Annotated H-1B and L-1 Visa Bibliography

Introduction

This annotated bibliography compiles recent research and articles that cover H-1B and L-1 guest worker visas. The bibliography touches upon the central areas of controversy, including wages and working conditions, the supply of high-skilled workers, and employer misuse of guest worker visas.

General


Marshall, Ray. Value-Added Immigration: Lessons for the United States from Canada, Australia, and the United Kingdom. Washington, DC: Economic Policy Institute, 2011. Thorough analysis of the immigration systems in Canada, Australia, and the United Kingdom, which serves as a platform to suggest reforms to the U.S. immigration system. Marshall notes that “in highly competitive globalized economies, markets untempered by moderating policies and institutions will produce declining real incomes for many—if not most—workers and unsustainable inequalities in income and wealth.” Marshall makes several recommendations for improving the H-1B visa program, including adopting and enforcing a clear standard, raising the wage standard, and increasing the availability of data.

Outlines some of the effects H-1B visas have had on U.S. tech workers. Article touches upon issues of offshoring, companies whose workforce is largely made up of H-1B visa beneficiaries, and the increased use of the Optional Practical Training program to get around H-1B visa rules and fees.


Report to congress, updated annually. Details a variety of H-1B visa data, including ages, occupation, industry, country of origin, and education level of H-1B beneficiaries.

**Wages and Working Conditions**


Examines the question of why so few employers sponsor H-1B and L-1 workers for permanent residence in the U.S. Identifies numerous examples of U.S. companies claiming that temporary visa recipients are among the best and brightest workers who must be allowed to work in the U.S., but then failing to take steps to make them permanent residents and thereby giving them more rights in the workplace.


Outlines the major flaws in the H-1B and L-1 visa programs, including absence of a labor market test, inadequate wage standards, and insufficient oversight. Employers realize a significant wage savings by utilizing H-1B visas—a practice that substantially harms U.S. workers.


Paper provides detailed analysis of how H-1B beneficiaries are legally underpaid, including not using skill set or education when determining the applicable wage. Employers also save money hiring young H-1B beneficiaries in lieu of U.S. workers over the age of 35 whose experience makes them more expensive. In effect, H-1B visas give employers access to a revolving door of young, cheap workers.

Dr. Matloff is a professor of computer science at the University of California, Davis. He blogs extensively on the issue of guest worker visas. See: [http://heather.cs.ucdavis.edu/h1b.html](http://heather.cs.ucdavis.edu/h1b.html)
**Skills Gap/Labor Shortage**


Impeaches a report by Microsoft Corporation that claims an impending tech worker shortage. Costa notes the flaws in the Microsoft report, pointing out the supply of tech workers comes from more than just bachelor’s degree programs, the tech-worker unemployment rate was higher than its historical average, and wages in computer occupations for the last 10 years have been largely stagnant.


Highlights the exploitive nature of H-1B and L-1 visas, including low wages, lack of portability, and high unemployment of U.S. workers. Finegold suggests a strict test to determine the existence of a labor shortage before a visa is issued, raising the wage standards, and continuing assistance to U.S. workers who have been displaced by foreign trade or offshoring.

David Finegold is the former dean of the Rutgers School of Management and Labor Relations.


Debunks the myth that foreign graduates of U.S. universities are exceptionally talented. Found, through rigorous analysis, that “former foreign students have talent lesser than, or equal to their American peers.”


Evaluates the strength of the U.S. science, technology, engineering, and mathematics (STEM) workforce. Found that the U.S. has a sufficient supply of STEM workers. A large influx of guest workers will continue to keep IT wages low which reduces the incentive for U.S. workers to go into the field.


Questions the argument that the U.S. has a shortage of science, technology, engineering, and mathematics (STEM) professionals. Details unemployment rates, graduation rates, and available funding for research in STEM fields.
Examines the supply and demand for tech labor and finds there is no evidence of worker shortages justifying widespread H-1B visa use. Weissmann notes that in the past he supported increasing the H-1B visa cap. However, upon further research he has reversed his position.

**Government Review of Skilled Worker Visa Programs**

Government Accountability Office testimony notes several factors that limit the government’s ability to fully enforce H-1B laws and regulations, including limited government power to: screen employers, investigate wage and hour violations, and hold staffing companies that displace U.S. workers accountable.

Office of Inspector General (OIG) review of the L-1 visa program that examines the potential for fraud or abuse in the L-1 visa program. OIG identified a number of problems that increase the opportunity for fraud and abuse in the L-1 visa program and made recommendations for improvement.

Government Accountability Office (GAO) review of the impact of the H-1B “cap on the ability of domestic companies to innovate, while ensuring that U.S. workers are not disadvantaged.” GAO found that demand for new H-1B workers was driven by a small number of employers—mostly India-based companies that specialize in offshoring. GAO also found that “restricted agency oversight and statutory changes weaken protections for U.S. workers.”

**Employer Misuse of Guest Worker Visas**

A comprehensive survey of the use and abuse of the L-1 visa. The report details how L-1 visas are used by employers to replace U.S. workers with temporary visa holders, but first requiring U.S. workers to train their foreign replacements. Finally, the report makes recommendations for improvement of the L-1 visa.

Provides detailed accounts of H-1B visa fraud, including charging illegal fees to recruited workers, employers not paying promised wages, and not paying visa beneficiaries when they are between projects. The article also outlines egregious abuse of guest workers by body shops—firms that specialize in the supply of labor.

For more information on professional and technical workers, check DPE’s website: www.dpeaflcio.org.

The Department for Professional Employees, AFL-CIO (DPE) comprises 20 AFL-CIO unions representing over four million people working in professional and technical occupations. DPE-affiliated unions represent: teachers, college professors, and school administrators; library workers; nurses, doctors, and other health care professionals; engineers, scientists, and IT workers; journalists and writers, broadcast technicians and communications specialists; performing and visual artists; professional athletes; professional firefighters; psychologists, social workers, and many others. DPE was chartered by the AFL-CIO in 1977 in recognition of the rapidly growing professional and technical occupations.

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