



IS HILLARY CLINTON'S SILENCE ON H-1B VISAS GOLDEN?

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The USCIS announced on May 2, 2016 that it will be returning H-1B petitions that have not been selected in this year's H-1B lottery. Since USCIS received 236,000 H-1B petitions subject to the quota for fiscal year 2017, which is 65,000 for regular H-1B petitions plus another 20,000 for those with advanced degrees from U.S. universities, there will be more H-1B petitions that will get rejected than accepted. The H-1B lottery undermines US employers who wish to hire talented foreign workers and it also crushes the hopes of prospective foreign workers who will no longer get an opportunity to work in the United States, and contribute to its growth and prosperity.

Presidential candidates like Trump, Cruz and Sanders have come out against the H-1B, and have promised to restrict it even further, even when the current status quo is completely unacceptable. Clinton has remained silent on H-1Bs, and this may be a good thing. Here is my take on Clinton's position on H-1B visas that was recently published in The Economic Times, <http://economictimes.indiatimes.com/nri/visa-and-immigration/is-hillary-clintons-silence-on-h-1b-visas-golden/articleshow/52057165.cms>

Hillary Clinton has surprisingly not said anything about H-1B visas in her presidential campaign, unlike other candidates such as Trump, Sanders and Cruz who have come out stridently against so called H-1B abuses. The H-1B visa has become controversial since 2015 after the media reported on US workers being laid off upon American companies contracting with India-based IT firms to take over their IT functions. If Clinton does support an increase in H-1B visa numbers and understands the benefit that the H-1B program brings to US companies and to the consumer, perhaps it is strategic for her to not say anything at this point.

In the past, Clinton has spoken in support of increasing H-1B visas such as in a 2007 speech to Silicon Valley executives when she said, "I am reaffirming my commitment to the H1B visa and increasing the current cap. Foreign skilled workers contribute greatly to what we have to do in being innovators." When Clinton was a Senator from New York in 2003 she inaugurated the offices of TCS in Buffalo. However, when America was in its worst recession in 2009, she said while visiting India, "Outsourcing is a concern for many communities and businesses in my country."

Clinton, on the other hand, has spoken forcefully in favor of Comprehensive Immigration Reform in her campaign, which includes reforming the immigration system as a whole, and she is absolutely committed to pushing for CIR within the first 100 days of her presidency. If there is any compromise on H-1B visas as part of a deal on CIR, such as increasing the H-1B cap in exchange for imposing certain restrictions on IT companies, I believe she will go for a deal if it brings CIR into fruition.

Clinton's silence on H-1B visas is a good sign when the visa program has become so poisoned in recent times. However, if she is pushed by Trump in the general election campaign, she may sound tougher on H-1B visas, although this may all be part of campaign rhetoric. Based on her past statements in support of H-1B visas, and her silence in this campaign, means that she will probably support the H-1B visa program if she is elected President, and will push Congress in the direction of expanding rather than curtailing the H-1B visa.