

UNITED STATES IMMIGRATION INNOVATION (I-SQUARED) ACT OF 2018



Sen. Orrin Hatch (R-UT)

Non-Immigrant Visa Reform

- **Cap Increase:** Raises the H-1B cap from 65,000 to 85,000 and creates a market-based escalator (from 115,000 to 195,000). Provides exemptions based U.S. education.
- **Prioritization:** Cap subject petitions selected on the following priority system; U.S. Masters, foreign PHD equivalent, U.S. STEM bachelor's degree.
- **Fee Escalator:** raises the H-1B filing fee to be dependent on employer size. These fees will be put into a treasury account named "Promoting American Ingenuity Account" and funds go towards STEM education in the U.S.
- **Portability:** Increased portability for H-1B workers including a grace period for H-1B workers between employers and the green card portability between employers.
- **Worker Portability:** Increased portability for H-1B workers including a grace period for H-1B workers between employers and the green card portability between employers.
- **H-1B Spousal Employment:** Authorizes spouses of H-1B visa holders (H-4s) to work.

Green Card

- **Backlog:** Addresses green card backlog by exempting EB-1, advanced degree STEM holders from U.S. universities and family member of foreign workers. Also recaptures unused green cards and eliminates per-country limits.
- **Conditional Green Card:** Creates a "conditional green card" system for non-H-1B dependent companies. Annual numerical limit is 35,000 a year.
- **F-1 Student Dual Intent:** Permits "dual intent" for foreign students so that an employer can start the green card process while the student is still in school or working pursuant to Optional Practical Training.

Enforcement

- **Attestations to Protect American Workers:** Every employer – dependent and non-dependent – will be subject to a non-replacement attestation. An employer may not hire an H-1B nonimmigrant for the purpose or with the intent to replace a United States worker.
- **Prohibition on Speculative Findings:** If an employer hires more than 10 H-1B workers, each worker must spend at least 25 percent of his/her time in the U.S. The employer is required to submit an annual report to DHS.
- **Dependent Employers:** excludes intending immigrants from dependency calculations. Increases attestations, obligations and penalties for H-1B dependent employers.