



NEWS

Trump's call to ban Muslims would create H-1B, other turmoil

A strange proposal that would affect technology workers, students and many others

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Early in his campaign, Republican presidential candidate Donald Trump established himself as a champion of restrictions on the H-1B visa program. Notably he called for a provision compelling businesses to "hire American workers first" as well as raise prevailing wages to deter wage undercutting. These are not outlier positions in Congress.

But Trump's recent call for a "total and complete shutdown of Muslims entering the United States" moves him to the extreme fringes of immigration policy. If, under some incredible circumstance, Trump's ban on Muslims entering the United States were to become law, it would have significant impact on the H-1B program.

H-1B workers, both those counted under the cap and otherwise, come from every country on the planet. Most of these workers are from India, which has about 172 million Muslims out of a population of 1.2 billion. Trump's policy would slam the door on these workers.

It's not just H-1B holders who would feel the pinch. People traveling to the U.S. to attend, for instance, a technology conference as a business visitor under the B-1 visa could be excluded by the ban. Companies seeking to transfer workers under the L-1 visa would also be affected.

Foreign students also make a significant percentage of computer science enrollments. Some 60% of computer science doctoral degrees went to non-resident aliens last year, according to [data from the Computing Research Association](#).

Beyond the enrollment data and the population numbers is the revulsion such a proposal could generate internationally among people of any background or faith -- or no faith at all -- who may be considering the U.S. for school or for work.

The ban would create many legal issues for employers who sponsor H-1B workers. Employers may have to ask, as part of the interview process, about a person's religion.

"How does that (religion) even come up in the interview process, and what kind of liability would the employer have in terms of employment discrimination?" asked Alexandra LaCombe, an immigration attorney at Fragomen Worldwide.

The H-1B visa form, the I-129, does not currently ask for the religion of the applicant. Becki Young, an immigration attorney at Hammond Young Immigration Law, said Trump's comment was "a ridiculous thing to say, and would never actually happen," but if for some reason his idea did become law, she suspects people would self-screen and wouldn't even bother to try to gain admission to the U.S.

Former U.S. Rep. Bruce Morrison (D-Conn.), who wrote the 1990 immigration law that created the H-1B visa, said of Trump's plan: "We do not think this has anything to do with the serious subject of country- and religion-neutral policies about H-1B. The Trump proposal is like much of his candidacy --- not to be given the respect of serious attention to the nonsense he spouts," he said.

"This proposal is illegal, unconstitutional, immoral, impractical, and counterproductive even regarding national security. It's just plain wrong," said Morrison.

Senior Editor Patrick Thibodeau covers Internet of Things, enterprise applications, outsourcing, government IT policies, data centers and IT workforce issues for Computerworld.

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