

Budget decision dashes hope for Indian Americans in NJ seeking green-card reprieve

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The hopes of more than a million foreign-born professionals waiting for permanent residency in New Jersey and the rest of the U.S. dimmed this week, after a U.S. Senate official rejected Democratic plans to reform the green-card system.

Senate Parliamentarian Elizabeth MacDonough on Sunday disqualified parts of the party's \$3.5 trillion plan that would have conferred permanent residency to millions of immigrants living in the country legally and illegally. The immigration provisions exceeded the permissible scope of a budget bill, she ruled.

That dashed the hopes of professionals in the U.S. on work visas, including thousands in New Jersey's large Indian American communities, who saw the bill as their best hope to overcome decades-long delays in the wait for green cards.

"Our hearts are broken and we are being held hostage yet again by a visa," said Neha Mahajan, a Scotch Plains business manager for a law firm, who's been waiting with her husband for more than 10 years for a green card.

"We've been hanging by a cliff for a decade and half almost. Don't the rule makers see the lives behind these numbers? They don't see that my child cannot apply for a summer job because she doesn't have a Social Security number."

Estimates put the number of professionals approved for permanent residency in the U.S. but unable to get through the green-card backlog at about 1 million people. Country-by-country caps imposed by federal law mean that Indian Americans face particularly acute delays.

At the rate at which the government is processing applications, those immigrants – many working in science and technology fields on H1-B visas – aren't expected to get their green cards in their lifetimes. Spouses and children also living in the U.S. are also caught in the queues.

MacDonough's decision can be overruled by a simple majority vote in the Senate, but it's unclear whether Democrats can muster the votes necessary to do so. On Monday, New Jersey Sen. Bob Menendez, a Democrat, said the party hadn't given up hope for the provisions, especially a push to help millions of undocumented immigrants gain legal status.

"The Senate parliamentarian gave her view on only one approach on including the pathway to citizenship in reconciliation, and it is my expectation that my colleagues and I will be going back to her with other options in the coming days," Menendez said on a conference call with media and immigration advocates. "It is not an end, and we're not going to take no for an answer."

Democrats had hoped to use reconciliation, a legislative process reserved for budget measures, to overcome united Republican opposition and pass their proposal with just a bare, 51-vote majority.

Work visa holders consider it a bitter irony that they've been stuck in limbo despite being in the country legally and with the sponsorship of American employers. Most of the public debate over immigration has focused on the much larger group of undocumented immigrants.

These workers remain stuck in long queues that have built up as a result of sponsorships by U.S. employers that have long outpaced the actual green card slots allowed by federal law.

The House of Representatives is expected to vote on whatever provisions do pass MacDonough's review, followed by the Senate, with a final vote on the federal budget by the end of the month.

Mahajan, the Scotch Plains resident, is a founding member of Skilled Immigrants in America, a group of professionals advocating to fix the backlog. She is currently on unpaid leave from her job as she waits for the government to grant her permission to continue working in the U.S – a consequence of waiting their turn in the line for green cards.

After being approved 10 years ago, "we've just been waiting for it since then," she said in an interview. "My daughter was a toddler when we arrived in the States. Now she's 15. We thought this was our moment, that it would bring the reform we needed. This is the first time we came so close to achieving something."

Senate Democrats led by the House Judiciary Committee leader Sen Dick Durbin included immigration in the budget plan because Democrats recognize they're unlikely to muster enough Republican support for a separate U.S. citizenship bill proposed by President Joe Biden.

Nearly 900,000 green cards would have been issued in coming years if the reconciliation measure had been approved by MacDonough, said David Bier, an immigration researcher with the Cato Institute.

The reconciliation bill would have been the one ticket to green cards for those stuck in employment based backlogs.

“The parliamentarian’s decision shuts the door on this avenue for green card reform for them,” said Bier, who predicted political chances for broader immigration reform are probably extinguished for the next decade.

That still leaves a narrow window for laws that would recapture green cards that went unused or were wasted in previous years. Such a move would need 60 votes to overcome a filibuster though bipartisan support is possible, said Bier.

MacDonough’s position is that the value of immigration cannot be measured in federal dollars, making it inadmissible in the budget. “I don’t think anything is going to happen with this. I think the Democrats are just trying to save face and keep hope alive, Bier said. "Her decision is clear.”