

AILA Opposes Proposed Changes to S.386 and Supports the RELIEF Act

Senator Mike Lee (R-UT) has released a new version of the Fairness for High-Skilled Immigrants Act (S. 386) that includes highly problematic changes. AILA had not taken a position on the original version of the bill, but if the new version of the bill retains these problematic changes, AILA will oppose S. 386.

Why Are the Changes in the New Version of S. 386 Harmful?

The revisions Sen. Lee has made to S. 386 strip away important protections that ensured individuals with approved immigrant visa petitions would not be adversely impacted when the per country limitations were lifted for employment-based immigrants. The new version of the bill does the following:

- Removes the “do no harm” provision (included in the original version), which would have guaranteed that anyone who had an approved employment-based immigrant visa petition would receive a visa no later than they would under current law.
- Requires an unnecessary two-year waiting period for early adjustment filings.
- Includes provisions that impact the H-1B process (also in prior versions).

What Is AILA Asking Members of Congress to Do on S. 386?

- AILA urges Senators to negotiate with Sen. Lee to remove the harmful changes.
- Senators should oppose S. 386 if the problematic changes stay in the bill. Senators should withdraw their support if they cosponsored the original bill.
- AILA urges all members to support the RELIEF Act (S.2603/HR5327) as the best way to eliminate the per country caps and bring fairness and opportunity for everyone in the system.

What is AILA’s Position on the Per Country Quotas?

AILA supports the elimination of per country quotas for employment-based immigrants to ensure that people are granted visas based on their skills and not their country of origin. However, such reforms must be done in a way that does not adversely impact those who are already waiting in line for an immigrant visa and that does not close off opportunities for immigration in the future.

AILA Supports the RELIEF Act

AILA urges Congress to support the Resolving Extended Limbo for Immigrant Employees and Families (RELIEF) Act (S. 2603/H.R. 5327) which provides smart, holistic solutions to the problems caused by the immigrant visa backlog and the per country quotas. The bill does the following:

- Eliminates the family and employment green card backlog over five years in the order in which applications were filed.

- Treats spouses and children of LPRs as immediate relatives & increases the family-based per country quotas.
- Exempts beneficiaries of employment-based petitions from annual green card limits.
- Protects children who are “aging-out” from falling out of status and becoming ineligible to become LPRs based on their parents’ petitions.
- Eliminates the per-country numerical limitation for employment-based immigrants.