

## **TECH VISAS: House bill to ease rules on immigration draws fire;**

### **ATLANTA TECH**

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### **Body**

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Pending **House** legislation to lift restrictions on **immigration** to fill technology jobs could turn out to be a stumbling block for **Atlanta**-area businesses because of potential regulatory delays, according to specialists in **immigration** policy.

The most prominent **House bill**, proposed by Rep. Lamar Smith (R-Texas), would lift the limits on **immigration** between now and 2002, which would delight **Atlanta**'s many shorthanded technology companies and universities.

But the big window promised in the proposed law, headed for consideration by the full **House** Judiciary Committee, would not open without long-delayed regulations by the Labor Department and a raft of paperwork **immigration** specialists say will be burdensome.

"Companies who need relief now to get the use of new **visas** allowing them to use technology workers from overseas would face delays that could be disastrous," said Robert Banta, **immigration** specialist for the law firm of Fragomen, Del Rey, Bernsen & Loewy.

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Separately, the Metro **Atlanta** Chamber of Commerce endorses a Senate **bill** but opposes the **House** measure for being "inadequate and conditional."

Among the troublesome conditions for businesses, the experts say, are requirements that companies document:

Proof that more U.S. workers are on the payroll in the current year than the year before --- presumably to prove that net growth in employment was not due entirely to foreigners.

Evidence showing that there was a net increase in wages paid to U.S. workers as a group during the year.

Statistical analysis showing that there was a rise in median income paid to the U.S. workers.

Proof that immigrant workers employed by private employers would meet formal degree requirements and be paid a minimum of \$ 40,000, including bonuses, though colleges and nonprofit institutions would be exempt from this provision.

And that potential employers of immigrants be required to have no less than \$ 250,000 in gross assets.

"The new paperwork requirements would be very burdensome to many companies," said Banta, "but the more serious problem is the potential for regulatory delay as a company waits to be cleared by regulators and delayed while the Labor Department puts into effect regulations that already are overdue."

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For its part, the chamber, which has been pushing hard to promote its Industries of the Mind initiative and make Georgia more prominent as a high- **tech** state, said in a resolution that some of the restrictions could hamper small start-up companies and others trying to edge their way into Internet business.

"(The proposed **bill**) would likely preclude certain technology companies from obtaining specialized foreign workers," the resolution said, "and would preclude companies from obtaining the services of specialized individuals with many years of experience simply because they lacked formal degrees."

Even critics of the H-1B **visa** program saw reason to be suspicious of the Lamar Smith **bill**.

Gene A. Nelson, a Dallas-based scientist who has testified against the **visa** program, saying it is a way to import cheap labor, said the Smith **bill** could eventually open the **visa** window without restriction.

"When the **House** and Senate measures move to markup (reconciliation of the differences), the restrictions forcing American companies to pay equal wages could be dropped, leaving simply more **visas** and controls," Nelson said.

"I think Lamar Smith's heart is in the right place," he continued, "but the restrictions he proposes may not survive the negotiations."

Figures published by the government and industry associations, however, show a shortage of hundreds of thousands of information technology jobs, and Georgia companies are beginning to complain about the resulting inflation in wage costs.

"Actually the competition for technology skills is such that the government has no need to monitor wage levels," Banta said, "because the marketplace, for the foreseeable future, will keep wages up."

**Bill** McCloskey, a spokesman for BellSouth's Washington office, said company officials have not yet focused tightly on the **visa** legislation, aware that changes are likely between now and the final passage. He added however:

"Our company, like most others, would welcome some new flexibility in the **immigration** law, so long as it could lead to a larger supply of technical skills."

Our columnist on the business community

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## Classification

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