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What to Expect Now That Congress Is Back

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Congress returned to work this week after a six week recess. While September promises to be a busy month for lawmakers, it is unlikely that immigration reform will be high on their “to do” list. Nonetheless, immigration policy will be affected by any congressional action (or inaction) on spending bills including disagreement over the funding to resettle refugees, and four immigration-related programs that are scheduled to expire this month unless Congress reauthorizes them.

The federal government—including many immigration-related agencies—is funded only through the end of September, and Congress must act to ensure that the government continues operating. However, instead of actually attempting to pass spending bills it is expected that Congress will pass a continuing resolution (CR), a stop-gap measure which likely would continue funding the government at current levels for a specified period of time.

However, *according to Politico* some House Republicans are discussing the possibility of demanding House Republican leadership include a provision to stop all Syrian refugee resettlement until the administration “can assure no terrorists or individuals with radical sympathies or views will be admitted.”

This is wholly unnecessary given the fact that refugees are the *most scrutinized* group of individuals who enter the United States, undergoing multiple, intense background checks, medical screenings, and interviews. On average, the process can take over 1,000 days for refugees to be screened by U.S. federal agencies and approved for travel to the United States.

If a continuing resolution were to be passed for a few months (possibly through December 9, 2016) it would allow the two chambers of Congress—both of which have marked up 2017 appropriations bills in appropriations committees—to try to resolve key differences in their bills.

However, these short term CRs have the potential for negative impacts on key programs. For example, the Obama administration has said it [plans to admit](#) 100,000 refugees from around the world in Fiscal Year 2017, but current funding only gives the Department of State funding to admit 75,000 refugees. Therefore, during the CR, the Department of State will be under-resourced and attempting to do more with less.

September 30 also is the date on which three visa programs and the e-verify program will sunset (or expire), unless they are extended by Congress. These three programs are:

- *The EB-5 program:* The immigrant investor program, known as EB-5, was created in 1990 to stimulate job growth and capital investment. It is the only visa program for investors that leads to permanent residence, and it requires that applicants invest \$1 million (or \$500,000 if the investment is in a rural or high-unemployment area) and create at least 10 jobs. Currently, there are different bills in the House of Representatives and the Senate to reauthorize the program with some changes. One bill in the House would make the program permanent; another in the Senate would reauthorize the program for [five years](#).
- *Conrad 30 Program:* This program, created in 1994, allows certain physicians who trained in the United States on J-1 visas to obtain a waiver of the two-year home residence requirement. In exchange for the waiver, the physician must work for at least three years treating medically underserved populations in the United States. There is a [bipartisan bill](#) in the Senate that would make the program permanent with some changes.
- *Special Immigrant Non-Minister Religious Worker Program:* This program, created in 1990, allows non-ministers or other lay religious workers to come to the United States as lawful permanent residents. Currently there is a [bipartisan bill](#) in the Senate that would make the program permanent with no changes.

Despite the proposals to reauthorize these programs for longer periods of time, it is unclear what, if anything, will happen this month. For now, it seems likely that these programs will be reauthorized without change for a short period of time as Congress appears ready to do the bare minimum as quickly as possible in order to get back to the campaign trail.

Photo by [Alvin Fing](#).