



**Testimony of John C. Yang  
President and Executive Director  
Asian Americans Advancing Justice | AAJC**

**Before the United States House of Representatives  
Committee on the Judiciary  
Subcommittee on Immigration and Citizenship**

**Hearing Titled  
“Why Don’t They Just Get in Line?” Barriers to Legal Immigration  
April 28, 2021**

Asian Americans Advancing Justice | AAJC appreciates this opportunity to testify in today’s hearing on “Why Don’t They Just Get in Line?” Barriers to Legal Immigration. Advancing Justice | AAJC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. Founded in 1991, Advancing Justice | AAJC is one of the nation’s leading experts on civil rights issues of importance to the Asian American community including immigration and immigrants’ rights, census, hate incidents, language access, discrimination, technology, and telecommunications, and voting rights. We are part of the national affiliation, Asian Americans Advancing Justice, comprised of five leading organizations advocating for the civil and human rights of Asian Americans and other underserved communities to promote a fair and equitable society for all. The affiliation's members are: Advancing Justice | AAJC (Washington, DC), Advancing Justice - Asian Law Caucus (San Francisco), Advancing Justice - Los Angeles, Advancing Justice - Atlanta, and Advancing Justice - Chicago.

Asian Americans Advancing Justice co-convenes the Value Our Families Campaign. The Value Our Families Campaign exists to protect, preserve, and strengthen the family immigration system and promote an immigration system that is informed by love, empathy and justice. We are a network of local and national community-based and advocacy organizations who reject attacks and proposed harmful changes to our current family-based immigration system. We see to build public support for an immigration system that protects and promotes family unity and contributes to the American social and economic fabric. Formed in 2017 in response to attacks on the family-based immigration system, Value Our Families has long pushed for passage of Rep. Judy Chu’s Reuniting Families Act. As such, we celebrated the inclusion of that bill in President Biden’s U.S. Citizenship Act.

Immigration is an important issue to Asian Americans. Two-thirds of Asian Americans are immigrants. Family-based immigration is the primary pathway for immigrants from Asia. In 2016, 82.1% of visas issued for Asian countries were family-based.<sup>1</sup> Asian Americans sponsor more than one-third of all family-based visas each year.<sup>2</sup> As of 2017, there were around 1.7 million undocumented Asian people living in the U.S. including over 120,000 DACA-eligible Asian immigrants.<sup>3</sup> There are close to 15,000 Nepali nationals living in the U.S. on Temporary Protected Status.

Asian Americans are acutely aware of the injustice of being allowed to live in, work in, and contribute to the U.S. but always being treated as a perpetual foreigner. This concept has been enshrined in our laws at different times with the Chinese Exclusion Act and Japanese American incarceration during World War II. As such, Advancing Justice | AAJC advocates for access to citizenship for all people who live and work permanently in the U.S. or semi-permanently in the case of many nonimmigrant visa holders. Advancing Justice | AAJC urges Congress to pass a path to citizenship for the 11 million undocumented immigrants, including DACA recipients and TPS holders. Many of the 11 million undocumented immigrants are essential workers, small business owners or their family members who care for children, the elderly and the disabled so their family members can work.

There are three main many reasons for the high number of undocumented immigrants living in the U.S. today. They are: (1) the insufficient number of green cards issued annually; (2) the existence of too many barriers to immigrants seeking to access to existing green card pathways; and (3) insufficient green card pathways for lesser-skilled workers. This testimony will address the first two issues.

## **Origins of Our of Current Immigration System**

Our nation has a complicated immigration history. While it is important to celebrate our history as a nation of immigrants, we must also acknowledge our country's darker origins of colonization of Native Americans and slavery of African Americans. In keeping with the culture of white supremacy, Congress passed the Chinese Exclusion Act of 1882 followed by exclusions of people from other Asian countries culminating in 1924 when a racist national origin quota system passed excluding all Asians and greatly preferencing Northern and Western Europeans. While there was increased immigration in the 1940's and 1950's, the national quota system was not completely ended until the passage of the Immigration and Nationality Act ("INA") of 1965, which created the framework for the family-based immigration system that we have today. The INA of 1965 was both a civil rights law and an immigration law and in creating the family-based sponsorship system it opened up pathways for Asians and other peoples from around the world to immigrate to the U.S.

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<sup>1</sup> This number excludes humanitarian visas.State Department Visa Statistics FY2016 Annual Report, Table III. <https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2016AnnualReport/FY16AnnualReport-TableIII.pdf>

<sup>2</sup> *Id.*

<sup>3</sup> AAPIData.com <https://aapidata.com/undocumented/> (Last accessed April 26, 2020).

The INA has been amended many times over the years. Notable amendments include the Refugee Act of 1980, creating the Federal Refugee Resettlement Program, and the Immigration Reform and Control Act of 1986, which legalized people out of status and created penalties for employers who knowingly hire undocumented immigrants. The Immigration Act of 1990 expanded the number of family-based visas allotted per year and created the Diversity Visa Program, which allows for 55,000 permanent residency visas annually. The Diversity Visa Program has become an integral pathway to lawful permanent residency, as well as ensuring equitable migration from nations and regions with low migration rates to the United States.

In 1996, Congress passed the Illegal Immigration Reform and Immigration Responsibility Act (“IIRAIRA”), an enforcement enhancement law that increased criminal penalties for immigrants and stripped due process rights from them. Such provisions include creating a filing deadline on asylum applications, creating “expedited removal” and creating a system of mandatory detention for certain classes of immigrants. Most pertinent to this hearing, IIRAIRA created the three and 10 year bars to inadmissibility, described further below.

### **The U.S. Family-based Immigration System**

Before addressing what is broken about our immigration system, it is important to state that Asian Americans Advancing Justice | AAJC is firmly committed to protecting family sponsorship as the central element of our immigration system and allowing people to sponsor their family members, including their adult children, parents and siblings. While it is clear that we need to expand our employment-based immigration system, that should not come at the expense of our family-based system.

The over 45 million immigrants (including 23 million naturalized citizens) living in the U.S. are the backbone and multi-ethnic fiber of our communities giving our country a competitive advantage while providing economic opportunities, freedom, safety and stability to many who need it most.<sup>4</sup> The majority of immigrants came through our family-based immigration system. Others came as refugees, on employment-based visas or through the diversity visa program and then go on to sponsor their family members. Detractors have negatively ascribed this system as “chain” migration. In reality, estimates have ranged between 1 to 3 other immigrants in their lifetime.<sup>5</sup> And this system creates a built-in safety net for those new immigrants. Immigrants integrate better and are more prosperous if they have the roots of strong communities. Those who came before them help new family members find housing and jobs, learn English, successfully navigate a foreign system and eventually become U.S. citizens and participate in our democracy.

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<sup>4</sup> Frequently Requested Statistics on Immigrants and Immigration in the United States. Migration Policy Institute. February 11, 2021. <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-2020>

<sup>5</sup> *These Claims About ‘Chain Migration’ Are Not Accurate*, The New York Times (January 11, 2018) <https://www.nytimes.com/2018/01/11/us/politics/chain-migration-immigration-daca-factcheck.html>

Migration is fundamentally about people planting permanent roots in a new country and should take into account the human need to live with and care for one's family. Family members step in to provide support in times of personal and economic hardship. Caretakers, who are predominantly women, spouses, mothers, grandmothers and aunts, often do unpaid and undervalued work that enables their family members to work outside the home and contribute to our economy.

Immigrants who arrive on family visas have greater economic flexibility in contrast to work-based visas allowing them to start businesses, fill labor market needs and change jobs. A person's educational attainment is not the sole measure for the creativity, entrepreneurial spirit or grit to open a small business or create innovation. Together, families buy homes and start businesses that create jobs. Many immigrant business owners came through our family-based immigration system. Immigrants accounted for 30% of new entrepreneurs in 2014, despite comprising only 13% of the U.S. population.<sup>6</sup>

While the economy is important, we should be careful not to create an immigration system that treats people like commodities. It is vital that the U.S. continues to be a safe haven for those seeking refuge from violence, persecution and fleeing poverty. We are offended by the notion that there are good immigrants and bad immigrants and further that only English-speaking, highly paid immigrants have value. Of equal concern is that a "merit-based system" will prioritize the immigration of men over women due to gender discrimination in other countries where women do not have equal opportunities.

### **Problems with the Family-based Immigration System**

Within family-based immigration there are two broad subcategories: (1) immediate relatives of U.S. citizens, and (2) family sponsorship according to preference categories. Visas are distributed based on the relationship the petitioner has to a family member residing in the United States.

An immediate relative is an unmarried minor child, spouse, or parent of a United States citizen (USC). Within the immigration system, a minor child is defined as being under the age of 21 and unmarried. In the case of a parent petitioning for a child, the child must be under the age of 21 and in the case of a child sponsoring a parent, the child must be 21 or older. Immediate relative visas are uncapped, but these visas are counted towards the maximum number of family-based immigrant visas issued per year. Immediate relatives are usually admitted within 6 months to one year from the date their applications are received. But unlike U.S. citizens, lawful permanent residents (LPRs) sponsoring spouses and children do not fall into the immediate relative category and fall into the capped family-based preference categories outlined below.

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<sup>6</sup> Immigrants as Economic Contributors: Immigrant Entrepreneurs. National Immigration Forum. July 11, 2018. <https://immigrationforum.org/article/immigrants-as-economic-contributors-immigrant-entrepreneurs/#:~:text=Immigrants%20start%20businesses%20at%20a%20higher%20rate%20than%20the%20U.S.,%20Dborn&text=In%20other%20words%2C%20for%20every,U.S.%20were%20immigrants%20in%202014.>

All other family-based immigrants enter the United States through the “family preference system.” This structure divides immigrants into categories based on their relationship to a family member in the United States and processes their applications according to these preferences. Each category has its own cap. The categories are as follows:

1st Preference - Unmarried adult children of a U.S. Citizen (USC)

2nd A Preference - Spouse or minor children of a Legal Permanent Resident (LPR)

2nd B Preference - Unmarried adult children of an LPR

3rd Preference - Married adult children of a USC

4th Family Preference - Brothers and sisters of a USC

The worldwide cap on family-based immigrant visas is 480,000 and the numerical limit on family-based preference categories is 226,000 per year. Technically, the 226,000 number is a floor and any excess visas available after the immediate relative visas would be distributed across the preference categories and processed up to 480,000 at maximum. However, for many years the demand for immediate relative visas has met or exceeded 254,000 (480,000 – 226,000), therefore limiting the preference categories to 226,000 and creating pressure on the backlogs in those categories. Unlike the preference categories that are capped at 226,000, immediate relatives are uncapped and can total beyond 254,000 and bring the total visa count above 480,000.<sup>7</sup>

In addition to the categorical limits on family preference visas, there is a per country limit written into the INA. Any one country cannot receive more than seven percent of the total admissions in the capped categories which totals approximately 25,600 visas per year. This number includes immigrants in both the family and employment-based categories. There are some, but few, exceptions to these per country limits. Most nations do not come near the seven percent figure. However, Mexico, China, India, the Philippines and Vietnam regularly reach or exceed this country cap. These countries are given different priority dates for processing and, as a result, their backlogs are even longer.

The Department of State (DOS) allocates family preference visas by estimating how many immigrant visas will be available and publishes the results in a monthly visa bulletin. If the number of visas available in a category exceeds demand for them, the visa bulletin will indicate that the category is “current.” If the demand for visas exceeds what is available in a certain category, the visa bulletin will indicate a cutoff date and the issuance of visas in that month is restricted to applicants whose priority dates are earlier than the cutoff date. Petitioners whose priority dates are after the published date must wait until DOS advances the posted date to obtain a visa. (Note that priority dates operate within both the family-based and employment-based visa systems. However, these systems are wholly separate, parallel processes.)

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<sup>7</sup> The INA lays out the numbers of immigrant visas to be granted. However, it is important to note that green cards issued within the U.S. to people “adjusting their status” count towards the immigrant visa caps as well as those granted at U.S. consulates abroad.

There are around 3.8 million family-members in line to be sponsored through the family-based preference categories.<sup>8</sup> Nationals from Mexico, the Philippines, India, Vietnam and China have the longest wait times. The table below shows the categories created by the Immigration Nationality Act (INA), the number of visas allocated to each of these categories and the length of time an applicant is required to wait. It is important to note that these wait times look backward. We can say for certain that a person from Mexico or the Philippines receiving their green card today through the Fourth Family-based Preference Category has waited over 22 years and 19 years prospectively. Looking forward, the wait times will be longer. If nothing is done to clear the family-based backlogs, some categories for some countries will have much longer prospective wait times. However, there are reasonable proposals outlined below to clear the family-based and employment-based backlogs. Once the backlogs are cleared, Congress should reevaluate the program more frequently than it has. Demand to immigrate to the U.S. from different regions of the world will not remain static, nor will the U.S.'s need for immigrants.

Such long family separations are bad for families. People wait abroad in limbo. They forgo marriage in order not to lose their place in line or investing in a home while waiting. They have children abroad who could have started their education in the U.S. rather than transitioning at an older age. These lags are also contrary to the U.S.'s interests. Where possible, we should encourage people to immigrate in their youth so they can invest in English and education or job skills to be successful.

<b>Visa Category</b>	<b>Citizenship Status of US Family Member</b>	<b>Relationship of Intending Immigrant to US Family Member</b>	<b>Annual Numerical Limit</b>	<b>Length of Wait Visas MOST COUNTRIES (as of Feb. 2021)</b>	<b>Longest Wait for Visas in this Category (as of Feb. 2021)</b>
<b>Immediate Relative</b>	U.S. Citizen	spouse, unmarried minor child, parent	unlimited	6 months - 1 year to process	6 months - 1 year to process
<b>First Family Preference</b>	U.S. Citizen	unmarried adult children	23,400	6 years, 5 months	23 years, 1 months (Mex)

<sup>8</sup>The backlogs are likely longer as USCIS holds some applications before sending them to the National Visa Processing Center where they are officially counted. Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based preferences Registered at the National Visa Center as of November 1, 2020, [https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingList/WaitingListItem\\_2020\\_vF.pdf](https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingList/WaitingListItem_2020_vF.pdf)

<b>Second A Family Preference</b>	U.S. Lawful Permanent Resident	spouse, minor child (under 21)	87,900	Current	Current
<b>Second B Family Preference</b>	U.S. Lawful Permanent Resident	unmarried adult children	26,300	5 years, 7 months	21 years, 8 months (Mex.)
<b>Third Family Preference</b>	U.S. Citizen	married adult children	23,400	12 years, 7 months	24 years, 5 mo. (Mex) 18 years 11 mo. (Phil.)
<b>Fourth Family Preference</b>	U.S. Citizen	brothers and sisters	65,000	14 years, 4 months	22 years, 7 mos. (Mex.) 19 years (Phil)

The employment-based immigration system has a similar statutory scheme with 140,000 green cards spread across five employment-based categories. They are more than 900,000 people waiting in the employment-based green card backlogs.<sup>9</sup> They are primarily waiting in the Employment-based 2 and Employment-based 3 categories as the other categories are for more specialized occupations. One driver of these backlogs is that the U.S. has issued more nonimmigrant visas, H-1B visas and others, per year than it issues green cards in these categories. These non-immigrant visas are not temporary, rather they are feeders to permanent immigration and therefore, Congress must authorize at minimum, an adequate number of employment-based visas to ensure that workers and their families are not in perpetual limbo. This is the problem that caused the precarious and unconscionable situation that Preen Mhatre, who is testifying in today's hearing, find herself in. The H-1B holders are, with some exceptions, stuck in their job without full bargaining power or democratic rights in our society. Their spouses, predominantly women, wait years for work authorization that they could lose at any time. And their children, like Preen, grow up in the U.S. only to be told to leave when they turn 21 years-old.

Two problems with the system have contributed to the backlogs. In many years, but particularly in the 1990's, the Federal government has failed to process green cards up to the statutory caps. This was not due to demand but bureaucratic failures. The government has interpreted the INA to not allow the unused visas to roll over into the following fiscal year. Second, the State Department counts towards the visa caps spouses and children who accompany or follow to join

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<sup>9</sup> Green card recapture and reform would reduce immigration backlogs. FWD.US (April 13, 2021) <https://www.fwd.us/news/green-card-recapture/#:~:text=The%20employment%2Dbased%20green%20card%20backlog%20currently%20numbers%20more%20than%20900%2C000.&text=Most%20employment%2Dbased%20green%20card,temporary%20H%2D1B%20work%20visa>



the primary visa applicant (known as derivative visas). The INA is also ambiguous on this point but practice has dictated counting them towards the caps.

## **Barriers to Family Sponsorship**

Over half of the around 1.1 million new green cards issued annually go to people who are adjusting their status within the U.S.<sup>10</sup> This includes people without status and in various temporary statuses. However, some residents of the U.S. have to leave the country to apply for immigrant visas abroad because adjustment of status is not available to them. Others may have a relative or employer who would sponsor them but inadmissibility bars prevent them from doing so. As mentioned above, the 1996 immigration laws made it harder for immigrants who have spent time in the U.S. out of status to obtain lawful permanent residence. The 3-year bar is triggered by immigrants who accrue unlawful presence in the U.S. for 180 days to 364 days. If the bar is triggered, applicants must remain outside of the U.S. for three years before being sponsored by a family member or employer. The 10-year bar is triggered when a person accrues 365 or more days of unlawful presence in the U.S. They must remain outside the U.S. for 10 years before being sponsored. There are waivers for some classes of sponsorship but they can be hard to obtain and are not available for everyone seeking a visa. The extreme hardship waiver only applies for applicants who can show an extreme hardship to a U.S. citizen or LPR spouse or parent. It notably does not include U.S. citizen or LPR children who face hardship from family separation due to deportations daily. Other U.S. relatives experience hardship from deportations as well, including grandparents and siblings. A 10-year family separation is an extremely harsh punishment for a system that has benefited from the labor and taxes and other intangible benefits of contributing community members. It is also not practicable for many heads of households caring for other family members.

The Migration Policy Institute estimates that 1.4 million undocumented immigrants have a U.S. citizen or LPR spouse and at least 1.7 million undocumented immigrant immigrants would likely have an employer sponsor but are barred by provisions added by the 1996 laws. MPI further estimates that there are 3.4 million undocumented immigrants who live with U.S. citizen or LPR children and have been in the country for at least five years.<sup>11</sup> U.S. citizen children may not sponsor their parents until they turn 21 years of age, but every day more children become eligible to sponsor their parents but face inadmissibility challenges to do so. If DREAMers are legalized and become citizens, this number would further expand (though there is some overlap with parents of DREAMers and parents of U.S. citizens). In addition to this population, an unknown but significant number of undocumented people are waiting in the family-based backlogs for

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<sup>10</sup> In FY2019, more than 55 percent (or 573,000) of the 1 million new LPRs were issued to people in country. That year was slightly lower than the recent average of 1.1 million green cards issued annually. “Frequently Requested Statistics on Immigrants and Immigration in the United States” Migration Policy Institute (Last Accessed April 26, 2020) <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-2020>

<sup>11</sup> “Back on the Table: U.S. Legalization and the Unauthorized Immigrant Groups that Could Factor in the Debate” Migration Policy Institute (Feb 2021) [https://www.migrationpolicy.org/sites/default/files/publications/mpi-rethinking-legalization-2021\\_final.pdf](https://www.migrationpolicy.org/sites/default/files/publications/mpi-rethinking-legalization-2021_final.pdf)



green cards to become available. Anecdotally, practitioners and community leaders have told us that these numbers are high in the communities with the longest backlogs. Once their processing times become current on the visa bulletin, they may still face the same barriers to inadmissibility. If they cannot overcome them with a waiver, then they will lose their place in line, the money spent on their application fees and remain out of status.

## **Proposals for Reform**

The majority of Asian Americans have come to the U.S. through the family-based system. The expected inclusion of much, if not all, of Congresswoman Chu's bill in President Biden's bill presents a major victory for the Asian American advocates and activists who have worked for four years to defend the family-based system under the Trump administration and the Asian American voters who turned out in record numbers in the election.

## **Proposals for Reform**

Advancing Justice | AAJC supports Representative Judy Chu's Reuniting Families Act of 2019 and Representative Linda Sanchez's U.S. Citizenship Act. We have outlined below the visa reforms in the U.S. Citizenship Act, which are smart solutions to the problems of the backlogs and the increased green cards in both the family-based and employment-based systems.

### **Clear the Family-based & Employment-based Backlogs:**

- **Recapture Immigrant Visas Lost to Bureaucratic Delay**—Recaptures unused employment-based and family-sponsored visas from fiscal years 1992-2015. For future years, unused visa numbers will automatically “roll over” to the next fiscal year. [Between 1992–2009](#), there were over 240,000 unused family-based visas and 506,000 unused employment-based visas.
- **Reclassify Spouses, Permanent Partners & Minor Children of Green Card Holders as “Immediate Relatives”**— a category not subject to annual numerical limits.
- **End the Counting of Derivatives Towards the Caps**— Prevents derivative visa recipients (spouses, permanent partners, and children who are eligible to “accompany” or “follow to join” the primary applicant) from being counted towards the categorical or per-country caps.
- **Raise the Per-Country Limits**—Addresses the decades-long backlogs of people from certain countries by raising the per-country immigration limits from 7% to 20% for family-based categories and eliminates the cap for employment-based visas.
- **Create a Ten Year Maximum Wait Time**—Provides that once a beneficiary has been waiting in line for 10 years, they are no longer subject to the per-country or categorical visa caps.
- **Create Exemption from Family Visa Limit for Certain Sons and Daughters of Veterans from the Philippines**— Honors the contribution of Filipino World War II veterans by reducing their children's waiting times for family-based visas.

### **Provide Relief for Orphans, Widows & Equal Treatment to All Stepchildren:**

- Protects widows, widowers, and orphans by allowing them to continue to wait in line for a visa after the death of a sponsoring relative.
- Affords the same protection to the children of fiancés of U.S. citizens, preventing them from aging out of the visa application process that other married immigrant visa holders have pursuant to the Child Status Protection Act.
- Provides equal treatment for stepchildren by allowing stepchildren under the age of 21 to be reclassified as “immediate relatives” upon their parent’s marriage or permanent partnership (current age limit is 18).

**Provide Greater Enforcement Relief to Reunify & Keep Families Together:**

- Repeals the three- and ten-year bars, as well as the permanent bar on admission for individuals unlawfully present in the United States from adjusting to legal status.
- Narrows the instances of inadmissibility or deportability for those who willfully misrepresent (versus falsely represent) himself or herself to be a citizen of the United States by accepting any alien under the age of 21 at the time of making the willful misrepresentation.
- Increases the government’s discretion and flexibility in waiving certain grounds of inadmissibility or deportability in the case of an immigrant who is the parent, spouse, permanent partner, son or daughter of a citizen or LPR, in instances that would not be contrary to the national welfare, safety, or security of the United States, or for humanitarian purposes, family unity, or public interest. Note that the waivers are more limited in the U.S. Citizenship Act. We prefer the waivers in the Reuniting Families Act of 2019.

**Provide Relief for Spouses, Permanent Partners, and Children on H-4 Visas:**

- Allows spouses, permanent partners, and children of H1-B visa holders to contribute to the economy with work authorization.
- Prevents the children of H1-B visa holders from aging out of the H-4 visa or adjustment of status application by freezing the age of the child on the date the employment-based petition is filed.

**Eliminate Discrimination Facing LGBTQ Families Throughout Our Immigration Laws:**

- Permits U.S. citizens and legal permanent residents in binational same-sex relationships to sponsor their permanent partner for immigration to the U.S. This bill would help individuals whose permanent partner is from a country that does not recognize same-sex marriage. It would also ensure that same-sex refugee partners are resettled together and that asylum grantees can have their nonmarried partners “follow to join” them in the U.S.
- Extends acquired automatic citizenship to children with at least one U.S. citizen parent [regardless of a biological relationship](#) to that parent. These provisions apply to children born through Assisted Reproductive Technology and children adopted within the first year of their life.

**Ensure Retention of Priority Dates:**

- The bill corrects a drafting error in the Child Status Protection Act to protect children from aging out of the visa application as a result of processing delays on the part of the U.S. Citizenship and Immigration Services or the Department of State.
- It provides that a beneficiary of any family or employment-based petition shall retain his or her earliest priority date regardless of the category of subsequent petitions.

### **Embrace the Diversity Visa Program**

- The bill increases the number of green cards provided through the diversity visa program by increasing the cap from 55,000 to 80,000 visa and no longer counting spouses and children, accompanying or following to join, under the cap.

### **Creates a New V Nonimmigrant Visa**

- The bill would create a new V nonimmigrant visa for family members who have an approved family-sponsorship petition to come and live with their family members in the U.S. pending the receipt of their green card.

### **Other Employment-based Visa Reforms**

- Increases the number of immigrant visas for lesser-skilled jobs from 10,000 to 40,000.
- It exempts people with a doctoral degree in a field involving science, technology, engineering, or mathematics from an U.S. university accredited from the numerical caps on visas allowing them to immigrate more easily.
- Increases Immigrant Workers Protections by holding employers responsible for labor law violations regardless of the workers immigration status.

### **Conclusion**

While our immigration system centered around family (while also promoting diversity) has worked well for the U.S., it is outdated and long overdue to be updated. Years of bureaucratic processing delays and Congress's inability to act and keep up with population growth and labor market needs has resulted in extreme backlogs in the green card programs and a large undocumented population prohibited from being sponsored by harsh bars and decades-long waits. Some families wait for decades to be reunited with their loved ones.

The U.S. has not updated the family-based immigration system nor increased the annual number allocation of immigrant visas in over 30 years (since 1990) despite that fact that the U.S. population has increased and is aging. There is both an economic need for new workers in our labor market and a moral imperative to allow families to be reunited and for the millions of people living no status or in temporary status to become permanent. As a civil rights organization, we take issue with excluding fellow community members who are subject to our laws from fully participating in our democracy.

## **Attachment: Stories of the Human Impact of our Broken Immigration System**

*The stories below are from 2021 interviews by the Value Our Families communications consultants with Tzunu Strategies.*

### **Manuel\* & Mary\*: Separated by the 10 year bar**

*Manuel & Mary are pseudonyms. The names were changed to protect the persons identities.*

Manuel was born in Honduras and came to the United States 15 years ago. By all accounts, he had achieved the American dream. He became a mechanic and opened his own business that allowed him to support himself and his family, and purchased a home. In 2013 he married Mary, a U.S. citizen, who immediately sought to sponsor him for a green card.

For years, Mary and Manuel tried to fix his status. They met with a lawyer, filed for sponsorship and the necessary waivers, paid taxes, and Manuel attended regularly scheduled check-ins with ICE agents. In June of 2018, Didier and Melisa received a letter from ICE stating that he needed to come in for a routine check-in. When they arrived at the office, ICE arrested Manuel without an explanation. Four months later he was deported to Honduras. Manuel's family was in shock and disbelief.

Manuel is subject to a 1996 law that imposes a 10-year bar so he can't reunite with his son for 10 years or until the immigration laws in this country change. Manuel has been fortunate enough to be able to move to Portugal where he can work as a mechanic. However, due to their son's special needs, the child must stay in the U.S. Mary has been traveling to spend time with her husband but she has to go back and forth thousands of miles to be with son and his father who are separated.

Mary said, "We need to change these laws in order to reunite and keep families like mine together. I am deeply saddened at how the government is separating families and targeting them."

### **MIRNA PEREZ**

#### **Member of CHIRLA & the Value Our Families campaign**

I was 11 years old when I came to the U.S. from Mexico. I came to this country searching for educational opportunities for myself and my family but quickly realized that it would be a difficult journey. My mother was able to legalize under IRCA, but I was denied. I found myself in a web of bureaucracy with limited options.

Ten years after I arrived in the U.S., I began the residency process. As I was just over 21 years-old, my case was delayed in the long backlogs. I waited many years for my documentation, just like the thousands of other families stuck in the backlogs.

I dreamed of attending college and becoming an accountant. But I was not able to pursue my dreams because my undocumented status presented many challenges, including not qualifying for funding to pay for college. My first-hand experience with the immigration system motivated me to work hard to provide for my family so that my children could attend college someday.

In 2017, my daughter turned 21, which meant she could file for my permanent residency. Thirty years after I arrived in the U.S. and after being stuck in the backlog for 20 years, I finally felt like part of this country. I have experienced the injustice and outdated immigration system, a system that keeps families separated for decades, and I don't want that for others.

Although I did not qualify for DACA, I became a volunteer to help others obtain DACA, and it brought me joy to help others. I don't want other families to feel the same way that I did. If I can support by sharing my story and advocating, I am more than happy to do so. Now that I am a permanent resident, I want to use my resources to advocate for the rest of the immigrant community and support them in any way I can.

I have been an advocate for the immigrant communities and have been part of organizations that assist immigrants in filling out their paperwork and with financial support. I am now part of the Value Our Families campaign working to reform the family immigration system – with hopes that other families don't need to wait nearly 20 years to feel safe in the country where they grew up.

## **Shurupa**

### **Bangladeshi family fears they will never see their family again due to the immigration visa backlog**

Shurupa's parents migrated to the U.S. in search of opportunities for themselves and their family members. Sharupa's mother applied to sponsor her siblings over twelve years ago. In 2021, they are still waiting for a response. Sharupa's mother feels alone in this country and fears that she may never reunite with her loved ones because of the immigration backlogs.

Shurupa's mother is the only one of her siblings in the U.S and she has not seen her family in over a decade because travel to Bangladesh is too expensive. In the last ten years, Shurupa's mother lost a sister due to the violence and lack of safety laws in their home country. She worries because another sister cannot receive adequate healthcare and Shurupa's cousin is the victim of stalking and fears for her safety. These are some of the reasons why Shurupa's family migrated to this country. Shurupa stated, "Attaining these visas is urgent for my family, but the immigration laws continue to tell us to wait. This has caused my family to be separated for over a decade."

Shurupa's mother's dream is to reunite with a brother or sister in the U.S. someday, but every day that passes fades that hope. Her family has been preparing for decades to come to the U.S., following indications from immigration officials, but after 10 years, there is no clear sign of

when that will happen. Shurupa has done everything that she can to get an update on her family's status, but she always gets an automated message telling them to wait.

A Congressional representative reached out to Shurupa and her family and now they are hopeful they can get any information about the status of their case. Shurupa's mother fears that their case might not still be active, but they have no way of knowing. Just like Shurupa's family, many others have suffered from family separation for decades.

[HTTPS://ABC7.COM/IMMIGRATION-UNITED-STATES-PHILIPPINES-VALUE-OUR-FAMILIES-CAMPAIGN/10476821/](https://abc7.com/immigration-united-states-philippines-value-our-families-campaign/10476821/)

SOCIETY

**SoCal Filipino American family separated more than 30 years underscores US immigration backlog**

**April 23, 2021**

By [Anabel Munoz](#)

LOS ANGELES (KABC) -- The U.S. family-based immigration system can be complex. Wait times to immigrate can vary depending on several factors, including, where you were born.

Some of the countries that experience the longest wait times are China, the Philippines, India and Mexico.

Georgia Garcia Dolar has been waiting more than 30 years to immigrate from the Philippines.

"It just occurred to me, in doing the math, my aunt was younger than I am right now when this process started - by a lot," said Michael Milan, Garcia Dolar's nephew. "That's an entire lifetime."

She was petitioned by both her mother and sister in the 80s. In November 2020, her application was denied, citing proclamations signed by former President Donald Trump. Now, her case will have to be reconsidered. Her mother passed away in 2014 and her sister, Michael's mother, is now in her 80s. She worked as an ICU nurse in Southern California for about 30 years, taking care of others.

"I was emotionally depressed because I... really want to go to the states to be able to serve my sister, and to be with her because she's already 80 years old," said Garcia Dolar over a video Zoom call. "I wanted her to be with me until the last years of her life."

Milan joined the Value our Families campaign, which advocates for policies that would address the backlog that leaves families waiting up to 20 years or in some cases - like Garcia Dolar's - more.

"I guess that the most painful and the most challenging parts of this process: there are people on the other side of these forms that are being submitted, and multiply our family's story by several thousand - this is not uncommon," said Milan.

The Value our Families campaign is lobbying support the U.S. Citizenship Act of 2021, a bill President Joe Biden sent to Congress. Among other things, it would increase the 7% cap on visas to 20%.

"Under our current law...a certain country can have no more than 7% of all visa applications. And so, if that country hits that limit, then those people that are waiting in that line, would pause in that line, and people from different countries would get processed ahead of them," explained John C. Yang, executive director and president of Asian Americans Advancing Justice, an organization helping lead the campaign.

Part of the reason Garcia Dolar has waited so long is also because there's priority based on the sponsor's relationship to the applicant.

"If you are the spouse or a minor child of a current U.S. citizen, number one: you are not subject to these caps, and number two: it is basically immediate. In other words, you do go through the normal processing, the normal background checks of getting a visa application, but you are not subjected to the same limits that we're talking about," said Yang.

Lawful permanent residents, also known as green card holders, can petition spouses and children, but it takes longer. The very last preference is for siblings of U.S. citizens, the category Garcia Dolar is in.

"If they could help me, possibly, that I can go there before my sister will be gone because I want to be able to serve her, to take good care of her," she said.

"I think that our government can do a lot more and do right by these families, who have an interest in making America their new home," said Milan.