



EMAIL BULLETIN

**CONGRESS DROPS PROPOSED LEGISLATIVE PROVISIONS FOR THE
“RECAPTURE” OF UNUSED IMMIGRANT VISA NUMBERS FROM
PREVIOUS FISCAL YEARS**

Backlogs in Immigrant Visa Availability Continue

12 January 2006

In mid-December of last year, the U.S. House of Representatives passed a version of the supplemental budget bill that dropped Senate proposals to “recapture” approximately 90,000 unused immigrant visa numbers from previous fiscal years.

According to U.S. Department of State estimates, approximately 90,000 to 100,000 employment-based immigrant visas were left unused in recent fiscal years, as CIS productivity in adjudications lagged significantly behind overall immigrant visa availability. As reported in previous Tindall & Foster Email Bulletins, CIS efforts to reduce backlogs and adjudicate applications for permanent residency more rapidly have led to recent, significant increases in visa availability backlogs.

While these backlogs are expected to continue, a recapture of up to 90,000 of the unused employment-based numbers from previous years would have provided some measure of immediate relief to offset the recent and dramatic retrogression in visa availability. However, the most significant and long-term relief would have come from an additional provision of the Senate plan which would have exempted dependent spouses and children from being counted under the quota system. As with the H-1B quota, only principal applicants would have counted under the Senate’s proposed change to the immigrant visa quota system.

With Congress’s failure to pass the Senate’s legislative proposals, it is anticipated that significant backlogs in immigrant visa availability will continue for the foreseeable future. The U.S. Department of State publishes its monthly Visa Bulletin to provide information on “movement” in visa availability. For a link to the Visa Bulletin, please visit the Tindall & Foster web site at www.tindallfoster.com/Immigration/.

As always, Tindall & Foster will continue to monitor proposed and pending legislation affecting immigrant visa availability and will provide updates via Email Bulletins and on the Tindall & Foster web site at www.tindallfoster.com/Immigration/ as they become available.