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# Italian Welders Work On Dallas Bridge— Texans Remain Jobless

By [Rob Sanchez](#)

The [Trinity River Corridor Project](#), a major [Dallas, Texas](#) construction project to build bridges over the [Trinity River](#), is an example of what can go wrong for American workers when work is [outsourced](#) to foreign-owned companies.

The Margaret Hunt Hill Bridge was designed by Spanish architect [Santiago Calatrava](#), and most of the bridge's structures were imported from Italian company [Cimolai](#). Texas taxpayers will pay for it all, but the profits from building the bridge will be sent overseas—and Italians on temporary work visas are [getting the good paying construction jobs](#).

Watch [this](#) YouTube video to see raw video footage of the Italian steel arriving at Port Houston and how it was transported by truck [[another video](#)] to Dallas for the Margaret Hunt Hill Bridge.

Most news reports call the shipment “steel” but that word is highly misleading. This is no shipload of steel ingots brought here to be melted and turned into finished products. You will see in that video that “[steel](#)” means girders, support columns, and many other high-value [manufactured](#) components. They are enormous (some look like giant water heaters) and need to be hoisted by crane onto [trucks](#) to be shipped to the [Trinity River Project](#). All that needs to be done in the U.S. is to set these enormous pieces of steel in place and weld them together like a giant [erector set](#).

[WFAA-TV](#) and [KHOU-TV](#) published news reports that describe the tense labor situation. Be sure to watch their excellent video reports because they have information not reported on their text versions, notably more union and worker reaction.

WFAA's report gives an early clue about who is doing some of the work:

**“On the construction site in the Trinity River bottoms, an American inspector told News 8: ‘If you don’t [speak Italian](#), it’s going to be tough to communicate.’ ”**

*[Italians, not Texans, building signature Dallas bridge, By Byron Harris, WFAA-TV, November 5, 2009]*

Italian construction workers came to Dallas with nonimmigrant [B-1 business visas](#). That's creating quite a controversy over who should get these jobs—and the fact that using B-1 visas for this purpose is probably illegal.

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Using the right visa is more than a matter of semantics. If the wrong visa is issued, then the immigrant loses status, and technically becomes an illegal alien.

In order to understand why B-1 is not the proper visa to use for this purpose, refer to the *U.S. Department of State Foreign Affairs Manual Volume 9* [PDF]. The manual explains what types of jobs can qualify for B-1 visas and states that, when petitioners are not eligible for B-1, they may be able to get [H-2](#) visas (sort of like the H1-B visa, but for [blue collar workers](#).)

The B-1 visa is supposed to be used for people like managers and executives (and whoever else doesn't actually do any real work, LOL!) This clause from the manual should automatically disqualify the Italian welders

**“Section 9 FAM 41.31 N10.4-2 Business or Other Professional or Vocational Activities**

**“An alien who is coming to the United States merely and exclusively to observe the conduct of business or other professional or vocational activity U.S.”**

If that wasn't enough, the manual specifically *excludes construction work* from B-1 visas:

**“9 FAM 41.31 N10.1 Commercial or Industrial Workers (CT:VISA-701; 02-15-2005)**

**“a. An alien coming to the United States to install, service, or repair commercial or industrial equipment or machinery purchased from a company outside the United States or to train U.S. workers to perform such services.**

**“b. These provisions do not apply to an alien seeking to perform building or construction work, whether on-site or in-plant. The exception is for an alien who is applying for a B-1 visa for supervising or training other workers engaged in building or construction work, *but not actually performing any such building or construction work.*”** [Emphasis added]

Like so many of our visa programs, B-1 contains loopholes that are subject to interpretation. Whenever laws are squishy, lawyers will [find a way](#) to get around them—in this case, [Colombian-born](#) Houston immigration attorney Beatriz Trillos Ballerini uses section “a” to argue that the Italian welders are installing foreign-made equipment, so they qualify for B-1 visas.

Ballerini covers all bases, just in case somebody persists in asking her why Italian welders need to be used—she claims that the welders have specialized skills that are specific to that bridge. But bureaucrats at the U.S. consulate in [Milan, Italy](#) somehow approved the visas to “install”

(tsk!tsk!) the bridge, which proves that they don't read their own [State Department](#) manuals. Dubious claims from Ballerini don't change the fact that the proper visa to use is the H-2B.

So just how **“specialized”** are those Italian welders at Cimolai—and how well has outsourcing and offshoring worked out for Texas?

Here is a report about **“*un errore stupido*”** by those Italiano workers:

**“TxDOT [Texas Department of Transport] officials admit that the Italian workers actually welded the wrong ends of two sections of the bridge together. ‘They turned one of the boxes [a massive piece of support steel on the bottom of the structure] around the wrong way,’ TxDOT inspector Stan Ybarra told News 8. ‘That happens. They’re only human.’”**

In fact, Cimolai's B-1 workers are probably the least of the problems from the company's point of view. In August, it announced that its steel shipments are to be [delayed by ten months](#).

TxDOT claims that the delays won't raise the cost of the project. But that's only if the fixed priced contract with Cimolai is considered while all the other expenses are ignored. Construction delays always end up costing somebody something.

The much-acclaimed Spanish architect Santiago Calatrava hasn't had a stellar Dallas performance either. Somehow, the Spaniard conned Dallas into building a **“[bridge to nowhere](#)”**, at least until recently-discovered problems with the river levee are resolved. After Calatrava first designed the bridge the lowest price bidder was \$113 million, which was way over what [Dallas was willing to pay](#). Calatrava had to redesign the bridge to be less costly by using cylindrical arches instead of heptagonal, and by substituting PVC for steel drain pipes. This begs the question—since he is such a genius of an architect why didn't he design it right the first time?

Outsourcing the bridge to [save money](#) was a bad idea. The other questionable action was using B-1 visas improperly. But it's not clear that Cimolai or any other contractor will pay a penalty for [gaming the immigration system](#).

Why didn't the Italian company save themselves some trouble by using H-2B visas?

The simple answer: B-1 visas are easier and quicker to obtain than H-2Bs and there is no limit to the number of visas that can be issued.

The other, less obvious reason: H-2B regulations contain similar verbiage to the H-1B program—they both require a **“[good faith](#)” effort** by employers to consider Americans first. Cimolai probably figured that H-2B could be a tough sell in a depressed Dallas construction industry where qualified American workers are plentiful. Nosy [immigration investigators](#) could be an additional fly-in-the-ointment if they asked Cimolai why American welders can't be found. B-1 visas have no such requirements to consider American workers so the dangers of bad publicity are reduced—or so Cimolai thought!

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(In a way, Cimolai was right. The immigration enthusiast *Dallas Morning News* has reported problems on the project—but has somehow not mentioned the temporary worker scandal. See [State report offers solutions for concerns with Trinity River levees - but Army Corps must approve them](#), by Michael A. Lindenberger, November 14, 2009)

It goes without saying that American welders who were hoping to find jobs on that publicly funded \$70 million project aren't too happy about losing their jobs to foreign workers.

Recently the AFL-CIO has actually started making some noise about the use of B-1 visas to hire foreign welders. It's refreshing to hear patriotic talk coming from the unions—for a change:

**“But there are all kinds of ways to get around [\[visa safeguards\]](#) too, said Michael Cunningham with the AFL-CIO. ‘We have a lot of American workers who could be using this work right now, especially with the high unemployment in construction which is probably around 20 percent in this state,’ he said.”**[\[Workers complain that immigrants use B-1 visas to steal American jobs\]](#), KHOU.Com, November 19, 2009]

If Cunningham doesn't watch what he says he might be branded a *xenophobe*, protectionist, or even worse things, like [ANTI-IMMIGRANT!](#) Or even...racist!

Unfortunately for unemployed American welders in Dallas who are [losing their houses](#) or [can't feed their children](#), by the time anything can be [done in the court system](#), the Italian welders will be long gone—with lots of Euros in their pockets, to [bask on the beaches](#) of the [Mediterranean](#). Something should have been done to resist the outsourcing before 2005 when the contract was given to a foreign owned company—because offshoring and the importation of foreign workers are two sides of the same coin.

Fortunately the unions have other opportunities to get [American construction workers](#) back to work. That's because the Margaret Hunt Hill Bridge is the first one of three bridges over the Trinity River to be built.

But actions needs to be taken immediately to prevent Cimolai from using foreign workers with impunity.

Unions and unemployed welders can't count on political support from the city to solve the problem—at least if the Mayor of Dallas, Tom Leppert [\[Send him mail\]](#), gets his way. During the WFAA interview, he told unemployed Dallas construction workers to eat cake:

**“Although the bridge is a signature project for Dallas, Mayor Tom Leppert said the lost jobs are not the city's problem. ‘That one's being run by TxDOT, so TxDOT's going to have to be the one to do the fact check, the analysis, all of those sorts of things; they're going to have to be approached.’”**

The one thing the union could do to solve the immediate problem of getting those jobs back is to demand that the fraudulent B-1 visas be revoked on the grounds that technically the Italian workers are illegal aliens.

For inspiration the unions could look to a recent [story](#) from India. [Chinese immigrants used fraudulent business visas](#) to work and live there. The Chinese workers were booted out of India, but only after persuasive mobs of rioting local citizens demanded that their country's immigration laws be enforced.

If angry [Indian nationalists](#) carrying clubs and sticks can do it, then surely the AFL-CIO can figure out a way!

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