



Widow of Austins shooting victim, others say U.S. immigration system discriminates

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After a man yelled, “Get out of my country” before allegedly killing her husband, Sunayana Dumala said support poured in from her Olathe community and from around the world.

But she’s felt little support from the federal government, along with other Indian immigrants in the U.S. Some feel trapped, fearing that if they left the U.S. they wouldn’t be allowed to reenter, and many wonder how many years — even decades — they’ll have to wait before becoming citizens.

That’s because the U.S. immigration system discriminates against Indian immigrants, Dumala and others say. She spent weeks late last year worrying about whether she could travel to India for the first anniversary of her husband’s death. Dumala lost her immigration status after her husband, Srinivas Kuchibhotla, was killed last February at Austins Bar & Grill in Olathe in a suspected hate crime. Adam Purinton was charged in the shooting.

“I never know where I’ll be in another (few) years, and I don’t think it’s fair to me,” said Dumala, who holds a master’s degree and is a database developer for Intouch Solutions, an Overland Park pharmaceutical marketing agency.

Her husband’s death extended an already lengthy wait for a green card, barring any legal remedies, according to Texas-based immigration lawyer Susan Bond, who represents Dumala.

Also extending Dumala’s wait is the fact that she came from India — where many high-skilled immigrants hail from. The volume of such immigrants from India, who work in difficult-to-fill jobs in the tech industry, created a backlog in the wait for citizenship that can span decades.

Because full citizenship to each foreign country is capped, countries sending fewer high-skilled immigrants, such as the Philippines, need only wait a few years, according to the State Department.

Falgun Surani has worked and raised a family in the Kansas City area for years. Yet he fears if he ever left the country, he wouldn’t be allowed back in. That’s because his visa, one given to high-skilled immigrants, doesn’t offer enough protections, he said. He supports a bill by U.S. Rep. Kevin Yoder that proposes more protections for Indian immigrants like Falgun Surani and Sunayana Dumala, the widow of the man killed in a suspected hate crime at Austins Bar & Grill in Olathe.

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“I was born in the wrong country,” said Falgun Surani, an Indian immigrant here on the same visa as Dumala. “That is discrimination.”

U.S. Rep. Kevin Yoder, an Overland Park Republican, agrees. He’s aiming to end the per-country cap with a bill he became lead sponsor of last summer, a few months after the suspected hate crime in Olathe.

“She’s a very powerful symbol of who the system is failing,” Yoder said of Dumala. “We have to stop the discriminatory practices on the books that have been there for a long time.”

Surani, 36, and his wife, Romika Surani, 34, both work in engineering in Kansas City and hold master’s degrees from U.S. universities. They have two American-born children.

“It’s not a way to live your life — in constant fear,” Romika Surani, who also holds the same visa, said of their uncertain immigration status. “To have to live with a plan B.”

It’s been eight years since they visited family in India because of fear that they might face difficulty returning to America. They spoke of horror stories where couples are split up, with one getting past immigration officials and the other remaining in India, unable to return.

Romika Surani and her husband, Falgun, have not been back to India in eight years because they fear their immigration status -- they are in the U.S. on a visa for high-skilled workers -- may not allow them to return to the country after they leave it. She and her husband say they've missed numerous weddings, funerals and watching their youngest relatives grow up.

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“Our only hope is Congressman Yoder’s bill,” Falgun Surani said.

More than 300 lawmakers in the U.S. House have signed on as co-sponsors for Yoder’s bill, known as the “Fairness for High-Skilled Immigrants Act.”

“It’s one of those rare bipartisan immigration policies,” Yoder said.

Even so, Yoder remains skeptical a divided U.S. Senate would sign off on his bill.

His hope is to attach it to a large immigration package in the works that might include funding for President Donald Trump’s wall along the southern border and protections for Dreamers, or children without full citizenship but who grew up in the U.S.

The history of the per-country cap for green cards is one mired in racism, according to the Cato Institute, a right-leaning think tank.

“Initially, the per-country limits openly discriminated against ‘undesirable’ immigrants, defined as Asians, Africans, and Eastern Europeans (mostly Jews),” the Institute wrote. “But in 1965, Congress made the per-country limits uniform across countries.”

Some fear immigrants’ path to citizenship might become more difficult as a result of Trump’s “America First” leanings. The Department of Homeland Security recently signaled it was considering forcing the “self-deportation” of some immigrants like Dumala. But after complaints

from tech companies, lawmakers (including Yoder) and citizens, the administration has backed off that proposal.

Mira Mdivani, a business immigration lawyer in KC, said the balked proposal still sent a stark message from the federal government: “We simply don’t like immigrants, and we don’t care if you’re qualified and needed in our economy.”

The issue, she added, is less about immigration as it is about the economy. The high-skilled workers from India are highly desired for tech jobs that American-born citizens aren’t willing or are unable to fill.

There are roughly 10,000 unfilled computing jobs in Missouri, according to a 2017 KC Tech Council report, and nearly 3,000 in Kansas. The report estimated there will be 10,000 job openings in KC over the next decade in computer occupations as the field expands.

Tech giants such as Facebook and other big companies, from Bank of America to Caterpillar, have long argued that the 85,000 annual cap on the visas, known as H-1Bs, for people like Dumala and the Suranis is too low because they can’t find enough highly skilled American workers.

“You would think America would welcome anyone who is badly needed in the economy irrespective of where they are from,” Mdivani said.

On the other side, critics of the program say H-1B visas are increasingly being abused and that American workers are being laid off as U.S. companies send work to outsourcing companies that employ thousands of H-1B workers.

Earlier this year, Trump signed an executive order calling for a review of the H-1B program.

“This historic action declares that the policy of our government is to aggressively promote and use American-made goods and to ensure that American labor is hired to do the job. It’s America first, you better believe it,” Trump said in April when announcing the executive order.

John Miano, a lawyer who represents American workers who say that they have lost jobs unfairly to low-skilled H-1B visa holders, said Trump can only do so much to fix H-1B program, which he said should be scrapped.

Falgun Surani is planning a trip with other visa holders to Washington, D.C., as part of his work with Immigration Voice. They aim to call for better protections and rights while lobbying for Yoder’s bill.

“There’s really a sense of fear right now,” Surani said.

And Yoder, who has invited Dumala to accompany him to Trump’s State of the Union address later this month, said he’s dedicated to creating a welcoming atmosphere to high-skilled immigrants.

“One of the reasons I’ve become so passionate about this immigration issue is that we need to send a message to the Indian community and other immigrant groups that we are a loving country that is welcome to all,” he said.

Sunayana Dumala — the widow of Srinivas Kuchibhotla, who was killed in the Austins Bar & Grill shooting in Olathe, Kansas — aims to spread positivity and love in his name.