

The Need For Comprehensive Immigration Reform

A PowerPoint presentation
NAFFAA Region 1 Conference

Great Cedar Hotel
Foxwoods Connecticut
September 10, 2005

By REUBEN S. SEGURITAN

450 Seventh Avenue, Suite 1400

New York, NY 10213

Phone 212 695 5281 Fax 212 563 2664

Email: seguritanlaw@yahoo.com

Website: www.seguritan.com

I. The US immigration system is broken.

A. Visa number backlogs and processing delays are excessively long for immigrant visa applicants.

(1) Family-based applicants have to wait from 4 to 22 years.

(a) Filipino applicants have the longest wait as follows:

(i) Adult unmarried children of US citizens - 14 years

(ii) Spouse & minor unmarried children of immigrants -
4 years

(iii) Adult unmarried children of immigrants - 10 years

(iv) Married children of US citizens - 15 years

(v) Siblings of US citizens - 22 years

(2) Employment-based visas are currently unavailable.

(a) Third preference skilled worker category for India, China and Philippines is expected to retrogress to 3 years for the new fiscal year that starts in October;

(b) Unskilled worker 3rd preference is expected to retrogress for more than 5 years.

(3) Professionals entering as non-immigrants wait for over a year due to numerical cap.

(a) For the new fiscal year, there are no H-1B numbers anymore and the earliest that a number is available is October 1, 2006.

B. The current system does not serve our economic needs.

(1) US companies do not have enough skilled workers to remain competitive in the global market.

(2) US hospitals suffer from an acute nursing shortage that threatens patient care.

C. The current system does not reflect American values of fairness and equality.

(1) Our laws and rules violate due process rights.

(a) We have arbitrary detention of citizens, secret immigration hearings, mistreatment of detainees, summary deportation and special registrations.

(2) Families are separated for a long time because of the visa backlog and processing delays.

II. There are pending reform proposals to fix the system.

A. President Bush unveiled his immigration proposal in January 2004 and reiterated it in January 2005. Its salient points are:

- (1) It will grant temporary legal status to both foreign workers abroad and undocumented aliens in the US.
- (2) Authorized period of stay will be 3 years renewable for unspecified period.
- (3) Travel back and forth will be authorized.
- (4) No path to permanent resident status is provided but it does not prohibit them from applying under present laws.

B. The Secure America and Orderly Immigration Act was introduced last May 12 by Senators John McCain and Edward Kennedy (S. 1033) and by Reps. Jim Kolbe, Jeff Flake and Luis Gutierrez (H.R. 2330). Its salient points are:

- (1) It will grant undocumented aliens present in the US on 5/12/2005 an H-5B status with authorized stay of 6 years and provide for adjustment to permanent residence upon meeting prospective work requirements and paying a fine of \$1,000.
- (2) It will create a new H-5A visa for aliens outside the US to enter for 3 years and renewable for a total of 6 years. The alien may be petitioned for permanent residence by his/her employer or may self-petition after 4 years of work in H-5A status.

(3) It will promote family unity and reduce backlogs by-

(a) Exempting immediate relatives of US citizens from the 480,000 annual cap.


(b) Increasing employment-based numbers from 140,000 to 290,000 per year.

(4) It will create a national strategy for border security.

C. The Comprehensive Enforcement and Immigration Reform Act was introduced last July 20 by Senators John Cornyn and John Kyl (S. 1438). Its salient points are:

(1) It creates a Deferred Mandatory Departure (DMD) status for undocumented aliens to encourage them to leave and apply to come back if they qualify for a visa. It does not provide for a path to permanent residence.

(a) Qualified for DMD status are undocumented aliens present in the US since 7/20/2004 and employed since before 7/20/2005. DMD status could be granted up to 5 years.

- 
- The background features a faint, light-colored map of the United States. A ruler is positioned vertically on the left side of the map, with the number '50' visible. The ruler's markings are aligned with the map's outline. The overall background is a dark, muted blue-grey color.
- (2) It will establish a new visa known as the W visa for guest workers outside the US. This will be valid for 2 years after which the alien will have to return home. S/he can participate 3 times for a total of 6 years. This does not lead to permanent residence.
- (3) It will provide for excessive enforcement by adding 10,000 border patrol agents; 1,000 DHS investigators ; 1,250 border protection officers; 10,000 detention beds. It will also provide additional detention and removal powers.

III. The immigration restrictionists oppose comprehensive reform while the pro-immigrant groups support it.

A. Immigration restrictionists such as the Federation of American Immigration Reform (FAIR), the Center for Immigration Studies (CIS), the Immigration Reform Law Institute and Team America have argued that:

- (1) Comprehensive reform will take jobs away from American workers;
- (2) Immigrants are draining the US economy;
- (3) The reform proposals will lead to wage depression for US workers;
- (4) The proposal will lead to more illegal immigration; and
- (5) Americans don't support immigration reform.

B. The pro-immigrant forces have countered that :

- (1) Immigrants do not increase unemployment citing a study by noted economists such as Stephen Moore who said that states with relatively high immigration actually has low unemployment;
- (2) Immigrants are good for the economy citing the National Academy of Science's conclusion that over the long run, an additional immigrant and all descendants would actually save the taxpayer \$80,000.
- (3) Legalizing undocumented aliens would buoy the wages and working conditions of US workers as they will be put on the same footing as native-born workers.

4. Comprehensive reform would replace the current illegal flow with a legal flow and would eliminate incentives to skirt our immigration laws.

5. A national survey in March 2005 conducted by the Torrance Group and Lake, Snell, Perry, Mermin concluded that 75% of likely American voters favored a comprehensive reform. 78% of Republicans, 70% of Democrats and 77% of independents expressed their support.

V. NaFFAA should undertake a campaign for immigration reform.

- A. NaFFAA supports the McCain Kennedy bill and should also support the Civil Liberties Restoration Act, and other reform bills now pending in Congress.
- B. NaFFAA should oppose the Cornyn-Kyl bill and other restrictionist bills such as the REAL GUEST Act (which makes unauthorized stay in the US a felony), the CLEAR Act (which provides for local enforcement of immigration law), and the Emergency Immigration Reduction Act (which seeks to suspend both immigrant and nonimmigrant visa programs).
- C. NaFFAA should undertake to hold forums and petition campaigns and should write letters of support to our senators and representatives. (Sample letters attached.)

Letter to US Senators and Representatives

We seek your support for the Secure America and Orderly Immigration Act of 2005 (S. 1033 / H.R. 2330)

This bipartisan bill, in its present form, will reduce the tremendous backlog in family immigration; meet the need for foreign workers where they are needed; and address border security issues that we face today.

Filipino American families are among those who are most affected by the backlog in family immigration. Many of us wait between 4 to 22 years before we can be reunited with our parents, children or siblings.

If passed, this bill will significantly increase family visas to more realistic levels. Such a law will bring our families together and render our immigration system more consistent with the principle of family reunification.

Meanwhile, it cannot be denied that the United States needs foreign workers to render services in various sectors of the economy not only in healthcare and education sectors, but also in homes to care for children, the sick or disabled and the aged.

Thousands of medical facilities nationwide need registered nurses and physical therapists, and yet immigration laws are restrictive and do not reflect this reality. The bill responds to this need by increasing the number of employment-based visas and creating a temporary foreign worker program.

We are mindful of the importance of national security and we believe the bill addresses this matter sufficiently by creating a national border security program and by encouraging some 11 million undocumented workers to come forward and legalize their status.

Our immigration system is terribly broken. We cannot fix it by stop gap measures that do nothing more than plug legal loopholes. We need a total overhaul of immigration laws that is aimed toward family reunification and responsive to the needs of large and small US businesses and national security.

We need the Secure America and Orderly Immigration Act of 2005. We urge you to support it.



Letter to President Bush

We seek your support for the bipartisan Secure America and Orderly Immigration Act of 2005 (S. 1033/H.R. 2330, hereafter, the "Bipartisan Immigration Reform Bill.")

At the onset of your second term as President of the United States of America, you have expressed your commitment to comprehensive immigration reform. You raised immigration law reform to the level of a national priority by acknowledging that changes have to be made if we are to secure our border, reunite families and meet the needs of our economy for essential foreign workers.

The Bipartisan Immigration Reform Bill encompasses the concerns you have identified as important to comprehensive immigration reform. If passed into law, it will bring safety, strength and prosperity to our people.

Emerging from the trauma of 9/11, we need to feel safe now more than ever. The Bipartisan Immigration Reform Bill will enhance national security by mandating, among others, measures that improve information-sharing and coordination on all levels of government, technology and border security initiatives.

It reaffirms and strengthens America as a pro-family nation by reducing backlogs and reuniting families who have been apart for as long as 22 years. In the process, it also removes one of the most common reasons for overstaying and the resulting violation of immigration laws.

It will bring prosperity to American industries by allowing essential foreign workers to enter the country and work where no US workers are available. Temporary foreign workers will have a clear path toward adjusting their status to permanent residency and eventually, citizenship.

The bill will also institute a circular labor migration system that would ease and encourage the reintegration of temporary foreign workers to their home countries. More importantly, approximately 11 million undocumented workers in the US today will have an opportunity to legalize their status under certain conditions.

Congress has notably taken the first and most important step toward fixing our broken immigration system. Since it is a bipartisan initiative, there appears to be a consensus that the underlying policies in the bill reflect the best intentions of our lawmakers. We urge you to follow through and support this reform bill to make America safer, stronger and prosperous.