Keeping Immigrants Away from Their Families

Our Immigration Laws needlessly separate nuclear families for years on end. Here is how it happens:

If you are a U.S. citizen, and you marry someone who is not, your new husband or wife will generally be admitted to the United States for permanent residence as soon as the administrative processing is completed. There are no numerical limits. The same is true if it is your children who are non-U.S. citizens.

But suppose instead of being a U.S. citizen you are a lawful permanent resident—the holder of a so-called “green card.” The U.S. admits close to one million of these lawful permanent residents in a typical year.

After navigating the immigration bureaucracy and proving that they meet the long list of demanding requirements for legal immigration, permanent residents are admitted for life. They settle here, work, own or rent homes, pay the same taxes as U.S. citizens, and are subject to the draft. In most respects they are indistinguishable from U.S. citizens.

There is just one catch. We keep them separated from their families.

If you are lawfully admitted as a permanent resident, and you then marry a non-U.S. citizen or have a child who is not a U.S. citizen, your new spouse and your newborn child will have to wait. At present the wait is more than five years—more than six years if they are Mexicans. That is because the current law contains a formula that caps the number of spouses and children of permanent residents who may be admitted per year.

There are lots of reasons to worry about these long waiting periods, but two of them stand out. One is humanitarian. Husbands and wives are separated for the first five or six years of their marriages. Newborn children are kept away from one or both of their parents for the first five or six years of their children’s lives.

It gets worse. The spouses and children cannot even count on occasional family visits to the United States during this separation period. The U.S. consular officers who issue visas are suspicious of family members who say they wish only to visit. Visitor visas are frequently denied out of fear the family members will stay on. Thus, the only way the permanent residents may count on even occasional glimpses of their family members is to travel overseas. Few can afford either the time off from work or the money needed for very many of these journeys. When they do occur, they are invariably brief.

Humanitarian concerns aside, these long separations practically beg people to violate the immigration laws. Human nature will have to be remade before new spouses willingly separate for the first five or six years of their marriages or parents willingly separate from their newborn children for the first five or six years of their children’s lives. Illegal immigration becomes an irresistible option.

We have one of those rare situations in which the problem is huge and the solution easy: Exempt the spouses and young children of our lawful permanent residents from numerical ceilings, just as we now exempt the spouses and children of U.S. citizens.

In the long run, this change would not increase total legal immigration; it would alter only the timing. The nuclear family would be admitted now rather than later. To minimize any one-time initial disruption, Congress could phase in the change over several years.

As Congress debates immigration reform, there are signs that this idea might finally have legs. I recently testified along these lines before the House immigration subcommittee. Within days I was flooded with grateful e-mails from immigrants relating tearful stories of the suffering that their prolonged family separations have entailed. Former Congressman Bruce Morrison and an organization called “UniteFamilies.org” are fighting valiantly on their behalf.

We face many hard issues, but this one is a no-brainer. Congress has an easy way to make “family values” more than a campaign slogan and to put a serious dent in illegal immigration at the same time. We should hold their feet to the fire.

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