Documented Dreamers: A Case Study for Employment-based Immigration Reform

ISABELLA HINDLEY | AUGUST 3, 2023

Executive Summary

- The United States has long required employment-based immigration reform that would patch holes in the system that result in the loss of productive foreign labor.
- One promising place to start is the creation of a legal and permanent pathway to employment for dependents of long-term visa holders, the so-called "Documented Dreamers"; this population is an important source of labor, as most pursue higher education and high-skilled employment but are forced to self-deport after "aging-out" of their dependent status.
- Congress has introduced the America's CHILDREN Act, which would protect "Documented Dreamers" from self-deportation; the bill would represent a small but important step toward more effective employment-based immigration reform.

Introduction

The United States has long required employment-based immigration reform that would patch holes in the current system that result in the loss of productive foreign labor. One promising, but by no means comprehensive, place to start is the creation of a legal and permanent pathway to employment for dependents of long-term visa holders who come to the United States as children.

Once these so-called "Documented Dreamers" reach 21 years of age, they "age-out" of their visa dependency and must self-deport unless they find an alternative pathway to immigration. Due to decades-long green card and visa backlogs, many of these individuals are unable to obtain another legal status and must return to their home country, taking the education and skillset that they developed in the United States with them.

While this population is relatively small, the loss of highly skilled "Documented Dreamers" is demonstrative of the United States' deeper problem of being unable to retain productive foreign labor due to its outdated immigration system. In response, members of the House and Senate recently introduced the America's CHILDREN Act of 2023, bipartisan legislation that would protect the dependents of long-term visa holders from self-deportation and serve as a small but significant step toward more effective employment-based immigration reform.

Documented Dreamers

Documented Dreamers are children who were brought to the United States legally, as dependents of a parent's visa, but who lose residency status at age 21. There are over 250,000 of these individuals in the United States, all of whom are required to self-deport if they are unable to find an alternative pathway to immigration by the

time they are set to "age-out" of their visa dependency.

Most of this population are Indian and Chinese nationals who tend to face longer wait times due to caps on high-skilled visas, country-based immigration quota systems, and decades-long visa and green card backlogs. They often age out of dependency while stuck in line for a status adjustment.

Documented Dreamers hold a variety of temporary visas including H-1B, E-1, E-2, and L-1 visas. Dependents of H-1B and L-1 visa holders immigrate with H-4 and L-2 status, respectively. Both are valid for the length of the principal worker's visa or until the dependent turns 21 years old. Dependents of E-1 and E-2 visas have no clear path to permanent residence as they can rarely apply for green cards and must first acquire a different visa.

Documented Dreamers Are an Important Labor Resource

According to the June 2023 Job Openings and Labor Turnover Survey (JOLTS), the United States currently has approximately 9.6 million job openings but only 5.9 million unemployed individuals. Thus, there are 1.6 jobs for each native-born unemployed individual. This discrepancy has led many employers to turn to foreign labor to fill positions, yet they cannot rely on consistent and efficient access to this labor due to holes in the current employment-based immigration system.

Dependents are an important labor resource as most grow up in the U.S. school system, attend U.S. universities, and therefore have the education to pursue high-skilled employment. Generally, employers wish to pay for their labor, but lose these workers to self-deportation due to the U.S. immigration system's long wait times as a result of caps on high-skilled visas, country-based immigration quota systems, and decades-long visa and green card backlogs.

In a recent survey of Documented Dreamers by Improve the Dream, 353 of 1152 respondents reported aging out of visa dependency or otherwise changing their immigration status. Chart 1 shows the change of status for these individuals.

Chart 1: Current Status of Surveyed Documented Dreamers

Current Status (n=353)
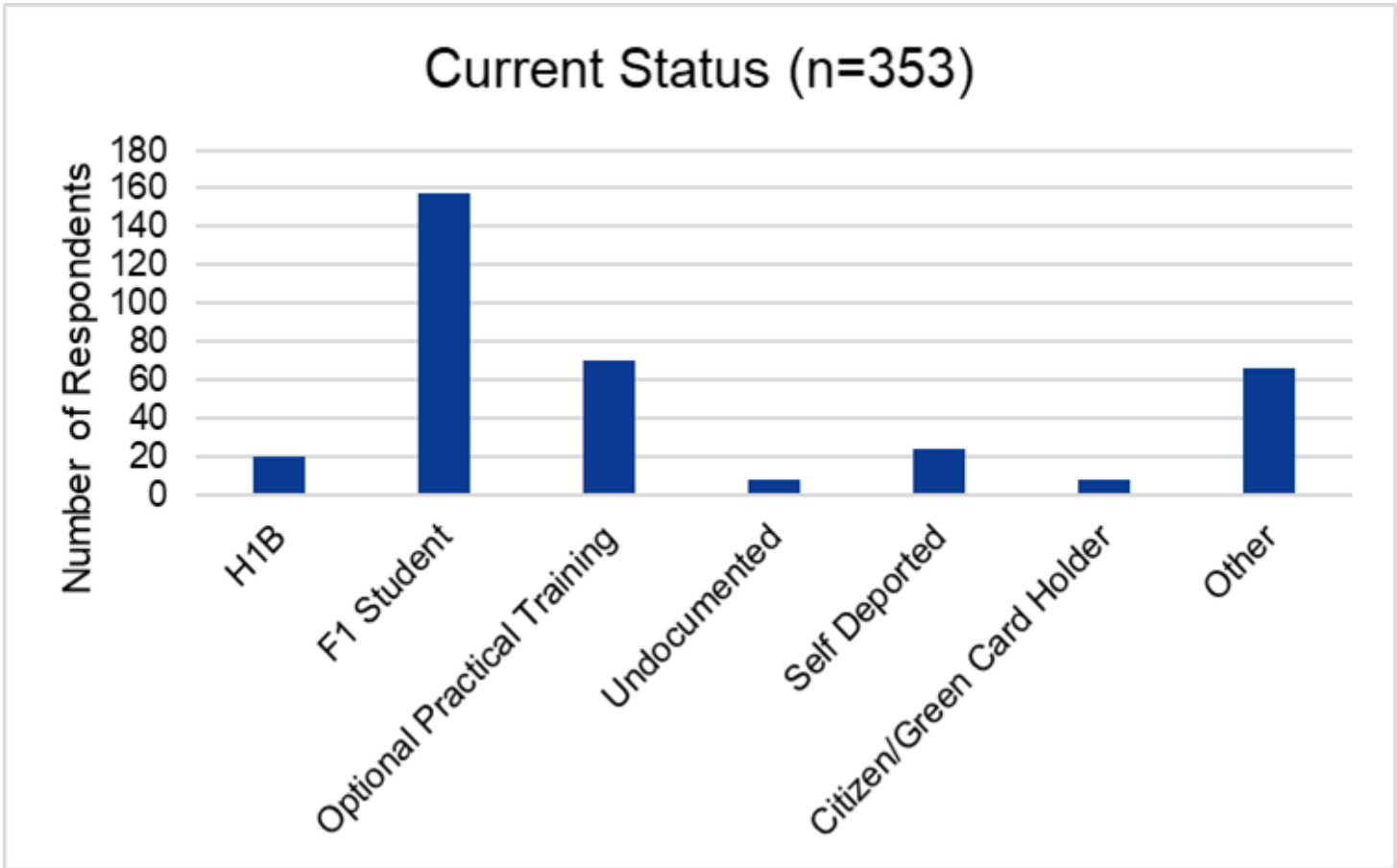
Of the respondents who changed status from visa dependency, about 70 percent obtained a student visa (F-1), temporary employment related to an F-1 student's area of study (Optional Practical Training, or OPT), or a high-skilled specialty visa (H-1B). Those individuals, therefore, have the education and skillset to work for employers that require highly skilled employees.

More than 600 Documented Dreamers, approximately 53 percent out of the total number of survey respondents, including those under age 21 and still dependent on visas, reported studying or working in a specific field, as shown in Chart 2.

Chart 2: Field of Study/Employment of Surveyed Documented Dreamers

Field of Study or Employment (n=609)

Percentage	Category
46%	STEM
25%	Medical/Health
17%	Other
7%	Finance/Business
3%	Government/Public Service
2%	Arts/Communication

Legend:
- STEM
- Arts/Communication
- Government/Public Service
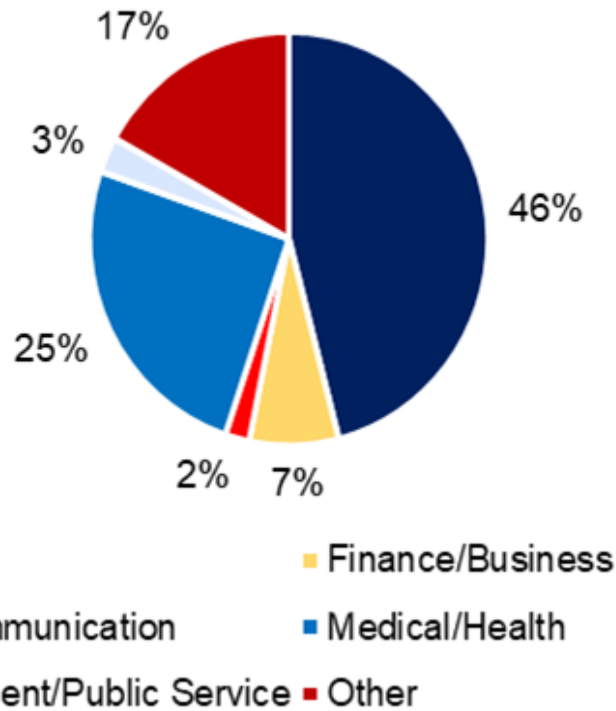- Finance/Business
- Medical/Health
- Other

Chart 2 shows that 46 percent and 25 percent of the Documented Dreamers survey respondents study or work in science, technology, engineering, math (STEM) and medical fields, respectively. These data highlight a promising pipeline of labor that could fill the significant number of job openings in those fields.

According to June 2023 JOLTS data, the "healthcare and social assistance" industry has approximately 1.8 million job openings and makes up almost 19 percent of the total number of U.S. job openings. Without enough labor to staff these positions, these industries frequently suffer worker burnout due to long work hours and increased responsibilities. Meanwhile, in the STEM field, there is a shortage of semiconductor workers, software developers, and high-tech engineers, among other occupations.

The Larger Immigration Issue

By failing to find a permanent solution for Documented Dreamers, the United States is losing valuable immigrant labor. Yet the Documented Dreamer population is small, and therefore easy to overlook. In a limited, but significant, step toward employment-based immigration reform, House and Senate members have introduced the America's CHILDREN Act, bipartisan legislation that would provide Documented Dreamers with a permanent immigration solution. Specifically, the bill would allow individuals to obtain permanent residency if they have maintained status in the United States for 10 years and have graduated from a higher education institution, establish age-out protections to lock a child's age on the date their parents file for a green card, and provide work authorization for individuals qualifying for age-out protection.

Conclusion

The requirement that Documented Dreamers self-deport when they age-out of their dependent status – and thus cost the United States high-skill labor from which it could have benefitted – is a pertinent reminder that the U.S. immigration system has holes that need patching. Many of these individuals pursue careers in the STEM and medical fields, making them an important labor resource for industries that have a significant number of job openings. The America's CHILDREN Act patches one of the holes through which the United States loses labor by proposing a solution for dependents of long-term visa holders – a small but important step toward more effective employment-based immigration reform.