

Healthcare Workforce Resilience Act – Section-By-Section

(Sponsored by Sens. Perdue, Durbin, Young, and Coons)

- **(d)(1): Provides the mechanism for recapturing unused employment-based immigrant visas from prior fiscal years. There are more than 200,000 visas that have not been used in prior fiscal years that are available for recapture.**
- **(d)(2): Limitations.**
 - **(d)(2)(A):** Limits the pool of recaptured visas by allocating up to 40,000 for doctors and nurses whose immigrant worker petitions were filed up to 90 days after the President terminates the COVID-19 emergency declaration.
 - **(d)(2)(B):** Allocates up to **25,000 visas to professional nurses** and up to **15,000 visas to physicians**.
 - **(d)(2)(C):** Exempts all recaptured visas that are issued from country cap limitations and specifies that visas shall be issued by order of priority date.
- **(d)(3): Number of recaptured visas available.**
 - **(d)(3)(A):** Establishes that the 40,000 visas that are made available for doctors and nurses will be taken from the total number of visas that were authorized by Congress but not used in FY1992 – FY2020.
 - **(d)(3)(B):** Reduces the total number of unused visas available for recapture as the 40,000 visas are processed and used.
 - **(d)(3)(C):** Exempts family members from the 40,000 visa cap for doctors and nurses but ensures that family members receive a visa from the pool of unused visas available for recapture.
 - **(d)(3)(D):** Technical rule of construction to clarify that the allocation and processing of the recaptured visas for nurses, doctors, and their families will not affect the current worldwide allocation for immigrant visas.
- **(d)(4): Premium Processing; Expedited Processing.**
 - **(d)(4)(A):** Requires the Secretary of Homeland Security to use premium processing procedures to quickly adjudicate qualifying petitions and applications under the bill.
 - **(d)(4)(B):** Requires U.S. Citizenship and Immigration Services (USCIS) to expedite the shipping of completed petitions requiring consular processing to the Department of State.
 - **(d)(4)(C):** Requires the Secretary of State to expedite processing of applications for the recaptured visas.
- **(d)(5): Employer Attestation. Requires petitioners for visas authorized under this legislation for immigrant workers coming from overseas to attest that the immigrant worker for whom the petition has been filed has not displaced and will not displace a United States worker.**