

First Hurdle Cleared in Immigration, but Bigger Ones Remain

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The first step in passing major immigration legislation went pretty smoothly, all things considered. The Senate Judiciary Committee late Tuesday approved a bill that would give 11 million undocumented immigrants a path to citizenship and require employers to electronically verify all new hires.

The bill offers the biggest changes to immigration law in almost 30 years.

The committee's action clears the way for a full-fledged Senate to take up the bill after Memorial Day. But making progress toward passage will only get more difficult. The "Gang of Eight" Republican and Democratic sponsors are fighting for every additional Republican vote in the full Senate, hoping that the measure will pass with "yes" votes from almost all of the 55 members in the Democratic caucus and at least 15 of the Senate's 45 Republicans.

The latest supporter of the bill is Sen. Orrin Hatch, R-Utah, who voted for the bill out of committee after reaching a deal to ease access to H-1B visas for highly skilled foreign workers. He is asking for a few more changes to the bill before a Senate vote, but his support in committee is significant.

Reform advocates are happy with the committee vote, even though they know there are many ways the bill could still die. After five arduous days of debate, with committee members slogging through hundreds of amendments, the immigration proposal emerged largely unchanged from the basic framework initially offered in April by the Gang of Eight.

The bill's path to citizenship is still intact, despite attempts from some committee Republicans to remove the ability of newly legalized immigrants to become naturalized citizens. The electronic verification requirement is still being phased in over several years to accommodate small businesses, despite an attempt to speed up the mandate that would have threatened businesses' support of the bill.

Advocates consider the legislation the answer to problems raised in 1986, when Congress passed legislation giving amnesty to 3 million undocumented immigrants and put in place a paper authorization system for employers.

America's Voice Executive Director Frank Sharry, an avid supporter of legalization for undocumented immigrants, noted that the 1986 bill didn't allow for future immigrants to enter the country for low-skill jobs such as restaurant workers, roofers, or nannies. So those workers simply entered illegally. Now there are 11 million of them. The immigration legislation on the table would create several ways for employers who need those foreign workers to get them here and not be forced to pay them under the table.

"You have options where those immigration categories didn't exist before," Sharry said. "We now have a lever to turn. If the demand goes up, you can increase the visas because you have a visa category that didn't exist before. You couldn't do that."

The final hours of the committee's deliberation illustrated the deep emotional struggles that the bill's sponsors grappled with in order to reach agreement with members of the opposing party and those with opposing viewpoints. Committee Chairman Patrick Leahy, D-Vt., waited until the bitter end of the hours-long session to discuss his controversial amendment that would give same-sex couples the same immigration benefits as heterosexual couples. The proposal was dubbed a deal-killer by Republicans, so Leahy did reluctantly withdraw it.

"I don't want to be the senator who asks Americans to choose between the love of their life and the love of their country," Leahy said.

"There will be another day, Mr. Chairman," said Sen. Dick Durbin, D-Ill., a bill sponsor who said he would have voted against Leahy's proposal because it upset the agreement from the Gang of Eight.

Another amendment offered by Sen. Mazie Hirono, D-Hawaii, to allow U.S. citizens to sponsor siblings or married adult children for green cards in cases of extreme hardship, was rejected with regrets from otherwise supportive Democrats. The ability to sponsor siblings and adult children for green cards, a right that exists under current law, was traded away in favor of merit-based visas to end so-called chain migration, at the request of Republicans.

If those amendments were difficult for Democrats to deal with, the Republicans on the Gang of Eight had their own problems. Sen. Lindsey Graham, R-S.C., noted that he and Sen. Jeff Flake, R-Ariz., had been voting for days against amendments that they themselves wanted because they knew it would upset Gang Democrats. For example, Flake and Graham voted against proposals to increase the number of guest workers allowed in the bill, because Democrats did not want to upset unions that are vigorously attempting to keep the visa numbers low to protect American jobs.

As the bill moves to the full Senate, its sponsors got a huge boost on the Republican side from Senate Minority Leader Mitch McConnell, who said Tuesday that he would not stand in the way of the legislation on the Senate floor. "The Judiciary Committee has not in any fundamental way undone the agreements that were reached by the eight senators. And so I'm hopeful that we'll be able to get a bill that we can pass here in the Senate," he said.

Even with a pass from McConnell, other Republicans are expected to make a fuss, and it will be an exercise in patience and political savvy to navigate their protests. Gang member Sen. Marco Rubio, R-Fla., who is not on the Judiciary Committee, says the bill won't pass if all 100 senators don't have their say. That's going to mean a lot of floor time for senators to talk about everything from drones to chicken-processing plants to dairy workers.

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