

THE NEW YORK TIMES

November 29, 2011

Highly Skilled May Wait Less for Visas

By JULIA PRESTON

In a rare show of bipartisan comity on the angrily contested issue of [immigration](#), the House of Representatives on Tuesday passed a bill that tweaks the visa system to allow more highly skilled immigrants from [India](#) and [China](#) to become legal permanent residents.

The bill, originally offered by Representatives Jason Chaffetz, a conservative freshman Republican from Utah, and Lamar Smith, a Texas Republican and chairman of the House Judiciary Committee, sailed through by a vote of 389 to 15. Joining as sponsors were several Democrats who are outspoken liberals on immigration, including Representatives Luis V. Gutierrez of Illinois and Zoe Lofgren of California.

Mr. Chaffetz said he had tried to find a sweet spot, even if small, where lawmakers from both parties could come together to fix the legal immigration system, which is widely acknowledged to be broken. The bill does not address illegal immigration, nor does it add any new visas to the system, which many Republicans, including Mr. Smith, are reluctant to do.

“I campaigned in Utah on the idea that we can never solve our illegal immigration woes without fixing legal immigration,” Mr. Chaffetz said Tuesday.

The bill seemed likely to pass easily in the Senate, said Senator Charles E. Schumer of New York, a leading Democrat on immigration.

Its main impact will be to reduce visa backlogs that meant, for example, that some Indians with science or technology skills who were approved recently for permanent resident visas, known as green cards, would face waits of 70 years before they would actually receive the documents.

The bill eliminates limits on the number of green cards based on employment that is available annually to each country. Currently, 140,000 green cards are available each year for immigrants based on their job skills, with each country limited to 7 percent of those visas. Under the bill, after a three-year transition, all employment-based green cards will be issued on a first-come-first-served basis, with no country limits.

The legislation also includes a measure that will more than double the green cards based on family ties available for Mexicans and Filipinos, the two national groups facing the longest

backlogs on the family side of the system. It raises the country limit for 226,000 family green cards each year to 15 percent from the current 7 percent.

The fix in the family visas helped to persuade Democrats like Mr. Gutierrez to sign on to the bill.

By far, the main beneficiaries will be highly skilled immigrants from India and China, including many with master's degrees and doctorates in science and engineering. Because they come from populous countries that send many people to work here who have advanced science and technology skills, immigrants from those two nations had been forced by the country limits into lines that were many years long and growing much longer.

In most cases, Indians and Chinese who will now receive their permanent green cards more quickly have been working in the United States for years on temporary visas. The immigrants and their employers have passed labor market tests showing that qualified Americans were not available for jobs they hold.

"This legislation makes sense," Mr. Smith said before the vote. "Why should American employers who seek green cards for skilled foreign workers have to wait longer just because the workers are from India or China?"

American technology companies have been clamoring for Congress to offer more green cards for their foreign employees, arguing that the United States was losing out in global competition by forcing those immigrants to leave.

Some countries will lose under the legislation. During the next three years, many more employment green cards will be set aside for Indians and Chinese than for others languishing in backlogs, particularly Filipinos and South Koreans.

And because the law would add no new visas, backlogs would be redistributed but not eliminated. The wait in the most severely clogged employment visa categories will even out over time to 12 years for all countries, said Stuart Anderson, executive director of the National Foundation for American Policy, which conducts research on immigration.

Mr. Gutierrez said: "We need bigger fixes to our legal immigration system so that employers and families use official channels, not black-market ones. We want people to go through the system, not around it."

<http://www.nytimes.com/2011/11/30/us/green-card-backlog-may-ease-for-some-from-china-and-india.html>