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Adult Children of Work-Visa Recipients Forced to Return to Parents' Countries

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Athulya Rajakumar grew up in the Seattle suburbs, taking dance lessons and competing on her high-school debate team. Last year, she received her bachelor's degree from the University of Texas at Austin.

But Ms. Rajakumar might soon need to leave the country she has called home since age 5, when her mother moved the family from India for a job at Microsoft Corp. Her legal status ends in December, and the 23-year-old said she sees little choice but to self-deport to India.

"I don't have a support system there, and I'm not a native speaker," Ms. Rajakumar said. "I genuinely don't know what to do."

Ms. Rajakumar is among the estimated 200,000 children of immigrants on work visas who don't have a clear legal path to stay in the U.S. once they turn 21. In her case, by the time the federal government approved her family's green cards last year—nine years after they had applied—she had aged out of eligibility.

The long wait for green cards means more young adults are getting caught in a predicament like Ms. Rajakumar's. Each year since 2018, about 10,000 children reach adulthood and split off from their parents' immigration cases, said David Bier, an immigration research fellow at the Cato Institute.

"We're educating these kids from the time of grade school through college graduation, and still forcing them to leave the country," Mr. Bier said. "It's an accident of a broken system—no one will defend it because no one came up with it."

Congress and Democratic presidential administrations have been debating for more than a decade how to help "dreamers," young adults who grew up in the U.S. after their parents entered the country illegally. The Republican Trump administration opposed helping dreamers become legal residents and sought to curb both illegal and legal immigration to the U.S.

Although her mother came to the U.S. legally, Ms. Rajakumar is among children whose status is in a similar limbo, but with even fewer protections than the people who have traditionally been defined as dreamers.

Intense lobbying by the technology companies that use work visas—including in a letter Tuesday to the Biden administration—and support from key Democratic and Republican lawmakers haven't budged legislation to ease the path to citizenship for the children of work-visa recipients.

Bills introduced last year haven't been scheduled for hearings. The Senate version is co-sponsored by Sen. Rand Paul (R., Ky.) and four other Republicans, and by Sen. Richard Durbin (D., Ill.), Sen. Alex Padilla (D., Calif.) and two other Democratic-voting senators.

Such measures are caught up in the broader, polarized immigration debate. Many Democrats balk at helping children of work-visa recipients without also extending a fix to those whose parents entered the U.S. illegally. Republicans either oppose citizenship for dreamers and children of work-visa recipients or see it as less pressing than measures to slow the historically high numbers of migrants crossing illegally at the southern border.

Sen. Thom Tillis (R., N.C.) said at a hearing in March that lawmakers must have a broader discussion about border security and other immigration issues, as well as the size of guest-worker programs, before turning their attention to pathways to citizenship.

“The reality is that any one immigration issue is always going to be coupled with a whole host of other issues, and the moment that you say, ‘I want this law passed,’ those other issues will always come up,” said Cris Ramón, an independent immigration analyst who has worked with the Bipartisan Policy Center and the George W. Bush Presidential Center.

President Barack Obama created the Deferred Action for Childhood Arrivals program in 2012 to offer deportation protections and work permits to children brought here by parents who immigrated illegally, and some Democrats have been attempting since 2010 to pass the Dream Act, a bill offering them a path to citizenship.

But the children of work-visa recipients aren't covered by DACA and had been overlooked until last year in Dream Act legislation.

About 636,000 people were participating in DACA as of the end of 2020, according to a Congressional Research Service report. That is about triple the Migration Policy Institute's estimate of children who came with parents on work-visa permits.

Limitations set in law about the number of green cards the U.S. hands out each year to nationals from any country have hit Indians in particular, since those immigrants have flowed into the U.S. on work visas at higher rates than from many other countries, according to a Cato Institute analysis of data from U.S. Citizenship and Immigration Services.

Indians make up 82% of the green-card backlog, and immigration researchers estimate that an Indian applicant applying for an employment-based green card today can expect to wait 80 years.

When Ms. Rajakumar turned 21 about two years ago, the visa attached to her mother's case automatically expired. She was able to remain on a student visa, allowing her to finish her studies and work for a year after graduation.

She had hoped to win the lottery for a coveted H-1B visa—the same work visa her mother held for nearly two decades. That would have put her back in the ever-growing line for a green card, but given her years to remain in the U.S. legally. This spring, she lost the lottery.

As the ranks of adult children of work-visa recipients have grown, they have begun organizing and lobbying for help, including through an organization called Improve the Dream.

In March, Ms. Rajakumar represented the group at a Senate Judiciary Committee hearing, where she described the consequences of her situation. “I learned very young that every aspect of my entire life would be controlled and overshadowed by my visa status,” she told lawmakers.

Tech companies, many of whose employees are caught up in the green-card backlog and have children aging out of the system, have also started lobbying Congress and the Biden administration for a fix.

In a letter sent to Homeland Security Secretary Alejandro Mayorkas on Tuesday, several companies including Alphabet Inc.’s Google, Amazon.com Inc. and Uber Technologies Inc. called on the government to find an administrative-policy fix.

“This uncertainty harms families and prevents our companies from attracting and retaining critical talent in the U.S.,” the letter states.

Ms. Rajakumar, who has until December to figure out what to do, said she feels overwhelmed and out of options.

“I know it sounds crazy, but I haven’t made any plans,” she said. “I’m just hoping that something will get fixed by then and I can stay.”