

“For here or to go?” is what a customer is asked every time a meal is ordered at an American fast-food restaurant. For the estimated 1.5 million Indian Americans waiting for a green card, or permanent residency, in America, this is more than a question about a meal. “It is an existential question for us,” says Rishi B.S., an Indian American technology professional in Silicon Valley who wrote and produced a film, that released last year to critical acclaim – *For Here or to Go?*

The film, on the dilemma of H-1B visas faced by people living in the U.S., is a slice of his own life. “We have a permanent temporary status,” he says. After obtaining a master’s degree in the U.S, he got an H-1B visa in 2007, and is now in the queue for a green card.

Until two decades ago, for here or to go (back to India) was a question that most Indians who came to America could resolve by themselves. Karthik (who wants to go only by his first name because the Indian company that employs him in America on an H-1B visa has a gag order on employees) recalls that his aunt Sandhya, who came to the U.S. in the early 1990s, was offered a green card almost immediately. But she wasn’t sure where she wanted to stay. Finally, in 1999, she took a permanent residency and became a U.S. citizen in 2004.

Growing up in Chennai, Karthik learnt about America through his aunt. In 2008, the first time a lottery was introduced to select the 65,000 annual recipients of H-1B visas, Karthik qualified for one. “Many of my colleagues were praying and fasting for one. I wasn’t much bothered, but landed one. Everyone thought I was lucky,” he recalls.

Endless uncertainty

But it was only the beginning of a long and continuing phase of uncertainty for Karthik, who joined the queue for a green card in 2014. “America has given me a lot. And America has taken a lot from me,” he says, remembering how he once left his wife in Chennai though she was about to give birth, just to ensure that he stuck to the conditions of the visa. Later, he had to rush back to Chennai to be by his dying father, risking visa renewal. Having taken extra care to be always on the right side of the labyrinthine rules that govern the H-1B visa programme, Karthik is aggrieved that the ongoing immigration debate in America is largely unmindful of his plight. “At this rate, it will be 70 more years before I get a green card,” he says.

In a move to corner the Democrats, the Donald Trump administration has pushed the question of ‘dreamers’, a section of the estimated 11 million undocumented residents in America, into the forefront of its immigration agenda for 2018. Dreamers are those who arrived in America illegally when they were children. Mr. Trump has ordered, starting March 5, the end of the protection they receive from deportation under an executive order titled ‘Deferred Action for Childhood Arrivals’ (DACA) by his predecessor Barack Obama. Democrats are fighting hard to protect the dreamers but Trump is demanding support for funding for a border wall and restrictions on the existing legal immigration system in return for amnesty for dreamers. Nearly 800,000 dreamers face a dire situation as they will begin to lose their legal status beginning early next month. No resolution is in sight even as the administration and Republicans continue to portray the Democrats as benefactors of illegal immigrants.

Amidst this urgent yet fraught debate on dreamers, skilled Indian Americans are trying to get their voice in. In the 11 years until 2017, of the 34 lakh applications for H-1B visas, 21 lakh were from Indians, according to U.S. Citizenship and Immigration Services (USICS) data. Though exact numbers are not available, it is estimated that around two-thirds of the 85,000-plus H-1B visas granted every year goes to Indians. There isn’t an exact figure available on the total number of Indian immigrants in the U.S., or their break-up into various categories of status, but activists calculate that there are 1.5 million of them in the green card queue as of today. Of the million-plus green cards issued by the U.S. every year, around 140,000



ILLUSTRATION: DEEPAK HARICHANDAN

For here or to go?

Caught between an administration hostile to immigrants and a progressively tougher visa regime, the fate of more than 1.5 million Indian green card applicants hangs in the balance. **Varghese K. George** reports on how Indian Americans are now mobilising for legal reforms that would allow them to pursue their American dream

are employment-based – the category that most Indians already in the U.S. are eligible for. But according to the existing system, only about 9,800 of these can go to immigrants from any particular nation. Each year, at least 50,000 new Indians join the queue, creating an ever-bulging backlog of applicants.

Kevin Yoder, a Republican lawmaker from Kansas, described the situation as follows, in a speech in the House of Representatives last year: “Right now, there is a mother in Greenland whose unborn child will be able to obtain permanent residence in America before someone from India who has already been working here for years... That’s absurd and wrong.”

Yoder represents a district that has a significant number of Indians. One of them, 32-year-old Srinivas Kuchibhotla from Hyderabad, was killed in an act of racist violence last year. Yoder is pushing a legislation called the Fairness for High-Skilled Immigrants Act, which will remove country caps in green card allocations. Nearly 300 lawmakers from both parties support the proposal to end country caps for green cards. But changes in legal immigration are not on the immediate agenda of the Trump administration or of the Democrats.

‘Legal dreamers?’

Of particular concern is the situation of children in the green card queue, as they can remain as dependents of their parents only until they turn 21. “These are children who have done everything that the dreamers have done. They were brought here by their parents, went to school here, have not known any other country as their homeland, and want to pursue the American dream. They are all what the dreamers are, plus they also have the legal papers,” says Ramesh Ramanathan, whose daughter Akshita has become the face of a campaign of children who call themselves “legal dreamers”.

“I was born in India in 2004. When I was one-and-a-half years old, my parents brought me to the U.S. Until last year, I was as happy as I could be. I had everything. It felt as if nothing was wrong, until I learnt the truth that someone is waiting in the dark to snatch the land away from below my feet,” Akshita says. “It sounds scary when I think that the day I turn 21, I would be made to feel a bit like an alien or a misfit in the country in which I grew up.”

At 21, these students will have to obtain an international student visa, which will also mean paying international tuition rates that are often several times higher than the fees for domestic students. “While we pay higher tuition, we are also denied the tax credits that are available to domestic students,” says A.V.S. Naidu, whose 17-year-old son Sai Addala has been admitted to the University of South Florida, Tampa. In some States, universities allow ‘in State’ status for students on dependent visas. But this comes with another catch – they cannot enrol for any paid internships, which, in turn, limits their career prospects upon graduation. They are largely ineligible to join projects funded by federal grants.

As a large number of Indian workers who came to the U.S. in the later part of the 2000s are stuck in the green card queue, their children, who arrived as toddlers and are now in high school, are staring at an uncertain future.

The route to a green card began to clog up after 2005.

There are several bills in the U.S. Congress proposing measures to reform the H-1B programme and the immigration system – some in a hostile fashion and some with a genuine sense of reform. Indian American skilled workers who gathered in the Capitol this week under the banner of Skilled Immigrants in America (SIIA) are pushing for the passage of the Immigration Innovation Act released by Senators Orrin Hatch and Jeff Flake, both Republicans, in the last week of January.

Called the I-Squared Act, it includes a part of Yoder’s Bill but there is more. The proposed law will link the number of H-1B visas each year to market conditions, make the visa permanent (thereby reducing the worker’s dependency on employers), increase their mobility, and clear the existing backlog for green cards. To address concerns regarding the misuse of the programme, it proposes to raise wages, ensure stricter enforcement, and provide funds for training American science and technology talent.

The Trump administration is reviewing the H-1B visa programme and it is likely to bring new restrictions in its administration. Democrats and American businesses also agree that the current H-1B programme needs to be reworked to plug loopholes for misuse.

Banking on ‘merit’

Indian American skilled workers in general are, however, upbeat about Mr. Trump’s approach to immigration. At least three different campaigns descended on the U.S. capital this week, and all three supported the President. A Republican Hindu Coalition group chanted slogans that “Trump loves Hindus”. Another group, called Immigration Voice, even offered to pay extra fees

on the green card application that could partly fund the border wall. “The Trump administration loves the merit-based immigration system. He wants to end the diversity lottery and family-linked immigration and give that to skilled immigrants. These are all positive for us,” says Anirban Das, Vice President of SIIA, which had its hundreds of workers meet dozens of U.S. lawmakers on Thursday. Afzal Alam, who designed the platform’s logo, is from Odisha and agrees with this view.

Das is confident that Hatch’s Bill has the tacit approval of the White House. On the basis of the group’s meeting with lawmakers and their aides, he says Republicans are hopeful of a vote in the Senate on the issue, but a lot would depend on the view of the Democrats. “Democrats are not opposed to this Bill, though they are more focussed on the issue of DACA. As long as the provisions of I-Square are added to any legislation to deal with immigration, that is good for us,” he says.

While the Trump administration has been advocating ‘merit-based immigration’ in principle, it has not offered any detailed proposal on this. But the White House and the Republican party are on a relentless campaign against the existing immigration system. Calling for an end to the “inflow of low-skilled labour through both our legal immigration system” and “through porous borders,” the White House on Thursday proposed to “reallocate some of the visas to help reduce backlog of high-skilled, employment-based immigrant cases.”

An immediate crisis that many of these families might encounter is the likely termination of work permits of H-1B spouses. Rashi Bhatnagar was in the forefront of a campaign that won spouses like her the right to work in 2014. She was getting ready to start a business. “That

is when the new uncertainty happened. Right now I am not pursuing it,” she says. The administration has announced that it is reviewing the decision to allow some spouses to work. “There are many people who started businesses, franchises of American companies, etc. They are all facing a tough situation now,” she adds.

American companies have strongly opposed some legislative moves against the H-1B programme, but they are also mindful of the political realities. “There is a high degree of convergence among all stakeholders in the debate that given the historically low unemployment rate in America, robust economic growth and shortage of skilled workers, the country needs immigrant workers to come in. At the same time, there is dislocation of workers in certain parts of the country, where unemployment and underemployment are higher. This geographical mismatch in an otherwise robust economy will have to be accounted for in the H-1B debate,” says Nisha Biswal, President of the U.S.-India Business Council and former Assistant Secretary of State.

“While companies based in Seattle and Silicon Valley are very vocal in their support of any move to clear the green card backlog, companies in the Midwest and the south are the ones who could influence the debate further,” notes Raja Krishnamoorthi, Member of the House of Representatives.

No special treatment

Krishnamoorthi also warns against the tendency to interpret Trump’s policy as favourable to Indian Americans: “There are people who think that President Trump loves Hindus. They should see how many people from India land at an airport with proper visas, but are threatened with deportation. Technically, at the port of entry, the authorities can turn them back though the U.S. missions have issued them visas. I recently had to intervene in the middle of the night to get a gentleman from Gujarat released from the airport. There are huge supporters of the current administration, but do they think that they are getting special treatment from this administration because Diwali was celebrated at the White House?” He adds that he intervened personally at least 20 times in the last year in similar cases.

Sangay Mishra, Assistant Professor, Political Science, Drew University, and author of *Desis Divided*, a book on Indian Americans, says: “The issue of green card backlog for H-1B visa holders is a very serious issue that has been building up for a while. It has not received enough attention in the current immigration debate and their frustration is completely understandable. The long wait is creating all kinds of problems for families and their future in the U.S. There is a line of thought among people who are mobilising to highlight the backlog issue that seeks to disconnect it from the larger conversation on immigration, which includes the fate of DACA recipients, the possible reduction in family reunification visas, and diversity visas. It is reflected in direct or indirect suggestions that since DACA recipients came to this country illegally, somehow their claims are less justified than those who came on legal visas. It is absolutely fine to push for an immediate solution to the green card backlog but it is highly unfair and very short-sighted to lend their voices to a narrative that the issue of DACA has somehow less legitimacy because they came here without documents. Such an approach completely misunderstands the current administration’s view on the issue of immigration, which is marked by a commitment to drastically reduce immigration and that includes skilled immigrants too. It is also indicative of possible unfortunate fractures within immigrant communities along the lines of class and skill levels.”

He adds: “It is also important to keep in mind that the current push by the administration to reduce family reunification visas is going to impact the Indian community in a big way. Approximately 50% of Indian Americans immigrate on the family reunification visa and a reduction has a real consequence for the entire community. This should figure in any mobilisation that Indian Americans do.”

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