

IMMIGRATION INNOVATION (I²) ACT OF 2013

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Employment-Based Nonimmigrant H-1B Visas

- Increase H-1B cap from 65,000 to 115,000
- 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)
 - 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.
 - 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.
 - 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.
 - 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.
- Uncap the existing U.S. advanced degree exemption (currently limited to 20,000 per year)
- Authorize employment for dependent spouses of H-1B visa holders
- Increase portability of high skilled foreign workers by:
 - Removing impediments and costs of changing employers;
 - Establishing a clear transition period for foreign workers as they change jobs; and,
 - 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:
 - Dependents of employment-based immigrant visa recipients
 - U.S. STEM advance degree holders
 - Persons with extraordinary ability
 - 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