



## US Green Card – still a pipe dream for Indians?

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As of April 2020, there are close to 8 lakh Indians waiting to get their employment-based green cards, the largest compared to any of the countries, waiting for a green card, in the world.

According to a research by US Policy think tank Cato Institute, at this rate it would take 84 years for Indians to receive a green card.

This could lead to over a lakh of them dying, estimates the report, unless the Biden administration can make S386 a reality.

### What is S386?

S386, a bill that does away with country caps for green card, has been in a limbo for a long time. It was first introduced in 2019. Currently there is a 7 percent limit on green cards issued per country.

The limit affects Indians the most, especially those under employment-based immigration, EB-2 and EB-3 through highly-skilled immigration visa like H-1B. Indians are the largest beneficiaries of both the visas.

For instance, of the 8 lakh Indians, as much as 7.4 lakh of them are under EB-2/EB-3 category.

This means that while Indians wait for decades to get their green cards, those from other countries with much smaller population can get them in a matter of few years.

The bill was introduced by 14 senators, like Mike Lee and Kamala Harris, in 2019 to address that unfairness. The idea was to do away with the country cap so that those who are waiting in the queue the longest would get their GC first.

However, this was blocked by Senator Dick Durbin and most recently by Senator Rick Scott. This came after Durbin, who has been opposing the bill since 2019, and Lee came to an agreement.

Now the bill is likely to be tabled again in January 2021 after Joe Biden assumes charge as the new President, reports said.

## **What are the chances of it getting passed under Biden?**

One of the immigration reforms Biden said in his election agenda was "...eliminating the limits on employment-based green cards by country, which have kept so many Indian families in waiting for too long."

Though it is promising, it easier said than done.

Immigration attorneys have pointed out to Moneycontrol earlier that it would be tough for the Biden administration to bring in the changes when they don't have sufficient majority to pass the immigration reforms.

Senate is currently fractured. Kellen Powell, an immigration attorney, explained: "Biden would need at least three Republican Senators to agree to any legislation to get it through the Senate. Each legislation has to pass both Houses of the Congress -- the House of Representatives and the Senate."

Currently, Democrats have 46 senate seats compared to 48 of the Republicans'. Democrats are hopeful that they can win two seats in Georgia making it a tie. But even with a tie, it would still be tough to bring in immigration reforms without Republican support like Powell pointed so.

As things stand, there is a possibility that the bill might not be passed this time and blocked by Republican senators. It is going to be a wait and watch to see if things could change under the Biden administration for Indians.