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Asian arrival: How STEM demand led to a massive shift in immigration



Jeffrey MacMillan/JEFFREY MACMILLAN - New research shows that Asians have surpassed Latinos as the largest new immigrant group in the United States.

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By Michael Wildes, Published: June 21 | Updated: Friday, June 22, 7:30 AM

The Pew Research Center’s recent study concluding that the number of Asian immigrants moving to the United States now exceeds the number of Latinos hardly seems surprising to me or many of my fellow immigration attorneys. My law firm, Wildes & Weinberg P.C., which has focused exclusively on United States immigration matters for more than 50 years, has seen a dramatic uptick in the number of our clients who are of Asian origin in the last several years, many of them of Indian, Bangladeshi, and Chinese descent.

And of those, many, if not the majority, are highly skilled workers who meet the qualifications for H-1B professional nonimmigrant visas.

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The H-1B visa is the visa that affords its holder the ability to have “dual intent;” that is, the holder of the H-1B can intend to reside in the U.S. permanently by applying for lawful permanent residence, despite the otherwise temporary nature of the visa. Nevertheless, it has become increasingly difficult for employers to sponsor their employees for H-1B visas. This is largely due to increasingly exhaustive review of such applications by the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS).

many Asian immigrants are taking advantage of these tools.

The STEM Designated Degree Program gives an added advantage to foreign students who come to this country to pursue bachelor’s degrees or higher studies in science, technology, engineering or math (STEM) as F-1 nonimmigrant students. Provided they are otherwise maintaining valid status as F-1 student visa holders, full-time foreign students studying in the U.S. are eligible for one year of post-completion work-related training (Optional

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Practical Training, or OPT) to obtain work authorization and gain experience-based training in their field of endeavor with an American employer.

Students who pursue a course of study in one of the STEM-related fields are eligible for an additional 17-month period of OPT with a U.S. employer. Therefore, F-1 students who are currently pursuing a bachelor's, master's, or doctorate degree included in the STEM Designated Degree Program List, and who are currently approved for a post-completion OPT period based on a designated STEM degree are given the added benefit of significantly more time in the U.S. in authorized on-the-job training work.

This added time helps foreign STEM students secure longer-term job offers and gain a better foothold in a career in the United States. In May, the Department of Homeland Security significantly expanded the program to include 90 additional STEM fields of study in disciplines spanning from archeology to zoology.

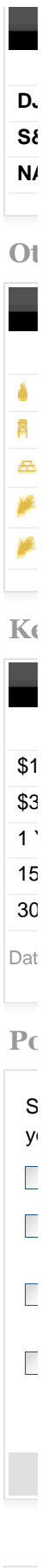
According to the latest Census figures, more than 20 percent of bachelor's degree holders who earned their degrees in "science and engineering fields" are foreign born, with more than half of those students coming from Asia. Of these fields, native-born students only lead their foreign-born counterparts in psychology, social sciences, and multidisciplinary sciences. Consequently, foreign-born Asian students are able to get jobs relevant to their science and engineering degrees.

Department of Commerce studies also show that Asians are twice as likely to hold jobs in STEM-related fields than any other group, and that one in five workers in a STEM-related field is foreign-born, of which 63 percent comes from Asia.

Without question, the expansion of the STEM program and the influx of highly skilled Asian immigrants are good developments for this country. There are numerous high-profile examples, such as Indra Nooyi of PepsiCo and Jerry Yang of Yahoo, but there are also countless lesser-known Asian immigrants, like those I see in my office nearly every day, who continue to make incredible economic and cultural contributions to our society.

By allowing these highly-skilled individuals, the ones who trained at our fine universities, to apply their knowledge in this country, we can take full advantage of our increasingly science- and technology-based economy.

Michael Wildes is the managing partner of Wildes & Weinberg, P.C., a U.S. immigration law firm that specializes in employment and investment-based immigration, business and treaty visas, labor certification/job offer sponsorship for permanent residence,



naturalization/U.S. citizenship, Form I-9 compliance, family-based immigration, student and religious worker visas, and other temporary and permanent visas.

Join the conversation, share your opinion: Should the United States ease immigration restriction to welcome more highly skilled foreigners? Please let us know in the comments or [vote in our poll](#).

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jeffreed wrote:
6/24/2012 6:15 AM EDT

This is a piece of propaganda pure and simple. It does not talk about any of the widely documented abuses of the various programs that it discusses. It does not talk about companies mainly but not exclusively Indian have used them to essentially destroy American jobs and then out source them to mainly but not exclusively India. It does not talk about how employment in the tech world has never really recovered from the collapse of the tech boom roughly ten years ago. It does not talk about the fact that unemployment in STEM industries is higher than the national average. It does not talk about why so many talented Americans with STEM degrees are getting out of STEM industries. It simply a piece of propaganda and not a reasoned discussion of either the STEM world in this country or of the world of STEM immigration. It is just another example of how the Washington Post refuses to present an honest debate on immigration in any form.



Ali4 wrote:
6/22/2012 2:13 PM EDT

"Nevertheless, it has become increasingly difficult for employers to sponsor their employees for H-1B visas. This is largely due to increasingly exhaustive review of such applications by the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS).:

-----Too bad he doesn't mention why. GAO found that about 20% of applications were fraudulent. We also have cases such as that of the Indian landlord who used H1-B to import teenage sex slaves from his home village, lawyers who have filed fraudulent H1-B apps by the carload, and an Indian who created a bogus company to sponsor H1-Bs. The H1-B itself is already full of loopholes. For example, there is no labor test unless the company is one of the very few who is H1-B dependent (has more than 15% of their worldwide workforce on H1-Bs) or until they try to sponsor the H1-B for a green card. Meanwhile, as this story shows, the employer is able to hire a foreign student on OPT, pay him less (foreign students do not have the same withholding that Americans do, so are cheaper), keep him here until he can get his H1-B visa after 29 months

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(or sooner) and NEVER ADVERTISE THE POSITION so an American could have a crack at it.



tc74 wrote:

6/22/2012 1:07 PM EDT

Non-Asians in STEM fields are suffering from discrimination by Asians in the workplace. It is frustrating to see the ethnic cliques that have formed, workplace conversations in languages other than English about work issues, and out and out violations of EEOC where qualified Americans with experience are not considered for positions while students on OPT who happen to be of the same ethnic origin as the hiring manager receive the jobs. In universities, look at the workgroup compositions of Asian faculty; they are predominantly - actually, almost exclusively - of their own ethnic background.

In addition to the discrimination issues, we should be concerned about the potential of illegal transfer of technology by these individuals to their home country.

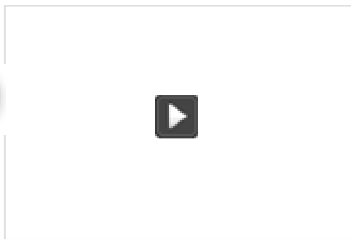
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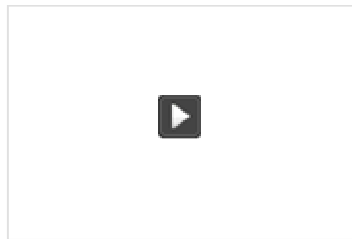
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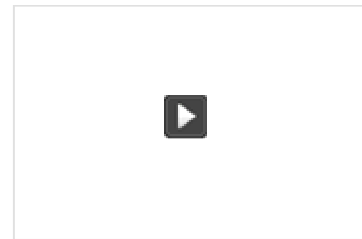
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