



Written by [Steve Byas](#) on January 7, 2016

H-1B Program Using Universities to Expand

H-1B visas were created in 1990, with varying annual caps. Under this law, visa holders are required to have specialized training or a college degree in the subject for which they are hired. They must be paid the “prevailing wage” for the work, and they cannot be given a job over a qualified American worker.



Unsurprisingly, however, these restrictions are rarely enforced.

Critics of the program, such as conservative radio commentator Laura Ingraham, have contended that companies use the program not to obtain workers they otherwise could not get, but rather to actually replace American workers with lower-wage foreign nationals.

In one instance, Tata Consultancy Services, an India-based firm, was one of the businesses hired by Southern California Edison to outsource the work of 500 of its IT staff. One hundred or so employees left voluntarily, and four hundred were simply let go to make way for the H-1B foreign workers.

The official annual “cap” is 85,000 new H-1Bs, but U.S. universities are in collusion with many well-known American companies to import at least 100,000 *additional* foreign professionals to work more cheaply than American college graduates. These professionals include financial planners, college professors, accountants, lawyers, and medical workers, including doctors. According to the American Association of Medical Colleges, one fourth of doctors hired in the United States are foreigners (while at the same time, many qualified Americans are denied admission to medical schools).

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These foreign professionals, with six-year visas (often extended), are paid lower wages to replace American professionals.

This is one program that Barack Obama cannot be blamed for originating, although he has embraced and expanded it. Though the president is notorious for his assertions that he can make law through “executive orders” (which are to direct officials in only the executive branch of the government), The H-1B program was born through the executive fiat of Obama’s predecessor President George W. Bush in 2006, when he simply approved a memo implementing the program. Under the college loophole, universities may employ as many H-1B visa holders as they wish, for any job requiring a college degree.

Companies that affiliate with universities to take advantage of this bargain-based labor include corporate giants Dow Chemical, Samsung, and Monsanto. The only restriction is that the foreign professionals must spend 55 percent of their hours with a research center somehow connected with a university. The colleges may set the salary levels as low as they wish, and they do not have to first offer the jobs to American professionals.

Under the “Optical Practical Training” program” — created by President George W. Bush and enlarged by Obama — foreign graduates of American universities work for even shorter periods of time.

Because of this glut of foreign professionals, the program has inevitably created a huge category of



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Americans who cannot find jobs in the fields for which they hold degrees.

Adria Baker, the director of Rice University's office for international students, defended the program, declaring, "We are very supportive of giving international students more opportunities."

Another related program is the L-1 visa, begun by President George W. Bush, under which between 300,000 and 400,000 foreign managers are now working in the United States. Last year, President Obama began granting work permits to the spouses of H-1B professionals — again bypassing Congress.

The unlimited importation of foreigners is often seen as a "civil rights" issue by many on the Left. For instance, much of the support for these programs comes from the U.S. Chamber of Commerce, as well as the libertarian and open-borders "think tank" CATO Institute, which also strongly favors any program that brings more foreigners into the country.

Another advocate of a massive increase in the number of H-1B visas is globalist Bill Gates of Microsoft, whose behemoth corporation is a prime advocate of the practice. Politicians who speak glowingly of more immigration are generally those in sync with the U.S. Chamber of Commerce. Republicans are carrying the agenda of big business, which wants not only a cheap labor force, but also a more compliant one. Democratic lawmakers insist on a "path to citizenship," recognizing that the vast majority of immigrant workers are potential voters for their party.

Not all libertarians support open borders, however. For example, Lew Rockwell recently explained his opposition in a piece for the Ludwig Von Mises Institute:

It is impossible to believe that the U.S. or Europe will be a freer place after several more decades of uninterrupted mass immigration. Given the immigration patterns that the U.S. and EU governments encourage, the long-term result will be to make the constituencies for continued government growth so large as to be practically unstoppable. Open-borders libertarians active at that time will scratch their heads and claim not to understand why their promotion of free markets is having so little success. Everyone else will know the answer.

This predicament did not occur overnight. *The New American's* Senior Editor William F. Jasper, in his 2003 article, "Trading Away Jobs and Liberty," gave fair warning. "On May 6th [2003], President Bush signed the Singapore Free Trade Agreement, which (if approved by Congress) would allow an unlimited number of 'temporary' workers from Singapore to enter the United States."

The Singapore treaty provided that no "numerical restriction relating to temporary entry" would be imposed.

Jasper zeroed in on how the trade agreements, such as the one with Singapore, were encroaching upon America's national sovereignty. He called the General Agreement on Trade in Services (GATS) a "threat to our national sovereignty and our system of constitutional federalism," adding, "GATS will subject the U.S. to innumerable charges of trade restriction violations that arbitrators appointed by the World Trade Organization (WTO) will adjudicate. Thousands of federal, state, and local laws and regulations will become illegal under the GATS regime."

Jasper further warned,

GATS is an especially dangerous agreement because it is not a fixed document; it is an open-ended, ongoing process that commits the U.S. and all other 146 member nations of the WTO to a continuous progression of negotiation and revision.

For example, due to a "trade agreement," Congress recently repealed the law which required that any



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meat sold in the United States be labelled with its country of origin. While some proponents of these managed trade agreements argue that Congress must pass laws to implement the rulings of world trade courts, such as the WTO, history indicates that Congress will meekly comply whenever an “international trade court” issues an order.

Jasper added,

The EU has proven itself very aggressive in using the WTO to challenge U.S. laws. The avid globalists in the U.S. argue that we are bound to conform to developing international trade standards, even if they conflict with our constitutional law.

The reduction in the standard of living of Americans through burdensome regulations on small businesses, the importation of cheap foreign labor through open borders and programs such as the H-1B scheme, and international managed trade agreements, are all softening up the American public to accept the erasure of national borders as well as the dictates from foreign “trade courts.”

In April 1974, Richard Gardner, a Columbia University professor and veteran State Department official, wrote an article entitled “The Hard Road to World Order” for the globalist Council on Foreign Relations (CFR) publication *Foreign Affairs*. In the essay, Gardner advised supporters of “instant world government” that they must be patient, explaining,

In short, the house of world order will have to be built from the bottom up rather than from the top down. It will look like a great, “booming, buzzing confusion,” to use William James’ famous description of reality, but an end run around national sovereignty, eroding it piece by piece, will accomplish much more than the old-fashioned frontal assault.

One of those important “pieces” is the H-1B law, which is destroying the economic vitality of the average American.

Steve Byas is a professor of history at Hillsdale Free Will Baptist College in Moore, Oklahoma. His book, History’s Greatest Libels, is a challenge to the great lies of history told about such greats as George Washington, Thomas Jefferson, Warren Harding, and Joseph McCarthy.



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