

Immigrants Role: To Win Friends and Influence Congress

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After debating for several weeks about the touchy subject of immigration reform, the United States Senate approved the Comprehensive Immigration Reform Act of 2006 (S. 2611) on May 25. This proposal was approved with 62 votes in favor (32 Democrats, 23 Republicans and 1 Independent) and 26 against (32 Republicans and 4 Democrats).

Essentially, bill S. 2611 proposes a significant increase in discretionary power of the National Security Agency in terms of immigrants, a legalization program that divides the foreign unauthorized population into three categories with a series of conditions that effectively and substantially reduce the number of people that qualify under that program, the construction of almost 400 miles of walls on the southern border and an electronic system monitoring immigrant employment.

Also, it would increase the number of visas for temporary workers to be admitted each year and increase the budgets for the rigorous application of the law in border zones as well as in the rest of the country.

As many immigrants rights activists predicted, this proposal is well below the expectations of the immigrant community in the United States, and if it were to become law, it would fail to resolve the most serious failures in the current immigration system.

Considering the opposition to this proposal by multiple sectors, including Republican leaders in the House of Representatives, as well as several political factors at play, the future of this bill is uncertain.

On December 16, 2005, the House of Representatives approved the bill H.R. 4437 with 239 votes in favor and 186 opposed. The main sponsor of this bill was James Sensenbrenner, a Republican representative from Wisconsin. The language of H.R. 4437 is quite complicated. However, the wording has its roots in a very simple extremist principle: Immigrants are undesirable and represent a threat to the well-being of American society and the United States' security.

The threat that the U.S. Congress could approve something so reactionary as this proposal has had a detonator effect on a new era of community mobilization where the immigrant community, mainly of Latin American origin, has decided not to remain silent.

The demonstrations of civic participation in the last 12 weeks announce the beginning of a rebirth in the struggle for political, economic, social and cultural rights of large segments of American society, a process in which the immigrant communities will play an active role.

Among the most backward clauses included in H.R. 4437 is the criminalization of all foreign born people who live, work, and pay taxes in the United States, but from whom the obsolete, inhumane and dysfunctional current immigration law has denied permanent resident status. It would turn anyone who supports immigrants into a criminal as well.

Combining these two measures, the proposal implies the potential incarceration of close to 50 million people. The same bill proposes the construction of a wall nearly 700 miles long along a good portion of the Mexico-U.S. border. The reasoning for the wall is that physical separation will stop the flows of immigrants trying to enter the United States without authorization.

Although H.R. 4437 does not mention who would be most affected by these measures, without a doubt it would be the Mexican immigrant communities and other groups from Latin American and Caribbean countries, being that they are the groups that represent the largest percentage of the foreign-born population currently residing in the United States.

The approval of this bill signifies an important political victory for the xenophobic and racist wing within the circles of political power in the United States. H.R. 4437 was passed with 239 votes, 36 of which were Democratic representatives. Of the 189 votes against the bill, 17 were Republicans. The nature of the vote in the House of Representatives on H.R. 4437 demonstrated that in terms of immigrants and immigration policy, the country does not have firm positions that are evident in the current legislative debate.

Another aspect that the anti-immigrant camp made evident was the need to reevaluate the working strategies and dominant players in the spectrum of pro-immigrant rights in favor of fair immigration reform. The victory evidenced by the approval of H.R. 4437 showed the failure of past strategies.

The passing of H.R. 4437 also demonstrated the imperative for a readjustment at the national level in terms of strategies and tactics, including the focus of the messages to the public and the press in terms of immigrants and immigration policy.

Appearance of New Coordinated Actors in the Immigrant Rights Movement

The prevailing characteristic of public policy towards immigrants and immigration reform has been to limit more and more the rights of the foreign born population. The anti-immigrant rhetoric has increased alarmingly, especially since September 11th.

However, on January 7, 2004 President Bush made a speech on immigrants and immigration policy, the tone of which differed from the dominant discourse of the moment. Bush succinctly diagnosed the multiple contributions that immigrants make to the well-being and progress of the United States and spoke eloquently about the unfair nature and dysfunctionality of the current immigration system. Unfortunately, the president limited his proposed solution to these challenges to the creation of a massive temporary worker program for immigrant workers.

President Bush was not out of line by making such a speech. Since at least the mid 90s, the importance of Latin American immigrants to the United States had become evident. The 2000 census clearly showed that the community with Latin American or Hispanic roots had become the second most numerous after the population of European origin.

A statistic that nearly went overlooked was that the Latino/Hispanic population had reached close to 50% of the population of European origin. For at least part of the Republican Party, attracting the Latino/Hispanic vote has become an increasingly important goal.

Parallely, Republicans as well as Democrats have become conscious of the growing anti-immigrant sentiment within sectors of voters in general. Bush's speech was an effort to please the Hispanic population, without ignoring the perceptions of the rest of the spectrum of voters in terms of immigration reform.

The organizing process has been continuous among the Latino immigrant communities in the United States. This process has been diverse in terms of specific forms of organization, plural in terms of political orientation, geographically disperse, and decentralized.

It is a process that has been developing all across the country: in large urban centers, multiple urban, semi-urban, and rural immigrant settlements for the last 20 years, as well as in border zones.

Immigrant communities of Latin American origin tend to organize themselves according to their most basic identity. In many cases, national identity represents the most elemental aspect to organize around.

In other cases, such as with Mexican immigrants, when the experience is more varied and frequent, local or regional identity assume the position of the most elemental identity. In the majority of cases, Latin American immigrants develop models of transnational organization.

They organize according to geographic location of residence, but revolving around situations that concern their places or countries of origin. Cultural and other aspects have had great importance in this style of organizing. Once organized, immigrant communities expand their range of programs and slowly make the transition to a more transnational focus.

As part of this process, the subject of immigration policy and policies of integration of immigrant communities gain interest within the immigrant run organizations, independently of the fact that many of them have arisen because of a matter related to the place or country of origin.

The mere existence of many Mexican, Brazilian, Guatemalan, Honduran, Dominican, Colombian, Salvadoran (and other) immigrant organizations, as well as the links between these organizations that existed prior to President Bush's speech in January 2004, made possible the organization of an emergency meeting among Latin American and Caribbean immigrant organizations at the beginning of February 2004 in Washington, DC.

During this meeting the organizations attending decided to follow up on the first encounter, and after several months of coordination, decided to form a national alliance by which to coordinate as many Latin American and Caribbean immigrant organizations as possible.

The National Alliance of Latin American and Caribbean Communities (NALACC) has been one of the national organizing efforts genuinely managed by organized immigrant communities, foreseeing the necessity to slowly reconfigure the movement for immigrants rights and the capacity of the movement to advance in innovative ways toward the struggle for national and international public policies that respond to the interests of these communities. However, it is important to note that efforts like NALACC were not conceived in ideal conditions in terms of access to financial and material resources. As a result, their development has been greatly limited.

Organizational processes such as the one initiated by the organizations making up NALACC clearly recognize the nature of the political environment in which immigrant communities, especially of Latin American origin, have functioned over the

past several decades. From the outset they also recognize the diverse nature of the immigrant communities.

Stemming from these understandings, the alliance was designed as a national scheme where the identity of all is affirmed and celebrated, but at the same time can gradually develop the capacity to act in conjunction as a united force.

From the beginning, principles and values were adopted that allow NALACC to construct a democratic and participatory space, where the national assembly of members is the highest authority in terms of decision-making and where once the work plan has been defined, the membership chooses by voting for the people who it will trust to direct the execution of that programming.

Anti-Immigrant Attacks and the Leadership Role of Organized Immigrant Organizations

Although the reaction to the approval of H.R. 4437 by organized immigrant communities, especially within the Latin American communities, was not immediate, since January the organizing processes began that led to the unprecedented string of community marches taking place since February and that still have more chapters to write.

As the immigrant communities realized the deeply damaging and injurious nature of the contents of the bill approved by the House of Representatives on December 16, the desire to respond grew. The Spanish language media began to report more intensely on the devastating consequences it would have on our communities if bill H.R. 4437 becomes law.

The threat that loomed over our communities brought with it the creation of a general desire to respond in the most active way possible. The desire to react was complemented by the desire to gain the opportunity to solicit permanent residence for undocumented immigrants, overcome the illegal condition that the current unfair, obsolete, and inoperable law has produced. Essentially, these are the two greatest demands that later on would be heard in the many community marches that have taken place all over the country.

The community marches began slowly, starting in February. Each community mobilization added gas to the motor for other cities, small and large, to join the movement of civic participation and demand for respect for our rights and dignity.

Between the beginning of February and the beginning of May, in barely three months, at least 3 million people were mobilized. Two major demands permeated the marches: NO to H.R. 4427 and YES to permanent residence for undocumented immigrants. There were, of course, hundreds of other demands, but the two mentioned have overwhelmingly been the most important.

Given the characteristics of the organizational processes of the immigrant communities, especially the Latin American and Caribbean communities, the organization of the hundreds of community actions and community marches was very spontaneous and frequently they were not initiated by the organizations traditionally associated with the pro-immigrants rights agenda.

There is no doubt that what has been happening since the beginning of February is a very successful moment and without precedent in recent history of civic and democratic participation in the United States.

However, it is very important to understand that no organization in any part of the country can take the credit for being the originator of the success achieved. As the saying goes, all child prodigies are claimed by more than one mother and father. The challenge that is presented to us is how to administrate maturely a shared motherhood and fatherhood in the recently strengthened pro-immigrants rights movement.

Seen from another angle, the period of community mobilization that has taken place since the beginning of February is a demonstration that we are no longer dealing with children. We are dealing with a social figure that has entered into adolescence or young adulthood.

The role of the community organizations is above all to facilitate the highest level of organizing possible and support processes that result in a more efficient exercise of the human, political, and democratic rights of our communities - that as the overall goal leads to better living conditions for those that are part of the society we live in, as well as our countries of origin.

Immigrants' Rights and the Current Legislative Process

The immigrants' rights movement that began to arise in a more potent form in the last few years and has reached an established place in the last few months is a process that has not previously had to do with the political factors that make up the current legislative session in the U.S. Congress.

The current legislative debate, dominated in both legislative bodies by the Republican Party, is very much influenced by the dominant vision in recent decades in terms of the place of foreigners in American society. Consequently, the legislative options that dominate the debate can be described in a range that goes from insufficient to deplorable.

This hostile context for the foreign population living the United States, especially for the segment of that population from which obsolete and unfair laws have systematically denied permanent residence, makes a fair change in the legislature extremely difficult, taking into account the functional and lasting role of immigration in today's world.

What we have seen until now is that even proposals often promoted as adequate, in reality insufficient, such as the bill proposed by Senators Kennedy (D-MA) and McCain (R-AZ) have been rejected as attempts to debate immigration policy.

Unfortunately, the approval in the House of H.R. 4437 reflects the dominant school of thought. This situation generates a misunderstanding difficult to resolve in the short term between the expectations of the immigrant population - has taken to the streets in the last months - and what is possible to undo in the proposed bills currently under consideration in the U.S. Congress.

An element that complicates even more the disconnect already mentioned is that there is a group of organizations advocating for what they call a "comprehensive immigration reform." The organizations pushing this agenda for the last three years are guided by the desire to reach a viable solution despite the turbulent legislative environment and prevailing current of public opinion in terms of immigrants and immigration policy.

They did not predict the strength and spectrum that the grassroots marches have had since February. As such, the organizations that revolve around the creation of a comprehensive immigration reform do not have a natural relationship with the strengthened and reconfigured immigrants' rights movement, whose bases have been strengthening in recent years and very much so in the last several months.

The tendency of the groups based in Washington, DC is to accept the legislative changes that give more room for legalization to at least a segment of the unauthorized immigrant population, even when those changes require dangerous concessions because of a more rigorous application of the law.

In other words, the community marches cannot turn into a short-term legislative impact, nor those who fundamentally work toward influencing the legislative process know how to better utilize the political capital generated by the marches.

This situation seems to suggest that the most favorable result would be that no more negative changes be approved, nor apparently positive changes in the current session, with the strategy of approaching the next legislative session with a more integrated and truly national strategy assuring a fair and adequate result for today's reality.

Another element that makes the situation more complex is the high level of ignorance about the legislative process among the immigrant communities. More profound than the formal explanation of how laws are approved in the United States, the legislative process is subject to a gamut of parliamentary maneuvers that often make it more difficult to understand the way things really work. Also, the legislative process is very influenced by other political dynamics, such as electoral politics. All the things mentioned contribute to even greater misunderstanding of the system.

In the short term, the most important impact of the community marches has been the alteration of the legislative debate in the U.S. Senate. Specifically, the community marches made viable the consideration of a proposal that at least conceptually included the legalization of a segment of the immigrant population that lacks authorization.

The result of the legislative debate in the Senate, even after the massive marches, is very far from the expectations of immigrant communities. Independently of what is approved by the Senate, the bill will have to be reconciled with H.R. 4437.

Representative James Sensenbrenner, one of the main authors of bill H.R. 4437, has been firm in pointing out that the result of the debate on immigration reform in the Senate is unacceptable. For Rep. Sensenbrenner, as well as the rest of the anti-immigrant leadership of the House of Representatives, the only acceptable law would be exclusively focused on restrictions, accompanied by a much stricter application of the law.

For President Bush, and the Republican Party in general, this subject presents a great dilemma. If support is gathered for a solution that includes what people such as James Sensenbrenner and Tom Tancredo call an amnesty, they run the risk of immediately alienating the most conservative segment of voters that respond to the anti-immigrant message.

On the other hand, if the Republican Party supports the position led by Tancredo and Sensenbrenner, the risk is alienating the much sought after Hispanic vote, especially with the 2008 Presidential election in sight.

Changing the premises of the public and legislative debate in terms of immigrants and immigration policy will require very intense, long-term work in community relations and institution building. It comes down to a battle for as many hearts and minds as possible.

Organized immigrant communities, especially of Latin American origin, should organize themselves in a way that strengthens their capacity to educate, organize, and mobilize their roots, while at the same time developing the capacity to build alliances in order to promote their interests.

The challenge ahead for us is to develop a greater capacity to influence the federal legislature, at the same time strengthening the joint relationship of organizations that work in Washington, DC. The most important goal in the medium term is to gain as many allies as possible working towards a broad agenda of immigration reforms, not only what is possible to pass in the current legislative session.

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