

The “SKIL” Bill

Short Title: Securing Knowledge Innovation and Leadership (SKIL)

Title I – Access to High Skilled Foreign Workers

Section 101. H-1B Visa Holders

Exempts professionals who have earned advanced degrees (e.g. Master’s degree or higher) from accredited United States universities and those who have been awarded a medical specialty certification based on post-doctoral training and experience in the United States from the annual H-1B cap.

Section 102. Market-Based Visa Limits

Raises the H-1B (specialty occupation) cap from 65,000 to 115,000 and creates a flexible system that adjusts with the market.

Title II – Retaining Foreign Workers Educated in the United States

Section 201. United States Educated Immigrants.

Exempts U.S.-educated professionals with advanced degrees and those who have been awarded a medical specialty certification based on post-doctoral training and experience in the United States from the annual green card (i.e. immigrant visa) cap.

Exempts from the green card cap workers of extraordinary ability (e.g. Nobel Prize winners), and outstanding researchers and professors.

Exempts professionals who have earned advanced degrees in science, technology, engineering or math, and who worked in the U.S. for at least three years in a related field, from the immigrant visa cap.

Exempts spouse and minor children of professionals from the employment-based cap.

Section 202. Immigrant Visa Backlog Reduction.

Raises the immigrant visa (i.e. green card) cap from 140,000 to 290,000 and allows unused visas to fall forward annually.

Retains current green card allocation so that majority of visas (57%) are reserved for highly-educated/skilled workers.

Section 203. Student Visa Reform.

Many employers seek to hire U.S. educated students full-time upon graduation, and this change would enable the employer to start the green card process while the foreign worker is on a student visa (F-1) during Optional Practical Training (OPT). Codifies post-graduate OPT, which will allow U.S. educated foreign students to work in their field for up to two years after graduation.

Section 204. L-1 Visa Holders Subject to Visa Backlog.

Allows an extension of an L-1 (intracompany transfer) visa beyond the fifth or seventh year if the individual has a green card application pending and is simply caught in the green card backlog. This extension is currently allowed for H-1B (specialty occupation) visa holders, but not for L-1 visa holders.

Section 205. Retaining Workers Subject to Green Card Backlog.

Allows foreign workers who have started the green card process, but who are subject to green card backlogs, to pay a \$500.00 supplemental fee to file an application to adjust status. This change would enable foreign workers to remain in the U.S. until the green card becomes available.

Title III – Business Facilitation Through Immigration Reform

Section 301. Streamlining the Adjudication Process for Established Employers.

Requires the creation of a pre-certification program that streamlines the adjudication process, and reduces paperwork burdens, for employers with a track record of compliance and who file multiple applications.

Section 302. Providing Premium Processing of Employment-Based Visa Petitions.

Requires USCIS to allow employers to file a “premium processing” fee for expedited adjudication of employment-based immigrant petitions, as well as for administrative appeals of any decision on an employment-based immigrant petition.

Section 303. Eliminating Procedural Delays in Labor Certification Process.

Requires the Department of Labor to process all applications filed prior to the electronic PERM system within six months of enactment. Clarifies the Department of Labor’s process in providing prevailing wage determinations and requires the Department of Labor to establish a website to post open job orders.

Title IV. Miscellaneous

Section 401. Completion of Background and Security Checks.

Requires that no immigration application may be approved until the appropriate background and security checks are completed and any allegations of fraud have been resolved.

Section 402. Visa Revalidation/Renewal.

Allows temporary workers who have not violated their status to renew their visa from within the United States.

Section 403. Severability.

Clarifies that if any part of this act is determined to be invalid it will have no effect on the remainder of the provisions.