

Immigration in 2011- That's a wrap! Immigration hopes for 2012?



As we say good-bye to 2011, what have been the highlights in immigration law? Well, not a lot of good news. Alabama and some other parts of the country have seen some horrendous immigration laws come into effect. Employment enforcement has seen a record increase. E-verify drastically affected the farming and restaurant industry. A record number of people have been deported. Still no comprehensive immigration reform and the wait for Dream Act continues.

There have been some positive actions though. In my opinion, here are a few highlights:

- Prosecutorial Discretion (“PD”) was expanded in August 2011 to ensure people with low priority cases from a public security perspective are not put into removal proceedings.
- California State passed the Dream Act! This is a huge deal for Dreamers as it gives hope that the Dream Act can pass in Congress.
- The government announced that it will enable a path for entrepreneurs by allowing self-employed H1bs. In addition, entrepreneurs can now apply for a national interest waiver green card petition under the EB2 category.
- USCIS also announced the ‘entrepreneur in residence’ program. Nothing much has resulted from this but it is a dialogue that will hopefully bring about changes for entrepreneurs.
- The government is trying to improve current EB5 regulations. In particular, we hope the program will become permanent and that premium processing will be introduced soon.
- There have been several promising bills introduced in Congress (this is not a complete list- just my highlights):
 - o The Start-Up Act: This bill was reintroduced in 2011 (after initial introduction in 2010) with some new terms to create a new investor visa category – EB6. The minimum investment would be \$100,000.00 and a creation of five new jobs. I am eagerly awaiting this to become law and have high hopes for 2012.
 - o The Fairness for High-Skilled Immigrants Act: This bill eliminates the employment-based per-country cap entirely by fiscal year 2015 and raises the family-sponsored per-country cap from 7% to 15%. I have some clients from India who remain in an immigration black hole, that I am hoping this bill become law in 2012.



o Visa Improvements to Stimulate International Tourism to the United States of America-VISIT USA (H.R. 3341): This bill introduces a new residential visa for people who purchase a house valued at \$500,000.00 or more.

o Other bills pending are the IDEA act and American Education and Innovation Act. Both bills intend to make it easier for graduate students in (STEM) to live and work in the US.

I realize that one cannot ask for too much at one time, especially when everything in Congress is so slow moving. Otherwise, my wish list would be rather long and would include the passing of Comprehensive Immigration Reform and the Dream Act. So, I have one wish for 2012 when it comes to bills. I wish that some version of the Start-Up Act is introduced and a new EB6 visa is created as soon as possible. In my opinion, such a visa will be beneficial for the United States' economy and for immigrants. So, here is to hoping!

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