



## Congress is still holding immigrants hostage

February 28, 2018

SINCE LAST fall, the clock has been ticking for hundreds of thousands of people--ticking down to the day when they wouldn't be able to keep their job or go to classes or even take a child or relative to the emergency room without the risk of having their lives ripped apart.

That's been the fate of undocumented immigrants protected by the Deferred Action for Childhood Arrivals (DACA) program since Donald Trump announced last year that his administration would eliminate DACA as of March 5.

This would leave these immigrants who came to the U.S. as minors in the same awful situation as the majority of the undocumented who have no program to speak for them--and who therefore face detention and deportation at the whim of immigration authorities.

This week, there was a reprieve for DACA recipients: The U.S. Supreme Court refused a Trump administration legal appeal to undo a federal court injunction that requires the government to maintain the program.

That's a relief for hundreds of thousands of people who didn't know what March 6 would bring.

But it's still a limited reprieve that won't even safeguard everyone who has been covered by DACA since its inception--and it's no guarantee that the Trump administration won't eventually get its way.

Moreover, anyone who thought immigrants might have found a sympathetic ear among the powerful was set straight the very next day, when the Supreme Court ruled that immigrant detainees aren't entitled to periodic bond hearings, and therefore can be held indefinitely, even if they have legal status.

That same day, Immigration and Customs Enforcement continued its reign of terror in immigrant communities with 150 arrests in northern California as part of a long-feared operation explicitly aimed at countering local sanctuary laws.

And while the legal decisions play out, members of Congress and the White House will continue to play politics with the lives of all 12.5 million undocumented immigrants, whether they're covered by DACA or not.

For months, Republicans and Democrats have been engaged in the equivalent of hostage negotiations. As many as 1.8 million of the undocumented could gain qualified protections from deportation under a renewed DACA, but only if the ransom is paid--in the form of draconian policies that victimize many times that number.

Trump and the Republicans want the ransom to be high, and Democrats are bartering over the terms--but they're ready for immigrants to pay a steep price.

We can't settle for a less extreme version of injustice or injustice temporarily averted. The only hope for winning a real reprieve is to mobilize the widespread public sentiment against the reactionaries' agenda and fight for the rights of all immigrants--because no human being is illegal.

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THE SUPREME Court decision came one week before the March 5 deadline set by Trump last fall to end DACA unless Congress came up with legislation to extend it.

In January, a federal judge in California ruled that the administration's rationale for canceling DACA--that Barack Obama had overstepped presidential authority in creating the program--was wrong, and the government must therefore maintain it. A second federal judge, this one in New York, made the same ruling in February.

Trump's Justice Department appealed the lower-court ruling to the Supreme Court, apparently expecting the majority of reactionary justices to reinstate its plans to end DACA. But the justices decided to let the federal appeals process to run its course. The Supreme Court might still get to rule on the program, but not until the end of this year at the earliest.

But there are questions that have yet to be answered. Already, nearly 20,000 DACA recipients have lost their status because the Trump administration stopped taking renewal applications. Even if the courts force the government to renew DACA statuses, many recipients fear giving the authorities information that could be used to round them up if the program is ultimately eliminated.

The court decisions are likely to dampen any sense of urgency in Congress about protecting the future of DACA. But even before this, lawmakers of both parties seemed resigned to letting the program end.

By contrast, Trump's initial announcement about abolishing DACA sparked so much outrage that he was forced to claim he wanted Congress to come up with a law that retained the program within six months.

Trump even met with top congressional Democrats Chuck Schumer and Nancy Pelosi, and the outlines of an agreement that probably would have satisfied most Republicans took shape:

Continuing DACA for the minority of the undocumented who qualify in return for tens of billions for policing an already over-policed border.

But Trump, in typical fashion, backed out, and the Republicans got on with the business of handing out massive tax breaks to corporations and the super-rich.

The Democrats claimed that they would keep fighting for DACA and even forced a government shutdown in early January the Republicans allowed a vote on the program--until they capitulated in less than three days.

A month later, the Senate took up four different immigration proposals--and failed to pass any of them. Thus, as March 5 approached, there was less discussion of DACA's future than at any point since Trump's announcement.

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THE PROBLEM with placing *any* hope in Congress to come up with a "solution" on DACA is that this means accepting at least some draconian anti-immigrant measures that will do a lot of harm to many more people than DACA will protect.

The Trump administration, for example, proposes to maintain DACA protections and provide a limited and lengthy "path to citizenship" for 1.8 million people, but in exchange for \$25 billion for border security and drastic restrictions on legal immigration in the future.

The right-wing Cato Institute estimates that proposals to limit family-based immigration--mislabeled "chain migration" by the bigots--and other measures would bar 22 million people from legally emigrating to the U.S. over the next 50 years.

"There is no green card shiny enough for me to justify the devastating consequences on vulnerable communities here and abroad," DACA recipient Jonathan Jayes-Green, director of UndocuBlack Network, told reporters last month.

As the Senate prepared to vote on immigration proposals in mid-February, many Democrats united around a bipartisan proposal that combined a "path to citizenship" for DACA recipients with more money for border control measures, but none of the other cruel provisions in Trump's version.

Unfortunately, a number of mainstream immigrant rights organizations went along with the deal.

Juan Escalante, a DACA recipient and communications manager for America's Voice, powerfully denounced Trump's hard-line proposal as "a racist ransom note." But in February, he supported the bipartisan "compromise," telling reporters: "We have to be realistic in the moment we're living in...We're caving on the border-security package and we're putting forth a piece of legislation that is widely accepted by the American public."

But this accepts that some immigrants must be made victims in order to protect others.

It would have been better for Escalante and America's Voice to insist, as other immigrant rights organizations do, that Congress vote on a "clean" DACA bill, without strings attached--and put

pressure on Republicans and Democrats alike to bow to the overwhelming public support for the program.

Then DACA could no longer be used as a political hostage by the anti-immigrant right to demand its wish list of draconian enforcement measures--and supporters of immigrant rights could get a leg up in building a struggle that fights for the rights of all immigrants.

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IS THIS being unrealistic about "the moment we're living in," as Escalante put it?

The problem is that mainstream liberal organizations and the labor movement are blind to any potential action that doesn't operate within the system. When the political spectrum is limited on the left to a Democratic Party that already accepts the framework of intensified immigration enforcement, disappointing compromises are inevitable.

But on immigration, like so many other issues, there is a deep support for policies that go beyond what's acceptable in Washington. Thus, opinion polls continue to show overwhelming support for DACA, even among Republicans.

What's more, the intensity of the right-wing assault has stirred anger among a larger layer of people who want to *do* something about it. That was the lesson of this year's Women's Marches, which unexpectedly drew more than 2 million people around the country--and where slogans about immigrant rights were as popular as any other.

It's true that such nationwide expressions of both discontent and the urgency to act are relatively rare. But those who want to engage with this sentiment and give it tangible and activist shape can certainly find it if they try.

Thus, in a powerful op-ed article for the University of Arizona campus newspaper, Toni Marcheva told the story of a former employer, a conservative fast-food franchise owner, who listened to another employee who was a DACA recipient talk about what losing the program would mean--and the franchise owner ended up offering his family's home if the employee ever faced deportation.

"Can you imagine if every DACA recipient had four or five or more people looking out for them, prepared to protect them?" Marcheva wrote, before concluding: "The government can never stop us from acting on what we know is right; the people will always have extraordinary powers of civil disobedience."

Such examples won't turn the right-wing tide in Washington by themselves--but they are potential building blocks for a fighting popular movement for immigrant rights.

We have the example of hard-won victories in defending some of the undocumented to build on--along with the knowledge that a left-wing alternative can, as it has in the past, win a working-class movement around the slogan: "An injury to one is an injury to all."