



## Issues with the H-1B visa system for Indians

Modi had discussed H-1B visas with Biden during their interaction

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With Prime Minister Narendra Modi having mentioned the issue of H-1B visas during his interaction with US President Joe Biden at the White House, questions remain over whether and how the US will be altering its H-1B policy.

The highly sought-after visa, used by Indian professionals who are working in the US, is used by many as a precursor for permanent residency. However, waiting periods for the employment-based green card can stretch into decades—the Cato Institute estimated that Indian nationals in the EB-2 category alone (for those with advanced degrees) would have to wait for about 151 years.

Modi spoke of the issue of getting access for Indian professionals to the United States. In that context he mentioned H-1B visa, Foreign Secretary Harsh Shringla told reporters at a news conference on Friday.

Prime Minister Modi described as "outstanding" his first bilateral meeting in the Oval Office with US President Joe Biden who said the Indo-US relationship is destined to be "stronger, closer and tighter.

The most sought-after H-1B visa is a non-immigrant visa that allows US companies to employ foreign workers in specialty occupations that require theoretical or technical expertise.

Technology companies depend on it to hire tens of thousands of employees each year from countries like India and China. Nearly 70 per cent of the around 80,000 H-1B visas issued each year go to Indian nations, as per 2017 data cited by a US official.

Shringla added that Modi also spoke of the fact that many Indian professionals who work here contribute to Social Security. The return of those contributions in the United States is something that affects the number of Indian workers, Shringla said.

A fact sheet issued by the White House later said that the United States was proud to have issued a record 62,000 visas to Indian students so far in 2021. The nearly 200,000 Indian students in the United States contribute \$7.7 billion annually to the US economy.

A common problem faced by Indians seeking to immigrate to the US is the country-cap on H-1B visas: Only up to 65,000 visas may be issued to Indians in a single year (with 20,000 additional visas for those who have higher studies from the US).

However, for over 580,000 H-1B holders in the US (as per the United States Citizenship and Immigration Services data from 2020), several rights remain missing: Their spouses (if under H-4 visas) cannot work in the US; H-1B holders cannot vote in US elections (by contrast, Indian and likewise Commonwealth citizens on any visa in the UK are eligible to vote in UK elections), the visas last only for three following which they require an extension (after which the entire visa must be renewed).

A recent push by some lawmakers to allow an easier path to permanent residency for some H-1B holders (Dreamers, Temporary Protected Status and Deferred Enforced Departure Recipients) was blocked by the Senate Parliamentarian.

The US Chambers of Commerce has asked for the overall employment-based visa country-caps to be doubled from 1,40,000 to 2,80,000 a year.

Some Trump-era rules have also been struck down or allowed to expire. A federal judge also recently struck down a proposed rule that was suggested during the former Donald Trump administration, which sought to do away with the H-1b cap lottery system in favour of wage-based selection. Earlier, a Trump-era ban on issuing new H-1B visas was allowed to expire by the Biden administration.

Trump had termed the H-1B visa program a "cheap labour program".

Not all Indians back the H-1B. In February, an immigration advocacy group representing Indian-Americans called for the Biden administration not to issue any more H-1B visas to Indian-born applicants, until the “discriminatory per country limits” on green cards were removed entirely. The group, Immigration Voice, claimed the only people who benefit from the current system were “unscrupulous employers” and says the H-1B visa system only adds to the backlog for those awaiting Green Cards.