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## Planning an L-visa move? Tough!

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If you are planning to go to the US on intra-company transfer, a new Bill introduced in the US House of Representatives may prove to be a dampener. Called the "Save American Jobs Through L-Visa Reform Act of 2004" the Bill proposes to bar intra-company transfers to the US through [L-1 visas](#) on account of possessing specialised skills.

Henry Hyde from Illinois who introduced the Bill remarked that if the present Act is not amended, it may lead to "widespread" displacement of US citizens from their jobs especially those US citizens lacking the required "specialised knowledge". It is interesting to note that only five per cent of US citizens possess the kind of higher education required for specialised jobs.

Says Hemant Gupta, working with a Gurgaon-based [captive call centre](#) and who was planning to go to US on an intra-company transfer, "I am absorbed by my parent company and was going to California in the next six months. But this new Bill has shocked me. This means no amount of specialisation I obtain, would allow me to go to the US on the pretext that I may displace other people's jobs."

The [IT sector](#) has also felt the tremors. Says Debjit Kalita, a programmer working for a Bangalore-based software MNC, "My company needs specialised people for networking in San Francisco. I worked for two years to obtain my Cisco and MCSE specialisation so that I can work in the US. But this new bill attempts to dampen all my dreams. I feel like crying."

The L-1 category applies to people who work for a company with a parent, subsidiary, branch, or affiliate in the US. These [workers come to the US](#) as intra-company transferees who are coming temporarily to perform services.

These services may be in a managerial or executive capacity (L-1A) or which entail specialised knowledge (L-1B) for a parent, branch, subsidiary or affiliate of the employer.

The employee must have been employed in India for the corporation, firm, an affiliate or its subsidiary on a full-time basis for at least one continuous year out of the last three-year period to qualify for L-1 visa. The new Bill proposes to bar intra-company transfer of Indians on account of possessing specialised skills.

The matrimonial industry is also feeling the pressure with the new Bill. "The boy whom I intended to marry, went to America on a business visa two years ago. There he changed his status from a business traveller to that of an intra-company transferee and received L-1A status. We had planned that after the L1 status, which was granted for one year is extended, he would travel to India, get married to me and then he will travel to US on L-1 visa and I as his wife would travel on L-2 visa. My parents had agreed to the marriage if he settles in the US. But the new rule threatens to destroy our lives," says Jyoti Sharma working with a travel firm in Delhi.

Dependents (i.e., spouses and unmarried children under 21 years of age) of L-1 workers are entitled to entry in the US under the L-2 status.

The Bill would lead to the elimination of the "specialised knowledge" provision for the visa category, leaving only "managerial or executive" category. The Bill will also affect Indian IT pros working in the US on L-1 visa. Their visas may be cancelled if the new Bill is passed.]

The immigration consultants are also in a fix. "We are maintaining a close watch on the Bill as most of the students going for the US to study want to settle there. This will surely affect our business," said one south Delhi-based immigration consultant.

Following the Immigration Act of 1990, L-visa holders are exempted from the requirement of having to establish their continued non-immigrant intent, greatly facilitating the transition to an immigrant employment-based visa, which ultimately leads to obtaining a green card.

L-1 visas are available to transfer executives, managers or employees with specialised knowledge and heir families.

The US outsourcing companies are also unhappy with the Bill. "The Indian voice trainers are really good. The Indian BPO guys are able to achieve 98 per cent call quality which even our guys in US are not able to achieve. We wanted some Indian voice trainers on full time basis in our Detroit centre. But this new Bill is proving to be a damp squib on our plans," remarked Gary Smith, an executive of Dell Corporation on a visit to its Noida-based captive centre.

The pharma sector is also not untouched by the Bill. Says Renuka Kaushal, a drug scientist with an MNC pharma firm, "The new Bill means that unless I venture into management, I may not be allowed in the US. I have to now wait and see what happens to the Bill."

There is currently no annual cap on L-1 visas like the 65,000-cap on H1-B visas but the new Bill may introduce some cap.

The Bill, if enacted, would amend the Immigration and Nationality Act (INA) for non-immigrant visas for "intra-company transferees" (L-1 visas).

Harvey Shapiro, a specialist on US immigration laws, while on a visit to India said that efforts are on to make tougher for US employers to hire from across the shores. "The flexibility which they currently enjoy, will soon not be available, if some of the changes proposed in the INA come into force," he added

Access to highly specialised talent is an important component of US competitiveness. Nearly half of the people hired on H1-B visas have graduate degrees, and only five per cent of the US population has the same level of education. A large percentage of these visa holders are graduates of US schools. The proposed restrictions on L-1 visa will, in turn, hurt the US economy.

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