

No more automatic citizenship for children in US? What Trump's victory could mean for Indians queuing for green card

ET Online Last Updated: Nov 06, 2024, 09:12:00 PM IST

Synopsis

Donald Trump, in a likely presidential win, plans to end automatic citizenship for children born in the US to non-citizen parents. This executive order, if passed, will impact the Indian diaspora significantly, adding to the woes of those already stuck in the green card backlog. Immigration advocates believe this violates the 14th Amendment and are prepared for legal challenges.



In what is considered to be the biggest comeback in the United States presidential election history, Donald Trump became the 47th President, however, victory remains a cause of worry for migrant couples, especially for the Indians because of a possible end to automatic citizenship for children.

US Election 2024

[US Election Result Live Updates](#)

[Swing state results deciding who'll be new POTUS](#)

[Trump vs Harris: Who's winning which state? Full list](#)

In the long list of agendas for the billionaire ahead, a top priority for him is to end automatic citizenship for children. The plan, posted on the official Trump-Vance campaign site, is to sign an executive order to this effect on Day 1 itself.

The headache would not just be for illegal immigrants, it goes much further as the draft executive order reads, "It will direct federal agencies to require that at least one parent be a US citizen or lawful permanent resident for their future children to become automatic US citizens."

Read More: [Donald Trump as US president. How your American dream will change now](#)

(Join our [ETNRI WhatsApp channel](#) for all the latest updates)

What does the order mean?

"The Trump plan suggests no automatic citizenship for children born in the US. This is almost certainly a contravention of the 14th Amendment of the US Constitution. A Supreme Court judgement is available to counter Trump's misinterpretation," Rajiv S. Khanna, immigration attorney told TOI.



Skills 🌟 Career 🌟 Money 🌟



Web Development

Master RESTful APIs with Python and Django REST Framework: Web API...

By - Metla Sudha Sekhar, IT Specialist and Developer

[View Program ↗](#)



Web Development

A Comprehensive ASP.NET Core MVC 6 Project Guide for 2024

By - Metla Sudha Sekhar, IT Specialist and Developer

[View Program ↗](#)



Web Development

Intermediate Java Mastery: Method, Collections, and Beyond

By - Metla Sudha Sekhar, IT Specialist and Developer

[View Program ↗](#)



Web Development

Django Professions

By - Metla Sudha Sekhar, IT Specialist and Developer

Further talking about the legality of the step, Greg Siskind, immigration attorney said, "This will certainly be litigated as it violates the 14th Amendment. We will have to see if they go so far as to exclude children of people legally in the US."

What does it mean for Indian diaspora?

As the United Nations homes 4.8 Indian Americans, of whom 34% or 1.6 million were born in the US, the executive order when passed will be a major setback for the Indian diaspora. If this executive order is passed, going forward, children born to Indian couples, neither of whom is a US citizen or a green card holder (permanent resident) will not be eligible for automatic citizenship. Citizenship by birth at least gave the children of Indian couples waiting in queue for a green card a breather. If not they, at least their children were assured of stability on the immigration front.

Indians get the short end of the stick when it comes to allotment of green cards – many working in the US on H-1B visas are caught in a decades-long backlog. The annual cap for employment-based green cards is set at 140,000, plus any unused family-sponsored green cards that may be allocated to this category. Additionally, no country can receive more than seven per cent of the total green cards in either the employment or family-based categories. This restriction disproportionately affects Indian applicants in the employment-based category.

A study by David J. Bier, director, immigration studies at Cato Institute quoted by ToI shows that the employment based green card backlog from India (EB-2 and EB-3 skilled category) has crossed one million in March 2023. If factors such as death and ageing out are considered (which will lead to these individuals dropping from the backlog statistics) the wait for a green card is 54 years, else it is a whopping 134 years. Nearly 4.14 lakh Indians waiting in this category will die before they receive a green card and more than a lakh children of Indian families will age out (turn 21) and their dependent visa will no longer be valid and they will drop off the green card queue.

(with ToI inputs)