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IMMIGRATION REFORM: IT'S ALIVE!

By Tamar Jacoby
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Reports of the death of immigration reform are greatly exaggerated. The debate isn't over. Reform isn't tanking. It's alive and well, with the Republican-controlled House preparing to take up where the Democratic Senate left off a few weeks ago.

Yes, the debate in the lower chamber will be very different than it was in the Senate. House Republicans are divided, with some, including many in the House leadership, eager to move ahead with reform, others adamantly opposed and yet others still uncertain. But that doesn't mean they won't make progress in months ahead – perhaps even surprising progress by House standards.

Let's be realistic. The Senate has been working on immigration since November. It's been a highly public process, endlessly analyzed in Washington and in the media. But at no time during the Senate debate did any House Republicans, even those most favorable to an immigration overhaul, show the slightest inclination to take up the Senate bill.

The bipartisan House group crafting a reform package was crystal clear: It was working on its own proposal. Leadership concurred: The House was going to do things its own way. And rank-and-file Republicans were blunter still, leaving little doubt about their disdain for anything – particularly a take-it-or-leave-it omnibus package – handed down from the upper chamber.

Still, last week, when Speaker John A. Boehner announced for perhaps the sixth time that the House was not going to take up the Senate bill, many reformers exploded with indignation.

Sorry, folks, the fault's not in the House. It's in your unrealistic playbook.

But the point is there's no reason to despair now. The House isn't backtracking or being obstructionist – it's doing what it said it would do all along, moving ahead in its own way.

Pessimists mischaracterize the House strategy, complaining that leadership is gearing up to move "piecemeal" – which, because it's not a comprehensive approach, is seen as intransigent and inimical to progress. But this insistence that there's only one way to do things could end up doing more harm than good.

Even if House Republicans were unanimously in favor of reform, in the wake of Obamacare, it's unlikely that they would pass an omnibus, 1,200-page legislative package. Big is bad in Washington these days, especially among Republicans. Lawmakers want to move carefully. They want to break things into bite-sized pieces. And on a controversial issue like immigration reform, they don't want to find unpleasant surprises tucked away in the corner of bills they otherwise support.

But that doesn't mean House Republicans aren't prepared to address the issues in the Senate bill. On the contrary. House committees – Judiciary and Homeland Security – have already approved targeted measures dealing with border security, E-Verify, interior enforcement, highly skilled immigrants and an agricultural guest-worker program. Another important measure still in the works would create a guest-worker program for nonfarm workers.

House Republicans have been deliberating for months about how to get these measures across the finish line, and many expect the bills to come to the floor separately, passing one by one, each with a slightly different combination of Democrats and Republicans. Then leadership is expected to string the bills together, like beads in a necklace, in a package that can be reconciled with the Senate omnibus. Think of it as a hybrid approach: less than comprehensive, more than piecemeal, but ultimately compatible with the package produced by the Senate.

What about the 11 million immigrants living and working in the U.S. illegally? Look for a surprise here too. Those waiting for the House to pass a straightforward path to citizenship are all but sure to be disappointed. But members are on course to consider a version of the Dream Act, providing relief for young people brought to the U.S. illegally as children. And I hear more and more House Republicans talking about a path to legal status for adults: the ability to work and travel and remain in the U.S. legally, with citizenship perhaps available through some other, already established visa program.

The White House and the so-called Gang of Eight insist this is unacceptable, that anything short of a direct path to citizenship for all 11 million will be dead on arrival. But that's just today's brinkmanship. It doesn't tell us anything about what could ultimately play out if House Republicans meet the Senate halfway, and if millions of Dreamers and their families come forward to make the case that the perfect is the enemy of the good and they'd rather have something than no reform at all.

Most House Republicans can't endorse a special or direct path to citizenship, and many can't use the word "citizenship" at all in a conversation about people who entered the United States illegally. But that doesn't mean the House can't be part of a solution, can't clear a path that would work for many people and in other ways improve the Senate bill.

Can the House come through? It won't be easy. But the answer isn't the Senate way or nothing – and insisting that it is can only limit the options for a breakthrough.

Tamar Jacoby is a fellow at the New America Foundation and president of ImmigrationWorks USA, a national federation of small-business owners working for better immigration law.