



## **Immigration reform likely to make – limited – gains in next Congress**

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Lawmakers and analysts believe there will be some progress on immigration reform after the new Congress is sworn in next month – but caution that it is more likely to come in baby steps than in big leaps.

Six years after a Democrat-controlled Senate passed a sweeping immigration reform bill the stalled in the GOP-controlled House, control of the chambers has reversed. But the odds for comprehensive reform are expected to be the same.

Much more probable, experts say, is work on smaller goals that can pass a divided Congress and survive a veto by President Donald Trump, who has made restricting immigration a centerpiece of his administration.

“A comprehensive immigration reform bill similar to the one in 2013 has absolutely no chance in the next Congress or as long as President Trump is in office,” said David Bier, an immigration policy analyst with the libertarian Cato Institute.

Even if Democrats could pass such a bill in the House, it would not likely get a vote in the GOP-controlled Senate – and even if it did, Trump would simply veto it, Bier said in an email.

“For this reason, I think it is unlikely that House Democrats will spend much time on a comprehensive reform bill that has no chance of becoming law,” Bier said. “They will pass the Dream Act and some other bills on which there is universal agreement.”

But Bier and others said there are lots of possible targets for legislation, many of which were elements of the failed 2013 comprehensive immigration reform bill.

That bill, the Border Security, Economic Opportunity, and Immigration Modernization Act, would have dramatically changed U.S. immigration law. The bill called for adding thousands of border agents on the southern border, creating a pathway to citizenship for undocumented immigrants and adding new visas for foreign workers, among other changes.

It was pushed by the so-called “Gang of Eight” senators – four Republicans and four Democrats – and passed the Senate on 68-32 vote. Even though 14 Senate Republicans voted for the the bill, it was never brought up for a vote once it crossed over to the GOP-controlled House.

The bill now seems like an artifact of a different time, said Sen. Marco Rubio, R-Florida, who was one of the Gang of Eight, along with Arizona Republican Sens. John McCain and Jeff Flake.

“I think there are concepts in there that have been borrowed upon and built on, but that law was for a different time, when there was a Democrat Senate and a Democrat president,” Rubio said after last month’s elections.

“There’s no immigration law we can pass unless the president will sign it, so it’s got to be within the confines of what the White House is willing to do,” Rubio said, adding that the White House would only be willing to pass immigration reform as long as “border security comes first.”

Sen. Jon Kyl, R-Arizona, was slightly more optimistic, saying that the ideas behind the bill are still out there.

“There’s always a possibility of it,” Kyl said of odds a comprehensive bill could be revived. “There was a basic idea there that had some currency.”

But Kyl – who is resigning his seat on Dec. 31 – noted that McCain died in August and Flake chose not to run for re-election this year.

“Sen. McCain isn’t here, Sen. Flake won’t be here, so there are a lot of different dynamics,” he said. “But that sort of concept is still out there.”

Some of those concepts could move forward in the House after it is under Democratic control in January, said civil rights attorney Thomas A. Saenz, president of the Mexican American Legal Defense and Education Fund. He said some immigration reforms make sense even from a nonpartisan angle, citing the presence of Deferred Action for Childhood Arrivals recipients and Temporary Protected Status holders in the workforce.

But Saenz said it’s hard to predict what bills the president would be willing to sign off on.

“If this were a normal administration where there is consistency across time, I would expect that there would be some receptivity in the White House to providing relief for DACA recipients and TPS recipients,” he said. “However, this is not an ordinary administration.”

Saenz said Trump’s shifting views and “over-politicization” of immigration issues are “a problem.”

“It simply makes absolutely no sense ... in the middle of a full employment economy, to withdraw a million workers” from the workforce by canceling DACA or TPS, Saenz said.

“We’re already told that even with those million workers in place, there are more job openings than there are job seekers,” he said. “So this ought to be something that can be passed and bipartisan, as an element of economic policy law.”

While Washington argues, immigrants are being affected, said Petra Falcon, the founder of Promise Arizona, an organization that aims to build Latino political power.

“Even before the caravan, even before midterm elections, we already knew we had 11 million people in this country that needed some kind of relief,” she said. “We know we have 4 million Dreamers that were looking for additional relief other than just DACA. And of course, then we’ve got all of the families that are being caged up and separated.”

Falcon said there is a rising sense of urgency around immigrant rights that groups like hers have to respond to, citing the need for “immediate humanitarian assistance” for asylum seekers and legal services for families as examples. But the recent midterm elections give her some hope.

“Part of that (work) was making sure that we had some kind of window, and the House has given us that window,” Falcon said. “We will be working with our representatives to see what the pathway is to address the horrible conditions of immigrants.”