



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

February 3, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

Dear Mr. Secretary:

Congratulations on your appointment as Secretary for Homeland Security. It is always good for the people of the Commonwealth to have a Massachusetts native serving in high office in our Federal government.

From what I understand, the extent to which the President's January 27 executive order on immigration will be enforced is currently before the Federal courts and will ultimately be decided in that forum. While that litigation is ongoing, and while other new policies, such as changes to the H-1B visa program are being considered, I want to share my thoughts on the impacts that increased limitations on immigration and travel will have on the world-class academic institutions, businesses, and hospitals that call Massachusetts home. While I believe that changes to the country's immigration policies are needed to improve national and border security, I wish to highlight some considerations that the Administration should weigh in pursuing any changes, in order to minimize unintended consequences for our economy and the negative effects that more restrictive policies could have on people who have followed the rules, who share our values, and who wish to contribute to our nation's success.

President Trump stated in August of 2016 during an immigration policy address that newcomers to this country have "greatly enriched" America. Massachusetts is clear proof of this and has long benefitted from the significant contributions that persons who come to the United States from other countries make to our economy and our communities.

The Honorable John F. Kelly
Secretary of Homeland Security
February 3, 2017
Page 2

Massachusetts businesses, non-profits, higher education and government are working together to advance aspirations we all share: prosperity, innovation, and a great quality of life for our residents.

We are especially proud that some of the world's most successful companies have located their global or North American headquarters in Massachusetts, including GE, Raytheon, Gillette, and Vertex Pharmaceuticals. Just as important, our state supports a vibrant and growing "new economy" in technology, life sciences, cyber security, robotics, and many other areas.

Massachusetts is also a leader in healthcare: two of the top six hospitals in the country are in Boston; we are home to the top five research hospitals in the U.S. funded by the National Institutes of Health; and throughout the Commonwealth we have 17 nationally-ranked hospitals.

We are able to attract these kinds of companies, and our medical centers succeed, in large part because of our well-educated and diverse workforce. There are more than 140 colleges and universities in our state, the highest concentration of higher education institutions in the United States. These institutions attract the best and brightest minds from all over the world to study, to teach, and to pursue research that contributes to the economy and to our well-being not just here in Massachusetts but across the country.

My staff and I have spent the last several days reaching out to Massachusetts universities and colleges, businesses, non-profits, and hospitals to gauge the impact of the changes announced by the executive order. That impact will be significant.

For example, our colleges and universities have tens of thousands of students, professors and staff who come from around the globe to study and work in Boston and the other cities and towns in Massachusetts. There are about 60,000 foreign students in our state, and a recent economic analysis by the National Association of Foreign Student Advisers suggests that Massachusetts' international students account for over \$2.3 billion in economic activity.

When students come to the Commonwealth, they often stay and start their own businesses, creating wealth for their investors and employees and new products and services for the marketplace. More than one-third of American founders of start-ups and spin-offs were born outside the United States, and many of these founders were educated in Massachusetts schools.

The problems that the executive order has created for our educational institutions are real: global academic conferences are being rescheduled for locations outside of the United States; hiring decisions for academics from the listed nations are being deferred; students who have been admitted are reconsidering their decisions to attend colleges in the United States; significant uncertainty has been inserted into the ongoing "match" program for medical residents; and in some instances, individuals who have been valued contributors to our colleges and universities for many years are stranded abroad.

America educates more international students than any other country in the world, and the Commonwealth is a leader in that effort. Let there be no doubt that if the United States cedes its place as the global academic leader, other countries, particularly in Europe and Asia, will readily and happily step into the breach and welcome the scholars and innovators from whom Massachusetts and the nation now draw so many advantages.

Our multi-national and local businesses are similarly affected. Many local companies benefit from the contributions of highly talented and trained employees who come from other countries. Over 20,000 residents in Massachusetts hold H-1B visas.

Those not immediately impacted by the recent executive order are afraid to travel because they worry that at any moment their legal status might be in jeopardy. This will increasingly put Massachusetts companies, and indeed all American companies, at a competitive disadvantage to companies in Europe and Asia. As one CEO recently said, "Talent is hard to come by and closing the door to any source is bad."

Those from abroad are not displacing American workers. They are growing the economic pie for all of us. If some of the most talented individuals in the world are limited in their ability to come to America, they and their talent will go elsewhere.

Our hospitals and academic medical centers will see similar negative impacts. While our hospital groups are in the process of collecting information from their members on this issue, a small cross-section of 10 hospitals report more than 3,600 green card or visa holders among their employees. The largest percentage of these individuals are employed at academic medical centers, which are among the leading research and training facilities in the world. In addition, many Massachusetts hospitals serve large populations of patients from around the country and around the world. Simply put, it is clear that many of the toughest cases come to Boston to be treated. As the Massachusetts Health and Hospital Association recently stated: "It is clear both the Massachusetts healthcare workforce and its patients are indeed a global village."

We estimate that of the direct care workers employed by community-based health and human services providers, approximately 25% are foreign born and 10.5% are working with green cards or on work permits. More broadly, foreign-born employees make up a critical part of the health and human services sector workforce in Massachusetts. According to the UMass Donahue Institute, we have a workforce of 164,000 jobs in community-based health and human services providers, and this number has grown by 58% over the last decade. Direct care service providers will not be able to meet the current or future need for workers without relying in part on a foreign-born workforce.

I recognize that the Trump Administration is determined to make changes to immigration policy to pursue its goals of reducing the risk that terrorists will enter the United States and eliminating opportunities for bad actors to take unfair advantage of the system. With that in mind, I suggest that any new policy should be shaped by the following considerations:

- Engage a wide circle of stakeholders before proposing or adopting changes to existing rules and policies. Leaders from businesses, healthcare institutions, and educational institutions that draw resources from and compete in a global marketplace should be encouraged to explain the competitive pressures they face and the unintended harms that a dramatic shift in U.S. immigration policy could create for our economy.
- Weigh carefully the vital contributions that students and professors from other countries make to the American system of higher education and that physicians, researchers, and health care professionals from other countries make to the American medical system. These talented individuals provide a critical human resource for our economy. The United States will be left at a severe disadvantage in the international competition for talent and ideas if we become a less hospitable place for scholars, scientists, physicians, and other professionals from foreign countries to do their best work.
- To capitalize on the American market's unique appeal as a place to build innovative new businesses, consider policies that will encourage immigration by entrepreneurs whose admission to the United States will spur our economy by creating new jobs and industries. A new class of visas could be introduced to attract experienced entrepreneurs who make meaningful investments in new domestic businesses that will create jobs for U.S. workers and generate new tax revenue. This visa would be renewable only if the business hits specific job creation or revenue benchmarks.
- Reject broad, "blanket" bans on immigration from particular countries, and instead re-prioritize the immigration review process to identify that small minority of applicants for entry who may present a real risk of danger to the United States. Objective measures show that the vast majority of foreign nationals who pass current vetting processes are honest people who benefit our nation by making valuable contributions to our businesses, universities, and other institutions. Decisions about limiting entry of foreign nationals to the U.S. should be guided by a process that focuses on individuals and specific, identifiable risks.
- The H-1B, L-1, and E-2 visa programs are valuable tools that should be maintained to support the many American companies who abide by their rules. At the same time, the programs must be actively managed to meet their original purpose—to bring in persons with truly specialized skills who will expand capacity in areas where actual shortages in skilled professionals impede the growth of the U.S. economy.

- To stop abuse by companies who do not act in good faith under employment-based visa programs and to prevent unintended erosion of the wages of American workers, the Administration should enforce existing wage protection provisions already built into the programs and make enhancements that further discourage gaming of the system. The Administration should, for example, implement robust auditing procedures to ensure that employment-based visa programs designed to attract high-skilled talent are not being manipulated by unscrupulous companies who instead hire lower-wage workers without special qualifications. Immigration programs that are designed to achieve greater economic prosperity for our country should not be unlawfully exploited to harm the American workforce and reward bad actors.

Finally, I would suggest that the prime focus in considering reforms to U.S. immigration policies should be to address security risks associated with the problems of illegal immigration and inadequate border security. These are real problems. We should also continue to carefully vet refugees seeking admission. At the same time, I am troubled that the executive order's 120-day full stop of refugee admissions and its application to refugees from every country without distinction perpetuates the notion that all refugees are dangerous people and bad for our economy. The United States has a proud and noble tradition of serving as a country of refuge for those most vulnerable in the world. Many of the refugees we have admitted throughout our history have become our nation's most distinguished scientists, government leaders, captains of industry, cultural icons, and public servants.

I encourage the Administration to begin moving forward once again with assisting refugees. We do not need to abandon our humanitarian commitment to refugees in order to address the security threats raised by illegal immigration.

Boston and the Commonwealth of Massachusetts know too well the pain of international terrorism. The United States must remain vigilant, and we must continually work to improve the systems we use to stop people who seek to harm us from entering the country, regardless of their country of origin. At the same time, we must recognize that overly broad responses create enormous social and economic costs without meaningfully reducing the very specific dangers they intend to address. I urge the Administration to put in place clear, fair, and carefully crafted immigration rules. This should be done as quickly as possible to address current uncertainty and to allow American and Massachusetts businesses, health care facilities, and educational institutions to compete for the global talent we need to succeed in this inter-connected world.

The Honorable John F. Kelly
Secretary of Homeland Security
February 3, 2017
Page 6

I ask that you review the concerns that I have raised and the proposals that I have offered as the Administration continues to develop its immigration policy. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Charles D. Baker". The signature is written in a cursive, slightly stylized font.

Charles D. Baker
Governor