Oneindia » News » Business



Written by: Rajiv S Khanna Updated: Tuesday, July 9, 2013, 17:51 [IST]

Ads by Google

RE

RY

7

ke

eet

ds

Immigration Lawyer

Green Cards Work Permits Free Initial Consultation -Call Now

www.mvrodriguez.com

VA/MD Immigration Lawyers

Green Cards, Investment, Asylum Deportation Defense, and much more.

www.lgilawyers.com

Virginia, July 9: H-1B visas allow foreign nationals who hold at least a Bachelor's degree or equivalent in professional subjects to temporarily work in the United States on specific projects. Among other requirements, employers must file a Labour Condition Application (LCA), which includes certain attestations about the position, with the Department of Labour (DOL).

These non-immigrant visas are frequently used by India-based companies with business models focused on supplying IT services to US companies that require professionals to work on short term-projects at various locations. Senate Bill 744, which recently passed the Senate, would have a profound impact on these Indian IT companies.



Assuming the bill passes the <u>house</u> of Representatives without significant alteration, Indian IT companies would likely be severely restricted in their accustomed use of H-1B visas. The bill raises fee amounts and wage requirements, increases government investigative authority, places additional recruiting requirements on employers, limits the total number of H-1Bs certain employers may hire, and contains significant



More Headlines

'Dead' patient wakes up just before organ harvest



Aarushi, Hemraj fractures not from golf club blows: Expert



Pak obsession with India led to Osama raid, probe report says



BJP helping Cong win few Lok Sabha seats in Karnataka!



Supreme Court bashes CBI, Dayanidhi Maran to face wrath now



Jewellers to stop selling gold bars, coins to consumers



Congress meet on Telangana heightens anxiety



Ramzan begins on July 11



+ Show More

1 of 3 7/10/2013 12:04 PM

restrictions on "outplacements," A phrase that is so broadly defined as to include all types of contracting for an employee's services at a third-party site.

There are additional limitations placed on "H-1B dependent employers. The Senate bill would impose additional <u>fees</u> on H-1B employers.3 The system and method of calculation for DOL-provided prevailing wage determinations also changes significantly under the bill.

H-1B dependent employers must pay a minimum of Level 2 wages even if the new recruit is signed right out of school. Furthermore, employers will be required to have taken good faith steps to recruit US workers using industry-wide recruitment standards and must have offered wages at least as great as that offered to the H-1B applicant.

Government investigative authority would also increase significantly under S.744. The standard of review by DOL for LCAs becomes more onerous, the statute of limitations period on LCA violations doubles, DOL no longer needs "reasonable cause" to initiate investigations that stem from complaints, fines are doubled and additional employer liability for lost wages and benefits to employees is added, and DOL is required to conduct annual audits under certain criteria.

Additionally, there are several new restrictions placed on employers during their recruitment for a position offered to an H-1B applicant.6 Although it remains to be seen exactly how the provision will be interpreted, Indian IT companies could be significantly affected and hindered by the restrictions on "outplacements," in the bill. S.744 prohibits outplacement, outsourcing, leasing, or "otherwise contracting for services or placement of" H-1B employees by H-1B dependent employers, and imposes a fee of \$500 per outplaced employee on non-H-1B dependent employers.

Indian IT companies regularly use workers on H-1B visas and typically require them to work at several worksites. This practice would likely be severely impeded if S.744 is enacted. Although it remains to be seen whether or not the bill will become law, it is safe to say that many of the bill's measures would make competing in an increasingly competitive global marketplace significantly tougher on Indian IT companies.

[Rajiv S Khanna is a leading US immigration lawyer. He operates out of Virginia in the US]

Read in Telugu: కొత్త ఇమిగ్రేషన్ లా: భారత ఐటి కంపెనీలపై దెబ్బ

Topics: information technology, immigration, visa

Story first published: Tuesday, July 9, 2013, 15:42 [IST]

More from Oneindia

- Mistakes To Avoid In A New Relationship
- Highest Paid Models Of 2013
- Bollywood's Rs 100 crore movie club list
- New Pics: Suraj Pancholi broke girlfriend Jiah Khan's finger?
- Cool Interior Ideas For A 1BHK Flat

From Around The Web

- Female Inmates Throughout California Prison System Coerced Into Sterilization (First to Know)
- "When women move forward, the world moves with them" (Exxon Mobil Perspectives)
- Blacks more racist than whites, Rasmussen poll finds (Allvoices)
- Sheena Monnin Loses Donald Trump Appeal: Ex-Miss Pennsylvania Says She's Glad Truth Is Out, Solicits Donations for Legal Fees (E! Online)
- This is how Russian spy, Anna Chapman ,proposed to Edward Snowden (Daily Dot)

Recommended by

Related Articles

▷ X

We FIX the Matches Better! Shaadi.com

People Talk

Srikanth Puli on Congress meet on Telangana heightens anxiety

Satish Chandra on Sushilkumar Shinde and Sonia Gandhi visit Bodh Gaya

Bhaskar Desai ahmedabad gujrat on Twist in BJP: Advani to declare Modi as PM candidate

Ved Prakash on Narendra Modi not an issue in the LS polls: Khurshid

Satish Chandra on After BJP, it's time for Congress leaders to visit Bodh Gaya

2 of 3 7/10/2013 12:04 PM



Wipro roars over Lee design copy row, to take action soon



Shocking: Wipro copies Lee's awardwinning design

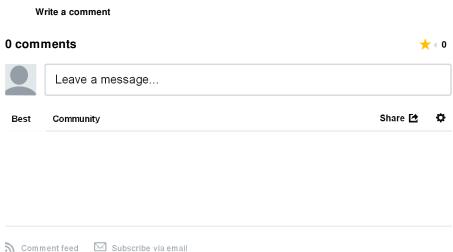


Infosys messiah Narayana Murthy reveals his secrets

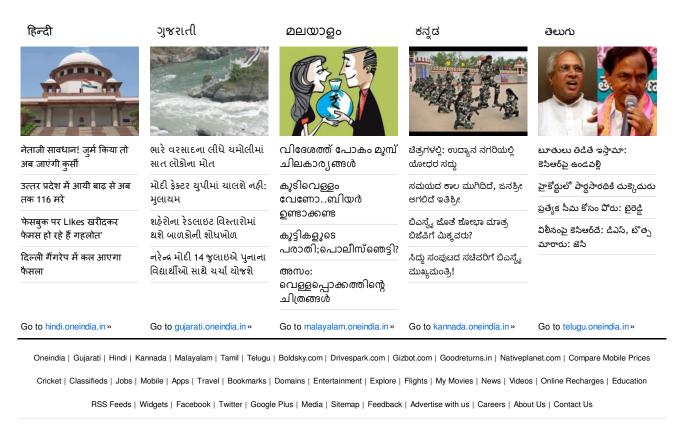


IT companies Happy: CBDT withdraws controversial circular

Other articles published on July 9, 2013



Video Gallery



© 2013 Greynium Information Technologies Pvt. Ltd. | Terms of Service and Privacy Policy

3 of 3