

110TH CONGRESS
2D SESSION

H. R. 5882

To recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2008

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

A BILL

To recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future.

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. RECAPTURE OF IMMIGRANT VISAS LOST TO**
4 **BUREAUCRATIC DELAY.**

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

1 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
2 IMMIGRANTS .—

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

6 “(A) 140,000;

7 “(B) the number computed under para-
8 graph (2); and

9 “(C) the number computed under para-
10 graph (3).

11 “(2) UNUSED VISA NUMBERS FROM PREVIOUS
12 FISCAL YEAR.—The number computed under this
13 paragraph for a fiscal year is the difference, if any,
14 between—

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

17 “(B) the number of visas actually issued
18 under section 203(b), subject to this subsection,
19 during the previous fiscal year.

20 “(3) UNUSED VISA NUMBERS FROM FISCAL
21 YEARS 1992 THROUGH 2007.—The number computed
22 under this paragraph is the difference, if any, be-
23 tween—

24 “(A) the difference, if any, between—

1 “(i) the sum of the worldwide levels
2 established under paragraph (1) for fiscal
3 years 1992 through 2007; and

4 “(ii) the number of visas actually
5 issued under section 203(b), subject to this
6 subsection, during such fiscal years; and

7 “(B) the number of visas actually issued
8 after fiscal year 2007 pursuant to an immi-
9 grant visa number issued under section 203(b),
10 subject to this subsection, during fiscal years
11 1992 through 2007.”.

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

16 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
17 IMMIGRANTS.—

18 “(1) IN GENERAL.—

19 “(A) BASE LEVEL.—Subject to subpara-
20 graph (B), the worldwide level of family-spon-
21 sored immigrants under this subsection for a
22 fiscal year is equal to—

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

1 “(ii) the sum of the number computed
2 under paragraph (3) and the number com-
3 puted under paragraph (4).

4 “(B) MINIMUM.—In no case shall the
5 number computed under subparagraph (A) be
6 less than 226,000.

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

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

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

22 “(B) the number of visas actually issued
23 under section 203(a), subject to this subsection,
24 during the previous fiscal year.

1 “(4) UNUSED VISA NUMBERS FROM FISCAL
2 YEARS 1992 THROUGH 2007.—The number computed
3 under this paragraph is the difference, if any, be-
4 tween—

5 “(A) the difference, if any, between—

6 “(i) the sum of the worldwide levels
7 established under paragraph (1) for fiscal
8 years 1992 through 2007; and

9 “(ii) the number of visas actually
10 issued under section 203(a), subject to this
11 subsection, during such fiscal years; and

12 “(B) the number of visas actually issued
13 after fiscal year 2007 pursuant to an immi-
14 grant visa number issued under section 203(a),
15 subject to this subsection, during fiscal years
16 1992 through 2007.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the first day of the first
19 fiscal year that begins after the date of the enactment of
20 this Act.

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