

Related Services

Immigration

'Jumpstart Act' to Recapture Unused Visas Introduced in House

Legal Update

04.25.2022

By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

On April 4, 2022, Rep. Zoe Lofgren (CA-19) introduced H.R. 7374, the "Jumpstart our Legal Immigration System Act," a bill that would recapture approximately 400,000 family- and employment-based visas, create an accelerated path to adjustment of status for those already in the United States, and provide additional funds to U.S. Citizenship and Immigration Services (USCIS) to improve visa processing. Much of the bill was included in the House-passed version of the Build Back Better Act.

According to a statement from Rep. Lofgren, the legislation would:

- Amend the Immigration and Nationality Act to prevent the future loss of unused employment-based visas by ensuring that they roll over to the family-based categories.
- Recapture unused immigrant visas from 1992 through 2021, including approximately 222,000 unused family-sponsored visas and approximately 157,000 employment-based visas.
- Allow an estimated 40,000 individuals who were selected for, but did not receive, diversity visas to reapply for such visas. These individuals were unable to finalize the process or enter the United States due to various executive orders or COVID-related office closures and restrictions.
- Allow individuals who are in the United States and eligible for adjustment to legal permanent resident (LPR) status except for the lack of an available visa number to apply for adjustment upon paying a fee. "This will allow individuals to receive work authorization while they wait for a visa number to become available and will prevent dependent children from 'aging out' of eligibility for LPR status," Rep. Lofgren's statement noted.
- Allow immigrants who are in the United States to receive an exemption from the immigrant visa numerical limits and adjust their status to permanent residence if

'Jumpstart Act' to Recapture Unused Visas Introduced in House



their immigrant visa petition has been approved for two years and they pay a supplemental fee.