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# Lack of visa reform leaves many Indian tech workers in the US in limbo

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Anita Balakrishnan | @MsABalakrishnan  
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Yogesh Jaiswal could have bought his New York City apartment and pay no more than he does now to rent it. But each month, he opts to put more money in his landlord's pocket.

That's because his immigration status — and his unclear future in this country under a new administration — has held him back from making decisions like having kids and putting down roots.

Indians like Jaiswal are the [top workers hired by companies receiving H-1B visas](#), getting about 71 percent of jobs in 2015, the last year reported. Companies offering computer-related occupations got 66.5 percent of H-1B visas that year.

Right now, more than 900,000 H-1B holders are working in the U.S., representing 12 to 13 percent of tech-related jobs, according to Goldman Sachs.



Aijaz Rahi | AP

An Infosys employee sports a t-shirt featuring a U.S. flag as he buys coupons for lunch while others wait for their turn at company's headquarters in Bangalore, India.

This week the chaotic visa process will begin again: Companies will apply to employ skilled foreign workers at the beginning of April — and if it's anything like [years past](#), immigration authorities could cap the petitions within a week, receiving hundreds of thousands of petitions for only 85,000 spots.

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But [change is afoot](#). The government is mulling several more options to reform the H-1B visa program, to tamp down on so-called outsourcing firms and promote the welfare of American workers.

The current system may favor Indian tech workers. But most people interviewed by CNBC said they support an overhaul of the system that focuses on each workers' merits — even if it makes it harder for some of their compatriots to enter the U.S.

### 'Job creation should be above job replacement'

The government has already shaken up the process of H-1B visas this year. While the change was fairly routine, it came after immigration crackdowns were the focus of the early days of Donald Trump's White House.

That created a considerable amount of anxiety among Indian nationals and the companies that employ them, said Rajiv Khanna, a Washington, D.C.-based immigration attorney and Indian immigrant. One week, shortly after the new administration took office, Khanna's regular community conference call had upwards of 100 callers.

Some of Trump's top allies and aides in Washington — such as Sen. Tom Cotton (R.-Ark.), Attorney General Jeff Sessions, and chief strategist Steve Bannon — have been loud critics of foreign tech workers. Khanna calls them "hatchetmen."

"That does not call for a settled, content feeling," Khanna said.

Technology executives like [Alphabet's Eric Schmidt](#) have called for more H-1B visas — a pipeline of the best talent from across the world. But critics have said that the program encourages companies to replace American jobs with cheaper, foreign talent.



Harriet Taylor | CNBC

Google employees march in protest against the Trump administration immigration ban on Jan. 30, 2017.

Jaiswal and other Indian tech workers who spoke to CNBC agreed with tech executives that clamping down on Indian immigrants could hamper stateside innovation. But they weren't necessarily against bills from Cotton or Congressman Darrell Issa (R-Calif.) that make the system more merit-based.

"The lottery system is being abused," said Kalpesh Kapadia, co-founder and CEO of SelfScore, a start-up that helps international students get access to credit. He came to the U.S. 22 years ago to study at Carnegie Mellon. "You could be from Stanford or Harvard, but some person at Infosys or Cognizant would be the same bucket and it would be

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completely random. That's not the way it should be. Job creation should be above job replacement."

## Best and worst-case solutions

There's a best and worst case scenario, Kapadia said.

The worst version of the skilled immigration program would slash the time students have to find jobs in the U.S., and would keep a random lottery system to allot slots companies, he said.

"The best case would be to do away with the cap, and do a meritocracy," Kapadia said. "Anything in between is a compromise."

But even having been through the process himself, Kapadia said the current H-1B process challenges him as a business owner.

He said he interviewed a job candidate with a PhD from an American university but worried she might have to leave the U.S. if they didn't "get lucky in April."

"This plays into our equation," Kapadia said. "We need visibility that we can keep you employed, the sooner we get some visibility the better."

## Anti-immigrant sentiment

While the H-1B program hasn't yet been severely impacted by immigration reform, the Indian American community has felt the impact of other measures, like an executive order that banned travel from seven Muslim-majority countries earlier this year.

Two Indian engineers were shot in Kansas this year, [asked if they were in the U.S. legally](#) by their assailant. The shooter reportedly yelled, "Get out of my country." Advocacy group South Asian Americans Leading Together estimates that of [207 incidents since the election](#), almost all of the hate crimes against South Asians were related to anti-Muslim sentiment.

"I'm thinking to myself, 'I think the sentiment is different now.' There's resentment toward the U.S.," Ajay Yadav, founder and CEO of roommate matching app Roomi, told CNBC shortly after the travel ban.

Yadav said that access to capital is much better in India now that it was in the past, and the leading technological platforms are not only in the U.S.

"I was talking to my buddy a few days ago...the feeling is kind of crazy," Yadav said. "They are kind of getting ready. The U.S. was a dream. We thought, 'We have to go there to be successful.' Now there is a different type of planning: Staying in India."

With a population of over a billion, Indians have always faced tough competition to enter top universities and get to the U.S., Yadav said.

"If someone were to ask me if he should come here, the way things are now, I would say no," Jaisawal said. "Pick somewhere else. Put the U.S. third or fourth on your list."

Restricting visas will only make people work harder — and more talented people will inevitably stay in India and start their own companies, Yadav said.

"The bottom line is, the innovation is going to explode," Yadav said. "The same person who is staying here on H-1B who thinks they are

better, they will not stop fighting. They will have a better life. They will have to fight harder now."

## Feeling American

"Even after spending 7 years in this country, I still feel I'm not a part of mainstream America," Jaiswal said. "In 2010, I thought, 'This is America. Everyone is welcome. There is no discrimination.' But when I came here, after three years, I realized, this is not the case."

Indians are among the [top nationalities](#) that naturalize as American each year, according to immigration regulators.

But it's a much more arduous path than other countries. While many Indian immigrants enter the U.S. each year on temporary H-1B visas, permanent residency green cards are capped: Only 7 percent of green cards can be issued to nationals of each country each year.

That means up to 70 percent of H-1B visa holders are competing for less than 7 percent of green cards allotted to Indians each year.

"From the time that you decide to settle in America to the time you get a green card is a 10 year journey," Kapadia said. "During 10 years, you've contributed to the society legally and you're on the path to citizenship. That's a journey."

Rishi Bhilawadikar released a new film this spring, "[For Here or to Go](#)," about Indians' journey through the U.S. immigration system.

"The pathway to getting the green card is just very, very difficult," Bhilawadikar said. "If you come from India and China, you go to the back of the line...the most productive years of your life you're stuck in limbo."

He has had to stay at large companies to sponsor his visa, limiting his career growth. That's not uncommon, said Manan Mehta. Mehta runs Unshackled, an early stage venture fund for immigrant-founded start-ups, which helps founders navigate the U.S. immigration system.

"You are completely beholden to your employer, and they are completely beholden to circumstances," Bhilawadikar said.

Despite spending all of his twenties in U.S. universities and jobs, until he gets a green card, Jaiswal can't permanently call the U.S. home. Jaiswal, who got his H-1B visa in 2013, said he feels he's behind his childhood friends who decided to go to school in places like Canada, where they could quickly naturalize.

"I would definitely do it differently," Jaiswal said. "If you took me back before 2010, rewind the time. I would not come here. I would go someplace else. Because I came for my education — I could have gone many other places, but I chose the U.S. It doesn't matter if I live here or I don't live here, I love this country. It's an awesome country.... but if you look at it what is happening to us, I would have thought about other options."

But as it stands, Jaiswal wants to stay in the U.S.— he actively meets with politicians across the country advocating for immigration reform. Going back to India now means leaving his professional network and friends he has known his whole adult life, and his wife, who attends graduate school in New York City.

"I have friends here," Jaiswal said. "I'm not in touch with many people there. Now I'm in my 30s. If I go back, I would be starting from scratch."

He said that he would rather have known how hard it would be to become a permanent resident at the beginning, so he could have made the best choice.

"If I had been applying for my H-1B and there was the 7 percent cap [like with green cards] ... at least I would have clarity of thought," Jaiswal said. "They cannot block us when we are at the finishing line. Before the race starts, if you are going to run further, you're going to get stuck."

— *CNBC's Aditi Roy contributed to this report.*



**Anita Balakrishnan**  
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