

# Senate Immigration Bill Draws Mixed Reaction

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the Senate bill is arguably a blessing, Aman Kapoor, founder of the five-month old movement, Immigration Voice, told **India-West**. He called the bill, which increases the number of employment-based visas from its current annual limit of 140,000 to 650,000, "pretty good."

But the 1.5 million green card holders — 350,000 of them from India — have little cause to be jubilant over the Senate bill, noted Silicon Valley engineer Ajit Natarajan, founder of Unite Families.

Provisions, introduced by Sen. John McCain, R-Ariz., and Sen. Edward Kennedy, D-Mass., would increase the number of visas in the family preference category from the current 226,000 to 480,000, a more than two-fold increase.

Another provision will allow those visas in the family preference category not used between 2001 and 2005 to be "recaptured," that is, added to the existing available number.

But an earned legalization program mandated under S. 2611 for the 12 million or so people currently living unlawfully in the U.S., plus the proposed agricultural worker and guest worker programs, will bring in several hundred thousand more people into the country each year and "add tens of millions of people to the legal immigrant pool, only worsening the backlog in the family preference backlog," Natarajan told **India-West**.

Natarajan's counter proposal is that legislators should classify spouses and children of green card holders as "immediate relatives" the way nuclear family members of U.S. citizens are classified, so there would be no

numerical limits on visas available to nuclear family members of permanent legal residents.

The high-tech industry won a victory of sorts because the Senate bill would raise the maximum number of H1-B visas from the current 65,000 per year to 115,000, beginning next year. Microsoft Corp. chairman Bill Gates himself had aggressively lobbied for this, saying it was important for the high-tech industry's well being.

Immigration Voice has been actively lobbying federal lawmakers to reduce the waiting period H 1-B visa holders face before they get their green cards, a wait that could stretch even to 12 years. During this time, they cannot change jobs, hope for promotions or pay raises. A provision in the bill will allow them to change jobs once they have filed for adjustment of status.

"We should be grateful to all the senators who introduced provisions that will free skilled professionals from "being handcuffed," Kapoor told **India-West**.

But the Comprehensive Immigration Reform Act still faces some daunting challenges before it reaches President Bush's desk for his signature, which he hopes will happen before fall. The Senate and House still must reach a compromise in the "conference" committee on the bills they have passed. The compromise bill must then be approved by both chambers before it is presented to the President.

"I commend the Senate for passing bipartisan comprehensive immigration reform before the Memorial Day deadline set by its leaders," Bush said in a statement. "I look forward to working together with both the House of Representatives and the Senate to produce a bill for



Protestors at last week's rally in front of the San Francisco office of Sen. Diane Feinstein, D-Calif. The rally was organized by the Bay Area Immigrant Rights Coalition. (Viji Sundaram photo)

me to sign into law."

The House bill, which passed on a largely party-line vote last year, is harsh on illegal immigrants. It would criminalize them, as well as those who hire them or even lend them a helping hand. The bill puts emphasis on enforcement, and it contains no provisions on legalizing immigrants, or on a guest worker program either.

Many conservative leaders in the House have expressed opposition to any proposals that would make illegal immigrants eligible for permanent status. Wisconsin Republican Sen. James Sensenbrenner, who chairs the House Judiciary Committee, asserted soon after the S. 2611 passed that providing illegal aliens a path to citizenship was an amnesty the House would not accept.

His remarks, as well as many of the provisions in both bills, have angered many pro-immigrant groups.

The New York-based Asian

American Legal Defense and Education Fund, a national organization that protects and promotes the civil rights of Asian Americans, roundly criticized the Senate bill.

AALDEF's communications coordinator Shirley Lin pointed out to **India-West** earlier this week how the many "flaws" in the bill would only serve to drive illegal immigrants "farther underground." She worried that employers would exploit unlawful workers even more.

AALDEF's program director and staff attorney Stan Mark said the guest worker program was "tantamount to legalized slavery."

Lin also criticized the bill for deputizing local police to enforce immigration laws, expedite deportation of those found illegally at U.S. ports of entry — even those fleeing persecution — and allow Homeland Security to indefinitely detain illegal immigrants.

At a protest rally May 25 in

front of California Democratic Senator Diane Feinstein's office here on Post Street, immigrant rights activists and union representatives from the Bay Area Immigrant Rights Coalition lambasted S. 2611 as a "wrong bill," especially in its treatment of undocumented workers.

Evelyn Sanchez, organizer for the Immigrant Workers Freedom Ride Coalition in San Francisco, said the bill fell far short of BAIRC's demands because it did not provide "legalization and adjustment opportunities for all illegal immigrants," an assertion that was echoed by Reverend Phil Lawson, co-founder of the Interfaith Coalition for Immigrant Rights and a member of the Black Alliance for Just Immigration.

"The guest worker program continues what began 500 years ago," Lawson said, decrying the "three-tiered" provision in the Senate bill for undocumented workers. "Then, we called it sla

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## Senate Bill Faces Challenges In Conference Committee

Hailed by some, condemned by others, the Senate bill is crammed with provisions, some of which are unlikely to be accepted by the House, political analysts say.

Below are some of the provisions of the bill:

- Increases the cap on the number of employment-based visas given to any one country from the current 7 percent to 10 percent.
- Allows employment-based visa applicants to change jobs once they have filed for adjustment of status with the I-485 form. The applicant can also file for advanced parole (I-131) so he or she can re-enter the country without a visa stamp.
- Advanced parole need be obtained only once every three years.
- Increases the annual number of employment-based green cards from 140,000 to 650,000.
- Increases the number of visas available in the family preference category from the current 226,000 to 480,000, and allows visas unused by any country between 2001 and 2005 to be added to the generally available number.
- Exempts from the employment-based visa quotas those with a master's or higher degree from a U.S. university. Also exempts those with medical specialty certification based on post-doctoral training experience.
- Exempts from the employment-based visa quotas those who have degrees in science, technology, engineering or mathematics, and who have been working in a related field during a three-year period prior to their filing for an immigrant visa.
- Allows foreign students to work off campus and support their education in a legal and meaningful way.
- Those holding visas in the same category they entered in can renew their visas without having to leave the U.S.
- Will give illegal immigrants a path to eventual citizenship.
- Eliminates the limit on the number of nurses who can immigrate to the U.S.
- Creates a guest worker program leading to permanent residency.
- Requires employers to use an electronic employment verification system that would distinguish between lawful and unlawful workers.
- Mandates penalties for smuggling illegal aliens.
- Proposes 350 miles of border fencing and 500 miles of vehicle barriers. Increases the number of Border Patrol agents.

— Viji Sundaram

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