

# Part 1 Excerpts from "Overview: Federal Immigration Policy and Proposed Reforms"

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## Federal Immigration Policy

Federal immigration policy applies directly to anyone who has immigrated or who wishes to immigrate to the U.S. It does not apply to persons born in the 50 states, the District of Columbia, and U.S. territories, as these are native-born U.S. citizens.

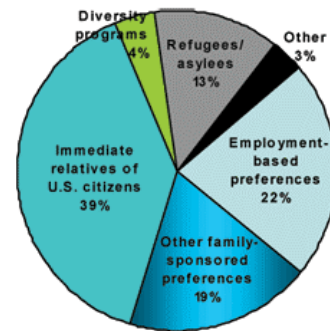
Federal policy determines:

- Who may immigrate to the U.S.,
- How or if they may become citizens, and
- Many aspects of their lives once here.

**Legal immigrants and categories under which they may enter the U.S.:** Immigrants who enter the U.S. legally today are most likely to do so as a spouse or child of a citizen or permanent resident, or as another family member. The next largest group enters under an employment-based preference or as a refugee/asylee. Diversity immigrants, the last group of any size, come from a variety of countries under a "lottery" system without respect to the number entering from their countries via other visa groups.

In 1965, a major revision of immigration law set quotas for these various groups. These quotas indicate the primary foci for U.S. immigration policy:

- *Employer need and employment-based preferences*, including high-level professionals and entrepreneurs who provide work for others
- *Family reunification*
  - For citizens
  - For other permanent residents
  - Reunification with immediate relatives (spouses, children)
  - *Human rights issues* related to needs for refuge, asylum or other protected status
- *Diversity of country of origin*



Status under which visas were granted for permanent residence in 2005 (USCIS)

The quotas for these different groups are complicated. For example, the total quota for family-based immigration is 480,000, but immediate relatives of U.S. citizens are exempt, and actual totals generally exceed 600,000.

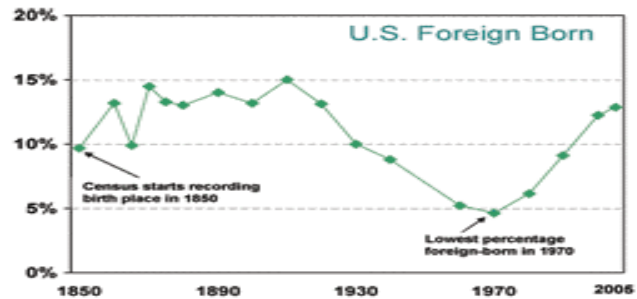
The 1965 legislation eliminated the 1924 country-based quotas heavily weighted to immigration from Germany, Great Britain and Ireland, and opened immigration to all countries. The 1965 diversity requirement set a maximum for each country of 7 percent of the total immigration in a given year (excluding refugees), but eventually led to de facto quotas. Originally, that quota was 20,000 immigrants per country per year; since 1990 it has grown to slightly over 25,000 per year. As a result, legal immigration from Mexico, China, India and the Philippines, the countries that send us the most immigrants, is markedly lower than it would be if entry from a country were proportionate to those who wanted to come.

**Temporary visitors:** Federal policy also determines who may enter the U.S. on a temporary basis, for instance as a tourist, a student or a guest worker.

Temporary work quotas are also complicated. For example, in 2005 the quota for skilled professional workers was 65,000, but the actual number of these temporary workers was roughly 124,000. This number includes 20,000 workers with advanced degrees, not counted against the quota, who worked for the government, nonprofit organizations and educational institutions.

Temporary visitors should, as the name implies, have little relevance for permanent immigration, but 25 to 40 percent of unauthorized immigrants are individuals who have overstayed temporary visas. Adjustment from temporary to permanent status is frequent.

**Quotas as policy:** Numeric quotas are indicative of the importance of family unification, employment (mostly skilled) and diversity. These quotas also indicate a desire to limit immigration in order to minimize the disruption of large-scale or uncontrolled immigration. Much of the current focus on control stems in part from the very visible increase in immigration over the last several decades. This is true even though the percentage of immigrants today in terms of current population figures is no larger than it was in the late 1800s and early 1900s.



**State and local legislation and enforcement:** Some reforms have been attempted at the local level by communities like Hazleton, PA; Riverside, NJ; and Escondido, CA. At the state level, Arizona passed a number of referenda in 2006. . . Most of these reforms appear to be attempts to exercise local control when federal control is perceived as weak or absent. Some seem aimed at limiting local expenses or at seeking redistribution of incomes to cover local expenses. To complement efforts of local and state governments, some in the federal government are seeking to push back responsibilities to the local level.

These local efforts run counter to the norm established in the late 1800s. At that time, the creation of the Immigration and Naturalization Service (INS) and construction of the administration buildings and hospitals on Ellis Island spurred the federal government’s action to concentrate responsibility and action at the federal level and to make immigration policy uniform across the country. That uniformity will be at issue today if there is, in fact, a move away from federal to local/state immigration laws and policies.

## Part 2 Proposed Federal Reforms

by *Becka Tait, LWV-CM immigration study committee*

Many groups with many different agendas have suggested reforms to current federal immigration policy. In 2007 compromise legislation was defeated. As with most large legislative packages, opposition came from every side. There are many areas for new legislation and regulations. Most reformists believe that changes can only occur in multiple areas to be effective.

### Guest-Worker Program for Persons Present in U.S. without authorization.

- Proposals vary on length of stay in U.S required previously or allowed with new visa
- Some proposals include Path to Permanent Residence or “Pathway to Citizenship”
- Pathways could impose fines, paying back taxes, continued work, and learning English

### Guest-Worker Program for Persons outside U.S.

- Increasing quotas for temporary work visas
- Allow portability of work visas between employers
- Some suggest employer-sponsored status toward permanent residence

### Family Reunification and Backlog Reduction.

- Increasing or removing caps for much of family-sponsored immigrant visas
- Increasing staff support and streamlining the application process to lessen waits

### Amnesty for Children

- Called the DREAM Act in previous legislation
- Allows for children of unauthorized immigrants educated in U.S. schools to remain legally or enter Pathway to Citizenship if they attend college in U.S. or enter military service

For more information

[www.lwv.org](http://www.lwv.org) Many papers/articles about immigration.

[www.goleaguego.org](http://www.goleaguego.org) Links to 8 immigration articles from LWV-US; information about local immigration study

[www.migrationpolicy.org](http://www.migrationpolicy.org) Fact sheets and resources. Also may purchase book below, an excellent and readable book concerning immigration issues.

*Immigration and America's Future A New Chapter*, Doris Meissner, Deborah W. Meyers, Demetrios G. Papademetriou, Michael Fix. Migration Policy Institute, 2006 c. 153pp.

[immigration.about.com](http://immigration.about.com) Information and links to many immigration issues.