President Obama has officially announced his plan for a series of executive actions on immigration. While the national discussion is largely focused on illegal immigration, the president’s plan impacts the business community by changing certain aspects of employment-based legal immigration programs. While details will be forthcoming, the executive actions intend to:

1. Extend practical training work authorization for students who are science, technology, engineering, or mathematics (STEM) graduates of U.S. universities.

2. Increase employment portability for highly skilled workers who have permanent immigrant visas approved—but are subject to a lengthy backlog before filing the final step in the green card process. This may involve a new pre-registration system that provides for interim work authorization and advance parole travel documents.

3. Authorize employment for spouses of professional workers in the H-1B visa category who have permanent immigrant visas approved.

4. Create a new temporary immigration path for entrepreneurs who will create U.S. jobs and a new green card path for entrepreneurs, researchers, inventors, and founders to obtain green cards via the existing “national interest waiver” program.

5. Increase the number of green cards available for skilled and professional workers. The number of immigrant visas (i.e., green cards) available each fiscal year is mandated by Congress. The administration will issue a presidential memorandum directing the agencies to optimize the use of the annual allotment. As a result of this action, the administration may decide to recapture immigrant visa numbers that went unused in prior years. The administration may also change the way visa usage is determined by counting only the primary applicant (the employee) against the allotment instead of counting the employee and his or her spouse and each child against the allotment.

6. Defers deportations and creates temporary work authorizations for an estimated 44 million people who have been in the United States illegally for 5 or more years and who either came to the United States as children or are the parents of U.S. citizens and lawful permanent residents (of any age).

Stay tuned for details as they emerge. Ogletree Deakins’ Immigration Practice Group will cover the president’s plan in further detail in forthcoming publications.

To learn more about President Obama’s executive action on immigration, join our speaker Jacquelyn P. Maroney (Shareholder, Austin) for a webinar on Tuesday, December 2, 2014. To register for this timely program, click here.