

India Weekly USA, March 26, 2006

THE LAW & YOU

**IMMIGRATION DEBATES 2006:
REFORM OR REVERSAL IN POLICY?**

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The emotional firestorms about US immigration policy that resulted after the September 11th attacks are still blazing, with proponents and defendants using immigration policies as a way to advance their own agendas. During the next few weeks, President Bush and Congress will review scores of statistics and strategies about proposed immigration law “reforms” that will determine the future of more than ten million undocumented immigrants presently in the US. A brief review of the numerous proposed legislations that are being debated at this very moment in Washington begs the question: is this reform or is it a reversal in US immigration policy?

In January 2004, President Bush first proposed an immigration policy change where a “guestworker” program would grant temporary work visas to undocumented workers presently in the US and to foreign workers. The program has not gained supporters on either side of the debate. Advocates for immigrants dislike the proposal because it allows workers to work in the US for only six years, with no opportunity for eventual permanent residence. Anti-immigration activists argue that the guestworker program awards amnesty to illegal immigrants.

At the center of this guestworker program is an assumption that the American economy will reap the benefits of the workers, but the “guests” will conveniently return home after six years. President Bush has suggested incentives such as special savings accounts and contributions that can be allocated to the pension system of the worker’s country of origin so that the workers return to their homelands. But, the proposed plan ignores the general tendency of workers to migrate and then settle down permanently in their new land. The Department of Homeland Security, already burdened with immense administrative tasks, would have the responsibility to check arrivals of these workers, corroborate employer data, track the workers, and then enforce departure rules when the six year term is reached. Finally, the guestworker program does not address the likelihood of American employers becoming dependent on their foreign workers and subsequently unable to hire substitute workers without incurring losses.

Another proposal that the House of Representatives passed in December and Senate must approve is the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437). Judiciary Committee Chairman James Sensenbrenner (Republican, Wisconsin) is pushing for the passage of this bill which would increase border protection,

step up implementation of arrest and deportations of illegal immigrants, and impose harsher penalties for immigration law violations. The Act would expand the expedited removal program, impose mandatory detention even when an individual is not a threat, and prohibit the federal courts from overseeing certain immigration decisions. Further, anyone convicted of “assisting” or “encouraging” an undocumented immigrant to stay in the US could face prison sentences of five years. The overbroad terminology of H.R. 4437 sends shudders to those who understand the plight of the undocumented immigrants because it merely seeks to punish, rather than address the overall issues concerning undocumented immigration.

On February 23, 2006, Senator Arlen Specter (Republican, Pennsylvania), submitted a proposed 300 page bill that encompasses President Bush’s guestworker program where millions of illegal workers would be deemed to have legal status, but also includes many of the severe penalties listed in the Border Protection, Antiterrorism, and Illegal Immigration Control Act. Senator Specter’s proposal is that illegal immigrants who entered the US before January 4, 2004 and are currently employed could apply for temporary legal status; qualified applicants can apply for a three year work visa and apply for another three year extension before being required to return to their country of origin. However, the immigrants would not be eligible for permanent residence or citizenship. Therefore, this would essentially create a huge population of individuals with second-class status.

Senator Hillary Rodham Clinton (Democrat, New York) commented on March 8, 2006 that some Republicans are trying to create a “police state” and that it is an “unworkable scheme to try to deport 11 million people”. In a public letter to constituents, Senator Clinton stated that immigration changes should include “a path to earned citizenship for those who are here, working hard, paying taxes, respecting the law, and willing to meet a high bar for becoming a US citizen.”

In conclusion, it appears that the proposed immigration “reform” laws seem to want to reap the benefits of a steady stream of foreign and undocumented workers and their contributions to the American economy, but at the same time reverse public policies on individual rights and values. The lawmakers must design an overall immigration program so that the undocumented immigrants already in the US can gain permanent legal status and reunite with their families, develop a temporary worker program with comprehensive laborer rights and a path to citizenship, and an efficient system of prosecuting those who violate the laws.

Despite the power of the lawmakers, those who are US citizens should be reminded that they have the right to vote and voice their opinions to their government representatives. The following are suggested contacts and their telephone numbers:

White House, President Bush: 202-456-1111; Sen. Arlen Specter: 202-224-4254
Sen. Hillary Rodham Clinton: 202-224-4451; Sen. Charles Schumer: 202-224-6542