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## Blocked: Senate Action on Big Tech Green Card Bill

Sen. David Perdue (R-GA) objected to unanimous consent, blocking HR1044/S386 from the Senate Floor.

According to advocacy groups representing the Big Tech employers and their guestworkers, the Senate will consider a bill on Thursday, September 19, that would dramatically change our system for awarding employment green cards in a way that rewards their business model – which has displaced U.S. workers on a grand scale. The bill is the Fairness for High Skilled Immigrants Act (S. 386), which is a companion bill that is very similar to H.R.1044, which passed in the House earlier this year.

This bill is anything but fair to U.S. workers, because it strengthens and perpetuates a system that is actively displacing them. It offers a major concession to employers who have bypassed U.S. workers for decades, without reforming the system to reduce guestworker admissions or prevent employers from replacing U.S. workers. This is one reason that DHS issued a statement opposing the bill when the House considered it earlier this year.

It eliminates a control known as the per-country cap, which meters issuance of green cards so that they are distributed to applicants from all countries before citizens of any one country can go above a certain number. Under this system, applicants from India now receive 20 percent of the employment green cards. Most of the applicants from India hold temporary visas (usually H-1B) as contract workers in technology occupations, and the number of green card applicants greatly exceeds the number of visas available, especially with the per-country cap. But according to USCIS, if the cap were eliminated, citizens of India would suddenly be able to claim nearly 100 percent of the employment green cards – for the next 10 years. So applicants from all other countries would effectively be blocked for the foreseeable future. This also means that U.S. employers who want to sponsor new foreign workers for green cards from any other part of the world would no longer be able to do so.

The Indian contract workers who are waiting for the chance to apply for a green card may apply for a visa extension and are not forced to leave the United States. And they still have their jobs – unlike the Americans they replaced.

Sources tell us that an actual vote is highly unlikely; instead, a unanimous consent request from a senator is more likely, which allows them to bypass the committee process, hearings, amendments, and, most importantly,

a public debate. Reportedly, even at this late hour, most offices still do not have a final version of the legislation to review.

The Senate version of the bill was co-introduced by Sens. Mike Lee (R-Utah) and Kamala Harris (D-Calif.). Sen. Rand Paul (R-Ky.) had blocked it from unanimous consent because of concerns that it would reduce the admission of foreign nurses. Reportedly, Sen. Paul has recently agreed to let it come up if it includes a provision that would guarantee admission of 5,000 foreign nurses on temporary visas each year for the next 10 years. This will please U.S. hospitals, which generally prefer to import nurses from abroad rather than expand the number of slots for Americans to enter domestic nursing schools to fill the need. Since when is nursing a job Americans won't do?

The best solution to this issue is not to scrap the per country cap, or to increase the number of green cards, as some have argued, but to enact a merit-based system for awarding employment green cards that rewards the most qualified, talented, and likely to succeed, regardless of their country of origin.

**Summary of the H.R. 1044 - 116 Congress (2019-2020)**  
*(Content pulled from Congress.gov)*

### Fairness for High-Skilled Immigrants Act of 2019

This bill increases the per-country cap on family-based immigrant visas from 7% of the total number of such visas available that year to 15%, and eliminates the 7% cap for employment-based immigrant visas. It also removes an offset that reduced the number of visas for individuals from China.

The bill also establishes transition rules for employment-based visas from FY2020-FY2022, by reserving a percentage of EB-2 (workers with advanced degrees or exceptional ability), EB-3 (skilled and other workers), and EB-5 (investors) visas for individuals not from the two countries with the largest number of recipients of such visas. Of the unreserved visas, not more than 85% shall be allotted to immigrants from any single country