



THE IMF STAFF ASSOCIATION



ADJUSTMENT OF STATUS: G – 4 VISA TRANSITION TO GREEN CARD

October 31, 2023



[HTTP://IMFSAC/](http://IMFSAC/)



DISCLAIMER

This presentation is intended to center on G-4 policy matters, with the American Immigration Lawyers Association (AILA) letter to the Department of State serving as its foundational context. It is crucial to note that this presentation does not constitute legal advice. To obtain information pertaining to your individual case, it is strongly recommended that you consult with an attorney.



BRIEF OVERVIEW OF THE US IMMIGRATION SYSTEM

- ❑ **Quota System.** Congress enacts legislation which sets annual green card numbers
 - Employment-based: 140,000
 - Family-based: Min. 226,000 – Max. 480,000

- ❑ **Country caps.** 7 percent of the total number of green cards available



EB-4 CATEGORY AND GREEN CARD ALLOCATION

❑ **EB-4:** Special Employment-Based Visa Category

❑ **Eligibility:**

- International Organization Retirees and Their Families
- Unaccompanied Immigrant Children
- Religious Workers
- Others

❑ **Annual Quota:** 9,940 green cards



PRIOR TO MARCH 2023

□ 7 percent Country Cap Applied within the same adjustment category *i.e., calculated based on annual available visas in EB-4 category alone*

➤ Elevated demand from 3 Central American countries meant that applicants from those countries had a long line, applicants from the Rest of the World had no line



AFTER MARCH 2023

- ❑ **7 percent Country Cap** Applied across ALL family and employment categories *i.e., based on total family and employment-based visas combined*
- Central American applicants were returned to the main line (Rest of the World) adding 84,000 to the number of applicants and several years to the backlog.



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GROWING DEMAND SINCE MARCH HAS MADE THE BACKLOG EVEN LONGER

❑ Growing Demand from EB-4 Eligible Applicants

- As of June, **133,784*** are waiting green card availability
- An increase of about 28,000 since March.

❑ Expected Time for Receiving a Green Card

- American Immigration Lawyers Association (AILA) estimated that backlog is longer than a decade as of July 31, 2023.

*USCIS Data www.USCIS.gov



WORSE YET: ESTABLISHING PHYSICAL PRESENCE MAY PROVE IMPOSSIBLE

- ☐ **Requirement:** 3 ½-year physical presence is mandatory at the time the application is filed
- ☐ **Challenge:** Backlog makes qualification not possible
- ☐ AILA has however made useful suggestions regarding administrative improvements such as parallel processing which could help reduce the requirement for maintaining physical presence.



OTHER G-4 TOPICS

- EAD Challenges: SAC has asked for automatic 180-day extension and dropping of the tax transcript requirement
- Delays in Obtaining Visa Renewal for specific nationalities
- Driver's license renewal problems – working to encourage administrative changes to reduce delays
- Lobbying on behalf of staff in difficult individual visa cases