



**Ministry of External Affairs**  
Government of India

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## QUESTION NO.1294 H-1B VISA GUIDELINES BY USA

July 27, 2017

RAJYA SABHA  
UNSTARRED QUESTION NO.1294  
TO BE ANSWERED ON 27.07.2017

### H-1B VISA GUIDELINES BY USA

1294. SHRI C.M. RAMESH:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether it is a fact that United States of America (USA) has issued two fresh H-1B guidelines which impact entry level computer programmers from India;
- (b) whether it is also a fact that clarifications have been issued by the US Citizenship and Immigration services on the above guidelines; and
- (c) if so, the details thereof?

ANSWER  
THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS  
[GEN. (DR) V. K. SINGH (RETD)]

(a) to (c) On 31 March 2017, the United States Citizenship and Immigration Services [USCIS] issued a policy memorandum that superseded and rescinded the 22 December 2000 memorandum titled "Guidance memo on H-1B computer related positions". The new memorandum describes that a petitioner seeking to sponsor a beneficiary for a computer programmer position, may no longer rely solely on 22 December 2000 memorandum, and must provide other evidence to establish the position as a specialty occupation. The above H-1B guideline is in the nature of clarification to USCIS personnel performing their duties relative to the adjudication of applications and petitions.

In a press release issued subsequently, NASSCOM stated that "The 31 March USCIS memorandum reinforces existing practice by adjudicators and clarifies requirements for certain computer professionals. The clarifying guidance should have little impact on NASSCOM members as this has been the adjudicatory practice for years..."

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