For O.C., immigration is a big tech issue

By MARNI USHEROFF
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Nazia Chorwadwala has been in line for a green card for over six years. If Congress ever passes an immigration bill, her wait could be over.

A software engineer at an Orange County health care IT firm who holds a master's degree in computer science from UC Irvine, Chorwadwala was motivated to move here from India in her early 20s because of technology job opportunities and the American standard of living. "You see software getting released more often," she said. "You get better access to advanced technologies and advanced software as compared to other places."

Chorwadwala would benefit from a provision in the Senate immigration bill aimed at helping highly skilled workers pass through the bottleneck of applications for permanent residency. It would allow immigrants with graduate degrees in a STEM field – science, technology, engineering or math – from accredited U.S. institutions and with offers for U.S. jobs to bypass numerical limits and get their green cards.

"It would be amazing," said Chorwadwala, whose husband could also earn his green card. "We've gone through a long process, and if it's possible, it would be great news."

The bill was approved by the Democratic-controlled Senate on June 27. But it still needs to be voted on in the House of Representatives, whose Republican majority affirmed last week that it prefers to continue working on its own solution.

Fueling tech growth

While much of the heat and smoke surrounding the immigration debate have focused on undocumented immigrants and Mexican border security, the impact on technology companies and workers like Chorwadwala might be more critical to the growth of the Orange County economy. The county employs over 100,000 workers in computer, biomedical and other high-tech industries. Those sectors all might benefit from increases in the number of tech-worker visas and a smoother path to green cards for immigrant entrepreneurs.

Emile Haddad, an immigrant originally from Lebanon who is president and CEO of Aliso Viejo builder FivePoint Communities and chairman-elect of the UC Irvine Foundation's Board of Trustees, thinks such reform is essential to the U.S. maintaining the upper hand in innovation.

"I think we stand to lose our competitive advantage if we have kids who come get educated in the U.S. and go back and take that education and then they compete with us," Haddad said.

A recent study by the National Venture Capital Association found that the combined market capitalization of immigrant-founded U.S. venture-backed companies with initial public offerings between 2006 and 2012 exceeds $167 billion.

One way the Senate-approved bill aims to retain that innovative edge is by creating a temporary startup visa for foreign-born entrepreneurs who've secured a certain level of funding from qualified American investors.

Bruce Hallett, who backs tech startups as a managing director of Corona del Mar-based Miramar Venture Partners, thinks a startup visa could be immensely helpful in retaining some of the world's most talented people.

"Look at the quality of the local universities – UC Irvine, Chapman University, SC, UCLA, Cal Tech, UCSD," Hallett said. "If the overseas-born students and technologists have a path to staying here and creating companies and jobs here, then I think it bodes well for the impact that these universities can have on Orange County and Southern California as well."

More H-1B visas

The Senate-approved immigration bill would increase the base number of H-1B visas offered each year from 65,000 to 115,000. It would also provide an additional 25,000 H-1B visas for foreign-born workers in STEM occupations who have advanced degrees.

Some members of the House seem to agree on this point. The House Judiciary Committee recently passed a bill sponsored by Darrell Issa, R-Vista, that more than doubles H-1B visas for immigrants.

Irvine-based immigration attorney Greg Berk thinks the Senate bill makes a giant stride in attacking a variety of issues. "On the tech side, there's finally a realization that we need to make it easier to hire tech workers and keep them," Berk said.

Linus Yue, 31, is here on an H-1B temporary visa for highly skilled workers, doing software quality assurance testing in Irvine for EMC Corp., a technology company. He is just starting to decide whether he should extend his stay in the U.S. by applying for a green card.

After getting his bachelor's and master's degrees in electrical engineering from USC in 2004, Yue moved back to Hong Kong so he could be near his parents while operating as an independent contractor for a Southern California company. But putting in a full day and then staying up past midnight to communicate with his West Coast team became increasingly difficult. He also preferred the American job culture.

"Working in Asia is a much tougher life. You make approximately the same amount of money but the number of hours you work is more," Yue said. "Overtime is almost like a must over there. They work crazy hours."

Critics: U.S. workers pay

Not everybody in the tech industry is a fan of increasing the H-1B allotment. Russell Hunter, chairman of the Institute of Electrical and Electronics Engineers' Orange County section, is concerned about the length of the three-year visa, which can be renewed once for a total of six years.

"I don't agree with increasing the H-1B visas," Hunter said. "It may take jobs away from people in America."

Hunter was also concerned that temporary workers on these visas aren't afforded "the opportunity to be entrepreneurial" – that they have to stick with their employers and can't go off and start their own companies. This would be changed with the startup visa part of the Senate's bill.

At the moment, foreign-born entrepreneurs' only option is to qualify for an investor visa, which requires bringing a sizable investment from their country. Marieke Hensel, 34, did just that when she traveled here from the Netherlands with her husband and three kids to start her Fullerton-based social media agency,

Branding Personality.

"The entrepreneurial climate in Europe is not always the best," Hensel said, explaining part of the reason she preferred to do business in the U.S.

Hensel was fortunate to have hailed from a "treaty" country, a nation with which the U.S. maintains a commerce agreement. That's one requirement for the investor visa. Hensel was also lucky that she could raise enough money from business connections and family members back in the Netherlands.

Startup visas

But what about entrepreneurs from India or China (neither is a treaty country)? Or foreign-born tech students and workers in the U.S. with a big idea but few funds? The Senate-approved bill seeks to remedy this situation with the temporary startup visa for qualified entrepreneurs who've secured at least $100,000 in investments from accredited investors or whose business has created at least three qualified jobs during the past two years and has generated at least $250,000 in annual revenue in the U.S.

Hallett, the Orange County venture capitalist, thinks such people have been taking their entrepreneurial energies elsewhere.

"There's a fair amount of sweat equity and financing that has to go into a company before they even start to seek outside investments," Hallett said. "But somebody's probably unlikely to go through that level of sacrifice if they know they can't stay here anyway. They just end up going back to China or India or Australia or wherever and doing it there."

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