

Speakers Express Optimism Immigration Bill Will Pass Congress, Despite House Approach

By Laura D. Francis

Sept. 17 — Congress is closer now to reaching a deal on overhauling the immigration system than it has been in recent years, and despite some obstacles, a bill is likely to pass in 2013 or early 2014, speakers said Sept. 17 at an event sponsored by NDN and the New Policy Institute.

“We're closer to a deal today than we've ever been at any point in the past eight years,” NDN President Simon Rosenberg said. But “some hurdles” exist, he added.

ImmigrationWorks USA President Tamar Jacoby agreed. The “conventional wisdom” that immigration overhaul died in the House is “undue alarmism,” she said. Although momentum for a legislative package has slowed since the Senate passed its comprehensive overhaul bill (S. 744) in June (124 DLR AA-1, 6/27/13), the question is “How serious is the kind of slowing that we're seeing?” she said.

Jacoby, a Republican, spoke mainly about support for immigration legislation among her party's House members. “We have proponents of reform in very powerful places,” she said, listing Speaker John Boehner (Ohio), Majority Leader Eric Cantor (Va.), Judiciary Committee Chairman Bob Goodlatte (Va.) and former vice presidential candidate Paul Ryan (Wis.).

Opposition to an immigration overhaul was once “kind of synonymous with the Republican party,” but opponents have now have been “marginalized” and “isolated,” Jacoby said. And “that's huge,” she said.

In addition, she said, most Republican House members are somewhere in the middle between fully supporting an overhaul and fully opposing it, and are “grappling” with exactly which issues they feel they can support politically.

Jacoby said she doesn't think any Republicans who supported an overhaul switched positions over the August recess. It is now just a matter of waiting for Congress to get through more pressing issues such as possible military action against Syria, funding the federal government, and addressing the debt ceiling, she said.

An immigration bill “is still a plane basically on the runway potentially ready to take off,” Jacoby said.

Hastert Rule Debated

Frank Sharry, a Democrat and the executive director of America's Voice, said “the immigration reform movement—left, right and center—has never been stronger.” Pointing out that the

Senate bill passed by more than a 2-1 ratio, he said, “Our fundamentals are stronger than the House Republican dysfunction,” he said. He criticized Boehner's use of the Hastert rule, which he said was the House speaker's “excuse” to “slow-walk” immigration overhaul supporters.

Under that rule, the House Republican leadership declined to take up the Senate bill without a majority of Republicans supporting it. Boehner announced in July that the House would continue its step-by-step approach to immigration (133 DLR A-14, 7/11/13).

Jacoby said, however, that the Hastert rule isn't about stalling legislation or even helping Boehner keep his job as speaker, but creating a cohesive party. Rather than simply taking orders from party leadership, both Republicans and Democrats now are “bottom up,” and leaders only propose what they believe will result in a majority vote, she said.

On the particular issue of how to address the estimated 11 million undocumented immigrants already in the country, Jacoby said there are “two competing moral absolutes.” The Democratic moral argument is that undocumented immigrants must be given a pathway to citizenship because it is not “American” to create a second-class status, she said, and the Republican moral argument is that people shouldn't be rewarded for breaking the law.

There won't be an agreement unless legislation “honors both of those moral absolutes,” Jacoby said.

Republican Citizenship Proposal

She said Republicans are formulating a proposal that would grant legal status to undocumented immigrants and not bar them from attaining citizenship, but wouldn't provide a “special” pathway to citizenship like what is contained in the Senate bill.

Instead, formerly undocumented immigrants would be able to apply for citizenship through currently available channels—employer sponsorship, marrying a U.S. citizen or sponsorship by U.S. citizen children.

Under this plan, Jacoby said, about 1 million young, undocumented immigrants would gain citizenship through a separate piece of legislation similar to the DREAM Act, and they could sponsor their parents, adding about 1.5 million people. In addition, she said, about 4.4 million adult undocumented immigrants have U.S.-born children, who could sponsor their parents for citizenship within 20 years, bringing the total to about 7 million undocumented immigrants who would have access to citizenship.

“I see it as a test for both parties,” Jacoby said. Republicans need to bring forth the proposal, and Democrats need to show their willingness to compromise, she said.

Sharry said Democrats likely would get behind such a proposal, but that “the details, of course, matter hugely.” But he added that such a proposal has yet to be introduced. “We can't make the Republicans come up with one,” he said.

In terms of the numbers, Sharry said, the path to citizenship wouldn't end with an immigration bill passed by Congress. There still would be regulations, litigation and follow-up legislation, Sharry said, and during that process immigrant advocates would push to include as many undocumented immigrants as possible.

Jacoby also said she isn't concerned that Republicans have not introduced a proposal on the undocumented population. Goodlatte is a "consensus politician" who will wait to bring a proposal until he knows he can get a majority vote on it, she said, adding that Congress still needs to clear out the other items currently on its plate.

Implications of Legalization

Rosenberg said he believes legalizing undocumented immigrants would mean victory for advocates of an immigration overhaul, because opponents no longer would be able to use the term "illegals."

That will "take an enormous amount of the air out of the opposition balloon," making regulations and further legislation easier, he said.

Rosenberg asked whether having border security triggers for legalizing undocumented workers might be a sticking point in getting a bill passed.

Jacoby responded that the question isn't whether triggers—including accomplishing border security steps and requiring employers to use the E-Verify electronic employment eligibility verification system—will exist in the legislation. The question is whether they can ever be met, she said.

But she added that the triggers would have to be tied to undocumented immigrants' ability to earn citizenship and not the initial legalization, because nobody appears to have a proposal for how that would work. Installing triggers at that stage would raise questions as to the interim status of the undocumented immigrants and whether they could or should be deported in the time before the triggers are met, Jacoby said.

Sharry also said such triggers shouldn't be used as a means to delay or ultimately kill any legalization or citizenship proposal.

Timing Is Key

In terms of timing, Rosenberg said it might be easier to pass an immigration bill in early 2014. For Republicans who are fearing primary challenges based on their immigration stance, it would be too late in the game for a challenger to enter the race.

Sharry said, however, that Democrats aren't willing to wait forever for Republicans to act. The "get out of jail free card" Democrats have given to their Republican colleagues "has an

expiration date,” and further stalling may lead to Republicans losing House seats in the 2014 general election, he said.

Sharry said he is less concerned with how House Republicans pass legislation that results in a conference with the Senate than whether that conference actually occurs. The step-by-step approach is a “fiction being used to get to a comprehensive bill” because to Republicans, a comprehensive immigration measure would be as unwieldy as the Affordable Care Act. But if the House takes too long passing various immigration bills, he said, it will appear that Republicans are “more interested in pretending they've done something.”

Furthermore, Sharry said, those who support an immigration overhaul may determine that Democrats need to control both houses of Congress for a bill to pass, leading to possibly even greater turnover in 2016. “I just think that patience will wear thin,” he said.