An Unfinished Agenda:
Key Immigration Reform Items Left Undone

Our current immigration system is in crisis. Legal immigration to the United States during the 1990s will reach the highest levels in American history. The American people are more and more concerned about the negative impacts of sustained high levels of immigration on all aspects of their communities: jobs, housing, education, medical care, wages, and overall population and congestion. Poor policy decisions in the past have exacerbated our immigration crisis. Today, the nation needs serious national leadership on this issue from members of Congress who understand that today is different, that "new occasions teach new duties," that bold solutions are needed to give the United States an immigration policy that is in line with our national interests and helps Americans, not hurt them.

In 1996, the 104th Congress passed the strongest law on illegal immigration since the 1950s. Unfortunately, strong pressure by cheap labor and ethnic special interests, and last minute manipulations by the Clinton Administration wiped from the bill fundamental legal immigration reforms vital to restoring integrity and credibility to our failing immigration system. Fixing our immigration problem remains unfinished business. There are key reforms that Congress must address immediately, including reducing legal immigration, ending chain migration and implementing an employment verification system as a means to ending the magnet of jobs to illegal aliens.

Key reforms still necessary:

- **A Moratorium:** An immediate moratorium on most categories of immigration will serve two purposes. First, it will facilitate the assimilation of the tens of millions of immigrants who have arrived in the US over the past few decades. Second, it will allow the nation the time to devise an immigration policy which meets the needs of the nation, not just the desires of the immigrants. FAIR supports H.R. 347, the Immigration Moratorium Act introduced by Bob Stump. For five years, the bill while freezing most immigration categories, will continue to allow unlimited migration of spouses and minor children of U.S. citizens, an adequate number of refugees and highly skilled immigrants, and a modest number to reduce the backlogs.

- **Permanently Reduce Annual Levels.** A global target level of annual immigration at 300,000 or less must be established. This has been our true immigration tradition throughout most of American history. Currently, almost a million legal immigrants settle in the United States each year having a dramatic effect on our population, economy, public infrastructure and society.
End Chain Migration: As recommended by the U.S. Commission on Immigration Reform, chaired by the late Barbara Jordan, the links of pyramiding chain migration must be broken by eliminating the categories of brothers/sisters and married/unmarried sons/daughters of U.S. Citizens and Lawful Permanent Residents. While it is moral and right to keep nuclear families—spouses and minor children—together, extended relative reunification causes chain migration. Chain migration fosters huge immigration backlogs by extending the promise of future immigration benefits to more and more people overseas—more than ever could be accommodated by even the current extraordinarily high levels of immigration. It is not the duty of the American people to reunite huge extended families when it is the immigrants themselves that choose to separate from their families.

Eliminate the diversity lottery visa program. This program implemented in 1990 was supposed to address the problem that family reunification squeezes out most immigration from but a few sending countries. However, the lottery has several problems: it adds to the annual immigration level; it enlarges the applicant backlog; it creates unrealistic expectations; and it gives admission to illegal aliens.

Restructure Parent Categories. Parent categories should be capped at the still generous annual level of 50,000. To protect the American taxpayer from costs associated with elderly immigrants who have never worked and paid Social Security in the U.S. but receive public assistance benefits and Medicaid, the admission of parents must be conditioned on the purchase of health insurance and that a majority of their children are already present in the United States. This will ensure that the burden of financial support and healthcare for elderly immigrants will rightly fall on the sponsoring children and not the American taxpayer.

Limit refugees to 50,000. Last year the U.S. accepted almost 100,000 refugees despite the fact that the United Nations High Commissioner for Refugees (UNHCR) has determined that only about 10,000 individuals worldwide need permanent third-country resettlement. Our refugee policy must be refocused to meet the realities of the post Cold War world. Despite warming relations between the East and West, we still provide for the admission of about 45,000 people (almost half of all our refugee admissions) from these regions. Allotting places for individuals from nations friendly to the U.S. detracts from the true purpose of the refuge: namely, to provide assistance to individuals fleeing imminent danger from political persecution.

Restore the original intent of asylum. Asylum was originally intended to grant temporary refuge to individuals who were already in the United States when circumstances arose that prevented their return to their home country for fear of government-sponsored political persecution. Asylum was never intended as an open-invitation for all those unhappy with their circumstances to flee their country and permanently land in the U.S. Asylum should be granted only to people applying due to circumstances arriving after they legally entered the U.S. and it should be a temporary status.
Eliminate cultural asylum. Asylum criteria has been judicially and administratively expanded far beyond its original intention. Cultural asylum has been granted to people persecuted by general societal pressures as opposed to individual government persecution. For example, the granting of asylum in the Kasinga genital mutilation case was based upon a woman fleeing tribal custom rather then government sponsored persecution which was the original intent of the asylum law. While, it is unfortunate that not all of the world enjoys the personal freedom of Americans, our asylum policy is not the vehicle to change customs or behaviors that we find distasteful. Asylum criteria should be tightened to apply to only those victims of government-sponsored political persecution.

Prevent obviously false claims of asylum. A presumptive list of non-persecuting countries from which a person is unable to claim for asylum should be established. It is absurd that a Canadian citizen, or a Western European citizen could claim asylum in the U.S. and tie up our resources for what would obviously be a false claim. Most other asylum granting nations have such a list.

Increase the sponsorship level to at least 200%. The current financial threshold to sponsor an immigrant, 125% of the poverty level, is absurdly low. At this level, a family would still be eligible for food stamps. If individuals are to be allowed to sponsor other immigrants, they must be able to financially provide for them if the need arises. It is simply unrealistic that a person making 125% of the poverty level would be able to adequately provide for another individual who could not work or became ill once they arrived. In most cases, that burden would fall upon the U.S. taxpayer. A person with an income at least 200% of the poverty level would be more able to provide for a sponsored immigrant.

Define public charge and make it a deportable offense. Immigration law has always precluded the admittance of a person likely to become a public charge. Currently, however, many immigrants are on welfare and may continue to be so, in light of the recent balanced budget deal. With the current low requirement for sponsorship it is likely that in the future other immigrants will need to go on the public dole. It should not be the taxpayers' burden - instead it should be grounds for deportation if an individual receives government-funded benefits for an aggregate period of at least 12 months within first 7 years in the U.S.

End the lure of a citizen child. Automatic birthright citizenship must be preserved for the children of citizens and lawful permanent residents. H.R. 7 and other bills introduced this Congress would end the reward of citizen child guaranteed with all the welfare benefits and public assistance available to an illegal alien woman lucky enough to sneak across the border before delivering her child.

Prevent Voter Fraud. Require the verification of a person's citizenship when they register to vote to prevent wide-scale voter fraud as may have occurred in the recent election. H.R. 1428 and H.R. 1139 would provide such safeguards.
Create an employment verification system. Establish an on-line employment verification system that enables an employer to easily verify with the INS or Social Security Administration a person's eligibility to legally work in the United States. Until we eliminate the magnet of jobs, illegal immigration will continue to be a pervasive problem. Fraudulent documents are easily obtained and used to illegally work in the U.S. Only with an immediate verification system linked to the eligibility documents will the country be able to get a handle on illegal immigration.

No Credit for Illegal Work. No skill or experience gained in U.S. while here illegally should be used as a qualifier for an employment visa. Why should an illegal alien gain an advantage by breaking the law? H.R. 471 provides such a disincentive for illegal alien employment.

Stop Brain Drain. Any student who has gained a skill or experience as a student in the U.S. should be required to return to their home country for a minimum requirement of two years. The whole point of encouraging foreign students to come to the U.S. is for them to learn special skills and knowledge to improve their home country, not stay and compete with American workers.

Annually Establish Employment-Based Visa Numbers. Rather than have a set number of annual employment based visas, an assessment of the needs of industrial America should be conducted on an annual basis. The assessment should be conducted by the INS and will better reflect the needs of U.S. business.

Establish revenue raisers that will promote compliance with laws against illegal immigration:

- Amend Internal Revenue Code (IRC) Section 162 to disallow a deduction for remuneration paid to aliens employed in violation of 8 U.S.C. 1342a(a)(1), i.e., unauthorized alien workers. Potential revenue raised: $17 billion.

- Amend IRC Section 21 to disallow the household and dependent care services credit for wages paid to a household employee unless a copy of the attestation required by 8 U.S.C. 1324a(b), i.e., INS Form I-9, is attached to the return.

- Amend IRC Section 162 to limit to 80% the deduction for remuneration paid to temporary alien workers, i.e., workers described in 8 U.S.C. 1101(a)(15)(h), (O), (P), and (R). This would apply only to wages paid to holders of nonimmigrant visas issued or extended after the date of enactment.

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