

116TH CONGRESS
1ST SESSION

S. 2091

To reduce the backlog of foreign nationals seeking employment-based visas,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

Mr. PAUL introduced the following bill; which was read twice and referred to
the Committee on the Judiciary

A BILL

To reduce the backlog of foreign nationals seeking
employment-based visas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Backlog Elimination,
5 Legal Immigration, and Employment Visa Enhancement
6 Act” or the “BELIEVE Act”.

7 **SEC. 2. ALLOCATION OF EMPLOYMENT-BASED VISAS.**

8 (a) **WORLDWIDE LEVEL.**—Section 201(d)(1)(A) of
9 the Immigration and Nationality Act (8 U.S.C.

1 1151(d)(1)(A)) is amended by striking “140,000” and in-
2 serting “270,000”.

3 (b) ELIMINATION OF PER-COUNTRY LIMITATION FOR
4 EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1152(a)(2)) is amended to read as follows:

7 “(2) PER COUNTRY LEVELS FOR FAMILY-SPON-
8 SORED IMMIGRANTS.—Subject to paragraphs (3),
9 (4), and (5), the total number of immigrant visas
10 made available to natives of any single foreign state
11 or dependent area under section 203(a) in any fiscal
12 year may not exceed 7 percent (in the case of a sin-
13 gle foreign state) or 2 percent (in the case of a de-
14 pendent area) of the total number of such visas
15 made available under such subsection in that fiscal
16 year.”.

17 (c) PREFERENCE ALLOCATIONS FOR EMPLOYMENT-
18 BASED IMMIGRANTS.—Section 203(b) of the Immigration
19 and Nationality Act (8 U.S.C. 1153(b)) is amended—

20 (1) in paragraph (1), in the matter preceding
21 subparagraph (A), by striking “28.6 percent” and
22 inserting “29.63 percent”;

23 (2) in paragraph (2)(A), by striking “28.6 per-
24 cent” and inserting “29.63 percent”;

1 (3) in paragraph (3)(A), in the matter pre-
2 ceding clause (i), by striking “28.6 percent” and in-
3 serting “29.63 percent”;

4 (4) in paragraph (4), by striking “7.1 percent”
5 and inserting “3.7 percent”; and

6 (5) in paragraph (5)(A), in the matter pre-
7 ceding clause (i), by striking “7.1 percent” and in-
8 serting “7.41 percent”.

9 (d) **TREATMENT OF FAMILY MEMBERS.**—Section
10 203(d) of the Immigration and Nationality Act (8 U.S.C.
11 1153(d)) is amended by adding at the end the following:
12 “Visas issued to a spouse or child of an immigrant de-
13 scribed in subsection (b) shall not be counted against the
14 worldwide level of such visas set forth in section 201(d)(1)
15 or the per country level set forth in section 202(a)(2).”.

16 **SEC. 3. HEALTH CARE WORKERS.**

17 (a) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—
18 Section 201(b)(1) of the Immigration and Nationality Act
19 (8 U.S.C. 1151(b)(1)) is amended by adding at the end
20 the following:

21 “(F) Aliens who are members of an occupation
22 that the Secretary of Labor has designated under
23 Group I of Schedule A pursuant to section 656.15
24 of title 20, Code of Federal Regulations, and are
25 coming to the United States to work in such occupa-

1 tion, and the spouses and children (as defined in
 2 subparagraph (A), (B), (C), (D), or (E) of section
 3 101(b)(1)) of such aliens. Aliens described in this
 4 subparagraph may apply for an immigrant visa”.

5 (b) PETITION.—Section 204(a)(1) of the Immigra-
 6 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
 7 ed by adding at the end the following:

8 “(M) Any employer desiring and intending to employ
 9 within the United States an alien entitled to classification
 10 under section 201(b)(1)(F) may file a petition with the
 11 Secretary of Homeland Security for such classification.”.

12 **SEC. 4. DEPENDENTS OF NONIMMIGRANTS.**

13 (a) EXEMPTION FROM NUMERICAL LIMITATIONS
 14 FOR CERTAIN COLLEGE GRADUATES.—Section 201(b)(1)
 15 of the Immigration and Nationality Act, as amended by
 16 section 3(a), is further amended by adding at the end the
 17 following:

18 “(G) Aliens who—

19 “(i) are not inadmissible under section
 20 212(a) or deportable under section 237(a);

21 “(ii) have lived in the United States an ag-
 22 gregate period of not less than 10 years;

23 “(iii) were admitted as a dependent of a
 24 nonimmigrant under subparagraph (E), (H), or
 25 (L) of section 101(a)(15); and

1 “(iv) graduated from an institution of
2 higher education (as defined in section 102(a)
3 of the Higher Education Act of 1965 (20
4 U.S.C. 1002(a))) in the United States.”.

5 (b) PETITION.—Section 204(a)(1) of the Immigra-
6 tion and Nationality Act, as amended by section 3(b), is
7 further amended by adding at the end the following:

8 “(N) Any employer desiring and intending to employ
9 within the United States an alien entitled to classification
10 under section 201(b)(1)(G) may file a petition with the
11 Secretary of Homeland Security for such classification.”.

12 (c) AUTHORIZATION OF EMPLOYMENT FOR CHIL-
13 DREN AND SPOUSES OF NONIMMIGRANTS.—Section 214
14 of the Immigration and Nationality Act (8 U.S.C. 1184)
15 is amended by adding at the end the following:

16 “(s) The Secretary of Homeland Security shall au-
17 thorize an alien spouse admitted under subparagraph (E),
18 (H), or (L) of section 101(a)(15), who is accompanying
19 or following to join a principal alien admitted under any
20 such subparagraph, to engage in employment in the
21 United States, and shall provide such spouse with an ‘em-
22 ployment authorized’ endorsement or other appropriate
23 work permit.

24 “(t) The Secretary of Homeland Security shall au-
25 thorize an alien child admitted under subparagraph (E),

1 (H), or (L) of section 101(a)(15), who is accompanying
 2 or following to join a principal alien admitted under any
 3 such subparagraph, to engage in employment in the
 4 United States, and shall provide such child with an ‘em-
 5 ployment authorized’ endorsement or other appropriate
 6 work permit if—

7 “(1) the child is at least 16 years of age;

8 “(2) the child, or the child’s legal representa-
 9 tive, requests such work authorization; and

10 “(3) any employment in which the child may
 11 engage complies with the Fair Labor Standards Act
 12 of 1938 (29 U.S.C. 201 et seq.).”.

13 (d) ADJUSTMENT OF STATUS EARLY FILING FOR
 14 NONIMMIGRANTS WITH APPROVED IMMIGRANT PETI-
 15 TIONS.—Section 245 of the Immigration and Nationality
 16 Act (8 U.S.C. 1255) is amended—

17 (1) by amending subsection (a) to read as fol-
 18 lows:

19 “(a) STATUS AS PERSON ADMITTED FOR PERMA-
 20 NENT RESIDENCE ON APPLICATION AND ELIGIBILITY FOR
 21 IMMIGRANT VISA.—The Secretary of Homeland Security,
 22 in the discretion of the Secretary and under such regula-
 23 tions as the Secretary may prescribe, may adjust the sta-
 24 tus of an alien who was inspected and admitted or paroled
 25 into the United States or the status of any other alien

1 with an approved petition for classification as a VAWA
2 self-petitioner if—

3 “(1) the alien makes an application for such ad-
4 justment;

5 “(2) the alien is eligible to receive an immigrant
6 visa and is admissible to the United States for per-
7 manent residence; and

8 “(3) an immigrant visa is immediately available
9 to the alien at the time the alien’s application is ad-
10 judicated.”; and

11 (2) by adding at the end the following:

12 “(n) ADJUSTMENT OF STATUS APPLICATION AFTER
13 AN APPROVED IMMIGRANT PETITION.—

14 “(1) APPLICATION.—An alien who has an ap-
15 proved immigrant petition may file an adjustment of
16 status application under subsection (a), which, if the
17 alien is otherwise eligible, shall remain pending until
18 a visa number becomes available.

19 “(2) STATUS.—An admissible alien who has
20 properly filed an adjustment of status application
21 under subsection (a) shall, throughout the pendency
22 of such application—

23 “(A) have a lawful status and be consid-
24 ered lawfully present for purposes of section
25 212; and

1 “(B) following a biometric background
2 check, be eligible for employment and travel au-
3 thorization incident to such status.

4 “(3) BIOMETRIC BACKGROUND CHECK.—Any
5 biometric background check performed with respect
6 to an alien during the 1-year period immediately
7 preceding the alien’s submission of an application
8 for an adjustment of status under subsection (a)
9 shall be sufficient for meeting the biometric back-
10 ground check requirement under paragraph
11 (2)(B).”.

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