



IMMIGRATION POLICY CENTER

...providing factual information about immigration and immigrants in America

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Recapture of Unused Immigrant Visas: An Idea Whose Time Has Come

H.R. 5882 is a **bipartisan bill** co-sponsored by House Immigration Subcommittee Chair Zoe Lofgren (D-CA) and James Sensenbrenner (R-WI). This modest piece of legislation would simply permit the “recapture” or use of visas that have gone unused in past years due to bureaucratic delays. The visas would be issued to qualified family-based or employment-based legal immigrants. Despite claims to the contrary, H.R. 5882 does not increase visa number nor does it dramatically increase legal immigration. Rather, H.R. 5882 issues visas that were already authorized by Congress.

Read My Lips: No New Numbers. “Recapturing” lost visas would not authorize any new green cards; it would allow the government to issue green cards that Congress has already authorized.

- **Visas for legal immigrants are lost because of bureaucratic delays.** Each year, the Department of Homeland Security fails to issue all of the “green cards” allocated for that year. Under current law, the visa numbers do not “roll over” to the next year and the unused visas are lost. Unused or lost visa numbers result in longer delays for US citizens or legal residents to reunite with a close family member or in a delay for a US business to get a needed worker
- **Screening and eligibility standards are strict and unchanged:** Immigrants that would enter the U.S. on the recaptured visas would have to be screened and meet strict eligibility requirements. Employers who petition for workers must demonstrate that they have tried to, but cannot find U.S. workers to fill the position. In robust or sluggish economic times all employers must always demonstrate that US workers are not available to do the job and that a foreign worker is needed.

There are long backlogs of family members and workers who qualify for a visa.

The family based immigration system is badly backlogged and has a profound impact on America’s families. Immigrants who are not the “immediate relatives” of U.S. citizens must go through a quota system. This includes the spouses and minor children of legal residents and the adult children of US citizens. Because there are more people who qualify than there are visas available through the family system each year, many close family members of U.S. citizens and legal permanent residents are waiting in long backlogs. For example, spouses and minor children of legal permanent residents must wait seven to ten years to unite their families. Yet each year some of these visas are lost rather than going to qualified applicants. Similarly, each year there is a limited number of green cards available for immigrants already working in the U.S. on a temporary work visa who have met the requirements to gain permanent status. There are approximately 400,000-500,000 immigrants caught in the employment-based visa backlog. Each year some employment visas are lost rather than going to qualified applicants.

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