



Statement for the Record

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**Submitted to the House Judiciary Committee's
Subcommittee on Immigration and Citizenship**

“Why Don't They Just Get in Line?’ Barriers to Legal Immigration”

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Improve The Dream is an advocacy organization led by young immigrants who have grown up in the United States as child dependents of long-term visa holders without a clear path to citizenship. We represent over 200,000 Documented Dreamers who are collectively raising awareness about the various issues that cause us to age-out of the system when we turn 21.¹ Members of our community were brought to the United States at an average age of 5 and have resided here for an average of 12 years. We are advocating for change that permanently ends "aging-out" and provides a path to citizenship for every child who grows up in the United States, regardless of status.

We appreciate the Subcommittee for holding this hearing to highlight the barriers in the legal immigration system. This is an urgent issue affecting both immigrant lives and our country. Current immigration laws prevent high-skilled immigrants, small business owners, and their children from achieving the American Dream, even though these documented immigrants have spent decades contributing to the United States. These obstacles are not just tearing families apart, but also negatively impacting the United States economy.²

Many Americans are not aware that it is possible for an immigrant child to grow up in the United States with legal status, but still have no clear path to citizenship. Long-term visa holders and their children often come to the United States under the H1B visa (high-skilled workers) or the E2 visa (small business owners). Due to long backlogs for certain countries disproportionately affecting immigrants from India, the children of H1B visa holders "age-out" of their status at age 21. E2 visa holders, on the other hand, have no pathway to citizenship, which forces their children to self-deport at age 21. Likewise, children of other long-term visa holders face a similar predicament.³

At age 21, temporary options exist for very few. Most of us attempt changing status to a temporary student visa, but the change of status process is rather complicated for Documented Dreamers as they must show that they do not have immigrant-intent. It is difficult for children who have grown up here to prove ties to their country of birth and proving non-immigrant intent is nearly impossible for children whose parents have already filed for a green card. Hence, children are often denied student visas precisely because they have grown up in the United

States. If these children are fortunate to successfully obtain a student visa, they must also be lucky enough to get sponsored by an employer to remain in the country. However, the odds of winning the H1B lottery were approximately 31% in 2020.⁴ In addition to the low odds, children born in India will be subject to the same employment-based green card backlog that affects their parents. Therefore, while a few options do exist within the legal system for aged-out children, these options prove to be unviable for the majority of individuals.

While growing up, we do not receive benefits and protections that were offered to other children brought here at a young age, only because we had not lost our documented status. This means we do not have work authorization through DACA, hindering us from gaining valuable work experience. The requirement of being undocumented prevented approximately 75,000 children from qualifying for the program, limiting them from reaching their fullest potential.⁵ Documented Dreamers do not qualify for any federal aid and many do not qualify for in-state tuition, despite meeting all other residency requirements. Although DACA recipients and Documented Dreamers were both brought here at a young age and grew up as Americans, legislative solutions have also historically excluded Documented Dreamers. It is important to recognize the positive impact that the DACA program has had on many Dreamers, but, we believe that permanent protection should be provided to all Dreamers, including us. We commend the House and are incredibly grateful for our recent inclusion in the Dream and Promise Act of 2021.³ We hope that going forward, all solutions for Dreamers will include Documented Dreamers as well.

People often say to us, just get in line and apply for citizenship, but the truth is there is no viable line for most Documented Dreamers. Moreover, many of us face self-deportation everyday since the immigration system currently has no mechanism in place to protect children from aging-out. Once a child ages out, the decades they spent growing up in the United States are rendered useless in the eyes of the immigration system.

Our hope is that immigration reform will prioritize protections for children who grow up in the United States. Efforts at immigration reform should incorporate the following principles to

remove obstacles under the current system and permanently protect children of long-term visa holders:

1. Ensure inclusion of children of long-term visa holders who have maintained status in all legislative solutions for Dreamers.
2. Create an exemption from numerical limitations for individuals who are brought to the United States as children of long-term visa holders, spend at least 10 years in the United States, and graduate with an American college degree.
3. Establish age-out protections by clarifying the definition of child under the Immigration and Nationality Act to freeze the child's age on the date of filing.
4. Grant employment authorization to children of long-term visa holders who are in the backlog with pending green card applications.
5. Allow retention of priority dates for derivative beneficiaries with the earliest of any approved petition.
6. Allow dual intent for international student visas.
7. Address the root causes of aging out by ending per country limits on green cards and increasing pathways to citizenship for nonimmigrant visa holders.

We urge this committee to immediately consider these crucial principles that would resolve the majority of time sensitive issues affecting Documented Dreamers. We are committed to working with members of this Subcommittee to find solutions which permanently remove barriers in our immigration system, especially for individuals who were brought here as children and consider this their home. All children who grow up in the United States should receive a clear pathway to citizenship.

¹David Bier, “100,000 Children in the Employment-Based Green Card Backlog at Risk of Family Separation,” 2020, available at <https://www.cato.org/blog/100000-children-employment-based-green-card-backlog-risk-family-separation>

²David Bier, “Huge Fiscal Benefits of Including Legal Immigrant Dreamers in the DREAM Act,” 2017, available at <https://www.cato.org/blog/huge-fiscal-benefits-including-legal-immigrant-dreamers-dream-act>

³David Bier, “House Bill Provides Path to Citizenship for Most Legal Dreamers”, 2021, available at <https://www.cato.org/blog/house-bill-provides-path-citizenship-most-legal-dreamers>

⁴USCIS, “FY 2021 H-1B Cap Petitions May Be Filed as of April 1”, 2020, available at <https://www.uscis.gov/news/news-releases/fy-2021-h-1b-cap-petitions-may-be-filed-as-of-april-1>

⁵MPI, “A Narrower Path in the House for Most DREAMers,” 2018, available at <https://www.migrationpolicy.org/news/narrower-path-house-most-dreamers>