

# The Benefits of Commonsense Immigration Reform

## African Immigrant and Refugee Communities



*Tolu Olubunmi, a DREAMER from Nigeria, introduces President Barack Obama before his remarks on immigration reform in the East Room of the White House, June 11, 2013. (Official White House Photo by Amanda Lucidon)*

From family members hoping to reunite with loved ones to refugees building a new life in the United States, African immigrants are a growing presence in the American family. More than [1 million African immigrants](#) obtained U.S. permanent residence between 2000 and 2012. In addition to being one of the fastest growing immigrant groups in the United States, immigrants from African countries are also one of the most educated, [with higher degree attainment](#) than many other foreign nationals coming to the United States. The majority of African immigrants arrive in the United States [to reunite with family members](#), but many others have obtained their green cards after arriving as refugees or being granted asylum.<sup>i</sup>

Given the multiple visa pathways used by immigrants from African countries, these communities have much to gain from commonsense immigration reform. The President has made clear that Democrats, Republicans, and Independents in Congress must work together to enact commonsense immigration reform and bring our legal immigration system into the 21st century. On June 27, with a strong bipartisan vote, the Senate passed historic legislation that is largely consistent with the President's principles for reform. The bill would strengthen border security, create an earned path to citizenship for undocumented immigrants, hold employers accountable, and modernize our legal immigration system so that it better meets the needs of families, employers, and workers.

The Senate's Border Security, Economic Opportunity and Immigration Modernization Act (S. 744) represents the best chance that our country has had in years to modernize our immigration system, and key provisions would have significant benefits for African immigrants.

**The bipartisan Senate bill would reunite families by eliminating the backlog of family-based visas. Current family immigrant visa backlogs can separate family members for years and even decades.**

- Family-based immigration is the most common pathway to the United States for African immigrants. In 2012, more than [55,000 Africans obtained green cards](#) through petitions filed by their U.S. citizen or permanent resident family members.
- As of November 1, 2012, there were [117,803 African family-based visa applicants](#) waiting outside of the country to join their families in the United States.
- The Senate bill would eliminate the visa backlog in part by exempting spouses and unmarried children of lawful permanent residents from annual limitations on family-sponsored green cards, treating them like spouses and children of U.S. citizens.
- By adopting backlog reduction measures, the Senate bill would eliminate current family visa backlogs in seven years and reduce future wait times for nations with the highest rates of immigration.

**The Senate bill would provide a lengthy but fair path to earned citizenship, bringing undocumented members of the African immigrant community out of the shadows and creating an expedited path for DREAMers.**

- The exact number of undocumented persons from Africa is difficult to gauge, but estimates indicate that there are at least several hundred thousand living in the shadows.
- The Senate bill would allow undocumented immigrants to apply for Registered Provisional Immigrant (RPI) status if they entered the United States by December 31, 2011 and meet a rigorous set of eligibility requirements, including registering, paying fees, fines, and taxes, learning English, and passing extensive background checks. RPI status can be renewed after six years, allowing immigrants to live and work in the United States without fear of deportation.
- Individuals with RPI status will have work authorization, be permitted to travel outside of the country, and be able to apply for RPI status for their children and spouse.
- The Senate bill also provides an expedited five-year path to citizenship for DREAMers, making them eligible for citizenship immediately after applying for green card status if they have held RPI status for at least 5 years, were younger than 16 when they initially entered the U.S., earned a high school diploma or a GED certificate in the U.S., and attended at least 2 years of college, received a bachelor's degree or served in the military for at least 4 years with an honorable discharge.

**The Senate bill would eliminate major roadblocks to the asylum and refugee process, and put individuals currently in Deferred Enforced Departure and Temporary Protected Status on a path to citizenship.**

- Between 2003 and 2012, more than 175,000 Africans arrived in the U.S. as refugees. During that same period, more than 55,000 were granted asylum. The [major refugee sending countries](#) include Somalia, Liberia, Sudan, Ethiopia, and Democratic Republic of Congo.
- Since the 1990s, [thousands of Liberians](#) in the U.S. have been living in limbo under grants of Temporary Protected Status (TPS) followed by Deferred Enforced Departure (DED). Under the Senate bill, individuals who were granted DED or TPS would have the opportunity to apply for RPI status and eventual permanent residence and citizenship. In addition, Somalis and Sudanese, some who have been living in the United States for more than two decades, will also benefit from this legislation.
- The Senate bill includes provisions that will strengthen existing asylum, refugee and other humanitarian visa programs, which will benefit African immigrants and their families.

**The Senate bill would increase avenues for employment-based immigrants, including high-skilled immigrants and their families, entrepreneurs, and those graduating with STEM graduate degrees.**

- The United States is an increasingly popular destination for Africa's high skilled immigrants, especially those coming to study at our universities. In 2011, [more than 41,000 Africans](#) were admitted as student or exchange visitors.
  - The Senate bill would enable many more foreign students graduating from our universities to stay here as permanent residents. For example, it would exempt science, technology, engineering, and math (STEM) PhD and Master's graduates from the overall cap of 140,000 visas. This provision would effectively "staple" a green card to the diplomas of advanced STEM graduates from U.S. universities.
  - The Senate bill would also eliminate the existing backlogs for employment-based green cards, exempts certain employment-based categories from the annual cap, and removes annual country limitations altogether.
  - The new INVEST visa ("Investing in New Venture, Entrepreneurial Startups, and Technologies") would allow entrepreneurs who attract a threshold level of financing from U.S. investors or revenue from U.S. customers to start and grow their businesses in the United States, and to remain permanently if their companies grow further and create jobs for American workers.
  - The Senate bill would also improve the EB-5 Immigrant Investor Program, and increase the number of available green cards for immigrant investors from approximately 10,000 annually to approximately 14,000 annually.
  - The Senate bill would increase the number of available H-1B visas by raising the baseline cap from 65,000 visas to 115,000 visas per year.
  - Improvements to the H-1B program would allow spouses of H-1B visa holders to work in the U.S and increase worker mobility by establishing a 60-day transition period for H-1B workers to change jobs.
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