

Immigration: New bills, old borders

By: [David Rogers](#) and [Patrick O'Connor](#)

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Immigration reform is raising its head again in Congress, stirring old hopes and fears among Democrats and forcing Republicans to re-evaluate their tactics given the re-emergence of John McCain.

Nothing is anticipated on the scale of the comprehensive immigration bill that collapsed in the Senate last year. But seasonal employers, such as the restaurant and tourism industries, are pressing hard for more H-2B visas for lower-skilled workers this summer, and House Speaker Nancy Pelosi has promised Hispanic lawmakers an opportunity to add provisions addressing concerns in their community.

A third potential piece is a bipartisan bill introduced by Rep. Heath Shuler (D-N.C.) — with the support of fellow “Blue Dog” Democratic moderates — that takes a more conservative approach: beefing up border security and requiring employers to use a government database to verify that their workers are in the U.S. legally.

Mindful of the splits among Democrats, House Republican leaders met Tuesday night to discuss a potential discharge petition aimed at forcing Pelosi to allow a floor vote on the Shuler measure, first introduced last November. A final leadership go-ahead could come as early as Wednesday, with the goal of beginning to collect signatures next week and thereby elevating the issue prior to the spring recess beginning March 14.

The strategy is designed to force Pelosi’s hand on immigration, assuming whatever option the speaker chooses will pose problems in the fall. “That’s going to be a problem for us, because it is such a volatile issue,” said House Majority Whip Jim Clyburn (D-S.C.). “I don’t think the Republicans are interested in good policy. They’re interested in good politics right now, and they think the discharge is good politics.”

To a point, that is. Privately, some in the Republican leadership are skeptical of ever succeeding in getting the 218 signatures needed for the petition to be effective. And much as conservatives have pressed for the strategy, it could reopen old wounds with Hispanic voters at a time when the party’s likely presidential nominee, Arizona Sen. John McCain, an immigration reformer, has sought to smooth over the bitter debate of last year.

The run-up to Tuesday’s Texas presidential primary only punctuates these concerns. The two Democratic contenders, Sens. Barack Obama (Ill.) and Hillary Rodham Clinton (N.Y.), actively competed for the votes of the state’s large Hispanic population, even as McCain was hoping that a victory there would seal his claim to the Republican nomination.



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Photo: AP

Exit polls in Texas suggested Hispanic voters represented about 32 percent of the Democratic vote, up from 24 percent in 2004. The same surveys showed more sympathy for immigration reform, with only one in five Democratic voters saying illegal workers should be deported.

Caught most in the middle of the House maneuvering is the 21-member Congressional Hispanic Caucus, which is torn between taking a tough stand for immigration overhaul and calibrating its demands to at least allow some progress.

Rep. Joe Baca (D-Calif.), who chairs the CHC, said drafters of the more comprehensive bill are meeting Wednesday to discuss their final package, but he would not divulge details of that legislation.

“We’re working on it,” Baca said. “Something will happen, and it will have bipartisan support.”

Rep. Bart Stupak (D-Mich.), who has taken the lead for employers seeking H-2B visas, said: “If it came to the floor today, it would squeak by. But we need more Republican support.” Portions of Shuler’s bill could be added to gain moderate support, but the essential trade-off for the Hispanic Caucus will be some protection for undocumented workers deemed “essential” employees.

Critics argue that the CHC has been too ideological thus far to allow a deal, and without more movement it risks being run over as pressure mounts for some relief on the H-2B visa issue.

“It is big enough to carry something decent or it is big enough to run over us,” said Rep. Howard Berman (D-Calif.), who has been a strong ally of the caucus on immigration issues. “If we don’t scale back our demands to be commensurate with what H-2B can carry, we’ll get H-2B without anything.”

Clyburn, who has strong ties to the caucus as well, said he has urged members to accept an incremental approach, just as Southern blacks like himself pursued a step-by-step process toward civil rights legislation in the 1950s and ’60s.

“We can continue to just do nothing, but at some point in time a price is going to be paid for that,” Clyburn said in an interview. “Right now, we’re sort of operating at the mercy of the bureaucracy. I’m a great believer that we ought to do something. What can we do that is in fact an improvement over what we currently have?”

Citing a five-year period in the ’60s when the civil rights movement advanced with a succession of laws running from manpower training to voting rights and fair housing, Clyburn said: “Over that five-year period, you got the whole hog; you just didn’t get it all at one time. When I talk to my brothers and sisters in the Hispanic Caucus, I say, ‘If this is what we want, what can we carve out of this right now and come back?’”

Watching from the Senate, Majority Leader Harry Reid (D-Nev.) said any progress will depend on the House going first. “I think anything dealing with immigration is going to be extremely difficult,” Reid said in an interview this week. “The House is the one where it has to come, and when it comes over here, we’ll deal with it.”

Clyburn agrees the immediate chances are “slim,” but if the seeds are planted now, more

could come depending on the presidential campaign. “When we settle down and get two candidates, and if you have the right kind of rhetoric from them, the chances improve,” Clyburn said.

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The current caps on H-2B visas have been a recurring problem for several years. In March 2004, employers hit the ceiling of 66,000 H-2B visas for the first time under the current program. The number ran out even faster the next year, at the beginning of January, only three months into the fiscal year.

Congress responded by tweaking the rules to create an exemption for employees who had worked under the program in the three previous years. As part of that same fix, lawmakers also divided the allotment in half, giving summer employers the same chance to compete for these visas as businesses that operate in the winter.

But competition remained tight, and last year the annual extension became ensnared in the immigration debate and Congress failed to include the provision in a final year-end spending deal with the White House.

Outside groups, such as the National Restaurant Association, are pressing for relief and say they need a solution by April so summer employers have enough time to complete the necessary paperwork and recruit foreign workers to fill these positions. Absent some deal soon, pressure will mount to add an amendment to a must-pass spending bill in April to include funding for the Iraq war.

“It’s critical that Congress reauthorizes this temporary worker provision,” said Mike Shutley, who chairs the National Restaurant Association’s H-2B coalition. “Waiting till the next fiscal year is not acceptable.”

Every year, Bill Zammer, a restaurant owner on Cape Cod, recruits about a quarter of his more than 400 employees from Jamaica on temporary-worker visas. This year, fearing Congress will fail to extend the current program, he has traveled to Florida and Pennsylvania looking for cooks and waitstaff to work his large dining rooms. He even made a recent trip to the U.S. Virgin Islands with Rep. Bill Delahunt (D-Mass.) in a fruitless effort to find workers with the necessary paperwork for his six-month summer season.

But he may need to cut that season short this summer if he can’t find the workers he needs to fill these positions. He recently traveled to Washington to make that point to a number of lawmakers on Capitol Hill as part of a broad coalition effort to extend the temporary visa program.

“These are not people coming to steal our jobs,” Zammer said. “These are jobs that are not being filled.”