

Can we fix a century of Green Card backlogs?

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Slow-growing US green card caps, delays and waste have characterized the system for a century, and are only worsening under politically polarized immigration laws.

At a March 1 Ethnic Media Services briefing, immigration policy experts discussed how we have reached our present crisis, economically sound solutions and the human cost of our current system.

In 2024, 1.1 million people are expected to receive green cards from 35 million pending applications. In other terms, only about 3 percent of the people who have submitted green card applications will receive permanent status.

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This low approval rate owes not to the convoluted process of applying for a green card but to green card caps, said David J. Bier, Associate Director of Immigration Studies at the Cato Institute. Until 1922, when backlogs began, about “98 percent of the applicants who tried to get the then-equivalent of legal permanent residence were approved.”

David J. Bier, Associate Director of Immigration Studies at the Cato Institute, explains why increasing legal immigration is key to solving the border crisis.

By the mid-1920s, the approval rate was about 50 percent due to the Immigration Act of 1924, setting “very low numerical limits based on country of birth, particularly restricting legal immigration from Eastern Europe and Asia. In the early ‘30s, we adopted a later phased-out public charge rule that banned almost all applicants,” explained Bier. Approvals remained below 20% during and after World War II, “and this is how we got from open borders to what we have now, which is almost closed borders — a 98 percent approval rate down to 3% for the last few years.”

Immigrants with pending requests for green cards and green card limits

Category	2019 applicants	2023 applicants*	2024 green card limits	Share receiving green cards
Lottery	22,425,053	22,185,619	54,833	0.2%
Family (total)	7,228,693	8,320,751	See breakdown below	8.0%
Family preference	6,475,582	7,130,686	226,000	3.0%
Immediate relatives	753,111	1,190,065	No cap (429,268 processed)	36.0%
Employment-based	1,199,728	1,800,524	161,000	8.0%
Asylum	801,693	1,772,452	No cap (51,530 processed)	3.0%
Refugee	~100,000	358,000	125,000	35.0%
U visa (crime victims)	230,481	334,018	Cap: 10,000 principals + 13,155 family	7.0%
Cubans	35,872	36,578	No cap (33,193 processed)	91.0%
Cancellation of removal	~10,000	20,000	4,000	20.0%
T visa (trafficking victims)	3,420	11,470	5,000	44.0%

Green card applications in 2019 and 2023-24. (Credit: David Bier / The Cato Institute.)

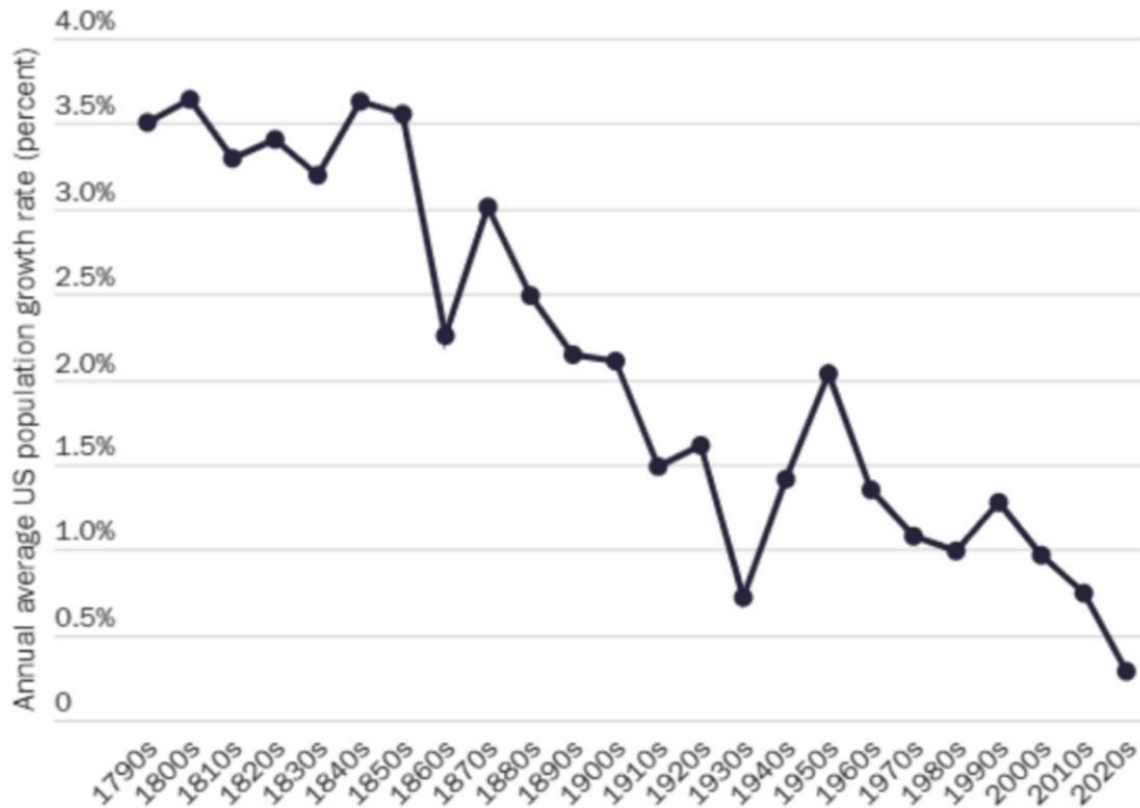
Despite the fact that green card applications have more than tripled from about 10 million in 1996 to 35 million now, modern caps — which were originally set by the Immigration Act of 1990 — have barely risen, from 357,000 annually in 1990 to just over 575,000 in 2024.

“The caps are arbitrarily determined by the President in consultation with Congress, they have no basis in reality,” said Bier.

US population growth — which was 0.1 percent in 2021 and has been roughly 0.25 percent this decade so far — has never been lower.

“Even if after accepting the 35 million pending green cards, we increased ongoing legal immigration five-fold, we still wouldn’t catch up to Canada’s foreign-born population share,” Bier added. “The US is a huge country, there’s no reason population wise we can’t welcome these people.”

Annual average US population growth rate by decade



Annual US average population growth by decade. (Credit: David Bier / The Cato Institute.)

The economics

Clearing green card backlogs by welcoming more legal immigrants makes major economic sense, said Jack Malde, a senior immigration and workforce policy analyst at Bipartisan Policy Center.

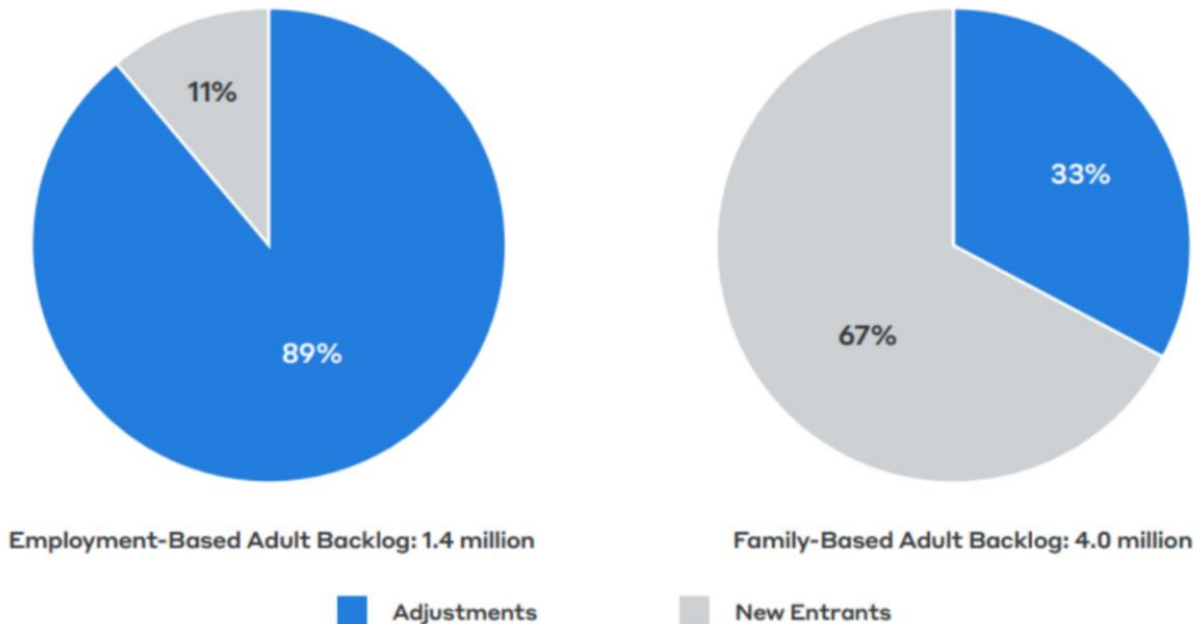
As 89 percent of the employment-based backlog involves people currently in the US on temporary, work-restricted visas, “removing those labor market restrictions allows them to advance in their likely higher-skilled careers,” he explained.

Jack Malde, Senior Policy Analyst, Immigration and Workforce Policy at Bipartisan Policy Center, discusses the importance of changing the narrative on immigration and ensuring Americans have an accurate understanding of how it impacts the United States.

“On the other hand, most of the family-based backlog are currently outside of the country, so green cards would allow them to contribute to our economy by paying taxes and entering our labor force, which is in dire need of new workers with shortages across industries and an aging population dependent on federal benefits,” Malde continued

As of March 2023 the employment-based adult backlog is 1.4 million (1.8 million total, across ages) and the family-based adult backlog is 4 million (5.8 million total), per a Bipartisan Policy Center [report](#).

What would be the final gain?



Employment-based and family-based green card backlogs as of March 2023. (Credit: Jack Malde / Bipartisan Policy Center.)

Clearing current employment and family-based backlogs, not including future ones, would result in a moderate projection of \$3.9 trillion in GDP gains in the next 10 years — though as low as \$2.8 trillion or as high as \$4.9 trillion.

US immigrants who arrive at age 25 as high school dropouts have a net fiscal impact of +\$216,000, not including descendants, which reduces their net fiscal impact to +\$57,000. By comparison, American-born dropouts of the same age have a net fiscal impact of -\$32,000 that drops to -\$177,000 including their descendants.

“It’s a mistaken perception that there are a fixed number of jobs in the economy,” said Malde. “When immigrants enter the country, they create more jobs for US-born workers, because they contribute their skills.”

The human cost

“Working legal immigrants and their children are in danger of falling out of status in a never-ending limbo,” said Cyrus Mehta, an immigration lawyer and founding and managing partner of Cyrus D. Mehta & Partners.

Cyrus Mehta, Immigration Lawyer and the Founder and Managing Partner of Cyrus D. Mehta & Partners, discusses green card application backlogs and their longterm impact on immigration to the United States.

Employee-sponsored temporary visas like an H1 “get them in backlogs that last forever with extension after extension as non immigrants bound to employers, and in the process, the US loses,” he continued. “They get frustrated and go to countries with much more attractive immigration benefits and systems, like Canada, and so the US may not be able to maintain its world leadership with respect to attracting the best and brightest.”

Alongside spouses, the children of these sponsored immigrants get temporary H4 visas until 21, when they’ll most likely age out “due to horrendous backlogs,” Mehta explained. Even if the child gets a student F1 visa for college, “it requires them to have a non-immigrant intent to return to the foreign country.”

Meanwhile, there’s an H1 cap for employees with U.S. master’s degrees if the child continues to graduate school — and if the child is lucky enough to get one, they start the green card process again. The parent’s priority date cannot be transferred.

As a policy fix, Mehta suggested counting unified family units rather than discrete family members for caps in the employment and family-based categories, or allowing temporary visa holders already in the U.S. to file for early status adjustment before their priority date, so their children’s ages are frozen. “But you can imagine what an unworkable, untenable, unhuman system this whole thing is, especially for a child who has been here for their whole life,” he said. “To free up visas, bipartisan agreement from Congress is hard, this issue is politically fraught ... but once you show that an administrative policy is successful, then Congress may someday bless it. Parole is one example.” (Ethnic Media Services)