

10 REASONS TO KEEP FAMILY-BASED VISAS SEPARATE FROM A POINT SYSTEM

The Senate immigration bill includes a point system where the family-based and employment-based immigration systems would compete with each other for the first time in U.S. history. Current family preference categories allow legal permanent residents to sponsor their spouses, minor children, and unmarried adult children; and U.S. citizens to sponsor their adult children, siblings, and parents, would be eliminated. Affected children, spouses, and parents would have to meet additional educational and professional criteria to obtain a green card. The proposal would separate millions of families, burden the immigration system with increased backlogs, harm the economy, and overturn the family values on which the United States was founded.

1.) Breaking up families won't fix our immigration system.

The family preference categories proposed to be eliminated and replaced with points-based visas total approximately 10 percent of legal immigration to the United States per year.¹ Proposals to change the system would not provide many additional visas for employment-based immigration, but would instead increase the backlog of applications and further encourage illegal entry – thus additionally complicating the problem, rather than solving it.

2.) Family unity is vital to our society and the foundation for effective integration.

Family members motivate each other to learn English, purchase homes, pursue job opportunities, start their own businesses, participate in spiritually fulfilling activities, send their children to college, and contribute to their communities. Our immigration system should embrace the values of hard work, perseverance, and family unity. Proposed merit-based point systems would inhibit adult children from caring for their ailing parents; siblings from being reunited after a family tragedy such as the death of a parent; and parents from caring for their adult children who may be disabled, developmentally challenged, or have endured an accident or illness. This is not humane reform in that it neglects social and economic circumstances.

3.) Young children would be separated from their parents and spouses would be divided.

LPRs, including refugees, would not be able to sponsor their minor children or spouses. Since minor children would have no way of competing against highly skilled workers, they would be denied entry into the United States, and would thus be indefinitely barred from being united with their parents. Since LPRs must wait at least five years before applying for U.S. citizenship, and would then be barred as U.S. citizens from sponsoring their adult children, millions of legal immigrants and refugees seeking a better life would be indefinitely separated from their spouses and children.

4.) U.S. citizens would be barred from being united with their family members.

Currently, only citizens can sponsor their married adult children, parents, and siblings. The proposed system would restrict U.S. citizens from being able to sponsor these family members. Immigrants can only sponsor certain immediate relatives after they become legal permanent residents, which is a lengthy process. Undocumented immigrants cannot sponsor any relatives.

5.) Point systems would hurt women and children.

In most sending countries, women are not afforded the same educational and professional opportunities as men, and thus would not fare well in a point system, even though they contribute greatly to the U.S. economy. The majority of caretakers for children and the elderly are immigrant women, who enter through the family immigration system but also contribute a great deal to the U.S. economy. The proposed system would effectively, however, mainly bring in thousands of single men each year, which is not conducive to a stable social structure.

¹ 2005 Yearbook of Immigration Statistics, Office of Immigration Statistics, Department of Homeland Security, Table 6.

6.) These proposals would increase the frequency and amounts of remittances.

Each year, millions of dollars leave the U.S. economy in remittances earned by immigrants and sent to their families abroad. When families are here together, they earn their money in the United States and they spend their money in the United States. By legislating against family unity, a point system would force many workers to send money to their families abroad, rather than invest it in the U.S. economy.

7.) In most cultures, siblings and adult children qualify as immediate family members.

Proponents of a point system argue that adult children and siblings should not be united with their family members. However, most people do not regard their siblings as “extended” family members. Parents from all cultures would agree that their children do not automatically stop being their children or needing their help when they reach the age of 21.

8.) Family-based visas are not in competition with skilled worker visas.

Some have proposed the point system to meet the increasing demand for highly skilled workers. However, this can best be accomplished by increasing the number of visas available for highly skilled workers – rather than jeopardizing the family-based system, which has nothing to do with employment-based immigration. The family immigration system is completely separate from the employment and student based systems –neither takes away from one another.

9.) “Chain migration” is a myth.

This concept purports that immigrants sponsor an uncontrollable number of family members. In reality, only immigrants who have already gained legal permanent residency or U.S. citizenship can sponsor relatives. On average, they only sponsor an average of 1.2 family members.² Since there are already highly restrictive caps on family reunification visas, and all admitted family members must qualify under one of the categories approved by congress, there is no opportunity for “chain migration” to occur. Only children, spouses, parents, and siblings qualify for such sponsorship – cousins, aunts, uncles, grandparents, and other extended family members cannot come to the United States through the family system.³ Also, to sponsor a family member, a U.S. citizen or LPR must prove they have a stable income and commit to financially support their family members, so they do not rely on social services.

10.) Point systems that hurt families would also hurt the economy.

Employers seek workers who are specifically trained, rather than individuals with broad degree qualifications. A point system would not improve employment-based immigration, but would instead result in an influx of degree holders that would compete for jobs currently held by middle-class Americans. Many of these highly skilled workers may refuse to work in the United States, given such restrictions on family unity. To improve the admission of highly skilled workers, caps should be increased, which can be done easily without disturbing the healthy balance of family immigration.

The immigration system cannot be fixed without a sufficient number of visas that increases the incentive to immigrate legally. Legislating the separation of families by forcing family members to compete with employment-based immigrants would not fix our broken immigration system and would harm the U.S. economy. We need reform that is humane, pro-family, and workable. The only legislation that would succeed in fixing our broken immigration system must reflect the paramount importance and socio-economic necessity of family unity.

² Lowell, Lindsay and Micah Bump. Projecting Immigrant Visas: Report on an Experts Meeting. 2006. <<http://www12.georgetown.edu/sfs/isim/Event%20Summaries&Speeches/Lowell,%20ProjectionsWorkshop.pdf>>.

³ Immigration through a Family Member. U.S. Citizenship and Immigration Services. <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=0775667706f7d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=4f719c7755cb9010VgnVCM10000045f3d6a1RCRD>