Multinational Coalition Against H.R. 1044/ S. 386 - Fact Sheet

THERE IS NO DISCRIMINATION IN EB GC CARD DISTRIBUTION DUE TO SPILLOVER!

According to the Yearbook of Immigration Statistics, Indian Nationals receive **17-20% of Employment Based Green Cards (EB GC)** every year due to spillover from other countries that underutilize the program. This percentage is <u>proportional</u> to their worldwide population, and **much higher than their 7% country cap!**

REASON FOR THE GC BACKLOG?

The reason that a GC backlog exists for people from India, and not from other countries, is largely because US-based IT firms have historically dominated the H1B program by flooding the program with filings on behalf of Indian nationals. Indian nationals receive approximately **75% of H1B's annually**. The sheer volume of H1B visas allocated solely to one country eventually flows into the EB GC process, resulting in about **55-60% PERM Labor Certifications** (Stage 1 of the GC Process) filings annually going to Indian nationals. These statistics are clear discrimination against **other countries.**

NATIONALS FROM THE REST OF THE WORLD ARE MOSTLY SHUT OUT!

Indian nationals constitute about **17%** of the world's population & about **17%** of the international students; but at the same time, they receive about **75%** of H1B visas AND **55-60%** of PERM Labor Filings. Effectively, Indian nationals **DOMINATE the H1B & PERM Labor Certification process**, essentially crowding out foreign nationals from 190+ other countries! The 7% country caps is the **only** measure curtailing the absolute monopolization of the EB Green Cards by India.

WHAT DOES HR1044/S386 ACTUALLY DO?

HR1044/S386 seeks to reallocate nearly all the EB GC to people from India for at least 12 years. **But HR1044/S386 will NOT eliminate ANY backlog**! It will only redistribute it from Indian nationals to <u>other foreign-born nationals</u> from the rest of the world. Currently there are 466K Indian nationals in the backlog (per CRS Dec 2018 report in EB/2), so it will take about 12 years for these applicants to receive their GC. As a result, every new applicant from the rest of world will be thrown into an overnight 12-year wait. With more EB GC added each year, the backlog will grow ever larger year after year.

WHAT ABOUT DIVERSITY – ETHNIC, CAREER & INDUSTRY?

HR1044/S386 will effectively wipe out ethnic and skill/industry diversity from other countries for more than 12 years **as only Indian nationals will receive EB GCs** in a first-come, first-serve waiting line. Additionally, since many Indians in the US work in the IT sector and have only a Bachelor's degree from Indian universities, HR1044/ S386 will effectively prioritize applicants with foreign undergraduate degrees over US PhDs & Master's degrees. Furthermore, because the majority of MDs and RNs are **NOT** from India, this bill will lead to sudden and critical shortages in underserved areas.

AREN'T THE OTHER COUNTRIES PROTECTED?

No! The transition period reserves **enough visas to cover the needs of other countries <u>only</u> for 4 months after enactment!** The **"Do-No-Harm" clause does nothing** and applies to a very small number of people only with approved I-140 who are waiting for their GC from other countries. Every applicant from 190+ other countries that has a decision pending for I-140 or applies for an I-140 after working or studying several years in the USA, will find himself in an overnight 12-year backlog on EB2.

HR1044/S386 Serves ONLY to Reward IT Industry Long-Term, Systemic H1B Program Abuse!

HR1044/S386 WILL WIPE OUT ETHNIC_INDUSTRY_SKILL DIVERSITY IN EB GC SYSTEM AND ENCOURAGE CONTINUED DISPLACEMENT OF AMERICAN WORKERS!

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