

Trump's New Immigration Policy: 1 Million Indians in Green Card Backlog Face Citizenship Crisis

 thevocalnews.com/world/trump-immigration-policy-green-card-backlog-indians/cid15663367.htm

November 6, 2024

Trump's return to the White House threatens automatic US citizenship for children. Could it impact over 1 million Indian H-1B visa holders stuck in a green card backlog?

By Sumit Kumar Nov 6, 2024, 21:59 IST



Washington, D.C.: History is made as former U.S. President Donald Trump reclaims the White House for himself, this time pushing incumbent Vice President Kamala Harris to the sidelines. According to election results, 279 electoral votes for Donald Trump defeated 223 from the vice president. This bodes a storm of drastic immigration policies that are close to the Indian diaspora. The Trump administration said it intends to end automatic citizenship for children born in the U.S. on Day 1 by having a draft executive order ready.

The Trump-Vance campaign quoted that the draft order ensures that at least one parent has to be a U.S. citizen or lawful permanent resident before children automatically gain citizenship. Thus, it would extend beyond the current restriction of children born to undocumented immigrants, and it may also affect the U.S. legal residence under temporary visas like the H-1B.

It will run into the 14th Amendment of the U.S. Constitution which grants citizenship to all children born on U.S. soil. This has been interpreted by the Supreme Court and legal challenges will certainly come," said Rajiv S. Khanna, immigration attorney, Times of India.

This proposed executive order could be particularly disastrous for the Indian community. They constitute about 4.8 million Indian Americans, including over 1.6 million U.S.-born individuals, according to Pew Research's analysis of 2022 Census data. If enacted, children born to Indian parents on H-1B visas-many of whom are trapped in a green card backlog-may no longer receive automatic citizenship at birth.

It has been a long practice that Indians arrive in the U.S. on H-1B visas, just waiting for what might be years or even decades to get their green cards. The yearly employment-based green cards combined with country-based caps are the reason. No country can get more than 7% of the total annual green cards. Therefore, Indian nationals are primarily the high-skilled labor force; what this means is they are waiting for decades on end before attaining permanent residency.

Greg Siskind, another immigration attorney, said, If Trump's administration guts this policy-where children are spared of parents legally residing in the U.S.-the effects would be huge and this policy would almost certainly be challenged in court for being unconstitutional.