

# Tech sector in India, US hits out at Trump for suspension of H-1Bs

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MUMBAI/ BENGALURU: The tech sector in both India and America has slammed US president Donald Trump's decision to suspend H-1B and L-1 work visas. These visas are used extensively by Indian IT companies, as also US tech companies to recruit Indian talent, among others.

A number of US tech CEOs, including Apple's Tim Cook and Google's Sundar Pichai, said immigration and consequent diversity had immensely contributed to the American success. Indian IT association Nasscom described the move as misguided and harmful to the US economy. "This new proclamation will impose new challenges and possibly force more work to be performed offshore since local talent is not available," it said.

<p>“ Immigration has contributed immensely to America’s economic success... Disappointed by today’s proclamation – we’ll continue to... work to expand opportunity for all  <b>–Sundar Pichai, Google CEO</b></p> 	<p>This undermines America’s greatest economic asset: its diversity. This is short-sighted and deeply damaging to US’s economic strength  <b>–Twitter (retweeted by CEO Jack Dorsey)</b></p> 
<p>Very much disagree with this action. These skillsets are net job creators. Visa reform makes sense, but this is too broad  <b>–Elon Musk, Tesla CEO</b></p> 	<p>Preventing high-skilled professionals from contributing to America’s economic recovery puts its global competitiveness at risk  <b>–Amazon</b></p> <p>Now is not the time to cut our nation off from the world’s talent or create uncertainty and anxiety  <b>–Brad Smith, Microsoft president (retweeted by CEO Satya Nadella)</b></p> 

Nasscom noted that the National Foundation for American Progress had found the unemployment rate for computer professionals in the US actually went down from 3% in January to 2.8% in April, despite the overall impact of the pandemic.

Indian IT services companies that need to send employees to the US this year to complete ongoing projects will face a setback. India accounted for almost 70% of the H-1B applications this year. Every year, Indian companies also receive some 3,000 L-1 visas.

But many also believe that America just does not have enough tech talent, and restrictions on work visas will shift technology work from the US to India.

Vikram Ahuja, co-founder of Talent500 by ANSR, a company that focuses on bringing global engineering and R&D to India, said that while the H-1B suspension will impact many professionals from accessing well-deserved opportunities, it is at the same time a terrific time for talent to explore newer opportunities that will come up in India due to enterprises needing to build great teams irrespective of where they are. India already hosts some of the biggest engineering and R&D centres of not only global technology companies, but also of global banks and retail companies.

Trump's proclamation does not impact those who already hold H-1B and L-1 visas, including those who are currently outside the US. The ban comes into effect from June 24 and remains in place till end of 2020, unless it is further extended. Stephen Yale-Loehr, professor of immigration law practice at Cornell Law School, said the proclamation may score points with Trump's political base, but it flunks economics.

"The ban disproportionately impacts Indian nationals," said Cyrus D Mehta, managing attorney at the New York-based law firm Cyrus D Mehta & Partners. "The ban has nothing to do with economic recovery in the US, but is a way for Trump to please his supporters that he is restricting foreign nationals during the pandemic," he said, and suggested that it be challenged in the courts as it alters provisions of the Immigration and Nationality Law enacted by the US Congress.

Vikram Shroff, head of HR law practice at law firm Nishith Desai Associates, said the ban will adversely affect the short and medium-term plans of several technology companies in India and the US. "As technology companies are slowly coming out of the lockdown, this new development will further impact their business prospects, especially since the US remains their largest client base," he said.

A sense of disbelief surrounds the ban on L-1 aspirants, as these are related to intra-company transfers typically of key personnel and cannot be perceived as taking away local jobs.

Trump has left the window wide open for further strictures, and called upon the secretary of labour and secretary of homeland security to promulgate regulations to ensure that H-1B immigrants and employment-based green card holders do not disadvantage American workers. Immigration experts predict new norms such as higher wages or restrictive definitions of speciality occupation could be introduced as a requirement for H-1B visas.