

CIR In 2009

There are surprising (and positive) developments to report on CIR. The House appears to be getting its act together on immigration, Immigration Daily has learnt that Rep. Conyers and Rep. Lofgren have made significant progress in writing a massive CIR bill. Furthermore, The Hill reports <http://thehill.com/leading-the-news/house-democrats-ready-to-give-immigration-bill-another-shot-2009-03-24.html> that "House Speaker Nancy Pelosi, who did not bring the issue up last Congress, appears to be throwing more support behind the initiative this time." A major immigration bill, backed by the full Democratic leadership of the House is likely to be ready for hearings and markup in a couple of months. This development is particularly heartening in that positive signs from the House were not visible earlier this year. However, on the flip side, despite repeated pro-immigration rhetoric from Sen. Reid, Majority Leader of the Senate, Immigration Daily has learnt that there are no plans this Spring for any major bill, hearings or markups in the Senate Judiciary Committee or the Senate Immigration Subcommittee. Thus the order of events on CIR (the economy permitting, of course) appears to be first the House, then the Senate, with the final vote likely to be in the Fall. As to the content of the bill, as we have reported before, the bill will likely have two legs - benefits (legalization and increased permanent quotas) and enforcement (mandatory employment verification and border enhancements). Missing is the "third leg" of McCain-Kennedy - guest workers will likely be postponed to a future Congress to handle. As the Los Angeles Times reports " <http://www.latimes.com/news/nationworld/nation/la-na-immigration27-2009mar27,0,4007105.story> The new proposal, as laid out by several participants in the behind-the-scenes negotiations, would also create an independent commission that would assess labor and industry data to decide how many foreign workers should be allowed into the country. The system, designed by Ray Marshall, a Labor secretary under President Carter, would replace a maze of special temporary worker visas that are granted each year to high-tech specialists, agriculture workers and other foreigners brought into the U.S. by foreign and domestic firms."

The key issue in obtaining benefits in the 111th Congress will likely be the Senate cloture vote. Getting to 60 votes will likely need as many as 10 Republican votes. The National Journal reports http://www.nationaljournal.com/njmagazine/pi_20090404_9431.php that Sen. McCain, the erstwhile Republican leader on immigration matters, is "angry and frustrated" by the 2-to-1 support of Obama by Hispanics. Mr. McCain's misgivings are emblematic of wider problems connected to immigration afflicting the Republican Party as seen in this report in the Washington Times: <http://www.washingtontimes.com/news/2009/mar/03/hispanics-wary-of-future-in-gop/> which read "The mood was distinctly downbeat at times at a recent Capitol Hill gathering sponsored by the Republican National Hispanic Assembly (RHNA) on the "Future of Hispanics in the GOP." For some, the basic question was whether there was any future to discuss."

Given that Republican Senate support for CIR will be absolutely pivotal to passage (since several Democratic Senators can reliably be expected to defect), Congressional passage of CIR is anything but certain. However, lesser immigration compromises in Congress

are possible such as permanent E-Verify extension in exchange for DREAM and/or AgJOBS and/or 245i. Still another possibility, in the event that the deep recession makes Congressional action difficult, is that the Executive Branch will take some muscular steps to bring major benefits relief. Some of it could be along the lines suggested by Gary Endelman and Cyrus Mehta <http://www.ilw.com/articles/2009,0225-endelman.shtm> who showed that there is ample room in the INA, for the Executive Branch, acting alone and without Congress, to take decisive curative action (the key being to separate permanent residency from the two critical benefits that flow therefrom - legal work authorization and ability to travel; both of these benefits can be made available, by Executive fiat within the current statutory framework, to millions of immigrants - both present and future, immediately, without any act of Congress).

Regardless of the specific path taken, there appears to be reason to believe that 2009 is likely to have some good news for those long awaiting action on immigration benefits. This is more than wishful thinking on our part. As noted political analyst Jay Cost observes "http://www.realclearpolitics.com/horseraceblog/2009/03/obamas_liberal_moment.html President Obama has a unique opportunity. He cannot presume that it will last long, that it will assuredly yield significant changes in policy, or that he'll have another chance." Of particular interest is the graphic showing "Ideological Scores of Congress" in Jay Cost's article, showing how far and fast to the left Congress moved in 2006 (continuing in 2008). Such drastic political changes occur but seldom in American history, and most immigration advocates have not yet fully taken on board the opportunities inherent in the new political landscape (we hasten to add that the with the string of defeats suffered by immigration benefits since 9/11, this is understandable, but it is no longer in sync with political reality on the ground). Based on the huge swing shown on the graph, it's close to a sure bet that laws enshrining the liberal vision are much more than a possibility. It is not an accident that immigration has made it to the top half dozen issues in the news for this Congress and this administration (with EFCA, climate change, universal health care, investments in education, and reordering budget priorities). As spring buds blossom across America, immigration's moment in the sun will likely come before the first leaves fall.

Stay tuned.