



Legal & Corporate Affairs

Developing, Attracting, and Retaining the World's Best and Brightest

- *H-1B visa and employment-based green card reform is essential if the United States is to attract and retain the best and brightest.*
- *Microsoft supports legislation to expedite permanent residence for highly-skilled workers in order to drive innovation and economic growth.*

For generations, America has prospered largely by attracting the world's best and brightest to study, work and live permanently in the United States. Our success at attracting the greatest talent has helped us become a global innovation leader, enriched our culture, and created economic opportunities for all Americans.

Microsoft supports policies designed to support innovation by ensuring that America's students and workers have the skills necessary to compete in a digital economy and by attracting and retaining the brightest, most talented people from around the world. This requires significant reform of our immigration policies for highly skilled workers. It makes no sense to tell well-trained, highly skilled individuals – many of whom are educated at our top colleges and universities – that the United States does not welcome or value them.

H-1B Visa Reform. Under the current system, the number of H-1B visas available runs out more quickly each year. The current base cap of 65,000 is arbitrarily set and bears no relation to U.S. industry's demand for skilled professionals. For both Fiscal Years 2008 and 2009, the supply lasted one day into the filing period, running out six months before that fiscal year even began and leaving none available for nearly 18-months.

Microsoft supports legislation that would encourage the best students from abroad to enroll in our colleges and universities, and to remain in the United States when their studies are completed if they choose to do so. Today, we take exactly the opposite approach. Foreign students who apply for a student visa to the United States today must prove that they *do not* intend to remain here once they receive their degrees. The U.S. should do all it can to ensure those students remain in the country to help drive innovation and job growth. It should likewise remove caps that bar entry into the U.S. by high-skilled immigrants. Doing so would enable U.S. employers to maintain development work and other critical projects here in the U.S. This can also drive domestic job growth as companies work to fill related management, design, and business positions in the U.S.

Encouraging Permanent Residence for Highly Skilled Workers. As with H-1B visas, the demand for green cards far exceeds the supply. Today, only 140,000 permanent employment-based visas are available each year, which must cover both key employees and their families. There is a massive backlog in many of the employment-based green card categories, and wait times routinely reach five years. Ironically, waiting periods are even longer for nationals of India and China – the very countries that are key recruiting grounds for the professionals desperately needed in many innovative fields.



Microsoft supports legislation that would expedite the path to Permanent Resident status for highly skilled workers. The reality for Microsoft and many other U.S. employers is that the H-1B visa program is temporary only in the sense that it is the visa used while efforts are undertaken to make our H-1B holders – whether educated in the U.S. or abroad – permanent U.S. residents. Rather than pretend that we want these highly skilled, well trained innovators to remain for only a temporary period, we should accept and indeed embrace the fact that we want them to become permanent U.S. residents, so that they can drive innovation and economic growth alongside America's native born talent.

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