

Resolving Extended Limbo for Immigrant Employees and Families (RELIEF) Act

One of the most serious problems in our broken immigration system is that there are not nearly enough immigrant visas – also known as green cards – available each year. As a result, immigrants are stuck in crippling backlogs for many years.

Close to four million future Americans are on the State Department’s immigrant visa waiting list, which doesn’t include hundreds of thousands of immigrants in the U.S. who are also waiting for green cards. However, under current law only 226,000 family green cards and 140,000 employment green cards are available annually. Children and spouses of lawful permanent residents (LPRs) count against these caps, further restricting the number of available green cards.

The backlogs are a particular hardship on families who are caught in immigration limbo. For example, children of LPRs often “age out” because they are no longer “children,” as defined under immigration law, by the time green cards are available for them.

The solution to the green-card backlog is clear: increase the number of green cards. Immigration law also should treat children and spouses of LPRs as immediate relatives, just as they are considered when their family members become citizens. The Senate did exactly this in S. 744, the comprehensive immigration reform bill which passed the Senate in 2013 on a strong bipartisan vote.

Congress should also lift green-card country caps, which were designed to preserve immigration diversity but have contributed to backlogs because of the insufficient number of green cards and the large number of immigrants in the United States stuck on temporary work visas. However, lifting country caps alone without increasing the number of green cards will not eliminate backlogs for Indian immigrants (the nationality with the most people in the employment backlog), and will dramatically increase backlogs for the rest of the world.

The RELIEF Act will:

- Eliminate the family and employment green card backlog over five years in the order in which applications were filed (based on S. 744, the Senate CIR bill).
- Keep American families together by classifying spouses and children of LPRs as immediate relatives and exempting derivative beneficiaries of employment-based petitions from annual green card limits (based on S. 744, the Senate CIR bill).
- Protect “aging out” children who qualify for LPR status based on a parent’s immigration petition.
- Lift country caps (House-passed H.R. 1044).
- Extend the “hold harmless” clause from H.R. 1044 that exempts immigrant visa petitions approved prior to enactment from the lifting of country caps to petitions approved for five years after enactment.