

## Why Immigration Reform May (Or May Not) Die In 2013

By [Laura Matthews](#)

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While advocates of immigration reform are eternally optimistic that Congress will pass a bill in 2013 -- even though two influential House Republicans have already poured cold water over hopes of such legislation leaving the chamber -- some opponents of the overhaul are being more cautious in declaring the measure dead.

“We can’t sign the death certificate just yet,” said Kristen Williamson, a spokeswoman for the Federation for American Immigration Reform, which favors immigration restrictions.

Here’s why Williamson said her organization is cautious about declaring comprehensive immigration reform dead.

“It’s clear that establishment Republicans -- [Speaker John] Boehner, [Majority Whip Kevin] McCarthy -- aren’t ready to commit to no amnesty,” she said, adding that the speaker hasn’t said he will not go to conference with the Senate. “Republicans are unable to commit to no conference and no amnesty on immigration because they are being pushed by special interest corporations who are trying to be the go-between the White House and Republicans. Until that happens the door is left open.”

Republicans have a series of piecemeal reform bills that satisfy the conservatives’ call for more enforcement, improvements to border security, and an E-verify system to make it impossible for companies to employ undocumented immigrants. Those bills largely avoid the issue of citizenship for the 11 million undocumented immigrants in the U.S., but some Republicans are flirting with the idea of legal status for immigrants.

The Democratic-led Senate passed its vision of immigration reform in June. That measure includes doubling the number of border patrol agents along the Mexican border to about 40,000 and providing a 13-year pathway to citizenship for the estimated 11 million in the country without papers. Republicans see this pathway as “amnesty.” However, the bill has been lingering in the House of Representatives for months now because of Boehner’s promise to not put a bill on the floor without a “majority of the majority” support.

In an attempt to break the impasse and keep the issue at the forefront, House Democrats, led by Minority Leader Nancy Pelosi of California, introduced their own legislation, removing the “border surge” in the Senate’s bill and replacing it with a bipartisan amendment that passed the

House Homeland Security Committee in May. The border security bill from Rep. Michael McCaul requires that the administration draft a border plan for 90 percent apprehension of illegal border crossers in five years.

But from FAIR's perspective, any of the House bills can be used a "vehicle to get amnesty" via a conference with the Senate legislation.

"It's clear that moving forward any new immigration law that tries to improve our legal immigration system and also prevent illegal immigration will not be enforced," Williamson said.

### **Timing**

While FAIR waits for a commitment from the establishment, Alex Nowrasteh, an immigration policy analyst at libertarian think tank Cato Institute, is a bit more confident that it's likely a no-go this year for immigration reform.

Nowrasteh said that timing is the reason, as there aren't enough legislative days left on the calendar to pass it. There are just 15 legislative days left this year. The momentum the issue had earlier this year among lawmakers was quickly derailed by the Syrian chemical weapons crisis, NSA spying, and the recent government shutdown. Currently, the broken health-care websites and the fact that millions of Americans are losing insurance plans they would like to keep remain the focus of President Barack Obama and his administration. This, after Obama said immigration was among his top priorities, following the reopening of the federal government last month.

"Just because it doesn't pass in 2013 does not mean it is dead in 2014," Nowrasteh said. "I think it will definitely have some legs in 2014, especially in the early part of the year."

### **Perhaps History Will Repeat Itself**

Last week, Rep. Mario Diaz-Balart of Florida, one of the key Republican players in the immigration debate, said if lawmakers didn't tackle the issue early next year then "[it flatlines](#)" because of the 2014 midterm election cycle.

But the Cato analyst said anything is possible in 2014, especially when history shows that the 1990 Immigration Act passed the House in October (during an election year) and President Ronald Reagan's 1986 "amnesty" act also became law in an election year.

"The notion that it's dead because of an election year is a talking point to try and delay reform, rather than serious analysis," Nowrasteh said. "A lot of Republicans are still skeptical about a path to citizenship."

Instead, he added the House is at a point where close to half or a majority of Republicans are in favor of at least legal status for undocumented immigrants. But the leadership needs time to rally the troops and draft the language.

“They also need to figure out how much legalization they are going to do,” Nowrasteh said. “We expect it to be imperfect so we can debate it.”

### **No Appetite For It**

But according to Steven Camarota, director of research at the Center for Immigration Studies, reform is dead, whether this year or the next.

He, too, thinks that unless Congress schedules more legislative days such a mammoth undertaking is doomed to fail. However, Camarota believes the House will not take up immigration because they just don't have a “real appetite to do it.”

“Republicans aren't convinced that this is a politically good idea for them,” he said.

Though the polls would differ, as they show a majority of Americans favoring reform, Camarota said “polling is always difficult because it depends on the questions' wording.”

And if polls are anything to go by, then perhaps Sen. Marco Rubio of Florida's popularity decline this summer is a sign for Republicans to stay away from reform.

According to a survey from [Rasmussen](#), Rubio's popularity among Republican voters dropped 10 percentage points in June to 58 percent, after his efforts to pass comprehensive immigration reform.

“Republicans know their members don't like it and that the public will fight against them [if they block it],” Camarota said. “So there is just no appetite for it. The bottom line is, from Republicans' point of view, is focus on Obamacare. The politics is that this thing won't pass this year or next year either.”

### **Executive Action To The Rescue?**

That's unless the president decides to exercise his use of executive action to stop deportations of the undocumented. Obama has already said ‘no’ to expanding deferred action to unauthorized immigrants.

Even if Obama changes his mind on that, Camarota said, the president will likely get pushback. Just whether it will be strong enough to stop him is another matter.

“I don't know,” Camarota said. “As his popularity drops his ability to maneuver on these issues drops too.”

### **It's Really Will Versus Calendar**

Frank Sharry, executive director of advocacy group America's Voice, said he isn't buying into the idea that there aren't enough days left for Congress to act on immigration reform.

“We just find it ridiculous that House leadership is saying they have no time when they have nothing else to do,” he said in a phone interview on Tuesday. “It just doesn’t strike us as credible that they don’t have enough time.”

Rather, Sharry said action on comprehensive immigration reform is a matter of Republicans’ will versus the number of days on their calendar.

“Maybe they don’t have enough time for whatever they are cooking up in the back room,” he said. “We want them to take floor votes before the end of the year. They have time. There is broad public support in favor of reform. It’s in the economic interest of the country. It’s in the political interest of the party. They just need to act rationally. At some point the Republican Party has to decide if they are going to let the minority in the party be the tail that wags the dog.”