U.S. IMMIGRATION POLICY: CHALLENGES

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Introduction

Immigration in the United States has been one of the subjects of legislation since the foundation of the nation. It was in 1790 when the Congress set up the formal process for enabling foreign-born individuals to be the citizens of the United States. It was after one century, when the government responded to the increasing level of the immigration by taking steps to process and reviews all the immigrant admissions to the US (Congressional Budget Office, 2006). Many changes have been effected through the introduction of other policies aimed at facilitating the achievement of the immigration legislations’ objectives.

The immigration policy was set to reflect a number of goals. First, the policy was set to be used to reunite the families who have other members living in the U.S. Secondly, the policy seeks to allow the workers with the specific skills to be able to fill the positions where there are labor shortages in the United States. Thirdly, the policy attempts to host the people facing religious, racial and political persecution in their countries. Finally, the policy seeks to guarantee diversity (Congressional Budget Office, 2006). This paper would discuss the current US Immigration policy and the challenges that face it.

Current US Immigration Policy

 The law dealing with the immigration policy is provided and managed by the Immigration and the Naturalization Act (INA), which provides the yearly limit of the permanent and temporary immigrants into the United States, with some restraints on the family members. The president and the Congress determine to separate the refugees to be allowed into the country. The current immigration policy is based on a number of principles which include the admission of the immigrants with special skills important in building of the U.S. economy, promoting diversity, protection of refugees and finally fostering the reunification of the families (Bush, McLarty, & Alden, 2009).

The Family-Based Immigration

The unification is the current essential principle which governs this policy. This principle allows permitted permanent residents and U.S. citizens to be able to bring some of the members of the family into the U.S.  Each year, at least half a million family-based visas are set aside by the government.

The immediate relatives have no limits on the visas allocated to them, but the petitioner is required to be of a particular age and also should meet some financial limits. These relatives must:

* Be spouses of any citizens
* Be minor kids
* Be parents of the U.S. citizens, the petitioners are required to be more than 21 years old to petition for the parent

The numbers of the visas which are available for the family preference system are limited annually and the petitioners are required to meet financial and age requirements. The system preferable for the family includes:

* The petitioners are required to be 21 years and above to petition for the siblings.
* Unmarried and spouse's children (adult and minor) of lawful permanent residents (LPRs).

The Congress set up complicated system to determine their visas and to balance the number of people arriving in the U.S. based on the family relationships. The employment preference immigrant figures which were unused in the preceding year add to this sum to get the number of the vessels which are allocated through preference system. The law provides a lot the family-based visas, which are allotted by a preference system but they should never be less than 226,000. For one to be allowed into the United States through the family preference system, an LPR sponsor or US citizen, the immigration authority petitions the relative, who must also show the validity of such relationship. Besides, he or she needs to meet the minimum limitations and petitioner should sign the affidavit which states they are financially responsible for them when they are in the U.S.

Employment-Based Immigration

Temporary Visas

The government provides a number of visas for the people with different skills to be admitted temporarily or permanently. A lot of the short-lived workers’ visas are always set for the very skilled employees leaving few visas for the unskilled employees. In addition, many of the impermanent work visas have numerical limits.

Permanent Immigration

Each of this preference is subjected to some numerical limitations. The first category of the permanent immigration is the persons with extraordinary ability in education, science and art. The annual limit is pegged at 40,000. The other category is the members who are holding professional degrees or the persons with extraordinary abilities. The other category is the skilled workers who have training experience. The fourth category is special immigrants, which include the religious leaders or the former U.S. government employees. The last, but not the least category are the investors who are able to invest between $500,000 and $1 million and able to employ at least ten full time employees. The numerical limit for this category is 10,000 annually.

Besides, the numerical limit which is set by the government to the different immigration preference, INA places a limit on the number of the immigrants who are to come from a particular country. Currently, there is no group of the immigrants who are to exceed 7% in any given year from any one country based on the employment-based or family-based relationship.   It is not a type of quota which is set by government but a measure used to avoid some other nationalities from dominating in the United States.

Ashlee and Refugees

Protection of Ashlee, Refugees and the other Vulnerable Populations

The federal government has a number of legal admissions which are available for the persons who are running away from their country because of conflicts. The refugees should not be able to return to their country due to well-founded fear of the persecution as a result of membership in a particular social group, religion, national origin or race. The immigrants are required to apply for admission when they are outside the U.S., mostly from the country which they are seeking asylum. Their admission into the United States is based a number of factors such as members to the group with special concerns in the United States, the level of risk they face, and whether they have relatives who are U.S. citizens.

Annually, the president in consultation with the Congress makes decisions on the number of the immigrants to be admitted to the US and their distribution from the different regions in the world. For instance, in 2013, president in consultation with the Congress set the refugee limit at seventy thousand.

The asylums are the persons who have been in the country but they fear to return to their homeland. These people may apply for asylum at the entry points or when they have settled in the U.S. These asylums are required to petition for admission within one year of their arrival in the country (American Immigration Council, 2014). The federal or state government has no limitation on the number of people to be awarded asylum in any particular year. Besides, the government has no specific categories to be used to determine who are eligible as asylums, but they are treated as LPRs only a year after their admission to the US.

The Diversity Visa Program

This type of visas was created in 1990 under the immigration Act. It is the only channel for the immigrants from the countries which have low rates of immigration into the U.S. Annually, 55,000 visas are normally set aside by the government and are allocated randomly to the nationals from these countries which have less than fifty thousand immigrants in the US in the last five years. These types of visas were originally intended to be used to favor the Irish immigrants. The program has become the main avenue for the individuals from some of the regions of the world to secure the green card.

An individual must have a high-school certificate obtained within the past five years to qualify for the diversity visas. Besides, he/she must have at least two years working experience in any particular profession. A lottery drawing is being used to select the individuals who are supposed to be awarded the type of visas once they met the minimum requirements. The visas are not given to the countries which sent more than 50,000 immigrants in the last five years (American Immigration Council, 2014). According to the Visa Bulletin for 2014, most of the diversity visas were awarded to aspiring immigrants from the African continent.

Challenges Facing the US Immigration Policy in its Role Supporting the Homeland Defense

In the past twenty years, the United States has experienced great cultural, scientific and political advances which have managed to redefine its role globally (Immigration Policy Center, 2009). Therefore, it is obvious that the current America is not that of 1990s in various aspects.  But as the country evolves and changes, US immigration system remains unchanged over time, pegged on the legal limitation on the immigration policies which were put in place in 1990, in addition to restrictions based on the laws passed in 1996. The effect of this inefficient and outdated system has been felt over time by the American society.

The subjective visa caps have managed to create long backlogs of the family members of the US citizens who are forced to wait for up to two decades to be able to join with their members living in the US (LeMay, 2004). Also, the insufficient infrastructure of the government is largely shelving integration of the immigrants who want to be US citizenship.

Moreover, the absence of the comprehensive solution has established a number of the uneven enforcement plans which have been costly, at the same time not blocking the inflow of the unapproved immigrants. The failures of the current immigration system have led to an inflow of the largest number of the unauthorized population putting the security of the country at risk. The challenges facing the current US immigration policy can be divided into two broad categories which include the structural failures and inadequate responses.

Structural Failures

The United States immigration laws are too inadequate and outdated, and its areas of weakness which need a remedy within a comprehensive reform package are discussed below. First, the family-based immigration excesses mean that the family members are forced to be separated for a long time to reunite with their relatives. These backlogs are created because the demand is more than the supply, parents and spouses without the regard to the overall caps, but the other close relatives, including the children over 21 years must wait for many years to be able to reunite with family members. For instance, an immigrant living in the US legally must wait for five years to be able to secure a green card for her children (Farnam, 2005). On the other hand, a naturalized citizen of US from Philippines are required to wait for at least 20 years before getting a green card for sister or brother. They are factors which have been making most of the immigrants to use dishonest ways to enter US compromising the security of the country.  The inconsistent policies and processing delays amplify problems and even create more illegal entry.

Secondly, the employment-based visa system is never responding to the needs of the employers. Every year the country set aside 140,000 visas of this category for the qualified immigrants (Immigration Policy Center, 2009). The number was set by the Congress without regard to the real labor-market needs. Besides, the numbers have not been updated to be able to conform to the current economic realities. Some of the employers’ needs permanent employees, but they are always forced to go to the temporary employees since they don't give visas for these permanent workers. The laborers who are allowed to enter America on temporary visas are not are not able to secure permanent jobs since they are not able to adjust to the permanent visas as per the current immigration policy. The current system has no flexibility required for the needs of the economy. In addition, the system set aside few visas for the less-skilled employees and yet these employees are desired in some of the sectors of the economy (Farnam, 2005). The inadequate number of green cards made available for this job category is among the major factors contributing to unauthorized immigration issues which would compromise the security in the United States.

Thirdly, large number of the unlawful employees and the rest of the immigrants, most of whom reside in America and have families have no avenues of becoming legal residents. Even if the means exists, it takes many years for them to be accepted legally. Besides, the absence of discretion and flexibility in the present-day immigration law also reduces their chance to be able to obtain the legal status (Immigration Policy Center, 2009). The efforts which are put by this policy produce often illogical and unintended results. Many of the citizens are mostly surprised when they found out that their spouses are not able to acquire permissible status. The Illegal Immigration Reform and the Immigration Responsibility Act (IIRAIRA) which became into law in 1996 created bars for the admission of the persons who have been unlawfully in the United States. Because of this act which was passed in 1996, even the people who would have been qualified for family-based visas are not able to change their own status in the U.S. and if they leave the country, they would be able to re-enter the country again until three or even ten years. It means that the unauthorized immigrants who are readily legible for the visas are also encouraged to remain in the country illegally. These immigrants fear the risk of being separated from their family members temporarily or permanently.

Inadequate Responses

For more than twenty years, the government of the United States has been trying to stamp out the illegal immigration through the enforcement efforts at interior and the borders of the country. Little success has been achieved besides failing to fundamentally reform broken immigration system. Hence, the inadequacy of the responses has spurred the number of unauthorized immigration in the country (Daugherty, 2005). The points which have deepened the response of the crisis in the United States include: first, the government has spent a lot of money on the ineffective border enforcement. It is proved by the increasing number of the unauthorized immigrants. For instance, the number of immigrants has increased from 3.5 million in the year 1990 to 11.9 million in the year 2008 (Immigration Policy Center, 2009). The rise in the number of immigrants has been mainly due to some of them overstaying on their visas, hence, border enforcement is meaningless to the rising population of the unauthorized individuals. Figure 1 below indicates the growing number of the unauthorized immigrants over the years, showing that the current immigration policy needs to be amended to change the trend.

The border security which lacks suitable channels for the immigration has managed to create more unsafe boundaries and even decrease migration. As a result of the heightened border enforcement, it is now even more expensive and dangerous for one to cross to the other country. In 1993, the Operation Blockade was initiated, and in the year 1994, the Operation Gatekeeper was started, all aimed at managing the traditional points of entry, thereby forcing people to divert to more dangerous methods. Some of the immigrants employ professional smugglers to assist them enter the US boundaries after charging at least two thousand dollars. In most cases the immigrants are indebted for years after settling in America in case they take long without paying the charges (Immigration Policy Center, 2009). In addition, there have been some reports of violence from the different smuggling networks which affect the communities. The border deaths have increased significantly as per the report released in 2009 by the “American Civil Liberties Union”. Figure 2 shows the number of border deaths between1994 and 2008.

Conclusion

The current immigration policy, which has been put in place in the U.S. has been an invaluable tool in controlling those entering the country but needs to be updated regularly to adapt to the new changes in the 21st century. It also remains crucial for the immigration department to adjust the policies to fit the changing immigration laws. It is through such amendments that the issues associated with the current immigration policies can be resolved. Besides, the government should look at the other immigration policies which have been used in other countries and have worked well to adopt them into their system (Congressional Budget Office, 2006). The policy should be suitable to be applied in the current dynamic world. Some factors should be put in place so that these challenges can be eliminated or to make the immigration policy to be more suitable for citizens and the state agencies. Also, adequate responses, which can be used to deal with the current challenges facing the policy needs to be instituted. More effective border enforcements must be established to handle the illegal border crossing, besides the enforcement should be updated basing on the upcoming trends in the illegal immigration.