

## Skilled Indians have a 90 year wait for green cards, the Jumpstart Bill seeks to resolve this

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Apr 10, 2022, 07:45 IST

MUMBAI: Biden's democratic party is not giving up – yet another attempt is being made to introduce a legislation for recapture of hundreds-of-thousands of unused family and employment based green cards and clear the backlog. Those who are in the US and eligible for a green card, but for the lack of an available visa number – which includes an overwhelming number of skilled Indians who are caught in the backlog, to apply for their green card upon paying a fee. This bill – ‘The Jumpstart our Legal Immigration System Act’ has been announced by Congresswoman Zoe Lofgren, who chairs the House Immigration and Citizenship Subcommittee. The key provisions of this bill were part of the House-passed version of the Build Back Better Act. Another attempt is now being made to reintroduce the much-needed remedial measures in the spectrum of legal immigration.

Annually the US sets aside only 1.40 lakh green cards for employment-based applicants and there is a 7% per country cap. Given the heavy influx of Indians in the US – majority of them holding an H-1B visa, this restrictive policy poses challenges and has resulted in a massive backlog for them in the employment- based category.

According to a recent study done by David J Bier, immigration policy analyst at Cato Institute, a Washington headquartered think-tank, the employment based green card backlog for skilled Indians had had reached 7.19 lakh in September 2021, with an expected wait time of 90 years. More than 2 lakh Indians who are mired in this backlog are likely to die, before they can conceivably receive a green card (absent a change in the law). Only about half of the pending Indian immigrants will likely receive green cards under current law. Another roughly 90,000 children of immigrants—mainly Indians—will ‘age out’ of green card eligibility during their waits, adds the study.

“We all know that our immigration system is dysfunctional, and it has been in dire need of reform for decades,” said Congresswoman Lofgren.

“The basic framework for allocating immigrant visas dates back to the middle of the 20 century and was last seriously updated in 1990, when Congress established the worldwide numerical limits on visas and the 7% per-country cap that still exists today. Over time, these limitations have led to backlogs that were unimaginable in 1990. The Jumpstart our Legal Immigration System Act will help reduce the backlogs, thereby enabling immigrants to fully contribute to their communities and our national economy, while also allowing U.S. companies to attract and retain high-skilled workers. That will enhance our country’s competitive advantage and our position as a global leader in innovation,” she added.

The Jumpstart our Legal Immigration System Act is co-sponsored by other US leaders, viz: Jerrold Nadler, Judy Chu and Ritchie Torres.

According to the most recent data from the U.S. Department of State, there are currently around four million individuals waiting in the family-sponsored immigrant visa backlog and one million individuals waiting in the employment-based immigrant visa backlog.

This proposed legislation amends the Immigration and Nationality Act (INA) to prevent the future loss of unused employment-based visas by ensuring that they roll over to the family-based categories as the US Congress intended. The bill also recaptures unused immigrant visas from 1992 through 2021 which would result in the recapture of nearly 222,000 unused family-sponsored visas approximately 157,000 employment-based visas.

Further, the Jumpstart our Legal Immigration System Act allows individuals who are in the US and eligible for adjustment to Legal Permanent Residence (LPR) status – but for the lack of an available visa number – to apply for adjustment upon paying a fee. This will allow individuals to receive work authorization while they wait for a visa number to become available and will prevent dependent children from ‘aging out’ of eligibility for LPR status.

Finally, the proposed legislation allows immigrants who are in the U.S. to receive an exemption from the immigrant visa numerical limits and adjust their status to a green card if their immigrant visa petition has been approved for two years and they pay a supplemental fee. To adjudicate these applications and reduce case processing backlogs, the proposed legislation includes \$400 million for US Citizenship and Immigration Services (USCIS).