Senators lean toward point-based immigration system, giving workers more of an edge

By Franco Ordonez | McClatchy Newspapers

WASHINGTON — Senators working on a comprehensive immigration plan are quietly talking about letting people into the United States by giving more weight to potential job skills and less weight to family connections than now exists – a departure from the current system and one sure to rile immigrant advocates while pleasing business interests.

The system would award points for a person's various characteristics, and it would place greater emphasis than the current system on future immigrants' ability to make long-term economic contributions.

The senators hope to introduce a bill next month, but before they can, they have to come to agreement on how to deal with the United States' future flow of immigrants.

"Everyone focuses on what to do with those who are illegally here, but the real complicated thing about this bill is how to restructure future legal immigration and in a way that's pro-American," said Sen. Marco Rubio, a Florida Republican and member of the bipartisan Senate group working on a deal.

Central to the discussion are these questions: Who should be allowed in? And how can another mass wave of illegal immigration be prevented? The answers will say much about the nation's values and how Congress sees the United States' economic future.

Dealing with future legal immigration is just one of the many thorny issues facing the so-called "Gang of Eight," a bipartisan group of senators who are writing immigration legislation. Other questions include when to declare a secure border and how to structure an undocumented immigrant's path to legal residency and, eventually, citizenship.

For future immigrants, critics charge that so-called merit programs, which give preference to new immigrants with particular skills, split up families. An unskilled adult child or sibling from abroad might received fewer points than, say, a single person with a coveted background in engineering.

But the senators say they're working to develop a plan that meets economic labor needs without dismantling the current family-based programs that have served as the core of the American immigration system for the past several decades.

"I think everyone recognizes that a 21st century legal immigration system has to have a heavier merit component," said Rubio, "but we also all recognize – I, for example, am in favor of a family-based system. So finding a right balance is what we're trying to work through."

Rubio and other members of the Gang of Eight – Democrats Richard Durbin of Illinois, Charles Schumer of New York, Robert Menendez of New Jersey and Michael Bennet of Colorado, and Republicans Jeff Flake of Arizona, John McCain of Arizona and Lindsey Graham of South Carolina – would not give specifics on how the new system would be implemented. They emphasized that nothing has been agreed upon.

Currently, there are several visa categories for new, legal immigrants: family-based, employment-based, humanitarian cases and those allowed in under a diversity lottery.

The four Democrats and four Republicans have been meeting every day this week trying to work out about a half-dozen sticking points as they near a self-imposed deadline to introduce new legislation early next month.

Republicans would like to increase the number of employment-based visas, which is currently capped at 140,000 a year. And Republicans Graham and Rep. Raul Labrador of Idaho, a member of the House bipartisan immigration team, have both suggested they would be open to more restrictions on some family visas.

"My goal has been to create an economic-based immigration system going forward," Graham said this week. "That would mean we'd make decisions based on economic needs of the country, which our current immigration system does not."

The possibility of a point system has increased concerns among some advocates that business needs for immigrant workers would come at the expense of immigrant families.

A merit-based point system was part of the failed 2007 immigration effort in Congress. That proposal caused a furor as it would have replaced the existing family-based system with one that awarded specific points based on job qualifications, English skills and family connections, among other categories.

Those familiar with the current talks say the Senate plan is different than the 2007 version, though they won't give specifics on how.

But advocates say reintroducing a point system like those used in Canada or Europe would only make an already complicated immigration system worse.

"Let's just get back to the basics with this. Do you have a close family member who is already an American or a legal resident on their way to being an American?" said Lynn Tramonte, deputy director at America's Voice, an advocacy group that supports comprehensive immigration legislation. "Do you have a work ethic that we want in this country? And if you do then that should be the criteria for you to get a shot at a visa."

Advocacy groups have been growing concerned that the Senate plan would eliminate the ability of citizens to sponsor their married adult children and siblings.

Under current law, these are the third and fourth categories of the family preference program, and they account for about 90,000 new permanent residents each year.

The first two categories for unmarried children and spouses would remain intact.

An estimated 3.4 million people are on the waiting list to get visas in the third and fourth category, including more than a half-million South Asians, according to the Washington-based advocacy group South Asian Americans Leading Together.

"It's a lot of people who are waiting to join South Asian Americans and Asian Americans who live in this country," said executive director Deepa Iyer. "We do think that when someone becomes an adult child that they're still part of your family. And I think American families believe that as well."

Iyer said family and economic needs are not mutually exclusive. Immigrant families pull resources together to start small businesses, strengthen community networks, and help newer immigrants integrate into society.

During a Senate Judiciary Committee hearing on the needs of women and family in a new immigration plan, freshman Democratic Sen. Mazie Hirono of Hawaii cautioned her Senate colleagues against increasing the number of employment-based visas at the expense of immigrant families.

"I don't think that we should be setting up an either/or proposition because, of course, even those people who are the most highly educated and skilled immigrants, they have families, too," she said.

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