

Joe Biden to present Citizenship Bill in Senate on Thursday; Indians in Green card queue could benefit

Synopsis

The Bill aims to increase the overall quota for employment based green cards from 140,000 to 170,000 annually, a move that would be beneficial to Indians in the US. Indians face the longest wait times for a green card on account of annual country caps.



Pune: American President **Joe Biden** is expected to present his **US Citizenship Bill** in the US Senate on Thursday, but it will be a long process to get the Bill approved, said immigration watchers. The Bill aims to increase the overall quota for employment based **green cards** from 140,000 to 170,000 annually, a move that would be beneficial to Indians in the US. Indians face the longest wait times for a **green card** on account of annual country caps. It also proposes adding the unused quota of 225,000 green cards to those available, which would help reduce the backlog a bit. There are about 800,000 Indians in line for an employment based green card, the wait times for which run into decades.

In other provisions which would be beneficial to Indian professionals in the US, it proposes providing employment authorisation for spouses and children of **H-1B visa** holders and not having children age out while the petitions are pending. Immigration attorneys said that the final contours of the Bill, if it gets passed by both the houses could be considerably different from this. The first challenge would be finding support in the Senate.

“The Bill will go through many changes and by the time it gets passed by both Houses it could be totally different. It also needs 10 Republicans to vote in the Senate which is a tall order, so we will have to see how this plays out,” said Rajiv S Khanna, managing attorney at immigration.com

There are some aspects to the Bill which are likely to make it harder to find consensus on it, like not having any specific provisions to ease passage for immigrant healthcare professionals. For family immigration categories, it proposes immediate citizenship for spouses and children of green card holders. PhD holders from US universities in STEM subjects would be exempt from numerical caps for employment based immigration.

“Based on the general outline there are some good things such as increasing family based green card numbers, and creating a maximum wait period of time of 10 years for the green card but it only increases employment based green card numbers slightly and does not eliminate counting derivatives in the employment based cap. So, in its current format, it does not address the significant backlog we currently have in employment based green cards,” said Nandini Nair, partner at law firm Greenspoon Marder.

“If the final text holds, the pathway to citizenship would benefit both illegal and legal immigrants, clearing away the EB backlog, said CATO Institute’s immigration policy analyst David Bier on Twitter. He said that the provision of a flexible

EB cap only meant that the quotas can be reduced, but not increased in times of low unemployment, which 'plays into the protectionist nonsense that **Biden** rejected just last year when he denounced the visa bans.'

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