

Executive Action on Immigration: Whats in It for Business?

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Last night, President Obama announced that he will take sweeping executive action to reform the nation's immigration system. Among other things, President Obama will temporarily suspend deportation proceedings against parents of U.S. citizens or lawful permanent residents. He will also indefinitely suspend deportation proceedings against all individuals who were brought to the United States illegally as children before January 1, 2010 and make these individuals eligible for legal employment in the United States. While these controversial steps have grabbed the headlines, the White House also announced other regulatory reforms that could benefit the business community. For example, the Department of Homeland Security (DHS) will issue new regulations to expand the "optional practical training program" (OPT), which allows foreign nationals on student visas to work in the United States for a limited period of time following graduation from a United States college or university. DHS's new regulations will likely expand the degree programs eligible for OPT and also expand the length of OPT for visa holders with degrees in science, technology, engineering, and mathematics (STEM). DHS has also indicated that it will adopt regulations providing work authorizations to spouses of certain H1-B visa holders who are on the path to lawful permanent resident status. DHS's new regulations should also provide clarity for international employers looking to temporarily transfer employees with "specialized knowledge" to these employers' operations in the United States. DHS's new regulations will also expand green card availability to non-citizens with advanced degrees or exceptional ability, while also providing temporary legal status to an increased number of inventors, researchers, and founders of start-up enterprises. Our December Employment Law Newsletter will feature a full-length article regarding what these reforms might mean for U.S. employers. In the meantime, employers and individuals interested in these topics should feel free to contact a member of Barley Snyder's [Immigration Group](#).

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