



Explained: What is the EAGLE Act, seeking to remove cap on employment-based immigrant visas in US?

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June 3, 2021

A legislation to remove the per-country cap on permanent residency visas, or green cards, for the US has been introduced in the House of Representatives.

On Tuesday, Democrat Representative Zoe Lofgren and Republican John Curtis, introduced the Equal Access to Green cards for Legal Employment (EAGLE) Act of 2021, which, according to their statement, will “benefit the US economy by allowing American employers to focus on hiring immigrants based on their merit, not their birthplace”.

The bill will be advantageous for Indian job-seekers who currently rely on temporary visas or await green cards to work in the US.

What does the EAGLE Act say about the per-country limit?

The bipartisan act seeks to phase out the seven per cent per-country limit on employment-based immigrant visas and raises the per-country limit on family-sponsored visas from seven per cent to 15 per cent. It provides for a nine-year period for the elimination of this limit.

The seven per cent limit was introduced in the mid-20th century, which has led countries with relatively small populations to be allocated the same number of visas as a relatively large-population country, states a press release by the Representatives.

“A person from a large-population country with extraordinary qualifications who could contribute greatly to our economy and create jobs waits behind a person with lesser qualifications from a smaller country,” the statement further reads, adding that the act seeks to ‘de-emphasize birthplace’.

How does it help Indians?

Think-tank Cato Institute had reported in March 2020 that 75 per cent of the backlog for employment-based visas was made up of Indians.

“Backlogged Indian workers face an impossible wait of nine decades if they all could remain in the line,” the report states. “More than 200,000 petitions filed for Indians could expire as a result of the workers dying of old age before they receive green cards.”

With the EAGLE Act, the per-country cap would be removed, which may expedite the petitions for those applying for employment-based green cards.

However, since the highest number of applicants are from India and China, the EAGLE Act also seeks to reserve visas for ‘Lower Admission States’ for nine fiscal years (FY).

While 30 per cent of employment-based visas will be reserved in FY1, this would be reduced to five per cent in FY 7, 8 and 9.

The bill also ensures that “no country may receive more than 25 per cent of reserved visas and no country may receive more than 85 per cent of unreserved visas,” in the nine fiscal years.

What about predecessors to the EAGLE Act?

A similar Fairness for High-Skilled Immigrants Act (HR1044) was passed by the House of Representatives in July 2019 with a resounding margin 365 to 65 votes. A total of 224 Democrats and 140 Republicans had voted in favour of the Bill.

The bill sought to implement similar provisions which would remove the seven per cent cap on per-country employee-backed immigrant visas.

Another version of the bill (S386) was passed by the Senate in the 116th session of the Congress. Some of the co-sponsors of the bill include now-Vice President Kamala Harris and Republican Mitt Romney.

However, according to the American Immigration Lawyers’ Association, the legislation failed because “the differences between the two versions were not reconciled prior to the end of the session,” which meant that a bill would have to be re-introduced.

According to the Washington Street Journal, Senator Rick Scott had inserted two measures which were not included in the House’s version of the bill. These included “a new cap of sorts for the next decade on the overall number of immigrants on H-1B visas who can receive green cards” and tighter restrictions for Chinese nationals seeking immigration.

Close to 45 organisations, including civil rights and immigration-related bodies, had written to Jerrold Nadler and Lofgren seeking removal of such provisions which were “reminiscent of the Chinese Exclusion Act”.

The EAGLE Act bill which has now been introduced makes no such provisions. It would have to be passed through the House of Representatives and the Senate, and then signed by the President of the United States for it to become a law.