



Grassley, Durbin Ask for Details on Companies' Use of H-1B Visas

Monday, May 14, 2007

WASHINGTON - Senators Chuck Grassley and Richard Durbin today asked the top nine foreign based companies in 2006 that used nearly 20,000 of the available H-1B visas to disclose further details about their workforce and their use of the special visa program.

"More and more it appears that companies are using H-1B visas to displace qualified, American workers," Grassley said. "Now, as we move closer to debate on an immigration bill, I continue to hear how people want to increase the number of H-1B visas that are available to companies. Considering the high amount of fraud and abuse in the visa program, we need to take a good, hard look at the employers who are using H-1B visas and how they are using them."

"Supporters claim the goal of the H-1B program is to help the American economy by allowing U.S. companies to hire needed foreign workers. The reality is that too many H-1B visas are being used to facilitate the outsourcing of American jobs to other countries," Durbin said. "We have to look at the system that generates these visas and the way they are used. This legislation will help protect American workers first by stopping H-1Bs from being exploited and used as outsourcing visas."

The letters are part of an effort to determine if the H-1B program is being used for its intended purpose which is to fill a worker shortage for a temporary time period. He said that he expects the companies to cooperate and answer his questions to ensure that accurate information is being used as Congress begins debate on new immigration policy.

Grassley and Durbin recently introduced legislation that would overhaul the H-1B and L-1 visa programs to give priority to American workers and crack down on unscrupulous employers who deprive qualified Americans of high-skill jobs.

A copy of one of the letters appears below:

May 14, 2007

Mr. Nanden M. Nilekani
Chief Executive Officer
Infosys Technologies Limited
6607 Kaiser Drive

Fremont, California 94555

Dear Mr. Nilekani:

As members of the Senate Judiciary Committee Subcommittee on Immigration, Border Security and Refugees, we have a responsibility to oversee and evaluate our country's visa policies. We have been concerned about reported fraud and abuse of the H-1B and L visa programs, and their impact on American workers. We are also concerned that the program is not being used as Congress intended.

While some Members of Congress have focused on increasing the annual cap of the H-1B program, we believe it is important to understand how H-1B visas are being used by companies in the United States. We have received helpful data from the U.S. Citizenship and Immigration Service with regard to H-1B visa approvals in 2006 for the top 200 participating companies. Your company was one of the top companies on the list. Therefore, we are requesting your cooperation in providing additional statistics and information on your use of H-1B visa workers.

First, some groups, such as the Programmers Guild, have analyzed the wages paid to H-1B visa holders. They have found that the average annual salary of foreign workers is significantly lower than that of new U.S. graduates.

Second, a number of consulting firms reportedly recruit foreign workers and then outsource the individuals to other job sites or companies. Many of the top 20 companies that used H-1B visas in 2006 are firms, such as yours, that specialize in offshore outsourcing.

Third, a number of firms have allegedly laid off American workers while continuing to employ H-1B visa holders. The American people are concerned about such lay offs at a time when the demand for visa issuances and the recruitment of foreign workers appear to be increasing.

Because of these concerns, we seek your cooperation in answering the following questions:

NUMBERS

- How many United States citizens do you employ in the United States?
- Is your company an H-1B dependent employer?
- How many visa petitions did you submit to the Citizenship and Immigration Service for Fiscal Year 2007?
- Of the total number of petitions requested, how many have been approved for Fiscal Year 2007, if known?
- How many H-1B visa holders is your company currently employing? What percentage of your total workforce are H-1B visa holders?

- What is the average age of the H-1B visa holders that your company currently employs?
- What is the average number of years of experience of your employed H-1B visa holders?
- Please describe your efforts to recruit Americans for the positions for which you employ H-1B workers.

WAGES

- What is the average wage of your company's H-1B visa holders? What is the median wage? What is the highest and the lowest salaries for those H-1B visa holders currently employed by your company?
- What is the average wage of your company's workers who are United States citizens in the same occupations?

OUTSOURCING

- Of the 4,908 visas your company received in 2006, how many of those workers are currently employed and paid by Infosys Technologies Limited?
- Of the 4,908 visas your company received in 2006, how many were outsourced to other companies and how many employees' salaries were paid for by a firm other than Infosys Technologies Limited?

LAY OFFS

- Has your company experienced any layoffs in the United States in the past year? Any lay offs in 2005? If so, how many people lost their jobs?
- If your company has laid off workers in the United States, what job positions were part of that lay off?
- If your company has laid off workers in the United States, how many of those workers were H-1B visa holders?
- If your company has laid off workers in the United States, did any H-1B visa holders replace those dislocated workers, or take over any of the laid off employee's job responsibilities?

We appreciate your cooperation, and respectfully request that you respond to our questions no later than May 29, 2007.

Sincerely,
Charles E. Grassley
United States Senator

Richard J. Durbin
United States Senator