



Update on Green Card Issues For Fund Staff and Retirees

JANUARY 29, 2024

Meeting Agenda

- ☐ The Problem and Impact
- ☐ Possible Solutions
- ☐ What Has Been Done so Far
- ☐ Next Steps
- ☐ The Working Group
- ☐ Issues for Discussion

The Problem

- **Since 1986, G-4 employees of international organizations with long-term residency (15 years) in the U.S. have been able to obtain permanent residency (Green Card) status upon retirement under the Special Immigrant EB-4 provision of the Immigration and Nationality Act.**
- **In March 2023 the Department of State revised its interpretation of how per-country quotas are applied for EB-4 applicants.** Consequently, the queue for a Green Card under EB-4 increased dramatically—to over 150,000 in September 2023, about 15 years worth of annual EB-4 Green Card issuance. The queue grew by around 1 year per month in 2023.
- **The change has resulted in a de-facto permanent freeze on G-4 staff's ability to apply for a Green Card under EB-4, and on recent trends impacts current and future G-4 staff.** G-4 staff can get into the queue (by filing the I-360 form) but they cannot file for adjustment of status to Green Card (form I-485), and must leave the country within 30 days. They then have 3.5 years to get to the front of the queue, otherwise they become permanently ineligible for the green card. The queue has become so long that it makes this currently impossible.
- **G-4 dependent children also risk permanently aging out of Green Card eligibility.** Their eligibility expires by age 25.

The Impact

Based on a preliminary review, there are **2508 active staff holding G4 visas** (81 percent of active staff).

- ◆ **1633 (65 percent) may have no immediate avenue to pursue a family-sponsored Green Card*** because their dependents are also on G4 visa or are underage US nationals or Green Card holders who are too young at this stage to act as a sponsor.
- ◆ **Of these 1633 staff, 62 are within the 60-64 age range and will reach the mandatory retirement milestone within 5 years.**
 - ~ 10 are B-Level Staff.
 - ~ Departments most impacted are: MCM and FAD, followed by MCD, ICD, CSF and HRD.
- **This departure from a long-standing commitment by the US causes significant hardship and considerable anxiety for staff** who had planned on residing in the US after retirement.
- **It also poses significant enterprise risks for the Fund**, affecting Fund operations (recruitment, retention, mission travel) and will compromise the Fund's ability to retain a geographically diverse staff for long-term careers.

**Analysis is based on dependent information recorded in HR systems.*

Possible Solutions

- **Legislative change—a permanent solution, but politically extremely difficult, and must avoid increasing overall Green Card numbers for U.S. Congress to support.** Attaching an amendment to legislation under discussion in Congress may be an option, but a heavy political ask in the current environment.
 - Engagement with U.S. Congress, and willingness to spend political capital by the U.S. Administration is needed.
 - A recent example—The Grateful Act, passed in December as part of the National Defense Authorization Act for Fiscal Year 2024, shifts Green Card visas from the Diversity Visa Program to eligible foreign nationals who were employed by the U.S. government abroad for 15 years (same EB-4 category as G-4s) from other categories. The overall number of Green Cards was not changed.
 - Possible options for discussion: carving out a queue for G-4 retirees from existing Green Card categories, while maintaining overall Green Card numbers; amending legislation to codify to the pre-March interpretation of per-country limits.
- **Administrative solution—Concurrent Filing** of both I-360 and I-485 applications, **regardless of visa availability**, which would allow G-4 retirees to remain in the U.S. legally while waiting for a Green Card to become available, and to preserve eligibility despite the backlog.
 - No U.S. legislation or regulation makes concurrent filing conditional on visa availability for an application by G-4, according to American Immigration Lawyers Association.
 - Two possible precedents to be explored —April 2022 and December 2023 for applicants from Mexico and family-based applications respectively.
 - Alternative stop gap solutions for some could be explored – for example to obtain parole or deferred action to permit residence in advance of eventual filing.
 - **Pursue internal measures**—HR Policy related to separation and retirement—to ease the burden on staff if the situation continues.

What Has Been Done so Far

Engagement with the U.S. Authorities

- ❑ MD/WB/IDB President Joint Letter to the US Authorities
- ❑ FDMD Engaged with UST at highest level
- ❑ USED engaged UST and State Department
- ❑ LEG, together with the WB Legal Department, engaged with officials from the Department of State (DoS) in December 2023 to raise awareness of these issues

Engagement and Communications with staff by HRD & LEG

- ❑ Last December (December 7, 2023), HRD together with the Fund's external immigration advisor, Fragomen, held an information session on visa and Green Card issues that was **attended by over 700 staff**.
- ❑ Fragomen consultations have been increased from 1 to 3 hours
- ❑ HRD has been proactively reaching out to staff reaching mandatory retirement milestones to raise awareness of the situation and to understand their intentions post-retirement. Under special and unusual circumstances, HRD has covered some legal costs associated with applying for a visitor visa (through Fragomen), which grants staff up to 6 additional months in the U.S. to get their affairs in order.

Engagement by SAC

- ❑ SAC Townhall for Staff on October 31, 2023
- ❑ Two Immigration Issues Bulletins for staff in October 2023 and January 2024

Next Steps

- FDMD to meet with UST Under Secretary Shambaugh this week and USCIS Director Jaddou subsequently
- Joint Letter by WB/IMF to the US Departments of State and Homeland Security to ask for high-level joint meeting for MD and WB President.
- MD and DMD Sayeh meeting with Congresswoman Maxine Waters in mid-February, as part of a broader strategy to engage congress (forthcoming)
- LEG to explore engagement of additional external legal counsel to advise on government strategies and US immigration law.
- Internal communication to staff:
 - Schedule additional information sessions for impacted group (such as under-age children on G4 visa).
 - Improve visibility and accessibility of intranet webpage with information of the G4 visa / green card delays.
 - Ad hoc communications informing of steps/actions taken by the Fund (email from WG or management).
- Staff Working Group

The Working Group

Management has established a working group to coordinate activities with key departments and to provide advice. The working group will report directly to Management, and:

- **Provide strategic advice and recommendations to Management that could facilitate the institution's response on recent immigration developments.**
- **Provide a forum to inform and engage staff on the Green Card and other relevant immigration matters.**
- **Provide strategic advice and develop an engagement and communications plan** to engage with external and internal stakeholders (U.S. authorities, U.S. Congress, Board, staff, retirees), with COM and SEC taking the lead to develop strategy.
- **Report to Management periodically,** to update them on recent developments and provide feedback on staff's concerns.

Issues for Discussion

- **Gauging staff sentiment:** What do Directors hear from staff ?
- **Impact on Fund's operations:** Where are the pressure points? Are some divisions/staff more affected than others? Is mission travel an issue? Turnover/business continuity risk?
- **Way forward:** Feedback and comments on the outlined strategy and proposed next steps

Appendix

Working Group Members

- **Chairs: Robert York (Deputy Director, HRD) and Sabina Bhatia (Deputy Director, SEC)**
 - Brian Patterson (Assistant General Counsel, LEG); Melissa Thomas, alternate (Deputy Chief, LEG)
 - Karen Ongley (Assistant Director, COM); Karla Chaman, alternate (Deputy Division Chief, COM)
 - Smitha Raju (Division Chief, HRD)
 - John Nelmes (Advisor, MCM)
 - Michaela Schrader (Advisor, ICD)
 - Liam O'Sullivan (Chair, Staff Association Committee)
 - Joana Ferreira de Carvalho (Staff Association Committee Representative)