

Senate immigration “compromise”: Democrats join Bush in assault on democratic rights

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The US Senate begins consideration Monday of S. 1348, the bipartisan immigration bill negotiated between the Bush administration and a group of senators, Democratic and Republican, and backed by the Senate leadership of both parties. While described in the media as a “compromise” bill, in which advocates and opponents of immigration have sought to bridge their differences, the actual provisions of the bill represent an escalation of the war against democratic rights that the Bush administration has waged since its inception.

President Bush hailed the bill in his Saturday radio address, and urged swift Senate passage. “I thank the leaders in both parties who worked hard to produce legislation that will secure the border, restore respect for the law, and meet the legitimate needs of our economy,” he declared.

The 380-page text of the legislation was only produced Saturday night by Senate staff, and some key sections are still being revised—a fact that makes detailed analysis of the legislation difficult. But the bill has four major provisions, each of which represents an intensification of the exploitation and repression of immigrant workers.

The bill concedes the principle of “enforcement first,” demanded by the White House, congressional Republicans, and their coterie of chauvinist radio talk show hosts and television pundits. First priority is given to such measures as doubling the size of the Border Patrol, greatly expanding the military-style barriers along the US-Mexico border, increasing the number and size of detention facilities for undocumented workers, and instituting a new police-state technology for workplace checks on the legal status of every worker in the United States.

Second, the legislation creates a new temporary-worker program to bring immigrant labor into the US under government auspices for employment in industries heavily dependent on immigrants. These workers will labor under conditions of thinly disguised slavery, compelled to leave the country after two years and wait at least a year before returning, limited to three such two-year terms, and effectively denied the right to bring family members with them (they would, for instance, have to show that their spouses and children had private health insurance coverage). This is in addition to a pilot program drafted by California’s senior Democratic senator Diane Feinstein that would legalize up to 1.5 million farm workers required by US agribusiness.

Third, the bill alters the basis for awarding Green Cards to immigrants in the future, establishing a complex “points” system under which family reunification will no longer be given pride of place, with far greater favor for immigrants who possess capital or skills required by the major US corporations that would sponsor them for H-1B visas. This provision, demanded especially by software and computer firms, would nearly double the number of H-1B visas from 65,000 to 115,000 annually.

The details of the point system are still unclear, but Republican Senate aides told the press that this was the “heart and soul” of the legislation, central to securing business support for the bill. Under one reading of the draft language, the “tipping point” between family reunification and business needs would be determined each year based on the number of applications sponsored by US corporations, meaning that big business would drive the entire process. The professed goal of this change is to eliminate “chain migration,” the invidious term now employed to describe the process by which immigrants have come to America for two centuries—individuals working, saving money, and bringing family members in to join them.

Finally, the bill would establish a process—grossly mistitled “earned legalization”—which purports to offer a path to secure legal status for the estimated 12 million undocumented workers now in the US. In practice, however, it is unlikely that any substantial number of undocumented workers will be able or willing to go through the legal minefield established under the legislation.

The “legalization” process abounds with provisions described as “triggers,” but more accurately as booby-traps, as undocumented workers seek probationary cards, followed by renewable four-year “Z” visas, followed by a Green Card and permanent resident status. At each of these hurdles, hundreds of thousands of immigrants would be denied legal status and exposed to immediate deportation.

* The program would apply only to undocumented workers who were US residents before January 1, 2007. Immigrants will thus have to provide proof that they were living (illegally) in the US, something that many even longtime residents will be unable to do if they were living with relatives or under assumed names, and received their wages and paid their bills in cash.

* Undocumented workers would have a six-month period from

the time of the bill's passage to apply for probationary cards, the first step in the legalization process. Those who failed to apply in that time would become ineligible.

* Those applying for probationary cards would have to pass a criminal background check. How stringent this check would be is not yet known, but the recent reactionary Supreme Court rulings have permitted deportation for misdemeanor drug possession charges and other minor offenses many years in the past.

*Applicants would also have to show a "clean work record," another term whose definition is uncertain, and which will give enormous leeway to disqualify workers with records of union activity or other opposition to employer abuse.

*Once in receipt of a "Z" visa, the head of household would have to pay fees and fines totaling anywhere from \$6,500 to \$15,000, and return to their home countries to file the application. (At one point in the negotiations, the Bush White House proposed fines and fees that would total \$64,000 for a family of four!)

*The Green Cards would not be allotted until the Department of Homeland Security had cleared its waiting list of the four million applications by legal immigrants for visas to bring relatives into the country. This is estimated to take at least eight years, and could take many more given the huge backlog and increased security scrutiny given to each applicant as part of the Bush administration's "war on terror."

Even if the "legalization" process works in the manner suggested by Democratic supporters like Senator Edward Kennedy, the series of hurdles is likely to disqualify millions of immigrant workers, who would face immediate deportation. Michael Chertoff, secretary of homeland security, said he expected that about 15-20 percent of the 12 million illegal immigrants would be denied a Z-visa.

Moreover, immigrants who receive a Z-visa would be unable to sponsor children or spouses living overseas to join them in the US until they become legal permanent residents, a process that could drag on for more than a decade.

Thus an undocumented worker from Mexico who has held a steady job in California for the past three years and planned to bring his family to live with him would be faced with the choice of extending the separation from his loved ones for up to a dozen more years, or continuing to work illegally, with a much greater threat of arrest and deportation once the new employer verification program gets under way.

On top of this, an undocumented worker could well calculate—and with good reason—that the mandate that he "come out of the shadows" and give the government his fingerprints, residence information and work history is nothing more than a ploy to identify him for a future deportation. Nothing would prevent a future government from decreeing, perhaps after a suitable incident of "terrorism," that the old bargain was off and all "illegals" will be immediately rounded up.

The immigration bill is an attack on the democratic rights, not only of immigrant workers, but of the entire American working class, citizen and non-citizen alike. The bill mandates the Department of Homeland Security to expand its current pilot program of checking Social Security numbers, now used voluntarily by 6,000 companies, into a mandatory system covering

all 7 million US employers. Within three years, every employer would have to recheck the identification and Social Security documents on all 140 million US workers, citizen and non-citizen.

As one news account pointed out, the potential for false alarms is enormous. The current pilot program has produced as many as 20 percent false alarms. At that rate, a fully implemented system would flag 28 million "legal" Americans as potential immigration violators. Equally ominous is the comparison to the current system for checking passengers before they board airplanes, which has resulted in countless tales of false alarms, duplication of names and politically motivated denial of security clearance. The potential for such abuses would be vastly multiplied in a system covering every working person in the United States.

None of these considerations have stopped the ultra-right fringe from denouncing the immigration bill because it is not anti-democratic enough, allows too many rights to immigrants, or even—most preposterous of all—that it amounts to "amnesty." Commerce Secretary Carlos Gutierrez, a Cuban-American former corporate CEO and hardly a civil libertarian, said in a television interview, "I have the impression that perhaps for some people, the only thing that would not be amnesty is mass deportation."

It is significant that nine of the ten announced candidates for the Republican presidential nomination have sided with these modern-day Know-Nothings in denouncing the bill because it is too soft on immigrants. Former House speaker Newt Gingrich, a potential candidate for the nomination, said the Senate vote would be a "defining moment" for the Republican Party. "I can't imagine anybody running for president being nominated if they support this bill," he told the press.

The enormous shift to the right in official politics is revealed in the fact that the Republican Party now occupies the political terrain once reserved to Patrick Buchanan and other semi-fascists, while the Democratic Party has partnered with the Bush administration in drafting the most reactionary immigration bill in modern history.



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