

Congressional Immigration Dilemmas

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by Joshua Holshouser, Intern

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Currently, immigration is a hot-button topic for Congress, with great pressures to pass a comprehensive immigration reform bill. Wisely, the House Subcommittee on Immigration, Citizenship, Refugees, Borders and International Law has decided to split the issue in to several hearings. Each hearing focuses on a different aspect of immigration reform. Hearings have already occurred on the shortfalls of reform in 1986 and 1996, the problems and possible solutions to employer verification programs, the possibility of a points-based immigration system, the impact of immigration reform on the US economy and on US workers and the role of family-based immigration in the US immigration system. Future hearings will focus on US immigrant integration, the impact of immigration on states and localities, and the future of undocumented immigrant students.

Subcommittee member Zoe Lofgren, Democratic Representative from the 16th District of California, conducts the hearings with Republican Representative Steve King from Iowa serving as the Ranking Minority Party member. House Judiciary Committee Chair John Conyers, Jr. attends many of the hearings as well.

Immigration reform centers on several key questions, some of whose answers easily reach agreement among most members of Congress, while others spark fierce debate. Border security and employment verification are two issues that generally see agreement. Any comprehensive immigration reform passed will almost certainly include heightened security and increased efficiency in maintaining our physical borders as well as stronger enforcement of employer verification in the workplace here in the US. These measures are intended to stem the flow of illegal immigrants, a solution both sides see as necessary.

Other questions are not so easily answered. 58% of immigration to the US is family-based while somewhere between 7-11% of immigration is employment-based. This represents a split between those who see immigration through the lens of what is best for the US economy and those who see immigration as a duty America owes to the rest of the world based on its own history of immigration. Those who would like to see less family-based employment typically favor expanding employment-based immigration through two actions. First, limit family-based immigration to nuclear family members (father, mother, children under 21) and exclude non-nuclear family members. Second, institute a point-based system to objectively judge each immigrant based on a fixed set of criteria including age, education level, skill set, language proficiency and others. Those who see immigration as a mission argue for increased or at minimum maintained family-based immigration and oppose the institution of a point-based system.

The splits vary on this issue. Democrats from Conservative districts may find themselves siding with the Republican Party here and vice versa. Immigrants from industrial countries that would see increases in the numbers of immigrants from their home countries through a point-based system end up on a different side than those from less developed countries whose immigration numbers may be lessened through a point-based system as they would not meet the necessary criteria. Critics of the point-based system argue that it would serve to increase the equality gap between rich and poor countries. Critics of the non-nuclear family-based immigration system argue that if one decides to leave their country and

their extended family behind, the US is not responsible for their actions and therefore not responsible for re-unifying the extended family. It involves a choice by the individual, the argument continues that if the immigrant views family as more important than economic prosperity they might opt to stay in their home country or return there after a certain number of years. Both sides present arguments that the other side can provide no real answers for, making the debate here lively and difficult.

Illegal immigrants, the elephant in the room, have thus far proven to be the most difficult aspect of the debate. What does the US do with parents who come here illegally to have their child born here just to have it gain citizenship? Option 1, to deport them all as the child did not choose to be born here and the parents acted illegally, but that option shows no compassion and sparks protests from groups supporting the rights of the child. Option 2, to allow the whole family to stay; this rewards the illegal activity of the parents and sparks strong protests from other groups. Option 3, to allow the child to stay and to deport the parents draws the most protest, as it outrages supporters of family unification by tearing the family apart and outrages others for making the child a ward of the state to be paid for by American tax dollars. In these instances, an elusive fourth option that appeases all sides seems difficult to find.

Further, the 12 million undocumented immigrants estimated to be in the US already present yet another massive stumbling block to reform. Blanket-style amnesty granted to each individual would quickly solve the problem, but would create an administrative nightmare for Citizenship and Immigration Services. Such an option draws critique from those who see such an act as rewarding illegal behavior and seems unlikely to pass in a floor vote. Deportation provides another kind of administrative headache, and draws equally strong criticism from those who say that some of these people have been here for 20 years, raising children, paying taxes and contributing to the U.S. economy. Deportation en masse is seen as cruel and highly infeasible. It re-introduces the argument above of what to do with families who children are citizens but the parents are not.

A final option to this issue is a path to citizenship that allows immigrants here illegally to become citizens through an application process and a series of fines. This has included suggestions of temporary guest worker permits for illegal immigrants to outright citizenship if they can pay the fine. The problem comes in that this is a compromise and the likelihood of the supporters of amnesty will find any solution put forth by the supporters of deportation too harsh while the supporters of deportation will most likely see any option put forth by the supporters of amnesty too lenient. In addition, the administrative nightmare associated with setting up a structure that says what requirements are needed and who meets them has made many Congressmen and women cautious of being too supportive of a path to citizenship. The financial costs would be high, in a time where every budgetary increase is seen as suspect.

Immigration reform presents Congress with a myriad of issues and questions. Finding a solution that pleases all sides while still accomplishing the difficult task of reform will be difficult. The potential of compromise watering the issue to the point of reform sounding good but doing little is a very real threat.