

Despite 4 per cent dip, Indians get 63 per cent of H-1B visas

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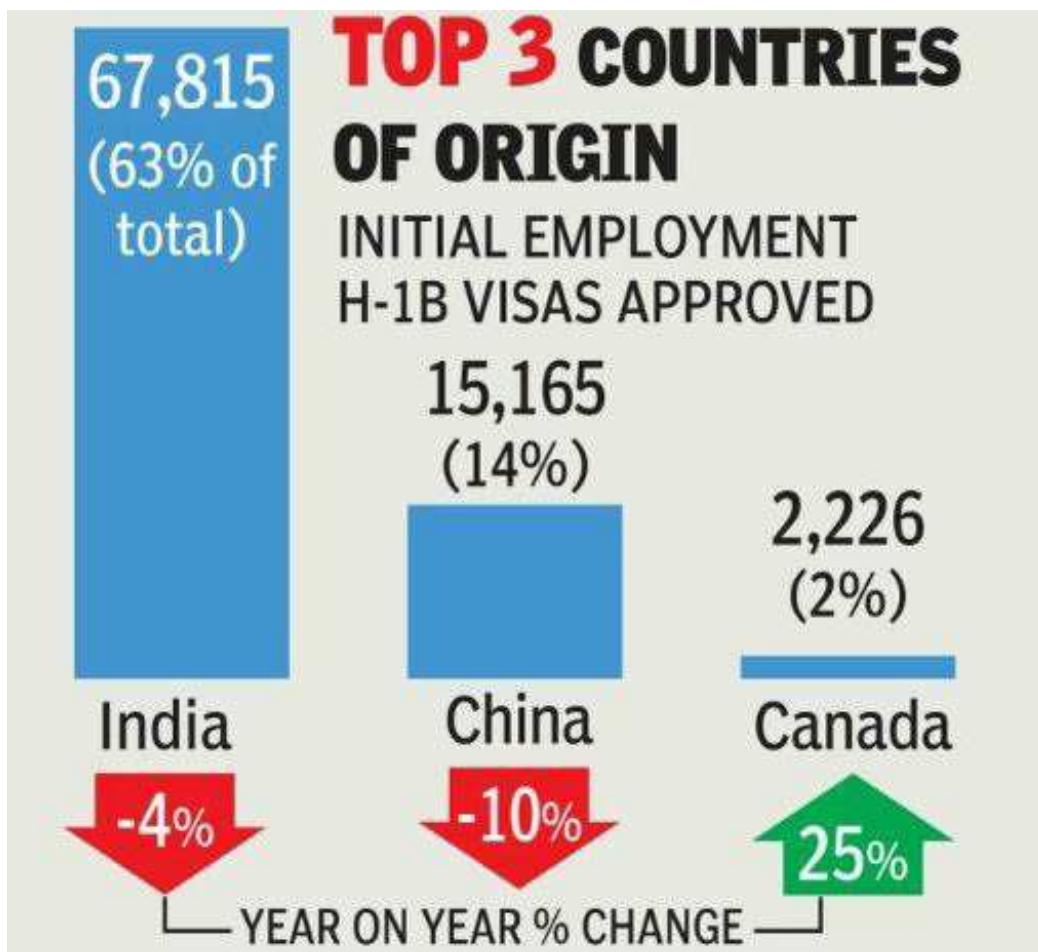


The number of H-1B visas for ‘initial employment’ issued to Indians dipped by 4% in the 12-month period ending September 30, 2017. In all, 67,815 visas were approved by the US authorities for Indian aspirants as compared to 70,737 in the 2016 fiscal.

According to immigration experts, the 4% drop indicates two ground realities: “extreme vetting” and a higher rejection rate during processing, reflecting the protectionist policies under President Trump; and higher local hiring by large Indian IT players such as TCS, Infosys and Wipro.

Despite the drop, Indians were the largest group of H-1B beneficiaries. They bagged 63% of the total 1.08 lakh visas issued for initial employment in the period. In fiscal 2016, Indian beneficiaries constituted 62% of the 1.14 lakh visas granted. In aggregate, 2.76 lakh beneficiaries of the total 3.65 lakh H-1B applications in 2017 (or 75.6%) were born in India. These statistics were disclosed by the US Citizenship and Immigration Services (USCIS) in its recent report, Characteristics of H-1B Specialty Occupation Workers.

“The number of beneficiaries from India approved for initial employment decreased by 4.1% in fiscal 2017, while the number of beneficiaries approved for continuing employment increased by 12.5% (from 1.85 lakh to 2.08 lakh),” it added. Applications for initial employment are filed for first-time employment in the US under the H-1B visa route, which is a popular work visa especially for India’s technology sector.



Post-September 2017, procedural changes such as greater strictures for those H-1B aspirants who will be working at third party client sites have been issued. The US also plans to tighten the H-1B policy further by changing the definition of “specialisation occupation” which will narrow job opportunities for Indian aspirants. It also plans to hike the minimum wage rate for H-1B visa holders from \$60,000 per year to \$90,000 or more, making it more expensive to hire expats. Fiscal 2017 saw a median salary of \$85,000.

“This downward trend in the number of visas for new beneficiaries is likely to continue and the drop in numbers may be sharper in fiscal 2018 and beyond,” said an in-house immigration expert of a technology company.

“I expect a 5-10 times increase in denials. There has also been substantial redistribution in the pattern of filings. American companies are filing a lot more H-1B visas this year in comparison with filing from Indian companies,” pointed out Rajiv S Khanna, managing attorney at Immigration.com.

“The popular sentiment keeps pushing the H-1B visa program down. I am seeing a lot of movement within my clientele towards setting up operations in Canada and professionals moving to Canada. This brain drain from US may not be obvious right away, but will definitely affect its lead in science and technology,” Khanna added.

Annually, only 85,000 visas are issued for initial employment by the US authorities (which

includes the US Master's cap of 20,000). However, applications for an H-1B filed by a sponsoring employer which is a higher education institution or non-profit affiliated with such an institution, or a non-profit research organisation or government research organisation are exempt from the cap. Applications to extend an H-1B holder's period of stay (the visa is initially for three years) or to change the current employer also do not count against the annual cap.

Overall, the US approved 3.65 lakh H-1B visa applications, of which 1.08 lakh or 29.5% were for initial employment. Apart from being the largest constituents for initial employment, in aggregate, 2.76 lakh beneficiaries of the total 3.65 lakh applicants (or 75.6%) were born in India. More than 80% visas for continued employment of Indian applicants were approved.

The second most prevalent country of birth of H-1B beneficiaries was China, representing 9.4% of all beneficiaries, 15% for initial employment and 8% for continued employment.

"Computer-related occupations" was the largest category, and the number of H-1B applications approved for these workers increased by 6.6% from 2.38 lakh in 2016 to 2.54 lakh in 2017.