

GOVERNMENT OF INDIA  
MINISTRY OF EXTERNAL AFFAIRS

**LOK SABHA**  
**STARRED QUESTION NO.377**  
TO BE ANSWERED ON 21.03.2018

**H1B AND L1 VISAS**

\*377. SHRIMATI KOTHAPALLI GEETHA:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether the United States of America (USA) has agreed to look into India's concerns with regard to the increase in fee for H1B and L1 visas and if so, the details thereof;
- (b) whether Indian corporations raised the issue at the India-USA CEO Forum saying that the move will hurt the Indian IT firms, which are the main users of these non-immigrant temporary work visas meant for professionals, if so, the details thereof and the outcomes thereof;
- (c) whether India has already taken up the issue with the World Trade Organisation (WTO), stating that it is discriminatory against the Indian firms and if so, the details thereof; and
- (d) the present status in this regard?

**ANSWER**

THE MINISTER FOR EXTERNAL AFFAIRS  
(SHRIMATI SUSHMA SWARAJ)

- (a) to (d) A statement is laid on the table of the House.

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**STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF THE LOK SABHA STARRED QUESTION NO. 377 REGARDING “H1B AND L1 VISAS” FOR ANSWER ON 21.03.2018**

(a) to (d) Government of India remains closely engaged with the US Administration and the Congress on all issues relating to movement of Indian professionals under the H-1B and L-1 visa programmes, including in regard to visa fee. In our engagements, we have emphasized that this has been a mutually-beneficial partnership which should be nurtured. Indian skilled professionals have contributed to the growth and development of the US economy and have helped the US retain its competitive edge and innovation advantage. They are a big stakeholder in India-US relations and their backward linkages to India have helped US businesses.

On December 18, 2015, the US President signed into law the Consolidated Appropriations Act, 2016 (Public Law 114-113) which increased the supplemental visa fee for L-1 and H-1B visas for a period of 10 years for companies employing 50 or more employees in the United States, 50% or more of which were on L-1 and H-1B visas (50:50 rule). With this legislation in place, 50:50 companies are required to pay an enhanced fee of \$4,500 for each L-1 visa and \$4,000 for each H-1B visa as compared to \$2,250 and \$2,000 previously.

Issues relating to H-1B and L-1 visa programmes, including the increase in visa fee, were discussed in the meeting of the India-US CEO Forum, held in New Delhi on August 2016. The participants inter alia emphasised the need to ensure that the visa programmes do not include discriminatory provisions that distinguish based upon business model or country of origin.

The matter on US visa fee hike has been raised by India at the World Trade Organisation (WTO), Geneva. India held consultations with the United States on 11-12 May 2016 at the WTO, Geneva under the dispute settlement procedures of the World Trade Organisation on the basis that the increased fees appear to result in treatment that is less favourable to Indian firms and consequently violate provisions of the General Agreement on Trade in Services.

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