

Lawyers, industry bodies question economic rationale to visa suspension

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June 23, 2020

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Last Updated: Jun 23, 2020, 03.47 PM IST

Agencies

Pune: US President Donald Trump’s decision to suspend the H-1B and L-1 work permits has been criticised by legal experts and industry bodies, who argue that there is little economic justification for it.

Immigration lawyers termed it more of a political move than one intended to help the US economy.

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sector, which has one of the lowest unemployment in the US,” said Nandini Nair, immigration partner at law firm Greenspoon Marder.

Trump said the overall unemployment rate in the United States nearly quadrupled between February and May due to the lockdown on account of the Covid-19 pandemic.

Between February and April, more 20 million US workers lost their jobs in key industries where employers are currently requesting H-1B and L-1 workers to fill positions, he said.

However, a recent study by the National Foundation on American Policy found that the unemployment rate for individuals in computer occupations declined to 2.8% in April from 3% in January, while for other occupations it went up to 15% from 4.1% in the same period.

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Trump’s Executive Order also includes spouses of H-1B and L-1 visa holders, who cannot work in the country unless they receive the required authorisation. This also points to the fact that this is a political gambit ahead of elections later this year, since the H-4 Employment Authorisation for spouses of existing H-1B visa holders has not been revoked.

“This proclamation reflects the politics of the moment than any cogent policy,” said Rajiv S Khanna, managing attorney at law firm Immigration.com.

He pointed out that the L1 visa was for intra-company transfers, not a position that a company would hire for locally in the US.

Indian software industry body Nasscom said high-skilled non-immigrants were playing critical roles in the delivery of medical and healthcare services and the development of these services and products. Without their continued contributions to the US economy, the pain would worsen, industry would slow, and the timeline for a treatment and cure for the Covid-19 pandemic would lengthen.

It urged the US administration to shorten the duration of these restrictions to 90 days.

“Lengthening these burdensome restrictions on US companies that are trying to recover from the economic fallout of the Covid-19 pandemic will only serve to harm our economy,” it said in a statement.

Trump’s decision will be reviewed 30 days from June 24, and every 60 days thereafter. It is currently in effect till December 31. Given that this is a temporary suspension, it may be hard to overturn it even though there are talks about going to court for an injunction.

“However, if the restrictions were extended for a lengthy period or if any permanent changes were announced there is a high likelihood of litigation,” said Poorvi Chothani, managing partner at immigration law firm, LawQuest.