

The **NEWS** Minute

‘The way it has been carried out is inhuman’: The human cost of suspending H-1B visas

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“I am shattered.”

These are the words of Yukti Bhatia, who has been living in the US since 2014 — first as a Master’s student, and then bouncing around for jobs. At the end of last year, she finally got the job she wanted and had worked for, and received the H-1B approval form. She was asked to exit the country, get her visa stamped, and then re-enter.

It had been six years since Yukti returned to India until she came in February this year. But with her application going into administrative processing, Yukti has been waiting for five months for her visa to be processed and following up every day with the US consulate, but to no avail.

Now, she's been on unpaid leave for five months, as her job in New York cannot be done remotely. She doesn't know how much longer her employer can wait.

A hardline stance on immigration was one of the issues on the back of which US President Donald Trump was elected to the presidency in November 2016. Now, towards the tail end of his term, he has imposed a rule under the garb of high unemployment due to the COVID-19 pandemic, suspending all H-1B, H-2B, J and L visas until the end of the year.

Indians are the largest holders of the H-1B visa, making it through tons of paperwork and bureaucracy to be able to work in the US, where many of them have built their lives. 85,000 H-1B visas are issued every year, of which over 70% are Indians. Currently, lakhs of Indians are on an H-1B in the US, with estimates ranging from 2 to 5 lakh.

The sweeping crackdown comes amidst climbing unemployment in the US, with the belief that H-1B holders, which are primarily Indians working in tech, are taking US jobs.

However, the suspension, which also does not let people who have to renew their visas to re-enter the country till December 31, 2020, has ripped apart families and left many who have built their lives over many years in the US high and dry — like in Yukti’s case. To some degree, there is almost a sense of being betrayed by the country where they have worked hard, pay their taxes and contribute to the economy.

‘Why suspend visa of somebody has already been approved?’

The diaspora has been fighting [LINK] for consulates to be opened so that visas can be stamped, since most other services have. On the day the US brought in the executive order to suspend these visas, the Indian Ministry of External Affairs reportedly requested diplomatic missions to resume visa processing services in view of the lockdown being lifted.

Vinod, who has been working for an IT major in Georgia since December 2016, returned to Mangaluru to take care of his ailing father in February, who subsequently passed away. He had initially assumed that he would be in India for around a month and hence left behind his six-year-old kid and a wife in the first trimester of her pregnancy as he didn't want to risk her travelling.

He booked an appointment in May for renewing his H-1B visa, which was cancelled by the Consulate. Soon after, the lockdown was announced, and consulates have not been opened since. He has since been constantly following up and was informed that his case was in the priority queue, but with the consulates shut, there is no moving forward.

Indians who come for renewal have to bring a Form I-797 Notice of Action, an official letter of approval from the United States Citizenship and Immigration Services that they have received your request, and the process for the visa has been initiated.

“Why do they want to suspend the visa of somebody who has already been approved? We are going back to our already existing jobs,” he says. To address the situation that forigner labourers are taking American jobs, Vinod says this was already addressed by the Green Card freeze put in place in April.

The way this has been carried out is “inhuman”, Vinod says.

Waiting periods for green cards are long. David J Bier, an immigration policy analyst at libertarian thinktank Cato Institute wrote in March that more than 2 lakh petitions filed by Indians could die of old age before they receive their green card.

“Skilled Indian workers make up 75 percent of the employment-based backlog, and recently backlogged Indian workers face an impossible wait of nine decades if they all could remain in the line,” the brief states.

‘Stealing jobs from those who have existing jobs’

Manpreet, an IT professional who works in Connecticut, returned to India in March to renew his visa. Back in the US, his son suffers from asthma, and Manpreet, who has lived and worked in the US for over a decade, wants to get back.

“This is essentially stealing jobs from those who have existing jobs because we have houses, apartments or even a car in the US, which we are actively paying for. Only 10-15% of us can work from here because employers are not so flexible. We are cutting into our savings, but we are stuck here,” he says.

“We are not people who are going there for the first time. We have been working there for a decade and here only for a routine visa renewal. We are like collateral damage,” Manpreet says.

The suspension of non-immigrant work visas may also leave many without a job, with homes, cars and loans that they continue to pay for while stuck in another country.

In his case, Manpreet said they hold specialty occupations in the IT field, which requires on-site work.

“Our salaries are quite competitive. It is just a matter of time before clients start questioning where we are as the US opens up and many will start losing their jobs,” he adds.

Many NRIs TNM spoke to worry the executive order may trigger a round of layoffs. Some people were laid off in May when the lockdown had already been in force for over two months and people were unable to return.

“Our livelihood and careers are set there in the US and now that’s being taken away from us,” he adds.

In Yukti’s case, she cannot work remotely.

“I don’t know what to do. I left my apartment, my car and I’m still paying my bills. I didn’t give up my apartment because I needed a place to stay when I go back after stamping. It’s a home I built over seven years. I don’t know what to do. I spoke to my employer and they are also trying to talk to lawyers and what implications of the proclamation is on me. It’s not easy to give up all that hard work and move base here,” she says.

Yukti says her employer understands her situation now, but doesn’t know how long they can wait. “I also have a student loan that I’m paying off on my own. I don’t know where to get money from. Even my job — it took me 3 different jobs in five different cities before finding the job that is relevant to my career,” she says.

Yukti says she calls the embassy every day and tells them her condition. “It’s so unfair, I can’t put it in words,” she adds.

“I’ve been paying taxes for seven years for what – to be treated like this?” she asks, and says that giving up is not an option, even in the helpless situation they have been left in.

For Vinod, it’s a decision between making his wife and child make the risky journey to India, or being stranded here.

“It’s an incredibly tough decision for me to even consider to get her to travel down here. In the situation that she is in, she has to take one of those repatriation flights, which are 18 hours long. I could not risk it then, and I cannot risk it now. Given that COVID-19 cases are rising and with quarantine measures and her along with the baby and the kid — it’s way too much. I can’t even think about it,” he adds.

Both Manpreet and Vinod question that even if the fresh visas that were to be issued this year were suspended, what was the reason for suspending renewals was.

Manpreet says that the people who were to move to this year haven’t had a base in the US yet, and only delays their US plans, and won’t be drastically impacted. “It’s starting our lives in India again for no fault of ours,” he says.

An I-94 form is stamped to a nonimmigrant visitor’s passport upon entry to the US (and exit date is stamped on the date of departure from the country). This way, authorities know how many people have left the country, how many petitions have been approved and how many people are still in the country.

“This travel ban is just like cutting family ties,” Vinod says.