



US Senator Padilla Introduces a Legislation to Broaden Legal Pathway to Citizenship

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An immigrant will qualify for lawful permanent residence status (green card) if they have lived in the US continuously for at least seven years before having filed such an application and are of good moral character, according to a Bill introduced by US Senator Alex Padilla.

This Bill - The Renewing Immigration Provisions of the Immigration Act of 1929 would update the existing Registry statute accordingly to enable such eligibility. The bill is co-sponsored by Senators Elizabeth Warren, Ben Ray Luján and Senate Majority Whip Dick Durbin.

The legislation would provide a much-needed pathway to a green card for up to 8 million people, including dreamers, forcibly displaced citizens (TPS holders), children of long-term visa holders who face deportation, essential workers, and highly skilled members of our workforce such as H-1B visa holders who have been waiting years for a green card to become available, states a release from Senator Padilla's office.

Owing to the existence of a per country cap of 7% for green cards, the Indian diaspora is badly impacted. According to a recent study done by David J Bier, Immigration Policy Analyst at Cato Institute, a Washington headquartered think-tank, the employment based green card backlog for skilled Indians had reached 7.19 lakh in September 2021, with an expected wait time of 90 years.

More than 2 lakh Indians who are mired in this backlog are likely to die before they can conceivably receive a green card (absent a change in the law). Only about half of the pending Indian immigrants will likely receive green cards under current law. Another roughly 90,000 children of immigrants—mainly Indians—will 'age out' of green card eligibility during their waits, adds the study.

TOI has in several past articles pointed out the woes of H-1B families. Children of non-immigrant visa holders, like H-1Bs are forced to self-deport when they turn 21 or have to transit to another visa such as an international student visa (F visa).

“Our outdated immigration system is hurting countless people and holding back America’s economy,” said Senator Padilla. “My bill would update the Registry cut-off date for the first time in more than 35 years so that more immigrants can apply for legal permanent residence. This could have a profound impact on millions of immigrants, some who have been living, working, and contributing to the US for decades, by allowing them to live freely without the fear of an uncertain future.”

Section 249 of the Immigration and Nationality Act, also known as the Registry, gives the Secretary of Homeland Security the discretion to register certain individuals for lawful permanent resident status if they have been in the country since a certain date and meet other requirements. Section 249 was first codified in 1929 and Congress has modified it four times, most recently in 1986. No changes have been made since 1986 and the cutoff date for eligibility remains January 1, 1972, more than 50 years ago.