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Biden's Immigration Opportunity

His proposal this week is dead on arrival, but smaller bills might pass.

By the Editorial Board

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Partisans on both sides during the Trump Presidency used immigration to bludgeon each other, but President Biden has a fresh opening for bipartisan cooperation. Now we'll find out if Democrats want to reform immigration or keep using it as a political cudgel.

Mr. Biden made an opening offer Thursday with a bill by New Jersey Sen. Bob Menendez and California Rep. Linda Sanchez. The bill is dead on arrival in Congress since it doesn't improve border security and provides more or less blanket legalization to the country's 11 million or so undocumented immigrants. "We must not start with concessions out of the gate. We are not going to start with two million undocumented people instead of 11 million," Mr. Menendez said. "We will never win an argument that we don't have the courage to make."

GOP restrictionists during the Trump Presidency also introduced immigration bills that were essentially political statements. They went nowhere. The lesson for Democrats is they won't win an argument in Congress or the public without making concessions to the other party and immigration realities.

Start with the bill's eight-year path to citizenship for undocumented immigrants and three years for some farm workers and young adults who were brought to the country illegally as children. No matter what restrictionists say, most of these folks will never be deported. Many have been here for decades and contribute significantly to the economy.

The young adults known as Dreamers are particularly sympathetic since they didn't knowingly break immigration laws and live in legal limbo. Barack Obama granted them temporary legal status and work permits. As we've argued, he didn't have the legal authority to do so since the Constitution grants Congress power to regulate immigration. But Congress also has a moral imperative to grant a reprieve after the government invited them to come out of the shadows.

The bill would clear some of the backlog and remove country limits for employer-based cards, which is fair. But it also increases the number of visas available in the “diversity lottery” for countries with low immigration rates to 80,000 from 55,000. This discriminates against Mexicans, Indians, Chinese and Western Europeans.

The Biden proposal would also give undocumented immigrants a faster track to citizenship than those who have been awaiting legal entry outside the country for decades.

The rapid road to citizenship would also attract more migrant caravans that could lead to a new anti-immigration backlash. Southern border apprehensions are rising and reached 75,000 migrants in January. Many were young adults—no doubt enticed by Democratic promises of legalization—and are probably seeking jobs.

America needs more workers in agriculture, construction and technical fields. The supply of visas for seasonal and high-tech guest workers perennially falls short of demand, and employers say the current farm guest-worker program is unworkable. But the Democratic bill does little to fix these problems. It includes some bipartisan ideas like allowing doctoral recipients from U.S. universities in STEM fields to immediately obtain green cards and makes some tweaks to expand modestly the supply of visas for high-skilled tech workers.

Yet as Stuart Anderson of the **National Foundation for American Policy** points out, the bill also allows the government to “temporarily limit” employment-based immigration “in geographic areas or labor market sectors that are experiencing high levels of unemployment.” That is ripe for political abuse, as we saw during the Trump era. The bill’s failure on guest workers is probably a bow to unions that want to limit employment-based immigration. But without more pathways for legal workers who can come and go across the border, many will continue to enter the U.S. illegally.

The better political path is to look for small wins such as modernizing the farm guest-worker program and legalizing Dreamers, both of which have drawn GOP support. This week Mr. Biden said he’s open to piecemeal bills, which is recognizing political reality.

America needs more human talent to remain a vibrant economy as the population ages and China rises. Bowing to the left will play into the hands of restrictionists who want to define Democrats as the open borders party. Immigration offers Mr. Biden an opportunity to claim a political victory that has eluded his predecessors. But he’s going to have to work with Republicans and risk disappointing the left to get it.

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