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## **Senate passes bill to ease EB-3 retrogression**

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The Senate unanimously passed last Tuesday (April 19, 2005) a measure that seeks to reclaim some 130,000 employment-based 3<sup>rd</sup> preference (EB-3) immigrant visa numbers that have been lost due to delays in processing.

This measure, appearing in the form of a rider to the Iraqi / Tsunami Relief supplemental appropriations bill, also requires that 50 percent of the reclaimed visa numbers be allocated to Schedule A occupations such as registered nurses and physical therapists. It was sponsored by Senators Schumer (D-NY), Hutchison (R-TX), and Kennedy (D-MA).

The House passed its own supplemental to the appropriations bill but did not include a similar measure for reclaiming the EB-3 visa numbers. The EB-3 measure will now be considered by both the House and Senate conferees in hopes that the House will support the Senate on this issue.

Although the House has no similar supplement to the appropriations bill, a bill sponsored by Rep. Tom Lantos (D-CA) also seeking to reclaim the lost EB-3 visa numbers is pending. The House, however, has not acted on the bill yet.

If it becomes a law, the EB-3 rider is expected to ease, if not eliminate, the 3-year retrogression of immigrant visa number processing for the EB-3 categories for the Philippines, China and India.

Retrogression occurs when immigrant visa numbers for a given year are oversubscribed due to the huge influx of immigrants. Many Filipino professionals like nurses, physical therapists, teachers, accountants, etc. enter the US under the

EB-3 category, thereby causing the oversubscription.

The oversubscription prompted the State Department to impose a cut-off date. For January 2005, the cut-off date was fixed at January 1, 2002. This means immigrant visa applications with priority dates falling on or after January 1, 2002 could not be processed until visa numbers were available.

The retrogression also translates to an estimated 3-year delay in the entry of Filipino professionals, mostly nurses and physical therapists. This month, the cut-off date has been moved to April 1, 2002. Thus, immigrant applications with priority dates before April 1, 2002 could now be processed. Next month, the cut-off date will advance to June 1, 2002.

Passing the EB-3 measure as a rider to the appropriations bill, underscores the urgency of filling the severely understaffed US hospitals with registered nurses. Unlike other legislative measures, the appropriations bill must be passed immediately as a matter of course.