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Subject: H-1B Revolt

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An organization of Indian H-1Bs is calling for a national sick-in to protest what they believe to be injustices they suffer while in the U.S. Their plan is to stage this protest in mid-July. The protest is being coordinated by Rajiv Dabhadkar, founder of the "National Organisation for Software and Technology Professionals" (NOSTOP). Rajiv claims that NOSTOPS is a US based NGO. You can view their website at:

<http://www.nostops.org/>

This is a list of the injustices that they are griping about:

* INDENTURED SERVITUDE - H-1B visas are sponsored by employers, therefore if the H-1B loses his/her job they must go back to their home country. This is often why H-1Bs are considered indentured labor. NOSTOPS wants H-1Bs to be able to stay in the U.S. if they lose their job even if they have to take temporary jobs in the interim.

Their gripe has no merit because the H-1B program is intended to be used for TEMPORARY shortages of workers. If an H-1B loses his or her job, by definition they are no longer needed in the U.S. Allowing them to stay in the U.S. puts them in direct competition with unemployed Americans.

* UNEMPLOYMENT BENEFITS - Since H-1Bs are supposed to self-deport themselves they can't legally collect unemployment benefits. Not surprisingly they think they have a right this benefit along with being able to hang around the U.S. while looking for another job.

* SPOUSE AND CHILDREN OF H-1Bs CAN'T WORK - Spouse and children of H-1Bs can come to the U.S. on H-4 visas, but they are not authorized to work in the U.S. That's a good thing because if they were allowed to work potentially millions more Americans would lose their jobs to cheap labor.

* TAXATION WITHOUT BENEFITS - They claim that about 1.5 million H-1B workers pay taxes but receive no benefits such as Social Security. There probably are 1.5 million H-1B workers in the U.S. but many of them don't pay taxes - so this is a red herring. The H-1Bs that do pay taxes enjoy the benefits of our infrastructure such as roads, utilities, etc. The H-1Bs that don't pay taxes are getting a free ride. They probably want some type

of totalization agreement so that the U.S. government will mail them a Social Security check when they go back to India. That's a bad idea unless of course you don't care if our social security system goes bankrupt.

* GREEN CARDS - They want more than 140,000 employment based Green Cards to be issued every year so that it would be easier for H-1Bs to become permanent residents. I oppose expansions of Green Cards because all it accomplishes is to allow foreign workers to stay here permanently. At least if they have temporary visas we can in theory get rid of them!

* H-1B IS SIMILAR TO THE BRACERO PROGRAM - They are right about that, and it's interesting that NOSTOPS compare themselves to the Bracero program, which was used to import indentured Mexican workers from 1942 until 1964. They want the H-1B program to be modernized so it doesn't resemble the Bracero program. This is the one thing I agree with NOSTOPS on - we should eliminate the H-1B program for the same reasons we terminated the Bracero program - because they are nothing less than indentured labor subsidies to companies who don't want to hire more expensive Americans.

Considering what NOSTOPS has on their own website, it's sort of surprising that they are calling for a "revolt" since they acknowledge that the strikes resulted in the termination of the Bracero program.

<http://www.nostops.org/newstorms.html>

The Bracero's finally did get some support from the local communities and revolted! Some Bracero's did strike to improve their conditions. Soon after, the strike, the Bracero Program was stopped altogether. This was in 1964.

It's not entirely clear what "revolt" they are referring to. The National Farm Workers Association headed by Cesar Chavez had various strikes to support the Braceros, but generally speaking the farmers were able to thwart attempts at treating the Braceros like human beings. I doubt the H-1Bs will be any more successful against the likes of our high-tech corporations such as Microsoft.

The NOSTOPS website does have insight and for that reason it's worth checking out. This is the same question many of us keep asking. Their answer is pure poppycock, but the question is valid.

So what kind of education will protect a U.S. software engineer or biotechnologist from someone who can easily study the same things, but earns very much less?
Why should a laid-off Java programmer in the U.S. spend 18 months and thousands of dollars getting an advanced degree in neural network programming, when he knows that the moment there is significant demand for neural network

techies in the U.S., the top Indian or Chinese engineering institutes will rush to offer equivalent courses or degrees at a far lower tuition fee? Who wants to be "transformed" from an unemployed Java programmer into an unemployed neural network developer with additional student loans?

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http://www.financialexpress.com/fe_full_story.php?content_id=129307

Indian techies in US plan for sick-in strike

Huma Siddiqui

New Delhi, June 2 Indian techies in the US are gearing up for a massive "sick-in" strike sometime around mid-July to highlight various concerns arising from the Bush administration's H1 visa policies.

According to Rajiv Dabhadkar, founder of National Organisation for Software and Technology Professionals (NOSTOP), a US based NGO, "The present system encourages brokers who import high-tech talent and play havoc with their careers and also family lives."

NOSTOPS, along with another US-based NGO Bright Future, has called for this protest and Mr Dabhadkar explained that as H1-B visa holders were not allowed to go on strike, they would call in sick on that particular day and not report for work.

According to him, the H1 visa is an 'at-will' employment. Presently, the US citizenship and immigration services (USCIS) allows for employer sanctions, which permits intellectual capital brokers to import guest workers into America and then outsource them locally.

"There are no investigations on the malpractices done by the body shoppers who act as middlemen," he pointed out.

The work status of a H1-B visa holder is tied completely to his employer and he faces risks like layoffs. In the face of a layoff, the employer is only liable to pay for the air fare and the worker is deported back to his/her country.

If the worker intends to stay, then he has just 30 days with an additional grace period of 15 days to locate another sponsor and get on a payroll or his entry in the US may be termed illegal.

This creates a cycle of indentured workers, who keep shunting from one visa sponsor to another, Mr Dabhadkar said.

The H1-B worker is denied the opportunity to explore other employment avenues available to other laid off workers. H1-B workers cannot take up

temporary employment in the intervening period before getting employment in their field of expertise.

This means an H1-B worker is caught in a vicious trap consisting of no income, no unemployment benefits, inability to work in any other field to pay bills, and ultimately is left with no choice but to leave America.

Other issues to be raised is the clause which states that spouse and children of H1-B visa holders cannot work in the US, but can only study.

Currently around 1.5 million H1-B workers pay taxes, but receive no benefits because in order to receive benefits one has to put in 10 years (40 quarters) of work in the US.

However, H1-B visa is a temporary visa sponsored by an American company on behalf of a foreign worker and it costs an average of \$2,000 to sponsor a visa. The duration of this visa is three years, and it could be extended by another three years, i.e., a worker can stay and work in the USA for a total of 6 years on H1-B visa.

Thus from day one a H1-B visa holder pays around 15% towards social security funds but cannot claim any benefits.

Another issue which has been raised is that the H1 visa program, which is similar to the Bracero Program, (Mexican workers), has not been amended since its inception some 50 years ago. They also point out that the recent raise in the visa cap will only backfire on the Indian economy, as there has been no addition to the Green Cards received. (annually only 140,000 Green Cards are issued globally in all non immigration visas collectively).

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