

THE WEEK

Obama failed immigrants. They're paying for it now.

Shikha Dalmia

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Democrats spent the first year of Donald Trump's presidency trying to save ObamaCare from his assaults. They'll spend the second year trying to save immigrants. And if they want to point fingers at anyone for having to ward off this one-two punch, they should aim them squarely at former President Barack Obama.

The single biggest blunder of Obama's presidency was his decision to prioritize a makeover of America's health-care system over an immigration overhaul. Obama's health-care plan had zero bipartisan support, while reworking immigration had considerable enthusiasm on both sides of the aisle. By choosing health care, Obama rendered *both* programs politically vulnerable.

Last night, a California judge issued an injunction barring President Trump from scrapping Obama's Deferred Action for Childhood Arrivals (DACA) program that gave DREAMers, immigrants who were brought to the U.S. illegally as minors but have grown up as Americans, a temporary reprieve from deportation. Not only did the judge tell Trump to ice his plans to throw DACA recipients out of the country, as he was planning to do if Congress did not pass a law offering them permanent protections by March, but to renew the DACA status of DREAMers who already have it. But Democrats shouldn't get too excited by the order, as the Trump administration will surely appeal — and it could well prevail in a higher court.

This means that if they can't work something out with the president and Republicans, DREAMers will face deportation. But the ransom that Trump will demand in exchange for leaving DREAMers alone is shaping up to be substantial. Pay no attention to his recent comments at a White House meeting with congressional leaders where he said he wants an immigration deal filled "with love" — this is empty posturing. If he were serious, he wouldn't have scrapped, just the night before in fact, the special status that 200,000 El Salvadorian refugees have enjoyed to live in the United States since they were displaced by an earthquake in 2001. Ditto for Haitian and Nicaraguan refugees. Nor would Mitch McConnell, the Senate Republican leader, have announced mere hours after Trump's love fest that he will not allow a DREAMer fix to be attached to a spending bill.

Democrats are threatening to shut down the government if Trump doesn't back off. They may prevail if they muster an extraordinary show of unity, but in reality, they are playing a weak hand — which is evident from the modesty of their demands. Already, they have quietly made concessions, like dropping all talk about legalizing anyone other than the nearly 1 million

DREAMers — leaving the other roughly 9 million undocumented immigrants vulnerable to deportation, even if they have committed no crimes and have deep roots in the United States. All hope for a usable guest worker program for Mexicans is gone, as is the notion of expanding the H-1B visa program for technology-related work.

Trump, meanwhile, is demanding \$33 billion over 10 years for enhanced border security, \$18 billion of which will go toward building the Great Wall of Trump. Indeed, he doubled down on his demand for this wall in a tweet after his White House kumbaya session. In addition, he wants Congress to pass laws requiring employers to use E-Verify to check the work authorization status of all new recruits against a federal database. He has been attacking family-based immigration as "chain migration" and seeks to cut legal immigration by 50 percent and end the diversity visa program. He claimed at his meeting that he would "sign" whatever Congress puts on his desk and wouldn't demand "this or that." But what he didn't mention was the pressure he was putting on them behind the scenes to send him a nativist version of comprehensive immigration reform.

This could have all been avoided if Obama had picked up where former President George W. Bush left off on the issue, when he tried to push a major overhaul in 2007 that would have legalized undocumented immigrants with clean records. But thanks to the Iraq war and Hurricane Katrina, Bush's popularity was at its lowest by then, and the bill got run out of town by the anti-amnesty brigade led by Rush Limbaugh.

Obama could have run with the momentum that Bush had built to push immigration reform over the finish line, especially since there were plenty of Republicans then who were willing to play ball with him to finish what Bush had started. Instead, Obama squandered his political capital on the ObamaCare battle.

Was it worth it?

The law is constantly in Republican crosshairs. Trump has scrapped the individual mandate that compels people to buy coverage or face a fine — the central pillar that keeps ObamaCare standing. Without it, ObamaCare exchanges may plunge into a so-called "death spiral," as the young and healthy pull out of the insurance market, leaving a sicker population to face higher premiums.

And even at its peak, ObamaCare never came close to delivering on its promise of universal coverage. There were 35 million uninsured Americans when it was passed in 2010. "Since then, on balance," notes Cato Institute's health-care policy analyst Michael Cannon, "it may have expanded coverage to 15 million previously uninsured."

In other words, Obama gave up on legalizing 11 million undocumented immigrants in exchange for extending precarious and substandard health-care coverage to 15 million Americans. From a purely utilitarian calculus, it is unclear that this was a good tradeoff.

Worse, Obama embraced a strategy of appeasement toward immigration hard-liners, having spent all his political capital in the ObamaCare fight. He doubled down on draconian enforcement, setting deportation records for removing and returning immigrants. The bipartisan Gang of Eight bill that he backed in 2013 still went down in flames, leaving him with no options

but to use his executive authority to extend temporary legal status to DREAMers' parents in 2014, just as he had done previously for the DREAMers. Without legislative backing, however, the move only enraged immigration hard-liners further, *without* giving DREAMers or their parents any real protection against restrictionist wrath.