Congress of the United States
Washington, DC 20515

August 31, 2021

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
H-204, United States Capitol
Washington, DC 20515

The Honorable Charles E. Schumer
Majority Leader
United States Senate
S-221, United States Capitol
Washington, DC 20510

Dear Speaker Pelosi and Leader Schumer:

We write to request that the budget reconciliation package include relief for the approximately 1.2 million individuals languishing in the employment-based green card backlog[1]. It is our sincerely held belief that any package that includes immigration reforms must address this backlog not only as a matter of fairness, but as a central component of our long-term strategy for economic prosperity and global competitiveness.

The American economy has largely rebounded from the depths of the downturn caused by the COVID-19 pandemic, but 8.7 million remain unemployed[2] and the recovery is still fragile. Millions remain unable to pay their rent and student loans, and Medicaid/CHIP enrollment grew by over 10 million during the pandemic[3]. The 2020 Census revealed that the U.S. population grew at the slowest rate since the 1930s, which will put further strain on social safety net programs as the population ages without new additions to the labor force[4]. Simply put, our economic future – both our short-term recovery and long-term prosperity – are far from certain.

Despite this picture, under current law, the American economy is unable to access the full international talent pool of high-skilled workers already present and working in the United States today – indeed, the very scientists, inventors, health care workers, entrepreneurs, and other professionals that give the United States its edge over its global competitors today. This is because there is effectively a green card ban on high-skilled immigrants from India, China, and other countries with large populations of workers eager to remain in America and power forward our economy and social safety net programs for generations to come. Right now, no more than 7% of employment-based green cards are available to individuals from a single country, which has created a decades-long backlog for would-be immigrants from India and China. Indian nationals face a particularly daunting backlog of 80 years, and an anticipated 200,000 will die before achieving lawful permanent resident status[5].

This arbitrary cap is keeping some of the world's most talented individuals from permanently calling America home, encouraging them to take their inventions, expertise, and creativity to other countries instead. Most workers in the employment-based green card backlog are already in the United States on temporary nonimmigrant visas, such as the H-1B visa for workers in specialty occupations, that are

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[1] David J. Bier, "Employment-Based Green Card Backlog Hits 1.2 Million in 2020," Cato Institute, 11/20/20
[2] Bureau of Labor Statistics, "The Employment Situation – July 2021," 8/6/21
[3] Kaiser Family Foundation, "Analysis of Recent National Trends in Medicaid and CHIP Enrollment," 8/16/21
[4] Washington Post, "2020 Census shows U.S. population grew at slowest pace since the 1930s," 4/26/21
[5] David J. Bier, "Employment-Based Green Card Backlog Hits 1.2 Million in 2020," Cato Institute, 11/20/20

renewable but greatly restrict beneficiaries from reaching their full potential. H-1B holders are unable to change jobs or start their own businesses – despite the fact that they have been shown to boost overall productivity, wages, and new patents[6]. The temporary nature of the H-1B visa forces beneficiaries to live in a constant state of uncertainty, preventing them from becoming entrepreneurs, buying homes, employing more Americans, or otherwise fully establishing themselves as permanent fixtures within the American economy. An especially painful aspect of the H-1B experience is that dependent children, known as "Documented Dreamers," are often forced to self-deport to their country of birth if they reach age 21 before their parent obtains a green card, despite having lived most of their lives in the United States.

Failure to provide a path to lawful permanent residence for the 1.2 million people in the employment-based green card backlog, most of whom are H-1B visa holders, would be tantamount to staging an economic recovery with one hand tied behind our back. Permanently relegating H-1B holders to nonimmigrant status while China, Russia, and other major powers are ascendant on the world stage – and hungry to be home to the innovators of the 21st century – is simply nonsensical. This can and must be addressed in the budget reconciliation package currently under negotiation.

The reconciliation package is likely the final opportunity to pass any Democratic immigration priorities for the foreseeable future. For over a decade, there has been strong bipartisan support for helping individuals stuck in the green card backlog, as recently demonstrated by the resounding 365-65 vote to pass the Fairness for High Skilled Immigrants Act (H.R. 1044/S.386) in the House last Congress. Every comprehensive immigration reform effort over the past 20 years – as well as President Biden's immigration bill – has included the concept of clearing the green card backlog. Failure to address the backlog, while taking the opportunity of reconciliation to pass other immigration priorities, would be a tragic oversight with lasting repercussions for impacted individuals and the American economy at large. We simply cannot allow this opportunity to go to waste.

Thank you for considering this urgent request. We look forward to working with you on this issue over the coming days and weeks.

Sincerely,

Raja Krishnamoorthi
Member of Congress

Kathy Manning
Member of Congress

Deborah K. Ross
Member of Congress

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[6] Alex Nowrasteh, "Don't Ban H-1B Workers: They Are Worth Their Weight in Innovation," Cato Institute, 5/14/20

Cindy Axne
Member of Congress

Carolyn Bourdeaux
Member of Congress

Julia Brownley
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