

On H-1B visa rules: Visa heartache

The United States' H-1B visa has for decades been a source of nail-biting tension in India. The latest case in point was a scare that President Donald Trump's administration was toying with the idea of new regulations that would restrict extension of the visa by those awaiting a green card. Leaving aside technical reasons why such regulations may not take off, the contentious history of the H-1B visa should have given pause to alarmist claims between 500,000 and 750,000 Indians in the U.S. would have to "self-deport". The majority of the 65,000 H-1B regular-cap visas and 20,000 H-1B advanced-degree visas made available each year are scooped up by Indian nationals, many assimilated into the backbone of the U.S. tech industry. Nevertheless, given the number of times that protectionist rhetoric has identified this visa category as a soft target, and the relatively high frequency of spikes in political pressure to protect American jobs, one would expect a more nuanced reaction than unbridled panic. In the past, even during the Obama administration, the bipartisan Comprehensive Immigration Reform plan called for the tightening of qualifying conditions for the H-1B visa. As recently as 2017, four bills were tabled in the U.S. Congress mooted new proposals to [clamp down on H-1B visas](#). None came to fruition. The last salvo was Mr. Trump's executive order in April, which was accompanied by much fist-banging but ultimately only called for modest changes, mainly a multi-agency study on what reforms are required.

The apparently endless cycles of heartache over the H-1B visa stem from a fundamental reality: that the visa itself is designed to be a non-immigrant entry ticket into the U.S. economy, but over time it has metamorphosed into a virtual pathway to permanent residency and citizenship, particularly in the case of Indian nationals. The most important reason for this is that most of these "speciality occupation" workers — primarily experts in fields such as IT, finance, accounting, and STEM subjects — fill a real void in the U.S. labour force. It is not only Indian tech firms whose employees get awarded H-1B visas, but it is to a great extent a visa that Silicon Valley giants such as Microsoft, Intel, Amazon, Facebook and Qualcomm rely on for their staffing needs. Thus, there is a self-limiting dimension to any reform that purports to slash H-1B allocations, so that no President or lawmaker would want to be seen as causing economic pain to the companies on whose coat-tails the U.S.'s reputation as a global tech leader rides. Indian policymakers, who appear to be aware of this subtle truth, should focus their efforts on quiet back-channel lobbying, and eschew knee-jerk reactions every time the "Buy American, Hire American" rhetoric echoes in Washington.

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