



November 2, 2021

The Honorable Richard Durbin  
Senate Judiciary Committee, Chair  
711 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Alex Padilla  
Senate Judiciary Subcommittee on Immigration,  
Citizenship, and Border Safety, Chair  
112 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Jerrold Nadler  
House Committee on the Judiciary, Chair  
2132 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Zoe Lofgren  
House Committee on the Judiciary,  
Judiciary Subcommittee on Immigration and  
Citizenship, Chair  
1401 Longworth House Office Building  
Washington, D.C. 20515

Dear Senators Durbin and Padilla and Representatives Nadler and Lofgren,

On behalf of the undersigned immigration advocacy organizations, think tanks, and civil society groups representing a broad spectrum of constituents and stakeholders, we write to you strongly encouraging the inclusion of green card recapture and advanced adjustment of status provisions passed by the House Judiciary Committee in the budget reconciliation bill undergoing current negotiations.

We strongly support providing permanent status for undocumented community members, including Dreamers, Temporary Protected Status (TPS) holders, essential workers, and farmworkers. We implore you in the strongest terms to try every available possibility to advance the protection of these vulnerable people and deserving populations. But we also urge you to simultaneously support the inclusion of reforms to our existing immigration system in the reconciliation bill.

Through reconciliation, Democrats have a once-in-a-generation opportunity to modernize the existing U.S. immigration system, reunite millions of families separated through immigration restrictions and backlogs, increase U.S. GDP by trillions of dollars, and provide immigration relief for millions of foreign nationals. Presently, there are over 4 million immigrants in the family-based backlog and over 1 million individuals currently stuck in the employment-based backlog.

Analysis by the Niskanen Center finds that the visa-related immigration provisions included in the House budget reconciliation package would recover about 1 million previously available immigrant visa numbers; offer an early opportunity to adjust status to millions more who are stuck in the backlogs; add \$4 trillion to the U.S. GDP over ten years; and add hundreds of billion dollars in revenue to state, local, and federal government.<sup>1</sup>The provisions are also popular with voters; recent polling shows 55% of voters support recapturing unused green cards and only 33% oppose it.<sup>2</sup>

<sup>1</sup> See Jeremy L. Neufeld, [Recapturing Green Cards is a Trillion Dollar Reconciliation Opportunity](#), Niskanen Center, September 10, 2021. And Ibid. [The Immigration Ruling Hurts, But the Door May Still be Open for Major Legal Immigration Changes](#), Niskanen Center, September 20, 2021.

<sup>2</sup> Anika Dandekar, Isa Alomran, and Ethan Winter. [Voters Support Recapturing Unused Green Cards and Modernizing Immigration Avenues](#). Data for Progress. October 12, 2021.

Recapturing<sup>3</sup> green cards will allow the U.S. to allocate more than one million green cards already authorized by Congress that have gone unused since 1992 due to administrative error and inefficiency. The ongoing COVID-19 global pandemic has significantly exacerbated the visa backlogs and drastically curtailed visa issuance.<sup>4</sup> Provisions in the House reconciliation bill would provide an exemption from annual and per-country limitations upon the payment of a supplemental fee, allowing those with an approved immigrant visa petition who have been in line for two or more years to become permanent residents more rapidly.

These changes promise to improve the immigration process by ensuring that there are opportunities for those who currently must wait years — even decades<sup>5</sup> — after their petition for a green card has been approved. Even those who don't choose to pay for early filing or a cap exemption will benefit from reduced backlogs and waiting times, and the supplemental fees collected will help U.S. Citizenship and Immigration Services to handle its workload more efficiently.

Recapture alone would provide more than half a million green cards to individuals and families who have already built lives in the U.S. and those whose rights are restricted by the terms of their temporary visas, including their legal status being tied to a specific employer. Provisions in the House reconciliation bill would also guarantee work authorization to those individuals' spouses and children, while also preventing their children, who have grown up in the U.S., from becoming undocumented when they turn 21 years of age.

As we continue to fight for legalization, these provisions will prevent more people from losing status and may also help existing Dreamers, essential workers, and TPS/DED recipients who are beneficiaries of approved immigrant visa petitions. Further, they could help millions stranded overseas in the backlog, allowing families separated for years by U.S. immigration policies to be reunited.

Most importantly, the Senate Parliamentarian's unfortunate negative recommendations against a roadmap to citizenship have kept the door open to include these visa-related provisions. As the parliamentarian's decision states, provisions such as recapture "are distinguishable as they appl[y] to persons who [are] already admissible and not barred under law from applying for status, which is not the case [with legalization]."

Neither of the House bill's visa-related changes affect criteria for admissibility or eligibility for legal status. These reforms do not "clear the way to LPR status" for anybody without a way to get there under existing law. Instead, they only affect the timeline of adjustment (and will generate additional revenue collected through fees) without changing eligibility criteria.

Across the board, administrative errors and inefficiencies continue to waste valuable economic inputs, put careers on hold, keep families separated, and force others to give up on the American dream. Together, the visa-related provisions discussed above would be a significant victory for immigrant communities across the country and will help to ensure a more fair and efficient immigration system.

Thank you for your consideration and commitment to advance immigration reform in the budget reconciliation process.

Sincerely,

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<sup>3</sup> Jeremy L. Neufeld, Doug Rand, and Lindsay Milliken. *Stop the Incinerator: [The high cost of green card slots going unused and the benefits of recapturing them](#)*. Niskanen Center. June 23, 2021.

<sup>4</sup> American Immigration Lawyers Association. *[Policy Brief: Reopening America – How DOS Can Reduce Delays and Eliminate Backlogs and Inefficiencies to Create a Welcoming America](#)*. June 29, 2021.

<sup>5</sup> Boundless. *[Wait Time for Some Green Card Categories Could Be 100 Years Plus](#)*. November 26, 2019.

1. Academy of Medical & Public Health Services, Inc.
2. African American Ministers In Action
3. African Bureau for Immigration and Social Affairs
4. African Communities Together
5. American Immigration Council
6. American Immigration Lawyers Association
7. Apicha Community Health Center
8. Arab American Association of New York
9. Arab-American Family Support Center
10. Asian American Advocacy Fund
11. Asian American Federation
12. Asian American Federation of Florida South Region
13. Asian Americans Advancing Justice | AAJC
14. Asian Americans Advancing Justice | Chicago
15. Asian Caribbean Exchange
16. Asian Counseling and Referral Service
17. Asian Pacific American Labor Alliance, AFL-CIO
18. Asian Resources, Inc
19. Association of Farmworker Opportunity Programs
20. Becoming American Institute
21. Center for Law and Social Policy (CLASP)
22. Chinese-American Planning Council
23. Church World Service

24. Coalition of Community Organizations
25. COCO-Coalition of Community Organizations
26. Community Action Board of Santa Cruz County, Inc. (CAB)
27. Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
28. Connecticut Shoreline Indivisible
29. Disciples Immigration Legal Counsel
30. Disciples Refugee & Immigration Ministries
31. Empowering Pacific Islander Communities (EPIC)
32. Equality California
33. Faiths for Safe Water
34. First Focus Campaign for Children
35. Florida Asian Services
36. Florida Asian Women Alliance
37. Futures Without Violence
38. FWD.us
39. Good Shepherd Lutheran Church
40. HANA Center
41. Human Agenda
42. Illinois Coalition for Immigrant and Refugee Rights
43. IMG Taskforce
44. Immigrant Legal Advocacy Project
45. Immigrant Legal Resource Center
46. Immigration Hub

47. InterReligious Task Force on Central America and Colombia
48. Japanese American Citizens League
49. Japanese American Social Services, Inc.
50. KCS Korean Community Services of Metropolitan New York, Inc
51. Miami Valley Immigration Coalition
52. MomsRising/MamásConPoder
53. National Advocacy Center of the Sisters of the Good Shepherd
54. National Council of Asian Pacific Americans
55. National Immigration Forum
56. National Immigrant Justice Center
57. National Immigration Law Center
58. National Network for Arab American Communities (NNAAC)
59. National Network for Immigrant & Refugee Rights
60. National Partnership for New Americans
61. New American Economy
62. New York Immigration Coalition
63. Niskanen Center
64. North Carolina Justice Center
65. OCA - Asian Pacific American Advocates
66. OCA South Florida
67. Ohio Progressive Asian Women's Leadership
68. OneAmerica
69. Oxfam America

70. Pacific Islander Health Board of WA
71. Physicians for American Healthcare Access
72. Polygon Education Fund
73. Presidents' Alliance on Higher Education and Immigration
74. Project New Yorker
75. Race Matters, First Congregational UCC
76. RESULTS DC/MD
77. Rising Voices
78. Sakhi for South Asian Women
79. Sampreshan Inc
80. Sapna NYC
81. Sikh American Legal Defense and Education Fund (SALDEF)
82. Silver State Equality-Nevada
83. Sisters of Charity of Nazareth Western Province Leadership
84. Society for Human Resource Management (SHRM)
85. Southeast Asia Resource Action Center (SEARAC)
86. SURJ Marin
87. TechNet
88. Union for Reform Judaism
89. United Stateless
90. Westchester Jewish Coalition for Immigration
91. Welcoming America
92. Woodhull Freedom Foundation

93. Woodside on the Move

94. Worldwide ERC

95. Young Center for Immigrant Children's Rights