

COMING TO AMERICA IT'S A LAW THAT ENCOURAGES 'BRIBERY'

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Body

EVERYONE who has studied the problem of illegal immigration agrees that the United States must end the inducements that draw people to this country illegally. Jobs, public benefits and the opportunity to legalize one's status without leaving the country are all incentives to violate our immigration laws -- and upwards of 5 million people have done just that.

Congress is about to decide whether to end or institutionalize a huge incentive to illegal immigration. A provision known as Section 245-I of the immigration code was approved on a trial basis in 1994, and is set to expire. Section 245-I allows people who are in the country illegally to apply for a "green card" without having to first return home, as had previously been required.

For a \$1,000 fee, illegal immigrants who manage to create a pretext for remaining here can purchase indemnity from the laws they violated. Under this gaping loophole, 230,000 illegal aliens bought their way into the country in 1996.

The vast majority of people taking advantage of the 245-I loophole are not innocent victims of arcane immigration laws, who just happened to "fall out of status." Sixty-two percent of the beneficiaries in 1996 were people who entered the U.S. illegally and were never "in status," and the rest consciously overstayed their welcome. No one who has played by the rules will be adversely affected if this loophole is closed.

Extension of 245-I will not only reward those who violate our immigration laws, but will effectively penalize millions of would-be immigrants who obey the law. There are more than 4 million people waiting for immigration visas (some for more than a decade) in their homelands. Meanwhile, the government is offering hundreds of thousands of illegals the chance to skip to the head of the line, for what amounts to a \$1,000 bribe. Most immigration applicants would jump at this opportunity to expedite their admission to this country.

Supporters of extending 245-I justify this loophole as a revenue-generating mechanism for the cash-strapped INS. No doubt the \$230 million 245-I raised last year was a nice supplement to the agency's budget. However, it is the result of an institutionalized bribery program that causes the INS to rely on illegal behavior for its operating revenue.

Nor is the \$1,000 that an illegal immigrant pays to adjust status a fine in the classical sense. When we pay a fine for speeding on the freeway or parking at an expired meter, it does not entitle us to continue speeding or absolve us from sticking a quarter in the next parking meter.

From the standpoint of law enforcement, 245-I is equally shocking. What this provision does is reward the INS for failure. The more people the INS fails to stop from entering or remaining in this country illegally, the more money it stands to make.

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In 1996, Congress attempted to create a deterrent to illegal immigration by barring those who violate our immigration laws from becoming legal immigrants for up to 10 years. Until we demonstrate that there are some consequences to violating our immigration laws, we should not expect anyone to obey them.

Extending 245-I is a short-sighted policy that will further reinforce the widespread belief that violating U.S. immigration laws will be rewarded.

Notes

ANOTHER VIEW

Dan Stein is the executive director of FAIR, the Federation for American Immigration Reform.

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