

## Immigration's democratic fix

By Tamar Jacoby

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SEVERAL OF THE lawmakers behind the bipartisan immigration agreement being discussed in the Senate noted movingly when they announced the deal that the time they spent together crafting it reminded them of high school civics – their experience of government finally living up to the ideals that got them into politics in the first place.

The more you think about it, the more remarkable a statement that is. The negotiations had, after all, been anything but pleasant. The group had spent two hours a day, three or four days a week for many weeks, stuck in a small, stuffy room talking about the details of immigration policy. Voices had been raised, ultimatums leveled. On at least one occasion, lawmakers stormed out. And in order to get to a deal, they all had to compromise – to listen, really listen, then stretch and give up things they'd long believed in.

But this painful process was precisely what the senators found so gratifying. It's the essence of democratic politics: Everyone sacrifices a little so that we all can win big.

The question now is, can the rest of the Senate and the House keep it up? Can they and the constituencies behind them – from the Minuteman Project to the organizers of the immigrant rallies, from the U.S. Chamber of Commerce to the AFL-CIO – pull off anything like what these 10 senators accomplished in that room? Because that's what has to happen if we are to pass a law this year that fixes the immigration system.

Why is it so hard? Think about the scope of the issues and how differently different factions see them.



Sen. Jon Kyl (R-AZ)

Traditional immigration reformers believe that 12 million people who have broken the law should be put on a path to citizenship. Arizona Republican Sen. Jon Kyl and his followers believe that's an abomination. What's most important to Kyl is the immigration system of tomorrow. He believes most permanent visas should go to skilled workers and the rest should be strictly temporary. Democrats think the criteria for admission should be family ties, not work skills, and that all newcomers should have a chance to stay permanently.

Meanwhile, many Americans think we're letting in enough legal immigrants as is, while most reformers believe we need more – hundreds of thousands more.

I see the negotiations as two factions standing on opposite banks of a muddy river, struggling to build a rope bridge over the rushing water between them. The rope is short, too short, and both groups are having trouble holding on. Worse still, if one pulls hard enough to get back to safe ground, the other faction must let go, and that's it – no deal. The point is, no one can ever be totally satisfied. All each can do is hold on and – again that tough word – stretch.

The key – what the 10 senators must have done – is to think not about what they were giving up but rather what they would be gaining.

Law-and-order folks upset about what they feel is “amnesty” would have to give up on that score if the bill were passed. But they'd finally get a lawful, controlled immigration system: a tough border crackdown (including a fence); tougher workplace oversight (including a biometric ID card); more realistic, enforceable immigration quotas; and steeper penalties for those who break the law, immigrants and employers alike.

Immigrant advocates would have to give up family-based visas – almost one-third of the 600,000 to 700,000 family visas now issued every year. But in exchange they'd get legalization for 12 million illegal immigrants; citizenship for virtually any of them willing to wait their turn and pay a \$5,000 fine; permanent visas for 4 million other applicants waiting abroad (most of them family members of people already here); and the promise of a safe, legal way into the country for future immigrants.

Business would have to submit to stricter controls and an overregulated labor market – temporary workers forced to go home just when they're getting good at the job, for example. Employers and the rest of us would suffer if the supply of legal labor were short – and as the compromise was amended last week, it surely would be – at the risk of some continuing illegality or diminished economic growth, or both. But even that may be better than the status quo: better than an ultimately unsustainable system of unrealistic quotas, unenforceable laws, uncertainty for employers, indignity for workers, porous borders, deaths in the desert, spreading smuggler violence and spiraling social discord – Americans increasingly losing faith that we are or should be a nation of immigrants.

Of course, there's a point at which the deal isn't good enough – when the rope just doesn't reach, no matter how far we all stretch. But the senators who brokered this compromise don't think that's the case. Maybe it's time for the rest of us to get over our unrealistic first reactions.