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UNITED STATES – MEASURES CONCERNING NON-IMMIGRANT VISAS

REQUEST FOR CONSULTATIONS BY INDIA

Addendum

The following communication, dated 16 March 2016, from the delegation of India to the delegation of the United States and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

With reference to document WT/DS503/1, S/L/410, circulated on 8 March 2016, my authorities have instructed me to request further consultations with the Government of the United States pursuant to Article 1 and Article 4 of the Understanding of the Rules and Procedures Governing the Settlement of Disputes ("DSU"), and Article XXIII of the *General Agreement on Trade in Services* ("GATS"), on an additional legal claim on Article II of the GATS in relation to the first set of measures that are part of the request for consultations, i.e., the measures imposing increased fees on certain applicants for L-1 and H-1B categories of non-immigrant visas. We are also proposing further refinement in the description of the measures in the text of paragraph 4 of our original request. This addendum must be read with India's original request for consultations.

Pursuant to this addendum, Paragraphs 4 and 5 of the original request for consultations shall read as follows:

4. These measures (Public Law 114-113 and Public Law 111-230) appear to: (i) be inconsistent with the terms, limitations and conditions agreed to and specified by the United States in its Schedule of Specific Commitments under the GATS, (ii) accord to juridical persons of India having a commercial presence in the United States treatment that is less favourable than that accorded to juridical persons of the United States, as well as juridical persons of any other country, engaged in providing like services in sectors such as the Computer and Related Services sector, with respect to which the United States has taken commitments in its Schedule of Specific Commitments, and (iii) affect the movement of natural persons seeking to supply services in a manner that is inconsistent with the United States' commitments in its Schedule of Specific Commitments. These measures also appear to nullify or impair the benefits accruing to India directly and indirectly under the GATS.

5. The Government of India is of the view that these and comparable measures, (as well as any amendments, related measures, or implementing measures), taken by the United States are not in conformity with at least the following provisions of the GATS: Articles II, XVI, XVII, XX, and paragraphs 3 and 4 of the GATS Annex on Movement of Natural Persons Supplying Services. These measures also appear to be inconsistent with Articles III:3, IV:1 and VI:1 of the GATS.
