

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS

LOK SABHA
STARRED QUESTION NO.370
TO BE ANSWERED ON 21.03.2018

H1B VISA RULES

*370. SHRI JAYADEV GALLA:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether the US Administration/US citizenship and Immigration Services has recently issued an Order/Memorandum which tightens H1-B visa rules for Indian companies as well as individuals;
- (b) if so, the details along with the implications thereof;
- (c) whether any consultations have been held with NASSCOM in this regard; and
- (d) if so, the details thereof?

ANSWER

THE MINISTER OF EXTERNAL AFFAIRS
(SHRIMATI SUSHMA SWARAJ)

- (a) to (d) A statement is laid on the table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. 370 REGARDING “H1B VISA RULES” FOR ANSWER ON 21.03.2018.

(a) to (d) There are proposals under consideration in the U.S. to reform the H-1B visa programmes. However, so far, no comprehensive changes have been made.

 In the current (115th) Congress, seven Bills relating to H-1B Visa programmes have been introduced by individual Congressmen and Senators. However, so far, none of these Bills have been passed.

 On the Executive side, on April 18, 2017, President Trump issued an Executive Order (EO) titled "Buy American and Hire American", which requires different arms of the U.S. Administration to suggest reforms to the H-1B visa programme. This process is still underway. The US Administration has also taken some steps towards stricter enforcement and prevention of abuse of the work visa programmes.

 Most recently, on 22 February 2018, the US Citizenship and Immigration Services published a policy memorandum titled, “Contracts and Itineraries Requirements for H-1B Petitions Involving Third-Party Worksites”. This policy memorandum establishes the burden on the petitioner to demonstrate that the beneficiary is employed for a specific assignment in a specialty occupation under an employer-employee relationship in a third-party worksite. The memorandum does not specifically target Indian companies but applies to all companies that engage in third-party placements.

 Government of India is in close consultation with all stakeholders including NASSCOM in this matter.

 Government of India remains closely engaged with the U.S. Administration and the Congress on all issues relating to movement of Indian professionals including under the H-1B visa programme. In our engagements, we have emphasized that this has been a mutually-beneficial partnership which should be nurtured. Indian skilled professional have contributed to the growth and development of the U.S. economy and have helped the U.S. retain its competitive edge and innovation advantage. They are a big stakeholder in India-U.S. relations and their backward linkages to India have helped U.S. businesses.
