

U.S. Reverses Visa Stance In Bid to Fix July Mix-Up

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In a reversal, the U.S. government said it will accept all applications for work-based green cards that were filed by thousands of skilled workers in early July at the government's invitation and then rejected.

The decision followed pressure from high-tech employers and foreign professionals, and threats of class-action lawsuits. The announcement yesterday is the culmination of negotiations over several days and involved Secretary of Homeland Security Michael Chertoff as well as top officials of the State Department and U.S. Citizenship and Immigration Services, the immigration agency, according to people familiar with the matter.

Immigration Director Emilio Gonzalez said "public reaction...made it clear that the federal government's management of this process needs further review."

The State Department said it was withdrawing the July 2 notice in which it had said it would no longer accept employment-based applications for U.S. permanent residency due to "sudden backlog reduction" by the immigration agency.

"Without saying so explicitly, the government has admitted its error," said Stephen Yale-Loehr, a professor of immigration law at Cornell University. "This will bring a relief to the people who were hurt, but it shows our immigration system is broken."

The July 2 notice, which caused outrage and prompted at least one lawsuit, was a reversal of a June 12 visa bulletin that had invited foreign professionals to take the final step toward applying for a green card.

Thousands of engineers, high-tech professionals and their employers rushed to prepare documentation. Some workers' family members flew to the U.S. to meet a requirement that they be here on the date of filing. The problem resulted from a communications breakdown between the State Department, which issues a monthly bulletin detailing who is eligible to file a green-card application, and the immigration agency, which processes the visa applications.

By law, the U.S. can issue about 140,000 employment-based green cards each year. Despite a huge waiting list, last year the agency didn't issue about 10,000 visas. Leftover visas can't be rolled over to the next year.

The immigration agency said recently that it had exhausted its supply for this fiscal year, which ends Sept. 30.

--Robert Block contributed to this article.

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