

As Centrists Gather in Philadelphia, Immigration Is One of Many Issues Top of Mind

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Hannah Tyler and Theresa Brown, of the Bipartisan Policy Center, pose for a photo during The Un-Convention 2022 at the National Constitution Center in Philadelphia, Pennsylvania, on Oct. 7, 2022.

PHILADELPHIA — On Friday, a first-of-its-kind event took place in the city where the Declaration of Independence was written.

It was a gathering of self-proclaimed centrists of all political stripes who assembled in the National Constitution Center for an event called “The Un-Convention.”

The event, the brainchild of SiriusXM radio host Michael Smerconish, was intended to be a forum for political discourse outside the current political construct.

As Smerconish himself explained at the start of the event, “About a year ago, I had an idea. It occurred to me that the partisans get together on a regular basis, not the least of which is for a convention every four years. ... What about the rest of us? When do we ever get to hang together and explore the subject matter that most interests us?”

To “pull off the event,” in Smerconish’s words, he partnered with the Bipartisan Policy Center and Unite America.

Before the daylong event even started, more than 1,000 people were standing in line outside waiting for admittance.

Though the attendees ranged across the political spectrum, the consensus in the sprawling second floor space in which they gathered was that the government — and the media — are both failing to perform their duties to ensure America remains a just and open society.

The issue of immigration policy was a case in point.

On Wednesday, the 5th U.S. Circuit Court of Appeals held that the Deferred Action for Childhood Arrivals policy violates U.S. immigration law, dealing a blow to nearly 600,000 immigrant “Dreamers” — aliens brought to the U.S. during their childhood by adults — who lack legal status.

The three-judge panel concluded the Obama administration did not have the legal authority to create DACA in 2012, affirming a July 2021 ruling from a federal judge in Texas who barred the Biden administration from enrolling new immigrants in the decade-old program.

Despite its conclusion, the panel did not order the Biden administration to shut down DACA completely or even stop processing renewal applications. Instead, it left in place an order

from U.S. District Judge Andrew Hanen that left the policy intact for current beneficiaries.

The government, however, will continue to be prohibited from approving first-time DACA applications.

“What the 5th Circuit did, I think, is essentially a punt,” said Theresa Brown, managing director of immigration and cross border policy for the Bipartisan Policy Center.

“While that agreed with the lower court that DACA is illegal, they kept the stay in place that allows current DACA holders to maintain their status and renew it ... while the lower court looks at the final regulation as it stands now, and determines whether it’s now lawful.

“Basically, it seems to me that we’re in a situation where the courts want to declare it illegal, but no one actually wants to be the one that ends it,” she continued. “The problem is, we’re running out of time. It’s only a matter of time before somebody does pull the plug on the program.

“That’s why Congress needs to find a way to do this,” Brown said. “Everyone says they support their DACA people. There’s bipartisan support for this.”

Asked whether she thinks Congress didn’t want to weigh in on the matter before a hotly contested midterm election and if she believes it will tackle it once and for all during the lame-duck session, Brown, who is the resident expert on the Bipartisan Policy Center podcast “This Week in Immigration,” hosted by Hannah Tyler, expressed uncertainty.

“Honestly, there’s always an election, right? Maybe something will happen during the lame-duck session, but I think it depends

on the outcome of the election and who has control of the House and Senate ... but at the end of the day, it has to happen there.”

President Joe Biden might be able to intervene, but how far he can go is an unknown.

“Remember,” Brown said, “the reason DACA was declared illegal was because it was a presidential action.”

Asked what immigration issues beyond DACA are front of mind for her these days, Brown said she continues to be extremely concerned about what’s going on at the Mexico–U.S. border, and with the recent behavior of the governors of Texas, Florida and Arizona, who have been shipping illegal immigrants to blue states.

Brown called the latter a blatant play for attention by the governors at the expense of people who arrive at the border with nothing in search of a better life.

“The governors are right to the extent that they say the border situation needs to be addressed, but I don’t agree with the stunts that they’re doing to try to draw attention to the issue.”

Brown went on to say she’s not sure there’s a “fix” for the situation because “fixing means that there’s some solid answer that will solve the issue once and for all.”

“The term I prefer to use is ‘manage,’” she said.

“First, we have to acknowledge that these are people that are showing up at the border and that what we’re seeing is an evolution in migration,” she said. “It’s changing. We can’t fix what’s going on in their country with a snap of our fingers. A border wall is not going to stop people from coming to our borders.

“So we need to find a way to manage it. There’s no quick fix, but we can work with other countries to enable people to apply for entry from where they live. We can work out ways to have more legal flows of people over the border.

“But this didn’t happen overnight and it is not going to go away overnight,” Brown continued. “What we need is a series of policy measures that can manage it better.”

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