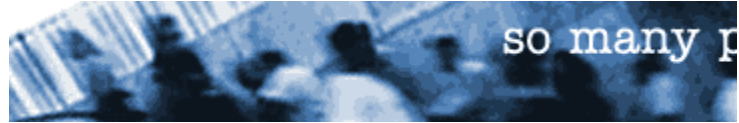


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## Tancredo wants H-1B visas scaled back

Amy Bryer

Republican U.S Rep. Tom Tancredo believes foreign workers are stealing jobs from Americans.

Immigration defenders say that's false, but there's no clear evidence for either side of the argument.

In a post-Sept. 11 world, Tancredo has introduced legislation that would return current immigration numbers for foreign workers of American companies to pre-1998 levels.

These workers came to the United States on H-1B visas designated for professionals with bachelor's degrees in specialty occupations and are sponsored by their employers.

Some estimates say about 640,000 immigrants, mostly from India and China, have come to work for American computer, telecommunications and software corporations since 1992.

Tancredo claims there are currently about 500,000 H-1B workers in the United States -- close to the 500,000 Americans put out of work in the tech sector over the past eight months.

His bill, HR 3222, would decrease the number of H-1B visas awarded from 195,000 to 65,000 and further reduce the number each year the unemployment rate is greater than 6 percent.

"The burden of proof is on the [Immigration and Naturalization Services] to show we don't need this," Tancredo said. "They are unable to let us know how many are still here on H-1Bs, how many are still in their original job, how many are unemployed and have

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not returned to their native country. The logo for the INS has been a shrug of shoulders, for "I don't know."

Immigration defender and attorney Nancy Elkind of the Denver firm Stern and Elkind said that her firm has not seen any evidence foreign workers are displacing American workers. On the contrary, the law is written to prevent corporations from paying H-1B visa workers less than the going rate or face steep fines.

"H-1 workers are getting laid off just as much as American workers," Elkind said. "Tancredo is not a friend of immigration and is likely to make claims like that."

This summer, Tancredo and former Colorado Gov. Dick Lamm promoted another measure to limit the immigration of family members of immigrants.

The representative defends his position with anecdotal evidence of unemployed tech workers who have come into his office and said that their former employer hired a round of H-1B workers after they were laid off.

"Who actually enforces the law?" Tancredo asked.

Tancredo admits his legislation is meant to light a fire under the INS to get some accurate data on immigration status. His bill may be wrapped into a larger piece of legislation about immigration standards, but he said he at least wanted to "get it into the stream."

Despite popular opinion, American corporations aren't hiring as many H-1B workers as they have in the past because the cap of 195,000 was not reached during the last fiscal year, Elkind said.

Many H-1B workers were brought here to help with Y2K issues, but as that need went away and a market downturn caused giant cuts in head counts, the workers were not only out of jobs but threatened with deportation.

There are no exact figures on how many H-1B classified workers have been laid off during the downturn, but some believe there are tens of thousands in the United States and Tancredo wants the INS to find out where they are.

Washington, D.C., attorney Rajiv Khanna questions what Tancredo is trying to solve with this bill and has some strong words about it and its sponsor.

"It's the stupidest idea I've heard," Khanna said. "It's political grandstanding."

Khanna has been practicing immigration law for 15 years and runs a Web site at <http://www.immigration.com> that provides advice and chat rooms for immigrants who are confused about U.S. law.

"Ostensibly, we're trying to protect U.S. labor, but I'm not sure there are sufficient U.S. workers for these types of jobs. They're unfillable locally," Khanna said.

When the U.S. imports an H-1B worker, it's getting a college-educated worker who received his or her degree at another country's expense, he said. The attorney believes the United States should let the market determine how many H-1B visas are obtained, but he doesn't think that is the issue that Tancredo has with the program.

"If the problem is we cannot track immigrants, [this bill] is applying the wrong cure for the wrong evil," Khanna said.



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