

PUBLICATION

Immigration Reform: Blarney or Bona Fide?

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Spurred in large part by President Obama's re-election and the strong support he received from Hispanic voters, leaders in both parties are seriously discussing immigration reform. Among others, a bipartisan group of eight senators has unveiled an immigration reform platform that would include a pathway to legalization, border security and mandatory use of E-Verify. Will we see a new I-9 Form soon? And what about the H-1B cap for this year?

Is Immigration Reform Going to Happen?

Probably, although it's too soon to know the details. Spurred in large part by President Obama's re-election and the strong support he received from Hispanic voters, leaders in both parties are seriously discussing immigration reform. Among others, a bipartisan group of eight senators has unveiled an immigration reform platform that would include a pathway to legalization, border security and mandatory use of E-Verify.

Is Mandatory E-Verify Likely to be Expanded?

Almost certainly. Newly-introduced bills in Congress suggest that any version of immigration reform would likely include the expansion of mandatory E-Verify. For example, the E-Verify Modernization Act of 2013, sponsored by Congressman Phil Gingrey (R-Ga.), would "make the E-Verify Program permanent and mandatory" and would "provide for certain changes to procedures for participants in the Program." Likewise, the Accountability Through Electronic Verification Act, sponsored by Senator Charles Grassley (R-Ia.), would "expand the use of E-Verify to hold employers accountable."

Will the H-1B Cap be Reached This Year?

Yes. Employers planning to file for new H-1B employment visas in fiscal year 2014 should be prepared to file by April 1, 2013. Increased demand caused the fiscal year 2013 cap to be reached by mid-June 2012, or less than three months after USCIS began accepting petitions. H-1B visas are typically limited to 65,000-85,000 per year. The immigration fiscal year begins on October 1, and petitions are accepted for the upcoming fiscal year beginning April 1. Given the potential for sequester cuts to slow processing, employers are strongly encouraged to seek fiscal year 2014 H-1Bs on the first day that petitions are accepted. Contingency plans should be made for expected delays and/or a lack of H-1B availability.

If you have other questions about how immigration reform could affect your business or other immigration issues, please contact any of our more than 70 Labor & Employment attorneys located in [Birmingham, Alabama](#); [Atlanta, Georgia](#); [Baton Rouge, Mandeville and New Orleans, Louisiana](#); [Jackson, Mississippi](#); [Chattanooga, Johnson City, Knoxville, Memphis and Nashville, Tennessee](#); and [Houston, Texas](#).