

# H-1B use skyrocketed among Bay Area tech giants

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Even as the White House began cracking down on U.S. work visas, major Silicon Valley technology firms last year dramatically ramped up hiring of workers under the controversial H-1B visa program, according to newly released data.

The data show the importance of H-1B workers to the tech industry, which has long lobbied to increase the number of highly skilled foreign workers. Menlo Park-based Facebook in 2017 received 720 H-1B approvals, a 53 percent increase over 2016, according to the National Foundation for American Policy, which obtained federal government data. Mountain View's Google received 1,213 H-1B approvals, a 31 percent increase. The number of H-1B approvals at Intel in Santa Clara rose 19 percent and Cupertino-based Apple received 673, a 7 percent increase.

But the data lacks details that might clarify how the industry uses those workers: It does not indicate what kind of jobs the visa holders had, or in which offices they worked. And experts say the data also doesn't show how many additional H-1B contractors tech companies may get from staffing agencies or outsourcing companies.

In response to this news organization's inquiries, Facebook said it does not publicly discuss its use of H-1B workers or contractors. Google, Apple and Intel did not respond to requests for information about their use of H-1B workers or contractors.

The lottery-based H-1B, obtained by employers seeking foreign talent, is intended for highly skilled workers, and has become a flashpoint in the U.S. immigration debate. Tech firms have lobbied hard to increase the number of new visas beyond the 85,000 annual cap, while opponents point to reported abuses and claim H-1B workers take jobs from Americans.

Outsourcing firms, such as Infosys and Tata, have become particular targets of the administration of President Donald Trump. In a February policy memo, U.S. Citizenship and Immigration noted legitimate uses of the visa by third-party agencies, but said such arrangements can increase the likelihood of abuses such as paying improperly low wages or using contractors for non-specialized work. The memo imposed new requirements on H-1B employers to prove that visa holders will be doing specialty work.

Vivek Wadhwa, a distinguished fellow at Harvard Law School and Carnegie Mellon's School of Engineering at Silicon Valley, believes the solution is to give H-1B preference to start-ups and tech companies—not third-party agencies.

"I'm a strong proponent of skilled immigration," said Wadhwa, who studies the positive contributions of immigrants. "The only H-1Bs should be direct employees of these companies."

The increase in H-1Bs approved for tech companies in 2017 came as the White House began a series of sweeping actions to limit immigration. That may have prompted companies to secure as many visas as possible while they could, Wadhwa said.

"It may be that they were stocking up because things turned dark," he said.

Amazon chalked up the largest increase in H-1B approvals, with 2,515 in 2017, a 78 percent leap. Microsoft received 1,479 approvals, an increase of 29 percent. Neither [company](#) responded to a request for comment. The data does not show what companies, if any, got fewer H-1B approvals.

The Consumer Technology Association, an industry group representing companies including Google and Facebook, says [tech firms](#) are facing a "massive skills gap" in which jobs go unfilled for lack of qualified American workers. And Peter Leroe-Munoz, vice-president of technology and innovation policy at the Silicon Valley Leadership Group—whose membership includes all the major valley tech giants—said foreign workers remain "tremendously important" to the region's tech industry because of a shortage of skilled technologists.

But Chris Benner, a professor at UC Santa Cruz who has studied the use of contract employees in tech, doesn't buy it. "I think the argument that people with those types of skills are not available in the U.S. is pretty specious," Benner said. "I have not seen any significant evidence of labor shortage in a lot of skilled positions."

The Federation for American Immigration Reform says the government has refused to provide detailed information about where third-party providers send H-1B contractors, and the group's partner organization, The Immigration Reform Law Institute, has sued for access to that data.

Absent reliable numbers, it's impossible to know the extent to which [tech](#) firms may be using H-1B workers supplied by third parties. But Immigration Reform Law Institute lawyer John Miano believes that if the companies weren't taking on large numbers of H-1B workers from staffing firms and outsourcers, they would be kicking up a fuss over the huge numbers of H-1B visas snapped up by those third parties.

"They want to keep this business rolling for their own purposes," Miano said.

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