

117TH CONGRESS  
2D SESSION

# H. R. 7374

To recapture certain unused immigrant visa numbers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2022

Ms. LOFGREN (for herself, Mr. NADLER, Ms. CHU, and Mrs. TORRES of California) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To recapture certain unused immigrant visa numbers, 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—

5               (1) the “Jumpstart Our Legal Immigration  
6       System Act”; or

7               (2) the “Jumpstart Act”.

1 **SEC. 2. RECAPTURE OF UNUSED IMMIGRANT VISA NUM-**  
2 **BERS.**

3 (a) ENSURING FUTURE USE OF ALL IMMIGRANT  
4 VISAS.—Section 201(c)(1)(B)(ii) of the Immigration and  
5 Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is amended  
6 to read as follows:

7 “(ii) In no case shall the number computed under  
8 subparagraph (A) be less than the sum of—

9 “(I) 226,000; and

10 “(II) the number computed under paragraph  
11 (3).”.

12 (b) RECAPTURING UNUSED VISAS.—Section 201 of  
13 the Immigration and Nationality Act (8 U.S.C. 1151) is  
14 amended by adding at the end the following:

15 “(g) RECAPTURING UNUSED VISAS.—

16 “(1) FAMILY-SPONSORED VISAS.—

17 “(A) IN GENERAL.—Notwithstanding the  
18 numerical limitations set forth in this section or  
19 in sections 202 or 203, beginning in fiscal year  
20 2022, the number of family-sponsored immi-  
21 grant visas that may be issued under section  
22 203(a) shall be increased by the number com-  
23 puted under subparagraph (B).

24 “(B) UNUSED VISAS.—The number com-  
25 puted under this subparagraph is the dif-  
26 ference, if any, between—

1 “(i) the difference, if any, between—

2 “(I) the number of visas that  
3 were originally made available to fam-  
4 ily-sponsored immigrants under sec-  
5 tion 201(c)(1) for fiscal years 1992  
6 through 2021, setting aside any un-  
7 used visas made available to such im-  
8 migrants in such fiscal years under  
9 section 201(c)(3); and

10 “(II) the number of visas de-  
11 scribed in subclause (I) that were  
12 issued under section 203(a), or, in ac-  
13 cordance with section 201(d)(2)(C),  
14 under section 203(b); and

15 “(ii) the number of visas resulting  
16 from the calculation under clause (i) issued  
17 under section 203(a) after fiscal year  
18 2021.

19 “(2) EMPLOYMENT-BASED VISAS.—

20 “(A) IN GENERAL.—Notwithstanding the  
21 numerical limitations set forth in this section or  
22 in sections 202 or 203, beginning in fiscal year  
23 2022, the number of employment-based immi-  
24 grant visas that may be issued under section

1           203(b) shall be increased by the number com-  
2           puted under subparagraph (B).

3           “(B) UNUSED VISAS.—The number com-  
4           puted under this paragraph is the difference, if  
5           any, between—

6                   “(i) the difference, if any, between—

7                           “(I) the number of visas that  
8                           were originally made available to em-  
9                           ployment-based immigrants under sec-  
10                          tion 201(d)(1) for fiscal years 1992  
11                          through 2021, setting aside any un-  
12                          used visas made available to such im-  
13                          migrants in such fiscal years under  
14                          section 201(d)(2); and

15                          “(II) the number of visas de-  
16                          scribed in subclause (I) that were  
17                          issued under section 203(b), or, in ac-  
18                          cordance with section 201(c)(3)(C),  
19                          under section 203(a); and

20                          “(ii) the number of visas resulting  
21                          from the calculation under clause (i) issued  
22                          under section 203(b) after fiscal year  
23                          2021.

24           “(3) DIVERSITY VISAS.—Notwithstanding sec-  
25           tion 204(a)(1)(I)(ii)(II), an immigrant visa for an

1 alien selected in accordance with section 203(e)(2) in  
2 fiscal year 2017, 2018, 2019, 2020, or 2021 shall  
3 remain available to such alien (and the spouse and  
4 children of such alien) if—

5 “(A) the alien was refused a visa, pre-  
6 vented from seeking admission, or denied ad-  
7 mission to the United States solely because of  
8 Executive Order 13769, Executive Order  
9 13780, Presidential Proclamation 9645, or  
10 Presidential Proclamation 9983; or

11 “(B) because of restrictions or limitations  
12 on visa processing, visa issuance, travel, or  
13 other effects associated with the COVID-19  
14 public health emergency—

15 “(i) the alien was unable to receive a  
16 visa interview despite submitting an Online  
17 Immigrant Visa and Alien Registration  
18 Application (Form DS-260) to the Sec-  
19 retary of State; or

20 “(ii) the alien was unable to seek ad-  
21 mission or was denied admission to the  
22 United States despite being approved for a  
23 visa under section 203(c).”.

1 **SEC. 3. ADJUSTMENT OF STATUS.**

2 Section 245 of the Immigration and Nationality Act  
3 (8 U.S.C. 1255) is amended by adding at the end the fol-  
4 lowing:

5 “(n) VISA AVAILABILITY.—

6 “(1) IN GENERAL.—Notwithstanding subsection  
7 (a)(3), the Secretary of Homeland Security may ac-  
8 cept for filing an application for adjustment of sta-  
9 tus from an alien (and the spouse and children of  
10 such alien) if such alien is otherwise eligible for such  
11 adjustment and—

12 “(A) such alien—

13 “(i) is the beneficiary of an approved  
14 petition under subparagraph (A)(i) or  
15 (B)(i)(I) of section 204(a)(1); and

16 “(ii) pays a supplemental fee of  
17 \$1,500, plus \$250 for each derivative bene-  
18 ficiary;

19 “(B) such alien—

20 “(i) is the beneficiary of an approved  
21 petition under subparagraph (E) or (F) of  
22 section 204(a)(1); and

23 “(ii) pays a supplemental fee of  
24 \$3,000; or

25 “(C) such alien—

1 “(i) is the beneficiary of an approved  
2 petition under subparagraph (H) of section  
3 204(a)(1); and

4 “(ii) pays a supplemental fee of  
5 \$15,000.

6 “(2) EXEMPTION.—The Secretary of State shall  
7 exempt an alien (and the spouse and children of  
8 such alien) from the numerical limitations described  
9 in sections 201, 202, and 203, and the Secretary of  
10 Homeland Security may adjust the status of such  
11 alien (and the spouse and children of such alien) to  
12 lawful permanent resident, if such alien submits or  
13 has submitted an application for adjustment of sta-  
14 tus and—

15 “(A) such alien—

16 “(i) is the beneficiary of an approved  
17 petition under subparagraph (A)(i) or  
18 (B)(i)(I) of section 204(a)(1) that bears a  
19 priority date that is more than 2 years be-  
20 fore the date the alien requests an exemp-  
21 tion the numerical limitations; and

22 “(ii) pays a supplemental fee of  
23 \$2,500;

24 “(B) such alien—

1 “(i) is the beneficiary of an approved  
2 petition under subparagraph (E) or (F) of  
3 section 204(a)(1) that bears a priority date  
4 that is more than 2 years before the date  
5 the alien requests an exemption of the nu-  
6 merical limitations; and

7 “(ii) pays a supplemental fee of  
8 \$7,500; or

9 “(C) such alien—

10 “(i) is the beneficiary of an approved  
11 petition under subparagraph (H) of section  
12 204(a)(1) that bears a priority date that is  
13 more than 2 years before the date the alien  
14 requests an exemption of the numerical  
15 limitations; and

16 “(ii) pays a supplemental fee of  
17 \$100,000.

18 “(3) EFFECTIVE DATE.—

19 “(A) IN GENERAL.—The provisions of this  
20 subsection—

21 “(i) shall take effect on the earlier of  
22 the date that is—

23 “(I) 180 days after the date of  
24 the enactment of this subsection; or

25 “(II) October 1, 2022; and



1 “(ii) except as provided in subpara-  
2 graph (B), shall cease to have effect on the  
3 date that is 10 years after the date of the  
4 enactment of this subsection.

5 “(B) CONTINUATION.—Paragraph (2)  
6 shall continue in effect with respect to an alien  
7 who requested a waiver of the numerical limita-  
8 tions and paid the requisite fee prior to the  
9 date described in subparagraph (A)(ii), until  
10 the Secretary of Homeland Security renders a  
11 final administrative decision on such applica-  
12 tion.”.

13 **SEC. 4. ADDITIONAL SUPPLEMENTAL FEES.**

14 (a) TREASURY.—Except as provided under sub-  
15 section (e), the fees collected under this section and under  
16 section 245(n) of the Immigration and Nationality Act (8  
17 U.S.C. 1255(n)), as added by section 3 of this Act—

18 (1) shall be deposited in the general fund of the  
19 Treasury of the United States; and

20 (2) may not be waived, in whole or in part, by  
21 the Secretary of Homeland Security.

22 (b) IMMIGRANT VISA PETITIONS.—In addition to any  
23 other fee collected in connection with a petition referred  
24 to in this subsection, the Secretary of Homeland Security  
25 shall collect a supplemental fee in the amount of—

1           (1) \$100 in connection with each petition filed  
2       under—

3           (A) section 204(a)(1)(A)(i) of the Immi-  
4       gration and Nationality Act (8 U.S.C.  
5       1154(a)(1)(A)(i)) for classification by reason of  
6       a relationship described under paragraph (1),  
7       (3), or (4) of section 203(a) of such Act (8  
8       U.S.C. 1153); and

9           (B) section 204(a)(1)(B)(i)(I) of such Act  
10       (8 U.S.C. 1154(a)(1)(B)(i)(I));

11       (2) \$800 in connection with each petition filed  
12       under subparagraph (E) or (F) of section 204(a)(1)  
13       of such Act (8 U.S.C. 1154(a)(1)); and

14       (3) \$15,000 in connection with each petition  
15       filed under subparagraph (H) of section 204(a)(1) of  
16       such Act (8 U.S.C. 1154(a)(1)).

17       (c) NONIMMIGRANT VISA PETITIONS.—In addition to  
18       any other fee collected in connection with a petition filed  
19       under section 214 of the Immigration and Nationality Act  
20       (8 U.S.C. 1184), the Secretary of Homeland Security shall  
21       collect a supplemental fee of \$500 in connection with each  
22       such petition for classification as a nonimmigrant under  
23       subparagraph (E), (H)(i)(b), (L), (O), or (P) of section  
24       101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

1       (d) EMPLOYMENT AUTHORIZATION.—In addition any  
2 other fee collected in connection with an application for  
3 employment authorization, the Secretary of Homeland Se-  
4 curity shall collect a supplemental fee of \$500 in connec-  
5 tion with each such application filed by an individual seek-  
6 ing such authorization as the spouse of a nonimmigrant  
7 described in subparagraph (E), (H), or (L) of section  
8 101(a)(15) of the Immigration and Nationality Act (8  
9 U.S.C. 1101(a)(15)).

10       (e) OFFSETTING COLLECTIONS.—The first  
11 \$400,000,000 collected in the aggregate from fees author-  
12 ized under this section and section 245(n) of the Immigra-  
13 tion and Nationality Act (8 U.S.C. 1255), as added by  
14 section 3 of this Act, shall be deposited in the “Immigra-  
15 tion Examinations Fee Account” established under section  
16 286(m) of the Immigration and Nationality Act (8 U.S.C.  
17 1356(m)) as offsetting collections, to be available until ex-  
18 pended, to the extent and in the amounts provided in ad-  
19 vance in appropriations Acts, for necessary expenses of  
20 U.S. Citizenship and Immigration Services for application  
21 processing, the reduction of backlogs within asylum, field,  
22 and service center offices, and support of the refugee pro-  
23 gram.

24       (f) EFFECTIVE DATE.—This section shall—

1           (1) take effect on the earlier of the date that  
2       is—

3                   (A) 180 days after the date of the enact-  
4       ment of this Act; or

5                   (B) October 1, 2022; and

6           (2) cease to have effect on the date that is 10  
7       years after the date of the enactment of this section.

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