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Tech Recruiting Clashes With Immigration Rules

By [MATT RICHTEL](#)

MOUNTAIN VIEW, Calif. — Where's Sanjay?

The question comes from one of dozens of engineers around a crowded conference table at [Google](#). They have gathered to discuss how to build easy-to-use maps that could turn hundreds of millions of mobile phones into digital Sherpas — guiding travelers to businesses, restaurants and landmarks.

"His plane gets in at 9:30," the group's manager responds.

Google is based here in Silicon Valley. But Sanjay G. Mavinkurve, one of the key engineers on this project, is not.

Mr. Mavinkurve, a 28-year-old Indian immigrant who helped lay the foundation for [Facebook](#) while a student at [Harvard](#), instead works out of a Google sales office in Toronto, a lone engineer among marketers.

He has a visa to work in the United States, but his wife, Samvita Padukone, also born in India, does not. So he moved to Canada.

"Every American I've talked to says: 'Dude, it's ridiculous that we're not doing everything we can to keep you in the country. We need people like you!'" he said.

"The people of America get it," he added. "And in a matter of time, I think current lawmakers are going to realize how dumb they're being."

Immigrants like Mr. Mavinkurve are the lifeblood of Google and Silicon Valley, where half the engineers were born overseas, up from 10 percent in 1970. Google and other big companies say the Chinese, Indian, Russian and other immigrant technologists have transformed the industry, creating wealth and jobs.

Just over half the companies founded in Silicon Valley from the mid-1990s to the mid-2000s had founders born abroad, according to Vivek Wadhwa, an [immigration](#) scholar working at Duke and Harvard.

The foreign-born elite dating back even further includes [Andrew S. Grove](#), the Hungarian-born co-founder of [Intel](#); [Jerry Yang](#), the Taiwanese-born co-founder of [Yahoo](#); Vinod Khosla of India and Andreas von Bechtolsheim of Germany, the co-founders of [Sun Microsystems](#); and Google's Russian-born co-founder, [Sergey Brin](#).

But technology executives say that byzantine and increasingly restrictive visa and immigration rules have imperiled their ability to hire more of the world's best engineers.

While it could be said that Mr. Mavinkurve's case is one of a self-entitled immigrant refusing to live in the United States because his wife would not be able to work, he exemplifies how immigration policies can chase away a potential entrepreneur who aspires to create wealth and jobs here.

His case highlights the technology industry's argument that the United States will struggle to compete if it cannot

more easily hire foreign-born engineers.

“We are watching the decline and fall of the United States as an economic power — not hypothetically, but as we speak,” said [Craig R. Barrett](#), the chairman of Intel.

Mr. Barrett blames a slouching education system that cannot be easily fixed, but he says a stopgap measure would be to let companies hire more foreign engineers.

“With a snap of the fingers, you can say, ‘I’m going to make it such that those smart kids — and as many of them as want to — can stay in the United States.’ They’re here today, they’re graduating today — and they’re going home today.”

He is opposed by staunch foes of liberalized immigration and by advocates for American-born engineers.

“There are probably two billion people in the world who would like to live in California and work, but not everyone in the world can live here,” said Kim Berry, an engineer who operates a nonprofit advocacy group for American-born technologists. “There are plenty of Americans to do these jobs.”

The debate has only sharpened as the country’s economic downturn has deepened. Advocates for American-born workers are criticizing companies that lay off employees even as they retain engineers living here on visas. But the technology industry counters that innovations from highly skilled workers are central to American long-term growth.

It is a debate well known to Google, and it is a deeply personal one to Mr. Mavinkurve.

An Eye on America

Sanjay Mavinkurve (pronounced MAY-vin-kur-VAY) was born in Bombay to working-class parents who soon moved to Saudi Arabia.

He thought everything important in life was American — from Baskin-Robbins and [Nike](#) Airs to the Hardees’s and Domino’s in the food court at the shopping mall. When in the car, he and his older brother played a game, naming all the things they could see that came from the United States.

“I know this sounds romantic, but it’s true: I always wanted to come to America,” said Mr. Mavinkurve, lanky, with bushy hair and an easy smile. “I admired everything in the way America portrayed itself — the opportunity, U.S. Constitution, its history, enterprising middle class.”

When he was 14, he and his brother were accepted at Western Reserve Academy, a private school in Cleveland, and received scholarships. During his senior year, Mr. Mavinkurve finished near the top of his class, ran cross-country and track, and scored 1560 out of 1600 on the SAT.

Next stop: Harvard. His freshman year, he won the prize for best essay written in French, a comparison of books by Annie Ernaux. His friends described him as social but with a quiet, determined work ethic. He took the toughest classes, and to make money he took a job cleaning toilets in the dorm.

He remained patriotic; on his dorm wall, he hung an American flag his brother had purchased at Fort McHenry in Baltimore, where “The Star-Spangled Banner” was written.

But he knew he could lose his immigration status after he graduated and his student visa expired. So he decided to major in computer science, which he understood to be in demand, and entered a four-year program for a master’s

degree.

In 2003, his final year, he and three friends decided to build a Web site where college students could connect. Mr. Mavinkurve wrote the computer code. Eventually, the team disbanded, although some of its work evolved into Facebook. He had helped create the foundation for a product that has become a national sensation.

He started at Google in August 2003, as a product manager on the teams that developed Google News and the Google toolbar, then worked on the look and feel of the video search, and on the early versions of Google Maps for cellphones. He developed a reputation for helping design the way the products look, and making them simple to use.

Still, he had ample reason to worry about his visa status, given the limits on how many visas are issued for skilled immigrant labor.

It is a category whose significance has been growing since the 1920s, when politicians and business executives started recognizing the value of skilled immigrants. After World War II, companies began actively recruiting scientists, among them [Nobel Prize](#) winners, from around the world.

The emphasis on skilled labor was codified in the Hart-Celler Immigrant Act of 1965, which said that for 20 percent of immigration spots, candidates with certain skills would get preference to stay indefinitely, though that 20 percent also included the family members of those skilled immigrants.

(At the time, 74 percent of visas were given to people to be reunited with family members here, and 6 percent for political refugees from the Eastern Hemisphere.)

Reflecting the growing importance of technology — and responding to industry lobbying — in 1990 Congress set aside 65,000 temporary work visas, known as H-1B visas, for skilled workers. The visas, which are sponsored by companies on behalf of employees, permit three years of work, with an automatic three-year extension.

The limit was raised twice as the technology sector boomed, to 115,000 in 1999 and to 195,000 in 2001. But those temporary increases were not renewed for 2004, and the number of H-1B visas reverted to 65,000. (There are an additional 20,000 H-1B's for people with graduate degrees from American universities.)

Since 2004, there has been a growing gap between the number of H-1B visas sought and those granted, through a lottery. In 2008, companies made 163,000 applications for the 65,000 slots. Google applied for 300 of them; 90 were denied.

In 2004, Mr. Mavinkurve was one of the lucky ones. “You can be very proud,” said the congratulatory e-mail message he received from an immigration lawyer at Google.

Good fortune followed at Google. In honor of the country that made it possible, on June 14, 2004, Flag Day, Mr. Mavinkurve made a laser print of an American flag and taped it to a white board in a Google hallway. The flag remains.

When Google went public that August, Mr. Mavinkurve was on his way to becoming a multimillionaire.

“I remember quantifying: for each dollar the stock goes up, I make more than my mother and father make together in a whole month at work,” he said.

Indeed, recent immigrants like those at Google have been successful.

“The thing distinctive about this generation, and I think unprecedented, is that they are coming with the highest level of skills in the leading industries,” said AnnaLee Saxenian of the school of information at the University of California, Berkeley.

She added that this was acute in Silicon Valley because of its entrepreneurial culture.

“You don’t see immigrant success at any other place in the U.S. at anywhere near the same scale,” she said.

The Guy With the Answer

The role Mr. Mavinkurve played in Google’s success was on stark display in early 2007, when the company’s map-making team faced a problem that even the best and brightest could not solve. The team met in Winnipeg, one of many conference rooms at Google headquarters named for foreign cities, like Algiers, Tunis and Haifa.

International tributes take other forms; over cubicles in one building hang flags from dozens of countries. The cafeteria, where much of the fare is ethnic, includes Indian and Chinese food stations.

These touches are appropriate. Of Google’s 20,000 workers, 2,000 were born abroad and work on temporary visas, while numerous others (the company would not disclose how many) have become American citizens or been granted permanent residency, the so-called green card status.

The work force is international, and so is the company’s market. With the mobile phone, Google believes it can expand in places where reaching the Internet over computers is difficult, and create advertising-supported versions of maps and other services so consumers can effectively use the services free, exchanging not money, but attention.

But back in late 2006, maps produced by the service were taking too long to download and appear on phones. As customers waited for the maps to form, they racked up huge bills from cellphone providers, which at the time were charging for every minute or every byte of data transferred.

Enter Mr. Mavinkurve, who floated an alternative: cut the number of colors in each map section to 20 or 40 from around 256. The user would not see the difference, but the load times would be reduced 20 percent.

Mr. Mavinkurve used a rare combination of creativity, analysis, engineering and an understanding of graphics to find a solution that had eluded the rest of the team, said Mark Crady, a manager in the maps group.

“He’s one of the best U.I. guys I’ve ever seen,” Mr. Crady said, referring to user interfaces. “Google Maps for mobile reflects Sanjay.”

Many innovators in Silicon Valley come from overseas; 42 percent of engineers with master’s degrees and 60 percent of those with engineering Ph.D.’s in the United States are foreign-born.

Foreigners also spur innovation by broadening understanding of consumers abroad. For instance, on the advice of Chinese-born workers, Google dotted its mobile maps for China with fast-food restaurants, which locals use as navigational landmarks.

When Google cannot get visas for people it wants to hire, it seeks to accommodate them in overseas offices, like the bureaus in Britain and Brazil from which map-team members attend meetings via video conference.

That work-around presents a number of drawbacks, one of which is especially apparent when one worker is in California and a colleague is in India.

“It’s 11 hours to Hyderabad,” Peter Norvig, director of research for Google, says of the time difference. “We do video conferences where we’re up late and they’re up early. Maybe a video conference is as good as a formal meeting, but there are no informal meetings. As a result, we lose the pace of work, and we lose trust.”

The larger risk is employees growing unhappy working at a distance, or foreign companies recruiting them.

For his part, Mr. Mavinkurve, in Toronto, typically talks with colleagues via video conference, e-mail or instant message. But he does fly twice a month to headquarters and once a month to Britain, his life a whirlwind of time zones and virtual interaction.

For Google and Mr. Mavinkurve, working here would be better. The trouble is, he fell in love.

Stuck North of the Border

He sits at a rooftop pub in Toronto, drinking Canadian amber beer. His wife, Ms. Padukone, 27, sips sangria. Evident between them is a respect, and slight emotional distance — understandable given their brief history together.

In 2006, while working for Google in Mountain View, Mr. Mavinkurve saw his future wife’s photo on the cover of a newsletter published by his Indian ethnic community, the Konkani. She was attending college in Singapore. He found her pretty, so he e-mailed her.

“For three months, we sent messages back and forth — but regularly,” she said.

“I hate talking on the phone,” he explained.

They arranged to meet while Mr. Mavinkurve was in Singapore during a flight layover on his way to India. They met for two hours, and connected.

They were engaged in January 2007 in India, their second meeting. They married there in 2008.

Like first-generation immigrants throughout American history, Mr. Mavinkurve has deep ethnic ties but is quickly assimilating. His wife is no different. But visa rules preclude her from working in the United States unless her husband gets a green card.

That process can take two years. So they live in Toronto, where she recently landed a job in finance.

Mr. Mavinkurve and his wife get little sympathy from Mr. Berry of the Programmers Guild, a nonprofit group with a volunteer staff that lobbies Congress on behalf of American-born high-tech workers.

To Mr. Berry, 50 — who lives in Sacramento, where he was born — it is unfathomable that Google, which receives one million résumés a year, cannot find enough qualified Americans. Further, he says immigrants depress wages.

By law, H-1B workers must be paid prevailing wages, but there are conflicting studies on whether some employers actually pay less when they control the fate of the sponsored workers. Even some of the supporters of allowing in more skilled immigrants say the H-1B system is flawed because it gives employers so much power over employees.

As the recession deepens, many people, including members of Congress, have criticized companies like [Microsoft](#) and Intel for laying off Americans while retaining visa holders. Google says it will cut 350 workers this year.

Mr. Berry says his skills and education — a bachelor’s degree in computer science from [California State University](#), Sacramento — are denigrated by an industry that asserts that the best talent comes from overseas, via [Ivy League](#)

schools. He worries about the employability of his children, who are studying engineering at top colleges, the [University of Southern California](#) and California Polytechnic State University.

Mr. Berry, for his part, works at a major technology company he declines to name because his employment agreement precludes him from talking about his employer when in his advocacy role.

He does not believe that skilled immigrants are essential to innovation. In fact, he argues the opposite. “In my experience,” he said, “foreign software programmers are less likely to step out of the box and present alternatives to management.”

His arguments have caught the attention of some on Capitol Hill. “Not all our own people are able to get good jobs right now,” said Senator [Jeff Sessions](#), Republican of Alabama and one of the members of Congress who oppose temporary work visas.

Mr. Sessions favors broad immigration reform that puts even greater emphasis on admitting people with skills. He even wants to ask visa applicants to take a scholastic aptitude test.

But he opposes temporary workers, whom he argues have incentive to work for less and return to their countries to share what they have learned. This puts him at odds with tech companies.

“They need to step up and look at what’s in the national interest,” he said.

Google estimates that it spends about \$20 million a year on its immigration efforts — including lobbying, administration and fees to a law firm. Microsoft, while it would not disclose expenses, probably spends more. Its in-house immigration team numbers 20 lawyers and staff members.

On the political front, the tech industry lobbies Congress through an organization called Compete America, which includes titans like Intel, Microsoft, Google and [Oracle](#).

“The next generation of Google engineers are being turned down,” says Pablo Chavez, Google’s senior policy counsel. “If a foreign-born engineer doesn’t come to Google, there is a very good chance that individual will return to India to compete against us.”

At the rooftop pub, Mr. Mavinkurve and his wife both express some anger. He thinks America should embrace him, given his contributions and taxpaying potential. After Google went public, he paid more than \$200,000 in federal taxes on his income from salary and, mostly, sales of his shares, just in one year.

He misses interaction with colleagues. It hinders efficiency, slows work. He is physically drained from travel. He is frustrated that he cannot put down roots in America, and maybe start his own company, because he cannot leave Google, his visa sponsor.

He says he feels, on one hand, great gratitude that America gave him extraordinary opportunity. But he says he fulfilled his side of the bargain by striving and succeeding. “Dude, I love this country,” he said.

But he doesn’t feel loved back: “My devotion is unrequited.”

To Stay or to Go

On each of Mr. Mavinkurve’s twice-monthly visits to the United States (he keeps a room not far from Google), he meets with two friends at the Red Mango frozen yogurt shop on University Avenue in the heart of Palo Alto. Over scoops of green tea yogurt, they brainstorm for their next venture.

But he is not sure he can start a company — at least in America. Unless he gets his green card and his wife can work, he would be the only breadwinner, risking his savings, and he says they would be unhappy.

“Quitting Google means saying goodbye to my green card,” he said.

If America will not have him, he might have to stay in Canada. The proof is on the wall of the two-bedroom high-rise apartment he shares with his wife — who is pregnant — and his parents, who have moved in with them. On the living room wall is a Canadian flag.

“Quality stitching,” he said, fingering it.

Mr. Mavinkurve, who once hung American flags in his dorm room and then in Google’s hallway, still loves America. But the Internet-era immigrant, who moves so quickly between worlds, cannot decide where to land.

Where is Sanjay? Even he is not sure where he belongs.

“I’m not sure I want to go back,” he said of the possibility of moving back to the United States. “I’m not sure I can.”

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