

116TH CONGRESS  
1ST SESSION

# H. R. 1044

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Ms. LOFGREN (for herself, Mr. BUCK, Mr. BACON, Mr. BARR, Mrs. BEATTY, Mr. BERA, Mr. BILIRAKIS, Mr. BLUMENAUER, Ms. BONAMICI, Mrs. BROOKS of Indiana, Ms. BROWNLEY of California, Mr. CALVERT, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. COMER, Mr. COOPER, Mr. COSTA, Mr. COURTNEY, Mr. COX of California, Mr. CROW, Mr. CURTIS, Ms. DAVIDS of Kansas, Mr. RODNEY DAVIS of Illinois, Ms. DEGETTE, Mr. DEUTCH, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. EMMER, Mr. ENGEL, Ms. ESHOO, Mr. ESPAILLAT, Mr. ESTES, Mr. FITZPATRICK, Mr. FOSTER, Mr. GIBBS, Mr. GONZALEZ of Texas, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. GUEST, Mr. GUTHRIE, Mr. HARDER of California, Ms. HERRERA BEUTLER, Mr. HICE of Georgia, Mr. HILL of Arkansas, Mr. HURD of Texas, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Ohio, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KATKO, Mr. KHANNA, Mr. KIND, Mr. KING of New York, Mr. KINZINGER, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LAWSON of Florida, Mr. LONG, Mr. LOWENTHAL, Mr. MALINOWSKI, Mr. MARSHALL, Mr. MASSIE, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mrs. RODGERS of Washington, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. NORMAN, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PERRY, Ms. PINGREE, Mr. PRICE of North Carolina, Mr. RASKIN, Miss RICE of New York, Mr. RIGGLEMAN, Mr. DAVID P. ROE of Tennessee, Mr. RUTHERFORD, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SHALALA, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Ms. STEFANIK, Mr. STEWART, Mr. STIVERS, Mr. SWALWELL of California, Mr. TAKANO, Ms. TITUS, Mr. TONKO, Mrs. TORRES of California, Mr. UPTON, Mrs. WAGNER, Mrs. WATSON COLEMAN, Mr. WELCH, Mr. WESTERMAN, Ms. WILD, Mr. WOODALL, Mr. YARMUTH, Mr. YOUNG, Mr. NEWHOUSE, Mr. NADLER, Mr. AGUILAR, and Mrs. MURPHY) 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 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”.

## 6 **SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN** 7 **STATE.**

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

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

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

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

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

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

1 (b) CONFORMING AMENDMENTS.—Section 202 of the  
2 Immigration and Nationality Act (8 U.S.C. 1152) is  
3 amended—

4 (1) in subsection (a)(3), by striking “both sub-  
5 sections (a) and (b) of section 203” and inserting  
6 “section 203(a)”;

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

8 (3) by amending subsection (e) to read as fol-  
9 lows:

10 “(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—  
11 If it is determined that the total number of immigrant  
12 visas made available under section 203(a) to natives of  
13 any single foreign state or dependent area will exceed the  
14 numerical limitation specified in subsection (a)(2) in any  
15 fiscal year, in determining the allotment of immigrant visa  
16 numbers to natives under section 203(a), visa numbers  
17 with respect to natives of that state or area shall be allo-  
18 cated (to the extent practicable and otherwise consistent  
19 with this section and section 203) in a manner so that,  
20 except as provided in subsection (a)(4), the proportion of  
21 the visa numbers made available under each of paragraphs  
22 (1) through (4) of section 203(a) is equal to the ratio of  
23 the total number of visas made available under the respec-  
24 tive paragraph to the total number of visas made available  
25 under section 203(a).”.

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

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

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

8       (d) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect as if enacted on September  
10 30, 2019, and shall apply to fiscal years beginning with  
11 fiscal year 2020.

12       (e) TRANSITION RULES FOR EMPLOYMENT-BASED  
13 IMMIGRANTS.—

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

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

1           titions for immigrant status under such para-  
2           graphs.

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

11          (C) For fiscal year 2022, 10 percent of the  
12          immigrant visas made available under each of  
13          such paragraphs shall be allotted to immigrants  
14          who are natives of a foreign state or dependent  
15          area that is not one of the two states with the  
16          largest aggregate numbers of natives who are  
17          beneficiaries of approved petitions for immi-  
18          grant status under such paragraphs.

19          (2) PER-COUNTRY LEVELS.—

20          (A) RESERVED VISAS.—With respect to  
21          the visas reserved under each of subparagraphs  
22          (A) through (C) of paragraph (1), the number  
23          of such visas made available to natives of any  
24          single foreign state or dependent area in the ap-  
25          propriate 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

1 Act, as amended by this Act, immigrant visas  
2 under section 203(b) of the Immigration and  
3 Nationality Act (8 U.S.C. 1153(b)) shall be al-  
4 located such that no alien described in subpara-  
5 graph (B) receives a visa later than the alien  
6 otherwise would have received said visa had this  
7 Act not been enacted.

8 (B) ALIEN DESCRIBED.—An alien is de-  
9 scribed in this subparagraph if the alien is the  
10 beneficiary of a petition for an immigrant visa  
11 under section 203(b) of the Immigration and  
12 Nationality Act (8 U.S.C. 1153(b)) that was  
13 approved prior to the date of enactment of this  
14 Act.

15 (5) RULES FOR CHARGEABILITY.—Section  
16 202(b) of such Act (8 U.S.C. 1152(b)) shall apply  
17 in determining the foreign state to which an alien is  
18 chargeable for purposes of this subsection.

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