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Green Cards Elude Bipartisan Fix

Roughly 1 million people remain stuck in growing backlog for one of 140,000 employment-based green cards distributed each year



Indian immigrant Jay Indurkar, with his 2-year-old daughter, Myra, was approved for a U.S. green card years ago, but he is still waiting to receive it.
PHOTO: CHRISTOPHER SMITH FOR THE WALL STREET JOURNAL

WASHINGTON—When Indian immigrant Jay Indurkar applied for permanent U.S. residency in 2011, he filled out paperwork, passed background checks, showed proof of a job offer in Kansas and was approved for a green card in a matter of weeks.

“I still remember that email from my boss,” Mr. Indurkar said. “I jumped out of my seat with joy. And then I read the last paragraph, and my world fell apart.”

The last paragraph said there was actually no green card yet available for him, and it provided no timetable for getting him one. Eight years later, the 41-year-old product-development engineer is still waiting—one of roughly 1 million people stuck in a growing backlog for one of the 140,000 employment-based green cards distributed each year by the U.S. State Department. The logjam stems from U.S. rules that limit any one country to 7% of all employment-based green cards. More than 660,000 of those approved but waiting are from India.

Much of the focus on the nation’s stressed immigration system has been on migrants at the southern border and Washington’s inability to craft a fix. But the backlog among those awaiting permanent residency based on employer-sponsored visas presents its own political morass.

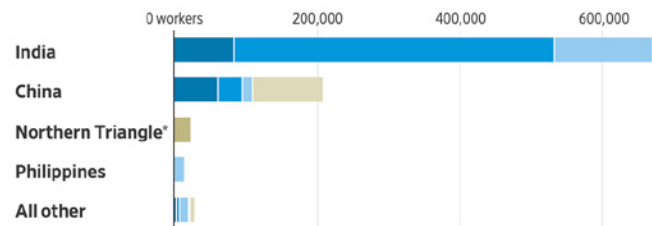
Republicans and Democrats agree it is a problem. A bipartisan bill that seeks to address the backlog—the Fairness for High-Skilled Immigrants Act—passed the House of Representatives in July, 365 to 65.

A similar piece of legislation has been introduced in the

Green-Card Wait

Wait-listed workers by nation of origin

■ Preference 1: Priority workers, researchers
■ 2: Professionals with advanced degrees ■ 3: Skilled workers
■ 4: Religious workers, abused or abandoned juveniles ■ 5: Investors



*The northern triangle consists of Central American countries El Salvador, Guatemala and Honduras

Source: Migration Policy Institute analysis of data from the State Department and U.S. Citizenship and Immigration Services

Senate by Sen. Mike Lee, (R., Utah), who says his version is designed to provide a narrow fix, separate from any comprehensive immigration overhaul. “You don’t have to eat the whole elephant in one bite,” he said. But Mr. Lee faces opposition within his own party, especially from Sen. Rand Paul of Kentucky, who has introduced competing legislation.

The two men are negotiating. But other senators have raised their own concerns, and even a patchwork solution appears unlikely anytime soon.



Republican Sens. Mike Lee of Utah and Rand Paul of Kentucky have proposed different solutions to the green-card backlog.
PHOTO: ALEX BRANDON/ASSOCIATED PRESS

The issue pits industries against each other as they seek to expedite permanent residency for workers they say they need at a time when little suggests that the overall number of green cards issued will rise.

Amazon.com Inc., Microsoft and other tech and telecommunications giants are lobbying Congress to pass

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Mr. Lee's bill to help software engineers and other high-tech workers from India who are stuck in the backlog. Also pushing for the bill is Immigration Voice, a nonprofit social-welfare group founded by Indian immigrant workers.

But the American Hospital Association and AMN Healthcare, a health care staffing agency, oppose the bill because they believe one result would be to dramatically increase the wait time for green cards for other workers from overseas, particularly nurses from the Philippines.

The U.S. gives out a limited number of greencards—about 1.1 million annually. About 14% go to employment-based applicants such as Mr. Indurkar. The rest go to family members looking to join relatives in the U.S., or winners of the diversity lottery, which allows people from countries with historically low rates of immigration to the U.S. a chance to obtain visas.

Many of those awaiting green cards such as Mr. Indurkar have stayed in the U.S. on temporary H-1B visas for high-skilled technical workers. The number of those visas is capped annually at 85,000 but the U.S. government has approved more than 200,000 additional visas in each of the last five years, many of them for workers in the green-card backlog, according to the nonpartisan Migration Policy Institute, a think tank.

Republicans have resisted efforts in recent years to boost the overall number of green cards. Some are willing to increase employment-based green cards, but only if the U.S. cuts family and diversity green cards—a no-go for Democrats.

Both the Senate and House bills would eliminate the current rule that no one country receive more than 7% of all employment-based green cards. That would create a single line for all green-card petitioners, allowing people who have waited the longest to go to the front of the line, instead of waiting in lines based on their countries of origin.

Opponents complain this will allow Indians and Chinese—who now face the longest waits—to get higher priority, forcing those from other countries further back.

“This is lifeboats on the Titanic. You can fight over who gets which seats, or you can get enough lifeboats, and what we've got here is fighting over the number of seats rather than increasing the number of lifeboats,” said Bruce Morrison, a former Democratic congressman from Connecticut who now lobbies for the AMA and AMN Healthcare.

Nadia Morozova, a traffic engineer in Columbia, S.C., worries that she will be one of the bill's casualties. A native

of Russia, Ms. Morozova is in the U.S. legally on a temporary work visa. She would like to stay and become a citizen if her employer will sponsor her for a green card in the next few years. Most Russians now wait 18 months to two years to receive employment-based green cards. If Congress passes legislation to clear the backlog by lifting the country caps, however, Ms. Morozova fears she would have to wait more than a decade.

“I wish it would just be solved without making it worse for us,” she said.

The Migration Policy Institute estimates that under the House bill, new applicants would have significant waits to receive certain types of employment-based green cards as the backlog is cleared. Depending on the type of green card, the delay could be between 2.9 and 13.5 years, according to the institute's forthcoming analysis of data from the State Department and the U.S. Citizenship and Immigration Services.

The institute didn't analyze Mr. Lee's Senate bill, which would establish a two-year transition period for employment-based green cards by setting aside a certain number for immigrants not from India or China.

He tried to pass the bill by unanimous consent in July, bypassing the hearing and committee process. Mr. Paul blocked it. Mr. Paul's bill, among other measures, would expand the number of green cards for employment-based immigrants to 270,000 from the current 140,000. Mr. Paul also has offered an amendment to ensure nurses aren't adversely affected.

Democrats in the Senate have qualms, too. “They are increasing the immigration from countries like India a marginal small amount at the expense of cutting back on immigration from other countries in a much more dramatic fashion—I don't think there's equity in that,” said Sen. Dick Durbin (D., Ill.). If a way forward is found, it is also unclear whether President Trump would sign a bill.

The White House, which is working on its own legal immigration overhaul, didn't respond to a request for comment.

All that leaves the likes of Mr. Indurkar in limbo. His H-1B visa is only temporary, and it means he is dependent on his employer to act as his sponsor. He remains in Overland Park, Kan., in part because his young American-born son needs special education. He says the wait “gets more painful with every passing year.”