

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 |
| 2006 | 143,949 | 133,584 | 10,365 | 0 |
| 2007 | 147,148 | 154,460 | 0 | 7,312 |

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 |
| 2006 | 7,312 | 0 | 7,312 |
| 2007 | 7,312 | 7,312 | 0 |