

Migrant activists manage few wins

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By Stephen Dinan - Pro-immigration groups, after a topsy-turvy year during which they repeatedly were stung by defeat, managed some victories in the waning days of Congress, beating back some new crackdowns and rolling back some laws Republicans passed when they were in control.

In addition to adding new roadblocks to the U.S.-Mexico border fence and delaying the Western Hemisphere Travel Initiative, Democrats used their majority to block proposals to punish sanctuary cities, to add more funding to go after smuggling-observation posts on U.S. soil and to expand workplace enforcement. They also refused to withdraw funding from an Equal Employment Opportunity Commission lawsuit challenging the Salvation Army's English-in-the-workplace policy.

The changes took place in the final days of Congress as part of the massive half-trillion-dollar spending bill, and left immigration-rights groups thinking they had salvaged something from what had been a disappointing year.

"At least a stalemate," said Bob Sakaniwa, associate director of advocacy at the American Immigration Lawyers Association, in evaluating the end of the year.

He said Democrats did not secure an expansion of temporary work visas for programs such as the H-2B seasonal foreign-worker category, and he said they failed to deliver any broader agreements to decide the status of illegal aliens or streamline current legal immigration.

But the year ended better than its summer nadir, when the Senate killed President Bush's immigration-reform proposal.

"Ultimately, considering that it could have been much worse, it's the glass half-full. That's how I might look at the stalemate at this point," Mr. Sakaniwa said.

Ernest Istook, a former Republican congressman who is a fellow at the Heritage Foundation, said Democrats wrote new rules to delay construction of the U.S.-Mexico border fence Congress approved just a year ago.

"They give lip-service to moving something along, but they create some barriers to it," he said. Those barriers include requiring that Homeland Security officials get state and local input, alert other interest groups of their plans and check back in with Congress before moving ahead.

"Who knows how long they would drag their feet on that," Mr. Istook said of his former colleagues in Congress. "They're trying to make it sound like it's reasonable

requirements, but in practice this is likely to cause major delays in constructing more of the fence."

Both the House and Senate agreed to delay the White House's Western Hemisphere Travel Initiative, which would have required stricter documentation from those crossing the U.S. border, including Americans and Canadians.

"This buys breathing room to try to find better and more sensible answers for border security, especially on the Northern Border," said Sen. Patrick J. Leahy, Vermont Democrat, who championed the delay with Sen. Ted Stevens, Alaska Republican.

Congress also dropped language that would have effectively released Border Patrol Agents Ignacio Ramos and Jose Alonso Compean, who are serving lengthy prison sentences for shooting a fleeing Mexican drug-smuggling suspect.

Overall, the House and Senate remain far apart on immigration enforcement. Most of these crackdowns passed easily in the House, with the support of many Democrats, but the Senate left them out of their versions of the spending bills.

When the House and Senate met to produce a final bill, Democrats used their new majority to adopt the Senate position, excluding the House-adopted provisions.

"The House side is where some of these less immigrant-friendly provisions were, and having them come out in the omnibus process is better for us than if they'd stayed in," Mr. Sakaniwa said.

Not everyone agreed the Democrat-led Congress was better for immigrants in recent months.

Kerri Sherlock Talbot, director of policy for the Rights Working Group, said although there was a stalemate overall, Democrats ended up allowing what she regards as some bad provisions to pass.

"I think they included quite a number of amendments that, from my perspective, are anti-immigrant and harmful," she said, pointing to language restricting the availability of housing.

She said the omnibus spending bill included \$3 billion in new money for border security, included money for the Bush administration to continue building the fence, set a goal of 370 miles of fencing by the end of 2008 and was "way tougher" than what Republicans had passed in recent years.

She also said the changes were less about House-Senate relations than about the nature of giant omnibus spending bills, which are always a series of compromises.