

Appendix D

Recapture of Employment-Based Preference Immigrant Visa Numbers Unused in Fiscal Years 1999 and 2000 (Per Section 106(d) of Pub. L. 106–313)

In Fiscal Years 1999 and 2000, the annual numerical limits for Employment-based immigrant visa numbers were not reached. The American Competitiveness in the Twenty-First Century Act (Pub. L. 106–313 enacted October 17, 2000) recaptures those Employment-based numbers that were available but not used in Fiscal Years 1999 and 2000. Beginning in Fiscal Year 2001, those unused numbers (which totaled 130,107) are made available to applicants in the Employment First, Second, and Third preference categories once the annual Employment-based numerical limit has been reached. The total of Employment-based preference numbers available for a fiscal year is thus increased by the total of such numbers remaining in the pool (i.e., 130,107 minus the cumulative total of such numbers actually used for previous fiscal years).

Employment-Based Preference immigrant numbers unused under the annual numerical limit:

Fiscal Year	Employment-Based Preference Limit	Minus Numbers Used	UNUSED Numbers from Annual Limit	Numbers Used from the Pool
2001	192,074	186,536	5,538	0
2002	142,632	171,583	0	28,951
2003	171,532	83,020	88,512	0
2004	204,422	157,107	47,315	0
2005	148,449	242,293	0	93,844

Numbers provided under Section 106(d) to beneficiaries of Employment First, Second, and Third Preference petitions outside the Employment-Based Preference annual limit, and numbers remaining in the pool for future allocation:

Fiscal Year	Numbers Available under Section 106(d)	Total used for year	Remaining for future use
2001	130,107	0	130,107
2002	130,107	28,951	101,156
2003	101,156	0	101,156
2004	101,156	0	101,156
2005	101,156	93,844	7,312