questioned corporations' drive to bring more foreign talent into the U.S. work force, saying immigrants are taking Americans' jobs.

Kim Berry, president of the Programmers Guild, which represents hundreds of tech workers across the country, said some companies are abusing the visas for profit, using the visas to hire workers for lower wages. Without those abuses, he said, the caps now in place would suffice.

"The vast majority of H-1Bs are being used to bring in average workers for average jobs for below average pay," Berry said. "We don't have a shortage of H-1B visas. We have a shortage of jobs."

He said companies should invest in educating native workers before looking abroad.

Oracle's Hoffman said Compete America and other groups want that, too. "We don't see this as either-or, American or foreign-born. We're seeing this as having the innovation base to grow jobs for those in this country," he said.

This year the United States lost its place as a world leader in information technology, mainly because of deterioration in the political and regulatory environment, according to a report released Wednesday by the World Economic Forum in Geneva.

Some businesses said Americans don't want the jobs they're offering.

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