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Immigration Innovation Act of 2013 or the I-Squared Act of 2013 (S. 169)

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Update, Radio Show with Rajiv, 2015, Jan 14, Immigration Innovation Act

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Immigration Innovation Act of 2013 or the I-Squared Act of 2013 (S. 169)
(Reintroduced in 2015)

On Tuesday, 13 January 2015, a bipartisan group of Senators introduced an Immigration Bill (S. 169) in the Senate. Below are excerpts from the official summary with comments from Rajiv, as needed. We will keep this page and our articles on LinkedIn updated on an ongoing basis. Check back.

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The Bill:

1. Amends the Immigration and Nationality Act to establish an annual cap on H-1B visas

(specialty occupations) at between 115,000 and 300,000 visas depending upon market conditions and existing demand. Sets forth allocation provisions.

2. Directs the Secretary of Homeland Security (DHS) to: (1) authorize the accompanying spouse of an H-1B alien to work in the United States, and (2) provide such spouse with an appropriate work permit.

Rajiv?s Comment: We currently have a regulation pending that would provide EAD to H-4 holders. Inclusion in this Bill of this provision, at the very least, serves as an indication of some bipartisan support on the Hill for this effort.

3. Prohibits the Secretary of Homeland Security from denying a petition to extend the status of an H-1B or L-visa (intra-company transferee) nonimmigrant involving the same alien and petitioner unless the Secretary determines that: (1) there was a material error in the previous petition approval, (2) a substantial change in circumstances has taken place that renders the nonimmigrant ineligible for such status, or (3) new information has been discovered that adversely impacts the eligibility of the employer or the nonimmigrant.

Rajiv?s Comment: Unexpected denials of extensions of petitions that have already been approved for years create havoc in ongoing business projects. We, the stakeholders, have complained about this USCIS practice for years. Well, under the Bill, Congress would require USCIS to pay some deference to its own earlier approvals.

4. Directs the Secretary of State to authorize a qualifying alien admitted under an E-visa (treaty traders and investors), H-visa (temporary workers), L-visa (intracompany transferees), O-visa (extraordinary ability in the sciences, education, business, athletics, or the arts or films or television), or P-visa (athletes, artists, and entertainers) to renew his or her nonimmigrant visa in the United States.

Rajiv?s Comment: This would permit all the above visa holders to send their passports for ?visa revalidation? within the USA. This procedure used to exist earlier. After the first time visa stamping, all future restamping of the same visa was obtained by mailing your passport to the State department in Washington, D.C. This is a very welcome relief (if passed). Visa stamping has become an extremely cumbersome process creating uncertainty for both employers and employees. Currently, the wait for visa issuance can easily extend to months.

5. Eliminates the foreign student visa requirement that an individual has no intention of abandoning his or her foreign residence.

Rajiv?s Comment: Another welcome addition/amendment. Too often, student visas are denied whimsically for no reason but a subjective conjecture that the student may not return to their home country.

6. Eliminates the per country numerical limitation for employment-based immigrants and increases the per country family category limit. Applies such provisions beginning with FY2014.

Rajiv?s Comment: Under our strange system of immigration, every country in the world (whether India or China with population of 1 Billion plus or the Vatican City with a population of 850) gets the same number of green cards for employment-based cases.

If Vatican City, for instance, does not use the quota, it gets wasted. Whereas, countries with high visa demand develop a backlog of several years.

7. Amends the Chinese Student Protection Act of 1992 to eliminate the provision requiring the reduction of annual Chinese (PRC) immigrant visas to offset status adjustments under such Act.
8. Provides for the recapture of unused employment-based immigrant visas from FY1992 through the current fiscal year.
9. Excludes from employment based immigrant limitations aliens: (1) who are the spouse or child of an employment-based immigrant; (2) who have a master's or higher degree in a STEM field (science, technology, engineering, and math) from a school qualified under the Higher Education Act of 1965; and (3) for whom a priority worker petition for an employment-based immigrant visa has been approved.

Rajiv's Comment: Another set of sensible provisions that will help eliminate the tremendous backlog in employment-based green card applications, some of which have been languishing from 6-7 years routinely, to a decade.

10. Increases H-1B employer fees and establishes a fee on employment-based visa petitions. Provides that such fees shall be used for STEM education and training.
11. Establishes in the Treasury the Promoting American Ingenuity Account to enhance U.S. economic competitiveness by: (1) strengthening STEM education and ensuring that schools have access to well-trained STEM teachers; (2) strengthening the elementary and secondary curriculum, including efforts to increase computer science course availability; and (3) helping colleges and universities produce more graduates in fields needed by American employers.
12. Sets forth provisions regarding: (1) fund allocations, (2) state grant applications, and (3) approved grant activities.
13. States that nothing in such STEM funding provisions shall be construed to permit the Secretary of Education or any other federal official to approve the content or academic achievement standards of a state.

Here is [alink^{\[5\]}](#) to the full text of Immigration Innovation Act of 2013.

Immigration Law :

[Obama's Immigration Action Executive Order](#) ^[6]

[Immigration Reform 2015](#) ^[7]

[Immigration Reform](#) ^[8]

Agency:

[Congress](#) ^[9]

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