## Case

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

**Contention one is H-4 Visas**

**Ravindranath of Washington University ‘17 explains that H-4 visas are visas given to the spouses of H-1B visa holders allowing them to enter the U.S. legally. Madhok of Columbia University ’16 quantifies that 90% of these H-4 visa holders are women. H-4 visas oppress women because Lodhia of Santa Clara University ’10 corroborates that under the eyes of the law, an H-4 visa holder’s immigration status is dependent on the condition of the H-1B visa holder. Thus the H-1B visa holder has the power to threaten divorce and if separated by the H-1B visa holder, the spouse is illegally in the U.S. and risks deportation. Moreover economically, an H-4 visa has very diminishing rights when it comes down to work privileges. Bhatt of the University of Maryland ’17 writes the H-1B visa holder has the power to deny the women from working because in order to get a work authorization you need a H-1B visa holder attached to you.**

**The impact of giving an H-1B visa holder control of their spouse’s life is domestic abuse.**

**Balgamwalla of the University of Baltimore School of Law 13 warrants that the powers an H-1B visa holder possesses allows him to fuel the cycle of perpetual domestic abuse on women because they don’t want to risk deportation if the relationship is broken. Sohrabji of the University Of Southern California 16’ reports these women are too scared to call the police as it will exemplify the risk of deportation. Ultimately this explains why Davis 04 concludes that the domestic violence rate of women on H-4 visas is a whopping 77%.**

**Contention two is Exploitation**

**H-1B visas have been largely used as a means to exploit foreign workers for cheap labor.**

**This happens in 4 ways.**

**The first is Immobility**

**Matloff writes for the Huffington Post in 2017 that most tech firms sponsor their H1B workers for US permanent residency or a green card, which forces these workers to stay with the same employer until they get their green card out of fear of moving and having to start all over again. This immobility is of huge value to many employers, as it allows them to be able to take advantage of these workers with virtually no legal consequences.**

**The second is Profitability**

**Hira writes in 2015 that 9 out of 10 top H-1B employers use the program principally to outsource American jobs to overseas locations. This is uniquely harmful because major STEM companies can circumvent the program’s regulations. As a result, Hira concludes that these firms who abuse the program earn net profits of 25% in a sector where a net margin of 6% is considered doing very well, highlighting the profitability of exploiting their employees.**

**The third is Leverage**

**Campbell writes for the Atlantic in 2016 that The H1B visa program originally required all employers to ensure that hiring these foreign workers would not “adversely affect” the working conditions of domestic employees, however it has not protected American workers from being replaced with cheaper labor, at the expense of these foreign workers. Companies do this by getting rid of older employees making a lot more money and hire new H1-B workers without leverage in negotiating salaries because of their new and inexperienced presence in the company, as well as language and cultural barriers that hinder their ability to be aware of and speak out against such injustices.**

**The fourth is Minimum Wage Requirements**

**Campbell continues that the minimum wage for H-1B visa workers is only $60,000 a year, which is tens of thousands of dollars lower than the average salary for an IT worker. This law makes it lucrative and legal for companies to displace workers with cheaper H-1B workers.**

**The impact is entrapment, this happens in 2 ways.**

**First, legal threats.**

**The Economic Policy Institute writes in 2016 that 83 percent of the H-1B recipients are paid wages below the average for that occupation. Smith reports in 2014 that in a time span of 13 years, at least 29 million dollars was illegally withheld from more than 4,000 tech workers on H-1B visas. This is uniquely harmful, as Smith continues that these firms have created an underground system of financial bondage by stealing wages and benefits, and suing workers who quit. This exploitation persists through humiliation, intimidation and legal threats. Judgments against H-1B workers sued for quitting their US jobs can exceed $50,000, with one worker calling it an “ecosystem of fear”.**

**Second, sexual harassment.**

**Schusman of VOA news 11 reports that Immigrant women are far more likely to be harassed in the workplace. Weiss 2017 confirms that 53% of women in tech have experienced harassment, and victims are more likely to be punished for their own harassment than their perpetrators are. 35% of women said they themselves faced repercussions while only 9% said their harassers did. Employers control their visa, and therefore their life. Leaving the job and finding another is not an option, trapping many women in a constant cycle of sexual harassment.**

**Because we do not want to perpetuate and expand a system of abuse and exploitation, we are very proud to negate.**

## Cards

## C1

**Definition of Domestic Abuse**

Admin. "Mari Mikkola, The Wrongs of Injustice: Dehumanization and its Role in Feminist Philosophy, Oxford University Press, 2016 - Kennedy Institute of Ethics Journal." *Kennedy Institute of Ethics Journal*. 18 Apr. 2017. Web. 22 Mar. 2018.<https://kiej.georgetown.edu/mari-mikkola-wrongs-injustice-dehumanization-role-feminist-philosophy-oxford-university-press-2016/>

Mari Mikkola identifies three primary forms of social injustice—oppression, domination, and discrimination—and asks what makes them wrong. She argues that feminist philosophy has thus far focused heavily on gender as a lens or anchor through which to understand and respond to injustice. In Mikkola’s view, this orientation around gender (and what she terms “the gender controversy”) is limiting feminist philosophers’ theoretical engagement with the roots of injustice. To remedy this problem, she builds a case for moving toward a more broadly humanist conception of injustice. The humanist feminism that she puts forth centers dehumanization as a way to theorize injustice; dehumanization, for Mikkola, is the very foundation of injustice.

#### Divya Ravindranath

Ravindranath, D. Ind. J. Labour Econ. (2017) 60: 217. https://doi.org/10.1007/s41027-017-0095-y

It is clear that the H1B visa program has played a central role in bringing large numbers of Indian immigrants to the US in contemporary times. However, this chronicle of Indian immigration is incomplete without the inclusion of H4 visa holders – given to spouse and children of H1B visa holders, who have also moved to the US in very large numbers. For instance, in fiscal year 2016, 84 per cent of the 131,051 H4 visas were issued to Indians, a proportion that has increased consistently over time

Closely linked with the law of coverture is the doctrine of chastisement. ―As master of the household,‖ Reva Siegel explains, ―a husband could command his wife‘s obedience, and subject her to corporal punishment… if she defied his authority.‖68 Blackstone explains this need for a husband to ―give his wife moderate correction,‖ because ―as he is to answer for her misbehavior, the law thought it reasonable to intrust him with this power of restraining her, by domestic chastisement, in the same moderation that a man is allowed to correct his apprentices or his children.‖69 This aspect of coverture continues to manifest itself in the laws pertaining to domestic violence. 70 The power of petition in immigration law reinforces the notion that women are the property of their husbands and therefore the lawful objects of chastisement. The dependent dynamic between principal visa holders and their spouses becomes more problematic when the marital relationship is placed under strain. The amount of power principals have over their spouses‘ immigration status and the rights it entails situates H-4 visa holders to be more vulnerable to domestic violence.71 This presents a challenge to women who must make a decision whether to stay in a violent marital relationship, or leave and risk the consequences—including loss of immigration status.72

**Diksha Madhok**

Diksha Madhok. "The desperation of Indian housewives in the United States of America." *Quartz*. n.d. Web. 18 Mar. 2018. <https://qz.com/797831/the-h4-visa-and-the-desperation-of-indian-housewives-in-america/>

When a wife enters the United States on a dependent spouse visa, she enters at the wish of her husband. Her dependent immigration status allows her husband to control her ability to live in the United States and all rights that stem from that status,” Sabrina Balgamwalla, an assistant law professor at the University of North Dakota, writes in a paper on spousal visa holders titled [Bride and Prejudice](http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1323&context=bglj).

In other words, H4 visa holders, [90% of whom are women](http://nytlive.nytimes.com/womenintheworld/2016/05/20/wives-of-silicon-valleys-immigrant-engineers-speak-of-loneliness-and-frustration/), are often reduced to childlike helplessness in a foreign country, completely dependent on their partners for everything, from their social to economic needs.

Sharmila Lodhia

(Sharmila Inclusive Excellence postdoctoral scholar in women’s and gender studies and political science at Santa Clara University, WSQ: Women's Studies Quarterly Volume 38, Numbers 1 & 2, Constructing an Imperfect Citizen-Subject: Globalization, National “Security,” and Violence Against South Asian Women, Spring/Summer 2010, http://muse.jhu.edu/journals/wsq/v038/38.1-2.lodhia.html#back, KV)

H-1B visas are among the few nonimmigrant visa categories that allow “dual intent,” which means that one can apply to become a legal permanent resident while on an H-1B visa. Because H-1B visas are issued by [End Page 165] employers, however, they retain the power to sponsor an employee for a green card (Sullivan and Bennet 2005). In these situations, the visa holder is entirely at the mercy of the employer, who wields total control over the employee’s citizenship status. As Mehtrotra explains, “You’re basically a total slave to your employer so if your employer decides they want you permanently then they can go through a process to sponsor you for a green card. But they can also decide they don’t want to sponsor you and say, ‘Okay, your visa is up’” (Mehrotra, interview by the author). According to Kavitha Sreeharsha, an attorney at Asian Pacific Islander Legal Outreach in San Francisco, the theory behind the law and the lack of protections for the H-4 spouse is that “the U.S. is not going to give someone a benefit that they wouldn’t have otherwise received,” especially since the United States expects them to return to their home country (Kavitha Sreeharsha, staff attorney, Asian Pacific Islander Legal Outreach, and board member, Narika, interview by the author, San Francisco, October 14, 2004). In reality, Sreeharsha explains, most workers who come to the United States on an H-1B visa do ultimately get sponsored for a green card. This provides no security for a woman experiencing abuse, however, because her legal status remains conditioned on her spouse and this presents a problem if she decides to leave the abuser (the primary visa holder) before he obtains his green card. If a woman files for divorce during the period in which the green card process is taking place, then she can fall “out of status,” or essentially become undocumented in the eyes of the law.

A related issue in these situations is the fact that abusive husbands often keep their wives uninformed about whether their employer is sponsoring them for a green card. In addition, men will hold their spouse’s passports and other documentation hostage in an effort to prevent them from attempting to leave (Shah 2005). Lack of access to this information presents a significant advocacy challenge because in order for a woman to change her visa status she must submit documentation that proves that her spouse is in the United States legally (Shah 2004). According to advocates, sometimes an abusive spouse is able to convince the immigration attorney representing both parties that his wife wants to withdraw her green card application. This can also put her legal status in jeopardy (Shah 2004). In what could be described as the most extreme cases of spousal control, women married to H-1B visa holders have been coerced into relinquishing custody of their children in order to get access to their immigration documents (Bhuyan 2007). [End Page 166]

Amy Bhatt

Amy Bhatt. "Why Trump's plan to forbid spouses of H-1B visa holders to work is a bad idea." *The Conversation*. 16 Mar. 2018. Web. 18 Mar. 2018. <http://theconversation.com/why-trumps-plan-to-forbid-spouses-of-h-1b-visa-holders-to-work-is-a-bad-idea-89279>

Work authorization for the spouses of H-1B visa holders came into the spotlight in 2015.The Obama administration issued an [executive order](https://www.uscis.gov/news/dhs-extends-eligibility-employment-authorization-certain-h-4-dependent-spouses-h-1b-nonimmigrants-seeking-employment-based-lawful-permanent-residence) that year that allowed H-4 visa holders who were already in the process of applying for lawful permanent residency to also apply for employment authorization. Prior to the order, H-4 holders were unable to work or obtain a social security number. The work authorization document is conditional, however. If the possessor’s spouse loses his H-1B visa, then the H-4 visa holder would also lose her authorization to work in the U.S. I conducted a multi-year [study](http://www.washington.edu/uwpress/search/books/BHAATH.html) of H-1B and H-4 visa holders that ended just after President Barack Obama’s 2015 order. My findings clearly showed the long-lasting negative effects of these work restrictions and how important work authorization is for immigrant families.

On Dec. 14, the Trump administration announced a [regulatory change](https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=1615-AC15.) that would strip spouses of high-skilled foreign workers of the right to work in the United States. The [apparent aim](https://www.upi.com/Top_News/US/2017/12/15/White-House-exploring-an-end-to-H-4-visa-program-for-spouses-of-H-1B-visa-holders/4811513351165/) is to promote Trump’s “Buy American, Hire American” [executive order](https://www.whitehouse.gov/presidential-actions/presidential-executive-order-buy-american-hire-american/)issued in April. It’s also part of efforts to [scale back](https://www.uscis.gov/archive/uscis-will-temporarily-suspend-premium-processing-all-h-1b-petitions) the H-1B visa program, which allows workers to bring spouses and children under H-4 visas. Besides likely having a negative impact on industries that use H-1B visas, such as information technology, software development and finance, my own research shows that it will also, intentionally or not, disproportionately harm women.

Sabrina Balgamwalla

*Law.ubalt.edu*. 28 Feb. 2013. Web. 18 Mar. 2018. <https://law.ubalt.edu/centers/caf/pdf/Sabrina%20Balgamwalla.pdf>

Domestic Violence Closely linked with the law of coverture is the doctrine of chastisement. ―As master of the household,‖ Reva Siegel explains, ―a husband could command his wife‘s obedience, and subject her to corporal punishment… if she defied his authority.‖68 Blackstone explains this need for a husband to ―give his wife moderate correction,‖ because ―as he is to answer for her misbehavior, the law thought it reasonable to intrust him with this power of restraining her, by domestic chastisement, in the same moderation that a man is allowed to correct his apprentices or his children.‖69 This aspect of coverture continues to manifest itself in the laws pertaining to domestic violence. 70 The power of petition in immigration law reinforces the notion that women are the property of their husbands and therefore the lawful objects of chastisement. The dependent dynamic between principal visa holders and their spouses becomes more problematic when the marital relationship is placed under strain. The amount of power principals have over their spouses‘ immigration status and the rights it entails situates H-4 visa holders to be more vulnerable to domestic violence.71 This presents a challenge to women who must make a decision whether to stay in a violent marital relationship, or leave and risk the consequences—including loss of immigration status.72 ―Domestic violence‖ is a broad term, referring to ―the abuse of power and control in an intimate relationship.‖73 Violence may be physical in nature, but frequently includes psychological abuse. This can include withholding money or access to resources like the family car, threats of divorce or denial of access to children. This may also include threats pertaining to the abuser‘s control over the spouse‘s immigration status, such as refusals to file paperwork pertaining to the spouse‘s immigration status, giving misinformation or denying access to information about the spouse‘s immigration status, or threatening deportation.74 This psychological abuse is compounded by the isolation and economic dependence experienced by many H-4 visa holders. Such economic dependence is the major obstacle to immigrant women seeking to leave a violent relationship.75 There is also a strong correlation between economic dependence and the severity of abuse.76 In interviews with South Asian immigrant women, Anita Raj also found that deportation threats and refusal to file for change of status were also significantly related to physical abuse and sexual abuse, and that batterers prevent access to immigration documents as part of a strategy to control their spouses.77

Sunita Sohrabji

Sunita Sohrabji, India West. "Abused Spouses of Non-Immigrants Eligible to Work in U.S.." *India West*. 15 Mar. 2016. Web. 16 Mar. 2018. <http://www.indiawest.com/news/global\_indian/abused-spouses-of-non-immigrants-eligible-to-work-in-u/article\_8dc81ae8-ea2a-11e5-a6d0-fb7fd5831921.html>

“It can be challenging,” said Karnani, noting that immigrant women in abusive marriages are often terrified of calling the police, for fear of losing their immigration status or their children. Abusive spouses often use immigration status as a tool of abuse, she stated, saying that abused spouses often do not have access to their identity documents. Many abusive husbands will apply for their own green card but not one for their wife, unbeknownst to the spouse, said Karnani, who is a volunteer with Raksha, an Atlanta, Georgia-based women’s empowerment organization.

Karnani credited Raksha’s executive director Aparna Bhattacharyya for keeping the issue on the front-burner for policy-makers over the past decade.

H-4 visa holders who have divorced their abusive husbands lose their H-4 status and are technically undocumented. But the new memo allows them to apply for work authorization for up to two years after the divorce, if they can prove that the divorce was linked to an abusive relationship, explained Karnani. Work authorization does not change their underlying immigration status – they would still remain undocumented – “but does allow them to remain on their feet,” said the attorney, adding that the work permit is renewable after two years

Diksha Madhok

Diksha Madhok. "The desperation of Indian housewives in the United States of America." *Quartz*. n.d. Web. 18 Mar. 2018. <https://qz.com/797831/the-h4-visa-and-the-desperation-of-indian-housewives-in-america/>

The H4 wives might consider returning to India which—with one of the lowest number of women in the workforce among [G20 economies](https://qz.com/238484/indias-record-in-womens-participation-in-the-workforce-is-depressing/)—needs them sorely.

But most women that I spoke to prefer not to. A chance at becoming middle-class American citizens, and the prestige it commands back home, is enough to make them stay back. Money, social freedom, and the needs of their husbands’ careers usually override their own desires.

“I did not want to deal with the social pressures that come with being married in India,” says Damani who carved out a happier life for herself by going to The New School in New York City and becoming a filmmaker. “Also, in the long run, it would help if my husband was here. He would make a lot more money.”

Others are more resigned. “On social media, Indians judge me for being greedy and wanting to live in the US,” says Bhatnagar. “I would love to come back to India, but now my life is here.”

**Davis ‘04**

Ankita's ordeal began in early 1998 when she arrived in the United States with her new husband, an Indian software engineer working for a prestigious Silicon Valley firm. For nearly two years he beat her almost daily; slapping punching, and kicking her even when she was pregnant. She finally called the cops the day both her ear drums burst from his blows. But when he threatened to divorce her for "ruining his life," Ankita begged him to let her stay, "I told him, 'I'm sorry. I won't do this again,' and fell at his feet crying,” she says. For Ankita, a noncitizen, divorce spells deportation. If her husband had been a citizen or permanent resident of the United States, she would have had the rights to leave him and apply for her own green card to stay in the country. But her husband was in the country on an H-1B work visa... Because Ankita's visa, a spousal h-4, was inextricably tied to her husbands, the end of her marriage would also be the end of her right to stay in the United States. If she returned to India, Ankita would have to leave her eight-month-old baby behind, since taking her son out of the country without her husband's consent could be considered kidnapping by both the United States and India. In the United States, 34% to 49.8% of immigrant women are victims of domestic violence. When only considering married immigrant women, the number jumps to 59.5%, and when only considering married women with dependent immigration status, particularly nonimmigrant women like Ankita- the number of domestic violence victims jumps as high as 77%. While staggering, these percentages underestimate the problem. Because many immigrant and nonimmigrant women do not access societal or health services, statistics likely underestimate the number of victims. While domestic violence affects women regardless of class, nationally, age, race, or legal status, the previous statistics point out the prevalence of the problem of domestic violence in the immigrant community.

Mona Chalabi. "How Violence Against Women in the U.K. Compares to Stats Across the World." *FiveThirtyEight*. 17 Apr. 2014. Web. 18 Mar. 2018. <https://fivethirtyeight.com/features/how-violence-against-women-in-the-u-k-compares-to-stats-across-the-world/>

The Home Office, the British agency that reports on domestic abuse, uses a [definition](https://www.gov.uk/domestic-violence-and-abuse) of domestic violence and abuse that is consistent with the one used by [the U.N.](http://www.who.int/mediacentre/factsheets/fs239/en/), which tracks statistics released by various countries. Because the U.N. uses the most recent national data it can find, the years of that data differ. For example, the number for Turkey was last updated in 2008, but for Thailand, it’s 2005. The category “intimate partner violence, physical and/or sexual in the past 12 months,” however, still provides a way to put the U.K. in context. And on the basis of the U.N.’s comparison, women in the U.K. experience considerably less domestic abuse than elsewhere.

*Brookings.edu*. 18 Jun. 2016. Web. 18 Mar. 2018. <https://www.brookings.edu/wp-content/uploads/2016/06/18-h1b-visas-labor-immigration.pdf>

The majority of analytical work on H-1B visa usage to date has been done at the national level with little discussion of local labor market demand or the extent to which metropolitan employers fill their skills needs with foreign workers.15 Like the issue itself, most research on the topic is highly polarized. The proponents of increasing H-1B visas argue that the nature of today’s global economy makes skilled labor highly mobile and scarce, and push for the need to liberalize immigration policy. They argue that skilled workers are more mobile than in the past due to changes in communication and technology, have more job choices, and can change jobs across countries more easily.16 Critics of the H-1B program argue against any increase in the number of high-skilled foreign workers entering the country in the interest of protecting American jobs for existing U.S. workers. These arguments rest on the understanding that there are no real labor shortages and employers merely take advantage of the visa system by preferring foreign labor for its low cost and exploitability.17 In this scenario, temporary workers depress wages of all skills levels in the domestic labor market.18

When the U.S. begins accepting applications for new H-1B skilled-worker visas today, we can be certain that [tech workers from India will make up a large portion of the requests](http://www.computerworld.com/article/2956584/it-outsourcing/with-h-1b-visa-diversity-doesnt-apply.html?nsdr=true). What we probably won't know, though, is how many of those applicants are female. While program data shows which job categories, countries and companies are awarded the most visas, the federal government says it is not tracking applicants' gender -- although the question is asked on the visa application form. The U.S. begins accepting H-1B visa applications on April 1 for the fiscal year that begins Oct. 1. The U.S. Citizenship and Immigration Service (USCIS) will not release the gender data. It has rejected a Senate request for the information, as well as public records requests from the IEEE-USA and Computerworld."No H-1B visa should ever be issued to an unidentified person -- and you can't know who a person is without knowing their gender," said Peter Eckstein, the president of the IEEE-USA. If the USCIS "doesn't know by now, it's because they don't want to know how bad it is," said Eckstein, regarding the gender of H-1B workers. The IEEE believes a high percentage are male.  Gender information about H-1B visa holders, critics say, could answer some questions about the program's impact on the workforce. The Anita Borg Institute, which advocates for women in technology, believes "it would be very helpful to have better data on the gender diversity of H-1B visa recipients," Telle Whitney, the president and CEO of the institute, said in an email."Our anecdotal experience is that most H-1B visa recipients are men and that this can have a negative impact on increasing the participation of women in the technical workforce," said Whitney. "It is likely that this also negatively impacts underrepresented minorities." Women are underrepresented in technology overall, but particularly worrisome is the talent pipeline. Less than 15% of the bachelor's degrees awarded in 2014 in computer science and computer engineering went to women, according to the Computing Research Association's annual survey of enrollments at Ph.D.-granting institutions. The best source of data for lawmakers on the gender of H-1B workers has been the IEEE-USA. In 2013, Karen Panetta, a professor of electrical and computer engineering at Tufts University who was representing the IEEE-USA, testified before the Senate Judiciary Committee and told it that as many as 85% of the visa holders are men.

American Immigration Council. "The H-1B Visa Program: A Primer on the Program and Its Impact on Jobs, Wages, and the Economy." *American Immigration Council*. 15 Aug. 2016. Web. 18 Mar. 2018. <https://www.americanimmigrationcouncil.org/research/h1b-visa-program-fact-sheet>

·         Since the category was created in 1990, Congress has limited the number of H-1Bs made available each year. The current annual statutory cap is 65,000 visas, with 20,000 additional visas for foreign professionals who graduate with a Master’s or Doctorate from a U.S. institution of higher learning (Figure 1). In recent years, the limit has been reached only a few days after the petition submission period began.

**Figure 1: Annual Cap on H-1B Visas**

Source: U.S. Citizenship and Immigration Services.

*US Department Of CommerceEsa.doc.gov*. 13 Nov. 2017. Web. 18 Mar. 2018. <http://www.esa.doc.gov/sites/default/files/women-in-stem-2017-update.pdf>

This report demonstrates that women are underrepresented both in STEM jobs and among those with undergraduate STEM degrees. Moreover, we find that there has been little overall change in this underrepresentation since our last report using 2009 data. The relatively few women who receive STEM degrees are concentrated in the physical and life sciences, while men with STEM degrees are concentrated in engineering. Perhaps reflecting this difference in concentration, women who receive STEM degrees are less likely than their male counterparts to work in STEM jobs, instead opting for more careers in the healthcare and education sectors. For those women who do work in STEM, we find a somewhat smaller gender earnings gap than for the overall labor force. While this report does not — and cannot — explain why gender differences in STEM exist, its aim is to provide data and insight to help guide more informed policymaking. STEM jobs are crucial to the competitiveness, innovation, and flexibility of the modern economy. The findings of this report provide clear evidence that there is an opportunity to expand the number of women in STEM, even as the gender balance of the overall labor force nears equality

Data from the Census Bureau’s American Community Survey (ACS) shows that women comprise 47 percent of all workers but just 24 percent of STEM workers.8 In other words, a STEM worker is about half as likely to be a woman as a member of the overall workforce.

The proportions of women in the overall workforce and in the STEM workforce are little changed from our previous report on women in STEM.10 As shown in Table 1, the share of women in the overall workforce has fallen from 48 percent to 47 percent, while the share of women in the STEM workforce has held constant.

*Association for Progressive communication, Genderit.org*. 9 Apr. 2015. Web. 18 Mar. 2018. <https://www.genderit.org/sites/default/upload/sectionj\_10points\_apc.pdf>

Women and girls have long been marginalised in science, technology, engineering and mathematics (STEM). Globally, women make up only one quarter of scientific researchers, a figure that drops below 10% in Ethiopia, Gambia, Guinea and Senegal.21 Only 12% of engineers in the world are women.22 Out of 70 offices in 40 countries, Google, the world’s biggest brand, has a staff that is only 30% women.23 The biggest barriers to starting STEM education reflect the “knowledge gap”: exclusion from school, lower literacy rates and less access to the internet and other information and communications technology (ICT) than men.24 Basic education has a huge impact, as women comprise two-thirds of the world's illiterate population, and 54% of children out of school are girls.25 Additionally, the historical tendency to see machines as masculine affects girls' confidence about STEM and discourages them from studying them. Such sexist attitudes mean that women in STEM careers can face hostile work environments, and many in the United States, the headquarters of major corporations such as Apple, Facebook and Google (whose engineering teams are only 15-20% female), are leaving tech altogether.26 A study of European countries revealed that in addition to a glass ceiling, women face a “maternal wall”, meaning that women's careers are hampered by their heavier burden of care and domestic work and a lack of supportive employment policies.2 Because of the gender gap in STEM, women are seriously under-represented in the governance and development of the digital world, which affects society as much as the corresponding gender disparity in the offline world. STEM research and development tends to ignore the needs and concerns of women and girls. Much of the violence that women face online, for example, could be prevented or responded to quickly if women were more involved in developing tools, building spaces and making decisions. A feminist approach to technology could transform the way we work and play on the internet, and STEM solutions extend beyond digital spaces into many facets of our lives

IEEE Xplore Full-Text PDF:." *Ieeexplore.ieee.org*. n.d. Web. 02. April. 2018 <http://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=6529371>

The issue of gender bias was highlighted by IEEE Fellow Dr. Karen Panetta, an engineering professor at Tufts University and IEEE-USA vice president, at a Senate Judiciary Committee hearing on March 18, 2013. Among technical services firms, “where outsourcing companies get more than half the capped H-1B visas, the ratio is more like 85% men,” Panetta testifi ed. “That’s outrageous.” (http://www.judiciary.senate.gov/pdf/3- 18-13PanettaTestimony.pdf) “Gender imbalances within the engineering profession will never be corrected as long as Congress insists that H-1B visas are the preferred vehicle for hiring foreign engineers and computer specialists,” IEEE-USA President Marc Apter said. Apter also noted the increased potential for gender discrimination. “Because the visas are owned by companies –not workers – H-1B employees cannot effectively utilize legal protections that American workers take for granted,” he said. “It is hard to fi le a discrimination case against an employer who can easily have you kicked out of the country.”

## C2

Torres, Nicole. “The H-1B Visa Debate, Explained.” Harvard Business Review. Harvard University, 4 May 2017. Web. Accessed 19 March 2018. <<https://hbr.org/2017/05/the-h-1b-visa-debate-explained>>

H-1B visas are granted through an employer-driven system, meaning employers petition the government for visas tied to specific roles. These must qualify as [“specialty occupations,”](https://www.uscis.gov/working-united-states/temporary-workers/h-1b-specialty-occupations-dod-cooperative-research-and-development-project-workers-and-fashion-models) which typically require a bachelor’s degree (or the equivalent) and are found in fields such as science, engineering, information technology, medicine, and business. Companies have to [attest](https://www.foreignlaborcert.doleta.gov/pdf/ETA_Form_9035CP.pdf) that they will not pay an H-1B worker less than they would an American, and that H-1B workers will not “adversely affect the working conditions” of other workers — but it’s often said that this hardly functions as a rule and is not strictly (if at all) enforced. There is also criticism that it opens up various loopholes that firms can exploit. For example, as a Kellogg Insight [research summary explains](https://insight.kellogg.northwestern.edu/article/does-the-h1-b-visa-program-hurt-american-workers):

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.

The program is most often associated with the tech industry, where H-1B workers hold about [12%–13% of jobs](https://www.nytimes.com/2017/02/05/business/h-1b-visa-tech-cheers-for-foreign-workers.html), according to a Goldman Sachs report. (For comparison, they hold around 0.6%–0.7% of U.S. jobs overall.) Being able to recruit globally is supposed to help tech powerhouses like Facebook and Amazon find the talent they need.

The companies that bring in the most H-1B workers, however, are not Silicon Valley tech firms but IT services firms, many based in India, that specialize in consulting or outsourcing. These companies, which include Tata Consultancy Services, Cognizant, Infosys, Wipro, Accenture, IBM India, and Deloitte, are contracted by other companies to do IT work. According to an analysis by Ronil Hira, a professor of public policy at Howard University, in 2014 nearly [one-third of new H-1B visas](https://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=2) went to 13 of these so-called “outsourcers.” (Tata received the most visas, with 5,650, while Amazon, the tech company with the highest number, got 877.)

Broadwater, Tom. “Silicon Valley is Using H-1B Visas to Crowd Out American Minorities.” St. Louis Post-Dispatch. Louis Post-Dispatch, 23 August 2017. Web. Accessed 20 March 2018. <<http://www.stltoday.com/opinion/columnists/silicon-valley-is-using-h--b-visas-to-crowd/article_2c3ac63c-360a-5c79-88b2-729d8673aa28.html>>

Tech companies' preference for cheaper foreign workers means many qualified Americans can't find a job in the industry. Nearly 11 percent more Americans would have held jobs as programmers if not for the H-1B program. Half of all college graduates who studied computer science end up working outside of the tech field.

The influx of foreign workers has especially hurt non-white, non-male native-born Americans. The National Science Foundation found that 7 percent of men of color who had studied computer sciences, math or electrical engineering were unemployed in 2013. Among women with those same credentials, 12 percent lacked a job. But among white men, only 2 percent were out of work.

Consider the plight of Audrey Hatten-Milholin, a 54-year-old black woman who spent 17 years working in the technology department at the University of California, San Francisco. This February, UCSF laid off Hatten-Milholin and gave her job to a younger male H-1B visa holder.

Wides-Munoz, Laura and Paul Wiseman. [Associated Press]. “Backlash Stirs in US Against Foreign Worker H-1B Visas.” The Mercury News. The Mercury News, 6 July 2014. Web. Accessed 19 March 2018. <<https://www.mercurynews.com/2014/07/06/backlash-stirs-in-us-against-foreign-worker-h-1b-visas/>>

Norm Matloff, a computer science professor at the University of California, Davis, agreed that age plays into it — not because older workers are less skilled but because they typically require higher pay. Temporary workers also tend to be cheaper because they don’t require long-term health care for dependents and aren’t around long enough to get significant raises, he said.

Because they can be deported if they lose their jobs, these employees are often loath to complain about working conditions. And even half the standard systems analyst salary in the U.S. is above what an H-1B holder would earn back home.

Such circumstances concern Americans searching for work in a still recovering economy.

Jennifer Wedel of Fort Worth, Texas, publicly challenged Obama on the visa issue in 2012, making headlines when she asked him via a public online chat about the number of foreign workers being hired — given that her husband, a semiconductor engineer, couldn’t find work.

Johnston. Boston Globe. 2017. “For low-wage workers, many obstacles to reporting sexual harassment” <https://www.bostonglobe.com/business/2017/11/26/for-low-wage-workers-many-obstacles-reporting-sexual-harassment/UVAXy8XrnkkzWUCyShC8oJ/story.html>

The flood of sexual misconduct allegations in recent weeks has come largely from women in white-collar professions, but the problem is thought to be much more prevalent, and hidden, among low-wage workers. These women can’t afford to lose their jobs. Often they don’t speak English and don’t know the procedure for reporting abuse. Undocumented immigrants fear that if they confront their harassers, they will report the workers to immigration authorities. Under the Trump administration, advocates say, these workers have become even more fearful of speaking up. And when they do, even more obstacles await. Lawyers are often reluctant to take their cases because they can’t put down any money upfront. If damages for lost wages are awarded, they tend to be low, meaning less of a payday for the attorneys. Even Greater Boston Legal Services, a nonprofit long dedicated to helping low-income workers, has largely stopped taking sexual harassment cases because they are so resource-intensive. Sexual harassment nearly always involves an imbalance of power between perpetrators and their victims, and it’s especially stark when it comes to low-wage workers, said Sarah Fleisch Fink, director of workplace policy and senior counsel at the National Partnership for Women & Families. A lack of money, education, and language skills, or being a person of color, “can compound the risk of reporting harassment,” Fleisch Fink said. “It plays into feelings of vulnerability and lack of power to assert yourself.”

Golshan, Tara. “Study Finds 75% of Workplace Harassment Victims Experienced Retaliation When They Spoke Up.” Vox. Vox, 15 October 2017. Web. Accessed 19 March 2018. <https://www.vox.com/identities/2017/10/15/16438750/weinstein-sexual-harassment-facts>

The US Equal Employment Opportunity Commission, agovernment agency responsible for processing the sexual harassment complaints that do get reported, saysnearly one-third of the 90,000 complaints received in 2015 included a harassment allegation — but the agency notes that that number is far too low to reflect reality. They also estimate that 75 percent of all workplace harassment incidents go unreported altogether.

In 2016, the [EEOC released a comprehensive study](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf) of workplace harassment in the United States, which concluded that “anywhere from 25% to 85% of women report having experienced sexual harassment in the workplace.” It’s a strikingly wide gap, but one that is very substantial even in its most conservative estimate — statistically predicting one in four people are affected by workplace sexual harassment.

In this void of concrete empirical data, we pieced together reports, surveys, and studies to outline the state of workplace sexual harassment in the United States — and what can be done to address it.

Golshan, Tara. “Study Finds 75% of Workplace Harassment Victims Experienced Retaliation When They Spoke Up.” Vox. Vox, 15 October 2017. Web. Accessed 19 March 2018. <<https://www.vox.com/identities/2017/10/15/16438750/weinstein-sexual-harassment-facts>>

As the Weinstein case exemplifies, women often don’t come forward with their experiences out of fear of retaliation. These fears are very valid and well-founded.

“One 2003 study found that 75% of employees who spoke out against workplace mistreatment faced some form of retaliation,” the EEOC report found.

In Weinstein’s case, the Hollywood executive would threaten up-and-coming actresses’ careers if they did not engage with him, or place negative stories about them in the media to mire their names in scandal. These tactics aim to isolate and silence victims.

#### Matloff 2017: Most tech firms sponsor their H1B workers for US permanent residency, a green card, which forces these workers to stay with the same employer until they get their green card out of fear of moving and starting over again. This immobility is of huge value to many employers, as it means that a foreign worker can’t leave them. This is financially lucrative, because if a worker is not a free agent in the labor market, they cannot swing the best salary deal.

Matloff. Huffington Post. 2017. “Trump Is Right: Silicon Valley Is Using H-1B Visas To Pay Low Wages To Immigrants”<https://www.huffingtonpost.com/entry/trump-h-1b_us_5890d86ce4b0522c7d3d84af>

The order aims to overhaul and limit work visas, notably the H-1B visa program. Tech companies rely on these to bring in foreign talent. Their lobbyists claim there is a “talent shortage” among Americans and thus that the industry needs more of such work visas. This is patently false. The truth is that they want an expansion of the H-1B work visa program because they want to hire cheap, immobile labor — i.e., foreign workers. To see how this works, note that most Silicon Valley firms sponsor their H-1B workers, who hold a temporary visa, for U.S. permanent residency (green card) under the employment-based program in immigration law. EB sponsorship renders the workers de facto indentured servants; though they have the right to move to another employer, they do not dare do so, as it would mean starting the lengthy green card process all over again. This immobility is of huge value to many employers, as it means that a foreign worker can’t leave them in the lurch in the midst of an urgent project. In a 2012 meeting between Google and several researchers, including myself, the firm explained the advantage of hiring foreign workers: the company can’t prevent the departure of Americans, but the foreign workers are stuck. David Swaim, an immigration lawyer who designed Texas Instruments’ immigration policy and is now in private practice, overtly urges employers to hire foreign students instead of Americans. This stranglehold on foreign workers enables firms to pay low wages. Academics with industry funding claim otherwise, but one can see how it makes basic economic sense: If a worker is not a free agent in the labor market, she cannot swing the best salary deal. And while the industry’s clout gives it bipartisan congressional support concerning H-1B and green card policy, Congress’s own commissioned report found that H-1B workers “received lower wages, less senior job titles, smaller signing bonuses and smaller pay and compensation increases than would be typical for the work they actually did.”

#### Campbell 2016: The H1B visa program originally require all employers to promise they would pay workers the area’s prevailing wage for their position and that hiring these foreign workers would not “adversely affect” the working conditions of domestic employees, however it has not protected workers from being replaced with cheaper labor, since companies could still get rid of older employees making a lot more money and hire new H1-B workers without leverage in negotiating salaries. Furthermore, the minimum wage for H-1B visa workers is $60,000 a year, which is tens of thousands of dollars lower than the average salary for an IT worker. This law makes it lucrative and legal for companies to displace workers with cheaper H-1B workers.

Campbell. The Atlantic. December 2016. https://www.theatlantic.com/business/archive/2016/12/fixing-h-1b-visa-loophole/509639/

When the Immigration Act of 1990 created the H-1B program, the law required all employers to promise that they would pay foreign workers the area’s prevailing wage for their position in order to reduce the incentive of hiring them as cheaper replacement labor. It also required them to show that hiring foreign workers would not “adversely affect” the working conditions of current employees in similar jobs. But that didn’t necessarily protect all workers from being replaced with cheaper labor. For instance, companies could get rid of older employees making a lot more money and hire new H1-B workers who didn’t have leverage in negotiating salaries. In 1998—during the tech bubble—lawmakers amended the law to provide more visas at the request of the growing tech industry. At the same time, legislators cracked down on outsourcing companies that were employing large numbers of H-1B workers from Asia, and then contracting them out to American companies looking to save money. Though these consultants are typically called “outsourcing firms,” in a sense their work related to the H-1B visa program is better described as “insourcing,” since what they’re doing is helping companies find workers abroad whom they bring here for new jobs.

…

The new requirement would have provided some additional security for American workers, but a seemingly small, yet significant exemption was also written into the law. It allows those same H-1B reliant companies to ignore the requirements about protecting American jobs as long as they pay the foreign workers at least $60,000 a year, or hire a foreign worker with a master’s degree. It’s unclear why this exemption was included, though critics of the H-1B program say tech companies lobbied for it to undermine the new, tougher restrictions that might impact their ability to hire foreign workers. Considering the average IT worker in the United States makes far more than $60,000, that exemption makes it lucrative—and legal—for companies to displace American workers with cheaper H-1B workers. And it effectively undoes the additional protections of the 1998 bill.

…

Many Silicon Valley companies argue that they rely on the program to recruit the best and brightest workers. And about 40 percent of the 85,000 H-1B visas available each year don’t go to those companies. Instead, they’re snapped up by outsourcing firms like the ones hired by Disney and California Edison. “This shows how powerful the tech lobby is,” says Ron Hira, who researches the impact of visa programs on the American workforce. “[The H-1B program] is very profitable for all these companies, so they will continue to fight for it.”

…

Hira, who has analyzed H-1B data obtained through the Freedom of Information Act, says despite the fact that not all companies use the visa program as a source of cheap labor—there’s research showing that immigrants in STEM fields don’t get paid a lot less than their American counterparts—a growing number of companies are misusing the H-1B visas in order to hire cheaper workers. His data shows that two of the largest H-1B contracting firms, Infosys and Tata Consultancy Services—which provided contract workers to Southern California Edison—paid an average of about $71,000 and $66,000, respectively, to their H-1B workers in fiscal year 2013. Meanwhile, the average salary for a computer-systems analyst in Rosemead, California, where the utility company is located, was $92,000. Yet the average IT specialist at Southern California Edison was making even more—$110,000—according to a report from a consulting firm it hired to review compensation. After receiving complaints from displaced workers, the Department of Labor investigated both companies and cleared them of wrongdoing. In an email to The Atlantic, Southern California Edison says the company and its contractors abide by all U.S. labor laws, such as “those requiring valid and appropriate work authorizations” for contractors working in the United States. With the loophole in place, as long as outsourcing companies pay workers $60,000, they aren’t necessarily breaking the law.

#### Sciacca 2017: The median income for the Bay Area is $115,000.

Sciacca. Mercury News. 2017. https://www.mercurynews.com/2017/04/22/in-costly-bay-area-even-six-figure-salaries-are-considered-low-income/

In the high-priced Bay Area, even some households that bring in six figures a year can now be considered “low income.”That’s according to the U.S. Department of Housing and Urban Development, which recently released its 2017 income limits — a threshold that determines who can qualify for affordable and subsidized housing programs such as Section 8 vouchers. San Francisco and San Mateo counties have the highest limits in the Bay Area — and among the highest such numbers in the country. A family of four with an income of $105,350 per year is considered “low income.” A $65,800 annual income is considered “very low” for a family the same size, and $39,500 is “extremely low.” The median income for those areas is $115,300. Other Bay Area counties are not far behind. In Alameda and Contra Costa counties, $80,400 for a family of four is considered low income, while in Santa Clara County, $84,750 is the low-income threshold for a family of four.

#### Baron 2018: 71% of tech employees in Silicon Valley are foreign born, with a majority of them being brought in through the H1B program.

Baron. Mercury News. 2018. https://www.mercurynews.com/2018/01/17/h-1b-foreign-citizens-make-up-nearly-three-quarters-of-silicon-valley-tech-workforce-report-says/

With the debate over immigration to the U.S. as fiery as ever, a new analysis suggests that Silicon Valley would be lost without foreign-born technology workers. About 71 percent of tech employees in the Valley are foreign born, compared to around 50 percent in the San Francisco-Oakland-Hayward region, according to a new report based on 2016 census data. Immigrant techies tend to go to “the center of the action,” Seattle venture capitalist S. “Soma” Somasegar told the Seattle Times. And Silicon Valley remains the “center of the tech universe,” according to the newspaper. Beyond personal preferences, and the sheer number of companies in areas such as Silicon Valley and fast-growing Seattle, the financial resources of major technology firms also play a role in bringing in immigrants, the Seattle Times reported Wednesday. Many foreign tech workers are employed under the controversial H-1B visa — intended for specialty occupations — which has become a flashpoint in the U.S. cage fight over immigration, with opponents claiming it lets foreigners steal American jobs. Several companies and UC San Francisco have been accused of abusing the visa program by using it as a tool to outsource Americans’ jobs to workers from far-away lands. Although 2016 data released by the federal government last year showed that outsourcing companies — mostly from India — raked in the bulk of H-1B visas, Google took more than 2,500 and Apple took nearly 2,000 to hire foreign workers, about 60 percent of them holding master’s degrees. Large companies, the Seattle Times pointed out, are better equipped to bring in workers under the H-1B. “The H1-B process is not just complicated — it’s also quite expensive to sponsor an H1-B visa worker, a cost larger companies may be more willing to absorb,” the paper reported.

#### John Hopkins 2016: Low socioeconomic background = low graduation rate

John Hopkins University. 2016.<http://edpolicy.education.jhu.edu/family-income-and-the-college-completion-gap/>

The National Center for Education Statistics (NCES) recently reported their findings from the Education Longitudinal Study, which followed a nationally representative sample of 15,000 students who were in 10th grade in 2002 (Kena et al., 2015). The researchers were interested in students’ life outcomes, including college access, entry, and graduation. Important findings from the report include: Lower graduation rates among students from low-SES backgrounds. College graduation rates amongst students from the lowest quartile in the sample, low-SES backgrounds, are 14% compared to 60% of students from high-SES backgrounds, the top quartile of the sample. College graduation is lower even among low-income students who expect to graduate from college. When students were asked as high school sophomores about their expected educational attainment, 58% of students from low-SES backgrounds expected to graduate from college (in comparison to 87% of students from high-SES backgrounds). However, when researchers later revisited these same students, only a quarter of low-SES students actually did graduate from college, in comparison to a much higher percentage, 2/3, of students from the high-SES backgrounds. The lower graduation rates of low-SES students cannot be fully explained by lack of academic preparation. Academically strong students, defined as those who scored in the top quartile in math, from low-SES backgrounds were still much less likely to graduate from college than students of similar or even lower academic ability from high-SES backgrounds. In fact, only 41% of academically strong students from low-SES backgrounds graduated from college, in comparison to 74% of similarly scoring students from high-SES backgrounds. Graduation rates among less academically strong students from high-SES backgrounds are 61% and 41% for students in the third and second quartile of math test scores respectively.

[**Matt O’Brien,** “High-Skilled immigration debate grows over stark gender imbalance, favoring men for H-1B visas” *The* ***Mercury News*,** March 18th 2013 <https://www.mercurynews.com/2013/03/18/high-skilled-immigration-debate-grows-over-stark-gender-imbalance-favoring-men-for-h-1b-visas/> ]

The long-overlooked disparity is beginning to attract attention on Capitol Hill, where activists demanded Monday that the federal government take a closer look at whether U.S. visa policy discriminates against women. The numbers are especially striking because **women** now **outnumber men in America’s professional workforce, although they continue to lag in the engineering professions that make up a large number of the H-1B program for temporary immigrants.** “**More men are coming simply because companies prefer to hire the men over the women,**” said Karen Panetta, a Tufts University computer engineering professor who called attention to the gap Monday at a hearing in the U.S. Senate. Panetta was testifying on behalf of the Institute of Electrical and Electronic Engineers, an association that represents thousands of Bay Area and Silicon Valley workers. **Corporate hiring practices, outdated U.S. visa policies and entrenched gender discrimination in immigrants’ home countries are all contributing to the disparity.** The hearing marked the first time this year that lawmakers specifically addressed how reform of the immigration system will affect women. While the Obama administration came under fire at the hearing for not revealing how many men and women hold H-1B visas, the nation’s centerpiece program for highly skilled workers, the data requested by the Bay Area News Group provided the scope of the imbalance: The U.S. Office of Immigration Statistics recorded 347,087 male H-1B visa holders entered the country during the 2011 fiscal year compared to 137,522 women. The data is imperfect because it includes many H-1B immigrants traveling to the United States after visits to their home countries, not just first-time arrivals.

## 9 out of 10 top H-1B employers use the program principally to outsource American jobs to overseas locations.

**[Ronil Hira,** Ph.D and Associate Professor of Public Policy Howard University “Immigration Reforms Needed to Protect Skilled American Workers” *Testimony In a Hearing before the Judiciary Committee,* March 17th 2015<https://www.judiciary.senate.gov/imo/media/doc/Hira%20Testimony.pdf> ]

Table 2 below shows that **nine of the top ten H-1B employers** in FY13 **used the program principally to outsource American jobs to overseas locations.** Outsourcing firms received more than half of the H-1B visas issued in FY13. The list is a who's who in the Indian outsourcing industry. In fact, Indian Government officials refer to the H-1B as the "Outsourcing Visa." Tata and Infosys, the two outsourcing companies hired by Southern California Edison to replace its American workers, were the top 2 H-1B recipients in 2013. The rest of the **outsourcing firms use the program** the same way - **for cheap labor and to facilitate the offshoring of American jobs.** H-1B advocates often conflate the H-1B with a legal permanent residence (a greencard). The H1B program is a temporary non-immigrant work permit. An H-1B is not legal permanent residence (a greencard). The employer holds the visa, not the worker, and if the H-1B worker is laid off he must leave the U.S. This provides enormous leverage over the H-1B worker. The employer, not the worker, has the discretion of applying for a greencard for an H-1B worker. And most of the top H-1B employers don't sponsor their H-1B workers for greencards.

## Outsourcing firms who abuse the program earn net profits of 25% in a sector where a net margin of 6% is considered doing well (Hira 2015-Howard University)

[**Ronil Hira,** Ph.D and Associate Professor of Public Policy Howard University “Immigration Reforms Needed to Protect Skilled American Workers” *Testimony In a Hearing before the Judiciary Committee,* March 17th 2015<https://www.judiciary.senate.gov/imo/media/doc/Hira%20Testimony.pdf> ]

So why is program practice clearly failing the intent of the law? **There are mainframe-sized loopholes built into the program's design**- the statutory law, regulations, administrative law, and policy guidance - **and a the disinterest in enforcing the rules***.* Some of these loopholes are intentional, some are not, but they all add up to a system that encourages employers to exploit the H-1B program for cheap labor. **Combine those vast loopholes with the fact that replacing Americans with guestworkers is extraordinarily profitable and you have a recipe for massive and widespread abuse. Pioneers of using guestworkers** instead of Americans, such as Infosys, **are earning net profits of 20-25% in a sector,** IT Services, **where a net margin of 6-8% is considered doing well**. Infosys now has a market cap of more than $40 billion largely thanks to America's policy not to protect American workers from unfair competition from H-1Bs. And the effects multiply as firms like Accenture, IBM, HP, and Deloitte are induced to adopt the H-1B business models of Infosys and Tata. The executives making these decisions aren't villains, they are simply acting rationally by taking advantage of a business opportunity to reduce labor costs. Some would even argue that it is the fiduciary responsibility of these executives to exploit loopholes. The raison d'etre of contemporary firms has become to maximize shareholder value.

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## 83 percent of the H-1B recipients are paid wages below the average for that occupation (Costa 2016 - Economic Policy Institute)

[**Sarah Jaffe,** “‘You’re Fired! The Abuses of ‘Skilled’ Worker Visa Programs” *Progressive* February 22, 2016 <http://progressive.org/magazine/you-re-fired-abuses-skilled-worker-visa-programs/> ]

**T**he H-1B visa has its origins in the 1990 Immigration Act and was intended, **according to Daniel Costa, director of immigration law and policy research at the** nonprofit [**Economic Policy Institute**](http://www.epi.org/)**,** to bring in workers with specialized skills to complement, not replace, workers already in the United States. The program has been [capped](https://www.uscis.gov/working-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-fiscal-year-fy-2016-cap-season) at 65,000 visas per year (the visas normally, though not always, are good for three years), with an additional 20,000 available for workers who’ve attained advanced degrees at U.S. institutions. But there has been a push in recent years to raise that cap, as technology companies have put together a massive PR and lobbying blitz arguing that there are not enough Americans with the requisite skills in so-called STEM (science, technology, engineering, and math) fields. That push made the H-1B question a huge—and hugely contentious—part of the 2013 immigration reform negotiations in Congress; the top ten H-1B donors [spent $8.2 million](https://www.washingtonpost.com/politics/visas-for-high-skilled-workers-could-double-under-bipartisan-senate-plan/2013/03/20/8b74c08a-9194-11e2-bdea-e32ad90da239_story.html) on candidates in the prior election cycle. Tech companies, including Microsoft, Facebook, and Google, pushed hard for a hike in the cap, and, Costa says, “basically got almost everything they wanted,” though the bill ultimately failed to pass. The H-1B visa program is supposed to have safeguards against abuse, including rules designed to ensure that guest workers are not a significantly cheaper option for companies looking to save a buck. But Costa says **83 percent of the H-1B recipients are paid wages below the average for that occupation, because of flaws in the system.** “The usual argument from proponents of H-1B expansion is these are the best and brightest workers,” Costa says. “Either that’s true and they’re just being paid really low wages, or they really are entry-level workers whose skills are new and cheap.”

[**Ronil Hira,** Ph.D and Associate Professor of Public Policy Howard University “Immigration Reforms Needed to Protect Skilled American Workers” *Testimony In a Hearing before the Judiciary Committee,* March 17th 2015<https://www.judiciary.senate.gov/imo/media/doc/Hira%20Testimony.pdf> ]

**Professional jobs have been an important rung on the ladder to the middle class.** Computer Occupations in particular have been a traditional path from working class to the middle class. **Exploitation of the H-1B and other guestworker programs is shutting that pathway down and as**we see in the case of Southern California Edison, **many are being forcibly sent down from the middle class. This is especially troubling since the technology industry has a terrible track record on diversity. There are very low rates of hiring of African-Americans and Hispanics as well as women. And age discrimination is an open secret in the technology industry. The SCE workers are typically in their 40s and 50s and are men and women of all races. While the H-1Bs being imported for IT occupations are almost all Indian men in their 20s and 30s**

[**Matt Smith,** Center for Investigative Reporting “Job Brokers steal wages and entrap Indian tech workers in the US” *The Guardian* October 28th 2014 <https://www.theguardian.com/us-news/2014/oct/28/-sp-jobs-brokers-entrap-indian-tech-workers> ]

“You can pretty much see a leash on my neck with my employer,” said Saravanan Ranganathan, a Washington-area computer security expert here on an H-1B visa. “It’s kind of like a hidden chain … and you’d better shut up, or you’ll lose everything.” Through thousands of documents filed with government agencies and in courts across the US and interviews with dozens of workers, CIR found the tools of intimidation included restrictive employment contracts – signed by workers unaware of their rights – as well as legal loopholes. Even immigration experts have trouble sorting out how the brokers manage to game the system. **From 2000 through 2013, at least $29.7m was illegally withheld from about 4,400 tech workers here on H-1B visas,** US Department of Labor documents show. And this barely hints at the problem because, in the hidden world of body shops, bad actors rarely are caught. No federal clearinghouse logs labor brokers’ punitive lawsuits against employees, often filed in far-flung courthouses. But by running the Labor Department violators’ names through court dockets in tech hubs across the country, CIR unearthed a sample of 100 cases in which companies have sued workers for actions as commonplace as changing jobs.

[**Matt Smith,** Center for Investigative Reporting “Job Brokers steal wages and entrap Indian tech workers in the US” *The Guardian* October 28th 2014 <https://www.theguardian.com/us-news/2014/oct/28/-sp-jobs-brokers-entrap-indian-tech-workers> ]

**Labor brokers providing Indian high-tech workers to American companies have hijacked a professional visa program, creating an underground system of financial bondage by stealing wages and benefits, even suing workers who quit.** About 840,000 people from around the world work in the United States on temporary visas, intended to help companies seek uniquely talented employees for specific jobs. In the tech realm, labor brokers often sponsor the visas, then contract out the workers to technology companies or government agencies to build databases, test software and complete other technical projects. For decades, critics have sounded alarms about immigrant tech workers being treated as indentured servants by the worst of these staffing firms, known as “body shops.” In a yearlong investigation, The Center for Investigative Reporting has documented why this exploitation persists – **through humiliation, intimidation and legal threats. Judgments against Indian workers sued for quitting their US jobs can exceed $50,000.** One worker called it an “ecosystem of fear”.

[**Matt O’Brien,** “High-Skilled immigration debate grows over stark gender imbalance, favoring men for H-1B visas” *The Mercury News*, March 18th 2013 <https://www.mercurynews.com/2013/03/18/high-skilled-immigration-debate-grows-over-stark-gender-imbalance-favoring-men-for-h-1b-visas/> ]

The long-overlooked disparity is beginning to attract attention on Capitol Hill, where activists demanded Monday that the federal government take a closer look at whether U.S. visa policy discriminates against women. The numbers are especially striking because **women** now **outnumber men in America’s professional workforce, although they continue to lag in the engineering professions that make up a large number of the H-1B program for temporary immigrants.** “**More men are coming simply because companies prefer to hire the men over the women,**” said Karen Panetta, a Tufts University computer engineering professor who called attention to the gap Monday at a hearing in the U.S. Senate. Panetta was testifying on behalf of the Institute of Electrical and Electronic Engineers, an association that represents thousands of Bay Area and Silicon Valley workers. **Corporate hiring practices, outdated U.S. visa policies and entrenched gender discrimination in immigrants’ home countries are all contributing to the disparity.** The hearing marked the first time this year that lawmakers specifically addressed how reform of the immigration system will affect women. While the Obama administration came under fire at the hearing for not revealing how many men and women hold H-1B visas, the nation’s centerpiece program for highly skilled workers, the data requested by the Bay Area News Group provided the scope of the imbalance: The U.S. Office of Immigration Statistics recorded 347,087 male H-1B visa holders entered the country during the 2011 fiscal year compared to 137,522 women. The data is imperfect because it includes many H-1B immigrants traveling to the United States after visits to their home countries, not just first-time arrivals.

## 53% of women in teach has experienced harassment, and victims are more likely to be punished for their own harassment than their perpetrators are. 35% of women said they themselves faced repercussions while only 9% said their harassers did. (Weiss 2017-Glamour)

[**Suzannah Weiss,** “Survey Finds Women in Tech Get Punished for Reporting Harassment” *Glamour* August 17th 2017 <https://www.glamour.com/story/survey-women-tech-punished-reporting-harassment> ]

Unfortunately, these stories aren't just common—they're actually the norm for women in tech, **according to a** [**Women Who Tech survey**](http://www.womenwhotech.com/resources/tech-and-startup-culture-survey) **of 950 tech workers,** founders, and investors, **including 750 women** and 200 men. **Fifty-three percent of the women** surveyed—**compared to 16 percent of the men**—**said they'd experienced harassment while working in tech, and 60 percent said it had happened more than once.** The most common source of the harassment (reported by 63 percent of women who were harassed) was another employee, but 41 percent were harassed by their supervisors. **Seventy-two percent said they'd experienced sexist harassment, but offensive slurs (51 percent) and sexual harassment (45 percent) were also very common.** Among those who were sexually harassed, 57 percent experienced unwanted touching. And among the 38 percent who were propositioned for sex, 13 percent were propositioned in exchange for a promotion. Gender isn't the only source of harassment in the tech industry. Fifteen percent of women and 23 percent of men had experienced racial harassment; seven percent of women and 17 percent of men had experienced homophobic harassment; and seven percent of women and seven percent of men had been harassed for their gender identity. Even if they hadn't experienced it themselves, 37 percent of women and 38 percent of men said they'd witnessed harassment. Women also reported coworkers making a variety of sexist comments to them. **Thirty-four percent said a coworker had suggested that they might quit to have kids, and 71 percent said a colleague had asked a man a question they themselves were the most equipped to answer.** (Only 16 percent of men had experienced the reverse.) Most of these incidents go unreported. Just 16 percent of women reported their harassment to HR and 23 percent reported it to senior leadership, and it's easy to see why. Only **46 percent of people who reported their harassment said their companies believed them, and only 12 percent were satisfied with the response. And while 35 percent said they themselves faced repercussions, only nine percent said their harassers did**. That's right: **Victims are more likely to be punished for their own harassment than their perpetrators are.**

## Immigrant women are especially vulnerable to sexual harassment in the workplace (Shusman 2011- VOANews)

[**Bernard Shusman,** “Immigrant Women Especially Vulnerabe to Sexual Harassment in Workplace” *VOANews,* June 17th 2011 <https://www.voanews.com/a/immigrant-women-especially-vulnerable-to-sexual-harassment-in-the-workplace-124127654/140972.html> ]

Dorchen Leidholdt, director of a group called Sanctuary for Families, says her group tries to help immigrant women. "**Immigrant women, especially young women**, immigrant women, **are especially vulnerable to sexual harassment in the workplace,"** said Leidholdt. "Eighty percent of our clients are immigrants. Most come from Latin America, Asia, Africa, like the victim in this particular case. And we hear horrifying stories about what they are subjected to by employers." The National Domestic Workers Alliance is calling for an international law banning harassment in the workplace. Ai-Jen Poo says domestics and chambermaids have the same problems. "The way we like to talk about it in the domestic work industry is, it is almost like our industry is, we call it, 'the wild West,' because almost anything goes," noted Ai-Jen Poo. "There is no regulation, very little protection, very little standards. It is often up to the individual workers who are very often isolated to advocate for their rights with very little power to do so." As a college student at John Jay College in Manhattan, Guinea native Marie Toure was told that she could get a higher grade in exchange for sexual favors.

[**Heather McLaughlin,** Oklahoma State University “The Economic and Career Effects of Sexual Harassment on Working Women” *GENDER & SOCIETY, Vol 31 No. 3, June, 2017 333–358 DOI: 10.1177/0891243217704631* **]**

**Sexual harassment can have deleterious consequences for mental and physical health** (McDonald 2012; Willness, Steel, and Lee 2007). Houle and colleagues (2011), for example, point to the longevity of these effects, as **targets of harassment continue to report depressive symptoms nearly a decade later. The** same **study links sexual harassment to other aspects of mental health, including anger and self-doubt, which likely influence targets’ future employment experiences. Given these serious health effects, it is not surprising that sexual harassment affects immediate work outcomes, such as reduced job satisfaction** (Chan et al. 2008; Fitzgerald et al. 1997; Laband and Lentz 1998), **increased absenteeism and work withdrawal** (Merkin 2008; U.S. Merit Systems Protection Board 1988), and deteriorating relationships with coworkers (Gruber and Bjorn 1982; Loy and Stewart 1984). Organizational commitment may also wane if employers fail to adequately address harassers or protect targets (Willness, Steel, and Lee 2007). In light of evidence that sexual harassment is often an ongoing occurrence (Uggen and Blackstone 2004), occurring alongside other forms of workplace abuse (Lim and Cortina 2005), targets may hold employers responsible for enabling a toxic organizational culture. When employers fail to take action, or when targets are labeled “troublemakers” who harm productivity or the organization’s reputation, loyalty and trust may also be jeopardized.

## Extra Contention

Dr. Norman Matloff, professor of computer science at the University of California, Davis, February 28, 2013

"Are foreign students the ‘best and brightest’? Data and implications for immigration policy," Economic Policy Institute,<http://www.epi.org/publication/bp356-foreign-students-best-brightest-immigration-policy/> (accessed 3/3/18)

**On a variety of measures, the former foreign students have talent lesser than, or equal to, their American peers. Skilled-foreign-worker programs are causing an internal brain drain in the United States. The lack of evidence that the foreign students and workers we are recruiting offer superior talent reinforces the need to assure that programs like H-1B visa are used onlyto attract the best and the brightest or to remedy genuine labor shortages—not to serve as a source of cheap, compliant labor.**

#### Baron 18

Ethan Baron,  January 18, 2018, "H-1B: Nearly three-quarters of Silicon Valley tech workers foreign-born, report says," East Bay Times, <https://www.eastbaytimes.com/2018/01/17/h-1b-nearly-three-quarters-of-silicon-valley-tech-workers-are-immigrants-report-says/>

About 71 percent of tech workers in the valley are foreign-born, compared to about 50 percent in the San Francisco-Oakland-Hayward region, according to a new report based on 2016 census data. Immigrant techies tend to go to “the center of the action,” Seattle venture capitalist S. “Soma” Somasegar told the Seattle Times. And Silicon Valley remains the “center of the tech universe,” according to the newspaper. Beyond personal preferences, and the sheer number of companies in areas such as Silicon Valley and fast-growing Seattle, the financial resources of major technology firms also play a role in bringing in immigrants, the Seattle Times reported.

#### St. Louis Post-Dispatch 17

#### Broadwater

Tom Broadwater, 8-23-2017, "Silicon Valley is using H-1B visas to crowd out American minorities," stltoday, <http://www.stltoday.com/opinion/columnists/silicon-valley-is-using-h--b-visas-to-crowd/article_2c3ac63c-360a-5c79-88b2-729d8673aa28.html>

Silicon Valley's highly publicized campaign to hire minorities and women has failed. Black and Hispanic employees combined represent just 5 percent of the tech workforce, and women are outnumbered three to one, according to a new study from the software firm Atlassian. Yet when Atlassian surveyed over 1,400 tech workers, 94 percent deemed their industry inclusive. One reason for this glaring gap between perception and reality? The sector's prolific use of H-1B guest worker visas. Silicon Valley has grossly abused this visa program to take advantage of cheap foreign labor and paper over its diversity problem. Meanwhile, American workers -- especially those of color -- find themselves crowded out of the tech job market. Congress created the H-1B visa program in 1990 to allow companies to hire uniquely skilled foreigners in the relatively rare situations that they couldn't find American workers to fill specialized roles. In the program's first five years, firms never imported more than 52,000 workers annually. But as the dot-com boom commenced, Silicon Valley became increasingly addicted to the H-1B program, which provided firms with a ready supply of skilled workers who would accept far lower salaries than Americans. Eight in ten foreign workers hired through this program earn less than similarly skilled Americans. The tech sector has become the heaviest user of the H-1B program. In total, H-1B holders account for 13 percent of tech workers currently employed in the United States. Silicon Valley giants have aggressively lobbied for increases in the annual allotment of H-1B visas. Google's parent company, Alphabet, shelled out almost $17 million lobbying partly on immigration issues just last year. Microsoft spent nearly $9 million.

#### Guynn of USA Today 15

Jessica Guynn,, 8-10-2015, "Jesse Jackson escalates Silicon Valley diversity campaign," USA TODAY, <https://www.usatoday.com/story/tech/2015/08/10/jesse-jackson-silicon-valley-diversity-letter-technology-companies-apple-facebook-google-dropbox-airbnb-uber/31421955/>

The civil rights leader called on technology companies to accelerate hiring of African Americans and Latinos in a letter sent Monday. "It's time to take stock of what has been done: what has worked and what hasn't," Jackson wrote in the letter that he shared with USA TODAY. "Are the pledges and commitments matching real results? Are any tech companies making a real difference and, if so, how? If not, why not?" Jackson is asking 27 technology companies from giants such as Apple and Facebook to start-ups such as Airbnb, Dropbox and Uber for more detailed information on diversity, including the release of federal diversity data and of the affirmative action plans that federal contractors must file with the government. Companies are not required to publicly disclose either.

#### Google’s vice-president of Engineering

Julia Carrie Wong, 8-1-2017, "Segregated Valley: the ugly truth about Google and diversity in tech," Guardian, <https://www.theguardian.com/technology/2017/aug/07/silicon-valley-google-diversity-black-women-workers>

“We are unequivocal in our belief that diversity and inclusion are critical to our success as a company,” said Danielle Brown, Google’s vice-president of diversity, integrity and governance. “Building an open, inclusive environment is core to who we are, and the right thing to do,” added Ari Balogh, the company’s vice-president of engineering, “‘Nuff said.” [Google](https://www.theguardian.com/technology/google) might prefer the discussion to end there, but the reality is there is a lot more to say about the company’s commitment to diversity.

The public relations blitz may be a corporate necessity given the virulent backlash against the document by many of Google’s own employees. On Monday night, [Bloomberg reported](https://www.bloomberg.com/news/articles/2017-08-08/google-fires-employee-behind-controversial-diversity-memo) that the engineer said he had been fired; Google declined to comment on individual employee cases.

But public commitments to diversity from Google executives do not tally with the company’s workforce data.

Google’s workforce is, by its [own accounting](https://www.google.com/diversity/), 69% male and just 2% African American. Just 20% of technical jobs are held by women. Google may be unequivocal in its “belief” about diversity, but the figures make its shortcomings clear. The company tends to hire white and Asian men over women and other racial minorities.

Lack of diversity in Silicon Valley is an old story. Eighteen years ago, civil rights leader Jesse Jackson first launched a campaign to encourage the region’s tech companies to hire black and Latino workers. At the time, he was [accused](http://www.bloomberg.com/news/articles/1999-07-11/jesses-new-target-silicon-valley) of “terrorism” by Scott McNealy, the co-founder of early Silicon Valley giant Sun Microsystems.

Tech leaders may have changed their tune in the intervening decades – all the top CEOs today loudly proclaim a commitment to “diversity and inclusion” – but in other ways not much has changed in almost two decades.

#### Patton 16

Mike Patton, 4-6-2016, "China's Economy Will Overtake The U.S. In 2018," Forbes, <https://www.forbes.com/sites/mikepatton/2016/04/29/global-economic-news-china-will-surpass-the-u-s-in-2018/#41b9b327224a>

As the chart below indicates, the U.S. contributed 21.2% of total global economic output in 1970. This remained consistent until the year 2000. In every year since, with one exception, America’s percentage of the world’s economic output has declined. In 2015, the U.S. contributed 16.7% of the world’s economy. By 2025, this is expected to fall to 14.9%. Equally noteworthy is the exceptional rise in China’s economy. In 1970, China was responsible for a mere 4.1% of the total. This rose to 15.6% in 2015. In 2025, China’s contribution to the global economy is projected to be 17.2%. Since 1990, China’s percentage of total global output has risen every year with one exception (1998), when it fell by one percent. The vertical black-dotted line on the chart denotes the year (2018) that China’s economic contribution is projected to surpass the U.S.

#### Wesling

Paul Wesling, 3-1-2018, "The Birth of Silicon Valley: Radio Leads the Way," No Publication, <http://theinstitute.ieee.org/tech-history/technology-history/the-birth-of-silicon-valley-radio-leads-the-way>

Silicon Valley—an area that encompasses San Francisco and its extended suburbs to the south, including San Jose—is commonly known as the tech capital of the world. When most people think of the valley, they probably think of semiconductors, personal computers, and software. But it was a hub for innovation long before the rise of personal computing.

Some consider [William Shockley](http://ethw.org/William_Shockley)’s silicon transistor company, Shockley Semiconductor Laboratory, in Mountain View, to be the start of Silicon Valley’s story. Shockley, a Nobel laureate who had grown up in Palo Alto, left Bell Labs in 1956 to establish the laboratory. The following year, several Shockley employees, known as the *traitorous eight*, left to form Fairchild Semiconductor, a company in Palo Alto that would revolutionize the semiconductor industry.

I’ll tell you more about those events in later articles. But the seeds for what became Silicon Valley were actually sown 50 years earlier.

#### Kelly 14

Robert E. Kelly, The Diplomat, 2-10-2014, "What Would Chinese Hegemony Look Like?," Diplomat, https://thediplomat.com/2014/02/what-would-chinese-hegemony-look-like/

Until recently, Asia was arguably “multipolar”—there was no one state large enough to dominate and many roughly equal states competed for influence. China’s dramatic rise has unbalanced that rough equity. China is now the world’s second largest GDP. Although its growth is slowing, it is still expanding at triple the rate of the U.S. economy and six times the rate of Japan’s. By 2020 China is predicted to be the world’s largest economy. Its population, 1.35 billion, is enormous. One in seven persons on the planet is Chinese. Were China’s GDP per capita to ever reach Japanese or American levels, its total GDP would match that of entire planet today. These heady numbers almost certainly inspire images of national glory or a return to the “middle kingdom,” in Beijing. They help account for China’s increasingly tough claims in the East and South China Seas.

#### CNNMoney

Heather Long, 3-29-2016, "U.S. has lost 5 million manufacturing jobs since 2000," CNNMoney, <http://money.cnn.com/2016/03/29/news/economy/us-manufacturing-jobs/index.html>

Manufacturing jobs in the U.S. actually increased in the years after the North American Free Trade Agreement with Mexico and Canada went into effect in 1994.

But the story changed dramatically in 2000. Since then, the U.S. has shed 5 million manufacturing jobs, a fact opponents of free trade mention often.Trump and Bernie Sanders blame China for undercutting American workers with cheap labor (even Trump makes a lot of his [suits and ties overseas](http://money.cnn.com/2016/03/08/news/economy/donald-trump-trade/index.html?iid=EL)). But there's another big factor: technology. Robots and machines are [also replacing workers](http://money.cnn.com/2016/03/09/news/economy/trade-jobs-middle-class/index.html?iid=EL). The tech trend would have happened regardless of trade.

Still, manufacturing remains a key part of the U.S. economy. Over 12.3 million Americans are employed in the industry. But it's not the powerhouse it was.

#### Global Times

2017/8/30, "Watchdog bans outsourcing, renting new media content," Global Times, <http://www.globaltimes.cn/content/1064002.shtml>

China's new media platforms are required to strictly manage their editorial teams and are forbidden from outsourcing, renting or transferring their editorial business, China's top media regulator said Tuesday. "New media platforms affiliated with publishers must abide by the same standards as traditional media, implement the correct orientation of public opinion in every post and procedure, especially on their websites, Sina Weibo and WeChat," the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT) announced on its website. New media affiliated with news publishers cannot outsource, rent or transfer their websites' editorial business, the SAPPRFT said.

#### Huffington Post

Norm Matloff, Contributor, 2-3-2017, "Trump Is Right: Silicon Valley Is Using H-1B Visas To Pay Low Wages To Immigrants," HuffPost, <span class="skimlinks-unlinked"><https://www.huffingtonpost.com/entry/trump-h-1b_us_5890d86ce4b0522c7d3d84af></span>

We should of course support facilitating the immigration of “the best and the brightest.” But research performed at the [University of Michigan](http://www.nber.org/papers/w14792) and [Rutgers University](http://www.nber.org/papers/w14920), as well as [my own work](http://www.epi.org/publication/bp356-foreign-students-best-brightest-immigration-policy/) for the Economic Policy Institute, shows that the former foreign students now in the U.S. workforce tend to be weaker than their American peers. On a per capita basis, the former foreign students in computer science file fewer patents, are less likely to work in research and development and have degrees from less selective U.S. universities. Given the [indirect](http://www.colgate.edu/portaldata/imagegallerywww/0225a1d8-0850-4bb1-88f2-fc550662e306/ImageGallery/HighEdImmigIR.pdf) and [direct](https://www.nytimes.com/2016/01/26/us/lawsuit-claims-disney-colluded-to-replace-us-workers-with-immigrants.html) displacement of Americans by foreign workers, this amounts to replacing stronger people with weaker ones in science, technology, engineering and mathematics — the STEM fields. The harm this brings to our economy, our ability to innovate and our general national interest is immense.

**Contention two is America’s Decline**

**The United States has become reliant on outsourcing to other countries due to the attraction of paying lower wages to foreign workers. This reliance is easily identifiable in Silicon Valley where Baron 18 finds that 71 percent of tech workers are foreign-born. This region and set of companies in the U.S. represent the vast majority of the H1B program. That’s not all, St. Louis Post-Dispatch 17 finds that Silicon Valley giants have aggressively lobbied for increases in quota of H-1B visas. Google shelled out 17 million dollars lobbying on immigration issues just last year and Microsoft spent nearly 9 million. If Silicon Valley had their way, they would have 100% of tech workers be foreign-born since 8 in 10 foreign workers can be paid less than Americans.**

**This creates two unique harms:**

**First, systematic oppression.**

**Guynn of USA Today explains that Silicon Valley started a campaign to promote diversity among minorities and women in the tech industry; however as Broadwater 17 finds, this campaign ultimately failed because the Silicon Valley giants were not regulated and continued to go for lower wages. He furthers that only 5 percent of the tech industry are black or hispanic and women are outnumbered 3 to 1.**

**Second, a reduction in global competitiveness.**

**Wesling 18 contends that Silicon Valley is considered the leader in technology in the United States and is currently the leader of the world as well, however that will not last long. Kelly of the Diplomat 14 explains that China’s economy is growing at a rate 3 times that of the U.S. In fact, Patton of Forbes 16 states that China is expected to overtake the US as the global superpower this year. China began growing faster than the U.S in 2000 which is crucial as CNN Money 16 explains this is the same year of the tech boom and the year the U.S. moved 5 million manufacturing jobs offshore. Unlike the U.S., China refuses to allow its companies to outsource as the Global Times 17 contends, China has outlawed outsourcing among companies who were searching for cheap labor and not intelligence. This is important as the Huffington Post 17 explains the U.S. is not hiring the best and the brightest since H1B workers are less likely to innovate and have degrees from weaker universities. This displacement by foreign workers amounts to replacing stronger people with weaker ones particularly in STEM fields therefore reducing our global competitiveness and allowing China to surpass us in innovation and technology.**