



Fix needed for worker visas

Monday, November 21, 2005

By **PAUL BRUBAKER**
HERALD NEWS

A century ago, fighting for the American worker meant upholding the rights of unskilled laborers subjected to the harsh conditions of the nation's industrial manufacturing sector.

Today, Rep. Bill Pascrell Jr., D-Paterson, will take up the fight for the American worker - and how that worker has changed over the years.

"We are talking about people who have high-tech degrees in one hand and pink slips in the other," Pascrell said Friday. "I'm going to do everything in my power to end that."

Pascrell is scheduled to announce that he is introducing a comprehensive bill to reform the nation's H-1B visa program on the steps of the state Labor Department building in Paterson.

The visas allow companies to temporarily hire well-educated "guest workers" from other countries, usually at half of what Americans in the same positions are paid.

While a variety of professions fall into the H-1B category, the visa was established during the Clinton administration because there was a perceived shortage of skilled workers in the information technology field.

Sona Shah, 34, of Montclair - who was born in India, came to the United States at the age of 3 and became an American citizen at 18 - is scheduled to join Pascrell as one of the casualties of "corporate misuse" of H-1B visas.

"Americans are being displaced and foreign employees are underpaid and become indentured labor," said Shah, who holds degrees in physics and mechanical engineering from New York University and Stevens Institute of Technology, respectively.

In 1998, Shah was terminated from her job as a program analyst for ADP Wilco, a British-based financial services company that is a subsidiary of Automatic Data Processing Inc., founded by U.S. Sen. Frank Lautenberg, D-N.J.

Shah has filed a discrimination suit against ADP Wilco, which is pending in a New York State court, on "behalf of both American and foreign employees." The class-action suit alleges that the company favored lower-paid foreign workers brought in through H-1B and other temporary "guest worker" visas. Her fiancé, Kai Barrett, 31, also was an ADP Wilco employee hired out of Britain under an H-1B visa to work in the U.S. Barrett is another plaintiff in the suit, alleging he and other guest workers were not paid the prevailing wage for his job as a programmer.

"Discrimination on the basis of anything other than your merit should not be acceptable," Shah said. "If

American workers want their rights protected, they have to protect the rights of guest workers as well."

Pascrell's bill seeks to put an end to that kind of scenario through more stringent requirements for companies sponsoring foreign workers for the H-1B visas.

If the bill is made law, the visa's application fee would be raised from \$1,500 to \$4,500 per employee, and companies would have to allow American workers 30 days to apply for open jobs before applying for the visa. It would also change the visa's length of stay from six years divided over two three-year terms to one non-renewable term of three years, or four years divided over two two-year terms.

The national cap on H-1B visas would remain at 65,000, but the leeway of allowing 20,000 extra H-1B visas for people holding higher degrees would be eliminated.

Pascrell, a former Paterson mayor, said that he is most concerned about the long-term implications of corporations' H-1B practices.

"We're allowing companies to simply reach out into other countries to do the job at half the price," he said. "This is not exporting American jobs. What we're doing is basically eliminating jobs for Americans and asking foreigners, who do not have the status of citizenry, to do their jobs. The same thing will happen to high-tech industry as happened to manufacturing in this country."

Copyright © 2005 North Jersey Media Group Inc.
[Copyright Infringement Notice](#) [User Agreement & Privacy Policy](#)