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**This Immigration Update<sup>®</sup> from FosterQuan, LLP contains important information regarding the following:**

### **Immigrant Quota System May Change to “First-Come, First-Served” in 2014**

On November 29, 2011, the U.S. House of Representatives passed the Fairness for High-Skilled Immigrants Act (H.R. 3012), which provides for the eventual elimination of the “per-country” limitations on the number of permanent, immigrant visas available to beneficiaries of employment-based immigrant visa petitions. The proposed legislation would not increase the total number of immigrant visas available on an annual basis and would not serve to completely eliminate all immigrant visa backlogs. Rather, once fully implemented on October 1, 2014, the distribution of visas on a “first-come, first-served” basis will have the practical impact of reducing the current wait-time for lawful permanent residency for persons born in India and China. Applicants from all countries of origin would experience the same backlogs, which would be less than the backlog currently experienced by most Indian and Chinese-born applicants. In other words, the legislation will shorten the wait time for those born in India and China, but could lengthen the wait time for those born in all other countries.

The measure has moved to the U.S. Senate for consideration, where it has been placed on hold by Senator Chuck Grassley. If the legislation is ultimately approved by the Senate and signed into law by President Obama, the measure would serve to transition the current per-country, employment-based immigrant visa allocation system to a “first-come, first-served” system without per country limits by October 1, 2014.

Under the current per-country quota system, applicants from each country of origin may receive no more than seven percent of the total 140,000 immigrant visa numbers made available on an annual basis. The per-country limit has resulted in a severe visa backlog and lengthy wait for permanent residency for persons born in India and China. H.R. 3012 would remove the country-specific limits on a transitional basis at first, allowing for gradual increases in the percentage of immigrant visa numbers allotted to nationals of India and China over the course of the next several years.

The legislation also includes a measure that would increase the number of family-based immigrant visa numbers available for persons born in Mexico and the Philippines, which presently face the most severe backlogs under the current family-based immigrant visa preference system. The per-country limitations would increase from seven percent to 15 percent of the total 226,000 yearly allotment.

The Fairness for High-Skilled Immigrants Act, which has moved to the Senate judiciary committee, has been placed on hold by Senator Chuck Grassley of Iowa and it is undetermined how long the proposed legislation will remain on hold. Provided that the legislation is

ultimately approved by the Senate, favorable action by President Obama is anticipated. As always, FosterQuan will continue to monitor developments in connection with immigrant visa availability and will make additional updates available via our firm's [website](#).