

## Could immigration reform without ‘amnesty’ be on the table this year?

By Alex Nowrasteh

March 27, 2014

If you think immigration reform is at an impasse, you’re wrong. Yes, a massive legislation like the bill passed by the Senate last June won’t be voted by the House this year, but this roadblock, strong as it may appear, does not block reform from happening. A bipartisan compromise is already forming.

The main holdup of the Senate bill in the House was the creation of new visas which would legalize unauthorized immigrants and provide them with a path to citizenship – known colloquially as “amnesty.” However, anything resembling legalization has become far too controversial for House Republicans to take up this election year.

Republican hesitancy on legalization does not mean that the party is unwilling to undertake any reforms that could help unauthorized immigrants. As a matter of fact, key members of the House Judiciary committee, which oversees immigration issues, have already endorsed a proposal that would do just that without a legalization or “amnesty.”

The new proposal would alter portions of a 1996 law known as the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The law requires that any immigrant who stays in the United States illegally for more than six months but less than one year may not leave and reenter for three years. Any immigrant who illegally stays for more than a year may not leave and reenter for 10 years. Also known as the 3/10-year bar, any immigrant who violates it triggers a twenty-year ban from reentering the United States – for any reason.

Some unauthorized immigrants, mainly the spouses and parents of U.S. citizens, can currently apply for a green card. However, they can only do it after leaving the country. Since most unauthorized immigrants have been here for more than a decade and leaving would make the 3/10-year bar apply to them, this legislative catch-22 prevents current law from legalizing many of them.

Moreover, a recent report by the National Foundation for American Policy found that if these bars were removed, more than a third of the 11 to 12 million unauthorized immigrants here could

become legal over the next several years without any special rule designed to legalize or “amnesty” unauthorized immigrants.

Eliminating these blocks is not only good policy, it is also politically possible. Rep. Bob Goodlatte (R-VA), the GOP Chairman of the House Judiciary Committee, said that “If you address some kind of reform of that aspect of it you can avail people of an opportunity that they don’t have now.” Rep. Raúl Labrador (R-ID), also on the Judiciary Committee, agrees: “No one is going to go back home for 10 years,” he said last week. “If we get rid of what we call ‘the bars’... we could fix the problem for about 25 percent of the people that are here illegally. And we would do it through the proper legal system, so there’s no amnesty.”

Representatives Steve Pearce (R-NM) and David Valadao (R-CA) have introduced a bill with Representative Beto O’Rourke (D-TX) and five other Democrats that would exempt immediate family members of U.S. citizens from the bars – a good start.

Removing the bars or exempting some unauthorized immigrants from them is only the first step to reforming immigration law – but one that could decrease the size of the immigration black market without a mass legalization. It may also seem like a very small reform compared to the size of the unauthorized immigration population, but if it helps millions of unauthorized immigrants and their U.S. citizen family members, it makes sense to do it.

A piecemeal approach is likely the only way that immigration reform will move forward in 2014 – if at all. Immigration law is so complex and full of catch-22s like the 3/10-year bar that seemingly small changes can have big impacts. It’s time to start considering those changes.

*Alex Nowrasteh is the immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity. Previously he was the immigration policy analyst at the Competitive Enterprise Institute.*