

# Nasscom seeks extension for near-expiry H-1B visas

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BENGALURU: Nasscom has stepped up efforts to assist Indian IT professionals in the US whose H-1B and L-1 visas have expired or are going to expire soon. Life after lockdowns has become a big challenge to thousands of IT professionals working in customer locations and company sites overseas.

Nasscom has requested the US Department of Homeland Service (DHS), the labor department and the US Citizenship & Immigration Services (USCIS) for a 90-day grace period for professionals to depart the US following expiration of their H-1B/ L-1 visas. The H-1B is a non-immigrant visa that allows US companies (including US subsidiaries of Indian companies) to temporarily employ foreign workers. L-1 is a non-immigrant

visa that facilitates temporary transfer of foreign workers in managerial, executive or in the specialised knowledge category to the US.

Nasscom has also sought the easing of Labour Condition Application (LCA) norms to allow for work-from-home. “Nasscom has stepped up its efforts at the right time,” said Vikram Shroff, head of the HR law practice at law firm Nishith Desai Associates.

Many Indian IT professionals, he said, are currently stranded and are unable to return home due to the ongoing travel restrictions world over.

Stephen Yale-Loehr, professor of immigration law practice at Cornell Law School, said that unlike other countries and despite pleas by US companies and others, the US immigration agency so far has not extended filing deadlines or expiration dates for

temporary foreign workers. “This is causing havoc for both US employers and Americans. If the US immigration agency doesn't act soon, I predict litigation may force the issue,” he said.

Cyrus Mehta, managing attorney and founder of New York-based law firm Cyrus D Mehta & Partners, said, "We should also be advocating for broader relief so that those whose H-1B and L-1 visa statuses are expiring, and can request extensions of status, get automatic extension of time to file the application. At this time, these extension requests are still paper based, which makes it very difficult to process, assemble and file them when all businesses have been forced to shutter or work remotely."



Scott J. FitzGerald, managing partner in Boston-based Fragomen, Del Rey, Bernsen & Loewy, LLP, said, Nasscom, along with US trade and advocacy organizations such as the US Chamber of Commerce (USCOC), the American Immigration Lawyers Association (AILA), the Society for Human Resources (SHRM) and the US India Strategic Partnership Forum (USISPF) have been hard at work lobbying the relevant US government agencies that oversee immigration into the US.

"I personally spent a substantial amount of time working with the USCOC and AILA on a request that USCIS acknowledge the validity of an electronic or digital signature on petitions filed with the agency, so that we can substantially reduce the amount of paper being couriered around the US in support of these filings. AILA also recently requested that all USCIS filings be accepted in a pdf format via e-mail so that there would be no need to courier originals," FitzGerald said.

In the UK, Nasscom's efforts for those whose visas have expired have already been successful. “We have been in engagement with the British government and thank them for their announcement that all individuals who are legally in the UK, but whose visa is due to, or has already expired, and who cannot leave because of travel restrictions, will not be regarded as an over-stayer, suffer any detriment in the future, or be pursued during the crisis till May 31, is much welcomed,” Nasscom told TOI.

Nasscom has also requested the British home office to implement a 90-day temporary relief for Indian nationals in the UK on tier-2 (intra-company transfer) visa whose visa is due to, or already has expired. “Besides, we are requesting for other operational waivers and proposing to the UK government to publish a web page including information for Indian nationals in the UK,” Nasscom said.

It has also requested the German foreign ministry to extend long-term visas by 90 days at least to help companies with business continuity. France has already announced that all visa / work permits will be extended by 90 days.

In Switzerland, Nasscom has requested individuals to contact their Cantonal Migration authorities online and each case is then given extension as per the local norms. In case of any escalation, employees can contact 24/7 helpline numbers of the Embassy of India in Berne, Nasscom said.