

Trump to Take Actions on Immigration Visa Programs

By Xiaofan Xu, LL.M. Candidate 2017 | November 29, 2016

Just last week, President-elect Donald Trump [nominated](#) Senator Jeff Sessions, a top H-1B opponent, to be his attorney general, which may lead the main U.S. visa program for technology workers to face renewed scrutiny.

The H-1B is a temporary, non-immigrant visa, currently capped at 85,000 visas a year, that allows employers to hire skilled, specialty workers on a temporary basis—particularly scientists, engineers, and computer programmers.

Sessions has been a firm advocate of cracking down on the program. In fact, he [proposed](#) legislation last year to reduce the number of visas that can be granted to large outsourcing companies such as Tata Consultancy Services. Sessions' concerns are not unfounded. Studies have found that the majority of H-1B visas are obtained by India-based IT outsourcing companies, which flood the H-1B lottery program with applications and therefore increase the chances of their applicants to secure a visa.

Donald Trump, on the other hand, continues to change his attitude towards H1-B visas back and forth. After initially taking a hard stance against them, he declared them an important way to retain foreign talent, and [mentioned](#) that “we need highly skilled people in this country, and if we can't do it, we'll get them in” at one of his primary debates. Most recently, Trump [noted](#) he will “direct the Department of Labor to investigate all abuses of visa programs that undercut the American worker.” Though Trump's final standpoint on this matter has remained largely unclear, an immense reform of immigration policies is anticipated given his pledge of [putting](#) “America First.” In Trump's blueprint, foreign workers should not have easy access to these jobs when so many Americans are still out of work.

Trump has also suggested an immigration merit system for undocumented immigrants. He [emphasized](#) the importance of the immigrants' legality by stating that “they have to come in through a process” and “they have to come in legally” at a recent campaign rally. Essentially, it is not only tech workers holding H-1B visas who might be kicked out of their workplaces, but all the undocumented immigrants could lose their jobs with the stroke of a pen.