

110TH CONGRESS
2D SESSION

H. R. 5921

To amend the Immigration and Nationality Act to eliminate the per country level for employment-based immigrants and to end the spill-over of unused immigrant visa numbers between employment-based and family-sponsored categories.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2008

Ms. ZOE LOFGREN of California (for herself and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate the per country level for employment-based immigrants and to end the spill-over of unused immigrant visa numbers between employment-based and family-sponsored categories.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “High Skilled Per Coun-
5 try Level Elimination Act”.

1 **SEC. 2. ELIMINATION OF PER COUNTRY LEVEL FOR EM-**
2 **PLOYMENT-BASED IMMIGRANTS.**

3 Section 202(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1152(a)) is amended—

5 (1) in paragraph (2)—

6 (A) by striking “, (4), and (5)” and insert-
7 ing “and (4)”; and

8 (B) by striking “subsections (a) and (b) of
9 section 203” and inserting “section 203(a)”;

10 (C) by striking “7 percent (in the case of
11 a single foreign state) or 2 percent” and insert-
12 ing “10 percent (in the case of a single foreign
13 state) or 5 percent”; and

14 (D) by striking “such subsections” and in-
15 serting “such section”; and

16 (2) by striking paragraph (5).

17 **SEC. 3. WORLDWIDE LEVELS OF EMPLOYMENT-BASED AND**
18 **FAMILY-SPONSORED IMMIGRANTS.**

19 (a) **WORLDWIDE LEVEL OF EMPLOYMENT-BASED**
20 **IMMIGRANTS.**—Section 201(d) of the Immigration and
21 Nationality Act (8 U.S.C. 1151(d)) is amended to read
22 as follows:

23 “(d) **WORLDWIDE LEVEL OF EMPLOYMENT-BASED**
24 **IMMIGRANTS.**—

1 “(1) IN GENERAL.—The worldwide level of em-
2 ployment-based immigrants under this subsection for
3 a fiscal year is equal to the sum of—

4 “(A) 140,000; and

5 “(B) the number computed under para-
6 graph (2).

7 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
8 FISCAL YEAR.—The number computed under this
9 paragraph for a fiscal year is the difference, if any,
10 between—

11 “(A) the worldwide level established under
12 paragraph (1) for the previous fiscal year; and

13 “(B) the number of visas actually issued
14 under section 203(b), subject to this subsection,
15 during the previous fiscal year.”.

16 (b) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
17 MIGRANTS.—Section 201(c) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1151(c)) is amended to read as
19 follows:

20 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
21 IMMIGRANTS.—

22 “(1) IN GENERAL.—

23 “(A) BASE LEVEL.—Subject to subpara-
24 graph (B), the worldwide level of family-spon-

1 sored immigrants under this subsection for a
2 fiscal year is equal to—

3 “(i) 480,000 minus the number com-
4 puted under paragraph (2); plus

5 “(ii) the number computed under
6 paragraph (3).

7 “(B) MINIMUM.—In no case shall the
8 number computed under subparagraph (A) be
9 less than 226,000.

10 “(2) NUMBER OF CERTAIN ALIENS NOT SUB-
11 JECT TO DIRECT NUMERICAL LIMITATIONS.—The
12 number computed under this paragraph for a fiscal
13 year is the number of aliens described in subpara-
14 graph (A) or (B) of subsection (b)(2) who were
15 issued immigrant visas, or who otherwise acquired
16 the status of an alien lawfully admitted to the
17 United States for permanent residence, in the pre-
18 vious fiscal year.

19 “(3) UNUSED VISA NUMBERS FROM PREVIOUS
20 FISCAL YEAR.—The number computed under this
21 paragraph for a fiscal year is the difference, if any,
22 between—

23 “(A) the worldwide level established under
24 paragraph (1) for the previous fiscal year; and

1 “(B) the number of visas actually issued
2 under section 203(a), subject to this subsection,
3 during the previous fiscal year.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the first day of the first
6 fiscal year that begins after the date of the enactment of
7 this Act.

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