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# Tech Firms Push to Hire More Workers From Abroad

By [SOMINI SENGUPTA](#)

SAN FRANCISCO — Vishal Sankhla, an Indian engineer, is among those at the center of a storm over how to fix the nation's immigration system.

Mr. Sankhla got a master's degree in electrical engineering nine years ago from the University of Southern California, followed by a job at Cisco, then at a start-up that attracted \$4.5 million in financing from Silicon Valley investors. There was only one wrinkle: he was in the country on a temporary work visa, with no idea whether or when he would get permanent residence.

He remains in limbo, which preoccupies him almost as much as running his business. "It's a constant distraction," said Mr. Sankhla, who is 32. "You can't really settle down because your visa status is uncertain."

Silicon Valley is battling in Washington to make the immigration process easier for thousands of people like Mr. Sankhla, many of them Indian engineers, while also pushing to hire many more guest workers from abroad.

Rarely has the industry been so single-mindedly focused on a national policy issue, with executives [like Mark Zuckerberg of Facebook](#) and John T. Chambers of Cisco personally involved. Its efforts seem to be paying off, as a group of eight senators negotiate details of a comprehensive immigration deal to be announced early next week.

Several lobbyists and advocates who have spoken to Senate staff members say they are optimistic about at least two items high on their wish list: a fast-track green card line for math and science graduates like Mr. Sankhla, no matter which country they come from, and a near doubling of the visas for temporary workers.

"I think we are going to get a balanced outcome, which takes advantage of the value that immigrants bring to the economy and be protective of U.S. workers," said Scott Corley, director of Compete America, an industry coalition that includes Google and Intel.

The contentious piece of this is the potential increase in temporary workers from abroad. Critics fear that is a ruse for lowering wages. Those critics are likely to get at least one boon from a revamped law: a requirement that companies try to find qualified American workers before hiring from abroad. The law may also make it more expensive to bring in guest workers.

The new immigration measure will almost certainly fix a situation that keeps people like Mr. Sankhla stuck in limbo for so long. The current law limits how many green cards can be issued to people from any single country, no matter how populous.

That effectively means that applicants from countries like India and China, with a large supply of young engineers often educated in American universities, [wait far longer](#) for permanent residence than those from almost every other country. The temporary employment visa, usually an H-1B, has become a kind of way station for them.

The Senate is considering eliminating the per-country quotas for those who graduate from United States universities with math, science and engineering degrees. The debate in Congress perfectly illustrates how immigration law, codified in 1965 and last revamped substantially in 1990, has lagged behind the demands of a rapidly changing economy. Unemployment in the technology industry hovers below 4 percent, far less than the national average.

In that climate, temporary visas are in such heavy demand that the total number available for the coming year — 65,000 for skilled workers and 20,000 for those with a master’s degree or higher — were snatched up in less than five days. The United States Citizenship and Immigration Services said Monday that it had received 124,000 applications in that time and had resorted to a lottery to make the final cut.

The measure being considered by lawmakers could nearly double the H-1B visas allotted yearly and possibly admit more temporary workers during periods of high demand, said several advocates who have discussed the matter with Congressional staff members and who declined to be named because the final language has not yet been released.

“If you were the human resources vice president of the United States, you would want to have a rule that says if things get busy and you need skilled people you can bring in people,” said Dan Siciliano, a law professor at Stanford. “At the same time you would want a way to bring highly skilled people in and perhaps at your choosing convert them to status that lets them stay much longer.”

[A vast range of American organizations](#) seek H-1B workers for technical jobs, from the Boston Red Sox baseball team to the chain store Nordstrom to technology companies like Google and Microsoft. Some of the largest blocs of H-1B petitions are taken by outsourcing companies, which makes them even more contentious, and critics say those firms import engineers with basic skills and pay them poorly.

“It invites employers to play a game of wage arbitrage,” said Ron Hira, assistant professor of public policy at the Rochester Institute of Technology and a critic of the program. By [Mr. Hira’s calculation](#), nine out of the 10 largest chunks of H-1B petitions went to outsourcing companies, including Cognizant, which is based in New Jersey, followed by the Indian firm Tata Consultancy Services.

Guest workers themselves can be subject to unfair labor practices under American law. In one of the largest cases, Tata Consultancy Services recently settled a \$29 million class-action lawsuit in California, in which it was accused of seizing the federal tax refunds of about 12,800 temporary workers from 2002 to 2005.

The settlement will award an average of \$1,600 to each worker. Tata did not admit to any wrongdoing. A company spokesman declined to comment on its use of H-1B visas, citing forthcoming quarterly earnings.

A 2011 [report](#) by the Government Accountability Office found that half of all H-1Bs were brought in at entry-level wages. The new bill may require companies to pay higher wages for temporary workers. It is unclear whether that would apply only to outsourcing firms.

Supporters of the program point out that new H-1B workers admitted every year represent less than 1 percent of the total American work force, and that outsourcing firms represent a minority of employers. Stuart Anderson, executive director of the National Foundation for American Policy, concluded that in the last five years, the 25 largest outsourcing firms accounted for 7 percent to 27 percent of all new H-1Bs issued.

As for the rest, many are used by would-be immigrants to find jobs and then wait for green cards.

Mr. Sankhla switched from an H-1B to another temporary category reserved for people of “extraordinary ability,” which allowed him to continue with his start-up, Viralheat, which is based in San Mateo, Calif., and mines consumer sentiment on social media platforms like Facebook. Among his 16 employees, nearly half are on temporary visas while they wait for green cards. Mr. Sankhla’s own green card application was rejected once. He is trying again.

A new immigration law will have a great impact on his entire family. His wife, an engineer at Netflix, is on an H-1B visa, and his brother, headed here from Bombay, has one, too.

<http://www.nytimes.com/2013/04/12/technology/tech-firms-push-to-hire-more-workers-from-abroad.html>