

America's Children Act of 2023

Background

Over 250,000 children and young adults are living in the United States as dependents of employment-based visa holders. These individuals have grown up legally 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. Sadly, due to decades-long backlogs and problems with the Child Status Protection Act, many of these young adults turn 21 before a visa number for a green card finally becomes available. As a result, they lose their status *and* their opportunity to obtain a green card.

While most young adults celebrate turning 21, dependents of long-term employment-based visa-holders 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.

When long-term dependents are forced to leave, it is also a loss to America's communities and employers. Despite being educated in our universities, these young adults, who are overwhelmingly graduates in STEM fields, must take their skills and talent to our global competitors. The gaps in our immigration laws that force these young adults to leave the United States also prevent American companies from attracting and retaining critical talent in the United States. Many immigrants have left the United States for countries with less burdensome immigration policies, often citing their children aging out as a factor in their departure. We cannot maintain our competitive edge on the world stage unless we commit to doing better by such individuals and their families.

About the Legislation

The **America's Children Act** is bipartisan, bicameral legislation that aims to close these gaps by providing a permanent solution for children of long-term visa holders (also known as Documented Dreamers) raised and educated in the United States. Specifically, the bill:

- Allows individuals to obtain permanent residency if they were brought to the United States as dependent children of workers admitted under employment visas, have maintained status in the United States for 10 years (including eight years as dependents), and have graduated from an institution of higher education;
- Establishes age-out protections that lock in a child's age on the date on which their parents file for a green card rather than the final action date; and
- Provides work authorization for individuals qualifying for age-out protection.

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Section by Section Summary

Section 1: America's Children Act

Section 2: Permanent Resident Status For Certain College Graduates Who Entered the United States As Children

- Allows individuals to obtain permanent residence if they were brought to the United States as dependent children of workers admitted under employment sponsored or work visas, have maintained lawful status in the United States for 10 years (including eight years as dependents), and have graduated from an institution of higher education.

Section 3: Age-Out Protections and Priority Date Retention

- **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 any child who has been in the United States 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 parent.
- **Age-Out Protections for Nonimmigrant Dependent Children**
 - Protects any child who is listed on a parent's green card application by allowing them to remain a dependent on their parent's employment-based nonimmigrant visa until a visa number for their parent's green card becomes available.
 - Protects any child who has been in the United States for an aggregate of eight years before the age of 21 as a dependent of an employment-based nonimmigrant by allowing them to remain a dependent on their parent's nonimmigrant visa until they can find another status.
 - Provides employment authorization to individuals covered in this section.
- **Priority Date Retention**
 - Makes conforming changes to ensure that the eligibility date for a visa number is based on when a green card application is first initiated.