

Immigration June 28, 2009, 8:25PM EST

An Academic's Labor Helps Fight H-1B Visas

Norm Matloff, a computer science professor with a Chinese-born wife, says the U.S. skilled-immigrant visa system exploits workers everywhere

By [Moira Herbst](#)

Not many computer science professors are activists on immigration policy. But Norm Matloff of the [University of California, Davis](#) wears both hats. He has been a vocal critic of the H-1B visa program for skilled immigrants since the mid-1990s, and now maintains a [Web page](#) and e-mail listserv discussing offshoring and the H-1B visa program, which he calls a "sham." He says his motivation is to protect and preserve tech job opportunities for the students he teaches.

"I have no personal stake in any of this," says Matloff, who is 60. "If the H-1B program were disbanded tomorrow, my personal well-being would not improve one iota. [But] when I see something that is not right and about which I know something, I tend to speak out. On this issue, I know where the bodies are buried."

The H-1B visa program inspires heated debate, especially online. The program is controversial for a number of reasons. Some critics say the program allows U.S. companies to import cheaper labor, dampening wages and displacing U.S. workers. Others say it facilitates outsourcing, as it allows Indian-born tech workers to train in the U.S. and then return home and perform the work there. Still others point to mounting [evidence of fraud](#) in the program and a lack of government oversight.

"De Facto Indentured Servants"

Matloff stresses that the problem is not fraud or crime but the H-1B visa law itself. He says that the law as currently written allows H-1B visa holders to receive below-market wages. The policy also allows for age discrimination as older U.S. tech workers are displaced by a younger workforce from abroad. "Though the industry lobbyists portray it as a remedy for labor shortages and as a means of hiring 'the best and the brightest' from around the world, the visa is used to access workers that cost less and are de facto indentured servants," Matloff writes on his blog.

Matloff has written extensively about the effects of globalization and offshoring on U.S. IT workers and has been quoted on the issue in most major media outlets. He has also testified before Congress as an expert on the work visa law. Some of his most influential academic work

includes a fall 2003 [article](#) in the *University of Michigan Journal of Law Reform* on the H-1B work visa called "On the Need for Reform of the H-1B Nonimmigrant Work Visa in Computer-Related Occupations." A 2006 article that linked H-1B visas to age discrimination in the computer industry was published by the *California Labor & Employment Law Review*.

As are most advocates on immigration issues, Matloff is a controversial figure. He's admired by supporters—including activists on H-1B visa issues—but criticized by other academics who don't share his views and who chafe at his often-abrasive rhetorical style. Critics also suggest there could be a xenophobic undertone implicit in his critique of the H-1B visa program. Matloff posts opinionated [blog entries](#) on the Web site of Numbers USA, a group calling for lower levels of immigration. His writing prompted one tech worker, Arthur Hu of Bothell, Wash., to create a Web page [criticizing Matloff](#), whom he calls the "Hatchet Man of Asian Immigration."

Matloff: Job Loss Is the Only Issue

Matloff firmly denies that he is prejudiced. He says that to the contrary, he is active in the Chinese community and has served as an expert witness in litigation on age and racial discrimination in the software industry. He points out that he is the son of an immigrant who grew up in a working-class, ethnically mixed part of Los Angeles. His wife was born in China and he speaks both [Cantonese and Mandarin](#) with her and their daughter at home. "I hope that absolves me of all suspicion," he says.

Matloff also disputes the idea that those who oppose the H-1B visa program are xenophobic. "To make the claim that somehow the [anti-H-1B visa] movement is motivated by race is flat-out wrong," says Matloff. "People can get really emotional in listservs, some of them to the point of getting paranoid... But even then I don't see racial or xenophobic language [emerge], except on occasion." He adds that the issue is about the loss of jobs and not ethnicity. "The implication [of the racial argument] would be that an activist wouldn't mind if some Canadian or someone of European ancestry took his or her job," he says. "If you lose your job, you lose your job."

Matloff has influence on the H-1B visa debate beyond his Web page and e-mail newsletter. He has worked with Senator Charles Grassley (R-Iowa) on a bill introduced in April that would [add restrictions to the H-1B visa program](#).

Drawing Criticism from Both Sides

To some opponents of H-1B visas, Matloff is something of a hero—and in a sense, the intellectual backbone of their movement. "Matloff was the first person to raise attention to this issue and provide a detailed analysis of the impact of the H-1B visa program," says John Miano, founder of U.S. tech advocacy group the Programmers Guild and a labor attorney in Summit, N.J. "I and others knew what was going on anecdotally, but he got the data together to shine the light on the big picture. He provides most of the leadership from an academic point of view."

Others seem less enamored. "While I do admire Matloff and find his work to be substantial, his contribution to our cause has been academic and largely ignored by the I.T. industry," says "Kevin," who publishes a blog that routinely refers to Indian tech workers as "slumdogs"

(itgrunt.com). "THAT IS ONE ARTICULATE [expletive]", wrote Kevin [in a post](#) in April referring to Matloff. (Matloff distances himself from "Kevin" and his Web site and says his views are "unrepresentative.")

Matloff has his share of supporters and critics in the academic world, too. "Matloff routinely attacks the work of other academics by citing statistics and data which have no basis," says Vivek Wadhwa, a [Duke University](#) engineering professor and fellow with the Labor & Worklife Program at [Harvard Law School](#). (Wadhwa is also a columnist for BusinessWeek.com.) "He claims to have performed his own research, but this research doesn't seem to have been published by credible authorities or have received any form of peer review."

Policymaking vs. Research

But other academics say they respect his work. "Matloff understands the guts of the issue in a way many academics don't," says B. Lindsay Lowell, director of policy studies at [Georgetown University's](#) Institute for the Study of International Migration. "He brings a lot of passion to the subject, which has its upsides and downsides. At times it can detract from his message." Lowell adds that "as a professor, I believe he may take the career options of his students seriously and believes, to some extent, that an oversupply of highly skilled immigrants—H-1Bs in particular—is not in the interest of the domestic supply line." But Lowell says that like many researchers in this area, Matloff lacks definitive data on, for example, the proportion of older workers who are laid off and replaced by younger workers or H-1B visa holders.

Anti-H-1B activists say they're worried less about academic research and more about shaping policy. "The thing that's missing in Norm Matloff's strategy is fighting for a seat at the table," says Donna Conroy, executive director of Bright Future Jobs, a lobbying group that advocates restricting the H-1B visa program. "We need a political movement that allows us to help craft legislation. All the numbers [Matloff] crunches won't have nearly the impact as American technical professionals standing up for themselves."

Still, Matloff says he's ready to roll up his sleeves and get to work on H-1B visa reform: "If and when Congress wants to clean up this mess, I can tell them how to do it."

[Herbst](#) is a reporter for BusinessWeek in New York.