



Explained: What proposed change in US Green Card legislation means for Indians

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The US House of Representatives Wednesday struck down the 7 percent country-cap on Green Card applications that is currently in force in the country. The bill titled 'Fairness for High-Skilled Immigrants Act of 2019' or 'HR 1044' was passed by an overwhelming 365-65 votes in a 435-member House.

It now needs to be passed by the Senate and get approved by the US President in order to become law.

What is a Green card

A Permanent Resident Card, also known as a 'Green Card', allows a non-US citizen to live and work permanently in America.

Green Card holders can qualify for US citizenship generally after three to five years. Over 10 lakh migrants from around the world are known to receive Green Cards yearly.

How to get a Green Card

In order to get a Green Card, first, an immigrant petition has to be made to the United States Citizenship and Immigration Services (USCIS). In most cases, this petition has to be made by a sponsor, such as an employer. Skilled migrants from India typically require their employers to fill the I-140 form at this stage.

Once the petition is approved, a Green Card application has to be filed with the USCIS or a visa application has to be made with the US State Department. Finally, a decision regarding the application is made only after an interview.

The Cato Institute in Washington released a study in 2018 saying, that based on current law and backlog, Indian nationals holding advanced educational degrees may have to wait over 150 years in order to get a Green Card.

Popular Green Card categories

Categories of employment-based visas under which Indian professionals are known to apply are the 'EB-1', or priority workers with extraordinary ability, 'EB-2' or those holding advanced degrees, and finally the 'EB-3' or skilled workers. The EB-2 category generally sees the most number of applicants.

In April 2018, it was reported that of the 632,219 Indians with their spouses and minor children in the waiting line for the Green Card, 83,578 belonged to EB-1, 4,33,368 to EB-2, and 1,15,273 to EB-3.

What the amendment means

A change in the existing law can mean that immigrants from countries like India and China seeking permanent residency could expect shorter wait times.

Indian IT professionals, who under the existing law would have to wait up to 70 years as some studies suggest, can now hope for a fairer system with lesser processing time.

Apart from removing caps for employment-based Green Cards, caps for family-based categories have also been increased to 15%.