

Optimist

INTERNATIONAL

Olathe Clockwinders

Guest Speaker:

Attorney Mira Mdivani

THE MDIVANI LAW FIRM LLC
immigration law practice

www.uslegalimmigration.com
7007 College Blvd., Suite 460
Overland Park, KS 66211
(913) 317-6200

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Immigration Law and Kids: Problems & Solutions

Comments by Mira Mdivani¹

A. Introduction

What does Optimist International stand for?

Meeting the needs of young people in communities worldwide, Optimist Clubs have been "Bringing Out the Best in Kids" since 1919. Optimist Clubs conduct positive service projects aimed at providing a helping hand to youth. Club members are best known in their communities for their upbeat attitudes. By believing in young people and empowering them to be the best they can, Optimist volunteers continually make this world a better place to live.

Source: Optimism International Website, June 2004.

B. Immigration Law and Kids \: Problems vs. Solutions

1. Family Separation - Compassion and Family Values?

a. Visa Bulletin - Allowable Levels of Immigration

¹ A member of the American Immigration Lawyers Association, Mira Mdivani practices immigration law with The Mdivani Law Firm, LLC in Overland Park, Kansas. Her expertise includes immigration law compliance plans, management and HR training, I-9 audits, temporary work visas for executives, managers, professionals and essential workers, employment-based permanent residency, and immigration-related issues raised in the context of corporate changes. In addition, she advises families with immigrant members on issues of permanent residency and U.S. citizenship. Ms. Mdivani is a member of Kansas and Missouri Bars. Ms. Mdivani has been invited to present on business immigration law issues by the Kansas City Metropolitan Bar Association, Missouri and Kansas Bar Associations, Wichita Bar Association, Kansas Women Attorneys Association, and the National Business Institute. Ms. Mdivani chairs the Pro Bono Service Committee of the Missouri-Kansas Chapter of the American Immigration Lawyers Association. She serves on the Board of Directors of The Association for Women Lawyers of Greater Kansas City. Ms. Mdivani has provided expert testimony in the field of immigration law to members of Kansas Senate and House of Representatives.

Problems:

A Legal Permanent Resident must wait for over five (5) years to reunite with spouse and minor children while they cannot visit him in the United States: such separation is bad for family, children growing without a parent

b. Processing Times

Problems:

A U.S. citizen must wait for approximately two years before being able to bring a spouse or a minor child to join him or her in the U.S. Is this good for kids?

Solutions:

- further restrict levels of immigration
- increase levels of legal immigration
- further slow down processing times
- give more money to USCIS and Department of State to work faster on visas for eligible family members

c. Children brought here without inspection at a young age and raised here, thinking they are Americans?

Proposed Solutions:

- Deny citizenship to children born to parents without status, or
- Remove bars and/or re-introduce 245(i),
- We need to come up with “**A more humane way to immigrate**” - President Bush, December 2003

President Bush outlined a new immigration proposal on January 7, 2004, in which he stated:

“By tradition and conviction, our country is a welcoming society. America is a stronger and better nation because of hard work and the faith and entrepreneurial spirit of immigrants. ... As a Texan, I have known many immigrant families, mainly from Mexico, and I have seen what they add to our country. They bring to America the values of faith in God, hard work and self reliance – the values that made us a great nation to begin with.”

“ As a nation that values immigration and depends on immigration, we should have immigration laws that work and make us proud. Yet today we do not. Instead, we see many employers turning to the illegal labor market. We see millions of hard-working men and women condemned to fear and insecurity in a massive, undocumented economy, Illegal entry across our borders makes more difficult the urgent task of securing the homeland. The system is not working. Our nation needs an immigration system that serves the American economy, and reflects the American Dream.”

President Bush, January 7, 2004 speech.

2. Immigrant Youth Entering the Work Force

Alan Greenspan,
Chairman of the Federal Reserve
Congressional Testimony on Feb. 27, 2003:

“As you know, the aging of the population in the United States will have significant effects on our fiscal situation.

In particular, it makes our Social Security and Medicare programs unsustainable in the long run, short of a major increase in immigration rates...

Immigration, if we choose to expand it, could prove an even more potent antidote for slowing growth in the working-age population. As the influx of foreign workers in response to the tight labor markets of the 1990s showed, immigration does respond to labor shortages... An expansion of labor force participation by immigrants and [the] heightened growth of output per worker... presents the greatest potential to boost the growth of

gross domestic product.”

Problems: Perceptions vs. Reality

14% of workforce is foreign born

Up to 11 million in the U.S. without any immigration status

Questions: continue to keep million of immigrants the underground or recognize that their labor is needed and give legal status to those who are needed in the economy? What about immigrant children who grow up and are ready to become workers who “present the greatest potential to boost the growth of gross domestic product,” in Greenspan’s words?

d. SOLVE Act vs. CLEAR Act

e. Federal DREAM Act

Permanent residency for qualified children

f. Kansas DREAM Act

This law, which should take effect on July 1, 2004, provides for In-state tuition for qualified Kansas High School graduates irrespective of immigrant status as long as they meet the following requirements:

1. Attend a Kansas high school for at least three years;
2. Graduate from a Kansas high school or receive a GED in Kansas;
3. Provide an affidavit stating that the student or students’ parents have filed an application to legalize their immigration status or that they will make such application as soon as eligible to do so, or that they will apply for the U.S. citizenship as soon as eligible;
4. Not available to student visa holders

D. Conclusion - Be Informed, Make Your Own Decision