





## Be my guest

The federal government administers a veritable alphabet soup of guest worker visa programs through which employers may hire foreign workers on a temporary basis. Each is designed for specific types of workers, and there are rules meant to protect visa holders and U.S. workers.

Most work visa programs are administered by U.S. Citizenship and Immigration Services and the Department of Labor's Employment and Training Administration. The U.S. Department of State is chiefly responsible for the J-1 cultural exchange program. A brief guide:

Program	Type of worker	Term of visa	National cap	Key requirements
 <b>H-1B</b>	Foreign worker in specialty occupation such as bioscience, health care, finance, engineering and information technology.	Initially up to three years, but can be extended to a maximum of six years.	65,000 annually (academic research institutions are exempt). Under proposed immigration reform, the cap would fluctuate between 115,000 and 180,000 based on employer demand and the unemployment rate.	Worker must have at least a bachelor's degree or its equivalent. Employer attests that the H-1B worker will be paid the prevailing wage for the work and that hiring the worker won't adversely affect the working conditions of similarly employed U.S. workers.
 <b>H-2A</b>	Agricultural workers hired for temporary or seasonal jobs.	Generally one year, with extensions up to a maximum of three years.	None.	Employer attests that there are not enough qualified and willing U.S. workers to do the job and that hiring the H-2A worker won't adversely affect the wages and working conditions of similarly employed U.S. workers.
 <b>H-2B</b>	Nonagricultural worker hired seasonally or intermittently.	Generally one year, with extensions up to maximum of three years.	66,000 annually.	Same as for H-2A visa.
 <b>J-1</b>	Cultural exchange visitors such as college students, resident physicians, camp counselors and au pairs.	For students, duration of studies plus up to three years. One to three years for other exchange programs.	None.	Employers hire workers through designated sponsors such as universities, cultural organizations and government agencies, which require participants to engage in cultural activities as well as work.

Other guest worker programs include the O-1 visa, for foreigners with extraordinary ability in the sciences, arts, education, business or athletics; the L-1A, for corporate transfers from abroad; and the H-1C, for foreign nurses working as registered nurses in medically underserved areas.

Proposed immigration reform would create new guest-worker categories meant to ease restrictions on foreign temporary labor without harming U.S. workers. The "W" visa would allow low-wage nonagricultural workers to work year round, not just seasonally as in the H-2A and the H-2B programs. And undocumented agricultural workers who can demonstrate that they've worked in the country for a certain amount of time would be issued a "blue card" and permitted to apply for permanent U.S. residency.

dustries. In 2011, Twin Cities employers accounted for over 8,000 certifications, and there were over 650 in the Fargo area, home to a Microsoft campus and Sanford Health, the largest rural non-profit health care system in the country.

But the number of H-1Bs ultimately issued by the U.S. State Department is significantly smaller; nationwide in 2011, there were six times as many visa certifications as issued visas. It's not known whether rates are higher or lower in district states.

District hirers of H-1Bs say they provide critical expertise—knowledge and abilities not always available in the domestic workforce—that helps them to develop new products and services or expand their operations.

At Microsoft's complex in Fargo, hundreds of H-1B visa holders work in product R&D, tech support and internal computer systems. The majority come from India, Pakistan, China and Eastern Europe. Campus head Don Morton says that smart, highly capable workers from overseas are needed to keep the software giant competitive in a borderless market.

"We compete globally for customers ... and we compete globally for talent," he said. "Regardless of whether a person is foreign-born or native-born, we're going to try to hire the very best talent available." Like many high-tech executives, Morton believes that not enough talented U.S.-born college students are pursuing science, technology, engineering and math (STEM) degrees.

In the health care industry, foreign-born physicians on H-1B visas fill job openings in rural areas of the district. Hospitals and clinics operating in northern Minnesota and much of North Dakota say they struggle to hire enough U.S.-born doctors, especially specialists in less popular medical fields or those willing to provide primary care in small towns.

"The biggest challenge is giving a sales pitch to a physician to come and practice medicine in a rural western Minnesota community of a thousand or two thousand," said Dr. Richard Marsden, senior executive vice president of Sanford Health's outpatient services in Fargo.

By hiring H-1Bs, Sanford can skip the sales pitch in most cases. The company has hired scores of foreign physicians and last summer employed over 80 H-1B doctors, including specialists in family medicine, cancer treatment, pediatrics and critical care. Most of them came to Sanford right out of a U.S. medical school and are required to work in underserved areas for at least three years

**Labor's changing face** from page 5 issued every year over the past decade, and this year's quota was filled in less than a week after filings began in April. There are no data on work visa issuances by state, but a look at visa applications in

the district indicates that employer demand for H-1Bs is high in the region—and probably not being met.

The DOL's Office of Foreign Labor Certification must approve employer requests for H-1Bs. Figures compiled by the DOL show a sharp increase in H-1B

certifications in district states from 2009, when the recession ended, to 2011 (see Chart 6).

Certifications were concentrated in Minnesota and Wisconsin, and in district cities with large universities and thriving computer and health care in-