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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

May 17, 2022

Dear Conferees,

On behalf of the Federation for American Immigration Reform's (FAIR) over 3 million members and supporters nationwide, I write in strong opposition to the inclusion of immigration provisions in the final version of the United States Innovation and Competition Act (USICA) and America COMPETES Act that Congress may enact.

FAIR is a national, nonprofit, public-interest organization comprised of millions of concerned citizens who share a common belief that our nation's immigration laws must be enforced, and that policies must be reformed to better serve the national interest. Our organization examines trends and effects, educates the public on the impacts of sustained high volume immigration, and advocates for sensible solutions that enhance America's environmental, societal, and economic interests today and into the future.

We have long supported efforts to reinvigorate American manufacturing and STEM education, particularly in light of the challenges posed by the People's Republic of China. These challenges have been identified by U.S. government officials on many occasions: technology transfer, anti-competitive behavior, unfair trade practices (including dumping), industrial espionage, and infiltration of American universities and government-funded research institutions. The overall purposes of both the America COMPETES Act and USICA are noble and laudable overall. The immigration provisions included in the America COMPETES Act are not.

Sadly, the America COMPETES Act includes multiple immigration provisions that completely undercut an admirable effort to shore up global competitiveness in manufacturing, research, and innovation. These provisions would undoubtedly reduce wages and job opportunities for Americans in STEM fields while both increasing labor competition and discouraging American students from pursuing careers in these same fields.



First, the America COMPETES Act contains an unrelated immigration provision that grants Temporary Protected Status (TPS) and refugee status for qualifying residents of Hong Kong and their families. It also provides 25,000 special interest visas for “highly-skilled” Hong Kong residents. However well-intended, the inclusion of this provision will not preserve freedom for Hong Kong. It will instead empower Beijing by emptying Hong Kong of talent and dissenters, and thus undermine our goals for their freedom and prosperity.

Second, and even more troublesome, the America COMPETES Act creates a new, unlimited nonimmigrant entrepreneur visa program that includes: entrepreneurs with an ownership interest in a start-up entity; essential employees of said entity; and the spouses and children of both the entity’s owners and employees. All of these individuals can adjust their status and pursue a green card. This is nothing more than another “investor visa” category similar to controversial EB-5 and E category (E-1, E-2, and E-3) investors. FAIR has long opposed these programs. Congress would be better served finding ways to encourage and build upon American entrepreneurial ventures, rather than establishing another “golden visa” program that degrades American citizenship by relegating it to a dollar amount.

Lastly, the America COMPETES Act provides an unlimited number of green cards for high-skilled foreign nationals – such as “outstanding professors and researchers,” a well-known source of Chinese espionage. Not only is this dangerous, it does nothing to assist American-grown STEM talent which is alleged to be the entire point of the bill. Isn’t it time we stop undercutting future American talent in this manner?

American competitiveness legislation should help, not hinder American workers in STEM fields. To do this, we respectfully ask that you oppose the inclusion of not only the America COMPETES Act immigration provisions, but *anything* on the matter in the final conference report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Stein', with a stylized flourish at the end.

Dan Stein
President
Federation for American Immigration Reform (FAIR)