



CURRENT MOVES TO REFORM IMMIGRATION IN THE UNITED STATES

Rosemary Jenks

A Federal Commission and a Congressional bill both propose reductions in legal immigration into the United States.

The chances for comprehensive legal immigration reform in the United States have improved dramatically as a result of two major developments: the release of the Commission on Immigration Reform's (CIR) recommendations to reduce annual legal immigration by about 225,000; and the introduction in the House of Representatives of the 'Immigration in the National Interest Act of 1995' by Republican Congressman Lamar Smith (Texas).

THE COMMISSION ON IMMIGRATION REFORM

The CIR is a national, bipartisan group composed of eight immigration experts – including academics, former Congressmen and immigration lawyers – and chaired by Barbara Jordan, a former Democratic Congresswoman from Texas. The CIR was appointed by Congress, and its Chairwoman named by President Clinton, to examine the effects of the 1990 Immigration Act, which increased immigration levels by 35 per cent, and to make recommendations on how immigration policy could be tailored to better meet the national interest.

The Commission's initial report, released in September 1994, dealt only with illegal immigration control. It acknowledged that the United States had lost control of its borders to the point that U.S. immigration policy was no longer credible, and it proposed control measures such as increased resources for the Border Patrol, enhanced fencing along the U. S.-Mexico border and the establishment of a computerized national worker registry to verify work authorization.

In its most recent recommendations, released in early June 1995, the CIR addressed legal immigration. It recommended an eventual reduction in annual legal immigration to 550,000, a level that is only slightly higher than the 520,000 ceiling that was in place before the 1990 Immigration Act raised it to 675,000.¹ The Commission would maintain a three-part immigration

policy consisting of family-based, employment-based and humanitarian immigration, but it would reduce each category from its current level and eliminate certain subcategories (see Table 1).

The CIR Commissioners spent almost a full year studying current U. S. immigration policy and its impacts before making their recommendations. They held numerous hearings at which experts on the economic, social, demographic and environmental impacts of immigration testified. They collected and analyzed all the major studies on immigration issues and then funded original research in areas where accurate data were lacking. According to Chairwoman Jordan, the CIR proposals were agreed to by all but one Commissioner.

While the recommendations to cut legal immigration and the level of consensus among the Commissioners are significant in themselves, the response they received from the White House and Congress is even more significant. In a statement released by the White House, President Clinton described them as 'consistent with my own views'. He added that 'the Commission's recommendations are pro-family, pro-work, pro-naturalization', and that they 'reflect a balanced immigration policy that makes the most of our diversity while protecting the American work force so that we can better compete in the emerging global economy'. Other high-profile Democrats have also voiced support for the CIR recommendations. Senator Dianne Feinstein (Democrat-California), at a joint hearing of the House and Senate immigration subcommittees, said, 'I actually find myself in agreement with much of what the Commission has to say'.

THE IMMIGRATION IN THE NATIONAL INTEREST ACT

Within days of the June 1995 release of the CIR recommendations, Congressman Lamar Smith introduced the most comprehensive piece of immigration legislation in recent

history – the Immigration in the National Interest Act (House of Representatives Bill number 1915 – H.R. 1915). Rather than tinkering around the edges of current immigration policy, this Bill takes a ‘ground

up’ approach from the perspective that immigration policy should be set in accord with the interests of American families, workers and taxpayers. The end result of this approach is a proposed legal immigration

Table 1: Current U.S. immigration law and proposed reforms

	Current law	Smith H.R. 1915	CIR
Family-based	480,000^a	330,000^a	400,000^a
Spouses/children of U.S. citizens	Unlimited (~ 195,000) ^b	Unlimited (~ 195,000)	Unlimited (~ 195,000)
Parents of U.S. citizens	Unlimited (~ 60,000)	50,000 ^c	Unlimited (~ 60,000)
Spouses/children of legal permanent residents	~ 88,000	85,000	~ 140,000
Other family	~ 138,000	0	0
Employment-based	140,000	135,000	100,000^d
Extraordinary ability	40,000	15,000	NA
Professionals/highly skilled	40,000	60,000	NA
Skilled workers	30,000	45,000	NA
Unskilled workers	10,000	0	0
Special immigrants (e.g. religious workers)	10,000	5,000	NA
Investors	10,000	10,000	NA
Diversity^e	55,000	0	0
Humanitarian	Not included in current ceiling	70,000	On-shore asylum adjustments and other humanitarian not included in proposed ceiling
Off-shore refugees	Set annually (110,000 in FY-95)	50,000	50,000
On-shore asylum adjustments	10,000	10,000	NA
Other humanitarian ^f	Unlimited	10,000	NA
Total^g	675,000	535,000	550,000
Backlog reduction^h	NA	50,000/yr for 5 yrs	150,000/yr for 8-10 yrs

^a These ceilings are pierceable because immediate relatives of U.S. citizens (spouses, dependent children and parents) are unlimited.

^b ~ stands for ‘approximately’.

^c This category is likely to shrink from its current level because the bill has tougher sponsorship provisions and requires that the majority of the parent’s children are residing in the United States.

^d CIR did not recommend limits for each subcategory of employment-based immigration.

^e This category is a visa lottery created in 1990 for nationals of countries with previously low levels of immigration to the U. S.

^f This category includes migrants who do not meet the definition of a refugee but are admitted because they are thought to be in a refugee-like situation (for example Cubans). Most are accepted on-shore.

^g Actual totals may be larger. No humanitarian migrants are included in the official total under the current law, and only off-shore refugees from this group would be included under the CIR proposal. The Smith H.R. 1915 proposal is the only all-inclusive total (though it does not include backlog reduction).

^h This temporary category is designed to reduce the backlog of spouses and children of legal residents and is not included in the overall ceiling.

level that is only slightly lower than that recommended by the CIR.

H.R. 1915 proposes a reduction in legal immigration levels to 535,000 annually. This Bill, like the CIR recommendations, would bring legal immigration levels back down to the pre-1990 Act level. However, H.R. 1915 differs from the Commission's proposals in that the 535,000 ceiling would be all-encompassing. While the CIR would include refugee admissions under its ceiling, it does not address any of the ad hoc humanitarian categories, such as Amerasians and parolees, which have been created in an increasingly undisciplined fashion in recent years. The Smith Bill, on the other hand, creates a specific category for 'other humanitarian' entrants with an annual limit of 10,000 under the overall ceiling, and it limits the Attorney General's parole power to the temporary admission of strictly-defined aliens on a case-by-case basis. This latter provision would, in effect, prevent the Attorney General from admitting large numbers of Cubans, Haitians, Chinese or others who often are granted parole status either instead of, or while they await, normal immigration processing. H. R. 1915 also proposes a through overhaul of illegal immigration control efforts.

Perhaps the most notable aspect of the Immigration in the National Interest Act is its list of co-sponsors. Forty-nine Republicans and eleven Democrats are listed as original co-sponsors, including all the Republican members of the House immigration subcommittee and Democrat Texas Congressman John Bryant, the ranking member of the immigration subcommittee. (The 'ranking member' is the most senior member of the minority party, currently the Democrats.) In addition, House Speaker Newt Gingrich (Republican-Georgia), while not a co-sponsor, voiced support for the Bill at a recent press conference.

The Immigration in the National Interest Act has been approved by the House immigration subcommittee, but it still has a long way to go before becoming law. It must be approved by the House Judiciary Committee, which has the responsibility for drafting immigration law, and then the full

House before it is even considered in the Senate. Because its proposals to reduce legal immigration are consistent with those of the Commission on Immigration Reform, however, it has a better chance of passage. Moreover, since President Clinton has endorsed the CIR proposals, he is less likely to veto the Smith Bill if it is passed by Congress.

WHAT HAPPENS NEXT?

It is clear that bipartisan support for comprehensive immigration reform is gaining momentum in Congress. However, there is still significant opposition to any kind of reform. Immigration advocates have criticized the Commission on Immigration Reform and the proposed legislation as being driven by 'anti-immigration hysteria'. Senator Kennedy, ranking member of the Senate Immigration Subcommittee, and House Majority Leader Dick Amery (Republican-Texas) have been vocal opponents of reductions in legal immigration.

It remains to be seen whether these forces will prevail, but there are a number of signs suggesting they may not. The fact that key members of both political parties have been willing to step forward and propose serious reform certainly reflects a change in the political environment from a few years ago. The members of Congress who have studied immigration and its impact on the United States are increasingly in agreement that comprehensive reform is overdue. Moreover, the recommendations of the Commission on Immigration Reform will provide cover for those who recognize the problems, but are uncomfortable taking a firm stand. Finally, of course, the fact that the public has recognized that it is directly impacted by immigration and has become increasingly vocal in the debate has made it virtually impossible for Congress to ignore the issue any longer.

Reference

¹ Under current law, the ceiling of 675,000 does not include refugee admissions, which are set annually by the President, in consultation with Congress. Refugee admissions are set at 110,000 in 1995.