Chinese American Civic Action Alliance (CACAA) cacaaus.org **12400 S.E. 38th St, #52688 Bellevue, WA 98006**

Chinese American Civic Action Alliance
September 13, 2019

Letter to Senate Judiciary Committee regarding pending Legislation S. 386:

Chairman Lindsey Graham	The Honorable Dianne Feinstein	The Honorable Chuck Grassley	The Honorable Patrick Leahy
The Honorable John Cornyn	The Honorable Dick Durbin	The Honorable Michael S. Lee	The Honorable Sheldon Whitehouse
The Honorable Ted Cruz	The Honorable Amy Klobuchar	The Honorable Ben Sasse	The Honorable Christopher A. Coons
The Honorable Joshua D. Hawley	The Honorable Richard Blumenthal	The Honorable Thom Tillis	The Honorable Mazie Hirono
The Honorable Joni Ernst	The Honorable Cory Booker	The Honorable Mike Crapo	The Honorable Kamala Harris
The Honorable John Kennedy	The Honorable Marsha Blackburn		

Dear Senators;

On behalf of the Chinese American Civic Action Alliance, we urge you to oppose Senate legislative bill S.386.

Further, we ask you to consider the implications of this pending legislation both in terms of the problem it seeks to solve and the long-term consequences it will cause to high-skilled immigrants from 190+ other countries around the world. We ask that you resist the temptation to implement convenient, but entirely ineffective, legislative "solutions" that solve nothing, regarding the very real problem of the employment-based green card visa backlog.

Legislative bill "Fairness for High-Skilled Immigrants Act of 2019" is misnamed and cannot be considered "fair" under any circumstances.

This legislation seeks to lift the 7% 'per-country cap' for employment-based green cards without addressing the root cause of the backlog. By lifting the 7% country caps and allocating almost 100% of all available employment green cards to nationals from one country alone – India; S. 386 will shut out nearly all nationals from 190+ other countries for many years to come. If passed, S. 386 will absolutely reduce the required skill, industry and ethnic diversity that America needs to continue healthy growth into the future.

The pending S. 386 legislation aims to remove 7% per country-cap on employment-based green cards but does not increase the number of green cards available to each country. If the per- country caps were lifted, as S. 386 seeks to do, all employment based green cards would be distributed in a "First-Come, First-Serve" (FCFS) methodology by application date, rather than diversity-enhancing country of origin. This FCFS distribution method inherently favors nations with a much larger demand for green cards, most notably India, but will block smaller countries with lower demand. As a result, a brand new, and even larger backlog, will form created by high-skilled immigrants from all other countries as they wait many years for their employment green cards. At its core, S. 386 does not accomplish its objectives and solves nothing.

Senators should recognize that the root cause of the employment-based green card backlog stems from many years of H-1B visa abuse where IT outsourcing companies flooded the H1B lottery program with applications on behalf of Indian nationals and dominated visa distributions. Passing legislation S. 386 would simply reward this H1B visa abuse and would allow one industry, Information Technology, and workers from one source country, India, to dominate green cards over all other countries and industries for many years into the future.

Proponents of this legislation claim that the 7% country caps are arbitrary, capricious and discriminatory. This claim is patently false on two critical points; 1) The 7% country caps have never applied to Indian nationals due to the "spillover" of unused green cards from lower demand countries. Workers from India have always

received anywhere from 17 – 25% of available green cards; and 2) India's percentage of worldwide population is about 17%, indicating that Indian nationals currently receive green cards in a percentage proportionate to their worldwide population. The 7% country caps are NOT discriminatory to Indian workers but lifting the caps would be disastrous for workers originating from any other country around the world. Therefore, CACAA does not believe that S. 386 should be considered a viable solution to the green card backlog problem.

Further, we note that during the last 10 years, Indian nationals have received 280,523 employment-based green cards; Chinese nationals, 130,248; South Korean nationals, 115,274, and Philippine nationals, 84,792 green cards. Even though India and China occupy roughly the same worldwide population percentage, workers born in India received more than twice the number of employment-based green cards than workers born in China. Again, such a distribution does not indicate discriminatory selection practices towards people born in India.

Chinese American Civic Action Alliance is extremely concerned about the future of Chinese nationals seeking US permanent residency through the US employment based green card program. It is categorically untrue to state that all Chinese nationals would benefit from S. 386, when in reality, Chinese people in the US would also be negatively impacted by this legislation. For Chinese employment-based green card applicants, under S. 386 legislation, the wait time would increase from 2~3 years to 7~10 years or more in the EB2 category.

While we do understand there is a problem to be solved with the backlogged green card applicants, clearly S. 386 is not designed with America's best interest in mind. If enacted, this legislation will prevent many valuable foreign students or potential immigrant workers with critical skills and knowledge from ever coming to the US. We respectfully request that you oppose this bill should it come for a vote, or at the very least, call for a public hearing on this bill.

Thank you,

Herman Xiao
Campaign Manager, anti-HR1044/S386 Project
www.CACAAUS.org