

President Biden to Let H-1B Visa Ban Expire

By Roy Maurer

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President Joe Biden will reportedly allow the ban blocking temporary foreign workers from coming into the United States to expire on March 31. Former President Donald Trump first issued the ban in June 2020 and renewed it through the end of March before he left office, saying it was necessary to protect U.S. workers amid high unemployment during the COVID-19 pandemic.

We've rounded up articles and resources from *SHRM Online* and other outlets on the news.

H-1B Visa Holders Affected

The moratorium affected various categories of foreign guest workers, including those holding H-2B and J-1 visas, but most attention was directed at H-1B workers primarily hired by U.S. technology and professional services companies. Executives from Silicon Valley to India's IT services outsourcing firms have been pressuring the administration to lift the ban ever since Biden took office, arguing it hurts U.S. companies.

(*Bloomberg* (<https://www.seattletimes.com/business/biden-to-let-trumps-h1-b-visa-ban-expire-in-win-for-tech-firms/>))

Some Legal Success

U.S. business associations, including the National Association of Manufacturers and U.S. Chamber of Commerce, sued in July 2020 to overturn the temporary worker ban. A federal judge in October 2020 blocked the policy as it applied to the hundreds of thousands of U.S. businesses with membership in the associations that had sued. The judge found Trump's policy would cause "irreparable harm" to the businesses by interfering with their operations and leading them to lay off employees and close open positions.

(*Reuters* (<https://www.reuters.com/article/us-usa-immigration-visas-idUSKBN2BN029>))

Biden Ends Green Card Ban

On March 1, President Biden ended the ban enacted in April 2020 on green card processing from abroad. That ban was also set to expire on March 31.

(*SHRM Online* (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/Pages/President-Biden-Restarts-Green-Card-Processing.aspx))

Policy Reversals

President Biden has rolled back many of Trump's immigration policies since taking office on Jan. 20, including reinstating the Deferred Action for Childhood Arrivals program and ending travel restrictions on 13 countries (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/pages/trump-expanded-travel-ban-6-new-countries.aspx) that were deemed to have failed to meet U.S. security and information-sharing standards.

(*SHRM Online* (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/pages/biden-vows-to-roll-back-trump-immigration-policies.aspx))

Comprehensive Reform in the Works

President Biden has also proposed an expansive overhaul of the nation's immigration laws, including creating a pathway to citizenship for the roughly 10 million to 12 million undocumented immigrants living in the United States, increasing the number of employment-based visas and incentivizing higher wages for H-1B workers so as not to displace U.S. workers. Pieces of the comprehensive package establishing legal status for millions of undocumented immigrants, including "Dreamers"—those brought to the country unlawfully as children—and agricultural workers, have been approved in the U.S. House of Representatives (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/Pages/Dreamers-Farmworkers-Get-Path-to-Citizenship-Legal-Status-Under-House-Bill.aspx).

(*SHRM Online* (www.shrm.org/ResourcesAndTools/hr-topics/talent-acquisition/pages/biden-immigration-plan-legalizes-millions-undocumented-workers.aspx))

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