Battle for US green cards: Indians and Chinese split over reforms

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A new U.S. bill seeks to address a long backlog of green card applicants, mostly of Indian and Chinese origin. But the two communities have taken divergent stances on the legislation.   © Getty Images

NEW YORK -- Asian immigrants are on tenterhooks over proposed legislation to reform the U.S. permanent residency system, where over half a million from India and tens of thousands from China are stuck in a backlog waiting for green cards.

When the Senate shot down the bill for the fourth time last week, the reactions of the two communities were in stark contrast.

For Joe Yin, a physicist working toward his Ph.D. at the City University of New York, the news came as a relief. Yin has volunteered as an organizer for weeks, rallying fellow Chinese immigrants to speak out against the legislation, which he said "would hurt the community tremendously."

But Sandeep Sharma, a San Diego-based Qualcomm employee, was deeply disappointed. Despite working over a decade for the American chipmaker -- and being granted dozens of U.S. and international patents in that time -- the Indian engineer believes that without the proposed reforms, he and others like him have "no secure future" in the country.

The Fairness for High-Skilled Immigrants Act proposes to eliminate the 7% per-country cap imposed on the 140,000 employment-based green cards issued every year. This restriction has disproportionately affected applicants from India and China, the world's two most populous countries and the biggest exporters of skilled workers, especially in science and technology.

The bipartisan act, introduced in February, would process employment-based green card applications on a first-come, first-served basis regardless of country of origin. A House version backed by tech companies including Amazon, Microsoft and Google parent Alphabet Inc. -- all big sponsors of work visas -- passed by a 365-65 vote.

David Bier, an analyst at the Washington-based Cato Institute, estimates that at the current pace it will take 49 years to process the Indian backlog. Immigrants of Chinese origin would have to wait six years, while the rest of the world would get to bypass them with almost no wait.

Immigrants in the U.S. remain dependent on employers' sponsorship until they obtain permanent residency, with people instantly losing legal status if they are laid off. Many avoid frequent international travel to minimize the risk of being denied reentry.

Indian nationals are perceived as the main -- if not sole -- beneficiary and advocate of the changes at the expense of those from other countries, whose wait times will drastically increase.

"We empathize with Indian immigrants' long wait times, but this inefficient, zero-sum bill would ... further diminish employment opportunities for international students and immigrants from other countries," blogged the Chinese American Civic Action Alliance, a grassroots campaign started in August. The proposed changes would increase the wait time for Chinese green card applicants to 10 years, the organization estimates.

Some also believe that the long backlog of Indian green card applicants is attributable to alleged work visa abuse by Indian information technology outsourcing companies.

Seven such companies accounted for 20% of all H-1B work visas issued in 2014, according to an analysis by Howard University political science professor Ronil Hira. Indian nationals accounted for 74% of all H-1B petitions filed in fiscal 2018. The Fairness for High-Skilled Immigrants Act has been amended with anti-fraud provisions.

A Senate motion to pass the legislation with unanimous consent -- which would allow it to skip committee hearings and consideration -- was rejected by Sen. Dick Durbin last week. Only one objection is required for such a motion to fail.

Durbin proposes an increase to the total number of green cards issued, in addition to lifting country caps.

"Let's be clear -- lifting green card country caps alone without increasing green cards ... will not eliminate the backlog for Indian immigrants," Durbin said in a Senate session last week.

"And it will dramatically increase backlogs for the rest of the world," he said.

Durbin's competing legislation, the Relief Act, vows to clear the entire backlog over a five-year time frame and is endorsed by such organizations as the Institute of Electrical and Electronics Engineers.

But the Cato Institute's Bier told the Nikkei Asian Review that a proposal to issue more green cards has little chance of being enacted by the Trump administration, which has an antagonistic stance on immigration.

"A lot of people are focusing on the 'Fairness' bill as a first-step measure," Bier said. But "at this point, it seems like it's not going to become law" because of the deadlock in the Senate, he said.

Meanwhile, immigrants like Sharma remain in a state of limbo with years or even decades of waiting ahead.

"We have the constant fear of our lives being destroyed, if for any reason -- business, recession, injury to either of us -- [we lose] our jobs and hence H-1B sponsorship," Sharma said. "And to be

very clear, this is not about race. I fully sympathize with all nationalities. It's just that we are on the extreme end of suffering," he said.