



**QUAN, BURDETTE & PEREZ, P.C.**

# **Immigration Challenges in Addressing Personnel Needs**

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# America's Population

- 100 Million 1915
- 200 Million November 20, 1967
- **300 Million October 17, 2006**
- 400 Million 2040

# Mass Immigration Rally



**ASSOCIATED PRESS :** IRISH LOBBY FOR IMMIGRATION REFORM

**IRISH-AMERICAN RALLY:** A crowd of supporters for the McCain-Kennedy Immigration Bill rallied in Washington, D.C., at the Capitol on March 8.

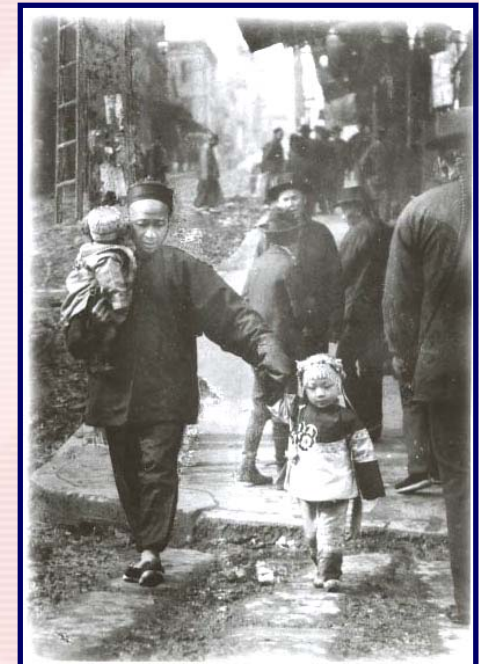


# History of U.S. Immigration



# Chinese Exclusion Act (1882)

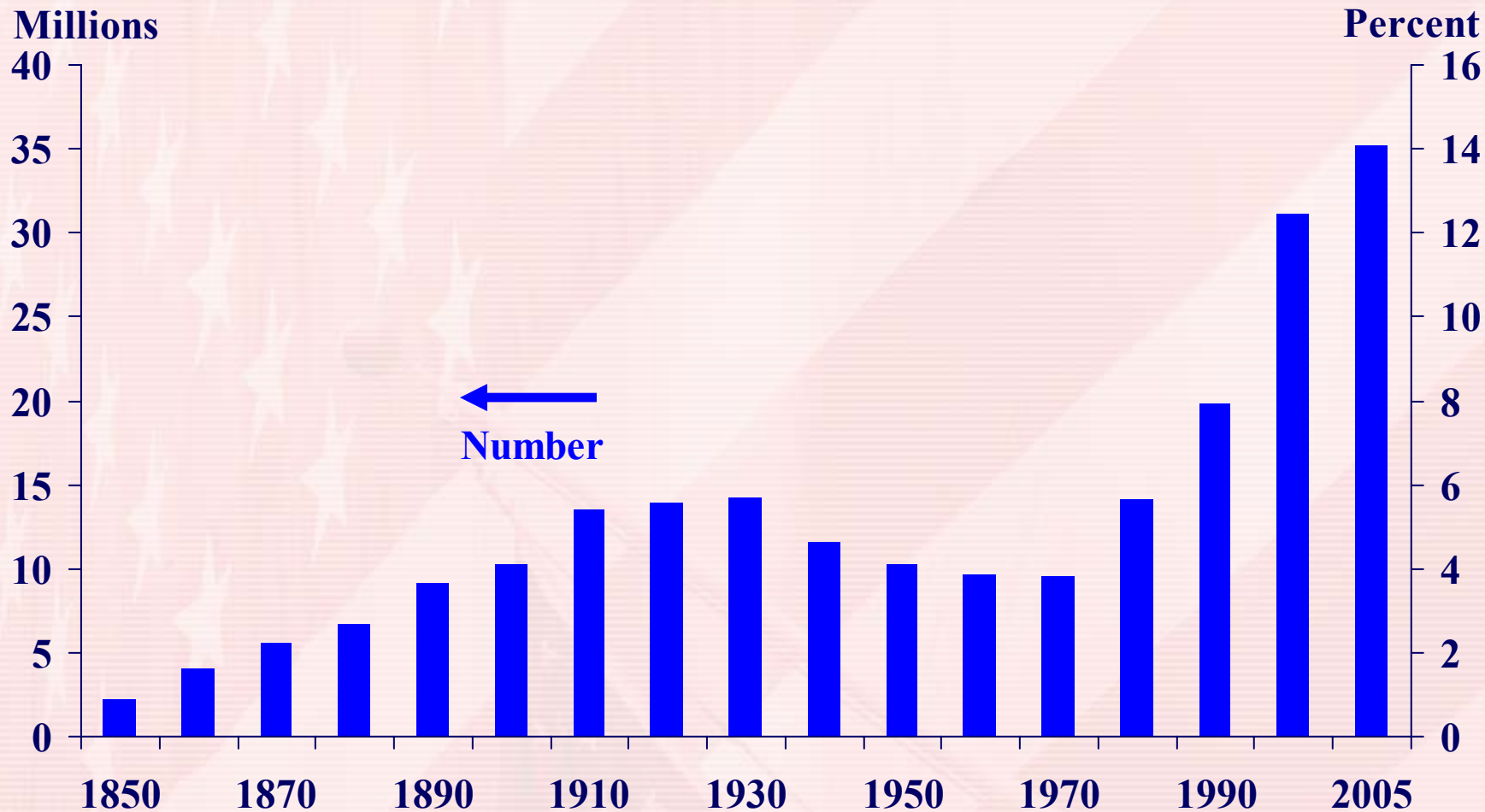
- Suspends immigration of Chinese laborers
- Bars Chinese Naturalization
- Provides for deportation of Chinese illegally in U.S.
- Exclusion extended to Japanese in 1907
- Exclusion extended to all Asians in 1917



# Notable Immigration Acts

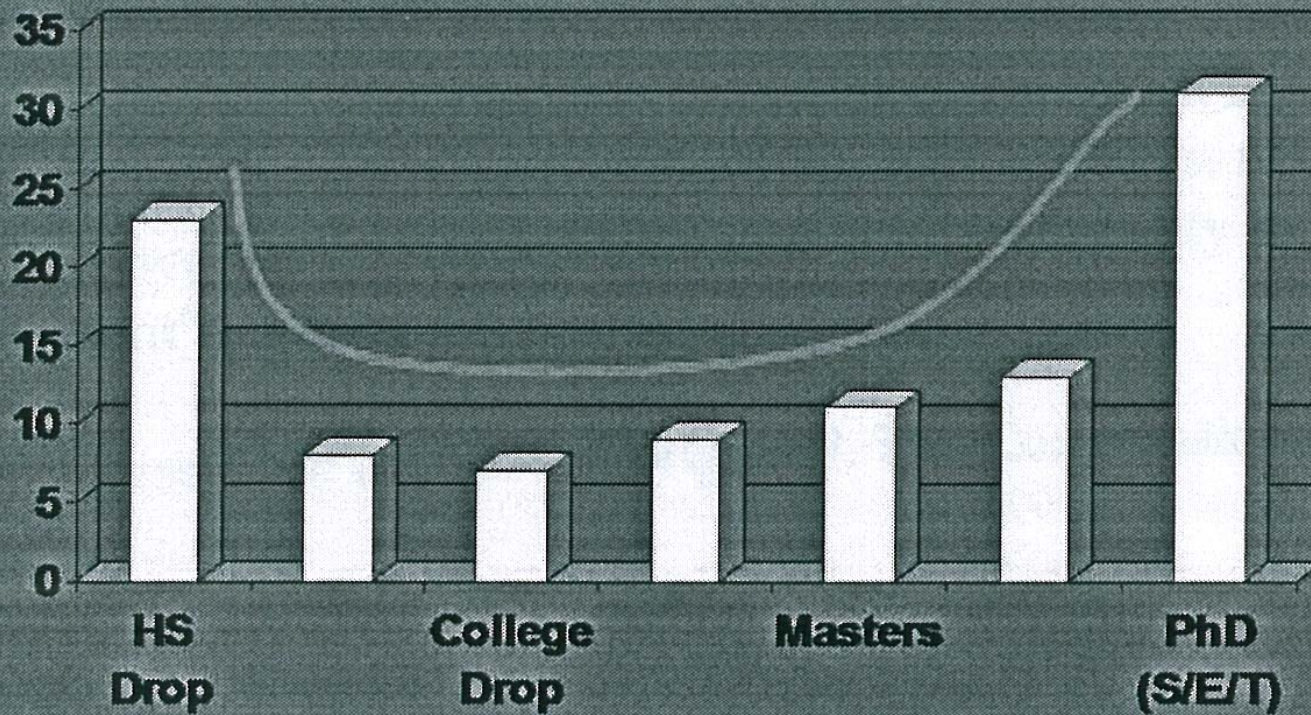
- National Origins Act (1924)
- McCarran-Walter Act (1952)
- Immigration and Nationality Act (1965)
- Immigration Reform and Control Act (1986)
- Illegal Immigration Reform and Immigrant Responsibility Act (1996)

# The Foreign-Born Population is Larger Than Ever Before



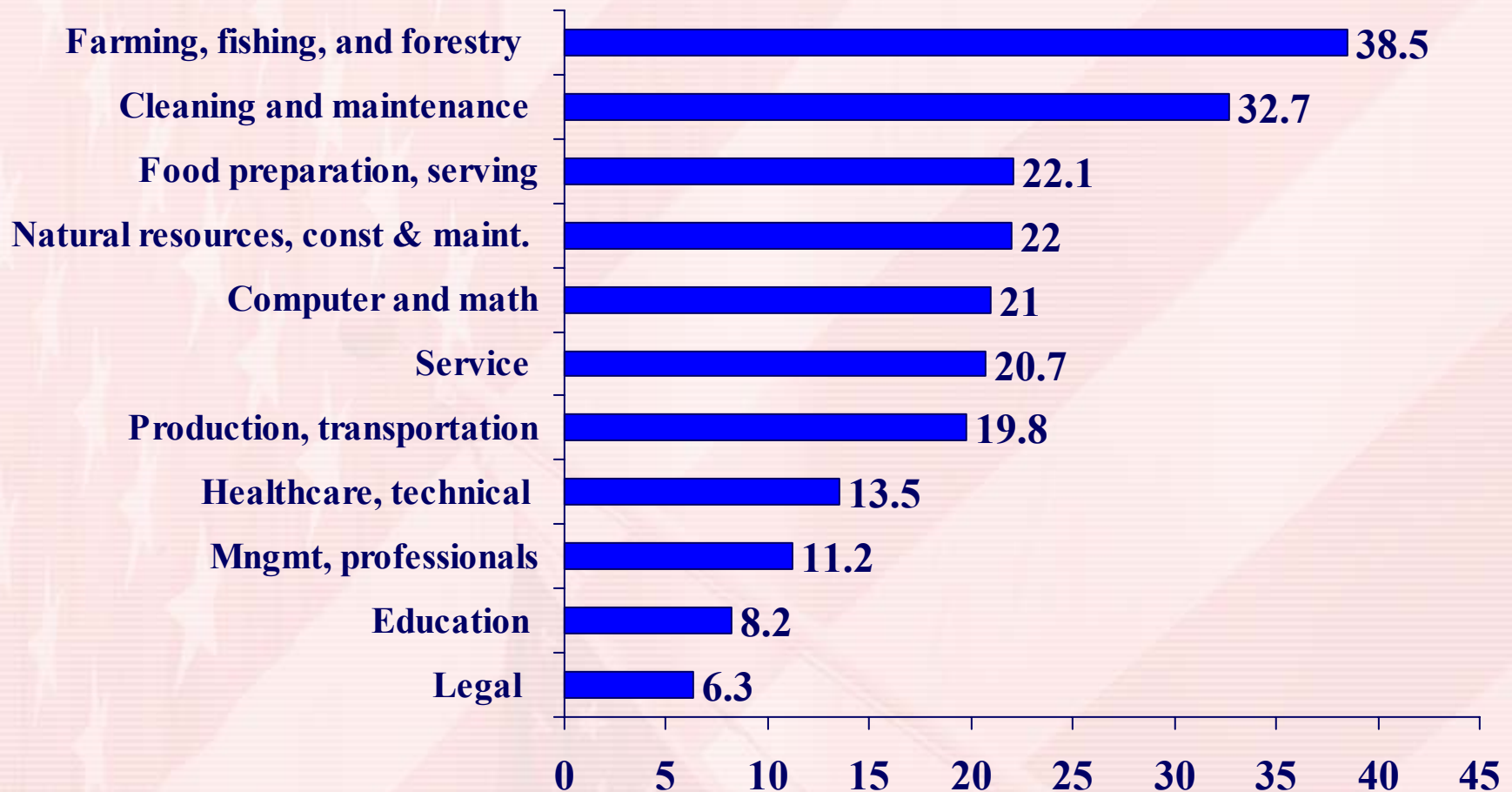


# Foreign-Born Share of U.S. Labor Force by Education Level, 2003



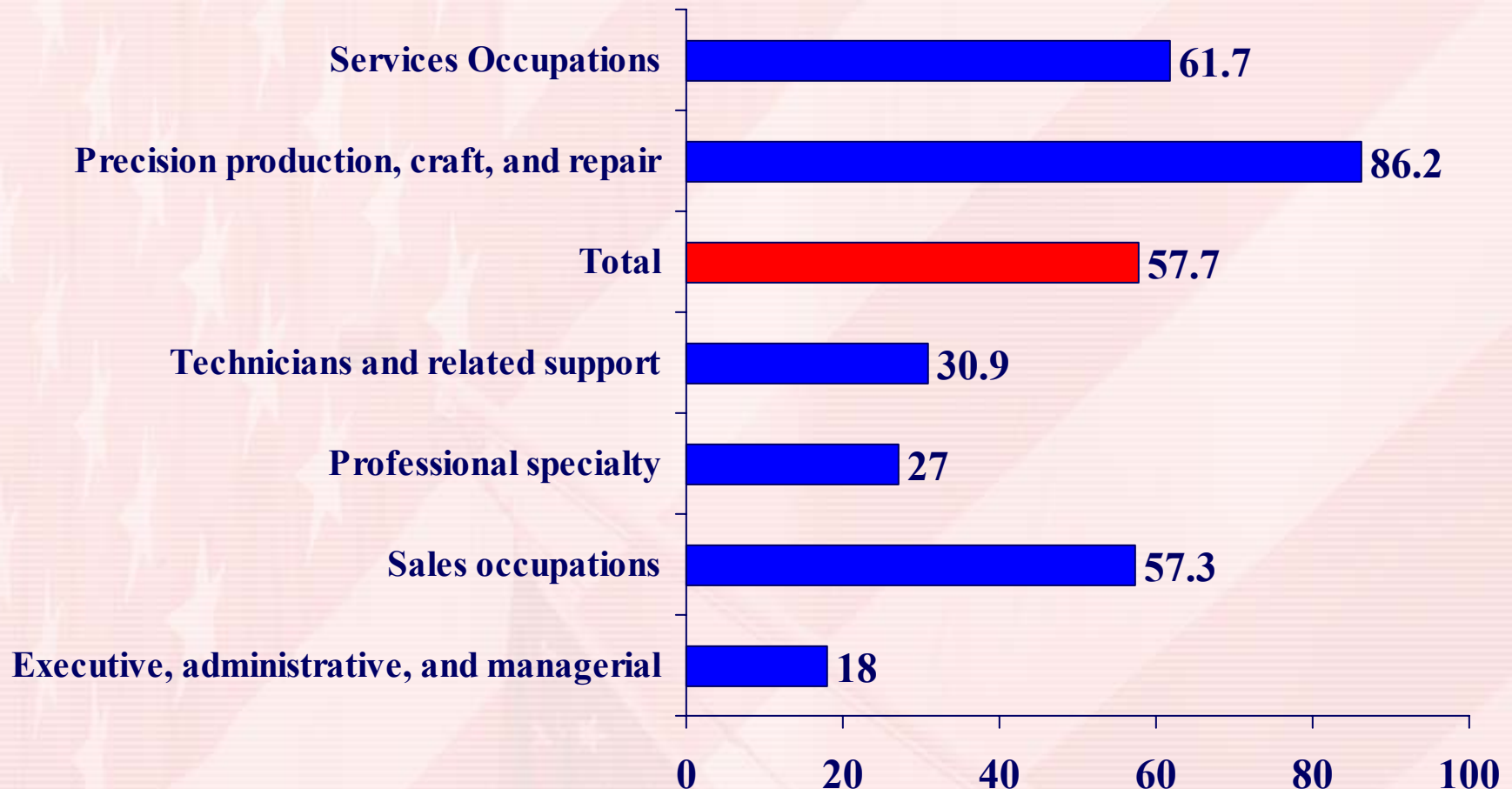


# Foreign-Born Share of Employment by Occupation



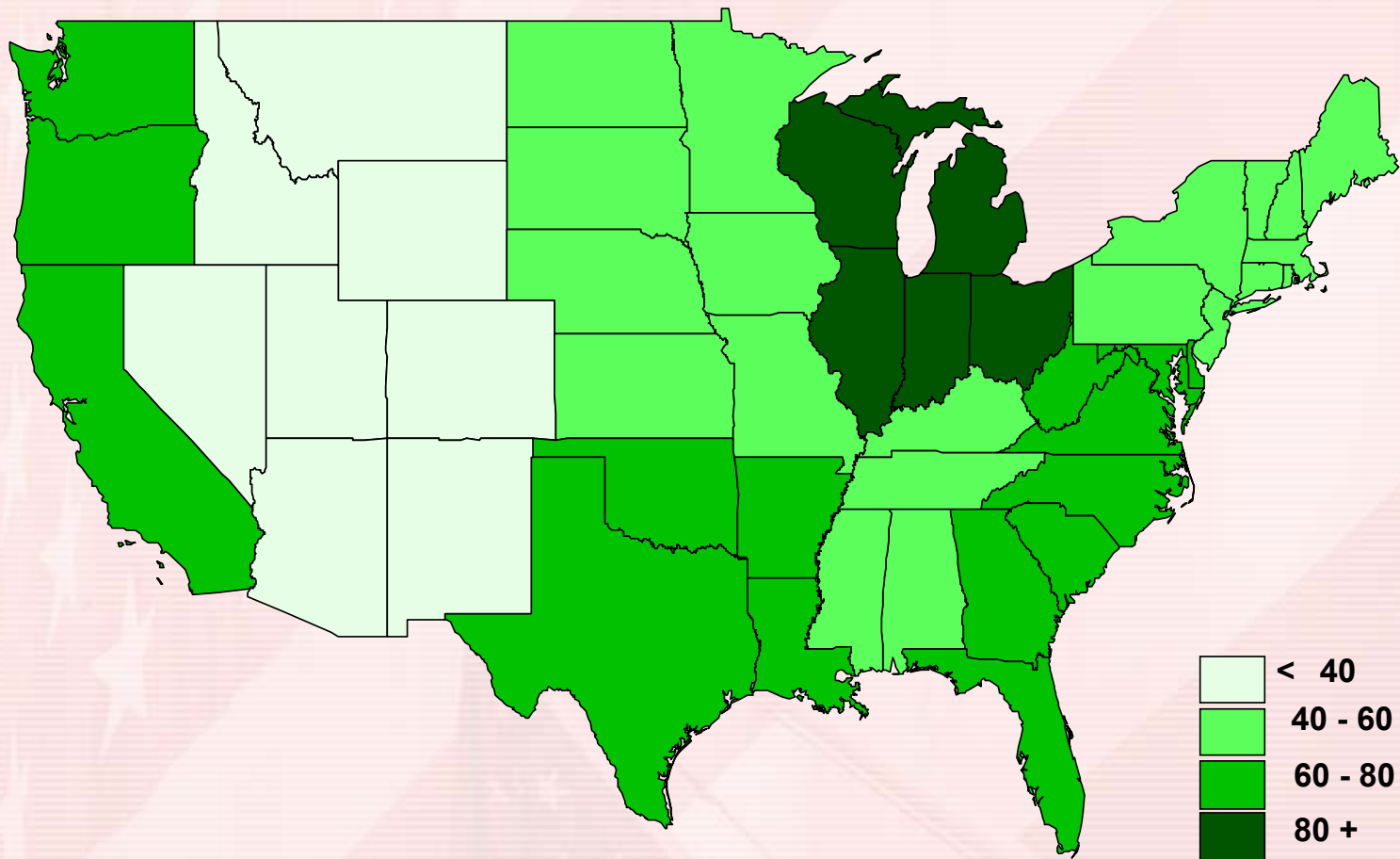
Source: 2005, BLS

# Foreign-Born Share of Job Growth by Occupation



Source: 1996-2002, BLS

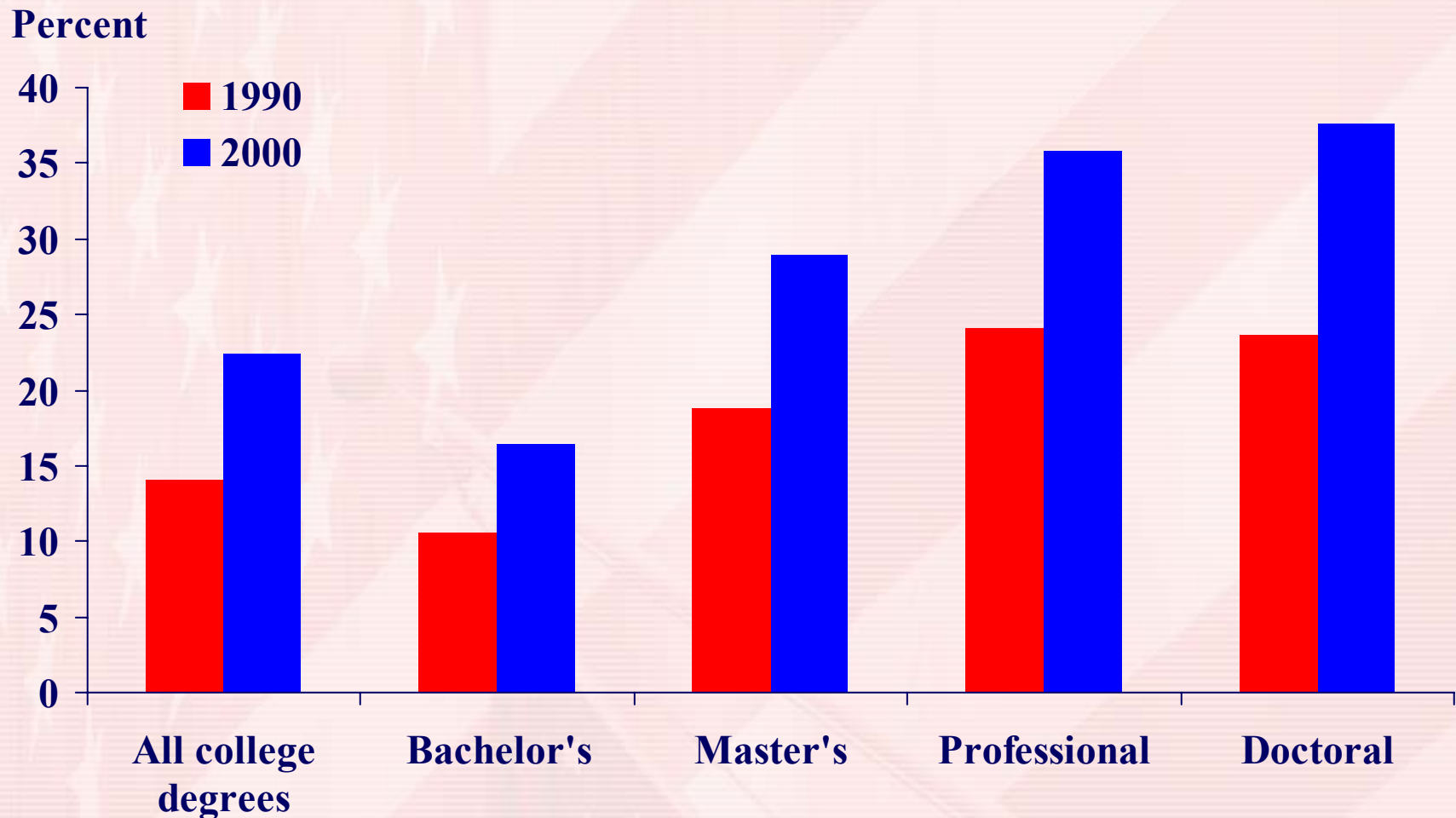
# Foreign-Born Share of Employment Growth by Census Division



Source: 1996-2003, BLS



# Share of U.S. Scientists and Engineers Who Are Foreign-Born Large, Increasing



Source: Science and Engineering Indicators

# Factors in Today's Workforce

## FLAT-WORLD

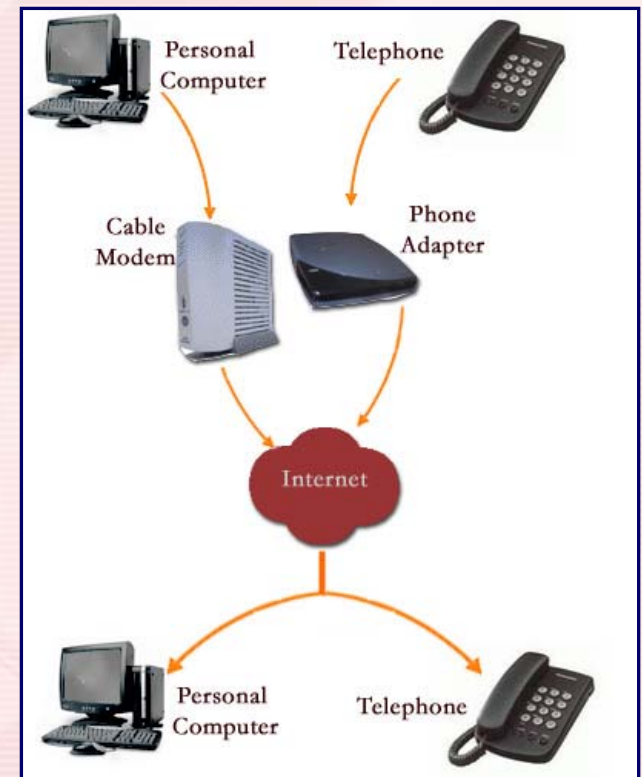
INDIA  
CHINA

U.S.A.

IRELAND  
RUSSIA

COSTA RICA  
EL SALVADOR

VOIP:



# DEVELOPING A STRATEGIC PLAN FOR FOREIGN WORKERS





# Immigration Challenges Facing Employers



In a bustling local economy,  
not enough employees are available,  
especially in technology, engineering and accounting

# Wanted: workers

By L.M. SIXEL  
HOUSTON CHRONICLE

**S**TEVE Winter has raised salaries nearly 20 percent, hired three recruiters and inaugurated weekly "Geek Fests" to liven up things around the office.

But try what he will, the CEO of Houston staffing firm Ergos Technology can't find enough people to fill his 20 information technology job openings.

"The economy is hot," Winter said.

Partly fueled by high energy prices and business generated locally for companies working hurricane reconstruction, demand for new workers in the Houston area is outstripping supply, especially in fields like engineering, information technology and accounting.

While that's good for job seekers, it's becoming a headache for companies like Winter's looking for workers in high-demand areas.

Many companies have found they can't grow, said Joel Wagner, labor market analyst with the WorkSource, which manages employment services, education and training for the Houston area.

New employment data from the WorkSource show that the Houston area has been a torrid job machine. Area employers added 104,756 jobs, a gain of 4.6 percent, between March 2005 and March 2006, according to the most recent payroll records.

Every month the Texas Workforce Commission surveys employers on the number of jobs they have and produces an estimate of job growth or loss based on the number of jobs reported the same month a year ago.

Recently, the WorkSource compared the March estimates with actual payroll records to get a more accurate view of job growth.

If that pace uncovered by the WorkSource were to be maintained, Houston for 2006 would be on track to rival the good-times year of 1998 when the economy churned out 103,000 new jobs.

But that's unlikely, local economists say.

That's because the area's economy has been slowing down since March, a trend that is likely to continue as the national economy cools, interest rates rise and energy

Please see **JOBS**, Page D6



## A JOB MACHINE

Houston-area job creation coming into 2006 was on a pace to rival 1998, but a slowdown in the national economy could moderate growth.

**103,000**

Number of jobs generated in 1998 after a year of solid gains in the oil patch — the most since the 1980s bust.

**65,000**

Jobs University of Houston economist Barton Smith estimates the area will create in all of 2006 as the national economy slows.

**104,756**

Jobs created between March 2005 and March 2006 as oil prices climbed, raising hopes that job growth for the year could rival 1998.

**-14,600**

Area jobs lost in 2003 as the nation recovered from the aftermath of the terrorist attacks and the popping of the tech bubble.



# Long Backlogs in Immigrant and Non-Immigrant Visas



Toni Scully, whose family owns a pear-packing company in Northern California, rejected tons of fruit that had been picked too late

## Pickers Are Few, and Growers Blame Congress

By JULIA PRESTON

LAKEPORT, Calif. — The pear growers here in Lake County waited decades for a crop of shapely fruit like the one that adorned their orchards last month.

"I felt like I went to heaven," said Nick Ivceovich, recalling the perfection of his most abundant crop in 45 years of tending trees.

Now harvest time has passed and tons of pears have ripened to mush on their branches, while the ground of Mr. Ivceovich's orchard reeks with rotting fruit. He and other growers in Lake County, about 90 miles north of San Francisco, could not find enough pickers.

Stepped-up border enforcement kept many illegal Mexican migrant workers out of California this year, farmers and labor contractors said, putting new strains on the state's shrinking seasonal farm labor force.

Labor shortages have also been re-

ported by apple growers in Washington and upstate New York. Growers have gone from frustrated to furious with Congress, which has all but given up on passing legislation this year to create an agricultural guest-worker program.

Last week, 300 growers representing every major agricultural state rallied on the front lawn of the Cap-

itol carrying baskets of fruit to express their ire.

This year's shortages are compounding a flight from the fields by Mexican workers already in the United States. As it has become harder to get into this country, many illegal immigrants have been reluctant to return to Mexico during the off season. Remaining here year-round, they have gravitated toward more stable jobs.

"When you're having to pay housing costs, it's very difficult to survive and wait for the next agricultural season to come around," said Jack King, head of national affairs for the California Farm Bureau Federation.

California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000

### NEWS SUMMARY A2

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INS

### Iran Skirts Arms

Iran's president, Khatami, refused to meet a Security Council disarmament and disband guerrilla group back fought a war with Is

### Claim on Terror

The Defense Department general dismissary officers who had Pentagon programists involved in the before the hijacking

### Electoral Colleg

A plan would let the Electoral College election of the candidate most votes nationwi

FOR HOME DELIVERY





# Lack of H-1B Visas

Source: Washington Post

## On the job: Bill Gates goes to Washington for workers



**DAVID S. BRODER** takes a look at what would lure the Microsoft billionaire to lobby on behalf of H1B visa workers.

**W**HEN the Senate comes back to work next week, it is scheduled to take up the issue of immigration. And that is what brought Bill Gates to Washington for a rare visit last week.

The Microsoft billionaire does not love this capital, but he decided to add his personal voice to his Washington office's lobbying effort to expand the number of foreign-born computer scientists allowed to work in this country under a special program known as H1B visas.

In an interview sandwiched between his meetings on Capitol Hill, Gates told me that the "high-skills immigration issue is by far the No. 1 thing" on the Washington agenda for Microsoft and for the electronics industry generally. "This is gigantic for us."

Since autumn 2003, Congress has limited the number of people admitted annually on H1B visas to 65,000. To qualify for such a visa, a person must have at least a bachelor's degree and specialized knowledge and a job offer from an American employer. The visa is generally good for six years, with the possibility of applying for extensions.

So great is the demand for such skills in the burgeoning high-tech world that in August 2005, the last of the visas available for fiscal 2006 were issued. That means a 14-month shutdown of the program, until October of this year.

"It's kind of ironic," Gates told me, "to have somebody graduate from Stanford Computer Science Department and there's not enough H1B visas, so they have to go back to India. . . . And I have people who have been hired, who are just sitting on the border waiting."

The draft bill that Senate Judiciary Committee Chairman Arlen Specter has been trying to prepare for floor consideration would expand the annual H1B limit from 65,000 to 115,000. By excluding dependents (who now are counted against the cap) from the total, it might mean the entry of as many as 300,000 people a year — one-tenth of 1 percent of the U.S. population.

As Gates said, these are highly paid, highly qualified individuals. Salaries for these jobs at Microsoft start at about \$100,000 a year.

Their counterparts can be hired more cheaply in China or India, Gates said, but Microsoft does 85 percent of its R&D work in the United States

He said he has a hard time understanding the logic of those who decry the outsourcing of American jobs, yet are reluctant to facilitate bringing the high-skill people who are catalysts for economic growth to this country. "People just shake their heads at what kind of a central planning system would say having 65,000 smart people come in, that's OK, but 70,000 smart people, no."

President Bush and his administration support the expansion of H1B visas. And Gates, in turn, is enthusiastic about the White House and bipartisan congressional efforts to boost the teaching of math and science in American high schools with the long-term goal of expanding the supply of qualified Americans for these jobs.

He is backing that effort both with gifts of technology from the company and grants of \$300 million a year from his foundation for innovation in high schools. "But the benefit of things like that has got a fair time lag," he said, "and the next four or five years, it really hangs in the balance: How many of these talented people we want to hire, and who want to come here, can we hire?"

The answer is by no means certain. Opposition to the H1B program grew during the dot-com bust, when groups representing domestic electrical engineers and computer technicians argued that foreigners were taking away their jobs. In 2003, they succeeded in cutting the quota by two-thirds from 195,000 to 65,000, and they continue to oppose its expansion.

The Bureau of Labor Statistics reports unemployment among computer and mathematical operators is less than 3 percent. Gates said, "If you're graduating from a reasonable university in this country, with a degree in computer science, you have many job offers."

Still, there is reluctance — especially in the House of Representatives — to lift the ceiling on H1B visas in an election year.

The House has responded to public pressure to close the borders to illegal immigration and seems incapable of distinguishing that problem from the value of encouraging high-skill workers to bring their talents to the United States.

That's why Bill Gates comes to Washington.

*Broder, a Pulitzer Prize-winning political*

# Employer Sanctions





# Processing Delays





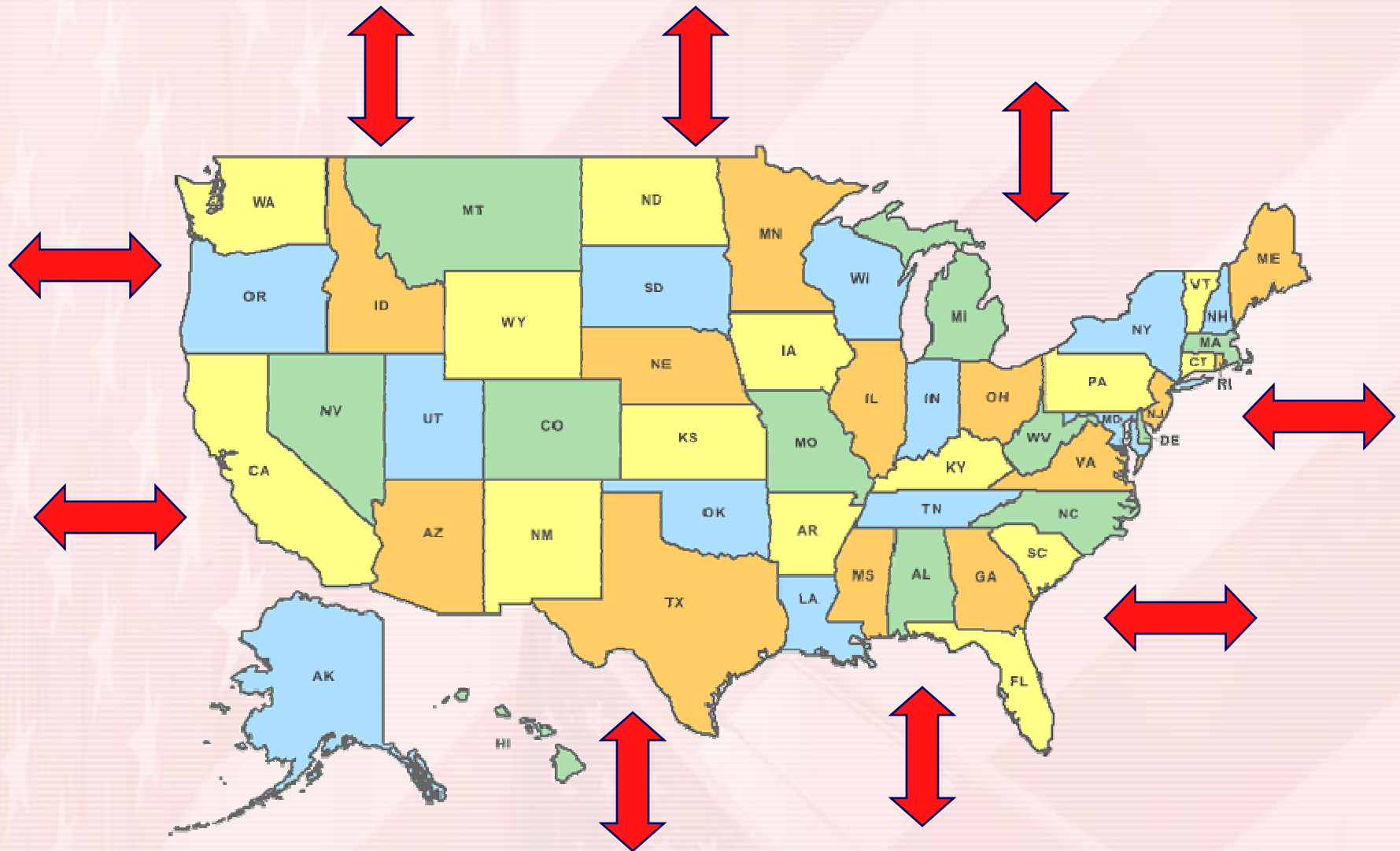
# Increased Filing Fees



The background of the slide features a stylized American flag. The top portion is a solid red horizontal band. Below this, the background is a light pinkish-white with faint, diagonal stripes and small, white, five-pointed stars scattered across it, mimicking the pattern of the US flag.

# **Anticipating Needs to** **Implement Solutions**

# Possible Solution #1: Outsourcing & Insourcing





# Possible Solution #2: Blanket L-1

## Criteria:

- Organizations which have been doing business in the United States for a minimum of one year and:
  - Are engaged in commercial trade or services (i.e. charities, etc. do not qualify for a blanket);
  - Have at least 3 offices in the U.S. and overseas; and
  - Have either:
    - Sponsored at least 10 successful individual L-1 petitions in the last 12 months;
    - U.S. annual sales exceeding \$25,000,000; or
    - A U.S. work force of at least 1,000 employees.

# Possible Solution #3: Recruit Citizens of Canada and Mexico (TN Visas)

List of designated occupations for TN includes:

- Engineer
- Registered Nurse\*
- Scientific Technician\*
- Management Consultant\*
- Economist
- Accountant
- Architect
- Computer System Analyst
- Graphic Designer



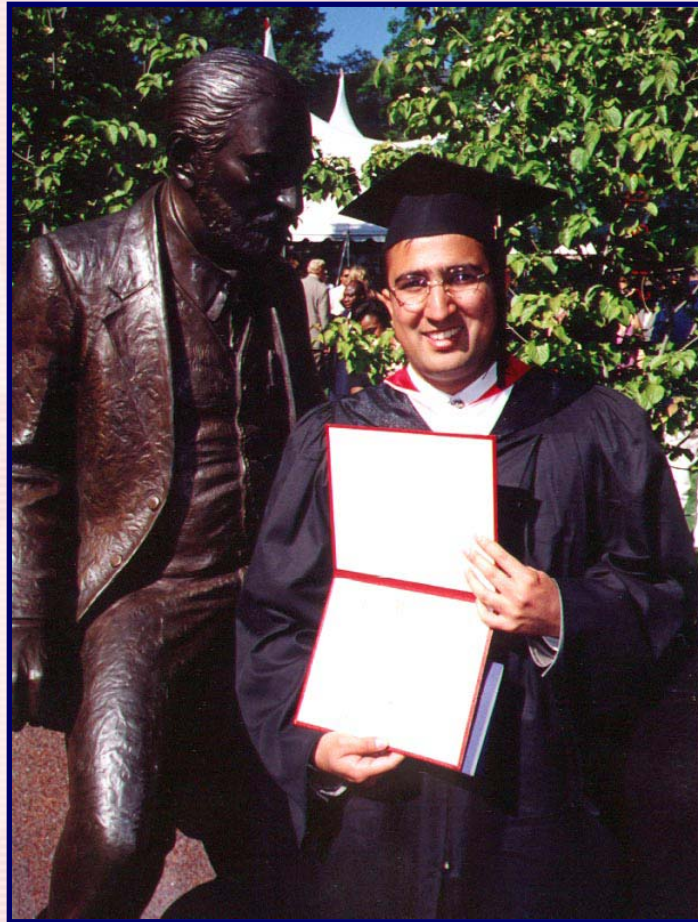
*\*Do not require bachelor's degree or licenciatura*

# Possible Solution #4: Utilize Training Programs – J-1, H-3, or Special Programs with Institutions of Higher Learning





# Possible Solution #5: Hire Professionals with U.S. Master's Degrees



# Possible Solution #6: Lobby for Comprehensive Immigration Reform





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