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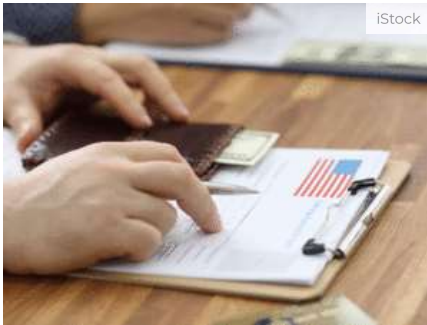
3.5 lakh Indians currently stuck in Green Card backlog

Synopsis

Companies often sponsor permanent residency for employees to hold on to high-skilled labour. In recent years, American technology companies including Facebook, Google, Amazon and Cognizant have emerged as some of the top sponsors of green cards for their employees, according to USCIS data.

About 357,720 Indians have not been able to complete their applications for an employment-based **green card** though they have been processed, due to the backlog currently, data released by the US Citizenship and **Immigration** Services (**USCIS**) showed.

This is nearly eight times higher than **China**, which ranks second with 46,926 such applicants.

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"These are the principal applicants who have an approved I-140 and are waiting to either file their I-485 application or who may have filed utilizing the filing chart, but their priority dates are actually not current under the final action chart," said Nandini Nair, partner at Greenspoon Marder, a law firm.

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Once the I-140, or initial petition for residency, is approved, the applicants can file for an adjustment of status.

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"There is a substantial backlog for Indian nationals as they are the highest percentage of applicants for the employment-based green card," Nair said. "The queue is so astronomically large, that without Congressional intervention to fix the employment-based green card system, a significant portion of these applicants may not receive their green cards in their lifetime."

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Over time, slow processing coupled with high demand have resulted in increased backlog for Indian applicants. Each year, the United States issues 140,000 green cards, subject to a 7% per country limit.

"Chronic and unconscionable delays have become an integral part of the USCIS and other immigration processes…," said Rajiv S Khanna, managing attorney at Immigration.com. "While we can understand some delays that have been built into the process by statute, such as country-based immigration, processing delays of a year or more in benefits that should require only minutes to adjudicate are uncivilized."

Companies and pro-immigration lawmakers have been calling for immigration reform on the grounds that it would help the US retain high-skilled talent and aid the local economy.

However, most attempts at bringing about regulatory change have not made it through the US Congress.

"While Congress is fully aware of the issues, little has been done to correct the situation. For a country that claims to be a nation of immigrants, the disregard for its own needs served by immigration is emblematic of our systemic dysfunction," said Khanna.

Most recently, the Build Back Better Bill has proposed substantial immigration reform. It has been passed by the US House of Representatives but needs to be cleared by the Senate before it can become law.

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