

Need for immigration reform

[Government](#)



**ASSIGN
BUSTER**

Immigration refers to the movement of people from one country to settle in another. In the United States of America, foreigners have since time immemorial been moving in and settling in the U. S. Immigration brings about culture change as different people have varying cultures. There has been sharp disintegration between those who are naturally in the U. S and those who came to settle there. In most cases they were excluded from the U. S citizenship.

The Mc Carran-Walter Act, which is also known as the Immigration and Nationality Act of 1952, establishes the basic laws of citizenship and immigration in the U. S. over the years this law has undergone several changes. The law initially admitted a certain number of immigration of each nationality. This means that on attaining the specified number of immigrants other people were excluded from U. S. (Bromwell 225)

In 1965, the congress passed a law that paved way to immigrants with certain skills needed by the U. S. It also allowed close relatives of U. S citizens the preference to live in U. S. In 1990, a law was passed that reinforced the 1965 one.

Aliens were allowed to attain U. S citizenship but after being admitted as legal immigrants. Again, those who fled to the U. S after being officially certified as refugees could receive immigrant status. The legal system in the U. S was racial discriminatory. The sequence of laws from 1882 through 1934 excluded immigrants from China, Japan, India and the Philippines. It was therefore biased.(<http://www.umass.edu/complit/aclanet/usMigrat.html>)

The Chinese exclusion of Act of 1882 prohibited citizenship for Chinese immigrants in 1884, 1886 and 1888 other acts were passed to reinforce this act. It was the only act that was so explicit on race-based immigration. The Immigration Act of 1917: Exclusion of Asian Indians Act. This Act was passed basing on the fact that their racial and ethnic status was not well elaborated.

In 1922, Japan born applicants who had lived in the U. S for most of their lives could not get U. S citizenship. This was done with the argument that their language differed very much from the U. S and this would create problems. However, so as not to create problems based on color, the court defined white as 'Caucasian'.

In 1923, as immigrants from India and Bhagat Singh Thind attempted to claim that they were 'Caucasian'. The court changed the definition. It sidelined anthropological and historical issues to coin a word that would not cause much attention. It also separated the desirable immigrants from the undesirable ones. (Josiah 57)

The Immigration Act of 1924 excluded Japanese from U. S citizenship. This act totally excluded Japanese and other Asian who had been barred by the 1790 Naturalization law that stated that only whites could be naturalized as citizens. It was aimed at reducing or balancing ethnic distribution as immigrants from Europe and Asia were increasing drastically. (Miller et al, 304)

The Tydings-McDuffie Act of 1932 excluded Filipino's easy access to its citizenship it reduced the number of persons to be taken in to $\frac{1}{4}$ of 50 persons per year. Filipinos living in the U. S were named or titled 'aliens'.

<https://assignbuster.com/need-for-immigration-reform/>

The U. S reaction against the Filipino's was connected with issue of Philippine independence from U. S colonization. This was like a hit back gesture towards the Filipinos. (<http://www.umass.edu/complit/aclanet/usMigrat.html>)

In 1913, 1920, 1923 alien land laws prohibited the Asians, immigrants' from owning any form of property including land. The U. S considered those who were not whites ineligible to acquire citizenship and consequently could not own property.

The Asian Barred Zone Act of 1917, denied people from South Asia to South East Asia and the islands. In the Indian and Pacific oceans surprisingly, it excluded American possessions of the Philippines and Guam.

The Magnuson Act of 1943 brought a significant change to the plight of immigrants of Asian origin. It repealed the 1882 exclusion act that prohibited immigrants of Asian origin from gaining U. S citizenship. It established a quota for Chinese immigrants and made Chinese eligible for citizenship. (Bromwell 225)

The Mc Carran Act of 1952 abolished the 1917 Asia Barred Zone Act and allowed Asian immigration into the United States based on ethnic quotas. The quotas were not specified on nationality but through racialized ethnic categories. 100 ethnic persons were allowed to enter U. S annually. These were from diverse nations. The Cold War effects made the U. S to have strict quotas that were based on strategic territorial mapping. Any alien who engaged in questionable activities would be deported on the claims of ' public interest ' or ' national security' threat issues. (Miller et al, 57)
<https://assignbuster.com/need-for-immigration-reform/>

The 1965 immigration act removed ' natural origins' as the basis of the U. S immigration legislation. This is say that considering citizens only by birth was eliminated. It was an amendment of the 1952 Mc Carren Act. It gave preferences to people of the Eastern Hemisphere and allowed their adult unmarried sons and daughters to be citizens. Spouses and unmarried sons and daughters of permanent residents could also gain U. S citizenship. Professionals, scientists and artists who had extreme capabilities were allowed in too.

Other categories of people who got U. S citizenship were married adults sons and daughters of U. S citizenship, brothers and sisters of adult citizens, workers both skilled and unskilled who would fill the deficient labor supply in the U. S as well as refugees who came from communist based countries. Those affected by natural calamities were also allowed.

After 1965, legal regulations on immigration shifted their focus or refocused on how definition was put. For instance ' alien' was replaced with illegal. The Asia immigrant history is reflected in the Asian American culture and they do remember how the U. S segregated them.

The Indochina migration and refugee Assistance Act of 1975, the Refugee Act of 1980, and the Amerasian homecoming Act of 1987 facilitated the immigration and settlement of Southeast Asian refugees. The Asian immigration comprised immigrants from South Korea, Philippines, South Vietnam and Cambodia and was due to U. S colonialism, war and neocolonialism. Most Asians immigrated due to disruption by colonialism or distortions form neocolonial practices like capitalism or due to war.

In 1986 the Immigrant Reform and Control Act was put in place. It was to reform the current situation on immigration. The Immigration Act of 1990 reinforced it. Illegal citizens got citizenship those who were there before 1982. It was a crime to hire illegal immigrants. Immigration today is still a sensitive matter than creates, contradictions between the capital and the state, economic and political imperatives. Californians Proposition 187 was passed in 1994 and it denied education and medical care to illegal immigrants. It is observed that groups aimed here are Mexicans and Latinos.

Latinos and Mexicans have provided semi-skilled labor to the U. S since the 1950's. They work in farms, hotels and domestic services in U. S and they get low wages for that. They work under poor conditions. The U. S does not improve their working conditions and those positions do not attract its own citizens. This perpetuates the movement of illegal immigration in search for low wage jobs. (George 52)

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made significant changes on asylum law, immigration detention, and criminal-related immigration.

The Real ID Act of 2005 was aimed at barring terrorism. National standards were established, waiving laws that interfered with construction of physical barriers at the borders. It entailed frightening laws on application for asylum and alien deportation for terrorism activity. The government funded reports with security and changing visa limits for temporary workers.

After the 9/11 U. S had to reform the immigration laws. Entry of civil immigration was to be put into the national crime information center, a <https://assignbuster.com/need-for-immigration-reform/>

computer crime database to criminalize it. Deportation was to take place. People supporting immigrants would be jailed. Employees will be required to verify their employee's eligibility to work through the employment eligibility verification systems. Illegal workers were to be granted guest workers visas. H-1 B visas would be designed for comprises to employ temporary skilled workers.

There is need to reform the current, immigration rules and regulations in U. S. the rule of verifying ones immigration status even in churches is an extreme. It reduces the work of the church leaders to immigration enforcement officials. Being penalized for helping immigrants who in most cases are poor is jeopardizing with Christians faith of a call to help. It will create conflict between the church and the state. (Bill Ong Hing 79)

Today, the system will fail to attract and retain legal permanent immigrants who are most able to contribute valuable human resources to the country. Reforms ought to be done to legal permanent and temporary systems to promote recruitment and retainment of migrants who can contribute to the U. S national interest in immigration. Reforming of changing the institutional and regulatory structure governing the employment of immigrants within the U. S to ensure migrants contribute maximally to development of U. S and at reduced costs. Immigration control policies should be changed and immigration should not be used as a tool of foreign policy.

(<http://ccis-ucsd.org/publication/wrkg132.pdf>)

The government should tackle long-term issues regarding to the immigrants role in the economy instead of tackling new temporary worker program. The <https://assignbuster.com/need-for-immigration-reform/>

immigration bill will cost the country a lot of money and this would be jeopardized if ID theft were carried out. Creation of Employment Eligibility Verification (EEV) systems that will entail high levels of sharing of information across many electronic databases can be easily tampered. EEV'S will expose people's personal information like social security records, passport and visa records and even birth and death records, all of which can be used for identity.

The 2005 House of Representatives bill 4437 (H. R 4437) about creating a fence along Mexico and criminalizing the aiding of illegal immigrants and mandatory detention of illegal aliens is an in called for measure. It is against the international human rights as the immigrants are people who have rights. Detaining someone without evidence of crime committed is an unfair act. Although the H-1 B visas will allow immigrants to work in U. S companies temporarily is not good enough. There will be extreme competition for the visas provided. The industries that benefit a lot from foreign expertise will not optimize their production, as they would want the number of visas increased.

(Bill Ong Hing 79)

More rational and long-term solutions should be sought to replace the harsh penalties that have been put in place. The process of legally attempting to enter the U. S and the workforce is not only complex but also expensive and time consuming even for those who would could add value to the country's human resource.

Immigration to Australia is different from the U. S. the country has a strong economy and attracts highly skilled young people who are willing. It uses fair criteria in absorbing immigrants into its workforce. It applies one's qualifications, work experience as well as language proficiency. It has established immigration programs like the Humanitarian Program and AustralianFamilyMigration.

It emphasizes on attracting people who can contribute positively to the economy. It assists immigrants in settling by helping them reside in areas of their choice. Canada is one of the world's top immigration destination and more than 200, 000 new arrivals come under the Canada immigration system annually. It is easier to settle in Canada and obtaining a visa is not very difficult. Like Australia, Canada encourages people with skills and experience and those who are to venture into business. A large proportion of immigration to Canada is under family re union and refugee programs. It also allows for people who are on holidays.

Germany on the other hand attempts to encourage the highly skilled workers low skilled workers will therefore find its accessibility difficult. Professors, natural scientists, engineers and scientific qualified personnel in high technologies find immigration easy. They are also given permanent residence and their family members allowed working in Germany as well. Self employed immigrants or entrepreneurs are also allowed as long as they create jobs for Germans and makes profits. Through the Schengen Agreement people can travel through the Schengen countries with one schengen visa.

Policy makers should see the global market for immigrants as an opportunity. The visa laws should take advantage of the situation by ensuring that the recruitment process is beneficial to the country through enabling retainment of needed immigrants. Economic migration will be beneficial to the country's economy.

The legal visa system fails to meet its goals. It is outdated and waiting lists for some family visas take more than 20 years. This hinders family members who applied at the prime of their lives to be eventually denied the chance until they are at their retirement age and can add very little if any economic contribution.

(<http://ccis-ucsd.org/publication/wrkg132.pdf>)

The logic of family reunion is at times not realized and this is a cause of illegal migration due to frustrations experienced. Setting numerical limits of how many are to be accepted in the system will not be a successful measure unless there is an establishment of flexible numerical limits with mechanisms put in place for adjusting the limits up or down.

The criteria used to come up with the limits as to which one should not exceed is also questionable. There could lack consensus on how much the number should be causing loopholes in the system. Immigrants have been beneficial to the U. S economy and they contribute to majority of the new jobs. The issue of immigration is a politicized issue and the point is lost when politics outshine facts and economics. Immigrants should not be harshly treated.

<https://assignbuster.com/need-for-immigration-reform/>

Family based visa rules should be restructured to attain the sole purpose of family reunion visas. However this should not outshine the economic function role. Temporary visas are not the best to attract the most outstanding immigrants. Very harsh measures on immigrants who are basically looking for better lives in lesser paying jobs are uncalled for. The many undocumented immigrants do not actually cause a threat to the U. S security. They suffer a lot due to the limited access to social and political services. Criminalizing undocumented immigrants will be a problem as it will encourage more activities in the black market and it won't be economically viable for the U. S.

Tightening security at the borders is a brilliant idea but the rate at which deaths are registered is alarming. If policies were more accommodating this should not be occurring. Increasing the staff and the technology to speed up legal entries will be an appropriate measure in ensuring that immigrants are cleared up faster.

According to the conservatives deportation act will not be economically viable to the country. They support the immigrants in fighting for their rights through numerous strikes and demonstrations. The liberals support the government in enforcing its sanctions. They are willing and ready to support the government in fighting its enemies be it foreign or domestic.

Conservatives advocate for creation of new legal channels for immigrants. However, protection of national security should not be neglected. To prevent future illegal border crossing the congress should grant immigrants already in U. S form of legal status.

Works cited:

- Jana Evans-Braziel. History of migration and immigration laws in the United States.
- General premises of US Citizens. Retrieved on 29th October 2007 from
- <http://www.umass.edu/complit/aclanet/usMigrat.html>
- Marc R. Rosenblum. US Immigration Reform can the system Be repaired. Retrieved on
- 29th October 2006 from
- <http://ccis-ucsd.org/publication/wrkg132.pdf>
- Bromwell W. Jeremy. History of Immigrants to the United States, A M Kelley, 1969. pp
- 225
- Miller E Willard and Ruby M: United States Immigration. A Reference handbook 1996
- JV6465 M55. pp304.
- Josiah M Herman: Finding a Moral heart for US Migration policy. An anthropological
- Perspective. pp57
- Roy H. Beck: The Case Against migration NewYork, 1996, pp40
- George J. Borjas: Heavens doors. Princeton University Press. 1999, pp52.
- Bill O. Hing: The immigrant as criminal: Punishing dreamers. 9 Hasting women's law
- 1998 Journal 79