August 3, 2020

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State

The Honorable Eugene Scalia  
Secretary of Labor  
U.S. Department of Labor

The Honorable Chad F. Wolf  
Secretary of Homeland Security  
U.S. Department of Homeland Security

Dear Honorable Secretaries,

On behalf of the members of the Information Technology Industry Council (ITI), I write to express concerns that the June 22nd Presidential Proclamation suspending nonimmigrant visa issuance, including for a variety of high-skilled professionals, will inhibit the technology industry’s ability to support and sustain the promising signs of economic recovery across the nation.

The June 22nd Presidential Proclamation calls on the Departments of Homeland Security, Labor, and State to Identify Foreign Professional Workers Whose Services are in the National Interest

We understand that under the terms of that Proclamation that your Departments “shall establish standards” for exceptions to the visa suspension (section 3(a)(i) of the Proclamation) “including those that: are critical to the defense, law enforcement, diplomacy, or national security of the United States; are involved with the provision of medical care to individuals who have contracted COVID-19 and are currently hospitalized; … or are necessary to facilitate the immediate and continued economic recovery of the United States” (section 4(a)(i) of the Proclamation). The role of your Departments is to identify categories of workers whose entry would be in the national interest, including those critical to the defense and national security of the United States or necessary to the continued economic recovery of the United States.

We appreciate the State Department’s helpful July 17 announcement on exceptions to the broad nonimmigrant visa suspension of the June 22 Proclamation. However, we still need clarity on the availability of exceptions that would be key to the nation’s digital infrastructure security and maintenance. As already reflected in the guidance from the Cybersecurity and Infrastructure Security Agency (CISA), technology professionals are “essential to continued critical infrastructure viability” during the COVID-19 pandemic. More specifically, CISA has established that essential workers during the COVID-19 emergency include “workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors).”

1 Proclamation 10052, June 22, 2020
2 Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, May 19, 2020
Foreign Tech Professionals are Essential to Economic Recovery

The scarcity of sufficient numbers of American workers to fill open computer-related jobs is evidenced by a June 2020 analysis of Bureau of Labor Statistics data that showed that unemployment in computer-related occupations decreased in May 2020 to 2.5 percent from 3.0 percent in January 2020. As you know, and 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.

Further, in March 2020 the Department of Homeland Security reported that the vast majority of H-1B nonimmigrant visas, the primary visa category by which an American employer can hire high skilled foreign-born professionals, are utilized for computer-related professionals. Those data show that among all employers in all industry sectors, not just tech industry employers, 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.

The Tech Industry Plays a Critical Role in National Security and in the Nation’s Economic Recovery

As has been the case for decades, the tech industry continues to play a central role in fostering innovation, economic growth, and national security for our country. During the COVID-19 emergency, our nation continues to rely on our industry’s ability to:

- Protect digital infrastructure,
- Enhance products and services and optimize internal business operations through AI (artificial intelligence) and cloud computing, and
- Offer new options for platform-as-a-service (PaaS), infrastructure-as-a-service (IaaS), and software-as-a-service (SaaS) to both private and government sectors that increase agility and security.

Considering these workforce trends, there will be negative consequences and likely unavoidable unintended consequences should the administration fail to lift the nonimmigrant visa ban for high-skilled professionals announced in the June 22 Proclamation. In the meantime, we urge you to recognize that the admission of the professional tech workforce is strongly in the national interest of the United States, and as such they should be covered by section 3(b)(iv) of the Proclamation permitting their entry to continue the role of this workforce in helping to strengthen the American economy.

We support the efforts to preserve jobs and economic security for Americans while we live with the COVID-19 pandemic, realize our industry’s role in that effort, and hope you can consider our concerns.

Respectfully submitted,

Jason Oxman
President and Chief Executive Officer