



National Asian Pacific American Bar Association

**Statement of Support for Relief of Employment-Based Immigration Visa Backlogs
Endorsed by NAPABA**

April 2012

WHEREAS, the Immigration and Nationality Act (INA) sets an annual employment-based preference category limit on immigrants to 140,000 visas per year, as well as a per-country limit of 7% of the total annual employment-based preference visas;

WHEREAS, the annual and per-country limits on employment-based immigration have resulted in substantial backlogs in employment-based second and third preference categories, with particular lengthy backlogs for immigrants from mainland China, the Dominican Republic, India, Mexico, and the Philippines;

WHEREAS, the backlog for third preference employment-based category is close to nine years for individuals from India and is approximately eight years for individuals from all other countries, meaning that a person would have to wait for nine or more years to receive United States permanent residence;

WHEREAS, the backlog for second preference employment-based category for people born in mainland China and India is close to five years;

WHEREAS, these individuals caught in the backlog have already demonstrated and proved to the satisfaction of the U.S. Department of Homeland Security and Department of Labor that they possess needed and critical skills for the U.S. economy;

WHEREAS, these individuals have been law-abiding citizens who have worked hard to contribute to the U.S. economy through their talents and knowledge, as well as by paying taxes at the state and federal levels;

WHEREAS, the current system is unfair and does not advance the best economic interests of the United States; and

WHEREAS, this system is in fact weakening the competitive edge of the United States because many of these skilled workers have opted to immigrate to other countries that do not have such unreasonable immigrant visa backlogs.

THEREFORE BE IT RESOLVED, that NAPABA

1. Calls for Congress to immediately eliminate all employment-based preference category backlogs to enable these individuals to become United States permanent residents so that that the United States is able to send a clear and unequivocal message that skilled workers are welcome and that the United States will not continue to lose these skilled

workers to other countries.

2. Calls for Congress to eliminate all future limits on employment-based immigrant visas so that individuals who can satisfactorily demonstrate to the U.S. Department of Homeland Security and Department of Labor that their skills are needed in the United States will be given permanent residence without excessive delays.
3. Authorizes its President, officers, and staff to communicate the content of this resolution to other diverse bar associations, members of the House of Representatives, members of the U.S. Senate, the press, and to others the NAPABA Board deems suitable to receive the information.