CON: The Case Against H-1B Visas

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***Resolved: The United States federal government should increase its quota of H-1B visas.***

H-1B visas are visas given to hi-tech foreigners to work for 3 years in the U.S. (and can be renewed once for 3 more years). There's no shortage of US workers in hi-tech fields, instead there's a shortage of jobs. When Americans are fired and have to train the H-1s during their last weeks on the job, no one can say Americans lack the skills to do the job. H-1B immigrants replace US workers and drive down wages for those who are lucky enough to keep their jobs. And they drain talent and hard working people away from poor countries like India, where they could be building up their economy and uplifting their own people.

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CON: H-1B Visas

BACKGROUND

No Shortage of US hi-tech workers. There's a shortage of JOBS, not workers

WALL STREET JOURNAL 2016 (journalists Jon Hilsenrath and Bob Davis) America’s Dazzling Tech Boom Has a Downside: Not Enough Jobs <https://www.wsj.com/articles/americas-dazzling-tech-boom-has-a-downside-not-enough-jobs-1476282355?mod=djemalertNEWS>

The technology revolution has delivered Google searches, Facebook friends, iPhone apps, [Twitter](http://quotes.wsj.com/TWTR) rants and shopping for almost anything on Amazon, all in the past decade and a half. What it hasn’t delivered are many jobs. Google’s [Alphabet](http://quotes.wsj.com/GOOGL) Inc. and [Facebook](http://quotes.wsj.com/FB) Inc. had at the end of last year a total of 74,505 employees, about one-third fewer than [Microsoft](http://quotes.wsj.com/MSFT) Corp. even though their combined stock-market value is twice as big. Photo-sharing service Instagram had 13 employees when it was acquired [for $1 billion](http://www.wsj.com/articles/SB10001424052702303815404577333840377381670) by Facebook in 2012. Hiring in the computer and chip sectors dove after companies shifted hardware production outside the U.S., and the newest tech giants needed relatively few workers. The number of [technology startups](http://www.wsj.com/news/topic/3961) fizzled. [Growth in productivity](http://www.wsj.com/articles/u-s-productivity-fell-1-in-first-quarter-1462365346) and wages slowed, and [income inequality rose](http://blogs.wsj.com/economics/2016/09/13/u-s-poverty-and-income-inequality-in-9-charts/) as machines replaced routine, low- and middle-income, human-powered work.   
Technology Booms, But Not For American Workers  
After rising in the 1990s, employment at computer and electronic firms has fallen by more than 40%, though a smaller number of jobs has been created in other tech sectors.

PROBLEMS

American workers displaced

More and more companies use H-1B to fire US workers & replace them with immigrants

CBS News 2017 (journalist Bill Whitaker) Are U.S. jobs vulnerable to workers with H-1B visas? 19 Mar 2017 <https://www.cbsnews.com/news/are-u-s-jobs-vulnerable-to-workers-with-h-1b-visas/>

A frequent target of candidate Trump was the H-1B visa program. The program, created more than 25 years ago, allows American companies to fill gaps in the workforce from overseas with highly skilled employees, who can't be found in the U.S. Many businesses use the program as intended, but we discovered more and more are taking advantage of loopholes in the law to fire American workers and replace them with younger, cheaper, temporary foreign workers with H-1B visas. But before the American workers walk out the door they often face the humiliating prospect of having to train the people taking their jobs.

The top 10 H-1B hiring firms are outsourcing companies specifically designed to replace American workers

Dr. Ron Hira 2016 (PhD public policy; associate professor of public policy at Howard University) 22 Aug 2016 " Top 10 H-1B employers are all IT offshore outsourcing firms, costing U.S. workers tens of thousands of jobs" <https://www.epi.org/blog/top-10-h-1b-employers-are-all-it-offshore-outsourcing-firms-costing-u-s-workers-tens-of-thousands-jobs/> (ellipses in original)

The top 10 H-1B employers all use the program to send American jobs offshore. All of the firms are leaders in using the offshore outsourcing business model to sell information technology (IT) Services. Contrary to what some have claimed, not all of the top H-1B offshore outsourcing companies are Indian companies or headquartered in India: Five of the firms have their headquarters in India, four are headquartered in the United States, and one is headquartered in Ireland. But all of the top 10 have a common business model with large workforces in India and other low-cost countries. In 2014, the U.S. government granted these ten firms 25,227 new H-1B workers, nearly 30 percent of the 85,000 annual quota. And 2014 was not an unusual year. Over the ten-year span from 2005-14 those offshoring firms brought in a staggering 170,535 new H-1B guestworkers (see **Table 1**). Virtually all of these jobs can, and should, be done by American workers or lawful permanent residents (i.e., permanent immigrants already living in the United States). In fact, in many cases American workers were already doing the job, and they are being directly replaced, often being forced to train their foreign guestworker replacements as a condition of severance agreements. As Craig Diangelo, an American worker who was forced to train his H-1B replacement [put it](https://www.reuters.com/article/us-magazine-voter-oliphant-idUSKCN10D1WG), “The sad part is that my job is still there… It didn’t go away. I went away.”

H-1B is all about shipping US jobs to India

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As then Indian Commerce Minister Kamal Nath [told the New York Times](https://www.nytimes.com/2007/04/12/business/worldbusiness/12iht-visa.4.5257621.html) in 2007:  
it [the H-1B] has become the outsourcing visa. … If at one point you had X amount of outsourcing and now you have a much higher quantum of outsourcing, you need that many more visas.  
The goal of the firms is to ship as much of the IT work and tasks as possible to offshore workers in low-cost countries like India, and the H-1B program plays the critical role in the transfer and maintenance of those contracts.

American workers' pay reduced

1) H-1B employers use loopholes to pay less. 2) Simple supply & demand: When you bring in more workers, you drive down wages for everyone

Kellogg School of Management at Northwestern University 2016. " Does the H-1B Visa Program Hurt American Workers?" 7 Sept 2016 <https://insight.kellogg.northwestern.edu/article/does-the-h1-b-visa-program-hurt-american-workers>

In theory, the visa program rules should prevent companies from paying H-1B workers less than their American counterparts. Employers are not allowed to offer an H-1B applicant a salary that is lower than similar employees’ pay or the “prevailing wage” for that job in that location. But the standards for determining prevailing wages are shaky, and companies can take advantage of loopholes, such as hiring the person through a third-party service. In addition, increasing the supply of workers might drive down everyone’s pay over time because employers have more potential employees to choose from and thus do not have to offer high salaries or raises to attract and retain staff.

Foreign workers exploited

H-1B exploits workers because they have no other options and can't complain about wages or work conditions

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Thanks to the legal and regulatory framework of the H-1B visa, H-1B workers can legally paid much less than similarly situated Americans. In fact, sometimes H-1B workers are [40 percent cheaper than Americans](https://www.epi.org/blog/new-data-infosys-tata-abuse-h-1b-program/), and as an additional bonus to employers, H-1B workers are unlikely to complain about substandard wages and working conditions since the work visa is controlled by the employer. That [makes H-1B workers vulnerable](https://www.revealnews.org/article-legacy/5-tricks-tech-staffing-firms-use-to-exploit-immigrant-workers/)—if they speak out they might be terminated—which means they’ll have to immediately depart from the United States or else become undocumented. The offshore outsourcing business model emerged in the early 2000s, completely disrupting the IT services sector. And the exploitation of H-1B guestworker program is at the core of the model.

H-1B's are indentured servants, and that's one of the attractive features why companies want them. They can't switch to another employer

Dr. Norman Matloff 2013 (PhD mathematics; professor of computer science at the University of California, Davis ) Are foreign students the ‘best and brightest’? 28 Feb 2013 <https://www.epi.org/publication/bp356-foreign-students-best-brightest-immigration-policy/>

If you are a Silicon Valley employer in the midst of an urgent project, you suffer a major loss if an engineer suddenly leaves for another employer. Hiring a foreign worker and sponsoring him for a green card remedies your predicament, as the worker becomes a de facto indentured servant (NRC 2001). Such exploitation is pitched by immigration attorneys to employers as the major attraction of green card sponsorship.

"Brain Drain" hurts poor countries sending immigrants to the US

Poor in India lose health care when their doctors immigrate to the US with H-1B

Nathalie Baptiste 2014 (journalist) " Brain Drain and the Politics of Immigration" 26 Feb 2014 THE NATION <https://www.thenation.com/article/brain-drain-and-politics-immigration/>

The increase of available H-1B visas allows for highly educated foreigners to pursue a more prosperous career in the United States. But what does it mean for the countries they leave behind? In India, home to the [large majority](http://www.bloomberg.com/news/2013-08-20/india-nabs-nearly-two-thirds-of-u-s-h-1b-visas.html) of H-1B visa recipients, many medical students opt to study abroad because of rising costs and limited capacity at their public institutions. The medical brain drain in India not only reduces the number of doctors available for care, but it also removes [the people needed](http://www.npr.org/templates/transcript/transcript.php?storyId=16783065) to push for healthcare reforms. Considered the [most privatized health system](http://www.dw.de/indias-health-services-in-urgent-need-of-treatment/a-15969421) in the world, India’s public health system is made up of mainly rural health centers that lack basic infrastructure, medicines and staff. India spends only 0.9 percent of its GDP on healthcare, which promotes a large private healthcare industry that [remains inaccessible](http://www.dw.de/indias-health-services-in-urgent-need-of-treatment/a-15969421) to the poor. The wealthy [can afford to be treated](http://www.dw.de/indias-health-services-in-urgent-need-of-treatment/a-15969421) at a state-of-the-art hospital for a stomach ache, while the poor must walk long miles to receive treatment for sicknesses and sometimes discover that the medicine they need is unavailable. The shortage of doctors is staggering: there are [only six doctors](http://www.dw.de/brain-drain-of-medical-students-in-india-higher-than-ever/a-17266607) for every 10,000 patients. People in need of medical attention may spend days waiting in line for tests or drugs because there are simply [not enough doctors](http://www.nytimes.com/2008/10/01/world/asia/01iht-medical.1.16607251.html?_r=0) and nurses available to tend to their medical needs.

Talented workers should be encouraged to stay home and build up their own countries instead of migrating to the U.S.

Nathalie Baptiste 2014 (journalist) " Brain Drain and the Politics of Immigration" 26 Feb 2014 THE NATION <https://www.thenation.com/article/brain-drain-and-politics-immigration/>

Ensuring that skilled workers have opportunities to flourish at home is ultimately a challenge for source countries, not the richer countries that absorb them when they leave. But the loss of brain power to the United States and other developed countries creates an unfortunate cycle for poorer countries: educated individuals migrate, leaving their home countries’ tax base and infrastructure in poor shape. The weakened infrastructure in turn means that more people will leave, driving the cycle onward. In order to solve this problem, the governments of developing nations should strive to create incentives for their educated workers to stay home and use their abilities to create a better and more sustainable society.

REFUTATION RESPONSES

A/T "They have to hire Americans first under H-1B law"

Loophole in the law says: No they don't, if the job pays more than $60K

CBS News in 2017 quoting journalist Bill Whitaker and former Congressman Bruce Morrison, who wrote the original H-1B law. Are U.S. jobs vulnerable to workers with H-1B visas? 19 Mar 2017 <https://www.cbsnews.com/news/are-u-s-jobs-vulnerable-to-workers-with-h-1b-visas/>

Bill Whitaker: Why can't we just say we're going to give jobs to Americans first?  
Bruce Morrison: Well, that's what the statute says, but --  
Bill Whitaker: But?  
Bruce Morrison: They put in a loophole. And the loophole says, "If ya pay over $60,000, ya can do that." And besides that, you don't have to try to find Americans. Well, $60,000 is not high pay for this kind of work. People doing this work today easily make $120,000-140,000.  
Bill Whitaker: Who put in that loophole?  
Bruce Morrison: Well, the-- it was done by Congress. But obviously the industry lobbied for it. It's really a travesty that should never have been allowed to happen.

A/T "H-1B reduces outsourcing by bringing workers here"

Step by step process of how H-1B actually helps speed up outsourcing US jobs

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The H-1B worker acts as a liaison to the offshore team. Language and cultural commonalities help with the transfer of work to the offshore team, and the maintenance of that coordination. 3. The H-1B visa enables the foreign worker to come to the U.S. to learn the job. This is cheaper and easier than sending the U.S. worker to India to conduct the knowledge transfer. 4. Then the H-1B workers return to their country of origin, taking the knowledge and jobs and tasks with them. The upshot is that the government substantially lowers the costs of offshoring through the H-1B program. In essence, the government is heavily subsidizing offshoring through its lax H-1B policies.

A/T "Foreign workers are 'best and brightest' and great entrepreneurs"

H-1B workers are average or below average, and no one's ever proven that they're better than Americans

Dr. Norman Matloff 2013 (PhD mathematics; professor of computer science at the University of California, Davis ) Are foreign students the ‘best and brightest’? 28 Feb 2013 <https://www.epi.org/publication/bp356-foreign-students-best-brightest-immigration-policy/>

Though the United States should indeed welcome the immigration of “the world’s best brains,” are the foreign students typically of that caliber? The tech industry has put forth little to support such assertions. It has pointed to some famous immigrant success stories in the field but, in most cases, the people cited, such as Google cofounder Sergey Brin, never held foreign-student (F-1) or work (H-1B) visas (Brin immigrated with his parents to the United States at age 6). And more importantly, neither the industry nor any other participant in this national debate has offered any empirical analysis documenting that the visa holders are of exceptionally high talent. This report aims to remedy this lack of data. With an eye toward the green card proposals, it will focus mainly on those who first entered the United States as foreign students in computer science or electrical engineering (CS/EE)—the two fields that make up the bulk of the H-1Bs.[1](https://www.epi.org/publication/bp356-foreign-students-best-brightest-immigration-policy/#_note1) It will also look at foreign tech workers in general. The study finds that the tech industry’s “genius” claims for these groups are not supported by the available data. Compared to Americans of the same education and age, the former foreign students turn out to be weaker than, or at most comparable to, the Americans in terms of salary, patent applications, Ph.D. dissertation awards, and quality of the doctoral program in which they studied.

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