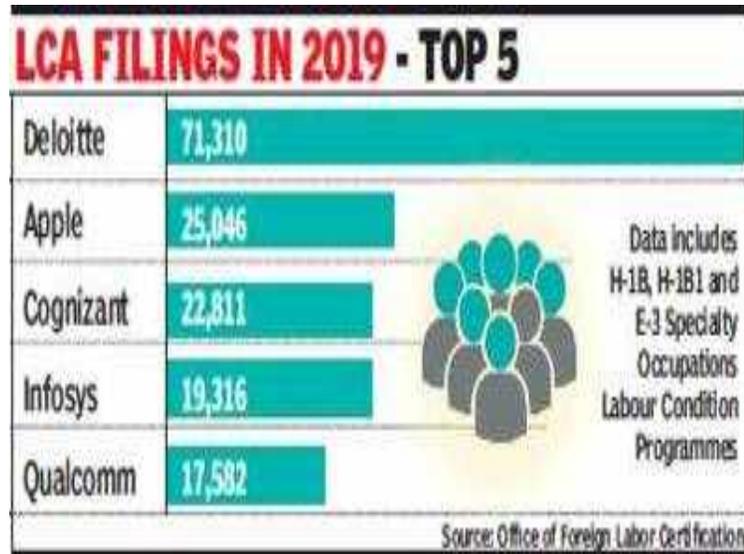


Deloitte, Apple, Cognizant biggest filers of LCAs in FY2019

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BENGALURU: Deloitte, Apple and Cognizant filed the most labour condition applications (LCAs) with the US Department of Labour for FY2019, showed data from the Office of Foreign Labour Certification. LCA is a precursor to filing actual H-1B petitions with the US Citizenship and Immigration Services (USCIS).

Four Indian IT firms – Cognizant, Infosys, TCS and Wipro – figure among the top ten employers filing these applications in FY2019. Even when non-Indian companies file LCAs, many of these are for Indian technologists.

The total number of applications filed in FY2019 was 5.32 lakh, compared to 5.22 lakh in the year before, a mere 2% increase.

Data includes H-1B, H-1B1 and E-3 Specialty Occupations Labour Condition Programs. The H-1B1 programme is only for foreign workers from Chile and Singapore, and E-3 only for citizens of Australia. But H-1B1 and E3 numbers tend to be small.

Professional services firms have been amongst the biggest applicants. It was EY in FY2018, and Deloitte in FY2019. But companies in general are filing for fewer LCAs. Cognizant filed 22,811 applications in FY2019, compared to 42,681 the year before. Tata Consultancy Services (TCS) filed 13,785 LCAs in 2019, compared to 18,626 in 2018. Infosys and Wipro's figures for FY2018 are not available since they were not in the top 10, but most analysts believe their numbers too would have dropped.

“H-1B filing numbers by the Indian IT consulting firms are noticeably down over the past few years,” said Scott J FitzGerald, managing partner at immigration firm Fragomen Worldwide.

Stephen Yale-Loehr, professor of immigration law practice at Cornell Law School, said the decline is not limited to Indian companies. “Overall, the number of LCAs filed by the top 10 employers in the third quarter of 2019 was 218,906, down from 374,951 in the same quarter of 2018. The percentage decline is slightly higher for Indian companies, but the more significant finding is the overall decline,” he said.

Cyrus Mehta, managing attorney and founder of New York-based law firm Cyrus D Mehta & Partners, said the LCA data for the year could be a mix of companies filing more than one LCA for the same employee and filing H-1B petitions for additional employees. “While it is difficult to speculate, I believe a consulting company like Deloitte, as they may be moving employees around, may have filed additional LCAs for the same employee. A company like Apple may have filed more H-1B petitions for additional employees,” he said.

Mehta said the true picture is revealed when USCIS puts out statistics that more accurately reveal H-1B petitions filed on behalf of new employees under the H-1B fiscal year cap.

Vikram Shroff, lead of HR law at law firm Nishith Desai Associates, noted that software development continues to lead the way in H-1B positions certified in FY2019. “USA remains by far the largest customer base for Indian technology companies and accordingly they are expected to continue to actively pursue this immigration route,” he said.