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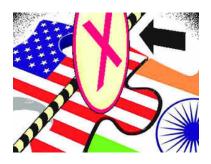
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Decline in US visa approvals continues

The number of approved L-1A and L-1B visas stood at 71.9% in FY19, compared to 77.8% in FY18.

By Priyanka Sangani, ET Bureau | Last Updated: Oct 13, 2019, 01.24 PM IST

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PUNE: The US Citizen and Immigration Services (USCIS) has approved fewer intracompany transfer visas in its financial year 2019, with analysts attributing it mostly to improper documentation by applicants. The number of approved L-1A and L-1B visas stood at 71.9% in FY19, compared to 77.8% in FY18, according to the latest data by the visa approving authority whose fiscal year runs from October to September of the following year.

The L-1 visa is often used by technology firms to move existing employees to the United States from other locations. "Apart from technology firms, this visa is also used by small businesses to set up operations in the United States. Many times, these rejections have to do with compliance issues, like not providing the right certifications or other required documents," said Mark Davies, founder of an immigration law firm Davies & Associates.

Poorvi Chothani, managing partner at Mumbaibased immigration law firm LawQuest, confirmed that L-1 visas were being denied, something that had almost never happened in the past. "All this seems to be triggered by increased scrutiny of visa applications with a focus on minute details without looking at the bigger picture," she said. "It is almost as if the USCIS is looking for ways to deny petitions." Meanwhile, the approval rates for the coveted H-1B visas were also similar to last year's, at 84.8% against 84.5% in FY18, according to the USCIS data.

This is still a significant drop from preceding years, as approval rates for H1-B visas were as high as 95% in 2015. Indian companies are the biggest beneficiaries of the H-1B visa, accounting for over two-thirds of all visas issued. In the last two years, there has been increased scrutiny of these visa applications, resulting in an increased number of requests for evidence (RFE) & visa rejections.

Despite providing additional documents, the number of visas that have been approved is lower than in the past. In FY19, 65.4% visas were approved with RFE, against 83.2% in 2015. In the last few years, American technology companies like Amazon have emerged as the biggest users of the H-1B visa, overtaking Indian IT services firms. The rejection rates of H-1B visas for the top Indian tech firms continue to rise, and were at more than 50% in the first half of this year. Experts tracking the space attribute this to US President Donald Trump's 'Buy American Hire American' policy.

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