

# Bill to Eliminate Per-Country Caps on Green Cards Re-Introduced

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Prior to the government shutdown, it seemed that the Fairness for High-Skilled Immigrants Act [might pass as an amendment](#) to the spending package with strong bipartisan support. But that was not to be. Now members of the U.S. House and Senate, led by [Representative Zoe Lofgren \(D-CA\)](#) and [Senator Kamala Harris \(D-CA\)](#), have again introduced the bill in the 116<sup>th</sup> Congress.

The bill would eliminate the per-country caps and therefore speed up the processing of green cards specifically for Indian and Chinese foreign nationals who have faced extremely long waits in the past. In addition to having their processes expedited, such foreign nationals would also benefit because:

- They and their employers would not have to worry about renewing H-1B visas over and over again in an atmosphere that has become more hostile to H-1B visas;
- Spouses would be able to obtain work authorization based upon the filing of the green card applications and find relief from the [Trump Administration's plan to eliminate H-4 EADs](#); and
- Children of these beneficiaries would not face so frequently the prospect of "ageing-out" before their parents can apply for green cards for them as well.

High tech companies are particularly supportive of this new legislation because it will make it easier for them to recruit foreign workers – many of whom are from India.

But there would be a downside to the proposed changes. Foreign nationals who are not from India or China would have to face longer waits than they have in past. It has been [estimated that the average wait time](#) will equalize at about seven years. Consequently, it would be virtually impossible for any foreign national to receive a green card without first having an H-1B visa. This could make recruiting foreign talent from countries other than India and China more difficult. Among the concerns:

- The healthcare industry is concerned because foreign nurses, generally not from India or China, are not eligible for H-1B visas and have to get green cards before they can work in the U.S.
- Potential employees who are not from India or China who are locked out of the H-1B lottery will no longer have the green card option immediately available.
- Individuals who are not from India or China will have to face more H-1B renewal applications.
- Without green cards, individuals from travel ban countries will have to deal with a waiver system that has not been very viable.

The legislation gives with one hand but, unfortunately, takes with the other.

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