

## **Summary of S.1720 – RAISE Act of the 115<sup>th</sup> Congress**

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On August 2<sup>nd</sup>, 2017, Senator Cotton and Perdue proposed a bill to the 115<sup>th</sup> Congress which they nicknamed “RAISE” act. This stands for “Reforming American immigration for Strong Employment”. The bill is S.1720 and can be reviewed on Congress’ website at <https://www.congress.gov/bill/115th-congress/senate-bill/1720/text?r=12> . The full text of the bill as proposed by Senator Cotton is at [https://www.cotton.senate.gov/files/documents/170802\\_New\\_RAISE\\_Act\\_Bill\\_Text.pdf](https://www.cotton.senate.gov/files/documents/170802_New_RAISE_Act_Bill_Text.pdf) . Below, I make a practical summary of the major changes to immigration law proposed by the bill in its current form. If I missed or misinterpreted anything, please feel free to let me know.

The bill is split into 6 sections, each of which propose a major change to immigration policy. Of greatest significance is the elimination of the Diversity Visa Program – otherwise known as the “Visa Lottery”, the establishment of a “merits-based” system which grants immigrant visas to those in the upper 50% of an applicant pool ranked by points, the reduction of the allowable number of family-sponsored visas granted annually, and the limitation of the number of refugees and immigrants to the US annually.

Section 2: Eliminates the Diversity Visa Program (DVP). Strikes out all reference to the DVP in 8 USC 1101 and other sections of the US Code. The majority of this section is made up of format edits to maintain the code organized and legible after the removal of this program. The DVP, in summary, grants 50,000 visas annually to people from “low-admission” regions from which a minority of US immigrants come from. Countries such as Colombia, Mexico, Canada etc are ineligible because most immigrants come from there. Rather, the program is meant to give residency to people from countries where people do not usually emigrate to the US. It is supposed to “diversify” the immigrants that come to the US and is free to apply and receive.

Section 3: Modifies the number of refugees admitted to the US, and shifts the authority of review for those admissions from the Attorney General to the Secretary of Homeland Security. The first two subsections give the President the authority to declare that an “emergency refugee situation” exists and is justified by “grave humanitarian concern”, and therefore allows them the power to allow the admittance of refugees affected by this situation. Although the president is limited to admitting no more than 50,000 refugees in a fiscal year, subsection (a) allows them to exceed that number if they find it necessary. These two sections are removed and replaced with a short subsection which strictly limits the number of admitted refugees per year to 50,000 and removes the power of the president to exceed it when they desire. (This would remove for example the ability for Hillary Clinton to admit large numbers of Syrian refugees, as she stated she would have done had she been elected.) The subsection also requires the president to declare the number of asylees granted asylum in the previous year. Finally, the section shifts the power of individually admitting and deporting refugees from the Attorney General to the Secretary of Homeland security.

Section 4: Modification of Family-Based immigration. The first edit changes the definition of children in 8 USC 1101 (b) from under “21 years old” to “under 18 years old”. The second edit changes immediate relatives in 8 USC 1151 from “children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age” to “children and spouse of a citizen of the United States”. In other words, it removes the ability for

a parent of a US citizen to be considered an immediate family member for the purposes of immigration. It allows the sponsorship of a parent only if the parent is also a spouse of a US citizen. Subsection (c) of the current law allows a quota of 480,000 family-sponsored immigrants minus the number of employment based immigrants, with a cap of a minimum 226,000 family-sponsored immigrants per fiscal year. In other words, currently between 226,000 to 480,000 family-sponsored immigrants are admitted to the US annually. The subsection would be replaced by another which allows a quota of 88,000 family-sponsored immigrants minus the number of employment based immigrants, with no minimum cap. Therefore, it would allow a maximum of 88,000 family-sponsored immigrants to be admitted per year, with no minimum (so it can theoretically be 0). Then follows a number of formatting edits.

Section 4 continued: The next part of this section edits 8 USC 1153, which describes the definition and quotas of visas granted to family-sponsored immigrants annually. In its current state, the law allows:

- 23,400 unmarried sons and daughters (regardless of age) of citizens
- 114,200 to 226,000 spouses and unmarried sons and daughters (regardless of age) and children (under 21 in current law) of permanent residents (with a limit of 23 percent going to unmarried sons and daughters – not children)
- 23,400 married sons and daughters of citizens
- 65,000 brothers and sisters under 21 years of age

To receive immigrant visas annually. Note that in current law, “sons and daughters” differs in definition from children. Children are under 21, while sons and daughters are regardless of age. If the new bill were passed, this category would be deleted and only children would be referred to in law, which as stated above, would be declared under 18 years of age. The new bill would replace the text in this section with a definition that

- (1) States family-sponsored immigrants are “qualified immigrants who are the spouse of child of an alien lawfully admitted for permanent resident” – allowing only spouses and children under 18 to benefit
- (2) Removes the quota for each specific “category” of immigrant such as married children and siblings, removing the ability for US citizens to sponsor people of those categories, and also making it so the maximum number of any and all family-sponsored immigrants is a maximum of 88,000 as described in 8 USC 1151 above.

Formatting edits are made to other sections of US Code that make reference to this section by changing the citation. This has no effect on policy and is only a formatting edit.

Section 4 continued: The next part of this section creates a new classification for Alien parents of an adult US citizen. In the current system, US citizens are able to apply for sponsorship of their foreign parents which are then able to immigrate to the US under an immigrant status and receive permanent residency (and possibly citizenship). However, the bill removes this benefit. Instead, it allows US citizens to sponsor their parents as nonimmigrants. A new class of “nonimmigrants” is created under 8 USC 1101(a)(15). A new category would be added, (W), which would state: “an alien who is a parent of a citizen of the United States, if the citizen is at least 21 years of age.” In 8 USC 1184, conditions and rules governing this new category of nonimmigrant are added as: “The initial period of authorized admission for a nonimmigrant

described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.” In other words, it allows a US citizen to sponsor a parent as a nonimmigrant for 5 years with the possibility of further 5-year periods if the Secretary of Homeland Security grants so. The bill then states that nonimmigrant parents are not authorized to work in the US or receive federal, state or local “public benefit” (welfare). It then requires a US citizen who sponsors their nonimmigrant parents to provide for them while they live in the US, regardless of income. Also, the parents may not be admitted to the US until the US citizen child “has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien’s residence in the United States”. In summary, US citizens may sponsor their parents for a period of 5 years as nonimmigrants as long as they can provide for them fully, arrange for their health insurance, and are not allowed to work.

Section 5: Establishment of a merit-based points system of immigration to replace an employment based immigration system. The first edit in 8 USC 1151 would describe that “points-based immigrants” admitted per fiscal year may not exceed the limits described in subsection (d) of that section. The second states, that in general, the number of points-based immigrant visas granted annually will be capped at 140,000. This is the number of immigrants that would be allowed to enter the US per year under the points system.

The bill then explains how the system would work. To apply, any alien that believes they meet enough criteria to receive enough points for admittance to the US can apply online through USCIS to be placed in the “eligible applicant pool”. They would explain which points the applicant is eligible for, and that they have documentation to prove the claims to their eligibility. It would cost \$160 to apply, and they would also be required to provide any other information as directed by the director of USCIS. The applicant pool would be sorted by total points, and applicants can remain in the pool for 12 months, after which, if not selected, they would need to reapply. Every 6 months, the director of USCIS shall (must) invite the highest ranked applicants in the eligible applicant pool, a number which they expect will yield 50 percent of the 140,000 visas available – including spouses and dependent minor children, to file a petition for a point based immigrant visa. In simpler words, every 6 months, the director of USCIS would invite 70,000 people in the eligible applicant pool (including spouse and children of the sponsoring applicant) to apply for a visa. Then, the director of USCIS shall (must) award a visa to any applicant that was invited to file for one and did so within 90 days. So, any person who applies to be in the applicant pool, and is selected and invited by USCIS (for being one of the top ranked applicants) to apply for a visa, and does apply for a visa, is guaranteed a points-based visa. The applicant would need to, at the time of application for a visa, pay \$345 and provide all documentation proving their eligibility for points, including proof that their US employer will give them health insurance or they will purchase their own.

The section continues, to state that those admitted under the points based system, and all members of their household that came with them, would be ineligible for any federal (not state) means-tested public benefit (welfare) for a period of 5 years after they get their visa. So those who get this visa can’t get welfare until after 5 years.

Section 5 continued: You may be asking yourself, how will points be awarded to applicants? The bill explains as written below; I will spare you the exact number of points for the

sake of brevity, they can be seen in the full text under section 5, however I will explain which category or classification gives the most points.

1. English proficiency: Applicants must submit proof of an English test result such as the TOEFL. Those with the highest deciles will get the most points, while those with lesser scores will receive less until the lowest scores receive 0.
2. Age: Applicants between 26-31 years old will receive the most points, while those younger than that will receive less points until age 18 and under which cannot apply. Those older will also receive less points until age 51 and over which receive no points.
3. Education: Those with an American doctorate/professional degree in STEM will receive the most points, followed by those with a foreign doctorate/professional degree in STEM, followed by those with an American Master's degree in STEM, followed by those with a foreign Master's degree in STEM, followed by those with an American Bachelor's degree in any major, followed by those with a foreign Bachelor's degree in any major, followed by those with a high school degree from any country.
4. Extraordinary Achievement: Those applicants who are a Nobel laureate or has received a similar recognition in science or social science as determined by USCIS get 25 points; those who have received an individual Olympic medal or first place in an international athletic event in the 8 years prior to the application get 15 points.
5. Job offer: Those who receive a job offer in the US they intend to accept that pays them a salary at least 300 percent of the median household income in the state where they will work will receive 13 points, the maximum in this category. Then points go down gradually as salary goes down until those who will receive 150 percent of the median household income in the state, which receive 5 points. Those who will receive a salary less than this receive no points.
6. Investment in new commercial enterprise: Those applicants who agree to invest at least \$1,800,000 in a new US business for at least 3 years would receive 18 points. Those that agree to invest between \$1,350,00 and \$1,800,000 receive 6 points. Those who do not do this after receiving the visa will have it rescinded.
7. Admission under a family-preference category: Those who were scheduled to receive a family-based immigrant visa but have not received it after 1 year of waiting (due to the quotas) can apply under the points-based system and receive 2 points.
8. The last part of this subsection of the bill explains minimum eligibility for the points-based system: in order to be placed in the applicant pool, you must score at least 1 point in the English proficiency category, and you must have received a degree higher than a bachelor's degree.

In summary, to be eligible for a points-based immigrant visa, you must be proficient at a certain level of English, and you must have at least a high school, bachelor's, and master's degree. Those without a master's degree are ineligible to apply for a points-based visa. Of those who are eligible, those who are 26-31 years old, with a professional or doctorate STEM degree, have received a job offer with a salary 3 times higher the median, have received a Nobel prize in science or social science, be able and willing to invest at least 1.35 million dollars in a new business, and have a high proficiency in English have the best eligibility for a points-based visa. Applicants are able to accrue more points if their spouse has eligibility for points as described above, under a formula that allows the main applicant to receive 70 percent of their spouse's potential points if they are not equal to or higher than the main applicant.

The last part of this section requires the Secretary of Homeland Security to publish each year a report to congress that includes the number of visas granted in the previous year, and the percentage of aliens in the eligible applicant pool that are looking to reside in each state, their educational level, English proficiency level, initial employer and average starting salary, and the number of aliens agreeing to invest at least 1.35 million dollars to a new US business.

**Section 6: Requirements to Naturalize as a US citizen:** This section increases requirements for lawful permanent residents to naturalize as US citizens. First, it changes all references to “he” (the applicant to naturalization) to “he or she” as both sexes are eligible for naturalization. Then, it shifts the power of determination for eligibility of and granting of naturalization from the Attorney General to the Secretary of Homeland Security. It then changes reference to the service of the Attorney General to the Department of Homeland Security. Lastly, it adds a new rule that would prohibit any permanent resident from naturalization (including current ones) if they received federal means-tested public benefits (welfare) in the first 5 years after they received their permanent residence (green card), until the person who signed their affidavit of support reimburses the Federal Government for the cost of the benefits received by the permanent resident. In other words, if an immigrant received permanent residency and in the first 5 years applied for and received welfare, the person that signed their affidavit of support (usually their sponsor) must repay the Federal Government the cost of that welfare before the immigrant is eligible to apply for US citizenship.

That is the major summary of the RAISE act bill proposed in the 115<sup>th</sup> Congress. As an even more condensed summary, the number of allowed immigrant visas that would be granted annually under the bill would be 88,000 family-sponsored visas, 140,000 points-based visas, and 50,000 refugees – if determined by the Secretary of Homeland Security. For a grand total of 228,000 immigrant visas per year. The state department’s 2016 report on visa statistics reported a grand total of 625,344 immigrant visas granted by all offices in 2016 (<https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2016AnnualReport/FY16AnnualReport-TableXV.pdf>). If the bill were passed in its current form, the US would see a -63.54% change in the maximum number of available immigrant visas, compared to the actual number granted last fiscal year.