

A HISTORICAL PERSPECTIVE ON IMMIGRATION

By Joan Suarez

WHY ARE THEY BREAKING THE LAW?

“My ancestors came here legally---why can't they do the same?”

We have all been told over and over again that the United States is a “nation of immigrants.” And it is true, unless we are a Native American, our ancestors came to the United States as immigrants at some point in time. Some came willingly looking for a better way or life, political or religious freedom, while others came enslaved.

However, beginning in 1790 with the enactment of the very first law to regulate immigration, the United States Congress, in almost every decade, has passed legislation to make legal immigration to this country more and more difficult.

Despite legislative efforts to slow and, in some decades, even stop immigration from certain countries and continents, over the decades millions of immigrants have arrive in the United States from all over the world. And, it seems every wave of new immigrants faced some level of hostility from those who came before. Here are some examples:

Having imported Asian workers, mostly Chinese, to build our railroads in the West, the United States then passed the Chinese Exclusion Act in 1882. Virtually all East Asian immigrants were banned from entry to the country in 1917. The ban on Chinese immigrants was lifted in 1943 to help a World War II ally. We did not turn that ban around for other East Asians until 1965. Today we have learned to cook much more healthily using a wok, the ultimate in Asian food experience!

In the late 1800's when famine in Ireland brought the Irish to our shores, signs went up in store windows saying “No Irish Need Apply,” and a Chicago newspaper ran an editorial that said “if you scratch the back of a convict, you'll find an Irish Catholic,” and concluded by saying “they should all be put on a boat and shipped home.” Today we celebrate St. Patrick's Day with parades and “the wearing of the green” !

When southern Europeans, mostly Italians, began to arrive in the early 1900's, they were called “wops,” which meant “with out papers.” These were immigrants from the hilly farms of Sicily who came with the clothes on their backs and bought their first pair of second-hand shoes on their way to the boat. The only work they could find was the worst and lowest paid manual labor jobs. Today pizza and sphagetti are regarded as the new American food!

In 1921 and 1924, Congress passed Quota laws banning immigrants from eastern and southern Europe primarily to stop Jewish immigrants migrating from that part of the world. Those laws prevented the United States from admitting Jewish refugees fleeing from Hitler during World War II. You may remember the infamous incident when the ship named the St. Louis was turned back from Miami with several hundred Jewish refugees who were later murdered in the

Holocaust. Congress even defeated a bill designed to admit a small number of Jewish orphans during the war. It was 1965 before we lifted this ban. Today we are all eating bagels, cream cheese and lox and loving it!

So based on this brief history lesson, don't be too sure your ancestors came "legally." But whether they came legally or not, immigrants kept on coming. Finally, the Alien Registration Act in 1940 required all non-citizens to register with the Government in order to receive an Alien Registration Receipt Card. This was the predecessor to what today is referred to as a "green card." It gave immigrants permission to work in the United States and started them on the path to citizenship. Sound familiar?

"CAN'T THEY JUST STAND IN LINE TODAY?"

You've heard people say: "Why don't they do it the legal way?"

Of course many immigrants do just that. They go to an American consulate or embassy in their home country and make application for an immigrant visa to the United States. And then they just come, right? If it were that simple, we wouldn't be having the immigration debate that is still raging in this country today.

The fact is that today's immigrants have limited options to effectively "get in line." To immigrate to the United States today, not only do you have to have a "spotless record," you also have to affirmatively fit within one of the statutory "pigeonholes" created by Congress in 1952. If you don't fit into one of the "pigeonholes," you just plain can't get in. You can't just wait in line because there **isn't any line to wait in.**

Let's look more carefully at the "pigeonholes."

In 1952, Congress did a complete overhaul of our immigration laws and regulations, creating a quota system that imposed limits on a country by country basis. The new law gave priority to family members and people with special skills. Family members were defined as a sibling, spouse, parent or child under the age of twenty-one.

So now you could stand in line, make application for a visa, be given a higher priority number if you already had a family member in the United States. But you had to show that you had enough money to support yourself after you arrived because you were not allowed to partake of any public benefits unless you were a citizen.

If you were lucky enough to have had the opportunity to acquire through education special skills that were needed in the United States, then it might be possible for you be admitted as a legal permanent immigrant if the country you were coming from still had quota to fill. Otherwise you would need to find a U.S. employer to sponsor you as a "guest worker," enabling you to work with a work certificate. And, perhaps after you had been here for several years, your employer might help you to apply for a "green card," which would give you status as a legal permanent resident. Either way, if you made it to permanent resident status, after five years you would then be eligible to apply for citizenship. In the meantime, you would be barred from receiving any

public benefit. If you were sponsored by an employer, you would be essentially “indentured” to that employer and if your employment was terminated for any reason before you received your “green card,” you would be subject deportation.

Up until 1965 there were no limits placed on Mexican immigration. People moved back and forth over the border without any numerical restrictions. And if a person from Mexico decided to immigrate permanently, they filed an application. After 1965, if you were poor and you never had the opportunity to acquire special skills, then your options became much more severely limited. The worldwide quota for unskilled workers to emigrate permanently is now capped at 5,000 annually. Mexico, right on our border, has been allocated seven percent of that number. Legally, only 350 unskilled Mexican workers visa applications are approved annually. In the meantime, thanks to the North American Free Trade Agreement (NAFTA), 2.8 million Mexican corn farmers have lost their farms. So you have to ask yourself a question: “What would you do to feed your family?”

Today 12 million undocumented workers from many countries are here, working and paying taxes every day. Forty percent of these undocumented persons came the legal way and then lost their legal status.

The system is broken.

WHAT DO YOU MEAN “THE SYSTEM IS BROKEN?”

The United States Citizenship and Immigration Services (USCIS), a department of Homeland Security, is responsible for processing petitions and applications for immigration, changes in immigration status and citizenship. If you go their web page, you will find a beautifully constructed mission statement and goals.

USCIS was created in 2003, replacing the old Immigration and Naturalization Service (INS). The old INS was incredibly backlogged and had been for years. USCIS promised to eliminate a decade of backlogged applications by the end of FY 2006. Fiscal year 2006 has come and gone and the backlog is worse than ever in all of the areas for which USCIS is responsible.

Let’s look at the processing of citizenship applications first. Immigrants who have been legal permanent residents for five years (or three years if married to a U.S. citizen) who meet all the other qualifications for citizenship (and the list is a long one) may fill out an application for citizenship and mail it along with a check or money order to USCIS.

Then you wait to be called for an interview. During the waiting period, your application is routed to the F.B.I. for a security check. When you are finally called for your interview (the average waiting period of two months has been increasing), it is presumed that your security check has been completed. Immigration law says that once you have been called for your citizenship interview, commonly referred to as “the test,” and you “pass,” the government has 180 days to administer your oath of citizenship.

Today there seems to be no rhyme or reason for when you will be called to take your oath and finally achieve citizenship. When immigrants inquired they have been told that their security checks are still pending. There is an increasingly long list of individuals who have waited as long as three or four years to be called for the oath. Now there are legal actions underway to compel the government to meet its' obligation under law. And a lawsuit has been filed by the Service Employees International Union to reduce the fees charged by USCIS. Some fees had been increased by as much as 200 percent.

And what about "getting in line" to petition for immigration? Today you may have first place in line and tomorrow you find out you are now at the end of a very long line. How can that happen, you ask? Well, it depends upon what country you are coming from, how many persons have petitioned and whether, while you were waiting in line, your status or the rules changed. As an example, if you came to the U.S. legally from Mexico and now you want to bring your spouse or minor children, the current waiting period is seven years. And if you are a Filipino U.S. citizen, it will take twenty-three years to bring a sister or a brother. And in either case you must meet the income requirements and commit to financially support the new immigrant relative for at least ten years.

Now you may say, well it's just a bureaucratic thing. But that's not the case. Immigration law has been tinkered with over the last fifty years in ways that makes it impossible to administer in an equitable and fair way. Moreover, U.S. trade policies have resulted in an enormous "push-pull," resulting in staggering increases in undocumented workers. Comprehensive immigration reform is sorely needed.