

Path to legal status – better than walking away empty-handed

By TAMAR JACOBY
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“Politics is the art of the possible.” Otto von Bismarck's ageless wisdom has rarely seemed truer or more relevant as the nation heads into what could be the final phase of the debate about immigration reform.

There's a powerful, principled case for allowing immigrants who have lived and worked illegally in the U.S. to earn a path to citizenship if they come forward, pay taxes and learn English. Equality before the law is one of America's most cherished ideals, and a nation divided into castes, some residents with full rights, others permanently deprived of them, is anathema to most Americans, for understandable reasons.

This is the moral argument behind the immigration bill passed by the Senate, which grants a path to citizenship to virtually all 11 million immigrants living in the U.S. illegally.

But the House of Representatives is not going to pass the Senate bill.

With the exception of a few outliers, House Republicans agree: The nation cannot and must not reward people who have broken the law by giving them something unavailable to other people who obeyed the law.

For the House GOP, this is as much a moral absolute as the moral argument for a path to citizenship.

And the hard truth is, it's unlikely that Congress will get to a deal – that lawmakers will agree on a solution for the millions of immigrants whose lives hang in the balance – until the nation finds a way to reconcile these two moral views and settle on a policy that honors both.

House Republicans are coming to a consensus around an alternative to the Senate approach.

The core concept: a path to legal status that makes no mention of citizenship.

In addition to learning English and paying back taxes, unauthorized immigrants would have to admit they are guilty and live for several years on probation. In exchange, they could remain in the U.S., able to work and travel and eventually apply for citizenship, but only through existing channels – marriage to a U.S. citizen, being sponsored by an employer or sponsored by their U.S.-born children once those children turn 21.

The all-important difference from the Senate bill: House Republicans will not create a new or special path to citizenship – a path just for the unauthorized, that only they will use.

Influential Rep. Paul Ryan explains why: "There already is a path to citizenship – it's the legal immigration system . . . We shouldn't offer citizenship [to unauthorized immigrants] on terms different from anyone else who wants to come here."

That, in the eyes of the House GOP, would be rewarding illegal behavior.

(The one exception: a number of House Republicans have endorsed a path to citizenship for young people brought to the U.S. illegally as children, the Dreamers.)

How many people now in the country illegally could eventually reach citizenship through existing channels? It could be more than many think. A House version of the DREAM Act could produce as many as a million citizens, and they in turn may be eligible to sponsor their parents – perhaps another 1.5 million citizens. In addition, according to the Pew Hispanic Center, 4.4 million unauthorized adults have U.S.-born children who would eventually be able to sponsor them. Bottom line, within 20 years, 7 million of the 11 million could potentially get to citizenship under existing law.

Of course, that won't be enough for reform advocates who see universal citizenship as a moral absolute. But this is where Bismarck comes in.

How many unauthorized immigrants would take a path to legal status over nothing? And how would Democrats who rejected a path to legal status explain themselves to Latino voters?

In the end, as I see it, this is a test for both parties. The challenge for Republicans: can they come through? Will the House return to immigration this fall? Can the majority of the majority settle on an answer for the 11 million? The challenge for Democrats: will they take a deal on legal status? Or will they let the perfect be the enemy of the good and walk away empty-handed?

I understand the argument in favor of citizenship for all. I used to make it myself. The last time Congress debated immigration, in 2006 and 2007, I argued strongly against compromise, dismissing a proposal for legal status as "un-American."

But time has changed my mind. How many more years can the nation live with the status quo? Surely, we all agree – that's unacceptable.

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