

US Senators say no voting on S-386 Bill as of now

ET economictimes.indiatimes.com/nri/visa-and-immigration/us-senators-say-no-voting-on-s-386-bill-as-of-

December 20, 2019

Claiming that they've reached a consensus on the Bill, Senators Mike Lee and Dick Durbin say it won't be put to vote without majority backing. Speaking in the US Senate on Wednesday, Durbin, the Senate Democratic Whip who was previously opposed to...

By

Priyanka Sangani

, ET Bureau |

Dec 20, 2019, 07.44 AM IST

PUNE: US Senators Mike Lee and Dick Durbin said on Wednesday that they had reached consensus on the S-386 Bill which sought to end country caps for job-based green cards.

They, however, said that the Fairness for High-Skilled Immigrants Act of 2019, as the Bill is formally known, will not be put to vote in the Senate as they believe it would not pass muster.

Speaking in the US Senate on Wednesday, Durbin, the Senate Democratic Whip who was previously opposed to the Bill, said the green card backlog was one of the most serious challenges the country faced, but there were restrictions as to what could be done under the current political environment.

The Bill's new provisions include allowing applicants to switch jobs and travel without losing their status even as they wait for their green cards, and also protects children from ageing out on turning 21.

"The changes also address abuses in the H-1B temporary visa. The reality is that there is abuse in the H-1B visa program and we are addressing what we think is one of the starting points," Durbin said.

One of the provisions targets 50-50 companies — which have more than 50 employees, of which 50% are temporary workers, and prevents them from applying for any more H-1B visas.

Software industry body Nasscom has said it is opposed to this change as it is discriminatory and takes away a level playing field for Indian companies.



About 3,00,000 Indians who are currently waiting for their green cards to come through would benefit if the Bill is passed.

About 3,00,000 Indians who are currently waiting for their green cards to come through would benefit if the Bill is passed. The new provisions around H-1B visa regulations would, however, have an adverse impact on many Indian firms in the United States. The US House of Representatives cleared the Bill earlier this year.

“The Bill is likely to face considerable opposition in the current political environment,” said Rajiv S Khanna, managing attorney at law firm Immigration.com, adding that with President Donald Trump's impeachment by the US House of Representatives, it would be very difficult to get to a yes vote within an already extremely divided Congress. The H-1B provisions are likely to impact larger companies, limiting their H-1B and L1 workforce to 50%, he said.

Lee, a Republican Senator from Utah and one of the original sponsors of the Bill, said that they wanted to bring an end to the arbitrary per country cap for employmentbased visas. “Senator Durbin and I have spent the last few months negotiating ...I am very pleased with the outcome ... but have to ensure we have the buy-in we need,” before the Bill can be put to vote, he said.