

The Mercury News

Green card share for skilled Indian immigrants drops as application share rises, report says

Ethan Baron

February 27, 2020

While a fierce debate rages over a U.S. Senate bill to scrap per-country green card limits — with opponents claiming it would give unfair advantage to Indian citizens — the share of green cards going to skilled Indian workers has dropped, according to a new report.

Meanwhile, the share of green card applications filed by employers for Indians has risen, according to the report released this week by the Cato Institute.

Skilled Indian workers received 10 percent of available green cards in the two largest green card categories — the EB-2 and EB-3 visas for skilled workers — in 2019, down from 14 percent the year before, the report said. Meanwhile, the share of applications filed for Indian citizens by employers jumped to 53 percent from 50 percent, according to the report.

Virtually all applicants for EB-2 and EB-3 green cards are on the H-1B visa or other temporary work visas, said report author David Bier, a Cato immigration-policy analyst. Hundreds of thousands of foreign citizens, the vast majority from India, are stuck in a green card backlog with wait times reaching decades, Cato has reported.

The disparity between the proportion of green cards allotted to Indians and the share of green card applications made for Indians has persisted for years, but broadened significantly from 2018 to 2019, the report said.

“Nearly all (93 percent) of the immigrants waiting for green cards solely because of the low immigration limits are from India,” the report said.

Under federal law, no single nationality can receive more than 7 percent of the total green cards issued per year, though undistributed green cards can be added to that percentage on a first-come, first-served basis.

A bill to address green card waits, The Fairness for High-Skilled Immigrants Act, passed the U.S. House of Representatives last fall, but has been tied up in the U.S. Senate amid a bitter dispute over whether it is fair to citizens of other countries and U.S. workers to start giving Indian citizens a lion's share of green cards.

The bill calls for a maximum 85 percent of green cards to be allocated to Indian or Chinese citizens during the first year of implementation. In the second and third years, that would rise to 90 percent.

Bier, in the report, expressed support for the bill, saying the current law creates an “exceptionally unjust system.” Declines in Indians’ share of green cards “will have devastating consequences for recent Indian applicants, effectively guaranteeing that they will not receive green cards at all,” Bier wrote. “Many Indians would die waiting for green cards if they could stick it out, so most will leave the line before then.”

But Center for Immigration Studies lawyer John Miano said the bill “would create a total train wreck in the immigration system.”

Miano pointed to the controversial H-1B visa — intended for jobs requiring specialized skills, used heavily by tech firms and outsourcing companies, and dominated by Indian citizens — as a significant driver of the green card backlog.

“The reason we have the limited green card problem is that Congress in its dubious wisdom allowed H-1B workers to have dual intent — be able to apply for green cards,” Miano said via email. “Then in 2000, Congress, in its total incompetence, allowed aliens to remain in H-1B status indefinitely once they get into the green card queue. This outcome of this was entirely predictable: bigger backlogs.

“The bill does not reduce the green card backlog. It simply shifts India to the front of the line. Imagine when the restaurant industry discovers French chefs can no longer get green cards. Imagine when the hospital industry discovers nurses can no longer get green cards.”