

All unselected H-1B petitions returned: US

By Mini Tejaswi , Wednesday, 1 August 2018

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In a couple of month's time we will know how many H-1B visas have been granted to Indian tech workers this year, after President Trump started intensifying his tirade against immigrant visas. But for sure, this year the numbers are going to be much lower with incidents of indiscriminate rejections.

The USCIS on Tuesday announced that it has returned all H-1B petitions filed this year, but were not selected in the computer-generated random selection process. The U S Citizenship and Immigration Services (USCIS) is an agency of the US Department of Homeland Security and it administers the country's immigration systems. Earlier, it had said that data entry of all selected cap-subject petitions had been completed. It had also asked applicants who submitted

H-1B petition between April 2 and April 6, 2018 but did not receive a receipt notice or a returned petition by August 13 to contact the USCIS authority for further assistance.

The USCIS further said that it has returned all the unselected H-1B petitions for the fiscal year 2019, beginning October 1, which were submitted to the agency in April.

Vikram Shroff, leader, HR Law (employment & labour) at Nishith Desai Associates, said the quantum of H-1B visa applications was lower this year, compared to last year.

“Reasons could be many. The US administration is relooking at its immigration policies and H-1B visa regulations are being made stringent. Indian tech firms don’t want to overly rely on H-1B route, and are increasing their local hiring. We will know in a couple of months or so how many H-1B visas are eventually granted this year by USCIS,” said Shroff.

Vivek Tandon, CEO of EB-5 BRICS, a visa advisory firm based in California, said: “These are the lowest number of H-1B applications filed in recent times most likely due to the adjudication policies of the Trump administration. However, because of the higher level of scrutiny and applicants not getting picked in the lottery, an increasing number of H-1B visa applicants from India who are generally F-1 visa students, are now looking at EB-5 as the go to option to gain the right to permanently live and work in the US.”

Immigration experts said that with the new regulation on prevalent wages and parity pay kicking in, salaries of immigrant tech workers have gone up to \$90,000 to \$120,000 (per annum) from \$60,000 levels. Also, talks about the discontinuance of H4 visas (spouse visas) are also reason enough to bring down the excitement around H-1B. Meanwhile, additional information and more justifications are being sought from applicants to prove how they qualify as special talent under STEM (science, technology, engineering & mathematics).

As usual, TCS, Infosys, Wipro and Cognizant and MNCs like Accenture, Capgemini, IBM, Intel, Cisco, Google, Apple, Microsoft etc will receive the majority of H-1B visas this year while smaller companies are unlikely to be awarded many, they said.

The Congressional-mandated cap of 65,000 H-1B visas and another 20,000 in the advanced degree categories were reached within the first five days after the USCIS started accepting H-1B applications.

On April 6, around 94,213 H-1B petitions were received in the general category and 95,885 in the advanced degree category. The suspension of premium processing of all the H-1B petitions which are subject to the annual caps is expected to last until September 10, 2018. During this time, the USCIS said it will continue to accept premium processing requests for the H-1B petitions that are not subject to the fiscal 2019 cap.