

U.S. GOVERNMENT MUST RAISE THE H-1B VISA CAP, SAY ANALYSTS



Extremely accomplished and skilled non-Americans desirous of working within US shores and hoping to get an H-1B visa can say goodbye to their hopes and aspirations as the visas have exhausted their allocation and there are no more visas to give out. The H1B is the most sought after US visa and the Immigration Bureau requires 'every' foreign national to obtain one in order to legally work in America. On Tuesday, the U.S. Citizenship and Immigration Services announced, that it had received a glut of applications this year, so much so that it exhausted its annual cap of 85,000 visas Monday, about five months earlier than the cap was hit last year. Some analysts feel that the increased in demand for H-1B visa this season portends to an impending tech hiring surge. In layman terms this means that employers looking for highly skilled professional workers in "specialty" fields, where local employment is scant, had foresight and nerve to file tens of thousands of petitions to sponsor foreign workers, to come and work for them, on the three-year temporary visas. Florida immigration lawyer Ashwin Sharma saw this as a welcome sign of economic growth and said, "H-1Bs are a good indicator of how the economy is doing. You only hire an IT consultant when there's work available, and its work that has to be estimated six months in advance. If companies are taking that risk, there's a belief that the economy is back and there's money to be made." "The prime driver is economic activity picking up in the U.S.," says **Ravi Aron**, senior fellow at Wharton's Mack Center for Technological Innovation and a professor at the Johns Hopkins University Carey Business School. Most of the H-1B visas are sought by Indian and Chinese workers, with Mexicans and Filipinos trailing at third and fourth places. U.S. employers "are more confident about hiring again," according to Laura Danielson, chair of the immigration practice at the Minneapolis, Minn.-based law firm Fredrikson & Byron, which specializes in representing Chinese entrepreneurs and employees. "H-1B demand is surging among her clientele in the medical devices, automotive, biotechnology and IT industries," she says, adding that employers who are looking for professionals in the STEM professions (science, technology, engineering and mathematics) often find them among Chinese professionals. Even though their respective employing companies have guaranteed them a job, some H-1B candidates are still unsure if the U.S. government has approved their visas. Those whose visas are cleared can come to the US and begin their jobs in October. "I am really looking forward to getting the visa and getting the chance to work in Silicon Valley," said one 24-year-old software developer being recruited by a Redwood City startup. Over the phone from his home in Bangalore, India, the graduate of the Indian Institute of Technology said he is nervously awaiting the confirmation of his visa application that his company had filed for him a week ago. He desired to remain anonymous, fearing that publicity could endanger his chances. The yearly cap for the visas is 85,000. Last year it took nearly seven months for it to get exhausted. That was an improvement from 2010, when employers used up the entire year, to globally find 85,000 skilled workers to reach the annual cap. How things have deteriorated and changed from the pre-recession years, when the 85,000 visas -- including 20,000 set aside for people with advanced degrees -- ran out in less than a week. This year, it took 10 weeks to reach the cap, the fastest since pre-recession. The advanced-degree cap was reached Thursday and the total cap reached Monday. Companies that wanted a highly skilled worker, but were unwilling to take the risk so early one, perhaps caught unaware by the cap being breached so soon, will now have to wait until April 2013 to try again and won't be able to employ an H-1B worker until October 2013. Pushpa Unni, who works at a Fremont-based consulting firm that helps with applications said, that many of the H-1B visa candidates are already residing in the United States. She said that of the 52 applications that she helped with this year, most of them were foreign students who had graduated from Universities in California with a master's or bachelor's degree, and were looking forward to extending their stay, gainfully employed. Immigration attorney Cyrus Mehta of Cyrus Mehta Associates in New York City and Laura Danielson feel that the U.S. government must elevate the H-1B visa caps in order to counter competition from other countries. "Studies have repeatedly confirmed that many of these immigrant professionals will go on — in greater numbers than our American work force — to develop patents, create businesses and provide a net job growth to our economy," Danielson notes.