

Merit system offers chance to stay

Daniel González

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Shirley and James Thoman are from Canada, but they think of Arizona as home.

They've lived in the Valley for 15 years, first as snowbirds, now as full-time residents. They own a \$350,000 house in Sun Lakes, they've invested heavily in land development, and they have a wide network of friends.

Next year, though, they may have to leave the country when their non-immigrant investor visas expire. That makes the Thomans angry, considering Congress is working to pass an immigration overhaul that would let millions of undocumented immigrants, people who didn't follow the rules like the Thomans did, get legal status.

It doesn't seem fair," James said.

That leaves the Thomans to hope that another provision in the immigration package will benefit them.

The bill, which the Senate could begin debating this week, would create a system that would give green cards, or permanent legal residence, to professionals who, among other things, speak English, have college degrees and have worked in this country before.

The proposal is aimed at making it easier for highly skilled immigrants to get into the United States.

Still, the plan has drawn strong opposition from businesses and immigrant groups because it would swap most of the long-standing family- and employment-based system with a merit-based one designed to select those who would make long-term contributions to the U.S. economy.

That amounts to a monumental change to the nation's immigration system.

The opposition helped create the logjam that put the proposal on ice last week. President Bush has put immigration reform at the top of his domestic policy agenda.

The current system issues green cards mostly to immigrants who either have close relatives who are permanent residents or U.S. citizens or employers who want to sponsor

them. Even when they qualify, foreign nationals often wait years, sometimes decades, to get a green card, because of country quotas.

The Thomans don't have any close relatives who are U.S. citizens, so they aren't eligible for a family-based green card. And James has been turned down twice for an employment-based green card.

The Thomans would fare well in some portions of the merit-based system because they're fluent English speakers and have worked here before. Still, the couple, who want to retire, could be penalized if they choose not to work.

Heading south

The Thomans began spending winters in Arizona in 1992, driving down in their motor home from Edmonton, Alberta. They eventually bought a house in Sun Lakes.

Under U.S. laws, Canadians can stay up to six months without a visa. In 1998, the Thomans decided they wanted to live in Arizona full time, and they applied for non-immigrant investor visas, or E2s.

The visas are reserved for foreign nationals who pledge to invest money in U.S. businesses that generate jobs and pump money into the economy.

The visas must be renewed every five years and can't be converted into permanent residency.

Now, the Thomans feel stuck. They figure they've invested \$400,000 in a land development company and paid \$135,000 in income taxes. They also have sunk roots here.

Besides their Sun Lakes home and their many friends, the Thomans cook and serve meals to the homeless and do other volunteer work through their church. He's 65, she's 63. They're ready to retire and no longer want the hassle of maintaining investor visas.

"Here you've been good citizens. You've invested money. You've bought your house here and your cars. You haven't cost the U.S. government a dime," James said. "You'd think you'd be able to have the option to stay here permanently, but they won't let you."

Meriting a U.S. visa

The immigration bill would give green cards to foreigners who scored the most points on such categories as education, occupation, work experience and language. The system is modeled after merit systems that have been adopted by a growing number of developed countries, beginning with Canada in 1967, according to the Migration Policy Institute, a nonpartisan research center in Washington, D.C.

James would seem to have a leg up in such a system. With a bachelor's degree in commerce and the Canadian equivalent of being a certified public accountant, he is a well-educated professional and a native English speaker.

"That individual would probably have a higher score, so they would be able to throw their hat into the ring," said Kathleen Walker, national president of the American Immigration Lawyers Association.

The trade group, along with several business groups, opposes the merit system. It fears that cutting employment-based green cards would be bad for the economy because it could block needed foreign workers in favor of those who look good on paper.

"Cutting the ties to employers is dangerous social experimentation," said David Leopold, an immigration lawyer from Cleveland. "You're going to have a situation like they had in Canada, where they had a surplus of (people with) Ph.D.s driving cabs."

An analysis by the pro-business **National Foundation for American Policy** found that foreign nurses vital to meeting a national shortage would be unlikely to gain entry under the point system. The system also could block workers needed in low-skill occupations. Country quotas could block needed high-tech workers from India and China.

"We'd be giving up a system where employers are choosing who is valuable to this country to one where people were being selected based on criteria created by government bureaucrats," said Stuart Anderson, executive director.

Supporters say a merit system would curtail so-called chain migration that allows legal immigrants to send for relatives back home, contributing to a population boom.

"Why wouldn't we seek to maximize" the immigration system to allow in more high-skilled immigrants, said John Keeley, a spokesman for the Center for Immigration Studies, a Washington, D.C.-based research center that favors tighter immigration restrictions.

"No one in the industrialized world is rushing to replicate the U.S. immigration system."

Meanwhile, Shirley and James Thoman have put their Sun Lakes house on the market. They are building a condo in Puerto Vallarta and plan to move to Mexico if they can't get permanent residency by the time their investor visas expire next year.

"That's Plan B," James said.

"But if we could stay here, we would stay here, because this is our home," Shirley said.