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The "Immigration Innovation Act of 2013" May Double H-1B Visa Cap

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IMMIGRATION INNOVATION (I2) ACT OF 2013

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Employment-Based Nonimmigrant H-1B Visas

1. Increase H-1B cap from 65,000 to 115,000
2. Establish a market-based H-1B escalator, so that the cap can adjust ? up or down ? to the demands of the economy (includes a 300,000 ceiling on the ability of the escalator to move)
 - o If the cap is hit in the first 45 days when petitions may be filed, an additional 20,000 H-1B visas will be made available immediately.
 - o If the cap is hit in the first 60 days when petitions may be filed, an additional 15,000 H-1B visas will be made available immediately.
 - o If the cap is hit in the first 90 days when petitions may be filed, an additional 10,000 H-1B visas will be made available immediately.
 - o If the cap is hit during the 185-day period ending on the 275th day on which petitions may be filed, and additional 5,000 H-1B will be made available immediately.
3. Uncap the existing U.S. advanced degree exemption (currently limited to 20,000 per year)
4. Authorize employment for dependent spouses of H-1B visa holders
5. Increase portability of high skilled foreign workers by:

- o Removing impediments and costs of changing employers;
- o Establishing a clear transition period for foreign workers as they change jobs; and,
- o Restoring visa revalidation for E, H, L, O, and P nonimmigrant visa categories

Student Visas

? Allow dual intent for foreign students at U.S. colleges and universities to provide the certainty they need to ensure their future in the United States

Immigrant Visas and Green Cards

? Enable the recapture of green card numbers that were approved by Congress in previous years but were not used

? Exempt certain categories of persons from the employment-based green card cap:

- o Dependents of employment-based immigrant visa recipients
- o U.S. STEM advance degree holders
- o Persons with extraordinary ability
- o Outstanding professors and researchers

? Provide for the roll-over of unused employment-based immigrant visa numbers to the following fiscal year so future visas are not lost due to bureaucratic delays

? Eliminate annual per-country limits for employment based visa petitioners and adjust per-country caps for family-based immigrant visas

U.S. STEM Education & Worker Retraining Initiative

? Reform fees on H-1B visas and employment-based green cards; use money from these fees to fund a grant program to promote STEM education and worker retraining to be administered by the states

Green Card:

Family-Based Green Cards [2]

General Green Card [3]

Nonimmigrant Visas:

STEM [4]

F Visa [5]

H Visa [6]

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Links:

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[2] <https://immigration.com/greencard/green-card/family-based-green-cards>

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