



## Tech firms' nightmare: Vanishing green cards

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Thousands of green cards are about to go to waste, leaving Google, Microsoft and other tech companies fuming — and pushing the Biden administration to ensure it doesn't happen again.

Why it matters: Tech workers have waited years for green cards that will grant them permanent legal status in the U.S. — but because of pandemic-related processing delays, they will have to wait even longer.

How it works: The U.S. makes a certain number of family-based and employment-based green cards available each fiscal year.

260,000 employment visas were available this year, rather than the typical 140,000, thanks to a pandemic-related drop in applications for family-based visas in 2020. Unused family cards from one year are added to the next year's count of employment cards.

The catch: Processing those extra applications has gone slowly. An administration official this summer warned of a 100,000-application backlog that would not be filled by the Sept. 30 fiscal year end. Extra green cards that haven't been granted in one year don't carry over to the next.

What's happening: Google and Microsoft are among the companies that have been urging federal officials to find a way to save the roughly 80,000 remaining employment-based green cards set to expire Sept. 30.

Google says only 13% of its candidate applications filed since last October have been approved.

"The idea that we will leave tens of thousands of these applications unfilled at a time when businesses around the country are having a hard time finding qualified workers seems illogical," Google senior vice president of global affairs Kent Walker told Axios. "So we're really trying to encourage people to come together to fix this issue."

What they're saying: Google and Microsoft say they have thousands of employees and their families awaiting green cards.

"We have congressionally authorized numbers available right now that can help a significant number of people trapped in the backlog move to permanent residence," Jack Chen, associate general counsel at Microsoft, told Axios. "But without a fix, those numbers go into the shredder at the end of the month. It's a huge missed opportunity."

Meanwhile, Apple CEO Tim Cook last week wrote to Department of Homeland Security Secretary Alejandro Mayorkas on behalf of the Business Roundtable to press the issue.

Cook, who chairs the Business Roundtable's immigration committee, said officials should eliminate unnecessary document requests and conduct communications by phone or email to speed up processing.

"The backlogs have created uncertainty for major employers and caused anxiety for our employees and their families who have, in some cases, waited decades to receive permanent residence status," Cook wrote in the [letter](#).

What's at stake: The most pressing issue is for parents awaiting green cards, because their children lose legal status when they turn 21.

"If these numbers aren't used, it's the thousands of kids, like my son, who are going to lose out," Sujit Koduru, a principal service engineering manager at Microsoft, said in a statement for Axios.

The intrigue: The House Judiciary Committee last week approved a provision that would recapture both family and employment based green cards that were not used between 1992 and 2021 as part of its reconciliation proposals.

"It's bad for the U.S. economy to let congressionally-authorized immigrant visas go to waste, especially when demand for these visas is so high," said Rep. Zoe Lofgren (D-Calif.), who leads the House immigration subcommittee.

"Congress and the Biden Administration should work together to prevent bureaucratic processing delays, decrease existing visa backlogs, and ensure that unused visas are recaptured and available for use."

Yes, but: The Senate parliamentarian [rejected](#) other immigration policy changes in the reconciliation package earlier this week, although she did not review this specific proposal.

What's next: It's not possible for immigration officials to get through the backlog by the end of the month.

Microsoft and Google have urged U.S. Citizenship and Immigration Services to reinterpret its authority to preserve extra green cards beyond the fiscal year.

A USCIS official told Axios they waived fingerprint requirements for applicants whose biometrics they already had and made other changes to expedite processing.

The agency is exploring all legal and operational options to maximize visa usage, the official said.

The big picture: Attracting the world's top talent helps American companies innovate, Cato Institute research fellow David Bier told Axios, adding that these workers are among the top 10% of U.S. workers in terms of wages.

"They would be contributing to a far greater extent if they had green cards — starting businesses, innovating in other ways, but their status precludes them from being able to do that," Bier said. "I would argue that if these green cards are wasted and nothing is done about it, we are going to see an exodus of high-skilled immigrants from this country to other countries."

The bottom line: "There are a lot of hard things about immigration," Chen told Axios. "This should not be one of them. None of these green card numbers should have to be wasted or expire at the end of the fiscal year."