

Our Broken Immigration System

Immigration law grows ever more complicated.

by Dagmar Rick



Let me begin by acknowledging that every country has the right to decide and know who is within its borders. But it is unfathomable that all 50 states have different immigration laws. Imagine, you drive with one of an undocumented family member or friend to celebrate a family event in another state. You have to cross through two states in order to reach your destination. Now the undocumented person who resides legally in your state is illegal in the next state, but legal in the state where the event takes place. Now what? Do we want to establish border checkpoints again?

We often hear that legal immigrants are welcome and those who are illegally here should go back to their countries and “get in line.” What line? There are no lines! There are only a very limited number of visas available!

Our current immigration law requires everybody who has been illegally in the country more than six months, but less than one year, to stay outside the U.S. for at least three years. Everybody who has been illegally in the U.S. for more than one year has to stay ten years outside. Thus, the main reason nobody is leaving is that they cannot come back.

Immigration law continues to get ever more complicated!

The law is valid for all foreigners who originally entered the United States with inspection, which means a customs and border protection officer checked their passport and visa, but the foreigner did not leave when his visa expired. The law also deals with any foreigner who can prove that they resided within the U.S. on December 21, 2000 and therefore qualifies for 245(i), the amnesty that expired on April 30, 2001. In addition, the foreign national has to prove that somebody filed an immigration application for them, or their parents while they were a child. This application must have been eligible to be approved at the time it was filed.

You may ask yourself why did the

foreigner not come when the application was filed and perhaps even approved? The reason is simply that there was no visa available then, and there may be no visa available still.

Some Immigration Cases

Now imagine: Hua’s U.S. citizen brother applied for Hua, who is a citizen of the Philippines, in 1995. Hua entered the U.S. in 1986 without inspection and never left. Unfortunately, although the application of his brother is approved, the U.S. Immigration service is now issuing visas for application that have been filed in 1988, so he still has to wait another seven years until he can be legalized. Luckily, Hua’s daughter, who was born in 1990 in San Francisco, recently turned 21 years of age. She can now file an application for her father, no waiting period applies, and Hua can use his brother’s application from 1995 to qualify for the amnesty that expired on April 30, 2001. Since the application was filed in 1995 he does not even have to prove that he was in the country on December 21, 2000. He will be grand fathered in. Only people whose application was filed within two years of the expiration date of the amnesty have to prove their residency on December 20, 2000.

Another example: Carlos from Mexico thinks he is lucky, that he can be legalized now and work legally. He is the sole provider for a family of six. His wife is busy with their small children. His mother, a legal permanent resident, had applied for him in 1991 and, finally, a visa became available. He has waited twenty years for this to happen! However, his dream will be smashed. Yes, a visa is now available, but since he has married, his mother’s application has become null and void. If he had not married, he would be a legal permanent resident by now.

Jasmin, a twenty-six year old man, has been arrested and convicted for dealing marijuana. Immigration will deport him, although his sentence was suspended. Any drug violation involving more than 30g of marijuana is a deportable offense. Luckily for Jasmin, he has been a US citizen for the last

twelve years! His parents divorced and he lost contact with one of them.

However, this parent became a U.S. citizen and by law, any minor child will become a U.S. citizen automatically. Therefore, he is not deportable, no matter what.

What should we do?

The claim that illegals cost the taxpayers money is not totally correct. Most of them have tax I.D. numbers and pay taxes together with FICA deductions. Currently, the amount of money that has been paid into Social Security on fake numbers adds up to \$250 billion, money that can never be collected by illegals. They will fund our retirement.

What we need is comprehensive immigration reform. We should grant amnesty to people who are in the United States already and married to a U.S. citizen or have children who are U.S. citizens. These people came here to work and not to drain our social system. Moreover, we need about five million work visas for seasonal workers. This would allow the farmers to get enough workers for their seasonal crops. We should make sure that they are paid the same wages as a U.S. worker, so that they do not depress the wages and disadvantage our own people. We also should make it possible for the brightest foreign students to be able to acquire permanent legal residency.

However, the first thing Congress should do is pass the DREAM Act. Foreign nationals who have been brought to the U.S. as children would be allowed to legalize! Why make the children pay for the sins of their parents? This is what the totalitarian rulers of North Korea are doing, making children pay for the sins of their parents. We should welcome anyone who is willing to work and become a contributing citizen, thereby embracing the American dream! •