

# American Tech Workers Challenge H-1B Visa Story

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by: [Martin Kaste](#), NPR

Two days ago, *Morning Edition* aired a story about the H-1B program which grants temporary work visas to foreigners with special skills like computer programming. In the story, it was reported that employers have to show they tried to recruit Americans first. But as it turns out, many companies bypass American applicants.

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RENEE MONTAGNE, HOST:

Earlier this week, we heard from some American workers speaking about a particular kind of visa. H1-Bs are temporary work visas. They're for foreigners with special skills like computer programming. NPR's Martin Kaste reported that employers have to show that they recruited Americans first, before hiring foreigners. But, in fact, most companies do not. Martin Kaste returns to that story now.

MARTIN KASTE, BYLINE: Tuesday's story was about middle-aged tech workers who think they've been sidelined by foreigners with H1-B visas. They're a frustrated bunch, and when they heard me saying that companies are required to recruit Americans before using H1-Bs, they let me have it. One of the milder reactions came from Donna Conroy.

DONNA CONROY: You know, I thought, oh, well. There goes another report covering up the secret.

KASTE: Conroy used to work in IT. Now she runs Bright Future Jobs, a group opposed to what it considers corporate abuse of work visas. The secret, as she calls it, is this: technicalities in the law allow the vast majority of employers to skip the good faith recruiting rule. But a lot of people make the same assumption. I did. And Conroy says it's time the law caught up.

CONROY: If everybody in America thinks that the H1-B program requires employers to seek local talent first and hire equally or better qualified Americans, then why don't we just fix the law to match what we believe is true?

KASTE: It's not a new suggestion. In 2010, the Civil Rights Division of the Justice Department recommended that all employers be required to test the U.S. labor market before seeking H1-B workers. And in 2009, Democratic Senator Dick Durbin and Republican Chuck Grassley introduced legislation to do just that. Now that immigration is back on the agenda, Grassley says he's going to try again.

SENATOR CHUCK GRASSLEY: We're going to make it a statutory requirement. It ought to be no more than a moral requirement, but not everybody lives up to the morality of putting America first.

KASTE: But Grassley predicts a tough fight, because businesses have lobbied hard against the requirement. And there are some real practical considerations, says Angelo Paparelli, a Los Angeles lawyer with H1-B experience. Showing the government your recruiting efforts for every single job opening would be burdensome, he says, especially in the tech sector.

ANGELO PAPARELLI: These hires have to happen very quickly. The job imperatives that the customers impose are so time-sensitive, that it can't work.

KASTE: Paparelli says one reason people think companies have to recruit Americans before they go to the H1-Bs is because, in fact, they are required to recruit Americans later on, when they're trying to get permanent visas, green cards for the temporary H1-B workers that they like and want to keep on.

PAPARELLI: So U.S. workers put on their suits and ties and their white shirts and they shine their shoes, and they go to the interview thinking that they have the opportunity that they've been longing for, only to be rejected.

KASTE: Paparelli calls it an empty ritual required by the Department of Labor, as it compels employers to prove a negative, to prove they can't find qualified workers. The result, he says, is pointless job interviews. And those seem to be the source of much of the frustration expressed by mid-career tech workers in places like Silicon Valley and Seattle. Martin Kaste, NPR News.

<http://app1.kuhf.org/articles/npr1361445303-American-Tech-Workers-Challenge-H-1B-Visa-Story.html>