

Adrienne Murphy
Border Issues Seminar
January 29, 2009

**The Need for Change:
A Preliminary Plan for Immigration Reform**

One of the most inspiring and yet simultaneously frustrating aspects of many of the discussions that we had in El Paso was that everyone, from the Border Patrol agents to the staff at Annunciation House, admitted to the necessity of significant reform to our nation's immigration policy, and yet few were able to articulate exactly what such reform would look like. With no background in political science and only a few days spent on the border, I obviously claim no expertise in the field of immigration reform. Yet, the discussion about immigration reform, interestingly absent from last year's presidential campaigns, must begin somewhere. Thus, in this essay, I hope to lay out some of the prime areas that should be the target of immigration reform for the incoming 111th Congress along with some preliminary suggestions for lawmakers. Additionally, I will discuss the shortcomings of this plan, and any feasible plan for immigration reform, in light of the human and theological issues we explored in the course. Finally, I will conclude with a discussion of the need for broader economic reform in conjunction with immigration reform, as no policy is implemented in a vacuum, and no immigration policy can be maximally effective if not accompanied by economic development in the immigrants' countries of origin.

The first and most straightforward, although likely contentious, reform that must be made is to increase the number of visas available to family members of United States citizens and legal permanent residents. After visiting Las Americas, I was astounded to learn that, according to the most recent visa bulletin, our consulate is only now awarding visas to the Mexican unmarried sons and daughters of US citizens who applied for the visas almost seventeen years ago. Many of

these individuals have postponed marrying in order to assure their visa status, which seems to me to be both a great injustice and also coercive, albeit unintentionally, on the part of our government. In response to this exorbitant wait time for visas, I would propose both an increase in the number of visas and an investment in the infrastructure necessary to process them more quickly. The first of these two proposals would likely face strong opposition from those who believe that an influx of immigrants would ruin our economy and steal jobs from unemployed Americans, especially in light of the current economic crisis. Yet, it seems to me that these immigrants would be taking jobs largely undesired by United States born citizens and that even if a handful of United States citizens were to lose jobs to these new immigrants, it seems like a small price to pay for the tens, or perhaps hundreds, of thousands of immigrants who would have so much more economic opportunity. Although this is likely an impractical policy recommendation, as congressional representatives are responsible for representing the preferences of their constituents, many of whom are likely unemployed and would oppose increased job competition, it seems a necessary policy in light of the human issues that we explored in El Paso.

Furthermore, the recommendation of increasing the infrastructure necessary to process visas more rapidly seems equally essential and perhaps less controversial. Although some might oppose the plan because it would inevitably increase the size of our government, it seems that in our current economic crisis in which so many Americans are without jobs, increasing government jobs where necessary, and it seems to me to be necessary in the case of these immigrants waiting seventeen years for a visa, would be in the best interest of many Americans. If waiting time for visas can be cut and more family sponsored visas can be put into circulation, I believe that these measures would serve as a strong foundation for effective immigration reform.

Additionally, I believe that no comprehensive immigration reform would be complete without policies that give special attention to the family unit. The United States Conference of Catholic Bishops, in “Strangers No Longer” voiced their concern that “the current amalgamation of immigration laws, policies, and actions pursued by both governments often impedes family unity.” Indeed, this proved to be the case in El Paso. It seems unjust that individuals like Alex should have to live decades without seeing their children. In a country in which our politicians often base their campaigns on “family values,” it seems only fair that this focus on the family extend to those not born in the country. Thus, I would propose an increase in funding for programs that support children without papers who are in this country without their parents or legal guardians, as well as a decree against separating families through deportation. The stories that Fr. Cox told us about the parents who were deported during ICE raids and whose children returned home to find their house empty seem excessively unjust. In order to prevent such situations, although it would be highly controversial, I would go as far as to recommend that those families with small children not be allowed to be deported. I know that this would likely never pass in Congress, as it is these very children that many United States citizens feel are using their tax money to attend public schools and receive benefits, and yet I believe that for the sake of family unity and “family values,” such a requirement would be crucial to any just plan for immigration reform.

For the sake of family unity, I would also recommend an increase in the number of visitor passes and in the facility with which these passes can be obtained. While I understand that such an increase would inevitably result in increasing numbers of Mexican citizens who would abuse these visas by overstaying them, I feel that this is a small price to pay. After talking with Alex from the Annunciation House and hearing him speak about how he has not seen his youngest son

in almost a decade because he made the choice to immigrate without papers and leave his son behind, I cannot see any justice in a system in which his son cannot visit the United States simply because he does not have enough property to assure his return to Mexico. Thus, although there is obvious practical purpose for distributing day passes only to those whose return to Mexico can be reasonably assured, this keeps families artificially separated for years, and thus needs to be seriously examined by Congress.

Finally, and perhaps most importantly, I believe that any significant congressional immigration reform must create a reasonable pathway to citizenship for immigrants currently in the country without papers. Alex's story of how he now hopes to one day become a legal United States resident but is prevented from doing so due to the exorbitant cost involved reflects another great injustice of our immigration system. It seems unfair that immigrants who entered without papers but have nonetheless built a stable and meaningful life for themselves in this country should not be able to make amends for their illegal actions and remain in the country. It seems reasonable that such immigrants should have to show some sort of significant tie to the United States, be it economic or familial, but also that if they can show a significant reason to remain in the country they should be allowed to do so. Although many would claim that an amnesty program would send a terrible signal to those looking to cross into the United States without papers in the future, I believe that we as a nation must ask ourselves if it is really just that undocumented immigrants willing to become "legal" and pay taxes should be unable to do so due to their decision to cross illegally years ago.

I am not naïve enough to believe that any of these measures have a significant chance of passing, especially in light of the political divisiveness surrounding the issue. As evident in the *Washington Post* article we read for class, bipartisan compromise failed in 2007, before the

current economic crisis, leaving an even smaller chance that it will pass in 2009. Yet, despite their impracticability, I believe that all of these changes are necessary if the aim is a more just immigration policy. In fact, even in the hypothetical, albeit impractical, case that all of these proposals were enacted, our nation's immigration policy would still not be completely just, as there would still be masses of Mexican citizens hoping to immigrate to the United States, without a legal means of doing so. Although the reforms I have proposed above are likely too "radical" to ever be feasibly passed, perhaps, as Ruben of the Annunciation House suggested, opening borders is the only truly just method of immigration reform. Although the reforms I have proposed are quite radical, perhaps they are not radical enough to be truly just. A discussion of the potential repercussions of open borders seems both outside the scope of this paper and irrelevant due to the infeasibility that such a policy would ever be enacted by the 111th Congress, and yet it serves to show the shortcomings of even the most radical of immigration reform plans.

Lastly, I would like to conclude with the idea that any immigration reform can only be effective to the extent that it is accompanied by economic policies that promote development in the immigrants' countries of origin. Although the immediate purpose of immigration reform is to make more just the process of immigrating into the United States, it seems that the underlying and most crucial goal should be to eliminate the need for economic immigration all together, that is, to strengthen the Mexican economy such that potential immigrants have a stable enough life in their home country not to feel obliged to cross the border in search of a better life. This, it seems, can only be done through significant investment in Mexican infrastructure and through the creation of non-maquila jobs that allow for skilled labor and upward job mobility. Immigration policy reform, therefore, is only part of a larger picture, and only when this larger picture is considered can real, meaningful change occur.

I can only hope that, amidst the economic crisis and the war in Iraq, policymakers find space for serious discussion about immigration reform. If there is only one thing on which every single one of the individuals we met in El Paso can agree it is that there exists a need for change. The newly inaugurated president has already inspired hope in millions of Americans, and many more now have hope that the coming years will inspire a more just American society. Will this justice extend to the undocumented?