

## **Comprehensive Immigration Reform Applies to IT Workers Too?**

We have heard time and again the term “Comprehensive Immigration Reform” or “CIR” as it is referred to in the Twitterverse. For many, CIR has become synonymous with talking about the 11 million undocumented foreign nationals living in the shadows. However, CIR may be just as important for others including:

- H-1B visa holders
- Spouses of H-1B visa holders
- H-1B visa seekers
- U.S. STEM (Science, Technology, Engineering, Math) advanced degree holders
- Those with approved PERM and immigrant visa petitions (Form I-140s) who have been unable to file the third and final step in the green card process because of current per-country limits
- Employers who hire H-1 B visa holders or who sponsor foreign nationals for green cards

After President Obama’s January talk in Las Vegas where he announced a four-part immigration reform proposal, a “Gang of Eight” senators released a “Bipartisan Framework for Comprehensive Immigration Reform.” That framework included:

- Creating a path to U.S. Citizenship for unauthorized immigrants already in the U.S.
- Improving the legal immigration system and attracting the world’s best and brightest
- Strong employment verification
- Admitting new workers and protecting workers’ rights

The framework does not provide specific details outlining how to improve the legal immigration system or how to attract the best and the brightest. That is where the Immigration Innovation Act of 2013 comes in.

Released by Senators Hatch (R-UT), Klobuchar (D-MN), Rubio (R-FL), and Coons (D-DE), the Immigration Innovation Act of 2013 (S. 169) or “I-Squared” provides a detailed plan to reform certain areas of importance to highly-skilled immigrants. This proposed law

addresses areas related to employment-based nonimmigrant H-1B visas, dual intent for students, and immigrant visas and green cards. Below is a summary of some of the proposed changes:

| Present Day  | Under the Proposed Immigration Innovation Act of 2013   |
|--|---|
| H-1 visa cap is fixed at 65,000  | H-1 visa cap to be fixed at 115,000 but that number may increase up to 300,000 based on demand  |
| There are an additional 20,000 H-1 visas for those with U.S. Master's degrees  | <b>Unlimited</b> number of H-1 visas available for U.S. Master's or higher degree holders   |
| Spouses of H-1 visa holders are NOT authorized to work   | Spouses of H-1B holders <b>will be authorized</b> to work   |
| Certain U.S. STEM advanced degree holders with approved EB-2 PERM applications continue to wait for priority dates to become current before they may apply for their green cards | U.S. STEM advance degree holders with approved EB-2 PERM applications will be <b>immediately able</b> to file green card applications |
| Annual per-country limits apply for employment-based and family-based immigrant visa (green card) applicants   | Eliminate the per-country caps that often create backlogs for citizens of India and China seeking employment-based immigrant visas    |
| Students must maintain non-immigrant intent while in F-1 student status  | Permit dual intent for foreign students at U.S. colleges and universities   |

The changes proposed are significant to students, H-1B holders and their spouses, H-1B seekers, employment based green card applicants, and the employers of H-1 visa holders or employment based green card applicants.

For some, passage of this proposal could mean no longer having to wait to file the application for a green card. For example, anyone holding a U.S. STEM advanced degree with an approved PERM

application (even if they are from an oversubscribed country such as India) would be able to file the second and third steps in the green card process concurrently.

This is a big deal.

Now we just need to wait and see if Congress will pass “I-Squared” or if the provisions will become part of larger CIR bill.

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