

End of the great American dream?

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Indians working on H-1B visa in the US share their fears and hopes with Portfolio

“Every time I hear fresh talk about H-1B visas and of crimes against Indians in the US, my heart skips a beat as many of my family members, including my son, live and work in the US,” remarked an elderly neighbour recently.

The US has always been hailed as the land of opportunity, which rewards talent and hard work, irrespective of race and religion. But since the taking over of Trump as the new President, are the old ways being replaced by new, worrisome trends?

Portfolio spoke to two full-time professionals under H-1B status working in the US and a post-graduate student hunting a job in the US. We also sounded out a legal professional from America to understand the changes that are happening.

Opportunities, constraints

Job creation is what preoccupies most countries across the globe today. The US is no exception.

Kaushik Krishnan, who finished his masters in the US, has been employed in the oil and gas industry over the last two years. “Job creation was strong during the Obama administration but not anymore. Besides, only 10 per cent of the H-1B visa holders are highly skilled; most others are just body-shopped from software companies in India. So, with lots of people from developing countries coming here for their education, you should be really competitive,” says Kaushik.

Not just finding a job but the ability to seamlessly change jobs is considered fair from the employee’s point of view. In a way it also reflects the health of the prevalent economic, political and legal system.

Sridhar Sellaiah, employed with a small-scale manufacturing firm, says, “when you change jobs in the US, the H-1B visa also gets transferred within two weeks to the new company. The transfer process is similar to a new H-1B issuance. But since H-1B processing has been stopped and the employment offers are generally open only for a week or two, this will lead to lots of complexities for an individual planning to switch jobs.”

But this should not worry the overseas students just graduating from universities in the US. Mahesh Nagesh, a final-year Masters student from the University of Cincinnati, says, “it is not a problem of H-1B alone. There is a general slowdown in recruitment itself. But as a graduate of science, technology, engineering and mathematics, I can work for a

period close to 30 months in optional practical training. In the mean time I can find a job. Besides, given the recent moves by the US government, many technology companies may find it difficult to find the right talent. So, the H-1B and other constraints may not be practically feasible over the long term.”

To stay or not to stay?

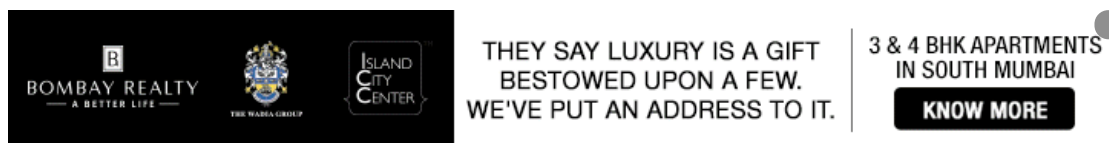
So, are there any other ways to bypass the H-1B problem for an employee working in the US?

“An employer can initiate L1 visa for his employee. But the problem is that, the company that sponsors you should have an offshore office where you should have worked for a year. So, this is not a feasible solution for everyone,” says Sridhar

“Also, given the uncertainty prevailing over Trump’s plans some employers are scared to recruit people with H-1B visas,” says Kaushik.

So, what choices do they have in case they have to move out of the US? All three are eyeing suitable opportunities in Canada and Singapore. Although Sridhar and Mahesh would also consider jobs in India, Kaushik thinks he may not find suitable openings back home for the unique skill-sets that he has developed in the oil and gas industry.

However, both Sridhar and Kaushik have increased the proportion of income that goes into their savings in view of the policy uncertainty.



There are implications for real estate too. Sridhar says, “With these kinds of sudden policy decisions by the US government, I have decided to shelve the idea of buying property in the US. In case I need to move out of this country at short notice, I may have to sell my property at a huge loss. Besides, there is also a general sense of fear in the air among Indian communities here, both for citizens as well as non-citizens.”

But Mahesh differs. “Our neighbourhood is very friendly. There is a constant police patrol inside the university and the student community feels safe,” asserts Mahesh.

Expert opinion

While H-1B visa issues aren’t really new, they could have arisen afresh because the basic principle on which they were premised has changed drastically.

Lawyer Vikram Shroff, who is with Nishith Desai Associates, explains thus: “The H-1B non-immigrant visa program was created in 1990 to allow US employers to temporarily employ foreign workers in certain speciality occupations. The program was intended to serve companies who could not find the skilled workers in the US.

As part of the process, the government tries to ensure that foreign workers do not displace US workers. But there were concerns that the H-1B visa program was being misused. Politically, this can become a sensitive issue for any government.”

There is not much choice for the present H-1B visa holders residing in the US. “Multiple Bills have been introduced proposing changes or restrictions to the H-1B visa. Not all will be accepted by the US government. Some of them may even be modified before being enacted. No doubt it is going to be difficult for the current H-1B holders, besides the prospective candidates who are yet to apply. They have no other option but to wait and keep track of the developments.

One should hope that any amendment does not affect at least the existing H-1B holders,” says Vikram.

Tech firms apprehensive

With H-1B visa processing for fiscal year 2018 beginning this April, technology companies are apprehensive.

One of the changes proposed is to more than double the minimum salary of the H-1B visa holder from the current limit of \$60,000 to \$130,000 per annum.

This will add a huge cost to Indian technology companies, which have been one of the biggest beneficiaries of the H-1B in recent years. Any such decision, if it is enforced just before the application window opens on April 3, can be disastrous,” says Vikram.

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