

Immigration Alert

Akin Gump
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President Trump Announces Plan for Immigration Reform

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Key Points

- On May 16, 2019, President Trump announced broad parameters of an immigration plan to address border security, interior enforcement, asylum policy, modernization of ports of entry and the current immigrant visa or “green card” system.
- The White House announced that the goal of the plan is to (1) fully secure our borders; (2) protect American wages; (3) attract and retain the best and brightest talent; (4) prioritize immediate families; (5) strengthen our workforce in critical industries and (6) preserve our humanitarian values.

Plan Outline

In an effort to shift toward a “merit-based” green card system, the plan allocates 57 percent of green cards based on employment and skill, 33 percent to family-based recipients and 10 percent to humanitarian recipients. Under the current immigration system, approximately two-thirds of green cards are based on family ties, and only 12 percent are issued to employment-based applicants.

The employment-based visas, called “Build America Visas,” will be distributed in three main categories: (1) extraordinary talent; (2) professional and specialized vocations and (3) exceptional students. Visas will be distributed to recipients in accordance with a points system. Points will be allocated based on several factors, including age (with younger workers preferred), English proficiency, offer of employment and level of education. Anyone who was waiting in line for a visa prior to the implementation of the new system will have to reapply, but will receive additional points as a result of their previous application. The total number of green cards issued will not increase from the current levels.

In terms of the recipients' level of education, 55 percent of the visas will be distributed to advanced degree holders, 37 percent to Bachelor's degree holders, 5 percent to Associate's degree holders and 3 percent to those with a high school diploma or GED.

An additional category will include visas available for “employment investment or job creation,” presumably similar to the current EB-5 program.

Contact Information:

If you have any questions concerning this alert, please contact:

Casey Christine Higgins

Senior Policy Advisor
cchiggins@akingump.com
Washington, D.C.
+1 202.887.4223

Maka Y. Hutson

Counsel
mhutson@akingump.com
Los Angeles
+1 310.728.3418

Ed Pagano

Partner
epagano@akingump.com
Washington, D.C.
+1 202.887.4255

Lamar Smith

Senior Consultant
lamar.smith@akingump.com
Washington, D.C.
+1 202.887.4031

Hans C. Rickhoff

Senior Counsel
hrickhoff@akingump.com
Washington, D.C.
+1 202.887.4145

Lars-Erik A. Hjelm

Partner
lhjelm@akingump.com
Washington, D.C.
+1 202.887.4175

The family-based visas would prioritize the nuclear family, and be available to the spouse, minor children and parents of U.S. citizens and permanent residents. The other family-based categories (adult children of U.S. citizens and permanent residents, as well as siblings of U.S. citizens) will be eliminated.

Implications

All visa recipients will need to submit to a background check and a health screening. They will further need to pass a civics test. The background check, health screening and the civics test will constitute the first step of the process; the second step will involve the application of the points and the ultimate selection of the applicant. It also appears that employers will not be able to petition for their employees directly; instead, the point system will apply to all employment-based green card applicants.

The plan does not address “Dreamers,” individuals who were brought to the U.S. illegally as minors, nor does it address recipients of the Temporary Protected Status or 11 million undocumented residents currently in the United States. Further, the plan makes no changes to nonimmigrant visa programs, like the H-1B program, and does not mandate the use of E-Verify for employers.

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