

6 Potential Roadblocks to Immigration Reform

There's been lots of talk about legislation, but reform could face significant issues in Congress.

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The Gang of Eight is drafting principles. The White House says immigration reform could be in the State of the Union. Sen. Patrick Leahy, D-Vt., is planning Judiciary hearings. The U.S. Chamber of Commerce and AFL-CIO have joined hands to push for action. There's no shortage of political will to get immigration reform done in this Congress, but attempts at an overhaul of the system have failed before, and lawmakers still have several major hurdles to overcome this time.

Here are a few:

- **A path to citizenship versus legal status:** This is the single most divisive issue that lawmakers will have to overcome. Democrats, in general, will demand that any legislation include a path to citizenship (this is also a priority for the AFL-CIO). Many Republicans, on the other hand, remain staunchly opposed to anything resembling amnesty. Senate Majority Leader Harry Reid told a Nevada news outlet that a bipartisan group of senators “have agreed tentatively on a path to citizenship, which is the big stumbling block.” But it remains to be seen whether that agreement would be acceptable to the entire Congress.
- **Comprehensive versus piecemeal reform:** Proponents say a comprehensive package is the only way to fix the system. It’s also a top priority of the president and the aim of the Gang of Eight—Sens. Michael Bennet, D-Colo., Dick Durbin, D-Ill., Chuck Schumer, D-N.Y., Robert Menendez, D-N.J., John McCain, R-Ariz., Lindsey Graham, R-S.C., Mike Lee, R-Utah, and newly elected Sen. Jeff Flake, R-Ariz. But a comprehensive bill also gives everyone something to hate. Some lawmakers, such as Rep. Raul Labrador, R-Idaho, say it will be easier to tackle different reforms in smaller bills because different coalitions will support each piece.
- **Inclusion of a guest-worker program:** Disagreement over granting foreign workers temporary visas to work in the United States has historically separated business and labor groups, but the two are trying to find common ground this time. Jeff Hauser, spokesman for the AFL-CIO—which has opposed such programs in the past—said his group is talking to the U.S. Chamber of Commerce about ways to create a depoliticized body to manage the future flow of workers.
- **The Hastert Rule:** While a number of high-profile Republicans such as McCain have worked on immigration reform for years, it’s still likely that legislation will have more

Democratic than Republican support. But House Speaker John Boehner has generally run the House in the style of former House Speaker Dennis Hastert, always ensuring that a majority of the majority party supports legislation before bringing it to the floor. The rule was violated to get the fiscal-cliff legislation passed. Redistricting after the 2010 election put more and more lawmakers into safe districts, meaning they have less incentive to compromise. So it may not be possible for Boehner to get a majority of the majority to back immigration reform.

- **A crowded agenda:** The temporary nature of the deal produced to avert the fiscal cliff means that within the first few months of the year, Congress will have to negotiate a deal to raise the debt ceiling, deal with the sequester, and fund the government. President Obama is also pushing gun control as a top priority. With limited time before legislators start focusing on their 2014 midterm races, there might not be enough oxygen for immigration reform to happen this year as well.
- **Plain old politics:** There's a reason that immigration reform has failed so many times: It's a tough political nut to crack, and can bring out ugliness and name-calling on both sides of the aisle. At a *Politico Pro* event Tuesday, Labrador suggested that Obama wanted a political victory instead of a policy victory—which may be easier if nothing gets done and Republicans get the blame. That's not the way Rep. Zoe Lofgren, D-Calif., a longtime immigration-reform advocate, sees it. "I have had Republicans say they don't want Obama to do a bill because they want flexibility, but if he doesn't do a bill, he's criticized," she said at the event. She says she's just waiting for Boehner to get the ball rolling. "It's not that tough, it's just the decision to do it," she said.

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