

The Mercury News

H-1B visa to green card: Wait time for Indian workers is up to 151 years

Ethan Baron

June 8, 2018

Many of the Indian tech employees in the United States who don't leave the country after their H-1B visas expire get sponsored by companies offering permanent jobs — setting workers on the path to a green card granting permanent residence.

It turns out that the path can be very, very long.

To continue working after an H-1B runs out, foreign citizens may obtain an EB-1 visa for people with “extraordinary” ability, an EB-2 for people with advanced degrees or an EB-3 for bachelor's degree holders.

As of mid-April, more than 300,000 Indian immigrants were on EB visas and waiting for green cards, according to [a new report](#) from the Cato Institute, a libertarian think tank. Add in spouses and minor children, and the total number on hold exceeds 600,000 people.

The approximately 217,000 Indians on the EB-2 visa for holders of advanced degrees have little reason to hope they'll ever get a green card, according to Cato's research, based on federal government data.

“At current rates of visa issuances, they will have to wait 151 years for a green card,” Cato reported Friday.

“Obviously, unless the law changes, they will have died or left by that point.”

Because each visa category is allotted a minimum of 40,040 green cards, and the share is not adjusted according to demand, and because immigrants from any one country can't receive more than 7 percent of green cards issued each year, the wait times vary, according to Cato.

“The shortest wait is for the highest-skilled category for EB-1 immigrants with ‘extraordinary ability,’ the think tank reported.

“The extraordinary immigrants from India will have to wait ‘only’ six years. EB-3 immigrants — those with bachelor’s degrees — will have to wait about 17 years.”

The 1965 legislation that allowed immigrants from any nation to receive up to 7 percent of the green cards issued each year means that Estonians, for example, have a much easier time getting permanent residence than Indians, according to Cato.