



Immigration Monthly

August 2006

- ❑ **One Hundred Years of Filipino Immigration to the U.S. and the Guest Worker Program** by *Miriam Bustamante Riedmiller, Esq.*
- ❑ **Child Status Protection Act – New Book! Now Shipping!**
- ❑ **Family-based Immigration – New Book! Now Shipping!**

Buried in the fold of American history—from 1906 to 2006—is another 100-year history. It is the story of Filipino Immigration in the U.S., shaped by annexation and colonial ties, war, alliance and vicissitudes in economy, politics and law. The Filipino-Americans today stand on the shoulders of their predecessors who in the last century, entered the United States under the most trying circumstances, and the most unusual visa categories in contrast to other immigrant groups: they came as U.S. nationals contracted to work in Hawaiian plantations; US Citizens as World War II Veterans, as nurses, as nannies, as relatives of US citizens and legal permanent residents, and by virtue of the alphabet soup of visa categories from A to Z.

Enter the US Comprehensive Immigration Reform Act of 2006 - Arriving at its centennial mark in 2006, Filipino-Americans are now active participants in the Congressional and public debates

over the Comprehensive Immigration Reform Act of 2006 (S.2611); They witness a great divide in Congress; between the Parties, and, and within the Republican Party itself; They pursue different sides; They will live with the ultimate results of the question: whether or not some 11 million undocumented immigrants in the United States should have a chance to work in the U.S. legally, under the new Immigration Reform Law. The issue: Guest Worker Program versus border security and enforcement. This is the same issue that sent the Bill from the Senate back to the House; the same issue that sent crowds rallying out in the streets.

The Guest Worker Program – a Cause for the Filipino-American Community - Largely perceived as an exclusively Mexican cause, the Guest Worker Program hits home among Filipino-Americans, who occupy a significant place in U.S. demographics today. The latest US census (2002) places the Philippine-American community as the largest -- second to China--in the Asian-Pacific group.

The way we were: When Filipinos were U.S. Nationals; when Filipinos were capped at 50 immigrants per year - Recent demographics establish the community's significant growth. Just 72 years ago, Filipinos were subject to a 50 per year quota annually, under the Tydings-McDuffie Act. In 1934, that law declared the Philippines a Commonwealth, and all Philippine-born Filipino, as aliens. Ironically, immediately prior to the cap, the US borders were wide open to Filipinos who were then categorized as U.S. nationals, as a proximate result of the U.S. Victory over Spain in war; in the Treaty of Paris of 1898, Spain ceded the Philippines to the U.S. as a territory, after 300 years of colonial rule. The ensuing Philippine-American war from 1899 to 1902 resulted in President Roosevelt's declaration of U.S. victory, effectively making the Philippines a U.S. territory. As another irony, the comparatively few nationals that came to the U.S.

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Child Status Protection Act

A Practitioner's Guide
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then were men, recruited by U.S. labor unions as cost effective workers for Hawaiian plantations. But the initial pattern of Philippine immigration changed, mostly to meet America's need for Filipino soldiers in World War II, and at various times in history, to fill the shortages of nurses, professionals and various types of workers.

The Filipino's long winding road for the Green card (the Visa priority wait) - After riding out the immigration fluctuations brought by historical events, the Philippines today stands out in the State Department's Visa Bulletin, ranking as one among four countries in the world, with oversubscribed visas. Because the number of qualified green card aspirants far exceeds the statutory visa numerical limits set by the U.S. Government periodically, Filipinos must stand in one of the longest queues for the green card or US legal permanent resident status, while the rest of the world does not. It is interesting to note that compared to its counterparts in the visa waiting list (China, India and Mexico), the Philippines show a greater presence in the US when viewed in perspective of the country's population size and geographical distance. The Philippines has the smallest home population size at 76.5 million, against China's 9 .5 billion; India's 1.1 Billion and Mexico's 107 million. Hence, by ratio and proportion, the Philippine immigration impact in the U.S., far outweighs those of the gigantic China and India; and that of the proximate Mexico. Evident from history, this Philippine phenomenon is a result of the Philippines' long standing relations and support to the U.S. in times of peace and war.

A Filipino Quandary of a Hundred years: Living and Working in the U.S. without a Green Card and the Three/Ten Year Bars of IIRIIA- Despite the Filipino-Americans' new place in mainstream America; and despite their 100-year old roots in U.S. Immigration history, their future remains in a quandary under existing and upcoming laws. One, the looming Immigration Reform Act of 2006, and the guest worker program, stand in limbo. Two, the present climate of immigration relief is nil, under the existing Illegal Immigration Reform and Immigrant responsibility Act of 1996 (IIRIIA). Specifically, the IIRIIA has created a segment of Filipinos in the U.S. caught in a catch 22. With the penalties of three/ten year bar to admissibility, Filipinos deserving of green cards based on approved family or employment based petitions—but meanwhile are out of status--are trapped. Stuck in the State Department's Visa pipeline, due to backlogs, they are unable to return home, lest their departure triggers inadmissibility to the US for three or ten years. They yearn for new options to live and work lawfully in the U.S. In this scenario, does the guest worker program afford a

common sensible answer?

The Guest Worker Program - A solution to the Filipino Immigration Dilemma? - In the spring of 2006, the Philippine Embassy in Washington D.C. hosted a community discussion and informational campaign, to discern the Filipino-American Community's position on S. 2611 and the Guest Worker Program. Surprisingly, the community united towards a goal in favor of Filipino immigration to the U.S., took divergent positions on the Guest Worker Program.

The Pro Position - The Guest Worker Program's primary proponent is FARV, a political action committee of Filipino-Americans in Virginia. To FARV, the Program presents a practical solution, in the absence of open roads for U.S. residency, and given the Philippine immigration visa backlogs. According to FARV president, Warie Azarcon, this position is consistent with the FARV's enunciated purpose:" to help expedite the processing of residency and citizenship applications of Filipino's in the U.S. (FARV Inaugural Program, 2003).

Positions of Protest and Apathy - On the other extreme, APALA (Asian Pacific American Labor Alliance) through Filipino-American Board of Director Jon Melegrito, expresses its protest against the program. APALA'S ground: "the Program will create another tier of vulnerable workers who will be unable to neither unionize nor enjoy wage and benefits available to citizens and residents". (www.Aflcio.org). In between the two camps are community members who neutrally view the Program, and those who see it as a source of unfairness for Filipino workers and relatives, standing in line for decades for their green cards. They are apprehensive that new comers under the program might "leap frog" over their beneficiaries waiting abroad or in the U.S. for U.S. legal resident status.

The Three Waves of Filipino Immigrants in the U.S.: A Road Map to the Future - Filipino-Americans across the country are telling their story in a year-long commemorative event through the auspices of Washington D.C.'s Smithsonian Institute, and with the leadership of Centennial Committee Chair, Maurese Owens. At the kick-off event in February 2006, a panel of speakers from the West Coast academes, including Professor Enrique de la Cruz, recounted how Filipinos arrived in the U.S. in markedly different patterns, highlighted by "the three waves." As the stories unfold, the three waves of Filipinos show a road map to the future of Filipino immigration to the U.S.

Family- based Immigration

Nuts & Bolts

**by Charles Wheeler, of the Catholic
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Wave One - The first wave from 1906 to 1935, were mostly Filipino men, recruited by American labor unions, specifically to work as low-paid farm laborers for Sugarcane and pineapple plantations troubled by labor disputes. These Filipinos were admitted in America as U.S. nationals, the Philippines being a U.S. territory then.

Wave Two - The second wave was compelled by U.S. circumstances in World War II. President Roosevelt's Executive Order signed on July 26, 1941 called members of the Philippine Commonwealth Army to serve in the US Armed Forces of the Far East, with the promise of U.S. citizenship and other benefits. But the Rescission Act of 1946 signed by President Truman, yanked the rug from under the Filipino US Veterans feet when the law declared them ineligible for the promised benefits. In the same Second Wave came the Filipino women. They were swept off their feet and into America by the War Bride Act of 1945 to marry the Filipino men folk. This law sought to relieve the tensions caused by the Filipino men's dilemma under anti-miscegenation laws, prohibiting certain inter-racial marriages.

Wave Three - Finally, the third wave, departed from the first two waves as the new immigrants flowed in much larger numbers to fulfill America's need for professionals. They arrived in the third preference category carved by the Immigration and Nationality Act of 1965. This wave accounts for the current numbers of Filipino doctors and nurses serving in the US medical field.

Echoes of the Three Waves - A century after, the three waves send out echoes into the present and future of Filipino immigration. These echoes reverberate within the Philippine-American Community's debate over the Guest worker program. In fact, the extreme positions taken by different groups reflect the lessons learned from the three waves. Those who favor the program as a chance for workers to gain means to join the US workforce legally, appear to demonstrate confidence from the experience of the third wave of Filipino immigrants who found success in the U.S. as professional workers. According to panelists at the Smithsonian, Professor Enrique de la Cruz, Filipino-Americans escaped the discrimination that other minorities suffered because of their immigration timing. By the time the 50 per year cap was broken in 1965, the Civil Rights Act of 1964 was already in place, allowing the new stream of Filipino immigrants the benefit of this new law. On the other hand, those who oppose the program, echo the hardships and oppression that Filipino-Americans suffered at various points in their hundred years of immigration. According to the panelists at the Smithsonian event,

workers endured low wages, racial tensions and riots, and loneliness from being without wife or family. Moreover, the plight of the WWII Filipino US Veterans also appears to provide an echo of dissent against the guest worker program. These Filipinos who fought side by side with American soldiers in WWII, found themselves stripped of promised benefits because the Rescission Act of 1946 defined them non-active in status. These Veterans in their old age continue to fight for their cause to date. One of their foremost champions is the American Coalition for Filipino Veterans headed by Eric Lachica, a son of a Filipino-American WW II US Veteran. The Veterans' last claim to US citizenship is pegged on the Immigration Act of 1990, and on their diminishing evidence that they served as Filipino-American US Veterans of WWII. Greatly atrophied numerically, the Filipino US Veterans remain, as indelible echoes of the Filipino Immigrants painful past.

Beyond 2006 - the New Quest for Filipino-Americans - Inspired by the echoes of the past hundred years, Filipino-Americans in 2006—the year when their centennial celebration of US Immigration coincides with the Comprehensive Reform Act of 2006--take on new tasks. They must ask and answer questions on the future of Filipino immigration. What is the strategy for the next wave of immigrants, in the state of Immigration Comprehensive Act of 2006?

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About the Author

Miriam Bustamante Riedmiller, Esq. is the founder of The Law Offices of Miriam B. Riedmiller, <http://www.riedmillerlaw.com> and <http://www.riedmillerlawfirm.com>. She was Past President of the Philippine-American Bar Association of Greater Washington, D.C.(PABA-DC), has been a speaker on numerous occasions, including Asian-Pacific Heritage Day, May 2004. In 2003, during Philippine President Gloria Macapagal-Arroyo's State visit to the U.S., as PABA-DC President she acted as co-signatory to the Memorandum of Understanding (MOU) between the Philippine Foreign Affairs and the Philippine-American community. The MOU was designed to address the issues concerning certain distressed Filipinos in the U.S. She is a University of the Philippines graduate with degrees in Law and in Journalism. Miriam is an active member of AILA's, D.C. Chapter. She can be reached at riedmillerlaw@verizon.net.

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