

Narrowing the U.S. Immigration Gate

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Body

Seventeen years ago, Sonya Canton, an American citizen born in the Philippines, petitioned for her sister, a banker, to join her here under the family-reunification policy that has been the basic principle of **United States immigration** law for 30 years.

While she was waiting, a second sister, who sold exotic seashells for a living, visited the United States as a tourist, liked the place and decided to stay on illegally with her three children.

To this sister's surprise and good fortune, in 1986 Congress offered amnesty to illegal immigrants, and she and her children became legal residents, eligible for citizenship. Today she works as a saleswoman in a department store, and her children have all graduated from high school with honors.

Meanwhile, as the banker sister continues to wait, the mood of the country, and of Congress, has changed. Struggling to stem a flood of legal and illegal immigrants, Congress is preparing to cut deeply into family-reunification quotas this fall and drop people like her from eligibility.

If the changes are enacted, the United States would shut the door on about 2.4 million people -- the brothers, sisters and adult children of citizens and legal residents -- who have waited for years or decades to enter the country as legal immigrants. That number nearly matches the three million illegal immigrants granted amnesty in 1986.

"It is some kind of injustice when those who played by the rules can't get in, but those who broke the rules are now going to become citizens," said Ms. Canton, an import specialist for the United States Customs Service.

But even **immigration** advocates concede that the current law has become unwieldy, with a total of 3.5 million people waiting -- some in lines that stretch for 40 years or more -- to join relatives in the United States.

In some countries, like the Philippines, the projected wait for American visas is so long that the categories for siblings and adult children effectively no longer exist. Nonetheless, the applications keep coming in, and the lines grow longer. The solution most favored by Congress is to focus on the nuclear family and to eliminate from eligibility those with less immediate ties.

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"I don't think there is any risk that family unity will be eliminated as a basis for immigration to the United States," said Arthur C. Helton, an immigration expert with the Open Society Institute, a lobbying group in New York that studies international issues. "But what that means in a number of specific contexts will be redefined, and a focus on the immediate nuclear family will emerge."

That approach became evident when a Presidential commission led by Barbara Jordan, a Democrat and former Representative from Texas, recently began drafting proposed changes in the immigration laws. In an interim report issued in June, the commission recommended, among other things, allowing citizens and legal residents to bring in only spouses and minor, unmarried children -- not their siblings or adult children.

Congress is now considering a number of immigration bills. The most far-reaching was submitted in June by Representative Lamar Smith, the Texas Republican who heads the House subcommittee on immigration. His bill is in the hands of the House Judiciary Committee. In the Senate, Alan K. Simpson, Republican of Wyoming, is preparing to introduce a similar bill.

The Smith and Simpson measures largely attack illegal immigration; they propose stronger border controls, workplace enforcement and deportation procedures. In addressing legal immigration, the bills drastically cut family-reunification admissions by making the siblings and grown children of legal residents and citizens no longer eligible for immigration. The Smith bill would reduce the number of legal immigrants to 535,000 a year, compared with about 800,000 last year.

The changes would reduce the waiting lists and speed the entry of the spouses and minor children of legal residents. Currently, the spouses and minor children of United States citizens can enter immediately, without a numerical quota. But about 1.1 million spouses and minor children of legal residents are caught in the backlog, along with siblings and children over 21.

Apart from family reunification, the primary avenue for immigration into the United States is employment.

The 1986 amnesty is partly responsible for the flood of applicants that has created pressure for the changes. About 80 percent of the spouses and minor children on the immigration waiting lists are relatives of those who won legal residence under that law, Government figures show.

The total family-preference waiting list of 3.5 million is twice as long as when the amnesty law took effect. Under current quotas, only 253,721 of those waiting will receive visas this year, even as the list of applicants grows longer.

The backlog includes one million applicants from Mexico and about 500,000 from the Philippines. Before the 1986 amnesty, the Philippines was the largest source of legal immigrants into the United States. Those countries are followed by India, China, Vietnam, the Dominican Republic, Taiwan, South Korea, El Salvador and Haiti.

Short of raising the ceiling for immigration, there seems to be little way to accommodate the lengthening waiting list of siblings and adult children.

"Clearly the public mood and the practical realities of today's America require that we cut down on immigration," said Dan Stein, executive director of the Federation for American Immigration Reform, an independent lobbying group.

Calling the Jordan, Smith and Simpson proposals "an effort to strike a balance," he said, "We have to make these decisions based on what is in our national interest." He added, "We have no duty or obligation to people who have been waiting in line because the system is impractical in the first place."

But opponents say the cuts are politically motivated and unnecessary. "Since when did the United States become too small for the parents and children and brothers and sisters of United States citizens?" asked Frank Sharry, executive director of the National Immigration Forum, a pro-immigration lobbying group. "The idea of bringing in energetic newcomers who are helped by family members to get a leg up in this society is something that has worked for 300 years."

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He added, "For a Congress that prides itself in being pro-family, it seems hypocritical to cut family immigration by 30 percent."

One potential victim of the expected changes is Leticia Chong, a Filipino nurse who has played by the rules and prospered. She entered the country legally in 1981, became a legal resident, obtained both business and nursing degrees here and brought up five Philippines-born children to become American doctors, nurses and engineers. Today they are all either citizens or legal residents.

Her problem is her sixth and last child, an engineering student who will turn 21 this month, having waited in vain for his name to come up in the backlog of petitions for minor children of legal residents. He now enters the category of adult children, and -- like Ms. Canton's banker sister -- he would simply be dropped from eligibility under the proposed changes.

"He has been here since he was 11 years old," Mrs. Chong said. "He has friends here. His family is here. This is his home. What will he do if he has to go back to the Philippines?"

Graphic

Graph: "COMPARE AND CONTRAST: Waiting in a Long Line to Get In" shows number of immigrants admitted in the U.S. in 1994, and number on waiting list as of January 1995. (Sources: Immigration and Naturalization Service and the State Department)

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