H1B Visa

Why in news?

Donald Trump administration is moving ahead with a proposal to end work permits for spouses of H-1B workers in the United States.

What is H1 B visa?

- The H-1B visa is a non-immigrant visa.
- It allows US companies to employ foreign workers in speciality occupations that require theoretical or technical expertise.
- Technology companies depend on it to hire tens of thousands of employees each year from countries such as India and China.
- The H1-B visa has an annual numerical limit cap of 65,000 each fiscal year, as mandated by the Congress.
- The first 20,000 petitions filed on behalf of beneficiaries with a US master's degree or higher are exempt from the cap.
- According to the US Citizenship and Immigration Services (USCIS), between 2007 and 2017, it received the maximum number of 2.2 million H-1B petitions from high-skilled Indians.
- India was followed by China with 301,000 H-1B petitions during the same period.

What is H4 Visa?

- Dependents of H-1B visa holders get H-4 visas.
- In 2015 US Citizenship and Immigration Services passed the Employment Authorization for Certain H-4 Dependent Spouses rule.
- Certain H-4 Dependent Spouses means spouses of H-1B visa holders whose green card applications have reached a certain milestone.
- Aftermath the rule thousands of H-4 spouses applied for H4 visa EAD (Employment Authorization Document).
- More than 90% of the 1.26 lakh Employment Authorisation Documents (EAD) issued for H-4 visa beneficiaries since 2015 went to Indians.

What's the H4 EAD Lawsuit?

- A lawsuit was filed against the H4 EAD rule to stop it from going into motion.
- Save Jobs USA filed its lawsuit against Department of Homeland Security

(DHS) even before the rule was about to go live.

- Save Jobs USA' is an organization comprised of IT workers who claim they lost their jobs to H-1B workers.
- It claimed two things:

1. The new rule has no protections for US workers and increases the pool of workers looking for jobs

2. DHS never had the authority to grant EADs to H-4 visa holders.

What if the EAD rule is ended?

- The Trumps administration has said to a federal court that it is planning to end the work permit for the spouses of H1 B visa holders.
- The issue has cast its shadow over the job prospects of the H4 visa holders.
- Also, the uncertainty over their legal status has stalled the job prospects of hundreds of H-4 visa holders.
- The majority of the H4 visa holders are Indian Americans and Women.

Source: The Hindu

