The 100 Year Wait: Nationality-Based Visa Reform

By Jonathan T. Helton

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

This is the 2A evidence for reforming nationality-based EB (employment-based) visas.

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2A Evidence: Nationality-based Visa Reform

DEFINITIONS & BACKGROUND

Full text of the bill

<https://www.congress.gov/bill/116th-congress/senate-bill/386/text?q=%7B%22search%22%3A%5B%22Fairness+for+High-Skilled+Immigrants+Act+of+2019%22%5D%7D&r=1&s=1>

Print out the text at this web site and bring it with you to the round.

Background info

<https://crsreports.congress.gov/product/pdf/R/R45447>

This report also discusses the topic in-depth.

How H-1B visas fit in

Will Racke 2018 (Immigration and foreign policy reporter at the Daily Caller News Foundation) 2018 July 31 “IMMIGRATION REFORMERS APPLAUD GOP-LED EFFORT TO LIFT PER-COUNTRY GREEN CARD CAPS” <https://dailycaller.com/2018/07/31/green-card-cap-reform/>

Along with the per-country cap, the backlog is fed by the H-1B visa program, which allows U.S. companies to bring in non-immigrant foreign workers in certain high-skill occupations if they can’t find Americans to fill the jobs. Workers from India have come to dominate the H-1B program — three out of every four H-1B petitions approved in 2017 went to workers from India, according to USCIS data.

Immigrants come in on an H-1B visa and try to get into one of the EB categories

Deborah DSouza 2018 (bachelor's degree in English from Fergusson College; master's degree in social anthropology at the University of Oxford, master's degree in journalism from Columbia Univ.) 20 December 2018 “H-1B Visa to Green Card Backlog: Why Tech Companies Demand Change” <https://www.investopedia.com/h-1b-visa-to-green-card-why-tech-companies-demand-change-4580110>

However, for companies looking to retain foreign workers on a permanent basis, sponsoring green cards is the only way. The[H-1B temporary worker visa](https://www.investopedia.com/news/h1b-visa-issue-explained-msft-goog/), which gets the talent into the U.S. to work legally, is valid for a maximum of just six years.

EB-2 visa

Ann Morse 2014 (adjunct professor, George Washington Univ. School of Management; Program Director for National Conference of State Legislatures’ Immigrant Policy Project and staffs the NCSL Executive Committee Task Force on Immigration and the States) 14 April 2014 “FOREIGN-BORN WORKERS IN THE UNITED STATES” <http://www.ncsl.org/research/immigration/foreign-born-workers-in-the-united-states635334093.aspx>

Each year, the EB-2 category receives 28.6 percent of the annual cap (140,000) for employment-based immigrant visas, plus any unused visas from the employment first preference category. This category is used by individuals with at least a master’s degree in a profession. This includes, but is not limited to architecture, law and engineering. Additionally, this visa can be used by individuals with “exceptional ability” and, in some cases, entrepreneurs.

EB-3 visa

Ann Morse 2014 (adjunct professor, George Washington Univ. School of Management; Program Director for National Conference of State Legislatures’ Immigrant Policy Project and staffs the NCSL Executive Committee Task Force on Immigration and the States) 14 April 2014 “FOREIGN-BORN WORKERS IN THE UNITED STATES” <http://www.ncsl.org/research/immigration/foreign-born-workers-in-the-united-states635334093.aspx>

Each year, the EB-3 category receives 28.6 percent of the annual cap (140,000) for employment-based immigrant visas, plus any unused visas from the employment first preference and second preference categories. Within the EB-3 category, there is a numerical limit of 5, 000 visas for unskilled workers annually.

Example of how the system works / doesn’t work: Immigrant from South Africa versus China or India

Emily Neumann 2019 (immigration attorney at Reddy & Neumann, P.C. in Houston.) 2019 February 12 “Commentary: Immigration system needs fairness for high-skilled workers” <https://www.statesman.com/opinion/20190212/commentary-immigration-system-needs-fairness-for-high-skilled-workers>

For example, a petroleum engineer with a master’s degree who was born in South Africa can immediately complete the last step and become a permanent resident. By contrast, an engineer from China will likely have to wait in line for three to four years, and an individual from India can spend decades waiting:  
The engineer from South Africa can include his or her spouse and children in the application so all receive green cards together and can work freely anywhere. Five years later, they will be eligible for citizenship. The engineer from India would still be in line by then. His or her spouse would still not be able to work. Their children will turn 21 while they wait and will no longer be eligible to apply with their parents. These engineers do the exact same job and have the same qualifications and credentials. Why is one able to live the American Dream while the other is stuck in a green card nightmare?

INHERENCY—individual wait times / backlogs

Huge backlog caused by national origin limit

Deborah DSouza 2018 (bachelor's degree in English from Fergusson College; master's degree in social anthropology at University of Oxford, master's degree in journalism from Columbia Univ.) 20 Dec 2018 “H-1B Visa to Green Card Backlog: Why Tech Companies Demand Change” <https://www.investopedia.com/h-1b-visa-to-green-card-why-tech-companies-demand-change-4580110>

Green-card applicants are divided into five preference categories; most tech workers with advanced degrees fall into the second preference, EB-2, category. Since each country can receive no more than 7% of the total number of green cards available in a single category each year, this results in a huge backlog that keeps growing.

There is a 119-year wait time for some Indians

Stuart Anderson 2019 (executive director of the National Foundation for American Policy, a non-partisan public policy research organization focusing on trade, immigration and related issues; former Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service.) 2019 February 15 “Bill Aims To End Decades-Long Waits For High-Skilled Immigrants <https://www.forbes.com/sites/stuartanderson/2019/02/15/bill-aims-to-end-decades-long-waits-for-high-skilled-immigrants/#67f925027b85>

Under current immigration law, Indians in the employment-based second preference category theoretically could wait 119 years for permanent residence (a green card), while an Indian in the employment-based third preference (EB-3) could wait 20 years for a green card, according to an analysis by the National Foundation for American Policy. In other words, on paper, an Indian in the employment-based second preference could wait until the year 2138 for a green card, which is farther out than the setting for most science fiction novels.

Massive wait times

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity; expert on visa reform, border security, and interior enforcement.) 2018 June 8 “150-Year Wait for Indian Immigrants With Advanced Degrees” <https://www.cato.org/blog/150-year-wait-indian-immigrants-advanced-degrees>

Table 1 provides [the data](https://www.uscis.gov/sites/default/files/files/nativedocuments/Count_of_Approved_I-140_I-360_and_I-526_Petitions_as_of_April_20_2018_with_a_Priority_Date_On_or_After_May_2018.PDF). As of April 20, 2018, there were 632,219 Indian immigrants and their spouses and minor children waiting for green cards. The shortest wait is for the highest skilled category for [EB-1 immigrants](https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-first-preference-eb-1) with “extraordinary ability.” 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 biggest backlog is for [EB-2 workers](https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-second-preference-eb-2) who have advanced degrees. At current rates of visa issuances, they will have to wait 151 years for a green card. Obviously, unless the law changes, they will have died or left by that point.

306,000 Indians waiting for a green card

Will Racke 2018 (Immigration and foreign policy reporter at the Daily Caller News Foundation) 2018 July 31 “IMMIGRATION REFORMERS APPLAUD GOP-LED EFFORT TO LIFT PER-COUNTRY GREEN CARD CAPS” <https://dailycaller.com/2018/07/31/green-card-cap-reform/>

Because there are far more Indian workers in the U.S. trying to adjust to employment-based immigration status than there are green cards available each year, and the backlog has exploded in recent years. As of April, there were about 306,000 Indian applicants in the green card queue, and many of them will have to wait decades before they receive an adjudication.

80% of those waiting are Indians

Ananya Bhattacharya 2019 (journalist; lived in India, England, Singapore, and the US; bachelor's degree in economics and journalism from New York University. Prior to Quartz, she was with the Verge, CNNMoney, Inc.com, and the Hindustan Times.) 2019 January 3 “There is a way to cut down Indians’ decades-long wait for green cards in the US” <https://qz.com/india/1512999/h-1b-to-green-cards-heres-how-us-can-shorten-the-wait/>

Of the 395,025 approved employment-based immigrant petitions pending as of April 20, 2018, Indian nationals comprise 306,601. That means nearly 80% of those waiting for green cards under an employment-based preference category are Indians, data from the United States Citizenship and Immigration Services (USCIS) show.

Some people will be dead before they can be citizens

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 2018 July 31 “Bill Funding Trump’s Border Wall Includes Common-Sense Immigration Reforms” <https://www.cato.org/publications/commentary/bill-funding-trumps-border-wall-includes-common-sense-immigration-reforms>

This micromanaging of America’s demographics results in senseless outcomes. Immigrants from India sponsored by employers who are applying right now will face [such a long wait](https://www.cato.org/blog/150-year-wait-indian-immigrants-advanced-degrees) that they will likely die before receiving permanent residence. Other applicants face no wait at all. Family-sponsored immigrants from several countries face even longer wait times. H.R. 392 would end the per-country limits entirely for employment-based immigrants and raise them to 15 percent for family-sponsored.

250,000-350,000 children at risk of aging out

Annalisa Merelli 2018 (journalist; master's degree in semiotics and a bachelor's degree in mass communication from the University of Bologna.) 2018 February 14 “A contradiction in US immigration policy is putting kids of high-skilled workers at risk of deportation” <https://qz.com/1202486/h1b-j-and-o-visas-children-of-skilled-indian-workers-are-trapped-in-a-us-green-card-backlog/>

“Often times at the spelling bee, or at biology or maths contests, you will see kids of Asian origin doing very well, but the untold story is that many of these kids are stuck in this backlog, says Aman Kapoor, co-founder of Immigration Voice, an advocacy group primarily representing highly skilled Indian workers. He estimates that 250,000 to 350,000 children in the US are at risk of aging out of their parents’ visa coverage. And because they entered the country legally, they don’t even qualify for DACA protection.

HARM—discrimination

Iceland and China are treated the same—despite vastly different populations

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 2018 July 31 “Bill Funding Trump’s Border Wall Includes Common-Sense Immigration Reforms” <https://www.cato.org/publications/commentary/bill-funding-trumps-border-wall-includes-common-sense-immigration-reforms>

Rep. Kevin Yoder, R-Kan., managed to convince the committee to include his legislation, the Fairness for High-Skilled Immigrants Act ([H.R. 392](https://www.congress.gov/bill/115th-congress/house-bill/392)), into the funding bill. This amendment would start to end the discriminatory practice, started in the 1920s, of limiting immigration based on nationality. These “per-country” limits prevent any nationality from using more than 7 percent of the green cards for permanent residents. This irrationally provides the same number of green cards to 334,000 Icelanders as to 1.4 billion Chinese.

Discrimination: Immigrants from certain countries are penalized unfairly

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 2017 January 18 “Why Does the Government Care Where Immigrant Workers Were Born?” <https://www.cato.org/blog/why-does-government-care-where-immigrant-workers-were-born>

This is the system under which immigrant workers come to the United States. Come from a country with few applicants, and you get ushered to the front of the line. Come from a country with many applicants, and wait decades. Think about this from the perspective of their employers: you are effectively penalized for hiring Indians or Chinese workers. Both the employer and the immigrant must wait year after year, even as other immigrants from smaller nations receive their green cards. It is simply unfair.

Governments should not try to create “diversity” through national origin green card quotas

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 5 December 2018 “Are the Per-Country Limits Necessary to Promote “Diversity”?” <https://www.cato.org/blog/are-country-limits-necessary-promote-diversity>

Diversity should occur naturally as Americans—acting as family members, employers, or consumers—freely interact with people around the world. The government should not tip the scales to make the country more diverse or less diverse than it would otherwise be. In any case, employer-sponsored green cards are supposed to serve economic goals, not social engineering.

Discrimination Impact: Health

Rae Bichell 2017 (science journalist based in Colorado. She previously covered general science and biomedical research for NPR.) 2017 November 11 “Scientists Start To Tease Out The Subtler Ways Racism Hurts Health” <https://www.npr.org/sections/health-shots/2017/11/11/562623815/scientists-start-to-tease-out-the-subtler-ways-racism-hurts-health>

For example, Thayer studied 55 pregnant women in Auckland, New Zealand, and [found that](http://www.sciencedirect.com/science/article/pii/S0277953615000040) women who said they experienced discrimination had higher evening stress hormone levels late in pregnancy than other women who didn't cite frequent discrimination. Another study, at Duke University, [found that](https://link.springer.com/article/10.1007%2Fs12160-007-9013-8) black students had higher levels of stress hormones after they heard reports of a violent, racist crime on campus. The connection isn't just with hormones. Other scientists have found correlations between discrimination and various measures of accelerated aging, including the [tips of people's chromosomes](http://journals.sagepub.com/doi/abs/10.1111/j.1467-8721.2009.01596.x) and subtle [alterations](https://www.theatlantic.com/politics/archive/2014/03/epigenetics-the-controversial-science-behind-racial-and-ethnic-health-disparities/430749/) in gene activity.

Impact: Discrimination harms health

Michel Martin 2017 (journalist with National Public Radio) 2017 October 28 “Racism Is Literally Bad For Your Health” <https://www.npr.org/2017/10/28/560444290/racism-is-literally-bad-for-your-health>

The research indicates it is not just the big experiences of discrimination, like being passed over for a job or not getting a promotion that someone felt they might have been entitled to. But the day-to-day little indignities affect health: being treated with less courtesy than others, being treated with less respect than others, receiving poorer service at restaurants or stores. Research finds that persons who score high on those kinds of experiences, if you follow them over time, you see more rapid development of coronary heart disease. Research finds that pregnant women who report high levels of discrimination give birth to babies who are lower in birth weight.

A/T “Diversity”—India v the EU. We’d get more diversity by letting in all the Indian immigrants

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 5 December 2018 “Are the Per-Country Limits Necessary to Promote “Diversity”?” <https://www.cato.org/blog/are-country-limits-necessary-promote-diversity>

The European Union has a collective country EB-2 quota 28 times higher than the quota for India because it is made up of 28 individual nations. It ends up using just 7 percent of that quota, but this is still almost twice as many green cards as all of India in the EB-2 category. This disparity exists even though the European Union has only 40 percent as many people as India. This seems unfair, but we’re told that this is alright because the EU—composed of 28 countries—is much more diverse than India. Yet India has virtually the same number of official languages as the EU ([22](https://www.cia.gov/library/publications/the-world-factbook/geos/in.html) v. [24](http://europa.eu/rapid/press-release_MEMO-13-825_en.htm)). It [has](https://web.archive.org/web/20150825155850/http:/www.censusindia.gov.in/2011census/C-01/DDW00C-01%20MDDS.XLS) at least [six major religions](https://www.dnaindia.com/india/report-jains-become-sixth-minority-community-1954568)—Hinduism, Islam, Christianity, Sikhism, Buddhism, and Jainism—while the EU only has three—Christianity, Judaism, and Islam. Indian immigrants in America reflect [this religious diversity](http://www.pewresearch.org/wp-content/uploads/sites/7/2012/07/Asian-Americans-religion-full-report.pdf) as well: only half are Hindu, while the rest are Muslims, Sikhs, Jains, Christians, or others. The number of ethnic groups in each location is difficult to pin down, but India and the EU appear to have [similar levels](https://en.wikipedia.org/wiki/South_Asian_ethnic_groups#Indo-Aryan_people) of [ethnic diversity](https://en.wikipedia.org/wiki/Demographics_of_the_European_Union#Ethnic_composition). Wikipedia lists [22 Indo-Aryan peoples](https://en.wikipedia.org/wiki/South_Asian_ethnic_groups), rivalling the roughly 28 nationalities in the EU. India is, of course, a geographically diverse area as well.

HARM—lost talent

Less foreign STEM PhDs staying in the US due to green card national quotas

Laurent Belsie 2019 (senior economics writer, Christian Science Monitor) published by National Bureau of Economic Research (NBER), a private, non-profit, non-partisan organization dedicated to conducting economic research.) 2019 January “As Visa Lines Lengthen, STEM PhDs Look Homeward” <https://www.nber.org/digest/jan19/w25175.shtml>

In some science and engineering fields, foreign students earn most of the PhDs awarded by U.S. universities. Many of these students stay in the United States and work in fields critical to the country's economic competitiveness. China and India are the leading sources of such high-skilled workers. Since 2005, however, the fraction of Chinese and Indian PhDs who have chosen to stay has declined. In The Impact of Permanent Residency Delays for STEM PhDs: Who Leaves and Why (NBER Working Paper No. [25175](https://www.nber.org/papers/w25175)) [Shulamit Kahn](https://www.nber.org/people/shulamit_kahn) and [Megan MacGarvie](https://www.nber.org/people/megan_macgarvie) link this trend to U.S. immigration laws. Limits on the number of green cards for PhDs from any single nation cause applications for permanent residency visas to be delayed, and the longer that delay, the less likely foreign PhDs in STEM fields are to stay. The researchers identify a second reason for the trend: increases in scientific output and in support for science in the graduates' home countries.

Discriminatory rules means we lose ability to attract talent

*Samir Kalra 2018 (managing director at the*[*Hindu American Foundation*](https://www.hafsite.org/)*, a nonprofit advocacy organization based in Washington. He leads the foundation’s human rights and policy advocacy efforts and has spoken extensively at Congressional briefings. He previously served on the Immigration Advisory Committee for Rep.*[Eric Swalwell](https://thehill.com/people/eric-swalwell)*(D-Calif.)) 2018 March 14 “Congress, leave no H-1Bs behind”* <https://thehill.com/opinion/immigration/377886-congress-leave-no-h-1bs-behind>

It will also curtail our ability to attract new talent from around the world, many of whom increasingly will choose to migrate to other countries with more equitable policies, such as Canada, Australia and Singapore, rather than endure prolonged uncertainty and discriminatory U.S. rules.

Over 21 will be asked to leave unless their parents become citizens – we lose skilled workers

Annalisa Merelli 2018 (journalist; master's degree in semiotics and a bachelor's degree in mass communication from the University of Bologna.) 2018 February 14 “A contradiction in US immigration policy is putting kids of high-skilled workers at risk of deportation” <https://qz.com/1202486/h1b-j-and-o-visas-children-of-skilled-indian-workers-are-trapped-in-a-us-green-card-backlog/>

Brought by parents working in booming industries like tech and energy, thousands of non-citizen children are growing up in the US. Once they turn 21, they will be required to leave the country unless their parents become permanent residents, also known as “green card” holders. Such skilled workers should qualify easily for green cards, but there’s a catch: Arbitrary limits on the number of available green cards have created a massive backlog of eligible families. For Indian, Chinese, Vietnamese and Mexican workers, the wait to receive a merit-based green card can take [up to 70 years.](http://www.nfap.com/pdf/NFAPPolicyBrief.StillWaiting.June2012.pdf)

Lower wages and less choice – hurts US economy

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 2018 October 22 “Higher-paid Immigrants Forced to Wait Longer Due to Per-country Limits” <https://www.cato.org/blog/higher-paid-immigrants-forced-wait-longer-due-country-limits>

But the per-country limits are also economically senseless. They prioritize the right birthplace over the right skills. In the employer-sponsored categories, businesses could decide to pay Indian or Chinese applicants much more than other immigrants, yet Indian or Chinese employees would still suffer the same pointless discrimination. Discriminating based on nationality, rather than skills, undercuts the productivity of the United States and lowers the average wage of new immigrants to the United States.

Quantification: Over $11,000 in lost wages per immigrant

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement.) 2018 October 22 “Higher-paid Immigrants Forced to Wait Longer Due to Per-country Limits” <https://www.cato.org/blog/higher-paid-immigrants-forced-wait-longer-due-country-limits>

I used the latest DOL wage data from fiscal year 2018 to produce the estimates in Figure 1. To produce the weighted average wage with the country cap, I weighted the wages for each nationality by the number of their nationals [admitted](https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2017AnnualReport/FY17AnnualReport%20-TableV-PartII.pdf) under the country caps in the EB2 and EB3 employer-sponsored categories. The average wage without the country cap is the average of the approved labor certification wages in 2018.[[\*]](file:///C:\\Users\\dbier\\AppData\\Local\\Microsoft\\Windows\\INetCache\\Content.Outlook\\GV2PU74A\\Higher%20Paid%20Immigrants%20Forced%20to%20Wait%20Longer%20Due%20to%20Per%20msb.docx" \l "_edn1" \o ") The weighted average wage with the per-country limits was $95,534, while the wage without it would be $107,126. The per-country limits depress the average wage for new employer-sponsored immigrants by $11,592.

Shortage of skilled workers means we need to stop discriminating by national origin

Ananya Bhattacharya 2019 (journalist; lived in India, England, Singapore, and the US; bachelor's degree in economics and journalism from New York University. Prior to Quartz, she was with the Verge, CNNMoney, Inc.com, and the Hindustan Times.) 2019 January 3 “There is a way to cut down Indians’ decades-long wait for green cards in the US” <https://qz.com/india/1512999/h-1b-to-green-cards-heres-how-us-can-shorten-the-wait/>

Workers from abroad are already crucial to fixing the skills crunch plaguing Silicon Valley. While less than 1% of all US jobs go to foreign workers, more than 12% of tech jobs do. But currently, the quota system “discriminates against some foreign workers based on their country of origin, a characteristic they contend has little bearing on workers’ labor market contributions,” William A Kandel, CRS’s immigration policy analyst, wrote.

Chinese & Indian immigrants are high-skilled

David Bier 2018 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. He is an expert on visa reform, border security, and interior enforcement) 2018 October 22 “Higher-paid Immigrants Forced to Wait Longer Due to Per-country Limits” <https://www.cato.org/blog/higher-paid-immigrants-forced-wait-longer-due-country-limits>

Indian and Chinese immigrants are also more likely to be offered positions that require more experience and skills than other employer-sponsored immigrants. The Department of Labor [categorizes](https://www.onetonline.org/help/online/zones) jobs into five different “zones,” with Zone 5 commanding the most skills and experience. The average job zone was 4.1 for a position offered to an Indian immigrant, 4.0 for China, while all other immigrants were offered jobs with an average job zone of just 3.7.

Only 20% of “computer science and electrical engineering” graduates are U.S. citizens, and we need more

Stuart Anderson 2018 (executive director of the National Foundation for American Policy, a non-partisan public policy research organization focusing on trade, immigration and related issues ; former Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service.) 2018 May 21 “Will Congress Ever Solve The Long Wait For Green Cards?” <https://www.forbes.com/sites/stuartanderson/2018/05/21/will-congress-ever-solve-the-long-wait-for-green-cards/#dea8fcd763c7>

New advances continue to fuel the demand for skilled labor in the U.S. And this comes at a time when [only about 20% of the full-time graduate students](https://nfap.com/wp-content/uploads/2017/10/The-Importance-of-International-Students.NFAP-Policy-Brief.October-20171.pdf) at U.S. universities in computer science and electrical engineering are U.S. citizens (or permanent residents). “Emerging technologies, such as driverless vehicles, may also be increasing the demand for people with high levels of technical skill, including foreign-born researchers,” noted a recent National Foundation for American Policy [report](https://nfap.com/wp-content/uploads/2018/04/H-1B-Visas-By-The-Number-FY-2017.NFAP-Policy-Brief.April-2018.pdf). “Tesla (207 approved new H-1B petitions in FY 2017), Uber (158) and General Motors (179) all employ individuals in H-1B status.”

“Indentured servitude”—Workers without green cards have few rights

Will Racke 2018 (Immigration and foreign policy reporter at the Daily Caller News Foundation) 2018 July 31 “IMMIGRATION REFORMERS APPLAUD GOP-LED EFFORT TO LIFT PER-COUNTRY GREEN CARD CAPS” <https://dailycaller.com/2018/07/31/green-card-cap-reform/>

Kapoor’s group is one of the most vocal grassroots supporters of the Yoder amendment, which would do away with per-country caps for employmnet-based visas and raise them to 15 percent for family categories. Without it, many Indian guest workers have little hope of becoming permanent residents and will remain in a status that is more akin to indentured servitude, says to Leon Fresco, a Washington, D.C.-based immigration lawyer who serves as Immigration Voice’s general counsel. “If I hire the Indian worker, I have full control over that worker’s talents and abilities for the next 70 years because that’s how long it will take for him to get a green card,” Fresco told TheDCNF. “They can’t ask me for a promotion, they can’t ask for a raise, they can’t ask to change jobs, nothing.”

ADVANTAGES

Reducing the backlog would solve “Aging out”

National Immigration Forum 2018 (non-profit immigration research and advocacy organization) 2018 July 10 “Bill Summary: Fairness for High-Skilled Immigrants Act, H.R. 392” <https://immigrationforum.org/article/bill-summary-fairness-for-high-skilled-immigrants-act-h-r-392/>

Reducing the backlogs would allow spouses and children of H-1B visa holders to become permanent residents, reducing the number of children on H-4 dependent visas “aging out” and getting sent back to their home countries because they are unable to obtain their own H-1B visas in a timely manner.

First come, first serve if reforms are enacted

Stuart Anderson 2019 (executive director of the National Foundation for American Policy, a non-partisan public policy research organization focusing on trade, immigration and related issues ; former Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service.) 2019 February 15 “Bill Aims To End Decades-Long Waits For High-Skilled Immigrants <https://www.forbes.com/sites/stuartanderson/2019/02/15/bill-aims-to-end-decades-long-waits-for-high-skilled-immigrants/#67f925027b85>

After the transition period ends, the United States will adopt an employment-based immigration system that operates, in general, on a first come, first serve basis. In FY 2023 and 2024, up to about 40,000 immigrant visas could go to Indians in EB-2 and EB-3 who have been waiting many years for their green cards. However, it is likely some number of Chinese and Filipinos and other individuals in the pipeline may have priority dates that could allow them to obtain green cards in the EB-2 or EB-3 category in 2023 and the years that follow.

Immigrant startups worth $168 billion, big contributions to US economy

*Samir Kalra 2018 (managing director at the*[*Hindu American Foundation*](https://www.hafsite.org/)*, a nonprofit advocacy organization based in Washington. He leads the foundation’s human rights and policy advocacy efforts and has spoken extensively at Congressional briefings;previously served on the Immigration Advisory Committee for Rep.*[Eric Swalwell](https://thehill.com/people/eric-swalwell)*(D-Calif.)) 2018 March 14 “Congress, leave no H-1Bs behind”* <https://thehill.com/opinion/immigration/377886-congress-leave-no-h-1bs-behind>

The [National Foundation for American Policy](http://nfap.com/wp-content/uploads/2016/03/Immigrants-and-Billion-Dollar-Startups.NFAP-Policy-Brief.March-2016.pdf) further asserts that, overall, “immigrants have started more than half (44 of 87) of America’s startup companies valued at $1 billion dollars or more and are key members of management or product development teams in over 70 percent (62 of 87) of these companies.” Moreover, companies founded by immigrants are worth an estimated $168 billion and have generated thousands of U.S. jobs.

Well-integrated immigrants benefit society in the long term

Professor Richard Florida 2017 (co-founder and editor at large of CityLab and a senior editor at The Atlantic; university professor in the University of Toronto’s School of Cities and Rotman School of Management, and a distinguished fellow at New York University’s Schack Institute of Real Estate.) 2017 November 23“Let’s Give Thanks for Immigrants” <https://www.citylab.com/equity/2017/11/lets-give-thanks-for-immigrants/546488/>

A [new study](http://voxeu.org/article/population-diversity-and-long-term-prosperity) examining the economic role of immigrants in America since the late 19th century finds that the presence of immigrants is a major factor in the long-term economic prospects of a particular place. The study, by Andrés Rodríguez-Pose and Viola von Berlepsch of the London School of Economics, compares the proportion of immigrants in U.S. counties in 1880, 1900, and 1910 to the economic performance of each county in 2010, measured as economic output per capita. Even when controlling for demographic factors like income, education, industry, unemployment, labor force participation, gender, race, and other variables that are typically thought to condition economic growth, the presence of immigrants a century ago had a significant effect on the long-term prosperity of a place—but only if the newcomers are integrated with the rest of the population.

H-1B visa-holders put $220 billion into the U.S. economy

*Samir Kalra 2018 managing director at the*[*Hindu American Foundation*](https://www.hafsite.org/)*, a nonprofit advocacy organization based in Washington. He leads the foundation’s human rights and policy advocacy efforts and has spoken extensively at Congressional briefings. He previously served on the Immigration Advisory Committee for Rep.*[Eric Swalwell](https://thehill.com/people/eric-swalwell)*(D-Calif.)) 2018 March 14 “Congress, leave no H-1Bs behind”* <https://thehill.com/opinion/immigration/377886-congress-leave-no-h-1bs-behind>

In addition, GC Reforms finds that [immigrants on H-1B visas have made contributions](https://www.gcreforms.org/) of approximately $220 billion to the U.S. GDP and $72 billion in taxes over the past 10 years. They have contributed $50 billion in investments such as stocks and 401(k)plans, and $45 billion into real estate.

U.S. interest to retain more skilled immigrants: They create jobs

Annalisa Merelli 2018 (journalist; master's degree in semiotics and a bachelor's degree in mass communication from the University of Bologna.) 2018 February 14 “A contradiction in US immigration policy is putting kids of high-skilled workers at risk of deportation” <https://qz.com/1202486/h1b-j-and-o-visas-children-of-skilled-indian-workers-are-trapped-in-a-us-green-card-backlog/>

The people whose families end up in limbo are precisely the ones who US employers seek to attract—the ones with skills that can’t be matched by American workers. It would be in the US’s interest to help these immigrants stay, to progress in their careers, to become entrepreneurs, and create jobs for others. Instead, due to their visas, they are stuck in roles that they might have outgrown. They can’t change employers or start new businesses.

Immigration boosts innovation by domestic inventors – they get new ideas from immigrants

Professor Robert Seamans 2017 (Associate Professor at New York University’s Stern School of Business; former Senior Economist on President Obama's Council of Economic Advisers) 2017 April 25 “Immigrants Can Help Boost American Innovation And Economic Growth” <https://www.forbes.com/sites/washingtonbytes/2017/04/25/immigrants-can-help-boost-american-innovation-and-economic-growth/#668620c35f5c>

Evidence also suggests that immigration boosts innovation. A [recent study](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1910247) by one of us looks at the effect of Jewish émigrés from Germany during World War II on American innovators and innovation. The study finds a significant increase in innovation—in fields entered by immigrants, there is a 30% increase in patents by domestic inventors. These benefits are driven at least in part by contacts between immigrants and native inventors. One of the mechanisms at play is that American inventors come into contact with new sets of ideas and methods that they then use for their own work.

Attracting immigrants protects U.S. prosperity

Professor Richard Florida 2017 (co-founder and editor at large of CityLab and a senior editor at The Atlantic; professor in the University of Toronto’s School of Cities and Rotman School of Management, and a distinguished fellow at New York University’s Schack Institute of Real Estate.) 2017 November 23“Let’s Give Thanks for Immigrants” <https://www.citylab.com/equity/2017/11/lets-give-thanks-for-immigrants/546488/>

Of course, there are other reasons why places that attract large numbers of immigrants tend to be more successful over time. Immigrants are typically drawn to places that offer more economic opportunity to begin with: People don’t leave their homes and cross oceans to settle somewhere with limited economic opportunity. The irony is that the places that have historically been hostile to immigrants are less likely to be prosperous precisely because they are closed to the new people and ideas that drive innovation and economic growth. Indeed, for places where economic anxiety has given rise to anti-immigration sentiment, it may actually be a lack of immigrants that stands at the root of their economic distress.

U.S. leadership key to world peace and prosperity

Brook Manville 2018 (Principal of Brook Manville LLC, consulting on strategy and organization, with special interest in networks, learning, and leadership.) 2018 October 14 “Why A Crumbling World Order Urgently Needs U.S. Leadership” [Robert Kagan, senior fellow of Brookings Institute] <https://www.forbes.com/sites/brookmanville/2018/10/14/why-a-crumbling-world-order-urgently-needs-u-s-leadership/#e17684f2e61e>

If U.S. global leadership slides, Kagan asserts, the invisible protective bubble we’ve enjoyed since 1945 won’t just deflate. It will explode. Good-bye rules-based trade, hello shortages of food and essential products. Dictators not just threatening but using nuclear weapons. More innocents repressed or killed in civilized countries. Cross-border migrations magnitudes beyond the crises of today’s detention centers and Mediterranean rescues.

ADVOCACY

New American Economy

New American Economy 2019 (New American Economy is a bipartisan research and advocacy organization fighting for smart federal, state, and local immigration policies that help grow our economy and create jobs for all Americans.) 7 February 2019 “New American Economy Endorses the Fairness for High Skilled Immigrants Act of 2019” <https://www.newamericaneconomy.org/press-release/new-american-economy-endorses-the-fairness-for-high-skilled-immigrants-act-of-2019/>

“America’s immigration policy should focus on the qualities of the immigrants who aspire to come here, not on arbitrary factors that keep a third of the world’s population in lines that last decades,” said John Feinblatt, President of New American Economy. “The Fairness for High Skilled Immigrants Act will tear down needless barriers that are handicapping our innovation economy.”

Freedom Partners: Eliminating country caps would benefit the US economy

Press release quoting Freedom Partners Executive Vice President Nathan Nascimento 2019 (Freedom Partners is a non-profit, non-partisan, 501(c)(6) chamber of commerce in Arlington, Virginia.) 2019 February 8 “Freedom Partners: New Immigration Bill Brings Fairness to High-Skilled Workers” <https://freedompartners.org/press/freedom-partners-new-immigration-bill-brings-fairness-to-high-skilled-workers/>

“These reforms would allow for individuals to come to the United States to contribute their knowledge and skills to our economy, and have their applications processed in an impartial manner by no longer discriminating against applicants based off their country of origin. By eliminating the unfair country caps imposed under the current system, this ‘first come, first serve’ work visa system would help participating employers better satisfy their specific labor-market needs. We urge congressional leaders to work quickly to pass this bipartisan bill.”

Information Technology Industry Council

News Release from the Information Technology Industry Council 2019 (advocacy and policy organization for the world's leading innovation companies) 2019 February 7 “ITI Applauds Introduction of The Fairness for High-Skilled Immigrants Act” <https://www.itic.org/news-events/news-releases/iti-applauds-introduction-of-the-fairness-for-high-skilled-immigrants-act>

Today, ITI, the global voice of the tech sector, announced its support for The Fairness for High-Skilled Immigrants Act of 2019, a bicameral and bipartisan bill that eliminates the per-country caps on employment-based immigrant visas, allowing U.S. employers to attract and retain the world’s best and brightest employees in order to compete in a global marketplace. The current U.S. immigration system dictates that nationals from a single country cannot annually comprise more than seven percent of the total number of employment-based visas.

Carafano: Country caps make no sense, we need to just bring in skilled people regardless of origin

Dr. James Carafano 2019 (PhD; leading expert in national security and foreign policy challenges, vice president of Heritage's Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy and the E. W. Richardson Fellow; 25-year Army veteran with a master’s and doctorate from Georgetown Univ.) 2019 March 12 “Trump Can Fix America’s Immigration Problems” <https://www.heritage.org/immigration/commentary/trump-can-fix-americas-immigration-problems>

Kill the “Cap.” Today, under the Immigration and Nationality Act, employment-based immigrants are subjected to a per-country ceiling or cap, an antiquated practice that makes no sense for a country that ought to value the worth of an individual, not their country of origin. Let’s dump the arbitrary per-country caps and replace them with a system that serves the national interest by bringing America those who can best contribute to the American community.

DISADVANTAGE RESPONSES

A/T “Indians will dominate”—Transition period solves

Stuart Anderson 2019 (executive director of the National Foundation for American Policy, a non-partisan public policy research organization focusing on trade, immigration and related issues based in Arlington, Virginia; former Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service.) 2019 February 15 “Bill Aims To End Decades-Long Waits For High-Skilled Immigrants <https://www.forbes.com/sites/stuartanderson/2019/02/15/bill-aims-to-end-decades-long-waits-for-high-skilled-immigrants/#67f925027b85>

**How Does the Bill Seek to Address Critics?** It would be difficult to say a bill that garnered over 300 cosponsors during the last session of Congress has significant opposition. Still, despite this support, bill sponsors have attempted to preempt critics’ concerns. First, the bill includes a provision that states no one who is the beneficiary of an employment-based immigrant visa approved before the bill’s enactment shall receive a visa later than if the bill had never been enacted. Second, the bill contains transition rules. In FY 2020, 15% of the immigrant visas in EB-2, EB-3 and EB-5 are reserved for beneficiaries from countries that are “not one of the two states with the largest aggregate numbers of natives who beneficiaries of approved petitions” in those categories. The provision is 10% in FY 2021 and FY 2022.

A/T “Indians will dominate”—only for a few years; it will balance out soon

Will Racke 2018 (Immigration and foreign policy reporter at the Daily Caller News Foundation) 2018 July 31 “IMMIGRATION REFORMERS APPLAUD GOP-LED EFFORT TO LIFT PER-COUNTRY GREEN CARD CAPS” [Brackets added for clarity] <https://dailycaller.com/2018/07/31/green-card-cap-reform/>

[Leon Fresco, a Washington, D.C.-based immigration lawyer who serves as Immigration Voice’s general counsel] Fresco concedes that lifting the per-country cap will lead to a period of “five to six” years when Indian immigrants who’ve been waiting for many years will get their green cards before people from other countries. But once the backlog is cleared, immigrants will receive green cards in the order in which they applied, rather than with any regard for national origin, he says.

A/T “Mexican/Filipino domination”— not a problem

Stuart Anderson 2019 (executive director of the National Foundation for American Policy, a non-partisan public policy research organization focusing on trade, immigration and related issues based in Arlington, Virginia; former Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service.) 2019 February 15 “Bill Aims To End Decades-Long Waits For High-Skilled Immigrants <https://www.forbes.com/sites/stuartanderson/2019/02/15/bill-aims-to-end-decades-long-waits-for-high-skilled-immigrants/#67f925027b85>

While the new 33,900 family per-country limit will help U.S. citizens with relatives waiting in Mexico and the Philippines, it should not overwhelm or shut out U.S. citizens with relatives in other countries. Analyzing FY 2018 [data](https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2018AnnualReport/FY18AnnualReport%20-%20TableV-Part1.pdf) leads to the conclusion that if H.R. 1044 had been in effect, Mexicans would have received about 19,100 more immigrant visas in the family preference categories in FY 2018 and Filipinos would have received approximately 21,600 more immigrant visas. One can expect it will take many years before the backlogs for Mexicans and Filipinos in some of the categories cited above become appreciably lower, based on the most recent [State Department data](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwih3uT51LLgAhVKQ6wKHbACBKMQFjAAegQIBhAC&url=https%3A%2F%2Ftravel.state.gov%2Fcontent%2Fdam%2Fvisas%2FStatistics%2FImmigrant-Statistics%2FWaitingList%2FWaitingListItem_2018.pdf&usg=AOvVaw1vMH78xubMDTa6bQAEUBSr).

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