



# GMS Flash Alert

## Immigration Edition

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## United States – Bill Seeks to Remove Some Countries' Limits for Green Cards

On July 10, 2019, the U.S. House of Representatives passed a bill titled the “Fairness for High-Skilled Immigrants Act of 2019” ([H.R. 1044](#)), which seeks to increase the per-country cap on family-based immigrant visas from 7 percent to 15 percent and to further eliminate the 7-percent country quota on employment-based immigrant visas. This bill passed in the House by a wide margin and will now go to the Senate for vote, before it can be enacted into law.<sup>1</sup>

### WHY THIS MATTERS

H.R. 1044 would have the effect of a large number of Indian and Chinese nationals becoming eligible to file applications for permanent residence instead of being subject – as is currently the case – to significantly long periods of waiting for their immigrant visas to become available. It is anticipated that Indian and Chinese nationals will benefit from this bill. However, other foreign nationals could experience longer wait times to receive their immigrant visas if this bill passes Congress and is signed into law.

### Background

Currently, the U.S. Department of State sets a cap on the number of immigrant visas issued for each country. Only 7 percent of the total number of employment-based immigrant visas can be assigned to the nationals of any single country. Demand for immigrant visas from individuals born in India and the People’s Republic of China (“China”) is significantly greater than the supply provided by this quota. Accordingly, immigrant visa priority dates for individuals born in these countries are commonly and significantly retrogressed and they must wait years before their priority date is current so that they can apply for permanent residence.

Individuals born in countries other than India, the People’s Republic of China, El Salvador, Guatemala, Honduras, Mexico, Philippines, and Vietnam are usually eligible to apply for permanent residence concurrently with or soon after the filing of their employment-based immigrant petitions.

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H.R. 1044 does not make additional immigrant visas available to clear the current backlog but rather seeks to eliminate the 7-percent per-country cap on employment-based immigrant visas and to increase the per-country cap on family-based immigrant visas from 7 percent of the total number of visas available that year to 15 percent.

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## KPMG NOTE

If H.R.1044 is signed into law, it would create a single queue, per employment-based immigrant visa category, for all nationals irrespective of country of birth, instead of the separate queues for each country in each employment-based preference category currently in place.

A companion bill, S. 386 is presently under negotiations in the U.S. Senate.

We at KPMG Law LLP are tracking this matter closely and will keep readers posted on any further developments.

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## FOOTNOTE:

1 For the text of the bill, its status and related legislation, click [here](#).

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## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in Canada:



**Mira Khalid**  
**Associate/Attorney,**  
**U.S. Immigration**  
KPMG Law LLP – Tax + Immigration,  
Canada  
Tel. +1-416-943-7830  
[mirakhalid@kpmglaw.ca](mailto:mirakhalid@kpmglaw.ca)



**Asha Sairah George**  
**Manager/Attorney**  
**U.S. Immigration**  
KPMG Law LLP – Tax + Immigration,  
Canada  
Tel. +1-416-943-7816  
[ashasairahgeorge@kpmg.ca](mailto:ashasairahgeorge@kpmg.ca)

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