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An arduous path to green cards

Highly skilled workers on visas say the citizenship backlog in the United States leaves them frustrated.

By Gaiutra Bahadur
Inquirer Staff Writer

The photograph of Meenaish Damania - shown in a white sari, smiling and hopeful on her wedding day a year ago in India - occupies a place of pride in the MBA-educated banker's Morrisville apartment.

Damania was coming to the United States as the wife of one of India's software studs with an H1B, the State Department's highly coveted temporary work visa for skilled professionals.

She knew visa rules barred her from employment until the U.S. government accepted her husband's application for a green card, the document that would allow him to stay in the country permanently.

What Damania did not know was that it could take nearly a decade.

With the Senate deadlocked over a bill that would give millions of illegal immigrants a path to citizenship, the legal, highly educated H1Bs and their spouses say their struggle to become permanent residents has been overlooked.

The wait to be a new American is so long that former golden boys from India - homeland to about half the H1Bs, who tend to cluster in science, engineering and high-tech jobs - have seen their stock in the marriage market driven down.

The visa used to make bachelors returning home for brides instantly desirable. Now ads for grooms like the one published in a Kashmiri daily a few years ago - *Seeking smart, USA based, IT/MBA, H1B, Brahmin Boy* - have dwindled.

Because the permanent-residency application is sponsored by an employer and tied to a specific job description, H1Bs cannot change companies or be promoted. They're stifled, they say, with no chance for advancement. And their spouses languish, bored and



Real Estate	jobless, a half-world from friends and family.
Religion	
Education	Damania, whose husband, Nozer, is a Web developer, volunteers at the New Jersey Department of Environmental Protection to stay sane.
• School Report Card	
Corrections	
Photography	"It was depressing," Damania, 25, said. "I had to do something."
Special Reports	
Interactive	Some guest workers say the backlog handcuffs them to exploitative bosses. Others, researchers in cutting-edge fields such as nanotechnology, can't get grants. They are available only to green-card holders.
• Blogs	
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	The backlog could hurt the U.S. economy as much as it hurts imported brainiacs and their families, the guest workers say.
Services	
Subscribe	"We're talking about highly skilled labor that's in short supply," said Kartik Hosanagar, an H1B from India who is on the faculty at the Wharton School at the University of Pennsylvania.
Contact Us	
Help	
Archives	"That's certainly something the U.S. economy cannot afford to lose," Hosanagar said.
Online Store	
About Us	The State Department and Department of Homeland Security are uncertain how many H1Bs are in the country. B. Lindsay Lowell, a labor migration expert at Georgetown University, estimates there are 500,000.
CLASSIFIEDS	
▶ Jobs	
▶ Cars	The guest workers receive three-year visas that can be renewed once. During that time, many apply to stay permanently.
▶ Real Estate	
▶ Apartments	
▶ Local Shopping	Backlogs have been a persistent problem for the Bureau of Citizenship and Immigration Services. In 2000, Congress told the agency it should take no more than 1 1/2 years to get a green card.
• Find Sales & Deals	
• Shop Local Stores	
▶ All Classifieds	
▶ Dating	The number of applications for employment-based cards far exceeds the 140,000 available each year. Making things worse, the bureau's ombudsman said, the federal agency squandered about a quarter of the slots available between 2001 and 2004 by failing to process paperwork efficiently.
	Cyber Fuse Technologies, the Bucks County company that hired Nozer Damania, started his green-card process in 2003. It had to prove to the U.S. Labor Department that it advertised for the job at the prevailing wage and found no qualified Americans.
	Nozer Damania, who is 28, also had to pass a background check. That was in 2005.
	Now he is stuck waiting to enter the final phase. The government only this month began to consider applications from Indian H1Bs who cleared security and other hurdles in February 2001. Those lucky souls will get behind 168,000 to 271,000 - government entities disagree on the number - already in line.
	"There's no end in sight," Nozer Damania, a 2002 Drexel University graduate, said. "Because of the whole stress on illegal immigration, we've been completely forgotten."
	The guest worker professionals already have an unofficial anthem. The lighthearted "H1Bees," as in "worker bees," was written by Srikanth Devarajan, Washington-area software programmer who arrived from India on the visa in the mid-90s. The "curry rock"

bard captures H1B culture shock and abuse by "body shops," consulting firms that sponsor their green cards and farm them out for a cut of their wages.

Now, to remind Congress that they contribute to the U.S. economy, 2,500 foreign-born pharmaceutical, high-tech, finance and hospital employees have banded together via the Internet to form Immigration Voice.

The association is devoted to fixing the backlog, which it blames on hopeless bureaucracy and ill-conceived immigration quotas.

Congress' attempt to address illegal workers has inflamed an "anti-immigration lobby" that acts as if "every immigrant is a guy who walked across the border, which is not the case," said Shreyas Desai, 27, of Lafayette Hill, one of the group's founders.

While Microsoft and other employers lobby Congress regularly to increase the number of H1B visas, capped at 65,000 annually, the association is the first effort by the guest workers themselves to influence the political process.

Since forming four months ago, members have raised \$70,000, hired the Washington firm Quinn, Gillespie & Associates to lobby on their behalf, and eagle-eyed the evolution of arcane and complex immigration proposals.

The House passed a bill in December that did not address the H1B cap or the paperwork delays.

Desai, a software engineer for a Wilmington bank, said the proposal before the Senate could make the H1Bs' plight worse.

While it would bring to 290,000 the annual number of employer-sponsored green cards, more than double the current allotment, the bill reserves at least 87,000 for unskilled laborers who enter the country on newly created temporary work visas.

The bill would raise to 10 percent the maximum share of green cards available to applicants from any one nation, up from the current 7 percent. However, it eliminates an existing provision that gives guest workers from India and China, which account for most H1Bs, access to green cards left over from countries that don't use up their quota.

Under the Senate plan, previously illegal workers who meet certain conditions could apply for residency on their own. H1Bs would still need an employer sponsor.

"It gives a lot of control to the employer," said Amol Jakatdar, a Yardley software engineer for a consulting firm that contracts him out, most recently to Merck Pharma in New Jersey.

Allegations of second-class treatment of H1B holders are so common in that state that the U.S. Labor Department is hiring an investigator to focus on complaints by the guest workers, Kate Dugan, an agency spokeswoman in Philadelphia, said.

In the last two years, the agency found that employers in 10 South Jersey counties owed \$376,900 in wages to 21 H1B workers. There have been no complaints in Pennsylvania.

Advocates for limiting H1B visas argue that the foreign whiz kids drag down wages for American professionals and that their quest to stay in the country proves there is no such

thing as a guest worker.

"It's a misnomer," said Steven Camarota, research director at the Center for Immigration Studies, which favors immigration restrictions.

The H1B isn't supposed to be "the bullpen for green cards," Camarota said.

Other countries, meanwhile, are wooing the disaffected guest workers. Faced with a high-tech labor shortage, New Zealand overhauled its laws two years ago to give qualified workers resident status immediately. It has lured 280 non-U.S. citizens, some from Pennsylvania and New Jersey.

Canada, Australia and the United Kingdom also make it easier for highly skilled immigrant laborers to resettle there. And India and China are welcoming back talent they lost to the States.

A headhunter phoned Dilip Bearely, a chief resident at Thomas Jefferson University Hospital, with an offer in Australia.

The job would allow the Indian native to do research on hepatitis C that he can't do here because he doesn't have a green card.

"We'll do everything for you," he said they pitched him. "The pay will be comparable to the U.S., and you will not have any visa hassles."

If Washington does not address the green-card backlog soon, he said, "I'll go."

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