

Plan to hike H-1B cap to 300,000 seen dead; 130,000 cap still possible

Senate bill could impose large fees for big H-1B visa users, sources say

By [Patrick Thibodeau](#)

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Computerworld - The U.S. Senate's comprehensive immigration bill is expected to include an H-1B cap hike and a higher fee structure aimed at offshore outsourcers.

Work on the bill is continuing, and a snapshot of its various components were shared by three independent sources, each familiar with the discussions.

The eight senator-team, led by Sen. Chuck Schumer (D-N.Y.), working on the comprehensive bill has rejected the graduated [300,000 cap](#) proposed in the so-called I-Squared Act introduced earlier this year by Senators Orrin Hatch (R-Utah), Amy Klobuchar (D-Minn.), Marco Rubio (R-Fla.), and Chris Coons (D-Del.).

Instead, the legislation may seek to double the current 65,000 H-1B cap, or to set it in the low 100,000-range.

It's less certain how the Senators will treat a separate cap of 20,000 for advanced degree STEM graduates because of a plan to offer them permanent residency.

The bill may call for increasing fees for [large H-1B users](#). The increased fees would be an alternative to today's so-called 50/50 provision, which limits the number of visas available to a company to half of its workforce.

Senators Dick Durbin (D-Ill), [part of the Senate group](#) developing the comprehensive immigration, and Chuck Grassley (R-Iowa) have been the major proponents of the 50/50 provision. This new plan includes a graduated fee structure that sets higher H-1B fees once IT services providers hit certain thresholds.

For instance, if more than 30% of a firm's U.S. workforce holds a visa, they may pay a higher visa fee than firms with fewer visa holders.

A large users would pay a still higher fee once it declares that 50% or more of its workforce have visas. If a firm has 70% or 75% or more of its workers on temporary visas, the bill could either not allow it any more visas, or would set the fee for new ones at prohibitively high levels.

Offshore outsourcers, mostly located overseas, are the largest users of H-1B visas and may bear the greatest impact, depending on how bill is written.

The bill is expected to include unlimited green cards for science, technology, engineering and math (STEM) advanced degree holders. It would likely set restrictions on eligible schools, similar to a House bill that limits eligible green card candidates to advanced degree STEM graduates from research universities.

The tech industry has been pushing for the provisions in the I-Squared Act, but there is much hesitancy among lawmakers about H-1B visas, and much more support for a STEM green card.

Grassley this week reintroduced a bill that would impose a number of restrictions on the H-1B visa.

The overall immigration bill is expected to run hundreds of pages, and the high-tech provisions of it will be extensive. Significant details have yet to be released and many changes are ahead, especially as the House takes up the issue.

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