

Programmers Guild Platform

Comprehensive H-1b Reforms to Protect U.S. Workers

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- 1) Fix the flawed prevailing wage that allows wages 25% below what average-skilled American would earn. [3] Programmers Guild advocates for minimum wage of \$100,000 for H-1b workers - this is a fair wage for "best and brightest innovators with skills beyond what Americans possess." It's absurd that H-1b quota is being filled to bring in \$5/hour kitchen help. [1] In no case should H-1b earn below median wage.
- 2) Add requirement to first transparently recruit Americans before a position could be filled by an H-1b, L-1, or OPT foreign worker. (Simply listed openings on a DOL website, and then allowing employers to ignore all U.S. applicants, is not adequate protection.) – Senator Hatch removed this protection! We want it back.
- 3) Programmers Guild opposes stapling green cards. Roughly 400,000 Americans graduate with STEM degrees each year [6], but they find a difficult job market for "entry level" skills. "Stapled green card" foreigners possess no special skills. They have no work experience. The current proposal does not distinguish between a truly exceptional candidate and a "C-" student that few employers would hire - Congress makes the false presumption "because they are foreigners they must be brilliant - because they muddled through an MS program they must be brilliant." American STEM grads should have first priority for American jobs on American soil: Foreigners should only fill jobs after showing of "no qualified Americans." Stapled green card will degenerate America's quality STEM universities into for profit "greencard mills."
- 4) End the financial incentive for employers to hire OPT foreign grads over Americans: Currently employers are exempted from contributing Social Security (FICA) and Medicare tax on these foreign workers, creating an unfair advantage against American college graduates seeking the same entry-level jobs.
- 5) Getting a green card should be decoupled from employer sponsorship: Employers are not deciding who to sponsor based on whether the person is an "exceptional innovative" candidate, but rather on a desire to keep that worker indentured in their current job. It has created the absurd situation of foreigners working at foreign corporations sponsoring each other for U.S. citizenship. Instead expand the "extraordinary green card" process - not perfect, but better than the current sham of PERM recruiting abuse and indenturing workers at wages and conditions that Americans would not accept:

REFERENCES

1. [DOL approving H-1b for as low as \\$5 per hour](#)
2. [NBC News article on Extraordinary Green Card Process](#)
3. [Large H-1b user acknowledging in 2006 that ability to pay H-1b 25% below market wages was their "competitive advantage" against firms that hire American workers](#)
4. [Hire Americans First – Hundreds of H-1b Harm Testimonials by American workers](#)
5. [Lawmakers hear from CEO opponents of H-1Bs](#)
6. [400,000 BS STEM degrees each year](#) – BS are predominately Americans

STATEMENTS BY OTHER ORGANIZATIONS CRITICAL OF H-1B INCREASE

- [EPI Rebuttal to Microsoft Report](#)
- [Department for Professional Employees, AFL-CIO Letter opposing H-1b increase](#)

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