

**GRATEFUL Act:
Preserving U.S. Government Employee Abroad Immigrant Visa Program**

Background

In 1952, Congress created a visa category to recognize U.S. government employees abroad for their service to the United States. For 70 years, this program has allowed foreign nationals with at least 15 years of exceptional service to the United States to immigrate with their families. During their careers, these employees risk their lives year after year through civil unrest, terrorism, natural disasters, and war – underscored in May 2023 when three local employees were brutally murdered in the line of duty in Nigeria. Their work is foundational to our foreign policy and ensures the safety and well-being of U.S. citizens, provides security and logistics for U.S. officials, and supports operations abroad. The GRATEFUL (Granting Recognition to Accomplished Talented Employees for Unwavering Loyalty) Act renames this the *Government Employee Immigrant Visa (GIV) program*, and this program provides a unique incentive to hire and retain employees abroad.

In the 1990s, U.S. government employees abroad were placed in the Employment Based Fourth Preference (EB4) immigrant visa category. Out of a total of 140,000 employment visas available annually, the EB4 category is numerically limited to 7.1% of the overall allocation – around 9,940 per year. Over the years, EB4 became a catch-all category for a wide range of immigrants such as religious workers, retired employees of international organizations or NATO civilian employees, certain physicians, Special Immigrant Juveniles (SIJ), and Panama Canal workers.

Problem

For the first time in its history, this program is in jeopardy. As a result of the growing demand for other visa classifications in the EB4 category, there is a backlog of over 118,000 EB4 cases – thus visas are not immediately available to retiring U.S. government employees abroad. Applicants must wait an estimated 14 years between qualifying for and receiving a visa, meaning employees who work a full career and retire at 65 may not be able to begin the visa process until they are nearing their 80s.

Years of shifting immigration policy have placed our employees in line for visas alongside many others who have no connection to U.S. government service. The vast majority of other recipients in this category are already residents within the United States and are applying to adjust status and become legal permanent residents. GIV applicants are all located overseas serving the U.S.

Solution

The GRATEFUL Act preserves visa availability for U.S. government employees abroad by repurposing the Nicaraguan and Central American Relief Act (NACARA) visa offset, an existing carve-out from the Diversity Visa (DV) program created in 1999 that is sparsely used today. Since 1999, NACARA has offset 5,000 visas per year from the DV program, and usage has dwindled to about 150 per year. This bill redirects 3,500 visas in FY2024, and 3,000 visas each year after into the GIV program. This will not add to overall visa numbers. In testimony on June 7, 2023, the Assistant Secretary for Consular Affairs stated that the passage of this bill is a top priority for the State Department.

The GIV program serves as a commitment to employees abroad, particularly those who have placed themselves in harm's way in service of the U.S. mission abroad. Our legislation ensures that this program can meet the intent of its original mission.