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 Representatives of the United States of America in Congress assembled,

2  SECTION 1. SHORT TITLE.

3  This Act may be cited as the “Fairness for High-

5  Skilled Immigrants Act of 2019”.

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

(a) In General.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

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

(2) by striking “(3), (4), and (5),” and inserting “(3) and (4),”;  

(3) by striking “subsections (a) and (b) of section 203” and inserting “section 203(a)”;

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

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

(b) Conforming Amendments.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking “both subsections (a) and (b) of section 203” and inserting “section 203(a)”;

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

(3) by amending subsection (e) to read as follows:

“(e) Special Rules for Countries at Ceiling.—

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

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the
note) is amended—

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

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

(d) EFFECTIVE DATE.—The amendments made by
this section shall take effect as if enacted on September
30, 2019, and shall apply to fiscal years beginning with
fiscal year 2020.
(c) Transition Rules for Employment-Based Immigrants.—

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

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

(B) For fiscal year 2021, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under such paragraphs.
(C) For fiscal year 2022, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2), (3), and (5) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2020, 2021, and 2022, not more than 85
percent shall be allotted to immigrants who are natives of any single foreign state.

(3) Special rule to prevent unused visas.—If, with respect to fiscal year 2020, 2021, or 2022, the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2) of this subsection.

(4) Transition rule for currently approved beneficiaries.—

(A) In general.—Notwithstanding section 202 of the Immigration and Nationality Act, as amended by this Act, immigrant visas under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be allocated such that no alien described in subparagraph (B) receives a visa later than the alien otherwise would have received said visa had this Act not been enacted.

(B) Alien described.—An alien is described in this subparagraph if the alien is the
beneficiary of a petition for an immigrant visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) that was approved prior to the date of enactment of this Act.

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