OBAMA-BIDEN TRANSITION PROJECT

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FAMILY IMMIGRATION IN COMPREHENSIVE REFORM

The promotion of family unification has been a long-standing goal of American immigration policy. Nonetheless, opponents of family-based immigration have repeatedly tried to reduce the level of family-based visas issued annually, arguing that our system promotes unchecked migration without regard to the country's economic needs. In fact, a strong family-based migration system is a key component in ending illegal immigration and ensuring that a broad and diverse pool of individuals come to the United States. Moreover, family-based immigration has been shown to enhance an individual's ability to integrate into the U.S. and to thrive, especially in light of the support provided by an extended family.

Artificially low limits and processing inefficiencies have led to a backlog of more than four million family visa applicants. The backlog of spouses and children of lawful permanent residents constitutes the largest share of family members waiting abroad. . This backlog creates tremendous pressure throughout the immigration system—leading to increased illegal immigration and visa overstays, as well as a burgeoning mistrust of government bureaucracy and disaffection for the American dream.

At a minimum, existing backlogs must be systematically and quickly eliminated, requiring the allocation of sufficient visas to bring family members together within a reasonable period of time. Failure to address this problem leads to numerous complications in other immigration categories. For instance, the failure to allow family unification under the 1986 legalization program led many desperate family members to enter the United States illegally, creating the seeds of our current immigration crisis. Similarly, playing family-immigration visas against legalization or employment-based visas is doomed to fail. Drastic reductions in family-based visas in the 2007 Senate bill in favor of an untested merit-based "point" system, led to mass opposition from family advocates and contributed significantly to the bill's defeat. In addition, in the tough economic climate, several key proposals to maximize government resources and significantly decrease the current pressure on the family immigration system through the most efficient means possible should be incorporated into a complete immigration reform package:

- The recapture of unused and unclaimed family-based and employment based visas as well as a mechanism to ensure that future unused visas are not wasted;
- The reclassification of the spouses and children of legal permanent residents as immediate relatives and the exemption of this class from the numerical caps on family immigration;
- Legislation and directives focusing federal government resources on resolving backlogged family immigration cases, including many applications delayed by lengthy background checks; and
- Proposals which unite families with significant humanitarian factors, such as legal solutions for family members of military personnel, parents of citizen children who are in danger of removal, and broader discretionary measures for immigration judges to grant waivers.