

# Amendment to Protect Long Term Dependent Children on Nonimmigrant Status

## Background

Over 200,000 children and young adults are living in the United States as dependents of employment-based nonimmigrant visa holders (such as H-1B, L-1, E-1, and E-2 workers). These individuals have grown up in the United States, attended American schools, and attend American universities.

These children can remain in dependent status on a parent's employment-based nonimmigrant visa until they turn 21. Many are also listed as dependents on a parent's green card application. However, applicants must be considered a child under our immigration laws to be eligible for a green card as a dependent. Sadly, due to decades long backlogs and problems with the Child Status Protection Act, many of these young adults age out before a visa number for a green card finally becomes available. As a result, they lose their temporary status *and* their opportunity to obtain a green card.

While most young adults celebrate turning 21, dependents of long-term employment-based nonimmigrants bear a heavy burden. They must obtain another status or leave behind their families—and the only country they have ever known—to return to their country of birth.

## About the Amendment

This Amendment aims to prevent these children from aging out of immigration status by fixing gaps in our immigration laws. Specifically, the Amendment:

### Age Out Protections for Dependent Children on Green Card Applications.

- Fixes the Child Status Protection Act (CSPA) to allow a child's age to be frozen based on when a parent's first employment based green card application was initiated
- Fixes the CSPA to protect children who have been here for an aggregate of eight years as a dependent of an employment-based nonimmigrant before the age of 21 by allowing them to be considered a child on a green card application filed by their parents
- Backdates these changes to the passage of the CSPA in 2000 to protect young adults who were in the United States when their applications were filed and who have already aged out. Exempts this group from numerical caps to avoid an impact on green card backlogs

### Age Out Protections for Nonimmigrant Dependent Children.

- Protects children who are listed on their parent's green card application by allowing them to remain as a dependent on their parent's employment based nonimmigrant visa until a visa number for their parent's green card becomes available
- Protects children who have been here for an aggregate of eight years before the age of 21 as a dependent of an employment-based nonimmigrant by allowing them to remain dependents on their parents' nonimmigrant visa until they can find another status
- Gives those covered by age out protections for nonimmigrant dependent children employment authorization

**Priority Date.** Makes conforming changes to ensure that the eligibility date for a visa number is based on when a green card application is first initiated.