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Obama set to act on immigration, angering GOP

Obama's executive order cheered by reform advocates, but unilateral action infuriates Republican critics

By Jessica Meyers
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WASHINGTON — President Obama plans to announce his much-anticipated executive action on immigration Thursday, a move that is expected to spare up to 5 million undocumented immigrants from deportation and provide many with work permits.

The announcement — which threatens to fuel partisan rancor ahead of the 2016 elections — also may remove deportation fears for parents whose children are US citizens or legal permanent residents, increase options for foreign workers on high-skilled visas, and clarify who should remain in the country.

“Everybody agrees that our immigration system is broken,” the president said in a Facebook video posted Wednesday afternoon. “Unfortunately, Washington has allowed the problem to fester for too long. So what I’m going to be laying out is the things I can do with my lawful authority as president to make the system work better even as I continue to work with Congress and encourage them to get a bipartisan, comprehensive bill that can solve the entire problem.”

Obama’s action, while cheered by immigration reform advocates, could impact Democrats’ ability to work with a new Republican-led Congress and has left Republicans in disagreement over how to proceed.

The president has faced persistent criticism from Republicans, and his decision now to act unilaterally — without congressional backing — becomes in issue in its own right.

Republicans keyed in on a particular remark last year, when Obama said he lacked power to take unilateral action because he is not “emperor” of the United States.

“If ‘Emperor Obama’ ignores the American people and announces an amnesty plan that he himself has said over and over again exceeds his constitutional authority, he will cement his legacy of lawlessness and ruin the chances for congressional action on this issue – and many others,” Michael Steel, a spokesman for House Speaker John Boehner, said in a statement.

White House press secretary Josh Earnest said Wednesday that Obama had the legal authority to act and insisted every president since Dwight D. Eisenhower used executive discretion.

Earnest did not specify how the president could go against his own statement, and Obama urged Americans to tune in to his Thursday speech to learn details.

Univision, CNN, and a number of other cable channels plan to air the 8 p.m. speech Thursday. Many of the main commercial networks — in the middle of November ratings sweeps — will not. On Friday, Obama will promote his plan at a Las Vegas high school in the same increasingly Hispanic state where two years ago he outlined comprehensive reform principles.

Details emerged Wednesday night that indicated the president would not provide deportation relief to farm workers or the parents of Dreamers, immigrants who arrived in the United States as children but gained some protection from deportation through Obama's actions in 2012. Those who receive new protections will not be eligible for the government's health care subsidies, according to The New York Times.

The president's orders won't go nearly as far as permanent legislation. It will not resolve the question of citizenship for some of the 11 million undocumented residents, raise the cap for high-skilled immigrant visas, or make sweeping determinations about border security.

"Most of the core problems. . . still exist," said Emily Lam, the vice president for health care and federal issues for the Silicon Valley Leadership Group. "The question is, 'Does that set them off on the wrong foot for the new session and how much does it poison the well?'"

Obama has warned Republicans that failure to pass an immigration bill would force him to use executive power. He delayed any action until after the elections at the behest of Democrats who feared it could backfire on certain candidates.

But his party still lost control of the Senate — partly due to Obama's low approval ratings — and Republicans blasted the president for acting even before the next Congress starts.

Senator John McCain, the Arizona Republican who has played a key role in the Senate's immigration efforts, said the president's timing "is going to poison the well very badly."

Texas Senator John Cornyn, the Senate's second-ranking Republican, said in a Tuesday floor speech that the president's move was a "squandering of the opportunity to work together on a bipartisan basis."

The Senate last year approved the most sweeping immigration overhaul in decades, with 14 Republicans voting alongside Democrats. It passed the chamber 68-32.

But John Boehner has refused to take up the Senate bill and Republicans could not come up with legislation of their own. This didn't hurt them in the midterm elections but it might play out differently in the 2016 presidential elections, when more Hispanics vote.

Many Democrats have backed Obama.

“It’s a needed step,” said Senator Edward J. Markey, a Massachusetts Democrat. The House has “had an opportunity to lead. . . they have done nothing.”

These dividing lines threaten to undermine the bipartisanship both parties promised after the midterm elections.

“What the president is trying to do is polarize this issue and define Republicans through inaction and hostility,” said John Feehery, former spokesman for Dennis Hastert, a former Republican House speaker. “Republicans have to not overreact to this, treat it professionally, and use it as an opportunity to define the next two years.”

But Republicans have yet to develop a cohesive strategy, with members threatening everything from a shutdown of the government to impeachment of the president.

Iowa Representative Steve King and Texas Senator Ted Cruz, both Republicans who fought an immigration overhaul, have insisted the party use any means necessary to fight Obama’s move.

“The people voted, and they voted against the president’s illegal amnesty,” said Cruz, who has instructed Congress not to confirm executive or judicial nominees as long as the action exists.

King is preparing legislation that would reverse the president’s order.

More than 50 Republicans have signed onto a letter circulated by Arizona Representative Matt Salmon that requests language in an upcoming government spending bill that would prohibit funding for the president’s intentions on immigration.

Kentucky Representative Harold Rogers, the House Appropriations Committee chairman, this week suggested passing the spending bill and then pulling funds for the president’s actions.

Lawmakers must pass the bill in some form by Dec. 11 or face a government shutdown — an action that worries a number of Republicans.

“What is not a solution is a shutdown of the government,” said Florida Republican Representative Mario Diaz-Balart, a major force in the House’s effort to craft an immigration bill.

Boehner has vowed to fight the president “tooth and nail,” while incoming McConnell has pledged to avoid a shutdown.

Some analysts and lawmakers believe Republicans can salvage the situation through tailored immigration bills.

“This would be the most productive Republican response rather than filing lawsuits or defunding the government,” said Alex Nowrasteh, immigration policy analyst at the Cato Institute, a libertarian Washington think tank. “It’s a way to get control of the situation without alienating Hispanic voters and nullifying the president’s executive action all in one stroke.”

