What’ll be Happen to Comprehensive Immigration Reform under Obama: Four Analysis

US immigration reform could happen in September, activists

[AFP - Jan 12, 2008] After two failed attempts in 2006 and 2007, immigration reform could finally be pushed through both houses of the US Congress starting in September, civil rights activists said.

"We are confident and very optimistic that there’s likely to be a big window of opportunity between September 2009 and March 2010," America's Voice pro-reform group director Frank Sharry said in a telephone conference.

"I think that would be a good time simply because there are no federal elections going on, and beyond that, it is really important for us to get this really done at a time when we do not have huge immigration rhetoric going on around the nation," said Los Angeles Roman Catholic Archbishop Roger Mahony.

Janet Murguia, president of La Raza, the country's main Hispanic lobby group, was hopeful immigration reform would be approved during the 111th Congress that started last week.
After the November 4 general elections, Democrats are comfortably in control of both the House of Representatives and the Senate.

The last immigration reform proposal in 2007 sailed through the House but stumbled in the Senate, where it came up one short of the required two-thirds or 60 vote majority.

Some 12 million illegal immigrants live in the United States, most of them from Latin America, making Hispanics the largest minority group in the country.

Living and working conditions for illegal immigrants have worsened under the strict controls and rules of the Department of Homeland Security President George W. Bush created after the September 11, 2001 attacks.

In any case, "migration reform starts with President Obama's leadership," said Sharry referring to president-elect Barack Obama who will take over from Bush at the White House on January 20.

"When the president is ready, we will be ready," said National Immigration Forum director Ali Noroani also referring to Obama.

The last, failed immigration reform legislation in 2007 would have given legal status and a path to citizenship for all illegal immigrants.

Obama had been involved in negotiations over the text and immigration reform earned broad support from both Democrat Obama and Republican rival John McCain on the 2008 campaign trail.

All the rights activists concurred that Obama's economic stimulus plan will likely keep lawmakers busy in the first few months of the year.

Obama on Thursday said he wanted Congress to approve the 775-billion dollar proposal as quickly as possible.

While an economic crisis is not the best time to present a substantial immigration reform package, Sharry said, "legalizing workers will increase wages, increase the tax compliance of the workers and the employers who hire them and it would restore the rule of law."

The latest immigration bill failed largely because of widespread disagreement among its sponsors, the rights activists concurred at the telephone press conference.

Murguia said a lot of the work for immigration reform has already been completed inside and outside Congress.

Senate Majority leader Harry Reid on Wednesday presented his legislative agenda for the new Congress and said immigration reform was one of its top ten priorities.

Since we are in a vacuum now with the immigration reform," said Mahony, "what is happening is that all this piecemeal that is being passed all across the country by cities, counties, states, is extremely unhelpful.

"It is creating division and fear."

**Immigration issue on back burner**

[Hernán Rozemberg - San Antonio Express-News January 11, 2008] With all eyes still on the nation's plunging economy, it's hard to remember the last time President-elect Barack Obama made any mention of immigration — a campaign issue he pledged to tackle in his first year in office.

And though they understand the necessary focus on the economy, activists on both sides of the fiery immigration debate are still preparing for political battle.

Immigrant advocates are making a pledge of their own: to hold Obama accountable for his campaign promises. They estimate Congress won't take up the issue until September and, if the effort succeeds, look for a new law overhauling the current system by March 2010, said Frank Sharry, director of America's Voice in Washington, D.C.

On the other side of the fence, activists pushing for immigration restrictions — deflated by the new Democratic domination in the executive and legislative branches — remained optimistic that hard economic times will impede making a mass amnesty program palatable to the general public.
For now, Obama has kept mum on the matter, repeating on his transition Web site his pledge for “comprehensive immigration reform” and resurrecting an effort involving a multi-pronged approach to fix the immigration problem that failed to pass in Congress the past two years.

Even Obama’s “immigration transition team” — two law professors, Tino Cuéllar of Stanford University and Georgetown's Alexander Aleinikoff — is keeping quiet. Neither replied to repeated requests for an interview for this article.

Immigrant advocates who have met with them said Obama's advisers are not responding to media inquiries because they're still in fact-gathering mode, meeting with activists and politicians to eventually come up with a detailed strategy.

“They told us they're just listening and taking recommendations for now,” said Oscar Chacón, whose National Alliance of Latin American and Caribbean Communities drew 15 immigrant advocacy group leaders from across the country for a meeting Wednesday with Cuéllar and other Obama advisers.

Though he was not promised any commitments, Chacón — a Salvadoran who entered the country illegally in 1980 but later gained U.S. citizenship — said he remains confident that immigration reform will be enacted because the advisers agree it's an issue linked to other must-fix problems.

Other leading national immigrant advocates said in the past week they'll wait patiently while Obama takes care of the economic mess, but they're not willing to let the crisis push the issue aside.

No specifics have yet been discussed as to what a new immigration bill would contain, but advocates concede that their desire for a legalization-with-penalties program for the estimated 12 million immigrants in the country illegally would have to be coupled with certain enforcement measures, such as beefed-up border security.

“We already learned in 1986 the downside of trying to do legislation piecemeal,” said Cardinal Roger Mahony, archbishop of the Los Angeles Catholic Diocese, who publicly defied a 2006 law calling for prosecution of social groups helping unauthorized immigrants. “To be effective, you need a package that fixes all the broken parts.”

Immigration restrictionist advocates countered that while Obama may be willing to risk backing some measures with a good chance of passing Congress, there's no way he'll try for mass amnesty.

Roy Beck, a former journalist who directs NumbersUSA, a lobby group in Washington that seeks lower immigration levels, said Obama would “commit political suicide” if he tried to legalize millions of unauthorized workers with so many Americans out of work.

He said migrant activists will likely win some concessions, such as Obama using presidential discretion to slow the unprecedented and ongoing series of immigration raids.

Beck's argument, particularly invoking American workers as a case against unauthorized immigrants, will become the revamped restrictionist mantra, noted a veteran observer of national immigration politics.

Their focus will change from beating the drum of illegality to protecting the average American worker from competing for jobs with unauthorized immigrants, said Demetrios Papademetriou, president of the Migration Policy Institute, a Washington-based nonpartisan think tank.

Even if he still wanted an all-inclusive massive overhaul, the economic climate will not allow it, and Obama will likely back two smaller measures with the caveat of keeping his promise to advocates and return later to seek bigger changes, he said.

These narrower proposals could include two bills with bipartisan support that have lingered for years without approval: The DREAM Act, giving as many as 1 million students who are in the country illegally a chance to go to college or join the military and eventually gain permanent residency, and AGJOBS, a bill creating a new temporary agricultural worker program.

“There's no way he's going to be able to deliver on a comprehensive package,” Papademetriou said. “At best, he'll try for a down payment to assure people he's doing his best under current circumstances.”

Anti-Immigration Forces Ready to Challenge Obama

[Tom Barry - Americas Policy Program, Center for International Policy (CIP) November 20, 2008] While pro-immigration groups are hailing the Obama victory and the Latino turnout as a victory for liberal immigration reform, immigration restrictionists are reshaping their messaging for the Obama era. Although not thrilled with the prospect of an Obama presidency, the restrictionists don't necessarily fear it. Some, including NumbersUSA and the Federation for American Immigration Reform (FAIR), already are trying to leverage Obama's promises to protect workers and create jobs.
Given how successfully the restrictionist institutes in Washington have tweaked their anti-immigration message in the Bush era to reflect new citizen concerns about national security and the "rule of law," it would behoove immigrant advocates and other supporters of comprehensive immigration reform to pay more attention to what the leading restrictionists are now saying.

During the campaign the anti-immigration groups despaired over the prospect of either McCain or Obama. But now the two leading restrictionist policy institutes, NumbersUSA and the Federation for American Immigration Reform, point encouragingly to Obama's strong positions in favor of employee verification and employer enforcement.

They have also been confident that the aggressive enforcement regime instituted by Homeland Security Secretary Michael Chertoff will persist into the next administration, especially given the way that many Democratic congressional representatives have supported increases in the department's immigration-enforcement and border-control budget.

However, it's the country's economic downspin that gives the restrictionists the most confidence that liberal immigration reform is dead for the foreseeable future.

FAIR's Post-Election Framing

FAIR immediately jumped into the post-election debate over immigration reform with media releases, polls, and new policy analysis about the prospects for comprehensive immigration reform.

Rather than focusing on how pro-immigration and anti-immigration candidates did on Nov. 4, FAIR almost immediately developed a new framing for its anti-immigration message. According to FAIR, "The results of yesterday's elections are a clear rejection by the voters of government of, by, and for, special interests, and policies that have brought this nation to the brink of an economic crisis."

While pro-immigration groups like the National Immigration Forum and America's Voice were citing the heavy Latino and immigrant turnout for the Democrats as evidence that the time has come for liberal immigration reform, FAIR posited that Americans were mostly concerned about their jobs and economic stability and, as such, would not support "failed special interest-driven policies" like immigration.

FAIR asserted that "Americans are fed-up with immigration policies that have placed the interests of immigration lawbreakers, cheap labor employers, and ethnic power brokers ahead of those of struggling workers and taxpayers."

Casting aside Obama's promise to enact comprehensive reform including legalization in his first term, FAIR's president Dan Stein zeroed in on Obama's commitments to create jobs and to back "change that voters can believe in." Instead of focusing on the cultural, national security, environmental, or "rule of law" arguments that FAIR has previously favored, Stein argued that FAIR's position in favor of restricted immigration was an economic, worker-centered stance.

"To the extent that Senator Obama received a mandate," said Stein, "it is to put government back on the side of working Americans. A critical component of an economic recovery plan for struggling workers must be to set rational limits on immigration, enforce laws against employing illegal aliens, and resist calls for more guest workers."

Rather than situate FAIR as a negative force opposing comprehensive immigration reform, Stein called for Obama to "put forward a coherent immigration policy that recognizes that reforming immigration is critical to getting our economy back on track." Typical of the restrictionists that see legal and illegal immigration as a causal factor for most any problem from climate change to the subprime crisis—FAIR now regards restrictionism as central to economic recovery.

"At a time when the economy is faltering, when nearly a million Americans have lost their jobs this year alone, when federal, state, and local governments are facing unprecedented deficits, President Obama will need to institute and enforce immigration policies that do not add to these problems."

Like the pro-immigration forces, the anti-immigration camp brandishes polls to back its statements. In making its new pitch for a conservative reform package that would restrict both legal and illegal immigration, FAIR points to exit polls and a post-election poll it commissioned to support its contention that liberal immigration reform can't count on widespread public support....

See complete article at: http://americas.irc-online.org/am/5688

Kyl reluctant to take lead on immigration plan again


In 2007, Sen. Jon Kyl surprised critics and angered many supporters by negotiating and championing controversial comprehensive immigration-reform legislation. But after taking a pounding from conservative activists, Kyl is not eager to stick his neck out again for a temporary-worker program and steps toward legalization for millions of undocumented migrants in the country.
Nationwide public outcry ultimately killed last year’s measure. Although the timing is unclear, the incoming Democratic-controlled Congress is expected to give it another try with a new version.

President-elect Barack Obama is an immigration-reform supporter who promised Latino voters during the campaign that he wouldn’t wilt under public opposition. But the support of high-profile conservatives such as Kyl, the Senate’s No. 2 Republican, would help blunt the impact of a voter backlash.

McCain, whom Obama defeated for the presidency, is signaling a willingness to work with the new president on the hot-button issue.

Action, though, may not come in the early days of the new administration, which is fixated on the economy.

Another potential complication: Senate immigration point man Edward Kennedy, D-Mass., is battling brain cancer and is focused on health-care legislation.

"The president will set the agenda. He’s just been elected with a significant majority, and the Democrats have made significant gains in both houses, so it will be up to them to decide where comprehensive immigration reform will be on the agenda," McCain said Thursday during a meeting with Arizona Republic editors and reporters. "I stand ready to work with them at the first opportunity, but for me to say that that’s what we’re going to take up is not in keeping with the results of the last election."

Kyl isn’t saying no to immigration reform out of hand, but he supports a position first articulated by McCain during the campaign: that Congress must convince the American people that the borders are secure before pursuing other reforms that critics view as benefiting illegal immigrants.

He also credited Homeland Security Secretary Michael Chertoff and Kennedy for their willingness to make concessions, particularly on restricting family "chain migration," upon which Kyl says few other countries base their immigration systems. With chain migration, immigrants can facilitate visas for relatives.

Kennedy's conciliatory attitude prompted Kyl to make concessions, too. He agreed to a proposed pathway to citizenship for many who are now in the country illegally. Kyl prefers a system based on the U.S. marketplace's need for temporary workers and had opposed such a pathway in 2006.

"I doubt that the public thinks we’re there yet, and I’m not sure that the same basic trade-offs will be agreed to again," Kyl said. "I don't know whether the Obama administration would be willing to consider the same changes, but they were critical to my support for the ultimate bill. And if they alter the agreement significantly, and I suspect they will do so, then the equation for trade-offs becomes totally different."

Arizona Gov. Janet Napolitano is Obama's choice to replace Chertoff at the Department of Homeland Security. With Democrats holding commanding advantages in the House and the Senate, the urgency to win over minority Republicans to pass priorities such as immigration reform is reduced.

Still, Kyl, recently re-elected to a new term as Senate minority whip, would add significant bipartisan clout to any immigration plan. He is the highest-ranking Arizonan on Capitol Hill since the late Republican Rep. John Rhodes was House minority leader in the 1970s.

McCain paid a political price for embracing comprehensive immigration reform: His fundraising dried up so much that by mid-2007, his presidential campaign was in danger of collapsing.

McCain stands by his earlier call for the tactical shift that emphasizes border security. But he said a guest-worker plan could be pursued at the same time.

"I think we are already making significant strides," McCain said "I don't think it has to be, quote, completed. "I think we have to assure the American people that our borders are being secured and, at the same time, we can establish a temporary-worker program that works."

Immigration advocate Elias Bermudez, founder of Phoenix-based Immigrants Without Borders and a Republican, expects McCain to remain the GOP leader on immigration reform. But he said Kyl understands the political importance of not driving away Latinos from the Republican Party with anti-immigration rhetoric.

"I don't think the Democrats need Republican votes to pass this," Bermudez said. "Kyl will probably try to put in his two cents’ worth as to what he believes is needed in immigration reform. . . . Remember, we are not looking for ‘amnesty.’ We are asking for an official mechanism whereby people are able to come here legally to work.”
McCain agreed that Republicans must not alienate Hispanics, noting that President Bush won 43 percent of the Hispanic vote in 2004. McCain got 31 percent this year.

"In (swing states) Colorado, Nevada and New Mexico and Florida, the margin of defeat was the difference in the Hispanic vote between 2004 and 2008," McCain said. "We Republicans . . . have got to recruit and elect Hispanics to office. And we need to correct the impression that many Hispanic citizens have, and that is that we don't like Hispanics."

**Unión del Barrio on the criminal military incursion of Gaza**

*January 4, 2009*

Unión del Barrio, a Mexican and Latin American organization based in Southern California which has struggled for over 25 years for the self-determination of the Mexican people within the boundaries of the United States, stands today with the Palestinian people and strongly condemns the criminal military incursion by the Israeli occupying forces into Gaza.

We have seen with horror, the effects of Israeli occupation against the people of Palestine and in particular the people of Gaza who have had to endure the illegal blockade that for nearly three years the Israeli government has perpetrated against the people of Gaza, depriving nearly 1.5 million people of basic resources and thus creating one the worst humanitarian crisis in the world turning Gaza into a virtual open air prison.

The criminal bombardment of Gaza and the illegal invasion by the Israeli occupying forces must stop: The world over demands it.

From this corner of the world, also besieged by walls of apartheid, such as the one now being built along the US-Mexico border, the Mexican people who live in the United States stand with the people of Palestine and with their righteous struggle for self-determination as well as their right to return to the lands that were illegally taken by the State of Israel.

Although thousands of miles separate us, we support the Palestinian community because we know what persecution is, as the Department of Homeland Security has created a state of siege in our communities. It is this very U.S. government, which with one hand finances the illegal Israeli occupation of Palestinian lands, and with the other wages a criminal war against our people on our own lands. From Gaza to the U.S.-Mexico border we are unveiling the mask of "national security": for what it really is; State sponsored terrorism. We know the impact that walls of apartheid have on people; we also know the deaths that these walls create. And while they may be two different walls that divide our peoples, our struggle is one.

Unión del Barrio stands with Palestine and its struggle. The courageous resistance of the Palestinian people in the face of State terrorism gives hope to the millions of displaced and conquered people all over the world. We are confident that through unwavering solidarity and the continued resistance of the brave Palestinian people, justice will be had. We know that the walls that divide us will come tumbling down and our peoples will be free. From the river to the sea Palestine will be free!

Self-determination for all freedom loving people!

¡Viva la lucha Palestina!

Central Committee Unión del Barrio

**U.S. Immigration News Briefs**

*Immigration News Briefs (INB), a weekly English-language summary of US immigration news created by: Coalition for the Human Rights of Immigrants (CHRI). E-mail: weeklynewsupdate@gmail.com; http://weeklynewsupdate.blogspot.com*

1. **TEXAS: DETAINNEES PROTEST DEATH, SEIZE HOSTAGES**

On Dec. 12, some 1,300 federal prisoners staged an uprising at the privately run Reeves County Detention Center in Pecos, Texas, to demand better medical treatment after a detainee died at the facility, allegedly of natural causes. The Reeves County Detention Center has been run since 2003 by the GEO Group, based in Boca Raton, Florida, under contract with the federal government. The medium security prison holds more than 2,400 people, mainly inmates detained for immigration law violations. The uprising took place after the detainee’s body was removed from the prison, Texas Department of Public Safety Trooper John Barton told the Pecos Enterprise. The prisoners set a fire in an exercise room at the facility and were evacuated to an outdoor yard, where they took two prison recreation workers hostage. The newspaper reported that firefighters had to extinguish bonfires inmates had set to keep warm overnight.

About 30 agents from the Border Patrol’s Marfa Sector were deployed to the detention center in response to the incident. The border agents arrived with an assortment of less-than-lethal weapons, an armored vehicle and support from a Customs and Border Protection (CBP) Air & Marine Huey helicopter. CBP used the helicopter to allow a prison
official to conduct aerial surveillance of the compound. The border agents surrounded the facility and guarded the perimeter but apparently did not enter it. After about 17 hours, negotiators from the police department of Odessa, Texas managed to end the uprising and secure the release of the two hostages on the morning of Dec. 13. Barton, the DPS trooper, said there were minor injuries during the standoff; he declined to say who or how many people were hurt. Patricia Dieschler, a DPS dispatcher in Pecos, said there were no injuries to responding law enforcement officers. [AP 12/13/08; CBP News Release 12/16/08; Austin American-Statesman 12/14/08 with info from wire reports]

In other detention news, German immigrant Guido Newborough died of apparent cardiac failure at the Medical College of Virginia Hospital in Richmond on Nov. 28, a day after being transported to the hospital from the Piedmont Regional Jail in Farmville, Virginia, where he had been detained by US Immigration and Customs Enforcement (ICE) since Feb. 19. Newborough was transported to the hospital a day after the Board of Immigration Appeals (BIA) dismissed his appeal and affirmed a final order of removal against him. [Undated statement from Andrew Strait at ICE, forwarded to the Detention Watch Network listserv on 12/4/08] On Dec. 7, about 15 activists working with a group called The People United carried out a leafleting action at Farmville's annual Christmas parade, followed by a vigil at the Piedmont Regional jail, to protest Newborough's death and blast plans for a new jail in the area. [The People United website, undated, accessed 12/28/08]

On Dec. 8, ICE began transferring all 153 immigration detainees housed at the Donald W. Wyatt Detention Facility in Central Falls, Rhode Island to other jails and prisons around the Northeast. The move came without explanation, a day before a team of investigators from ICE headquarters in Washington and elsewhere was expected to arrive at the detention facility to look into the death last August of Chinese immigrant Hiu Lui Ng while he was in Wyatt custody. [Providence Journal 12/8/08]

2. IDAHO RAID PROTESTED
On Dec. 4, ICE agents raided Idaho Truss & Component Co., a wood framing company in Nampa, Idaho, just west of Boise, arresting 16 of the 22 workers present. The workers, all Mexican men, were expected to be placed into deportation proceedings for administrative immigration violations. ICE's investigation began with an tip from the public, said ICE spokesperson Lorie Dankers. ICE then initiated an investigation after reviewing the employment records of individuals who were helping build military housing at Mountain Home Air Force Base, about 50 miles south of Boise. Further investigation revealed that some of the workers may have secured employment using false Social Security numbers and other counterfeit identity documents. The company had been providing information to ICE for the past several weeks, said Idaho Truss President Kendall Hoyd. ICE was assisted in the investigation by the Metro Violent Crimes and Gang Task Force based in Nampa and the US Postal Inspection Service. [ICE News Release 12/4/08; Idaho Statesman 12/5/08; Boise Weekly 12/10/08]

On Dec. 7 about 80 people took part in a vigil at the Idaho Anne Frank Human Rights Memorial in Boise to support the arrested workers and protest the raid. The vigil was organized by Idaho Community Action Network and Catholic Charities of Idaho. [AP 12/8/08 with info from Idaho Press-Tribune; Boise Weekly 12/10/08] On Dec. 8, a group of about 30 women from Mujeres Unidas de Idaho held a lunch meeting where they grilled two federal prosecutors and Don Buechner, the ICE agent in charge of Boise, about the raid. Buechner told the group that the investigation at Idaho Truss began with an encounter with two unauthorized laborers working at Mountain Home Air Force Base. ICE also received three letters from concerned citizens alleging that Idaho Truss was firing legal workers and hiring illegal workers. "Whether or not that's true or not, that sort of got us into investigating a little further," Buechner said. [Boise Weekly 12/10/08]

3. GEORGIA POULTRY PLANT RAIDED
On Dec. 5, ICE agents arrested 25 workers on immigration violations in a raid on the Sanderson Farms poultry processing plant off of Highway 133 in Moultrie, Georgia, in Colquitt County. The arrested workers were from Guatemala and Mexico. Ten of the arrested workers were released because they were sole caregivers for small children. The other 25 posted bail and were released. All face deportation hearings. No action has been taken against Sanderson Farms; investigators say the company has been fully cooperative in the ongoing investigation. [Moultrie Observer 12/9/08; WALB News 12/7/08]

4. INDIANA OIL REFINERY RAIDED
On Dec. 10, ICE agents arrested 15 immigrants who were employed as contract janitorial workers at the BP oil refinery in the town of Whiting in northern Indiana. ICE said the arrests stemmed from a "two-year critical infrastructure worksite enforcement investigation that is continuing." The 11 women and four men arrested on administrative immigration charges were all employed by United Building Maintenance (UBM) of Carol Stream, Illinois. One of the workers is from Guatemala; the others are from Mexico. All were expected to be placed into deportation proceedings. Each case is also being reviewed for possible criminal charges by the US Attorney's Office, Northern District of Indiana. Two former UBM employees from Mexico were arrested by ICE earlier this year after they were discovered working without authorization at the BP refinery; they are currently facing criminal prosecution in the Northern District of Indiana. "BP Corporate Security has been fully cooperative in the investigation and has provided invaluable assistance to ICE," according to an ICE news release. [ICE News Release 12/10/08]
With Obama taking office, we have a historic opportunity to reverse the disastrous torture policies of the last eight years. We begin on Sunday, January 11, 2009, which marks seven years of detention and torture at Guantanamo. We want this to be the last time we come to Washington to demand the closing of the detention camp at Guantanamo and an end to torture!

In addition to a sustained physical presence at the White House, there will be organized activities - from film screenings to lectures and community meetings - in Washington, DC, and across the country. These activities are designed to mobilize people concerned about torture and keep sustained pressure on our elected officials to close Guantanamo with deliberate speed. We are hoping small groups people will join us in DC for a week at time.

For up-to-date details visit: www.100dayscampaign.org.