

National Foundation for American Policy

August 26, 2026

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New Research: Employment-Based Immigrant Backlog Exceeds 1.2 Million; Waiting Times For Green Cards Can Last Decades

Arlington, Va. – The employment-based immigration backlog has passed 1.2 million and may exceed 2 million by 2040 without changes to U.S. immigration law, according to [an analysis](#) by the National Foundation for American Policy (NFAP), a nonpartisan research organization based in Arlington, VA. NFAP finds that a high-skilled foreign national from India with a labor certification application or an employment-based immigrant petition filed in January 2026 or later has a potential wait time for a green card (permanent residence) of 179 years in the employment-based second preference (EB-2), 38 years in the employment-based third preference (EB-3) and 5 years in the employment-based first preference (EB-1). The long waits are due to a significant backlog that has developed over many years because of annual and per-country limits on employment-based immigrant visas and the strong demand for foreign-born scientists and engineers in America. Anyone from India with an application filed in 2025 or 2026 in the employment-based second or third preference can likely expect to wait decades for permanent residence without a change in the law.

“Many Americans don’t realize how challenging it can be to immigrate legally to the United States, even for the most highly skilled and innovative people. These long waiting times for green cards create significant hardships for individuals and their families and undermine the ability of companies to attract and retain talent in America,” said NFAP Executive Director Stuart Anderson.

The study “Employment-Based Immigration Backlogs and Waiting Times,” can be found at <https://nfap.com/>.

Table 1
Employment-Based Immigration Backlogs (Estimated)

Immigration Category	April 2020	Dec. 2025	Change Since April 2020	Percentage Change Since April 2020
Employment-Based First Preference (EB-1)	101,253	84,420	-16,832	-16.6%
Employment-Based Second Preference (EB-2)	684,257	840,869	+156,612	+22.9%
Employment-Based Third Preference (EB-3)	260,812	339,206	+78,394	+30.1%
Total	1,048,342	1,264,495	216,153	+20.6%

Source: USCIS, National Foundation for American Policy. USCIS published data on principals, and NFAP calculated the estimated number of dependents and total backlogs in categories based on FY 2024 data.

As of December 2025, nearly one million people from India are waiting in the employment-based immigration backlog. The long waits are not because of slow processing of applications at U.S. Citizenship and Immigration Services, which is a separate issue.

The annual limit and per-country limit also cause years-long delays for hospitals sponsoring nurses and other needed healthcare professionals from the Philippines and other countries. In 2022, as part of what became the Chips and Science Act, the House of Representatives passed an exemption from employment-based green card numerical limits and backlogs for individuals with a Ph.D. in science and technology fields and those with master's degrees in critical industries. Sen. Charles Grassley (R-IA) blocked its inclusion in the final bill during the conference committee. The measure would have significantly reduced the employment-based immigrant backlog.

There were approximately 3.8 million people on the family-sponsored preference waiting list as of November 2023, according to the most recent report from the State Department. In addition to those backlogs, the Trump administration has made it more difficult for U.S. citizens to sponsor family members through a new public charge rule, a ban on the entry of immigrants from 39 countries and a freeze on applications for individuals from 75 countries.

About the National Foundation for American Policy

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) nonprofit, nonpartisan public policy research organization based in Arlington, Virginia focusing on trade, immigration and related issues. The Advisory Board members include Columbia University economist Jagdish Bhagwati, Ohio University economist Richard Vedder, Cornell Law School professor Stephen W. Yale-Loehr and former INS Commissioner James W. Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post* and other major media outlets. The organization's reports can be found at www.nfap.com. X.com: [@NFAPResearch](https://twitter.com/NFAPResearch) Bluesky: [@NFAPResearch.bsky.social](https://bsky.app/profile/nfapresearch.bsky.social)

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