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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

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 “Fairness for High-
5 Skilled Immigrants Act of 2019”.

1 **SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN**
2 **STATE.**

3 (a) IN GENERAL.—Section 202(a)(2) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1152(a)(2)) is
5 amended—

6 (1) in the paragraph heading, by striking “AND
7 EMPLOYMENT-BASED”;

8 (2) by striking “(3), (4), and (5),” and insert-
9 ing “(3) and (4),”;

10 (3) by striking “subsections (a) and (b) of sec-
11 tion 203” and inserting “section 203(a)”;

12 (4) by striking “7” and inserting “15”; and

13 (5) by striking “such subsections” and inserting
14 “such section”.

15 (b) CONFORMING AMENDMENTS.—Section 202 of the
16 Immigration and Nationality Act (8 U.S.C. 1152) is
17 amended—

18 (1) in subsection (a)(3), by striking “both sub-
19 sections (a) and (b) of section 203” and inserting
20 “section 203(a)”;

21 (2) by striking subsection (a)(5); and

22 (3) by amending subsection (e) to read as fol-
23 lows:

24 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—

25 If it is determined that the total number of immigrant
26 visas made available under section 203(a) to natives of

1 any single foreign state or dependent area will exceed the
2 numerical limitation specified in subsection (a)(2) in any
3 fiscal year, in determining the allotment of immigrant visa
4 numbers to natives under section 203(a), visa numbers
5 with respect to natives of that state or area shall be allo-
6 cated (to the extent practicable and otherwise consistent
7 with this section and section 203) in a manner so that,
8 except as provided in subsection (a)(4), the proportion of
9 the visa numbers made available under each of paragraphs
10 (1) through (4) of section 203(a) is equal to the ratio of
11 the total number of visas made available under the respec-
12 tive paragraph to the total number of visas made available
13 under section 203(a).”.

14 (c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
15 Chinese Student Protection Act of 1992 (8 U.S.C. 1255
16 note) is amended—

17 (1) in subsection (a), by striking “subsection
18 (e))” and inserting “subsection (d))”; and

19 (2) by striking subsection (d) and redesignating
20 subsection (e) as subsection (d).

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if enacted on September
23 30, 2019, and shall apply to fiscal years beginning with
24 fiscal year 2020.

1 (e) TRANSITION RULES FOR EMPLOYMENT-BASED
2 IMMIGRANTS.—

3 (1) IN GENERAL.—Subject to the succeeding
4 paragraphs of this subsection and notwithstanding
5 title II of the Immigration and Nationality Act (8
6 U.S.C. 1151 et seq.), the following rules shall apply:

7 (A) For fiscal year 2020, 15 percent of the
8 immigrant visas made available under each of
9 paragraphs (2), (3), and (5) of section 203(b)
10 of such Act (8 U.S.C. 1153(b)) shall be allotted
11 to immigrants who are natives of a foreign
12 state or dependent area that is not one of the
13 two states with the largest aggregate numbers
14 of natives who are beneficiaries of approved pe-
15 titions for immigrant status under such para-
16 graphs.

17 (B) For fiscal year 2021, 10 percent of the
18 immigrant visas made available under each of
19 such paragraphs shall be allotted to immigrants
20 who are natives of a foreign state or dependent
21 area that is not one of the two states with the
22 largest aggregate numbers of natives who are
23 beneficiaries of approved petitions for immi-
24 grant status under such paragraphs.

1 (C) For fiscal year 2022, 10 percent of the
2 immigrant visas made available under each of
3 such paragraphs shall be allotted to immigrants
4 who are natives of a foreign state or dependent
5 area that is not one of the two states with the
6 largest aggregate numbers of natives who are
7 beneficiaries of approved petitions for immi-
8 grant status under such paragraphs.

9 (2) PER-COUNTRY LEVELS.—

10 (A) RESERVED VISAS.—With respect to
11 the visas reserved under each of subparagraphs
12 (A) through (C) of paragraph (1), the number
13 of such visas made available to natives of any
14 single foreign state or dependent area in the ap-
15 propriate fiscal year may not exceed 25 percent
16 (in the case of a single foreign state) or 2 per-
17 cent (in the case of a dependent area) of the
18 total number of such visas.

19 (B) UNRESERVED VISAS.—With respect to
20 the immigrant visas made available under each
21 of paragraphs (2), (3), and (5) of section
22 203(b) of such Act (8 U.S.C. 1153(b)) and not
23 reserved under paragraph (1), for each of fiscal
24 years 2020, 2021, and 2022, not more than 85

1 percent shall be allotted to immigrants who are
2 natives of any single foreign state.

3 (3) SPECIAL RULE TO PREVENT UNUSED
4 VISAS.—If, with respect to fiscal year 2020, 2021, or
5 2022, the operation of paragraphs (1) and (2) of
6 this subsection would prevent the total number of
7 immigrant visas made available under paragraph (2)
8 or (3) of section 203(b) of such Act (8 U.S.C.
9 1153(b)) from being issued, such visas may be
10 issued during the remainder of such fiscal year with-
11 out regard to paragraphs (1) and (2) of this sub-
12 section.

13 (4) TRANSITION RULE FOR CURRENTLY AP-
14 PROVED BENEFICIARIES.—

15 (A) IN GENERAL.—Notwithstanding sec-
16 tion 202 of the Immigration and Nationality
17 Act, as amended by this Act, immigrant visas
18 under section 203(b) of the Immigration and
19 Nationality Act (8 U.S.C. 1153(b)) shall be al-
20 located such that no alien described in subpara-
21 graph (B) receives a visa later than the alien
22 otherwise would have received said visa had this
23 Act not been enacted.

24 (B) ALIEN DESCRIBED.—An alien is de-
25 scribed in this subparagraph if the alien is the

1 beneficiary of a petition for an immigrant visa
2 under section 203(b) of the Immigration and
3 Nationality Act (8 U.S.C. 1153(b)) that was
4 approved prior to the date of enactment of this
5 Act.

6 (5) RULES FOR CHARGEABILITY.—Section
7 202(b) of such Act (8 U.S.C. 1152(b)) shall apply
8 in determining the foreign state to which an alien is
9 chargeable for purposes of this subsection.