
PRESIDENT OBAMA MUST LEAD A NATIONAL CONVERSATION ON IMMIGRATION REFORM

A NAFSA Statement

President Obama assumed office on January 20, 2009, having pledged to make comprehensive immigration reform a year-one priority. It was a crucial commitment. Congress had failed twice to enact such reform under President Bush. The vulgar debates that accompanied these efforts had only grown uglier. A whole generation of immigrants was being subjected to the crudest stereotypes of the xenophobes, who seemed to be dominating the conversation, abetted by the pandering of politicians determined to deflect accusations of not being sufficiently hard-line on immigration. A race to the bottom was under way: Who would get credit for constructing the longest fence and the highest wall, putting the most boots on the border, deporting the most immigrants? The victims of this anti-immigrant backlash were an important part of Obama's electoral coalition, and he responded appropriately, pledging to provide the essential ingredient of presidential leadership required to address this urgent issue. It was a time of hope for all who understood that what was at stake was nothing less than our country's soul.

For reasons that we all know—the economic crash, other priorities, political imperatives, congressional dysfunction—a sustained push for immigration reform never materialized. The effects of this are both profound and pernicious. States are stepping into the vacuum created by the federal government's failure to occupy this territory, sometimes creating truly fearful conditions for legal and undocumented immigrants alike. The frightening spectacle of immigrant families pulling their children out of Alabama public schools and fleeing the state is only the most public face of a phenomenon that is the very object of some of these laws: to drive immigrants to other states. This is not just a problem in the half-a-dozen states that have passed high-profile anti-immigrant laws; people who look Hispanic are stopped on the street on flimsy pretexts in many communities where police operate in a climate of impunity created by anti-immigrant demagoguery.

The destruction of what used to be the U.S.-Mexico border community—in which families lived, worked, shopped, and pursued their education on both sides of the border—proceeds apace, as the border assumes a form that would have been unimaginable only a few years ago between two free, democratic countries. The status of some 11 million human beings who lack documentation but call this country home continues unresolved. Perhaps most important, there is no longer a meaningful national conversation on one of the most important policy issues facing this country. These are essential conversations, in which leaders help educate the public about the issues of the day and articulate responsible policy alternatives. Absent this conversation, the narrative is

dominated by the least informed and most demagogic nostrums, intended to cater to people's fears.

This situation can continue because we have become all too willing to play on the anti-immigration side's turf. One of the pillars of the rationale for comprehensive immigration reform is the essential truth that effective border enforcement is impossible absent visa reforms that would provide legal avenues for entry for those seeking employment in sectors that depend on foreign workers. Yet two successive administrations have bought into the narrative that the border must be secured first, pouring resources into border enforcement and vastly increasing the security presence on the border. Another pillar is another essential truth: We can't deport 11 million people. Yet two successive administrations have sought to defuse anti-immigrant sentiment through high-profile deportation policies: the Bush administration through workplace raids; Obama by deporting immigrants in record numbers. Yet no matter how far we ratchet up enforcement, we only get farther away from immigration reform. The administration must accept the reality that it cannot out-enforce the enforcement-firsters, that comprehensive immigration reform will not be enabled by any amount of enforcement. Enforcement first is a road to nowhere. We have to stop conducting this narrative on the other side's terms.

To his credit, the president has begun to push back. The administration has said it will exercise his prosecutorial discretion to stay the deportation of DREAM-eligible immigrants and others who meet an extensive list of criteria. (The DREAM Act, which Congress has failed to pass, would provide a path to conditional permanent resident status for those who were brought into this country without documentation as minors, grew up here, and know no other home, but have no way to achieve legal immigration status.) And it has said it will more vigorously pursue lawsuits against states that intrude into the federal domain by purporting to legislate immigration policy.

These are welcome and necessary steps—but much more is needed. The immigration situation meets any reasonable definition of a national emergency. It cannot be left to fester any longer. Piecemeal steps are not enough. The president must reclaim the national narrative, forcefully reassert federal jurisdiction, and repossess the space that is being filled by the states. Here are some things he should do now.

Throw Away the Talking Points. When challenged, the president says that he can't pass immigration reform, Congress has to do it. That is of course true, and we all should heed his call to put more pressure on Congress. But that doesn't get the president off the hook—because in our system, the person best situated to induce action by Congress in the national interest is the president himself. If he doesn't lead, Congress won't follow.

Restart the national dialogue. By far the most important thing Obama can do—because everything else depends on it—is to revive the national conversation about the nature of this issue, why it’s important, and what needs to be done. The president is the educator-in-chief. One of his jobs is to tell us where the country needs to go and how to get there. Right now, we have no reason to expect the American people to understand the immigration issue and their stake in it, because the loudest voices are those peddling misinformation every day. There is only one voice that can compete, and that is the voice of the only person in America who has access to the bully pulpit. Obama should deliver an Oval Office address, as befits a national emergency, and then should drive this conversation day in and day out. There are many who will help, but they derive their ability to be heard from the president.

Send an immigration reform bill to Congress and demand action. How can we sustain this national conversation? In our system, an important function of major legislation is to provide a vehicle for a national conversation to be *about*. This conversation cannot consist of a speech every few months. There needs to be something to talk about every day. A bill provides that. One can hear the objection: It won’t pass. This is a self-fulfilling prophecy: The only bill that is guaranteed not to pass is the bill that is never introduced. But in a real sense, in the short term, it doesn’t matter if it passes or not. The bill sets the president’s immigration agenda for the nation, something concrete that people can discuss and around which they can rally.

Request that Congress create a select committee. A bill is a hearing vehicle. The president should demand hearings. If the committees of jurisdiction fail to hold hearings on this important matter, Obama should ask the leadership to create a select committee for this purpose. The Joint Select Committee on Deficit Reduction (the so-called super committee) is such a committee, although it was given special legislative power. But select committees come in a variety of types. Whatever form it takes, a vehicle is needed to conduct the public hearings that are essential to the educational process. The mere threat of creating such a committee can sometimes nudge the committees of jurisdiction to do their jobs.

Create a presidential commission. If Congress fails to provide any vehicle for hearings on the president’s bill, the president has the option of forming a presidential commission by executive order. The National Commission on Fiscal Responsibility and Reform (the Simpson-Bowles Commission) is an example. Commissions can hold hearings too. If the president prefers, he could begin the process with this step, and charge the commission with recommending legislation that he could then embrace.

These are some steps that the president could take to get himself, his administration, and the federal government back into this conversation and begin to re-create the rationale that has driven comprehensive immigration reform efforts for a decade. The president’s political advisers will have no trouble coming up with a list of compelling reasons why this is not the

right time. And they will be right. It isn't the right time—nor has there been any point in Obama's first term that was the right time. If Obama gets a second term, it won't be the right time then, either. It's always tempting to put off tough issues until the second term—but the politically convenient time to do this will never come. The next president will be inaugurated 15 months from now. If the situation deteriorates as fast in that period as it has during the last 15 months, we will be in a truly dire situation. We must have this conversation now, and only the president can start it.

We recognize that we are asking a lot of the president, and we do not do so lightly. We know he cannot do this alone. We must also ask much of ourselves. We are part of a broad coalition that also needs to find its voice again. And when the president steps up, says what must be said, and challenges Congress to do its job, our community must be in the trenches with him. We call on all of those who have been in the fight for immigration reform, many of whom we see as our leaders, to rise to this challenge. None of us can sit this one out.

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