

THE VERGE

The children of tech's guest workers are pushing for immigration relief

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As a kid, Naga Sreeram would spend all his time at his friend's garage in San Jose, California, building Lego machines and coding them for his school robotics team. In high school, he taught himself web development and created apps that won competitions. But despite his passion for computer science and presence in Silicon Valley, his dream of working in the global tech hub remains on shaky ground.

Sreeram came to the United States from India in 2007, at age seven. He was accompanying his father, who had obtained an H-1B work visa, as foreigners employed in the U.S. tech industry often do. Now, at 21, Sreeram has aged out of his dependent visa and has no clear pathway to citizenship. His only options are to "self-deport" and return to a country he no longer knows, or scramble for legal ways to stay that are neither easy nor guaranteed.

"I'm scared that I will have to leave the country without ever even working in Silicon Valley," he says, "and that would be a huge disappointment."

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An estimated 200,000 children of foreign workers are in the same situation: They grow up in the United States but fall through the cracks of a broken immigration system. Realizing that they're facing a dead end, many of these young people have banded together to work for lasting change in the immigration system, putting new pressure on Congress and the White House for a path forward. It's not at the center of anyone's immigration reform plan — but for this cohort of young people, it's a political fight that will shape the rest of their lives.

Sreeram and others in this demographic call themselves "documented dreamers," positioning themselves similarly to undocumented activists who came here as children, called "Dreamers" after a bill first drafted in 2001 that sought to provide them relief. While conceding that they may be better off in some ways, "documented dreamers" argue that they, too, are the victims of an unfair system and should be included in any existing and future fixes.

“No one seems to understand how it’s possible to grow up in this country with a documented status, but still have no clear path to citizenship,” says Lakshmi Parvathinathan, 18, a sophomore at Drexel University majoring in biological sciences. Parvathinathan first came to the United States with her H-1B holder parents when she was three years old. “Everyone kind of just assumes, like, ‘Oh, you’ve been here for your whole life, you’re set,’” she says. “But unfortunately, that’s not the case.”

A critical mass of young people with similar experiences

Both Parvathinathan and Sreeram have joined advocacy efforts at “Improve the Dream,” a coalition of young people hoping to garner more attention for this issue.

The group was started by Dip Patel, who was born in India but naturalized in Canada. His parents came on an E-2 investor’s visa around 15 years ago, which allowed them to start a small business — a convenience store in southern Illinois. But it soon became clear to him that he was approaching the end of the line as far as immigration was concerned. When Patel was in high school in 2010, a version of the DREAM Act passed the House, but it failed in the Senate. He was crestfallen because he had wrongly assumed that he, too, qualified for relief under that legislation.

In 2012, the Obama administration launched the Deferred Action for Childhood Arrivals (DACA) initiative, offering the temporary ability to stay and work for certain eligible undocumented immigrants. Again, Patel found that the protection did not apply to him. “Improve the Dream” was born in 2017 as a culmination of these incremental realizations that the policy solutions out there did not extend to him.

Over the years, Patel has brought together a critical mass of young people with similar experiences through digital outreach. One of the first online platforms where he connected with other “documented dreamers” was a Facebook group meant for their parents. Later, through WhatsApp networks, Patel shared surveys to gather data on the experiences of such immigrants. Now, there’s a Slack with over 300 young immigrants working together on awareness campaigns and sharing information. Many — from India, Zambia, Mexico, Colombia, and South Korea — feature prominently on the group’s website, telling their stories. Others contribute behind the scenes as well; Sreeram, for example, helped code the website.

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Congress alone can implement permanent fixes, which is why Patel and the others have been sending emails, making phone calls, and holding in-person and virtual meetings to educate congressional staff for years. This year, these efforts have borne fruit: the American Dream and Promise Act of 2021, the latest version of DREAM legislation, protects not just undocumented immigrants who came to the country as children, but also those who came on temporary visas. It passed the House in March. The White House endorsed the legislation, calling it a “critical first step in reforming our immigration system.” Despite the fact that the Senate version of the bill does not yet include children of visa holders, this was a big win.

Then, in April, for the first time, the issue was the subject of a House Judiciary Committee hearing. In July, a bipartisan group of House representatives introduced separate legislation specifically addressing children of visa holders. The \$3.5 trillion reconciliation agreement on infrastructure between the Democrats and the White House in July will also contain language from H.R. 6, the House version of the American Dream and Promise Act, according to the office of Rep. Pramila Jayapal (D-WA), although it's not clear whether that includes protections for "documented dreamers."

The easiest and quickest stopgap measure, however, could come through the Biden administration. Tweaking the language of the DACA guidelines so that children of visa holders could also apply is the top recommendation some House Democrats have made in a recent Congressional letter to the Homeland Security secretary.

Rep. Ro Khanna, a Democrat from California whose district includes Silicon Valley, signed on to the letter and says he'll continue to push the issue in Washington. "Immigrants have brought to Silicon Valley and communities across America transformative ideas that are helping to change the world," Khanna told *The Verge*. "Documented dreamers are no exception, and like traditional Dreamers, Documented Dreamers know America as their only home, but are not eligible for protection under DACA. We must not leave these young people and their valuable contributions to our communities behind."

Around 70 percent of the 500-plus "documented dreamers" Patel surveyed are children of H-1B workers, stuck in a decades-long employment-based green card backlog with their parents. In 2020, over 1.2 million applicants were in this queue — a majority of them from India and China, according to an analysis by David Bier, a research associate at the libertarian Cato Institute.

When they "age out" at 21, kids of these green card holders are ejected from the queue. To stay, they have to apply for other types of temporary visas, each with its own set of complications. If they spring for a student visa, they have to prove "nonimmigrant intent" — meaning they have to demonstrate they want to return to their country of citizenship. Apart from being a cruel twist of irony, this is a tall order, as these applicants are often deeply rooted in the United States. If they apply for the H-1B, these young people have to face an unpredictable annual lottery through which the visa has been doled out in recent years. Even if they get lucky in this lottery, they're doomed to walk in their parents' footsteps, potentially ending up in the green card backlog again many years later.

While they navigate this Sisyphean mountain of paperwork, these young immigrants lose money, time, certainty, and opportunities. They are often disqualified from in-state tuition, jobs, and fellowships. Parvathinathan remembers how the full weight of the restrictions on her future hit her in high school, and none of the adults around knew how to help. "It was just really a stressful time, growing up, because my future in this country wasn't guaranteed," says Parvathinathan, who lived outside of Philadelphia at the time. "And it didn't seem like there was anything that I could do to make it guaranteed."

Congress hasn't passed significant immigration legislation since the 1990s, and one of the many consequences is the legal limbo that young people like Parvathinathan find themselves in. "What

it shows about the legal immigration system is that it is incredibly constrained and woefully outdated,” Bier says. “And much of the many problems in the immigration system are products of neglect, rather than conscious design.”