Foreign Worker Debate Heats Up

An influential engineering association is funding an initiative to give foreign workers green cards instead of H-1B visas. Immigration advocates want to know why the anti-immigration organization is suddenly playing Mr. Nice Guy. By Lakshmi Chaudhry.

SOME INDUSTRY PLAYERS are asking Congress to give foreign workers green cards instead of increasing the number of employment visas, but immigration advocates aren't cheering.

In an open letter to Congress, a number of technology bigwigs, along with the Institute of Electronics and Electrical Engineers (USA), said companies should be allowed to hire workers on "conditional green cards" rather than temporary work visas, such as the H-1B.

The idea is that any company planning to hire a foreign worker would procure a conditional green card instead of a work visa. The long process of determining the person's eligibility will take place while the person is working in the country.

In the meantime, the employee will have all the same employment rights as a permanent resident, which includes the ability to switch jobs, work part-time, or start a business.

"I'm pro-immigration," said Ntonet CEO Ric Fulop, who signed the letter along with luminaries such as Esther Dyson, Linus Torvalds, and Steve Wozniak. "My aim is to increase immigration any way I can."

But immigration advocates say the proposal may be a smokescreen to derail pending legislation that would increase H-1B visas.

And immigration advocates say industry professionals who signed on to the letter should take a closer look at who is organizing and funding this effort.

"A letter sponsored by any other organization could be taken on face value," said Judy Mark, communications director of the National Immigration Forum, which advocates pro-immigration policy. "But the moment I saw the IEEE on there, (the letter) became immediately suspect."

Immigration advocates are asking why an organization such as the IEEE is signing on to an initiative that is supposed to liberalize immigration controls.

The IEEE has continually lobbied against the H1-B program, and opposes increasing the number of foreign workers in the country.

"Two hundred thousand people are coming in (to the United States) each year, when you're graduating 30,000 from your universities. Would you like that in your country?" IEEE president Merrill Buckley said.

Buckley also considers industry estimates of the labor shortage to be "vastly exaggerated." And he argues any shortfall in labor should be met by training Americans.

"The Congress should be following the true interest of people who are denied jobs because they are minorities or financially disadvantaged," he said.

"They're like any labor union," said Dan Griswold, a trade policy expert at the libertarian Cato Institute, which advocates a "zero controls" policy on immigration. "They don't want to allow in more foreign workers because it is competition for their members."

He says the IEEE has no real interest in easing immigration controls, and is using the initiative to oppose increases in the H-1B cap, which seems sure to go through.

"The support is growing everyday. There is a strong bipartisan effort," he said. "It's a political move to defuse the support for raising the H-1B caps."

Buckley says any suggestion that IEEE is anti-immigration is "ridiculous."

The letter itself was drafted by Paul Donnelly, organizer and spokesperson of the Immigration Reform Coalition, which he describes as a loose alliance of individuals and organizations spearheading the "green cards not guest workers" initiative. While Donnelly declined to specify who is in the coalition, he says IEEE is financing the venture.

"The Coalition is an 'unincorporated entity,' which basically means that the Coalition, as such, doesn't spend money. IEEE-USA pays the bills, such as they are," Donnelly wrote in an email. "'Membership' in that sense simply refers to folks who agree with us."

While Donnelly says the IEEE's position on immigration has been misunderstood, at least some of the people who signed on have been skeptical about its involvement.

"I've often wondered what the exact role of IEEE is in all of this," software engineer Atul Mathur said. "I've been following their views on these issues and I don't agree with them."

Ntonet CEO Fulop said he told Donnelly to remove IEEE's name from the website. "No one is going to come on board with their name there," he said.

But immigration advocates say Donnelly's own motives are equally suspect.

"He has a long background of associating with organizations and causes that are trying to restrict immigration," Griswold said. "This fits in with his track record."
National Immigration Forum's Mark points to Donnelly's role as communications director of the U.S. Commission on Immigration Reform in 1996, which Mark says advocated a 40 percent reduction in existing immigration levels.

"He was not just a staffer doing his job. He was aggressive, and overly so," Mark said. "He is a well-known advocate of lower immigration levels."

Pro-immigration lobbyist Rick Swartz, who led a bipartisan coalition to defeat anti-immigration legislation in 1996, says he "fought Donnelly tooth and nail" over the commission's recommendations.

Swartz is currently assembling a coalition to add a variety of pro-immigration measures, including a provision to grant provisional green cards to H-1B workers who have worked in the country for four years. He is working toward introducing legislation in the Senate within the next few weeks.

Swartz also points to Donnelly's long association with anti-immigration groups such as the Federation of Americans for Immigration Reform and the Center for Immigration Studies.

Immigration advocates say Donnelly has no interest in increasing immigration, but is using the "green cards not guest workers" slogan to kill H-1B legislation. "It's simply a smokescreen to camouflage the real intent," Swartz said.

"If you want to kill an H1-B visa bill and look like a nice guy, then you create an argument saying vote for green cards not H1-Bs," he said. "But there is no such proposal in Congress."

Donnelly says he's worked long and hard to promote immigration, and opposes guest worker visas because they institute "indentured labor." He calls the allegations "character assassination."

"They've read the open letter as a direct attack on their credibility," Donnelly said. "I've had a long career in the heavy lifting of immigration policy."

But there is still the question of who Donnelly represents.

A IEEE press release of October last year lists Donnelly as a media contact, but he will not say whether he still represents the organization.

Whatever the motivations of IEEE or Donnelly may be, the others who signed on to the letter intended to support greater levels of immigration.

But it isn't clear how replacing H-1B visas with green cards is going to make both sides happy.

At least one of the people who signed thought a new category would be required just to give the new H-1B hires conditional green cards.

"I thought we're talking about a new category which does not count toward the cap," Mathur said.

IEEE-USA is not likely to be pleased with any move to create special categories.

"We need to use the existing immigration process," Buckley said. "Why should we have to set up a separate category for anyone?"

Nor does Buckley advocate increasing the number of employment-based green cards issued each year. "I'm not happy with the existing (ceiling)," he said. "And I would definitely not be happy if they increase it."

Whether both sides can come together on this initiative is still open to question.

A congressional source on the immigration subcommittee says the issue is moot since "no one is taking this very seriously."

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