

## U.S.A.

## ■ Capitol Journal: The Immigration Debate

## President addresses the nation; debate is focussed on illegal residents

By Ela Dutt

Even as the country is split over illegal immigration and whether the 12 million or so illegal immigrants should be given a path to citizenship, Indian legal immigrants are struggling to inject their concerns in the debate.

In his national address May 15, president Bush emphasized he was not calling for a blanket amnesty, but rather that foreign seasonal workers should be able to come in through a temporary guest-worker program. He also called for a new identification card that would make it possible for employers to verify whether an employee was legally in the country or had forged documents. But any employer that hired illegal aliens would be liable to prosecution, he warned.

Meanwhile, many lawful permanent residents (green card holders) currently living in the United States, separated from their families, are hoping that in all this emotional upheaval and split in the country over illegal aliens, the concerns of some 425,000 legal residents, a large proportion of them Indians, are not being adequately addressed.

Currently S.2611, a 150-page bill that is a hodge-podge of issues from illegals, to guest-workers, to legal residents, is in a virtual bidding process in the Senate. But it does have a provision



President George W. Bush addressing the nation from the Oval Office, White House, on May 15. (White House photo by Eric Draper, as it appears on www.whitehouse.gov)

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that raises the annual cap for H-1B visas to 115,000 from its current 65,000. And companies like Microsoft and Intel are clamoring for raising the bar though opinions remain divided on this. It has not overshadowed by the debate as the illegal aliens' issues, which might prove to be a plus for potential H-1B workers at the IT industry here.

Fashioned by Republican Senators Chuck Hagel and Mel Martinez out of a group of contentious bills from both the Republican side and the Democratic side, the bill hopes to achieve a semblance of agreement before it is pitted against the House Bill already passed that called for criminalizing illegals. Today, "earned legalization" and the "guest-worker" provisions in the bills are pitted against criminalization, but LPRs are hoping the clauses that allow for uniting their immediate relatives go through.

At least that is what Unitefamilies.org is fighting for, recruiting its own consultant attorney Paul Donnelly to argue their issues on the Hill.

When the bills go into Conference Committee to find a resolution, the House is probably going to be willing to give up its criminalizing clause but has emphasized over and over again that if a bill contains anything on "earned legalization," it will be a deal breaker, says Donnelly in an interview with *News India-Times*.

But top Democrats and some Republicans feel "earned legalization" must be part of any reform. Meanwhile, the House might agree to the Guest-worker provision that currently is not in its bill.

"The third big chunk is legal immigration provisions," Donnelly points out. "Unitefamilies.org has an absolutely compelling case," he asserts. "They are Legal Permanent Residents who have made a commitment to the United States that they will remain in the country for 5 years until they get their citizenship. But their 5-years wait time is growing because the Congress has promised but not delivered," he maintained.

"These are mostly young families - a husband or wife, separated from their spouse and young child," contends Unitefamilies.org.

On the other hand, the debate rages on the Hill over the 12 million illegals. "They should not be given an automatic path to citizenship. This is amnesty, and I oppose it," conceded President Bush, but he said he was against mass deportation.

"I believe that illegal immigrants who have roots in our country and want to stay should have to pay a meaningful penalty for breaking the law, to pay their taxes, to learn English, and to work in a job for a number of years," before they can try for citizenship, the President contended, arguing for the "earned legalization" provisions in S. 2611.

## The 1986 Amnesty

## Where are Indian-Americans on immigration reform, legal residents separated from families?

By Paul Donnelly

Twenty years ago, Irish-Americans realized that a quirk in immigration law was blocking immigration from Ireland. So the community got involved, calling and writing Senators and Representatives. Within four years, Congress created the Morrison Visa to correct this bias against Irish immigration. It worked.

I relate this ancient history because, as a media and political advisor for UniteFamilies, I have been struck by the absence of similarly effective activism by Americans of Indian heritage. The most anti-marriage, anti-family, and anti-immigrant provision of U.S. law disproportionately affects Indian Americans -- and yet the larger community is all but silent, as a small (but growing) organization with a compelling message seeks to be heard amid the din of a national controversy over immigration policy.

It is a confusing and bruising debate, to be sure. But it is not unintelligible: a large number of new Americans born in India, who maintain deeply felt ties there, are severely disrespected by immigration law, and all but ignored in the debate.

What are you doing to do about it?

What is known as the "2A" backlog refers to the spouses and minor children of legal permanent residents. Basically, Congress promises more visas than it delivers, so Indian Americans who marry someone from back home marry an exile - or an outlaw. Too much of the debate has focused on illegal residents and guest workers, while what is truly important is forgotten. Comprehensive immigration reform shouldn't be defined by illegal residents and temporary workers. What about legal immigrants?

What about Indian-Americans?

The 1986 amnesty created the backlog in LPR spouses and children. The relatively small number of legal immigrants who got their green cards first and then got married wasn't so large that it swamped the system. But between 1987-1991, green cards were granted to 3.1 million illegal aliens. Despite claims this would not affect the rest of the immigration system, it created a barrier to Indian-American marriages that is still dividing loving families for years.

Doesn't everyone reading *NewsIndia-Times*

## Separated Spouses—Legal Permanent Residents



Kshitij Bedi works at *The Village Voice* in New York, while his wife Shweta cannot even get a tourist visa to visit him.



Naveen Yeddula and his wife Bhagya, have also been separated. (Photos, Courtesy: Donnelly)

Too much of the debate has focused on illegal residents and guest workers, while what is truly important is forgotten. Comprehensive immigration reform shouldn't be defined by illegal residents and temporary workers. What about legal immigrants? The 1986 amnesty created the backlog in LPR spouses and children.

know a family like this?

In 1995, the first official estimate of the LPR spouses and kids backlog counted 1.1 million. State Department analysis further concluded that recipients of amnesty under the 1986 law had petitioned for the first 824,000 people in this line, while those who petitioned for the 279,000 people at the back of the line had always obeyed the law. Most of the former were from Mexico, most of the latter were from the Far East, especially India.

At the time, the minimum wait was 3 years, universally understood to be unacceptable. But Congress figured that even though 80,000 people were added to the back of the line each year from new petitions, more would come off the front of the line, the 114,000 a year guaranteed by immigration quotas, plus those whose sponsors naturalized as U.S. citizens whose spouses and kids thus became 'immediate relatives' in a different category. So while a bipartisan Congressional commission unanimously urged the Congress to fix this outrageous anti-marriage law, the Congress chose to do nothing, hoping the problem would go away

on its own.

But by 1999, the minimum wait for Indians who got their green cards and then married to be able to live together in America had grown to 4.5 years. The State Department began another formal count, but gave up when it realized that the earlier counts had significantly understated the actual toll of human misery imposed by immigration law. The backlog estimated to be 1.1 million in 1995 could have been higher - much higher.

Why? Because the time between an approved petition for a visa and actually getting the green card is so long, tens of thousands more people a year were being added to the queue, not just 80,000 a year at the end, but in the middle, too. A pair of typical examples: say someone comes to the U.S. from India on an H-1B visa in 1997. By 2001, she has managed to get a green card, and marries her high school sweetheart from back in Chennai in 2002. It will be 2006 before they will be able to live as a married couple in the U.S., which is a very long time for very long flights for very short visits.

The person immediately ahead of them in line, let us say, is from Mexico, or Canada, or El Salvador: it doesn't matter. He also gets permanent residency in 1997, marries his high school sweetheart from Oaxaca in 1998, and can reasonably expect to finally be able to live together happily (and legally) in the U.S. this year.

But during that eight year wait (the current minimum for Mexico), it is not uncommon for a family to add 2 or more children to the line for immigration visas. Yet the U.S. government wouldn't count them until they actually get the visas: so one person waiting can become three or more visas issued, without the line moving forward.

This can seem mysterious, but the result is plain. When our example of an Indian-American husband is just about to get his U.S. immigration visa after waiting four years in Chennai, he is abruptly told he must wait another year.

In April 2006, the minimum wait for an LPR spouse or child from India was 4 years and 2 months. In June 2006, the State Department moved the goalposts: now it is 5 years and 3 months. Next month, the priority date (which measures the length of time waiting) is expected to retrogress further, as immigration officials plow through more than a million unprocessed applications within the U.S., on top of nearly half a million filed abroad, the lion's share in India.

Congress has been loudly debating immigration reform, but, partly because the Indian American community has been quiet, the debate has not been driven by this cruelty to families like Suma Rhea, who puts her 2 year old son to bed each night in Minnesota by telling him about his father in India. Or Kshitij Bedi, who honeymooned with his wife in Singapore and works at the Village Voice in NY, while she cannot get even a tourist visa to see him. Or Vinodev Rajasekaran, who like thousands of others is contemplating a choice between his marriage and the American dream of U.S. citizenship. I could go on and on.

(The writer is a political and media consultant with more than 25 years experience with the immigration debate in the U.S. Senate and House of Representatives, including a key staff role in the passage of the last permanent increase in annual immigration.)