



Fairness for High-Skilled Immigrants Act of 2019
H.R. 1044
Section-by-Section

Sec. 1: Short Title

- Fairness for High-Skilled Immigrants Act of 2019

Sec. 2: Numerical Limitation to Any Single Foreign State

- Amends INA §202(a)(2) to eliminate the per-country limitation on employment-based immigrants and changes the per-country limitation on family-based immigrants from 7 percent to 15 percent.
- **Conforming Amendments**
 - Conforming amendments to INA §202(a)(3) and INA §202(e), striking INA §202(a)(5).
- **Country Specific Off-Set**
 - Eliminates the offset in per country limits for the Chinese Student Protection Act of 1992.
- **Effective Date**
 - The amendments made by this act shall take effect as if enacted on September 30, 2019, and shall apply to fiscal years (FY) beginning with FY 2020.
- **Transitional Rules for Employment-Based Immigrants:**
 - **FY 2020:** 15% of EB-2, EB-3, and EB-5 visas shall be allotted to individuals who are natives of countries other than the two countries with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under the above-listed immigrant visa categories.
 - **FY 2021:** 10% of EB-2, EB-3, and EB-5 visas shall be allotted to individuals who are natives of countries other than the two countries with the largest aggregate

numbers of natives who are beneficiaries of approved petitions for immigrant status under the above-listed immigrant visa categories.

- **FY 2022:** 10% of EB-2, EB-3, and EB-5 visas shall be allotted to individuals who are natives of countries other than the two countries with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under the above-listed visa categories.
 - The number of visas reserved in FY 2020, 2021, and 2022, as described above, that are allocated to any single foreign state or dependent area in the appropriate fiscal year may not exceed 25% (in the case of a single country) or 2% (in the case of a dependent area) of the total number of visas available.
 - For FY 2020, 2021, 2022, no more than 85% of the EB-2, EB-3, and EB-5 visas made available under each visa category shall be allotted to immigrants who are natives of any single foreign country.
- **Special Rule to Prevent Unused Visas**
 - Includes a safety provision allowing for the total number of EB-2 and EB-3 visas to be allocated in FY 2020, 2021, or 2022 without regard to the transitional rules if such rules would prevent the total number of EB-2 and EB-3 visas from being issued.
- **Transition Rule for Currently Approved Beneficiaries**
 - Immigrant visas shall be allocated such that no individual who is the beneficiary of an employment-based immigrant visa petition that was approved prior to the date of enactment of this Act shall receive a visa later than such individual would otherwise have received a visa had this Act not been enacted.
- **Rules for Chargeability**
 - Current INA §202(b) shall apply in determining the foreign state to which an individual is chargeable.