



The Fate of “Immigration Reform,” Post-2014 Elections

The Republican takeover of the Senate in the November 4 elections demonstrated that President Obama’s delay of his plan to implement “immigration reform” by executive action, was, if anything, counterproductive to his party’s efforts.

A White House statement last September had said that President Obama “believes it would be harmful” to his immigration policy to announce any administrative action on immigration before the November elections. However, noted the statement, “the President will take action on immigration before the end of the year.”



Obama reportedly delayed actions (at least conspicuous actions) on immigration at the behest of Democratic Senate candidates, who feared that being linked to the president’s “immigration reform” agenda would make them vulnerable to being depicted (justifiably) as “pro-amnesty” and hurt their electability. But, as was demonstrated, Obama’s procrastination apparently backfired.

Elise Foley, a writer for the *Huffington Post*, observed:

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The fact that the Senate flipped to Republicans wasn’t necessarily surprising to [immigration reform] advocates, but it was a frustrating reminder of the president’s decision to delay executive action on immigration. That move was meant to protect vulnerable red-state Democrats like [Kay] Hagan [North Carolina], but most of them either lost anyway or are poised to lose.

“There was a political miscalculation from the administration that delaying executive action would help them save the Senate,” Foley wrote, quoting Lorella Praeli, identified as advocacy director for the “Dreamer” advocacy group United We Dream. Praeli, like the reporter, attended an election night party in Washington, D.C., where about 25 young “undocumented” (illegal) immigrants and pro-“immigration reform” (amnesty) advocates watched what, for them, were disappointing returns.

For those unacquainted with “Dreamers,” the term refers to the several-times rejected Development, Relief, and Education for Alien Minors Act (DREAM Act) — first introduced in the Senate in 2001 and reintroduced in the 107th through 111th Congresses. DREAM never passed both houses, but President Obama was determined to implement it anyway, and on June 15, 2012 he announced that his administration would stop deporting young illegal immigrants who met certain criteria previously proposed under the DREAM Act. This policy to implement DREAM by executive action is known as Deferred Action for Child Arrivals (DACA).

DACA directs U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE), to practice “prosecutorial discretion” toward some individuals who were brought to this country illegally as children and have remained in the country illegally.



Written by [Warren Mass](#) on November 5, 2014

“Prosecutorial discretion” is, for all practical purposes, amnesty.

As recently as last June, Obama stated that he would implement more than DREAM through executive actions, and said he had asked members of his cabinet to “identify additional actions [this] administration can take on our own ... to do what Congress refuses to do and fix as much of our immigration system as we can.” However, Democratic senatorial candidates feared such action would jeopardize their election, prompting the above-mentioned September statement that such actions would be delayed until after the elections.

That announcement also had political ramifications, however, and pro-amnesty advocates such as Arturo Carmona, the executive director of Presente.org, angrily labeled Obama’s turnabout “a betrayal” of the Latino community and “shameful.” Cognizant of such negative reactions among Latino voters, Obama attempted to pacify that usually reliable Democratic constituency at the Congressional Hispanic Caucus Institute’s 37th Annual Awards Gala in Washington on October 2. At that event, the president gave “a special thanks” to two young men who rode over with him from the White House and described them as “DREAMers, living and working in the country they call home, and making it a better place for all of us.”

It was at that event that the president reaffirmed his intention to ignore the will of Congress — and the people who elected Congress — and implement his brand of immigration reform “on his own,” by means of executive actions:

I’ve said before that if Congress failed to live up to its responsibilities to solve this problem, I would act to fix as much of our immigration system as I can on my own, and I meant what I said. So this is not a question of if, but when.

It might be said that, by sending several Democratic senators into retirement, the people have spoken. But, instead of Obama heeding that message, he is likely to feel a sense of urgency to get as much of his agenda implemented as he can get away with between now and when the Republican Congress takes office in January.

As we noted in our article on October 31, the president is already pursuing plans to implement his brand of “immigration reform” unilaterally. Among the indicators of what the administration has planned was a report in the *Wall Street Journal* on October 29 that said the White House is considering two central requirements to determine which of the nation’s 11 million illegal immigrants would gain protections through an expected executive action — the first being a minimum length of time in the United States, and the other being a person’s family ties to others living in this country. Those requirements, depending on how broadly they are drawn, could offer protection from deportation to between one million and four million people residing in this country illegally, noted the *Journal*.

AP News reported on November 5 that Senator Mitch McConnell (R-Ky.), the most likely candidate to become the new Senate’s Majority Leader, told reporters in Kentucky that the new Republican majority in the Senate will want to take action on immigration. McConnell did not specify what that action might be, but he was one of 32 senators to vote against S. 744, the “Gang of Eight”-drafted Border Security, Economic Opportunity, and Immigration Modernization Act, on June 27, 2013.

McConnell told reporters that it would be a “mistake” for President Obama to take unilateral action on immigration.

The Kentucky senator reported that he spoke with President Obama on Wednesday and said he looks forward to finding areas where Republicans and Democrats can agree, citing as examples trade



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agreements and rewriting the tax code. But, warned McConnell, any executive action that Obama might take to “reform” the nation’s immigration system would only antagonize Republicans.

While Obama, who is serving his last term and will not face the voters again, may be personally immune from political repercussions, he must be mindful of the fact that his actions will produce fallout for the 2016 Democratic presidential nominee. His party’s experiences in this last election demonstrated that — like the Republicans — he must walk a fine line between alienating Hispanic voters who overwhelmingly favor an immigration policy that includes amnesty for many illegal immigrants, and more conservative voters who reject such an approach.

With both the White House and the Republicans looking ahead to 2016, there is sure to be much deal-making in the next Congress, and maybe even new “Gang of Eight”-style legislation. If that happens, anti-amnesty stalwarts such as Senators Cruz, Paul, and Sessions are sure to organize strong resistance.

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