

'I will be separated from my husband until I get a new visa': Skilled US visa holders stranded in India

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Hundreds of highly skilled visa workers who visited India for pandemic-related emergencies continue to be stranded there months later as a travel ban to protect against COVID-19 remains in effect.

Consulates have been dealing with "profound reductions" in capacity during the pandemic, said a Department of State official. This could mean that men and women waiting to return to their jobs and homes in New Jersey, New York and other parts of the country may have to wait even longer, as U.S. consulates in India slowly begin to process more visas.

Routine visa services were canceled in May as India was being devastated by a second wave of the coronavirus.

The official, who spoke on background, said embassies have prioritized immigrant visas and U.S. citizens, but consulate offices that are also able to process nonimmigrant visas are prioritizing urgent and mission-critical travelers and cases with extreme humanitarian considerations, followed by students and temporary employment visas.



Kiran Shukla, with her late husband, Jitendra and her son. Mrs. Shukla is stranded in India due to the travel ban, and has not been able to return to Edison, though two months have passed since husband died. *Image Provided by Kiran Shukla*

Their visas are "temporary," but many of the men and women who hold them have made the U.S. their home and are on a legal path to citizenship.

The Shuklas are one such family.

Edison resident Jitendra Shukla was a highly skilled employee on an H1-B visa, living with his wife, Kiran, who holds a dependent visa, and their American-born son. When Jitendra Shukla died unexpectedly from an infection in early May, his wife was in India tending to her critically ill father. She scrambled to return to the United States to be near her husband, but the travel ban had already taken effect. She was stuck in Mumbai. A few days later, she lost her father, too.

Because of her husband's sudden death, Kiran Shukla lost the visa status she had via her husband. Because of the ban, the U.S. Consulate in Mumbai denied her request to reenter the United States urgently on a tourist visa. Two months after her husband died, she still has not been able to return to Edison to mourn his loss and be with her son.

Consulates are issuing visas to individuals who qualify for exemptions to the travel ban, such as employment in critical infrastructure, or are separated from their minor American citizen children in the United States. But those who do not qualify for these exceptions risk losing their jobs and careers in technology and other specialized occupations.

Though travel bans remain in place for the European countries in the Schengen Area, the United Kingdom, Ireland, Brazil, China, Iran and South Africa, the impact of the ban on Indians is significant because of the high demand for Indian workers in these fields. Employees from India hold more H1-B visas than those from any other country.

Diya Mathews, an immigration attorney with Chugh LLP, a law firm based in Edison, said her firm has seen an uptick in individual consultations with desperate employees stranded in India, even though their employers usually have attorneys who advise them.

Reduced visa services throughout 2020 have combined with the travel ban to create a double whammy for those making the emotional decision to travel home for pandemic-related emergencies.

Swathi Reddy lives in Jersey City with her husband. She returned to India in April to attend her father-in-law's funeral after he died of complications related to COVID-19. The travel ban kicked in a week later, and the consulate did not stamp the visa she needed to get back into the United States. But many workers whose visas do not need these approvals circumvent the ban by traveling to Mexico, quarantining for 14 days and then entering the United States.

Reddy's employer has told her that she is likely to lose her job if she does not return by July 4. "My biggest worry is that I will be unable to return to Jersey City. I will be separated from my husband until I get a new visa," she said.

Reddy has had to stay up nights since she arrived in India to try to make an online visa appointment with a consulate in Mumbai, because very few appointments are available while the ban is in effect.

Kiran Shukla reached out to Sen. Bob Menendez, who intervened in the case of another New Jersey resident, Ashu Mahajan of Scotch Plains, and successfully reunited him with his family. Mahajan had traveled to India in March to tend to his father, who died of COVID-19-related complications. Steven Sandberg, the senator's press secretary, said his office is working with 10 New Jersey families of Indian descent who are affected by the travel ban, including Shukla.

"More dates for visa appointments have opened up, but the priority is for students. I don't think the ban is the problem as much as the consulates' not approving visas," said Mathews, the attorney at Chugh. "It is concerning that people are having to go outside the system. There are always going to be special situations where senators can help. But instead of having to resort to extra-legal measures, I wish there was a streamlined process within the consulates and the United States Citizenship and Immigration Services [USCIS] to address them," she said.

Meanwhile, on social media apps including Telegram and Twitter, anxious employees share ideas on how consulates might approve their visa applications. A furious tweeter criticized the alleged issuance of a visa to an Indian tourist visiting a Carolina beach over an information technology worker asking to return to his job. Stranded workers complain of being stuck in the "221-G loop," a reference to the limbo of indefinite processing times for visas. Almost universally, they are concerned about keeping their jobs and visas until the ban is lifted. As of now, no one knows when that will happen.