The American Competitiveness for the 21st Century Act of 2000 of H-1 B and Lawful Permanent Residence provisions

On October 17, 2000, the American Competitiveness for the 21st Century Act (AC21) was signed into law by President Clinton. Below are some of the highlights of this new legislation.

- Institutions of higher education, non-profit research institutions, and certain other employers are completely exempt from the H-1 B quota.

- Those same institutions, plus primary and secondary schools and teaching hospitals, are exempt from the H-1 B "training" fee, which will be raised from $500 to $1,000 starting December 16, 2000.

- H-1 B status is more "portable" when changing from one employer to another, because H-1 B nonimmigrants who wish to change or add employers can now begin employment as soon as the new employer files an H-1 B petition; they do not have to wait until the new petition is approved.

- Measures have been taken to preserve the status of individuals whose applications for permanent residence are long delayed, including certain individuals to extend their H-1B status beyond the statutory six-year limit, and making immigrant petitions and labor certifications more "portable".

Most of the provisions of the new law take effect immediately. The Immigration and Naturalization Service will be publishing regulations to implement the new law in due course.

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