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IMMIGRATION

Reform the law rationally

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Politicians are again talking about immigration — and immigrants, their U.S. citizen families and professionals in the field are cringing. The solutions offered by both parties do not address long-standing immigration problems.

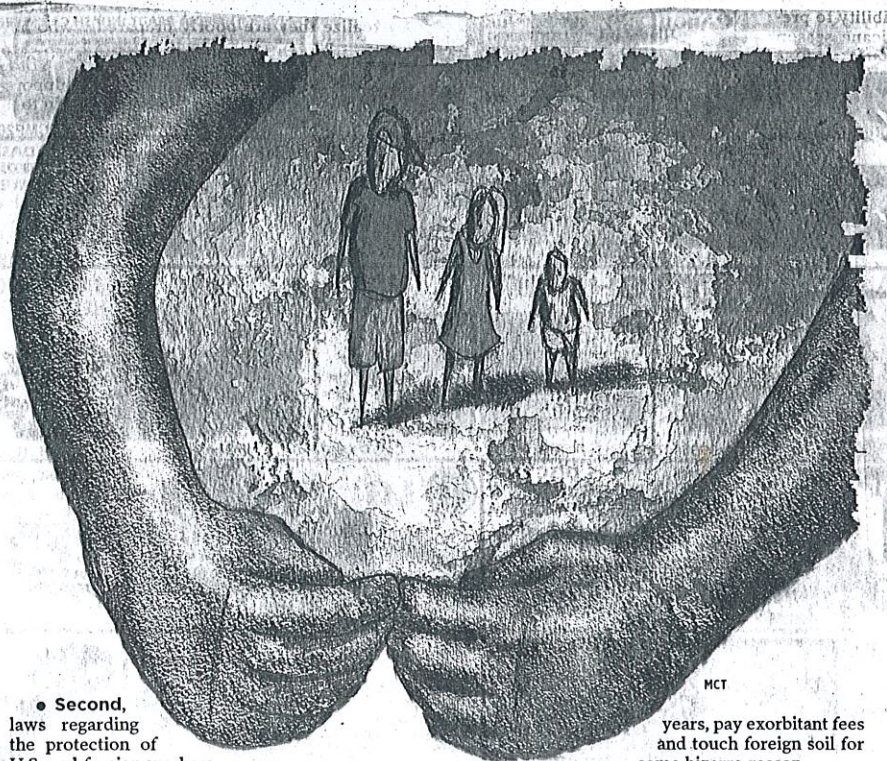
• **First**, we need to enforce the immigration laws in a fair, nondiscriminatory, impartial manner consistent with the rule of law. This means that we should be serious about enforcing laws at the border and in the interior of the United States, but we should also be serious about how we enforce the laws.

Today we have border officers deporting the families and friends of U.S. citizens in summary removals without administrative or judicial review. We have mandatory detention of residents who entered the United States as children without the right to appear before an immigration judge and ask for a bond. A commitment to enforcement does not mean that we should abandon principles that are a central part of our legal system. Judicial review of arbitrary government conduct and immigration-judge hearings, removed in 1996 for many issues, needs to be restored.

Fairness in the enforcement system also requires that we allow people who deserve to remain here to stay in this country. Relief from deportation for people who have lived and legally worked here for most of their lives needs to be restored so that an immigration judge can decide whether a person should be given a second chance to remain in the United States.



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• **Second**, laws regarding the protection of U.S. and foreign workers need to be enforced. Congress should demand the vigorous enforcement of minimum-wage, prevailing-wage, and health and safety laws in the workplace, as well as employer-sanction laws for hiring undocumented workers. In industries where we need foreign workers, the workers should be paid the same as U.S. workers and treated to the same working conditions. Foreign workers should be able to organize and unionize if they wish, thereby preventing their exploitation by employers who can turn them in to immigration or pull their visas if they complain. This will force wages and working conditions up and will not adversely affect U.S. workers.

We do have needs in certain industries — such as healthcare, hospitality management, information technology, agriculture, math and science teaching, and child care — that cannot be met by U.S. workers. We must have a sensible way to bring enough foreign workers to the United States to perform such work, while protecting their rights and beginning massive training and retraining programs for U.S. workers in these fields.

We should also reject ending family-based immigration by replacing it with a point system. What happened to family values?

• **Third**, Congress needs a sensible legalization program that will work and will enable others to use a lawful path toward residency. In 1996, Congress changed the immigration laws to punish people who seek to legalize their status in the United States by subjecting them to a 3- or 10-year ban on reentry if they return to their country to obtain residency. Fully one-half of the estimated undocumented persons in the United States have remained here because they have no lawful way to become U.S. residents even though friends or employers wish to petition for them.

Congress' first act should be to abolish the 3/10-year bar. Moreover, the current legalization proposals are unrealistic because they require people to wait eight

years, pay exorbitant fees and touch foreign soil for some bizarre reason.

If we are going to have an amnesty, then we should call it that, and have a quick, inexpensive way to grant residency. The law already provides for a method to do so in the form of registry. A person who entered the United States before 1972 can become a legal resident without many complications.

We should simply move up the registry date from 1972 to 2007 and with some minor adjustments allow people to register for residency.

We should also reject ending family-based immigration by replacing it with a point system. What happened to family values? Do we really want to say to sons and daughters, mothers and fathers and brothers and sisters that they cannot be reunited with their lawful family members?

We can and should have immigration legislation this year. Hopefully, it will be the product of a rational undertaking and not a political circus.

Ira J. Kurzban is the author of Kurzban's Immigration Law Sourcebook, the most widely used one-volume immigration book in the United States.