

Efforts to restrict H-1B visa gather pace as Trump enters White House

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BENGALURU: As Donald Trump takes over as US President+, efforts to make the H-1B visa more restrictive+ - that had largely failed during Obama's presidency - are gathering pace.

US senators Chuck Grassley and Dick Durbin, who have time and again tried to bring in legislation on H-1B, have now said they will introduce a new legislation that would ensure that the best and brightest students educated in the US receive preference for an H-1B visa. Currently, H-1B visas are used by many Indian IT companies to send specialist employees to the US on work.

Grassley also said the bill includes several reforms of the L-1 visa programme, including establishing a wage floor for L-1 workers and authority for the Department of Homeland Security to investigate, audit and enforce compliance with L-1 programme requirements. H-1B and L-1 are both visas that allow foreign personnel to work in the US for periods of three years and more. Indian IT companies have been the largest recipients of H-1B visas.

Grassley and Durbin's move comes within weeks of another bill, introduced by Republican Darrell Issa, that would require US employers to pay those who come under the H-1B visa programme at least \$100,000 a year, up from a current minimum of \$60,000.

The bill also seeks to remove an exemption clause that allows authorities to skip troublesome paperwork if H-1B applicants had the equivalent of a Master's degree or higher.

The legislations might receive a more sympathetic hearing under the Trump administration. Trump's campaign for local jobs has been accompanied by promises to deal with offshoring and immigration. For Indian IT, which gets 60% of its revenue from the US, this is a cause for worry.

"While the intention to promote students of US universities to get jobs is understandable, it need not be at the cost of skilled foreign workers," said Vikram Shroff, head of the HR law practice at law firm Nishith Desai Associates. Shroff said given that the H-1B 2018 season starts in April 2017, Indian IT companies would have already initiated the process of shortlisting the candidates and preparing their applications. "Such a legislation if enacted prior to the application date, could have a huge impact on those companies' business commitments," he said. Rakesh Prabhu, partner-immigration practice in law firm ALMT Legal, said the move is an alternative way of seeking a restrain on H-1B visa.