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Whistle-Blower Claiming Visa Fraud Keeps His Job, but Not His Work

By [JULIA PRESTON](#)

It has been 17 months since Jack B. Palmer first made a quiet complaint through internal channels at [Infosys](#), the giant Indian outsourcing company he works for, saying he suspected some managers were committing visa fraud. Since then, Mr. Palmer says, he has been harassed by superiors and co-workers, sidelined with no work assignment, shut out of the company's computers, denied bonuses and hounded by death threats.

But what has driven him nearly crazy, with bouts of depression alternating with rage, Mr. Palmer said, is the silence. Since last April, Mr. Palmer has been stewing day after day in his home near Montgomery, Ala., contemplating a blank Infosys screen on his computer and agonizing over whether his whistle-blowing was worth it.

“They did the worst thing they could do to someone who is used to working 80 hours a week,” Mr. Palmer said. “They sit me at home and cut me off from everything. My life is floating in Infosys purgatory.”

Mr. Palmer's experience since he filed his first report in October 2010 alleging misuse of business visitor visas for Indian workers is a cautionary tale about the perils of confronting a big corporation. Mr. Palmer's travails have been compounded because he is in a small minority of Americans employed by the huge company, which has \$6.8 billion in annual revenues and about 15,000 employees in the United States alone, most from [India](#).

A [lawsuit Mr. Palmer filed](#) against Infosys in February 2011 prompted federal prosecutors in Plano, Tex., where the company has offices, to open a criminal investigation that is still expanding. Federal investigators are looking into whether the company used workers from India for certain kinds of jobs here that were not allowed under their temporary visas, known as B-1. They are also examining numerous irregularities in the company's hiring practices and documents, federal officials said.

Infosys, a fast-growing global business that has carefully built a reputation for integrity, vigorously denies Mr. Palmer's accusations and is fighting his lawsuit in federal court in Montgomery.

“Any allegation or assertion that there is or was a corporate policy of evading the law in conjunction with the B-1 visa program is simply not accurate,” Ted Bockius, an Infosys spokesman, said Thursday. Infosys has been in discussions with the federal authorities, he said, and has complied with a subpoena they issued. He added that fewer than 2 percent of the company's workers in the United States at any time are on B-1 visitor visas.

Mr. Palmer, 44, a software project manager for Infosys since August 2008, said he decided to sue the company, claiming he was punished for reporting corporate misdeeds, after executives pressured him to drop his complaints. But even as the months have crawled by, Mr. Palmer has not quit his Infosys job, fearing he will not get another one now that he is known as the guy who went up against the Indian company.

“The mental and physical challenge one takes on after blowing the whistle is excruciating,” Mr. Palmer, who is known as Jay, wrote in a recent e-mail. After what he has seen, he said, “It will be hard for me to advise anyone to blow the whistle.”

In Senate testimony and court documents, Mr. Palmer charged that Infosys brought Indian workers on short-term visitor visas, known as B-1, instead of longer-term temporary visas, known as H-1B, which are more costly and time-consuming to obtain. Infosys and other Indian technology outsourcing companies are consistently among the top users of H-1B visas, but in recent years intensified scrutiny by the State Department has made those visas more difficult to get.

The B-1 is for foreigners coming for conferences or to conduct training, consulting or contract negotiations who continue as employees of the company abroad. They are paid at the generally lower wage rates of the home country.

“This was totally about profit and not hiring Americans for jobs in the U.S. due to higher salary requirements,” Mr. Palmer told the Senate Judiciary subcommittee on [immigration](#) in July. Besides Mr. Palmer, at least two other Infosys managers have provided information to investigators about alleged visa abuses.

Mr. Palmer is still on the Infosys payroll, but with no work and little communication from the company, and his moods swing erratically, he said. He has struggled with drinking, gained and lost 20 pounds and taken medication for anger and depression.

“You’re around people every day, and then all of a sudden you are staring at four walls,” Mr. Palmer wrote in an e-mail. “No one will hire me and I can’t quit, so they just torture me. I have become numb and cumbersome to this world.”

Menacing calls to his home and his mother’s nearby prompted him to buy a handgun, which he straps to his ankle whenever he goes out. Always on edge, he drew the gun in February on a salesman who tried to approach his house to offer cleaning goods.

His lawyer, Kenneth J. Mendelsohn of Montgomery, has been both counsel and counselor, taking Mr. Palmer to baseball games and often speaking with him several times a day to keep his spirits from plunging.

Mr. Palmer said his troubles started soon after he filed his first report through an internal whistleblower channel designated by Jeffrey Friedel, a senior Infosys lawyer. The company had asked Mr. Palmer to write “welcome letters” for B-1 visa workers from India. He refused.

“Basically, these letters falsely claim the foreign employee is coming to visit rather than to work,” Mr. Palmer said. “Past events started to click in my mind.” Indian employees he had placed as full-time programmers on projects he managed told him they were struggling to survive in the United States on Indian wages. “The B-1 workers were fully employed in this country, and Infosys was charging its customers full-time wages,” he said.

Within days of his report, Mr. Palmer said, it leaked within the company. One manager threatened to fire him, he said, and he received angry calls from co-workers. In November 2010, according to court documents, he found a death threat, neatly printed, on the chair in his office.

At first undaunted, Mr. Palmer sent barrages of e-mails describing apparent visa violations. But in December, he said, he received only about \$3,000 of a \$45,000 bonus he believed he had earned. Since Infosys has assigned him no work at all since last April, he received no bonus for 2011, losing one-third of his income.

A problem for Mr. Palmer is that the rules governing B-1 visas are so complex that skilled immigration lawyers can disagree on them. Infosys has argued that its practices were legal under a provision that sometimes allows foreign employees to come on B-1 instead of H-1B visas.

Mr. Bockius, the Infosys spokesman, denied any harassment of Mr. Palmer: “We have not retaliated in any way.”

But the judge in Alabama gave the first round of the whistle-blower lawsuit to Mr. Palmer, denying Infosys’s effort to force the matter into binding arbitration.

Mr. Palmer said his friends at Infosys now shun him. “You start to feel like you are the one who has done everything wrong,” he said. He continues to receive explicit death threats.

“It is people like you that make us Indians angry,” said one he received by e-mail. “Why must you drag us down into poverty. You fat lazy greedy American.”

But Mr. Palmer said: “My only worry is that Infosys will be slapped on the wrist and will continue to thwart our laws. As much as I need my life back, I will not let this happen.”

<http://www.nytimes.com/2012/04/13/us/whistle-blower-claiming-visa-fraud-keeps-his-job-but-not-his-work.html>