Congressional Research Service

Memorandum August 29, 2006

SUBJECT: **Comparison of Selected Provisions on Permanent and Temporary Admissions in Title V of Senate-passed S. 2611, House-passed H.R. 4437, and Current Law**

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This memorandum is one in a series of memoranda the Congressional Research Service is preparing to compare current immigration law and legislation passed in the 109th Congress by the House (H.R. 4437) and the Senate (S. 2611). In the attached comparison table, current law is the Immigration and Nationality Act (INA),[1] unless otherwise noted; federal regulations are included in the "Current Law" column where directly relevant. The provisions covered by this memorandum are those in Title V of S. 2611 and a few related provisions in H.R. 4437.

The House passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437), as amended, on December 16, 2005. H.R. 4437 primarily addresses immigration enforcement-related issues, including border security; the role of state and local law enforcement agencies in immigration enforcement; unlawful presence; smuggling; detention; and the enforcement of prohibitions on employing unauthorized workers. A number of provisions in H.R. 4437 were included in a predecessor bill (H.R. 4312), as reported by the House Homeland Security Committee.

The Senate passed the Comprehensive Immigration Reform Act of 2006 (S. 2611), as amended, on May 25, 2006. The Senate had debated immigration reform from late March through early April 2006, but efforts to invoke cloture failed. At that time the leading proposals included S. 2454, the Securing America's Borders Act, which Senate Majority Leader Bill Frist introduced on March 16, 2006, and S. Amdt. 3192 to S. 2454, the Comprehensive Immigration Reform Act, which Judiciary Chairman Arlen Specter offered on March 30, 2006.[2] In addition to including provisions on immigration enforcement-related issues (e.g., border enforcement, interior enforcement, and unlawful employment of aliens),

[1] Act of June 27, 1952, ch. 477, codified at 8 U.S.C. §1101 *et seq.*

[2] S. Amdt. 3192 is based on the legislative language that the Senate Committee on the Judiciary approved on March 27, 2006.

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Senate-passed S. 2611 would revise current law on temporary workers, expand legal permanent immigration, and enable certain unauthorized aliens in the United States to adjust to legal permanent resident status.

This memorandum compares selected provisions on legal immigration reform in the Senate bill and current law. The provisions included are those in Title V of S. 2611 through Subtitle B. There is no Subtitle A. Title V of S. 2611, "Backlog Reduction," includes provisions that would substantially revise the number and allocation of legal permanent resident (LPR) visas. Subtitle B, "SKIL Act," contains provisions that would: increase visas for H-1B temporary professional workers; revise provisions on certain L visas (intracompany transfers); create new immigration avenues for foreign students studying science, technology, engineering and mathematics to remain in the United States; and provide other immigration advantages for foreign nationals who are U.S. educated or shortage workers.

The memorandum is largely organized by section and subsection of Title V of S. 2611, as the table of contents indicates. This memorandum compares S. 2611 with current law, and provides selected commentary. Only a few provisions in these subtitles have comparable provisions in H.R. 4437.

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TITLE V – PROPOSED REFORMS TO LEGAL ADMISSIONS			
Worldwide Level of Permanent Immigration			
There is an annual worldwide level of 675,000 for legal permanent residents (LPRs), but this level is flexible and certain categories of LPRs are excluded from, or permitted to exceed, the limits mentioned below. This permanent worldwide immigrant level consists of the following components: 480,000 family-sponsored immigrants, including immediate relatives of U.S. citizens and family-sponsored preference immigrants; 140,000 employment-based preference immigrants and 55,000 diversity immigrants. Immediate relatives of U.S. citizens are not numerically limited, but their admission numbers are subtracted from the 480,000 ceiling for family-based immigrants to determine the ceiling for family-sponsored preference immigrants. INA §201	Current law.	Immediate relatives of U.S. citizens would no longer be deducted from the overall family-sponsored numerical limit of 480,000. §501(a)	

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Current Law	H.R. 4437	S. 2611	Comments
There is an annual limit of 480,000 family-sponsored immigrants, including immediate relatives of U.S. citizens and family-sponsored preference LPRs. INA §201	Current law.	In those cases when the family-based ceilings were not reached from FY2001 through FY2005, these visa numbers would be "recaptured." §501(a)	
There is an annual limit of 140,000 employment-based preference LPRs. INA §201	Current law.	The annual number of employment-based LPRs would be increased from 140,000 to 450,000 annually, FY2007-FY2016. It would drop to 290,000 in FY2017. §501(b)	§501(b) would amend INA §201(d)(1).
There is an annual limit of 140,000 employment-based preference LPRs. INA §201	Current law.	The derivative family members of employment-based LPRs would no longer count as part of the numerical ceiling for employment-based LPRs. §501(b)(2)	§501(b) would amend INA §201(d)(2)(A).
There is an annual limit of 140,000 employment-based preference LPRs. INA §201	Current law.	In those cases when the employment-based ceilings were not reached from FY2001 through FY2005, these visa numbers would be "recaptured." §501(b)	
There is an annual limit of 140,000 employment-based preference LPRs. INA §201	Current law.	The number of employment-based LPRs and their derivative family members would be capped at 650,000 annually, FY2007-FY2016	§501(b) would amend INA §201(d)(2)(B).

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Current Law	H.R. 4437	S. 2611	Comments
		§501(b)	
Per-Country Ceilings			
Of the total number of LPR visas available worldwide in any fiscal year for family-sponsored preference immigrants and employment-based preference immigrants, not more than 7% can be allocated to a single foreign state and not more than 2% can be allocated to a dependent area. INA§ 202(a)(2)	Current law.	The per-country ceiling on family-sponsored preference immigrants and employment-based preference immigrants would increase to 10% of the worldwide preference allocation for a single foreign state; for a dependent area, the ceiling would increase to 5%. §502	
Allocation of Permanent Family-Based Immigrant Visas			
The first preference category is unmarried sons and daughters of citizens, which is limited to 23,400 plus visas not required for fourth preference. The spouses and minor children of LPRs are admitted under the second family-sponsored preference category (subcategory A) and the unmarried adult children of LPRs are admitted under the second family-sponsored preference category (subcategory B).	Current law.	Family-sponsored immigrants would be reallocated as follows: up to 10% to the first preference (unmarried sons and daughters of U.S. citizens) plus any not needed for the fourth preference; up to 50% to the second preference (spouses and unmarried sons and daughters of LPRs) plus any not needed for the first preference, of which 77% would be allocated to spouses and minor children	

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There is an annual limit on the second preference category of 114,200 plus the number (if any) by which the worldwide level exceeds 226,000. The third preference category of the family-sponsored system is married sons and daughters of citizens, which is limited to 23,400 plus visas not required for first or second preferences. The fourth family-sponsored preference category is the siblings of citizens age 21 and over, which is limited to 65,000 plus visas not required for the other family-sponsored preference categories. INA §203(a)		of LPRs; up to 10% to the third preference (married sons and daughters of U.S. citizens) plus any not needed for the first and second preferences; and, up to 30% to the fourth preference (brothers and sisters of U.S. citizens) §503(a)	
Allocation of Permanent Employment-Based Immigrant Visas			
Employment-based immigrants are allocated as follows: up to 28.6% to "priority workers" (persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multi-national executives and managers); up to 28.6%	Current law.	Employment-based visas would be allocated as follows: up to 15% to "priority workers;" up to 15% to professionals holding advanced degrees and certain persons of exceptional ability; up to 35% to skilled shortage workers with 2 years training or experience and certain professionals; up	

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to professionals holding advanced degrees or certain persons of exceptional ability in the sciences, arts, or business; up to 28.6% to skilled shortage workers with two years training or experience, certain professionals, and unskilled shortage workers (limited to 10,000); up to 7.1% to certain special immigrants (including religious ministers and certain overseas U.S. government employees); and up to 7.1% to employment creation investors; all categories include derivative immediate relatives of the qualifying LPRs, who are counted against the numerical limit on that category. INA §203(b)		to 5% to employment creation investors; and up to 30% to unskilled shortage workers. Employment-based visas for certain special immigrants would no longer be numerically limited. §503(b)	
Immediate Relatives			
"Immediate relatives" are defined as the spouses and unmarried minor children of U.S. citizens and the parents of adult U.S. citizens. Immediate relatives are not numerically limited, but their admission numbers are	Current law.	Immediate relatives of U.S. citizens would no longer be deducted from the overall family-sponsored numerical limit of 480,000. §501(a)	

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subtracted from the 480,000 ceiling for family-based immigrants to determine the ceiling for family-sponsored preference immigrants. INA §201(b), (c)			
Minor Children and Widows			
"Immediate relatives" are defined as the spouses and unmarried minor children of U.S. citizens and the parents of adult U.S. citizens. INA §201(b)(2)(A)	Current law.	The immediate relative category would be expanded to allow the *children* of spouses' *children* as well as the parents of U.S. citizens to obtain legal status and travel to the United States with their families. §504	
In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien (and each child of the alien) shall remain an immediate relative after the citizen's death but only if the surviving spouse petitions within 2 years after the death and only until the spouse remarries. INA §201(b)(2)(A)	Current law.	*If married for less than 2 years* at the time of the citizen's death, the surviving spouse and each child of such alien, would remain an "immediate relative" if the alien proves (by a preponderance of the evidence) that the marriage was entered into in good faith, not solely for the purpose of obtaining an immigration benefit, and was not legally separated from the citizen at the time of the citizen's death.§504	

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Shortage Occupations			
There is an annual worldwide limit of 140,000 employment-based LPR admissions. INA §201(d)	Current law.	From date of enactment through FY2017, employment-based LPRs coming to the U.S. to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under § 212(a)(5)(A) would be exempt from numerical limits, as would their accompanying spouses and minor children. §505(a)	These shortage occupations are commonly referred to as Schedule A because of the subsection of the code where the Secretary's authority derives. Currently, nurses and physical therapists are listed on Schedule A, as are certain aliens deemed of exceptional ability in the sciences or arts (excluding those in the performing arts).
With the exception of those defined as immediate relatives of U.S. citizens, no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence. INA §202(a)(1)(A)	Current law.	The exceptions to the anti-discrimination provision would be broadened from immediate relatives to include all LPRs exempt from direct numerical limits. §505(b)	
Of the total number of LPR visas available worldwide in	Current law.	The exceptions to per-country limits would be	

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any fiscal year, not more than 7% can be allocated to a single foreign state and not more than 2% can be allocated to a dependent area, with special exceptions delineated for certain family-based and employment-based preference categories. INA§ 202(a)		expanded to include all LPRs exempt from direct numerical limits. §505(c)	
No provisions.	No provisions.	The Secretary of Health and Human Services would be required to: submit to Congress a report on the countries of origin of newly licensed nurses and physical therapists in each State by January 1, 2007; enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment necessary to eliminate the domestic nursing and physical therapist shortage within 7 years from the date the report is published; and collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses	

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		and physical therapists arrived. §505(d)	
Widows and Orphans			
No provisions.	No provisions.	A new INA§101(a)(27)(N) special immigrant category would be established for certain widows and orphans outside the United States who are determined to be at risk of harm. §506	
No provisions.	No provisions.	The qualifying individual under this category is an at risk widow or orphan, and any child under the age of 18 who is the sibling or child of the applicant and is accompanying that person. These individuals are considered "refugees" for domestic resettlement and assistance program purposes, and may apply for legal permanent resident status within one year of arrival in the United States. The applicant is not subject to labor certification or documentation requirements. Parents of these special immigrants are not derived any rights from	

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		this provision. The special immigrants in this section are not subject to numerical limitations. §506	
Diversity Visa			
The diversity lottery makes 55,000 LPR visas available annually to natives of countries from which immigrant admissions totaled 50,000 or less over the preceding 5 years. INA §203(c)	Diversity visa category and allocation would be eliminated. §1102	The worldwide level of diversity immigrants would be reduced to 18,333 annually. §508(e)	
Foreign Students			
Student Visas: *Admission of F-4 Nonimmigrants*			
The foreign student visa category has three subcategories, with the F-1 category being students at an established U.S. school, the F-2 being the spouse or child of an F-1, and the F-3 being a student commuting from Canada or Mexico. INA §101(a)(15)(F)	Current law.	A new §101(a)(15)(F)(iv) would be added to the INA on admission of F-4 foreign students. Visas would be issued to foreign graduate students in the sciences, technology, engineering, and mathematics (STEM). §507(a)	There appears to be redundancies in the legislative language between §507 and §525. §507(a)(3) designates a new class of F-4 student visa while §525(a)(1)(F)(i) reclassifies these same students as F-1 visas and then extends the visa to students acquiring a bachelor's degree. The latter section also leaves unclear the status of the F-5 visa created in the former section. The definition of a

Current Law	H.R. 4437	S. 2611	Comments
			J-STEM visa in §507(b) appears to be broad enough to overlap with the F-visa category, possibly creating confusion over which visa to issue in a given case.
Student Visas: *Admission of F-4 Nonimmigrant & Adjustment of Status*			
F-category students are not intended to be immigrants and must demonstrate an intent of return totheir homeland before a visa may be granted. Foreign students must depart the United States within 60 days of the completion of their studies or practical training. An additional 12 months may be granted for practical training. INA §101(a)(15)(F); 8 C.F.R. §214.2(f)	Current law.	The F-4 visa recipients are assumed to be immigrants. F-4s may apply directly for LPR status with an earned degree, certain petitions from prospective employers, and a $2,000 fee. §507(g) All categories of students are allowed up to 24 month length of stay extensions after completion of studies for conducting practical training employment related to their field of study. §507(a)	
Student Visas: *Admission of F-5 Nonimmigrants*			
No provisions.	No provisions.	The Secretary of State may grant an F-5 student visa for distance learning students residing outside the U.S. but enrolled in a U.S. distance learning program. These students may receive a visiting visa for up to 30	The category of F-5 nonimmigrants is present in §507, but not in §525.

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		days for academic visits. §507(a)	
Student Visas: *Admission of J-STEM Nonimmigrants*			
No provisions.	No provisions.	A new §101(a)(13)(J) subcategory would be added to the INA on admission of J-STEM nonimmigrant foreign students. §507(b)	
Student Visas: *Admission of J-STEM Nonimmigrants & Eligibility Requirements*			
No provisions.	No provisions.	J-STEM visas would be issued to individuals participating in advanced programs, including the pursuit of advanced degrees, in the fields of science, technology, engineering, and mathematics (STEM). §507(b)	The J category of visas is intended for individuals who will be participating in designated cultural exchange programs.
Student Visas: *Admission of J-STEM Nonimmigrants & Adjustment of Status*			
No provisions.	No provisions.	Each J-STEM visa holder may apply directly for legal permanent resident (LPR) status with an earned degree, certain petitions from prospective employers, and a $2,000 fee. The 2-year foreign residency requirement for J-category visa holders is also removed.	

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		§507(g) The J-STEM visa remains valid for the duration of the program and up to an additional year after the program's completion if the alien is actively pursuing employment related to skills and knowledge obtained through the program plus any adjudication period necessary for labor certification and visa adjustment. §507(d)	
Student Visas: *Off-Campus Work*			
Generally, foreign students are not permitted to work off-campus. To qualify for seeking off-campus employment the foreign student must (1) have resided in the United States for at least one full year and (2) show severe economic hardship. Employment is limited to 20 hours per week during the academic term and 40 hours per week during vacations and between terms. 8 C.F.R. §214.2(f)	Current law.	For off-campus work, economic hardship is no longer a requirement for authorization. A recruitment period for qualified Americans is required for 21 days before the hiring of a foreign student. §507(f); §525(b)	The bill provides redundant language concerning off-campus work for foreign students in §507 and §525.

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Advanced Degrees			
Advanced Degrees: *Numerical Limits*			
There is an annual limit of 140,000 employment-based preference LPRs. INA §201 Employment-based LPRs allocations include: up to 28.6% to "priority workers" (persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multi-national executives and managers); and, up to 28.6% to professionals holding advanced degrees or certain persons of exceptional ability in the sciences, arts, or business. INA §203(b)	Current law.	Aliens with certain advanced degrees (e.g., who have advanced degrees in science, technology, engineering, or math) and who have been working in a related field in the United States under a nonimmigrant visa for 3-years, aliens who have received a national interest waiver, and the derivative family of these employment-based LPRs would not be subject to the numerical limits on employment-based LPRs. §508(a)	
Advanced Degrees: *Labor Certification*			
Under the provisions of §212(a)(5)(A)(ii), aliens subject to a special rule for labor certification are (I) those who are members of the teaching profession, or (II) those with extraordinary abilities in the arts or the	Current law.	A new INA§212(a)(5)(A)(ii) would make foreign nationals with an advanced degree in science, technology, engineering or mathematics from a United States institution, subject to special rule for labor	

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sciences. INA §212(a)(5)(A)(ii)		certification. §508(b)	
Advanced Degrees: *Temporary Workers*			
There is a statutory limit of 65,000 H-1B visas annually. Aliens who have already been counted against the cap within the prior 6 years are not to be counted again unless the alien would be eligible for a full 6 years of authorized admission. INA §214(g)	Current law.	The statutory limit on H-1B visas would be raised to 115,000 and would escalate by 20% each year subsequent to a fiscal year when the numerical limits are reached. Numerical limits would not be placed on individuals with advanced degrees in science, technology, engineering or mathematics. §508(c)	There is a significant amount of overlap in language between §508 and §523 of S.2611.
Advanced Degrees: *Applicability*			
No provisions.	No provisions.	This section makes the H-1B legislation in §508 applicable to applications that are pending at the time of legislative enactment, as well as those submitted thereafter. §508(d)	
Advanced Degrees: *Worldwide Levels*			
The diversity lottery makes 55,000 LPR visas available annually to natives of countries from which immigrant admissions	Current law.	There would be 36,667 visas available (taken from the 55,000 diversity allocation) for LPRs with advanced degrees. §508(e)	

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totaled 50,000 or less over the preceding 5 years. INA §203(c)			
Advanced Degrees: *STEM Levels*			
No provisions.	No provisions.	This provision makes individuals with advanced degrees in science, technology, engineering or mathematics (STEM) subject to the worldwide LPR limit of 36,667. Within this limit, the Secretary of State is to determine which STEM occupations are in greatest demand and if the number of qualified applicants exceeds the visa limit. If the number of qualified applicants in those occupations exceeds the worldwide STEM visa limit, then only a random selection of those qualified applicants will receive visas. If the number of qualified applicants is less than the limit, all the qualified STEM occupation applicants are granted visas, and the remaining visas are randomly granted to other STEM applicants. §508(f)	It is unclear why United States educated individuals with advanced STEM degrees are included in the language of this section since they are already made exempt from any worldwide visa limits by §524.
Children of Filipino World War II Veterans			

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According to P.L. 101-649, a person who was born and resided in the Philippines before World War II, and who served in the United States Armed Forces honorably, could apply for naturalization as a United States Citizen. The provisions of this law have expired.	Current law.	The unmarried or married children of a naturalized United States citizen, who was born and resided in the Philippines and served in the United States Armed Forces in World War II, are not subject to direct numerical immigrant visa limitations. §509	
Expedited Adjudications for Aliens of Extraordinary Artistic Ability			
No provisions.	No provisions.	Nonimmigrants with extraordinary artistic ability (O and P visas) would have expedited processing; USCIS would have 30 days to process these applications and 15 days to complete processing after receiving a response to a request for evidence. §510	
No provisions.	No provisions.	Certain powerline workers from Canada would be permitted to enter under NAFTA's B-1 activities provisions. §511	
Section 902(d) of the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998 allows for the	Current law.	Certain Haitians who were under 21 on October 21, 1998 would be able to retroactively apply as	

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adjustment of status to legal permanent resident (LPR) for Haitian aliens, if the Haitian alien is a spouse or unmarried child of a Haitian alien whose status has been adjusted to LPR, is physically present in the United States at the time of the filing, and is otherwise admissible to the United States for permanent residence. 8 U.S.C. §1255 (note)		qualifying children under HRIFA; and Haitians excluded, deported, removed or granted voluntary departure would be permitted to file motions to reopen their cases. §512	
Subtitle B-SKIL Act			
No provisions.	No provisions.	'Securing Knowledge, Innovation, and Leadership Act of 2006' or the 'SKIL Act of 2006' would be the name of Subtitle B §521	
H-1B Professional Specialty Workers			
The statutory limit on H-1B visas does not include those H-1B nonimmigrants who are employed by an institution of higher education or a related or affiliated nonprofit entity; or	Current law.	The exemption for H-1Bs employed by non-profit research institutions would be broadened to include all non-profit institutions, and the exemption for H-1Bs employed by governmental	

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a nonprofit research organization or a governmental research organization. INA §§214(g)(5)		organizations would include "Federal, State, or local" governmental research organizations. §522(a)(1)	
The statutory limit on H-1B visas does not include up to 20,000 aliens holding a master's or higher degree from a U.S. institution. INA §§214(g)(5)	Current law.	The statutory limit on H-1B visas would exempt all aliens holding a master's or higher degree from a *U.S.* institution. The exemption for up to 20,000 H-1B visas would be changed to cover aliens holding a master's or higher degree from a *foreign* institution. §522(a)(2)	
No provisions.	No provisions.	The statutory limit on H-1B visas would exempt all aliens who have been awarded medical specialty certification based on post-doctoral training and experience in the U.S. §522(a)(2)	
No provisions.	No provisions.	These exemptions from the H-1B cap would apply to any petition or visa application pending on the date of enactment and any petition or visa application filed on or after such date. §522(b)	

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There is a statutory limit of 65,000 H-1B visas annually. Aliens who have already been counted against the cap within the prior 6 years are not to be counted again unless the alien would be eligible for a full 6 years of authorized admission. INA §214(g)	Current law.	The statutory limit on H-1B visas would be raised to 115,000 and would escalate by 20% each year subsequent to a fiscal year when the numerical limits are reached. §523	
United States Educated Immigrants			
Aliens that are exempt from the worldwide numerical immigration limitations are special immigrants and certain qualifying refugees. INA §201(b)	Current law.	Aliens with a masters degree or higher from an accredited U.S. university are not subject to direct numerical immigration limits. The same exemption from numerical immigration limitations also is applied to: aliens with post-doctoral medical specialty certification from U.S. training or experience; aliens performing labor in Department of Labor-certified shortage occupations; aliens with masters degrees in science, technology, engineering, or	

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		mathematics (STEM) who have worked in the STEMs as non-immigrants for 3 years; the spouses and children of employment-based immigrants; and special immigrants and refugees. §524; §508	
Student Visa Reform			
The foreign student visa category has three subcategories, with the F-1 category being students at an established U.S. school, the F-2 being the spouse or child of an F-1, and the F-3 being a student commuting from Canada or Mexico. INA §101(a)(15)(F)	Current law.	A new §101(a)(15)(F)(i) would be added to the INA on admission of F-1 nonimmigrant foreign students in the sciences, technology, engineering, and mathematics (STEM). The old sections would be renumbered from i-iii to ii-iv. Thus, the previous F-1 visas become F-2 visas. §525(a)	There appears to be redundancies in the legislative language between §507 and §525. §507(a)(3) designates a new class of F-4 student visa while §525(a)(1)(F)(i) reclassifies these same students as F-1 visas and then extends the visa to students acquiring a bachelor's degree. The latter section also leaves unclear the status of the F-5 visa created in the former section. The definition of a J-STEM visa in §507(b) appears to be broad enough to overlap with the F-visa category, possibly creating confusion over which visa to issue in a given case.
Student Visa Reform: *Admission of F-1 Nonimmigrants & Eligibility Requirements*			

Current Law	H.R. 4437	S. 2611	Comments
No provisions.	No provisions.	An F-1 nonimmigrant student visa to bachelor or graduate students in the STEM fields. §525(a)	
Student Visa Reform: *Off-Campus Work*			
Generally, foreign students are not permitted to work off-campus. To qualify for seeking off-campus employment the foreign student must (1) have resided in the United States for at least one full year and (2) show severe economic hardship. Employment is limited to 20 hours per week during the academic term and 40 hours per week during vacations and between terms. 8 C.F.R. §214.2(f)	Current law.	For off-campus work, economic hardship is no longer a requirement for authorization. A recruitment period for qualified Americans is required for 21 days before the hiring of a foreign student. §507(f); §525(b)	The bill provides redundant language concerning off-campus work for foreign students between §507 and §525.
L Visa Period of Authorized Admission			
The period of admission for an L nonimmigrant admitted to render services in a managerial or executive capacity cannot exceed 7 years, and for an L nonimmigrant admitted to render services in a capacity that involves specialized	Current law.	The time limits in current law would not apply to L nonimmigrants with pending employment-based immigrant petitions or labor certification applications, if at least 365 days have lapsed since such filing. §526	Sections 526 and 411 of S. 2611 would both add a new subparagraph (G) to INA §214(c)(2).

Current Law	H.R. 4437	S. 2611	Comments
knowledge cannot exceed 5 years. INA §214(c)(2)(D)			
Retaining Workers Subject to Backlog			
An individual who has an employer petition and wishes to apply for an employment-based green card must wait to apply until such a visa becomes available. Once an application is pending, the individual may stay in the United States until the application is adjudicated. If such visas do not become available to allow for an application and the individual's visa expires, the visa holder must depart the United States. INA§245(a)	Current law.	With the payment of a $500 fee, an individual may apply for an employment-based green card regardless of whether visas are currently available. The individual may remain in the United States the entire period the application is pending. §527(a)	Visa availability is listed in the Department of State Visa Bulletin.
Labor Certification Reforms			
No provisions.	No provisions.	Employers would get pre-certified in order to speed up processing times. §528	
No provisions.	No provisions.	Requires USCIS to accept premium processing applicants for employment-based immigrant visa petitions. §529	

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Current Law	H.R. 4437	S. 2611	Comments
No provisions.	No provisions.	DOL would be required to make prevailing wage determinations and would not be permitted to source that function to a state workforce agency; DOL would have a 20 day limit to provide such a determination. DOL would be required to consider an employer-provided wage survey unless it can show why the wage component of the Occupational Employment Statistics Survey is more accurate for that occupation in the labor market area; DOL would be required to have a process by which employer may make technical corrections to applications. §530	
Background Checks			
The immigration-related powers and duties of the Secretary of DHS, and the Attorney General are assigned. INA §§103, 104	Current law.	All appropriate background and security checks and any fraud investigation would have to be completed prior to any grant of an adjustment of status or any other form of relief; courts would not be able to require such checks or investigations to	

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Current Law	H.R. 4437	S. 2611	Comments
		be completed within a specified time period or to award any relief if the checks were not completed by a certain time. §531	
Visa Revalidation			
No provisions.	No provisions.	Nonimmigrants in the United States who entered with E, H, I, L, O, or P visas would be allowed to renew those visas by mail from within the US. Visa revalidation would be allowed if the visa expired during the 12 month period prior to filing the application, the applicant is seeking a nonimmigrant visa in the same category under which the applicant previously received a visa and the alien has complied with all immigration laws. §532	

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