

Congress of the United States

Washington, DC 20515

July 28, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Mayorkas and Secretary Blinken:

The U.S. economy continues to benefit from our retention of highly skilled workers, predominantly advanced degree holders in the fields of science, technology, engineering, and mathematics (STEM) employed in critical industries in the United States. These professionals are scientists, inventors, healthcare workers, entrepreneurs, and talents who contribute to the United States' global competitiveness. These talented individuals are eager to live and work in the U.S., but the current immigration system is broken, making it nearly impossible for them to stay. Given decades long backlogs and increased recruitment by Canada of foreign STEM talent, the number of individuals who remain committed to waiting for an employment-based green card is unclear. As a result, we encourage the administration to make all employment-based visas current on the Visa Bulletin on October 1, 2023.

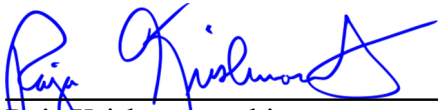
By definition, on October 1st (i.e., the first day of each government fiscal year), none of the available 140,000 employment-based green cards have been allocated yet for that fiscal year. Moreover, at the beginning of the year, it cannot be known how many of the people who either have already applied, or who will apply, for green cards will actually be eligible to receive a green card. Some number will be approved, and some number will be denied on one of the many statutory or discretionary grounds of ineligibility. Other individuals may even have lost their employer sponsor due to the recent layoffs in the tech sector or moved to a country with more straightforward immigration laws.

Over the past few years, the Department of State has been wildly inconsistent in how it has set the bulletin, creating confusion among those seeking employment-based green cards. Therefore, all eligible applicants who already have an approved employment-based Immigrant Petition (Form I-140) should have the opportunity to submit an I-485 application for adjustment of status between October 1st and October 31st of each fiscal year. This way, the administration can ensure that it will have sufficient applicants to award each of the available green cards—as it has been the case that many prior years have seen green cards go wasted rather than be issued to extremely deserving applicants. This fact is critical, because between FY 1992 and FY 2021, the federal government failed to issue at least 194,100 available employment-based green cards.¹ There is historical precedent to utilizing the Visa Bulletin to gauge interest in green cards, such as when President George W. Bush and his administration marked all dates as current in the July 2007 Visa Bulletin.

Thank you for your consideration of this important action. We look forward to continued collaboration on legislative and technical solutions to provide relief for our constituents in the backlog.

Sincerely,

¹ <https://crsreports.congress.gov/product/pdf/IN/IN11811>



Raja Krishnamoorthi
Member of Congress



Larry Bucshon, M.D.
Member of Congress



Maria Elvira Salazar
Member of Congress



Deborah K. Ross
Member of Congress



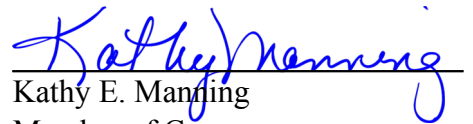
Lizzie Fletcher
Member of Congress



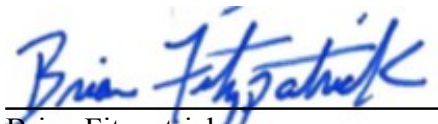
David J. Trone
Member of Congress



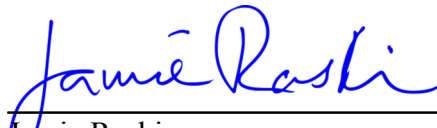
Dan Goldman
Member of Congress



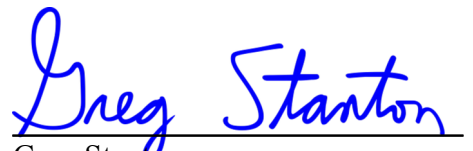
Kathy E. Manning
Member of Congress



Brian Fitzpatrick
Member of Congress



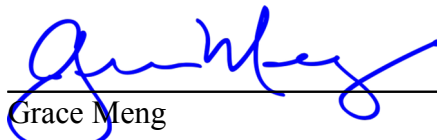
Jamie Raskin
Member of Congress



Greg Stanton
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Sheila Jackson Lee
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Grace Meng
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Jerrold Nadler
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Henry C. "Hank" Johnson, Jr.
Member of Congress



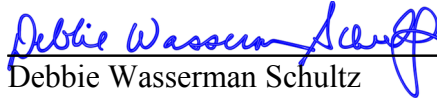
Eric Swalwell
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Pramila Jayapal
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Lisa Blunt Rochester
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Debbie Wasserman Schultz
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Adam Smith
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Katie Porter
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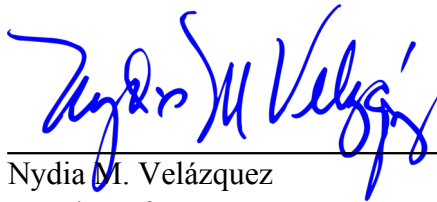
James P. McGovern
Member of Congress



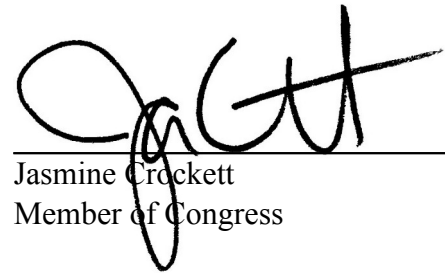
C. A. Dutch Ruppersberger
Member of Congress



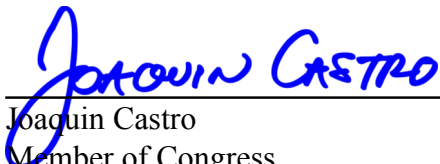
Earl L. "Buddy" Carter
Member of Congress



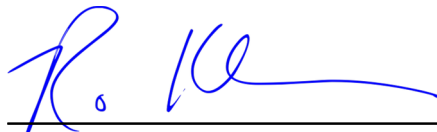
Nydia M. Velázquez
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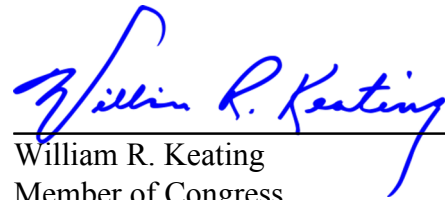
Jasmine Crockett
Member of Congress



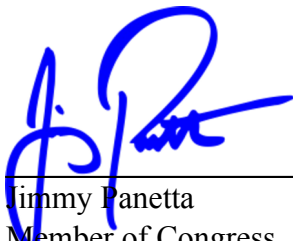
Joaquin Castro
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Ro Khanna
Member of Congress
Ranking Member, Subcommittee
on Cyber, Information
Technologies, and Innovation



William R. Keating
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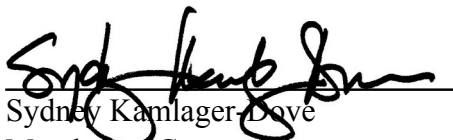
Jimmy Panetta
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Joseph D. Morelle
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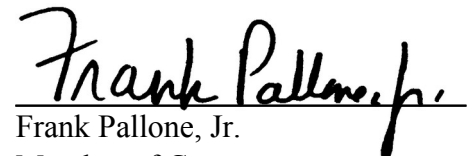
Adam B. Schiff
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Sydney Kamlager-Dove
Member of Congress




Donald G. Davis
Member of Congress



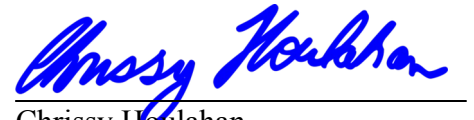
Frank Pallone, Jr.
Member of Congress



Judy Chu
Chair, Congressional Asian Pacific
American Caucus (CAPAC)



Chris Deluzio
Member of Congress



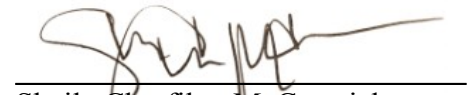
Chrissy Houlihan
Member of Congress



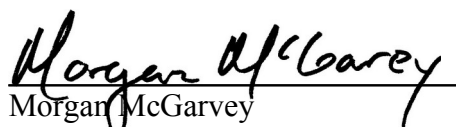
Andy Kim
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Morgan McGarvey
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Dwight Evans
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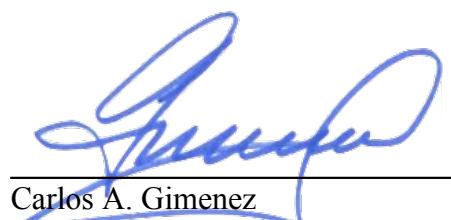
Danny K. Davis
Member of Congress



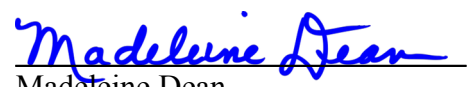
Jimmy Gomez
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Lori Trahan
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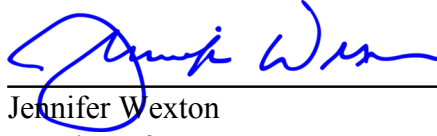
Carlos A. Gimenez
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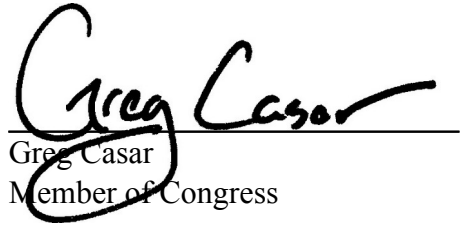
Madeleine Dean
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Josh Harder
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Jennifer Wexton
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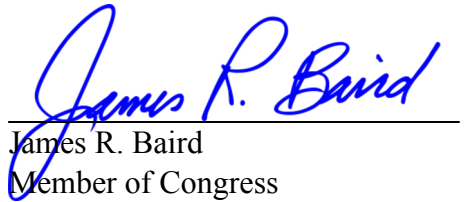
Greg Casar
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Dean Phillips
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Ami Bera, M.D.
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James R. Baird
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Lois Frankel
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Debbie Dingell
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