



Bill Analysis: The RELIEF Act

Our immigration system should be fair and efficient, but the current green card backlog for employment-based and family-sponsored visas stands at five million people and growing. The Resolving Extended Limbo for Immigrant Employees and Families Act (RELIEF Act), or [S. 2603](#), would solve this problem by eliminating existing immigrant visa backlog and constructing a more equitable visa system moving forward.

The RELIEF Act consists of the following three key reforms: (1) It would increase and phase out the unfair per country caps on green cards that result in applicants from two countries shouldering the brunt of the backlog burden; (2) It would eliminate existing and future green card backlogs by creating new pools of green cards and no longer counting dependents towards the visa cap; and (3) It would implement a number of policies to keep families together while their applications are being processed.

The RELIEF Act, introduced on October 16, 2019 by Senator Dick Durbin (D-Illinois), is Senator Durbin's response to the more narrow Fairness for High Skilled Immigrant Act, [S. 386](#).

Makes the Green Card Process More Fair

- **Removes per-country limitations for employment-based (EB) green cards.** The current law limits nationals of individual countries from using more than 7% of the total available EB green cards. These limits result in India, a country of 1.3 billion, facing the same initial numerical limit as Iceland, a country of 340,000. While nationals from larger countries are able to use any excess EB visas after the 7% limit is imposed, the result is still a decades-long backlog. By removing the per country caps, this bill would make wait times more fair moving to a more first-come, first-served model.
- **Increases the per-country limitations for family-sponsored green cards from 7% to 15%.** The majority of the visa backlog is composed of family-sponsored green card applicants. The per country caps cause much of the waiting time to be shouldered by immigrants from just a few countries. For example, for Mexican-born siblings of U.S. citizens, the government is currently processing visa applications filed in 1998. Increasing the caps will result in a fairer distribution of wait times.
- **Transitions away from the per country caps over three years.** The bill would gradually eliminate the per country caps to ensure a smooth transition, including a "hold harmless" clause that ensures that the Act would not negatively impact the processing of applications that have already been approved. To that end, upon enactment of the Act most visas would be distributed on a first-come, first-served model, but in 2020, 15% of the visas would be reserved for applicants from countries other than the two countries with the largest number of approved petitions. In 2021 and 2022, DHS would reserve 10% of such visas, and after that no country could claim more than 85% of the total visas.

Ends the Visa Backlog

- **Ends the existing visa backlog in five years.** The bill creates a new one-time pool of green cards equal to the entire employment-based and family sponsored green card backlog that DHS can only use for backlog elimination. This backlog elimination visa pool would be in addition to current annual visa issuances, ensuring a new backlog is not created while the current one is being tackled. This solution would be effective at tackling backlog across the visa system, reuniting thousands of families and fostering a healthier and more productive economy for all Americans.
- **Exempts dependents from the employment-based visa cap.** [Fewer than half](#) of all employment-based visas are given to workers, with a significant portion going to recipients' spouses and minor children. By no longer counting dependents towards the cap, more visas will be available for high skilled workers.
- **Increases the ceilings of some family-sponsored green card categories to target future backlog.** The bill would remove the cap on visas for spouses and minor children of green card holders (F-2A visas), and increase from 23,400 to 111,334 the number of visas for unmarried adult children of U.S. citizens (F-1 visas). Family-based immigrants strengthen American communities and make [significant contributions](#) to our economy, but today many of them are forced to wait years or even decades to be reunited with their loved ones. This provision would streamline two of the most congested family-sponsored visa categories, curbing future backlog, allowing families to reunite faster, and ensuring our communities and economy continue to thrive.

Keeps Families Together

- **Protects “legal Dreamers” by allowing them to use their age at initial green card petition.** Legal Dreamers are the authorized children of temporary nonimmigrant workers who can become unauthorized when they turn 21 and are no longer eligible to be dependents on their parents' visas. This bill would change eligibility requirements, making the applicant's age at the time of initial petition the one that is used in determining eligibility for dependency status. Children of E, H, and L visa holders who are in long green card backlogs would still be counted as dependents even if their green cards were processed after they turn 21.
- **Provides relief for spouses and children of petitioners who have died and protects relatives who are victims of abuse.** The bill would allow spouses and children of a deceased green card holder petitioners to continue to use “immediate relative” status during visa petition adjudication. It would also protect dependent children and spouses who are victims of abuse. If a primary applicant is deemed to be an abuser, any dependents would still be allowed access to a green card even if the perpetrator is rendered inadmissible.

The Senate should pass the RELIEF Act. The RELIEF Act would solve the most pressing problems of both the employment-based and family-sponsored visa system and make the process more equitable. It would streamline the visa system, reunite families more quickly, and allow more high-skilled immigrants to enter the country to fill labor shortages and contribute to a strong economy benefiting all Americans.