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CEOs Balloon Captive 'Green Card Workforce' in U.S. Jobs

Neil Munro

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CEOs have quietly expanded their captive workforce of non-immigrant, non-temporary foreigners who must remain with their employers while they wait for the arrival of promised green cards.

The non-immigrant, non-temporary workforce reached at least 600,000 in April 2020, according to a routine November report by the U.S. Citizenship and Immigration Services (USCIS) agency.

The work-and-wait captured workforce reached 592,322 on April 20, 2020, up from 507,993 in November 2019, and up from 395,025 in April 2018. The list grew even as roughly 130,000 foreign workers escaped the backlogged work-and-wait list by getting their green cards and joining the normal American labor market.

The little-recognized sponsored workforce is growing because Congress set no annual limit on the number of foreign workers (plus spouses and children) who can be sponsored by CEOs, even though it has capped the actual award of "Employment Based" green cards at roughly 140,000 a year.

Congress also gives CEOs a big incentive to sponsor their foreign temporary workers because the sponsorships allow them to permanently stay and work in the U.S. jobs while they wait for the promised green cards.

Moreover, many CEOs use the dangled promise of sponsorship to recruit additional foreigners who will work long hours at low wages in the hope of getting sponsored for green cards. There is no limit on the number of foreign graduates who can legally take U.S. jobs — providing they first get universities' approval to get into the federal Optional Practical Training work-permit program.

The ability to pay foreign workers with hugely valuable green cards creates an easy, cheap, and compliant labor force — and it sidelines the many Americans who are seeking fair-market wages, or training, technology, or workplace accommodations.

The foreign workers are also hired as disposable substitutes for American workers because they lack professional status or labor rights until they get green cards. In contrast, Americans have the legal rights to file lawsuits, demand higher wages, or quit and create new companies.

The foreign workforce will likely grow even faster if President Donald Trump signs the S.386 green-card giveaway bill that Sen. Mike Lee pushed through a carefully empty Senate chamber on December 2. Lee's bill would multiply tenfold the number of Indian workers who can get green cards, so it would greatly increase the incentive for Indian graduates to take U.S. jobs in the hope of getting green cards. India's government has pushed for the Lee legislation, partly because its national economic strategy seeks to trade its huge labor force to foreign companies in exchange for remittances and corporate investment in India's vast economy.

The green card labor force consists of the many foreigners who are trying to win sponsorship from U.S. employers, plus the sponsored workers who must continue working while they wait years to get their hoped-for green cards.

The workforce includes at least 1.3 million people, most of whom are kept in the white-collar jobs needed by U.S. graduates. That workforce is more than big enough to displace many of the 800,000 Americans who graduate each year with skilled, four-year degrees in healthcare, science, engineering, healthcare, or technology.

The work-and-wait sponsored workforce likely has grown rapidly since April 2020 because of Trump's curbs on new foreign workers. Trump's curbs benefited American graduates — but also give CEOs an incentive to keep more of their temporary foreign workers in the U.S. jobs by sponsoring them for green cards.

The April 2020 numbers showed 92,000 extra Indian workers, even though roughly 14,000 Indian workers — plus roughly 14,000 Indian spouses and children — got off the list by getting green cards since 2018.

Most of the 398,000 Indian graduates on the work-and-wait list were recruited by Fortune 500 companies via the H-1B, L-1, and H4EAD pipelines, with the enthusiastic cooperation of the Indian government. For years, Indian workers and India's government have lobbied hard to change the green card rules in India's favor because the rules include a so-called "country cap" that is intended to diversify the award of green cards to people from many countries.

The diversity rule set a limit of about 7,000 green cards for Indian workers each year. This means the 398,000 sponsored Indian workers have collectively clogged the green card line for fellow Indians and are forcing each other to work and wait for many years until they can get their green cards.

This resident army 0f India's contract workers has also displaced millions of American professionals and has forced many into retirement or alternative careers, including real estate and journalism. The CEO-imported laborforce of Indian workers, managers, and subcontractors has also imported India's workplace culture, pay scales, and labor practices into the U.S. white-collar labor market.

The process of sponsoring foreign workers for green cards is "highly susceptible to fraud," says a November report by the Department of Labor's Inspector General about the green card process. The process "relentlessly has employers not complying with the qualifying criteria," the report said, echoing decades of systemic fraud described by cops, federal agencies, embassy officials, and advocates for Americans.

The new USCIS documents also showed a new work-and-wait population of 40,000 non-Indian graduates from other countries, such as Canada, Brazil, and Costa Rica, plus roughly 10,000 workers from the Philippines. This is a huge recruitment shift, said Jessica Vaughan, policy director at the Center for Immigration Studies.

The chart also shows that CEOs have begun using the green card process to displace many Americans from blue-collar workforces.

The CEOs are allowed to get green cards for roughly 11,000 blue-collar workers each year via the "Fourth Preference" category of the EB process. The 2018 data showed a work-and-wait workforce of just 737 non-college workers. But the 2020 data shows a work-and-wait population of 7,000 non-college workers.

Many blue-collar industries are using the green card workforce to hire and compliant cheap foreigners — and exclude ambitious, disabled, or uncooperative Americans — from jobs such as truck driving, meatpacking, dairy and farming, landscaping, cooking, cleaning, fast food, and home health aide.

Also, the blue-collar work-and-wait population is rising because roughly 50,000 migrants from Latin America have persuaded state judges to provide them with Special Immigrant Juvenile (SIJ) status. That is a huge jump from 19,000 in early 2018. These SIJ migrants get their green cards from the fourth category slice of EB green cards, usually with employers' approval.

"The growth and representation of people from Central American countries likely reflect the efforts by immigration lawyers who have taken up the cases of unaccompanied minors, to use any category they can find in our immigration system to get permanent residency," said Vaughan.

The EB-5 green-cards-for-sale program is also paid out of the EB account, although it has an allotment of 10,000 additional green cards per year in the fifth category of the EB program. The 2020 numbers show a continued backlog of many Chinese buyers, plus a new backlog of 51 Indian buyers.

CEOs are using the green card workforce to exclude many Americans from white-collar and blue-collar jobs.

For example, many foreign graduates are hired by an array of little-known subcontracting firms that get outsourcing gig-worker contracts from Fortune 500 corporations. This low-tier, Indian-dominated labor market ensures that many skilled American graduates are denied entry-level jobs in growth industries, including healthcare, software, engineering, and management. Over time, the lack of trained Americans is pressuring investors to promote former visa workers into the mid-level and top-level jobs at Google, Microsoft, Mastercard, IBM, and other important technology companies.

The visa workers also help investors corral the nation's technology sector, said Kevin Lynn, founder of U.S. Tech Workers. "There's collusion within these big tech companies to preserve their monopoly status," said Lynn. "The best way to do that is to block the sneakernet, you know, one person going from one company to another taking what's between their ears with them."

This post-2000 shift to a lower-skill, lower-rights foreign workforce helped the Silicon Valley companies cement their control over wealth-producing technology — but has left them vulnerable to foreign companies eager to leapfrog them with novel telecommunications gear.

The estimate of 1.3 million in the green card workforce does not include the growing number of white-collar illegals and foreign workers who illegally take short-term jobs after arriving on a six-month B1/B2 visitor visa.

The green card workforce does not include the temporary foreign workers who are imported for a few months to learn how to "offshore" U.S. jobs to planned worksites in India, China, and elsewhere.

The CEOs' growing green card workforce is being ignored by white-collar journalists despite the expanding damage to American professionals' status and careers, even when their employers do not oppose coverage, said Vaughan.

Most journalists are motivated to transform our country by making it more diverse and by bringing in more immigrants. So they're blind to the effects on regular Americans. They don't think they know anyone who has been affected, they don't think they live in the same neighborhoods, or travel in the same professional circles, or go to the same churches, and that their kids aren't in school with people who are obviously affected by it. They think they're completely insulated from the effects of policies have pushed for.

"Their lack of sympathy for their fellow Americans is grotesque," she added.

But the growing use of imported foreign white-collar workers is a potential vulnerability for the Democratic Party — and a potential opportunity for the GOP in 2022 and 2024.

The 2020 election showed that the Democrats are increasingly dependent on voters who have college degrees — and are increasingly depending on donors who import foreign white-collar workers. In 2020, Trump proposed various reforms to help American graduates by curbing foreign workers, but this last-minute outreach was muffled and minimized by pro-business deputies.

The GOP's donor class opposes any curbs on white-collar visa workers.

For example, the Cato Institute wants the government to flood the U.S. labor market with foreign workers. "The monthly rate of increase in the backlog has tripled from the rate from 2018 to 2019," says Cato employee David Bier, in a November 20 report: "Ultimately, Congress must act. It should repeal the green card limits on individual countries and then increase (or better yet eliminate) the overall caps on green cards for employment-based immigrants."

Throughout 2020, business groups championed a bill by Sen. Mike Lee that would have dramatically raised the incentive for Indian graduates to take many more white-collar jobs in the United States. On December 2, under intense pressure from business groups, 99 Democrat and GOP Senators stood back and let him pass his outsourcing bill through the Senate by Unanimous Consent. Trump may not veto the outsourcing bill once it is copied into the pending coronavirus spending bill.

Business groups also are lobbying for Senate confirmation of Alejandro Mayorkas, Joe Biden's nominee for secretary of the Department of Homeland Security, who has a record of welcoming migrants into U.S. jobs. "This is a must-prioritize now as … an economic driver for this nation that is dealing with a crisis," Alida Garcia, the vice president of advocacy for the investors at FWD.us, told CNN for a November 29 article. Sen. Rob Portman, R-Ohio, will likely chair the committee that considers the Mayorkas nomination.