



Indians face 8-decade wait for green cards as backlog hits 1.2 million

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Despite the infusion of new green cards in 2021, Indian employer-sponsored applicants face an 8-decade wait for green cards, and nearly 200,000 will die before they could even theoretically reach the front of the line, according to a new study.

This backlog is caused entirely by insufficient numbers under the green card limits—not delays in processing applications, says David J. Bier, an immigration policy analyst at the Cato Institute, a Washington think tank.

While more employment-based green cards will become available in fiscal year 2021, the new numbers will prove to be far fewer than the number required to meaningfully reduce the backlog, he says.

Congress needs to address this problem immediately, Bier wrote citing new data released by the US Citizenship and Immigration Services (USCIS).

These show the green card backlog for employment-based immigrants in 2020 has surpassed 1.2 million applicants—the highest number ever.

From November 2019 to April 2020, the new data show that demand exceeded the number of green cards issued by more than 109,000. The monthly rate of increase in the backlog has tripled from the rate from 2018 to 2019.

About 68 percent of the employment-based backlog was from India in April 2020, Bier noted. This outcome is the result of country caps that limit nationals of any single birthplace to no more than 7 percent of the green cards in a year unless the green cards would otherwise go unused.

Another 14 percent was from China, and 18 percent from the rest of the world. The Chinese backlog actually declined slightly during 2020 through April, but the backlogs for Indians and all other applicants grew significantly.

As a result of President Donald Trump's ban on immigration from abroad based on unjustifiable economic concerns, about 121,000 family-sponsored green cards went unused in FY 2020.

So the EB backlog received an infusion (known as spillover) of that many additional green cards for FY 2021 above its normal allotment, Bier wrote.

This will certainly help bring the wait times down for skilled immigrants from India who have been the longest delayed, but not nearly enough for recently backlogged immigrants.

USCIS data shows that EB-2 and EB-3 category backlog from India reached 741,209 in April 2020 and that despite the spillover from the family-based categories, backlogged petitions still face an expected wait of 84 years.

Bier cited figures predicting that about 186,038 Indian immigrants will die (based on Social Security Administration mortality tables) before they receive green cards even if they could remain in line forever.

Bier also cited predictions using historical trends on abandoned petitions and accounting for aging out that only half the Indians in the backlog will receive green cards through the employment-based system.

For comparison, using numbers from November and not expecting the family-sponsored spillover, Bier noted that his paper earlier this year estimated that the backlog for India would take 89 years to clear with an expected 205,665 deaths before that time. Only 44 percent were expected to receive green cards.

Thus, the spillover will make a dent in the waits for new Indian applicants, but only a very small one. The main effect will be felt by those who entered the EB-2 line before 2012 or the EB-3 line before 2016.

Covid-19 has probably affected the green card backlog in other ways as well, Bier noted. The number of deaths of H-1B holders in the backlog has probably increased from the Social Security Administration's normal estimates.

There are probably more abandoned applications as well as a result of H-1B workers losing jobs from business closures and downsizing during the economic downturn, Bier wrote.

However, he did not think it was a huge number as the unemployment rate has not significantly changed in the most common H-1B occupations overall.

But no one can argue that the spillover of additional green cards for 2021 has solved the backlog for green cards for skilled workers, Bier wrote.

“Ultimately, Congress must act,” he said urging the legislature to “repeal the green card limits on individual countries and then increase (or better yet eliminate) the overall caps on green cards for employment-based immigrants.”

“The United States has already fallen far beyond the rest of the developed world for work-based permanent migration, and allowing this backlog to continue will only exacerbate that trend,” Bier wrote.