# Tougher H-1B clause for IT programmers

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BENGALURU: A new memorandum issued by the US Citizenship and Immigration Services (USCIS) makes it mandatory to ensure a closer scrutiny of computer programmers using H-1B work visas, and ensure that only those programming positions that can qualify as a specialty occupation use these visas.

Companies applying for H-1B visas for computer programming positions will have to submit additional evidence showing that the jobs are complex or specialized and require professional degrees. The memo said the updated guidance is effective immediately, which means it applies to the new visa application season that began on Monday for fiscal 2018.

Analysts were divided on how seriously this would impact India's IT outsourcing industry, which is the biggest user of H-1B visas. IT industry body Nasscom said it was still studying the memo, but said its early assessment was that it would not significantly impact the sector. "We do not send entry-level programmers on H-1B visas," a Nasscom executive said.

Cyrus D Mehta of US immigration law firm Cyrus D Mehta & Partners, tweeted: "New USCIS policy memo re H-1Bs and computer programmers toughening up on entry level positions w Level 1wage." Vikram Shroff, head of the HR law practice at law firm Nishith Desai Associates, said the timing of the USCIS memo would be questioned. "Given that it has been published just before the start of H-1B visa application window for FY18 season, it will cause significant confusion for all the applications already lined up," he said.

He said H-1B speciality occupations include science, engineering and information technology.

The memo is in line with a number of recent pronouncements by US President Donald Trump, who has accused Indian IT companies in the past of taking away lower-level jobs even when Americans are available to do the same job.