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U.S. Congressional Election Improves Prospects for Immigration Reform

by LADB Staff

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The recent US congressional elections left Mexican officials feeling more optimistic about the prospects for a comprehensive US immigration-reform package, but passage of such legislation is far from certain in the near term. In the Nov. 7 elections, the Democratic Party regained control of both houses of Congress, which analysts say is likely to shift the debate on immigration.

Immigration legislation approved by the Republican-dominated House and Senate earlier this year placed a higher emphasis on securing the US-Mexico border, including constructing a 1,110-km wall (see SourceMex, 2006-01-11 and 2006-10-11). "This change in favor of the Democratic Party will almost certainly open up a space for those who favor a broader and more-balanced view [on immigration]," said Arturo Sarukhan, the top foreign policy advisor to Mexican President-elect Felipe Calderon.

Calderon repeated this view during a trip to the US in early November, which included meetings with President George W. Bush, Democratic Party chairman Howard Dean, and Los Angeles Mayor Antonio Villaraigosa. "I know President Bush is facing a difficult moment," Calderon told the Washington Post in the aftermath of the election, which many US analysts said was a referendum on the US president's policies. "But I think there is an opportunity. After the elections, I hope Americans and Congress will have a chance for rational debate."

Others outside the incoming Calderon administration also view the change in the US Congress as an opportunity for immigration reform. Jose Luis Soberanes Fernandez, head of the Comision Nacional de Derechos Humanos (CNDH), sees the possibility for the executive and legislative branches on both sides of the border to cooperate more closely on developing a comprehensive immigration-reform package with "a focus that goes beyond circumstantial and short-term considerations."

President-elect Calderon criticizes proposed wall

During a speech to a coalition of Latino leaders in Washington, Calderon took the opportunity to harshly criticize the outgoing US Congress' approval of constructing the wall. "I imagine a border with no walls or fences, but rather a zone of opportunities," Calderon said. "We have to build bridges of progress and not walls that only serve to isolate and divide us."

The president-elect made the same criticism during his meeting with Bush, who has openly endorsed the construction of the wall. "I expressed our point of view that [the wall] is not and cannot be a solution to the problem," Calderon told reporters after his meeting with Bush.

Calderon said he would lobby the US for a comprehensive immigration-reform package, similar to the one promoted by his predecessor President Vicente Fox, that includes some form of guest-

worker program and legalization of undocumented immigrants already residing in the US. Bush also supported many of these measures, which were contained in an earlier version of a Senate immigration-reform bill (see SourceMex, 2006-05-31). "I assured the president-elect that the words I said...about a comprehensive immigration vision are words I still believe strongly," Bush told reporters covering his meeting with Calderon in the Oval Office.

Still, Calderon emphasized that he would not make the same mistake as his predecessor in making US immigration reform the centerpiece of the bilateral relationship between the US and Mexico. He noted that trade, energy, and economic matters would play an important role in US-Mexico relations.

Without mentioning Fox, Calderon said the immigration issue had become "not only the central but almost the only topic" of Mexico's relationship with the United States. Calderon emphasized that his relationship with Bush would be "frank, one of collaboration and mutual respect," in which the two nations would seek a cooperative approach to solve common problems. "I didn't come to the United States to ask that it resolve our problems," said Calderon, who takes office Dec. 1, "but to set the terms for a new relationship."

Sarukhan said Calderon wanted to lay out some of his proposed agenda for bilateral cooperation during the meeting with Bush, especially that affecting the US-Mexico border region regarding infrastructure, environment and sustainability, and access for Mexican truckers to the US. The latter is a bone of contention between the two countries, with the US declining to meet its commitment under the North American Free Trade Agreement (NAFTA) to open its roads to the Mexican trucking industry. The US has yet to comply with this provision, which was originally due to go into effect in 1995 (see SourceMex, 2000-01-19, 2002-12-11 and 2004-06-09).

Still, analysts said immigration could be one area where the two leaders could find common ground. "This is a starting point for both leaders Calderon because he is just taking on this role, and Bush because he's got a new Congress," said Nestor Rodriguez, director of the Center for Immigration Research at the University of Houston. "It may be that this Congress is more willing to listen to him on immigration." Bush acknowledged as much in comments to reporters. "I think we have a good chance," the president said at a news conference. "It's a vital issue...on which we can find some common ground with Democrats."

Some analysts in the US also see a possibility for a change in the debate on immigration. "I don't think we'll see walls going up," Arturo Valenzuela, director of Georgetown University's Center for Latin American Studies, told The Dallas Morning News. "We'll see a reversal in the Republican xenophobic rhetoric."

US Latino vote contributed to Republican defeat

Political analysts and immigration-rights advocates suggest the Latino vote in the US may have contributed greatly to the Democratic Party's gains in Congress. A CNN exit poll showed that 73% of Latino voters cast their ballots for Democratic candidates, compared with 26% for Republicans. In many cases, Latino voters cited as a factor in their choice the decision by the Republican-dominated Congress to approve construction of the wall along the US-Mexico border. "The immigration issue

upset many Hispanics the tone of it, the rhetoric, the reactionary solutions, the building of the wall," said Miami pollster Sergio Bendixen, who tracks Latino voting trends in the US.

Bendixen described the enforcement-heavy approach by the Republicans in the House a "very, very bad tactical mistake" that could weaken the party for years to come. Immigrant-rights groups confirmed that the strong anti-immigrant rhetoric during congressional debate brought many of their members and sympathizers to the polls. "These election results prove that demagoguery is not a good strategy," said Cecilia Munoz, vice president of the National Council of La Raza. "It was supposed to rally the Republican base, but all it proved is that the hard-liners are a loud but small segment of the party."

Some Republican legislators who promoted the tough stance on undocumented immigrants acknowledged that the recent congressional election was a defeat for their side. "It's a total disaster for us," said Rep. Tom Tancredo (R-CO). Tancredo easily won re-election in his district, but others who held similar views, such as Reps. J.D. Hayworth (R-AZ), Charlie Bass (R-NH), John Hostettler (R-IN), and Sen. Rick Santorum (R-PA), were not as fortunate.

The losses for Republicans were especially notable in Arizona, a state that had recently taken a hard line on illegal immigration, including a failed proposal to impose taxes on remittances (see SourceMex, 2006-03-08). Hayworth, who represents a district outside Phoenix, lost his seat to Democrat Harry Mitchell. Further south in Tucson, Democrat Gabrielle Giffords won the open seat vacated by Rep. Jim Kolbe, defeating Republican Randy Graf, a co-founder of the controversial Minutemen citizen-patrol group (see SourceMex, 2005-05-11).

The immigration issue was very much on the minds of many US voters across ethnic and racial lines, indicated exit polls taken for a coalition of media. Those polls showed that 62% of voters said that illegal immigration was either "very" or "extremely" important to how they cast their votes. Another 57% said they supported extending legal status to most undocumented immigrants, while 38% favored deportation.

Democrats may not be united on immigration

Some observers noted that Democrats might not present a united front on immigration, with some Democratic candidates adopting a tough stance during the campaign. "In House races in Pennsylvania, Democrats Patrick Murphy and Chris Carney won after campaigns in which they accused the GOP of being soft on illegal immigration," said the Los Angeles Times. "Claire McCaskill, the Democratic senator-elect from Missouri, also took a tough line. And in Virginia, Democrat Jim Webb [who narrowly defeated Republican Sen. George Allen] accused the incumbent of voting to allow more guest workers into the United States."

Analysts said some of the traditionally Democratic constituency might not be fully behind a comprehensive immigration plan. "There's a weakness in the African-American community on the immigration issue," because blacks, a traditionally Democratic group, are at odds with Latinos, another Democratic bloc, on how to rewrite laws, said Ed Goeas, president of the Tarrance Group, a Republican-affiliated strategy firm.

Analysts agreed that the less-than-united stance among Democrats could slow the momentum for a comprehensive reform packaged. "Let's be honest. There are divisions within the Democrats; it will have to be bipartisan," said Frank Sharry, executive director of the National Immigration Forum, which advocates for immigrants' rights. "Chances go up, but it's still at best 50-50." Goeas agreed, saying, "Comprehensive reform will take a bipartisan solution, and that's true regardless of who is in power."

Sen. Kay Bailey Hutchison (R-TX), who easily won re-election, agreed that a bipartisan approach is needed. "We need to make every positive effort to work with the Democrats and have solutions. That's what the people want," said the senator, who co-authored a compromise plan in the Senate in July that would have incorporated the border-security measures endorsed by hard-liners and a guest-worker program supported by Bush, several moderate Republicans, and most Democrats (see SourceMex, 2006-07-26).

A likely scenario is that the Congress will consider a measure similar to the one the Senate originally approved in May, which included temporary work permits and an opportunity for undocumented immigrants to attain legal status (see SourceMex, 2005-05-31). That legislation was set aside for a tougher version, which included approval of the wall along the border (see SourceMex, 2006-10-11).

Observers said the one immigration-related issue that could easily gain broad support in the upcoming Congress was the creation of a governmental work-verification system for employers to check employees' identities and legal status. "It's much less controversial than other proposed programs and both chambers already agreed it's necessary to address the employment magnet," said Deborah Meyers, senior policy analyst at the Washington-based Migration Policy Institute. (Sources: The New York Times, 11/07/06; Notimex, The Arizona Daily Star, The San Antonio Express-News, The Business Journal of Phoenix, The Christian Science Monitor, The Washington Post, The Arizona Republic, Reuters, The Wall Street Journal, 11/09/06; Los Angeles Times, The Dallas Morning News, The Houston Chronicle, Milenio Diario, El Universal, 11/09/06, 11/10/06; Associated Press, The Chicago Tribune, Copley News Service, El Economista, La Jornada, 11/10/06; Reforma, 11/08-10/06, 11/13/06; El Financiero, 11/09/06, 11/13/06; Excelsior, 11/09/06, 11/10/06, 11/13/06)

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