

Immigration Reform Debate Heats Up

(First of a series)

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Congress is gearing up for a big showdown on immigration reform soon.

Over the past few weeks, rumors are rife in Washington D.C. that the debate on the two major immigration reform bills will begin this fall.

The Secure America and Orderly Immigration Act ("McCain-Kennedy Bill"), a bipartisan bill introduced as S. 1033 by Senators John McCain and Edward Kennedy and as H.R. 2330 by Representatives Jim Kolbe, Jeff Flake and Luis Gutierrez will be pitted against the Comprehensive Enforcement and Immigration Reform Act (S. 1438, the "Cornyn-Kyl Bill") sponsored by Republican Senators John Cornyn and John Kyl.

Politics of Immigration Reform

Internal maneuverings in Capitol Hill and major lobby efforts by concerned groups from both ends of the political spectrum are beginning to heighten the face-off between the two immigration reform bills.

The online news resource, *Immigration Daily*, for instance, posted a fax memo from Rep. Lamar Smith addressed to White House strategist Karl Rove that exemplifies the politics or more accurately, the politicking, behind immigration reform.

"Enforcement of immigration laws, current and new, should come first to satisfy the increasing public demand for border security.... Current laws need to be better enforced so the American people see results immediately. (Liberals can easily and accurately be painted as opposing enforcement.) Only then as enforcement begins to gain traction, should the twin subject of guestworkers and long-time illegal residents be addressed," the memo said.

Restrictionist groups such as the Federation of American Immigration Reform (FAIR), the Center for Immigration Studies (CIS), the Immigration Reform Law Institute and Team America have openly opposed immigration reform on the ground that it will take away jobs from Americans, drain the US economy, result in wage depression for US workers and result in more illegal immigration. They also insist that the American public does not support immigration reform.

Immigrant rights groups, for their part, have presented proof to the contrary citing studies that show low unemployment in states with high immigration, taxpayer savings brought about by immigration, and national surveys indicating that the American public favors comprehensive reform.

Pro-immigration groups, including ethnic communities, have also launched their campaign for immigration reform. The Filipino American community is closely monitoring immigration reform developments in Congress.

The NaFFAA has already created its Committee on Immigration to initiate and coordinate public information campaigns on this issue. NaFFAA also issued a resolution supporting the McCain-Kennedy Bill and has joined the National Asian Pacific American Legal Consortium (NAPALC) in endorsing the said bill.

NaFFAA Region 1 (Northeast US) has also kicked off a series of NaFFAA public information campaigns on immigration reform on the grassroots level. Other NaFFAA regional units are conducting similar public information campaigns. More dialogues and discussion sessions with Filipino American organizations are also being scheduled over the next few months.

NaFFAA Chair Loida Nicolas-Lewis welcomed the introduction of the bipartisan initiative of the McCain-Kennedy Bill sponsors and is urging the Filipino American community to support the bill.

Why We Need Reform

The US immigration system is so badly broken, it needs a total overhaul. It no longer reflects the value we give to family life nor does it serve the economic and security needs of the nation.

Consider this, visa delays and backlogs have resulted in waiting times that range from four to 22 years. Filipino applicants for immigrant visas wait the longest as can be gleaned from the October 2005 Visa Bulletin of the US Department of State reporting on the waiting times for family-based immigration:

Adult unmarried children of US citizens	-	14 years
Spouses and minor unmarried children of residents	-	4 years
Adult unmarried children of residents	-	9 years
Married children of US citizens	-	15 years
Siblings of US citizens	-	22 years

The extremely long delays that have kept families apart for as long as two decades is hardly consistent with policy of family reunification that is the underlying guideline of US immigration law through the years.

Meanwhile, the recurring lack of essential workers makes it difficult for US business establishments to cope with its global competitors. The expense, strict requirements and procedural delays in recruiting such workers overseas are weighing down US businesses.

For instance, immigrant workers under the third preference employment-based visa category from India, China and the Philippines should expect a four- to seven-year delay. These countries are the top three sources of skilled workers like engineers, architects, computer professionals, accountants or teachers and yet there is no speedy and efficient way for them to fill the demand for their services in the US.

Unskilled workers like child monitors, nannies, adult companions or housekeepers, on the other hand, should expect a five-year wait ahead.

The relatively expeditious nonimmigrant visa option for essential workers is not adequate either. The annual numerical caps for commonly-used nonimmigrant visas are simply not enough. Professionals who wish to enter under the H-1B temporary worker category, for example, would have to wait for a year because there are no available visa numbers. The H-1B numerical cap for fiscal year 2006 was reached last August 10, even before the fiscal year began.

Perhaps no other sector is as badly affected by the lack of essential workers as the US healthcare system. US hospitals and nursing homes are so severely understaffed that patient care is under constant threat. At present, the recruitment of foreign registered nurses is delayed by duplicative and expensive requirements such as the CGFNS and Visa Screen Certificates.

The immigration system in the post 9/11 context is inextricably linked to national security. While understandably more stringent, border security measures such as biometrics

identification, special registries or stricter monitoring of entry and exit do not reflect American values of fairness and equality.

Our laws and rules violate due process rights. We have arbitrary detention of citizens, secret immigration hearings, mistreatment of detainees and summary deportation. These national security measures have only resulted in alienating ethnic communities instead of integrating them into a concerted national effort to forestall terrorism.

At present, there is an estimated 11 million undocumented migrants in the US. Some have entered the US illegally, while others have overstayed. Illegal immigration, however, is not the problem, but a result of it. Current immigration laws are so restrictive that undocumented migrants have no opportunity to legalize their status.

Much as they would want to "play by the rules," the rules are too dysfunctional and leave them no choice. Given the 3-year / 10-year reentry bar on overstaying aliens, how else can close family members stay together? Given the visa numerical caps and processing delays, how else can US employers obtain needed skilled workers?

That current immigration laws need to be changed is not lost on our government leaders. President Bush himself expressed his commitment to immigration reform at the onset of his second term.

From all indications, immigration reform will be a Congressional priority over the next several months. Needless to say, the bill that will prevail is the bill that could muster public support. Now is the time for the Filipino American community to put its act together and rally behind the immigration reform proposal that deserves its unflagging support.