

## **Panel to Urge Immigration Reforms Weighted Toward Families**

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### **Body**

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A bipartisan advisory commission will urge Congress to reform the nation's system for admitting immigrants to give priority to close family members who have been separated for years because of growing waits for visas.

In a final report to be issued before it disbands at the end of the month, the Commission on Immigration Reform will renew recommendations it made two years ago to overhaul the legal immigration system, and to ultimately reduce the number of people admitted, according to commission officials and a summary of the report obtained by The Washington Post.

When Congress revamped the nation's immigration law last year, it avoided the controversial issue of legal immigration. Yet the problems associated with it not only have persisted, but have grown steadily worse, according to panel members. The recommendations underscore the commission's view that the system remains dysfunctional and that failure to fix it has damaging consequences. It is a system that critics say often forces people to choose between their marriage vows and U.S. immigration law, drives immigrants to enter the country illegally and tends to penalize those who follow the rules while rewarding those who break them.

Of primary concern to the nine-member commission is the backlog of more than 1 million people waiting for legal status as the spouses and minor children of legal permanent residents, a category for which visas are capped at 88,000 a year. They are part of an overall backlog of 3.5 million people around the world whose applications have been approved, but who are awaiting family-sponsored immigrant visas to the United States in categories with numerical limits.

An estimated two-thirds of the spouses and minor children waiting for visas are already in the United States illegally. But more than 300,000 others remain abroad, playing by the rules but separated from their loved ones for years and unable to get even temporary visitor's visas because of a presumption that they would overstay.

"Since the commission first reported its findings on legal admission, the problems associated with family-based admissions have grown," the panel says in its forthcoming report. During the two-year interval, the waiting times between application and admission of immigrants' spouses and minor children have increased 40 percent and are still growing, officials said. This means that those who are receiving their visas now have had to wait more than four years and four months, compared to three years when the commission issued its report in June 1995.

For those applying today, the projected wait is even longer -- up to 10 years for the spouses and children of sponsors who remain in immigrant status. A sponsor can cut the waiting time by becoming a U.S. citizen, because relatives would not be subjected to numerical limits and thus could get visas quickly. But a legal immigrant must reside in the United States five years before becoming eligible to naturalize, and it takes up to two years for a citizenship application to be processed.

The increased waiting time "is a very disturbing development," said Robert C. Hill, a commission member.

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Among those affected is Parmeshwar Coomar, a 33-year-old Indian immigrant from Calcutta who got married a year ago during a visit to his homeland. When he returned to the United States to resume his job teaching industrial engineering at a college in Wisconsin, he found that it would take several years to obtain an immigrant visa so that his wife could join him. Under current law, she cannot even visit him in the meantime.

Coomar and about 250 other highly skilled immigrants formed the Association of Professionals for Spouse Reunification to publicize their plight and seek help. They especially resent immigration law provisions that they say have favored people who entered the United States illegally in the first place, then brought their relatives in illegally to join them while taking up places in an interminable line of people waiting to acquire status as legal immigrants.

After granting legal status to 2.7 million illegal immigrants under a 1986 amnesty, the government allowed family members they had brought in illegally to stay and receive work permits under a "family unity" provision. Under a 1994 law that is scheduled to expire this month, foreigners who have overstayed their visas or otherwise remained in the country illegally also have been permitted to adjust to legal immigrant status in the United States by paying a fine, instead of having to return to their homelands as previously required.

"We continue to be bypassed as the ones that are 'law abiding and stupid,' " said Coomar, who came to the United States as a student and received an employer-sponsored immigrant visa in 1994. In his case, he said, even by naturalizing when he is eligible, he will not be able to bring his wife in until sometime after the turn of the century. With waiting times like that, he said, "I don't think any marriage is going to last."

The commission, appointed by the president and Congress under a 1990 immigration law, recommended in 1995 that legal immigration be revamped to set clear priorities for admissions and ultimately reduce the numbers of immigrants allowed into the country.

The panel recommended that the unification of "nuclear families" -- defined as spouses and minor children -- take precedence and that several other categories of family members be dropped, including the adult sons and daughters of U.S. citizens and legal immigrants and the siblings of U.S. citizens.

The commission proposed shifting the visa numbers for those categories into a program to reduce the backlog of separated nuclear families. Within that category, it recommended giving priority to those who were not covered by a 1986 amnesty for illegal aliens, meaning those who had not previously broken the immigration law. It also recommended that annual levels of legal immigration be reduced from about 720,000 at the time of its report to 700,000 for a transition period of five to eight years and to 550,000 after that.

The recommendations were incorporated into immigration bills in the House and Senate, but were later deleted in the face of stiff opposition from business and immigrants' rights groups. Among those who lobbied strongly for retaining the existing system was John Huang, a Taiwanese American at the center of a controversy over Democratic Party fund-raising.

Since then, legal immigration has surged, reaching 916,000 for fiscal 1996 and pushing the combined total for both legal and illegal immigration to about 1.2 million people a year. With most polls showing that Americans want immigration reduced, raising the limits to accommodate immigrants' spouses and minor children is not considered an option.

And key members of Congress, including the chairman of the Senate Judiciary subcommittee on immigration, Sen. Spencer Abraham (R-Mich.), remain staunchly opposed to any reordering of priorities as suggested by the commission.

"I am sympathetic to the plight of these individuals, and it may be an area we need to take a closer look at," Abraham said. "However, the backlog of the spouses and children of lawful permanent residents should not be used as a pretext to deny American citizens the ability to sponsor close family members."

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To the commission, those "close **family** members," who include siblings and adult married sons and daughters and their own **families**, should not be taking visas at the expense of spouses and minor children. "We should not be allowing nuclear **families** to be separated to accommodate more extended **families**," Hill said.

Because the waits are so long -- for those who apply today, it can take decades -- the system has lost credibility, and many people resort to immigrating illegally, **panel** members said.

"When we have a dysfunctional **immigration** law, it shouldn't be surprising that people try to get around it," said Susan Martin, the commission's director.

Certainly, that option has crossed the minds of members of his association, said Coomar, the Indian immigrant in Wisconsin. But he said he is determined to keep working for a solution within the law.

"The one who is law-abiding has to be rewarded in some way," he said.

### WAITING TIME

Legal permanent residents' spouses and children who got visas this month had to wait more than four years. New applicants could face a 10-year wait.

Waiting time, in years

October 1997: 4 years, 4 months

SOURCE: U.S. Commission on **Immigration Reform**

## Graphic

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Chart

## Classification

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