

112TH CONGRESS
1ST SESSION

H. R. 43

To amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. ISSA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States.

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. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
4 **GRAM.**

5 (a) WORLDWIDE LEVEL OF DIVERSITY IMMI-
6 GRANTS.—Section 201 of the Immigration and Nation-
7 ality Act (8 U.S.C. 1151) is amended—

8 (1) in subsection (a)—

1 (A) by inserting “and” at the end of para-
2 graph (1);

3 (B) by striking “; and” at the end of para-
4 graph (2) and inserting a period; and

5 (C) by striking paragraph (3); and
6 (2) by striking subsection (e).

7 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—

8 Section 203 of such Act (8 U.S.C. 1153) is amended—

9 (1) by striking subsection (e);

10 (2) in subsection (d), by striking “(a), (b), or
11 (c),” and inserting “(a) or (b),”;

12 (3) in subsection (e), by striking paragraph (2)
13 and redesignating paragraph (3) as paragraph (2);

14 (4) in subsection (f), by striking “(a), (b), or
15 (c)” and inserting “(a) or (b)”; and

16 (5) in subsection (g), by striking “(a), (b), and
17 (c)” and inserting “(a) and (b)”.

18 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-

19 TUS.—Section 204 of such Act (8 U.S.C. 1154) is amend-
20 ed—

21 (1) by striking subsection (a)(1)(I); and

22 (2) in subsection (e), by striking “(a), (b), or
23 (c)” and inserting “(a) or (b)”.

1 **SEC. 2. VISAS FOR CERTAIN EMPLOYMENT-BASED IMMI-**
2 **GRANTS WHO OBTAIN AN ADVANCED DEGREE**
3 **IN THE UNITED STATES.**

4 (a) IN GENERAL.—Section 203(b)(2) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1153(b)(2)) is
6 amended by adding at the end the following:

7 “(D) CERTAIN ALIENS OBTAINING AD-
8 VANCED DEGREES IN THE UNITED STATES.—
9 Visas shall be made available, in a number not
10 to exceed 55,000, to qualified immigrants
11 who—

12 “(i) are a member of a profession
13 holding an advanced degree obtained with-
14 in the United States;

15 “(ii)(I) obtained such degree within
16 the United States during the 5-year period
17 preceding the date on which the petition
18 filed under section 204(a)(1)(F) for classi-
19 fication under this subparagraph is filed;
20 or

21 “(II) has resided continuously in the
22 United States in a lawful nonimmigrant
23 status since obtaining such degree; and

24 “(iii) whose services in the sciences or
25 medicine—

1 “(I) are sought by an employer
2 in the United States; and

3 “(II) will substantially benefit
4 prospectively the national economy of
5 the United States.”.

6 (b) NUMERICAL LIMITATION.—

7 (1) IN GENERAL.—Section 201(d) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1151(d)) is
9 amended by adding at the end the following:

10 “(3) Aliens described in section 203(b)(2)(D) may be
11 issued visas or may otherwise acquire the status of an
12 alien lawfully admitted to the United States for permanent
13 residence in a number not to exceed 55,000 in any fiscal
14 year.”.

15 (2) CONFORMING AMENDMENT.—Section
16 201(a)(2) of such Act (8 U.S.C. 1151(a)(2)) is
17 amended by striking “and not to exceed” and insert-
18 ing “and, excluding immigrants described in section
19 203(b)(2)(D), not to exceed”.

20 **SEC. 3. EFFECTIVE DATE.**

21 The amendments made by this Act shall take effect
22 on October 1, 2011.

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