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Life in limbo: Indian immigrants stuck in decades-long waits for green cards

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For most of her life, 17-year-old Lakshmi Potturu thought of herself as “American just like everyone else.”

The rising high school senior, now based in Johns Creek, emigrated with her parents from India when she was two. While her sense of belonging in the U.S. is not something she grew up questioning, Potturu says that started to change as she became more familiar with her family’s immigration status.

“I realized that wow, like, my life isn’t necessarily in my control.”

While Potturu has legal status in the U.S., it rests solely on her father’s temporary work visa, a document that could be revoked if there were a change in his employment. She and her relatives would be standing on firmer ground if they had green cards, which confer legal permanent residency and a path to citizenship. But the family’s green card applications, filed in 2013, are still mired in a growing backlog that disproportionately affects Indian immigrants.

At the end of fiscal year 2021, nearly 900,000 immigrants who are working legally in the U.S. – and their accompanying family members – had been approved for green cards but were still waiting to receive them, part of a growing backlog in employment-based immigration.

Over 80% of those in line for employment-based green cards are Indian nationals, according to data from the U.S. Citizenship and Immigration Services reviewed by the Cato Institute. Clearing the uniquely pronounced backlog among that group would be an endeavor spanning several decades, as the Congressional Research Service found in a 2020 report.

For Potturu, the clock is ticking. She will only be able to legally live in the U.S. through her dad’s work visa until she turns 21. If the family’s green cards don’t come through by then, she could find herself at risk of deportation, and in need of relocating to a birth country she has scant memories of.

“When I do turn 21, that’s going to be the deciding year. I definitely don’t want that birthday to come around because that’s when reality hits,” Potturu said. “Am I going to stay here or go back to India?”

Because she has maintained legal status while growing up in the U.S., Potturu doesn't qualify for the Deferred Action for Childhood Arrivals program, which was designed to offer temporary legal status to undocumented immigrants who were brought to the country as children.

"I think getting my green card, like, that's honestly the only thing I ever really, really wish for almost every single day," Potturu said.

For Indians, long waits for green cards 'seem so arbitrary'

Indian immigrants' long waits for green cards is largely due to per-country limits enacted in the 1960s, which stipulate that no country can take more than 7% of certain types of green cards, including the 140,000 linked to employment that are issued every year. The most common type of green cards are family-based, and go to relatives of U.S. citizens.

In the employment category, Indians' overrepresentation in the green card backlog is the result of a surge in Indian migration over the past 30 years, driven by the arrival of scores of highly skilled IT professionals. The long waits that come with being stuck in the backlog is an issue that is keenly felt in Georgia, where Indians make up the second largest immigrant group, after Mexicans.

"I deal with it a lot," said Nisha Karnani, an Atlanta-area immigration attorney and a founding member of the South Asian Bar Association of Georgia. In her 20 years of practice, Karnani says wait times for Indians have "gotten worse and worse."

"There's a high degree of stress ... People are being kind of wound up in a tight knot for a long time," she said. "And it just seems to be so arbitrary that one group of people have to wait decades and others don't."

Among the bigger frustrations, Karnani explained, is that once employers sponsor a green card filing, immigrant workers can't switch jobs without voiding their application and losing their spot in line. For Indian nationals, that means being tied to a single employer for several years at a time, a set-up that could at worst be conducive to exploitation.

Green card seekers are "scared to leave an employer," Karnani said. "There's so much talent that is immobile."

Chand Akkineni is the president of the India American Cultural Association, an organization that has been active in metro Atlanta for over 50 years. He says that spending years stuck in the green card backlog poses other quality of life issues.

Backlogged workers may not be allowed to travel overseas to see their families. Their spouses may have difficulty obtaining legal permission to work. For dependent children such as Potturu,

lacking permanent resident status means they must apply to higher education programs as international students, narrowing their access to financial aid and scholarships.

In an update shared last month, USCIS said it is picking up the pace on green card processing. As of mid-June, the agency had issued “significantly more” green cards than at the same point last year, leaving it “well-positioned” to take advantage of this year’s bigger than normal green card cap: 280,000 employment-based green cards instead of the usual 140,000.

That higher number is the result of COVID-related disruptions and closures at U.S. embassies and consular offices, which limited the processing of family-based green cards during the pandemic. Any family-based green cards that go unused at the end of a fiscal year are rolled over into the following year’s employment-based pool. This year’s sizable surplus should result in expedited green cards for tens of thousands of Indian nationals caught in the backlog.

Still, advocates in the Indian community continue to push for more comprehensive reform at the legislative level.

“This issue is about equality ... We’re saying, ‘Hey, don’t give us any preferential treatment.’ Like, we don’t want to cut the line. We’re saying, ‘Just treat us equally,’” said Vikram Desai, vice president of Immigration Voice, a national nonprofit advocating on behalf of high-skilled foreign workers.

Earlier this year, Immigration Voice members were in D.C. to voice their support for the EAGLE Act, a bill that would remove per-country caps on employment-based green card applications. For Cumming-based Raman Talasila, the light at the end of the tunnel has been reached. This January, the tech worker received his green card, roughly 13 years after filing his application. Getting the long-awaited status change wasn’t euphoric, he explained, because he still resents having been tied to one employer for over a decade, unable to consider other opportunities that came his way. He is “very relieved” that’s over.

“Now I have the freedom if I find a super job or a good one I can take it ... So that flexibility and that freedom are there. I can start a company of my own if I wish to and grow in life. I can do anything.”