



IMMIGRATION

Governor Amalia García Medina addresses members of the forum.
(Photo courtesy of the Office of the Governor of Zacatecas.)

The Long and Winding Road

by Brian Palmer-Rubin

What issue captures the complex relationship between Mexico and the United States better than immigration? With roughly 10 percent of Mexico's population living north of the Rio Grande, and hundreds more crossing the border daily, it is clear that immigration is among the most important foreign policy issues facing the two countries. Participants in the Immigration Panel of the U.S.–Mexico Futures Forum held on March 29 in Zacatecas, Mexico, reinforced the urgency of the issue. A 90-minute discussion of immigration trends, government programs and proposals for reform on both sides of the border underscored the fact that Mexican immigration to the United States, a binational issue by definition, must be dealt with through binational cooperation.

The three presenters at the Forum rank among the best-qualified observers of the political and economic implications of the seemingly never-ending immigration reform saga: Amalia García, governor of Zacatecas; Maria Echaveste, co-founder of the Nueva Vista Group; and Tamar Jacoby, president of ImmigrationWorks USA. Their remarks opened a discussion among a group of influential actors, including members of Congress, academics, journalists and social movement leaders from both countries.

In debating the appropriate response to the rise in undocumented immigration over the past few decades, it is easy for people in the U.S. to forget the impact that this mass exodus has had on Mexico. As governor of Zacatecas, García was well suited to bring this reality into stark relief. The state, like much of Mexico, is beset with a dearth of

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working age men and women and a pandemic of separated families and the accompanying social problems.

What can be done to improve economic and social conditions in a state where so many have opted to move to the U.S. in search of education and jobs? One strategy implemented by García's administration is a set of programs designed to lure immigrants back to Zacatecas, placing particular emphasis on migrants with training in high-tech industries. The state has also actively worked to support hometown organizations in the United States, which are formed by groups of native Zacatecasans who want to give back to their home communities. While the enactment of such programs by the state government provides opportunities at home for some would-be migrants, many Zacatecasans hope for a change in U.S. immigration policy that would make it easier to move back and forth across the border, enabling them to work in the U.S. while maintaining regular contact with their families in Mexico.

Following García's remarks, Echaveste and Jacoby presented their views on the prospects for immigration reform in the United States. The two experts' remarks centered around the most prominent proposal for comprehensive immigration reform, a bipartisan framework developed by Senators Lindsey Graham (R-SC) and Charles Schumer (D-NY). At the time of the Forum, this project represented the most significant attempt made by legislators to pass comprehensive immigration reform since 2007, when the McCain-Kennedy bill died in Congress after two years of debate and negotiation.

The Graham-Schumer framework, and subsequent versions developed by congressional Democrats, may well prove to be the right proposal at the wrong time. The proposal is made up of three main components that, in principle, enjoy support from both sides of the aisle: tougher border enforcement, a guest-worker program to manage future worker flows and a path to citizenship for undocumented migrants currently living in the United States. Despite support for pieces of the proposed bill, however, chances are slim that it will be taken up before the midterm elections in November.

The delay in Congress is not surprising: immigration reform has long been one of the most divisive issues in the United States. According to Echaveste, debates over immigration stir up voters' deeply held opinions about basic human rights, unemployment, homeland security and American national identity. Negotiating this hornets nest of issues demands a propitious political climate. With tensions running high across the country, the consensus among the participants in the session was that it would be difficult to make the compromises required for such a controversial reform at this time.

In spite of the obstacles, the immigration debate has continued to progress in fits and starts throughout 2010, as lawmakers waver between the potential electoral costs and benefits of supporting reform. Both parties face internal divisions on the issue. For Democrats, tackling immigration reform would help solidify Latino support in the midterm elections. However, it is unclear whether that boost would be enough to offset the votes that they would lose by alienating independents and members of the party base who oppose elements of the bill.

The loudest voices in the Republican Party, on the other hand, most notably those associated with the Tea Party movement, profess staunch opposition to any policy that could possibly be construed as granting "amnesty" to illegal aliens. Capitalizing on voters' concern about unemployment, these leaders also resist moves to increase the presence of immigrant labor through guest-worker programs. For the moment, these factions have drowned out the voices of the party's long-term strategists, who fear permanently antagonizing the growing Latino population, and of its more pragmatic, business-minded wing, which wants to normalize immigration policy to secure a steady flow of cheap labor.

The window of opportunity to address immigration reform is closing quickly. The Democrats are expected to lose seats in both the House of Representatives and in the Senate in the November election. According to Echaveste, even if Democrats retain majorities in both houses, the loss of these seats would still make it more difficult to push through meaningful reform.

Senate Majority Leader Harry Reid, a Democrat from Nevada, is among those facing a serious threat in his bid for reelection. In an attempt to secure the Latino vote, Reid proclaimed his intention to fast-track the reform bill at an April 10 pro-immigration rally in Las Vegas. This announcement drew the ire of Lindsey Graham, one of the few Republicans to have publicly supported immigration reform. Graham complained that moving forward on immigration in 2010 would further strain bipartisan relations, potentially undermining climate change legislation, another bipartisan initiative on which he has collaborated.

Even if comprehensive immigration reform is not passed before the midterm elections, Democrats such as Reid are betting that by forcing their Republican colleagues to take a stand against the initiative, they will win the public opinion battle. It remains to be seen whether this gamble will pay off. The late-April passage of a law in Arizona that allows police to question and detain any person suspected of being in the country illegally has laid bare the nation's



Photo by Loomis Dean/Time Life Pictures/Getty Images.

Illegal immigrants being deported, 1951.

deep divisions on immigration. While some have called for a boycott of Arizona to protest the new law, a June 1 poll by Quinnipiac University found that 51 percent of Americans support it, while 31 percent oppose. Even among the Latino community, the law has a surprisingly high level of support (37 percent), with 52 percent opposing.

Politicians seeking to win Republican primary elections have responded to public opinion by eagerly declaring that, if elected, they would be tough on immigration. For example, Steve Poizner posed an unexpectedly strong threat to Meg Whitman, the eventual Republican nominee for the governorship of California, by claiming that he and not Whitman had supported the Arizona law immediately upon its adoption. Stuart Stevens, Poizner's chief campaign consultant told *The New York Times* that immigration "is the only issue." Such a strict stance is risky, especially in a state like California where one in six voters in the general election are expected to be Hispanic.

Given this volatile political climate, the "piecemeal" approach may represent the most realistic path for new legislation in the near term. Echaveste described two pieces of the comprehensive reform package that could be addressed on their own and would have a greater chance of achieving passage in 2010: the Agricultural

Jobs Opportunities, Benefits and Security Act (known as AgJobs), which would provide a legal funnel of foreign agricultural workers to the United States, and the Development, Relief and Education of Alien Minors Act (the Dream Act), which would grant permanent residency to certain undocumented minors, allowing them to attend universities in the U.S. while paying in-state tuition rates. According to Echaveste, these bills would encounter less resistance than comprehensive immigration reform, yet may build momentum for tackling the more contentious issues after the midterm elections.

Such an approach would be insufficiently ambitious to satisfy the pro-immigration lobby, a group with which Echaveste is intimately familiar, owing to her position as co-founder of the Nueva Vista Group, an advocacy organization that has been a major player in the immigration policy debate. While many pro-immigrant organizations are pushing for comprehensive reform with a path to citizenship, Echaveste argued that the piecemeal approach would be the most feasible option for achieving any meaningful reform this year. A failed attempt at comprehensive immigration reform in 2010, she reasoned, could push the issue off the congressional docket for several years, as occurred with the McCain-Kennedy bill.

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Photo by Carrie Sloan.

Demonstrators protest Arizona's Senate Bill 1070 in a May Day march in Chicago.

Jacoby shared Echaveste's skepticism about the prospects for comprehensive immigration reform in 2010. Even the piecemeal approach would represent an uphill battle in the current political climate, maintained Jacoby, who has written extensively on immigration in a wide range of media and advocated for reform as president of ImmigrationWorks USA, a Washington, D.C.-based confederation of pro-immigration business coalitions. Given this panorama, Jacoby argued that the Graham-Schumer framework is the country's best shot at comprehensive reform in the near future and stated that Schumer had "won her over" with his determination to get this reform passed.

While opposing the push for reform in 2010 on pragmatic grounds, Jacoby remained optimistic about the prospects for the Graham-Schumer framework. In her view, the proposal's supporters have learned important lessons from the failings of McCain-Kennedy. The framework takes as its baseline the three pillars of the McCain-Kennedy proposal, but it is presented more as a "law-and-order" initiative, allowing Republican legislators to support it without alienating constituents nervous about the social and economic impact of unfettered illegal immigration.

The differences between McCain-Kennedy and Graham-Schumer are not simply a matter of spin, however.

In terms of security, the new framework promises to be tougher than McCain-Kennedy, with increases in funding for the border patrol and the adoption of "biometric" identification cards for migrants that would facilitate the detection of unlawful immigrants during the hiring process. Furthermore, the proposed legislation would establish guidelines to mete out punishments to the estimated 11 million undocumented immigrants currently living in the United States. These punishments would not be severe, probably being limited to fines or community service, said Jacoby. Nonetheless, such signals that the government is willing to "get tough" on immigration could help garner bipartisan support for reform in a country where many voters feel threatened by immigration.

Another much-discussed element of immigration reform is the proposal to increase legal immigration in order to satisfy the demand for immigrant labor in the United States. Jacoby attested that key figures in the debate tend to agree more than disagree on this issue. Both business organizations, such as the National Chamber of Commerce, and labor confederations, such as the AFL-CIO, support an increase in the number of legal migrants.

Where business and labor organizations disagree is over whether immigration reform should provide permanent or temporary residency for migrant workers. According to

Jacoby, business groups tend to favor the idea of temporary workers in order to maximize labor market flexibility, whereas labor organizations push for a permanent worker program that would make migrants less vulnerable to exploitation by their employers.

Having acknowledged these sticking points, Jacoby expressed optimism about the prospects for compromise once a bill is on the table: “Business and labor make deals all the time in America over stuff bigger than this,” she said.

Rafael Fernández de Castro, Adviser to Mexican President Felipe Calderón on International Affairs, asked Jacoby what she thought the Mexican government could do to advance immigration reform. Jacoby responded that Mexican politicians should cast themselves in a partnership role with the United States rather than making demands on the U.S. government. The prospects for immigration reform would be improved, she said, if politicians from both countries avoided the finger pointing that has led to failings in binational anti-narcotics efforts.

Multiple lawmakers present expressed the opinion that decision makers in Washington shouldn’t let the bitter partisan climate prevent them from moving forward on this urgent policy issue. “If not now, when? If not us, who?” asked California State Senator Gilbert Cedillo rhetorically.

Congressman Mike Honda (D-Calif.) upped the ante: “Even if this means that Obama will be a one-term president, I’ll back him on it.”

Such commitment to improving the conditions faced by immigrants was well received by the Mexican opinion leaders present at the session. What remains to be seen is whether the proponents of comprehensive immigration reform can win the public opinion battle in the United States.

The Immigration Panel was part of the U.S.–Mexico Futures Forum held in Zacatecas, Mexico, March 28-30, 2010. The presenters on the panel included Amalia García, Governor of Zacatecas; Maria Echaveste, co-founder of the Nueva Vista Group and lecturer at Berkeley Law; and Tamar Jacoby, president and CEO of ImmigrationWorks USA.

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The bodies of 72 migrants allegedly killed by the Zetas drug gang were found in August 2010 in San Fernando, Tamaulipas.



Photo from the Associated Press/EI Universal.