

Immigration advocates optimistic about policy aimed at keeping families together

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Immigrant advocates are cautiously optimistic about a new proposal from the [Department of Homeland Security](#) that would let the immediate undocumented relatives of U.S. citizens stay in the country while they await word on their applications for permanent residency.

It's a move the administration says is aimed at keeping families together.

"The goal ... is to alleviate the extreme hardship certain U.S. citizens experience when they are separated for extended periods of time from their spouses, children and parents," the [U.S. Citizenship and Immigration Services](#) said in a [release](#) announcing the new proposal. "USCIS expects that this new process will streamline the waiver process and reduce the length of time immediate relatives must remain abroad to obtain an immigrant visa."

Currently, people who stay in the United States without proper authorization are barred from re-entering the United States for three years if they have remained in the country for 180 days or more; unauthorized stays of a year or more result in a 10-year ban on reentry. Those apprehended sneaking into the United States without proper visas can also be barred from returning.

Under current law, individuals can apply for a waiver to that ban but have to make the application at a U.S. consulate in their home country, where backlogs and unofficial quotas mean many are often out of luck.

"If you have a consulate that's inundated with applications, it takes a long time for that processing to take place," said Vicenta Montoya, an immigration attorney and Democratic Hispanic activist in Las Vegas. "There's no guarantee that that family member's going to come back."

Montoya is one of several immigrant activists from Las Vegas who say they'd like to see the proposed rule go further than it does, to include in-country waiver eligibility for the immediate relatives of permanent residents as well as U.S. citizens.

"Families are families: It doesn't matter if you're married to a U.S. citizen or a permanent resident, a permanent resident has the right to stay in this country," said Reza Athari, an immigration attorney in Las Vegas who also disagrees with the distinction between citizens and permanent residents. "So what is the difference really? I don't know."

The proposed rule was officially published Monday and is open for public comment through June 1. As a rule of the executive branch, it is not subject to congressional approval.

But that has some immigrant advocates more concerned than comforted.

“I, for one, am not overly excited until I actually see it,” said Fernando Romero, director of Hispanics in Politics, a non-partisan organization that aims to increase the participation of Latinos in public life.

Romero explained that his hesitation is twofold: First, he doesn’t trust the political climate, and second, he doesn’t trust the president’s ability to deliver on his promises in this climate.

“About six months ago, the president came out saying people were going to be placed in priorities, and people who didn’t have any major felonies or misdemeanors were not going to be deported. Guess what? Two weeks later, [he’s still deporting people](#),” Romero said. “The Republicans are doing what they can, trying to throw everybody [undocumented] out of the country. So is this a campaign ploy? I’m too old to say, ‘No, it isn’t,’ and I’m too political to say, ‘Yes, it is.’ ... I wish I could say every time he says he’s going to do something, it happens, but I can’t.”

While Nevada’s Republicans have so far remained silent on the proposed rule, some leading Republican conservative lawmakers and nonpartisan conservative organizations have come down harshly against the proposed rule.

“Administrative Amnesty” is the term the [Center for Immigration Studies](#), an organization that promotes a low-immigration, pro-enforcement position on most matters having to do with illegal immigration, coined to describe the change.

The [Federation for American Immigration Reform](#), another such think-tank, opted for a similar message, calling the proposed rule change “backdoor amnesty.” That’s also how Rep. Lamar Smith of Texas, chairman of the House Judiciary committee, [described the proposed change to the Los Angeles Times](#) last week.

But despite the pushback, immigration advocates are confident that the rule will proceed as proposed.

“The crux of the rule will not change. There will be additions or deletions, but the main thing will remain unchanged; these waivers will be available,” Athari said, adding that despite his critiques of the proposal, “it’s one of the best things they have done so far in the last few years.”

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