



US House passes sweeping legal immigration reforms

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November 19th, 2021

Sweeping reforms to the legal immigration system were passed by the US House on Friday – one that will perhaps mitigate the anguish caused to the Indian diaspora who face a decades long backlog for a green card.

The Build Back Better (BBB) Act - the \$ 2.2 trillion package of spending and tax breaks, also contains key immigration reforms. It was passed by the US House of Representatives after hectic debates by a vote of 220-21.

It provides for recapturing unused family and employment based green card numbers that were unused from 1992 through 2021. It is estimated that this provision will prevent the loss of nearly 1.5 lakh unused family-based green cards and nearly 1 lakh odd employment-based green cards that expired as of September 30, this year. If this provision goes through the Senate it will help thousands of skilled Indians, who as per a study by Cato Institute have a waiting period of 84 years to get an employment based green card.

However, no one is uncorking the champagne as yet, as the Senate has to discuss and vote on this Bill, before it can be enacted.

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 the Niskanen Center, a Washington based, policy think-tank, there are an estimated 4 million people waiting for family-based green cards and around one million stuck in the employment-based green card backlog. The Build Back Better Act also contains proposals that would allow foreign nationals to pay supplemental fees to skip the green card queues.

For those who are undocumented, the Build Back Better Act, as passed stands diluted. Instead of a path to citizenship it now provides for work permits and protection from deportation for eligible individuals for a period of five years, renewable once for a total of ten years. It is

expected to cover nearly 70 lakh people and provides for federal financial aid, scholarships and several social safety net benefits.

Benjamin Johnson, Executive Director of the American Immigration Lawyers Association (AILA) said, “For decades, Americans have told Congress to reform our immigration system and create a path to citizenship for the millions of immigrants who are part of our families and communities. This isn’t a perfect bill, but it will give families and businesses some stability and security. It will also ‘recapture’ green cards that Congress already authorized but were wasted over the years by inefficiencies and allow families and foreign workers who have qualified for permanent status but have been stuck in the backlog, often for decades, to become permanent residents sooner. Further, thousands of diversity lottery winners who were unable to enter the U.S. during the pandemic will be allowed to reapply for their visas. While this is a critical first step, we still need real, lasting reform to our immigration laws to build out an immigration system that will actually work for America. We will continue to work toward those more permanent reforms but welcome this step forward today.”