



The Honorable Nancy Pelosi
Speaker of the House of Representatives

The Honorable Charles Schumer
Majority Leader
U.S. Senate

The Honorable Richard Durbin
Chair
U.S. Senate Committee on the Judiciary

The Honorable Alex Padilla
Chair, Subcommittee on Immigration, Citizenship and Border Safety
U.S. Senate Committee on the Judiciary

The Honorable Jerrold Nadler
Chair
U.S. House Committee on the Judiciary

The Honorable Zoe Lofgren
Chair, Subcommittee
U.S. House Committee on the Judiciary

August 23, 2021

Dear Madam Speaker, Chair Nadler, Chair Lofgren, Majority Leader Schumer, Chair Durbin and Chair Padilla:

The undersigned national, state and local organizations write to strongly urge you to include key immigrant visa provisions to begin to clear the visa backlogs in the budget reconciliation. We are thrilled about the inclusion of a path to citizenship for undocumented youth, TPS holders, farmworkers and essential workers in the budget reconciliation bill and thank you for your support in getting us this far. We also believe that the opportunity to make important visa reforms and increase immigration numbers should not be missed. The following visa provisions are necessary to respond to immigration shutdowns and processing delays due to COVID-19, to reunify Americans with family members who have been waiting for decades for visas, and to respond to declining U.S. birth rates and an aging population. Specifically, we request that you include the provisions that accomplish the following 1) recapture of unused visas from prior years, 2) ensure that unused visas from FY2021 are able to roll over into subsequent years, 3) exempt derivatives from the worldwide visa limits, and 4) provide visas to people who won the

diversity visa lottery during the Trump administration but were denied visas due to Trump's discriminatory bans.

Over the past several decades bureaucratic processing delays at the Department of Homeland Security and the Department of State have resulted in the federal agencies failing to process immigrant visas up to the numerical limits in both the family-based and employment-based categories despite high demand. In crafting the Immigration and Nationality Act, which provides for leftover visas to flow from category to category, it is evident that Congress intended for immigrant visas to be processed up to the numerical limits each year. Yet too often, visas go unprocessed. Years of insufficient numbers of green cards authorized combined with losing visa numbers to processing delays have resulted in 3.7 million people in line for family-based visas¹ and at least 900,000 people in the employment-based backlogs², most of whom are living in the U.S. in temporary status. In order to begin to clear this backlog, we recommend that you include the bill language from Senator Menendez's U.S. Citizenship Act that would allow the federal agencies to recapture unused visas from prior years in order to effectuate the intent of the INA.

Second, we recommend that you include provisions recapturing the 122,000 family-based visas (out of 226,000 annual allocation) lost in FY2020 due to COVID and rollover unused visas from this fiscal year into FY2022 and beyond. The Department of Homeland Security and the State Department continue to face challenges to catch-up in visa processing from the COVID immigration ban and other COVID-related shut downs. In the first half of FY 2021, the State Department only issued 1,133 family-based visas, around 1% of more than 94,000 family-based visas issued during that same time period in FY 2019.³ The State Department is similarly behind in processing diversity-based visas, with 43 visas issued in the first half of FY 2021 as compared to nearly 14,000 visas issued in the first half of FY 2018.⁴ Congressional action is urgently needed to preserve these visas.

Our third recommendation, to end the practice of counting spouses and children under 21 years-old, is also included in the U.S. Citizenship Act. This provision is a simple way to quickly increase annual immigration levels while simultaneously helping to clear the family-based and employment-based backlogs. The U.S. needs more immigrants and refugees to sustain population growth and to fill critical service sector jobs such as caring for our aging population. 2020 census data reveals a clear and pressing need to increase immigration levels nation-wide in order to continue to grow our economy and fill key jobs as our population declines. A decade-long trend of low birth rates, increased deaths from the COVID-19 pandemic and the shutdown of immigration resulted in the U.S.'s lowest annual growth rate ever documented,

¹ "Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2020" (US Department of State, n.d.), https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingList/WaitingListItem_2020_vF.pdf.

² Green card recapture and reform would reduce immigration backlogs. FWD.US (April 13, 2021) <https://www.fwd.us/news/green-card-recapture/#:~:text=The%20employment%2Dbased%20green%20card%20backlog%20currently%20numbers%20more%20than%20900%2C000.&text=Most%20employment%2Dbased%20green%20card,temporary%20H%2D1B%20work%20visa>

³ "Monthly Immigrant Visa Issuance Statistics," US Department of State, n.d., <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/immigrant-visa-statistics/monthly-immigrant-visa-issuances.html>.

⁴ "Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2020."

estimated at 0.35% between June 31st, 2019 to July 1, 2020.⁵ The Washington Post Editorial Board also recently recommended increasing immigration levels in an editorial dated June 25, 2021.⁶ The Immigration and Nationality Act is ambiguous in regards to counting derivatives towards the visa caps. Clarifying this point in the budget reconciliation by directing the agencies to end the practice of counting derivatives towards the visa caps is a simple way to increase immigrant visas and begin to clear the visa backlogs.

Finally, we request that you include Congressman Ritchie Torres and Congresswoman Judy Chu's Keeping Our Promise Act, HR 3548, in the budget reconciliation legislation. HR 3548 would offer diversity visas to people who were selected in the diversity visa lottery but denied visas due to any of the various immigration bans, such as the Muslim Ban, the African Ban or COVID-related bans. The bill would allow processing of around 21,000 would-be immigrants by giving them a year to claim their green cards or resume applications that were put on hold by the previous administration. Ensuring that the federal government is able to implement this important visa program would be a simple and effective way, in addition to the recommendations above, to increase our population to grow our economy while recovering from the COVID-19 pandemic.

Thank you for your consideration of this request. Our top immigration priority in the budget reconciliation package is to create a pathway to citizenship for undocumented youth, TPS holders, farmworkers and essential workers. But it is also urgent that you include these provisions in the budget reconciliation to ensure that the families are reunified and immigration continues to be a solution for pressing threats to our prosperity precipitated by the COVID-19 pandemic, declining U.S. birth rates and an aging population. America is a diverse nation whose culture and economy have been shaped by immigration, creating the vibrant, tight-knit communities and economic prosperity that are distinctly American. We look forward to working together to reunite families, reimagine the immigration system, and continue America's legacy as a diverse and prosperous nation.

Sincerely,

The Value Our Families Campaign

National Organizations

African Communities Together
American Immigration Lawyers Association
American Muslim Empowerment Network (AMEN)
American-Arab Anti-Discrimination Committee (ADC)
Asian Americans Advancing Justice - AAJC

⁵U.S. Population Growth, An Economic Driver, Grinds to a Halt
<https://www.wsj.com/articles/u-s-population-growth-slows-birth-rate-decline-economic-risk-11627231536>

⁶ *Opinion: U.S. birthrates are plummeting. Increasing legal immigration can help.* The Washington Post. June 25, 2021 https://www.washingtonpost.com/opinions/us-birthrates-are-plummeting-increasing-legal-immigration-can-help/2021/06/25/b3e28236-aded-11eb-b476-c3b287e52a01_story.html

Asian Pacific American Labor Alliance, AFL-CIO
Boat People SOS
Christian Reformed Church Office of Social Justice
Church World Service
Cooperative Baptist Fellowship
Disciples Refugee & Immigration Ministries
Empowering Pacific Islander Communities
Faith in Public Life
Federation of American Scientists
FWD.us
Hanan Refugees Relief Group
Hispanic Federation
InterReligious Task Force on Central America and Colombia
Japanese American Citizens League
Justice Action Center
Muslim Advocates
National Council of Asian Pacific Americans
National Employment Law Project
National Hispanic Media Coalition
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Iranian American Council Action
National Korean American Service & Education Consortium (NAKASEC)
NETWORK Lobby for Catholic Social Justice
New American Economy
No Muslim Ban Ever Campaign
No Separate Justice
OCA - Asian Pacific American Advocates
OCA - FC, Fairfield County, CT
Oxfam America
Revolutionary Love Project
Service Employees International Union (SEIU)
SHK Global Health
Sikh American Legal Defense and Education Fund (SALDEF)
South Asian Americans Leading Together (SAALT)
South Asian Public Health Association (SAPHA)
Southeast Asia Resource Action Center
The Leadership Conference on Civil and Human Rights
United Church of Christ - IRATT
UndocuBlack Network
Yemeni American Merchants Association

Arizona

AZ AANHPI for Equity

Arkansas

Good Shepherd Lutheran Church

California

Asian Americans Advancing Justice - Los Angeles

Asian Americans Advancing Justice - Asian Law Caucus

Asian Law Alliance

Asian Resources, Inc

Asian Youth Center

BMANACA chapter

Coalition for Humane Immigrant Rights (CHIRLA)

Council on American Islamic Relations - Sacramento Valley / Central California

Equality California

Network of Myanmar American Association

Para Los Niños

Santa Ana United Methodist Church

SURJ Marin - Showing Up for Racial Justice

Colorado

Colorado Immigrant Rights Coalition

Connecticut

Connecticut Shoreline Indivisible

Florida

Asian American Federation of Florida - South

Asian Caribbean Exchange

Florida Asian Services

Florida Asian Women Alliance

OCA South Florida Chapter

Georgia

Asian Americans Advancing Justice-Atlanta

Asian American Advocacy Fund

Idaho

Centro de Comunidad y Justicia

Illinois

Asian Americans Advancing Justice | Chicago

HANA Center

Illinois Coalition for Immigrant and Refugee Rights

Louisiana

Louisiana Advocates for Immigrants in Detention

VAYLA New Orleans

Maine

Immigrant Legal Advocacy Project
Maine Immigrants Rights Coalition

Massachusetts

Boston Chinatown Neighborhood Center

Michigan

APIA Vote-MI

Minnesota

Reviving the Islamic Sisterhood for Empowerment

Nebraska

Asian Community & Cultural Center

New Mexico

New Mexico Center on Law and Poverty

New York

Academy of Medical & Public Health Services, Inc.
ACCESS of WNY
Adhikaar
Arab American Association of New York
Asian American Federation
Chhaya CDC
Chinese-American Planning Council (CPC)
Council Of Peoples Organization
New York Immigration Coalition
MinKwon Center for Community Action
Project New Yorker
Sampreshan Inc

North Carolina

Disciples Immigration Legal Counsel

Ohio

Asian Festival Corp.
Miami Valley Immigration Coalition
Motivation Motivates
OPAWL
Transformations CDC

Pennsylvania

Pittsburgh LCLAA

Pennsylvania Immigration and Citizenship Coalition
Woori Center

South Carolina

COOLJC Region 8 SJEREC

Texas

Coalition of Community Organizations
Fellowship Southwest
OCA-Greater Houston

Utah

National Tongan American Society

Virginia

Virginia Civic Engagement Table

Washington

Asian Counseling and Referral Service
Council on American-Islamic Relations, Washington Chapter (CAIR-WA)
Latinos Promoting Good Health
Latinx Health Board (WA state)
OneAmerica