

Brain drain ... from U.S.

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In 2005, two years after Sameer Sahay arrived in the United States from India to pursue an MBA, he was thrilled when an Oregon health care company hired him and agreed to sponsor his green card. His life as an American, he thought, had begun.

Twelve years later, Sahay, now 50, is still a data architect, still working for the same firm, and still waiting for that green card. It's not clear when he'll clear the government backlog. He does know that his provisional status stalled his career – changing jobs would have required the company to file a new petition. “Personally, I have sacrificed my career to help my family to have a better life,” Sahay says. “That has taken its toll. Had I gotten a green card, I could have moved on, moved up, done a lot more things. This held me where I was 10 years ago.”

Tangled and contradictory immigration policies of this sort have frustrated Indian immigrants for years, but the United States was seen as a prize worth pursuing. Now, though, many Indians – long a vital pillar of U.S. hospitals, tech firms, and engineering efforts – are reconsidering their options. Despite a chummy Rose Garden meeting between U.S. President Donald Trump and Indian Prime Minister Narendra Modi in June, the permanent legal status of many Indians in America has become far more uncertain since Trump's election.

In the president's short time in office, his promises and policies – from the “Muslim ban” to a directive that may alter who gets a work visa – have convinced many foreign nationals that they are not welcome. For many of the 2.4 million Indian nationals living in the United States, including roughly 1 million who are scientists and engineers, the fears are existential; although roughly 45 percent are naturalized citizens, hundreds of thousands still depend on impermanent visas that must be periodically renewed. Changes in the U.S. skilled visa scheme could trigger large economic and intellectual losses, especially in states with many South Asian residents such as California and New Jersey. Some foreign nationals there wonder if Trump's policies will trigger an Indian brain drain.

Since Trump's election, the number of Indian-born residents in the United States searching for jobs back in India has climbed more than tenfold, consulting firm Deloitte Touche Tohmatsu found. Six hundred people were searching in December, and the number spiked in March to 7,000. Four out of 10 U.S. colleges say they've seen a sharp drop in international applicants for the fall term, especially among applicants from India and China, the top sources for international students. Nearly 167,000 Indians studied at American colleges in the 2015-2016 school year. Some graduates from Indian colleges have considered setting out for Canada, which is wooing tech workers, or heading to Europe. Personal safety fears are driving decisions, as well. After a

white U.S. Navy veteran shot two Indian engineers in Kansas in February, killing one, Indian newspapers ran news coverage of the story and editorials for days. The vet had angrily questioned the pair about their visa status.

This year, the number of people applying for a high-skilled worker visa, the H-1B, dropped for the first time in four years – from 236,000 last year to 199,000, the government reported. Attorneys sensed that Trump’s travel ban and vows to tighten vetting procedures have unnerved petitioners. The new wave of H-1B applicants began processing on Sep. 18 – with the numbers severely tightened. More applications are being challenged than ever before.

“The platform he got elected on, that hatred, denigrating other religions, it wasn’t making America great again and uplift the world. It’s ‘We’re going to make America great’ at the cost to the rest of the world. We’re doing long-term damage here,” says Vivek Wadhwa, a distinguished fellow at Carnegie Mellon University. At the same time, the opportunities in India are growing exponentially. “They don’t have to leave.”

Nearly 127,000 Indians were given H-1B visas to work in the United States in the 2016 fiscal year, far more than any other nationality. (The Chinese claimed 21,600 visas.) Most of the 85,000 documents awarded annually by lottery go to outsourcing companies. Such firms recruit foreigners with college diplomas, most of whom are Indian, to work in technical jobs. For years, big tech companies such as Microsoft and Google have pressed the government to raise the number of visas allotted, saying they can’t find enough Americans with the necessary skills. H-1B critics say there are enough Americans with technology degrees to fill all the country’s technical jobs.

In April, Trump rolled out another “America First” policy and announced changes to the program. He signed an executive order that may alter who gets the annual visas, saying he wants to ensure that only the highest-skilled, best-paid immigrant workers gain entry. Lower-skilled workers would be prevented from taking jobs from Americans, he said. Outsourcing firms, such as Infosys, expect a sharp drop in the number of visas they would receive, which would hurt Indians who possess only undergraduate degrees.

The policies and outcomes have discouraged both undergraduate and graduate students from India who would like to study science and engineering in the United States, says Tahmina Watson, an immigration attorney in Seattle. “Why would students come here if the path to a long-term career does not exist?” she says.

So many workers have been frustrated that attorney Brent Renison sought class-action status for a lawsuit filed last year in U.S. District Court in Portland. He argued, in part, that the H-1B lottery was arbitrary and capricious. The suit asked the court to order the government to process visa petitions in the order they are filed and compel the government to establish a waitlist like the one used for green card petitions. The government prevailed.

“Some people are moving out of the country, taking valuable skills with them,” Renison says. “Some people are choosing not to come. If this persists, we’re going to lose a lot of the foreign students we educate.

The system was barely functioning as it was. Applications for work visas already were so clogged in the federal bureaucracy that in recent years even Ivy League graduates couldn't be certain of receiving one. Getting a work visa hasn't guaranteed stability, as Sahay, the data architect, knows. Employers can sponsor immigrants' green cards, or permanent visas, but the approvals process is backlogged. The federal government places caps for green cards on each country each year. Indians seeking permanent residency say it's routine for them to linger in line for a decade or more. Up to 2 million Indian workers here and abroad may be waiting in a green card backlog that could take a decade or more to clear if there are no changes to the system, says David Bier, an immigration policy analyst at the Cato Institute think tank.

Those concerns may add to the shortage of highly skilled technology workers in the United States, just as Canada or Singapore vie for those same people. Every other startup company, says Vish Mishra, an investor with Clearstone Venture Partners, a venture capital firm in Silicon Valley, has operations based overseas or recruits workers in India, Eastern Europe, Canada or Israel. "You're not going to have, all of a sudden, 200,000 [American] people filling the gap that exists. What are businesses going to do? Businesses have to import talent," he says.

Canada has become more attractive just since the U.S. presidential election. The country granted temporary work visas to 1,960 Indian nationals in all of 2015, and 2,120 total in the fourth quarter of 2016 and first quarter of this year.

In November, Canada announced that as of June, the country would speed the processing of standard visas and work permits to two weeks for highly skilled talent working for companies doing business in Canada. The move, the government says, will help companies grow and fuel job growth for Canadians.

Meanwhile, in the United States, tech workers and engineers are bound to established companies that filed paperwork for them years back. Almost everyone in the Indian tech community knows a weekend entrepreneur who desperately wants to start his or her own company but can't quit work because they would be visa-less. Meanwhile, friends and family in India beg them to come home and bring their ideas to India's own booming silicon valleys.

Rishi Bhilawadikar, a user-experience designer in the Bay area, says that tenuous life lived by so many educated Indian workers – in America, but not really of America – spurred him to shoot a feature film. In *For Here or To Go*, made over the course of more than seven years, the characters weigh whether America has lost its promise for young, mobile Indians. The idea bubbled up, Bhilawadikar says, after he read research that showed how certain laws keep some immigrants from fulfilling their potential, driving many back home or to countries with more welcoming policies, such as Canada and Chile.

"I go visit my parents [in India] and they say, 'You've been waiting all that time. Does it make sense?'" Bhilawadikar says. "You're constantly made to think, 'Do I belong here or should I go back?'" Educated at the Indiana University Bloomington, Bhilawadikar says he has stayed in America because of his professional network and a job that he likes at The Gap. "If you worked

hard to develop roots here, it becomes difficult after 15, 20 years to pack up your bags,” he says. Still, he has been reluctant to marry, not knowing if he can count on staying.

Sahay, in Oregon, knows that purgatory too well. When he arrived, he knew Indians who were getting visas in three to four years, he says. Trump’s election has not given him hope that he can expect things to change, “I don’t know if can be called unfair or not,” he says. “The rules happen; people have to abide by it. That’s what we’ve been doing. That’s what thousands of Indians have been doing: waiting.”

Back in India, his niece and nephew, once eager to move to the states, have ditched those plans. The election of Trump has soured their views on America. “Their first reaction is, ‘No,’” Sahay says. “I’ll go to any other country but the U.S.”