



Written by [R. Cort Kirkwood](#) on May 17, 2021

Big Tech Coalition Seeks Court Order to Give Jobs to 90K Foreigners

A coalition of Big Tech companies wants a federal court to authorize work for 90,000 immigrants because their spouses are foreign workers.

Led by Google, the group has filed an amicus brief with the U.S. District Court in Washington, D.C., that, if successful, would mean those immigrants, almost all women, could work here under an [H-4 visa](#). The government provides those visas to the spouses of workers with [H-1B visas](#).

The group is fighting Save Jobs USA, which is trying to block the H-4 immigrants from stealing jobs from Americans.



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Motion for Summary Judgment

Save Jobs USA is a group of high-tech computer workers once employed by [Southern California Edison](#), which replaced them with H-1B workers. At issue is regulation from the Department of Homeland Security that permits H-4 visas holders to work. Last month, [Save Jobs USA filed](#) a motion for summary judgment to overturn the rule.

The rule is “designed to increase the amount of foreign labor in the United States and circumvent statutory protections for American workers by allowing — without authorization in the statute that governs the visas for both H-4 dependents and their spouses — certain aliens with H-4 visas to work in this country,” the motion says.

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But “Congress did not delegate to DHS general authority to authorize aliens to work” because the “statutory terms of the H-4 visa do not authorize employment,” the motion argues:

No provision in the [relevant statute] explicitly delegates to DHS (successor to the Attorney General) the authority to define classes of aliens eligible for employment. The Supreme Court “expect[s] Congress to speak clearly if it wishes to assign to an agency decisions of vast ‘economic and political significance.’”

As well, Congress has repeatedly rejected efforts to permit H4 visa holders to work, the motion argues, and the “system Congress established for admitting foreign labor does not contemplate that the executive has general authority to permit aliens to work in the United States.”

The pro-American group also argues that the rule is unconstitutional because it violates the separation of powers. The rule’s authority “would require an unconstitutional transfer of legislative power to the



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executive.”

Last, the regulation “is arbitrary and capricious because DHS’s conclusion that adding 179,600 new workers in one year will have ‘minimal impact’ on U.S. workers has no basis in fact.”

Big Tech Answers

The coalition of globe-straddling corporations, including Apple, Amazon, and Microsoft, [argues that](#) overturning the rule “would result in these talented individuals being barred from the workplace.”

As well, “the results would be utterly destructive for the families ... 87% of these families have made crucial life decisions on the promise of H-4 employment, including whether to have a child and whether to buy a house.”

That wouldn’t be a problem if Big Tech hadn’t packed its offices to the rafters with Third World immigrants. That truth aside, “H-4 visa-holders [are] integral parts of their teams, helping to power critical projects and deliver value to their customers and clients,” the brief argues.

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Big Tech argues that H-4 visa holders are “a vital component of the immigration system” because they are “skilled, motivated, and vibrant individuals” who “contribute immediately to America’s overall economy and the nation’s continued global economic competitiveness.”

As well:

The loss of employment authorization would result in lost income, leaving some families unable to pay their bills — a result that is already occurring at an alarming rate due to government delays in processing employment authorization paperwork.

Such unexpected job losses are especially harmful in this context because the vast majority of families with H-4 work authorization have made major, and frequently irreversible, life decisions in explicit reliance on the economic security provided by H-4 employment.

H-4 visas holders are depressed, the brief says.

Foreign workers start companies that employ displaced workers, which offsets job losses among real American. And if the H-4 visas holders don’t work here, they will “take their talents to other nations — the United States’ competitors on the global stage — whose policies and attitudes toward high-skilled foreign workers are more welcoming,” the brief claims:

Indeed, the effects are already starting, with families affected by H-4 processing delays implementing plans to emigrate to Canada.

Last, the brief argues that “DHS enjoys ample statutory authority — confirmed by longstanding congressional acquiescence and active ratification of the government’s practice—to permit categories of lawfully admitted noncitizens to work.”



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U.S. District Judge Tanya Chutkan, an immigrant, will rule on the case.

Immigrant Judge

Not surprisingly, at least three major figures in the case are immigrants. Google CEO [Sundar Pichai](#) is an Indian immigrant. [Satya Nadella](#), another Indian, runs Microsoft.

Additionally, the background of the judge doesn't bode well for Save Our Jobs USA. [Tanya Chutkan](#), appointed by Barack Hussein Obama, is an immigrant from Jamaica.

Chutkan is a hard-line leftist. In 2017, she ordered the Office of Refugee Resettlement to permit an immigrant girl to get an abortion. In 2019, she also enjoined the federal government from using its then-new lethal injection cocktail.

The judge will rule sometime after the last briefs [are filed](#) in June.

H/T: [Yahoo News](#)



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