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U.S. Senate Immigration-Reform Legislation Draws Mixed Reactions; Initiative Not Expected to Prosper in House

by Carlos Navarro
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The consensus in Washington and Mexico City is that the chances that the US will enact comprehensive immigration reform in the near future are very slim to practically nil. A major reason for this negative viewpoint is that key Republican legislators in the US House of Representatives have already publicly rejected the version of the immigration reform that the Senate approved overwhelmingly on June 27. Many ultraconservative Republicans in the House oppose any steps to provide a path for undocumented immigrants to legalize their status.

Senate Bill 744 (S.744) elicited mixed reactions in the US and Mexico. One positive aspect of the bill was that it passed by a wide margin and received broad bipartisan support. Senators approved the immigration bill by a 68-32 vote, a measure crafted by a bipartisan committee known as the "Gang of Eight." The bill creates a process by which 11 million undocumented immigrants in the US can legalize their status and eventually gain citizenship.

Officials on both sides of the border were also pleased that at least one of the houses of Congress actually moved forward on immigration legislation instead of just debating the issue informally. The last time that the Senate considered immigration-reform legislation was in 2007 (SourceMex, May 23, 2007), but procedural obstacles prevented the bill from actually coming to the floor for a full vote.

In the aftermath of the vote, the Mexican government issued a general statement of support. Describing the Senate measure as "important progress," the Secretaría de Relaciones Exteriores (SRE) said immigration reform had the potential to improve the lives of millions of Mexicans residing in the US.

"[This initiative] has a comprehensive vision for modifying the regulatory framework of migration," said Foreign Relations Secretary José Antonio Meade, who added that "Mexico has always hoped for a shared vision on this important matter."


"The Senate showed us that it is possible for Democrats and Republicans to come together to solve one of our nation's most pressing issues," said Hinojosa, whose district includes a portion of the Texas border with Mexico. "I applaud the ‘Gang of Eight’ for ensuring the bill they passed provides all immigrants the opportunity to earn citizenship."

Still, the Gang of Eight had to make some concessions to bring Republicans and possibly conservative Democrats into the fold. More importantly, the Senate had to approve a bill that had a chance in the House.
Critics speak out against border-security measures

A major compromise was the decision to allow an amendment by Sens. John Corker (R-TN) and John Hoeven (R-ND) that would add 20,000 additional Border Patrol agents and erect 700 miles of additional fencing along the 1,900-mile line between the US and Mexico.

But many critics considered these measures overkill. "This was not done for policy reasons," said Doris Meissner, director of US immigration policy at the Migration Policy Institute and a former Immigration and Naturalization Service (INS) commissioner under former US President Bill Clinton. "It was dictated by politics."

A coalition of US House members from Texas whose districts border Mexico spoke out against the amendment. "The construction of the wall proposed by the Corker-Hoeven Amendment does nothing to address the real problems fueling the migration of immigrants across the border," Reps. Henry Cuellar, Beto O'Rourke, and Filemón Vela said in a joint statement. "Since 2006, approximately 71,500 people have been killed as a result of cartel violence. Although Mexico's economy has performed exceedingly well in the recent past, economic conditions along the US-Mexico border consistently remain stagnant."

There is also opposition from the law-enforcement community along the US-Mexico border. "The majority of the sheriffs I've talked to are not in favor of an additional 19,000 Border Patrol agents," said Donald Reay, executive director of the Texas Border Sheriff's Coalition.

Similar comments came from Shawn Moran, vice president of the National Border Patrol Council. "There's nowhere to put them," said Moran. "We're just starting to get a handle on the 21,000 agents we have."

Moran said the Border Patrol already must scrape to pay for salaries, guns, gas, and office space for its existing members and raised concerns that the rush to recruit, hire, and train new agents would result in a lower-quality force. "What we fear is that the agency would cut corners again in terms of the hiring and training. That would be a nonstarter for us."

The increased security measures also drew strong opposition from groups like the Texas-based business-promotion organization Border Trade Alliance (BTA), which criticized the Senate for boosting resources for interdiction of undocumented immigrants while putting less emphasis on other important operations along the US-Mexico border, including customs operations. The Senate bill does add 3,500 new employees to the Customs and Border Protection (CBP) agency, but the BTA suggests that the Senate should have added more personnel to the customs agency instead of raising the number of Border Patrol agents so significantly.

The number of Border Patrol agents has already increased fivefold in the past 20 years, and enforcement expenditures have risen by 15 times since Congress last approved an immigration-reform measure in 1986 (SourceMex, Aug. 7, 1991, and Oct. 8, 2003). "It's overkill," said Tony Estrada, the sheriff of Santa Cruz County in southern Arizona, in an interview with TIME magazine. "Additional personnel is not going to solve the problem. Maybe it will diminish it, but illegal immigration and drugs are going to continue."

The BTA also questioned the amount of money spent on expanding the border fence. "With such a huge increase in Border Patrol agents, more spending on fencing is an expensive redundancy.
Those dollars would be better spent at the ports where CBP officers facilitate trade and prevent illegal immigration and smuggling," the BTA told the Rio Grande Guardian.

There was similar indignation on the Mexican side, with critics not only objecting to the increased number of Border Patrol agents and the expansion of the border fence but also to the plan to operate 18 drone aircraft to monitor the border.

"The new and unacceptable modifications [to S.744], including doubling armed police on the border, expanding an electrified fence, and the move to place 18 drones in operation, along with a network of cameras and infrared sensors, creates an atmosphere of war," political analyst and columnist John Ackermann said in the weekly news magazine Proceso.

The Corker-Hoeven amendment also prompted the nongovernmental organization Presente.org, which advocates for the rights of Latinos in the US, to withdraw support for the Senate measure. "The bill has crossed the line," Presente.org’s executive director Arturo Carmona said in an interview with TIME. "We were willing to compromise on a right-of-center bill. At this point, it's gone."

**Conservatives expected to block bill in House**

Rep. Hinojosa urged fellow members in the House to move forward with the Senate version of the bill. "Now, it is time for my colleagues in the House of Representatives to follow suit and develop a sensible, comprehensive bill that is reflective of our American values," said the legislator from Texas.

But the appeal is likely to fall on deaf ears, and even the tough security measures included in the Corker-Hoeven amendment are unlikely to convince House Republicans to back the measure. "There are 170 of 234 (or about two-thirds) members of the Republican majority in Congress who are linked to ultraconservative groups and who are more interested in placing an emphasis on ideological principles than on finding solutions to problems," wrote José Carreño, Washington correspondent for the Mexico City daily newspaper La Jornada. "And the House Speaker, Republican John Boehner, has made it clear that he won’t allow a bill on the floor that doesn’t have the support of the majority of his delegation."

"The balance … favors the conservative representatives," political analyst Liébano Sáenz wrote in his blog. "Additionally, in many of their districts, there is very little Hispanic presence to generate any pressure for re-election."

But some political analysts in Mexico are quick to point out that the immigration legislation that the Senate approved is not a handout to undocumented immigrants. "The reform does not offer direct amnesty but rather a long process of 13 years for undocumented immigrants to formalize their status," said Sáenz, a former member of ex-President Ernesto Zedillo’s team. "They will have to prove that they don’t have any criminal record, pay a fine [for breaking US immigration laws] and all applicable taxes, and learn English."

Sáenz pointed out that a major benefit of immigration reform would be to give immigrants a legal standing in the labor market. "The current status of undocumented not only means smaller earnings but also a need to find jobs in areas that are not appealing to the formal labor force," said Sáenz, who is also a columnist for the Mexico City English-language newspaper The News.
Peña Nieto urged to speak more forcefully on issue

In Mexico, another reaction was a criticism of President Enrique Peña Nieto’s almost laissez faire approach to the immigration-reform debate in the US. This wait-and-see stance is one that the president has maintained since he took office (SourceMex, Feb. 13, 2013). Martí Batres, president of the center-left Movimiento Regeneración Nacional (Morena), criticized Peña Nieto for not speaking out more strongly against the inadequacies of the immigration-reform measure that came from the Senate. The measure was approved while the president was in Belfast, Northern Ireland, as an observer at meeting of the Group of Eight (G-8) nations.

While criticizing the president, Batres also alluded to Peña Nieto’s comments in Europe that Mexico would welcome foreign investment in Mexico’s energy sector (SourceMex, June 26, 2013). "We noticed that Enrique Peña Nieto was traveling in Europe to give away Mexico’s oil resources," said the Morena president. "But when it comes to defending the rights of Mexicans, he said nothing. This government has failed to defend the interests of Mexico in this important discussion [in the US] on immigration reform."

The Comisión Permanente, a special committee comprising representatives of all parties in both houses of the Mexican Congress, directed its criticisms at the US Congress rather than Peña Nieto, calling the initiative that came from the Senate "partial and incomplete."

Committee members also suggested that the US Senate initiative fails to recognize the contributions that millions of Mexicans have made to the US economy during the past decades. "This measure only criminalizes our fellow Mexicans, who are spending their lives working on US soil," said Sen. Miguel Barbosa, floor leader for the center-left Partido de la Revolución Democrática (PRD) in the upper house.

There are some suggestions that immigration reform be viewed through the lens of the North American Free Trade Agreement (NAFTA), and at least one columnist said that the matter should be addressed through a parallel agreement similar to the ones negotiated 20 years ago to provide greater protections for the environment and boost worker rights (SourceMex, May 26, 1993).

"US President Barack Obama promised during his first term to strengthen NAFTA, but this promise has not been fulfilled," Arturo Alcalde Justiniani wrote in the Mexico City daily newspaper La Jornada. "Meeting this commitment will depend on the US labor movement and whether it puts [the labor rights of immigrants] at the top of its agenda."

But Alcalde Justiniani said a side agreement on labor would also put pressure on Mexico to improve conditions for workers at home. "What is clear is that migrants risk everything to find the jobs and the pay that they cannot obtain in their country, not only because of existing economic policies but the absence of certain liberties, including collective bargaining," said the columnist. "This limits possibilities of negotiating better wages and benefits."

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