

# President Biden's US Citizenship Act of 2021 Introduced to Congress

R. Oliver Branch JD  
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On February 19, 2021, President Biden introduced his administration's highly anticipated comprehensive immigration reform (**CIR**) bill, the "**US Citizenship Act of 2021**", to both the [Senate](#) and the [House](#). CIR has been on the agenda for most administrations over the last twenty (20) years and President Biden is hoping his administration will get it done.

**While certainly not inclusive of all provisions in the US Citizenship Act of 2021, the following are the key employment-based immigration related provisions:**

- Creates an economic stimulus pilot program that would encourage regional economic development by the admission to the US of thousands of additional immigrants per year whose employment and skills are deemed essential to economic recovery on a regional basis;
- Authorizes the US Department of Homeland Security (**DHS**) to prioritize H-1B and other nonimmigrant employment-based visas for positions where the US petitioner offers higher wages;
- Extends employment authorization eligibility to H-4 status holders, including spouses and children of H-1B status holders;
- Provides for extensions or further eligibility for one (1) year nonimmigrant visa extensions for those in F-1, H-1B, L-1, and O-1 status who have had labor certifications and immigrant visa petitions pending for more than one (1) year;
- Permits certain macroeconomic-based temporary decreases to employment-based second and third preference (EB-2 and EB-3) immigrant visa quotas during periods of high US unemployment in certain areas or sectors;
- Eliminates per-country quotas for employment-based immigrant visas;
- Reduces employment-based immigrant visa backlogs through various measures, including exempting certain STEM PhD graduates from the immigrant visa quotas;
- Recaptures unused employment-based immigrant visa numbers from prior years;
- Increases the annual limit for employment-based visas from 140,000 to 170,000;
- Exempts from visa quotas beneficiaries of approved immigrant visa petitions with permanent residency cases pending for more than ten (10) years;
- Increases civil penalties for employment violations of federal, state, and local labor laws with respect to unauthorized workers; and
- Requires the DHS and US Department of Labor (**DOL**) assess and make recommendations for improving the I-9 employment eligibility verification process.

While many of the provisions discussed above are welcome changes, some provisions, including the last two points above, will likely lead to significant challenges to employers and require greater diligence in I-9 compliance in day-to-day operations, as well as increased liability protection planning and due diligence in mergers and acquisitions.

Now that the White House has introduced the US Citizenship Act of 2021 in both the House and Senate,

we look forward to debate and hopefully compromise in both chambers as the House and Senate consider this proposed legislation.

Stay tuned for the latest from the Moodys immigration team as we closely monitor this legislation and other significant changes in US immigration.