

Prospects for Immigration Reform

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A major immigration legislation could be passed before the elections next year.

This assessment is based on recent political developments and statements from key players in Congress and the White House.

Noteworthy events followed the recent Senate Judiciary Committee hearing where Labor Secretary Elaine Chao and Homeland Security Secretary Michael Chertoff gave their respective testimonies.

Senate Action

For one, Senators John McCain, John Cornyn, and Senate Majority Leader Bill Frist have agreed that “comprehensive immigration reform is the way to go” This expression of solidarity between the proponents of the two rival immigration reform bills, and the person who controls the Senate agenda indicates that the Senate is ready to vote on a comprehensive immigration reform package early next year.

The specifics of the reform package though are still to be ironed out.

In the meantime, Republican Senator Chuck Hagel introduced his own immigration package which basically draws from the bipartisan bill he co-sponsored with former Democratic Senator Tom Daschle.

The package consists of four separate, but related bills, namely: S. 1916, the Strengthening America’s Security Act of 2005; S. 1917, the Employment Verification Act of 2005; S. 1918, the Strengthening America’s Workforce Act of 2005; and S. 1919, the Immigrant Accountability Act of 2005.

Hagel’s immigration reform package attempts a balance between strengthening enforcement measures with widening the channels for legal immigration. The first two bills deal with enforcement and national security, while the other two provide for the legalization of undocumented aliens and a path to permanent residency. Immigration rights advocates, however, are not satisfied with the provision requiring short-term undocumented migrants to return to their home countries before they can apply for a temporary visa.

Though announced separately, this four-bill package appears to be consistent with the staggered approach that the Senate is expected to take for comprehensive immigration reform.

House Action

A comprehensive immigration reform bill may be more difficult to pass in the House than in the Senate in light of the restrictionists' hard line enforcement-first approach.

According to a recent report, some 80 members of the House led by restrictionist Reps. Tom Tancredo (R-CO), Lamar Smith (R-TX) and John Hostettler (R-IN) have expressed their opposition to the guest worker plan of the White House and insisted that enforcement measures be implemented efficiently and completely first.

Out of the 232 Republicans in the House, more than 60 are avowed restrictionists. The remaining 170 Republicans, according to some observers, may not be enough to support comprehensive immigration reform because they do not sit in the relevant committees and would likely vote on the bill according to how the issues are put forward to them. This would make it difficult for the House to move forward with any immigration reform bill.

There is, of course, the possibility that the political configuration may change. The opposing groups within the Republican Party may eventually unify under a single proposal for immigration reform that reflects the extent of President Bush's promise to fix the immigration system, most likely a guest worker program.

Timing

With the Senate ready to vote on immigration reform, the public can expect floor action by February 2006, and the true debate will occur at the conference committee level where the Senate comprehensive reform advocates will face-off with the outspoken restrictionists of the House.

Considering the urgency of immigration reform as both a national security and an economic issue, and in light of the recent release of a detailed guest worker proposal from the White House, President Bush may step in to bridge the differences between the opposing groups within the Republican Party to push the immigration reform bill forward.

As far as political timing goes, the Republican should-- and will likely-- settle their differences on immigration reform and come up with a resolution to this contentious issue before the elections next year.

Results

The question after the dust settles is, what will this immigration reform look like?

Since the Senate is acting first, the immigration reform bill to be taken up at the conference committee will be comprehensive, meaning it will deal with border security issues, the need for guest workers and the legalization of undocumented migrants. This development augurs well for reform advocates because if the House moved first, the issues will likely be focused on anti-terrorism provisions and the expulsion of undocumented migrants. Some surmise that the best case scenario in the Senate would be a 50 to 55 vote for the McCain-Kennedy Bill, with a major amendment lifted from the Cornyn-Kyl Bill.

There are speculations as well that the House will either take up the Cornyn-Kyl Bill or draw up its own bill with input from the restrictionist caucus and guest worker provisions. If such a bill passes the House, it would be difficult to project how the resulting immigration reform bill would look like.

On the other hand, the House has its own counterpart of the McCain-Kennedy Bill, H.B. 2330, under the joint sponsorship of Reps. Jeff Flake, Luis Gutierrez and Jim Kolbe, which should inevitably be considered vis-à-vis restrictionist bills.

Many are optimistic that the Secure America and Orderly Immigration Act (under identical bills, S. 1033 and H.R. 2330) will serve as the framework for immigration reform considering that Senators McCain and Kennedy are joined by Senators Ken Salazar (D-CO), Lindsay Graham (R-SC), Joseph Lieberman (D-CT) and Sam Brownback (R-KS).

In the House, Senators Flake, Gutierrez and Kolbe, are presently joined by colleagues across party lines, namely: Reps. Joseph Crowley (D-NY), Artur Davis (D-AL), Mario Diaz-Balart (R-FL), Jane Harman (D-CA), Ray La Hood (D-IL), Ed Pastor (D-AZ), Ralph Regula (R-OH), Paul Ryan (R-WI), Henry Cuellar (D-TX), Lincoln Diaz-Balart (R-FL), Vernon Ehlers (R-MI), Mike Honda (D-CA), Grace Napolitano (D-CA), Nancy Pelosi (D-CA), Ileana Ros-Lehtinen (R-FL) and James Walsh (R-NY).

For now, advocates of a humane and genuine immigration reform must spare no effort in convincing their representatives in Congress to support the Secure America and Orderly Immigration Act of 2005 all the way.