

# NATIONAL FOUNDATION FOR AMERICAN POLICY

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### **L-1 VISA APPROVALS DECLINE SIGNIFICANTLY AT U.S. POSTS IN INDIA IN 2011**

(Excerpts from press release and full report)

The number of L-1 visas issued at U.S. posts in India declined by 28 percent from 2010 to 2011, according to data obtained from the U.S. Department of State in a new report by the National Foundation for American Policy (NFAP), an Arlington, Va.-based policy research group. The official data from the State Department show that L-1 visa approvals went from 35,896 in Fiscal Year (FY) 2010 to 25,898 in FY 2011, a drop of approximately 10,000 visas. At the same time that L-1 visas issued in India declined by 28 percent, L-1 visas issued in the rest of the world rose by 15 percent (from 38,823 in FY 2010 to 44,820 in FY 2011), according to State Department data. (FY 2011 data are considered preliminary by the State Department but any changes in the final data are typically minor, according to a State Department official.)

Increased denials of L-1 visas when attempting to transfer personnel into the United States from India on L-1 visas is having a negative impact on growth, projects and product development in the United States, according to companies. “The release of the L-1 visa data makes it difficult for U.S. government officials to argue that nothing different is going on in India when compared with the rest of the world,” said Stuart Anderson, executive director of the National Foundation for American Policy. Anderson served as head of policy and counselor to the Commissioner of the Immigration and Naturalization Service from August 2001 to January 2003. “The information that L-1 visas declined in India comes after the U.S. embassy in Delhi announced the number of H-1B visas issued there increased from 2010 to 2011. A decline of 28 percent in L-1 visas issued in India from 2010 to 2011 at the same time that employers have seen an increase of 15 percent in L-1 visas issued in the rest of the world, using the same law and regulations, indicates something is amiss.”

A key issue is how U.S. Citizenship and Immigration Services adjudicators and consular officers interpret or have “re-interpreted” the phrase “specialized knowledge” in the context of L-1 visa holders. “Specialized knowledge” is defined in the Immigration and Nationality Act as “special knowledge of the company product and its application in international markets” or “an advanced level of knowledge of processes and procedures of the company.” As attorneys Daryl Buffenstein and Bo Cooper write, “The L-1B classification may be understood as allowing a transferee to infuse the U.S. operations with specialized knowledge gained abroad.”

Press release: [http://www.nfap.com/pdf/DAY\\_OF\\_RELEASE\\_L1\\_Visas\\_Decline\\_in\\_India\\_Nov\\_2011.pdf](http://www.nfap.com/pdf/DAY_OF_RELEASE_L1_Visas_Decline_in_India_Nov_2011.pdf)

Full report: [http://www.nfap.com/pdf/L1\\_Visa\\_Approvals\\_In\\_India\\_Decline\\_in\\_2011\\_NFAP\\_Policy\\_Brief\\_Nov2011.pdf](http://www.nfap.com/pdf/L1_Visa_Approvals_In_India_Decline_in_2011_NFAP_Policy_Brief_Nov2011.pdf)