

Democrats Can Enact the Most Meaningful Family and Employment Immigration Reform in Three Decades

Key Takeaways:

- The House version of the reconciliation bill includes provisions (**green card recapture and cap exemptions**) that offer relief to **4 million people stuck in the family-based backlog and 1 million stuck in the employment-based backlog** while generating significant economic benefits and revenue — potentially over \$4 trillion to GDP in ten years.
- Green card recapture and cap exemptions are **pro-family reforms** that will have transformative effects for immigrant communities across the country. Democrats still have a once-in-a-generation opportunity to reunite millions of families separated by immigration restrictions and modernize the immigration system.

Are these provisions worth pursuing without a larger legalization package?

Dreamers, TPS holders, agriculture workers, and essential workers deserve permanent status in America, and the Parliamentarian's ruling wrongly leaves out these deserving populations from reconciliation. But these legal immigration provisions would still be a significant victory. **More than 5 million people are currently stuck in the green card backlog**, imposing severe burdens on them and their families.

Recapture alone would provide more than a million green cards. Additionally, we could issue millions to people in the backlog willing to pay fees for a cap exemption. **Even those who don't choose to pay for a cap exemption will benefit from reduced waiting times.**

Over ten years, these provisions would **contribute trillions of dollars to the U.S. GDP and add hundreds of billions to revenue.** While the Congressional Budget Office has not scored these provisions yet, they are likely to score much better than a legalization proposal for two reasons: these provisions promise to increase new arrivals (i.e., new taxpayers) and involve a population who would receive fewer benefits on average.

Will the legal immigration provisions pass Parliamentarian muster?

The Parliamentarian ruled against immigration proposals that expand eligibility for LPR status. It was a devastating blow, but it leaves the House-passed legal immigration reforms on the table. Of course, there's no guarantee, but the arguments in the Parliamentarian's two rulings so far indicate these provisions would be allowed because they do not change who is eligible for LPR status, only the *timing* of when eligible people can receive status.

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Is this just a handout for big tech and business?

Far from it. These provisions would help reunify separated families, protect children at risk of aging out of derivative status, guarantee work authorization to spouses, and free guest workers from restrictions tying them to employers. Recapture alone would promise more than a million green cards to family preference immigrants separated from their families by our broken immigration system. Furthermore, these provisions help immigrants of all nationalities. All applicants for an F1, F2B, F3, or F4 visa will end up in the family-based backlog, regardless of their country of origin.

Is this just a temporary fix?

Recapture is a one-time fix of more than one million green cards.

Oppositely, cap exemptions promise to improve the immigration process for years to come by ensuring that there are opportunities for people who find themselves stuck in limbo for years — even decades — after having been approved for a green card. The cap exemptions expire in 2031 but will have proved their value in time for renewal. That ten-year window is enough time to transform the lives of millions of families.

Does this help people already in the U.S.?

Many beneficiaries already live in the U.S., contributing to our communities while on temporary visas.

Recapture alone would provide more than half a million green cards to immigrants who have already built lives in the U.S. and those whose rights are restricted by the terms of their temporary visas. Their status is dependent on their “principal,” which means that layoffs, injury, divorce, or death of a family member can result in deportation.

These provisions will also help many children who have grown up in the U.S. and know no other country as home. They will otherwise fall out of status when they hit 21.

Questions?

Matthew La Corte, Government Affairs Manager; Niskanen Center
mlacorte@niskanencenter.org