

117TH CONGRESS
1ST SESSION

S. 970

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

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

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—

7 (1) in the paragraph heading, by striking “AND
8 EMPLOYMENT-BASED”;

9 (2) by striking “subsections (a) and (b) of sec-
10 tion 203” and inserting “section 203(a)”; and

11 (3) by striking “such subsections” and inserting
12 “such subsection”.

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

16 (1) in paragraph (1), in the matter preceding
17 subparagraph (A), by striking “28.6 percent” and
18 inserting “29.63 percent”;

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

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

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

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

4 (d) TREATMENT OF FAMILY MEMBERS.—Section
5 203(d) of the Immigration and Nationality Act (8 U.S.C.
6 1153(d)) is amended by adding at the end the following:
7 “Visas issued to a spouse or child of an immigrant de-
8 scribed in subsection (b) shall not be counted against the
9 worldwide level of such visas set forth in section 201(d)(1)
10 or the per country level set forth in section 202(a)(2).”.

11 **SEC. 3. HEALTH CARE WORKERS.**

12 (a) EXEMPTION FROM NUMERICAL LIMITATIONS.—
13 Section 201(b)(1) of the Immigration and Nationality Act
14 (8 U.S.C. 1151(b)(1)) is amended by adding at the end
15 the following:

16 “(F) Aliens who are members of an occupation
17 that the Secretary of Labor has designated under
18 Group I of Schedule A pursuant to section 656.15
19 of title 20, Code of Federal Regulations, and are
20 coming to the United States to work in such occupa-
21 tion, and the spouses and children (as defined in
22 subparagraph (A), (B), (C), (D), or (E) of section
23 101(b)(1)) of such aliens. Aliens described in this
24 subparagraph may apply for an immigrant visa.”.

1 (b) PETITION.—Section 204(a)(1) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
3 ed—

4 (1) by shifting subparagraph (L) 4 ems to the
5 left; and

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

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

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 on
12 behalf of such alien.”.

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

17 “(s) The Secretary of Homeland Security shall—

18 “(1) authorize an alien spouse admitted under
19 subparagraph (E), (H), or (L) of section 101(a)(15),
20 who is accompanying or following to join a principal
21 alien admitted under any such subparagraph, to en-
22 gage in employment in the United States; and

23 “(2) provide such alien spouse with an ‘employ-
24 ment authorized’ endorsement or other appropriate
25 work permit.

1 “(t) The Secretary of Homeland Security shall au-
 2 thorize an alien child admitted under subparagraph (E),
 3 (H), or (L) of section 101(a)(15), who is accompanying
 4 or following to join a principal alien admitted under any
 5 such subparagraph, to engage in employment in the
 6 United States, and shall provide such child with an ‘em-
 7 ployment authorized’ endorsement or other appropriate
 8 work permit if—

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

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

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

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

19 (1) by amending subsection (a) to read as fol-
 20 lows:

21 “(a) STATUS AS PERSON ADMITTED FOR PERMA-
 22 NENT RESIDENCE ON APPLICATION AND ELIGIBILITY FOR
 23 IMMIGRANT VISA.—The Secretary of Homeland Security,
 24 in the discretion of the Secretary and under such regula-
 25 tions as the Secretary may prescribe, may adjust the sta-

1 tus of an alien who was inspected and admitted or paroled
2 into the United States or the status of any other alien
3 with an approved petition for classification as a VAWA
4 self-petitioner if—

5 “(1) the alien makes an application for such ad-
6 justment;

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

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

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

14 “(n) ADJUSTMENT OF STATUS APPLICATION AFTER
15 AN APPROVED IMMIGRANT PETITION.—

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

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

1 “(A) have a lawful status and be consid-
2 ered lawfully present for purposes of section
3 212(a); and

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

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

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