How Immigration Reform Revamps Employment Visas

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A Senate immigration reform bill released on Wednesday would revamp the country's immigration system in favor of immigrants arriving on employment-based visas versus those who come on family visas. That could redraw the face of future immigration to the U.S.

See Also: House Immigration Group Promises Bill "Soon"

One of the biggest changes in the bill is how immigrants will become permanent residents. People coming here on employment visas, in particular, will have more options.

Here are the changes you need to know about, with input from Madeleine Sumption, a senior policy analyst at the Migration Policy Institute:

Per-Country Caps Would Be Eliminated

As it stands, immigrants from a single country can't use more than 7 percent of the total allotment of employment visas in any given year.

So even though there are lots of immigrants from countries like India and China who are qualified to get a visa to the U.S., they can't because their country quickly hits that 7 percent cap.

The Senate bill would get rid of that limit.

This would open pathways to immigrants from India and China, but would mean a less diverse immigration system overall.

Family visas will also change.

The limit for any one country is currently set at 7 percent of the total family visas given out that year by the U.S., but that figure would be raised to 15 percent. Such a change could mean more immigrants from countries like Mexico and the Philippines

So if these countries don't need to worry about limits on the number of visas from their home countries, how will they come to the U.S.?

The bill creates some new ways to get employment-based green cards:

New "Merit-Based" Visas

The Senate bill will create a new type of permanent immigrant through a "merit-based" visa.

The system basically creates a way for workers who are here on certain temporary visas -- both lower- and higher-skilled -- to become permanent residents and, eventually, citizens.

The visa will use a point system to determine who should be awarded permanent residence. You would get points for things like work history, education, family ties and English-language ability.

For the first five years after the immigration bill is passed, the merit-based visas will be used to clear existing immigration backlogs.

After that, the program will offer 120,000 visas per year to new immigrants. Half of those visas will be geared toward higher-skilled workers and half toward lower-skilled workers.

The point system in each skill category is a little different based on the immigrants expected to apply.

For example, immigrants applying in the higher-skilled category will get points for things like advanced degrees or for being an entrepreneur.

Those things won't have a value in the lesser-skilled category, which focuses more on factors that might make you more likely to integrate into the fabric of society, according to MPI's Sumption. For example, the lesser-skilled category awards points for having siblings in the country and for being a primary caregiver.

In both categories, immigrants already working in the U.S. on temporary visas will likely have an advantage, since time spent working in the country is one of the most heavily weighted pieces.

The merit-based system described above has the potential to grow, depending on the demand and whether unemployment is under 8.5 percent, but would be capped at 250,000 visas a year.

A second part of the merit-based program is for immigrants who have worked in the U.S. for 10 years or more, and appears to be geared toward allowing undocumented immigrants transition immigration status from probationary to permanent. That part of the program won't use a point system, however, and will have no annual limit on the number of green cards available.

A Big Chunk of Employment-Based Visas Will Be Freed Up

Part of the bill will allow permanent residents to bring their spouses and children into the country, without any yearly limit on how many people can come in.

As I wrote on Tuesday, that's important because it makes the idea of immigrating to the U.S. more appealing, since green card holders will be able to bring their immediate family with them.

But there's another benefit. Employment-based green cards are capped at 140,000 per year. In the 2012 fiscal year, spouses and children of green-card holders used 78,000 of those visas. Under the Senate bill, those visas will be freed up for new workers.

Big Picture

With all these changes to employment-based immigration, will it now outweigh family-based immigration?

Madeleine Sumption said she wasn't sure, but that the Migration Policy Institute is working to come up with some numbers.

"In terms of the basic layout, yes, the share of immigration that comes under employment will go up," she said. "That said, there's quite a lot of family in the bill, as well."

Sen. Charles Schumer (D-N.Y.), a chief architect of the bill, has said that the system would go from having about 75 percent of visas awarded on family ties to about 50 percent.

http://abcnews.go.com/ABC_Univision/Politics/immigration-reform-explainer-employment-based-visas/story?id=18978680