



IMMIGRATION LESSONS FROM U.S. TO INDONESIA

What is the Win-Win Formula for host Country and Immigrant

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The United States should really handle its immigration laws and policies with great care. The world is watching and as a matter of fact, is copying. Those were my exact thoughts, as I sat in my Washington, D.C. Office one sweltering August day while being interviewed by an Indonesian Immigration Official, (whose name must remain anonymous). Through an interpreter, the official asked me questions, particularly on my perspective as a practitioner of U.S. immigration laws.

The Official was on a mission to understand U.S. immigration from different angles, including that of the USCIS. His objective was to bring home a new model for an immigration system to curb the growing illegal immigration in Indonesia. The event was organized by Meridian International Center, a non-partisan and non-profit organization dedicated to strengthening international relations. How the interview happened is another story. Malcolm Peck, well known in the Philippine-American community as the beloved husband of community leader, Aida Peck, is an executive at the Meridian. He requested me to grant the interview, in order for Indonesian to elicit information about U.S. immigration laws, policies and penalties, from the lips of a practicing attorney.

Why is the Indonesian Immigration problem relevant to any of us? First of all, Indonesia is a close cousin of the Philippines .It shares many of our cultural traits, including an archipelagic

configuration. A small third world country, no one would have dreamt that it would somehow face an immigration and border issue. But apparently, it is now a favorite transit country for countless Afghans fleeing their country because of war. Actually, they are using Indonesia as a stepping stone on their way to their dream destination country, Australia. Additionally, Indonesia is experiencing illegal entries from nationals of Uzbekistan, who enter the country to engage in the entertainment business, illegally.

The Indonesian phenomenon is an eye opener to all of us because no one expects that a small third world country in the Far East will suffer illegal immigration to a point that it would seek help from the U.S., known as the country of immigrants.....and illegal immigrants.

The Philippines should pay some close attention to it's cousin's dilemma. After all, it can potentially find itself in the same predicament, as it beckons to foreigners for investments and tourism. The Philippines must be ready for any eventuality, but I would recommend that it does not adhere to the U.S. immigration formula.

Hence, the Philippines must also care to examine future immigration problems, unknown at this time, and their probable repercussions to Filipinos and even to Filipino-Americans.

On another note, the Indonesian phenomenon is relevant to those of us in the United States. As U.S. residents or citizens, it should be our concern when other countries like Indonesia are looking to the United States for guidance in their immigration policies, laws and regulations. With too many copy cats, the United States might consider the trend as a validation of the U.S. immigration law standards.

When it seemed to me that Indonesia might be looking upon U.S. immigration laws as a possible template for their own, it occurred to me that I should speak of the harsh realities faced everyday by immigrants. From the stand point of an advocate, I gave my opinion that while U.S. Immigration laws are generally harsh and impractical, there are, nevertheless certain principles that are worth drawing from, towards a win-win scenario for both the host country and immigrants. I particularly stressed the need to encourage aliens of extraordinary and exceptional ability to stay, towards serving the national interest of Indonesia.

During that interview, I loudly voiced out my opinion -- as an advocate for immigrants -- that U.S. Immigration laws are xenophobic (fearful of foreigners or strangers), and therefore, not the most ideal or desirable model for any country that would seek a win-win scenario for its people and its immigrants. The problem with a law that is harsh or impossible is that it bars compliance, and in fact promotes disobedience and other problems. It destroys the ability of the U.S. or any host country to draw the strong working hands, the brilliant minds and the noblest hearts to make the country great, if not greater. U.S. immigration laws repel immigrants, who now turn to other countries like Canada, Australia, etc., depriving the U.S. of the best pickings.

Understandably, the U.S. is in a dire situation. It is stuck with some 12 Million undocumented aliens (foreign borns), during a state of economic recession. The United States does have its reasons for acting protectively in conjunction with its best interest. However, without a Comprehensive Immigration Reform Law in place, the situation is daunting for immigrants, and to their relatives, employers and everyone else who need them.

Needless to say, a “win-Win” formula can be best achieved by the U.S. and in fact, by any country that seeks to protect its borders against undesirable elements, and at the same time, create mechanisms that would allow desirable immigrants, specifically those highly beneficial to the host country’s national interest. The U.S. does grant visas and green cards to those aliens (foreign borns) who can meet the criteria of exceptional and extraordinary ability in various fields.

In summary, the recommendations I gave to the Indonesian Immigration Official was three-fold: First, Indonesia should resort to modern technology to minimize, if not eliminate, illegal entry, as in the use of the U.S. of such technology as “biometrics” for capturing the traits and identity of an individual, thus preventing fraud; Second, that Indonesia create policies to make itself a “destination country” that would attract desirable aliens (foreign borns) such as extraordinary and exceptionally skilled aliens and other categories that will serve its national interest; C.) Indonesia should conduct an immigration study not only on a short term basis to address the Afghanistan illegals, but also on a long term basis, edging towards a global village approach.

On a final note, the Indonesian immigration phenomenon is really worth pondering, not only because of its impact to the U.S. and to the Philippines to which we are connected, but, more so, from a humanistic standpoint. We should care about the people, whether immigrant or

natural born citizens of any country because the world is now a global village. I dare say that time and technology will someday erase borders.

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