


H-1B Visa Stumps American Dream Of Indians

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H-1B visa stumps American dream of Indians. For Indians, the American dream, might seem farther away than imagined – or it might not even materialize for many. USCIS (United States Citizenship and Immigration Services) officials have recently been rejecting lots of H-1B applications (extensions included), stating that they were not categorized as a ‘specialty occupation’.



It Can Get Much Tougher

It is believed that the Trump Administration, is going to make it tougher for people who want to get H-1B visas. The Trump Administration came out with a new proposal on Thursday, under which it would be very tough for people to get jobs in the United States of America, on H-1B visas.

This proposal of the Trump Administration is titled ‘Strengthening the H-1B non-immigration visa classification program.’ According to this new proposal announced by the Trump administration, the Department of Homeland Security (USCIS is a unit of the Department of Homeland Security), will revise the so called ‘definition’ of what is currently known as ‘specialty occupation’. The focus of the Department of Homeland Security will now be realigned to ensure that only the best of the best of global nationals, can get to work in the United States of America, with the H-1B visa program.

Announcement Made By US Administration Pertaining To H-1B Visas

“USCIS recognizes that significant employer violations — such as paying less than the required wage, benching employees (not paying workers the required wage while they wait for projects or work) and having employees perform non-speciality occupation jobs — may be more likely to occur when petitioners place employees at third-party worksites. Therefore, in order to protect the wages and working conditions of both US and H-1B non-immigrant workers and prevent fraud or abuse, USCIS policy should ensure that officers properly interpret and apply the statutory and regulatory requirements that apply to H-1B petitions involving third-party worksites.”

A Barrier For Indian Companies

Indirectly, this is clearly a barrier for Indian companies, who send people from India, on jobs in the USA, on H-1B visas. Now, Indian companies will have to prove that the people who they send to the USA, on H-1B visas, have what is now being called by the US Administration as – “specific and nonspeculative qualifying assignments in a speciality occupation” – and this would be in place, for the entire validity of the visa. This would imply that once the employee is in the USA, he/she cannot be moved between companies and projects.

This change in policy has not at all been accepted by the global technology industry, of which India happens to be a market leader for this kind of talent. Dara Khosrowshahi, chief executive of cab aggregator Uber, said at the ET Global Business Summit, "I am worried that the attitude that the administration has on immigration will bruise the American brand."

3/4th Of H-1B Visa Holders Are Indians

According to a report released by USCIS, as on October 5th, 2018, 4 out of 5 H-1B visa holders are Indians. There were 419,637 foreign nationals who were employed on H-1B visas and out of these, 309,986 were Indians, in the year 2018.

American Immigration Council (AIC), staff legal professional, Leslie K Dellon, said, "From what we've seen, USCIS is denying more H-1B petitions on the ground that the job is not in a specialty occupation. These include cases where the foreign national has been working in H-1B status either in the same job or in a similar job, that is in the same occupational classification which USCIS now claims is not a specialty occupation."

The Final Outcome?

Legal professional, Rajiv S Khanna, said, "The problem with the USCIS interpretation of specialty occupation is that it is almost unattainable to comply with, in many areas of professional endeavor. For example, USCIS has been disregarding circumstances the place an MBA is required, pointing out that an MBA is not a 'specialty occupation,' because it is not some extent in a particular subject. Many of the denials passed out by way of the USCIS seem to be pretextual relatively than meritorious. Where the Department of Labor's personal documentation (Occupational Outlook Handbook) states that a degree is required for a specific occupation, the USCIS tries to take the placement that the degree required is not in a particular subject or box of analysis."

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Christina Johnson is a proud born and raised Torontonionian. Christina has worked as a journalist for nearly a decade having contributed to several large publications including the Yahoo News and the Financial Post. As a journalist for White Pine Tribune, Christina covers national and international developments.

