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Immigration battle wages; government loses hope

BY CHRIS NELSON

They are engineers, financiers, attorneys and physicians. They have won Nobel prizes, flown in space and hold executive-level positions at some of the largest and most influential companies in the world.

South Asians have contributed more to America's economic might than perhaps any other ethnic group, but for those individuals lacking U.S. citizenship or a green card, the question remains — who gets to stay?

In the post-Sept. 11 era, where security concerns have led to tighter immigration policies, the answer is simple — very few. And in most instances, luck is the determining factor over whether one stays or goes.

"Our current immigration system is out of whack," Rajiv Khanna, founder and principle attorney at the Law Offices of Rajiv S. Khanna P.C. in Arlington, Va., said. "It was set up on the assumption that the green card process would take between eight to 12 months, yet on average, Indians need about four to six years to complete it."

Khanna, a specialist in U.S. immigration laws, also runs Immigration.com, a popular Web site that provides detailed information about the U.S. Immigration and Nationality Act, including bills under consideration by Congress.

He said current U.S. immigration policies have created a backlog of cases so deep, many highly educated and skilled South Asians living and working in America have been forced to return to their homelands. He blamed the United States Citizenship and Immigration Service for the quagmire and warned the United States risks losing its competitive edge because other nations are poaching South Asian workers who have been denied work visas in the United States.

"There are too many applicants and too few green cards," he said. "It's incredible that we've put an inefficient agency like the USCIS in charge of this process. I guarantee that if this continues for another five years, the U.S. economy will suffer the consequences."

Increasing U.S. competitiveness by providing more visas for skilled workers has been a sticking point in the ongoing debate in Congress over comprehensive immigration reform. Lawmakers have filed several bills that would increase the annual allotment of H-1B visas from 65,000 to 115,000, plus the continuation of 20,000 visas issued to applicants who hold advanced degrees from U.S. universities.

The employer-sponsored H-1B program allows nonimmigrant workers to enter the country for up to six years to fill labor shortages in fields such as computer programming, engineering, medicine, education and journalism. Companies submit requests for the visas based on projected labor needs, but aren't always granted the full amount of visas requested.

High tech firms in America and abroad have long complained that too few visas are available. They argue the industry is falling short of qualified scientists and computer programmers, and are pushing Congress to increase the number of H-1B visas as part of the comprehensive immigration reforms under consideration.

The U.S. Citizenship and Immigration Service received approximately 150,000 applications for the 65,000 available H-1B visas on April 2 — the first and only day that the agency accepted applications.

Microsoft Inc. chairman Bill Gates described the situation as an "acute crisis" during testimony before the Senate Health Education Labor and Pension Committee on March 7 and warned the

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President George W. Bush looked noticeably glum as he approached the podium at the Naval War College in Newport, R.I., the afternoon of June 28. It was uncharacteristic of Bush, who is known for remaining optimistic even in the toughest of times. Bush fiddled with his papers as he talked about the Senate's resounding defeat of a last-ditch attempt to reform the nation's immigration laws. Then did something he almost never does: he admitted defeat.

"A lot of us worked hard to see if we couldn't find a common ground," he said after the bipartisan measure — which he backed — died on Capitol Hill. "It didn't work."

Congress has all but given up on passing a comprehensive immigration reform bill this year. Lawmakers have conceded that any reforms will not occur until after the Nov. 2008 presidential election.

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