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America's broken immigration system is tearing Indian families apart

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By February next year, 22-year-old Sri Ponnada will be forced to separate from her mother and teenage brother and move out of the US—the country where she has spent eight years of her life.

An Indian citizen, Ponnada moved to Jamaica with her family when she was three years old. Some 10 years later, her family relocated to the US as her mother began her internal medicine residency in New York. In 2012, the family again relocated to Iowa, where Ponnada's mother got a job as a physician.

Ponnada enrolled at the University of Iowa to study computer science and English. Like any regular college student, she kept herself busy outside class, writing for the college paper and helping run the college radio station. In her free time, she tutored students in computer science, and volunteered at the public library to teach kids how to code for free.

But one fear always lingered.

“While I was doing all this stuff, I was still struggling with major anxiety and depression because I was scared about whether or not me and my family would get our green cards,” she wrote on Facebook. Because of her work as a doctor in an underserved community, Ponnada's mother was eligible for the National Interest Waiver for EB-2 visa-holders to quickly get a green card, but the process was long-drawn-out.

Ponnada “aged out” of her dependent visa last year when she turned 21. She avoided deportation by switching to the F-1 student visa to complete her education and work. However, even with the extension for STEM students, her current visa allows her to stay in the country only until February 2019.

A software engineer at Microsoft now, Ponnada tried getting an H-1B visa but didn't make it through the lottery.

“...in 6 months, I am going to be forced out of my home—the United States—because I aged out of a broken immigration (system) while my mom has been waiting for years in the employment-based green card system,” Ponnada wrote in her Facebook post.

“I feel like it’s been a while since I stopped making super concrete long-term plans for my future because my immigration (status) has been an obstacle,” she told Quartz.

“For people affected by my situation in particular, I feel as though the law should protect kids who were brought here with proper documentation by their parents,” Ponnada said. “If my mom was approved for a green card but doesn’t have it yet because of the government’s backlog, why should my family be ripped apart?”

No other way to stay

An estimated 40,000 children of H-1B workers on the dependent H4 visa face the same uncertainty as Ponnada.

Overall, those in jeopardy, including kids of skilled immigrants across different visa categories, could be between 250,000 and 350,000, Aman Kapoor, co-founder of advocacy group Immigration Voice, estimates.

Back in 2002, the US Congress recognised this issue of ageing out owing to green card-issuance backlogs.

To offer some relief, then president George W Bush signed the Child Status Protection Act (CSPA), which, to buy more time for aged-out children, adjusts their age according to how long the green card application has been pending.

“CSPA has prevented many families from being separated, but not all,” said Allison Kranz, solutions partner with immigration firm Envoy Global.

For sometimes the backlog is so huge that this law doesn’t help, or people are just not aware enough to seek help in time. Aged-out children do not qualify as dependents anymore and can’t be considered under the CSPA, Kranz explained.

“Indian and Chinese nationals bear the brunt of these antiquated, ineffectual laws, as their backlogs are significantly longer than other countries due to their higher populations,” said Hassan Ahmad, a Northern Virginia-based immigration lawyer who serves on the boards of various state and local agencies and nonprofits advising on immigration policy.

An Indian applicant on the EB-2 visa—issued to physicians, advanced degree holders, and those with exceptional abilities—who applied for a green card in 2017 has to wait more than a century to get it, according to American think tank Cato Institute.

The Fairness for High-Skilled Immigrants Act of 2017, introduced over a year ago, suggests allowing backlogged applicants to pay \$2,500 to expedite green-card processing for these overloaded groups.

It doesn’t help that the Donald Trump administration’s overall stance on immigration is far from encouraging. Securing the H-1B, which allows immigrants to live and work in the US for up to six years, is getting harder with burdensome paperwork and heightened scrutiny to prevent visa

fraud and abuse. Spouses of people belong to this visa class, known as H4 visa-holders, may be robbed off the right to work.

“That the administration is seeking to rescind the H4 EAD rule suggests there is very little spirit of accommodation for the interests of immigrant professional families right now,” said Leon Rodriguez, a partner at Seyfarth Shaw, a law firm based in Washington DC.

Meanwhile, Ponnada’s impending deportation has left her family anxious and heartbroken. Her brother Sam, a junior at the University of Iowa pursuing math and physics, has been calling and emailing several government representatives over Ponnada’s situation.

In a couple of years, Sam, too, will “age out.”