

Study shows increase of work visa denials in U.S.

By Kevin Johnson, USA TODAY

WASHINGTON – Denial rates for work-related visas to the [U.S.](#) have increased dramatically in the past four years, with Indian-born professionals and researchers being refused at higher rates than other foreign nationals, according to an analysis by the National Foundation for American Policy.

Some applicants for work visas who claimed "special knowledge" were required to give more information supporting their petitions in 2011, according to data from U.S. Citizenship and Immigration Services.

Citing data from the [Department of Homeland Security](#), the non-partisan foundation reported that petitions to transfer employees with specialized knowledge into the U.S., or those designated as executives, managers and other professionals have been denied at increasing rates since 2007.

In the case of applicants claiming "specialized knowledge" of company products, services or markets, the rate of denial jumped from 7% in fiscal year 2007 to 27% in fiscal year 2011.

In addition, according to the data maintained by Homeland Security's U.S. Citizenship and Immigration Services, authorities required special knowledge applicants to supply additional information supporting their petitions in 63% of cases in fiscal year 2011, up from 17% in 2007. The spike resulted in visa delays or denials in 90% of cases in the 2011 budget year.

Most likely to be denied as specialized knowledge applicants, according to the foundation analysis, were Indian-born applicants whose rates of refusal climbed in one year from 2.8% in fiscal year 2008 to 22.5% in 2009. By comparison, denial rates for Canadians increased during the same time period, from 2% to 2.9%.

[Stuart Anderson](#), the foundation's executive director, said the high denial rates for applicants from India could not be immediately explained.

"The dramatic increase in denial rates and requests for evidence for employment petitions ... raises questions about the U.S. government's commitment to maintaining a stable business climate for companies competing in the global economy," the study concluded.

In many cases where the needs are immediate, the rising number of evidence requests "can scuttle" a company's U.S. operation or strategy, prompting some employers to move their bases elsewhere, Anderson said.

Randel Johnson, senior vice president for labor, immigration and employee benefits at the [U.S. Chamber of Commerce](#), said the denials represent a "serious breakdown."

"This has reached a fever pitch among our membership," he said. "We have to figure out what the proper solution is."

Homeland Security provided data to USA TODAY on Thursday that generally tracked the foundation's major findings. The agency said it would respond in more detail after reviewing the foundation's analysis.

Crystal Williams, executive director of the American Immigration Lawyers Association, said the standard for approval has become increasingly less clear for applicants.

"This kills new business," Williams said. "It's killing jobs in the U.S."

<http://www.usatoday.com/news/world/story/2012-02-09/work-visa-denials-increase-in-us/53033748/1>