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Bill promises kids of legal immigrants a path to citizenship and work eligibility: It will significantly help the Indian diaspora

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The America's Children Act, which would protect documented dreamers from aging out of their legal immigration status when they turn 21, often forcing them to self-deport to their home-country, has been introduced. Of the estimated total of 2 lakh documented dreamers, nearly 70% are children from Indian families.

This bi-partisan bill, spearheaded by Congresswoman Deborah Ross, also provides for work authorization for documented dreamers over the age of sixteen, whose green card applications are pending.

Documented dreamers are those children who were brought to the US when they were kids. Their parents entered the US legally on non-immigrant visas such as H-1B. Currently, when these children turn 21 (age out), they can no longer continue with their H-4 dependent visas. Either they have to transit to an F-1 visa meant for international students, which has its own challenges such as higher fees and restricted work eligibility; or they have to self deport to their home country, say India.

As TOI has consistently reported, the decades-long employment based green card backlog for Indians compounds the problem, as a large majority of these children age out before the green card can be obtained.

According to an earlier study done by David Bier, a research fellow at CATO Institute, as of April 2020, 1.36 lakh children from Indian families were caught in the EB2 and EB3 employment based green card category backlog, which had an estimated wait time of 84 years. Bier had pointed out that 62% of such children would age out without getting a green card.

The bill provides a pathway to permanent residency to legal dreamers, who have maintained legal status in the US for ten years (including four years as a dependent), and have graduated from an institution of higher education. The icing on the cake for children of Indian parents is

that the bill locks in a child's age on the date on which the green card was filed, thus mitigating the anguish, such as family separation, that a decades long green card queue otherwise causes. Thus, a child who reaches 21 years while waiting for a green card, doesn't lose eligibility for the card, under his or her parent's application.

The work authorization related provision is an added bonus, as currently, a documented dreamer has no choice but to opt for a F-1 visa, followed by a work visa (such as H-1B), if he or she wishes to continue to stay in the US. Those who are unable to obtain a footing in the H-1B lottery, are forced to migrate back to India or some other country, such as Canada.

Passage of this bill will immensely help the Indian diaspora. While the 2021 version of the House's American Dream and Promise Act, provided protection to documented dreamers, the Senate Dream Act did not include them.

'Improve The Dream' an association led by young immigrants who have grown up in the US, was one of the many voices advocating for such a legislation.

Dip Patel, president of this association expressed his gratitude for the introduction of the America's Children Act. "For the first time, we have legislation that will permanently end aging out and provide a mechanism for a pathway to citizenship for every child who grows up in the US with a documented status. For too long, young immigrants like us, who have been raised and educated here as Americans, have been forced to leave the country we call home. We urge Congress to pass this bill swiftly," he told TOI.

VOICES OF CONGRESS REPRESENTATIVES

America's Children Act, a bipartisan legislation to protect documented dreamers, was introduced by US Representatives Deborah Ross, Mariannette Miller-Meeks, Raja Krishnamoorthi and Young Kim. Here is their take on it:

Congresswoman Ross: "...It is unconscionable that when these children, known as Documented Dreamers, reach the age of 21, they can be forced to self-deport to countries they might not even remember, splitting their families apart. I'm grateful to my colleagues, Rep. Miller-Meeks, Rep. Krishnamoorthi, and Rep. Kim for joining me in working to keep our nation strong and competitive by protecting the dignity of these families and ensuring Documented Dreamers have access to the American Dream."

Congresswoman Miller-Meeks: "We must ensure that our immigration system protects those who come here legally and supports them as they work to contribute to and improve our country. When I met with University of Iowa student Preen Mhatre, we discussed the importance of having young people like her in this country." "Our America's Children Act would protect individuals who are the children of long-term non-immigrant visa holders from aging out of the visa system at the age of 21. These students grew up here, attended school here, and want to continue to make our country a better place. I am proud to support them."

Congressman Krishnamoorthi: "The children of long-term visa holders have grown up in the United States, embracing the American Dream as their own, but the current failures of our immigration system forces them to leave before they have the chance to start their own careers and families here. I'm proud to join my colleagues in introducing this legislation to provide a

pathway for these young people to continue contributing to our nation while building their own American success stories.”

US Representative Young Kim: “Documented dreamers, or children of long-term immigrant workers, came to our nation legally as children and have made positive contributions to our country. Unfortunately, their legal status is in limbo because at age 21 they must self-deport, despite only knowing this country as their home.”

“I am proud to introduce the bipartisan America’s Children Act with Reps. Ross, Miller-Meeks and Krishnamoorthi to support these individuals making our nation a better place. As an immigrant who came here legally, I am committed to creating a fair, legal immigration system that allows immigrant children to achieve their American Dream.”