



IMMIGRATION ISSUES

October 2023 · Volume I · G4 Visa & Green card



**This document serves as a summary of the insights shared by our staff regarding G-4 policies and cannot be construed as legal advice. For a thorough assessment of your individual circumstances, we strongly advise seeking guidance from an attorney.*

Background

Nationals of individual countries are limited to a 7 percent quota of available employment-based (EB) and family-sponsored (FS) permanent resident cards (aka green cards) each year.

Prior to March 2023, this quota was calculated within each visa sub-category under EB and FS (the IMF is under the 4th EB sub-category, EB-4).

The nationals of countries where green card demand exceeded the quota were placed in their own separate queue, with remaining countries in a “Rest of the World” (RoW) queue.

In March 2023, the Department of State (DoS) changed its interpretation of US law, assigning applicants from El Salvador, Guatemala, and Honduras to the RoW queue, increasing the case load by 84,000, with several thousand applications being submitted each month and increasing at a rapid pace.

As of June, all IMF staff (under EB-4) are in a queue with 133,784 applicants. There are only 9,940 green cards available for EB-4 annually.

This backlog has the potential to extend for several decades, impacting the lives of international civil servants and their families.

In addition, Fund applicants are obliged to leave the US on the expiration of their G4 visas but they cannot be absent from the US for more than 3 ½ years while waiting for their applications to be processed (which now requires 13 years according to the latest estimates).

WHO IS IMPACTED

- All existing and future staff hoping for a green card via EB-4
- Retiring staff
- Staff with Non-US citizen dependents

Under the current USCIS policy, no staff retiring from the IMF will ever be able to get a Green Card via the EB-4 category (under which IMF retirees are meant to be eligible)

MANAGEMENT NEEDS TO TAKE ACTION TO LIMIT THE ADVERSE IMPACT ON THE FUND'S ABILITY TO CARRY OUT ITS DUTIES AND ATTRACT A GEOGRAPHICALLY DIVERSE STAFF

Useful Resources

- [*AILA - AILA Sends Letter to DHS and DOS Urging EB-4 Administrative Action*](#) - American Immigration Lawyers Association Letter to Blinken and Mayorkas (proposes possible administrative remedies)
- [*Immigration and Citizenship Data | USCIS*](#) - Link to USCIS data on approved EB petitions awaiting Green Card availability (see table "Form I140, I360, and I526 Approved EB Petitions Awaiting Visa Final Priority Dates")
- [*Employment-Based Immigration: Fourth Preference EB-4 | USCIS*](#) - Link to USCIS website explaining EB-4
- [*Immigration and Nationality Act | USCIS*](#) - Link to Immigration and Nationality Act (establishes the legal basis for IMF staff eligibility for a Green Card, Green Card quotas, etc.)

SAC's Findings

The currently expected wait time for staff retiring and seeking a green card is 13 years (133,784/9,940). Assuming the March-June pace of applications remains at about 10,000/month, there would be around 160,000 applicants in line for a green card in September, bringing the wait time to 16 years. The line will continue to increase if the number of applicants exceeds 10,000/year.

Staff retiring from the Fund must leave the US while awaiting processing, but after 3.5 years abroad they become ineligible for a green card. With a waiting line of 13 years and rising, no IMF staff—current, or future—will ever be eligible for a green card via their Fund employment under current procedures.

Non-US-citizen dependent children of retiring staff have until the age of 25 to apply for a green card and cannot work, nor apply for a driver's license during this process. **If retiring staff do not become eligible for a green card before the child turns 25, their children will never be eligible either.**

With no route to permanent residency via EB-4, staff with US-citizen children may be able to obtain a green card through a family-based process once the child reaches the age of 21 and earns a certain salary. However, those children who are at university abroad may be ineligible for sponsorship if they cannot prove a physical connection to the US.

Staff with non-US citizen or non-permanent resident dependents are at a disadvantage for conversion to G4. With many of our staff already facing delayed processing times for visas, demanding requirements for employment authorizations and cumbersome driver's license applications/renewals.

Recruitment will suffer, not only from limited options for transition into G4 (without disrupting career prospects and reasonable effort for a family) but also without the option to settle in the US after a lifetime of employment at the IMF. This could create a short-term employment environment where institutional knowledge will erode, and the international diversity of staff will be undermined (contrary to Article 12 of the Articles of Agreement).

What can Management do?

Follow up on the US Authorities' response to the MD's letter.

Reach out directly to the US Secretary of State and Secretary of Homeland Security.

Impress on US authorities that the recent changes are catastrophic for the staffing of the IMF and its ability to execute its mandate to safeguard global financial stability, growth, and prosperity, which would ultimately undermine the US economy.

Rally support from the Executive Board to safeguard the IMF Articles of Agreement calling for a globally diverse staff.

Consider administrative changes (recruitment and/or retirement terms) to those staff who are being impacted now.

Hire a law firm to lobby within DoS, USCIS, DHS, or Congress, to enact changes.

Join forces with the World Bank and other impacted international organizations.

AILA suggests several possible administrative changes that would help EB-4 applicants. There are benefits and shortcomings for each. Discussion is needed regarding which approach would be best suited for Fund staff.

What is SAC Doing?

- Informing staff
- Addressing staff concerns with Management & HRD
- Addressing other immigration issues tied to G4 visa (driver's license applications, employment authorizations, visa applications for specific nationalities)
- Creating space to discuss these issues openly
- Engaging with Management & HRD on solutions
- Engaging directly with EDs
- Joining forces with other IFIs that face the same issues

What can you do?

- Stay Informed!
- Voice your concerns to HR and Management
- Voice your concerns to the Board
- Consult an immigration attorney
- Learn your rights concerning breach of hiring terms



Reported to SAC

36 Requests for advocacy & information on immigration issues to date, clustered into the following sub-categories:

- Retirement;
- Dependents;
- Restricted Travel;
- Employment Authorization;
- Family Separation;
- Request for Townhall;
- Recruitment & Retention;
- Fragomen;
- Policy Questions; and
- General Concerns.

Join your voice to ours and empower staff!

For more information about the SAC and what it can do for you, please visit [SAC Home \(imf.org\)](https://imf.org).



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