The U.S. H-1B temporary work visa program has two distinct parts – one that has a cap and one that is uncapped – that permit highly skilled foreign-nationals to work in the U.S. The H-1B program has been vital to American interests and should continue. Nevertheless, APS recognizes a need to reform the H-1B program to stem recent abuse, without affecting the ability of American companies and academia to acquire needed talent. The reform of the H-1B system must ensure access to scientific and technical talent wherever it may be found, while protecting the interests of U.S. citizens.

Capped Portion Requires Reform

- There is a cap on the number of H-1B visas made available annually to U.S. employers – 65,000 are allotted via a lottery system and an additional 20,000 are reserved for advanced degree holders.

- There is abuse of the capped portion of the H-1B program. For example, some outsourcing companies amass large numbers of H-1B visas, thereby directly limiting the opportunities for U.S. industry to acquire talent and potentially depressing salaries.

Uncapped Portion Should Remain Intact

- There is no cap on the number of H-1B visas provided to institutes of higher education, non-profit organizations, and government research organizations.

- This uncapped portion enables foreign-nationals to conduct research in the U.S., allows foreign graduate students to stay in the country for post-doctoral research, and is vital to the international competitiveness of the not-for-profit elements of the U.S. scientific enterprise.

- There has been no evidence of any abuse of the uncapped portion of the H-1B program.