

Visa: New Legislation

- **New H-1B Bill in US House: Watch out for these possible scenarios**
- By ECONOMICTIMES.COM | Updated: Feb 01, 2017, 08.57 AM IST
- NEW DELHI: A legislation has been introduced in the US House of Representatives which among other things calls for more than doubling the minimum salary of H-1B visa holders to USD 130,000, making it difficult for firms to use the programme to replace American employees with foreign workers, including from India.

The High-Skilled Integrity and Fairness Act of 2017 introduced by California Congressman Zoe Lofgren prioritises market based allocation of visas to those companies willing to pay 200 per cent of a wage calculated by survey, eliminates the category of lowest pay, and raises the salary level at which H-1B dependent employer are exempt from non displacement and recruitment attestation requirements to greater than USD 130,000.

This is more than double of the current H-1B minimum wage of USD 60,000 which was established in 1989 and since then has remained unchanged. Not good for post-docs and others in the academic sector.

The new legislation raises the salary level at which H-1B dependent employer are exempt from attestation requirements to a new required wage level of 35 percentile points above the median national annual wage for Computer and Mathematical Occupations published by the Department of Labour Occupational Employment Statistics (roughly USD132,000), which would be adjusted in the future without the need for new legislation, and eliminates the Master's Degree exemption for dependent employers.

The legislation sets aside 20 per cent of the annually allocated H-1B visas for small and start-up employers (50 or fewer employers) to ensure small businesses have an opportunity to compete for high-skilled workers, while still protecting against outsourcing.

It among other things removes visa hurdles for students and other temporary visa holders by building a bridge from F-1 student status to Lawful Permanent Residence and removes paperwork burdens by streamlining H-1B filing requirements and reducing administrative costs.

The legislation tightens employee protection by stipulating that employers may not reduce beneficiary wages, regardless of whether the deduction is in accordance with a voluntary authorisation by the employee.

Possible Issue for Academic Jobs

- Good solution for Google and Apple
 - Legislation proposed by Zoe Lofgren (D, San Jose)
- Perhaps not a good solution for Academia
 - How many post docs earn 130K?
 - How many Scientists and Engineers earn 130K?
- Legislation contains many nuances and details
 - Watch carefully, we may be covered gracefully
 - But maybe not
- We can probably discuss this with Schumer
 - Likely too hot an issue to take to Zeldin &/or Tea Party folks