June 9, 2020

The Honorable Donald J. Trump
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President,

On behalf of the 72 member companies of the Information Technology Industry Council (ITI), I write today to urge you to consider the important role that highly-skilled immigrants will play in assisting the United States' economic recovery following the impacts of COVID-19.

We remain concerned that the administration is contemplating the possibility of either suspending entry of high-skilled nonimmigrant workers or restricting the terms, conditions, or availability of status for high-skilled nonimmigrants as a follow-up to your April 22, 2020 Proclamation Suspending Entry of Immigrants. ITI respectfully urges you to avoid any outcome that would harm US employers and additional job creation.

A critical part of today's economic recovery is unleashing the private sector's creativity and ingenuity. As the recent jobs report highlights, firms are anxious to get their employees back to work and the labor market is showing promising movement. The technology industry, including our foreign-born workers, is vital to sustaining these recovery trends. Moreover, as reflected in the guidance from your administration's Cybersecurity and Infrastructure Security Agency (CISA), information technology professionals are "essential to continued critical infrastructure viability" during the COVID-19 pandemic[1]. For example, the technology industry, including our foreign-born employees, is enabling many Americans to continue to work remotely during the COVID-19 pandemic, and is playing an essential role in enabling the U.S. economy to move activities online and maintain vital digital infrastructure to keep businesses running securely and people connected.

Data from May 2020 show that nationwide one in four highly-skilled tech workers across sectors are immigrants. Among software developers, the most common technology occupation, nearly 40 percent are immigrants. Immigrants play an outsize role in tech occupations across the country, too. For example, they make up over one-quarter of all highly skilled employees in tech jobs in Texas (28 percent) and Illinois (27 percent) and nearly half of such employees in New Jersey (47 percent) and California (44 percent).

These scarcity trends in our industry's workforce have not changed during the COVID-19 pandemic. An analysis of Bureau of Labor Statistics data in May 2020 showed that unemployment in computer-related occupations decreased in April 2020 to 2.8 percent from 3.0 percent in January 2020. As explained by the Federal Reserve in December 2019, the lowest level of unemployment the U.S. economy can sustain is likely between 3.5 percent and 4.5 percent. Correspondingly, it is not surprising that in March 2020 the Department of Homeland Security reported that the vast majority of H1B nonimmigrant visas, the primary visa category by which an American employer can hire a foreign-born professionals, are utilized for technology professionals.

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1 Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, May 19, 2020
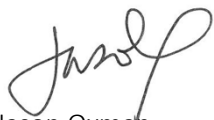
Those data show that among all employers in all industry sectors, three-fifths (60 percent) of H-1B petition approvals are solely in two specific occupational groupings – either Systems Analysis and Software Development occupations or Electrical and Electronics Engineering occupations. Fully three-quarters of all foreign-born professionals sponsored for the H-1B nonimmigrant visa classification are broadly in computer-related (66 percent) or engineering (10 percent) jobs. One reason for this concentration is the simple fact that when U.S. employers recruit to fill such positions on U.S. campuses, they find that at U.S. universities and colleges 54 percent of master's degrees and 44 percent of doctorate degrees are granted to foreign-born professionals.

Considering these workforce trends, there will be negative consequences and likely unavoidable *unintended* consequences should the administration restrict or disrupt the ability of American employers to hire technology professionals, including nonimmigrant visa holders. We respectfully ask that you not restrict the ability to employ H-1B, L-1, F-1, and H-4 nonimmigrants where they are needed in the U.S. economy:

- The H-1B nonimmigrant category is principally used to hire in the technology-related occupations, and as we have explained all indications are that there will continue to be a significant need for such hiring as our country moves through our COVID-19 economic recovery. As in the past, we can expect that market dynamics will slow H--1B hiring if economic needs, hiring cycles, and the relative availability of U.S. workers so dictate. H-1B filings were much lower in 2001 and 2002 after the dotcom bubble burst and in 2009 and 2010 following the Great Recession.
- L-1 visa holders are *existing employees* of multinational firms, being transferred to the United States to *continue* work here instead of abroad. L-1 nonimmigrants are an inherent part of promoting job growth and innovation here in the United States for our members who maintain operations in the U.S. and abroad.
- The F-1 nonimmigrants employed after completing STEM degrees at American colleges and universities are a significant pipeline for our members' workforce of technology professionals. As the number of U.S. postsecondary STEM degrees attained by F-1 nonimmigrants has steadily grown, especially at the graduate level, the Optional Practical Training (OPT) program, to include the STEM OPT extension, has likewise become important for U.S.-based technology employers.
- H-4 nonimmigrants authorized for employment are restricted to spouses (primarily wives) of H-1B principals being sponsored for green card status, and for that reason are important to our members selecting H-1B professionals for green card sponsorship after showing the Labor Department that sufficient numbers of U.S. workers are unavailable for the offered job. H-4 spouses that are working are principally STEM professionals (66 percent) with advanced degrees (60 percent), who are contributing to our economy.

The technology industry embraces our role in creating jobs and economic security for all Americans and ask that you consider our concerns as your administration formulates additional next steps.

Respectfully submitted,

Jason Oxman
President and CEO