

THE INSECURITIZATION OF IMMIGRANT LABOUR: ASIAN INDIANS IN THE UNITED STATES

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...migration is a product not of discrete and unconnected factors in the sending and receiving countries but of historical connections between the countries. It is not fortuitous; it is systemic. (Cheng and Bonacich 1984: 2).

Indian immigrants' experiences in the United States from the colonial mid-1800s to the present context of neoliberal globalization delineate the intersections between global political economy and personal biographies. The impact of British colonialism, unemployment and agrarian crisis in India, transformations in the course of capitalism, intense demand for labour in the growing economies of North America, and the immigration policies of the U.S. have together coalesced to produce some of the unique features of Indian immigrants' lives in America. This paper combines the perspectives of two research projects on Indian immigrant life and work experiences: one on a small, Indian family-run restaurant in New York state and the other on Indian immigrant IT professionals in the U.S. Observations from these studies reveal advanced capitalism's specific labour needs for access to immigrant workers in flexible and exploitative terms.

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Indian Immigrants in the U.S. before 1965

...imperialism helps create in the colonies a reserve army of labour that is available for emigration to and wage labour in the metropolitan territories or capitalist sector of other colonies. But the conditions of labour emigration often retain features of a colonial mode of production; that is, they are not fully capitalistic and often have a coercive element. Thus colonized workers move into capitalist labour market at a definite disadvantage relative to other workers. (Cheng and Bonacich 1984: 29).

Migration has been intricately associated with the institutional forces of transnational capitalism and continues to be a part of global labour systems (Cheng and Bonacich 1984; Sassen 1998). The history of Indian immigration to North America, too, when traced back to the 1830s, has not been outside the forces of British imperialism and the sprawl of capitalist development. Economic deterioration in British India, combined with natural calamities, droughts, famines, epidemics, and rapid population increase during the transition decades between the 19th and 20th centuries, led many young Punjabi men, particularly younger sons, to seek alternative means of employment. The British facilitated the recruitment of agricultural labourers from Punjab, who constituted the majority of the earliest groups that migrated to North America (Jensen 1988). Their income was intended to improve the economic

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conditions at home, decrease unemployment, and protect the rural agricultural economy from further impoverishment. The primary incentive for migrating as far as North America was that wages were higher and people could migrate as free workers compared to being hired as contract labourers for other British colonies.

A large number of politically active Indians also migrated to the U.S. during the colonial period (Jensen 1988). Following the Mutiny of 1857, the British increasingly consolidated its rule and established an internal security and surveillance system to maintain control and curb any revolutionary activities among Indians, who now came under the direct rule of the British crown. The colonial government's repressive policies combined with inspiration from international events, such as – among other events - the Japanese defeat of Russia and Chinese boycott of foreign goods fuelled growing discontent among nationalist groups and organizations involved in activism for home rule. In this scenario, foreign countries that offered political asylum and provided the prospect of employment opportunities for new immigrants were seen as viable spaces in which revolutionaries could reside, operate, and continue their resistance. Indians, like their Irish, Cuban, Mexican, and Chinese counterparts, found a degree of support for their cause in the U.S., which led political refugees to arrive in substantial numbers and launch various organizations. These Indians were mostly male students who saw their stay in the U.S., and their revolutionary careers there, to be temporary. The migration of Indians to North America for political activism reached maximum numbers between 1830 and 1930 (Jensen 1988).

The combination of patriarchal social norms in India and racialized immigration and labour policies in the U.S. created a highly gendered migration pattern that resulted in the formation of Indian immigrant communities who were almost entirely male. Until World War II, there were fewer than a dozen Indian women in the U.S. (Chan 1991). Research on women, children, and families of the Asian immigrant communities suggests that the virtual absence of women emigrants was also partly due to the patriarchal, patri-lineal, and patrilocal nature of Asian family structures at the time (Chan 1991). Upon marriage, women were expected to move into the husband's extended family, where their responsibilities extended over all the members of her husband's family. They were also supposed to reside with the family unit and not necessarily accompany the husband when he traveled. Furthermore, women's domestic and non-domestic (in farm or cottage industries) labour was meant to be dedicated to the economy of the husband's family. Thus, unsurprisingly, migrant peasants from India were primarily young males in their early twenties. The demands placed on male migrants were such that they precluded the option of traveling with wives or families. Money for travel was difficult to procure and policies towards non-White immigrants in North America were designed to discourage Asians from long-term settlement with families. Moreover, Punjabi males opting for overseas employment typically left India with the

expectation of eventually returning in order to join their families after accumulating some money. Married migrants left wives and children at home. These wives were not likely to see their husbands again in their lifetime. Indian males who got married in North America, especially in southern California, often married Mexican women from the area. The U. S. state devised a rather peculiar racial category, “Mexican-Hindus,”¹ to account for the children of Indian and Mexican parents (Chan 1991).

The virtual nonexistence of Indian women, structured in part by U.S. immigration policies that restricted the entry of Asian women, resulted in very specific economic and social outcomes for male immigrants (Jensen 1988; Chan 1991). Employers’ justification for paying Indian men very low wages was that they did not require a family-wage to support wives and children. Moreover, the absence of women and family responsibilities also rendered the community of Indian workers more flexible and amenable to frequent relocations at short notice, which appealed to employers. Although Indian males were given a racialized identity and considered ‘social outcasts’ by urban Californians, they were extended a slightly better status compared to African-Americans and Mexicans. This was partly because Indians were perceived to be less threatening compared to the other ethnic groups, due to the former’s willingness to accept greater social isolation (Jensen 1988). Communities of Indian men were also seen as transient. Japanese males, for example, lived with families and were perceived as more settled workers. In contrast, Indian males without family-ties in the U.S. were expected to “return to India, die without establishing families, or inter-marry and raise their children as Americans” (Jensen 1988). The socially-constructed absence of Indian women had multiple effects: it greatly subsidized the labour of Indians for employers, prevented generational renewal and transmission of cultural values, and shaped Indian males’ social isolation, transience, and labour flexibility. Exploitation was rampant and Indians were paid lower wages compared to white labourers, despite being considered more reliable and hard-working as workers. Indians, like other Asian immigrants, were also subjected to violence and widespread discrimination.

Deeply embroiled in questions of race that shaped citizenship, rights, entitlements, and property ownership, the U.S. has – since its inception – grappled with the fundamental issue of what constitutes whiteness and what counts as legitimate inclusion into mainstream American society. The ever-mutating politics of racialization in the U.S. intersected deeply with Indian and other Asian immigrants to produce specific forms of social and legal inequalities. Prominent court cases, public debates, and policy decisions centered around the presence of Asian immigrants and their rights, labour, and membership shaped this racial discourse further during the closing decades of the 19th century when the law restricted non-white people from acquiring citizenship on the basis of naturalization. Considered non-white, immigrants of Chinese and Japanese descent were denied eligibility for naturalization status. This equation applied somewhat differently for people

from India, who according to the prevalent racial knowledge, were considered part of the so-called Aryan or Caucasian race and were also British subjects. Initially, the Aryan logic allowed many Indians to successfully apply for citizenship. However, in *United States v. Bhagat Singh* (1923), the court reached the decision that Indians were ineligible for naturalization. This case produced a new legal interpretation of race and citizenship incumbent upon unprecedented racial classifications and a fine-tuning of the definition of whiteness. The court ruled that when the founders of the U.S. created the law, by 'white' they meant Caucasian people who, among other things, represented superior abilities and faculties. Indians, despite being considered Caucasians, had not exhibited comparable characteristics befitting the status of 'whites.' Indians' colonized status at the hands of the white race was given prominence to explain and justify their placement in the lower rungs of the social and civilizational hierarchy. Instead of some degree of positive association with being identified as British subjects, this was taken as evidence of Indians' racial inferiority and general inadequacy. This unequivocally disqualified Indians from being considered white despite having been linked with Caucasians in the distant past. Indians, now labeled "brown Caucasians," could not be considered what the founders of the U.S. had meant by "white" or what the common white person understood by the term, and were therefore not white (Takaki 1989). Subsequent to this court decision, the naturalization certificates of dozens of Indians were revoked. The question of being seen as non-white and foreign was not confined to legal niceties, but was also witnessed in widespread attitudes towards Indians and other Asians. Takaki (1989: 295) illustrates a Sikh immigrant's narrative in early 20th century U.S. in this context:

One day a *ghora* (white man) came out of a bar and motioned to me saying, 'Come here! Slave!' I said I was no slave man. He told me that his race ruled India and America, too. All we were slaves (sic). He came close to me and I hit him and got away fast.

European imperialism not only provided lucrative access to the labour of colonized people but also fed the course of U.S. racial politics, which simultaneously subscribed to contemporary Eurocentric notions about the racial purity as well as the cultural and moral superiority of white people. Anti-Asian sentiments, discriminatory regulations, unfair employment practices, expulsions, and exclusionary acts were routinely woven into the social fabric in which Asian communities found themselves. Starting in the 1880s, dozens of anti-Asian laws were passed, which were aimed to restrict Asian immigration, limit or deny property ownership, impose unfair taxes and fees, curtail civil liberties, revoke citizenship status, deport established immigrants, deny them re-entry, and in general marginalize Asian communities (Chan 1991). Faced with these exclusionary policies, the Asian immigrant communities offered resistance by organizing, marching, and filing lawsuits for legal rights and employment (Chan 1991). As their struggle for justice continued, the Indian community became increasingly aware of the consequences

of their colonized status on their treatment in North America. The Immigration Law of 1917 conceived of a “barred zone,” which demarcated most of Asia-Pacific including India, from where immigration was banned. The 1924 Immigration Law further solidified this restriction by applying the immigration ban to virtually all Asians. These policies were not abolished fully until the 1960s, when the Civil Rights movement led by African-Americans and negative public opinion following the Vietnam War intensified international and domestic criticism against the country’s unequal laws and practices.

In 1965, the U.S. Congress passed the Hart-Cellar Act, which abolished the previous system of national quotas for immigration and sought to institute a more egalitarian approach to dealing with immigrants. This policy had two aims: first, to allow established immigrants to sponsor immediate family members for residence under the provisions of family reunification; and second, to address the country’s own burgeoning demand for skilled labour through the provision of occupational preference, which would allow the entry and employment of highly-educated and skilled professionals into the U.S.

Indian Immigration after 1965

The immigration reform of 1965 went into effect within a few years and brought extensive changes to the demographic profile of Asian immigrants, particularly from China and India. Rising demand for skilled workers and the occupational preference clause facilitated the migration of tens of thousands of Indians, who established themselves in professional fields. Since then, this population has increased steadily, as indicated by a rise in numbers from 815,000 in 1990 to 1.89 million in 2000 (Nandan 2007). Income figures from the 1990 census data suggest that Indian households earned \$44,700 compared to \$31,200 for all U.S. households and that 30 per cent of Indians in the work force were employed in professional specialty areas, compared to 13 per cent of all U.S. employees (Mogelonsky 1995). The 1990 census also suggests that immigrant Indian-Americans are among the most educated groups in the U.S. (Fernandez 1998). In the 1980s almost 60 per cent of Indian males were in professional/managerial occupations, compared to 50 per cent by the 1990s. Despite this drop, Indians’ representation in these fields was still twice as high compared to the proportion among all U.S. males (Darity, Guilkey, & Winfrey 1996). Indians are over-represented in managerial, sales, technical fields, but underrepresented in blue-collar work, according to 1990s census data. Census data from the 1980s and 1990s suggest that mean per capita income levels for Indian immigrants was about 115 per cent of the national average (Darity, Guilkey, and Winfrey 1996).

Indian immigrants are lauded as one of the most successful minority communities in the U.S. Indeed, this community has made great strides in terms of educational achievement, high socioeconomic standing, and significant

representation in skilled and professional services. Indians have made notable contributions as artists, journalists, film-makers, educators, and writers. Even children of Indian immigrant parents have gained prominence nation-wide as high-achievers in spelling competitions for several years. Indians appear to have realized the American dream: they have achieved success and upward mobility on the basis of a work ethic and individual drive. A sustained focus on upper- and middle-class success stories, however, obfuscates certain key aspects of Indian communities in the U.S. It prevents an evaluation of the range of institutional inequalities and marginalization that tens of thousands of working class and self-employed Indian immigrants face. It is noteworthy that the level of poverty in the community rose from 7 to 10 per cent from 1980 to 1990 (Darity, Guilkey, and Winfrey 1996).

Indians in working-class occupations — taxi-cab drivers, domestic workers, service-sector employees working as janitors, cashiers, gas-station operators, and entrepreneurs running small businesses — are often excluded from elitist accounts of what constitutes the “real” Indian community and from mainstream analysis of immigrants’ contributions. The economic hardships and exploitation faced by working-class or poor Indian immigrants are frequently attributed to their individual deficiencies. It is argued that family-sponsored relatives of immigrants tend to belong to the lower-middle and working classes and are more likely to hold jobs in the low-wage sector, drive cabs, or run motels, restaurants, convenience stores, and gas stations, given that many of these immigrants lack higher education, other qualifications, and professional employment experience (Balgopal 1999; Mogelonsky 1995). This sort of reasoning normalizes social inequalities and justifies the attitude that these immigrants are to be blamed for the conditions of their existence because this group should not have migrated to begin with if they lacked the “proper” skills and, therefore, they must be prepared to accept certain hardships. Such individualistic views do not take into consideration that despite some decline in the proportion of professionals among those who used kinship ties to immigrate, the share of professionals in this group continues to be high due to the fact that many South Asians using family-ties to migrate are themselves professionals (Lobo and Salvo 1998). It is also the case that the proportion of professional immigrants who have emigrated on the basis of kinship ties has been on the increase since the 1990s.

The above account, while true, is also superficial and precludes an analysis of the following: (a) the underemployment, downward occupational mobility, and discrimination that immigrants face despite having educational qualification and language skills, and regardless of their method of immigration; (b) the acute demand for low-wage and flexible labour in advanced industrialized economies and global cities, where immigrant labour from the third world plays a critical role to maintain these economies’ viability (Sassen 1998); and (c) the impact of the immigration policies of capitalist states in shaping immigrants’ segregation and exploitation in

the labour market, both in the so-called low-skill and low-wage and high-skill and high-wage sectors (Banerjee 2006, 2008).

In the following section, I illustrate Indian immigrant experiences in two different occupational categories and spaces in the U.S.: one, an Indian immigrant-run ethnic restaurant as part of the low-income service economy; and two, the field of information technology (IT), a segment of the high-wage service economy that has employed a large number of Indian IT professionals since the 1990s. The discussions juxtapose immigrants' narratives against the grain of immigration policies and what post-industrial service economy demands of its workers in order to assess how immigrants are invariably assigned into certain occupational categories and spaces of marginalization.

From Teacher to Restaurant Worker: Narratives of an Elderly Punjabi Couple

Singh-ji and his wife, whom I called Auntie-ji, had generously opened the doors of their restaurant to me as I conducted a four-month ethnographic research on the premises of their Indian eatery in 2000. Located in a small city in central New York, this small-sized restaurant with about a dozen four-seat tables served buffet lunches and à la carte dinners to a clientele of local students, professionals, and ethnic food enthusiasts from the general population. During this period, I visited the restaurant several times a week and conducted interviews with this couple and their distantly related fifteen year-old niece, Manpreet, who worked at the restaurant. Our conversations took place as the three of them cooked and served meals or took breaks during slow hours. They discussed their lives, family, experience in the U.S., their nostalgic recounting of events back home, early days as immigrants, and struggles with trying to get their three children living in India to the U.S.

Singh-ji and Auntie-ji, a Punjabi couple in their mid-60s, had emigrated to the U.S. in the 1990s as unified family members of their eldest daughter, who was married to an Indian immigrant and was based in the West coast. Singh-ji had a bachelor's degree in agricultural science and had taught secondary and high school students biology, agricultural science, and general science for 11 years as a school teacher in India. With considerable pride, he would often recount anecdotes about his favorite students' academic success, high honours and ranks at the state board examinations, and subsequent career achievements. Several of his former students had established themselves in the U.S. and helped Singh-ji raise donations for improvements of their school in Punjab. The couple had enjoyed a well-to-do middle class life in India. Singh-ji's school teacher's salary used to be supplemented by income from their farm and modest ancestral property. Auntie-ji was a homemaker and assisted Singh-ji with the family's farm-related matters. Their younger children were in India at the time of this research.

The narratives of this couple raise compelling issues about self-employed immigrant labour in the low-income sector of the service economy. When Singh-ji

arrived in the U.S., he tried to continue his career in teaching in California. As prescribed by local norms, he took the qualifying examinations and got certified. Yet, his credentials could not land him a teaching position and it became clear to him that teaching was not a viable option for a new immigrant, despite his qualifications, experience, and U.S. certification. He applied for other white-collar positions but here too he found it nearly impossible to get well-paying and secure employment. Finally, he accepted the only job options available to him—minimum-wage blue-collar work in farms and small factories. He started in the fruit-packing industry, where the hours were long and the work labourious. Singh-ji recounted how his typical work-day consisted of at least 12 hours with very few short breaks. He needed the money and worked as many hours as possible. He elaborated upon his experience further:

People are underpaid and underemployed, as the education that we come with is not considered comparable. So, people begin with low paying jobs, jobs that pay \$6 or \$7 an hour, even when they have higher degrees...people are fired very easily and quickly here and there is almost no job security. Back home, I used to teach and my job was secured, but once I came here, and began to work as a labourer, I realized that I did not have that security anymore.... The American employers at the packaging place did not want to hire Americans to work and instead preferred to hire Indians. Indians would work as many hours as they could get and did not ask for overtime pay when they worked for more than 8 hours a day, which we did very frequently...Most of the jobs involved hard labour and long hours. At one place, we prepared bills and would work for 12 hours total and get 3 breaks, one for 30 minutes and two for 15 minutes each. Sometimes there was not enough work and the workers would be asked to leave after 3 or 4 hours, but they also asked us to return the next day. The employers seemed to call the Indians most frequently, as we would work as much as possible, come to work anytime that they asked us to come, and we were not slackers.

This narrative underscores some of the realities immigrants (particularly, immigrants of colour) face in the job market: inability to find employment commensurate with education and experience, downward mobility, underemployment, and the pressure to accept blue-collar work despite previous professional employment. Paucity of consistent work, sporadic schedules, long-hours, and low-wages without benefits or over-time describe the service sector thriving on the availability of immigrants (Sassen 1998). Moreover, immigrants' fragile economic and legal status also renders them vulnerable and attractive to employers looking for relatively docile workers willing to accept sub-standard work conditions.

During this conversation, Singh-ji drew my attention to his roughened and callused palms. He said, "All that physical work, pulling and carrying with the hands, have permanently made them so hard." After working in this factory for some time, Singh-ji started a new job as an agricultural worker at a farm and described his experience as follows:

I used to wake up long before sunrise and walk to this place, where the farm's vehicle used to pick us up. We would all get in, me and many others, some Mexicans also. Then there

was a long drive into the fields. Of course, they charged us for this ride, out of our wages. We started early and would go on for hours. There was nothing within miles and miles. Just the farm. So if we needed a break, there was nothing really. There was no shade, no place to sit down to rest, no bathroom, nothing. You also had to carry your own water and food, of course. Where else would you go? I used to work all day. In the evening, again, they would bring us back and drop us off at that point. And again, the next day, I would start over before sunrise.

After a few years of work in small factories and farms, the couple was able to purchase the restaurant business from another Indian friend, with the help of resources from family and acquaintances, and they moved to central New York. Their economic and personal hardships, however, did not change substantially despite a shift in status to self-employed entrepreneurs. Singh-ji's schedule and nature of work remained just as demanding as his previous employment in factories and farms. For seven days a week, the restaurant stayed open from 10 am to 10 pm, with one short break between 3 pm and 5 pm due to slow business. For Auntie-ji, life in the U.S. was encapsulated by arduous work alone. With unmistakable sadness, she reflected:

Here, we are so busy all day! We have to work all day. We go from the restaurant to home to back in the restaurant. We get up early in the morning. We have to be at the restaurant by 9:30 and begin to prepare the buffet lunch, which starts at 11:30. Then we get a break from mid-afternoon to 5, when the restaurant reopens. By the time dinner is over and we get home to bed, it's past midnight! I barely get time to do anything else. Just enough minutes here and there to say my prayers!

To make the business profitable, they kept long hours and minimum expenditures. Manpreet's labour subsidized their labour costs further. Manpreet's parents lived in another state in the U.S. and she was sent to work at the restaurant. Unfortunately, her school education was put on hold temporarily. She explained:

My uncle is saving my salary for me and pays for everything if I need it. And when I am back in school, he will of course help me with that.

The viability of immigrant-run restaurants and shops is frequently dependent on the subsidized or even unpaid labour of relatives and close-acquaintances, particularly young girls and women (Dhaliwal 1998). Despite their cost-saving strategies, the couple's income from the restaurant continued to be low. Both Singh-ji and Auntie-ji observed how little they managed to save when faced with unending expenses for their restaurant's maintenance and renovations, and the responsibility of their three children in India, who were dependent on their income. On multiple occasions, Auntie-ji poured out her deeply emotionally narrative about their difficulties. She often mentioned that she saw her life as being defined by long hours of work, miniscule earnings, escalating expenses, and worries about financial insecurities. To make matters worse, they had their share of health problems exacerbated with advancing age.

The couple often noted that their grueling schedules, low income, and immigration status were inter-related problems and together informed their separation from family. Discussing the hurdles of bringing his children from India to the U. S., Singh-ji said:

There are problems with bringing the children into this country. You need a certain level of yearly income for a certain number of years to be able to apply to bring your kids here. I am able to apply for them only after I meet those requirements. By the time parents are able to raise their incomes, many years pass, and by that time the children grow up.

The intersecting constraints of U.S. immigration laws and their employment in the low-income service sector shaped their daily battles with isolation and feelings of helplessness. The couple's low earnings not only complicated the process of upward mobility, but also extended the costly process of sponsoring the emigration of their children from India under family-reunification laws. Auntie-ji pointed out the irony of having to work such long hours to gather enough funds to bring her children only to be faced with the reality of not being able to achieve that goal despite backbreaking work. Auntie-ji's words below capture the depth of her feelings of separation from family and community life and the added difficulties of addressing life's problems as immigrants:

People have many problems here. In India, we are in control of our lives. We can keep in touch with people, if need be, do something about a problem. We are so busy with work, running this place trying to save some money and so far from my children, that we often cannot do anything if they are going through any trouble. When we return home after work, we sometimes cry, sometimes laugh, sometimes we read and re-read the letters that come from home and that's how we spend our time.... I do not like it here at all! I really dislike living here. Other people might like it, but I hate it. You know, in California, all the women that I knew had the same opinion. I often met many Indian women in the temples or Gurdwara and nobody liked it. Each one of them had left children or parents back at home, just like me. My two children are still in India. Although my sister takes care of them, my heart still bleeds for them. You know, not for one night, until the time I came here did I stay without them. And look at things now! It feels like a fish that is out of water.

When I asked the couple about their social life and leisure time, Singh-ji said:

I have no friends. It is so strange that you asked me this question today! I filled out a form today and they asked me to write down a friend's name. Guess whose name I put down? I put down my daughter's name, the one who lives in California. I have no time for friends or any social life. I have no holidays. We work seven days a week, from the morning to late at night. So, my social life is zero and that is so different here from India. There you get at least Sunday off.

The overlapping issues underscored above had tremendous consequences on the aging couple's emotional and physical health. Their inability to afford health insurance or have the safety-net of retirement benefits or savings further complicated matters. Auntie-ji suffered from sleeping disorders, severe headaches, a weak back, and walked with a lot of pain. Without a doctor and medical care, their only treatment

came in the way of stock-piled medicines for common illnesses from previous visits to India.

Indian IT Workers and the Construction of Immigrant Status under the H-1B Visa

This section of the paper draws on my qualitative research conducted in the U.S. and India between 2001 and 2005, and addresses how contemporary immigration and work visa policies in the U.S. facilitate the employment of thousands of Indian IT workers in highly flexible and exploitative terms.² The restructuring of the global economy, starting from the mid-1970s and continuing on with more intensity since the 1980s and 1990s, was based on the growing importance of technology. Information technology or IT was the fulcrum that coordinated the internationalization of production and influenced virtually every process of business, including the management of global supply chains, production, stocks, human resources, payroll, retail, marketing, and advertising to name only a few. This is supposed to have created an enormous demand for skilled labour, prompting U.S. companies to intensify the recruitment of skilled immigrants for IT occupations since the 1990s. Despite countless inconclusive debates about whether a deficit of IT workers actually existed to justify the employment of tens of thousands of workers from overseas, corporate lobbies succeeded in providing evidence and convincing the U.S. government that such a shortage in fact existed and that the fate of U.S. competitiveness at a time of heightening globalization was critically tied to its ability to employ IT workers from other countries.

Unlike in the post-1965 immigration reform era, when demand for skilled labour was met with hiring immigrants under the occupational preference system which allowed for more permanent and stable immigration status conducive to settlement, the period starting in the 1990s set in motion a rather different approach to employing overseas workers resulting in immigrants' marginalization in deeply racial and gendered terms. This time immigrants were hired under a temporary visa, namely the H-1B. The H-1B visa program, designed to offer U.S. employers the ability to meet labour needs when faced with a labour shortage, provides the foundation for hiring overseas workers in 'specialty occupations' requiring at least a bachelor's degree and associated skills and experience. This visa enabled an unprecedented trend of labour recruitment from India and given its significance has been dubbed the "workhorse of the IT industry" (Ayers and Syfert 2002: 540). It is estimated that workers on the H-1B visa comprised about one-sixth (1/6) of the total IT workforce in the U.S. during the late 1990s (OECD 2002:2). Indian nationals have constituted an overwhelming majority among IT professionals on the H-1B (Lowell 2000). In 1999, 60 per cent of all H-1B visas went for hiring workers in IT and about 75 per cent of all immigrant IT workers on this visa were from India (U.S. GAO 2000). About half of all H-1B workers in 2001 were from

India (U.S. DHS 2003). This trend of Indian over-representation continued over the years and the demand for H-1B slots remained extremely high with visa applications outpacing supply until the most recent global economic downturn.

The shift in the method of inducting immigrants — from a more permanent basis to their incorporation into the economy in previous decades followed by an emphasis on temporary work-visa based short-term entry into the country starting in the 1990s — is paralleled by another significant contemporaneous trend: flexible hiring. Employment patterns in the so-called high-skilled and high-wage services sector, including IT, have been rapidly changing in response to companies' desire for flexible and temporary hiring (Barley and Kunda 2004; Benner 2002; Smith 2001). To minimize operations costs and respond without delay to the rapid demands of the market without sustaining the cost of maintaining permanent employees, companies started to externalize their labour needs to a wide array of intermediaries: e.g., staffing agencies, subcontractors, in-house service providers, consulting companies, web-based labour brokerage firms, as well non-employee consultants and independent contractors. Subsequently, flexible, contingent, and short-term contractual work arrangements in the high-skill services sector increased accompanied by cycles of joblessness and underemployment, insecurity, deskilling, lack of career mobility, and reductions in income and benefits (Barley and Kunda 2004; Benner 2002; Carnoy, Castells, and Benner 1997; Smith 2001).

The move toward recruiting IT workers on the H-1B on a temporary basis complements the mandate of flexible hiring under neoliberal labour regimes in general. The defining feature of the H-1B is that it is an employment and employer-dependent visa. An employer seeking to hire a skilled worker who is not a permanent resident or citizen has to petition to the government to approve an H-1B visa on the company's behalf to enable this employee to work in the U.S. for that specific employer only. Therefore, these employees' eligibility to work and stay in the U.S. depends entirely on being employed by the company authorized by the state to hold their visas. Without their visa-holding employer, these immigrants have no independent legitimacy to either work or live in the U.S. Consequently, if fired, these workers lose their status and become liable to deportation unless they find employment with another company willing to transfer their work visa. The H-1B is issued for three years initially and may be renewed for three more following a petition for extension. An immigrant on the H-1B, however, may lose work and immigration status at any given point during this time if faced with a lay-off.

These visa stipulations have impacted immigrant IT workers on the H-1B in critical ways. The H-1B visa's requirement that non-U.S. workers be hired directly by U.S. employers has partly contributed to their disproportionate concentration as contract workers employed by labour vendors in the lower tiers of subcontractual work (Banerjee 2006). Increasingly, U.S. companies are accessing IT labour through consulting companies and labour vendors who manage projects and also supervise

contract workers. Consulting firms, like their clients, have minimized direct hiring given the appeal of flexible hiring. This lack of interest in direct hiring creates a dilemma for those individuals who are required by law to have *an employer* to process and hold their H-1B visas. The corporate sector in the U.S. has resolved this impasse: the time-consuming and expensive process of large-scale recruitment and subsequent employment of non-U.S. workers is delegated to a subset of companies or labour-vendors (sometimes referred to as Bodyshops). It becomes the responsibility of these subcontractors to aid entry and hiring of skilled workers from India in need of an employer and employment-based work authorization in the U.S. such that the entire range of businesses can benefit from their labour without assuming any responsibilities.

Moreover, given the fact that the terms of the H-1B have equated employment, work authorization, and legal status, the visa has created a unique equation of employer-dependence for immigrants at various levels (Banerjee 2008). Nitin, an Indian immigrant on the H-1B working for a client in banking, highlighted how the visa has been instrumental in making distinctions based on legal status and work eligibility.

The biggest difference we feel as H-1B workers compared to green card holders or citizens is that they do not need to rely on a company for their legal status in the U.S. or to work. We do. Without the H-1B, we have no status. So, before we think of anything else, we have to think about staying in status which immediately means being employed with a company who will hold my visa.

Like Nitin, other research participants used words such as “bound,” “tagged,” and “governed by employers” to express their sense of restriction, subordination, and general inability to negotiate the labor market independently without being tied to employers. As a result of being dependent on employers for legal status, immigrant IT professionals were often forced to accept unfavourable terms of payment, take on the responsibility of searching for client projects in order to generate revenue for their labour-vendor employers, and relocate frequently to new project locations in different parts of the country to ensure their employed status. This form of socially constructed dependence on employers has severely compromised these immigrants’ bargaining power and heightened their vulnerability in an employment regime already fraught with chronic job insecurity and transience associated with flexible hiring.

Discussion

What is the sociological significance of the narratives shared by Auntie-ji and Singh-ji and those of the IT professionals and how do we interpret them to gain a better understanding of the intersections among the state, the global economy, and immigration? If neoclassical economics-based migration theories are used to frame their narratives, then unfortunately we are left with a rather simplistic analysis:

that the couple's migration, facilitated by a form of network or chain migration through family-members, is a reflection of people's movement from low-wage countries to high-wage countries based on individual rational choice subsequent to cost-benefit equations about the potential rewards of migration. This argument about wage-differentials would also be applied to explain the migration of Indian IT professionals. This view, entrenched in ahistorical assumptions of high and low-wage countries, does not take us beyond the framework of rational-choice individualism in favor of migration to high-wage economies. Furthermore, the immigrants' hardships get lodged within a quintessential lineage of struggles that all immigrants—white and non-white—experience in their quest to improve their lives. But, the immigrant biographies of Singh-ji and Auntie-ji in the lower-income service sector along with those of the IT professionals in the much higher-salaried skilled sector, compel us to probe deeper and figure out the institutional and structural bases of their experiences.

Theories of migration informed by World-systems theory and a critique of transnational capitalism draw our attention to the ways in which international migration is linked with the course of capitalism and the socioeconomic and political processes of expanding global markets (Cheng and Bonacich 1984; Sassen 1998). As such, it reveals the following relationships: expansion and entry of capitalism in the developing world play a central role in international migration; capital penetration, e.g., foreign direct investment, frequently results in the transformation of economic infrastructure, which in turn leads to displacement and dispossession causing migration; former colonial linkages serve as a catalyst in capitalist expansions and economic shifts associated with labour recruitment and international migration; governments of advanced capitalist countries protect their economic interests overseas through political and economic interventions, which cause conflict, displacement, and refugee problems and thus lead to migration (Massey *et al.* 1993).

As rates of profit decline over time, due to factors such as rising cost of labour and saturated markets, capital needs to expand its scope for continued profitability. This requires access to new markets for cheap goods, raw materials, and labour. Internationalization of production, therefore, is associated with a relative scarcity of labour, i.e., not an absolute shortage of people to employ but a shortage in the supply of cheap and powerless workers (Sassen 1988). The employment of immigrants in advanced industrialized countries and third world labour in global factories and export-processing zones satisfy this kind of labour demand. The shift towards post-industrial service-based economies in advanced capitalist states, a corollary of globalization, has also been accompanied by an increased demand for labour in flexible terms both in the low-wage and high-wage service sectors and, in both cases, immigrants encounter a range of discriminatory practices as a consequence of racialized immigration policies. In the U.S., immigrants provide

this labour as cooks, cleaners, domestic- and care-workers in the low-wage services, and as skilled professionals in the high-end sector.

Singh-ji and Auntie-ji represent small-business owning immigrants, whose labour is essential for keeping the cost of services low and affordable. All their economic and personal survival strategies — pooling family resources, tapping into unpaid family labour, keeping consumption low, working extra hours — not only keep their restaurant viable but also subsidize the cost of the service they provide for consumers. Immigration policies and attitudes towards immigrants also contribute to their hardship and facilitate their induction into the labour force in exploitative terms. For example, as new immigrants on Green Cards (permanent residence status) sponsored by family members, this couple could only operate within a narrow margin of entitlements or safety nets from the state. Without citizenship status, they could not apply for social benefits for the elderly. This not only exacerbated their health conditions, but also made them work harder, at the risk of jeopardizing their health further, to make provisions for emergency health costs among other things. Moreover, this couple also had to aggressively increase their savings so that they could provide evidence of possessing a certain amount of wealth to make them eligible to sponsor their younger children who remained in India. This protracted wait complicated matters further. One of their children had already crossed the age of 18, which made it harder for him to emigrate to the U.S. as a dependent child. The couple was also distressed about their daughter, whose marriage had to be delayed indefinitely given that it becomes more difficult to sponsor a married daughter or son.

The couple's narratives allow us to see the structural barriers that people face given the impact of economic shifts and immigrant status. Singh-ji's experience with difficulties in finding work commensurate with his education resonates with experiences of professional immigrants who are under-employed or of new immigrants who, despite college degrees, often find employment in the low-wage service sector. The non-recognition of foreign degrees in the U.S. has prevented many immigrants from getting jobs commensurate with education and experience in the high-wage sector. Numerous studies have concluded that Asian immigrants, including Indians, who are self-employed in the ethnic economy have high levels of education and experienced difficulties in finding employment in professional services (Rajman and Tienda 2000; Yoon 1997). The irony is clear in the words of the U. S. Commission on Civil Rights. "These immigrants are encouraged to immigrate — given preference by our immigration laws...Yet...these same men and women are often told that their educational credentials are inadequate, their experience inapplicable, and their certification not recognized" (quoted in Abelman and Lie 1995: 127). Indians' experience of low returns on income and career advancement despite their educational backgrounds and professional experiences has led many to opt for self-employment (Fernandez 1998). During the five years

between 1982 and 1987, the number of Indian businesses in retail and services increased by 120 per cent. In 1994, out of the 28,000 budget hotels in the U.S., 12,500 (about 45%) were owned by Indian immigrants (Mogelonsky 1995). A large number of Indian entrepreneurs in Silicon Valley experienced discrimination and career stagnation as skilled professionals, which led them to quit their jobs and begin their own ventures in the IT sector. Factors related to under-employment and glass-ceilings in the labour market partly explain this increase in Indian-owned businesses.

One can see how a range of inter-linked factors converge to construct this immigrant couple as inexpensive and self-subsidizing workers, whose placement in the lower-end of the service economy in marginalized terms benefit the economy. Singh-ji's transition from low-wage work in factories and farms to self-employed entrepreneurship had not improved the quality of the couple's standard of living substantially. The quality of life that owning the restaurant offers underscores the substance of the economic conditions in the lower-tiers of the service economy, whose viability is predicated upon the availability of immigrant labour rendered exploitable through the intricacies of immigration policies. The couple's daily struggles — constituted by restricted access to employment appropriate to education, long work-hours, poor quality of life, low income, dependence on family labour, inadequate leisure, occupational hazards, financial instability, age- and stress-related health problems, lack of health insurance, isolation from friends and family, and the challenge of negotiating complicated immigration laws for reunification with children in India — were not outcomes determined by their skill levels, method of migration, or even the serendipity of their individual circumstances. On the contrary, they were a function of the demands made on immigrants placed into the low-income service economy as mandated by the dictum of post-industrial capitalism. The state's immigration policy, of course, facilitates the process.

We see the manifestation of comparable socio-structural dynamics in the context of how work and legal status are organized for Indian IT professionals placed as temporary and contingent workers. The neoliberal economy's preference for flexible hiring, in particular the incorporation of immigrants in flexible terms, along with the nuances of the H-1B visa have made immigrant IT workers especially vulnerable to exploitation in numerous ways (Banerjee 2006). First, Indian IT professionals are far more likely to find themselves at the bottom tiers of the subcontracting hierarchy than their U.S. counterparts.³ Second, large portions of their salary are deducted as commissions by the various subcontractors. A study based on data from the U.S. Department of Labor concluded that although workers on the H-1B visa are supposed to be paid the prevailing wages of the market, IT workers on this visa earn about \$13,000 less per year on average than their U.S. counterparts in similar occupational categories and geographic areas (Miano 2005). Third, interviewees felt the H-1B placed them in a relationship of dependence to their

employers and greatly compromised their autonomy. Fourth, employers routinely exploit their visa-dependent workers: arbitrary demands for higher commissions, rent, and other hidden fees and charges in the name of health care or visa sponsorship are not uncommon. Fifth, Indian IT workers on the H-1B described their recurrent “bench” periods — the time between consecutive projects, often characterized by salary-cuts and the fear of an imminent lay-off — as one of the most demoralizing and anxiety-ridden aspects of their experience. In order to preserve their livelihood and legal status, these workers assume the responsibility of finding their own projects and in general feel the pressure to act in ways that would not risk their employment. Sixth, immigrants subject themselves to considerable hardships and unstable work conditions. Interviewees outlined the difficulties of their lives informed by, for instance, frequent relocations, frugal lifestyles to recompense episodic unemployment, keeping possessions minimal to ease the burden of repeated unreimbursed moving, deferring the establishment of long-term households, delaying marriage or having children, and separation from family. These conditions illustrate the far reaching consequences of the ways in which the mandate of flexible accumulation, temporary hiring, and the terms of the H-1B visa have co-produced a very specific category of vulnerable and subordinated workers out of immigrants in the era of neoliberal globalization.

Despite significant changes in the course of capitalism and improvements made in labour standards and civil liberties, the substance of the ways in which immigrants are rendered vulnerable and their status made conducive to flexible accumulation have remained stable and analogous. During the capitalist expansion between the late-1800s and the early 1900s, a wide range of anti-Asian policies informed the vulnerability of Indian labourers, which made this workforce available in highly flexible and inexpensive terms. In recent decades, similar forces have also been at work to produce comparable outcomes, irrespective of changes in their external manifestations. Post-industrial capitalism’s labour needs, whether in the low-income or high-income service sectors, are highly dependent on immigrant labour (Sassen 1998). Like other immigrants, Indians employed in either category encounter an immigration system that continues to position them in ways that perpetuate their economic and legal marginalization and make their labour available in highly lucrative terms. By drawing upon the experiences of Indian immigrants working in the two tiers of the service economy of the U.S. today, this essay has underscored the historical centrality of institutional forces embedded in capitalist expansion and state policies as they collectively facilitate the convenient access to securitized immigrant labour.

Notes

1. This category is no longer in use.
2. My doctoral work included over 40 in-depth interviews with IT professionals, managers, and recruiters, field-site visits at IT companies in the U.S. and in India, and was combined

with perspectives from archival research and textual analysis of documents from U.S. Congressional hearings on immigration and labor policies, Indian government's development and IT policies dating back to the 1950s, and materials from international organizations such as the WTO, UN, and OECD.

3. U. S. citizens and permanent residents (Green Card holders) need not rely on employers for their legal status and therefore tend to be employed with larger consulting firms, which deal directly with the clients.

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