

Federal Court Ruling Allows Employee To Bring Infosys Visa Case To Jury

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An Infosys Technologies employee, who [alleged in a lawsuit](#) that the Indian offshore [outsourcing](#) company wrongly used visitor visas in its work, won a federal court decision that will allow him to bring his case to a jury.

In a lawsuit filed earlier this year, Jack "Jay" Palmer alleged that Infosys was using employees holding [B-1 visitor visas](#), which are intended for short-term uses such as attending a business convention, for work that required [an H-1B visa](#).

Palmer's lawsuit claims that he suffered threats and harassment after he refused to help foster use of the B-1 visas at the company.

Infosys had filed a motion to move Palmer's complaint to arbitration and had argued that Palmer, in his employment contract, had agreed to settle disputes in arbitration.

But US District Judge Myron Thompson in Alabama, which is Palmer's home state, denied the motion in an 18-page decision. The court found, in part, that the "arbitration agreement is unconscionable because of its lack of mutuality."

Palmer's attorney, Kenneth Mendelsohn, said the court agreed with his argument that the arbitration agreement was one-sided.

The arbitration agreement was "a take it or leave it type deal - it wasn't negotiated," Mendelsohn said. "In the eyes of the law, that's not a contract, that's not a fair agreement," he said.

Mendelsohn said the decision means his client can now press ahead with the court case.

Palmer remains an employee of Infosys but is "benched," and does not report to the office, his attorney said.

Infosys, in a statement, said that while the decision "is not the one we had hoped for, it is one that we have planned for. We take very seriously our obligations under the law and specifically our responsibilities to comply with the immigration laws and visa requirements in all the jurisdictions where we have clients. The fact is that there is not, nor was there ever, a policy to use the B-1 visa program to circumvent the H-1B program."

The Palmer case has had the potential for broader implications. A federal grand jury in Texas has been looking into the visa issue at Infosys. That grand jury is still meeting, but there's no word yet on when it might complete its work.

<http://www.computerworlduk.com/news/it-business/3317725/federal-court-ruling-allows-employee-to-bring-infosys-visa-case-to-jury/>

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