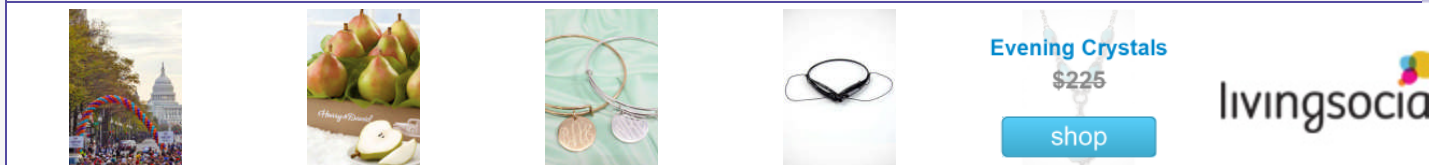


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# Job brokers steal wages and entrap Indian tech workers in US

Investigation by The Center for Investigative Reporting documents how exploitation persists - through humiliation, intimidation and legal threats

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Software engineer Gobi Muthuperiasamy said his father's experience as a union leader encouraged him to fight a labor broker's lawsuit. Photograph: Matt Smith/CIR

## Matt Smith, Jennifer Gollan and Adithya Sambamurthy for the Center for Investigative Reporting

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Labor brokers providing Indian high-tech workers to American companies have hijacked a professional visa program, creating an underground system of financial bondage by stealing wages and benefits, even suing workers who quit.

About 840,000 people from around the world work in the United States on temporary visas, intended to help companies seek uniquely talented employees for specific jobs. In the tech realm, labor brokers often sponsor the visas, then contract out the workers to technology companies or government agencies to build databases, test software and complete other technical projects.

For decades, critics have sounded alarms about immigrant tech workers being treated as indentured servants by the worst of these staffing firms, known as "body shops." In a yearlong investigation, The Center for Investigative Reporting has documented why this exploitation persists - through humiliation, intimidation and legal threats. Judgments against Indian workers sued for quitting their US jobs can exceed \$50,000.

One worker called it an "ecosystem of fear".



# the guardian

📷 This story was produced by The Center for Investigative Reporting, an independent, non-profit newsroom based in the San Francisco Bay area.

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It's a shadow world that can turn a worker's dream of self-betterment into a financial nightmare. Shackling workers to their jobs is such an entrenched business practice that it has even spread to US nationals.

This bullying persists at the bottom of a complex system that supplies workers to some of America's richest and most successful companies, such as [Cisco Systems](#), [Verizon](#) and [Apple](#).

"You can pretty much see a leash on my neck with my employer," said Saravanan Ranganathan, a Washington-area computer security expert here on an H-1B visa. "It's kind of like a hidden chain ... and you'd better shut up, or you'll lose everything."

Through thousands of documents filed with government agencies and in courts across the US and interviews with dozens of workers, CIR found the tools of intimidation included restrictive employment contracts - signed by workers unaware of their rights - as well as legal loopholes.

Even immigration experts have trouble sorting out how the brokers manage to game the system.

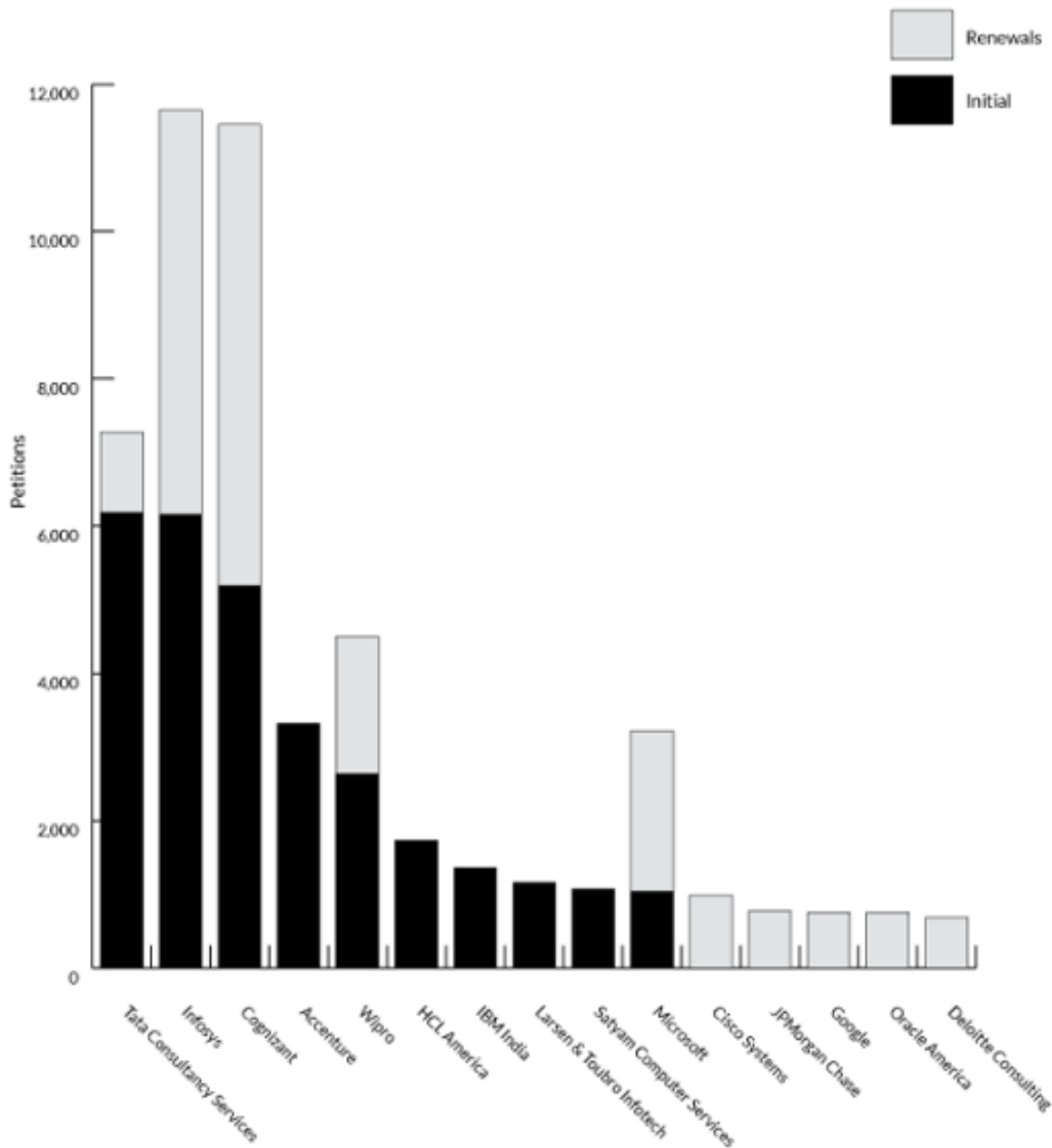
From 2000 through 2013, at least \$29.7m was illegally withheld from about 4,400 tech workers here on H-1B visas, US Department of Labor documents show. And this barely hints at the problem because, in the hidden world of body shops, bad actors rarely are caught.

No federal clearinghouse logs labor brokers' punitive lawsuits against employees, often filed in far-flung courthouses. But by running the Labor Department violators' names through court dockets in tech hubs across the

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country, CIR unearthed a sample of 100 cases in which companies have sued workers for actions as commonplace as changing jobs.

### Top companies for H-1B visas in 2013\*



\* Fiscal year



Source: U.S. Citizenship and Immigration Services  
Credit: Sam Ward/CIR

graphic Photograph: CIR

One of them is software engineer Gobi Muthuperiasamy, who came to the

United States from the southern India city of Madurai in 2007 to work for one labor broker. In 2010, while he was contracted to a project at the Pennsylvania Department of Labor and Industry, he decided to switch labor brokers, to Softech International Resources Inc.

The rural Georgia staffing firm boasts online of providing tech workers to IBM, Bank of America, Verizon and other companies. Softech agreed to pay Muthuperiasamy \$51,000 a year to continue improving Pennsylvania's workers' compensation database. Instead, he changed his mind, taking a better-paying job in Ohio.

When [Softech sued him](#) in 2011 for more than \$20,000, saying he had agreed to it when he signed his employment contract, Muthuperiasamy was astonished.

“You should treat people like human beings,” the 32-year-old said, “not like animals, creatures that you make money off of.”

He decided to fight back, spending more than three years and \$25,000 in legal costs. That makes Muthuperiasamy unusual: In the vast majority of court cases reviewed by CIR, workers naively and ineffectively represented themselves, didn't show up for their court date or gave up and returned to India.

Softech is a case in point. Owned by Krishnan Kumar, Softech has filed 32 lawsuits against employees in Gwinnett County, Georgia. Many of those lawsuits name workers who complain that they quit because they weren't being paid. Yet most of the workers ended up on the losing end, through settlements or mediations or in court.

Kumar declined to be interviewed. But in court testimony and legal filings, he says he sues former workers to recoup the financial damage their departures cause his company - damage he routinely values at \$20,000.

Virginia attorney [Rajiv Khanna](#), who represents employers and employees in immigration matters, considers the financial shackles “an immoral, unethical and very probably illegal control of the workforce.”

“I'm surprised so many years have passed by and nobody has done anything about it,” Khanna said.

That the practice survives, and thrives, is a testament to supply and demand far eclipsing oversight.

## For some, visa fraud is a given

On a scorching afternoon in Hyderabad, India, computer science students at [Osmania University](#) chatted in small clusters while packing up to leave their concrete-walled classroom.

These students at one of southern India's oldest universities described the irresistible draw of landing a technology job in the US - even if it means signing a contract promising to pay off a bond if they quit. Most acknowledged that is the price they expect to pay to pursue their dreams.

"I'll definitely go for it," said Karunya Manvela Runja, then a sophomore.

In Hyderabad, visa fraud is a fact of life for many.

It has been the source of the vast majority of India's fraudulent documents tied to H-1B visa applications, according to a [June 2009 cable](#) from the US State Department unearthed by WikiLeaks. Inflated work experience was a typical problem, the cable said, adding that of 150 companies in Hyderabad investigated by the US Consulate, 77% were "fraudulent or highly suspect."

Today, tech staffing and consulting firms make up about half of the companies barred from the H-1B program for labor abuse, among other violations, according to Department of Labor records.

Yet Runja said she and other students would sign with a labor broker for "an opportunity to show, to prove ourselves."

Behind such earnest enthusiasm lurks global economics: In India, students fresh out of college earn the equivalent of \$4,500 to \$5,800 a year, according to data from the consulting firm Mercer cited in [The Economic Times](#), an Indian newspaper. In the US, they easily can bring in five times that - or more.

And landing a US tech job offers more than money: it can improve an Indian graduate's social status and marriage prospects, according to Xiang Biao, a University of Oxford anthropologist who spent a year researching the Indian body shop industry.





📷 Inflated work experience is a typical problem with many H-1B visa applications in India, according to a 2009 US State Department cable. Photograph: Adithya Sambamurthy/CIR

Contracting with labor brokers also benefits US employers. They can staff up swiftly for temporary jobs and slim down just as fast, with workers paid below-market rates. The brokers, meanwhile, deal with immigration regulations and paperwork and generally are on the hook for claims that H-1B worker protection laws were violated.

Some companies say they shun labor brokers; a Facebook official told CIR that her company does not use them. Others who rely on them renounce the abuses but are quick to deflect responsibility.

Asked whether Cisco Systems is concerned about its contractors' treatment of employees, company spokesman Nigel Glennie said: "We expect high ethical and legal standards as to how we deal with our employees. We do expect those same standards of those who provide IT services to us."

### Early attempts at reform

An omnibus [immigration bill](#) passed by the Senate last year sought to thwart abuse at the source by weeding out labor brokers from the temporary visa program. The measure proposes to nearly triple the number of new annual temporary work visas to 180,000. The House has yet to take up the measure.

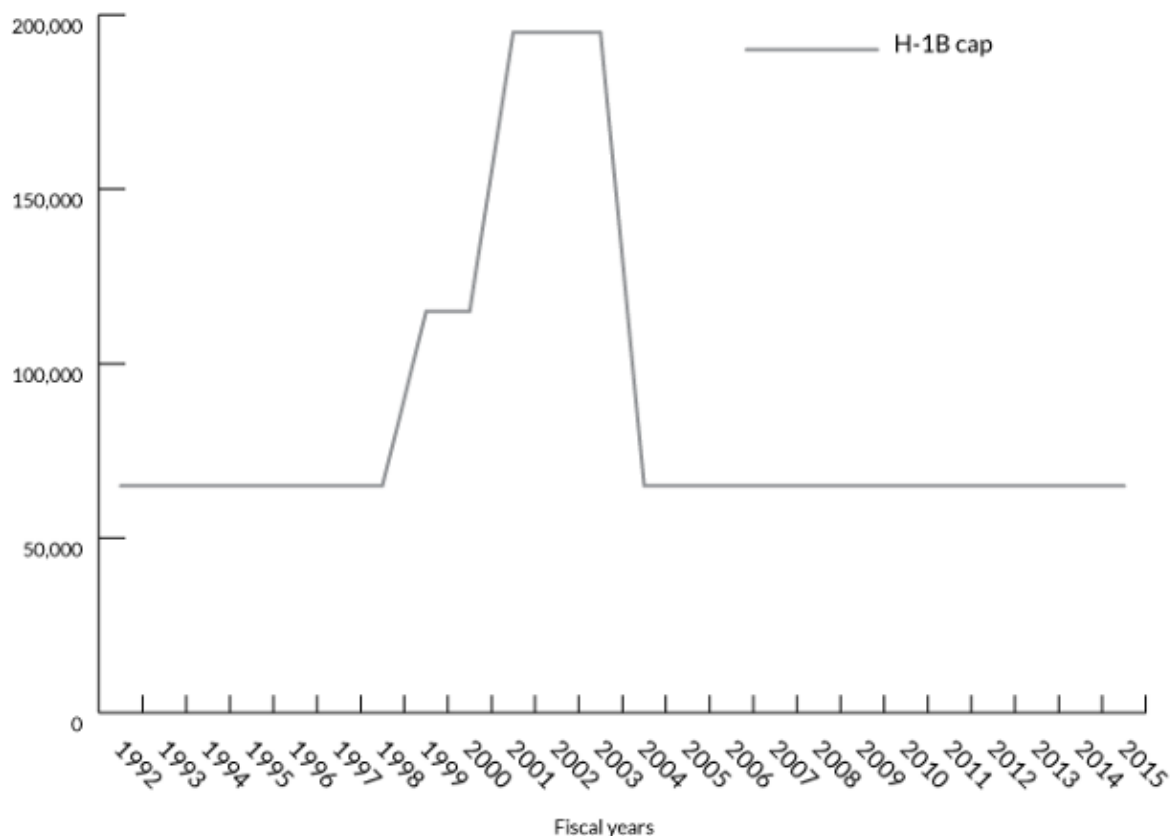
That was not the first effort to address abuses by tech labor brokers. In 1998, part of the federal [American Competitiveness and Workforce Improvement Act](#) barred companies from penalizing H-1B visa holders for quitting their jobs. But a loophole inserted amid heavy industry lobbying allowed companies to sue the departing workers for financial damages.

TechServe Alliance, the lobbying organization that represents technology labor brokers, [took credit](#) on its website for blocking “the most onerous proposals” in the 1998 bill, saving employers from “burdensome new regulations”.

By allowing labor brokers to recoup costs incurred when workers quit, the law enabled them to disguise illegal penalties, critics say.

Of nearly 200 H-1B labor violation investigations completed by the Labor Department in the 2013 fiscal year, seven companies were cited for imposing - or attempting to impose - illegal penalties on workers who quit. One was a doctor, department data shows. The other six were technology consulting companies or labor brokers.

## Number of H-1B visas available



Source: U.S. Citizenship and Immigration Services  
Credit: Sam Ward/CIR

Number of visas Photograph: CIR



Nearly all Labor Department investigations into H-1B violations begin with a complaint by an employee or another person with direct knowledge of the situation. Even a string of lawsuits indicating that a labor broker routinely extracts money from departing workers would not prompt the department to get involved, said Jason Surbey, an agency spokesman.

Yet software engineer Muthuperiasamy tried in vain to get the US government to help. He complained to the Department of Labor, Department of Justice and Internal Revenue Service that Softech was abusing the legal system by pursuing him for quitting.

The official response: a letter from the Labor Department saying it would not investigate Softech because the company technically never had employed Muthuperiasamy - even though Softech's lawsuit was based on him being an employee who left the labor broker in the lurch.

"They said it was not a DOL problem," Muthuperiasamy said.

The agency is primarily focused on workers in low-wage industries, including those who are "trying to get by, trying to pay for their rent that day", said Michael Kravitz, a spokesman for the agency's Wage and Hour Division.

"We need to be strategic with our resources," Kravitz said.

### **Workers represent themselves in court**

Without the protection of federal enforcement, workers sometimes fend for themselves in county courthouses - often with disastrous results.

They "come from a foreign land and were not educated here, so they may not be aware of how the system works and may not know how to present their story effectively," said [Prakash Khatri](#), a Washington-area lawyer who served as the first ombudsman for US Citizenship and Immigration Services from 2003 to 2008.

Vensoft and sister company SQA Labs have sued 25 employees since 2004. Of the 20 workers who represented themselves, at least half settled privately or lost to the Phoenix-area labor broker in court. The broker won judgments as high as \$51,000.

Company officials did not return calls seeking comment.

CompSys Technologies in Amherst, New York, has sued at least nine employees

across the country since 2001. The labor broker won or settled all but one of the cases for a combined take of more than \$80,000. The remaining case was dismissed after the company didn't pursue its complaint.

In at least three of these [cases](#), CompSys made workers headed to the US sign bonding agreements requiring them to pay hefty fees if they quit. They had to sign another document once they arrived, agreeing to pay \$15,000 more if they quit before the end of their contracts.

"It is an artificial handcuff on workers," said Paul Weiss, a labor attorney in New York who represented workers in some of the CompSys cases. "To impose such a draconian requirement is unconscionable."

Raju Bade signed a two-year contract with CompSys when he arrived in the US in 2000. "They said if I didn't sign, I would have to leave the country," he said. The contract resembled one Bade signed in India just before leaving.

The programmer spent the next year and a half working jobs that CompSys assigned him to in Austin, Texas; Phoenix; and Memphis, Tennessee. Bade said he earned about \$42,000 a year; when he was between assignments, the company sometimes cut that in half.

Fed up, Bade nearly doubled his compensation by taking a full-time job at a casino company in Memphis in mid-2001. That's when CompSys sued him, saying he had at least seven months left on his contract.

"I definitely think companies use these tactics to make money," said Bade, who said he paid nearly \$6,000 to the company to settle its lawsuit.

CompSys founder Malini Sridhar did not return messages left on her cellphone.

### **Trail of accusations against Softech**

Had federal regulators heeded Gobi Muthuperiasamy's request for an investigation, they would have found a trail of accusations of abuse against Softech and its owner, Krishnan Kumar.

Software engineer Prabanand Karunanithi said he was lured to the United States by Softech's promise of a programmer position paying about \$48,000 a year. On arrival in March 2007, the 26-year-old said he found himself spending his days at a company apartment in Norcross, Georgia. His first assignment: Wait for Softech to find him a job.

After languishing for 10 weeks without work or full-time pay, Karunanithi got a contract position with Cingular Wireless LLC, the telephone company now owned by AT&T.

When Karunanithi quit for a better job, Kumar responded with threats, the software engineer said, followed by a lawsuit claiming he had damaged Softech by leaving. Discouraged, Karunanithi returned to India.

In December 2010, the Gwinnett County, Georgia, court issued a \$30,070 [judgment](#) against him.

“The things that happened to me shouldn’t have happened to me,” said Karunanithi, who is still paying off the judgment in installments while back in the US, working in Massachusetts at technology services firm Cognizant. “I was completely new here. I didn’t know whom to contact. Kumar was the only one I knew.”

Programmer Gautam Pachal was recruited in India by Softech, which became his visa sponsor in July 2010. But in violation of [US immigration](#) law, Kumar didn’t pay him, Pachal claims. In a March 2014 court filing, Pachal alleged that Kumar’s company committed fraud and hid it from the Department of Labor by concocting a phony paper trail of paychecks.

“I was very upset and I decided to leave Softech, as they had not assigned me any projects, and they also threatened to return me to India,” Pachal said in his court filing.

When Kumar filed a claim demanding that Pachal’s wages at his new company be garnished, the programmer filed a counterclaim. It accused Softech of violating the Racketeer Influenced and Corrupt Organizations Act - the law that provides for large penalties against drug traffickers and other criminal organizations.

Softech “is an outfit set up to exploit immigrant workers and potentially a criminal enterprise”, Pachal said in his [court filing](#). The company “has repeated their pattern of seeking to defraud workers in order to steal their personal property”.

Following settlement negotiations, both parties dropped the case in April. Neither Pachal nor his attorney would comment on the outcome.





Hyderabad, India, has been the source of the vast majority of India's fraudulent documents tied to H-1B visa applications, according to a 2009 US State Department cable. Photograph: Adithya Sambamurthy/CIR

## A clandestine payoff

On a Saturday in September 2010, Muthuperiasamy went to the Philadelphia International Airport and made ATM withdrawals until he had \$3,500 in cash.

He had no travel plans. Instead, he was about to meet with Kumar for a spy novel-worthy handoff.

Kumar claimed Muthuperiasamy owed him money for taking another job. According to Muthuperiasamy, Kumar maintained it had cost him \$4,500 in expenses that included buying a letter from a company pretending to be a Softech client, stating that a programming job was waiting.

The H-1B work visa requires proof of a waiting job, though labor brokers sometimes use paperwork to claim workers are headed for one job, then hold them in reserve for another.

“He said, ‘Pay me \$5,000 and we will be good to go,’ ” Muthuperiasamy said in an interview. “We both speak the same language, Tamil, so I trusted him. I thought I should be honorable and I should pay him money.”

But not before he negotiated the debt down to the \$3,500 he was carrying.

Kumar arrived with an empty manila envelope. Standing in front of a cafe near

the international arrivals section, Muthuperiasamy handed off the cash, he later said in court.

He thought the problem was solved. But after Kumar returned to Georgia, he claimed the transaction had never occurred. Instead, the Softech owner later would say on the witness stand that Muthuperiasamy had promised at the airport to pay \$20,000.

“I said, if he does not honor the signed agreement, there is no other option than going through the legal process,” Kumar told the jury. “Then he agreed to pay the liquidated damages within one week’s time.”

Kumar sent letters threatening to sue, according to trial exhibits. And in August 2011, he followed through on that threat with a claim for \$20,000 plus attorney fees in the Gwinnett County court - 17 miles from Softech’s headquarters in Norcross and 575 miles from Muthuperiasamy’s home in Ohio.

In an interview, Kumar’s attorney, Roy Banerjee, declined to address any of Muthuperiasamy’s allegations directly but denied that Softech’s owner trafficked fraudulent documents.

### **Large firms use same tactics**

Binding workers to their jobs in various financial ways is not limited to small-time labor brokers such as Softech, which had 81 petitions for H-1B workers approved between the 2011 and 2013 fiscal years.

Global giants such as Tata Consultancy Services Ltd, part of India’s Tata group, also have made workers sign restrictive employment agreements before they leave India for the US, according to interviews with several workers and company documents submitted in court.

With more than 16,000 H-1B petitions approved between the 2011 and 2013 fiscal years, Tata has been one of the top users of the temporary visas, according to US Citizenship and Immigration Services records. Tata clients have ranged from tech giants such as Cisco Systems to retail firms such as Walmart.

In interviews, workers said Tata demanded that they pay penalties if they quit before their contracts ended.

The company has been fighting with workers over this issue for nearly two decades. Former workers sued the company in California in 1997, arguing that

the bonding agreements indentured them to “work on California projects on illegal terms and below-market wages”, according to court records.

California specifically prohibits companies from deterring employees from seeking other jobs, including forcing them to pay fees when they quit. Yet in 1997, a state appeals court panel in San Jose sided with Tata’s lawyers, who had argued that the contracts were beyond the court’s jurisdiction because they were signed in India.

“They operate under this gray area beyond the reach of US law,” said William L Stern, an attorney at Morrison & Foerster in San Francisco who represented the workers in the Tata case.

V Sounder Rajan, a Chennai, India, attorney who advises labor brokers, said bond penalties don’t have legal weight in India, either.

“You cannot have a contract that restrains trade. You cannot prevent a person from getting a job,” Rajan said. “But these bonds normally are taken up by employers more to inculcate a sense of fear in the employee.”

Tata employee agreements and handbooks from the mid-2000s warned workers that they would be fined if they left the company before their contracts ended, according to documents submitted as part of another employee lawsuit filed against Tata in 2006. Tata required a year’s commitment in some cases and threatened to sue workers who left before the end of their assignments for up to \$30,000, as well as withhold pensions and other benefits.

A version of this practice persists today. Earlier this year, Suresh Kaushik received an email from Tata, which he shared with CIR, demanding more than 500,000 Indian rupees - about \$8,200 - for damages and an “overseas breach amount” after he resigned to take another job.

A native of Haryana, a northern state outside New Delhi, Kaushik started working for Tata at age 24 in India. Five years later, in 2012, the company transferred him to South Florida. Just before his departure, Kaushik said Tata required him to sign a contract promising not to quit his US job.

Over the next two years, Kaushik says Tata contracted him out to work 14-hour days without overtime pay as a computer programmer for Carnival Cruise Lines in South Florida. He was paid \$60,000 a year, even though programmers in the Miami area then earned a median annual salary of \$98,000, according to the

Bureau of Labor Statistics.

“I worked from 9am to 11pm almost every night and never got paid overtime,” Kaushik said. “I thought, ‘Why am I working with this company?’ ”

After Kaushik gave the company a week’s notice in early January, a Tata human resources representative declined to provide him with proof he had worked for the company - essential for maintaining his visa status in the United States - according to Tata emails Kaushik shared with CIR. The company also stonewalled him when he asked for the \$7,000 he and the company had contributed to his retirement fund, Kaushik said.

He could not afford a lawyer to fight the company’s demands, he said, and wasn’t aware that he could alert the Labor Department directly. Eager to move forward, Kaushik in January began working as a software developer for Miami-Dade County Public Schools through another tech consulting company.

Tata spokesman Benjamin Trounson declined to make a representative available for an interview. Instead, he emailed a brief statement denying that departing employees are subject to penalties, though he said the company does not provide letters of recommendation to workers who leave without “any notice”.

Trounson added that Tata has one of the best employee retention records in the industry, with an attrition rate of 11%.

After CIR’s inquiry, Kaushik said Tata human resources officials agreed to reduce what Tata said he owed to about 300,000 rupees, roughly \$5,000, for failing to give 90 days’ notice.

Kaushik’s parents dipped into their savings to pay Tata in Indian rupees. Days later, in late July, the company sent Kaushik the letter showing he had worked for the company. Two months later, he said he still was negotiating with Tata to turn over his retirement funds.

“I got my documents,” Kaushik said. “That was the priority for me.”

### **Bonding model spreads to US nationals**

Some brokers have expanded the bonding business model to US nationals.

Concept Software & Services, an Atlanta-area body shop, makes potential workers sign up for training as a condition of employment.

During the depths of the recession, Concept advertised a training program for software developers. Participants were trained for four months and paid \$500 per month. Once trained, they were to be contracted out to other companies. The catch: if the workers quit before 12 months, they owed the company \$9,800, according to court filings.

But four workers interviewed quit before receiving postings. They said the training was bogus and the promise of work specious. They described the \$9,800 “balance due” as a technique to keep them in reserve until contracts for technology work emerged.

Concept also used other techniques common in the H-1B world, they said, including exaggerating workers’ technical skills and experience to drum up business.

“They basically told us they were going to be falsifying our resumes,” said former employee Reuben Otero, now 29, who left the company in February 2012 after three months. “They said, ‘This is how the world works. Everybody does it. This is how you get in the front door.’ ”

Otero and his co-workers balked but were required by an arbitrator to pay up. Otero’s bill for training, arbitration fees and attorney fees came to \$29,000, he said. The workers sued in federal court for underpayment of wages but lost.

Ravindra Bhave, Concept’s president, acknowledged that he instructs programmers to send padded résumés to potential clients. But he says his workers are so well trained that clients still are getting a good deal.

“Do we falsify the resume? Yes, we do. We call it ‘spicing of the resume,’” Bhave told CIR. “But my guy can actually do the equivalent of someone with two and a half years of experience.”

The \$9,800 bonding contracts were a bargain for workers such as Otero, Bhave said, because Concept prepared them to obtain jobs for which they otherwise wouldn’t have been hired.

Canvas InfoTech, a Fremont, California, labor broker that boasts of providing workers to Google. and eBay, has filed at least seven lawsuits since 2011 demanding payment from workers who quit.

Deepti Garg of Hayward, California, said she had good reason to leave.

“They made me forge my résumé and made me apply and interview for



positions that were much higher-level than my skill set,” she said. “It’s a total fraud.”

A US citizen originally from India, Garg enrolled in a six-week training and job placement program with Canvas in April 2011, hoping to get a better job to help provide for her two children. After paying Canvas \$1,000 and signing a one-year contract, Garg decided the program was a dead end.

She rejoiced when she found a software-testing job that September - on her own. Canvas officials hit back, [filing a lawsuit](#) claiming she owed them \$10,000 because she had left before completing her contract.

Sapna Marwaha, vice-president of operations at Canvas InfoTech, did not respond to a call and email requesting comment.

Eager to focus on her career and family, Garg, 34, said she settled the suit with Canvas last year, though she could not recall the precise sum.

“It was the most depressing thing of my life,” she said.

### **Policies bar bonded labor**

Many major technology companies that use brokers have strongly worded policies prohibiting their suppliers from entrapping workers, including financially.

For example, Apple’s supplier code of conduct says companies that provide services to Apple “shall not traffic persons or use any form of slave, forced, bonded, indentured or prison labor”. The company reports that last year, it conducted 27 audits into allegations of bonded labor at its suppliers, most of them offshore.

Yet Wipro, a firm with a Mountain View, California, office that supplies engineers to Apple, has required some employees to sign a pledge that for two years after leaving the company, they will not take any job opportunity that could otherwise go to Wipro. The ban is sweeping, given that Wipro ranked fourth in the number of approved petitions for H-1B workers in the 2013 fiscal year - with 4,501 approved applications - and provides staff to organizations all over the world.

The case of Anirban Paul, a highly paid Wipro technician who performed work for Apple, illustrates how a culture of coercion permeates every level of the Indian tech labor contracting market. Paul found it can be difficult to hold US

corporations accountable.

He was on the staff of Wipro USA when he worked in the United States on a software project for Apple in 2011, for roughly \$100,000 per year. During a visit to India, he continued working on the project.

When the project was complete, Wipro told Paul that a mistake had been made: While he was away, he should have been switched to Wipro India for lower Indian wages, according to [emails Paul shared](#) with CIR.

A company representative asked him in one email to sign backdated agreements and return salary he'd already been paid. When Paul refused, he said Wipro withheld pay, benefits and documents he needed to maintain his immigration status - and threatened to hold his visa hostage.

"They wanted to take all my salary," Paul said. "I was forced and coerced."

Paul contacted Apple's corporate offices. He complained that Wipro was violating the company's supplier code of conduct and, he said, Apple officials agreed to look into it. Meanwhile, Wipro continued to withhold \$15,000 of his pay and benefits, Paul said.

Chris Gaither, an Apple spokesman, declined to comment. Wipro spokesman Vipin Nair would not comment on Paul's case but said the company adheres to its clients' supplier codes of conduct.

In August 2013, Paul began the master's degree in public administration program at Harvard University's John F Kennedy School of Government - on a student visa. He is still trying to recoup his earnings from Wipro.

### **Fighting labor broker in court**

When he first came to the United States in 2007, Gobi Muthuperiasamy had his own American dream.

"I felt that I needed some work experience in the larger world," he said. He envisioned eventually settling in the US to live a "little, peaceful life."

After the airport payoff, the threatening emails and the lawsuit, Muthuperiasamy said he adopted a new American dream: he would beat Softech owner Krishnan Kumar's lawsuit, even if that meant staying up nights working on his case, impoverishing his family with attorney fees and losing friends.

“It has been really tough for me with my family,” he said. “A lot of my friends will not talk with me now because I have asked for money. And I only talk about the problem of this case.”

Muthuperiasamy’s father was a union leader in India - a factor that influenced his decision to fight back.

“He had good, strong ethics. He taught me about good values,” he said during a break in his March trial in Gwinnett County, Georgia. “Maybe they will win. But I feel that, usually, justice will prevail.”

Inside the courtroom, jurors watched from a blond-wood jury box across from Judge Thomas Davis, a former Navy captain who spun military yarns during recesses.

At the defense table, Muthuperiasamy sat beside his attorney, Ted Lackland, a former assistant US attorney. Privately, Muthuperiasamy worried about whether Lackland was up to the task: Previously, he had represented three of Softech’s employees - and lost.

Just as worrisome was the diminutive figure at the plaintiff’s table next to Kumar. Past president of the South Asian Bar Association of Georgia, attorney Roy Banerjee has a penchant for wearing bow ties and representing body shops. He has prevailed in many cases against Indian immigrant programmers, winning judgments or settlements from some, while others fled back to India.

“Ladies and gentlemen, thank you for coming back. If the person next to you falls asleep, poke them,” he joked in one of the warm-up talks he gave to the jury during the four-day trial.

Banerjee’s case was based on a simple premise: Muthuperiasamy had pledged to pay \$20,000 if he left Softech before a year was up. The employee quit after a couple of days, so he owed \$20,000.

To sum things up, Banerjee evoked the image of justice’s scale.

“I don’t have to knock it over. I only need a little tip to incline it one way or another,” he said. “You just must incline to one side of the issue. You just have to tap it. Bam! I win.”

Where Banerjee was jocular, Lackland was methodical, soberly piling on evidence until, he’d tell the jury, a verdict in favor of Muthuperiasamy was inevitable. Kumar made a profit from suing employees, Lackland said.

“Does this look like the way a legitimate businessman conducts his business?” he asked.

At trial, Lackland avoided the complex question of whether the \$20,000 penalty violated H-1B immigration laws. Instead, he told the jury that there was never any agreement to pay \$20,000.

As proof, Lackland recruited an expert witness to assess the Softech contract attached to an email sent to Muthuperiasamy by the company. The document didn’t call for a \$20,000 payment, and the expert testified that no one had tampered with it.

“If you find there is no contract, there is no meeting of the minds, there is no mutual agreement,” Lackland said.

As the jury left to deliberate, Muthuperiasamy stared into space, his shoulders slumped. He exchanged a few whispers with Lackland.

After two hours, the jury emerged and the foreman read the verdict: in favor of the defendant, Muthuperiasamy.

Muthuperiasamy didn’t quite smile, but his usually stiff expression softened. He sprang from his chair before the chamber emptied, strode out of the courtroom and down the hallway to where jurors were exiting their deliberation chambers, eager to shake each one’s hand.

*Stephen Stock and Julie Putnam of NBC Bay Area contributed to this story. It was edited by CIR’s Amy Pyle and copy edited by Sheela Kamath and Nikki Frick.*

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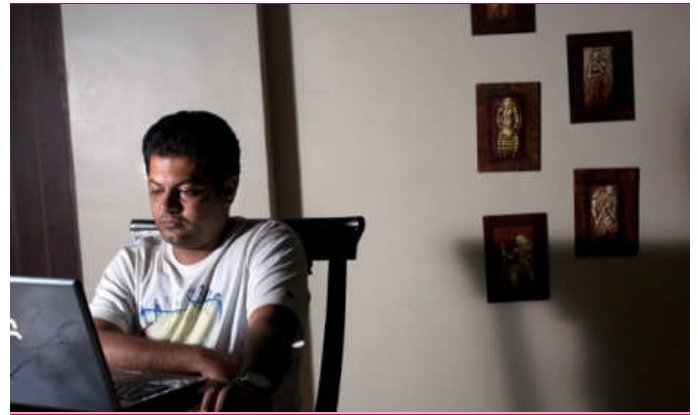
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# Job brokers with history of violations exploit tech workers on taxpayers' dime

The federal government awarded nearly half a billion dollars in contracts and other benefits to brokers with a known history of violating laws related to a visa program, an investigation by The Center for Investigative Reporting reveals





Harshal Vaidya launched complaint board Goolti.com after finding a dearth of information on unscrupulous labor brokers during his own job search. Photograph: Adithya Sambamurthy/CIR

## Jennifer Gollan and Matt Smith, The Center for Investigative Reporting

Tuesday 28 October 2014 00.00 EDT



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When the US Department of Labor needed a new contractor to upgrade its ageing computer systems, it turned to labor broker Saras America. The firm should have sounded familiar.

The year before, regulators in another part of the sprawling bureaucracy had threatened to block the company from importing foreign workers because it had shorted the pay of nearly 40 high-tech employees, among other labor violations.

In the end, Saras America Inc fought off the ban, sliced the fines and backpay it owed workers to roughly \$275,000 and secured the lucrative contract to upgrade the Department of Labor's computer systems.



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This story was produced by The Center for Investigative Reporting, an independent, non-profit newsroom based in the San Francisco Bay area.

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Follow Gollan on Twitter: [@jennifergollan](https://twitter.com/jennifergollan). Photograph: CIR/Guardian

The outcome left Saras America \$700,000 richer and a company executive musing online about how they'd pulled off the deal.

“Perhaps it was pure luck - perhaps it was just happenstance,” Stephen Scruggs, the company’s vice-president of sales and marketing, wrote on a federal contracting forum.

He advised other firms to pursue federal contracts with similar zeal: “Get out there and make it happen.”

Saras is one of hundreds of niche companies that populate a hidden world of immigration by recruiting temporary tech workers in [India](#), then contracting them out to US companies. A year-long probe by The Center for Investigative Reporting found that porous federal oversight allows these labor brokers to financially exploit workers with little fear of detection.

It turns out that those that are caught can continue to survive and thrive - including on the taxpayers’ dime.

The federal government has awarded contracts and other benefits worth nearly half a billion dollars since 2000 to technology labor brokers and tech firms cited for violating laws related to the temporary visa program known as H-1B.

No checks and balances are in place to prevent it.

Since 2000, nearly 20% of the brokers and firms cited for violating the visa program have nevertheless received federal contracts, payments or other government support for their businesses. The Department of Homeland Security and the Department of Defense are among major agencies that have looked past these violations or did not check the record.

Even brokerages facing the ultimate penalty for breaking labor laws - debarment from the temporary visa program - found ways back in.

While labor broker Triune Technologies Inc was blacklisted by the Department of Labor for two years, its executives received approval to import H-1B workers

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under the name of a different company, WalkWater Technologies Inc, which shares the same San Jose, California, address.

Both companies outsource tech workers, said former Triune executive Conrad Rodricks, who also is listed as a director at WalkWater. Even so, “the purpose of WalkWater was not to supplement Triune,” he said in an interview.

If WalkWater’s online client list is accurate, Google Inc, Cisco Systems Inc, Visa Inc and a variety of other top firms have used the company’s services.

For government watchdogs, the system of policing labor brokers is broken.

“If taxpayers knew about this, they would be apoplectic,” said Leslie Paige, vice-president of policy and communications for Citizens Against Government Waste, a non-profit group in Washington. “It’s immoral to take money away from hardworking Americans and give it to companies violating labor laws. ... Debarment should have some actual teeth.”



Walkwater. Photograph: Annie Tritt/CIR

The government’s reliance on technology services firms, including labor brokers, surged in the 1990s as technology advanced and boomed. This fiscal year, the federal government expects to spend at least \$79bn on information technology, with many agencies relying heavily on private contractors.

President Barack Obama this summer signed an [executive order](#) requiring anyone seeking federal contracts of more than \$500,000 to notify federal officials if they've violated labor laws in the previous three years.

“Our tax dollars shouldn't go to companies that violate workplace laws. They shouldn't go to companies that violate worker rights,” Obama said at a 31 July press conference, adding that the order would “crack down on the worst violators by giving agencies better tools to evaluate egregious or repeated offenses”.

But it won't stop most labor brokers: firms cited for labor violations involving H-1B visa holders and other temporary workers are exempt from the executive order.

Temporary immigrant worker programs were excluded because they make up a sliver of government contractors, said Ann Mangold, a Labor Department spokeswoman. The reporting requirement, she added, could unnecessarily burden those firms.

It's unclear exactly how many immigrants currently hold temporary work visas. In 2012, it was 840,000 men and women. But no one tracks how many of these visa holders are working for federal contractors.

### **Skirting laws despite scrutiny**

Saras America began tangling with federal officials over its labor practices after it set up shop in 1997. Investigators in the Detroit district office of the US Department of Labor's wage and hour division launched a probe after a worker complained that the Michigan-based company had withheld pay and overtime.

Chuck Yerneni, the company's president, agreed to give the worker \$10,588 in back pay and promised “full future compliance” with the temporary visa program, investigators wrote in 2000.

Despite that pledge, Saras attracted renewed scrutiny from the federal government. Within two years, the company failed to pay workers when no work was available or while they were waiting for their next assignment to start, Labor Department records show.

The very nature of the H-1B program makes such so-called benching without pay illegal because the visas are contingent on an employer proving it has a job waiting and the workers will be paid. Labor brokers, however, typically prefer to have a cache of workers in reserve, ready to jump if a contract lands.

As part of its scheme, Saras required recent immigrants to officially “report to work”, but didn’t pay them - for up to five months - saying the workers needed time to adjust to “the cold and the English language”, [investigators wrote](#).

They said Yerneni told them he paid the workers only “when he feels they are actually ready to report to the client locations”.

Benching dating back at least five years, along with other abuses, prompted the Labor Department to recommend in 2008 that Saras be disqualified from the temporary visa program and assessed \$422,434 in penalties and back pay.

The company appealed the decision to an administrative law judge, part of an internal court system that handles civil enforcement cases for the Labor Department.

Ultimately, the company’s tenacity paid off. The Labor Department [settled](#) with Saras in early 2009, agreeing to reduce what the company owed in fines and back wages. It also abandoned its recommendation to block the company from recruiting H-1B workers. Agency officials declined to discuss these negotiations, citing confidentiality rules.

On 29 September 2010 , the Labor Department’s occupational safety and health administration hired Saras to help modernize its computer systems. The \$700,000 agreement was Saras’ first federal contract.

“When that was awarded, things were moving really fast; it was the end of our [contracting] season,” said Barry Jordan, a contract specialist with the Department of Labor.

Contracting season is when most federal agencies must use or lose the funding appropriated by Congress. Asked why Saras got the job, Jordan said, “They were the lowest bidder.”

Nothing prevented the company from applying for the contract. First, Saras’ past labor violations were not part of its performance records, said Wanda Maddox, a contracting officer at the Labor Department. Second, she said, “If they’re not debarred, then they’re eligible for a contract award.”

In the end, the company “did a good job”, Jordan added.

Although Scruggs, Saras’ vice-president of sales and marketing, [crowed](#) on the internet about getting the contract, he did not respond to telephone messages and emails from CIR.

Today, the company's website says it keeps a "deep bench" of workers "immediately available for temporary and permanent help".

## **Workers pay for success**

Even after lying to federal investigators, Saicon Consultants Inc, a technology consulting company based in Overland Park, Kansas, continued to wring profit from lower-cost workers - and taxpayers.

Ramesh Lokre, the company's chief executive, "introduced the Walmart way to Kansas City's tech community", according to a December 2006 article in the Kansas City Business Journal.

"By promising corporate clients 10% to 15% cost savings on information technology workers, Lokre's Saicon Consultants Inc has taken off like a category killer," according to the article.

That same year, the company, led by Lokre and his wife, Saicon President Swati Yelmar, had made Inc magazine's list of the nation's fastest-growing private companies.

Before long, Labor Department investigators discovered a possible explanation for the remarkable success: it had shorted pay for its workers by tens of thousands of dollars. Saicon was uncooperative, the agency's records from 2008 indicate, refusing to turn over key records and trying to mislead regulators.

Labor officials recommended barring the company from the H-1B program, but Yelmar objected, arguing that "the violations were minor and that debarment was an excessive penalty," Labor Department records show. The agency settled on ordering the company to pay five workers a combined \$62,499 in back wages, plus a \$15,000 fine.

It wasn't the first time Saicon violated H-1B worker protection laws, either.

The company took illegal deductions from workers' paychecks in the mid-2000s for visa fees, company advertising, recruiting in India and other expenses, Labor Department records show. The company paid \$11,784 in back wages and penalties of \$550.

Before that, labor officials found in 2000 that the company had failed to reimburse workers dispatched around the country for \$58,000 in living expenses. Following negotiations, the company promised to repay them

\$17,945.

But that history did not hamper Saicon's ability to win federal [contracts](#).

Since 2007, the government has awarded the company \$1.8m for at least 16 contracts with the US Environmental Protection Agency, the Pentagon, the Department of Homeland Security and the Agriculture Department, records show.

Lokre, Saicon's CEO, did not respond to voicemail messages left at his office seeking comment.

### **Same business, new name**

The death knell for labor brokers is debarment, disqualifying them from the temporary visa program for up to three years. But few of them meet that fate.

Currently, [17 firms](#) are barred from the H-1B program - out of hundreds of tech labor brokers. And even some of the most flagrant violators are not monitored closely.

As is often the case with government agencies, the Labor Department pleads poverty.

"The agency does not check up on debarred companies to make sure they are not doing business," said Michael Kravitz, a spokesman for department's wage and hour division. "There are only so many resources to go around."

Harshal Vaidya, founder of [Goolti.com](#), an internet complaint board for Indian H-1B visa workers, says he has seen dozens of labor brokers that run afoul of wage and immigration laws vanish, then reappear in various ways. Vaidya launched his website in 2006 after finding a dearth of information on unscrupulous labor brokers during his own job search in the US.

"If they get infamous a lot," Vaidya said in an interview at his home in India, "what they do is shut down shop and open it with a new name."

Infamy nearly caught up with Sanjiv Singh, president of Soft Labs, until he used another existing company to import temporary workers.

Beginning in 2002, Michigan-based Soft Labs Inc racked up fines and unpaid back wages of more than \$78,000 through three investigations before the Labor Department blacklisted the firm.

In one case, the company was ordered to pay back wages to nine H-1B visa workers. In another, the Labor Department fined Soft Labs for assigning tech workers to different firms without posting required notices detailing their wages or telling employees they were entitled to file complaints with the Labor Department.

Soft Labs was banned from the visa program for one year, through February 2008. Yet during that period, Singh received approvals for 12 temporary visa petitions through his other company, Solexo Vandanam LLC, according to figures provided by US Citizenship and Immigration Services. Both companies were staffing agencies.

Singh could not be reached for comment despite calls to his relatives and a letter sent to his home.

One of his former employees, networking specialist Gurvinder Bindra, came to work for Solexo in February 2008 with his eyes wide open.

“These companies are body shops and everybody knows that,” said Bindra, 39, a native of Mumbai, India. “I knew I had to be careful. The market has a reputation for ripping off workers.”

Bindra nevertheless spent his first three months in the US searching for work, with no pay, he said. Then, Cisco Systems hired him through another labor broker that contracted with Solexo. He briefly worked from Cisco’s offices in San Jose, then Cisco sent him to Virginia to review the design of a Visa data center.

Solexo netted about \$75 an hour for his work but paid him about \$53, Bindra recalled. Beyond that, he added, “I had to watch them like a hawk to make sure I was paid.”

*CIR video producer Adithya Sambamurthy, intern Lucia Osborne-Crowley and Jennifer LaFleur, senior editor for data journalism at CIR, contributed to this story. It was edited by CIR’s Amy Pyle and copy-edited by Sheela Kamath and Nikki Frick.*

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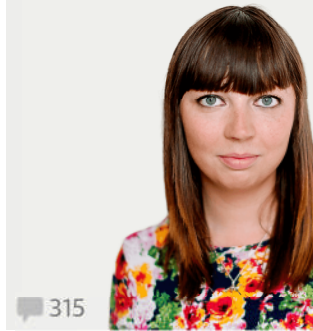


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**RKSharma6969** 18h ago

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Every professional in US and western world should read [amzn.to/1oTuFNJ](http://amzn.to/1oTuFNJ)

(The rise of South Indians: Invisible dimension in decline of jobs for Americans in US economy)

US IT industry is controlled by Indians from only two states in India, Tamil Nadu and Andhra Pradesh, as you know India is a diverse country with different languages and cultures with lot of discrimination and infighting among various sections.

Coming back to point, people from Tamil Nadu and Andhra Pradesh working in IT field recruit people only from their region, villages etc. A mass trend is going on (in USA) where Managers from same community are being paid cut under the table (which is called bribe in US) to keep people from his/her community. There is no hiring whatsoever of any Americans, technical reason given are, person is not fit for team, or doesn't have skill set, US CEOs are told that Indians will work for cheap than Americans but if you take into account; fixing, testing, delayed and shelved projects, there are negligible savings in the end for US businesses.

Practices like slavery, disrespect, dirty politics, discrimination, exploitation are being ported from India in quantified magnitude to USA, look at any IT company what is reality, Indians can't work with anybody except people from Tamil Nadu (Hyper sensitive managers with high end ego) and

Andhra (people with fraud degrees, resumes and fake work experience), whatever America has progressed in 200-300 years especially in fields like HR, social sciences will be lost. There won't be any new Innovation because slowly and steadily culture of slavery, nepotism has become norm in last 15 yrs, right now it is at peak in US IT industry.

If this goes on there will be complete elimination of all HR concepts taught in top B schools in USA like Harvard, Columbia, Stanford, MIT, Wharton etc, ground reality is Indians know only one thing, manage by threat, this style doesn't work in knowledge era, so they won't ever hire Americans or natives, technical suggestions or excuses may vary but this is ground reality. Lot of H1B from these states are working with fake degrees and by just paying bribes to managers of their own community.

One way to tackle this mess is, don't allow any H1Bs to work on third party site which is known in Industry as staffing/Client site, well if someone wants to hire an Einstein, let them keep Einstein inside the company.

All recruiting activities in US IT industry are outsourced, people sitting in India in Tamil Nadu and Andhra Pradesh are using magic jack/Vonage phones to call candidates in US, then they push profile of these candidates to American businesses, one company who is actual sponsor of H1B hands over resume to second company and so on till resume reaches desk of a Manager working with end client in USA like Citibank, all these middle men keep charging money every hour by claiming on paper that they are actual sponsor of H1B candidate.

Nowhere in world is; this practice going on, people sitting in India are controlling US market and because of their own financial interest they make changes in resume to make it look like 100% fit with job requirements. Local Americans are not preferred as locals are aware of their rights and don't want to get exploited.

Indian companies especially in New Jersey/California area sponsor H1Bs, then approach is to exploit other Indians and make money, once cycle of one Indian gets completed, he/she starts same cycle again to exploit other Indians by opening a consulting company (which in reality does staffing services as explained), these companies, lie and lie, hire few Indians on H1 and continue cycle of exploitation for years. These companies take one apartment on rent and during bench period; put other Indians (whose H1B they sponsor) like animals in one apartment (so no expenditure either to boost US economy, rather there is burden on natural ecosystem).

Action 1.

H1B candidates shouldn't be allowed to work at third party, also referred as client site, example can be Citibank. Companies in US should be allowed to sponsor H1B with caveat that keep person in-house, Companies can't market the H1B person to others. This clause may reduce lot of existing problems.

Action 2.

There should not be any layer involved between end client and H1 Sponsor company, I am sure with this; all fraudulent Indian companies in New Jersey/California who are gaming US immigration system will get closed, since these people don't do hard work, they are just exploiting other Indians in name of H1 sponsorship. Also American CEOs should be requested to hire diverse people in IT teams across USA so that monopoly gets broken.

RK Sharma Indian IT professional

Please read [amzn.to/1oTuFNJ](http://amzn.to/1oTuFNJ)(The rise of South Indians: Invisible dimension in decline of jobs for

Americans in US economy)



**Quadspect** 19h ago

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And the irony is that it is our own tax-supported Labor Department that is Insourcing Our Jobs!

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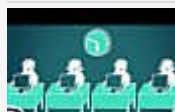
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