

10 Things Every Employer Should Know About the Comprehensive Immigration Reform Bill Being Considered by Congress

By Joel H. Paget

The proposed Comprehensive Immigration Reform Bill still has a ways to go as it navigates its way through the Senate and the House. Here are ten things every employer should know about the bill currently being considered by Congress:

1. There will be a six million legal work force available who were formerly out of status. Anyone in the U.S. and out of status before December 31, 2011 may apply for Registered Provisional Immigrant Status and be able to work. The employer will not be in violation of the law which prohibits the employment of an unauthorized worker. This provisional immigrant status will not be effective immediately, but *employers need to be ready to assist applicants with the paper work to prove they were in the U.S. by December 31, 2011.*
2. Employees or potential employees who have earned within the last five years a U.S. Master's degree or higher in a science, technology, engineering or mathematics and who are working in one of those fields will qualify for permanent residency cards without having to go through the expensive labor certification process.
3. It will be easier to hire non-U.S. workers in positions that require a college degree because the H-1B classification will have double the numbers available. However, firms with 50% or more of their employees in the H-1B classification will find it more expensive and in 2015 impossible to hire more than 50%. Spouses will be able to work if they are from a country that allows a reciprocal benefit.
4. Employees will become permanent residents based on a merit-based point system. Education, employment experience, entrepreneurship, age, English speaking ability, family members who are U.S. citizens and diversity all garner points up to a maximum of 100 points.
5. There will be a Blue Card for up to 336,000 farmworkers. They must have worked 575 hours or 100 work days in the past two years ending 12/31/2012. They must continue to work 100 days per year for eight years or 150 days per year for five years.
6. The bill would eliminate per country limits on employment based visas which means there will be more visas available for employees from India, China, Mexico and the Philippines, but less visas for workers from other countries.
7. There will be new non-immigrant visas available for citizens from Ireland, South Korea to go along with visas already for citizens from Australia, Singapore and Chile.
8. There will be more employment visas available, so those employees who have been waiting years for a permanent residency visa may see one within several years.
9. The E-Verification system is here to stay and will be required of every employer within probably five years.
10. There will be a new "W" classification for lower-skilled workers up to 20,000 the first year and up to 75,000 in the fourth year, but only 15,000 can be used for construction jobs. The visa will last for three years. Spouses will be able to work.

Joel Paget is a Senior Immigration Attorney in Ryan, Swanson & Cleveland, PLLC's Immigration Group. He can be reached at 206.654.2215 or paget@ryanlaw.com.