

Bill Summary for America's CHILDREN Act of 2021

Background

Over 200,000 children who have grown up in the United States as long-term visa holders are considered "[Documented Dreamers](#)." Most of these children are here legally because their parents hold employment visas, such as H-1B, L-1, E-1, or E-2 visas. Some of these visas do not have a [pathway to citizenship](#), so children "age out" at 21 and are forced to self-deport. Before the age of 21 these children were authorized to be in the U.S. as derivative beneficiaries under the visa of their parent(s). As a result of being Documented Dreamers, these children are left out of policies and solutions meant for Dreamers because they are technically not undocumented. This leaves them with [few to no options](#) as a result of current defects of the U.S. immigration system.

The [America's CHILDREN Act of 2021](#) (H.R. 4331) is a solution for the systemic problem that Documented Dreamers face. [The America's CHILDREN Act](#) prevents aging-out of the system by locking in a Documented Dreamer's age to the date they file for a green card, as opposed to the date the green card becomes available and is issued – a final action date. Normally, children of long-term non-immigrant visa holders are not authorized to apply for green cards at the age of 21 and older, even when they have deep roots in the U.S., leading many to "age out" of qualifying for derivative permanent residence before their parents obtain green cards. This bill aims to prevent children from aging out in these circumstances.

It also permits Documented Dreamers older than 16 to secure work authorization if they have a pending green card application. The America's CHILDREN Act not only prevents aging out, but it also creates a track to permanent residency for children of individuals with employment visas. However, in order to qualify, Documented Dreamers are required to have been present in the U.S. for a minimum of ten years, and must have graduated from an institution of higher education.

The bill was introduced as "America's Cultivation of Hope and Inclusion for Long-term Dependents Raised and Educated Natively (CHILDREN) Act of 2021" on July 1, 2021 in the House of Representatives by Representatives Deborah Ross (D-North Carolina), Mariannette Miller-Meeke (R-Iowa), Raja Krishnamoorthi (D-Illinois), and Young Kim (R-California) on July 1, 2021.

In introducing the bill, Rep. Ross has recounted her experience of seeing immigrant workers build her community only to have their children face self-deportation as a result of aging out of the visa system. The bill's bipartisan co-sponsors emphasize that it will ensure families stay together while promoting economic growth. The America's CHILDREN Act has been referred to the House Committee on the Judiciary. Senators Alex Padilla (D-California), Rand Paul (R-Kentucky), Dick Durbin (D-Illinois), Susan Collins (R-Maine), and Chris Coons (D-Delaware) introduced a companion bill in the Senate ([S. 2753](#)) on September 15, 2021.

The America's CHILDREN Act would:

- **Authorize lawful permanent resident status for dependent children** of parents holding valid employment-based visas when those children have been lawfully present in the U.S. for at least ten years, and have graduated from an institution of higher education.
- **Protect against aging out** by locking in the child's age on the date they file for a green card instead of the final action date. The relevant age used to determine whether the individual is a child is the earliest of 1) the date on which they filed a green card petition with the Secretary of Homeland Security or 2) the date on which they filed for labor certification with the Secretary of Labor.
- **Grants employment authorization** for Documented Dreamers if their green card applications are pending and they are over the age of 16 years.

The America's CHILDREN Act was introduced as a bipartisan measure in both the House and Senate and potentially stands to secure broad bipartisan support, as it represents a common sense solution to an unintended shortcoming in U.S. immigration law. By providing Documented Dreamers a pathway to citizenship after entering, residing, and growing up in the U.S. legally, it only makes sense that, as Senator Padilla [stated](#), "these young people deserve the opportunity to pursue their American dream and continue building lives in the country they call home."

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