

# Competition for jobs? Guest-worker spouses entering



software engineer in Chandler while his wife, Harshini, stays

Harshini will be able to work thanks to one of the provisions under immigration that has not been challenged by Republicans.

an H-1B visa for highly skilled workers.

are barred from working in the U.S.

engineer when the couple married and he moved her from India

They came after Hari Ramadasu landed a dream job at Intel Corp., the computer chip manufacturer. But while her husband's career flourished, Harshini had to put her own on hold, unable to work even though she has a bachelor's in civil engineering and a master's in biological sciences.

She has grown increasingly frustrated.

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"There are many times she has felt in a sense that I am using her," Ramadasu said, saying things to him like, "You just married me and you are using me and keeping me here like I'm in jail."

That frustration could soon end for her, and tens of thousands of other spouses of guest workers in the U.S., who in the past often spent years waiting for the chance to work.

Beginning on May 26, Harshini and spouses of a certain category of guest workers, those with H-1B visas who also have been sponsored for legal permanent residency, or green cards, by their employers, will be eligible for work permits under federal immigration rule changes finalized in February.

Nearly 180,000 spouses will benefit from the change this year and 55,000 annually after that, according to U.S. Citizenship and Immigration Services estimates.

U.S. Sen. Jeff Flake, R-Ariz., spoke in favor of increasing the number of HB-1 visas Tuesday at a Senate Judiciary Committee hearing on high-skilled immigration. That doesn't translate to support for Obama's action allowing the spouses to work.

**See Sen. Flake discuss increasing HB-1 visas:**



"The President should not have taken executive action here," Flake said in a statement issued by his office. "Such reforms ought to be considered and debated in Congress."

Supporters say allowing spouses to get work permits will help make the U.S. economy more competitive by attracting guest workers with high skills who might otherwise choose to work in other countries.

The changes will help keep "the highly talented from leaving and going to countries like Canada that are a lot more welcoming," said Lisa Duran, a Phoenix immigration lawyer who helps businesses and school districts in Arizona hire guest workers. Canada allows spouses of skilled guest workers to obtain work permits after the workers are employed for six months.

## Opposition rises

The changes are among the executive actions Obama announced in November to improve the nation's legal immigration visa system.

Separately, Obama's actions also included programs that would shield about 4 million undocumented immigrants with strong ties to the U.S. from deportation and allow them to get work permits.

The programs shielding undocumented immigrants have drawn outrage by Republicans in Congress, who earlier this month nearly caused the Department of Homeland Security to shut down as part of an effort to block the programs from taking effect.

The programs are currently on hold after a federal judge in Texas issued a preliminary injunction in response to a lawsuit arguing the programs are illegal. The lawsuit was filed by Republican governors and attorneys general from two dozen states including Arizona.

Republicans, however, have not raised the same objections to Obama's executive actions benefiting guest workers. Those changes have been allowed to go forward despite concern by critics that giving work permits to spouses of guest workers could hurt American workers.

"It is somewhat ironic isn't it?" said Paul Almeida, president of the AFL-CIO's Department for Professional Employees. "The Republicans like to pick and choose which groups of people they want to target."

The AFL-CIO opposes the H-1B program, arguing that it allows U.S. businesses to hire cheaper foreign guest workers at the expense of American workers. The changes allowing spouses of certain guest workers to get work permits will further hurt American workers by adding as many as 180,000 new workers to the U.S. labor market at a time when many Americans still can't find work, the labor group contends.

"If there is no shortage, why would we be wanting to bring in more and more workers?" Almeida said.

There are other concerns, according to Ron Hira, a public policy professor at Rochester Institute of Technology who is also critical of the H-1B program.

Businesses that hire guest workers through the H-1B program are required to pay them the prevailing wage for the type of work they are hired to do. The regulation is aimed at preventing businesses from paying them less and undercutting the wages of American workers.

Foreign workers hired through the H-1B program must at a minimum have a bachelor's degree and must work in an occupation that requires a bachelor's degree.

But there aren't any regulations tied to the work permits that will be issued to spouses of H-1B guest workers, Hira said.

That means spouses of guest workers will be able to compete with Americans for any type of job, which could further hurt American workers by lowering wages.

"They could work in any kind of job, it doesn't have to be a professional occupation," Hira said. "You are adding folks into the labor supply but there was no real need for those workers, per se."

At the same time, he said he is sympathetic toward the spouses of guest workers.

Because of long backlogs, it can take years for H-1B guest workers to receive a green card after their employer has sponsored them for permanent residency.

Once they do, their spouses automatically receive a green card as well, giving them the right to work. The change will allow spouses to work as soon as the green card application for the H-1B worker is approved, rather making them wait years until they actually receive the green card.

"I have mixed feelings about this executive action," said Hira, who also spoke at the Senate hearing. "I understand it from a fairness point of view" but not the way it has been promoted as a way to attract "the best and the brightest."

The backlogs are the result of limits on the total number of employment-based green cards available each year and limits on the number that can be issued per country.

Guest workers from China and India face the longest waits because there are so many people from those countries already in the pipeline.

For example, the current wait for H-1B guest workers with advanced degrees from China to receive an employment-based green card is five years. The wait for similar guest workers from India — such as Ramadasu, the software engineer — is even longer, 10 years.

"That has always been a disincentive for people with H-1Bs to be in the United States rather than other countries that quite often can offer a better situation to the spouse," said Rod Malpert, managing partner of the Phoenix offices of Fragomen, one of the largest immigration law firms in the U.S.

"It's especially important because these spouses are quite often professional people since the H-1Bs themselves have to be professional people," Malpert said. "So it creates a real disincentive for families that would typically be two-income families. If they are going to be in the U.S. for the H-1B employment, then they can have only one income."

## **'A big relief'**

Ramadasu first came to the U.S. from India as a student.

After earning his master's degree in computer science from the University of Southern California, a company in Ann Arbor, Mich., where he had been working, sponsored him for an H-1B visa in December, 2010.

The next year, Ramadasu went to work for Intel also on an H-1B visa.

There is a cap on the number of H-1B visas issued a year — 65,000 for guest workers with bachelor's degrees. Up to 20,000 more H-1B visas can be issued to guest workers with graduate degrees. H-1B visas issued to researchers employed by universities or other non-profit research organizations are exempt from the cap.

The visas are only good for a maximum of six years. After that, guest workers with H-1B visas must return to their countries unless their employer sponsors them for a green card.

That's what happened to Ramadasu. Before his H-1B visa expired, Intel applied for a green card for him in February 2013. The application was approved in September of that year.

But because of the long backlogs for H-1B workers from India, it may take a decade or longer before Ramadasu — and his spouse, Harshini — receive their green cards.

Under the old rules, he could keep working, but not Harshini.

Two years have already passed. During that time, Harshini felt increasingly isolated in a new country, away from her family back home, Ramadasu said. Unable to work, it was hard for her to develop a new social network.

"Here she is completely dependent on me. Even if she wants to buy a coffee, she is dependent on me," Hari Ramadasu said.

She began taking computer science classes at Mesa Community College because she was so bored staying home watching TV.

But now under the new rules, Harshini can apply for a work permit in May. She plans to look for a job in information technology.

"We are delighted," Hari Ramadasu said. "Especially my wife. She feels a big relief. Being locked up in a house is not a good thing."

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