

# Skilled Immigration Reform: Will 2015 Be the Year?

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On January 13, 2015 Senators Orrin Hatch (R-UT), Amy Klobuchar (D-MN), Marco Rubio (R-FL), Chris Coons (D-DE), Jeff Flake (R-AZ), and Richard Blumenthal (D-CT) introduced the Immigration Innovation Act of 2013 into the Senate. This bill, known as S. 169 or "I<sup>2</sup>", clearly has bipartisan support, and aims to broadly reform high skilled immigration. The bill was originally introduced by Senator Hatch in January, 2013 but it was quickly overshadowed by the Senate's comprehensive immigration reform bill, and neither bill made any headway in Congress. Perhaps this year the result will be different.

The bill contemplates reforms that are long overdue, including the following:

- A market-based adjustment to the H-1B visa cap with a new floor of 115,000;
- Elimination of the existing 20,000 cap on the U.S. advanced degree exemption for H-1B visas;
- Authorization of employment authorization for spouses of H-1B visa holders (not limited to spouses of H-1B visa holders being sponsored by their employers for green cards);
- Elimination of the requirement in the immigration law that foreign students prove they intend to return to their home countries following graduation;
- Recapture of green card numbers previously approved by Congress, but unused;
- Exemption from the employment-based green card cap of dependents of employment-based immigrant visa recipients, US STEM advanced degree holders, persons with extraordinary ability and outstanding professors and researchers;
- Elimination of outdated per-country limits for employment-based visa petitions and adjustment of per-country caps for family-based immigrant visas; and
- Establishment of a grant program using funds from new fees added to H-1B visa petitions and employment-based green card petitions, to further needed STEM education and worker retraining.

For years business groups across the country have been clamoring for the types of reforms reflected in this bill. The big question is whether the current Congress is capable of enacting stand-alone immigration legislation that focuses only on skilled immigration. If the House introduces similar legislation in the foreseeable future it will be a good sign that a joint bill may be in the offing.

## Authors