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Summary of Senate Immigration Reform Bill S. 744: What it Would Mean for Information Technology Companies

Title II: Immigrant Visas

- Eliminates the per-country limit for employment-based immigrants and increases the per-country limit for family-based immigrants. (**Significant progression in priority dates for Indian nationals**)
 - Pathway to permanent residency and citizenship: New classification called Registered Provisional Immigrant (RPI) status
 - Creation of 120,000 merit-based “Track One” immigrant visas, with conditions for qualifying education, work experience, etc. Quota can increase by 5% each year up to 250,000
 - Creation of “Track Two” immigrant visas for RPIs, those with backlogged family and employment-based petitions, those who have been waiting for an immigrant visa for at least 5 years, and those who have been in the U.S. for at least 10 years
- *Title IV: Reforms to Non-immigrant Visa Programs*
- H-1B cap to increase from 65,000 to 110,000; can increase depending on how quickly the cap is reached during a fiscal year, up to 180,000
 - Changes H-1B U.S. Master’s exemption to require STEM degrees, and raises quota from 20,000 to 25,000
 - New compliance requirements: strengthened prevailing wage system, internet posting, nondisplacement of U.S. worker, recruitment and outplacement restrictions
 - **H-1B dependent employer cannot place, outsource, lease, or contract for services or placement of an H-1B worker; non-H-1B dependent employer may place an H-1B worker offsite with a fee of \$500 per worker**
 - “Intending immigrant” whose labor certification or immigrant petition is pending or approved: not to be counted when determining H-1B dependency of an employer, and can therefore be placed offsite (**The outplacement restriction less of an issue if GC process is started**)
 - Employer with 50 or more employees not to exceed 75% limit of H-1B and other nonimmigrant workers for fiscal year 2015, 65% for 2016, and 50% for each fiscal year after 2016
 - Filing fee changes: Employer with 50 or more employees, with more than 30% but less than 50% being H-1B or L nonimmigrants to pay \$5,000 for a filing fee; if more than 50%, the fee is \$10,000 (**prohibitive cost for large H-1B filers**)
 - Authorizes an H-1B or L-visa (intra-company transferee) spouse to work under certain circumstances
 - Provides deference to prior H-1B or L-visa adjudications involving the same employer (**extensions should be easier**)



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- Provides a 60-day lawful status period for an H-1B alien whose employment is terminated (**allows for a change of employer after termination, without having to leave the country**)