

Visas for Immigration, Scientific Collaboration, and Academic Study

Science is an inherently global enterprise. The American Chemical Society (ACS) believes it is in the best interest of the United States that scientists and students can access efficient and easily navigable visa and immigration programs. International scientists and engineers are critical contributors to research, manufacturing, and academic enterprises. Their technological achievements contribute immensely to our nation's economy, national security, public health, and higher education. The ACS values the diversity of thought and perspective brought by these individuals, because this promotes innovation in industry, contributes to the workforce, improves student education and keeps our universities among the best in the world.

Workforce-Related Immigration is Required to Maintain Global Competitiveness

Visa and Immigration policies are critical to maintain the U.S. as the leader in the world economy. The U.S. has relied on immigration to drive growth since the early days of the Republic, including advances in science and engineering that are responsible for more than half of U.S. Gross Domestic Product (GDP) expansion after WWII. Immigrants, particularly those with Science, Technology, Engineering and Mathematics (STEM) education and experience, strengthen the U.S. university system, and provide the foundation for STEM to grow the U.S. economy. Immigrants start more small businesses and file more patent applications than their native-born American peers. In addition, they have had little, if any, impact on the national unemployment rates of U.S.-born workers. Rather, these individuals are a major benefit to the U.S. economy through the creation of new enterprises and jobs.

To maintain global competitiveness, the U.S. should continue to develop its domestic work force and enrich it with immigrants who have STEM education and experience. A competitive, global recruiting process for U.S. universities ensures that students experience a wide diversity of thought. Employing the best faculty and staff at U.S. teaching and research universities is key because they train the U.S. STEM workforce. These mentors allow U.S. citizens to participate in leading-edge research and to engage in invention and innovation at the highest level. These mentors also attract the best talent from around the globe.

U.S. companies need effective policies providing temporary employment and encouraging permanent residency. Investment in the education of foreign-born students is paid back when these individuals have the opportunity to stay lawfully in the country and contribute to U.S. businesses, communities, and economic prosperity. Similarly, individuals who arrived in the U.S. unlawfully as children have already started to participate in the economy, especially after receiving additional STEM education. For the U.S. to realize a return on these investments, they should receive preference for legal permanent residency if they have the skills needed by employers and wish to remain in the U.S.

Immigration and work/study visa policies should be structured to ensure that the best-qualified individuals are available for the U.S. chemistry enterprise. Current government policies for distributing H-1B visas for temporary employment make it difficult for many companies and universities to hire foreign-born workers with the needed skills. Policies should enable all research and development sectors to have fair access to this labor pool. Multinational companies also need continued access to the L-1 visa for temporary, intracompany, transnational transfer of their employees to utilize their expertise, and to develop talent within the U.S.

Immigration should be additive to the U.S. economy and should not result in wage suppression or displacement of American workers. Therefore employers should be required to pay immigrant workers a competitive wage commensurate with their education and skills. Constructive immigration policies such as these balance individual opportunity with overall costs and benefits to society.

Visas for Scientific Exchange and Academic Study are in the U.S. National Interest

The ACS strongly supports a non-discriminatory visa process. A robust national strategy for granting scientific visas must promote and facilitate the entry and retention of the brightest and most qualified international students, scholars, scientists, and engineers to participate fully in the U.S. higher education and research enterprises. Half of all physical sciences and engineering graduate students come from other nations; international students comprise 53% of chemical engineering and 40% of chemistry graduate students at U.S. universities. Without such a strategy, these potential contributors may seek opportunities in countries with fewer barriers.

The ACS recognizes the security concerns of research funded and developed in the U.S and supports export control laws that protect national security, foreign policy, and economic interests without imposing undue regulatory burden. Despite this challenge, it is in the national interest of U.S. economic development and global competitiveness for international scientists and students to have the ability to travel freely and easily to the U.S.

Policy Principles and Recommendations

Principles all policies should follow:

The ACS supports policies that create a healthy immigration system allowing for entry of workers with the requisite STEM education and skills. Policies should align with principles that:

- Enable companies and universities to hire top talent from around the globe at competitive wages;
- Enhance the retention of U.S. trained, foreign-born workers, providing increased return on investment;
- Foster a vibrant and world-leading U.S. based scientific community, promoting improved competitiveness;
- Improve the cultural fluency of U.S. companies, allowing them to be globally competitive.

The ACS supports policies that balance these four principles with a need to prevent immigrants from suppressing wages or displacing American workers in jobs requiring STEM education and skill sets.

Recommendations

We recommend policies that:

1. Establish and maintain a portfolio of fair and flexible temporary visa options for education, training, and employment.
 - Continue visa programs that allow American universities to enroll foreign students, especially in graduate research programs (F-1).
 - Preserve immigration statuses that allow foreign nationals who graduate from U.S.-based STEM education programs to pursue temporary employment as part of the optional practical training (OPT) feature of the F-1 visa program.
 - Implement an improved process for selecting H-1B visa recipients so that it:
 - More efficiently matches the market demand for employees across STEM industries, especially for employees in the chemical and allied products industries.

- Gives preference to students educated in the U.S. over those not educated in the U.S.
- Maintain visa programs that allow multi-national corporations to make intra-company, transnational transfers into the U.S. (L-1).
- 2. Strengthen the U.S. workforce by enabling appropriately skilled foreign STEM workers to enter and remain permanently in the U.S.
 - Simplify employer-sponsored permanent residency for U.S.-educated foreign nationals who want to work in the U.S. and who have been offered employment at a competitive wage by a U.S.-based company, university, or other entity.
 - Expand opportunities for foreign nationals with STEM skills and/or experience to achieve permanent residency (EB-1).
 - Enable individuals who were brought to the U.S. as children to:
 - Receive immigration status to complete undergraduate and graduate education in STEM fields.
 - Receive immigration status for employer-sponsored, U.S.-based employment after graduation.
- 3. Improve the U.S. visa system.
 - Ensure predictability, transparency and reduced time for processing visa applications. Students, conference attendees, and other scientific visitors rely on timely visa decisions to arrange for travel to the U.S.
 - Streamline and enhance visa application and approval through digital modernization to improve service delivery with appropriate cybersecurity and fraud prevention techniques.
 - Allow timely opportunities to correct application deficiencies and appeal visa denials. Negative decisions should be issued with an explanation of the reason for the denial. Information on options, and implications for future travel to the U.S.
 - Develop mechanisms to facilitate routine re-entry by foreign students and scientists who travel outside of the U.S. The ACS supports multiple entry visas for visiting scientists and student visa holders valid for the length of their program. When this is not possible, mechanisms should be created for travelers to apply for and receive a timely decision concerning re-entry before traveling from the U.S.
 - Assess reasonable visa processing fees that do not unnecessarily burden applicants.
 - Afford special attention and additional consular resources to process visa applications of third-country nationals. Scientists are a highly globalized workforce; it is common to receive education in multiple countries.
 - Create consistency and equity in the visa system by allocating sufficient resources in terms of software, funding, and personnel to the system. Visa-granting officials at consulates and the ports of entry should also have access to technical expertise and resources to facilitate the responsible and informed evaluation of applications from scientists.