

## Joe Biden likely to reverse Trump administration's proposal to revoke work authorisation for H-1B spouses

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**New Delhi:** US President-elect Joe Biden is likely to reverse a proposal by the current US administration to revoke work authorisation for spouses of H-1B holders and propose an immigration Bill that will considerably ease the green card process and reduce time to citizenship for applicants. Also, the incoming US administration is expected to take steps to reduce the employment backlog, immigration experts told *Economic Times*.

“This proposal is the type of reform the legal immigration community has been seeking for years,” Nandini Nair, partner at law firm Greenspoon Marder, told the business daily. “If this Bill can actually become law, it would substantially decrease the wait time for green cards for many foreign nationals from backlogged countries, such as India and China,” she added.

The Bill, expected to be introduced soon after his inauguration later today, will be sent to Congress immediately for approval, the Washington Post reported. It will then have to be passed by both Houses before it can be signed into law. Due to country cap, Indians at present face decades-long wait for green cards.

The green card backlog for employment-based immigrants in 2020 crossed 1.2 million applicants, the highest ever. Indians comprise about 68% of this, or about 800,000, according to data from the United States Citizenship and Immigration Services (USCIS).

Indian nationals, the majority of them qualified women, have been the primary beneficiaries of the H-4 employment authorisation document (H4 EAD), receiving over 90% of the 120,000 visas issued since 2015, the USCIS data showed.

The proposed Bill seeks to allow for unused green cards from previous years to be appropriated to other categories, decreasing the backlogs in the family and employment-based categories. There are about 220,000 unused green cards which could be available under this provision, the publication mentioned citing a report by the CATO Institute.

Spouses and children of green card holders will also be exempt from these quotas, according to the proposed Bill.

Indian nationals face the longest wait times for PERM status, or employment-based resident permits.

Workers who have received their PhD in science, technology, engineering or mathematics (STEM) will be exempt from visa caps.

The process could, however, take time. “Some of the changes will be delayed because they need a change in the laws, which is likely to be a few-month process, but the Biden administration is already prepared to send a legislative package to Congress. Some of the changes will be delayed because they might require deregulation,” the *ET* report quoted Rajiv S Khanna, managing attorney at immigration.com as saying.

Worth mentioning here is that the Barack Obama administration had introduced the the H4 EAD or work authorisation for dependents of H-1B visa holders. This is currently under review by the Trump administration.