Big Tech cites national security in push for immigration changes

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Policy leaders in Big Tech have revved up a push for Congress to pass immigration changes before the end of the year, with a pitch aligning those policies to the national security concerns that sparked a recently

enacted science and technology funding law.

Tech leaders say they hope to persuade Congress to follow up the law passed three months ago, which aims to reinvest in domestic semiconductor manufacturing and scientific research, with measures to draw the foreign talent to U.S. businesses that they say is needed to make that happen.

Concerns about high migration levels at the U.S-Mexico border have overwhelmed discussions about immigration legislation this Congress, including revisions to key employment-based immigration programs for foreign professionals with advanced degrees.

But the tech sector hopes to connect the issue with the stated goals of the law, known as the CHIPS and Science Act, to bring semiconductor manufacturing back to American shores and better compete with foreign rivals like China.

Linda Moore, president and CEO of TechNet, a tech lobbying group that counts Amazon, Apple and Google among its members, said the sector can now frame follow-up immigration action as a chance "to deliver on the promise of what this bill was passed to do."

"It is a national security issue," Moore said. "Cybersecurity alone, but also the fact that it's high-skilled immigration and filling the jobs that we need in companies across the industry, defense contractors being one of them."

These proposals could be tacked onto broader, must-pass bills in the period after the midterm elections, such as the fiscal 2023 annual spending package or defense policy bill.

With less than two months left in the legislative session—and a perennial

stalemate on immigration bills—the window of opportunity is quickly closing for any immigration changes. Tech leaders also face an uphill battle to get these changes into law.

Close call

Congress came close earlier this year to including some immigration measures in the CHIPS law. The House's version included provisions that would have created a startup visa program and eased the visa process for foreign citizens with high-level science degrees—but they did not survive negotiations with the Senate over the scope of the bill.

Several Republican senators initially signaled openness to House-passed immigration provisions in the CHIPS Act once the bill moved to the other side of the Capitol. But Sen. Charles E. Grassley of Iowa, the top Republican on the Senate Judiciary Committee that oversees immigration, promptly dismissed them as "unrelated" to the legislation's goals.

Still, Karan Bhatia, head of government affairs and public policy at Google, said he sees immigration changes as a natural and necessary next step to investing in domestic technological innovation. He added Google has become "more vocal and even more engaged" on immigration issues in recent years.

"If we are doubling down on the country's financial commitment to this phase, it only makes sense to marry that with a competitive immigration system that allows us to match the human resources that are needed with the financial investment," Bhatia said.

David Shahoulian, a former Homeland Security official during the Obama and Biden administrations who now serves as Intel Corp.'s director of workforce policy and government affairs, said the CHIPS

law shows that "policymakers on the Hill want to grow semiconductor R&D and manufacturing in the United States."

Intel has already announced plans after the competition bill passed to expand its semiconductor manufacturing across the country. "As we grow the industry in the United States, our labor needs are going to grow," Shahoulian said.

Stewart Verdery, founder of lobbying firm Monument Advocacy and a former Homeland Security official during the Bush administration, said a push for visas for foreign-born engineers at semiconductor fabrication plants, often called fabs, may fare better politically than past efforts for visas in the software industry, which relies heavily on foreign workers.

"Software's very hard to understand and see. A factory you can see," Verdery said. "I do think this idea that high-skilled immigrants are helping with these fabs and these chips plants is a more sympathetic, more likely to work argument, than software, which is so ephemeral and hard to understand."

Political challenges

Big Tech has long advocated for legislation revising key facets of the U.S. immigration system, which is currently plagued by backlogs and visa caps that have not been updated in decades.

And lawmakers on both sides of the aisle generally concede that the current system, largely crafted in the mid-20th century, could use a face lift.

For example, five Republicans, three Democrats and one independent backed a proposed amendment to this year's must-pass, fiscal 2023 National Defense Authorization Act that would prevent the children of

work visa holders from "aging out" of their parents' green card applications while they wait in backlogs.

But congressional Republicans consistently link immigration proposals, even those related to measures that could help businesses, to challenges at the U.S.-Mexico border.

The Democratic party has also grown more wary of immigration changes championed by Big Tech, as members have grown friendlier to unions that have historically cautioned against expanding temporary visa programs that could displace U.S. workers.

Faraz Khan, legislative director the International Federation of Professional and Technical Engineers, a union of tech workers, questioned employer claims that the U.S. is facing severe labor shortages and said he would like to see improved government data on the labor market.

And while he said he supports efforts to improve existing visa programs, particularly when coupled with investments in the domestic workforce and wage safeguards, he would like to see employers address any shortages by raising salaries.

"This is a difficult space to really move forward with solutions that work for all workers—for workers that are in the U.S., workers that are coming in from overseas so they're not taken advantage of—and benefits the economy broadly," Khan said. "It's difficult because there are a lot of competing interests. There's a lot of money tied up in all of this."

Democratic leaders have also expressed hesitancy to move forward with legal immigration changes without offering relief to the undocumented population, an issue that has garnered less support across the aisle.

Jeremy Neufeld, senior immigration fellow at the Institute For Progress, a nonpartisan think tank, predicted any immigration proposals would not ultimately be included in this year's defense policy bill.

"I think lawmakers are going to find themselves regretting letting this opportunity pass by when the new chips investments run into the labor crunch on the ground," Neufeld said.

But most tech leaders and lobbyists said they don't plan to give up their efforts even if Republicans win majorities next year.

"We can't wait a decade or two," Moore said. "I don't know how to say it any other way: we will go backwards if we don't."

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