



Tech's immigration headache isn't going away

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April 13, 2022

Tech giants are worried their employees will miss out on thousands of potential green cards this year as the U.S. continues to struggle with an immigration backlog.

Why it matters: In a tight labor market, industry leaders say they can't afford to lose talented high-skilled workers frustrated with long delays in granting permanent legal status.

- Knowing there's a decade-long wait for a U.S. green card factors into where high-skilled workers decide to go, Intel director of workforce policy David Shahoulian told Axios. "That may mean that we lose out on some top talent as a nation."

What's happening: There are about 280,000 employment-based green cards available this year, but immigration officials are on track to waste about 100,000 of them, based on processing times in the first quarter, Cato Institute research fellow David Bier told Axios.

- Green cards that are not granted by the end of the fiscal year in September do not carry over to the next year. There were about 66,500 unused last year.
- "Every indication is that there's going to be a lot of waste again this year," Bier said.

Between the lines: The issue disproportionately affects people from India because of the caps on the number of green cards that can be granted per country.

Zoom out: The pandemic contributed to processing delays, as did a sharp increase in the number of employment-based visas available.

What they're saying: "When employees are going through this process, the fear, uncertainty, anxiety and doubt created by the backlog in processing is just brutal," Microsoft associate general counsel Jack Chen told Axios.

- "When people don't have clarity on how many years — or even decades — it will take to get a green card, it makes it that much harder to attract and retain talent to the U.S.," he said.

Immigration officials have processed fewer than half of Google's employee applications since October 2020, Kent Walker, president, global affairs & chief legal officer for Google told Axios.

- "Fixing this issue feels critical," Walker said. "From Google's standpoint, we're in a global competition, and companies like Google need talented people from all over the world just to keep up."

The other side: U.S. Citizenship and Immigration Services used more of the visas in the first half of this fiscal year than the agency did for the same time period last year.

- A spokesperson for USCIS said the employment-based applications are one of the agency's "highest priority workloads" and it is making staffing and resource allocations to limit the potential for the visas to go unused.
- A State Department spokesperson said it has reduced its backlog of employment-based preference immigrant visa cases at overseas posts by 50% in six months, the spokesperson said.
- The tech companies noted that immigration officials picked up the pace on processing green cards last year, and said they are hopeful officials will build on that momentum.

The intrigue: Wide-ranging legislation meant to boost domestic semiconductor manufacturing could include provisions to help ease high-skilled immigration.

- The House version of the bill, [the COMPETES Act](#), includes a measure that would exempt those with doctoral STEM degrees and master's degrees in a critical industry from the cap on employment-based visas.
- The Senate version doesn't include the measure, and lawmakers are starting the process of aligning the bills.

What to watch: The tech sector backs the immigration provision, although it would not fully clear the backlog.

- Intel notes that because roughly 70% of engineering and computer science students in master's and PhD programs in U.S. universities are foreign-born, there aren't enough Americans to fill the company's high-skilled jobs.
- The immigration measure would "go a very long way to solving our issues," Shahoulian said.