

Families look for relief from immigration bill

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WASHINGTON (AP) - If America is a nation of immigrants, it's also a nation of immigrants' husbands, wives, parents and children - and their brothers, sisters, nieces and nephews too.

That could begin to change under legislation being written in the Senate, where the nation's longstanding emphasis on family-based immigration is coming under scrutiny.

Unlike most other industrialized nations, the U.S. awards a much larger proportion of green cards to family members of U.S. citizens and permanent residents than to foreigners with job prospects here. About two-thirds of permanent legal immigration to the U.S. is family-based, compared with about 15 percent that is employment-based, according to the Migration Policy Institute. The remainder is largely humanitarian.

It's a lopsided ratio that may change under a bill being crafted by a Senate bipartisan negotiating group that is aiming to release legislation next month.

Several senators involved in the talks said employment-based immigration must increase to help American competitiveness and the U.S. economy. High-tech companies have been pleading for more workers, and some Republicans, in particular, believe the educational backgrounds and employment potential of prospective immigrants should be a bigger part of the calculus in awarding green cards, the permanent resident visas that are the key step toward citizenship.

"In the 21st century, more of our immigration needs to be based on merit and skill," said Sen. Marco Rubio, R-Fla., a member of the "Gang of Eight" senators negotiating an immigration bill.

The senators' proposals are still evolving and details remain unclear. For advocates of family-based immigration, the key question has become whether the increased focus on employment-based immigration will come in addition to the family-based system - or to its detriment.

"Family unity has been the cornerstone of our immigration system for decades and should remain so," said Kevin Appleby, director of migration policy at the U.S. Conference of Catholic Bishops. "We're concerned that the family-based system is vulnerable and that visas could be taken away or categories could be eliminated, and we would strongly oppose that."

Under current law, U.S. citizens can petition to bring their spouses, parents and minor unmarried children into the country without any limit on the number coming in. There are caps on all other categories, including petitions for citizens' adult or married children, citizens' brothers and sisters and their children and the immediate family members of legal permanent residents. The law also caps the percentage of immigrants that can come from any one country in a year.

These limitations have led to a backlog of more than 4 million family members of U.S. citizens and permanent residents who must wait in their home countries for years before coming to the U.S. Filipinos in the sibling category can face waits of more than 20 years before they can join family here, advocates said.

Maricris Arce, 43, a native of the Philippines who now lives in Anaheim, Calif., said she was separated from her husband for five years after coming legally to the U.S., and he wasn't present for the birth of their first child.

"I think they need to change that law," Arce said. "Let them come faster and easier so the family will be united."

President Barack Obama and the Senate negotiators have committed to reducing the existing backlog of people waiting for family visas, and this would probably happen by adding visas to speed the process. The bill would also probably raise the country cap that limits any one country to 7 percent of total immigrants per year, probably to 15 percent.

Those changes are good news for advocates of family immigration, who are also encouraged by Obama's longstanding commitment to family unification and pledges by Democrats in the negotiating group, including Sen. Robert Menendez, D-N.J., to safeguard the family system. Obama is preparing his own immigration bill to unveil if the Senate process stalls.

The more contentious decisions will surround whether any of the current family categories - such as sibling - is reduced or eliminated. Lawmakers have made such attempts in the past, arguing that a focus on immediate family members is more appropriate. Such changes could mean that people who once would have eventually been eligible for U.S. citizenship wouldn't have that opportunity.

It also remains to be seen whether lawmakers choose to make more green cards available overall, as advocates want, or shift visas from the family category to boost employment categories. Another question is how quickly illegal immigrants who would be put on a path to citizenship by the new bill could petition to reunite with family members.

Advocates say senators could end up crafting a hybrid system that weights family ties in addition to work skills, something Rubio suggested could happen.

"We're still going to have a family-based part of it. I believe that having family in the U.S. is one of the indicators of success," said Rubio, who's talked about his own family members from Cuba coming to the U.S. through the family immigration system. "It's just some of the folks that are coming on family-based will be able to come on the skill-based as well. They're not mutually exclusive."

Depending on how it's crafted, any new system could become an unexpected flashpoint in the immigration debate. In the last round of immigration negotiations in 2007, the Catholic Church ended up opposing action on the bill in part because of discomfort with a proposal that replaced the family-based system with one that awarded points based on job skills, English ability,

education and family ties in handing out visas. It's possible that some aspects of that approach may be adopted this time as well, according to a Senate aide.

Senators say they'll attempt to strike a balance, but some fear that in the end, more job-based immigration could come at the expense of family members overseas.

"We're going to expedite some of the family stuff initially, but over time it's got to be more merit-based," said Sen. Jeff Flake, R-Ariz., one of the Senate negotiators.

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