

Legislation threatens daughter's plan to sponsor her parents for green cards

Uriel J. Garcia and Andrew Oxford

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For many young Americans, turning 21 is a rite of passage, a chance to finally go to bars and drink legally. But for Anai Hernandez, it will be a joyous moment for another reason. She will be able to ask the federal government to allow her parents to legally stay in the United States after living as undocumented immigrants for nearly two decades.

“I’m really close to my family. I care more about not getting in trouble, knowing my mom and dad are illegal. So I don’t go to parties or drink,” said Hernandez, 20. “For me, turning 21 is more about having a dream come true, being able to help my parents with their papers, a gift for them and thanking them for everything they’ve done.”

Hernandez, whose parents are from the Mexican border town of Nogales, Sonora, was born just minutes away in the American town of Nogales, Ariz., making her a U.S. citizen. When her parents decided to make a permanent move to Taos, there was no recourse for them to become green card holders — at least, not until their daughter turned 21, when she would be old enough to petition immigration officials to allow her parents to become legal permanent residents.

Under the current immigration system, generally, U.S. citizens age 21 or older can sponsor their parents to become green card holders, even if they have been living in the country illegally.

But under legislation President Donald Trump unveiled last week, that avenue would be cut off, creating a sense of urgency for Hernandez, who will turn 21 in December. Even if she turns in her application before Congress votes on the legislation, if the proposal passes and becomes law, her case could still be denied if it is pending when the new rules take effect.

“I’m dismayed,” Hernandez’s 53-year-old father said when he learned of the new bill, “because I’ve lived here for a long time, and I’ve had the notion that I would fix my immigration status.”

Trump, who campaigned on cracking down on unauthorized immigration and building a wall along the border with Mexico, touted the bill, known as the RAISE Act, as a means of helping American workers by slashing the number of immigrants allowed into the country each year. The bill would sharply curtail the number of people eligible for green cards, favoring applicants based on skills, education and English-language ability rather than their relationships to people already living in the country legally.

Among those impacted would be people like Hernandez’s parents, who have been living in the United States for 17 years and still hold out hope of someday getting green cards.

Immigrants and their advocates are not alone in opposing the bill, which was sponsored by Republican Sens. Tom Cotton of Arkansas and David Perdue of Georgia. By slashing in half the number of immigrants who would be allowed into the country legally, the bill has met with widespread criticism both from liberals who accuse Trump of xenophobia and conservatives who argue it would be bad for businesses with jobs to fill.

U.S. Rep. Steve Pearce, a Republican who campaigned for Trump last year and represents New Mexico's stretch of the U.S. border, said in a statement that the RAISE Act would "further limit access of our employers to the workforce."

New Mexico's Democratic U.S. senators were more blunt.

Sen. Martin Heinrich said in a statement that "this isn't a real immigration reform proposal. This is a partisan exercise."

And Sen. Tom Udall described the bill as "extreme" and "a step toward xenophobia."

"Gutting legal immigration is bad policy that would hurt our economy, American workers, and immigrants who have played by the rules and who are seeking a better life for themselves and their families," Udall said in a statement.

With the bill pleasing neither Democrats nor Republicans, observers say the legislation has little chance of becoming law.

If it were to succeed, however, the bill would pinch smaller states like New Mexico, according to Alex Nowrasteh, at the libertarian Cato Institute.

The bill would not increase the number of skilled workers allowed into the country, Nowrasteh said, pointing to the workers rural communities, in particular, depend on to fill jobs in the medical field and other industries grappling with shortages of qualified staff.

The bill would cut the total number of immigrants allowed into the country by about 40 percent in its first year to nearly 640,000 and 50 percent from current levels by the next decade.

The legislation also would make it more difficult for American residents to bring family members here to join them. Spouses and the minor children of U.S. residents would still be allowed to come to the country. But the bill would eliminate the preference provided to other family members.

The bill instead would award preference to immigrants based on their skills, assigning applicants points for their job qualifications, their education and their ability to speak English, among other criteria.

Nowrasteh said that while the White House has likened this to policies in Canada and Australia, he said that those countries accept more immigrants in proportion to their population than the U.S.

"If we were to copy the Canadian merit-based immigration system, it would greatly increase immigration to the United States," he said.

By cutting the number of immigrants allowed into the country, Nowrasteh argues: “There will be fewer consumers going forward, fewer workers and slower economic growth.”

The already lengthy line for green cards will get longer, too, he said.

“It’s not that we’re giving out too many visas,” said Allegra Love, a lawyer and director of the Santa Fe Dreamers Project, a nonprofit group that provides legal help for young immigrants.

Green card applicants can wait years, she said, particularly those from countries with large numbers of immigrants already coming to the U.S.

The law could hit this border state particularly hard.

“The big problem that has plagued our system for years and years and years are these backlogs because our quotas are too small,” said Olsi Vrapic, an immigration lawyer in Albuquerque. “That line, as it is, is decades long.”

For Hernandez, who is a biology major at New Mexico Highlands University in Las Vegas, N.M., her parents may not even be able to get in line if Trump and Republican lawmakers get their way.

According to a 2016 report by the Migration Policy Institute, a Washington, D.C., nonpartisan think tank, about 4.1 million children who are U.S. citizens live with at least one parent who is an undocumented immigrant.

“I’m excited to turn 21. We’ve been waiting for this moment,” Hernandez said from Mexico, where she visits her grandparents every summer. She leaves her parents behind, fearing they would not be able to return to the United States.

“But this bill did get me scared,” she said. “I’m not going to lie.”

Among the reasons she wants her parents to have a chance to gain legal residency status is so they could join her on the nearly 600-mile trip to Nogales, Sonora.

Her father, who didn’t want be identified by name because he fears being deported, said he brought his family to New Mexico for better economic and educational opportunities for his children. He immigrated to Taos with his family on a temporary visa and works at a furniture store.

His two older children, a 30-year-old son and a 31-year-old daughter who both were born in Mexico, went back to Mexico after they graduated from Taos High School because they couldn’t afford to go to college in the U.S., he said. His older son now is an engineer, and his older daughter is a lawyer in Mexico.

He and his wife, who works as a dishwasher at a local restaurant, stayed in Taos when their older children left because the two younger children, both U.S. citizens, were still in high school at the time. Both are now continuing their education in college. The 19-year-old son attends the New Mexico Institute of Mining and Technology in Socorro.

For Hernandez's father, obtaining legal immigration status wouldn't be just for his personal benefit. It would be a way to continue to provide for his two children living in the U.S.

"The two are still at the university," he said. "This is when they need me the most. They depend on us."

He has established power of attorney so that Hernandez can take over a piece of land where he had planned to build a house.

"My daughter was our last hope," he said. "But with the recent news, my wife and I talked about seriously creating a plan B."