

## Wait Times In Years for Employment-Based Immigrants

By law, the current annual limit on employment-based immigrant visas (green cards) is 140,000, which has demonstrated to be well below demand, creating backlogs of 5 years or more in key categories. (The 140,000 figure includes spouses and minor children of the sponsored immigrant.) The chart below represents NFAP's current estimates of likely wait times. In certain categories, the unavailability of green cards has worsened significantly in the past year. An employment-based immigrant in the Skilled Workers and Professionals category can expect to wait at least 5 years for a green card. These wait times are likely to worsen absent legislative changes by Congress. The same is true for the Other Workers category for lesser skilled workers, which has at least a 5 year wait currently. The wait times for Priority Workers (1<sup>st</sup> preference) and Advanced Degree Holders and Persons of Exceptional Ability from China and India have generally worsened recently, with waits ranging from 1 to 3 years. Since inadequate employment-based immigration quotas and long regulatory delays make it virtually impossible to hire an individual directly on a green card, the availability of H-1B temporary visas is considered crucial, otherwise skilled foreign nationals, particularly graduates of U.S. universities, could not work or remain in the United States. Today, it is also not possible to hire individuals directly on green cards for lower skilled positions, given the processing and backlogs in the Other Workers category, which is statutorily limited to 10,000 a year. Unlike for high skilled occupations, there are no equivalent temporary visa categories for jobs in hotels, restaurants, or agriculture, except for H-2A, the cumbersome agricultural guest worker visa, and H-2B, which is limited to temporary and seasonal, non-agricultural jobs. Wait times are based on "cut-off dates." After estimating the demand in a category, the State Department assigns a "cut-off" date that leads to processing only applications filed prior to that date. Per-country limits for employment-based immigrants are generally set at 7% of the 140,000 annual limit, though they can exceed 7% if visa slots would otherwise be left unused for skilled workers.

	<b>China</b>	<b>India</b>	<b>Mexico</b>	<b>Philippines</b>	<b>All Other Countries</b>
<b>Priority Workers (1<sup>st</sup> Preference)</b>	2 year wait (Processing applications before July 2004)	1 year wait (Processing applications before July 2005)	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants
<b>Advanced Degree Holders and Persons of Exceptional Ability (2<sup>nd</sup> Preference)</b>	2 year wait (Processing applications before January 2004)	3 year wait (Processing applications before January 2003)	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants
<b>Skilled Workers and Professionals (3<sup>rd</sup> Preference)</b>	5 year wait (Processing applications before May 2001)	5 year wait (Processing applications before February 2001)	5 year wait (Processing applications before April 2001)	5 year wait (Processing applications before May 2001)	5 year wait (Processing applications before May 2001)
<b>Other Workers (3<sup>rd</sup> Preference)</b>	5 year wait (Processing applications before October 2000)	5 year wait (Processing applications before October 2000)	5 year wait (Processing applications before October 2000)	5 year wait (Processing applications before October 2000)	5 year wait (Processing applications before October 2000)

Source: U.S. Department of State Visa Bulletin, May 2006; National Foundation for American Policy. Note: The relatively small number of those in the Schedule A Workers, Certain Special Immigrants, and Employment Creation Immigrants categories do not experience backlogs and are not included on the chart. Once a number/visa is available processing can take from 2 months at an overseas post to longer periods with U.S. Citizenship and Immigration Services.