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REPUBLICAN RESPONSE ON IMMIGRATION FACES HURDLE

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WASHINGTON – President Barack Obama prepared Thursday night to unveil far-reaching changes to the immigration system, while new wrinkles on Capitol Hill complicated his opponents' plans to block his action.

Acting without Congress, Mr. Obama is expected to shield as many as five million illegal immigrants from deportation and offer them a chance for work permits, while overhauling the enforcement system, people briefed on his plan said. His action would represent the most significant changes to U.S. immigration policy in nearly three decades.

Hours before Mr. Obama was scheduled to outline his plan, in an address at 8 p.m. Eastern time, many House Republicans acknowledged that they wouldn't be able to use an imminent budget measure to try to stop Mr. Obama from acting on his own.

The president's planned action has sparked angry opposition among Republican lawmakers, who say he is overstepping his authority. Many wanted to use legislation that must pass by Dec. 11, needed to keep the government funded, as a vehicle for enacting limits on Mr. Obama's policies.

But that idea hit a hurdle Thursday, when the House Appropriations Committee said in a statement that Congress cannot defund the primary agency implementing Mr. Obama's action, U.S. Citizenship and Immigration Services, because it is self-funded by fees, rather than through congressional spending bills. The committee noted that the agency would be able to continue operating even if the rest of the government shut down.

"That's problematic," said Rep. Mike Simpson (R-ID), a member of the House appropriations panel.

Republicans said they were still reviewing options for how to best push back against the president's action. Some GOP lawmakers favor filing a lawsuit against Mr. Obama, challenging the constitutionality of his action, while others said they might seek to change the law that directs fees to the agency that will implement it. Republicans said they might try to restrict the number of presidential nominees the Senate confirms next year or thwart his agenda in other parts of the budget.

"There'll be things the president wants in the budget that might even be unrelated [to immigration] that we need to take a closer look at," said Rep. Jack Kingston (R-GA).

Sen. Mitch McConnell (R-KY), who becomes Senate majority leader in January, said Thursday that Republicans would use their newly won majorities in the House and Senate to respond aggressively to the president's plan.

"We're considering a variety of options. But make no mistake – make no mistake – when the newly elected representatives of the people take their seats, they will act," Mr. McConnell said on the Senate floor.

The White House has cast the issue as an urgent policy priority left unaddressed by Congress, after a broad immigration measure won approval in the Senate last year and stalled in the House. Mr. Obama said in a video released Wednesday that "Washington has allowed the problem to fester for too long." He said he would use his authority to "make the system work better."

Senate Democrats backed the president's position Thursday, saying the White House couldn't wait indefinitely for Republicans.

"To stand on the sidelines and criticize this president for using his executive authority – the same executive authority used over and over again by presidents of both political parties in the field of immigration – is not constructive," said Sen. Dick Durbin (D-IL), the Democratic Senate whip.

Senate Democrats were scheduled to huddle with White House Chief of Staff Denis McDonough on Thursday afternoon to discuss Mr. Obama's plan.

Mr. Obama is scheduled to lay out his policy in a speech to the nation Thursday night and then on Friday at a Las Vegas high school. It is the same school where the president, in a speech in early 2013, laid out principles for immigration legislation that later passed the Democratic-led Senate but didn't reach the floor in the GOP-controlled House.

Under the new policy, undocumented parents of U.S. citizens or legal permanent residents who have been in the U.S. for at least five years would win a temporary stay of deportation and be eligible for work permits, according to several people briefed, including several Democratic lawmakers who met with Mr. Obama over dinner Wednesday at the White House.

Rep. Joe Crowley (D-NY), one of those briefed, said that the new policy is expected to benefit between four million and five million undocumented residents. Another congressman at the dinner said the figure would approach five million. Another person familiar with the plan said about four million would be eligible because of their family ties and longevity, and up to a million more through other provisions.

Rep. Ben Ray Lujan (D-NM) said that to be eligible, people will have to undergo a background check, pay any back taxes and go through an application process. He added that the plan will also include stepped-up border security.

The president is also expected to expand eligibility for a 2012 program that gives safe harbor from deportation to young people brought into the U.S. illegally as children, for instance by increasing the age limit for participation, people briefed on the plan said. This group has pressed Mr. Obama to use executive authority to protect illegal immigrants. But Mr. Obama wasn't expected to extend protections to their parents, their top policy goal.

The plan is also set to reorder immigration-enforcement priorities and revamp or replace the Secure Communities program, which uses local law enforcement to identify undocumented immigrants, one person briefed said. The person said it would also include a provision sought by businesses that would make it easier for students awaiting work visas to stay in the U.S.

The United Farm Workers estimated that at least 250,000 farm workers would be protected from deportation under criteria laid out for the union president, Arturo Rodriguez, in a

meeting with Mr. Obama on Wednesday. The union estimates that there are about a million undocumented farm workers in the U.S., though others put it lower.