



## **BELIEVE Act Bill Analysis**

The Backlog Elimination, Legal Immigration, and Employment Visa Enhancement (BELIEVE) Act, or [S. 2091](#), seeks to eliminate the United States' employment-based (EB) immigrant visa backlogs by doubling the number of visas available in certain categories, removing per-country limitations, and no longer counting spouses and children towards the visa cap.

Also, the bill would resolve a number of other issues with the EB visa system. These include the lack of employment authorization for the spouses and children of temporary workers, the lack of access to green cards for certain healthcare professionals and their families, and the aging-out of ["legal dreamers."](#)

Senator Rand Paul (R-Kentucky) introduced the BELIEVE Act on July 11, 2019.

The BELIEVE Act would:

**Increase employment-based visas from 140,000 to 270,000 each year.** American employers' demand for skilled immigrant workers has consistently exceeded supply. By raising the cap, the bill would make the economy more productive and efficient while eliminating the existing visa backlog in one to three years varying by EB category. The bill would approximately double the total number of EB-1, EB-2, EB-3 and EB-5 visas. EB-1, EB-2 and EB-3 immigrant visas generally are for high-skilled immigrants who have received an offer of employment in the U.S., while EB-5 visas are for immigrants who make a significant financial commercial investment in America.

**Exempt dependents from the employment-based visa cap.** [Fewer than half](#) of all EB visas are given to workers, with a significant portion going to recipients' spouses and minor children. By no longer counting dependents towards the cap, more visas will be available for high skilled workers.

**Remove per-country limitations for employment-based green cards.** The current law limits nationals of individual countries from receiving more than 7% of the total available EB green cards. These limits result in India, with a population of 1.3 billion, facing the same initial numerical limit as Iceland, with a population of 340,000. [Some solutions](#) have sought to equalize the backlog among all applicants, but the BELIEVE act would eliminate it by both removing the per-country limitations *and* increasing the total number of available green cards.

**Provide legal status and travel rights to those waiting in line.** While many of those waiting in the employment-based green card backlog already have temporary work authorization in the U.S. via H-1B visas, they are unable to move easily from employer to employer and have limited ability to travel abroad. Restricting the ability of people to change employers distorts the job market, limits competition among employers, and makes it more difficult for businesses to compete with employers in other countries. The BELIEVE act would, following a required biometric background check, allow all those whose green card applications have been approved but not yet processed to access employment and travel authorization.

**Provide employment authorization for the dependents of temporary workers.**

Current law excludes the dependents of E, H, and L visa-holders from working in the U.S. This bill would allow all of the spouses and adolescent children of E, H and L visa-holders to apply for employment authorization. Providing work authorization to dependents makes the U.S. a more attractive and competitive place for high-skilled immigrants, and previous similar policies have [proven valuable](#) to our economy.

**Provide a path to Lawful Permanent Residency (LPR) status for some “legal**

**Dreamers.”** Legal Dreamers are the authorized children of temporary nonimmigrant workers who can become unauthorized when they turn 21 and are no longer eligible to be dependents on their parents’ visas. Many of these dependents, the roughly 200,000 children of E, H and L visa holders, have lived in the United States from an early age and identify as Americans. The BELIEVE Act would provide these children a path to a green card once they age out, providing LPR status to E, H, and L dependents who have both been present in the U.S. for an aggregate of 10 years and who have a college degree. In addition, dependents would have to pass standard admissibility requirements to access green cards, including passing a criminal background check.

**Exempt nurses and physical therapists from the employment-based green card**

**cap.** The American Bureau of Labor Statistics [reports](#) a major shortage of registered nurses (RNs), citing the need for an additional 204,000 RNs annually through 2026 to fill newly created positions and to replace retirees. This bill would help resolve the nursing shortage by exempting Department of Labor Schedule A, Group 1 professions from the employment-based green card cap. DOL’s Schedule A, Group 1 identifies nurses, along with physical therapists, as a “shortage occupation” in which the DOL has determined demand for more workers is so high that hiring non-U.S. workers would not adversely affect wages. Current law does not allow many foreign nurses to qualify for temporary H1-B employment visas, making employment-based immigrant visas one of their few paths to employment status in the United States.

**The Senate should pass the BELIEVE Act.** The BELIEVE Act would address the most pressing problems of the employment-based visa system. It would allow more high-skilled immigrants and their families to contribute to our country, filling labor shortages and fostering a more productive economy for all Americans.