

Legislation on H1B visa

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In news : Legislation on H1b visa has been introduced in US Congress recently

Key updates

- The recent legislation introduced in the House of Representatives that stops employers from hiring foreign H-1B workers if they have recently, or plan to, furlough their US workers and requires employers to pay their H-1B workers more than their American workers.
- Introduced by three lawmakers, **MY American Jobs First Act** proposes to overhaul the H-1B visa program by making necessary changes in the Immigration and Nationality Act.
- As per the new legislation, a foreign guest worker may not be admitted or provided status as an H-1B non-immigrant in an occupational classification unless the petitioner employer has filed with the Secretary of Labor an application stating the employer is offering an annual wage to the H-1B nonimmigrant that is the greater of the annual wage that was paid to the US citizen or lawful permanent resident employee who did identical or similar work during the 2 years before the petitioner employer filed such application; or USD 110.
- The petitioner employer also needs to file with the Secretary of Labour an application stating the employer will not require an H-1B nonimmigrant to pay a penalty for ceasing employment with the petitioner employer before the date agreed to by the H-1B nonimmigrant and the petitioner employer.
- **F-1 OPT program:** The bill **suspends the F-1 OPT**

program, which grants all foreign students extendable work permits and exacerbates job market competition among American graduates.

- **Diversity visa lottery program:** It **ends this program**, which the lawmakers alleged fails to serve US interests by issuing 50,000 green cards to foreigners from around the world regardless of their qualifications.
- To end the allure of cheap foreign labour, the bill will require employers to pay any H-1B workers a minimum amount of USD 110,000

What is an H1B Visa?

It is a non-immigrant visa that 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 like India and China. In 1952, after the US started expanding its presence in the science, technology, engineering and mathematics disciplines, it felt the need to hire quality workers who could help the country achieve innovation in these areas at reasonable costs. This need to hire workers paved the way for the introduction of the H-1 work visa system. This work visa system was further subdivided into H-1B, H-2B, L1, O1, and E1 visas, depending on the qualification required and the area for which workers were sought. Of these, the H-1B visa remains the most popular due to the relatively better wage chance it offers.