

IMMIGRATION REFORM – A GOOD OR A BAD DEAL FOR IMMIGRANTS?

Everyone agrees that it is time to discuss the issue of immigration reform in order to find a solution for the approximately 12 million illegal immigrants currently living in the United States. However, not everyone wants to see that illegal immigrants obtain a path towards permanent residence.

Our society is deeply divided in the topic of immigration reform. Some people think it is time that an amnesty-type of program be implemented so that illegal aliens may legalize their status in this country. However, there are anti-immigration advocates who do not want to see illegal aliens receive any type of benefits whatsoever. For them, illegal aliens should all be deported from the United States and receive no means for legalization, here or abroad.

Currently, there are immigration bills pending in Congress and the Senate, and President Bush has his own plan for immigration reform.

The Senate bill is sponsored by Senators John McCain, a Republican, and Ted Kennedy, a democrat. This is a very generous piece of legislation because it is the best opportunity for illegal aliens to apply for permanent residency since the end of section 245(i) of the Immigration and Nationality Act in 2001, which allowed certain illegal aliens to apply for a green card while in the United States. This bill would allow illegal aliens to live and work in the United States, returning to legal status while their process for permanent residency is underway.

The Senate compromise bill would divide the illegal aliens into three groups, depending on the length of time they have been illegal in the United States. Therefore, the bill would provide for different types of benefits. The first group includes those who have been living continuously in the United States since April 6, 2001. These people would be given the opportunity to apply for permanent residency through a lengthy process. The aliens would also have to meet certain legal requirements. If they are eligible to apply for permanent residency, illegal aliens would be able to apply for work authorization and permission to travel.

The second group of people is those who have been living in the United States continuously since January 7, 2004. These people would obtain “deferred mandatory departure” which means a temporary work authorization valid for three years. During the three-year period, the illegal alien would have to find another way to obtain permanent residence in the United States and meet the requirements of federal regulations. Otherwise, the undocumented alien would have to leave the country.

The third group of people consists of those illegal aliens who have entered the United States after January 7, 2004. These individuals would receive no immigration benefits.

The House of Representatives enacted its own bill on immigration reform. The bill was approved in December 2005, and it consists of a bad legislation for illegal aliens. Perhaps, the worst part of the bill is the provision that would criminalize the undocumented status of illegal immigrants. This means that millions of people could face being sent to jail, including the undocumented aliens' family members.

The bill would offer no means to lawful permanent residence status for millions of undocumented aliens living in the United States, and it requires US employers to use an electronic system to verify the employment eligibility of all workers. Because no one knows how reliable this new system will be, there is no telling if US workers and employers could be hurt by this new system. The House bill will not only prohibit undocumented aliens from applying for a green card, but also will make the lives of millions of people living in the United States without proper documentation unbearable.

Since there are two different types of legislation pending in the House of Representative and the US Senate, after the Senate passes its own version of immigration legislation, it is likely that both bills will have to be reconciled by a committee.

No one really knows what type of immigration legislation will eventually be approved. Everyone knows the essence of the two bills is completely different and the process to reconcile both bills, if necessary, will be a very difficult and complex task.

Undocumented aliens are facing one of the most difficult challenges of their lives. While there is a possibility some of them may apply for permanent residency in the near future, if the House bill prevails, millions of people will endure severe difficulties as their hope for a roadmap towards legalization could eventually disappear.

Finally, there is President Bush's guest worker program that would allow undocumented aliens to apply for a temporary guest worker program that would not provide for amnesty and does not pave the way for a green card in the future. Under President Bush's worker program, undocumented aliens could fill jobs that US workers are not willing to do for a temporary period of time.

The temporary worker proposal would create a legal channel for undocumented aliens to apply for a temporary job in the US. However, it does not provide for an amnesty, nor does it create a path towards legalization. Therefore, while this proposal may seem appealing at first, the temporary worker program is not a definitive solution to the immigration situation in the US.

No one really knows how Congress intends to reconcile the above bills and proposals. To make matters worse, there will be congressional elections later this year and members of Congress know that the country is at a crossroads with the issue of immigration reform. Those politicians that voice their support for immigration reform as well as those who oppose it could risk not receiving the votes of their constituents in November. Whatever the outcome of these proposed bills, Congress' decisions will certainly have a deep impact in the lives of millions of people. One can only hope that the

members of Congress will be sensitive to the needs of immigrants and will recognize their invaluable work towards the progress of this great nation by approving a comprehensive legislation that will pave the way for their legal residency.

