TO: President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

CC: Secretary of State Antony J. Blinken  
US Department of State  
2201 C Street, NW  
Washington, DC 20520

Secretary of Homeland Security Alejandro Mayorkas  
US Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

July 21, 2021

Dear President Biden:

The Value Our Families Campaign and the undersigned national, state and local organizations, write to urge you to take administrative action to ensure that all immigrant visas (family-based preference, employment-based and diversity visas) are processed up to the numerical limits this fiscal year. We also urge you to support any Congressional efforts to recapture unused visas or otherwise increase green card numbers. If your administration does not take action by September 30th, 2021, we will lose immigrant visas that are in high demand and add to an already expanding backlog.

We would like to thank you for rescinding some of the harmful immigration policies enacted by the Trump administration and for expanding immigration pathways through the DHS Plan to Restore Trust in Our Legal Immigration System. Our campaign is heartened by the Biden administration’s actions to rescind the public charge rule and end the health care proclamation, as well as reported plans to reduce administrative and financial barriers to immigration, expedite the backlog of immigration requests, restore asylum protections, and revamp the U-visa program to better protect undocumented immigrants who are victims of crime.¹ Furthermore, we fully support the administration’s plan to expand immigration opportunities for LGBTQIA refugees who face persecution in their home countries.²

² Shear and Kanno-Youngs.
But simply rescinding many of the Trump-era policies is not enough. It is also critical that the Biden administration address the visa processing delays resulting from these restrictive Trump-era policies and the COVID-19 pandemic and increase the number of green cards issued annually. President Trump explicitly sought to end family-based immigration, capitalizing on the pandemic in April 2020 to block visas to many categories of people who sought to join their relatives in the U.S. In FY 2020, over 120,000 visas in the family-based preference categories went unused. The Biden administration only lifted the COVID-related immigrant visa ban on February 24, almost halfway through FY 2021. Administration efforts to restore family-based migration and clear backlogged cases have been further hampered by limited staffing and full or partial closures of embassies and consulates abroad. Given these factors, we are at risk of losing even more immigrant visas in the current fiscal year unless action is taken immediately.

A major priority in restoring our legal immigration system is to ensure that no capped immigrant visas in FY 2022 are lost to bureaucratic delays. However, the administration is likely too far behind in processing to reach the numerical limits this fiscal year. In the first half of FY 2021, the State Department only issued 1,133 family-based visas, around 1% of more than 94,000 family-based visas issued during that same time period in FY 2019. Meanwhile, over 3.7 million people are waiting in the family-based visa backlogs as of November 2020, a 7.7% increase from the previous fiscal year. This has exacerbated already decades-long wait times for some, leaving families in limbo as they wait to be reunited.

The State Department is similarly behind in processing diversity-based visas, with 43 visas issued in the first half of FY 2021 as compared to nearly 14,000 visas issued in the first half of FY 2018. These numbers indicate that the government will not process visas up to the numerical limits this fiscal year. The vast majority of employment-based visas are processed as adjustment of status applications at U.S. Citizenship and Immigration Services. Though FY 2021 adjustment data is not available yet, we understand that USCIS is still backlogged from COVID shut-downs and Trump administration policy changes. Since the 120,000 unused family-based green cards were rolled over to employment-based green cards, USCIS has even more applications to process this fiscal year and as a result of crisis-level processing times, employment-based immigrant visas are likely to go unused if administrative action is not taken. Despite Congress’ intent to

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8 “Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2020.”
preserve unused visas, the statutory calculation will result in unused employment-based immigrant visas being permanently lost.

Fortunately, the Federation of American Scientists has developed a simple administrative solution to ensure that no green cards are lost in FY 2021. The Departments of Homeland Security and the State Department should change the manner in which they count visas as being issued. The agencies should consider a visa number reserved -- and the visa “issued” for purposes of Section 201 fall across when two conditions are satisfied: (1) the non-citizen has provided all required documents; and (2) a visa number is available. This change would align the agency's interpretation of green card visa allocation with H-1B nonimmigrant visa allocation, assigning the visa number at the beginning of the filing process, rather than waiting to allocate a visa at the last administrative step in the process. Both family-based and employment-based applicants will benefit from this change because visa allocations can be preserved in each category regardless of administrative delay.

In addition, there are a number of administrative steps the Department of State can take to alleviate the visa processing burdens on consular officers overseas, as outlined in a recent policy brief by the American Immigration Lawyers Association. Importantly, the Administration should use science-based methods of deterring the spread of COVID-19, rather than requiring consular officers to engage in resource intensive national interest exemption determinations under regional travel bans. Moreover, among other administrative recommendations, DOS should further expand the use of interview waivers, prioritize remote processing of cases with low fraud risks, and resume stateside processing of nonimmigrant visa renewals.

A recent opinion piece in the New York Times and a similar editorial by the Washington Post called for increased immigration levels in response to new census data indicating a declining U.S. birthrate and aging population. We need more immigrants to continue to have a growing economy and to care for our aging population.

Time is of the essence. Administrative action must be taken before October 1st to avoid this waste. We urge the Biden administration to do everything in its power to process immigrant visas up to the categorical limits on family-based, employment-based, and diversity visas in the months remaining for this fiscal year. This includes both making the above policy change in the

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10 See INA Section 201(c) - (d) (8 USC 1151(c) - (d)).
way the agencies count visas and supporting any Congressional efforts to roll over, recapture or restore visas.

America is a diverse nation whose culture and economy have been shaped by immigration. Family-based, employment-based, and diversity-based immigration has created vibrant, tight-knit communities and economic prosperity that are distinctly American. We respectfully urge you to prioritize immigration backlogs by ensuring the maximum number of visas are issued for FY 2021 and by guaranteeing any unused visas will be rolled over into the next fiscal year. We look forward to working together to reunite families, reimagine the immigration system, and continue America’s legacy as a diverse and prosperous nation.

Sincerely,

National Organizations
African American Ministers In Action
African Communities Together
Alianza Nacional de Campesinas
American Federation of Teachers
American Immigration Council
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee (ADC)
Asian & Pacific Islander American Health Forum (APIAHF)
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL)
Church World Service
Council on American-Islamic Relations (CAIR)
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Empowering Pacific Islander Communities (EPIC)
Faith in Public Life
Faiths for Safe Water
Franciscan Action Network
Freedom Network USA
Haitian Bridge Alliance
Harvard Immigration and Refugee Clinical Program
Hispanic Federation
ICNA Council for Social Justice
Immigrant Legal Resource Center (ILRC)
International Refugee Assistance Project (IRAP)
Japanese American Citizens League
Justice Action Center
League of United Latin American Citizens (LULAC)
National Asian Pacific American Women's Forum (NAPAWF)
National Council of Asian Pacific Americans
National Immigrant Justice Center
National Immigration Law Center
National Iranian American Council
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant & Refugee Rights
NETWORK Lobby for Catholic Social Justice
No Muslim Ban Ever Campaign
NPNA
OCA - Asian Pacific American Advocates
Service Employees International Union (SEIU)
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
The Value Our Families Campaign
U.S. Palestinian Community Network (USPCN)
UndocuBlack Network
UnidosUS
Unitarian Universalists for Social Justice
United Stateless
Woodhull Freedom Foundation

**California**
Ahri Center
APALA-Sacramento
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice - Los Angeles
Asian Law Alliance
Asian Resources, Inc
Coalition for Humane Immigrant Rights (CHIRLA)
Community Action Board of Santa Cruz County, Inc. (CAB)
Equality California
OCA - Sacramento - Asian Pacific American Advocates
Progressive Asian Network for Action
Social Eco Education (SEE-LA)
TODEC Legal Center

**Colorado**
Colorado Immigrant Rights Coalition
Connecticut
Connecticut Shoreline Indivisible
IRIS - Integrated Refugee and Immigrant Services

District of Columbia
Central American Resource Center

Florida
Farmworker Association of Florida
OCA South Florida Chapter

Georgia
Asian Americans Advancing Justice - Atlanta

Illinois
Arab American Action Network (AAAN)
Asian Americans Advancing Justice | Chicago
HANA Center
Illinois Coalition for Immigrant and Refugee Rights
OCA Greater Chicago
Refugee Action Network
RefugeeOne

Louisiana
Louisiana Advocates for Immigrants in Detention (MI & LA)

Maine
Immigrant Legal Advocacy Project
Maine Business Immigration Coalition
Maine Immigrants' Rights Coalition org

Maryland
CASA de Maryland

Michigan
Michigan Immigrant Rights Center

Minnesota
United Cambodian Association of Minnesota
**North Carolina**
North Carolina Asian Americans Together

**New Mexico**
New Mexico Asian Family Center

**Nevada**
Asian Community Development Council

**New York**
Adhikaar
Asian American Federation
Majlis Ash-Shura: Islamic Leadership Council of New York
New York Immigration Coalition
OCA Westchester & Hudson Valley

**Ohio**
Asian Services In Action (ASIA)
Church of Our Saviour/La Iglesia de Nuestro Salvador
CRIS - Community Refugee & Immigration Services
InterReligious Task Force on Central America and Colombia
OCA Greater Cleveland Chapter
Transformations CDC

**Pennsylvania**
CASA de Pennsylvania
Woori Center

**Texas**
Human Rights Initiative of North Texas
OCA-Greater Houston
Woori Juntos

**Utah**
OCA Asian Pacific Islander American Advocates Utah

**Virginia**
CASA de Virginia
Centreville Immigration Forum
Edu-Futuro
Hamkae Center
LUCHA Ministries, Inc.
LUCHA Ministries, znc.
Virginia Coalition for Immigrant Rights
Virginia Coalition of Latino Organizations

Washington
Asian Counseling and Referral Service
OCA Asian Pacific Advocates - Greater Seattle
OneAmerica