



August 2014 Barnett Law Group Breaking News

HAPPY LABOR DAY! We hope all of you have a restful and relaxing Labor Day and come back refreshed to tackle the rest of 2014!

Executive Action? One person who will not be resting over Labor Day is President Obama. Advocates on both sides of the immigration debate are waiting anxiously for a potential announcement from the White House on Executive Action for U.S. Immigration Reform which may come as early as next week.

Cast your minds back to a year ago. At that time the Senate passed a sweeping immigration reform bill which included measures to address changes that would affect both those foreign nationals in lawful status and those who were not. As the nation waited for the House to act, it became clear finally that no legislation on immigration would be forthcoming.

Debate over the lawful exercise of Presidential authority aside, here are some areas that *might* be addressed:

- 1. A different way to count the allocation of employment immigrant visas** - Presently there are 140,000 of these visas allowed annually. But each family member's visa is deducted from the cap. If the President interprets the statute to count only immigrant visas for the principal employee this would free up about 70,000 of those visas. That would go a long way to reducing the already years-long wait for sponsored employees in the visa queue. And once these folks become Permanent Residents their employers will no longer need to file nonimmigrant visa extensions. Less work for immigration attorneys but fewer headaches for employers and employees.
- 2. Recapture of Unused H-1B Visas** - You probably know someone --- like 100,000 someones—who did not make the H-1B visa cap this year. Since this is essentially the main nonimmigrant worker visa, unless you work for an international employer or an investor, the H-1B visa is the only way for most foreign nationals to work in the U.S. However, what happens to those visas that are unused such as when the employee leaves the U.S. or when the petition is denied? Experts believe there might be up to 200,000 H-1B visas that could be added back into the cap. This would mean a lot of bright people wouldn't have to take their skills elsewhere.
- 3. Expansion of Deferred Action for other than Childhood Arrivals (DACA)** – In August of 2012 the White House used its executive authority to allow young people who had fulfilled certain requirements to be placed in deferred action for deportation and to obtain work cards. Over 500,000 applied and are now either working or attending college. By the same authority Deferred Action could be given to their parents, siblings, other family members, and perhaps others. If Deferred Action is expanded many more will be able to gain work cards, Social Security Cards, and Driver's Licenses and the government will be able to vet these people for crimes and security issues.
- 4. Parole in Place for Relatives of U.S. Citizens** – Many of the undocumented population are either spouses, children, or parents of U.S. citizens. If this group was given permission to be paroled when in the US they could become Permanent Residents without having to return to their home countries for immigrant visas.

If you are interested in learning more about these new developments, please contact our firm at (713) 980-9939 or admin1@barnett-lawgroup.com.