

## **Eliminating F3/married children and F4/sibling category in immigration reform?**

My regular readers may be wondering why I haven't been writing much about the discussions on comprehensive immigration reform. After all, given the noise it is creating, it would be natural to write about it. However, so far, any discussion about immigration reform is just speculation. So, I am waiting for an actual bill to be presented. Yet, I feel compelled to write about the following issue.

Last year, I wrote an [article](#) about what we may see in 2012. It didn't happen in 2012 but seems there is promise in 2013. I am convinced we will see most of the issues I discuss in my [article](#) addressed in comprehensive immigration reform. It is no secret that I am an advocate for the Startup and Stem Visas and cannot wait to see those become reality.

However, I did not anticipate that there may be a chance of sacrifice to existing preference categories, let alone ones that are so important to naturalized US citizens. F3, married children and F4 siblings of US citizens are two of the important family-based preference categories. These categories keep families together. As of the [April 2013 Visa Bulletin](#), F3 preference category applicants currently have to wait an average of 11 years (and about 20 years if you are from Mexico or Philippines). F4 category applicants have to wait an average of 12 years unless they are from Mexico, in which case they must wait 16 years, or 23 years 7 months if they are from the Philippines. That means someone who is already waiting in this so called 'line' has already had fees paid by a US citizen. Those fees have been collected by the US government.

There is an annual limit to all visas issued in every category in the United States. The F3 category has an annual limit of 23,400 and F4 has an annual limit of 65,000 visas. Employment-based visas have a limit of 140,000 per year which get sub-categorized too, making each type of visa even more limited (that's why we have the EB2 preference stagnant, for example). The potential idea seems to be to take the F3 and F4 visa categories and add them to the employment-based categories.

These visa limits were set many decades ago when the world, and the United States, were very different. The immigration system is old, hence the pressure from all directions to reform it. If indeed reform is what is required, then why take visa limits from one category to satisfy another? Why not just increase the total number of visas available? Isn't that what reform is about?

As I mention above, people have already paid hard earned money to submit petitions and are waiting in earnest for their priority dates to become current. Families are waiting intently to be united again. It would be nothing short of injustice to take away these categories.



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But if sacrifice is ultimately necessary, then why not look at a category that does not adversely affect US citizens? The Diversity Lottery category has a 55,000 visa limit allocated each year. The visa issuance is- as it is named- a lottery. The lottery winners apply knowing full well they may not 'win'. They have nothing much invested in the petition, other than some hope (perhaps fees too, but they take that risk). While the DV lottery serves an important group of people, in my opinion, F3 and F4 categories serve an even more important group of people- US citizens and their families. So, if sacrifice of an existing category is something that one is compelled to consider, especially in the event that an overall visa increase will not be considered, then take away the DV lottery and keep families united.

Originally posted on the [Watson Immigration Law Blog](#).

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**Tahmina Watson** is an immigration attorney and founder of Watson Immigration Law in Seattle Washington. She was a practicing barrister in London, UK, before immigrating to the United States herself. While her practice includes family-based and employment-based immigration, she has a strong focus on immigrant entrepreneurs and start-up companies. She can be contacted at [tahmina@watsonimmigrationlaw.com](mailto:tahmina@watsonimmigrationlaw.com). You can visit [www.watsonimmigrationlaw.com](http://www.watsonimmigrationlaw.com) to learn about Tahmina and her practice.

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