



The Feds Wasted 66,000 Green Cards in the Middle of a Worker Shortage

The immigration bureaucracy is worsening one of the tightest labor markets in recent American history.

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Federal immigration officials issued about 66,000 fewer employment-based green cards than allowed by law last year—despite one of the tightest labor markets in recent American history and apparently without regard for the millions of would-be immigrants waiting in line for a green card.

It's becoming increasingly obvious that a sharp downturn in legal immigration—due to policies implemented by the Trump administration and the shuttering of many immigration offices during the COVID-19 pandemic—is one of the driving factors behind the country's labor force imbalance. There are more than 11 million job openings in America but only about 6 million unemployed workers. That means the unemployment rate has fallen to a near-record low—but it could fall all the way to zero and there would still be leftover demand for more workers.

The good news is that there are more than 1.4 million would-be immigrants waiting for an employment-based green card to be issued by the federal government. The bad news is that only 195,507 of the 262,288 available green cards were issued during fiscal year 2021, according to recently released State Department data.

That means more than 66,000 green cards expired without being issued last year, according to David J. Bier, a research fellow at the libertarian Cato Institute.

While part of the problem is simply run-of-the-mill bureaucratic incompetence, some of this was by design. As Bier explained in *The Washington Post* last year, this mess began with the Trump administration's decision in April 2020 to block immigrants sponsored by their family members from obtaining green cards. That meant there were about 120,000 family-sponsored green cards that went unused during the 2020 fiscal year. By law, those unused visas roll over to become employment-based green cards in the following year.

As a result, the number of employment-based green cards available in 2021 was significantly higher than usual: It included the usual annual allotment of 140,000 employment-based visas and the leftover 120,000 family-sponsored green cards from the previous year. But that rollover is good for only one additional year of eligibility—any unused employment-based green cards expired at the end of the fiscal year if they were still unawarded (including any that came over from the family-sponsored system). The number of green cards issued by the end of the fiscal year 2021 nearly rebounded to pre-pandemic levels, but the recovery didn't happen fast enough to make up for all the extra visas in the system last year.

Facing that avalanche of extra green cards that could have been awarded last year to would-be workers, the Biden administration dropped the ball. "The U.S. government simply failed to make the necessary changes fast enough to ensure that every green card was issued, so those green cards were wasted," writes Bier.

That is likely exactly what the immigration restrictionists in the Trump administration wanted to see happen. The American immigration system was already hopelessly complex, but the changes implemented by the Trump administration have turned the immigration bureaucracy against the very people who are doing the thing conservatives usually say they want immigrants to do—wait in line and enter the country legally.

After more than a year in office, Biden must also share the blame for these bureaucratic failures, even if the system was deliberately sabotaged in some ways by his predecessor. As *Reason's* Fiona Harrigan summarized in January: "Two years into the pandemic, 60 percent of U.S. embassies and consulates are still partially or completely closed for visa processing. Nearly 440,000 immigrant visa applicants whose cases are 'documentarily complete' are still waiting for visa appointments (the State Department scheduled just 26,605 appointments for this month). The nation's refugee intake hit a record low in fiscal year 2021 and our numbers aren't on pace to be any better in 2022. Legal immigration collapsed under Trump; it hasn't rebounded under Biden."

We are finally seeing some small indicators of progress. As part of what it says is an "effort to increase efficiency and reduce burdens," the U.S. Citizenship and Immigration Services (USCIS) in March announced plans to deal with an "agency-wide backlog" in cases.

But the announced changes hardly inspire much confidence. For example, USCIS says that its new goal is to ensure that the processing of the I-485 form, which is required before someone can qualify for a green card, will now take *only* six months.

Of course, America needs more workers of all varieties and not just those seeking green cards and permanent residency. But the 66,000 green cards that went to waste last year, and the long line of people waiting to receive one, are a good illustration of what's wrong with an immigration system that prioritizes bureaucratic processes over the needs of people and the economy.

America has jobs to fill. There are immigrants waiting in line to work here. Biden should get the bureaucrats out of the way.