Visa Application Period Opens for Highly Skilled Workers

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The annual sweepstakes for visas for highly skilled temporary foreign workers begins on Tuesday, the opening day for applications to the vastly oversubscribed immigration program that is the center of a growing controversy in Congress.

The federal authorities will accept petitions from employers for 65,000 temporary work visas, known as H-1Bs, that are available for the year that starts Oct. 1. Last year, the agency received enough petitions to cover the annual quota on the first day applications were accepted. About half of the total petitions filed were rejected because the supply of visas had run out.

Technology companies have urged Congress to raise the annual limit, saying they face damaging shortages of the computer engineers and software technicians that these visas attract.

But a number of lawmakers, led by Senator Richard J. Durbin, Democrat of Illinois, and Senator Charles E. Grassley, Republican of Iowa, say foreign companies have used the program to import workers who compete against Americans and lower wage rates. The senators oppose increasing the number of H-1B visas without closing loopholes in the program.

Citizenship and Immigration Services has said that it will accept H-1B visa petitions over five business days, ending April 7. Last year the agency closed the application period after one day because the quota had already been surpassed. In mid-April, the agency will run a computerized lottery to choose about 65,000 petitions.

"We want to make sure everyone has the opportunity to get their petition in to make the process as fair as possible," said Christopher S. Bentley, a spokesman for the immigration agency.

For the first time, the agency this year has explicitly prohibited companies from filing more than one petition for the same worker.

Technology companies have become increasingly frustrated and vocal about the H-1B visa limits and the lottery selection method. In March, Bill Gates of Microsoft told the House Committee on Science and Technology that the current system "makes attracting and retaining high-skilled immigrants exceptionally challenging for U.S. firms."

Mr. Gates said Microsoft and other American companies had been forced to export jobs that could have been done in the United States to countries more welcoming to skilled foreign workers.

A study in March by the National Foundation for American Policy, an immigration research group in Washington, concluded that H-1B workers helped United States technology companies generate jobs for American workers. The companies increased their employment by five workers for every H-1B visa they sought, the study found.

The H-1B visas bring foreign workers, preferably with master's degrees or doctorates, for an initial period of three years, renewable for another three years. The visas are intended to help American companies fill shortages of employees with sophisticated skills.

But official figures released by Mr. Grassley show that the three biggest users of the H-1B program in 2007 were three companies based in India that perform computer and software contract work here using foreign workers, mainly Indian.

The three companies — Infosys Technologies and Wipro Limited of Bangalore, and Satyam Computer Services of Hyderabad — accounted for more than 8,500 of the H-1B visas that received preliminary approval in 2007, figures show.

Mr. Durbin, the Senate's second-ranking Democrat, said in an interview on Monday that these companies had distorted the program's purpose.

"They are H-1B brokers," Mr. Durbin said. "For a fee, they are moving these engineers to the United States for three or six years, training them and then moving them back to India to work for companies that compete with America."

Ron Hira, a professor of public policy at the Rochester Institute of Technology, said that gaps in the rules had allowed technology companies, including American ones, to misuse the program.

"Basically, H-1B has been thoroughly corrupted," Mr. Hira said. "Under H-1B you could be forced to train your own replacement," he said, speaking of American workers.

Mr. Hira pointed out that current rules do not require employers to prove a labor shortage by advertising jobs or recruiting in the United States. He said wages established for H-1B technology workers were below market levels in this country, allowing companies that use the visas to gain a competitive advantage and lowering wages over all.

Mr. Durbin and Mr. Grassley have proposed requiring companies to advertise jobs with the Labor Department before applying for visas, and giving the department new monitoring authority.

Infosys, in a statement, said that about 30 percent of its work for American employers was performed "at the client's location" in this country. It said it used H-1B visas to bring in "our trained resources" for several years or less.

Wipro said that 20 percent of its workers in the United States were "local employees." It said it used H-1B visas to bring in workers "for a short duration."