

FEATURE

Backlog keeps visas on shelf

At swamped INS, permanent visas delayed; guest workers might have to return home

By Julekha Dash

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As U.S. lawmakers continue to debate whether to raise the visa cap on temporary foreign workers, half of the employment-based permanent visas went unused last year. That's because of a severe backlog in visa processing, which is forcing thousands of technology workers to wait three or more years for green cards.

Though employers exhausted the 115,000 H-1B visas six months into this fiscal year, the U.S. Immigration and Naturalization Service last year issued fewer than 80,000 of the allotted 140,000 employment green cards. INS spokeswoman Eyleen Schmidt said a backlog in visa processing was partly to blame. The INS is now considering more than 1 million green-card applications.

Lisa DeFruscio, a human resources director at security software firm DefendNet Solutions Inc. in Providence, R.I., called the INS backlog "absurd," adding that the agency should consider ways to streamline the green-card application process. "There is such a shortage of technology talent today and when we don't have the (talent), it affects the bottom line. There's an opportunity cost."

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Inefficiencies in processing green cards for employment - rather than for foreign family members - have led to a growing chorus urging Congress to fix the visa system. For example, technology bigwigs Linus Torvalds, Esther Dyson and Steve Wozniak recently signed a letter to Congress on behalf of the Immigration Reform Coalition to help foreign workers attain permanent status.

Raj Shah, CEO of Capital Technology Information Services, Inc. (CTIS) in Rockville, Md., said the problems in green-card processing impede not only how he runs his business, but also the economy as a whole. Every foreign employee Shah hires to perform development work creates demand for another three U.S. workers, whom he assigns to maintenance, training and testing-related jobs.

DeFruscio said employers have an easier time receiving green-card approvals if a foreign worker has spent time in the U.S. When a company files a green-card application, it must prove that the person possesses "specialized skill or knowledge that doesn't displace" a U.S. worker.

Schmidt said the INS backlog on visa processing dates to almost two years ago, when the agency saw a large increase in the number of visa applications. Right now, it takes an average of 33 months to process a green-card application for a foreign national, but the INS hopes to reduce that to 24 months by the end of this year.

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For workers from India or China, the wait can be up to five or six years because the number of applicants from those countries regularly exceeds the 9,800-person limit on immigrants from any single country, said Liz Stern, an immigration attorney at Shaw Pittman in Washington.



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Some employers may lose H-1B holders who reach the six-year limit on their visas without obtaining permanent-resident status, said Stern.

John Nahajzer, senior immigration counsel at MicroStrategy Inc. in Vienna, Va., said it would be devastating to lose an H-1B holder who has been with the company for six years.

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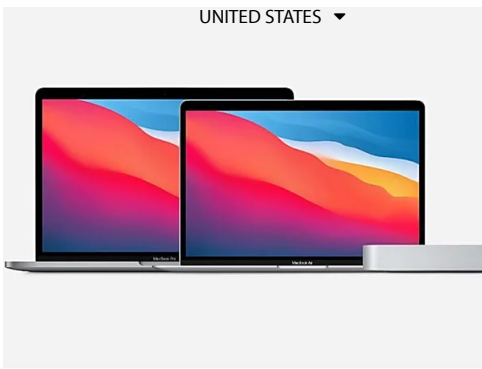
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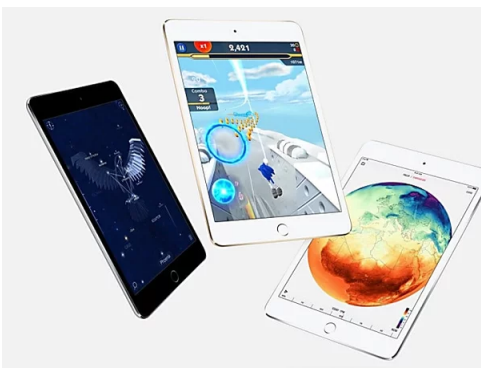
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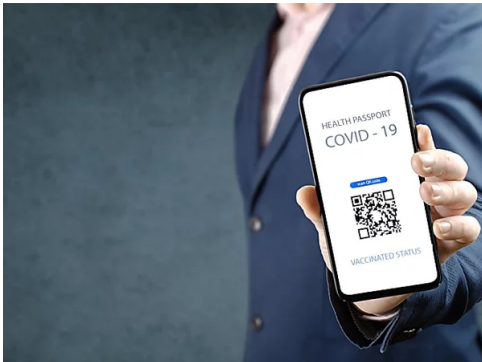
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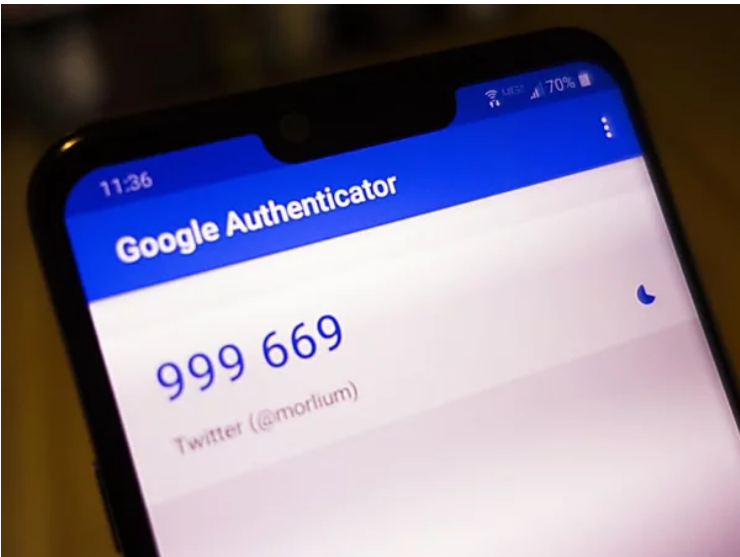
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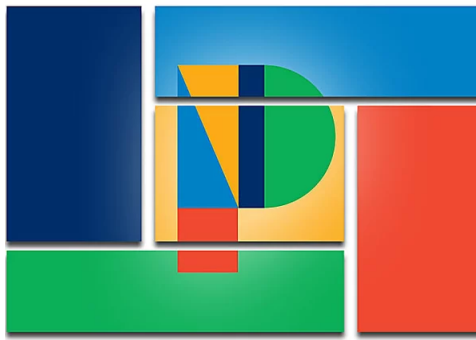
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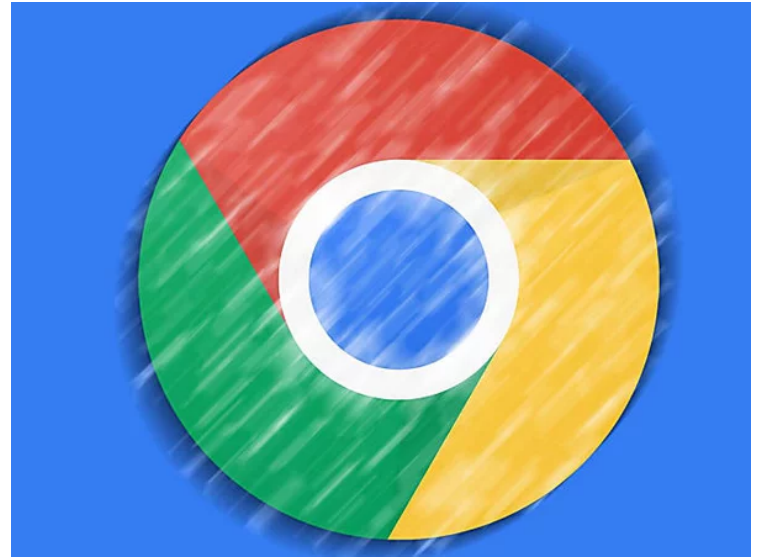
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