

## This is not the way to stem brain drain

Strike out And make way Lightspring/shutterstock.com

Why should those who wish to change their US visa status be put through a troublesome clearance process back home?

Thousands of Indians work in the US on J-1 (exchange visitor) visas. But if they want to change their visa to other visas such as H-1, they have to go through unnecessary and complicated bureaucratic processes, which act as hurdles in their taking up new jobs and advancing their careers. And the delays in this process often discourage US employers from recruiting well qualified Indian professionals.

Surprisingly, these delays are not from the US side, as one might expect, but from the Indian side. The new government needs to streamline these processes.

### A harassing procedure

Those who hold J-1 visas are expected to return home at the end of their work assignment in the US. Nationals of many countries can directly apply to change their visa type from J-1. But Indians must return to India at least two years before they can apply for another visa. The US government has this measure in order ostensibly to counter “brain drain” and loss of professionals with scarce skills from countries such as India.

However, the two-year condition can be waived if they obtain an NORI (No Obligation to Return to India) letter from the Indian government before they apply to change their visa. Getting the NORI clearance is a time consuming and harassing procedure.

The Indian government requires three clearances before an applicant can be issued an NORI letter. The application in triplicate must be accompanied by an affidavit that says the applicant has not received any government scholarships nor has any outstanding loan from an Indian institution.

### The three steps

The first and most relevant clearance is from the Ministry of Human Resources Development (MHRD), which gives its clearance after checking whether the applicant has got any government funding. Those who go to the US on deputation from government institutes or have taken loans or scholarships from the Indian government are expected to return to their institutions or repay loans or meet the conditions attached to their scholarships. This is understandable. The MHRD process is fairly efficient and the processing is done without much delay.

Secondly, the Passport Office has to give its clearance after checking the passport details and records. Here, the applicant runs into trouble, as passport offices are overburdened and locating and verifying records may take a long time. Most applicants have to ask somebody to follow up and chase the clearance. Some passport offices are not aware of what exactly has to be done.

Thirdly, the government of the State in which the applicant resides has to give its clearance after checking the



address and so on of the applicant.

This clearance is even more of a nightmare. Locating the exact mailing address of the office concerned is a problem. Letters sent are invariably not acknowledged, let alone acted upon.

Often, the officer concerned is not aware of what is to be done. The acronym NORI — which also stands for “No Objection to Return to India”, required in the case of some foreigners like Bangladeshis — causes some obvious confusion. An Indian applicant located in the US has to engage someone’s services to carry out a robust follow up in order to get the clearance issued. A police verification of the applicant’s residential address in India may also have to be expedited.

### **Keep it simple**

Why should it be necessary to verify the passport details all over again if the computerised system can do this at the Indian mission concerned? Again, where is the need to bother the State government with a clearance? And why cannot the process be made online instead of having to courier sets of identical documents to three different offices in India?

The whole process requires a complete overhaul; it should be IT-enabled and unnecessary steps got rid of. This will spare thousands of J-1 visa holder’s considerable time, effort and delay. This is an example of a low hanging reform fruit that can be easily harvested and bring relief to thousands of Indians in the US. The new government has pledged to reform and streamline administrative processes and this is one case where it would be relatively easy to do so.

The writer is a former ambassador

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