

Biden immigration bill would remove per-country visa caps, prioritize highest-paying jobs



BY REBECCA RAINNEY | 02/18/2021 03:29 PM EST

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The front of a sample "green card," formally known as a Permanent Resident Card. | USCIS via AP

President Joe Biden's expansive [immigration reform bill](#) seeks to eliminate per-country caps on employment-based visas and prioritize visas for the highest-paying jobs.

The bill, introduced Thursday by Sen. [Bob Menendez](#) (D-N.J.) and Rep. [Linda Sánchez](#) (D-Calif.), would provide an eight-year pathway to citizenship for 11 million undocumented immigrants while making changes to the employment-based visa system.

However, the bill faces a steep climb to passage given Democrats' limited majorities in both [the House](#) and [the Senate](#).

What's in it: The legislation would remove per-country caps that prevent residents of any single country from getting more than 7 percent of the total number of employment-based green cards. The cap has meant that Immigrants from countries such as India, China, Mexico and the Philippines can face [green card waits that span years](#).

The bill would also create a pilot program setting aside 10,000 visas for immigrants whose employment is essential to economic development in the areas where they will settle.

Increased protections: Employers would face increased civil penalties for labor violations committed against undocumented workers. Democrats also want to extend overtime protections to farmworkers, who are not fully covered under the Fair Labor Standards Act, as part of the legislation.

The bill would also establish an Employment Authorization Commission to make recommendations to the federal government on policies to verify noncitizens' employment eligibility.

It would also expand eligibility for [U visas](#), which are currently available to victims of violent crime and abuse, to workers who have suffered from severe labor violations.

At the agencies: The proposal would allow the leaders of DHS and DOL to limit the number of immigrants admitted to certain labor-market sectors or parts of the U.S. that are experiencing high levels of unemployment. It also allows those agencies to issue regulations to "establish procedures for prioritizing such visas based on the wages offered by employers," policies that Democrats say will "prevent unfair competition with American workers."

The Trump administration advanced a similar rulemaking to raise the rate of pay for H-1B high-skilled foreign worker visas, which was opposed by business groups that said the new rates were too high. [That rule that was later reissued](#) in weaker form in January [after a court challenge](#).

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