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Indian IT firms to apply for H-1B visas amidst Covid-19 uncertainties

Immigration attorneys said clients were filing applications for candidates selected by random lottery last month. The H1-B work permit, initially for three years, is granted only if the US Citizenship and Immigration Services (USCIS) approves the application.

By [Priyanka Sangani](#), ET Bureau | Last Updated: May 05, 2020, 09:10 AM IST

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Some companies are, however, going slow on filing applications and waiting to file closer to the June 30 deadline.

Pune: Indian IT services providers are likely to press ahead with H-1B visa applications for the next fiscal year that starts in October, despite continuing uncertainty in the United States due to the coronavirus virus outbreak and the administration's anti-immigrant visa policies.

Immigration attorneys said clients were filing applications for candidates selected by random lottery last month.

The H1-B work permit, initially for three years, is granted only if the US Citizenship and Immigration Services (USCIS) approves the application.

"Overall, I do not see much impact on filings in our office. If I were to conjecture, my guess is that these workers are needed quite urgently and most of them can work remotely," said Rajiv S Khanna, managing attorney at Immigration.com. "Therefore, filing the petitions and completing the H-1B process is impelled by the need for business continuity."

Since Donald Trump took over as US President, the administration has favoured US technology companies over Indian IT services firms for issuing H1-B visas.

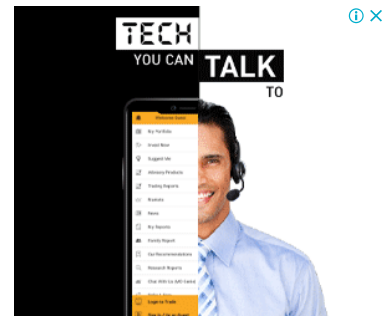
In 2019, eight of the top 10 visa recipients were US technology firms such as Google, Apple, Amazon and Facebook. Only two Indian firms figured on that list. Indian nationals accounted for over 60% of the H-1B visas issued in 2019, in line with the past trend.

Tech Mahindra, India's fifth largest IT services firm, said it planned to file applications for select candidates, synchronising it with the processing time by the USCIS and demand requirements in the United States.

"We are not frivolous in applying for H-1B visas and are filing fewer and fewer applications every year," said CP Gurnani, Chief Executive Officer of Tech Mahindra.

Infosys and Cognizant declined to comment on visa related matters.

Indian companies are bound by US rules to file for H-1B visas once the petition has been approved. While the USCIS has not specified the penalties for non-filing or fraudulent cases, the US Department of Homeland Security has said that submitting fraudulent H1-B registrations will attract fines or criminal penalties.



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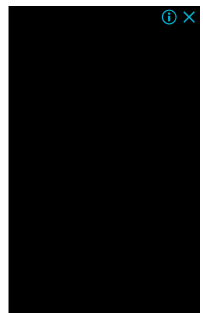
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“Before they launched the online registration platform late in February, they held multiple stakeholder teleconferences to educate companies and attorneys on how the online system would work. During the couple of calls that our firm joined, the USCIS mentioned that failure to file petitions for selected candidates would have negative connotations,” said Poorvi Chothani, Managing Partner of LawQuest, an immigration law firm with offices in India and the US.

Some companies are, however, going slow on filing applications and waiting to file closer to the June 30 deadline.

Last month, as part of an Executive Order temporarily suspending the issuance of green cards for 60 days, Trump added a provision to review non-immigrant visas within 30 days.

“President Trump, in his recent proclamation suspending certain immigrant visas, has indicated...restrictive measures regarding work visas including the H-1B program. If he suspends or places numeric or other restrictions, these will have a direct impact on the FY 2021 H-1B visa filings,” said Chothani.

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