

A WALK-BACK: THE HINDU EDITORIAL ON THE BIDEN ADMINISTRATION ALLOWING H-1B VISA BAN TO LAPSE

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President Joe Biden allowed a ban on issuance of H-1B visas for skilled workers to lapse at the end of March 2021, a move signalling his intent — articulated as a campaign promise last year — to pull the U.S. back from harsh immigration rules imposed by his predecessor, Donald Trump. Mr. Biden's action will have a significant and favourable impact for Indian nationals seeking employment with U.S. tech firms, given that they were the largest demographic to benefit from this visa annually; they garnered approximately 70% of the 65,000 H-1B visas annually made available to private sector applicants other than students. By some estimates, H-1B visa applications of up to 219,000 workers were likely blocked as a result of Mr. Trump's proclamation last June, halting the processing and issuance of non-immigrant work visas of several types. The stated aim was to prevent foreign workers from cornering jobs in the context of the economic distress associated with the COVID-19 pandemic. Yet, this raised genuine questions about whether such rules would set back the U.S.-India relationship by impacting Indian IT services exported to the U.S. These totalled approximately \$29.7 billion in 2019, 3.0% (\$864 million) more than 2018, and 143% greater than 2009 levels. Not only did the CEOs of Silicon Valley tech titans protest the clampdown on a key source of skilled labour driving their core operations, but some universities also filed lawsuits challenging a subsequent student visa ban last year, leading to a partial walk-back on the rules for the latter.

In allowing the ban on H-1B visa issuance to expire, Mr. Biden has walked a fine line between restoring the inflow of skilled workers into the U.S., a source of productivity increases for its labour force, and not being seen as aggressive in unwinding Trump-era immigration policies. On the one hand, Mr. Biden clearly recognises that there are limits to the Trumpian dogma of economic protectionism — especially during a period of economic crises such as the present — where there will be fewer jobs to reserve for Americans if the size of the pie is not increased through economic growth momentum built on a diverse and skilled workforce. Nevertheless, the Biden White House has clearly not forgotten the nearly 74 million votes for Mr. Trump in the 2020 presidential election, a fact that perhaps makes it unwise to explicitly reject the 'America First' ideology, even if that motto is no longer alluded to on Pennsylvania Avenue. It would in this regard be reasonable to expect that the Biden administration will continue to push gradual reforms that nudge the U.S. economy and global strategic position back toward an ethos of multilateral cooperation and bilateral progress with countries such as India, while however retaining a sharp emphasis on policies that further U.S. national interest in a dramatically transformed post-COVID world.

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