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FOREIGN PROFESSIONALS: MAYBE A RARE COMMODITY

by
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Unemployment is not a problem across many industries in the U.S. In fact, the major media and technical journals speak of labor shortages. Particularly hard hit is the computer industry. Wages for college degreed computer engineers is staggering. The competition for qualified professional and technical workers is enormous.

U.S. immigration law responds to temporary labor shortages, and to otherwise enable U.S. business to avail itself of the best and brightest. The H-1b nonimmigrant visa category looks to the global labor supply for professional workers. Professionals are bachelors' degreed individuals who occupy positions that require the degree in order to be performed.

The Immigration Act of 1990 capped the number of H-1b visas at 65,000 annually. Until then, there were an unlimited number of H-1b professionals who could enter the U.S. For the first few years, there were a sufficient number of visas for all that qualified for H-1b status. In May 1998, demand exceeded availability, and a backlog was created. There was confusion at the INS and amongst the public as to how cases in the pipeline were going to be handled. Fortunately, a pragmatic approach was taken. These circumstances were deemed beyond the aliens' control and they were able to gain status anyway. Part of the solution included a carry over of petitions for H-1b status from last year to this year's total.

In October 1998, after the start of the new fiscal year at INS,

Congress passed the American Competitiveness and Workplace Improvement Act of 1998. This law lifted the cap on H-1bs to 115,000 until 2000 and then down to, 107,500 in 2001. In 2002 the law will revert back to 65,000 per year.

Despite the new increase, it is expected that H-1b numbers will again run out during May 1999. Foreign professional workers will have to wait until the start of the next federal fiscal year on October 1, 1999, or perhaps longer, in order to commence employment.

If you require foreign professional workers, but worry about the H-1b issue, there is something you can do. You can contact your Congressman or Senator. Telephone calls, letters, e-mails and the like make the difference.

*Published in the July-August 1999 Newsletter of the
[National Association of Women Business Owners \(NAWBO\)](#)*

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