



**Support Alliance of
US Immigrants**

All of Us Arguments Confirmed by Congressional Research Service

On March 26, 2020, the Congressional Research Service, published the report on "The Employment-Based Immigration Backlog". The report analyzes the impacts of S.386 on employment-based green card backlog in a fair and professional manner.

Here are some of the highlights of the report confirming the arguments and the mission All of US has been fighting for in the past few years:

- The employment-based backlog will double by FY2030.
“This queue of prospective immigrants— the employment-based backlog—is dominated by Indian nationals. It has been growing for decades and is projected to double in less than 10 years.” [Page 4]
- Limited number of green cards, not the per country distribution, caused the backlog.
“This employment-based backlog is projected to double by FY2030. It exists because the number of foreign workers whom U.S. employers sponsor for green cards each year exceeds the annual statutory green card allocation.” [Page 2]
- Not enough employment-based green cards hurts America.
“In the face of the substantial wait times for LPR status, however, growing numbers of such workers are reportedly migrating to countries other than the United States for education, employment, or both.” [Page 5]
- Under HR 1044/S.386, the backlog in every category will get worse.
“Given current trends, the analysis projects that by FY2030, the EB1 backlog would grow from an estimated 119,732 individuals to an estimated 268,246 individuals; the EB2 backlog would grow from 627,448 to 1,471,360 individuals; and the EB3 backlog, from 168,317 to 456,190 individuals. The total backlog for all three categories would increase from an estimated 915,497 individuals currently to an estimated 2,195,795 individuals by FY2030. These outcomes would occur whether or not S. 386 is enacted, because the bill maintains the current limit on number of green cards issued.” [Page 2]
- Backlog for EB-1 “priority workers” will get worse under HR 1044/S.386.
“... the total backlog under both scenarios is projected to more than double from 119,732 in FY2020 to 268,246 in FY2030. S. 386 would alter how the backlog grows by country of origin over this period. For Indian nationals, the backlog would increase by only 21% under the bill’s provisions, instead of 118% under current law. Chinese nationals would



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experience a 115% backlog increase, instead of a 215% increase. Nationals from all other countries would bear the impact of these reductions. Their backlog would increase by more than five times over this period, from 21,425 to 125,852.” [Pages 11-12]

- Backlog for EB-2 “advanced degrees” will get worse under HR 1044/S.386.
“For Indian nationals, the backlog would increase by a smaller percentage—77% under the bill’s provisions compared with 123% under current law. Chinese nationals, in contrast, would see their backlog increase by a greater percentage under the bill’s provisions—217% versus 194% under current law. Nationals from all other countries, however, would experience the most notable difference in FY2030. Instead of a relatively small backlog of 30,051 that would disappear after a year under current law, RoW nationals would face a backlog nine times its current size (278,333).” [Pages 12-13]
“The significant drop in FY2030 green card wait times for Indian and Chinese nationals under S. 386 would come at the expense of nationals from all other countries. RoW nationals would see their EB2 backlog and wait times increase substantially [to 37 years]. Currently, no backlog exists for persons with approved EB2 petitions from RoW countries. Under the current system, EB2 petition approval for anyone from other than India or China generally leads to a green card with no wait time.³³ By removing the per-country ceiling, however, S. 386 would create a new RoW backlog by FY2030 that would be nine times its projected size under current conditions.” [Page 13]
- Backlog for EB-3 “skilled workers” will get worse under HR 1044/S.386.
“RoW nationals would experience the most notable difference in FY2030, with the backlog increasing to roughly double the size under S. 386 (251,171) compared to the projected backlog under current law (136,783).” [Page 14]
- S. 386 solves nothing.
“S. 386 would not alter the growth of future backlogs compared to current law. This analysis projects that, by FY2030, the EB1 backlog would grow from an estimated 119,732 individuals to an estimated 268,246 individuals; the EB2 backlog, from 627,448 individuals to 1,471,360 individuals; and the EB3 backlog, from 168,317 individuals to 456,190 individuals. In sum, the total backlog for all three employment-based categories would increase from an estimated 915,497 individuals currently to an estimated 2,195,795 by FY2030.” [Page 15]

The report correctly and rightfully shows the drawbacks and serious flaws in S386 that should have been investigated before passage of the bill in the house of representatives in July 2019. Hopefully, the report would shed more light on the unintended consequences of this bill and pave the way for a more comprehensive legislative solution for employment-based green cards.