2A Evidence: H-1B Visas

By "Coach Vance" Trefethen

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

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). H-1B immigrants are typically highly educated and talented, and they contribute to the US economy by keeping industry and technology work in the U.S. Currently H-1Bs are restricted to 65,000 per year. This case argues that we should reduce this restriction and grow our economy by bringing in more skilled workers.

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2A Evidence: H-1B Visas

DEFINITIONS & BACKGROUND

Text of the "I Squared Act of 2018" (S. 2344)

<https://www.congress.gov/bill/115th-congress/senate-bill/2344/text>

Print out the bill text from this link and bring it with you to the debate round.

TOPICALITY

A/T "H-1B is a non-immigrant visa" – It's a "dual intent" visa, and it allows the immigrant to apply for a green card and permanent residency

Kirberger Law Firm 2014 (immigration law firm) 9 Dec 2014 "What Is Dual Intent?" <http://immigration-lawyer.com/article/what-is-dual-intent/>

The concept or legal fiction known as “Dual Intent” becomes important when a person holding or applying for a temporary visa, or temporary visa status, wants to obtain a green card (permanent residence). Certain US visa categories automatically allow for dual intent, or the intent to have a temporary visa status while at the same time having the intent to remain permanently in the United States. The concept of Dual Intent assumes that a person with such Dual Intent will, although she has an intention to reside permanently in the US upon approval of the appropriate immigrant visa or adjustment of status application, she will not stay in the US beyond the time her visa or visa status expires. Visa categories that specifically allow for such “dual intent” include the H-1A visa, H-1B visa and L visa categories, the most common visa categories for temporary workers.

A/T "H-1B is non-immigrant" - They often lead to permanent residence.

NEW YORK TIMES 2018 (journalist Miriam Jordan) 6 Apr 2018 " What Are H-1B Visas, and Do They Hurt American Workers?" <https://www.nytimes.com/2018/04/06/us/what-are-h1b-visas.html>

Can the visas lead to permanent residence? Very often they do. Companies can choose to sponsor an H-1B worker for permanent residence. The green card applications are often approved, though they can take years to be issued.

INHERENCY

Shortages: Demand for visas often exceeds supply

CNN MONEY 2018. 25 Jan 2018 "H-1B reform bill seeks to expand annual quota" <http://money.cnn.com/2018/01/25/technology/hatch-flake-h1b-bill/index.html>

The H-1B program is one that President Trump has eyed for reform, saying abusers can use it to replace American workers. But the program is particularly near and dear to the tech community with many engineers vying for one of the program's 65,000 visas each year. Demand often exceeds the supply -- in which case, a lottery system is activated.

H-1B is for high-skilled foreigners, valid for 3 years, renewable once. Annual quota is 65K. Hatch/Flake bill raises to 85K

CNN MONEY 2018. 25 Jan 2018 "H-1B reform bill seeks to expand annual quota" <http://money.cnn.com/2018/01/25/technology/hatch-flake-h1b-bill/index.html>

Republican Senators Orrin Hatch and Jeff Flake introduced legislation on Thursday that aims to increase the annual quota of H-1B visas from 65,000 to 85,000. The H-1B is a common work visa granted to high-skilled foreigners to work at companies in the U.S. It's valid for three years, and can be renewed for another three years.

ADVANTAGES

Helping US workers – wage and productivity growth

Noah Smith 2018 (journalist) 12 March 2018 BLOOMBERG NEWS Cuts to Skilled Immigration Degrade a U.S. Strength <https://www.bloomberg.com/view/articles/2018-03-12/cuts-to-h-1b-visas-for-skilled-immigrants-hurt-u-s-economy> (brackets in original)

Moreover, studies that find negative impacts of H-1Bs tend to look only at the specific companies that hire skilled workers. The presence of more smart people in an industry or a city cause new ideas and technologies to flourish. These then diffuse to companies, allowing business to innovate faster, hire more workers and pay higher wages. Skilled foreigners help keep new ideas flowing in [technology clusters](https://www.bloomberg.com/view/articles/2017-05-19/growth-takes-off-when-smart-people-are-neighbors) like Silicon Valley; Austin, Texas; and Raleigh, North Carolina. In addition, having a [thick market](http://www.stevebizblog.com/2015/06/02/thick-market-vs-thin-market/) of smart workers in an area allows a lot of innovative companies to cluster there. Tech companies put their offices in high-cost California because that’s where the engineers live. And engineers move there because that’s where the companies are. This is why even if they lower wages at a particular company, H-1B workers raise native-born wages overall. A [2015 study](http://giovanniperi.ucdavis.edu/uploads/5/6/8/2/56826033/stem-workers.pdf) by economists Giovanni Peri, Kevin Shih and Chad Sparber found:  
Increases in [foreign] STEM workers are associated with significant wage gains for college-educated natives. Gains for non-college-educated natives are smaller but still significant. Our results imply that foreign STEM [workers] increased total factor productivity growth in US cities.

Health Care

Immigrants could solve health care shortages

Nicole Fisher 2016 (Founder & CEO of HHR Strategies) 23 Mar 2016 MIDWEST DIAGNOSIS: IMMIGRATION REFORM AND THE HEALTHCARE SECTOR <https://www.thechicagocouncil.org/publication/midwest-diagnosis-immigration-reform-and-healthcare-sector?_ga=2.14950388.355575834.1523580021-566398997.1523580021>

Healthcare is a critical part of the local economy, providing jobs for millions of Midwesterners and billions of dollars in wages across the 12-state region. However, the growing healthcare needs of the baby boomers as they age, coupled with acute shortages of healthcare workers, are straining the sector. Immigrants—foreign- born physicians, researchers, nurses, health aides, and hospital workers—are key to the future vitality of healthcare in the United States, and federal immigration reforms are urgently needed to ensure that the sector is able to maximize their contributions.

Doctor shortages are substantial and will reduce access to healthcare

Carnahan Group Strategic Healthcare Advisors 2017 ( a strategic healthcare firm in **Tampa, FL** and **Nashville, TN** that has consulted with the world’s largest for-profit and non-profit health organizations in the areas of community needs assessments, valuations, transactions, and strategic planning ) 17 July 2017  INTRODUCTION: IS THERE A PHYSICIAN SHORTAGE IN THE U.S.? <http://carnahangroup.com/industry-news/maldistribution-physicians-united-states/>

Shortages are expected to occur in four categories of physicians: primary care (e.g. pediatrics and family medicine), medical specialties (e.g. internal medicine subspecialties), surgical specialties (e.g. ophthalmology and urology), and other various specialties (e.g. emergency medicine, radiology, and anesthesiology). According to the Association of American Medical Colleges, by 2025 there will be an estimated deficit of between 14,900 and 35,600 primary care physicians, and specialties that are non-primary care are estimated to experience a deficit of between 37,400 and 60,300. These predicted shortages will amplify the already significant issue of patients having access to healthcare services.

Doctor shortages put health at risk

Sara Heath 2017 (journalist) Patient Care Access News, Understanding Physician Shortage Issues, 28 Dec 2017 Patient Care Access <https://patientengagementhit.com/news/understanding-physician-shortage-issues-patient-care-access>

When a physician shortage occurs, patients are unable to access the care they need. They might have trouble finding a physician to book an appointment with, or once an appointment is obtained patients might face long office wait times. These issues adversely impact patient satisfaction and can also have negative health consequences.

Doctor shortages create a real risk to patient care

Medical Association of the State of Alabama 2017. " [Research: Physician Shortage Likely to Have Severe Impact on Patient Care](http://alabamamedicine.org/research-physician-shortage-likely-to-have-severe-impact-on-patient-care/)" 21 Apr 2017 <http://alabamamedicine.org/research-physician-shortage-likely-to-have-severe-impact-on-patient-care/>

The United States continues to face a projected physician shortage over the next decade, creating a real risk to patient care, according to [new data](https://aamc-black.global.ssl.fastly.net/production/media/filer_public/a5/c3/a5c3d565-14ec-48fb-974b-99fafaeecb00/aamc_projections_update_2017.pdf) released by the Association of American Medical Colleges. The latest projections continue to align with previous estimates, showing a projected shortage of between 40,800 and 104,900 doctors.

Economic Growth

Need to stop sending away all the talented graduates of US colleges

BOSTON GLOBE 2013. (*president and chief executive officer of Natixis Global Asset Manaement — The Americas and Asia, chairman of the New England Council* ) The benefits of the H-1B visa 2 Apr 2013 <https://www.bostonglobe.com/opinion/2013/04/02/the-benefits-visa/WPOr4ET4gZnTKGDhopQ0AL/story.html> (ellipses in original)

For a foreign-born graduate with special talent, a degree should be the ticket to employment in the United States, not a return ticket home. “There are brilliant students from all over the world sitting in classrooms at our top universities,” President Obama said in a Jan. 29 speech introducing his plan. “We’re giving them all the skills they need to figure that out. But then we’re going to turn around and tell them to start that business and create those jobs in China or India or Mexico. … That’s not how you grow new industries in America.”

Helping India

US H-1B program boosted India's tech capabilities and India's economy

Nathaniel Sher 2017 (journalist) 26 Sept 2017 "[The Fallacy of the Brain Drain in India](https://borgenproject.org/brain-drain-in-india/)" <https://borgenproject.org/brain-drain-in-india/> (brackets in original)

A recent study published by the Center for Global Development suggests, “better-paid jobs [in the U.S.] incentivize [Indian] students to choose certain majors and supply a highly-educated workforce to Indian firms.” Thus, at the same time as thousands of high-skilled Indians emigrate to the U.S. every year, thousands more acquire STEM degrees in India and never leave. As for those that do find higher-paying jobs abroad, many eventually return to India when their visas expire. Because of this, between 1998 and 2012, the Indian IT sector grew from 1.2 percent of GDP to over 7.5 percent. By the mid-2000s, India had surpassed the U.S. as the largest exporter of software. Far from producing a brain drain in India, Gaurav Khanna and Nicolas Morales’ study finds that the American H-1B program not only correlated with the birth of India’s IT sector but also caused a “reverse brain drain” in India.

Economic growth is key to lifting Indians out of poverty

CNBC 2018 (journalist Justina Crabtree) 6 Apr 2018 "India needs to produce the next 'growth miracle' to fight enormous poverty, former central banker says" (ellipses in original) <https://www.cnbc.com/2018/04/06/india-needs-to-produce-next-growth-miracle-ex-central-banker-says.html>

"India has enormous poverty," Subbarao said. "In spite of clocking relatively impressive growth rates … India houses more poor people than the entire continent of Africa." "To get those hundreds of millions of people out of poverty, India needs to produce the next growth miracle," he added.

DISADVANTAGE RESPONSES

No Economic Loss

Khanna & Morales Study finds benefits outweigh any losses: US and India both have overall economic gains from H-1B

Dr. Guarav Khanna 2017 (PhD economics, Univ of Michigan) August 2017 Technology, Innovation, and the American Dream: New Study Finds H-1B Visas Benefit US and Indian Workforce <https://www.cgdev.org/blog/technology-innovation-and-american-dream-new-study-finds-h-1b-visas-benefit-us-and-indian>

While there are some negative impacts for a subset of US workers (earnings for US born computer scientists are lower by 1.5 percent), the overall gains outweigh the losses as the combined incomes of the US and India both rise under the H-1B program by about $17.3 billion or 0.36 percent. And total IT output from both nations rose steadily under the H-1B regime by about 0.45 percent in 2010.

H-1B's aren't driving down Americans' wages

Noah Smith 2018 (former assistant professor of finance at Stony Book Univ.) 12 March 2018 Cuts to Skilled Immigration Degrade a U.S. Strength <https://www.bloomberg.com/view/articles/2018-03-12/cuts-to-h-1b-visas-for-skilled-immigrants-hurt-u-s-economy>

As for driving down native-born Americans’ wages, there is evidence that the worry is vastly overblown. It’s true that the H-1B program tethers employees to their employers; for a worker on an H-1B to switch to a different company, [the procedure](http://www.h1base.com/visa/work/H1B%20Visa%20Transfer%20To%20A%20New%20Employer/ref/1169/) can be time-consuming and annoying. There is [some evidence](https://gspp.berkeley.edu/assets/uploads/research/pdf/h1b.pdf) that companies that win the chance to hire more H-1B workers pay lower wages. But there’s also [evidence](https://pubsonline.informs.org/doi/abs/10.1287/mnsc.1100.1149?journalCode=mnsc&) showing that H-1B workers are not paid less than native-born Americans, after accounting for their age and skill level.

Wage growth for H-1B type jobs has grown faster than the rest of the economy

Evie Liu 2017 (journalist) MARKET WATCH 24 Apr 2017 "Are H-1B visa workers really paid less than Americans?" <https://www.marketwatch.com/story/are-h-1b-visa-workers-really-paid-less-than-americans-2017-04-24>

In fact, the median annual wage growth for computer and mathematical jobs — 4% from 2004 to 2016 after adjusting for inflation — has actually beaten the growth for all jobs, which is only 1.3%, according to data from the Department of Labor. This is also supported by a [2013 study from the Brookings Institution](https://www.brookings.edu/research/h-1b-visas-and-the-stem-shortage/), a research group based in Washington D.C., which states wage growth for U.S.-born workers with at least a bachelor’s degree has been higher for the most prominent H-1B occupations than average jobs.

Americans Not Displaced

American college students aren't getting technical degrees for the jobs the tech industry has open

Kenya Downs 2017 (journalist) Public Radio International (PRI) 28 Aug 2017 " How H-1B work visas transformed tech and education in the US and India" <https://www.pri.org/stories/2017-08-28/how-h-1b-work-visas-transformed-tech-and-education-us-and-india> (brackets added)

Fewer than 40 percent of students who enter US colleges with a STEM [science, technology, engineering, mathematics] major complete a STEM degree, according to a 2012 report from former President Barack Obama's Council of Advisors on Science and Technology ([PDF](http://files.eric.ed.gov/fulltext/ED541511.pdf)). That 2012 report also suggests that US educational institutions will need to produce one million more college graduates in STEM fields by 2022 to keep up with demands from the tech industry and economy.

A/T "Fraud / Evasion of "Hire American first" rules governing H-1Bs"

New enforcement will solve, fraud is being checked and stopped

NEW YORK TIMES 2018 (journalist Miriam Jordan) 6 Apr 2018 " What Are H-1B Visas, and Do They Hurt American Workers?" <https://www.nytimes.com/2018/04/06/us/what-are-h1b-visas.html>

For one thing, United States Citizen and Immigration Services, the federal agency that reviews the petitions, has tightened its oversight. Between January and August of last year, it issued 45 percent more challenges or requests for more evidence. That has delayed the issuance of visas, and some immigration lawyers report an increase in denials. The agency has also stepped up the number of surprise visits by fraud teams to sites where large numbers of H-1B workers are employed. And in a [policy memo](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-02-22-PM-602-0157-Contracts-and-Itineraries-Requirements-for-H-1B.pdf) earlier this year, it expanded its review of H1-B workers who are employed at third-party work sites. Now, it is requiring more details about what work will be performed, why a foreigner is needed to do it, and what wages are being paid.

A/T "Low wages / Exploitation"

H-1B wages are rising over time and higher than wages for US workers in similar occupations

Neil G. Ruiz & Jens Manuel Krogstad 2017 ([Ruiz](http://www.pewresearch.org/author/nruiz/) is associate director of global migration and demography at Pew Research Center. Krogstad is a writer/editor focusing on Hispanics, immigration and demographics at Pew Research Center) 26 Aug 2017 "Salaries have risen for high-skilled foreign workers in U.S. on H-1B visas" <http://www.pewresearch.org/fact-tank/2017/08/16/salaries-have-risen-for-high-skilled-foreign-workers-in-u-s-on-h-1b-visas/>

U.S. employers planned to pay high-skilled foreign workers with H-1B visas a median salary of $80,000 a year in fiscal year 2016, up from about $69,000 a decade earlier, according to a Pew Research Center analysis of new [U.S. Citizenship and Immigration Services data](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-1B/h-1B-FY16.pdf). This is the first time the U.S. government has made salary information about H-1B applicants publicly available. Most H-1B applicants [get approved for visas](https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html), so the data provide a window into the salaries of high-skilled foreign workers employed in the United States. The 2016 median salary reported for H-1B visa applicants was higher than the median salary paid to some U.S. workers in similar high-skill occupations.

No "Brain Drain"

India gets a "Brain GAIN" not "Drain" from US H-1B program

Dr. Guarav Khanna 2017 (PhD economics, Univ of Michigan) August 2017 Technology, Innovation, and the American Dream: New Study Finds H-1B Visas Benefit US and Indian Workforce <https://www.cgdev.org/blog/technology-innovation-and-american-dream-new-study-finds-h-1b-visas-benefit-us-and-indian>

Similarly, in India, critics assert that the H-1B program is causing a “brain drain” from the country, i.e., highly skilled Indian workers are lost to the United States under this visa program. But to the contrary, our study found that the US H-1B visa program leads to a brain gain for India:  
- The prospect of migrating to the US and earning a higher wage induced many students and workers to switch to Computer Science and Engineering fields. Those who could not join the US workforce—due to a cap on the number of H-1B visas—remained in India, enabling the growth of the Indian IT sector.  
- Those who migrated to the US acquired skills, technical know-how, and established networks with US companies. As their visas expired, some returned with this acquired human capital and technology and contributed to the growing tech-workforce in India. Together, the “brain gain” to India under the H-1B program outweighs any “brain drain.”