

## **Spending package extends some immigration programs and provides relief for mixed-status families**

On December 27, 2020, President Trump signed a bill to fund federal agencies through September 30, 2021 and provide coronavirus relief. In addition, the new law extends several immigration programs and provides economic relief to mixed-status families (families that have at least one member who files taxes with a social security number).

The immigration programs that have been extended include the following:

### **EB-5 Regional Center Program (extended until June 30, 2021):**

The EB-5 program allows investors (and their spouses and unmarried children under 21) to apply for a Green Card (permanent residence) if they:

- Make the necessary investment in a commercial enterprise in the United States; and
- Plan to create or preserve 10 permanent full-time jobs for qualified U.S. workers.

Congress created the EB-5 Program in 1990 to stimulate the U.S. economy through job creation and capital investment by foreign investors. In 1992, Congress created the Immigrant Investor Program, also known as the Regional Center Program, which sets aside EB-5 visas for participants who invest in commercial enterprises associated with regional centers approved by USCIS based on proposals for promoting economic growth.

The spending bill that was just signed into law extends the EB-5 Regional Center program, but only until June 30, 2021. As a result, Congress must act by that date for the program to continue.

### **EB-4 Non-Minister Religious Workers (extended until September 30, 2021):**

The EB-4 category for special immigrant religious workers includes ministers (defined as ministers, priests, rabbis, and other members of the clergy), as well as non-minister religious workers, such as religious instructors, religious counselors, cantors, and religious translators. These "other" religious workers are in a sub-category of their own for immigration purposes, and that category has an expiration date. The

expiration date for these "other" religious workers has now been extended until September 30, 2021.

**E-Verify (extended until September 30, 2021):**

E-Verify is an internet-based system that allows employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration and the Department of Homeland Security. E-Verify is now authorized to continue operating until September 30, 2021.

In most cases, using the E-Verify system is voluntary. However, some federal contractors are required to use E-Verify. In addition, some states also require certain employers to use E-Verify.

**Conrad 30 Physician J-1 Waiver Program (extended until September 30, 2021):**

The Conrad 30 J-1 Visa Waiver Program authorizes each state's department of health to recommend up to thirty (30) international medical graduates (IMGs) each year for a waiver of the J-1 visa requirement to return to the IMG's home country for two (2) years. To receive the waiver, IMGs must agree to serve in designated health professional shortage areas, medically underserved areas, or medically underserved populations for three years.

**Covid-related stimulus checks for mixed status families:**

In addition to extending the programs described above, Congress authorized stimulus checks to be issued to mixed-status families. These are families in which at least one family member files taxes with a social security number. It also provides retroactive relief to those families, which did not receive a payment under the previous stimulus bill (the CARES Act). This means that U.S. citizens and green card holders may receive direct payments, even if they filed a joint tax return with an undocumented spouse, as well as additional checks for each dependent. However, undocumented immigrants and other non-citizens who do not have Social Security numbers and file individual tax returns are ineligible for aid, as are U.S. citizen children whose parents don't have a Social Security number.