Bill Summary:
Fairness for High-Skilled Immigrants Act, H.R. 1044

The Fairness for High-Skilled Immigrants Act, H.R. 1044, would amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrant visas, and to increase the per-country numerical limitation for family-sponsored immigrant visas. The bill is aimed at clearing backlogs for skilled workers from large countries, allowing them to come to the United States to work and obtain permanent residence, along with their spouses and children. It was introduced in February 2019 by Rep. Zoe Lofgren (D-California) and is almost identical to H.R. 392 introduced by Rep. Jason Chaffetz (R-Utah) in the previous Congress (115th). The bill has extensive bi-partisan support with over 250 co-sponsors in the House of Representatives.

What Would the Fairness for High-Skilled Immigrants Act Do?

- **Remove per-country caps for employment-based visas**, instead issuing them on a first-come, first-serve basis. Moving to a first-come, first-served process would give every immigrant an equal chance at obtaining permanent residency by issuing green cards by application date rather than country of origin.

- **Increase the per-country numerical limitation** from 7 percent to 15 percent of the total number of employment-based visas and visas for those in the family-based preference categories.
  - Raising this limit would allow families, some of whom have been waiting decades, to reunite more quickly. For some countries, waits have exceeded two decades. For example, an application filed 22 years ago by a U.S. citizen to sponsor an unmarried adult child from Mexico is potentially just now being processed in 2019. Similarly, an application filed 23 years ago by a U.S. citizen sponsoring a sibling from the Philippines is only now being processed.

Impact

- Significantly reduce visa backlogs -- estimated to be over 4 million -- enabling many immigrants to gain permanent residence faster and more easily.

  - Reducing the backlogs would allow spouses and children of H-1B visa holders to become permanent residents more quickly, reducing the number of children on H-4 dependent visas "aging out" and getting sent back to their home countries because they are unable to obtain their own H-1B visas in a timely manner.

- Increase wait times for people from lower-demand countries.
  - Removing per country caps for employment-based visas would result in people from countries with low demand waiting longer, as those who are capped out under the current system would then be ahead of them in the line.