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ITAA Study Reveals High Unemployment and Minority Overrepresentation in IT Fields

While bemoaning high unemployment, especially among females, and underrepresentation of native-born workers of all races within the IT job market in their recent study, ITAA continues to advocate for the H-1B program, which is a root cause of these pro...

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Sacramento, CA (PRWEB) June 29, 2005 -- A study released by the ITAA on June 21, 2005 reveals minority overrepresentation in the IT field and an excessively high rate of IT unemployment, especially among females.

The study titled "Untapped Talent: Diversity, Competition, and America's High Tech Future" reports that, while minorities make up only 17.2% of the U.S. workforce, 33% of all undergraduate degrees in computer science, engineering, and related technologies were conferred on minorities. Minorities comprise 22.3% of U.S. IT workers – 30% higher than for all U.S. occupations.

The study reveals a grim job market for U.S. IT workers. The total number of IT jobs in the U.S. has diminished 8% - from 4,882,000 in 2000 down to 4,469,000 in 2004. Over 100,000 new graduates entered the IT workforce each year during that period, and a few hundred thousand more entered on nonimmigrant visas, such as H-1B and L-1.

Women comprise 32.4% of the IT workforce, or 1,448,000 workers. Of these skilled female IT workers, 92,000, or 6.4%, are unemployed. Combined with the 124,000 unemployed skilled male IT workers, U.S. employers are failing to utilize nearly 250,000 skilled U.S. IT workers. Rather than propose solutions to the high unemployment current workers, ITAA calls for substantial increases in the number of women and minorities entering the profession.

Call for New Visa to Bring Employers Rather Than Workers

"U.S. employers are simply not creating enough jobs for skilled IT workers, causing upwards of 15% of IT professional to be displaced from the profession in the past four years," states Kim Berry, president of the Programmers Guild. **"Therefore our organization urges Congress to create a visa category to attract the "best and brightest" foreign employers to the U.S. – on the condition that they exclusively hire unemployed U.S. workers for their IT slots."**

This shortage of qualified employers is dissuading new college graduates. The ITAA study reports that "the popularity of computer science as a major among incoming freshmen dropped 59% from 2000 to 2004."

One factor in the under-representation of women in the IT workforce is that a disproportionate number of H-1B workers are male. According to USCIS data for 2002, women comprised only 24% of temporary work visa admissions and only 15% of intercompany transfer admissions.

ITAA Supports a Visa Program That Undermines the Careers of Women and Minorities

The Programmers Guild notes the hypocrisy of ITAA's report: In spite of 250,000 unemployed skilled U.S. workers and a consistent decline in the total number of U.S. IT jobs over the past four years, ITAA continues to advocate for flooding in 65,000 foreign workers per year under the H-1B program, which allows employers to hire foreign workers with no requirement to hire qualified Americans when available. Hundreds of foreign body shops legally hire exclusively foreigners of their own nationality under this visa, at salaries in the \$40,000 range.

Often employers force U.S. workers to train their H-1B replacements, under threat of termination for cause and loss of benefits – driving women and underrepresented minorities out of the profession. The ITAA report bolsters the Guild's concern that the H-1B visa program is being used by our economic adversaries as a means of gaining tech skills in the U.S., and then returning to their home countries like India and China to lead major technology companies.

While ITAA calls upon employers to embrace diversity, the Programmers Guild calls upon U.S. employers to utilize all skilled U.S. IT workers, regardless of race or gender, and to stop abusing the H-1B visa as a means of flooding the job market, driving down wages, and driving U.S. technology leadership out of the country.

About Us

The Programmers Guild advocates for the interests of U.S. computer programmers and other tech workers. The Guild is seeking sponsors for a bill that would amend the H-1B legislation to require that employers first attempt to recruit from the 250,000 unemployed skilled tech workers in the U.S. before DOL would approve the positions for H-1B workers. See www.programmersguild.org for more information.

References

- ITAA June 22, 2005 Press Release - Minorities - Fully Study Available Here

http://www.ita.org/eweb/Dynamicpage.aspx?webcode=PRTemplate&wps_key=0bf6f8eb-20ab-4906-957d-2ffa85ea205b

- ITAA Oct 4, 2004 Press Release – H-1B

http://www.ita.org/eweb/DynamicPage.aspx?WebCode=PRTemplate&wps_key=123341A1-1B54-4C53-956F-7D7FC6DE7F1E

- USCIS Nonimmigrant Visa Stats for 2002. See columns J (H visa) and Q (L visa)

<http://uscis.gov/graphics/shared/statistics/yearbook/2002/Table32.xls>- USCIS H-1B By Country and Occupation for 2002

<http://uscis.gov/graphics/shared/aboutus/statistics/TEMP02yrbk/TEMPEXcel/Table33.xls>

- USCIS Nonimmigrant Visa Stats for 2004 (used 2002 since didn't find separate "occupation" breakdown in 2004)

<http://uscis.gov/graphics/shared/statistics/yearbook/YrBk04TA.htm>

Table 30: See columns J (H visa) and Q (L visa) for gender breakdown

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PROGRAMMERS GUILD

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Specialty Worker Protection Act of 2005

A Bill for the 109th Congress

To amend the Immigration and Nationality Act to apply the recruitment of U.S. workers and non-displacement of U.S. workers protections to all H-1B (specialty occupations) employers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLY H-1B DEPENDENT PROVISIONS TO ALL H-1B VISAS

(a) In General - Sections 655.738 and 655.739 of CFR Title 20 are amended to apply to all employers, for all LCAs granted, rather than just to "H-1B Dependent" employers.

(b) Applicability - The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to Labor Condition Applications (LCAs) granted in fiscal year 2006 and beyond.

Statute References

The 2004 CFR is [here](#). (The 2005 revision does not seem to be online yet.)

(Issue: Are there USC codes matching these CFR codes? Are these statutes part of the Immigration and Nationality Act?)

Summary of Argument

For [over a decade](#) employers have abused the H-1B visa as a tool to displace U.S. workers with foreign workers, sometimes forcing the U.S. workers to first train their replacements, and often paying the nonimmigrant workers substantially less.

The visa has spawned the "[foreign worker bodyshop](#)" industry, where foreign entities such as [TATA Consulting](#) can legally hire exclusively foreign workers and aggressively

market them against U.S. workers. The U.S. should not be granting [visas which assist foreign companies in undermining U.S. companies on our own soil.](#)

The visa is also being abused as a means of facilitating the transfer of U.S. jobs and technology overseas.

While Congress has provided protection from displacement and a requirement to first recruit U.S. workers, these provisions currently apply only to "H-1B Dependent" employers, which comprise only about *one percent of H-1B users*. ("[DOL states](#) that only 50 out of the 50,000 estimated H-1B employers will meet the standard"): Congress mandates that DOL [rubber-stamp](#) 99% of LCAs without regard for the impact on U.S. workers.

There is [substantial evidence](#) that many positions being filled by H-1B workers do not require exceptional skills, pay below market wages, and could easily provide needed employment for U.S. workers. Under current legislation, DOL is granting LCAs for wages under \$7 per hour, such as for "[dental assistant trainee.](#)" Certainly there are Americans qualified to fill this job.

There is [substantial evidence](#) that employers are abusing the H-1B visa.

DOJ attorney Anthony Archeval confirmed that "it is legal to import foreigners to take the jobs of Americans."

Anthony.F.Archeval@usdoj.gov

There is [substantial evidence](#) that U.S. workers are being harmed by this visa, often driven from their profession. According to [BLS](#), 25% of U.S. computer programmers have been displaced from their profession since 2000.

While many U.S. specialty workers are over age 40, employers are using the H-1B to violate age discrimination statutes, as nearly every H-1B worker is under age 35. TCS, for example, an Indian consulting company using thousands of H-1B workers, had stated on their website their age profile - now removed but still archived. Statistically they are excluding highly experienced U.S. workers over age 40:

<http://web.archive.org/web/20041010223626/www.tcs-america.com/careers/whyjoin.html>

Age Profile 20-25 years —
50%
25-30 years — 38%
30-35 years — 9%
35-40 years — 2%
40+ years — 1%

This link reveals that they pay their highly degreed and qualified H-1B workers as little as \$25k/year salary. (Sort by "wage" to get a better perspective)

http://www.h1b.info/lca_job_list.php?name=TATA+CONSULTANCY+SERVICES&company=tata&city=&state=&year=ALL

The provisions of this act would entail only a minor inconvenience to employers that have specialized needs for which no U.S. worker is available. But it would provide U.S. workers a minimum threshold of protection of their Constitutional liberty interests to pursue their chosen profession.

Congress should pass this bill.

Related Bills

[HR2849](#) (108th Congress) To amend the Immigration and Nationality Act with respect to the H-1B and L-1 visa programs to prevent unintended United States job losses, to increase the monitoring and enforcement authority of the Secretary of Labor over such programs, and for other purposes. (29 cosponsors). HR2849 proposed a similar modification to H-1B as this instant bill does.

[HR 5413](#) (108th Congress) Rep. [Bill Pascrell Jr.](#): To amend the Immigration and Nationality Act to provide greater protections to domestic and foreign workers under the H-1B nonimmigrant worker program. (Introduced in House)

Foreigners drafted U.S. Immigration Law

Incredibly, H-1B workers - citizens of other countries - [assisted in drafting their own H-1B legislation](#) in October 2000, which increased the H-1B limit to nearly 600,000 over a three year period:

"Much of the credit goes to H-1B workers who so effectively organized and added a number of important amendments to the final bill. " - Carl Shusterman