

US Senate passes S386 Bill that eliminates country-caps on employment-based green cards

This could potentially benefit thousands of Indians who are waiting for green card in the country. However, there are also some challenges.

December 3, 2020

The US Senate December 2 passed the S386, Fairness for Skilled Immigrant Act that aims to remove country-caps on the employment-based green cards. This could potentially benefit thousands of Indians who are waiting for a green card in the country.

There are 7.4 lakh Indians in the employment-based green card backlog, according to reports.

The S386 Bill will eliminate the 7 percent country cap, clearing the massive backlog for Indians. Once it comes into effect, the oldest applicants by priority date would get the green card first, as it would follow a first-come-first-served basis. For newer applicants, it would still take a proportionate amount of time before their turn comes

What changes in the S386 Bill passed by the Senate?

The Bill that was passed on Wednesday is different from the one passed in the House of Representatives. New additions include exclusion of Chinese nationals or any alien, associated with the People Republic of China or the Chinese Communist Party.

Other changes that could impact Indians include allocating 70 percent of the green card to H-1B holders and their dependents for one to nine years. This would become 50 percent in consecutive years.

That is why the move has brought some cheer to the Indian nationals, some of whom have been waiting for decades to get a green card.

A Cato Institute report revealed it would take 84 years for Indians to get their green card, with close to a lakh of them dying without getting the card.

But, are there any challenges?

Yes. It is not clear how long the process would take since it has to be approved by the House and then the Senate again before it becomes a law.

Immigration experts have pointed out that there is not much clarity on what changes the House will make in the S386 and whether those will get reapproved by the Senate.