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EDUCATIONAL AND IMMIGRATION ASPECTS OF INNOVATION: EDUCATING THE INNOVATORS AND SHAPING IMMIGRATION POLICY FOR HIGH TECH WORKERS

Session Chair – Daniel D. Ujczó
Canadian Speaker – Robert Crow
United States Speaker – Scott F. Cooper

INTRODUCTION

Daniel D. Ujczó

Good morning. I am Dan Ujczó, the Assistant Director of the United States - Canada Law Institute. I welcome you to day two of the 2006 annual conference. We have the task this morning following a day where we had a succession of insightful, informative panels, and we ended up on an extremely optimistic note last evening. But I am supremely confident that our speakers this morning as well as the subject matter of the panel will rise to the challenge.

Implicit in every – at least explicit in every panel yesterday and during the comments from the audience and the participants was that innovation, whether from the idea stage about decisions on how to secure financing, Government policies, and decisions on how to protect innovations, comes down at the end of the day to the decisions of individuals. The overwhelming consensus from the room is that we are doing a poor job in creating a culture of innovation and, more importantly, innovators; I think individuals such as Tom Friedman have called it a “creeping crisis.”¹ I think the National Academy of Sciences called it a “gathering storm,”² none of which are particularly optimistic terms. And it first starts with the educational process in ensuring a culture where you have an importance of science, mathematics and engineering. Our first speaker will address that issue.

¹ Wm. A. Wulf, *A Disturbing Mosaic*, 35 BRIDGE 3 (2005) available at <http://www.nae.edu/NAE/bridgecom.nsf/weblinks/MKEZ-6GDK3W> (quoting Thomas L. Friedman).

² Norman R. Augustine, Chair, Comm. on Prospering in the 21st Century, Nat’l Acad., *Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Future: Before the H. Comm. on Sci., Statement before Committee on Science, 109th Cong. (Oct. 20, 2005)*, available at http://www7.nationalacademies.org/ocga/testimony/Gathering_Storm_Energizing_and_Employing_America2.asp.

Bob Crow is the Vice President for Industry, Government, and University Relations at Research in Motion Limited. He has many duties in that regard relating to Government participation, participation in Government programs, as well as dealing with the university educational programs. Prior to his time at Research in Motion, he was a Vice President of Information at I-Tech, and that followed a career in academia, where he was a professor and member of the administration at Ryerson University.

We will then hear about the issue of immigration because, as many of you are aware, the contributions of foreign-born individuals in Canada to the United States are overwhelming in the area of innovation. I believe the statistic is anywhere between a third to one half of Noble Peace Prize winners in science, medicine, and engineering in the United States have been foreign born historically.³ One third of the professors at the post-graduate level and at the university level are foreign born⁴ as well as more than half of those that receive post-graduate degrees in science, mathematics and engineering.⁵ Of course, the discussion in the United States right now regarding education has to do with low wage and illegal immigration; perhaps the focus, as we will hear this morning, should be on the higher education, the highly-skilled worker, immigration, and there is no one better to discuss this topic than Scott Cooper from Fragomen, Del Rey, Bensen & Lowey, LLP, one of the world's largest, if not the world's largest, corporate immigration law firms. Scott served as a chapter officer of the Greater Chicago and Michigan American International Immigration Lawyers Association, and he is a member of its Board of Governors.⁶ He is a highly published author, one of the leading experts in the field, and there is perhaps no one more qualified to discuss the issue this morning than Scott.

So, without further ado, I know that you have many questions in this regard. We will go for about 20 minutes for each panelist. If we go any longer, Henry will release the trap door, and then we will take questions from the audience. So, without further ado, Bob?

³ Jan Vilcek and Bruce N. Cronstein, *A Prize For The Foreign Born*, 20 FED'N OF AM. SOC'Y FOR EXPERIMENTAL BIOLOGY J. 1281 (2006) available at <http://www.fasebj.org/cgi/reprint/20/9/1281>.

⁴ See generally Jan Vilcek and Bruce N. Cronstein, *supra* note 3.

⁵ Sci. and Engineering Indicators 2004, Foreign-Born S&E Doctorate Holders, Nat'l Sci. Board and Nat'l Sci. Found., Div. of Sci. Resources Stat. (2004), <http://www.nsf.gov/statistics/seind04/>. (last visited Oct. 8, 2006).

⁶ Biography of Scott Cooper, Fragomen, Del Rey, Bensen & Lowry, LLP, Fragoman Professionals (2006), [http://pubweb.fdbl.com/peoplebriefs.nsf/\(\\$pub2004-people-briefs\)/E2D409468350F6F1882569FA00651857](http://pubweb.fdbl.com/peoplebriefs.nsf/($pub2004-people-briefs)/E2D409468350F6F1882569FA00651857) (last visited Oct. 8, 2006).