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Is America's 'Immigrant Problem' Really With Immigrants?

[India Abroad](#), Commentary, Deepa Iyer, Sep 19, 2005

There is an old American saying that goes like this: "If it ain't broke, don't fix it." Unfortunately, that's not the case with the immigration system in our country today. Take a look into the pages of your local newspaper, or turn on the evening news, and you'll read that the "immigration problem" in America needs to be solved.

You'll also hear that the source of this problem is immigrants themselves. Here's a sample of some of the anti-immigrant rhetoric that is being heard in all over America: *Immigrants are coming over and taking our jobs. Immigrants don't speak English and they live in small apartments with their extended families. Immigrants bring over all their family members.*

Heard this before? Well, to fix this "immigration problem," many have offered what seem to be easy solutions. Here's a sample of some of those: *Take away their driver's licenses so they can't drive to work. Have local cops check to see if they have violated their immigration status. Organize the Minutemen to monitor the borders. Put a cap on the number of visas that family members can obtain. Close the borders.*

I don't know about you, but I'm not comfortable with blaming immigrants for our country's problems. The "immigration problem" lies not with immigrants – but with the system itself. The problem stems from inconsistent immigration policies, underfunded immigration services, and a lack of sufficient family and employment-based visas. Let's take a closer look at this system. Did you know that there are nearly 6 million applications for immigration benefits [mainly citizenship and green cards] that are still pending? Or that 3.7 million of those have been approved, but are stuck in the system and haven't been given out?

Why this tremendous backlog? First, the US Bureau of Citizenship and Immigration Services [formerly, the INS] does not have sufficient resources and staff to process all the applications it gets each year; and second, there are not enough visas in the family immigration structure to meet the demands that exist.

Just as there is a need for additional family immigration visas, there is also a demand for employment-based visas that provide workers with a legal pathway into America. Many immigrants are forced to work without authorization – and are susceptible to exploitation in the workplace as a result - because the system cannot meet the needs that exist.

And what about the thousands of individuals who are currently living and working in the United States without immigration status? This is perhaps the lightning rod in the immigration reform debate, the core of the anti-immigrant movement.

Their argument: Why should people who didn't follow the rules, who didn't come to the U.S. using the legal channels that other immigrants did, get any sort of relief? Why not just deport these individuals?

The answer: Because most of the time, these individuals didn't have legal channels they could benefit from; or they didn't know the rules; or they didn't have a choice. Moreover, to find and deport the nearly 10 million undocumented individuals in the United States would not be cost-effective the Center for American Progress estimates the costs of deportation to be nearly \$200 billion over five years.

It's also not as black and white as some would want you to believe. Ponder this example: Atul came to Edison, New Jersey with his parents in 1985. At that time, he was only four years old. The family came to the U.S. to help Atul's aunt who had just given birth to twins. They overstayed their visa, and the entire family lost their

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immigration status. Atul is now getting ready to go to college. Yet, he cannot go because he needs funding. And he cannot qualify for in-state tuition to attend a public college in New Jersey because the state doesn't offer this opportunity to undocumented students yet. Atul is also scared that someone may find out about his immigration status, and avoids hospitals, cops, and government employees because he doesn't want to be asked questions about his right to reside and work in the country.

Many young people like Atul – who did not break any laws on their own – are victims of a system which does not provide a way for them and their families to “become legal.” Atul and others like him are forced to live in the shadows, afraid of taking chances or pursuing opportunities in their lives and professions.

So if the immigration system is broken in at least three ways – an administrative backlog that keeps families apart; a lack of clear paths of legal entry into America and the workforce; and a policy on illegal immigration that keeps people in the shadows of our cities and neighborhoods – how can we fix it?

As you might expect, congressional members, the President, service industries, and immigrant rights advocates have set forth various proposals to address the broken immigration system. The President set forth a proposal in January 2004, which would allow temporary workers the opportunity to fill essential jobs, and if they qualify, to start on the road towards citizenship. But this proposal doesn't address the tremendous backlog that exists within the system.

Over the last few months, members of Congress have also put forth their versions of immigration reform. The one that has garnered the widest range of support comes from Senators McCain and Kennedy, a bipartisan bill that addresses many of the problems within the system and speeds up the family reunification process, but lacks protections for immigrant workers.

Democrat Sheila Jackson-Lee introduced her version of immigration reform over the summer; while the legislation contains a generous legalization and worker program, it has not secured formal support from the other side of the aisle. The most harmful bill to immigrants yet has been introduced by Senators Cornyn and Kyl, who believe that local police should enforce immigration law – a concept that has been rejected by many law enforcement communities who do not want to damage their relationships with immigrants.

The stage is set then for a fierce public debate over what is needed to fix the immigration problem in our country. Here is a list of three principles that can guide the debate to make sure that we come away with effective and practical ideas, and not band-aid fixes:

- Any reform must eliminate the backlog that currently exists, and lead to the reunification of family members who are living in the U.S.;
- Any reform must allow those who are living in the U.S. without immigration status to legally attain immigration status, so that they are not susceptible to exploitation in the workplace, deportation, or persecution; and
- Any reform must include the creation of additional visas to meet the demands of the family immigration system and the demands for immigrant workers to fulfill job openings in the U.S.

At the end of the day, the conversation about immigration reform cannot solely be about the technicalities about visas and ceilings on quotas. Instead, it is about how our country believes immigrants should be treated. How does America value the contributions of immigrants? How will America treat immigrants once they are here?

For those of us who have lived through the experiences of being immigrants in America, we have a responsibility to play a role in expressing our own values about the contributions of immigrants to America. 75 percent of Indians and Pakistanis in America were born outside of the country. This means that many of us have similar immigration histories, similar experiences with the immigration system, and similar struggles adjusting to American life. As immigrants and children of immigrants ourselves, we can help to shape the experiences of future generations of immigrants from South Asia by becoming engaged in conversations about immigration reform.

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By being part of this conversation, we can make it clear that the "immigration problem" is not caused by the community of immigrants in America – and that immigrants and all Americans deserve a humane immigration policy and process that treats everyone seeking a piece of the American dream with dignity and respect.

Deepa Iyer, a lawyer with experience in civil and immigrant rights advocacy, is the Executive Director of South Asian American Leaders of Tomorrow (SAALT), a national non-profit organization that fosters full and equal participation by South Asians in American civic and political life through policy development and advocacy, coalition-building, community education, and service. To learn more about SAALT, please visit us at www.saalt.org.

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