

**H.R. 6, AMERICAN DREAM
AND PROMISE ACT**

HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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H.R. 6, AMERICAN DREAM AND PROMISE ACT

TUESDAY, JUNE 15, 2021

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., in Room 106, Dirksen Senate Office Building, Hon. Richard J. Durbin, Chair of the Committee, presiding.

Present: Senators Durbin [presiding], Leahy, Feinstein, Klobuchar, Coons, Blumenthal, Hirono, Padilla, Grassley, Cornyn, Lee, Cruz, Sasse, Hawley, Cotton, Kennedy, Tillis, and Blackburn.

OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Chair DURBIN. This hearing will come to order.

I was mentioning to several witnesses that the hearing on the DREAM Act, or DACA, has an interesting, somewhat checkered history.

The first hearing on the DREAM Act was scheduled for the week of September 11th, 2001. Obviously, it was postponed. It wasn't until 10 years later that the actual hearing—first hearing on the DREAM Act occurred. So, this is the second hearing on the DREAM Act.

Ten years and two administrations ago, I was honored to gavel in the first hearing on this legislation. Today, I'm honored to gavel in this hearing as Chair of the Committee. It was 20 years ago—20 years ago, that I first introduced the DREAM Act with the Chair of the Committee at the time, Republican Senator Orrin Hatch. Senator Hatch said it was his idea. There was some dispute over that, but since he was in the majority, I deferred to him as the lead sponsor of the first DREAM Act.

Our stories about the DREAM Act have touched the hearts of Americans. The phrase itself, DREAMers, which was not identified early on with this cause, has now become common parlance. We revel in the stories of those who are affected by the DREAM Act and DACA because they are the stories of America and our history of immigration.

Before we get started, I'd like to ask my colleagues to join me in viewing a video on this issue.

[Video is shown.]

Chair DURBIN. It was 9 years ago today when President Obama walked into the Rose Garden and announced a new policy that would change the lives of hundreds of thousands of young people

in our country. It is called Deferred Action for Childhood Arrivals, better known as DACA.

DACA allows young immigrants who arrived in America as children to safely remain in the only home they've ever known. If they register with the Government, pay a substantial fee, clear criminal and national security background checks, then they can receive temporary, renewable protection from deportation.

Since 2012, more than 800,000 DREAMers have stepped out of the shadows to enroll in DACA. The program has been a life-changer. It has allowed them to work, pursue higher education, and serve in America's military. DACA has unleashed the full potential of DREAMers.

August 15th, 2012, is a date I will never forget. It was the first day that DACA applications were accepted. I was at Navy Pier in Chicago for a workshop to help DREAMers apply for DACA. We weren't sure if anyone would show up. Then we weren't sure how many would show up, and then what happened astonished us. Thousands, thousands of young people showed up on that day. Filled the entire boardwalk. Some gathered with their parents at midnight before the actual opening that morning. Some drove in from neighboring States.

That's how eager these young people were to officially become part of America, even if on a temporary, renewable basis, and that's what's really the key word when it comes to DACA. It's temporary. When President Obama first announced it, he said, "Because this is temporary, Congress needs to act. There's still time for Congress to pass the DREAM Act this year," he said. "Because these kids deserve to plan their lives in more than 2-year increments."

Well, that year has turned into 9 years. Over the years, the DREAM Act has been a victim of a filibuster on the floor of the Senate five different times. As the DREAM Act has languished in the Senate, hundreds of thousands of young people have been left with their futures in doubt.

But that hasn't stopped them from fighting for their dreams and giving everything they can to this country. It has been my honor to be the voice of the DREAMers for 20 years. They have been an inspiration. I've had the privilege of sharing over 125 of their personal stories on the Senate floor. The posters, colored photographs that you see around you represent just a small fraction of the stories that I've told.

DREAMers have taught children in our Nation's classrooms, dazzled audiences at world class music venues like Carnegie Hall, fought in American wars, and have started American businesses. During the past year, as our Nation was ravaged by a pandemic, and we were cheering on the healthcare heroes who risked their lives for us every minute of every day, DREAMers were saving American lives.

According to the classification used by President Trump, more than 200,000 DACA recipients are essential, critical, infrastructure workers. Among them are thousands of frontline healthcare workers: doctors, intensive care nurses, paramedics, respiratory therapists.

We are lucky to be joined by one of those heroes today. Manuel Bernal Mejia—or Doctor Bernal, as I’m going to call him—first arrived in the United States at the age of 2. Grew up in Memphis, Tennessee, graduated at the top of his class in high school, and developed a passion for medicine. That passion led him to my home State of Illinois, where he enrolled in the very first medical school in the Nation to admit DACA recipients, Loyola University Chicago Stritch School of Medicine.

Today, Dr. Bernal has taken a break from the work that he’s doing in an emergency room on the South Side of Chicago in one of the busiest trauma hospitals in our community. During this pandemic, Dr. Bernal has literally risked his life every day to serve our country and save lives.

In 2017, the former President attempted to terminate DACA. Just imagine what it would have meant for our country if the Supreme Court had not stopped him from deporting heroes like Dr. Bernal to countries they hardly remember.

The legislation we’re focusing on today, the Dream and Promise Act, recognizes DREAMers aren’t the only immigrants with a dream. They are far from the only people falling through the cracks of our broken system. This includes 400,000 people living in the United States under Temporary Protected Status, TPS. Like DACA recipients, TPS recipients have saved lives during this pandemic. More than 130,000 TPS holders are essential, critical, infrastructure workers, including 11,600 healthcare workers.

We’re going to hear from one of them this morning. His name is Rony Ponthieux. I think I pronounced that close to correct. Is it? Good. Bien. He was granted TPS after a devastating earthquake hit Haiti in 2010. He and his wife resettled in Florida, where they’ve raised two children, and where Mr. Ponthieux works as a nurse in the respiratory unit of his hospital treating COVID-19 patients.

After former President Trump attempted to eliminate TPS for Haiti in 2017, Mr. Ponthieux pleaded with him to “Help us stay in this country with peace of mind, so we can save the most people possible.” That is all TPS recipients like Mr. Ponthieux and DREAMers like Dr. Bernal are asking for. They’re not asking for a handout, but an opportunity to continue to serve and save lives in America.

We need people just like them. DACA and TPS recipients and their households contribute an estimated \$17.4 billion in Federal taxes, and \$9.7 billion in State and local taxes every single year.

By enacting the Dream and Promise Act, we can increase our Nation’s GDP by an estimated \$799 billion over 10 years and create more than 285,000 new jobs. There is a mistaken notion that we have a static number of jobs in America, and we all have to fight over them. We are finding that by bringing talented people in to serve this country and to create businesses, we actually have a dynamic that increases the size of employment in our economy.

We need a functioning immigration system that welcomes immigrants, so we can grow our economy and put America on track to be a winner in the 21st century. The challenges we face at the border are no excuse for inaction. I’ve spoken to Senator Cornyn and Senator Sinema about the southern border. We are not going to ig-

nore that reality, but this is a reality as well. There is no excuse for inaction. For too many years, Congress has looked the other way and found another excuse to put off this decision. It's time to allow these individuals, these future Americans, to finally become American citizens. That's why we must join the House in passing the Dream and Promise Act. I recognize Senator Grassley.

**OPENING STATEMENT OF HON. CHARLES E. GRASSLEY,
A U.S. SENATOR FROM THE STATE OF IOWA**

Senator GRASSLEY. Thank you, Mr. Chairman, and thanks to all of our witnesses that will be testifying today and answering our questions.

Today's hearing addresses a topic of interest to many Members of Congress and Americans around the country, and it's a very important issue for me because, like you, Mr. Chairman, I have worked to find a legislative solution to addressing the DACA populations. In 2018, I did just that when I introduced the Secure and Succeed Act with several Members of this Committee.

I know this is an issue of great importance to you, and I know that you have been leading bipartisan discussions in recent weeks to try and reach an agreement. As Ranking Member of this Committee, I look forward to participating in those discussions moving forward.

I'd like to take two brief points that I'd like to make about the ongoing debate over legal status of undocumented young people brought here as children. I start with the assumption that children brought here by their parents did not violate our laws, but their parents did by violating our laws coming to this country.

First, any legislation providing legal status for those young people must include meaningful border security and immigration enforcement measures. The need for robust border security and enforcement measures has been demonstrated by the current crisis at our southern border, a crisis that is in direct result of this administration's policies.

Whether it be terminating physical barrier construction at the border, severely limiting the ability of ICE to enforce our border immigration laws, or supporting sanctuary cities, the administration has actively sought to undermine border security and immigration enforcement. Therefore, it shouldn't be a surprise that last month, the total encounters at the southern border were up 675 percent from May 2020. For unaccompanied children, encounters were up 1,305 percent from last May, and for family units, it was 4,143 percent up. These numbers are staggering.

The administration doesn't seem to be doing much about it. The President and Vice President still have not even been to the border to see firsthand the problems. When the Vice President was asked about it last week, her response was, "And I haven't been to Europe either." Like most of this administration's responses to crisis at the border, it was a truly baffling statement.

If we want to provide legal status for DREAMers, we must secure our border so that we don't find ourselves in the same situation again 20 or 30 years from now. Unfortunately, the administration doesn't appear to be serious about doing that, and the bills we're discussing today don't even attempt to do that.

When I was at the border a couple months ago, I had the opportunity to hear the Border Patrol say to us that they had an opportunity to brief the incoming administration before the January 20th date of Inauguration, and they advised the incoming administration to leave everything that was then in place in place, and obviously, on January the 20th, the administration took contrary action. What do we have? We have the crisis that you see on television every day with people crossing, wading through the Rio Grande to get here.

Finally, it is important that any bill providing legal status to undocumented young people, especially DACA recipients be properly sculpted. The act that we're having the hearing on and the DREAM Act fail that test in a number of ways. Highlight just a few.

First, they would provide legal status to millions of illegal immigrants who have no connection at all to the DACA program, including illegal immigrants who were not even in the United States when DACA was created. In the case of the American Dream and Promise Act, the illegal immigrants need only have been in the United States since January 1st of this year in order to qualify.

Second, as we will hear from some of the witnesses, these bills would allow illegal immigrants with criminal records to be eligible for legal status. That simply defies common sense.

Third, they would allow illegal immigrants with a Final Order of Removal to legalize anyway.

Finally—this is finally—they don't contain a cutoff date for entrance or maximum age. As an example, it seems like I've read about a 68-year-old person entering the country illegally, in the United States, illegally, at the age of 17 in 1970, would qualify as a DREAMer under these bills. Again, that defies common sense.

All that being said, I look forward to hearing from our witnesses today, and hope that we can ultimately come up with a rational and bipartisan solution, because as I said previously, people who were brought here by their parents did not violate the laws, but people that brought them here violated our laws. I see justice being done for DACA as a legitimate thing to do.

Chair DURBIN. We have Senator Padilla has asked for recognition, and he is Member of—Chairman of the Judiciary Subcommittee on Immigration, Citizenship, and Border Safety. Senator Padilla.

**OPENING STATEMENT OF HON. ALEX PADILLA,
A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator PADILLA. Thank you, Senator Durbin. Colleagues, as a proud son of immigrants, I am honored to participate in this hearing, and to help highlight the contributions of DREAMers and TPS recipients. Contributions that they're making to this country each and every day.

You know, in California, we are lucky to be home to more than 250,000 DACA and TPS recipients, the most of any State in the Nation. It's safe to say that no State has more at stake in passing a solution for these individuals than California.

I want to start by thanking Senator Durbin for your tireless leadership on behalf of DREAMers. I've seen you work diligently across the aisle to build support of the DREAM Act year after year after

year. As you mentioned, this marks the 20th anniversary of the first time you introduced a DREAM Act in the U.S. Senate.

As you referenced, we're also marking the 9th anniversary of the DACA program, an executive action by President Obama, intended to provide temporary protection for undocumented young people while Congress took action on a permanent solution. The last 9 years are a testament to the passion and resilience of DACA recipients and advocates.

Hundreds of DREAMers have come forward to share their stories with the world, risking deportation to fight for their futures. For 4 years, DREAMers successfully opposed efforts to destroy the DACA program. They even demonstrated the unlawfulness of these efforts before the U.S. Supreme Court.

The past 9 years also represents a failure on the part of this body. Congress has repeatedly failed to pass a permanent solution, creating a pathway to citizenship for DREAMers and other long-term residents of our communities. DACA was enacted as a stop-gap measure. It was never enough, nor intended to be enough, for the hundreds of thousands of undocumented immigrants who work, study, and have made their lives here in the United States.

Over the last 20 years, DREAM Act measures have received support of bipartisan majorities, in both the House and Senate, only to be blocked by the filibuster. It's no surprise that protecting DREAMers is a bipartisan issue in Congress. In fact, overwhelming majorities of the American people, yes, Democrats, Republicans, and Independents, support a path to legalization for undocumented young people.

The American people recognize our urgent need to do justice by DREAMers. Still, Congress has left hundreds of thousands of young people and their families to live in limbo for years, and years, and years. In that time, DREAMers have continued to make their lives in communities across America, as have TPS recipients. They've shared their intelligence, their dedication, and their skills, despite constant living in fear of a potential change in their status.

Twenty-nine thousand DACA recipients and more than 11,000 TPS holders are healthcare workers. Essential, frontline workers during the COVID-19 pandemic. These brave individuals were able to pursue their ambitions to serve others only because of the temporary legal status. They risked their lives to care for COVID-19 patients throughout the country. That's just in healthcare. Another more than 500,000 DACA recipients and TPS holders have held jobs in industries classified as essential. From agriculture and food service to sanitation and construction, these immigrants have put their own health, and their families' health, on the line to keep America running. Most DACA and TPS holders only know the United States as their home.

Colleagues, it is past time for Congress to recognize that reality into law. Creating a pathway to citizenship for DREAMers and TPS holders isn't just the right thing to do, it's also key to strengthening our economy. A new report from UC Davis and the Center for American Progress finds that the American Dream and Promise Act would create hundreds of thousands of new jobs and raise wages for all American workers.

DREAMers, TPS holders and other long-term permanent residents of our country have been waiting too long for Congress to act. Lady, a DACA beneficiary who advocates on behalf of farmworkers like her parents, needs our help. Patricia, a TPS beneficiary from El Salvador, who works for a cleaning company in San Francisco, needs our help. Erica, a DACA beneficiary, whose parents are TPS beneficiaries from El Salvador, is working as a medical assistant at a pediatric hospital in Dublin, California. She needs our help.

The names and the stories go on and on and on. The American people are calling on us to pass permanent protections for the people that they know as doctors, as teachers, as neighbors, as parents.

Mr. Chair, I look forward to hearing from today's witnesses about the urgent need for a path to citizenship, and the strength that immigrants bring to our Nation. Thank you.

Chair DURBIN. Thank you.

Senator FEINSTEIN. Chairman, may I just say a few words?

Chair DURBIN. I'm going to first recognize Senator Cornyn, and then I'll be right—you'll be the next.

Senator FEINSTEIN. Thank you.

Chair DURBIN. Please. Chairman Padilla, thank you. As Ranking Member of the Subcommittee on Immigration, I'd like to allow Senator Cornyn the opportunity to make opening remarks.

**OPENING STATEMENT OF HON. JOHN CORNYN,
A U.S. SENATOR FROM THE STATE OF TEXAS**

Senator CORNYN. Mr. Chairman, I appreciate that very much. Thank you. In the 9 years since President Obama announced the DACA program, the Deferred Action on Childhood Arrivals, the young men and women whose futures it sought to secure have been sent on a high-stakes roller-coaster journey. Their lives have hung in the balance of court rulings, even though they themselves did nothing wrong. They were brought here by their parents as children, and in America, we do not hold children responsible for the actions of their parents.

The only way to eliminate the uncertainty caused by President Obama's likely unconstitutional action is through legislation. I say that because there's a pending court case in the Southern District of Texas challenging the legality of the DACA program that's been pending before Judge Hanen for some time now, and he could well issue a permanent injunction enjoining the DACA program, causing further chaos and disruption.

I have previously voted for legislation to let these young people stay multiple times over the years, but each time, Congress has failed to muster the necessary support to get a bill on the President's desk.

Every person in this room can tell you the bill being reviewed by this Committee today will not move us any closer. In fact, the American people would like to know, I bet, that there is not a single bill that deals with the DREAM Act or the DACA recipients. In fact, the original DACA made 1.3 million young people eligible, but only 640,000 are still active today.

Then there was the Secure and Succeed Act of 2018, which sought to provide a pathway to citizenship for 1.3 million DACA re-

ipients, and unfortunately, that was not successful. Then there's the DREAM Act of 2021, sponsored by our Chairman, which would extend a pathway to citizenship for 3 million migrants. Then finally, the bill that we're talking about here today, the American Dream and Promise Act would extend a pathway to citizenship for more than 4.4 million people.

As an example of how far afield we've gotten, the American Dream and Promise Act would not just apply to those who come to our country as children, but this would extend a pathway to citizenship to adults who've entered the United States as recently as January 1, 2021.

This legislation, of course, goes far beyond the original DACA issued by President Obama to include TPS. What Temporary Protected Status has to do with the DREAM Act or the DACA population is lost on me.

This bill would also create a pathway to citizenship, as I said, for adults who've entered the country illegally as recently as January 1, 2021.

To be clear, I support DACA recipients because they were brought here at a young age, through no fault of their own, and they know no other country. The American Dream and Promise Act has completely abandoned the justification in favor of rewarding very recent illegal entries a pathway to citizenship, and further incentivizing other migrants who may want to illegally immigrate to the United States, contributing to the flood of humanity that we are seeing at our border now that the President refuses to acknowledge as the crisis that it is.

Radical policies that reward illegal immigration will not pass the Senate, and it's unfair to the DACA recipients to tie their fate to such ill-considered legislation. If our Democratic colleagues are truly interested in passing legislation on DACA, especially the 640,000 active DACA recipients, a clean, bipartisan bill is the only path forward. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Cornyn. Senator Feinstein.

**OPENING STATEMENT OF HON. DIANNE FEINSTEIN,
A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator FEINSTEIN. Thank you very much, Mr. Chairman. I want to begin by thanking you for really your tireless efforts over 2 decades to pass the DREAM Act. I also want to say that I really believe now this bill will pass. I think people are beginning to realize certain facts.

This bill can secure a better future for millions of people who live in a lot of uncertainty about their place in our country, really through no fault of their own. Let me just put a few things—facts in the record.

According to the Migration Policy Institute, there are nearly 198,000 DACA recipients in California. That's more than any other State. They pay \$2 billion in Federal taxes, and nearly \$1 billion in State and local taxes every year. Nationwide, 80 percent of them are working or in school, and in California, 8,600 are medical workers who have been on the frontline of the pandemic.

Like DREAMers, TPS recipients have established deep roots through many American communities. On average, TPS recruits

have lived in the United States for nearly 20 years. In California alone, Mr. Chairman, they contribute \$446 million in Federal taxes, and \$237 million in State and local taxes. These are our colleagues, our neighbors, our friends, and they should not have to live in fear that they could be deported if the future administrations end TPS or a court strikes down DACA.

I'm very proud to be one of your cosponsors, and I want to thank you for 20 years of service in bringing this legislation, I hope, finally to passage.

Chair DURBIN. Thank you, Senator Feinstein. You're more than a cosponsor, you have been a steadfast ally in this effort, and I thank you for the kind words that you expressed this morning.

We have five witnesses who are going to testify about the Dream and Promise Act. I'm going to introduce the majority witnesses, and then I'm going to turn to Senator Grassley to introduce his.

Our first witness is Dr. Manuel Bernal Mejia, third-year emergency medicine resident of Advocate Christ Medical Center in Chicago. That is his photograph, taken at an earlier time. Thank you.

The Honorable Leon Rodriguez served as Director of U.S. Citizenship and Immigration Services at USCIS's CIS from 2014 to 2017. Prior to that, he served in Civil Rights leadership post in the Obama administration, and worked as a Federal and State prosecutor. Currently a partner at Seyfarth Shaw Law Firm.

The third witness is Mr. Rony Ponthieux. Serves as a registered nurse at Jackson Memorial Hospital in Miami Gardens, Florida.

Ranking Member Grassley, would you like to introduce your witnesses?

Senator GRASSLEY. Yes. Today, I have the pleasure of introducing Ms. Michelle Root. Michelle's daughter, Sarah Root, was killed by an illegal immigrant drunk driver in Omaha, Nebraska on January 31, 2016. Sarah, a native of Iowa, had just graduated from college with a 4.0 GPA hours just before she was killed. Sarah's killer fled the country within 3 days after making bail.

The Obama administration's U.S. Customs and Immigration Enforcement refused to place a detainer on him, despite repeated outreach from the Omaha Police Department requesting that they do so. He remains at large to this very day. I've known Michelle for a number of years, and I'm a proud cosponsor of Sarah's Law, which would require ICE to detain illegal immigrants who have been charged with a crime that resulted in death or serious bodily injury of another person.

Michelle has previously testified in Congress regarding the same about Sarah's tragic death. Her testimony at this hearing will highlight the importance of making sure that we don't offer legal status to illegal immigrants with a criminal record. I just don't understand the opposition to such a simple bill to bring justice to the injustice of the lack of prosecution of crimes like Sarah's death.

We thank Durbin very much for his leadership in this area. We also thank somebody like Michelle for her constant fight for justice for her daughter.

I also am introducing Mr. Joseph Edlow. Mr. Edlow is founder of the Edlow Group. He served as Deputy Director for Policy at U.S. Citizenship and Immigration Services, and in that role, served as Acting Director of the agency from February 2020—January

2021. Prior to that, he served as chief counsel of USCIS from July 2019 to February 2020, after serving as Deputy Assistant Attorney General at the Department of Justice from June 2018 to July 2019.

Prior to joining the executive branch, Mr. Edlow served as legal counsel in the office of Congressman Raul Labrador, and as a counsel to the House Judiciary Committee Subcommittee on Immigration and Border Security.

He began his career in Federal service in Baltimore, where he spent almost 7 years as an assistant chief counsel with U.S.—ICE, litigating before the U.S. Immigration Courts. Mr. Edlow received his undergraduate degree at Brandeis University in Waltham, Massachusetts, and a JD degree Case Western Reserve University School of Law, Cleveland, Ohio.

I welcome both witnesses, and all witnesses.

Chair DURBIN. Thanks, Senator Grassley. The procedure will be well known to the Members, but I'll repeat it for our guests. After we swear in the witnesses, each witness will be given 5 minutes to provide opening statements. There will be a round of questions, with each Senator having 5 minutes, and I ask them to please do their best to remain within the allotted time.

We'll start with administration of the oath. Would all of the witnesses please stand.

[Witnesses are sworn in.]

Chair DURBIN. Let the record reflect that the witnesses all responded in the affirmative. They will each be given an opportunity for opening statements, then I will ask a round of questions, and invite Senator Padilla to come up and Chair the remainder of the hearing, as Chairman of the Immigration Subcommittee. We've done this as a joint hearing for the full Committee and Subcommittee. Thank you.

Dr. Bernal, please proceed with your opening statement.

**STATEMENT OF DR. MANUEL BERNAL MEJIA,
EMERGENCY MEDICINE RESIDENT, ADVOCATE
CHRIST MEDICAL CENTER, CHICAGO, ILLINOIS**

Dr. MEJIA. Good morning, Senators. My name is Dr. Manuel Bernal Mejia. Thank you for giving me the opportunity to share my journey of becoming an emergency medicine physician as an undocumented individual. First, I want to make sure to thank Chair Durbin and Ranking Member, Senator Grassley, as well as Senator Graham for introducing the DREAM Act with Senator Durbin. I would also be remiss if I also did not thank Senator Blackburn for her service to my home State of Tennessee.

It is an honor to be with you all and share a bit of my story. Also, I want to recognize my sister, Jasmine Bernal, who is here with me today to share this special moment.

My mother was 24 and my father was 27 when they made the difficult decision to leave everything known to them to come to the United States in search of a better life for their 2-year-old son. Little did they know their decision would lead to my career as an emergency medicine doctor.

Day after day, I provide critical care to save American lives on the front lines of the pandemic, even as my own future in this country remains uncertain. My memories of my birth country are

shaped only by family pictures that were shown to me as a child. To be honest, the United States is the only home that I know.

Home is the beautiful State of Tennessee, where I grew up and had quite the average upbringing as a kid. As a kid, I was enrolled in way too many extracurriculars, from karate to swim team, all while living in blissful ignorance of the gravity of what it meant to be undocumented. It was not until I first attempted to obtain a driver's permit that I started to grasp the extent of the many barriers I would face as an undocumented person. Nonetheless, I forged ahead, diving deeper into my studies to distract myself from what my undocumented status might mean for my future.

I'm proud to tell you that I was 1 of 36 individuals accepted to the university honor's program at the University of Tennessee at Chattanooga, where I eventually graduated summa cum laude. I developed an appreciation for the medical profession early on when I witnessed the compassionate care a loved one received at St. Jude Children's Research Hospital. This transformative experience served as my first true exposure to field of medicine and helped me embrace the idea that my unique skill sets and talents could be best utilized delivering medical care to others.

In college, and later on as a medical student, I realized that a career in emergency medicine was the best avenue for combining my love for serving marginalized communities and pursuing medicine. While in college, I had the unique opportunity to serve as a medical scribe for doctors in the ER of a small hospital in Chattanooga, Tennessee. There, I worked side by side with emergency medicine doctors, and I eagerly absorbed as much as possible about serving ill patients. I saw first-hand the inherent vulnerability that patients face in the ER, and how the vulnerability is exacerbated by language, cultural, and educational barriers.

I observed the ER's role in the community as the axis point to healthcare for people from marginalized communities. And all while my desire to become an emergency medicine physician grew stronger by the day, I knew that being accepted to medical school as an undocumented student would be almost impossible.

I spent endless nights drafting emails to numerous medical schools, inquiring whether my undocumented status would obstruct my dreams of becoming a doctor. Repeatedly, those conversations would end in disappointment. It seemed like my hopes of becoming a doctor were getting further out of reach.

The DACA program changed everything and opened many new doors for me. Importantly, it allowed me to enroll at Loyola University of Chicago's Stritch School of Medicine, where I eventually went on to graduate within the top third of my class.

Fast forward to today, I am now less than 1 week away from completing a 3-year residency training program, specializing in emergency medicine. While DACA has been a lifeline, only a pathway to citizenship granted by Congress would allow me the ability to live free from fear, safe with the knowledge that I can continue to serve my community.

As an ER doctor, I have taken care of patients at all stages of life, from delivering babies taking their first breath to providing comfort care measures for dying patients during their last moments of life. I trained during the height of a global pandemic, taking care

of a too high to count number of critically ill COVID-19 patients, all while fearing the possibility of deportation because the previous administration was working relentlessly to dismantle DACA.

I know that no protections are truly permanent save for the ones provided by legislation, which only you all have the power to grant. I'm honored to serve my community during this pandemic, and to help save lives when our country has collectively experienced great loss, even as I face my own uncertain future. While it is true that most DREAMers are not doctors, we all contribute to this country in our own special way.

America is our home, and on behalf of the millions of DREAMers living in the U.S., I ask that we be allowed to give back to our home permanently after being allowed to earn citizenship.

I've been offered a position as an attending doctor in a hospital in Illinois, where I will continue to serve the American people. While I know I'll work my hardest every day, only a pathway to citizenship will allow me to serve fully and continue my career as an ER doctor.

I encourage the Members of this Committee to help ensure that young people like me who have built our lives here can contribute fully to the communities we know and love by passing a pathway to citizenship. Thank you again for allowing me to share my story with you today.

[The prepared statement of Dr. Bernal appears as a submission for the record.]

Chair DURBIN. Thank you, Dr. Bernal. I'm going to take the privilege of the Chair for just one moment and salute Loyola University in Chicago. With their School of Medicine, they were the first medical school in the United States to open competition to DACA recipients. There was no quota, no guarantees. You were just in the running with all the other applicants, and I believe over 30 were accepted to this school, and you're, of course, one of the best and most successful graduates. I wanted to give Loyola a shout out for that opportunity they gave you and so many others.

Our next witness is Mr. Joseph Edlow.

**STATEMENT OF MR. JOSEPH EDLOW,
FOUNDER, EDLOW GROUP, POTOMAC, MARYLAND**

Mr. EDLOW. Chairman Durbin, Ranking Member Grassley, and Members of the Committee, thank you for the opportunity to present testimony on H.R. 6, the American Promise and Dream Act of 2021. Before we discuss the bill, it is imperative to begin with the current landscape. We have an unmitigated disaster at the southern border that threatens the integrity of the U.S. immigration system. With border apprehensions rising, inconsistency in the processing of aliens arriving at the border, and the administration taking actions in contravention of U.S. immigration laws, we are at great risk of the entire immigration system failing.

So far in this fiscal year, almost 930,000 aliens have been encountered by U.S. Customs and Border Protection, CBP, over 633,000 of whom were encountered from February through May 2021. With 4 months left in the fiscal year, this country is on track to see a record number of apprehensions along the southwest border. These are just the numbers we know. It is estimated that at

least another 40,000 people per month cross illegally and are not apprehended.

Apprehensions of aliens with criminal convictions has increased significantly in this fiscal year, as well. In the first 8 months of this year—this fiscal year, Border Patrol has encountered over 6,900 aliens with criminal convictions, more than twice as many as in all of FY 2020.

Make no mistake, this is a humanitarian crisis as everyone who makes this journey, from adults to families to unaccompanied minors, are putting their lives at risk while relying on smugglers, often associated with cartels and other criminal organizations. As smugglers get bolder, the trip gets more arduous and perilous.

Accordingly, Border Patrol has seen an uptick in life-saving efforts this fiscal year. Through May, agents at the southwest border have performed almost 6,900 searches and rescues, eclipsing the totals for all of FY 2020 and FY 2019.

As the Department of Homeland Security continues to make its own rules and ignore the statutory and regulatory mechanisms and procedures provided under law, the magnet drawing migrants to the United States grows exponentially.

President Biden's DHS has waged war on immigration enforcement. It has ended successfully implemented programs, such as the Migrant Protection Protocols, attempted to halt deportations, limited ICE enforcement priorities under the guises of limited resources and prosecutorial discretion, and has disregarded expedited removal and released thousands of aliens into the interior of the country in the vain hope that they will report to ICE at a later date.

In short, the President has opened the borders. It is a constitutional crisis when the President abandons a core function of the executive branch and allows lawlessness and invasion along our borders. Congress must focus on the root cause of this surge. The Senate should be focusing on undoing the Biden border crisis and securing our borders. It must ensure that the law is being followed, and that the executive branch is enforcing the law as it is written, and not merely by executive and departmental memos.

It must then address the other pull factors, such as the Flores Settlement Agreement and the disparate treatment of unaccompanied minors under the Trafficking Victims Reauthorization Act.

The haunting images that we have seen over the past few months at the border will only get worse and more frequent unless the United States makes clear that disregard for our laws and our borders will simply not be tolerated. One of the largest pull factors is the continued promise of amnesty.

Today's hearing on H.R. 6 is an advertisement for that promise, and ultimately will make the crisis worse. The bill is bad policy and will propagate hopes of amnesty for generations yet to come. Among H.R. 6's many problems are that the bill would overwhelm USCIS resources, create blanket waivers for criminal aliens, invite fraud through low standards of proof, impose stringent and unnecessary confidentiality requirements on DHS, and ultimately overwhelm many of our Federal district courts.

H.R. 6 is simply the wrong bill at the wrong time. It will exacerbate the crisis along the southern border, and if passed, will serve

as an impetus for any foreign national with no legal right to enter or remain in the United States, to flagrantly disregard the law while they await their turn for amnesty down the road.

Thank you for the opportunity to appear today, and I look forward to your questions.

[The prepared statement of Dr. Bernal appears as a submission for the record.]

Chair DURBIN. Mr. Leon Rodriguez.

**STATEMENT OF MR. LEON RODRIGUEZ,
PARTNER, SEYFARTH SHAW, WASHINGTON, DC**

Mr. RODRIGUEZ. Thank you, Chairman. Good morning, Chairman, Ranking Member Grassley, Members of the Committee. As I sit here before you today, I can't help but recall my confirmation hearing as USCIS Director now more than 7 years ago. I remember pretty much every question that Senator Grassley asked, every question that Senator Durbin asked, and every question that Senator Feinstein asked.

Even though those questions were difficult questions from both sides of the aisle and challenging to answer, that day for me was one of the joyous days of my life because as the child of refugees from Cuba who was born just a month after they had fled that dictatorship, it was, in many respects, a miracle for me to be here. In fact, the vagaries of U.S. law could easily have meant that I would have grown up in that dictatorship, rather than in freedom here in the U.S.

I remember the topic we were talking about that day 7 years ago was pretty much the same topic we're talking about today. We were talking about the southern border, we were talking about DACA, we were talking about the DREAM Act. I wasn't surprised to hear Senator Durbin early this morning cite to a version of the DREAM Act being introduced 20 years ago. In other words, we have been trying to tackle this issue through separate legislation dealing with the plight of the undocumented, as well as in comprehensive immigration reform packages, one during President Bush's administration, and another during President Obama's administration.

I think we've reached the point where we need to simply get this done. If we look at the history, the bar has always moved. It has always been the wrong time, the wrong formula. I think we've run out of time. We've run out of time for the simple reason that the cost of not finding a pathway for wonderful individuals like Dr. Bernal, like Mr. Ponthieux, is unacceptable to the American people.

For them to live at the mercy of a biannual DACA renewals, and for us to be at the mercy of not, as Senator Padilla suggested, be able to fully benefit as a country from their skills, is an unaccepted reality.

It is one of the many criticisms I've heard of the DREAM Act, of DACA, and in the positions that Democrats have taken those Acts, that we only lift up the cases like Dr. Bernal's and Mr. Ponthieux—the doctors, the lawyers, the nurses, the teachers. The fact that if you look at the DACA population, 89 percent are employed in and contributing to our economy. Thousands of them are

going to school. They are doing exactly the kinds of things that we would want them to do.

They are, with some exceptions, law-abiding. The way the DACA program has been administered is in many respects the blueprint and the test case for how this DREAM Act would be administered, and has resulted in a population that, on the whole, has been a remarkably law-abiding and productive population whose contributions could only be that much greater if this Act passes.

I have to very specifically respond to the proposition that the fate of the DREAMers needs to be linked to our solution to what's going on on the border. The idea, and I agree with my colleague, Mr. Edlow, we do need to address the root causes. The root causes are the desperation of the people coming to our borders. They are the result of coming from countries that boast the first, second, and fifth highest homicide rates in the world.

There is nothing that we will do that will stop that migration, notwithstanding the exploitation by smugglers, notwithstanding whatever walls we built, unless those conditions that are driving them to migrate are addressed.

In the meantime, though, we can't wait to solve the case of the DREAMers. It is one thing to treat people as pawns in larger political debates for 3 months, 5 months, 6 months. It's quite another for 20 years to have passed without a solution.

What I love about our country is that we are a country that fixes things, solves things, and makes them better. The time has come to do exactly that.

[The prepared statement of Mr. Rodriguez appears as a submission for the record.]

Chair DURBIN. Thank you, Mr. Rodriguez. Ms. Root.

**STATEMENT OF MS. MICHELLE ROOT, CO-FOUNDER,
ANGEL FAMILIES, COUNCIL BLUFFS, IOWA**

Ms. ROOT. I don't think it's going on. Can you hear me? Okay. Chairman Durbin, Ranking Member Grassley, and distinguished Members of Committee, thank you so much for inviting me to testify on this important topic today.

I'm here to honor my daughter, Sarah, who was murdered by an illegal immigrant who was driving drunk on my daughter's graduation night. Sarah had just received her Bachelor's in Criminal Investigation and a 4.0 the night she was killed by Eswin Mejia. Sarah was just starting to get to the best years of her life. She was taken way too soon because people failed to follow our laws, and the administration at the time failed to secure our borders. To date, justice has not been served for my daughter, and her killer remains on the loose.

Sarah was my only daughter, and she made me want to be a better person because she was so kind, caring, loving. She put others before herself, and no matter how busy she was, and she was busy, she made time for family and friends. She was smart, worked hard. She treated people with kindness, and had a great relationship with her only brother, my son, Scotty. She wanted to pursue a master's degree after graduating.

My baby girl had dreams, too. Sarah was a true dreamer, and her dreams were crushed because people believe they can enter our

country illegally, carry out criminal acts without recourse, and because some Members of Congress are determined to let them.

As a parent, I sympathize with those who want a better life for their children. We would all do what it takes to make a better life for them. However, you have to understand that rewarding illegal behavior only means we get more of it. The DREAM Act, if enacted into law, would benefit people who are charged with crimes. It would legalize people in this country who have been convicted of violent crimes. This isn't about rewarding valedictorian DREAM-ers. Even the data shows criminals are getting to use this.

Allow me to talk about a few problems with this House bill. This is a legalization bill for more than just children. There's no age limit. This is a legalization bill for criminals. Charges, even the most serious criminal offenses, are completely ignored. This bill allows illegal immigrants who have been deported from the United States previously, to still apply. This bill protects people who simply apply by giving them safe harbor to remain in the United States while their application is pending.

This Committee needs to urgently consider bills like Sarah's Law. This bill, in honor of my daughter, would require the Government to detain someone who entered the country illegally and is charged with a crime resulting in death or serious bodily injury. I thank those who have sponsored this bill, including my home State Senators, Senator Grassley, Senator Ernst, and then our neighboring State of Nebraska, Senator Sasse and Senator Fischer.

Another key provision of Sarah's Law, which is missing from the DREAM Act, would ensure that there is an office for the American people devoted to helping them when they are harmed or affected by the actions of an illegal immigrant. An Office that does this, the Victims of Immigration Crime Engagement, or VOICE, was established by the Trump administration, and without it, many families, like mine, would not find answers or be able to seek justice. This Office has helped many families, and it appears that the Biden administration wants to dismantle it.

In fact, last week, they changed the name of the Office and vowed to help illegal immigrants who claim to be victims to gain access to support services, diminishing its sole mission of helping Americans. The administration has also removed the VOICE's Office most wanted list, which Eswin Mejia, the killer of my daughter, is on. It is no longer on their website.

I urge you all to make the VOICE Office stronger. It's very important to the American people and important to families that have nowhere to turn. Put American families first. Give other mothers and dads an avenue to get answers.

Today, there is no trust in our Federal Government to carry out our laws. Let me close by saying that it has been 5 years and almost 5 months since we lost Sarah. The pain doesn't go away. Every day I grieve her loss. I hope none of you ever have to endure what I have.

I know people come here to live a better life, to live out their dreams. My family, like many American families, holds no ill will toward people who desire the American dream. But there have to be limits and boundaries. People need to be vetted, and they have to be deported when not eligible for immigration benefits.

We cannot forget that our laws are intended to keep us safe, and this legislation does not do that. It rewards the illegal behavior that my daughter's killer carried out. It excuses their criminal history and does not make America better. Thank you for allowing me to testify and share my daughter's story.

[The prepared statement of Ms. Root appears as a submission for the record.]

Chair DURBIN. Thank you, Ms. Root. Mr. Ponthieux.

**STATEMENT OF MR. RONY PONTHEUX,
REGISTERED NURSE, JACKSON MEMORIAL
HOSPITAL, MIAMI GARDENS, FLORIDA**

Mr. PONTHEUX. Good morning, Senators. I would like to start by thanking Senator and Chair of the Judiciary Committee, Dick Durbin, and his phenomenal staff for your leadership and this opportunity. I would like to thank and greet Ranking Member Senator Chuck Grassley and the other Members of this important Committee.

My name is Rony Ponthieux. I'm a Haitian immigrant, a worker with temporary protected status, a registered nurse, and essential worker during COVID-19. I'm also a member of Family Action Network Movement, FANM. I would like to thank the Almighty for protecting me during the pandemic period. I would also like to send some words of comfort to those who lost their loved one, a family member or friend.

I work at Jackson Memorial Hospital, COVID-19 battleground, where I save lives every day. I've been here for 22 years now, since 1999, and since 2006, I've been a nurse. I'm currently working for Jackson Memorial Hospital in a unit specialize for COVID-19. I put my life in danger and on the line to save American lives. Every day, I'm exposed to COVID-19 in order to save other people's lives.

Many TPS holders are healthcare providers. I'm one of them. I put my life on the line every day to save American lives. I'm asking the U.S. Government to permit me to remain here with permanent residency.

I came to the U.S. 22 years ago with my wife, Marjorie Ponthieux, and we have established our lives here. I was granted Temporary Protected Status, TPS, by immigration officials when the earthquake left Haiti in shambles a decade ago. My wife and I have had two U.S.-born children, Christopher Ponthieux and Eunid Christina Ponthieux.

We put ourselves through nursing school and bought a house in Miami-Dade. My son, Christopher is an E4 specialist in the U.S. Army. Christina is a young leader at FANM. She's the co-chair of CFR, Children for Family Reunification. My family risks their lives for this country. We have served this country and feel that we are Americans, but our immigration status has remained temporary.

Given the contribution of TPS holders to this country. I respectfully urge the U.S. Senate to support the Dream and Promise Act that includes a pathway to permanency for immigrant youth and Temporary Protected Status holders. Permanent status will allow TPS recipients to be more productive, continue paying more taxes. Thirty percent of TPS holders are homeowners who add to our local economies through sales and property taxes.

TPS holders play an active role in our children's lives. We attend the school meetings, recitals, and sports games. As of 2017, 273,000 children have parent with TPS status. Over 50,000 of these children live in Florida. If permanency is not granted, our children would face serious risk. These children would be forced to face separation from their parents or be forced to relocate to a country that is foreign to them.

It would be current extremely difficult for me and my family if I were to be forced to leave after 20 years of living in the American States and return to a country in shambles. Not only am I thinking daily about saving lives and taking care of my family, but in addition to that, I have to think about the possibility of leaving the United States eventually if I'm not granted permanent status.

We believe in your compassion. We believe in your understanding. We believe in your good judgment, and more importantly, we believe in your leadership. We believe you will make the Dream and Promise Act a reality. More than 300,000 TPS holders are waiting. More than 270,000 U.S.-born children are waiting. Let's walk together, Democrats and Republicans, to have immigration reform that will change the lives of millions.

TPS recipients will keep their ends of the bargain by working hard, paying taxes, contributing to build the social, economic, and political fabric of this great nation. May God bless you. May God bless America. Thank you very much.

[The prepared statement of Mr. Ponthieux appears as a submission for the record.]

Chair DURBIN. Thank you very much, Mr. Ponthieux. Let me also thank your family, and especially your son, who is serving the American people in the U.S. military. We thank you very much for all of your presence today. Let me say, Ms. Root, it breaks my heart to hear Sarah's story. I'm sorry for the loss that you and your family have suffered as a result of that. I strongly support any efforts of law enforcement to locate the person responsible, and to bring them to justice.

I want to address one issue that you mentioned, and Mr. Edlow mentioned, as well. That is the provisions in the law related to past criminal behavior. Dangerous criminals are not eligible for status under the Dream and Promise Act. In fact, all of the bars that apply to immigration and naturalization automatically apply to anyone who's seeking to become a citizen under the Dream and Promise Act.

It also bars individuals who are guilty of any felony, any three misdemeanors, or any crime of domestic violence. I will readily concede that in 20 years and 20, at least, different versions of this bill, there have been a lot of different definitions, but that is the standard of H.R. 6 that we are considering today. The notion that somehow, as Mr. Edlow said, we are going to give amnesty to criminal aliens couldn't be further from the truth. I'm sorry that you said that in the record, because it doesn't reflect the reality of this bill.

I might also say that to call Dr. Mejia and Mr. Ponthieux somehow flagrant violators of the law is to ignore the obvious. Mr. Mejia had very little to say when his family decided to come to this country. Mr. Ponthieux came here under extraordinary circumstances in his own country. They don't really fit in a definition of flagrant vio-

lators of the law, as I see it. That's why the DACA population has been considered in a difference context as others.

In terms of the current situation at our southern border, as Mr. Rodriguez said, it is challenging, and I could certainly give a defense to what we face today. It's not the first challenge, and if our standard on changing any immigration law is that we must have perfect compliance of all other laws, we'll never do anything. I think that would be a mistake.

Personally, I support comprehensive immigration reform. Join the Gang of Eight, put the bill to the floor. It passed the Senate. I believe we should consider the fact that our immigration system is broken at this point. The fact is it didn't pass the House of Representatives; did not become of law.

In terms of where we go from here, I have accepted Senator Cornyn's invitation rather than challenge, I'll call it, to act on the southern border as part of any conversation that we have about any aspect of immigration. I think that is a good faith effort to try to find some common ground on a very challenging situation.

Dr. Mejia, before we go any further, have you run into obstacles in terms of your medical licensure and such because of your undocumented status?

Dr. MEJIA. Thankfully, I have not. In the State of Illinois, I have not. I'm sure that I would run into issues if I want to expand my medical license to other States in the United States.

Chair DURBIN. It's State by State in terms of your status?

Dr. MEJIA. That is correct.

Chair DURBIN. You, thank goodness, are going to continue to practice in the State of Illinois. Yes?

Dr. MEJIA. Yes.

Chair DURBIN. That is good news. Mr. Rodriguez, you've heard the testimony of Mr. Edlow and others about the situation with those with a criminal status. I can't recall a version of the DREAM Act or DACA that has not included a bar to those who were guilty of criminal misconduct.

Mr. RODRIGUEZ. That is correct from my understanding, as well, and I think your point that the existing inadmissibilities that run across all of immigration law will continue to apply here, as well. Those are structured specifically to exclude felons, serious criminals, even in many cases, those who've only committed one misdemeanor.

Chair DURBIN. That is the case—with TPS, I believe, that is exactly the case. TPS holders, they make ineligible anyone with one felony or more than one misdemeanor conviction under the bill. There's no waiver for a crime that makes someone eligible for TPS included in the bill, so, we maintain these standards, as we must, and if we expect any bipartisan support for this bill, we're going to have to watch that very carefully. I'm sure that's an important consideration. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. Thanks all of you for your testimony. I'm going to start with Ms. Root. I know in your testimony that you discussed the VOICE Office established during the Trump administration. I was concerned to see that last Friday, this administration announced changes to the VOICE Office that appeared designed to dismantle it. Can you just describe in a little

more detail how that Office helped your family and other families that have lost loved ones to crimes committed by illegal immigrants, and why it is important to maintain it?

Ms. ROOT. As I said in my testimony, for me, it was a place I felt I could go and get answers, you know? Again, I'm grateful for the State that I live in, because I had a lot of support from my Senators and my Congressmen. However, if I did not have that support, it was nice to have the VOICE Office to call, get any updates on anything dealing with Eswin Mejia.

Other families that I know that use the VOICE Office, they felt the same way. It was nice to have a contact that would direct them in what they needed to do or help them through the weeds, as we call it. Because when you are mourning the loss of a loved one, you don't know where to turn, and there was nothing out there for us. Then once the VOICE Office started, there was an avenue for us to go to and get answers and get the help we needed.

Senator GRASSLEY. Mr. Edlow, in your testimony, you point out a number of facts about the DREAM Act and Promise Act that concern me. Facts that are also relevant to the Senate counterpart, the DREAM Act. Could you comment on how these bills benefit those with criminal records, and how very broad the criminality waivers are? After that, can you comment on how the eligibility provisions of these bills are so different that the eligibility parameters of the DACA program, specifically when it comes to issues such as age cutoffs and maximum ages? Isn't it true that these bills go far beyond the kids that we so often hear about?

Mr. EDLOW. Thank you, Senator. Let's start with the criminality. I appreciate Senator Durbin's comments, but let me correct a couple things there. First of all, in terms of dangerous criminals, we're not talking about dangerous criminals under this bill, we're talking specifically misdemeanors, felonies, and there are plenty of misdemeanor convictions that would be someone that I think we would all consider to be dangerous.

Drunk drivers, as Ms. Root has testified about, would be dangerous, and yet, that's a misdemeanor. They're certainly potentially eligible for relief under this bill. Same thing with potentially a misdemeanor child sex offense. That is something, in certain States, that would give rise to a misdemeanor conviction that again, somebody would then be eligible.

The waivers that we see here excuse behavior for things that we've always found to be inadmissible, including crimes involving moral turpitude, commercialized vice, and even misdemeanor convictions that would involve smuggling—drug smuggling and prostitution. In terms of the term felony, definitions do matter. In this bill, we see a definition of felony to be more than 365 days.

Certain States have a different definition of felony. For example, in California, you can have a felony conviction for 364 days, so that was somebody who would be convicted of a felony under State law but would not be considered a felon under this definition.

Additionally, the expungements that are allowed under this bill would include expungements for vacatur for any reason, including for rehabilitative purposes to get relief under this bill. That is new, that is something that is completely outside the scope of what

we've normally seen in immigration law, where, typically, a vacatur for that purpose is not appropriate.

In terms of the DACA eligibility, very quickly, Senator, you're, of course, correct. We have no age cutoff here, so anyone who has been here for 4 years as of the 1st of January who have previously entered when they were 18 is eligible for this. Under DACA, it's 16, and they would have to have been here by June 2012—20, I'm sorry. That's certainly a 5½ year gap that we add additional people in.

Additionally, in terms of the lack of an age cutoff, your example is absolutely accurate. Somebody who entered years and years ago, and then even potentially went home, as long as they entered initially when they were 18, they could be 70, 80 years old now, entered 4 years ago, and they're going to be eligible under this. It's a lot more—a lot larger population that just the DREAMers.

Senator GRASSLEY. My time's up. I'll have some questions for answer in writing.

Senator GRASSLEY. Thank you, Mr. Chairman.

Senator PADILLA. [Presiding]. Thank you. Senator Leahy.

Senator LEAHY. Thank you very much, and I just want to take a moment to compliment Senator Durbin, who has fought on this issue for years, and has been really the clearest and best voice in the U.S. Senate on the issue of DREAMers.

We're a nation of immigrants. It becomes almost a cliché, but we are. My parents and I immigrated to this country, my wife was born here, and we've been married now for 59 years. My grandparents—maternal grandparents immigrated to this country, and my mother was born here, and I still have relatives in Italy that we—I meet often. It's important we're having this.

It's important to note that everybody—some seem to be talking about everything except DREAMers, the reason for this. Maybe that's because they know the majority of Americans, and that includes almost 70 percent of 2016 voters who supported Donald Trump, believe that DREAMers deserve to live and work legally in the United States. Certainly, I do. I think Americans who believe in equal opportunity for DACA recipients, and that is the majority of Americans, would be dismayed to learn that DREAMers are currently banned from working in the Federal Government.

While DREAMers bring their considerable talents to virtually every other U.S. employer, including Fortune 500 companies, including State and local governments, as in my State, they're shut out from working as Federal public servants in the country they love.

Mr. Rodriguez, it makes no sense every other employer in the country could benefit from DREAMer's talents and skills except the Federal Government. Do you agree with that, and if so, why?

Mr. RODRIGUEZ. Yes, I have to say that that is an issue that I think requires some careful study. Many positions throughout the Federal Government actually require U.S. citizenship as a prerequisite of admission, so I would be—I simply lack the expertise to make a representation today on that point.

Senator LEAHY. There are some positions in the Federal Government that require very specific things. Certain security clearances and everything else. This is blanket. Every employer in this coun-

try can hire DREAMers except the Federal Government. Does that seem a little bit weird?

Mr. RODRIGUEZ. I certainly think a lot of potentially helpful talent is being lost by the Federal Government, probably in places where it could be used, but again, I would be hesitant to make a sweeping statement about how citizenship status and immigration status should be applied by the Federal Government without having fully studied the issue.

Senator LEAHY. The reason I say this, we're seeing, and all of us have seen this, the Federal Government experiencing a very serious brain drain. I look at a March 2021 report by the House Science Committee. There's been a concerning decline in our Federal scientific workforce at agencies that are in the frontline of keeping America competitive, or trying to keep America globally competitive.

There are thousands of DREAMers with undergraduate STEM degrees pursuing advanced STEM degrees who would jump at the opportunity to use their skills in service to America to help fill that gap that we acknowledge exists.

As you know, the Senate just passed an overwhelmingly bipartisan bill, Democrats and Republicans alike voted for it, to improve America's competitiveness against global adversaries. Do you think that allowing DREAMers to work in our Federal Government would bolster—help bolster America's global competitiveness, something that both parties have voted for?

Mr. RODRIGUEZ. I have no reason to think otherwise. I have met, and particularly during my time as USCIS Director, but even after in the community where I live, literally hundreds of DREAMers doing all kinds of things. Doctors, nurses, investment bankers, lawyers, teachers, HVAC technicians, all of whom I think are people who could contribute in every part of our society. I have no problem with that idea.

Senator LEAHY. I'll simply close with this. I think this country, almost goes a cliché, this country built on immigrants, but I think if we all go to swearing in ceremonies of new citizens, and I think of one where a Federal judge in our State spoke at one. He had had a blood clot in his brain, came within a very short time of dying, was on the operating table. The physician successfully operated on him and saved his life. As he said when he woke up, he realized a number of years before, he had given the oath of citizenship to the doctor that saved his life. Let's start opening our doors. Thank you, Mr. Chairman.

Senator PADILLA. Senator Cornyn.

Senator CORNYN. Thank you, Mister Chairman. Is it Dr. Mejia?

Dr. MEJIA. Yes, that's fine.

Senator CORNYN. Thank you, doctor. What year did you apply for a deferred action?

Dr. MEJIA. I applied the year—as soon as it was available to me.

Senator CORNYN. Okay. There's no question that you've made incredible contributions to our country as an emergency room physician, and I think the reason you're here is because an exemplary of the type of young person who's applied for and received DACA who's life has been cast into uncertainty because of the fact that this has not been something that actually resulted from congress-

sional action and consensus building. I personally support trying to provide a permanent solution for people like you.

I think you heard me say that there is a number of different iterations of the DREAM Act and DACA, starting with the original DACA, which now has 640 active individuals. The bill before us today would provide a pathway to citizenship for 4.4 million people. If it is politically unlikely for us to be able to pass something like the American Dream and Promise Act, which I agree—I believe it is impractical and unlikely to happen, would you support Congress passing a bill that would provide relief for a smaller population that could be agreed on by Republicans and Democrats alike, say, the 640,000 active DACA recipients?

Dr. MEJIA. I can only speak on behalf of my personal experiences, and I know—I personally have watched the DREAM Act throughout the years from the very beginning, and I remember watching C-SPAN as a high schooler when the DREAM Act was first being talked about and discussed on the Senate floor in Congress. Personally, I would support such a legislation if it meant a permanent solution for me and all the other DACA recipients currently, because it's been many years and, frankly, we're all tired of waiting and having our life up in the air. I think we're ready for a permanent solution.

Senator CORNYN. As you probably heard me mention, as well, there's a pending court case in the Southern District of Texas which could result in a permanent injunction against the DACA program because of legal problems associated with the original action. I think that should give all of us a sense of urgency.

As many people have said earlier, Senator Durbin has championed this issue for many, many years. What's different today is that Chairman Durbin is Chairman of the Judiciary Committee, and Senator Schumer is the floor Leader, the Majority Leader of the U.S. Senate. If Senator Durbin wanted to put a bill—to mark up a bill in this Committee, he could do it, and he wouldn't have to ask permission of everybody. Then the Judiciary Committee could work its will if we were able to report a bill, then Senator Schumer could schedule it for floor action.

I think we've been talking about this issue for as long as I've been in the Senate and trying to solve a very complex issue. An emotional issue for many, which is immigration reform, but I think, for me, I think starting with the original DACA recipients, that would be a good place to start. We wouldn't have to stop the discussion beyond that, but Senator Durbin could put that bill here before the Committee, we could mark it up, Senators could offer amendments, and then once it received a majority of support, it could go to the Senate floor for action. I think what we need is action and less discussion, which seems to continue without end.

Mr. Edlow, I wanted to ask you—you made a statement that we could well see the failure of our immigration system completely unless the situation at the border that's currently occurring—this surge of humanity. One hundred eighty thousand new migrants just last month. The cartels and human smugglers have figured out our immigration laws and how to exploit the vulnerabilities and overwhelm our capacity to deal with them. Fully 40 percent of the

border patrol are off the front lines because they're taking care of children.

Particularly with Title 42, the Public Health Title expiring on June 21st, could you explain to the Committee what you think the consequences would be if there's not some other plan put in place when the Title 42 expires?

Mr. EDLOW. Senator, without Title 42, there's going to be no way to remove people based on the public health crisis that we've seen. You know, in terms of how many more migrants we're going to see coming to either the ports of entry or between the ports of entry, I couldn't tell you, but it will—it will expand exponentially.

I would also note that in terms of what the Border Patrol and what Office of Field Operations are seeing, they're seeing this increase because yes, we're at one point saying don't come to the country, but then at the same time, we're giving mixed messages as we've dismantled the interior enforcement, and people are able to essentially move through the ports of entry as quickly as possible. No one is staying there, no one is being processed under expedited removal. They're just being released.

I think that is ultimately what the draw is going to continue to be, and yes, without Title 42 in place, it's just going to expand.

Senator PADILLA. Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman. I want to concentrate my questions on unaccompanied children. I'm really very concerned about it, and in 2008, we passed the Trafficking Victims' Protection Reauthorization Act. It includes legislation I authored to ensure unaccompanied children are transferred to Health and Human Services facilities consistent with their best interests while they await. I'm told that today we have 17,000 children in custody. That is mind blowing, candidly.

I would like to know more about these 17,000 children. We may disagree over the best way to address their arrival, but they should be treated humanely at all times, placed with their parents or other appropriate adults as soon as possible.

Mr. RODRIGUEZ, would you begin with this 17,000 number, and break it down for us as to what is happening today with children in custody, please?

Mr. RODRIGUEZ. Senator, not having been in the Government now for about 4½ years, and knowing most of what I know from reading the papers, I can only agree with the proposition that we do need to break down and understand why that population is what it is, what the component parts of that population are, and why it is that that population has not been moved out of a detention setting. That's horrifying by any definition.

Senator FEINSTEIN. Can anybody else respond on that question? Seventeen thousand children, and we don't know where they are?

Mr. EDLOW. Senator, I'm sorry. We don't know—know where they are.

Senator FEINSTEIN. Then, perhaps you would tell us.

Mr. EDLOW. Senator, of course, I'm no longer in the Government either, and I was not with Health and Human Services, but when the children are put into Health and Human Services custody, they are then moved to sponsors, as you noted. My concern there is I don't know that the sponsors are always close family, there is not

follow-up with those sponsors to make sure that these children are put into safe places, so, there's a humanitarian crisis there.

Going back to TVPRA, I think the treatment—disparate treatment of children, unaccompanied minors, between those that can be quickly returned to countries, contiguous countries, and those that can't, from other countries, is really what is driving this because we have to find a safe way to address that, and a humane way to address that. The best way would be to return them to their family if their family is back in their home countries, which we cannot do right now.

Senator FEINSTEIN. This is an area that I have some interest in, and I would appreciate other members of the panel commenting—what actions would you recommend Congress take to better protect unaccompanied children in immigration custody?

Anybody have any suggestions?

Mr. EDLOW. May I give you another suggestion, Senator?

Senator FEINSTEIN. Sure.

Mr. EDLOW. Okay. For those that are placed with sponsors, ensure that those sponsors are, in fact, their parents or their legal guardian, and ensure that either Health and Human Services or the Department of Homeland Security, whether it be HSI, with ICE, or somebody else takes responsibility for ensuring that those children have been safely placed.

We have seen far too many instances where children have been placed in homes and have been the victim of sexual abuse and other horrific crimes. We've got to make sure, but right now, there's no one in the Federal Government that's going to take responsibility for that role of making sure that they're okay.

HHS says it's not them, and HSI—I don't think it's them either, so, we've got to figure something out there.

Senator FEINSTEIN. Thank you for that. Mr. Chairman, this is an area that I've had a lot of interest in. What's happening with 17,000 unaccompanied children? Where are they? What is the oversight? In 2008, we passed a bill, it's called the Trafficking Victims Protection Reauthorization Act. It included legislation I authored to ensure that these unaccompanied children were transferred to Health and Human Services.

I thought they would have a better plan to take care of them. I don't know what the plan is at this point of time, but I would like to know it, and so, I would like to ask that the Department give this Committee exactly what the status is of these 17,000 children. I am hopeful that this Committee will follow up and see if we are doing the best we possibly can to see that they are in good and secure circumstances.

Chair DURBIN. Mr. Chairman.

Senator PADILLA. Senator.

Chair DURBIN. I share your concerns, Senator. We don't have a current representative of the administration on this panel, but we certainly should be doing our duty in oversight in this important area.

Senator FEINSTEIN. Thank you. Thank you.

Senator PADILLA. I, too, commit, as Chair of the Subcommittee on Immigration and your colleague from California to work with

you to follow up with the appropriate agencies to get you the information.

Senator FEINSTEIN. Good. Good. Thank you, thank you very much.

Senator PADILLA. Senator Lee.

Senator LEE. Thank you very much, Mr. Chairman. In September 2019, then Presidential candidate Biden promised that, should he be elected as President of the United States, there would be immediate surges at the border. He said, "If you want to flee, flee oppression, you should come."

Given President Biden's open invitation while he was a Presidential candidate, it's not at all surprising, in my view, that we have record-breaking surges at our southern border that are causing a full-blown crisis at the border.

Since February, over 632,000 people, that is, that we know of, embarked on an incredibly dangerous journey, and have entered the country illegally, with hope of eventual amnesty. I went to the border in March with nearly two dozen of my colleagues, and I saw this crisis firsthand, and I saw it as one who had spent 2 years of my life living along the U.S.-Mexico border, and saw that the risks had gone up substantially since I had last visited.

What exactly are we here to do today? The majority has scheduled a hearing, not to address the crisis at the border, at least not in a way that would make it better or alleviate it, but rather to discuss amnesty. The amnesty proposal in this bill would ensure that this unprecedented crisis at our southern border continues indefinitely, in perpetuity, perhaps.

What we should be discussing today is what can be done and what should be done to stop the border crisis that we now face, and to stop the abuse of women and children who embark along this perilous journey, and to stop the smugglers and the cartels from earning record-high profits from exploiting this crisis.

Mr. Edlow, what's the difference, if you can explain it to us, between the I-95—I-85 Notice to Report, which we're told that CBP currently is issuing to those crossing the border illegally. What's the difference between the I-85 Notice to Appear on the one hand, and a mandatory Notice to Appear?

Mr. EDLOW. Thank you, Senator. I believe it's the I-385 is the Notice to Report, and frankly, Senator, it's a new one on me in terms of seeing this being given with any regularity along the border. Essentially, what that document is, is telling—it's a document that says that the person has been encountered, and that when they get to where they're going, they, per that document, are supposed to report themselves, turn themselves in to ICE in whatever city, community that they're in.

This is not the same thing as a Notice to Appear. A Notice to Appear is a statutory document that has a—all of the elements are laid out in the Immigration Nationality Act that commences an immigration court proceeding. It says how the person entered, it alleges certain facts about the situation, and then gives a charge of either inadmissibility or moveability for the court to ultimately make a determination.

It's essentially the civil immigration version of almost—a little different, but kind of like an indictment. It gets the immigration

court process moving. The expanded use—we're seeing, I've heard numbers upwards of 30,000 plus Notices to Report that have been handed out along the border. This is not even catch and release. I mean this is catch and release beyond anything we've seen. This is almost catch and welcome, so that people can then find where they're going.

Senator Lankford spoke on the Senate floor, I believe it was back in March, and said that out of 24,000 people that he knew of that had received this Notice to Report, only about 1,800 had ever actually turned themselves in to ICE when they got to where they were going.

Senator LEE. How will this bill that's likely to extend to include at least three million people, quite arguably more, how will that impact the crisis at our southern border? Will it end it? Will it slow it?

Mr. EDLOW. I think it exacerbates it. I think it adds to the crisis as more people will see that the comments, the promises that have been made by the current administration, by the Biden administration are coming to fulfillment.

Senator LEE. Does it contain any provision—enforcement provisions that might deter future illegal immigration, or even that might deter people from voting illegally while they're here illegally?

Mr. EDLOW. No, in fact—thank you for mentioning voting. Voting illegally is one of the factors that is easily waived in this bill. There is a specific waiver here for any alien that has come into this country and voted illegally.

Senator LEE. Why would we want to do that?

Mr. EDLOW. I don't have any idea. We wouldn't want to do that, nor do we want to waive criminal activity that we're seeing in this bill.

Senator LEE. Thank you very much.

Chair PADILLA. Next, we have Senator Klobuchar virtually. Senator Klobuchar, are you still with us?

Senator KLOBUCHAR. All right. Thank you, and thank you so much, Senator Padilla for your great leadership and for doing this hearing, and also thank you, of course, to our Chair. Minnesota is actually home to thousands and thousands of DREAMers. We also have a really strong history of TPS people because Somalia was designated for TPS. We had the biggest number of Somalians in the country, and we have fought for that to be extended for all of our, of course, TPS groups, both in my State and across the country. Like DREAMers, for many TPS and DED recipients, the U.S. is the only home they've ever known, and I am a strong supporter of this bill.

Along those lines, I just want to clear up one thing at the beginning, Mr. Rodriguez. When we are talking about DREAMers and people with TPS and DED status, are we talking about people seeking asylum at the southern border by any means?

Mr. RODRIGUEZ. No, and actually, I had meant to talk about that in my opening statement. No, those are distinct. While they are different kinds of humanitarian relief, we're talking about distinct pathways to that relief.

Senator KLOBUCHAR. Would any of the recent arrivals after January 1st at the border be eligible for the pathway to citizenship provided by the American Dream and Promise Act?

Mr. RODRIGUEZ. No, they would not.

Senator KLOBUCHAR. Okay. Is providing a pathway to citizenship to DREAMers and people with TPS and DED going to slow down the administration's efforts at the border to either reunite families or other things? Would that be a deterrent to some of the work that's being done there.

Mr. RODRIGUEZ. Not at all. In fact, you know, I'm a former State and Federal prosecutor. I was a prosecutor in Brooklyn, New York at the height of the crack epidemic, and I know that one thing we need to do in the law enforcement world is to prioritize where we're going to focus not only our prosecutorial efforts, but also our administrative resources, and how we're going to focus those.

Part of what we're doing here is taking the focus away from people like Dr. Bernal and Mr. Ponthieux, and really focusing them on illegal border crossing and focusing them on criminal conduct, and not places where those energies don't need to be.

Senator KLOBUCHAR. Okay. Very good. I wanted to just turn to something a little bit related here, the Conrad 30 Program. I am the lead sponsor of that bill, but we also have Senator Collins, Rosen, Ernst, King, Boone, Merkley, Capito, Blunt, and I hope our colleagues will consider sponsoring it. This is the one that helps underserved areas, particularly rural areas, for doctors to complete their postgraduate medical training in the U.S. and practicing in the U.S. after they've completed that training, rather than having to leave the country for 2 years, which to me is just nuts given that we need these doctors in the rural areas.

Of course, there's other provisions that we're looking at for nurses and the like. Could you talk about why this is important, this program?

Mr. RODRIGUEZ. Yes, actually a significant part of my current law practice actually is with healthcare providers of different types. We do have shortages at many—many different levels of the healthcare industry, not only shortages of doctors in certain places, which I think is what Conrad 30 is trying to address, but also other types of healthcare providers. Nurses, in particular—thank you, Mr. Ponthieux—is one particular area of shortage. This is, I think, a very important step for the American people.

Senator KLOBUCHAR. Okay, thank you. Thank you, and thank you for that segue to Mr. Ponthieux, your wife is also a nurse serving your community in Florida, your 20-year-old son is in the Army, your daughter is a middle school honors student. How has living with this constant uncertainty affected your family, and maybe prevented you from making investments that you would normally have made?

Mr. PONTHEUX. Thank you, Senator, and thank you for the question, and I would like to say that after I finished my registered nurse license, I planned to go to the University to do—to pursue a career to become a nurse practitioner. Because of this uncertainty—that means the possibility of being deported—that told me I could not go further. I even went to the hospital because of high blood pressure, and I'm on medication at this time. Even I'm saving

lives, I'm taking care of patients, but also I have to think of myself because now I have high blood pressure.

With the—if you vote yes for this bill, I already wishes to for—to go to the University to pursue this career, to go for nurse practitioner. I would like to become a nurse practitioner to serve this country, because I feel that this is my calling. Even sometimes nurses call in sick because they are afraid of the COVID. I always there, and I pray God to help me, not only to give the medication to take care of the patient, but to save their lives.

Senator KLOBUCHAR. Thank you.

Mr. PONTHEUX. Now, I will be able, with this bill, continue to go to school for higher education and be able to take care of my family. Thank you.

Senator KLOBUCHAR. Oh, so beautifully said. Beautifully said. I want to thank you, and also you, Mr. Mejia. I'll send you a question on the record but thank you both for being here and all of the witnesses.

Senator KLOBUCHAR. Thank you.

Senator PADILLA. Thank you. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Right now, we have a massive crisis at our southern border. My home State of Texas is bearing the brunt of this crisis. In the last month, CBP agents encountered 180,034 illegal immigrants crossing the border. That is a 674 percent increase from last May. That is stunning. We are on path to have over 2 million people cross the border illegally this year, the highest rate in 20 years.

Where were we last year? Last year, we had the lowest rate of illegal immigration in 45 years. To my Democratic colleagues on this Committee, I ask you, why haven't you gone down to the border? Joe Biden refuses to go to the border. Kamala Harris refuses to go to the border. Indeed, Kamala Harris seems to go everywhere else except our southern border.

In 6 months, the Senate Judiciary Committee has not had a hearing on the crisis at the border. The approach of Congressional Democrats is they don't want to know. The approach of President Biden and Vice President Harris is they don't want to know. When asked about it, Vice President Harris laughed and said, "Well, I haven't been to Europe, either." You know what? Joe Biden's in Europe right now. Maybe it's time for the person ostensibly in charge of the border from this Administration to go to the border.

There's a reason Joe Biden doesn't want to go to the border. There's a reason Kamala Harris doesn't want to go to the border. There's a reason Senate Democrats on this Committee don't want to go to the border. Because they know if they go to the border, the TV cameras will come with them, and they have no answer for this humanitarian crisis that is playing out.

I challenge my colleagues on the Committee. Go look at the Biden cages. I've seen them, cage after cage after cage of little boys and little girls packed in. Seventeen hundred percent capacity. COVID rate of positivity, 10 percent. Go look at the children that are paying the price for this failed immigration policy. Let's be clear. This crisis is the direct result of decisions made by Joe Biden and Kamala Harris.

The very first week in office, Joe Biden immediately halted construction of the border wall. The very first week in office, Biden returned to the failed policy of catch and release. The very first week of office, Biden ripped to shreds the Remain in Mexico international agreement that had produced the lowest rate of illegal immigration in 45 years.

Joe Biden and Kamala Harris caused this crisis and congressional Democrats are perpetuating this crisis by hiding from it and keeping the policies that aren't working. Let's be clear. It is evident to anyone who looks at the problem what the cause is. Here's what the President of Guatemala said when Joe Biden took office. "The very next day, the coyotes were here organizing groups of children to take them to the United States." That's the President of Guatemala.

How about the President of Mexico? Here's what he said. He said that people see Biden, "as the migrant President. So many feel that they're going to reach the United States." The message from Joe Biden and Kamala Harris to the traffickers, to the cartels is the gates are open, come on in. The message is give us your children, and I will tell you, to my colleagues, look in the eyes of the little girls and little boys that are being physically abused, that are being sexually abused.

This is not compassionate. This is not humane. Children are suffering because of your policies. What do Senate Democrats do? Don't have a hearing on the crisis, let's have a hearing on amnesty instead. The two bills here, one would grant amnesty to 3 million people, another would grant amnesty to 4.4 million people.

Mr. Edlow, what message do the traffickers hear? What message do the people thinking about coming illegally hear? What message do the parents getting ready to give their small children to traffickers to come to America hear when Congress' message is we will grant amnesty if you come? What's the effect of that message?

Mr. EDLOW. Now is the time to come. That is the message. Come across now. You have a good chance of being able to stay here, either under the radar and wait for the next amnesty, or you may even be able to benefit from this one, because the availability for documentary requirements here include, at minimum, two affidavits from people. It's very easy. That invites fraud. It's so easy to get two affidavits to say that you've been here since before January 1st of this year, even if you haven't.

Now is the time to come because nothing is going to happen. The enforcement mechanism of this country—immigration enforcement, has been turned off. Prosecutorial discretion is ruling the day just like it did back in the Obama era, and the result is going to be the same with flagrant disregard for the law by criminal aliens and by those that want to exploit our laws now like the smugglers.

That's why we see things—even months ago, like horrific car accidents where close to 20 migrants were found in an SUV that was overturned and many were killed and seriously injured. That's because of these policies. There is absolutely no enforcement along the southern border. There is absolutely no enforcement except for a small, little bit of what's left from ICE in the interior of this country and immigration courts are being told to just go ahead and terminate cases if they don't meet the stringent requirements that

they're needing to for priority. Because suddenly, priority is based on limited resources that seemingly just turned up overnight.

I don't understand what's going on right now because I can tell you, Senator, how it's supposed to be at the border. I can tell you how we're supposed to see people when they come over and what's supposed to happen under Section 235 of the Act. I have no idea what is going on and I can tell you, Senator, whatever border patrol and ports of entries you visited—whatever border patrol sectors you visited, you are only seeing what's going on there. I don't know what's going on at the other ones and I don't believe there's any consistency in the way that it's being administered.

Senator CRUZ. Thank you.

Senator PADILLA. Thank you. Senator Coons.

Senator COONS. Thank you. Senator Padilla, I'd like to open by thanking Chairman Durbin for his two decades of tireless effort to focus our attention on DREAMers, on those who've been brought here by their parents when they were children and who have contributed to our society over decades. There are literally millions of undocumented people who are working here, living here, paying taxes, serving in our military or, in the case of two of our witnesses today, as frontline essential workers who have contributed to saving lives in this pandemic.

None of these people should have to live in the shadows of the only home they have ever known. It was in 2018 that I was honored to partner with the late Senator John McCain in introducing and advancing the Uniting and Securing America Act, which was a bipartisan proposal to pair the DREAM Act with commonsense border security measures. While that got just 52 votes on the floor of the Senate, I'm happy to be continuing conversations across the aisle now with Chair Durbin and Senators Graham and Cornyn, Tillis and others in an attempt to try and find some compromise that can address these issues that have challenged us for decades.

While all of us have the ability to give stemwinders and soliloquies to grow our viewers and supporters by attacking each other, I think our real challenge is to try and solve this problem. What I hear in Delaware and what I've heard across the country is that Americans would like us to actually solve the problem rather than swing wildly back and forth from on administration to the next in our tone, tenor, and actions with regards to immigration.

I want to thank the witnesses today for sharing your relevant and inspiring perspectives. The challenges you've faced or the work that you've done or the service you're currently providing and for those who are essential workers who testified today, I just want to thank you for being on the front lines of both advocating for TPS and DREAMers but providing lifesaving support for Americans with COVID-19.

Dr. Mejia, if I might, I think it's important for folks watching to recognize the impact on your life of having an uncertain status, of lacking a permanent legal status here. You have two younger siblings who were born citizens, so you've got a personal experience around this, yet you continue to persist, and engage, and advance, and I'm so grateful to Loyola for providing you the opportunity at a medical education and hopeful that your residency will soon conclude and lead to your position as a physician in Oak Lawn.

Delaware State University, in my own home State, offers opportunity scholarships that Don Graham funded. More than 150 DREAMers have now attended and graduated from Delaware State University, including one, Indra Isles, who I got to know, who is also interested in following your footsteps as a medical professional. In Delaware, we've seen the same sorts of things. I've heard from her, but I'd like to hear from you. What was the impact on your life of having uncertainty as you grew up and as you pursued your dream of becoming an emergency medical room physician?

Dr. MEJIA. Sure. Thank you for your question, Senator. Throughout my career, from, like I mentioned earlier, from the very beginning of me trying to attempt to get a driver's permit, that's when I first started noticing these barriers. They were only more evident after that. From me applying to colleges to me later on trying to see if I could even go to medical school, there was barrier after barrier. Somehow, you know, whether it was the time when President Obama's DACA memorandum or my innate resiliency, somehow, I found ways to overcome these barriers, and that's led to my successes as an ER doctor and will continue to lead to my success.

There's no doubt that I've faced many barriers, and I will continue to face barriers, but, as long as I'm given the opportunity to reapply for DACA every 2 years, I will continue to do so because that just takes one thing away. It gives a little bit of security. Although temporary, it does give a little bit of security to my career and everything I've faced.

Senator COONS. Both you and Mr. Ponthieux, who has served as a nurse in a critically necessary role in an important hospital, have no permanent status, and that uncertainly, I think, must impact your service in your communities.

I was proud to reintroduce this year, along with Senators Cornyn, and Young, and Collins, Leahy and Durbin, the Healthcare Workforce Resilience Act to recapture 25,000 Visas for nurses, 15,000 for doctors to help in the fight against COVID.

Mr. Ponthieux, could you also speak to the impact uncertainty has had on your career, and what you've seen in terms of staffing shortages at the hospital where you serve, and what impact it might have if we were to provide some certainty in a path forward for medical professionals like nurses?

Mr. PONTHEUX. Yes, like I say there earlier, as a healthcare provider, I've been facing death every day because of the COVID-19, and every day I go to work, and I think that I have a responsibility to take care of patients to save lives. It is my goal to save as many as possible, and with my temporary status, I always think that I'm limited. I cannot go further, but now, if the Senate were to vote to give the yes, I will be able not only to continue to work to help more patients, to save more lives, but I will be able to continue to pay taxes and to take care of my family. This is what we want. We only want the chance.

In 2006, I've been given a chance to go to school. I have financial aid, and I went to Sheridan Technical Center, where I get my practical nurse license, and since then, I was able to work, and after that, when I went to college, I was able to pay the tuition from my pocket because the school didn't have financial aid.

The same way I want the Senate to give those 200,000 people a chance to have a higher education, and to continue to work to take care of their family, and to stay in the United States.

Senator COONS. Thank you. Thank you both for your testimony and thank you to all the witnesses for participating in today's hearing. Thank you, Mr. Chairman.

Senator PADILLA. Senator Cotton.

Senator COTTON. Thank you. I have to say that we heard from Senator Coons terms that we often here about children who are brought here through no fault of their own who have never known another country, and that's why we need a solution like the House bill. The House bill would give a green card, though, to say, an 18-year-old who arrived here in December. That's very different than what Senator Coons portrayed, or what the Democrats portrayed that this legislation would do. That's why this hearing itself is so ill-advised. We have a crisis at the border. Illegal migrant flows that we haven't seen in a generation.

The Vice President galivanted around Central America and Mexico last week, looking for the root causes. I could have saved the taxpayer the travel expenses. The root causes are right up the street at 1600 Pennsylvania. It's Joe Biden and Kamala Harris running on an open borders campaign, that message being heard across the world, and hundreds of thousands of illegal aliens showing up at our border. Not just from Mexico and Guatemala, but literally all across the world, to include Europe and Africa and Asia, because they know that our borders are open.

As Mr. Edlow testified earlier, the very fact that the U.S. Senate is having hearing on granting a massive amnesty under these conditions will simply exacerbate this crisis. It will be used tonight, tonight, by traffickers and smugglers to induce more desperate parents to send their children to our border, to encourage more people from around the world to make that very dangerous trip that will then put even more stress on our border and our law enforcement agencies. Lead to more crime in this country, to lower wages and fewer jobs for the American people.

Mr. Edlow, I'd like to ask a few more questions about this bill that my Democratic colleagues are promoting today. The so-called DREAM Act portion of this bill is falsely portrayed as being focused only on those children, as I mentioned earlier, but isn't it true that the bill allows green cards and citizenship for illegal aliens who enter the United States before January 1, 2021, as long as they were under 19?

Mr. EDLOW. Yes.

Senator COTTON. In my hypothetical, an 18-year-old shows up at our border on December 31st and gets in. He is just as entitled to a green card under this legislation as some of the witnesses that we have here today and many other of the DACA program recipients that were, in fact, children when they came here, and who have, in fact, lived in this country for decades. Seems to me like a very inequitable piece of legislation.

Another question, Mr. Edlow. Let me give you another hypothetical. Let's suppose there's a Colombian family of three. A married couple and their 13-year-old adult son, who also happens to be a gang member. They heard Joe Biden in the campaign last year.

They also began to immigrate here, but they didn't quite make it by December 31st. They arrived in January, so technically, they're not eligible under this legislation. Isn't it true that all they have to do is find two other illegal aliens to attest in a document that they arrived here before January 1, and they also will be eligible for a green card?

Mr. EDLOW. They can certainly present that as the evidence, the documentary evidence.

Senator COTTON. In your long history—in your long history of enforcing our Nation immigration laws, have you ever known illegal aliens to commit fraud in an effort to stay in our country?

Mr. EDLOW. Absolutely. When I was in immigration court, all the time.

Senator COTTON. Shocking. I can't believe that people who have risked everything and spent their life's savings to come from places, again, not just Mexico, as far afield as Romania and Bangladesh have been encountered on our southern border in the last few months, would also be willing to lie on a piece of paper to a Federal bureaucrat so they can stay here in this country.

Mr. Edlow, isn't it also the case that President Obama's DACA program, even if you included all the expansions, never had more than about a million and a half people eligible under its terms?

Mr. EDLOW. As it's already been said here, we had about 640,000-650,000 who are currently enrolled in DACA, and then, looking at the Migration Policy Institute, they were estimating somewhere around 1.5 to 1.8 million would have been eligible, but that's an estimate.

Senator COTTON. Who were eligible?

Mr. EDLOW. Yes.

Senator COTTON. This bill, this bill from the House would not make those 650,000 to 700,000 DACA recipients eligible alone. It wouldn't even make those 1.5 to 1.8 million DACA-eligible persons covered. This bill would allow more than 4 million people to gain amnesty. Isn't that correct, Mr. Edlow?

Mr. EDLOW. That's correct, Senator, and I would also just quickly point out that the second part of the bill, dealing with—the Promise Act, dealing with TPS, right now, under the statute cannot be considered by the U.S. Senate. Statutory bar under INA 244(h) requires a supermajority of the Senate to allow any measure that would consider adjustments of status or permanent residency for temporary protective status-holders to pass through that supermajority before it can even be considered or brought up on the floor of the Senate. That part of the bill, in my opinion, can't even be brought up at this point.

Senator COTTON. Thank you, Mr. Edlow. One final point, Ms. Root. I would be remiss if I didn't express my deepest condolences and sympathy for your loss and your family's loss, and my great admiration for your courage in appearing here today and speaking out over the years for all the thousands of American citizens who have been the victims of illegal alien crime. I'm very sorry.

Chair DURBIN. Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman, and thank you for holding this hearing. Outside of this building, outside of the bubble that is the U.S. Congress and its neighborhood, DREAMers

are wildly popular, and the reason is that they have such a profoundly sympathetic story. It's the American story. As we all know, they were brought here at ages where they made no decision, they had no part in the decision to come here. English is usually the only language they know. America is the only country that they know, and they are part of this great Nation, and they make it greater.

The more Americans know about DREAMers, the more they believe that they should be given a chance at the American dream, which their situation represents.

DREAMers and holders of TPS and Deferred Enforcement are by and large really remarkable people, not only for their accomplishments, which are impressive in their own right, but also because they've been able to attain those accomplishments and live day to day in the face of uncertainty and instability, and I have met countless numbers of them that face life with a bravery and strength that is awe-inspiring.

I hear incredible stories from DREAMers and others all over Connecticut, stories like Evelyn Garcia, a 26-year-old who immigrated to Danbury, Connecticut at the age of 3, grew up undocumented, later received DACA status. Put simply, she embodies the American dream. Evelyn Garcia. In 2017, she graduated summa cum laude from Western Connecticut State University, with a degree in biology and community health, and thanks to the benefits provided by DACA, Evelyn was able to pursue various rewarding academic and professional experiences, including prestigious fellowships at places like the Yale School of Medicine and the University of Pennsylvania Perelman School of Medicine.

After college, she worked at a research lab at Harvard on a family centered obesity prevention program for low-income immigrant families enrolled in Head Start in the greater Boston area. She's now a full-time student and Presidential Scholar at the Harvard T.H. Chan School of Public Health, where she studied global health and infectious disease, epidemiology.

I could go on with other stories, and I have on the floor of the U.S. Senate, and I will do it again, just as Chairman Durbin has done, because the American Dream and the Promise Act will ensure that Evelyn and millions of others like her have the opportunity to continue their lives and make positive contributions to society here in the United States. It is beyond me why we would do anything other than welcome Evelyn Garcia and her contemporaries and everyone like her with open arms to the United States.

Let me ask you, Director Rodriguez, one thing I've heard from opponents of the Dream and Promise Act is that USCIS is not capable of effectively and safely implementing the legislation. You touched on this issue briefly in your testimony, but I'd like you to elaborate because it is an important issue. As a former Director of USCIS, can the agency handle the practical challenge of implementing the American Dream and Promise Act?

Mr. RODRIGUEZ. If you take the DACA experience, which I think, as I alluded in my oral testimony, was the test case, the pilot, in essence, for implementation of this Act, that was, in fact, certainly during my tenure and I believe since my tenure, one of the most

cost-effective adjudication lines at USCIS. It paid for itself. The fees paid by the requestors of DACA status were sufficient to pay for the activity, including the very rigorous background checks.

It is the case that USCIS has experienced some pretty significant financial and operational challenges over roughly the last year and a half, maybe a little bit more. Those do need to be addressed, but I am confident, because I have tremendous confidence in the USCIS workforce, including its career managers, that they can remedy those challenges and be able to meet the challenge of implementing this bill.

Mr. EDLOW. Senator, may I respond to that?

Senator BLUMENTHAL. If the Chairman allows you to. My time is expired, but please go ahead.

Mr. EDLOW. As a more recent Acting Director of USCIS, I do not believe right now without a significant appropriation, which as you know, is not something that we typically get at USCIS, and with the ability to have at least a year and a half to hire additional adjudicators, and to train those adjudicators to handle these types of applications, the agency would simply not be able to handle it. The backlogs continue to grow. Frankly, there's a front log now that continues to grow. We've got to address that first. USCIS must address that first before it could begin to tackle a new application, and I think at the end of the day, what you would see—

Senator BLUMENTHAL. What I hear you saying is that fiscally strangling the USCIS, as the Trump administration did, it would have to be reversed.

Mr. EDLOW. Senator, you and I had conversations when we were having financial issues, and we've gone through why we had those financial issues when I was there, and it was nothing to do with what the Trump administration had done. It was COVID and then it was other factors that came in, and we were able—I was able to successfully salvage that and to prevent a shutdown that would have frankly eviscerated our ability to handle any immigration adjudication.

You know, we made the progress that we needed to, but—we're still—that agency needs to continue to grow before it can—financially—before it can handle something like this, and I just don't think the resources are there in place right now to be able to handle that, and frankly, your going to see—your constituents who are calling you and calling all of you already about long backlog and wait times for adjudications of their petitions, you're going to see that grow exponentially if we had 4.4—potentially 4.4 million new applications into the pipeline.

Senator BLUMENTHAL. As you know, when we spoke, I'm a strong supporter of resources necessary to do the job, and—

Mr. EDLOW. Absolutely, you and I had great conversations about this. Yes.

Senator BLUMENTHAL [continuing]. You can look back and heap blame.

Chair DURBIN. Senator, we have—

Senator BLUMENTHAL. I want to look forward, provide the resources necessary to do the job here because America deserves it. Thank you, Mr. Chairman.

Chair DURBIN. Senator, I'm sorry to interrupt you, but there are other Members we want to give a chance to speak, but I want to make one point. Since we've extended it into this conversation, Mr. Edlow, when you contacted Members of the Judiciary Committee on behalf of the USCIS last May, you stated, at least to my office, that a previous Trump administration official made a decision to spend hundreds of millions of dollars from the USCIS rainy day fund at the agency, reducing the rainy day fund from \$1 billion to \$400 million, and you said you would have not made that same decision if you'd been at the agency at that time.

I wanted to put that in the record as part of the conversation about the funding of this important agency.

Mr. EDLOW. May I respond to that, Senator?

Chair DURBIN. I'm going to defer to the other Senators here waiting.

Mr. EDLOW. Okay.

Chair DURBIN. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman, and I'm glad that we have the opportunity today to talk about what is happening on the border, and to have a chance to look at and examine what is, I think, a humanitarian crisis. It is a national security crisis. It is a drug crisis. It's also frankly a moral crisis. When you see what these cartels are doing on our border, when you see the children being exploited and smuggled for profit by these cartels at the border, when you see the lies that these cartels are telling innocent people to get their money and bring them across the border, and when you see the effects of the drugs that are flowing across this border into every community of my State—I come from the State of Missouri.

You can't visit a community in my State that is not frankly awash in drugs. From where? From across the border. Our border is in a state of total crisis, and it is a crisis that is affecting every single person in my State and in this country, and I suggest to you we have a moral obligation, and this administration has a moral obligation, to address the crisis it has created at the border for children, for families, for American citizens. I'm glad we get to talk about this.

You know, the statistics tell the story. I mean the number of family units crossing the border is up 4,143 percent from last May. Four thousand one hundred forty-three percent. That border crossing is not safe. The border is not open, and yet the Biden administration has sent the message that it is open, and it has effectively encouraged this illegal smuggling, it has encouraged this exploitation of children, it has encouraged the drug crisis we see with its policies.

That's a hard truth, but it is the truth, and the American people are owed the truth, and the moral consequences of these policies have to be confronted and addressed and owned up to. I'm afraid I can't support the legislation we're considering today because I think it goes in exactly the opposite direction. I think creating new loopholes for illegal immigrants who have criminal records, sending the message that more people ought to come here illegally while devaluing legal immigration is exactly the wrong way to go.

Mr. Edlow, let me just ask you about some of the details of this bill. It allows individuals to receive permanent residency status regardless of age. It contains no commitments to reduce illegal immigration, no commitments to strengthen our border, and it seems to allow the Federal Government to waive restrictions on all sorts of criminal violations that you have experienced in administering immigration laws. If we enact this legislation into law, what would be the practical effect of these criminal waiver provisions, for example?

Mr. EDLOW. Thank you, Senator. In terms of the criminal waiver provisions, this bill has them in the full discretion of the Secretary to make determinations as to whether those waivers are appropriate, and also to whether an individual should be deemed a public safety risk. There are many exceptions to that. The ultimate effect would be a series of very severe crimes, including crimes that are considered aggravated felonies under our immigration laws, crimes of violence, and theft offenses that would carry a year sentence at least that would not be deemed felonies—that could potentially not be deemed felonies under this Act because this Act defines felonies as a year or more, where certain States would—I'm sorry—with a year or more, whereas that would only require a year sentence.

I'm sorry. Let me repeat that. More than a year, not a year or more, but more than a year. Three hundred sixty-six days, not 365. That is a huge difference there. Additionally, looking at the DACA provisions from when DACA was initially introduced, there was no felonies or significant misdemeanors, and that is not here, either. Pretty much most misdemeanors can be waived, especially if they're aged. Old misdemeanors, one within 5 years or two within 10 years can be waived, and that does have serious consequences in terms of the types of crime that we could see people then getting this done.

No, Senator, if I may, I think I misspoke briefly when I was answering Senator Grassley's questions about the DACA eligibility versus this. I said that the DACA enrollees had to be here by June 2012. I misspoke. It was June 2007 they have to be here, and they have to be under 31 in 2012. I just wanted to correct that for the record.

Senator HAWLEY. Thanks for that. Back to the criminal violations, the waiver restrictions. Am I right in thinking the bottom line here that very serious criminal offenders could find a way under this legislation to obtain lawful residency status?

Mr. EDLOW. I absolutely think so, and even if the waiver doesn't apply to them—the waivers are broad, but even if the waiver doesn't apply to them, the definition of expungement under this Act, which would allow any expungement for any reason or any vacatur of any reason to be the bases—to allow consideration under this bill would create a real problem. That's very contrary to our understanding of immigration law, to the precedent that we have in certain matters that have been decided before the Board of Immigration Appeals.

Senator HAWLEY. Thank you for that. My time has expired. I just want to say in closing that I think what today's hearing and this legislation betrays is a pretty fundamental difference of opinion be-

tween us on these sides of the aisle about what our immigration system is about and should be trying to do. I'll just say, Mr. Chairman, from my point of view, the reason I can't support this legislation is I think the point of our immigration system should be to encourage and facilitate legal, lawful immigration, should be to protect the American people, to prioritize American workers and American families, and to secure and protect our border, and I think this does exactly the opposite. Thank you, Mr. Chairman.

Chair PADILLA. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. There was a time when there was bipartisan agreement that our immigration system is broken in effect, and 2013, we actually worked on a bipartisan immigration bill that passed the Senate. Perhaps we'll be able to get there, but obviously, that's not where we are now.

I have a question for Dr. Mejia. I hope I'm pronouncing your last name correctly.

Dr. MEJIA. Yes.

Senator HIRONO. Your hard work and dedication to emergency medicine is impressive, and yes, you are 1 of some 800,000 DACA participants, one of the exemplary people in the DACA program, but you don't have to be exemplary in order to get the protections that DACA affords. These are hundreds of thousands of people who were brought to this country as children who just want to have a chance at a good life in our country.

In the meantime, Dr. Mejia, you talked about what DACA meant to you. If the DACA program wasn't created, what do you imagine your life would be like right now?

Dr. MEJIA. Sure. Thank you for your question, Senator. DACA was a major life changer for me. Particularly, it allowed me to fund my education and fund my medical school degree to a degree that was not possible beforehand. If DACA was never implemented, I'm not exactly sure what my life would look like right now. All I can say is that whatever I had chosen to pursue that I would have done a good job at it and done well at it and continued to contribute to the American society in whatever capacity I would be allowed to.

Certainly, I think that becoming a doctor would have been close to impossible without DACA, and then even downstream, there's no way that I would have been employed as a doctor without DACA, even if I had been able to get medical degree.

Senator HIRONO. Of course, you would have faced deportation—

Dr. MEJIA. Of course.

Senator HIRONO [continuing]. Especially after the DACA program was summarily ended, there were hundreds of thousands of you who faced deportation.

This is for Mr. Ponthieux. The Trump administration tried to end the TPS designation for Haiti, declaring the country safe for people to return, despite it being declared a level four do not travel country by the State Department.

Just last month, the Secretary Mayorkas announced a new 18-month TPS designation for Haiti due to serious security concerns, a social unrest, an increase in human rights abuses, crippling poverty, and lack of basic resources which are exacerbated by the

COVID-19 pandemic. What would have happened to you—to your family had you been forced to return to Haiti?

Mr. PONTHEUX. Thank you, Senator, for the question. I appreciate that. This is the situation. I've been here for 22 years, and I built a life here. I have two U.S.-born children that never know Haiti. My daughter is with me, she's always with me coming to Washington, DC, and she never knew Haiti. You know the situation in Haiti. The country is in shambles, and there's no way I can go back to Haiti with my kids to have a life. In order for me to be here for them—like my daughter wants to become a lawyer, so she will need me to help her—to guide her, because if I go back to Haiti, it's going to be disaster.

With the new rule of the TPS, that helped me to take care of my children, to take care of myself, my children, my family, and to continue to serve the community to work as a nurse as a healthcare provider to save lives.

Senator HIRONO. Clearly, this 18-month extension is critical to you and your family.

For Mr. Rodriguez, last week, the U.S. Supreme Court held in *Sanchez v. Mayorkas* that TPS recipients who enter the country without inspection are generally not eligible to adjust status to a lawful permanent resident. This decision resolved a circuit court split, which means that TPS holders who are in this situation across the Nation will not be able to adjust their status. H.R. 6 addresses this issue and will allow TPS holders to use existing pathways to citizenship.

Of course, the process itself of going through and getting TPS status, even if they did not go through that process upon entry into our country, in my opinion, should have enabled them to be able to get citizenship. Some argue that TPS was always meant to be temporary. Can you talk about why it's important to give these TPS holders a path to a permanent status?

Mr. RODRIGUEZ. I think as I mentioned in my written testimony, many TPS recipients, when they first request a TPS never imagined that the conditions that would enable them to return safely to their country would not come to pass, that years and years would pass before that was a realistic possibility. In that time, careers have been launched, families have been built, homes have been bought, contributions have been made to our economy.

Very similar to the DREAMers, they are now part of the fabric of our society, and so I do believe that it makes sense. I don't think, by the way, that the few circuits that were permitting adjustment based on TPS ended up having that much impact, because you still had to be qualified for a green card, either through marriage or through some other path. There really weren't that many people who were able to take advantage of that construct.

I do think that what this bill is doing with TPS recipients is necessary.

Senator HIRONO. Thank you, Mr. Chairman.

Senator PADILLA. Senator Kennedy.

Senator KENNEDY. Mr. Edlow, I'm pleased we're having this hearing today, but it just seems to me the timing is bad. The house is on fire, and we're discussing new tires for the fire truck. Does

a fire truck need good tires? Sure. Is that important? Of course. Not when the house is on fire. I want to talk about the house fire.

I've been to the border. I used to have a beagle. His name was Roger. I loved Roger. I cried like a baby when he died. But Roger, like most beagles, was incorrigible. About every third day, he'd run away, and eventually he'd come home, and he like to collect roadkill. He'd bring that roadkill into my backyard and hide it under my back porch.

The border enforcement that I've seen looks like some of the roadkill that Roger kept hidden under my back porch. Why are we having a crisis now at the border? In 1 minute.

Mr. EDLOW. It's the administration policies that we've seen since the first day after Inauguration, with the first Executive order to halt deportations with executive action to—I'm sorry, not Executive order, but Executive order to make things easier for immigration with the Department of Homeland Security halting deportations, with ICE guidance to return to prosecutorial discretion where only certain types of offenses can be prosecuted—I'm sorry, can be enforced and can be put into immigration court, or set for removal, where we ignore the fact that there are over a million people in this country with final orders of removal, none of which seem to be a priority for—

Senator KENNEDY. Mr. Edlow, let me interrupt you. I apologize. If we had the same policies in place today that we had on December 31st, 2020, in your considered judgment, would we be having this crisis?

Mr. EDLOW. No.

Senator KENNEDY. Did the Biden administration—strike that. Let me try it another way. Did you meet with Representatives of the Biden administration to talk about border security?

Mr. EDLOW. I can tell you that I had at least one meeting with the transition team, with Ur Jaddou, who was running the transition team, and I know that that team met with many people at USCIS, every different department at USCIS, and same with other agencies within DHS.

Senator KENNEDY. Did the people—good people on the Biden transition team express an interest in changing border policy?

Mr. EDLOW. I don't—based on my conversation, Senator, no. It was more just trying to understand what was going on and where things were.

Senator KENNEDY. Did you and your colleagues explain to them what would happen if we changed border policy?

Mr. EDLOW. I did not, and that was not the questions that were being asked to me, but I know that others within the Department did have that frank conversation with those team members.

Senator KENNEDY. The members of the Biden transition team knew if they changed the border policies, we would have a crisis?

Mr. EDLOW. I think any change in border policy that is so extreme would result in this, and I think they had to have known that.

Senator KENNEDY. They did it anyway.

Mr. EDLOW. Correct. Especially the withdrawal and the ending of the MPP, Migrant Protection Protocols.

Senator KENNEDY. Why do you think they did it if they knew there was going to be a crisis? If they knew that people from all over the world were going to be able to walk into our country? We don't have the slightest idea who they are. Why do you think they would allow that to happen?

Mr. EDLOW. It could be several reasons. It could have been a tactic, a political tactic to then come back and try to fix the border themselves. It could have also been what we've seen time and time again, that Trump equals bad, so anything the President would have done—that the former President would have done had to be overturned, no matter how successful and how important it was in maintaining order at the border. That's what I see this as.

President Trump did a phenomenal job of giving the right people the keys to make sure that we could address the crisis along the border. That we could make sure that enforcement was where it needed to be, and unfortunately, that was just derailed on January 20th.

Senator KENNEDY. Thank you, Mr. Chairman.

Senator PADILLA. Colleagues, in order of the questioning here, it's my opportunity to ask a few questions before recognizing the next Senator. I want to begin by commenting on what I thought was an original analogy of the house being on fire. Sadly, we've heard it previously in the meeting of the Judiciary Subcommittee on Immigration. At the time, it was, "When the house was on fire, it's not time to start painting the house." Today, it's, "When the house is on fire, it's not time to buy tires for a truck," when I think the reality is when the house is on fire, let's not forget the people who are inside the house. Including people inside the house who may be risking their own lives to save life and property, if you want to have that analogy.

Let's get back to the actual topic of today's hearing. When the Deferred Action for Childhood Arrivals, or the DACA program was first announced by President Obama 9 years ago today, he said that the program was not a path to citizenship or a permanent fix. It was a temporary stopgap that would provide some relief and hope to talented young people while Congress would work on the permanent fix.

DACA was rescinded by President Trump in 2017 and has been litigated in the courts for years. So far, it's been largely upheld by the Federal courts. Those are the facts.

My first question is for Mr. Rodriguez. You were part of the Obama administration when DACA was announced. Why do you think the Obama administration focused on this specific population, and why do you think the program has largely remained intact over the last 9 years, particularly in light of legal challenges?

Mr. RODRIGUEZ. Yes, I think Members actually in this Committee on both sides have alluded to the reason, and that is that it is a population that is viewed as blameless. They came here by whatever different means as children, and therefore, there is actually a broad consensus among the American people and among our political leadership that this is a population that deserved that relief. For that reason, this was meant as a stopgap in two ways, actually, Senator.

One is a stopgap for the DACA recipients themselves, but also as a stopgap in terms of addressing this population first. Not saying that this would be the only population that would benefit from relief.

Senator PADILLA. Thank you. Changing the topic slightly for the next question. I want to make reference to a 2018 article by The Military Times, where they estimate that there's nearly 12,000 service members who have a spouse or family member at risk of deportation. This means that there's currently American troops who, in addition to carrying the heavy burden of protecting our Nation and taking care of themselves in dangerous situations, have the additional worry that one of their family members may be deported when they come home.

These are service members putting their lives on the line for our country and yet we cannot provide for them the peace of mind that their families will be there intact when they get back. The military prides itself on providing support for family members for service members. This seems like a pretty big oversight, so, my question is for Mr. Ponthieux. According to your written testimony, you have a United States citizen son who is currently serving in the U.S. Army. Can you just share with us how he may feel about you and your wife not having permanent status in the United States while he's on active duty?

Mr. PONTHEUX. His name is Christopher Ponthieux, and he is a reserve in the U.S. Army. He just came from deployment. He was deployed for 10 months, and he feels that it's unjust. It's not fair that his family are facing deportation when he put his life on the line to protect the country. I think we can change that. I cannot do anything, but you, you can change it and make it fair for the TPS holders and DACA recipients.

Senator PADILLA. Thank you both and thank you to all the witnesses. We now turn to Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman. Thank you all for being here. You know, if somebody were watching this hearing right now on this specific bill, they may think that there are not willing Members on both sides of the aisle to come up and address some of these problems along with Senator Durbin and Senator Padilla.

I'm participating in a bipartisan working group trying to solve this problem, and if time allows, I'll get into some of that, but Ms. Root, I want to make sure that the record accurately reflects what you said. When you were referring to criminal—illegally present criminals, you weren't talking about the violation of crossing the border. You were talking about other egregious acts that occurred after that, is that correct?

Ms. ROOT. That is correct.

Senator TILLIS. Yes. I just wanted to be absolutely certain for the record, because there seemed to be some confusion earlier on. Mr. Edlow, I also want to get down to what's really causing a fundamental—I voted for a path to citizenship, not only for the 600,000 plus who are already enrolled, but for those who are eligible under the DACA program, as have more than 40, almost 45 Republican Members a couple of years ago. We favor a bill that has those provisions in it.

Mr. Edlow, when we look at the bill before us, the Dream and Promise Act, I am really concerned with the form of blanket waiver. I want to go back and talk about what that waiver would enable an administration to do. It would allow them to waive assault on a law enforcement officer, assault on a Member of Congress, blackmail, bank robbery, and unlawful voting in a Federal election. It would allow them to issue a waiver for persons who have violated State law that include assault, child abuse, child molestation, prostitution, certain weapons possession offenses, burglary, theft, sex abuse, sexual misconduct, public lewdness, and perjury. And gang membership.

Am I—because I've heard other people say, no, that waiver's not really in there. Am I misreading section three of this bill?

Mr. EDLOW. I don't believe you are, Senator. That waiver is in there, and all of those crimes potentially could be waived.

Senator TILLIS. Yes. That's the concern. Because if you remove that, then you change the population, and you get it back to the exemplary models that we have right here. Mr. Ponthieux, I've got a certain affinity for nurses. My daughter, who was pregnant with my second grandchild, was on the front lines last year before she had her—our baby, my grandbaby back in August.

When you, in your opening testimony, talked about permanence, are you asking for an amnesty or citizenship, or just some permanence and maybe some path in the future to where if you chose to pursue citizenship you would have it? Are you just looking for permanence, not worrying about in any given day, your temporary status could be removed?

Mr. PONTHEUX. We ask for a permanent status.

Senator TILLIS. Do you think that in providing you permanence that we should have a waiver that would somebody that's under the same protected status that you have that's guilty of any of these crimes that I just delineated in the Dream and Promise Act? Do you think that they, too, should be given permanence?

Mr. PONTHEUX. I don't have to go there, but there is a Justice Department to do its job. I think they should do their job, but as for me and most of the TPS recipients, we are not criminals.

Senator TILLIS. You deserve it, and you and your family deserve it and you—

Mr. PONTHEUX. Thank you, Senator.

Senator TILLIS. I also thank your son for his services. Over 820 people who are DACA eligible who are serving in the military. They deserve some permanence, as well.

Mr. Rodriguez, I have to say—you know how Congress works, and I have to say that we can't turn a blind eye toward the crisis at the border, and only solve the permanence problem that some of the witnesses have legitimately testified here today. Vice President Harris has made a pledge of \$130 million to Mexico to try and work on some of the systemic problems in Mexico to reduce future flows. That's roughly \$1 per Mexican citizen.

Every 9 days, the cartels make about \$130 million dollars through human trafficking across the border. Those same cartels are responsible for abandoning people on this side of the border. Over 7,000 lifesaving rescues have occurred this year. Why are they doing that? Because then they can get the 300 or 400. This

is something that's very important for those of you that were trying to get to a good outcome, 300 or 400 got away, people who are trying to evade border patrol to get into this country.

Thousands come in, 180,000 last month, they submit themselves to border patrol because they want to be processed. They know how the policy's going to favor them. They'll be released. What do you think those 300 or 400, where the cartel set a pick. They send these children, men, women, and children 300 over to engage border patrol so they can have 300 or 400 people cross this border every single day, evading arrest.

Do you really think that they're likely to become a doctor? Or a nurse? Or are they likely coming here because they themselves are already criminals in their country of origin? Three hundred to 400 a day. When you hear this conversation here—I'm about to wind up, Chair Padilla. When you hear this conversation is we're trying to strike a balance between a fair outcome for you all and thousands, hundreds of thousands like you, but we also have an obligation to the American people to protect our borders and to protect our populations.

Ms. Root, I also want to mention I'm on Sarah's Law, I'm a co-sponsor on that bill. We have an obligation to protect this Nation, because one of the reasons why people are fleeing here is that they know when they get here, they'll be protected. If we continue to erode public safety, we can't do what is one of the most important things we can do as Members of Congress. I hope that we continue to work on a bipartisan basis to provide you all with some permanency, to reward you for your exemplary behavior. At the same time, understand our obligation to protect this country, and to defend its borders. Thank you, Mr. Chair.

Senator PADILLA. Senator Blackburn.

Senator BLACKBURN. Thank you, Mr. Chairman. Thank you to each of you for being here today. I appreciate your time, and I want to start with one question. It's a yes or no, so we'll just go right down the list. Is it Dr. Bernal? You have a Memphis tie, and I appreciate knowing that. Here's my question to each of you. Do you support the rule of law in this country? Yes or no? Dr. Bernal, start with you.

Dr. MEJIA. Yes.

Mr. EDLOW. Yes.

Ms. ROOT. Yes.

Mr. PONTHEUX. Yes.

Senator BLACKBURN. Mr. Rodriguez?

Mr. RODRIGUEZ. Yes.

Senator BLACKBURN. Thank you. You know, we're here because we all support the rule of law, but what is frustrating, and you've heard it from my colleagues, there are hundreds of thousands of people that have come across our southern border since President Biden raised his hand and took the oath of office. There was 183,000 alone in the month of May, and this is not right. Those are individuals who are choosing to evade the rule of law. Because there is a right way and a wrong way to come to this country, and why in the world would we make any decision that encourages people to evade U.S. law?

Another yes or no. Dr. Bernal, starting with you. Should we encourage—should we, as elected officials, encourage people to break the rule of law in this country? Yes or no.

Dr. MEJIA. To simply answer your question, I would say—

Senator BLACKBURN. No, no. Yes or no? Yes or no?

Dr. MEJIA. No.

Senator BLACKBURN. Okay.

Mr. EDLOW. No, Senator.

Mr. RODRIGUEZ. No, but I think it's a far more complex question that deserves a far more elaborated answer.

Senator BLACKBURN. No, just yes or no.

Ms. ROOT. No.

Mr. PONTHEUX. No.

Senator BLACKBURN. Okay. See, and I agree with that. We should not take actions that are going to encourage people around the rule of law. Ms. Root, I want to come to you. My heart breaks for you. It honestly does. As a mom and a grandmother, I can only imagine the heartbreak you experience every single day. It was Mr. Mejia?

Ms. ROOT. Mejia.

Senator BLACKBURN. Mejia. Okay, there was a warrant out for his arrest prior to the accident, right?

Ms. ROOT. Correct.

Senator BLACKBURN. Do you remember what the warrant was regarding?

Ms. ROOT. Failure to appear was what the warrant was for.

Senator BLACKBURN. Okay. How many days did he spend in jail after killing your daughter?

Ms. ROOT. I want to say he was in jail 5 days maybe when he posted bond and fled.

Senator BLACKBURN. What was that bond amount?

Ms. ROOT. It was \$50,000 and he paid 10 percent, which was \$5,000.

Senator BLACKBURN. In other words, this is a guy who has a warrant out. Did he have a criminal record?

Ms. ROOT. Prior misdemeanors.

Senator BLACKBURN. Okay. A criminal record, there is an outstanding warrant for his arrest, and he's in jail for 5 days and pays \$5,000 and he's gone, and your daughter is still dead.

Ms. ROOT. Correct.

Senator BLACKBURN. That's right. Never coming home.

Ms. ROOT. No. No. Separated permanently.

Senator BLACKBURN. You said in your testimony that she was a dreamer.

Ms. ROOT. Yes.

Senator BLACKBURN. That she had dreams.

Ms. ROOT. She did.

Senator BLACKBURN. Give me a couple of things that she wanted to do.

Ms. ROOT. Like I said, she was going to go on for her Master's. She had just graduated with a 4.0 in criminal investigations, and she had dreamed to, again, become a wife, have children, get her Master's. Hard telling what else she would have done that was cut too short, I'll never know.

Senator BLACKBURN. That was her version of the American dream.

Ms. ROOT. Correct.

Senator BLACKBURN. It all ended——

Ms. ROOT. Yes.

Senator BLACKBURN [continuing]. Because someone who was illegally in the country who had prior convictions with an outstanding warrant took your daughter's life.

Ms. ROOT. That is correct.

Senator BLACKBURN. That to me is absolutely heartbreaking. In FY 2020, ICE said that they account for 103,603 arrests. 90 percent, 90 percent of these illegal immigrants that were arrested. One hundred and three thousand and six hundred and three. They had criminal convictions or pending criminal charges at the time of the arrest. This is why we are very concerned about this issue. I've spent a good bit of time talking to Angel Moms and to Angel Families and hearing their concerns about what has happened since the DACA program, and as Senator Cornyn mentioned to you all, this is something that was not legislative action.

Mr. Chairman, I'll finish in just a second. This is an action, an executive memo. This is a program that got stood up on executive memo by President Obama, and you know, while we know that there has been a push to find a way for people such as yourself, Dr. Bernal, to find a way to be legally recognized, we also know that any kind of blanket amnesty with a wide net would involve so many people who have come to this country with ill intent, or with criminal convictions, and have cut the lives of many American citizens short, and deprived them and their families of the right to pursue their version of the American dream. I yield.

Senator PADILLA. This concludes questions from Senators, and before some brief closing comments, I feel compelled to allow Mr. Rodriguez to briefly, emphasize briefly, respond to a statement, an accusation we heard, frankly, we heard from several of our colleagues here today that DACA serves as a magnet. Again, just briefly, can you give us—given your experience and observations, does DACA serve as a magnet?

Mr. RODRIGUEZ. I think you have to look at the propeller, not the magnet. When we're talking about the rule of law, the complete absence of the rule of law in the Northern Triangles, the highest homicide rates on the planet, are what's driving migration. Until rule of law in those countries is addressed, and they're not going to be able to do it without international support, we will—and, by the way, these high levels of migration, except for last year, the COVID year, there were high levels of migration across the southern border, even during the Trump administration; even with all of the bellicose rhetoric of that administration.

The fact is that, while those conditions exist in the Northern Triangle, we will continue to see people at our border.

Senator PADILLA. Thank you. I want to thank all your witnesses for your participation in today's hearing. I hope this hearing—I have found it helpful in shedding light on the human impact of our broken immigration system. A lot of references have been made today about the "situation" at the southern border, where the re-

ality is numbers are way down compared to just a couple of months ago.

You know, this hearing is in context of broader discussions and negotiations going on about immigration reform. If there's a question about whether or not Democrats are willing to discuss border security, let me answer it now. The answer is yes, as long as it's smart and driven by data and experience, and we know specifically at the ports of entry is where the vast majority of the security concerns are, and they need border security elements of a single bill, multiple bills should be driven by that.

Let me be clear, the questions concerns raised about people approaching the southern border today, tonight or in recent months is a population very much separate and apart from DREAMers, TPS holders and other long-term immigrant residents of this country who have been living here, have been working here, have been contributing to the economic success and resiliency of the country.

That's why the Dream and Promise Act was approved by the U.S. House of Representatives on a bipartisan basis. Because people across the aisle recognize that.

I also want to make a quick comment about one of the questions or concerns, if I'm generous here, about the numbers are growing. As you said repeatedly today, the DACA program was put in place 9 years ago, and when it was put in place, it did recognize folks that came through no fault of their own, children, brought here by their parents.

When the program was put in place, there was a sort of a look back date set for people who had been here prior to a certain year. The reason the numbers change is because that year has changed, because 9 years later, Congress still hasn't done its job, and so, we shouldn't be surprised that we're now talking about a larger number of people who still fit the same criteria established in DACA many years later, because the dynamic has continued.

It also highlighted the distinction between folks who might have been eligible to apply for DACA versus those who actually did apply for DACA, given their courage, as we have again heard here today from our witnesses.

With that, I want to thank again all you witnesses for your participation and your testimony today, and for highlighting once again the urgency for Congress to act. I turn it back now to Chairman of the Committee, Senator Durbin.

Chair DURBIN. Chairman Padilla, it was an honor to have you preside over this hearing, and I thank the witnesses as well, and I will be very brief.

If you were wondering at the introduction why this measure has been pending for 20 years, and witnessed this hearing, you have some indication why. There clearly are differences of opinion on immigration policy. It is interesting that a nation of immigrants has such mixed feeling about the next immigrant to come into this country.

It is pretty clear that some of my colleagues don't want to see that next immigrant, whoever it might be, though the fact is about a million people are legal immigrants of the United States each year. Still, when we talk about those eligible under DACA or the DREAM Act, there are people who are hesitant, clearly on this

Committee, for fear of sending a message to others that this is a welcoming nation.

I think we can find justice for people who are eligible under TPS and the DREAM Act without suggesting that the door is open and anyone can come to this country without any kind of scrutiny whatsoever. Incidentally, we have faced serious challenges at the border since the beginning of this year. We are being tested by coyotes and others to see just how far our system will go, and whether it will work, and I believe that's a very real challenge.

I'm working on a bipartisan basis, Senator Padilla, Senator Cornyn, Senator Tillis and others to put together a southern border security bill. We are not ducking the issue, we are addressing it directly, as we should.

I will say it's interesting when people hear we're referring to this border crisis, they talked about the thousands that were presenting themselves at the border. They didn't finish the thought. Seventy-four percent of the individuals encountered at the border have been expelled. Seventy-four percent have been expelled of the people who come to the border. The Biden administration is up against large numbers, but they are clearly not welcoming and opening the door to everyone who presents themselves in this situation.

Let me say a word, too, about criminal background. You cannot be in the DACA program except on a biennial basis going through a criminal investigation about yourself, and anything you have done to break the law disqualifies you from DACA. The suggestions have been wildly across the field here as to what DACA eligibility includes.

From the beginning with the DREAM Act, we have always said that if you are guilty of serious criminal misconduct, you are ineligible for the DREAM Act and DACA. The definition has changed over the years, but for the bill that's before us now, H.R. 6, the so-called waivers that we've heard over and over again, the testimony back and forth, I commend to my colleagues the section, it's waivers for certain misdemeanors—misdemeanors, not felonies. In terms of the inability of one of our witnesses to figure out what a felony offense might be, I refer him to the definition section of this same bill that defines the term felony offense. It's already there.

We're going to be serious about this. If we can make this the law of the land, it's going to be clearly with the intention to make sure that our national security is never compromised. Second, to make sure that we have opportunities, not for people to sell drugs in this country, but for people like Dr. Bernal to prescribe them to save the lives of Americans. Mr. Ponthieux, in your work, as well.

I also want to make a point. It's been made a couple times. It should be made again. Your son tells the story better than any testimony that can be given. The fact that he came as your son, an American citizen now, and turned quickly to volunteer for this country tells a great story of what we're here for today. We clearly have challenges and many more to come, but we know that we have work to be done.

I ask that a number of statements be entered into the record from a wide variety of organizations supporting the bill before us today, and without objection, they will be so entered.

[The information appears as a submission for the record.]

Chair DURBIN. Thanks again to the witnesses. Thank you all for being here, regardless of your point of view, we welcome your participation in this, and I can assure you that the battle will continue.

The Committee stands adjourned.

[Whereupon, at 1:02 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

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**Testimony of Michelle Root, Mother of Sarah Root
Before the Senate Committee on the Judiciary
“H.R. 6, American Dream and Promise Act of 2021”
Tuesday, June 15, 2021**

Chairman Durbin, Ranking Member Grassley, and distinguished members of the Committee, thank you for the invitation to testify today on an important topic. I'm here today to honor my daughter, Sarah, who was murdered by an illegal immigrant who was driving drunk on my daughter's graduation night. Sarah had just received her college degree, earned a 4.0 grade point average, and was ready for the best years of her life. She was taken too soon because people failed to follow our laws and the administration at the time failed to secure the border. To date, justice has not been served and her killer remains on the loose.

Sarah was my only daughter and she made me want to be a better person because she was so kind and loving. She put others before herself, and no matter how busy she was, she made time for friends and family. She was smart and worked hard. She treated people with kindness and had a great relationship with her only brother, my son Scottie. She wanted to pursue a master's degree after college. My baby girl had dreams. Sarah was a true dreamer. And, her dreams were crushed because people believe they can enter this country and carry out criminal actions without recourse. And because some members of Congress are determined to let them.

The man who murdered my daughter entered the country illegally. He came in as an unaccompanied minor, committed additional crimes, drove while intoxicated, smashed his truck into my daughter, and then ran away after posting a \$5,000 bond. His bail was less than what it cost to bury my baby. He was never convicted. Yes, this happened during the Obama administration when the policy was to catch and release, ignore sanctuary cities, and turn a blind eye to illegal immigration in the interior of our country. Unfortunately, those failed policies are back and the Biden administration has continued to endorse the lawlessness.

I'm here today to say that legislation rewarding illegal behavior is dangerous, and it's a threat to our rule of law. As a parent, I sympathize with those who want a better life for their children. We would all do what it takes to give them a perfect life. However, you have to understand that rewarding illegal behavior only means we get more of it. The Dream Act, if enacted into law, would benefit people who are *charged* with crimes. It would legalize people in this country who have even been *convicted* of violent crimes. This isn't about rewarding valedictorians and dreamers – just look at the startling data related to those who received DACA under President Obama.

According to USCIS, nearly 60,000 DACA recipients had arrest records – some with assault and battery, rape, murder, and drunk driving. In their study, about 200 people who requested DACA had *10 or more* arrests --- and one fourth of them had their case approved! Nearly 8,000 DACA requesters had an arrest after their grant was approved and prior to renewal. And, yet, under the Dream Act, anyone with DACA would get a conditional Green Card, unless the person had done something *after* getting DACA that would make them ineligible. These are the people you are rewarding, and that only gets worse if this bill is signed into law.

Allow me to talk about a few problems with the House bill, which is the subject of your hearing.

- This is a legalization bill for more than children. There are no age limits. And parents who intentionally put their children in harm's way or allow them to remain unlawfully in the country will benefit from the legalization. This isn't about kids – it's about making sure *every* illegal immigrant can qualify for amnesty.
- This is a legalization bill for criminals. Only those convicted of certain crimes are ineligible – but even those convictions can be waived by the Secretary and no doubt they would be by this administration whose sole motive is to disregard the law in the name of family unity. Charges – even for the most serious criminal offenses – are completely ignored.
- This is a legalization bill for illegal immigrants not even connected with the DACA program. It would legalize millions more, including those who have been in the U.S. under other visa programs and those who were granted a *temporary* stay while their country faced hardship.
- The bill allows illegal immigrants who have been deported from the United States to apply. The taxpayers have already expended their hard earned money to support the government in giving these people due process and removing them. They will now be rewarded with legal status and citizenship.
- The bill protects people who simply apply by giving them safe harbor to remain in the United States while their application is pending.
- The bill is unfair to American students as they seek to enter college by allowing states to give illegal immigrants in-state tuition, but not out-of-state American citizens. Hard working Americans are going to foot the bill for the education of millions of people who broke our laws.

These are only a few of the key problematic issues with the Dream Act. On top of those flaws, it lacks any enforcement, strong border security measures, oversight mechanisms, and accountability. The bill simply fails to protect Americans. Why can't Congress simply agree to make gang members and drunk drivers inadmissible and deportable? How many times are we going to allow people to drive drunk before we detain and deport them?

This committee needs to urgently consider bills like Sarah's law. This bill, in honor of my daughter, would require the government to detain someone who entered the country illegally, violated the terms of their immigration status or had their visa revoked, and is thereafter charged with a crime resulting in the death or serious bodily injury of another person. I thank those who have sponsored this bill, including my home state Senators Grassley and Ernst.

Another key provision of Sarah's law – which is missing from the Dream Act -- would ensure that there's an office for the American people devoted to helping them when they are harmed or

affected by the actions of illegal immigrants. An office that does this – the Victims of Immigration Crime Engagement, or “VOICE” office – was established by the Trump Administration, and without it, many families would have nowhere to turn to find answers and seek justice. This office has helped many families like mine, and it appears the Biden administration wants to dismantle it. In fact, last week, they changed the name of the office and vowed to help illegal immigrants who claim to be victims to gain access to support services, diminishing its sole mission of helping Americans. The administration also removed the VOICE office’s most wanted list from their website – including my daughter’s killer, Edwin Mejia. They want to abolish ICE and get rid of any law enforcement whose mission it is to carry out our immigration laws and protect the homeland. I urge you all today to make the VOICE office stronger. Make sure it’s included in any bill that passes this body. Put American families first -- - give other moms and dads an avenue to get answers.

Today, thanks to this administration’s policies, local jurisdictions are handicapped from helping, and federal law enforcement officers are being told to stand down. There is no trust in the federal government to carry out our laws -- which is why this is not the right time for this hearing and it’s the absolute wrong time to trust the administration to carry out the bill, if signed into law.

Let me close by saying that it has been five years and five months since we lost Sarah. The pain doesn’t go away and everyday I grieve her loss. I hope none of you ever have to endure what I have. I know people come here to live a better life, to live out their dreams. My family, like many American families, holds no ill will toward people who desire the American dream. But, there have to be limits and boundaries. People need to be vetted and they have to be deported when not eligible for immigration benefits. We cannot forget that our laws are intended to keep us safe – and this legislation doesn’t do that. It rewards the illegal behavior that my daughter’s killer carried out. It excuses their criminal histories and does not make America better.

Thank you for allowing me to testify today and to share my daughter’s story.

SENATE JUDICIARY COMMITTEE
HEARING ON H.R. 6
AMERICAN DREAM AND PROMISE ACT OF 2021

PREPARED TESTIMONY OF
JOSEPH B. EDLOW
FOUNDER, THE EDLOW GROUP LLC

Chairman Durbin, Ranking Member Grassley, and Senators of this committee, thank you for the opportunity to present testimony on H.R. 6, the American Promise and Dream Act of 2021 and on the ramifications of such legislation on the ongoing crisis at the Southwest Border of the United States.

I look forward to discussing the legislation at issue, but we cannot focus on this bill in a vacuum without considering the broader immigration landscape. The threat to the integrity of the U.S. immigration system has reached crisis levels. With border apprehensions consistently rising, inconsistency in the processing of aliens arriving at the border, and the Administration taking actions in contravention of U.S. immigration laws, we are at great risk of the entire immigration system failing.

Since being inaugurated, President Biden has waged war on immigration enforcement and reversed the successful policies that kept the southwest border and our first line officers in U.S. Border Patrol and CBP's Office of Field Operations from being completely overrun. Disastrous executive actions aimed at halting deportations¹, re-instituting Obama-era prosecutorial discretion², ending the Migrant Protection Protocols³, and instituting large-scale catch and release along the border have taken their toll.

Since February, apprehensions along the southwest border have risen well above 100,000 per month and are continuing to climb. So far in Fiscal Year 2021, 929,868 aliens have been encountered by U.S. Customs and Border Protection (CBP), 633,342 of whom were encountered from February through May of 2021.⁴ With four months left in the fiscal year, this country is on track to see a record number of apprehensions along the southwest border.

¹ Memo. from David Pekoske, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities* (Jan. 20, 2021), available at:

https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf.

² Memo. from Tae D. Johnson, *Interim Guidance: Civil Immigration Enforcement and Removal Priorities* (Feb. 18, 2021), available at: https://www.ice.gov/doclib/news/releases/2021/021821_civil-immigration-enforcement_interim-guidance.pdf; see also Memo. from John D. Trasvina, *Interim Guidance to OPLA Attorneys Regarding Civil Immigration Enforcement and Removal Policies and Priorities* (May 27, 2021) available at: https://www.ice.gov/doclib/about/offices/opla/OPLA-immigration-enforcement_interim-guidance.pdf.

³ Memo. from Alejandro N. Mayorkas, *Termination of the Migrant Protection Protocols Program* (June 1, 2021), available at: https://www.dhs.gov/sites/default/files/publications/21_0601_termination_of_mpp_program.pdf.

⁴ *CBP Enforcement Statistics Fiscal Year 2021*, U.S. CUSTOMS AND BORDER PROTECTION (undated), available at: <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

These are just the known and reported numbers and do not account for the tens of thousands of “got aways” who were able to elude Border Patrol agents.

Border Patrol is never able to apprehend all aliens crossing the border illegally each month. Those aliens who elude Border Patrol apprehension are known as “got aways.”⁵ At a May 13, 2021 hearing on “DHS Actions to Address Unaccompanied Minors at the Southern Border”⁶ with DHS Secretary Alejandro Mayorkas, Sen. Rob Portman revealed that Border Patrol “conservatively estimates that over 40,000 people who crossed illegally got away and were not apprehended in April.”⁷

These apprehensions and “got aways” run the gamut from single adults to families to unaccompanied minors. They flock to the border as the Administration perpetuates the perception that they will be allowed to enter, free from detention and deportation, and ultimately join family and friends and work in this country. That the Administration has continued to ignore longstanding loopholes in the law that encourage their entry has exacerbated this issue and given smugglers the ability to easily exploit our laws and abet thousands upon thousands of aliens as they make the exceedingly dangerous journey into the United States.

Border Patrol life-saving efforts are also up this fiscal year. Through May, agents at the Southwest border have performed 6,898 searches and rescues, already eclipsing the totals for all of FY 2020 (5,071) and all of FY 2019 (4,920).⁸

Aliens follow more rugged, remote, and rural routes, placing them farther away from help when help is needed. Those are not aliens who are coming to turn themselves over agents to claim credible fear; they are migrants who do not want to be detected—let alone apprehended-- at all.

The increased savagery of the smuggling gangs also plays a big role in the increased number of Border Patrol rescues, as well. The *Wall Street Journal* recently reported on the tactics of one such group, which had placed 65 adults and 152 children on rafts crossing the Rio Grande near Roma Texas.⁹

⁵ Todd Bensman, ‘Got-Aways’ at the Border, *Why the mass migration crisis is more severe than official reporting suggests*, CENTER FOR IMMIGRATION STUDIES (May 3, 2021), available at: <https://cis.org/Bensman/GotAways-Border>.

⁶ Comm. Hearing on DHS Actions to Address Unaccompanied Minors at the Southern Border, S. Comm. on Homeland Security and Governmental Operations (117th Cong. 1st Sess.), available at: <https://www.hsgac.senate.gov/hearings/dhs-actions-to-address-unaccompanied-minors-at-the-southern-border>.

⁷ Sen. Portman Exchange with DHS Secretary on Migrants, *Senate Hearing on Unaccompanied Minors at U.S.-Mexico Border*, C-SPAN (May 13, 2021), available at: <https://www.c-span.org/video/?511573-1/senate-hearing-unaccompanied-minors-us-mexico-border>.

⁸ *CBP Enforcement Statistics Fiscal Year 2021*, U.S. CUSTOMS AND BORDER PROTECTION (undated), available at: <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

⁹ Jillian Kay Melchior, *Biden’s Border Crisis, Up Close, His policies endanger vulnerable migrants by encouraging them to make perilous illegal crossings*, WALL STREET JOURNAL (Mar. 29, 2021), available at: https://www.wsj.com/articles/bidens-border-crisis-up-close-11617057522?mod=searchresults_pos1&page=1.

The most recent CBP data¹⁰ also reveals that Border Patrol apprehensions of aliens with criminal convictions has increased significantly in FY 2021. In the first eight months of this fiscal year, Border Patrol has “encountered” 6,918 aliens with criminal convictions, more than twice as many as in all of FY 2020 (2,438), and already more than 37 percent more than in all of FY 2019 (4,269).

Projecting forward based on current trends, Border Patrol will apprehend 10,047 aliens with criminal convictions, which would far surpass the totals for FY 2018 (6,698) and FY 2017 (8,531). Keep in mind that those 5,861 aliens with criminal convictions are in addition to 1,011 aliens with outstanding criminal wants and warrants.¹¹ The number of aliens apprehended whom federal, state, and local officials are looking for is down this fiscal year from FY 2020 (2,054) and FY 2019 (an astounding 4,153).

That said, Border Patrol is on track to apprehend 1,733 aliens with wants and warrants, which would be greater than the total of such apprehensions in FY 2018 (1,550).

THE DRAW OF THE LOOPHOLES

Apart from the draw of the United States itself, there are three main loopholes in U.S. law and policy: Administrative policies favoring — in contravention of statute — the release of aliens who have entered illegally and claimed “credible fear”; the unequal treatment of UACs from non-contiguous countries in the 2008 Trafficking Victims Protection Reauthorization Act (TVPRRA); and novel judicial interpretations of the 1997 *Flores* settlement agreement.¹²

Under section 235(b)(1) of the Immigration and Nationality Act (INA)¹³, aliens apprehended by CBP entering illegally along the border or without proper documents at the ports of entry are subject to “expedited removal”, meaning that they can be quickly removed without receiving removal orders from an immigration judge (IJ).

If an arriving alien claims to fear harm or asks for asylum, however, CBP must hand the alien over to an asylum officer (AO) in U.S. Citizenship and Immigration Services (USCIS) for a “credible fear” interview.¹⁴ Credible fear is a screening process to assess whether the alien may have an asylum claim, and thus proving credible fear is easier than establishing eligibility for

¹⁰ CBP Enforcement Statistics Fiscal Year 2021, U.S. Customs and Border Protection (undated), available at: <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹¹ *Id.*

¹² See Andrew Arthur, *Why Are Central American Migrants Entering Illegally? Part 2, The ‘pull factors’ that are driving illegal immigration, and how they can be easily stopped*, CENTER FOR IMMIGRATION STUDIES (Apr. 26, 2021), available at: <https://cis.org/Arthur/Why-Are-Central-American-Migrants-Entering-Illegally-Part-2>.

¹³ Section 235(b)(1) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

¹⁴ Section 235(b)(1)(A)(ii) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

asylum.¹⁵ If an AO finds that the alien does not have credible fear (makes a “negative credible fear determination”), the alien can ask for a review of that decision by an IJ.¹⁶ If the IJ upholds the negative credible fear determination, the alien is to be removed immediately.

When an AO or IJ makes a “positive credible fear determination”, on the other hand, the alien is placed into removal proceedings to apply for asylum before an IJ.¹⁷ Most aliens who have claimed a fear of return in the past received a positive credible fear assessment (83 percent between FY 2008 and FY 2019)¹⁸, but less than 17 percent of those who received a positive credible fear assessment were ultimately granted asylum.¹⁹

Under section 235(b) of the INA, aliens found to have credible fear are supposed to be detained until their asylum claims are adjudicated.²⁰

In December 2009, however, ICE leadership issued a policy directive²¹ that aliens who have received a positive credible fear determination should generally be granted “parole” and released from detention under the circumscribed release authority provided in section 212(d)(5)(A) of the INA²².

The number of aliens claiming credible fear climbed thereafter, as smugglers recognized an avenue by which migrants could enter illegally and still could remain in the United States indefinitely— even if they were caught — by claiming a fear of return or by requesting asylum.

For example, in FY 2009²³, asylum officers completed just over 5,500 credible fear cases. That number more than doubled to 11,716 by FY 2011 after that directive was issued, and then more than tripled again to 36,454 in FY 2013.²⁴ By the time the migrant “crisis” of FY 2019

¹⁵ See section 235(b)(1)(B)(v) of the INA (defining “Credible fear of persecution”), available at:

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

¹⁶ Section 235(b)(1)(B)(iii)(III) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

¹⁷ Section 235(b)(1)(B)(ii) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

¹⁸ Credible Fear and Asylum Process: Fiscal Year (FY) 2008 – FY 2019, U.S. Dep’t of Justice, Executive Office for Immigration Review (generated Oct. 23, 2019), available at: <https://www.justice.gov/eoir/file/1216991/download>.

¹⁹ *Id.*

²⁰ Section 235(b)(1)(B)(ii) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>.

²¹ *Directive 11002.1, Parole of Aliens Found to Have a Credible Fear of Persecution or Torture*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Dec. 8, 2009), available at: https://www.ice.gov/doclib/dro/pdf/11002.1-hd-parole_of_arriving_alien_found_credible_fear.pdf.

²² Section 212(d)(5)(A) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1182&num=0&edition=prelim>.

²³ *Credible Fear Workload Report, Summary*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (undated), available at: <https://www.uscis.gov/sites/default/files/document/data/CredibleFearWorkloadReport.pdf>.

²⁴ *Id.*

occurred, USCIS received 105,439 credible fear claims — more than 18 times as many as it had received in FY 2009, before that directive was issued.²⁵

That December 2009 Obama-era parole directive prompted so many credible fear claims that the detention required under section 235(b)(1)(B)(ii) of the INA would have been prohibitively expensive by FY 2019, and for many migrant families, would not have been legally permissible more than 20 days (as explained below).

The Trump administration effectively implemented that requirement, however, in its 2019 Migrant Protection Protocols²⁶ (MPP, better known as “Remain in Mexico”).

By way of background, under MPP (which began in January 2019, but took several months to come into full effect), DHS could return certain aliens who were caught by CBP entering illegally or without proper documentation back to Mexico to await their removal hearings, thus denying them immediate entry into the United States.²⁷ The Mexican government agreed to provide those foreign nationals with protection for the duration of their stays.²⁸

Some 68,000 migrants who had claimed credible fear were returned to Mexico under MPP²⁹, and paroled into the United States for removal hearings. If they were granted asylum, they were admitted, but if they were denied, they were not.

Like the detention requirement in section 235(b)(1)(B)(ii) of the INA, MPP ensured that only arriving aliens who had claimed credible fear and received asylum were allowed to live and work in the United States.

Under MPP, between July and September 2019, the number of credible fear claims USCIS received dropped 59 percent—almost definitely because illegal entrants knew that they would not be released into this country until they had received an asylum grant.³⁰

²⁵ *Credible Fear Workload Report Summary, FY2019 Total Caseload*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (undated), available at: https://www.uscis.gov/sites/default/files/document/data/Credible_Fear_Stats_FY19.pdf.

²⁶ *Migrant Protection Protocols*, U.S. DEP’T OF HOMELAND SECURITY (Jan. 24, 2019), available at: <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

²⁷ Andrew Arthur, *DHS to Admit Aliens in ‘Remain in Mexico’ Program, and Promises It Will Let in Others Later, Details are sketchy, but you better like frog soup, because it looks like Biden will be ‘gigging’ the law*, CENTER FOR IMMIGRATION STUDIES (Feb. 16, 2021), available at: <https://cis.org/Arthur/DHS-Admit-Aliens-Remain-Mexico-Program-and-Promises-It-Will-Let-Others-Later#:~:text=The%20Mexican%20government%20agreed%20to,still%20in%20the%20hearing%20process>.

²⁸ *Id.*

²⁹ Camila DeChalus, *Biden’s immigration problem: How to end ‘Remain in Mexico’, The program is one of many Trump policies that the president-elect has promised to unravel*, ROLL CALL (Dec. 11, 2020), available at: <https://www.rollcall.com/2020/12/11/bidens-immigration-problem-how-to-end-remain-in-mexico/>.

³⁰ *Credible Fear Workload Report Summary, FY2019 Total Caseload*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (undated), available at: https://www.uscis.gov/sites/default/files/document/data/Credible_Fear_Stats_FY19.pdf.

Then-candidate Joe Biden derided MPP³¹, and as president, Biden has ended the program³² as well as other Trump border initiatives³³, but the president could always re-implement it.

Alternatively, Congress could fund sufficient detention space to comply with the non-release requirement in section 235(b)(1)(B)(ii) of the INA. Both detention and MPP deter fraudulent and otherwise worthless asylum claims, while allowing meritorious asylum claims to be granted more quickly.

Under the TVPRA, DHS can quickly screen and remove UACs who are nationals of “contiguous countries” (Mexico and Canada) if they have not been trafficked and have no fear of return home.³⁴ DHS, however, must place unaccompanied children from all other countries into removal proceedings and send them quickly to HHS, first for placement in a shelter run or contracted by HHS, and ultimately for identification of a “sponsor” with which to place that child in the United States and transfer of the child to the sponsor.³⁵

In 2017³⁶, DHS disclosed that most (about 60 percent) of the sponsors of UACs had been those children’s own parents-- also here illegally-- and the Senate reported in April 2019³⁷ that

³¹ *The Biden Plan for Securing Our Values as a Nation of Immigrants* (undated) (“[T]hrough his Migrant Protection Protocol policies, Trump has effectively closed our country to asylum seekers, forcing them instead to choose between waiting in dangerous situations, vulnerable to exploitation by cartels and other bad actors, or taking a risk to try crossing between the ports of entry.”), available at: <https://joebiden.com/immigration/>.

³² *The MPP Program and Border Security Joint Statement by Assistant to the President and National Security Advisor Jake Sullivan and Assistant to the President and Homeland Security Advisor Dr. Elizabeth Sherwood-Randall*, WHITE HOUSE (Feb. 16, 2021), available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/16/the-mpp-program-and-border-security-joint-statement-by-assistant-to-the-president-and-national-security-advisor-jake-sullivan-and-assistant-to-the-president-and-homeland-security-advisor-and-deputy-na/>.

³³ See Rob Law, *Biden’s Executive Actions: President Unilaterally Changes Immigration Policy*, CENTER FOR IMMIGRATION STUDIES (Mar. 15, 2021), available at: <https://cis.org/Report/Bidens-Executive-Actions-President-Unilaterally-Changes-Immigration-Policy>.

³⁴ Section 235(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457 (2008), available at: <https://www.congress.gov/bill/110th-congress/house-bill/7311/text?q=%7B%22search%22%3A%5B%22William+Wilberforce+Trafficking+Victims+Protection+Reauthorization+Act+of+2008%22%5D%7D&r=1>.

³⁵ Sections 235(a)(3) and (b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457 (2008), available at: <https://www.congress.gov/bill/110th-congress/house-bill/7311/text?q=%7B%22search%22%3A%5B%22William+Wilberforce+Trafficking+Victims+Protection+Reauthorization+Act+of+2008%22%5D%7D&r=1>.

³⁶ *Memorandum from John Kelly, Secretary, “Implementing the President’s Border Security and Immigration Enforcement Improvements Policies”*, U.S. DEP’T OF HOMELAND SECURITY (Feb. 20, 2017), available at: https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf.

³⁷ See Andrew Arthur, *Most UACs Released to Sponsors Without Status, U.S. government completing the conspiracy to smuggle minors*, CENTER FOR IMMIGRATION STUDIES (Apr. 29, 2019), available at: <https://cis.org/Arthur/Most-UACs-Released-Sponsors-Without-Status>.

during one six-month period it had studied, almost 79 percent of all UACs were sent to sponsors who were—again-- here illegally.

Facing his own surge of unaccompanied alien children, then-President Barack Obama asked Congress in June 2014 to give DHS “additional authority to exercise discretion in processing the return and removal of unaccompanied minor children from non-contiguous countries like Guatemala, Honduras, and El Salvador”³⁸-- that is, to end the unequal treatment of UACs in sections 235(a)(3) and (b) of TVPRA who are not from Canada or Mexico.

Even the *Washington Post* editorial board admitted in August 2014 that TVPRA had “encouraged thousands of Central American children to try to reach the United States by granting them access to immigration courts that Mexican kids don’t enjoy”.³⁹

As for migrants arriving in family units, there is also bipartisan agreement⁴⁰ that federal court decisions in 2015⁴¹ and 2016⁴² interpreting the 1997 *Flores* settlement agreement⁴³ exacerbate border control by encouraging adult migrants to bring children with them on the dangerous trek to the United States.

That settlement agreement governs the conditions of detention and release of children in immigration custody, and until 2015, it was only applied to unaccompanied children-- not children accompanied by parents or other adults.⁴⁴

³⁸ *Letter from the President -- Efforts to Address the Humanitarian Situation in the Rio Grande Valley Areas of Our Nation's Southwest Border*, WHITE HOUSE (Jun. 30, 2014), available at: <https://obamawhitehouse.archives.gov/the-press-office/2014/06/30/letter-president-efforts-address-humanitarian-situation-rio-grande-valle>.

³⁹ Editorial Board, *The Post's View, Frustration over stalled immigration action doesn't mean Obama can act unilaterally*, WASHINGTON POST (Aug. 5, 2014), available at: https://www.washingtonpost.com/opinions/frustration-over-stalled-immigration-action-doesnt-mean-obama-can-act-unilaterally/2014/08/05/9c7bc1c6-1c1c-11e4-ae54-0cfe1f974f8a_story.html.

⁴⁰ See *Final Emergency Interim Report*, HOMELAND SECURITY ADVISORY COUNCIL, CBP FAMILIES AND CHILDREN CARE PANEL (Apr. 16, 2019) (“By far, the major ‘pull factor’ [encouraging adult migrants to enter illegally in family units with children] is the current practice of releasing with a NTA most illegal migrants who bring a child with them. The crisis is further exacerbated by a 2017 federal court order in *Flores v. DHS* expanding to FMUs a 20-day release requirement contained in a 1997 consent decree, originally applicable only to unaccompanied children (UAC).”), available at: https://www.dhs.gov/sites/default/files/publications/19_0416_hsac-emergency-interim-report.pdf.

⁴¹ *Flores v. Lynch*, 212 F. Supp. 3d 907 (U.S.D.C. Cent. Cal. 2015), available at: <https://cite.case.law/f-supp-3d/212/907/>.

⁴² *Flores v. Lynch*, 828 F.3d 898 (9th Cir. 2016), available at: <http://cdn.ca9.uscourts.gov/datastore/opinions/2016/07/06/15-56434.pdf>.

⁴³ *Flores v. Reno* (CV 85-4544-RJK(Px)) (Stipulated Settlement Agreement) (U.S.D.C. Cent. Dist. Cal. 1997), available at: https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf.

⁴⁴ See *Final Emergency Interim Report*, HOMELAND SECURITY ADVISORY COUNCIL, CBP FAMILIES AND CHILDREN CARE PANEL (Apr. 16, 2019) (“The crisis is further exacerbated by a 2017 federal court order in *Flores v. DHS* expanding to FMUs a 20-day release requirement contained in a 1997 consent decree, originally applicable only to unaccompanied children (UAC).”), available at: https://www.dhs.gov/sites/default/files/publications/19_0416_hsac-emergency-interim-report.pdf.

In FY 2014, the Obama administration was faced with a surge of migrant families, as the number of aliens in FMUs apprehended by Border Patrol at the Southwest border increased 360 percent from the year before, to 68,445.⁴⁵

Under *Flores*, children are supposed to be placed in licensed shelters, but Border Patrol under the Obama administration had apprehended so many families that the administration was placing them in unlicensed facilities (including on at least three military bases), and allegedly refusing to release many of them to dissuade other illegal entrants.⁴⁶

The *Flores* plaintiffs went to the district court judge now overseeing the settlement agreement to stop such detention. In August 2015⁴⁷, the judge held (over the government's objections) that *Flores* covered the detention and release of accompanied children as well, and ordered that both they and their parents be released within 20 days of apprehension.

The Obama DOJ appealed that decision, and in July 2016⁴⁸, the Ninth Circuit sustained the 20-day release requirement for the children, but not the parents and other adults who brought them. To avoid "family separation", however, the parents have subsequently generally been released, as well.

Seeing a new loophole, smugglers encouraged migrants to bring a child with them when entering the United States illegally, and by FY 2019, the number of aliens in family units apprehended by agents at the Southwest border had mushroomed to 473,682⁴⁹ — an almost 600-percent increase over FY 2014.

Correlation may not always indicate causation, but there is no analysis that I have seen that would suggest that this increase in FMU apprehensions resulted from anything other than the 2015 and 2016 *Flores* decisions, and the virtual guarantee that they provide for adult migrants of quick release into the interior of the United States if they enter illegally with a child.

⁴⁵ See Andrew Arthur, *Ninth Circuit Flores Decision Puts Biden in a Fix, The more that come, the more that will come*, Center for Immigration Studies (Jan. 11, 2012), available at: <https://cis.org/Arthur/Ninth-Circuit-Flores-Decision-Puts-Biden-Fix>.

⁴⁶ *Id.*

⁴⁷ *Flores v. Lynch*, 212 F. Supp. 3d 907 (U.S.D.C. Cent. Cal. 2015), available at: <https://cite.case.law/f-supp-3d/212/907/>.

⁴⁸ *Flores v. Lynch*, 828 F.3d 898 (9th Cir. 2016), available at: <http://cdn.ca9.uscourts.gov/datastore/opinions/2016/07/06/15-56434.pdf>.

⁴⁹ *Border Patrol Total Monthly Family Units by Sector FY13-19*, U.S. Border Patrol (undated), available at: https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Total%20Monthly%20Family%20Unit%20Apprehensions%20by%20Sector%20%28FY%202013%20-%20FY%202019%29_1.pdf.

In fact, a bipartisan federal panel tasked with assessing the care of children and families in CBP custody during an earlier “border emergency” in 2019 basically made the same determination.⁵⁰

In its April 2019 Final Emergency Interim Report, that panel found that “[b]y far, the major ‘pull factor’” drawing families to enter illegally was the then-“current practice of releasing ... most illegal migrants who bring a child with them” with just a Notice to Appear or “NTA”, the charging document in removal proceedings, “further exacerbated” by the 20-day release requirement in *Flores*.

The policy of releasing migrant families with an NTA was largely a direct result of the *Flores* decisions, too. ICE, which is responsible for detaining most migrants released from CBP processing, did not invest in detention space for FMUs after those *Flores* decisions were issued, knowing the agency had to release families in 20 days, anyway.

As noted, most Border Patrol stations and processing facilities were built to accommodate single adults (mostly male, mostly Mexican nationals) for a few hours, not non-Mexican migrant families for days. Because ICE did not have space for them either during the border emergency of 2019, CBP began releasing families after processing with NTAs in lieu of placing them in expedited removal, as that panel found.

That problem has only gotten worse during the current border crisis, as CBP is now releasing migrants *without even giving them an NTA or a removal hearing date*⁵¹, because it lacks the space to detain them long enough to process them. Instead, apprehended migrants in FMUs are simply being told to report to the local ICE office at their destinations in the United States.

There is no reason to believe that ICE would even be aware that those aliens are present in the United States unless and until the aliens report to the agency (which many, most or all will not do). That means an untold number of aliens apprehended at the border will be at large in this country, with no effective way to keep track of them.

Consequently, this *Flores*-created pull factor will only get stronger, encouraging an even greater number of foreign nationals to bring their children with them as they attempt to enter the United States illegally.

⁵⁰ See *Final Emergency Interim Report*, HOMELAND SECURITY ADVISORY COUNCIL, CBP FAMILIES AND CHILDREN CARE PANEL (Apr. 16, 2019) (“By far, the major ‘pull factor’ [encouraging adult migrants to enter illegally in family units with children] is the current practice of releasing with a NTA most illegal migrants who bring a child with them. The crisis is further exacerbated by a 2017 federal court order in *Flores v. DHS* expanding to FMUs a 20-day release requirement contained in a 1997 consent decree, originally applicable only to unaccompanied children (UAC).”), available at: https://www.dhs.gov/sites/default/files/publications/19_0416_hsaac-emergency-interim-report.pdf

⁵¹ Adam Shaw, Migrants being released into US without court dates, as border officials struggle to cope with surge, Fox News (Apr. 1, 2021), available at: <https://www.foxnews.com/politics/migrants-released-without-court-dates-border-surge>.

THE AMERICAN DREAM AND PROMISE ACT OF 2021

As the above testimony suggests, to enact any legislation without addressing the loopholes and the resulting surge at the border is bad policy. Simply put, enacting legislation of this magnitude would legalize large segments of the population who are presently not entitled to permanent residence while simultaneously inviting future populations who will assuredly seek amnesty in the future. This bill provides no enforcement measures and, ultimately, serves to assist aliens and their attorneys while providing nothing for the average U.S. citizen, all at taxpayer expense.

H.R. 6 seeks to provide permanent, or at least conditional status, to DACA and TPS recipients and certain other Dreamers, as defined in the bill. Its provisions are much broader and, in truth, have no nexus to DACA eligibility.

H.R. 6 would allow any alien continuously physically present in the United States since January 1, 2021 to gain status.⁵² For perspective, DACA eligibility requires physical presence on June 15, 2012. If H.R. 6 were enacted, the eligible population would be those who were eligible for DACA plus nearly 5 years' worth of aliens who were not eligible for DACA.

Additionally, unlike DACA, which required that an alien be under 16 years of age upon entering the United States, this bill expands the eligibility to those under 18 years of age.⁵³

Lastly, while DACA was capped for aliens 31 years of age and older on June 15, 2012, H.R. 6 has no age cut off and no maximum age, meaning that this bill is far broader than the "Dreamer" population as that term is commonly understood.

H.R. 6 provides numerous waivers for criminal aliens and others, discussed below, but omits several grounds of inadmissibility from base eligibility requirements. There are numerous grounds of inadmissibility that would typically keep aliens from being permitted to get status that are ignored in this bill. Among those grounds, aliens who have illegally voted, misrepresented facts, and lied to gain admission to the country to receive an immigration benefit, aliens with communicable diseases, and those aliens who have been previously removed.⁵⁴ The waiver may be granted by the Secretary for purposes of family unity, humanitarian needs, or in the public interest.⁵⁵ Additionally, an alien with a final order of removal who has remained in the United States in contravention of that order may, likewise, be able to obtain status under this bill.

Why should those that flagrantly and willfully violate our immigration laws or interfere in our democratic process by illegally voting be rewarded for such activity? Neither the bill nor its sponsors answer that question.

⁵² American Dream and Promise Act of 2021, H.R. 6, 117th Cong. §102(b)(1)(A) (2021).

⁵³ *Id.* at §102(b)(1)(B).

⁵⁴ *Id.* at §102(b)(2).

⁵⁵ *Id.*

While the waivers and exceptions permitted in obtaining the conditional residency raise concerns, the removal of these conditions and the granting of a pathway to citizenship contains a massive omission.

To have the conditions removed pursuant to the bill, aliens must be conditional residents as described in the bill and must not have abandoned their residences in the United States while conditional residents.⁵⁶

Additionally, an alien must have either served in the military for at least two years (and, if applicable, discharged honorably), demonstrated earned income for at least 3 years and 75% of the time that the alien has had work authorization, or has obtained a degree or has completed at least two years of a program leading to a bachelor degree or higher.⁵⁷

The third prong can be waived, however, when an alien demonstrates a compelling reason as to why he or she could not meet the requirement and that their removal would result in “hardship” to themselves, their spouse, parent, or child.⁵⁸ That is an exceptionally low level of proof and could result in those who simply have not complied with the third prong quickly receiving permanent residence and, ultimately, citizenship.

Regarding those aliens with Temporary Protected Status, the Immigration and Nationality Act explicitly prohibits bills seeking to adjust the status of TPS holders. Specifically, Section 244(h) of the INA mandates that consideration of such bills shall be out of order in the Senate unless the prohibition is waived or suspended by an affirmative vote of three fifths of sitting Senators, a supermajority.⁵⁹ H.R. 6 fails to address this point and, without such a supermajority, pursuant to law, the Senate must, at a minimum, find that Title II of the bill is out of order and cannot be considered.

With the many pitfalls of H.R. 6, I want to focus on five specific issues with the bill as drafted: (1) It would overwhelm USCIS resources in its implementation; (2) It creates blanket waivers for criminal aliens thereby allowing most criminal aliens to benefit; (3) It contains a very low standard of proof that will invite fraud; (4) It contains stringent confidentiality provisions that will stymie future enforcement efforts; and (5) Its reliance on judicial review in the District Court will overwhelm the federal judiciary in federal districts with large immigrant populations.

The Migration Policy Institute estimates that approximately 4,438,000 aliens would be eligible for status under H.R.6.⁶⁰ This includes the 2,310,000 Dreamers as defined in the bill, 393,000 aliens presently with Temporary Protected Status (TPS), and approximately 171,000

⁵⁶ *Id.* at §104(a)(1)(A),(B).

⁵⁷ *Id.* at §104(a)(1)(C).

⁵⁸ *Id.* at §104(a)(2).

⁵⁹ Section 244(h) of the INA, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1254a&num=0&edition=prelim>.

⁶⁰ See *American Dream and Promise Act of 2021: Who is Potentially Eligible?*, (Mar. 2021), available at: <https://www.migrationpolicy.org/content/american-dream-and-promise-act-2021-eligibility>.

“legal” Dreamers who are presently in non-immigrant status as riders of others’ status. This is far larger than the existing DACA population of approximately 650,000 or the estimated number of DACA enrollees and eligible population of 1.8 million.

As USCIS processing times and delays grow increasingly larger for applications for naturalization, waivers, permanent residence, removal of conditional status, and most other benefit types⁶¹, the introduction of up to an additional 4.5 million applications would cripple the agency without more resources.

Additionally, as USCIS faced a fiscal crisis during the early months of COVID-19 pandemic, the agency would require appropriations for new immigration services officers, training, and other infrastructure improvements to handle this influx of receipts. Even with such accommodations, those individuals who have filed for immigration benefits pursuant to existing law would find themselves subject to ever-increasing delays. The agency will bear the burden and, in turn, will require the taxpayer money to administer this bill, if enacted.

On its face, the criminal provisions of H.R. 6 appear to make most criminal aliens ineligible for relief. However, using waivers, definitional amendments, and a rigorous review and appeal process, many-- if not most-- criminal aliens would be eligible for status under this bill. This is aided by an apparent unwillingness to recognize misdemeanor offenses as potentially serious criminal actions.

H.R. 6 provides for a waiver of the criminal grounds of inadmissibility for aliens convicted of crimes involving moral turpitude, drug crimes, drug trafficking/smuggling offenses, and commercialized vice offenses, including prostitution.⁶²

While these crimes could still form the basis for a finding by the Secretary that the alien is threat to public safety, the Secretary may use broad discretion in ultimately making such a determination. Additionally, the bill exempts either one misdemeanor offense if more than 5 years old and up to two misdemeanor offenses if more than 10 years old from consideration as a public safety threat.⁶³ The examples of those who may be able to benefit from this bill is chilling, as the Secretary would be deprived of the discretion to deny those with old offenses including-- but certainly not limited to-- those convicted of misdemeanor sexual abuse of children, multiple drunk driving offenses, or misdemeanor assault.

The treatment of gang members is also a threat to public safety. Under the provisions of the bill, gang participation requires an affirmative finding that the alien participated in gang activities as narrowly defined by the sentencing enhancement contained in 18 U.S.C. 521.⁶⁴

⁶¹ *USCIS Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms by Fiscal Year* (undated), available at: <https://egov.uscis.gov/processing-times/historic-pt>.

⁶² American Dream and Promise Act of 2021, H.R. 6, 117th Cong. §102(c)(2)(A) (2021).

⁶³ *Id.* at §102(c)(3)(B).

⁶⁴ *Id.* at §102(c)(3)(D).

These include only offenses related to federal controlled substances, federal crimes of violence, federal human trafficking and smuggling.⁶⁵ These limited crimes are outdated and a relic of a misunderstanding of the type of criminal activity engaged in by street gangs. Additionally, the Secretary's inability to use any law enforcement database on gangs and gang members⁶⁶ ensures that, at most, this provision will capture the low-level associates that serve as buffers between the criminal activity and gang leadership.

The bill's treatment of expunged convictions also raises significant public safety concerns. Longstanding immigration law precedent dictates that the vacatur of a conviction will only be found to be not a conviction for immigration purposes if the vacatur was based on a procedural defect or substantive issue.⁶⁷ Vacaturs for the purpose of solely avoiding the immigration consequences of a conviction can still form the basis for removal.⁶⁸

H.R. 6 deliberately fails to make this distinction, and only defines a conviction as one that does not "include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent."⁶⁹ This will overburden the state courts as every potentially eligible alien will seek an expungement or vacatur of any conviction, free to argue that the basis is rehabilitative in nature. Activist state judges will likely rubberstamp these vacaturs, and we will be left a population of criminal aliens who are fully eligible for conditional permanent residence and beyond.

Title III of H.R. 6 includes documentation requirements aimed at providing guidance as to what documents may be used to establish identity, physical presence, entry, enrollment in higher education, hardship, etc.⁷⁰ While the list appears comprehensive, in numerous sections documentary requirements can be satisfied by at least two sworn affidavits.⁷¹ If enacted, I predict that the vast majority of documents received by DHS will be affidavits. These provisions invite fraud. Given the sheer numbers of aliens who will be filing for conditional permanent status, there will be no time for adjudicators to pore over each affidavit, which will lead to a new cottage industry among fraudulent document preparers. Simply put, fraud detection would be difficult and policing it is near impossible.

Fraudulent documents have always been a problem in the immigration system but when fraud of any type is detected, it is incumbent on those responsible for immigration enforcement to act. H.R. 6 repeats the mistakes of the past by including stringent confidentiality restrictions that would prevent any information about an alien in this new application from being shared

⁶⁵ See 18 U.S.C. 521 available at: [https://uscode.house.gov/view.xhtml?req=\(title:18%20section:521%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title18-section521\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:18%20section:521%20edition:prelim)%20OR%20(granuleid:USC-prelim-title18-section521)&f=treesort&edition=prelim&num=0&jumpTo=true).

⁶⁶ American Dream and Promise Act of 2021, H.R. 6, 117th Cong. §102(c)(3)(E) (2021).

⁶⁷ See *Matter of Adamiak*, 23 I. & N. Dec. 878 (BIA 2006).

⁶⁸ See *Matter of Pickering*, 23 I. & N. Dec. 621 (BIA 2003) (rev'd on other grounds).

⁶⁹ American Dream and Promise Act of 2021, H.R. 6, 117th Cong. §301(b)(2021).

⁷⁰ *Id.* at §307.

⁷¹ See *Id.* at §307(b)(17); See *Id.* at §307(g)(2)(C); See *Id.* at §307(g)(3); See *Id.* at §307(h).

with immigration enforcement officials or used to take immigration enforcement action. Ultimately, no information gathered could be used in removal proceedings, even if the alien were ultimately determined to be ineligible for the relief sought.⁷² Likewise, information gathered pursuant to DACA applications, and any administrative or judicial review is off limits.⁷³ Vague exceptions to identify and prevent fraudulent claims are unclear-- and therefore useless. Much like the 1986 amnesty, H.R. 6 will encourage hundreds of thousands of frivolous applications and the submission of fraudulent documents, and thereby overburden an already overburdened system.

Lastly, the judicial review provisions provide a truly unique burden on the federal courts. Under H.R. 6, the Secretary-- in his or her non-delegable discretion-- may provisionally deny an application. To do so, multiple notices must be sent to the alien and, after an opportunity for the alien to respond, if the Secretary stands by the denial, the alien may challenge the Secretary's determination in federal district court.⁷⁴

Additionally, an alien who is ultimately denied adjustment under these provisions may appeal to the federal district courts as well.⁷⁵ Even if only 10% of applications result in federal court review, the 667 federal district court judges nationwide would see an increase of approximately 400,000 new cases on their dockets.

Such an influx would cause disruption even if spread evenly, but the distribution will not be even in these cases. Due to migration patterns, certain courts are likely to see the bulk of these cases, thereby throwing certain district courts into chaos. It is also worth noting that aliens seeking review are afforded counsel appointed at government expense. This would overwhelm the federal court system, delay other cases filed in federal court, and impose significant costs on taxpayers and the public fisc.

CONCLUSION

H.R. 6 is the epitome of the wrong bill at the wrong time. With the immigration crisis growing daily, we need to ensure that the Department of Homeland Security is following the law, that procedures across ports of entry and Border Patrol sectors are consistent, and that enforcement measures remain intact and unimpeded by departmental memos aimed at contravention of the law and process. This bill will not alleviate the problems our immigration system is facing, but rather it will exacerbate them and ensure that we have a steady and heavy stream of migrants flagrantly violating our laws for decades to come.

Thank you for the opportunity to appear today, and I look forward to your questions.

⁷² *Id.* at §309.

⁷³ *Id.*

⁷⁴ *Id.* at §104(c)(3)(G).

⁷⁵ *Id.* at §306(b).

Opening Statement: Dr. Manuel Bernal Mejia

June 2021

Good morning Senators. My name is Dr. Manuel Bernal Mejia. Thank you for giving me the opportunity to share my journey of becoming an emergency medicine physician as an undocumented individual.

First, I want to make sure to thank Chair Durbin and ranking member Senator Grassley, as well as Senator Graham for introducing the Dream Act with Senator Durbin. I would also be remiss if I also did not thank Senator Blackburn for her service to my home state of Tennessee.

It is an honor to be with you all and share a bit of my story. Also, I want to recognize my sister Jazmin Bernal, who is with me today to share this special moment. My mother was 24 years old and my father was 27 when they made the difficult decision to leave everything known to them to come to the United States in search of a better life for their 2-year-old son. Little did they know their decision would lead to my career as an emergency medicine physician. Day after day, I provide critical care to save American lives on the frontlines of the pandemic, even as my own future in this country remains uncertain.

My memories of my birth country are shaped only by the family pictures that were shown to me as a child. To be honest, the United States is the only home that I know. Home is the beautiful state of Tennessee, where I grew up and had quite the average upbringing. As a kid, I was enrolled in way too many extracurriculars - from karate to swim team - all while living in blissful ignorance of the gravity of what it meant to be undocumented. It was not until I first attempted to obtain a driver's permit that I started to grasp the extent of the many barriers I would face as an undocumented person. Nonetheless, I forged ahead, diving into my studies to distract myself from what my undocumented status might mean for my future. I'm proud to tell you that I was one of 36 individuals accepted to the University Honors Program at the University of Tennessee at Chattanooga, where I eventually graduated *Summa Cum Laude*.

I developed an appreciation for the medical profession early on when I witnessed the compassionate care a loved one received at St. Jude Children's Research Hospital. This transformative experience served as my first true exposure to the field of medicine and helped me embrace the idea that my unique skill set and talents could be best utilized delivering medical care to others. In college, and later, as a medical student, I realized that a career in emergency medicine was the best avenue for combining my love for serving marginalized communities and pursuing medicine.

While in college, I had the unique opportunity to serve as a medical scribe for doctors in the ER of a small community hospital in Chattanooga, Tennessee. There, I worked side by side with Emergency Medicine physicians, and I eagerly absorbed as much as possible about serving ill patients. I saw firsthand the inherent vulnerability patients face in the emergency department, and how that vulnerability is exacerbated by language, cultural, and educational barriers. I observed the ER's role in the community as the access point to healthcare for people from marginalized communities. And all while my desire to become an emergency medicine physician grew stronger by the day, I knew that being accepted to medical school as an undocumented

student would be almost impossible. I spent endless nights drafting emails to numerous medical school deans inquiring whether my undocumented status would obstruct my dreams of matriculating into a medical school in the United States. Repeatedly, those conversations would end in disappointment. It seemed like my hopes of becoming a physician were getting further out of reach.

The DACA program changed everything and opened many new doors for me. Importantly, it allowed me to enroll at the Loyola University Chicago Stritch School of Medicine, where I eventually went on to graduate within the top third of my class.

Fast forward to today: I am now less than one week away from completing a 3-year residency training program specializing in emergency medicine. And while DACA has been a lifeline, only a pathway to citizenship granted by Congress would allow me the ability to live free from fear, safe with the knowledge that I can continue to serve my community.

As an ER doctor, I have taken care of patients at all stages of life - from delivering babies taking their first breath, to providing comfort care measures for dying patients during their last moments of life. I trained during the height of a global pandemic, taking care of a too-high-to-count number of critically ill COVID-19 patients, all while fearing the possibility of deportation because the previous administration was working relentlessly to dismantle DACA. I know that no protections are truly permanent, save for ones provided by legislation, which only you all have the power to grant.

I am honored to serve my community during this pandemic, and to help save lives at a time when our country has collectively experienced great loss -- even as I face my own uncertain future. And while it is true that most Dreamers are not doctors, we all contribute to this country in our own way. America is our home and on behalf of the millions of Dreamers living in the U.S. I ask that we be allowed to give back to our home permanently after being allowed to earn citizenship.

I've been offered a position as an attending physician in a hospital in Illinois where I will continue to serve the American people. While I know I'll work my hardest every day, only a pathway to citizenship will allow me to serve fully, and to continue my career as an ER doctor. I encourage the members of this committee to help ensure that young people like me, who have built our lives here, can contribute fully to the communities we know and love by passing a pathway to citizenship.

Thank you again for allowing me to share my story with you today.

Written Testimony of Leon Rodriguez
Co-Managing Partner, Seyfarth Shaw, LLP Washington, DC
Former Director, U.S. Citizenship and Immigration Services (2014 to 2017)
Before the Hearing of the Committee on the Judiciary
on the
H.R.6, American Dream and Promise Act of 2021
June 15, 2021

Chairman Durbin, Ranking Member Grassley, esteemed members of the Committee:

I sit before you today first and foremost as the grateful son of immigrants from Cuba who sought and were granted refuge here in the U.S., and in part as a grandson who never met his maternal grandfather because he died in his mid-50's before he could make it to the U.S. My grandfather was an advocate on behalf of refugees fleeing Europe during World War II and on behalf of others seeking to leave Cuba for the U.S. after Castro's dictatorship made life there untenable. He is one of my inspirations and through the example of his life story, a mentor. I also sit before you as former state and federal prosecutor, who has learned through on the ground experience, of the importance of making wise choices about how we prioritize the use of enforcement resources.

As this committee gathers to consider whether to move forward H.R.6, the American Dream and Promise Act of 2021, I take this opportunity to share a few lessons that I learned as a prosecutor, in my service as director of USCIS, and now as a law firm partner working with U.S. businesses seeking to optimize their pipeline of talent.

Most important of these lessons is that an enforcement-only approach to the situation of the long-term undocumented in the U.S. is unworkable, contrary to the interests of the American people, and an abandonment of our shared values. The DACA program has now been in effect for nine years, and has enabled more than 800,000 young people to work, study, build families and generally contribute to U.S. society. While there have been mistakes (that were corrected and/or addressed), the DACA population has been overwhelmingly law-abiding, economically productive and successful. Their contribution to the U.S. economy has been well-documented, as has been the potential detriment of their exit from the economy as workers and consumers. Along with the success stories we are hearing this morning, there are countless others.

The USCIS DACA processing operations that I oversaw were designed to effectively deny access to the program to those who had been engaged in criminal conduct or any other way showed themselves unworthy of participation under the DACA policy, and successfully did so time and again. I have every reason to think that that is no less true now than it was when I served as director.

DACA, however, has always been recognized as merely a stopgap measure, and I am here today to say that we are well past the time to implement a durable solution to the situation of the dreamers that enables them to fully contribute to U.S. society and to realize the full potential that follows from their having been educated in the U.S.

Similar equities apply to the populations now here under Temporary Protected Status. While many may have believed that when they were first granted TPS that they would one day return to their countries, their lives and more importantly their children's lives have now become established here and like the Dreamers, they have become a productive and law-abiding part of our society.

I have great confidence in the ability of USCIS to address the caseload that will flow from the Act's passage, including taking all necessary steps to ensure that each candidate is thoroughly screened to ensure that those who threaten public safety or national security do not win undeserved immigration benefits. This will be true at all stages in the process right up to moment that they are sworn as U.S. citizens.

I am also confident that USCIS has the capability to effectively process the rest of its caseload including temporary protected status requests, refugee and asylum applications, employment-based visas, green cards, naturalization, millions of cases each year. I have never been reticent about my admiration for the USCIS workforce; they represent the best of public service -- professional, faithful to law and filled with can-do spirit.

I have often said that every immigration file tells the story of a family seeking refuge from oppression or seeking a better future. Further delay in settling upon a path to citizenship for large groups of productive, hardworking people most of whom have been for quite a while, is no longer acceptable -- it is time to conclude the debate and settle upon a solution. Legislation like HR 6 is our way to stop missing opportunities to give full breath to the talent and energy that is right next to us and to stop mis-spending our resources on enforcement-only approaches that don't work.



Family Action Network Movement
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Testimony of Rony Ponthieux
TPS Holder
Family Action Network Movement

I want to start by thanking Senator and Chair of the Judiciary Committee, Dick Durbin, and his phenomenal staff for your leadership and this opportunity. Next, I would like to thank and greet Ranking Member Senator Chuck Grassley and the other important committee members.

My name is Rony Ponthieux, I'm a Haitian immigrant, a worker with Temporary Protected Status, a registered nurse and essential worker during COVID-19. I am also a member of Family Action Network Movement (FANM).

First of all, I would like to thank the Almighty for protecting me during the pandemic period. I would also like to send some words of comfort to those who lost their loved ones, a family member, or a friend. The fight against Coronavirus will be over soon, do not give up but be strong, and the best is yet to come.

I work at Jackson Memorial Hospital's COVID-19 battleground, where I save lives every day. I've been here for 22 years now, since 1999, and since 2006, I've been a nurse. I'm currently working for Jackson Memorial Hospital in a unit specialized for COVID-19. Again, I put my life in danger and on the line to save American lives.

The COVID-19 pandemic has impacted every level of the U.S. economy with unprecedented challenges. We are in a war. And the enemy is not another country. It is the virus -- the Coronavirus. Many TPS holders and Dreamers are healthcare providers, soldiers in this fight against COVID-19. I'm one of them. And I'm asking the U.S. government to permit me to remain here with permanent residency.

I came to the U.S. 22 years ago with my wife, Marjorie Ponthieux, and we have established our lives here. I was granted Temporary Protected Status (TPS) by immigration officials when the earthquake left Haiti in shambles a decade ago. Since we first came to the U.S., my wife and I have had two children, put ourselves through nursing school, and bought a house in Miami-Dade. My son, a U.S.-born citizen, is an E4 specialist in the Army. My family risks their lives for this country. So we have served this country and feel that we are Americans, but our immigration status has remained temporary.

Given the contributions of TPS holders to this country, I respectfully urge the U.S. Senate to support the Dream and Promise Act that includes a pathway to permanency for immigrant youth and Temporary Protected Status holders.

First, I respectfully request that nationals of a country that has or had a Temporary Protected Status designation be permitted to obtain permanent resident status. Over 55,000 TPS recipients are from Haiti. Currently, 14 percent of TPS holders live in Florida. More than 100,000 Haitian nationals will benefit from the 2021 designation of TPS for Haiti. Immigrants are an integral part of the country's diverse and thriving communities. We are members of organizations, neighborhoods, and work associations. We are the backbone of the country's recovery, and we are saving lives during the pandemic.

I speak for many TPS holders when I say that it would be extremely difficult for my family and me to be forced to leave after 20 years of living in the United States and return to a country in shambles. I have to think daily about saving lives and taking care of my family, but in addition to that, I have to think about the possibility of leaving the United States eventually if I am not granted permanent status.

Keep Families Together. TPS holders play an active role in our children's lives-- we attend the school meetings, recitals, and sports games. As of 2017, 273 thousand children have parents with TPS Status. Over 50 thousand of these children live in Florida. Help parents provide for their children and families. If permanency is not granted, our children would face serious risks. They would be forced to face separation from their parents or be forced to relocate to a foreign country. The fear of family separation and deportation of parents will cause long-standing traumas in the lives of our children.

Allow immigrants to contribute to the U.S. We make contributions that benefit all. Help beneficiaries of TPS continue contributing to our society and not be a burden to the Government. Permanent status will allow TPS recipients to be more productive, continue paying more taxes. They could get a higher education. We can make America a better place to live. We are workers, business owners, taxpayers. Thirty percent of TPS holders are homeowners who add to our local economies through sales and property taxes.

My message to this administration, the Government, and Senate is to think about fair treatment for TPS holders. Now is not the time to play politics- we need real solutions. We believe in

your compassion, your understanding, your good judgment, and, more importantly, your leadership. We believe you will make the Dream and Promise Act a reality. More than 300,000 TPS holders are waiting. More than 270,000 U.S born children are waiting.

Let's work together, Democrats and Republicans, to have immigration reform that will change the lives of millions. TPS recipients will keep their end of the bargain by working hard, paying taxes, contributing to build the social, economic, and political fabric of this great nation. It is time for Congress to do its part.

May God bless you, May God bless America.

Thank you very much.

**SENATE JUDICIARY COMMITTEE
HEARING ON H.R. 6
AMERICAN DREAM AND PROMISE ACT OF 2021**

**RESPONSES TO QUESTIONS FOR THE RECORD
PREPARED BY
JOSEPH B. EDLOW
FOUNDER, THE EDLOW GROUP LLC**

1. *Do you agree we should be providing a pathway to citizenship for those who assault law enforcement officers? What about those who commit child abuse, sexual assault, or violent assaults? What about gang members?*

We should not be providing pathways for those who that assault law enforcement officers, commit sexual and other violent assaults, child abusers, or gang members. While H.R. 6 ostensibly makes any criminal alien associated with these crimes ineligible for relief, the broad discretion exercised by the Secretary of Homeland Security plus a review and appeal process largely nullifies these public safety ineligibilities. Additionally, beyond the heinous crimes mentioned above, many criminal aliens convicted of crimes involving moral turpitude, drug crimes, smuggling offenses, and commercialized vice, including prostitution, would seemingly still be on a clear pathway toward citizenship under this bill.

2. *What could possibly justify allowing criminal illegal immigrants to receive a waiver from DHS to be eligible for the Dream Act?*

U.S. immigration law has long included waiver authority for certain criminal grounds of inadmissibility and removability. Most relevant to this discussion, the waiver authorized under INA Section 212(h) provides that aliens are eligible for a waiver of the grounds of inadmissibility for certain crimes of moral turpitude, a single offense involving 30 grams of less of marijuana, prostitution or commercialized vice offenses, or two or more crimes with an aggregate sentence of less than 5 years in two circumstances: 1) when the crime occurred more than 15 years ago (plus evidence of rehabilitation, and admission would not be contrary to public interest), or 2) if the removal would cause extreme hardship to a citizen or permanent resident spouse, parent, or child.

The waiver in H.R. 6 is a nondelegable discretionary function of the Secretary of Homeland Security and the timeframe for past conduct is either 5 years since a single misdemeanor offense or 10 years since two misdemeanor offenses. As a general principle, I disfavor this discretionary authority being delegated to the Secretary and even more

so when the standards are eased as compared to existing law. There may, however, be rare circumstances of a compelling enough nature that would warrant the use of a congressionally authorized and unambiguous waiver in this context. My expectation would be that it would be rarely utilized and only in the most exceptional of circumstances. As Secretary Mayorkas has abused his existing discretionary authorities and flagrantly disregarded statutory mandates, I would strongly caution against providing such a waiver with ambiguous standards to the DHS secretary.

3. *Please explain how the parents of Dreamers would be eligible to receive status under these proposals.*

While H.R.6 does not specifically provide a pathway for parents, once eligible aliens naturalize after going through the conditional permanent resident and permanent resident process, they would be able to sponsor their parents as immediate relatives. A parent's eligibility for status would depend on individual circumstances, whether that parent was in the United States, manner of entry if in the United States, and any accrual of unlawful presence.

4. *The whole premise of DACA is that we had kids brought to the U.S. by their parents and had no choice but to break the law. Why should we reward the parents who actively broke our laws?*

We should not be rewarding the parents and H.R. 6 should include a provision that specifically precludes parents of eligible aliens from obtaining immigration benefits as a result of the bill.

5. *How many parents could qualify for citizenship under these provisions?*

Again, there is no specific provision for parents within H.R. 6 but if a parent were eligible for permanent residence based on being sponsored by a child who obtained naturalization through this bill, that parent would eventually be able to naturalize in the normal course. The Migration Policy Institute estimated that approximately 4,438,000 aliens may be eligible for conditional permanent status under H.R. 6. This includes 393,000 aliens with Temporary Protected Status or Deferred Enforced Departure, 2,763,000 aliens who meet the age at entry and educational requirements and would be defined as "Dreamers", and 190,000 aliens who meet the age at entry and educational requirements and would be defined as "legal Dreamers." Of the latter two groups,

2,310,000 and 171,000 individuals, respectively, would likely be eligible for full permanent residency making them eligible for naturalization.¹ If this applicant pool of 2,481,000 individuals all naturalized and each had two parents that were eligible for citizenship, potentially 4,962,000 parents would indirectly qualify for immigration status pursuant to this bill. Of course, not all of those 2,481,000 will either apply to naturalize, will be eligible to naturalize, or will have two parents who will both be eligible for status. Conceivably, this number will range anywhere between the hundreds of thousands to millions, however.

6. *Isn't the point of DACA to address those with roots in the US? What is the logic of allowing someone who arrived in the country on January 1, 2021 to be eligible for citizenship?*

I cannot speak to the logic of this provision, but the effect of moving the entry date to January 1, 2021 would be to increase the applicant pool to significantly higher numbers than merely the DACA-enrolled population of 690,000 or even the unknown and oft-estimated DACA eligible population.

7. *What is the impact of not including a cap on the age of beneficiaries? How old could someone be and still qualify for citizenship?*

DACA was capped for aliens 31 years of age and older on June 15, 2012 but H.R. 6 has no age cut-off and no maximum age. An alien of any age may apply for benefits under this provision provided they are otherwise eligible. Effectively this means that anyone could avail themselves of the benefits in this bill if they are otherwise able to demonstrate that they meet the eligibility criteria. This would expand this bill into a broader amnesty program but is especially problematic as aliens are easily able to seek waivers for past criminal conduct and use any number of documents to establish eligibility. An age limit would have been one of the few criteria that would have been difficult to fake when presenting evidence. With that hurdle removed, H.R. 6 will usher in a new era of forged documents aimed at developing a record to otherwise establish that would be applicants are eligible for conditional permanent residency.

¹ See *American Dream and Promise Act of 2021: Who is Potentially Eligible?*, (Mar. 2021), available at: <https://www.migrationpolicy.org/content/american-dream-and-promise-act-2021-eligibility>.

Senate Judiciary Committee Hearing
“H.R.6, American Dream and Promise Act”
Questions for the Record
for León Rodríguez, former Director of U.S. Citizenship and Immigration
Services
Submitted June 22, 2021

LEON RODRIGUEZ RESPONSES TO QUESTIONS FROM SENATOR
WHITEHOUSE

1. During his testimony, Mr. Edlow cited statistics that show an increase in apprehensions of migrants along the southwest border by U.S. Customs and Border Protection in the past year. Mr. Edlow attributes the increase to the Biden administration “wag[ing] war on immigration enforcement.”

- a. What evidence is there that these immigration trends are connected to President Biden’s immigration policies?

Response: Mr. Edlow and I were testifying less than six months into the Biden administration, during the precise time period that the U.S. and the rest of the world was emerging from the most constraining restrictions and limitations of the COVID pandemic. Mr. Edlow was benchmarking the increase in apprehension against the last year of the Trump Administration, during which time the COVID pandemic, not the Trump enforcement-only approach to Central American migration, was causing the decrease in border apprehensions. Indeed, before that apprehensions were at high-levels notwithstanding the Draconian and brutal measures implemented by the Trump Administration.

- b. Based on your experience and expertise, what are the likely causes of these trends?

Response: The causes of the trends we were seeing at the time that Mr. Edlow and I testified and have seen since then are the same as they have been since the time we first saw increased migration from the Honduras, Guatemala and El Salvador – widespread violence in those countries, much of it gang-related – which violence local and national governments and law enforcement organizations have been powerless or unwilling to address. Honduras and El Salvador in particular have over years had among the highest homicide rates in the world.

- c. What long-term solutions could the federal government pursue to reverse these trends?

Response: Border enforcement seeks to treat the symptoms of the problems that I described above, it does not eliminate the true problems that have been driving migration. The United States can only truly reverse these trends by working with

regional partners and the governments of Guatemala, Honduras, and El Salvador needs to support honest local efforts strengthen the rule of law, eliminate corruption, promote effective and honest policing, and grow economic opportunity particularly for distressed populations.

- d. What should be the priority or priorities of the federal government to create a functioning, sustainable immigration system?

Response: The basic structure of our immigration systems is outdated and poorly suited to meet the needs of our thriving economy and to realize our values as a democracy built and grown by immigrants and their descendants, and as a beacon to the displaced. Using health care as an example, health care organizations are struggling to hire sufficient qualified and willing workers at all levels of their organizations, not simply in the M.D. ranks. While there are some pathways to bring M.D.'s and R.N.'s, the pathways for other types of workers are very limited and ultimately insufficient to meet the needs of our health care businesses. Indeed many of these are positions that could be filled by migrants from Central American and other parts of the world.

At the same time, our levels of refugee admission and other humanitarian immigration are sadly low when compared to the size of populations and our wealth as a country.

The reason these problems exist is that too much of our national conversation about immigration and of our operational changes to the immigration system have been focused on imagined threats posed by immigrants. Immigrants do not by and large displace U.S. workers, they do not pose a heightened public safety threat (indeed, most data suggest lower rates of criminality in immigrant communities), and they do not threaten to rip our social fabric, as I have heard some lawmakers suggest.

Instead, we need to develop numerical immigration benchmarks that truly reflect our significant workforce needs, promote economic development especially of distressed areas, and genuinely represent one of the world's largest and most populous countries doing its fair share to welcome persons displaced by persecution and other humanitarian crises. We also need to focus on modernizing immigration processing to make it efficient, economically sustainable and technologically current so as to make it easier not harder for immigrants to come to the U.S.

2. During the hearing, we heard repeatedly that Dreamers, TPS holders, and other immigrants pose a risk to our communities.
- a. Is there any evidence that immigrants make our communities less safe?

Response: NO! Notwithstanding attempts in certain quarters to reverse engineer data suggesting such heightened risk, criminal justice data clearly demonstrates the opposite.

- b. How do immigrants, particularly Dreamers and TPS holders, contribute to our economy?

Response: Given the high levels of employments both among DACA recipients and among TPS holders, there is no question that they contribute substantially to our economy. Conversely, their abrupt removal from the U.S. workforce could be nothing short of disastrous.

3. In his testimony, Mr. Elder alleged that the American Dream and Promise Act “creates blanket waivers for criminal aliens thereby allowing most criminal aliens to benefit.” Is that accurate? If not, why not?

Response: That’s an absurd statement – the bill adopts the existing inadmissibility categories in the INA and provides limited exceptions and waivers for certain misdemeanors. The notion that these exceptions and waivers amount to “blanket waivers” defies logic and is insulting to the public servants that would be administering the Act.



Statement for the Record
Senate Committee on the Judiciary
Full Committee Hearing on *H.R.6, The American Dream and Promise Act of 2021*
June 15, 2021

Workday appreciates the opportunity to provide a Statement for the Record for the Senate Committee on the Judiciary's full committee hearing focused on *H.R. 6, The American Dream and Promise Act of 2021*, highlighting the need for a statutory remedy for the Deferred Action for Childhood Arrivals (DACA) program, and fittingly taking place on the program's ninth anniversary.

By way of background, Workday is a leading provider of enterprise cloud applications for finance and human resources, helping customers adapt and thrive in a changing world. Workday applications for financial management, human resources, planning, spend management, and analytics have been adopted by thousands of organizations around the world and across industries—from medium-sized businesses to more than 45 percent of the Fortune 500.

At Workday, we hire and develop a diverse workforce, cultivate our employee-first culture, and are committed to inclusion, diversity, and acceptance for all. In support of our employees who benefit from the DACA program, we have consistently urged Congress to pass legislation that provides DACA recipients and Dreamers the permanent legal ability to live, work, and study in the U.S. as well as a path to citizenship.

Working towards a legislative solution to the persistent issues surrounding the DACA program is an important part of our public policy and advocacy work. Workday endorsed *The DREAM Act* re-introduced by the Chairman this Congress and is pleased the Supreme Court recently ruled in favor of the program. We also support the steps that the Biden Administration has taken to preserve the DACA program and are encouraged by passage of *The American Dream and Promise Act* in the House of Representatives with bipartisan support earlier this year. Despite these steps, the fate of the DACA program and with it the fate of DACA recipients is at risk and continues to reside in the courts. There is a pressing need for a statutory resolution.

Workday applauds the Judiciary Committee for holding today's hearing and highlighting the need to give DACA recipients and Dreamers the permanent protection they deserve. With that same goal, Workday will continue engaging with Congressional offices on both side of the aisle and working with our allies in the business community like BSA | the Software Alliance and the Business Roundtable as well as advocacy organizing like the National Immigration Forum toward growing support for a permanent legal status and path to citizenship.

For further information, please contact Chandler C. Morse, Head of North America Public Policy at chandler.morse@workday.com.



Statement for the Record
U.S. Senate Committee on the Judiciary

"H.R.6, American Dream and Promise Act of 2021"

June 15, 2021

Business Roundtable, which represents more than 200 Chief Executive Officers (CEOs) of the largest American companies from all sectors of the economy, appreciates the importance of this hearing and the interest of this Committee in reforming the immigration system and providing relief to Dreamers and Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) holders.

Business Roundtable CEOs lead America's largest companies, employing 20 million workers. Their companies' total value, over \$20 trillion, accounts for approximately half of the value of all publicly-traded companies in the United States. They spend and invest over \$7 trillion a year, helping sustain and grow tens of thousands of communities and millions of medium- and small-sized businesses.

As business leaders, we welcome the opportunity to work with Congress and the Administration to achieve bipartisan and practical solutions to fix our broken immigration system. Business Roundtable strongly supports modernizing the immigration system to create a healthy economy, reflect our values, and keep Americans safe.ⁱ Business Roundtable has conducted extensive research and released in-depth reports that examine immigrants' contributions to the American economy,ⁱⁱ compare U.S. immigration policies to those of other countries,ⁱⁱⁱ and propose realistic solutions for fixing the country's immigration system.^{iv}

We have long called for a permanent solution for Deferred Action for Childhood Arrivals (DACA) recipients, including a path to citizenship, as is included in the American Dream and Promise Act (H.R.6). We are also pleased to see provisions that would provide permanent legal status for TPS beneficiaries and DED holders. We urge lawmakers on both sides of the aisle to vote to move this legislation forward and to continue pursuing bipartisan reforms to the immigration system.

1. Dreamers make invaluable contributions to America and the country's economy.

Dreamers—who came to America as children and who know it as their only home—play a vital role in our economy and in our communities. These individuals are our employees, friends, and colleagues who have been in this country since childhood and know it as home.

Dreamers have been on the frontlines fighting the COVID-19 pandemic as health care workers, caring for our communities, and working in the disciplines and industries that will help America emerge stronger on the other side of COVID-19. An estimated 29,000 DACA recipients are frontline health care workers, with an additional 12,700 working in critical roles in the health care industry.^v More than 200,000 DACA beneficiaries have served as essential critical infrastructure workers during the COVID-19 pandemic.

As we work to reinvigorate the U.S. economy, we need their continued contributions as equal partners in the American story, and we urge Members on both sides of the aisle to vote to move the American Dream and Promise Act forward to help make that possible. Failure to act would have a significant negative impact on businesses that rely on employees who are here and working lawfully. Business leaders count on those employees to contribute to our enterprises, generate economic growth, and create more jobs for Americans.

2. The vast majority of Americans believe that standing up for Dreamers should be a priority.

Polling data has consistently shown that the vast majority of Americans favor granting permanent legal status to Dreamers.^{vi} American values of justice and fairness dictate that someone who was brought to the U.S. as a child and knows no other country should have those circumstances taken into account by Congress. Legislation to provide a path to citizenship for Dreamers has seen bipartisan support since the first DREAM Act was introduced in 2001.

Given their immense contributions to our communities and our economy, Dreamers should not be expected to continue living under administrative and judicial uncertainty. Congress must act to provide lasting relief and a path to citizenship for these individuals.

3. Congress must prioritize bipartisan and practical solutions to fix our broken immigration system.

The American Dream and Promise Act passed the House of Representatives with bipartisan support. Business Roundtable urges Congress to not miss this bipartisan opportunity and pass this legislation. Business Roundtable also recognizes the importance of other immigration issues, including challenges at the border. But a bipartisan, permanent solution for Dreamers is an essential step in a paving the way for further practical, lasting, and common sense solutions. Congress must create immigration policy around which America can move forward.

Once the American Dream and Promise Act moves forward, the Business Roundtable urges Congress to prioritize bipartisan and practical reforms to fix our broken immigration system and respond to the pressing challenges we face. We stand ready to work with Congress and the Administration to achieve these solutions.

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- ¹ Business Roundtable. (2019, December). A modern approach to U.S. immigration policy: CEO principles for making immigration work for America. Retrieved from <https://s3.amazonaws.com/brt.org/BRT-ImmigrationPolicy2019.pdf>.
- ¹¹ Business Roundtable. (2017, September). *Economic effects of immigration policies: a 50-state analysis*. Retrieved from <https://s3.amazonaws.com/brt.org/archive/reports/BRT%20Economic%20Effects%20Immigration.pdf>.
- Business Roundtable. (2014, June). *Contributing to American growth: the economic case for immigration reform*. Retrieved from https://s3.amazonaws.com/brt.org/archive/0_immigration_report/2014.06.06%20BRT%20Immigration%20Report.Contributing%20to%20American%20Growth.pdf.
- ¹¹¹ Business Roundtable. (2015, March). *State of immigration: how the United States stacks up in the global talent competition*. Retrieved from <https://s3.amazonaws.com/brt.org/BRT-immigrationreport-2.pdf>.
- ¹² Business Roundtable. (2013, April). *Taking action on immigration: realistic solutions for fixing a broken system*. Retrieved from https://s3.amazonaws.com/brt.org/archive/reports/20130405_Taking_Action_on_Immigration.pdf.
- ^v Center for American Progress. (2020, April). *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*. Retrieved from <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.
- ¹⁴ Pew Research Center. (2020, June). *Americans broadly support legal status for immigrants brought to the U.S. illegally as children*. Retrieved from <https://www.pewresearch.org/fact-tank/2020/06/17/americans-broadly-support-legal-status-for-immigrants-brought-to-the-u-s-illegally-as-children/>.



Robyn Boerstling

*Vice President
Infrastructure, Innovation and Human Resources Policy*

June 15, 2021

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

The National Association of Manufacturers believes legislation is the best way to ensure a permanent solution that offers certainty for Dreamers and participants in the Temporary Protected Status program. The U.S. Senate Judiciary Committee's hearing today on H.R. 6, the American Dream and Promise Act, is an important action welcomed by manufacturers to achieve a long-term solution for these populations facing ongoing uncertainty. The immigration system is broken, elected leaders have an obligation to fix the system and advancing Dreamer and TPS legislation would be a significant first step.

Manufacturers urged the House of Representatives to advance H.R. 6, the American Dream and Promise Act, and the House passed the legislation on a bipartisan basis on March 18, 2021. Manufacturers support the long-term solution which H.R. 6 provides by including a pathway to permanent status, and eventually citizenship, for eligible Dreamers and TPS recipients. Dreamers—individuals brought to the United States as children by their parents—continue to fear that they will lose the only home they have ever known. Individuals with TPS status participate in a long-standing humanitarian program designed to respond to global and regional challenges by allowing individuals to remain in the United States due to unsafe or unstable conditions in their home countries. In both cases, these individuals have often lived in the United States for decades and are integrated into communities and workplaces across the country. Their talents, hard work, desire for education and if serving, a willingness to wear the uniform of the armed forces are recognized by H.R. 6.

Today, on the nine-year anniversary of the Deferred Action for Childhood Arrivals (DACA) program, the Senate has an opportunity to find consensus to move forward on a legislative solution. Last week, over 30 manufacturing and local business organizations [called](#) for the Senate to advance legislation on Dreamers and TPS recipients. Manufacturers will stand by efforts that improve our immigration system, enhance border security and provide long-term certainty for these two populations.

The COVID-19 pandemic only brought into focus the importance of Dreamers, their contributions to our economy and the need for congressional action to ensure their future. Nearly one million Dreamers are working as essential workers on the frontlines for manufacturing supply chains, healthcare and medical research, and education. Ending the Deferred Action for Childhood Arrivals (DACA) program would have removed 27,000 frontline healthcare workers from our communities at the height of the pandemic.

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In addition to supporting solutions for Dreamers and TPS recipients, manufacturers believe that Congress must also act to bring larger reforms to our immigration system. The NAM's plan, "[A Way Forward](#)," is a reasonable and post-partisan proposal designed to address the challenges created by our current system and to fix those issues once and for all. Bringing meaningful reform to our immigration laws will make our economy stronger and our nation safer, and it will ensure we have an immigration system that reflects America's values.

Thank you for holding today's hearing. We look forward to working with you and appreciate your consideration of this important issue.

Sincerely,

Handwritten signature of Robert M. Borelli in cursive script.



Statement for the Record of

Candy Marshall
President

TheDream.US

For a Hearing from the Committee on the Judiciary

H.R. 6, American Dream and Promise Act of 2021

Tuesday, June 15, 2021

Dirksen Senate Office Building
Room 106

Washington, D.C. 20002

TheDream.US is the nation's largest college access and success program for DREAMers, undocumented young people who are eligible or would be eligible for relief under Deferred Action for Childhood Arrivals (DACA) or any variation of the Dream Act, and/or who have Temporary Protective Status (TPS) and came to the US before the age of 16. We believe that DREAMers should have the opportunity to realize the American dream of obtaining a college education and contributing to the prosperity of our nation. Working with our partners, we provide scholarships to highly-motivated DREAMers to help them pay for their college education.

Our approach is designed to scale and deliver relevant and sustainable impact. We partner with over 70+ colleges in 19 states and Washington, D.C., whose leaders are committed to addressing the barriers and challenges DREAMers face in getting into and through college. We are working to help over 7,500 highly motivated DREAMers graduate from college with career-ready degrees.¹ Approximately 1,700 undocumented students have graduated college—1,600 with a bachelor's degree—after receiving a scholarship from TheDream.US.

H.R. 6, the American Dream and Promise Act, would offer permanent protections for our current and future Scholars. In our 2021 Impact Report, we share that approximately 79% of our Scholars have DACA; 3% have TPS; and 18% are undocumented without DACA or TPS. This percentage will decrease each year as DREAMers “age out” of DACA. Among our newest cohort of incoming TheDream.US Scholars for the 2021-2022 academic year, only 23% report having DACA status.

Recent data from the Presidents' Alliance on Higher Education and Immigration and New American Economy estimates that 427,000 students in higher education are undocumented, 181,000 of whom either have or are eligible for DACA.² The Center for American Progress estimates that 131,300 TPS holders and 202,500 DACA recipients are currently working in essential industries on the frontlines of the fight against the COVID-19 pandemic.³ Likewise, 76% of our working graduate Scholars are currently employed in industries considered essential or frontline, and 72% of our graduates have immediate family working in essential or frontline industries.⁴ Undocumented students and essential workers need access to longer-term protections and a pathway to citizenship, which the American Dream and Promise Act offers to qualifying undocumented individuals, including DACA and TPS holders.⁵

The American Dream and Promise Act's pathway to citizenship is useful not only for preserving family unity and pursuing an education, but also for obtaining professional or occupational

¹ For up-to-date information about our work, see TheDream.US, <https://www.thedream.us/> (last visited June 13, 2021).

² Presidents' All. on Higher Educ. & Immigr. & New Am. Econ., *Undocumented Students in Higher Education: How Many Undocumented Students are in U.S. Colleges and Universities, and Who Are They?* (2021), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

³ Nicole Prechal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Ctr. for Am. Progress (Apr. 14, 2020, 9:05 AM), <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holder-providing-essential-services-coronavirus-crisis/>; Nicole Prechal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, Ctr. for Am. Progress (Apr. 6, 2020, 9:01 AM), <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

⁴ For the purposes of our report, “essential industries” include one of the following areas: childcare, education, financial services, first responders, foods and good provisions, healthcare and health services, information technology and communication, legal and social services, local government, manufacturing, public safety, shelter and housing, and transportation and logistics.

⁵ American Dream and Promise Act of 2021, H.R. 6, 117th Cong. (2021).

licensure. According to our data, 57% of our current Scholars and 21% of our graduates are pursuing jobs and careers that require licensure to practice, such as medical, legal, or engineering careers. If those Scholars can adjust status under the American Dream and Promise Act, then they will be eligible for professional licensing and will therefore be able to pursue lucrative and fulfilling careers that contribute to our communities. In fact, we recommend that Congress expand professional and occupational licensing to all immigrants with employment authorization, including all DACA and TPS holders.

The American Dream and Promise Act will enable undocumented students like our Scholars to study and work with a sense of stability and the ability to adjust status and, eventually, naturalize. We at TheDream.US call on Congress to pass H.R. 6 as swiftly as possible to offer permanent legal protections to these valuable students and members of our communities.



Statement for the Record of

Gustavo Torres
Executive Director

CASA

For a Hearing from the Committee on the Judiciary

H.R.6, American Dream and Promise Act of 2021

Tuesday, June 15, 2021

Dirksen Senate Office Building
Room 106

Washington, D.C. 20002

With more than 115,000 lifetime members, CASA is the largest immigrant organization in the Mid-Atlantic region. From offices in Maryland, Pennsylvania, and Virginia, and through emerging leaders across the country, our members and staff organize and win campaigns for greater immigrant, tenant, and workers' rights. We train students and parents to lead campaigns for better schools, reduced policing, and climate justice. We provide direct services, including employment placement; workforce development and training; health education; citizenship and legal services; and financial, language, and literacy training. Since our humble beginnings in 1985 assisting Central American refugees fleeing U.S.-sponsored wars abroad, we have worked tirelessly to bring immigrant communities into greater power and dignity.

The United States is home to approximately 11 million undocumented individuals,¹ including an estimated 636,390 Deferred Action for Childhood Arrivals (DACA) recipients² and approximately 320,000 Temporary Protected Status (TPS) recipients.³ Maryland, Pennsylvania, and Virginia are home to nearly 50,000 TPS holders from El Salvador, Honduras, and Haiti, the loss of whom would constitute an estimated annual \$2.8 billion in state GDP.⁴ Maryland, Pennsylvania, Virginia are also home to approximately 22,450 DACA recipients with a collective spending power of \$870.9 million.⁵ According to the Center for American Progress, approximately 131,300 TPS holders and 202,500 DACA recipients are currently working in essential industries on the frontlines of the fight against the COVID-19 pandemic.⁶ A total estimated five million undocumented individuals are currently aiding the battle against COVID-19 as

¹ *Profile of the Unauthorized Population: United States*, Migr. Pol'y Inst., <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US> (last accessed Apr. 26, 2021).

² Andorra Bruno, Cong. Rsch. Serv., R46764, *Deferred Action for Childhood Arrivals (DACA): By the Numbers* 9 (2021).

³ Jill H. Wilson, Cong. Rsch. Serv., RS20844, *Temporary Protected Status and Deferred Enforced Departure* 5 (2021).

⁴ CAP Immigr. Team, *TPS Holders in Maryland*, Ctr. for Am. Progress (2017), https://cdn.americanprogress.org/content/uploads/2017/10/19130127/101717_TPSFactsheet-MD.pdf?ga=2.268459064.835017063.1603740643-425139491.1551976331; CAP Immigr. Team, *TPS Holders in Pennsylvania*, Ctr. for Am. Progress (2017), https://cdn.americanprogress.org/content/uploads/2017/10/19130438/101717_TPSFactsheet-PA.pdf?ga=2.207550938.835017063.1603740643-425139491.1551976331; CAP Immigr. Team, *TPS Holders in Virginia*, Ctr. for Am. Progress (2017), https://cdn.americanprogress.org/content/uploads/2017/10/19130617/101717_TPSFactsheet-VA.pdf?ga=2.207550938.835017063.1603740643-425139491.1551976331.

⁵ Nicole Prchal Svajlenka, *What We Know About DACA Recipients, by State*, Ctr. for Am. Progress (Sept. 12, 2019, 9:00 AM), <https://www.americanprogress.org/issues/immigration/news/2019/09/12/474422/know-daca-recipient-s-state/>.

⁶ Nicole Prchal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Ctr. for Am. Progress (Apr. 14, 2020, 9:05 AM), <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>; Nicole Prchal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, Ctr. for Am. Progress (Apr. 6, 2020, 9:01 AM), <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

essential workers.⁷ Despite these individuals' vital contributions to our nation, due to existing barriers in our immigration system, as of July 31, 2019, only 76,000 DACA recipients have successfully adjusted status to lawful permanent residents (LPRs).⁸ Likewise, as of September 17, 2020, only approximately 82,000 TPS holders adjusted status to LPRs, and nearly 9,500 former TPS holders successfully naturalized.⁹ H.R. 6, the American Dream and Promise Act, provides much-needed protection and a path to citizenship for these essential members of our communities, and Congress must act swiftly to pass this key legislation.¹⁰

Take, for instance, our member Marilú. Twenty years ago, when she arrived in the United States at age thirteen with her father, Marilú believed that the United States would provide opportunities for her and her father that her native Mexico could not. Only a few years later, however, Marilú's father was deported, leaving her alone in the United States. She subsequently had to drop out of high school, inadvertently rendering her ineligible for protection under DACA. She has worked many jobs since then and now works as a waitress in Harrisburg, Pennsylvania. She and her husband are both considered essential workers and have risked their health and the health of their two children by continuing to work so that they can provide for their family. She says, "[I]mmigrant families have shown our worth and our love to this country by working in the hardest moments, by paying taxes every year, [and] by being an essential part of our communities." Marilú and the tens of thousands of individuals like her need Congress to pass H.R. 6.

Throughout the ongoing COVID-19 pandemic, undocumented individuals, including DACA and TPS holders, have put their lives on the line to ensure that we all still have access to essential services, ranging from healthcare to food. To promote equity for undocumented individuals throughout the United States, Congress must pass the American Dream and Promise Act of 2021.¹¹

⁷ Nicole Prchal Svajlenka, *A Demographic and Economic Profile of Undocumented Workers on the Pandemic's Front Lines*, Ctr. for Am. Progress (Feb. 18, 2021, 9:02 AM), <https://www.americanprogress.org/issues/immigration/news/2021/02/18/495992/demographic-economic-profile-undocumented-workers-pandemics-front-lines/>.

⁸ Andorra Bruno, Cong. Rsch. Serv., R46764, *Deferred Action for Childhood Arrivals (DACA): By the Numbers 20* (2021).

⁹ Lora Adams, TPS Advoc. Working Grp., *Pulling Back the Curtain: Analysis of New Government Data on Temporary Protected Status 36* (2021), available at <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/pulling>.

¹⁰ American Dream and Promise Act, H.R. 6, 117th Cong. (2021).

¹¹ *Id.*

PRESIDENTS' | ON HIGHER EDUCATION
ALLIANCE | AND IMMIGRATION



Statement for the Record of

Miriam Feldblum
Executive Director

Presidents' Alliance on Higher Education and Immigration

For a Hearing from the Committee on the Judiciary

H.R.6, American Dream and Promise Act of 2021

Tuesday, June 15, 2021

Dirksen Senate Office Building
Room 106

Washington, D.C. 20002

The nonpartisan, nonprofit Presidents' Alliance on Higher Education and Immigration brings college and university presidents and chancellors together on the immigration issues that impact higher education, our students, campuses, communities and nation. We work to advance just, common-sense immigration policies and practices at the federal, state, and campus level that are consistent with our heritage as a 'nation of immigrants' and the academic values of equity and openness. The Alliance is composed of over 500 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 43 states, D.C., and Puerto Rico.

Approximately 11 million undocumented individuals live in the United States,¹ including the estimated 427,000 undocumented students in higher education, 181,000 of whom either have or are eligible for Deferred Action for Childhood Arrivals (DACA).² Additionally, an estimated 98,000 undocumented students graduate from U.S. high schools annually.³ Under the Dream and Promise Act as written in 2019, an estimated 2.5 million individuals could benefit; given that the 2021 version raises the age of entry cut off, the total number the bill could protect may be even higher.

In addition to permanent protections and a pathway to citizenship, the Dream and Promise Act's repeal of IIRIRA § 505 will enable more students to access in-state tuition.⁴ Furthermore, the ability to adjust status will enable undocumented individuals to obtain professional and occupational licensure. This means that undocumented students will be able to pursue careers that fully utilize the skills that they acquire throughout their higher education and provide them with the ability to contribute to their communities. Occupational licensing is essential in allowing long-residing immigrant youth, students, and adult learners to fulfill their educational and employment aspirations, especially considering that over 1,100 professions (and about 25 percent of all workers) require licensing.⁵

There is strong bipartisan support for undocumented individuals across our nation, including for Congress to pass legislation establishing a roadmap to citizenship for Dreamers and, indeed, for all undocumented individuals to stay in the United States.⁶ In a February 2021 Quinnipiac poll, 83 percent of all Americans (and 66 percent of Republicans) favored "allowing undocumented immigrants who were brought to the U.S. as children to remain in the United

¹ *Profile of the Unauthorized Population: United States*, Migr. Pol'y Inst.,

<https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US> (last accessed Apr. 26, 2021).

² Presidents' All. on Higher Educ. & Immigr. & New Am. Econ., *Undocumented Students in Higher Education: How Many Undocumented Students are in U.S. Colleges and Universities, and Who Are They?* (2021), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

³ Jie Zong & Jeanne Batalova, *How Many Unauthorized Immigrants Graduate from U.S. High Schools Annually?*, Migr. Pol'y Inst. (2019), available at <https://www.presidentsalliance.org/migration-policy-institute-fact-sheet-on-number-of-dreamers-graduating-from-high-school/>.

⁴ American Dream and Promise Act of 2021, H.R. 6, 117th Cong. (2021).

⁵ For more information about access to professional and occupational licensing, see *Legislative Principles*, Presidents' All. on Higher Educ. & Immigr., <https://www.presidentsalliance.org/about/legislative-principles/> (last visited June 14, 2021).

⁶ Jens Manuel Krogstad, *Americans Broadly Support Legal Status for Immigrants Brought to the U.S. Illegally As Children*, Pew Rsch. Ctr. (June 17, 2020), <https://www.pewresearch.org/fact-tank/2020/06/17/americans-broadly-support-legal-status-for-immigrants-brought-to-the-u-s-illegally-as-children/>.

States and eventually apply for citizenship.”⁷ In fact, according to PRRI polling, support for allowing Dreamers to gain legal resident status has steadily increased over the years.⁸

As a coalition of presidents and chancellors from colleges and universities across the United States, we witness the daily contributions that undocumented students, including those with DACA and TPS, make to our campuses and communities, along with their commitment, resilience, and determination. These students are working diligently to advance themselves—including at the doctoral and professional degree level—notwithstanding the uncertainty they live with regarding whether they will be able to complete their education, much less start careers and families and make a life in the United States.

A long-broken immigration system, combined with the prior administration’s actions and continuing fallout from the pandemic, have made these students and their educational and life prospects even more precarious. This is an enormous loss for all involved—students and their families, colleges and universities, and the U.S. economy and society. The United States advances when we remain true to our heritage as a land of opportunity for those who dream of a better life for themselves and their children. Today’s undocumented and other immigrant students are resilient and talented. They are ambitious—for themselves and the world—and they deserve fair, forward-looking, and common-sense immigration practices and pathways. Their futures depend on it, and so do ours.

Indeed, U.S. higher education and our national economy need the contributions and talents of undocumented students and their families, especially with the 2020 census showing U.S. population growth at its slowest in generations, with more declines projected. Providing a pathway to citizenship for DACA recipients and other undocumented individuals will serve multiple purposes, including filling critical human resource and labor market needs in our communities and states.

Congress should support these undocumented students and other immigrants who contribute so much to our campuses, communities, and economy by supporting the Dream and Promise Act of 2021 and by pledging not to include enforcement provisions in the bill text. A permanent, legislative roadmap to citizenship will ensure that these students have the opportunity to access higher education and contribute to their fullest potential to the only nation many of them have ever called home.

⁷ Press Release, Quinnipiac Univ. Poll, 61% Optimistic About Next Four Years With Biden in Office, Quinnipiac University National Poll Finds; 68% of Americans Support the \$1.9 Trillion Stimulus Relief Bill (Feb. 3, 2021), https://poll.qu.edu/images/polling/us/us02032021_uszn68.pdf.

⁸ Robert P. Jones, et al., Immigration After Trump: What Would Immigration Policy That Followed American Public Opinion Look Like?, Pub. Religion Rsch. Inst. (2021), available at <https://www.prrri.org/wp-content/uploads/2021/01/PRRI-2021-Immigration-Post-Trump.pdf>.

**Statement for the Record
Congressional Hispanic Caucus Chair Dr. Raul Ruiz
Senate Judiciary Committee
Hearing on H.R. 6, the American Dream and Promise Act**

“On behalf of the Congressional Hispanic Caucus (CHC), I want to thank Senate Judiciary Committee Chairman Dick Durbin (D-IL) and Immigration Subcommittee Chairman Alex Padilla (D-CA) for holding a timely hearing on the American Dream and Promise Act. This hearing helps us move the legislation forward and brings us closer to permanently protecting millions of Dreamers, Temporary Protected Status (TPS) holders and Deferred Enforced Departure (DED) beneficiaries.

“Earlier this year, CHC Members Congresswoman Lucille Roybal-Allard (CA-40) and Congresswoman Nydia Velázquez (NY-7), as well as Yvette Clarke (NY-9) introduced the American Dream and Promise Act. The CHC endorsed and helped secure the House passage of the American Dream and Promise Act with bipartisan support.

“Dreamers, TPS holders and DED beneficiaries are serving our country everyday as essential workers. They are providing health care as doctors, nurses, and home health aides, and keeping health care settings safe and open as custodians, food servers, and administrative workers. Providing a pathway to U.S. citizenship for Dreamers, TPS holders and DED beneficiaries will help secure the health of our nation during the COVID-19 pandemic and lay the foundation for an equitable economic recovery.

“This bill will end the uncertainty Dreamers, TPS holders and DED beneficiaries continue to face and will enable them to contribute fully to the country they love and know to be their home.

“The Senate must act swiftly to pass the American Dream and Promise Act by any means necessary and send it to the President’s desk for his signature.”

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Written Testimony of
THE MOST REVEREND MARIO E. DORSONVILLE-RODRÍGUEZ
Auxiliary Bishop of Washington and
Chairman of the U.S. Conference of Catholic Bishops' Committee on Migration

For a Hearing of the
SENATE COMMITTEE ON THE JUDICIARY

"H.R.6, American Dream and Promise Act of 2021"
Tuesday, June 15, 2021, at 10:00 a.m.
Dirksen Senate Office Building, Room 106
Washington, D.C.

My name is Bishop Mario E. Dorsonville-Rodríguez. I am an auxiliary bishop of the Archdiocese of Washington and also currently serve as chairman of the U.S. Conference of Catholic Bishops' Committee on Migration (USCCB/COM). On behalf of USCCB/COM, I would like to thank the Senate Judiciary Committee, namely the Chair, Senator Durbin, and the Ranking Member, Senator Grassley, for holding this important hearing and for the opportunity to provide testimony.

We also take this opportunity to express our support and gratitude for ongoing efforts by members of Congress, especially those in the Senate, to achieve bipartisan cooperation on migration-related issues. It is our hope—and in the best interests of our country—that constructive dialogue and good-faith discussions will again become the norm, particularly when the lives and wellbeing of so many are at stake.

The Catholic bishops of the United States have long supported legislative relief for Dreamers,¹ Temporary Protected Status (TPS) holders, and Deferred Enforced Departure (DED) holders.² Earlier this year, we renewed our support for H.R. 6, the American Dream and Promise Act, the impetus for today's hearing.³ Through this testimony, I will provide a brief overview of our work serving migrants, with an emphasis on those populations at issue today, discuss the importance of a permanent solution for Dreamers and TPS/DED holders, while addressing some common misconceptions associated with legalization, and share our recommendations to Congress.

I. Catholic Social Teaching and the Work It Inspires

The work of USCCB/COM is aided by the USCCB's Department of Migration and Refugee Services (USCCB/MRS). USCCB/MRS works to advance our migration-related priorities, including advocacy and policy development toward the goals of humane and comprehensive immigration reform, just and proportionate immigration enforcement, and improved access to justice and due process for migrants and refugees fleeing persecution. Among its many activities, USCCB/MRS is also a long-standing government partner, providing support for and assistance to refugees, foreign national and U.S.-citizen human trafficking survivors, asylum-seeking families, and unaccompanied migrant children.

Our work assisting and advocating on behalf of migrants and refugees stems from the core Christian belief that every person is created in God's image and must be valued, protected, and

¹ Dreamers are young people who were brought to the United States without authorization as children by their parents or family members. Dreamers include those young people who have received Deferred Action for Childhood Arrivals, those who are eligible and did not apply for DACA, as well as other undocumented individuals of a similar age group who did not make the age cutoff for DACA (as they were slightly older or younger at the time). The Catholic Church advocates for permanent legal protection and a path to citizenship for all Dreamers, not just DACA recipients.

² TPS was established by Congress through the Immigration Act of 1990. TPS is intended to protect foreign nationals in the United States from being returned to their home countries if the home country became unsafe to return to during the time in which the individuals were in the United States. Countries are designated for TPS due to armed conflict, environmental disaster, or other extraordinary and temporary conditions. See 8 U.S.C. § 1254a. First used in 1990, DED is a discretionary and temporary stay of removal that is granted to individuals from certain designated countries. Nationals from a certain country are designated for DED by the President under his constitutional authority to conduct foreign relations. See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, ADJUDICATOR'S FIELD MANUAL, § 38.2, <https://bit.ly/35c5Vth> (last visited June 10, 2021).

³ Press Release, USCCB, USCCB President and Migration Chairman Welcome House Passage of Bipartisan Immigration Reform Legislation, Urge Swift Senate Action (Mar. 19, 2021), <https://bit.ly/3czYz7J>.

respected for the inherent dignity he or she possesses. We embrace the teachings of the Gospel as we advocate to address the root causes of migration, while simultaneously protecting those forced to migrate and ensuring the humane treatment of those migrants already living in the United States. In this context, we are especially mindful of Luke's Gospel, wherein Christ affirms the greatest of God's Commandments, immediately followed by the parable of the Good Samaritan.⁴ These theological imperatives are an integral part of our work as people of faith pursuing the common good. In our joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, the U.S. and Mexican Catholic bishops stated, "We judge ourselves as a community of faith by the way we treat the most vulnerable among us. The treatment of migrants challenges the consciences of elected officials, policymakers, enforcement officers, residents of border communities, and providers of legal aid and social services, many of whom share our Catholic faith."⁵ We are witnesses to the challenges facing migrants, not only at the U.S.-Mexico border, but in our country's interior. The way in which we respond to their needs is a testament to the authenticity of our convictions, both as Catholics and Americans.

Catholic teaching also recognizes the right of sovereign nations to regulate immigration: "Political authorities, for the sake of the common good for which they are responsible may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants' duties toward their country of adoption."⁶ However, this right must always be balanced with the equally important right to migrate, and the sanctity of human life remains paramount.⁷

Throughout his pontificate, Pope Francis has spoken extensively on the issue of migration and the Universal Church's commitment to an "ever wider 'we'."⁸ In his most recent encyclical, *Fratelli tutti*, the Holy Father highlights "the plea of the stranger" and the scriptural call "to recognize Christ himself in each of our abandoned or excluded brothers and sisters."⁹ He goes on to speak about the mutually beneficial nature of immigration, recalling a statement he made some years earlier: "Immigrants, if they are helped to integrate, are a blessing, a source of enrichment and new gift that encourages a society to grow."¹⁰

This need for integration is especially relevant to today's hearing because it refutes the creation of "second class citizens," whereby immigrants are denied full participation in society. The U.S. bishops emphasized this important point in 1986, when Congress passed the Immigration Reform

⁴ Lk. 10:25–37 ("You shall love the Lord, your God, with all your heart, with all your being, with all your strength, and with all your mind, and your neighbor as yourself.")

⁵ *Strangers No Longer: Together on the Journey of Hope*, no. 6, USCCB (2003), <https://bit.ly/3tErRc1>.

⁶ CATECHISM OF THE CATHOLIC CHURCH, no. 2241 (2d ed. 2000).

⁷ See Pope Saint John Paul II, *Evangelium vitae*, no. 101 ("It is impossible to further the common good without acknowledging and defending the right to life, upon which all the other inalienable rights of individuals are founded and from which they develop. A society lacks solid foundations when, on the one hand, it asserts values such as the dignity of the person, justice and peace, but then, on the other hand, radically acts to the contrary by allowing or tolerating a variety of ways in which human life is devalued and violated, especially where it is weak or marginalized. Only respect for life can be the foundation and guarantee of the most precious and essential goods of society, such as democracy and peace.")

⁸ Pope Francis, Message of His Holiness Pope Francis for the 107th World Day of Migrants and Refugees 2021, VATICAN (Sept. 27, 2021), <https://bit.ly/3vapn4R>.

⁹ Pope Francis, *Fratelli tutti*, no. 85 (Oct. 3, 2020) [hereinafter *Fratelli tutti*]; see also Mt. 25:35–46.

¹⁰ *Fratelli tutti*, *supra* note 9, at no. 135.

and Control Act (IRCA): “It is against the common good and unacceptable to have a double society, one visible with rights and one invisible without rights—a voiceless underground of undocumented persons.”¹¹

Dreamers and TPS/DED holders are our neighbors, parishioners, and—most importantly—fellow children of God. We as a Church have long advocated for their legal protection and full inclusion in the life of our country. The USCCB worked with members in the House and Senate on drafting the first versions of the DREAM Act in 2000 and 2001, and it has been calling for passage of such a measure ever since. Even as we welcomed the announcement of the Deferred Action for Childhood Arrivals (DACA) program in 2012, USCCB/COM noted that it was not a substitute for enactment of the DREAM Act or similar legislative protections.¹² We steadfastly believe that Dreamers need permanent legal protection, with a path to citizenship, enacted by Congress.

Similarly, for years, the USCCB has advocated for TPS for those seeking safety from the ravages of violence, environmental disasters, and other conditions. In fact, the USCCB worked closely with Senator Dennis DeConcini (D-AZ) and Representative Joe Moakley (D-MA) to support the statutory creation of TPS with the Immigration Act of 1990. Through its global presence and the work of Catholic Relief Services, the international humanitarian and development agency of the U.S. bishops, the Catholic Church has provided aid and ministered to those who have experienced firsthand the consequences of armed conflict, violence, and environmental disasters in their home countries. The Church consistently advocated for protection of foreign nationals living in the United States when Congress began debating the concept of temporary protected status in various forms during the 1980s.¹³

In addition to protecting those directly impacted by federal immigration law, the Church also views protecting Dreamers and TPS/DED recipients as protecting families—the building blocks of our society. Not only do Dreamers and TPS/DED holders deserve the opportunity to integrate into, and participate as full members of, our society, they deserve to stay with their families, which urgently depend on them. Dreamers and TPS/DED holders and their families should not face family separation. Family unity is vital for the wellbeing of our country, our Church, and our communities.

II. Dreamers

Knowing the many contributions of Dreamers to our nation, it was with extreme concern that we witnessed the previous administration’s attempt to terminate the Deferred Action for Childhood Arrivals (DACA) program in 2017.¹⁴ And while President Biden reversed this course on his first

¹¹ Don Kerwin, *Immigration Reform and the Catholic Church*, MIGRATION POL’Y INST. (May 1, 2006), <https://bit.ly/3eYKdyu>.

¹² Press Release, USCCB, Bishops Welcome President’s Deferred Action on Dream Eligible Youth, Urge Congressional Action on DREAM Act (June 15, 2012), <https://bit.ly/3vcrbKG>.

¹³ See Claire Bergeron, *Temporary Protected Status after 25 Years: Addressing the Challenge of Long-Term “Temporary” Residents and Strengthening a Centerpiece of U.S. Humanitarian Protection*, 2 J. ON MIGRATION & HUM. SEC. 22, 26–28 (2014).

¹⁴ Press Release, USCCB, USCCB President, Vice President and Committee Chairmen Denounce Administration’s Decision to End DACA and Strongly Urge Congress to Find Legislative Solution (Sept. 5, 2017), <https://bit.ly/3a6ngb3>.

day in office, we know that DACA youth continue to face great uncertainty. Furthermore, we know that many of the country's over 1.8 million Dreamers do not currently have formal DACA protection. For these young people, congressional action is the only solution.

We see and hear about this uncertainty every day in our dioceses and in our parishes. As a pastor, I have personally encountered DACA youth in the Archdiocese of Washington with impressive and inspiring stories. I have witnessed their tears and listened to their concerns not only for their individual futures but for that of their families as well. Many ask: What will happen to me? What will happen to my family? How could I leave when this is the only home I know?

Dreamers are educated, taxpaying individuals and valuable members of American families, our workforce, and our communities. They are contributors to our economy, academic standouts in our universities, and leaders in our parishes. For example, it's estimated that 1.3 million DACA-eligible individuals paid more than \$2.2 billion in federal taxes in 2017, on top of \$1.8 billion in state and local taxes.¹⁵ Meanwhile, it's been found that both DACA-eligible individuals and TPS holders had higher rates of entrepreneurship than similarly aged U.S.-born workers.¹⁶

Like their name implies, Dreamers are shining examples of those pursuing the American Dream. Providing Dreamers with a path to citizenship will advance the common good and allow these young people to reach their God-given potential, while also helping their families who depend on them. They have not only the support of the Church but a majority of Americans as well.¹⁷

Finding a solution for Dreamers is both the moral and common-sense path. On behalf of USCCB/COM, I urge Congress to give special attention to Dreamers and ensure that they have permanent legal protection that includes an expedited path to citizenship.

III. TPS and DED Holders

Over the past few years, we have also expressed deep concern over the prior administration's attempt to terminate TPS designations for many countries still grappling with the very same conditions that first warranted those designations, including El Salvador, Haiti, Honduras, and Nicaragua. These termination attempts left hundreds of thousands of individuals and their families in a state of uncertainty and fear. These terminations were subject to multiple lawsuits, but an estimated 320,000 TPS holders—some of whom have lived in the U.S. for over twenty years—faced potential loss of status and family separation.¹⁸ Therefore, TPS holders need a permanent legal solution that includes a path to citizenship, which Congress is empowered to provide.

¹⁵ *Overcoming the Odds: The Contributions of DACA-Eligible Immigrants and TPS Holders to the U.S. Economy*, NEW AM. ECON. (June 3, 2019), <https://bit.ly/2Svx4V0>.

¹⁶ *Id.*

¹⁷ See Jens Manuel Krogstad, *Americans Broadly Support Legal Status for Immigrants Brought to the U.S. Illegally as Children*, PEW RES. CTR. (June 17, 2020), <https://pewrsr.ch/3p9Z4sk> (“74% of Americans favor a law that would provide permanent legal status to immigrants who came to the U.S. illegally as children”).

¹⁸ Upon expiration or termination of a TPS designation, TPS beneficiaries return to the immigration status that they held prior to receiving TPS, unless that status has expired or the recipient has successfully acquired a new immigration status. TPS beneficiaries who entered the United States without inspection and who are not eligible for some other immigration benefit, for example, would return to being undocumented at the end of a TPS designation and become subject to removal.

Like Dreamers, TPS and DED holders are integral members of our country and our communities. Many own homes and businesses. Moreover, an estimated 130,000 TPS holders are classified as “essential critical infrastructure workers.”¹⁹ They are also members of our Church who worship, volunteer, and lead in their local parishes. Many TPS recipients have families in the United States, including over 273,000 U.S.-citizen children.²⁰ Again, we see the concept of family unity intertwined with these issues.

Recent redesignations of TPS for countries such as Haiti demonstrate the ongoing and serious challenges that first warranted humanitarian protection, making it incredibly difficult for those residing in the U.S. to return.²¹ This is especially true for those who have lived in this country for a decade or more, during which time they’ve put down roots.

For these reasons, it is equally important that TPS/DED holders be included, along with Dreamers, in a legalization effort, and we urge Congress to act accordingly.

IV. Common Misconceptions

Perhaps the most common misconception related to efforts that would provide legalization and a path to citizenship for undocumented immigrants (sometimes referred to as “amnesties”) is that doing so would encourage unlawful immigration. However, multiple studies analyzing unlawful migration flows following passage of the IRCA in 1986 contradict this assertion or else fail to support it.²² Rather, the primary drivers of migration are most directly associated with conditions in countries from which people migrate. This is the same conclusion reached by the Congressional Research Service: “Although motives vary by individual, difficult socioeconomic and security conditions—exacerbated by natural disasters and poor governance—appear to be the most important drivers of this mixed flow of economic migrants and asylum-seekers.”²³ Instead of relegating those already in the United States to the margins of our society or focusing solely on domestic enforcement measures, promoting integral human development to sustain rootedness in countries with outbound migration flows is far more likely to reduce migration.²⁴ In addition, efforts to provide legalization, including the American Dream and Promise Act, generally exclude recent unauthorized immigrants from legalization, so as to limit opportunistic behavior when addressing the inescapable reality of long-term, undocumented residents with established community ties.

¹⁹ Nicole Prchal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, CTR. FOR AM. PROGRESS (Apr. 14, 2020), <https://ampr.gs/3wjqO2f>.

²⁰ Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the U.S. Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. ON MIGRATION AND HUM. SEC. 577 (2017).

²¹ For a report detailing the findings of a USCCB/COM-led delegation to Haiti in 2017, see USCCB/COM, HAITI’S ONGOING ROAD TO RECOVERY: THE NECESSITY OF AN EXTENSION OF TEMPORARY PROTECTED STATUS (2017), <https://bit.ly/3zktXRp>.

²² See Alex Nowrasteh, *Do Amnesties Increase Unlawful Immigration?*, CATO INST. (Dec. 16, 2014), <https://bit.ly/3pL5wff>.

²³ PETER J. MEYER, CONG. RESEARCH SERV., IF11151, CENTRAL AMERICAN MIGRATION: ROOT CAUSES AND U.S. POLICY (Apr. 22, 2021), <https://bit.ly/3wfeKlQ>.

²⁴ See generally CATHOLIC RELIEF SERVICES, ROOTEDNESS TO PREVENT FORCED MIGRATION (2020), <https://bit.ly/3izchLB>.

Related to the previous misconception is that legalization would award those who “jumped the line” by entering the country unlawfully. However, the majority of undocumented immigrants in the U.S. first entered the country legally and have remained beyond the period they were authorized, such as those who overstayed their visas.²⁵ Meanwhile, most people seeking to enter the U.S. illegally are stopped,²⁶ and those requesting asylum—at the U.S.-Mexico border or elsewhere—have the legal right to do so under both domestic and international law. The idea that border security must be addressed before any legalization effort can occur fails to acknowledge these and other factors, such as inconsistent adherence to employment requirements, a wide range of obstacles hindering access to legal immigration, and the predatory practices of transnational organized crime. This is all the more reason that immigration reform needs to be comprehensive and address the wide range of issues plaguing our broken immigration system, rather than placing a disproportionate emphasis on domestic enforcement and deterrence, a strategy already proven to be counterproductive.²⁷ At the same time, the mere existence of these problems should not stand in the way of relief for Dreamers and TPS/DED holders who are deserving of legalization.

V. Recommendations

As the Committee and all of Congress work toward reform, we respectfully urge that any legislation passed:

1. **Protect all Dreamers and offer them a path to citizenship.** A legislative solution should address the entire Dreamer population, as there are many young people who were brought here as children but were prevented from obtaining DACA due to the program’s age cutoffs, filing fees, and other barriers. Additionally, most of these young people know the United States as their only home and should not be denied the opportunity to obtain U.S. citizenship and fully participate and integrate into American life.
2. **Provide a path to citizenship for TPS and DED holders.** A solution should ensure a path to citizenship for individuals who have personal equities that are closely associated with U.S. interests, such as U.S.-citizen children, businesses, and home mortgages.
3. **Maintain existing protections for unaccompanied children, asylum seekers, and family-based immigrants.** A solution for Dreamers and TPS/DED holders must not be achieved at the expense of other immigrant children and families. Such a trade-off would be untenable and contrary to the common good. We ask that you ensure any solution maintains existing protections for unaccompanied children and asylum seekers, as these protections help prevent trafficking and abuse, as well as ensure access to adequate care and due process. We also ask that you ensure that any solution for Dreamers and TPS/DED recipients, at a minimum, maintain existing avenues for family-based and diversity-based

²⁵ Sean McMinn & Renee Klahr, *Where Does Illegal Immigration Mostly Occur? Here’s What the Data Tell Us*, NPR (Jan. 10, 2019), <https://n.pr/356n1Jt>.

²⁶ Mark Hugo Lopez, Jeffrey S. Passel, & D’vera Cohn, *Key Facts About the Changing U.S. Unauthorized Immigrant Population*, PEW RES. CTR. (April 13, 2021), <https://pewrsr.ch/3gronUu>.

²⁷ See, e.g., *Three- and Ten-Year Bars: 5 Things You Should Know*, Fwd.us (June 18, 2019), <https://bit.ly/3pOOGAI> (discussing how the three- and ten-year bars for those who voluntarily depart after having been unlawfully present in the U.S. for an extended period of time have actually incentivized unlawful presence and discouraged the use of legal immigration).

immigration. Eliminating or reducing these avenues would be inconsistent with our values and encourage irregular flows of migration by people desperate to be reunited with close family members from whom they have been separated.

Conclusion

We appreciate the Committee's willingness to discuss these issues, and we encourage all members of Congress to work toward humane and just solutions for these valued members of our communities. As always, the Catholic Church stands ready to work with you in achieving these goals and will continue to stand in solidarity with our migrant brothers and sisters.



June 14, 2021

Senate Judiciary Committee
224 Dirksen Senate Building
Washington D.C., 20510

Chair Durbin, Ranking Member Grassley, and members of the committee,

On behalf of the American Business Immigration Coalition (“ABIC”), our board members John Rowe, Chairman Emeritus of Exelon Corporation, William C. Kunkler III, Executive Vice President of CC Industries, Mike Fernandez, Chairman of MBF Healthcare Partners, Woody Hunt, Senior Chairman and Board of Directors, Hunt Companies, Inc. and ABIC’s 1200 CEOs and business associations across 15 states we write to share our support for H.R. 6, DREAM and Promise Act of 2021. This legislation would bring certainty to both immigrants and employers, including Dreamers, TPS holders, and children of H-1B holders who are aging out of status, so that our economy can rebuild and recover from the pandemic. Especially to DREAMERS with DACA whose lives hang in the balance as we await a decision from a Texas Federal District Court on the future of the Deferred Action for Childhood Arrivals Program (“DACA”).

ABIC is a national coalition that promotes sensible immigration reform which supports the economy of the United States, provides American companies with both the high-skilled and low-skilled talent they need, and allows the integration of immigrants into our economy as consumers, workers, entrepreneurs, and citizens. ABIC has 15 state chapters - in Texas, Florida, North Carolina, South Carolina, Illinois, Maine, the Intermountain region which includes Arizona, Utah, and Idaho, Massachusetts, Wisconsin, Nevada, New York, California, Colorado. Our partners include more than 1,200 large corporations, family-owned businesses, chambers of commerce, industry and professional associations, universities, hospitality, and healthcare providers.

Passing the DREAM and Promise Act of 2021 is critical to rebuilding our local and national economies, as well as strengthening and expanding our workforce as companies struggle to fill jobs. According to data from the New American Economy, the DREAM Act would inject \$329 billion into the U.S. economy and create 1.4 millions jobs by 2030. This legislation will further stimulate the economy by creating \$5.6 billion in state and federal income tax revenue and \$4.6 billion in federal business tax revenue.

Passing the DREAM Act can help individuals like Angel Rodriguez, an undocumented student at the University of Houston. He came to the U.S. with his family from Coahuila, Mexico when he was 8 years old. Angel obtained a scholarship from Dream.usto attend college, where he is a rising sophomore and

will be majoring in nursing to help people who are uninsured and struggle with medical expenses, like his undocumented parents. He was offered a paid internship at Parkland Hospital in Dallas but had to turn it down because the hospital asked him for a social security number that he does not have. Angel would have qualified for a social security number and a work permit if he was eligible for DACA except for the fact that he arrived in the U.S. three years past the cut off date to qualify for DACA. However, passing the DREAM Act would open doors for Angel and change his life forever.

Failing to provide permanent protections to individuals with Temporary Protected Status (TPS holders), the economy would stand to lose \$45.2 billion in GDP over the next decade by vanishing this group from the national workforce. This is in addition to the \$6.9 billion in Social Security and Medicare contributions. Even more significantly, our businesses large, small, and family-owned would have to foot the over \$950 million in turnover costs. **We do not need to punish employers and dreamers anymore, we need Congress to act and help businesses and our economy recover and thrive.**

On behalf of the American Business Immigration Coalition, our board members, business members and partners, we urge you to support H.R.6, the DREAM and Promise Act of 2021.

Sincerely,

Rebecca Shi, Executive Director
American Business Immigration Coalition

John Rowe, Chairman Emeritus, Exelon Corporation
Co-Chair, American Business Immigration Coalition

William C. Kunkler III, Executive Vice President, CC Industries
Co-Chair, American Business Immigration Coalition

Carole Segal, Co-Founder, Crate and Barrel
Co-Chair, American Business Immigration Coalition

Josh Hoyt, Former Executive Director, National Partnership for New Americans
Co-Chair, American Business Immigration Coalition

Raul Raymundo, CEO, The Resurrection Project
Co-Chair, American Business Immigration Coalition

Mike Fernandez
Chairman, MBF Healthcare Partners

Paul DiMare
President, DiMare Distribution

Lester Crown
Chairman, Henry Crown and Company

Mike Kaplan

President & CEO, Aspen Skiing Company

Penny Pritzker

Founder & Chairman of PSP Capital

Former Secretary of Commerce

James Crown

President & CEO, Henry Crown and Company

Allan Bense

Chairman, GAC Contractors

Former Speaker of the House, State of Florida

Former Chairman of the FL Chamber of Commerce

Chairman, Florida State University

Cesar Alvarez

Chairman, Greenberg Traurig

Glenn Tilton

Former Chairman, United Airlines

Sam Scott

Former Chairman, Ingredion Incorporated

Norman Braman

Chairman and CEO, Braman Motor Cars

Melody Hobson

President, Ariel Investments, LLC

Woody Hunt

Senior Chairman, Board of Directors, Hunt Companies, Inc.

Bob Page

Founder & CEO, Greensboro, North Carolina-based Replacements, Ltd

Hugh McColl Jr., Former Chairman and CEO of Bank of America

Dr. Mohammed Zaher Sahloul, President and Partner, Pulmonary Consultants, SC

Bob Worsely, Founder, SkyMall, Former Republican member of the Arizona Senate

Martin Eakes, Chief Executive Officer, Self-Help/Center for Responsible Lending

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June 14, 2021

The Hon. Richard Durbin
 Chair, Senate Judiciary Committee
 152 Dirksen Office Building
 Washington, DC 20510

The Hon. Charles Grassley
 Ranking Member, Senate Judiciary Committee
 224 Dirksen Office Building
 Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Members of the Committee,

On behalf of the Anti-Defamation League, I write to share our strong support for the American Dream and Promise Act, and our recommendation that this Committee advance this critical legislation toward enactment.

The Anti-Defamation League was founded in 1913 to combat antisemitism and all forms of hatred and bigotry. Our advocacy efforts over the past century have consistently drawn inspiration from Jewish people's history and contemporary experiences of migration, often under duress. We have opposed and called upon our nation's leadership to avoid repeating those instances in which we failed to provide refuge to people fleeing danger – as when the U.S. refused to admit more than 900 Jewish refugees traveling on the SS St. Louis in 1939 – as well as the times when we betrayed our principles by injecting bias into the immigration system, or by relying on overly restrictive and unforgiving rules to turn away or deport qualified immigrants with strong ties to our country. ADL believes in inclusive policymaking that unites people from diverse backgrounds, and works to enact just and humanitarian immigration law.

These values compel us to endorse the American Dream and Promise Act and to call for swift adoption of pathways to citizenship for beneficiaries of the Deferred Action for Childhood Arrivals program and Temporary Protected Status designations. Both programs have been extremely successful in extending opportunity to deserving individuals who have built lives and livelihoods in the U.S., formed American families, and made the nation much more secure and prosperous than it would have been without their contributions.

Approximately 800,000 individuals who were brought to the U.S. as children – whose undocumented status was no fault of their own – have been granted deferred action since the Obama Administration instituted DACA in 2012. Their achievements, and those of other young immigrants not eligible for this protection, are notable: for example, as of 2017, an astounding 91 percent of DACA recipients were employed, and 45 percent were then in school, with 72 percent of those students pursuing a bachelor's or graduate degree. The enormous benefit that these individuals' presence among us imparts has been spotlighted during the pandemic. Experts estimate that around 200,000 DACA recipients are essential workers, and about 27,000 work in health care and have served on the front lines of the war against COVID-19.

Like DACA recipients, many beneficiaries of Temporary Protected Status have been integral and valued members of their communities in this country for decades. More than 400,000 people hold TPS today, according to estimates, and most are people who have resided in the U.S. since conflict rendered their countries of origin unsafe in 1999 and 2001. As is true of DACA beneficiaries, a strong majority of 88.5 percent of TPS holders are employed, according to a 2017 survey. Recipients of this protection from just three of the 12 nations whose citizens may be eligible – El Salvador, Honduras, and Haiti – will contribute an estimated \$6.9 billion in social security and Medicare taxes on income to our public welfare over the course of a decade. TPS beneficiaries are also parents of more than 270,000 U.S. citizen children, to date.

In light of the many important roles that DACA and TPS recipients play in the lives of millions of family members, employers, employees, friends, neighbors, and other Americans who benefit from their presence, it is not surprising that overwhelming majorities support provisions like the American Dream and Promise Act, that would extend the opportunity to earn U.S. citizenship to these deserving individuals. For example, a February 2021 Morning Consult/Politico poll found that by a 60-24 percent margin, voters favored citizenship measures in immigration legislation, and in surveying conducted for FWD.us and America's Voice during the same time frame, respondents asked whether the law should offer a pathway to citizenship or require deportation of undocumented residents preferred citizenship by a 79-21 percent count.

While we appreciate and celebrate the accomplishments and contributions of our loved ones, friends, and neighbors who have benefitted from the DACA and TPS programs, ADL is extremely concerned that even after as much as decades of dedication to creating a life in this country and to enriching our economy, society, and culture, most DACA and TPS recipients have not been able to pursue U.S. citizenship and the stability and opportunity it provides. U.S. citizens enjoy an added confidence when founding a business, buying a house, or investing in building community institutions and relationships that people with only temporary authorization to live and work in our country do not. Their earnings are on average greater than those of non-citizens, therefore they contribute more to public coffers as well as to private commercial activity.

The permanent place in this country that so many could access with the passage of the American Dream and Promise Act would further empower a talented, industrious, and patriotic group of as many as 4 million beneficiaries to thrive, and in so doing, would serve the best interests of every American. Just as importantly, enactment of this legislation honors the convictions that animate ADL: we are called by Jewish tradition, and as beneficiaries ourselves of the opportunity that an open and democratic United States has given to so many, to embrace equally all of our neighbors with whom we share responsibility for our collective health, welfare, and defense; and to preserve the bonds of family and community through which we work and grow together.

Recipients of DACA and TPS protections, and others like them who would be eligible for permanent status pursuant to the American Dream and Promise Act, have waited far too long for the chance that we are so justifiably proud of extending to any other long-term immigrant resident of our country, to earn citizenship and the rights and responsibilities that come with it. ADL urges you not to delay any longer, and to advance this worthy legislation with the unanimous support it deserves.

Thank you for your consideration of the American Dream and Promise Act and these views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Sevilla', written over a horizontal line.

Max Sevilla
Vice President, Government Relations, Advocacy, and Community Engagement

AFL-CIO

STATEMENT FOR THE RECORD

Senate Judiciary Committee
HEARING: American Dream and Promise Act of 2021
Tuesday, June 15, 2021

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is a federation of 56 unions that represents 12.5 million working people. We strive to ensure that every person who works in this country receives decent pay and benefits, safe working conditions, fair treatment, and full due process. Our members work in every state in the union and every sector of the economy, and come from every region of the world. We represent working people with every type of immigration status, including undocumented workers, guestworkers, asylum seekers, refugees, legal permanent residents and citizens. It is their needs and realities that inform our statement for this hearing.

The COVID-19 pandemic has shone a light on structural failings that the labor movement has long fought to address. Too many people are forced to work outside of the formal economy, denied the right to join a union, and misclassified, with no access to health care coverage and the social safety net. The pandemic also has revealed the systemic undervaluing of work now understood to be essential for our survival. Much of this frontline work is performed by people of color who confront issues of structural racism, and many of whom also face threats from our inhumane immigration system.

Now is the time to address these core failures and build back better. Infrastructure investment, good jobs, worker voice and a cleaner planet are things we should all agree on—and so is an immigration system that honors workers, families and our nation's history. America's labor movement is fiercely committed to transforming the lives of working people through bold, structural changes that remove all barriers to the right to organize. We have got to finally get meaningful immigration and labor law reforms over the finish line, and we cannot do that without this Senate action.

We have a long way to go to achieve fairness in our immigration, economic, and justice systems, and the current crises have created both an opportunity and a mandate to make important strides forward. As a core part of our Workers First Agenda, America's unions renew our call to make the global economy work for working people and build a more just immigration system. The AFL-CIO urges Congress to enact a broad path to citizenship for all of the millions of people whose labor helps our country to prosper and to reject efforts to exclude, criminalize and disempower our nation's workers. We have put forward concrete proposals to keep all workers safe amidst the pandemic and reform systems that, for too long, have allowed a subclass of exploitable workers.

American Federation of Labor and Congress of Industrial Organizations

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RICHARD L. TRUMKA
PRESIDENT

ELIZABETH H. SHULER
SECRETARY-TREASURER

TEFERE GEBRE
EXECUTIVE VICE PRESIDENT

Now is the time to rebuild the safety net and ladders of opportunity for everyone who lives and works here, and that cannot be done without reforming our immigration system. In order to spur a just recovery, Congress must act swiftly to enact a pathway to citizenship, including the Dream and Promise Act. Advancing an inclusive, practical and swift adjustment of status program will help raise labor standards for all workers and generate inclusive growth. It will also help correct the unjust treatment of frontline workers and close racial wage gaps.

House passage of the Dream and Promise Act was a milestone for our country that showed that we can expand rights and protections for millions of people without tradeoffs that escalate fear and treat workers as disposable commodities. Recipients of TPS (Temporary Protected Status,) DACA (Deferred Action for Childhood Arrivals) and DED (Deferred Enforced Departure) help to build, feed, serve, educate, and care for our nation, and putting them on a well-earned path to citizenship will benefit our entire workforce. We urge the Senate to use any means possible to advance the Dream and Promise Act, which will help to catalyze broader gains for working families.

While we push to enact a broad path to citizenship, America's unions remind lawmakers that significant work is also needed to make our labor laws and our labor migration pathways more just. This is why we are calling for immediate passage of the Protecting the Right to Organize (PRO) Act, and renewing our call to reform, rather than expand, our exploitative work visa programs in order to ensure full rights and protections for everyone in our workforce.

As currently structured, our guest worker programs serve to create an on-demand, captive and disposable workforce that is entirely disenfranchised. This not the future of work people in your states need or deserve. Rather than empowering working people, these programs are designed to do quite the opposite—keep us divided and poor.

Any time we have tiered rights for workers, we all lose. So we don't want to see any expansion of programs that fuel occupational segregation, particularly in this economy where women, immigrants and workers of color have already suffered disproportionately. What we should do now is reform abusive programs like H-2B and H-1B visas, and we thank the Chairman of this committee for his tireless leadership on this issue, as well as the Dream Act.

Given the long history of challenges in passing meaningful immigration bills through Congress, we urge Senators to utilize any and all strategies possible to get overdue reforms across the finish line. We also urge you to join our calls for the Biden Administration to take immediate and assertive steps to ease the suffering in our workplaces and communities while legislation moves forward.

The right way to use immigration policy to boost wages is by expanding rights and ensuring that all working people—regardless of immigration status—have access to the full protection of labor and employment laws. Immigration enforcement must complement, rather than conflict with, a strong, well-resourced and effective system of labor standards enforcement. Our policies must

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remove barriers to freedom of association and prevent the threat of deportation from being used as a weapon to keep working people from asserting their rights on the job or demanding safe and just treatment. As corporations continue to push for immunity from obligations to protect their workforce and customers, the corrective power of collective worker action to check corporate greed takes on elevated societal significance. Creating a process to extend deferred action protections to brave workers who take a stand to demand workplace safety, fairness and justice will help protect us all.

As many politicians attempt to use the heartbreaking realities at the border to block a constructive immigration agenda, we must not be misled. Frightened families and children showing up and asking for our help because they aren't safe in their countries is not a threat to our security. Border flows are cyclical and we need to find real solutions to these complex issues.

The fear mongers want us to be afraid *of* children and families at the border, when the truth is we should be afraid *for* them. Now is the time to step up and restore our humanitarian systems because that is what strong nations do. We urge the Biden administration to deliver on ambitious refugee resettlement numbers and announce TPS designations for Cameroon, Mauritania, and all the Central American countries devastated by the recent hurricanes.

The pandemic made clear just how interconnected we are as it threatened everyone in our country and around the globe. Working people are all in this together, and we need our government's response to reflect that reality. We renew our call for an inclusive response to these health, economic and racial justice crises that puts workers first. Enacting a broad and inclusive pathway to citizenship is necessary to remediate long standing injustice and exploitation, and will also reap broad benefits for our economy and our democracy. We cannot have a just recovery while we maintain a workforce with tiered rights, so we urge Congress to take swift and decisive action to extend permanent protections to all working families.

As you work to pass an infrastructure package, know that building back better and passing the PRO Act are our top priorities. We want the jobs created by this investment to be good jobs—jobs where workers have a voice and earn living wages. We also want all the working people in our country to be able to access these jobs, rather than continuing to be misclassified and forced into the informal economy.

So make no mistake: these issues are all connected. We rely on workers to keep our workplaces safe and fair—not just to do the work, but to enforce the labor laws that protect us all. The labor movement will continue to mobilize to ensure that all workers have the status to assert our rights on the job and in the community. The best way to strengthen our democracy and our economy is by empowering workers, and that should not have any exclusions.

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Successive waves of immigrants and refugees have always helped to build, serve, and feed our nation. Today is no different. These pathways are a source of strength and vitality for our country, our workforce and our unions.

Immigration is key to creating economic growth, but we need that to be sure that growth is inclusive and lifts all boats, which is why we need good jobs and enforceable rights for everyone who lives and works here. Now is the time to get immigration and labor law reform done, so let's work together to do it.

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**United States Senate Judiciary Committee
Hearing on H.R. 6, American Dream and Promise Act of 2021**

**Written Testimony of Reyna Montoya
Founder/CEO/Board Member of Aliento**

June 15, 2021

Chairman Durbin, Ranking Member Grassley and Members of the Committee.

Thank you for the opportunity to provide testimony to the Committee and the American people.

I am the Founder/CEO and a Board Member Aliento, a community organization headquartered in Phoenix, Arizona that is DACA, undocumented and youth-led.

We invest in the well-being, emotional healing and leadership development of those impacted by the inequalities created by the lack of recognition through our country's immigration system.

Aliento strongly supports H.R. 6 and is tremendously grateful for Chairman Durbin's unwavering and relentless pursuit of a pathway to citizenship for Dreamers.

We applaud the original House Sponsors of H.R. 6, Speaker Pelosi for ushering it through the House and for the bipartisan support it received in that Body. We greatly appreciate the monumental tasks before Congress this Session and before this Committee, in particular. This specific legislation, though, is long overdue, first introduced twenty years ago by you, Chairman Durbin.

It is never the wrong time to do the right thing.

From the beginning, Dreamers legislation has been bipartisan because there is nothing gained by partisanship when it comes to citizenship for so many youth who only know America as their home and exemplify such drive to contribute to its future.

Dreamers are America – we are doctors and nurses, we serve in the military, we are teachers, we are engineers, we work in our farm fields, to name a few.

Chairman Durbin, your leadership and commitment instills hope to Dreamers who contribute to America in so many ways and want to give back to our country but are blocked by their status.

We are a diverse group from a number of countries, cultures and backgrounds. We are American in every respect but our paperwork.

My Background – A Story Repeated Amongst Dreamers

I have been an advocate for immigrant rights and legal reform since 2010 and have personally petitioned the United States Congress over the years to pass immigration reform and take the necessary steps to protect the millions of undocumented individuals, over half of which are youth and children.

In Arizona I worked to defeat SB 1070, one of the most anti-immigrant bills in the country. From there I led a youth volunteer effort to recall the sponsor of SB 1070, Arizona State Senator Russell Pearce, galvanized from a conversation with my family as to what would happen if one day my parents did not come home. If that event were to occur, I would immediately be forced to act as the legal guardian of my two younger siblings.

My life and journey is like so many other Dreamers. I was born in Tijuana, Mexico. In 2003 my parents fled violence specifically directed at them for calling out government corruption. Had we not moved to Nogales, Sonora and right after to Mesa, Arizona, we now know that my father would have been murdered in Mexico for standing up.

I was inspired to become a youth advocate for immigrant rights when I overheard disparaging and disheartening comments uttered about undocumented families at a political fundraiser by a speaker who was strangely quoting Mother Teresa during

the same remarks. I believe my faith compelled me to share my story as a Dreamer to bridge the gap of understanding and the complexity of why families are so compelled to migrate under the most treacherous and dangerous circumstances.

That circumstance led to my advocating for immigration reform in Congress and defeating those in Arizona who were demonizing undocumented individuals and families.

In 2013, I was the lead organizer in preventing an immigration bus filled with undocumented immigrants from in the process of being deported from Phoenix, Arizona.

In 2014, I joined Teach for America teaching high school English, Spanish, Philosophy and Dance. My assigned school is in South Phoenix where 95% of the students are Latino and 65% are free or reduced lunch eligible.

Aliento – Of Dreamers, For Dreamers

In the summer of 2016, I founded Aliento to support the 6.5 million undocumented youth and children of immigrant parents through arts and healing programming, leadership development and advocacy.

Aliento's vision is to create a place where human potential is nurtured and not defined by one's immigrant status. We transform trauma into hope and action for undocumented, DACA and mixed immigrant status families.

Aliento has engaged over 50,000 people in the last five years, alone. Our goal is to continue to invest in tomorrow's leaders. Aliento has supported over 600 mixed-immigrant status families with \$500 cash assistance to pay for rent, food, or bills.

In 2020, despite the pandemic, we hosted over 400 events, serving over 8,000 people, 3,000 youth, while collaborating with more than 170 global, national, state and local partners.

Dreamers are already producing and working on behalf of America and we only ask for citizenship in return so that we can even do more.

We Are Arizona

When I began advocating on behalf of the immigrants, Arizona was enacting some of the most harmful anti-immigrant legislation in the country, which sadly tarnished our state's reputation.

Today, Arizona is a much more open and accepting state.

The 2006 ban on the eligibility for in-state tuition for undocumented immigrants was one of our state's lowest moments.

Last month, after years of hard work, the Arizona State Legislature passed legislation in bipartisan fashion that will allow the voters of Arizona to restore in-state tuition for Dreamers. We now have the opportunity to end this dark period of time for our State.

Approximately 2,000 Dreamers graduate from Arizona high schools each year. This legislation enables these students to pay their own way through college at the in-state tuition rate, preparing themselves to be self-sufficient, productive, contributors to our economy.

We are building that success to now focus on helping pass federal Dreamers legislation and comprehensive immigration reform.

The Dream Act

As the Committee members know, the Dream Act was first introduced in Congress in 2001 and receives overwhelming support across America. Poll after poll evinces that 70 percent of Americans support such legislation.

DACA, the Deferred Action for Childhood Arrivals, permitted Dreamers to work legally while also protecting us from deportation to countries we do not know. It brought nearly 800,000 young undocumented people out of shadows. But DACA

always was a temporary fix, an Executive Order by President Obama that then suffered relentless attacks during the last Administration.

A stopgap administrative order is just that – temporary and limited. A permanent legislative fix for the plight of Dreamers is the only stable solution that will provide certainty and fairness.

We urge this Committee to move H.R. 6 forward through the process. For those who have questions or proposed language, we ask you to pursue them towards the shared goal of moving this legislation forward through this Session of Congress so that it can finally be the law of the land.

Thank you for allowing me the opportunity to tell my story to the Committee and for your consideration of the views and support of Aliento.

COALITION *for the* **AMERICAN DREAM**

June 15, 2021

Chairman Durbin, Ranking Member Grassley, and Members of the Committee:

We appreciate the Committee holding this important hearing: "H.R.6, American Dream and Promise Act of 2021."

The Coalition for the American Dream is comprised of more than 100 of the nation's top businesses and trade associations representing every major sector of the economy and millions of U.S. workers. As a Coalition, we stand ready to support ongoing legislative efforts to permanently resolve the Deferred Action for Childhood Arrivals (DACA)/Dreamer issue.

Our Coalition has long supported a permanent solution for DACA recipients and Dreamers. When the House of Representatives passed H.R. 6 earlier this year, we sent a letter to Leaders Schumer and McConnell urging both political parties to work together to pass the bipartisan legislation in the immediate weeks following. That was many weeks ago and hundreds of thousands of Dreamers still live in legal jeopardy.

Poll after poll has shown that overwhelming majorities of Americans in both political parties support DACA recipients and other Dreamers. They are critical members of our workforce, industries, and communities. They are vital to our nation's strength and economic vitality. They are our neighbors, friends, and coworkers who have lived in the United States for decades and still await the opportunity to fully participate in our economy and society.

According to the latest estimates of FWD.us: "Passing the American Dream and Promise Act would have significant economic benefits, allowing immigrants who secure citizenship under the bill to increase their annual individual earnings by as much as 80%. We also estimate that this would allow them to contribute an additional \$46 billion annually to the economy beyond their current contribution, and an additional \$10 billion in federal, state, and local tax revenue, beyond what they already pay. This commonsense policy is long overdue."

Today is an important day, as it marks the ninth anniversary of the creation of DACA, a program whose recipients are Americans in every sense of the word, save one. And we call on you today to fix that injustice and make DACA the permanent law of the land. No more two year renewals, no more back and forth with the political winds. We call on you as a committee and as Senators to pass a permanent legislative solution for DACA recipients and Dreamers. We call on you to finally make DACA the permanent law of the land.



June 15, 2021

Senator Dick Durbin, Chair
U.S. Senate Committee on the Judiciary
Washington, DC, 20510

Senator Chuck Grassley, Ranking Member
U.S. Senate Committee on the Judiciary
Washington, DC, 20510

Re: IN SUPPORT of H.R.6, The American Dream and Promise Act of 2021

Dear Chair Durbin, Ranking Member Grassley & Committee Members:

On behalf of the Coalition for Humane Immigrant Rights (CHIRLA), the largest statewide immigrant rights organization in California, I submit this statement in strong support of H.R.6, the American Dream and Promise Act of 2021, that is being heard in your Committee on the Judiciary on June 15, 2021, the ninth anniversary of the Deferred Action for Childhood Arrivals (DACA) program. Our support is rooted in our unwavering conviction that immigrants with Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) as well as DREAMERS, their families and the 10.5 million undocumented immigrants are essential to helping America fulfill its promise.

Founded in 1986, CHIRLA avidly advocates for just and humane policies that positively affect our immigrant community. We serve as a California leading organization with a national impact, and to this end, we have been engaged in previous fights related to comprehensive immigration reform, DREAM Act and the launch of DACA. The State of California is composed of diverse immigrant families, and through education, organizing and advocacy, our members act as agents of social change and hope to achieve a just society fully inclusive of



immigrants, and a true participatory democracy. Additionally, CHIRLA hosts two youth branches, the California DREAM Network (CDN) and WISE UP! Both youth arms aim to organize immigrant youth and youth allies at high school and college levels to advocate for undocumented immigrant youth, TPS beneficiaries, and undocumented immigrants.

Lizbeth Garcia Nunez is from the City of Monterey Park. She is a DACA beneficiary, a recent mother and a teacher at Academia Avance Charter School in Highland Park. This is her story:

My name is Lizbeth Garcia Nunez. I was born in Guerrero, Mexico. My family immigrated to the United States when I was eight years old. 18 years later, I remain undocumented in this country. Though I have learned the language of this country, soaked in its history, and celebrated every single American holiday, I am still seen as different.

In 2012, when I graduated high school, the first unclear moment of my life happened. I didn't know whether going to college would help me in any way. Luckily, that year the California Dream Act and President Obama's Deferred Action for Childhood Arrivals (DACA) came into effect. Thanks to these two laws, I, along with 700,000 immigrant youth were protected from deportation and given financial aid to attend colleges and universities. But, most importantly, we were given our dreams back. For the first time, I was able to feel my dream closer than ever. My dream of becoming an educator was within reach.

In 2017 I graduated from California State University, Los Angeles (CSULA) with a Bachelor of Arts in English and began working at Academia Avance Charter High School as an English teacher. This is where I met so many intelligent, hardworking, and down-for-the-cause students. I was shocked to see how many students were willing to learn about our struggle and fight every battle



imagined to help their classmates be safe, to help their families stay united, and to become better human beings. Being a teacher who has DACA is so humbling because I am able to wake up every day and drive my students to help bring change for their future. In turn, I am reminded every single time that I chose the right career.

Thanks to DACA, I was given an opportunity to make my dream of becoming an educator come true. As DACA recipients we contribute to this country that we love, we enrich our communities, and amid COVID-19, we have stepped up at a time when our country needs it the most. The Dream and Promise Act of 2021, is the opportunity for DACA recipients like myself to not only have a temporary bandage in our lives but a permanent solution that will allow us to continue to do what we have been doing until now, making this country a better place.

The time to turn H.R. 6 and broader legislation such as the U.S. Citizenship Act (H.R. 1177) into law is now. Not only has it been 35 years since the passage of real immigration reform, but the more immediate past demands action for our communities.

The country, and our immigrant community in particular, is still recovering from the twin threats of the Trump Administration's rabid anti-immigrant agenda and the same Administration's mishandling of the COVID-19 pandemic. Just as hundreds of policies have targeted, criminalized, and vilified our immigrant communities, the virus was left to spread around the country, impacting the most vulnerable, including immigrants, both documented and undocumented. A legalization offers not just necessary protections for immigrants but would give a huge boost to the country's economy.¹

¹ [https://chc.house.gov/media-center/press-releases/chc-jec-release-new-report-on-why-immigrants-are-vital-to-us-economy;](https://chc.house.gov/media-center/press-releases/chc-jec-release-new-report-on-why-immigrants-are-vital-to-us-economy)



DACA and TPS specifically have both been under near constant attack and only survived due to the resilience of the impacted communities with support from their families and the courts. Due to an ongoing court case in Texas, DACA remains under threat and a decision could be rendered any day to terminate the program.² Meanwhile, a recent Supreme Court case resulted in a decision against some TPS holders who wish to apply for the more permanent protection of a green card.³ There are also ongoing TPS court cases that could result in the end of TPS for many countries, creating great uncertainty until the Biden Administration acts to renew the status as it has the authority to do.⁴

The need to make their protections permanent has once and for all been exposed as imperative. This year, Congress has the opportunity to pass H.R. 6 and provide permanent protections for DACA and DREAMer youth and TPS holders who all live in a state of limbo. CHIRLA urges Congress to act quickly and recognize the indispensable contributions these immigrants- as an integral part of our local communities - make to our country.

Please contact me at cbergquist@chirla.org should you have any questions.

Carl Bergquist
Policy Counsel, Coalition for Humane Immigrant Rights (CHIRLA)

<https://www.americanprogress.org/issues/immigration/reports/2021/06/14/500433/citizenship-undocumented-immigrants-boost-u-s-economic-growth/>.

² <https://eu.statesman.com/story/news/2021/05/07/texas-daca-deferred-action-case-delays-leave-dreamers-hanging/4940384001/>.

³ <https://apnews.com/article/us-supreme-court-middle-east-courts-supreme-courts-immigration-d177dae90bcc6d30d4e88bd0ae3a6d>.

⁴ <https://www.nytimes.com/2021/04/07/magazine/immigration-el-salvador.html>.



**Statement for the Record
U.S. Senate Judiciary Committee
Hearing: “H.R. 6, American Dream and Promise Act of 2021”**

June 15, 2021

Chairman Durbin, Ranking Member Grassley, and Members of the Senate Judiciary Committee, we the undersigned organizations representing the Children Thrive Action Network (CTAN), thank you for the opportunity to submit this statement for the record for the hearing on the American Dream and Promise Act of 2021. CTAN is a national network dedicated to defending and supporting children of immigrants in the U.S., and our advocacy is guided by a set of policy principles that include a path to citizenship; equitable access to health care, education, and economic security; and family unity and child wellbeing in immigration policy.¹

The American people agree that every law and policy must be guided by a “best interest of the child” standard.² However, children have historically been disregarded or targeted for intentional cruelty in U.S. immigration policy decisions. For children of immigrants or children who are themselves immigrants, Congress’ failure to pass a pathway to citizenship for undocumented people has inflicted harm on children, including family separation and toxic stress that can have long-term impacts on children’s healthy development. Children of immigrants make up approximately one in four of all children in the United States and are the fastest growing segment of the child population.³ Of these children, approximately 5 million have a parent who is undocumented or is a recipient of the Deferred Action for Childhood Arrivals (DACA) Program or Temporary Protected Status (TPS).⁴ Approximately 728,000 children are undocumented themselves.⁵ The American Dream and

¹ *Policy Principles to Advance the Wellbeing of Children of Immigrants*, Children Thrive Action Network, <https://secure.servecdn.net/104.238.69.231/kpc.ccc.myftpupload.com/wp-content/uploads/2021/06/CTAN-Policy-Principles-to-Advance-the-Wellbeing-of-Children-of-Immigrants.pdf> (last visited June 11, 2021).

² Bruce Lesley, *Voters Have Spoken and They Support Children*, First Focus on Children (Nov. 23, 2020), <https://firstfocus.org/blog/voters-have-spoken-and-they-support-children>.

³ *Children in U.S. Immigrant Families*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families?width=1000&height=850&iframe=true>. (Accessed Nov. 5, 2020).

⁴ Randy Capps, Michael Fix, & Jie Zong, *A Profile of U.S. Children with Unauthorized Immigrant Parents*, Migration Policy Institute (Jan. 2016), <https://www.migrationpolicy.org/research/profile-us-childrenunauthorized-immigrant-parents>. Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States* (Sept. 5, 2019), <https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-unitedstates/>.

⁵ Randy Capps et al., *Unauthorized Immigrants in the United States: Stable Numbers, Changing Origins*, Migration Policy Institute (Dec. 2020), https://www.migrationpolicy.org/sites/default/files/publications/mpi-unauthorized-immigrants-stablenumbers-changingorigins_final.pdf.

Promise Act would provide a pathway to citizenship for millions of Dreamers, TPS holders, and Deferred Enforced Departure (DED) recipients, giving immigrant children and children of immigrants family unity and stability to dream and plan for the future.

A path to citizenship for Dreamers

Dreamers, or immigrants who entered the United States as minors, have grown up in the United States, and are vital to our communities and our country. While a path to citizenship has robust support among the American public as well as bipartisan support in Congress, legislation remains to be passed into law. In 2012 the Department of Homeland Security created the DACA program, which granted young people eligible for the program relief from deportation and improved access to higher education, career opportunities, and basic necessities such as a driver's license or credit card.⁶ On this day, the 9th anniversary of the DACA program, approximately 640,000 current DACA beneficiaries are pursuing a college degree or participating in our workforce.⁷ During the pandemic, almost a million DACA recipients served in frontline jobs in essential industries, including health care, caregiving, and agriculture.⁸

Despite the tremendous success of the DACA program, it does not provide permanent protections and has been under threat multiple times, including the termination of the program in 2017 under the Trump Administration. The program has also excluded many Dreamers over the years due to its narrow age and education requirements, leaving many vulnerable to deportation. Moreover, beneficiaries of the program still face barriers to higher education, including access to federal financial aid.⁹ DACA recipients also face barriers to health coverage, as the Department of Health and Human Services has not yet expanded eligibility for CHIP, Medicaid, and the Affordable Care Act exchanges despite DACA recipients being lawfully present.¹⁰

By finally providing a path to citizenship, the American Dream and Promise Act of 2021 would grant immigrant youth more stability to further build their lives and futures in the country they call home. The bill contains several improvements from previous versions that would make more Dreamers eligible for relief. To qualify, applicants must have been 18 or younger when they first entered the country and physically present since January 1, 2021 (rather than several years before bill enactment). The bill also extends protections to the children of E and H visa holders who otherwise would age out of their lawful status, providing eligibility for relief under the bill to 190,000 additional

⁶ *Consideration of Deferred Action for Childhood Arrivals (DACA)*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca> (last updated Feb. 4, 2021).

⁷ *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles> (last visited June 11, 2021).

⁸ *FWD.us Estimates Show Immigrant Essential Workers are Crucial to America's COVID-19 Recovery*, FWD.us (Dec. 16, 2020), <https://www.fwd.us/news/immigrant-essential-workers/>.

⁹ Christian Juarez, *The Obstacles Unauthorized Students Face in Postsecondary Education*, Center for American Progress (Dec. 21, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/12/21/444414/obstacles-unauthorized-students-face-postsecondary-education/>.

¹⁰ Vanessa Lopez & Tim K Mackey, *The Health of Dreamers*, Health Affairs (Feb. 13, 2018), <https://www.healthaffairs.org/doi/10.1377/hblog20180209.367466/full>. *Frequently Asked Questions: DHS DACA FAQs*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions#:~:text=An%20individual%20who%20has%20received,deferred%20action%20is%20in%20effect> (last updated Feb. 4 2021).

children and youth. The bill would also provide an expedited path for DACA recipients by making them immediately eligible for a green card. Together, these positive changes mean an estimated 2.3 million Dreamers are estimated to ultimately get on a path to citizenship.¹¹

Improved access to higher education for immigrant youth

New American Economy estimates that more than 450,000 undocumented students are currently enrolled in higher education,¹² and the Migration Policy Institute estimates that nearly 100,000 undocumented youth graduate from U.S. high schools every year.¹³ Immigrant youth are vital to their local economies, yet have historically been left with limited options upon graduation from high school, sometimes even being barred from enrolling in public universities. The cost of a higher education is also often a barrier given that many Dreamers are first generation college students, come from families with low incomes, and lack access to federal financial aid and other forms of assistance.¹⁴

In recognition of the importance of immigrant students, more than half of the states have implemented policies to provide in-state tuition and, in some cases, state financial aid and other supports to undocumented students.¹⁵ The American Dream and Promise Act includes provisions that would further ease financial barriers to higher education for Dreamers across the country. The bill restores states' ability to determine in-state tuition eligibility for undocumented immigrants based on residence without penalties under current law. This provision is critical to ensure that Dreamers are able to achieve their higher education goals.

A path to citizenship for TPS and DED holders

The American Dream and Promise Act also grants protections to TPS and DED holders. Congress created TPS to protect individuals already in the United States from returning to unsafe situations in their country of origin.¹⁶ Many TPS beneficiaries have resided in the United States for over 20 years, around 68,000 of whom arrived as children under the age of 16.¹⁷ Approximately 273,000 U.S. citizen children have parents who are TPS beneficiaries.¹⁸ An estimated 131,000 TPS holders from

¹¹ *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>, (last visited June 11, 2021).

¹² *Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?*, Presidents' Alliance on Higher Education and Immigration (Apr. 2020), <https://www.presidentsalliance.org/wp-content/uploads/2020/07/Undocumented-Students-in-Higher-Education-April-2020.pdf>.

¹³ Jie Zong and Jeanne Batalova, *How Many Unauthorized Immigrants Graduate from U.S. High Schools Annually?*, Migration Policy Institute (Apr. 2019), <https://www.migrationpolicy.org/research/unauthorized-immigrants-graduate-us-high-schools>.

¹⁴ Wendy Cervantes and Duy Pham, *Expanding the Dream: Engaging Immigrant Youth and Adults in Postsecondary and Adult Education*, Center for Law and Social Policy, (Nov. 2017) <https://www.clasp.org/publications/report/brief/expanding-dream-engaging-immigrant-youth-and-adults-postsecondary-and>

¹⁵ *Toolkit on Access to Postsecondary Education*, National Immigration Law Center, <https://www.nilc.org/issues/education/eduaccess toolkit/eduaccess toolkit2/#maps>, (last updated March, 2021).

¹⁶ *Temporary Protected Status*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/temporary-protected-status>, (last updated Mar. 23, 2021).

¹⁷ Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. on Migration & Hum. Security 577 (2017), available at <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500302>.

¹⁸ *Id.*

El Salvador, Honduras and Haiti supported the country as essential workers during the pandemic,¹⁹ continuing to be, as they always have been, vital parts of our communities and economy. The recent Supreme Court decision on *Sanchez v. Mayorkas*, which established that Temporary Protected Status (TPS) holders who originally entered the U.S. without inspection are unable to adjust their status based on that status, makes the need for permanent protections for TPS holders particularly urgent.

Without permanent immigration status, TPS holders and their families would face terrible decisions to either separate from their U.S. citizen children or return to a country they haven't been to in years with children who only know the United States as their home. Liberian recipients of DED, a temporary administrative protection granted by the president under his or her powers to conduct foreign relations,²⁰ would face similar horrible decisions. The American Dream and Promise Act would provide critical relief to hundreds of thousands of families who simply want to live freely and provide for their loved ones.

Stability for children in mixed-status families

The consequences of failing to provide permanent solutions for these immigrant populations are dire, particularly for children. More than half-a-million U.S. citizen children have at least one parent who is a DACA recipient or lives with a family member who is a TPS holder.²¹ Given the precarious state of their parents' status, these children often live in fear of losing a parent. Children separated from their parents due to detention or deportation experience toxic stress, often exhibited in increased fear, anger, crying and changes in sleeping and eating habits.²² Children also experience these threats to their physical and mental health at the mere possibility and fear of family separation.²³ The impacts of toxic stress can be lifelong. Additionally, families often experience economic hardship, including instability in housing and nutrition, because of a parent's deportation or detention.²⁴ Separation from parents or primary caregivers also deny children important foundational relationships that help them regulate their emotions, meet developmental milestones, and more fully engage with their family, peers, and community.

Children of immigrants and their families who lack lawful status also face multiple structural barriers to critical public services and programs that support their healthy development, including the Children's Health Insurance Program (CHIP), Medicaid, nutrition assistance, and housing benefits.

¹⁹ Nicole Prchal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Center for American Program (Apr. 14, 2020), <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>.

²⁰ *Temporary Protected Status and Deferred Enforced Departure*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/i-9-central/complete-correct-form-i-9/temporary-protected-status-and-deferred-enforced-departure> (last updated May 24, 2021).

²¹ Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States*, Center for American Progress (Sept. 5, 2019), <https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-unitedstates/>. Leila Schochet and Nicole Prchal Svajlenka, *How Ending TPS Will Hurt U.S. Citizen Children*, Center for American Progress (Feb. 11, 2019), <https://www.americanprogress.org/issues/immigration/reports/2019/02/11/466022/ending-tps-will-hurt-u-s-citizen-children/>.

²² Randy Capps et al., *Implications of Immigration Enforcement Activities for the Well-being of Children in Immigrant Families*, Urban Institute (Sept. 2015), <https://www.urban.org/sites/default/files/alfresco/publication-exhibits/2000405/2000405-Implications-of-Immigration-Enforcement-Activities-for-the-Well-Being-of-Children-in-Immigrant-Families.pdf>.

²³ *Id.*

²⁴ *Id.*

Recent changes to the immigration system, like the Trump administration’s public charge rule, had a chilling effect that led families to avoid critical services for which they were eligible.²⁵ Additional barriers like cumbersome application processes, lack of language access, and fear of enforcement based on immigration status prevent children of immigrants and their families from utilizing programs that contribute to children’s health, development, and economic stability.²⁶

A pathway to citizenship would allow parents to secure more stable employment, better access critical benefits, and remove the cloud of deportation, ultimately enabling them to provide a healthier and brighter future for their families.

Strengthening the bill for children and families

While we fully support the American Dream and Promise Act and urge the Senate to pass the bill, we also believe the bill needs improvements. First, the bill provides no pathway to citizenship for children too young to meet the bill’s work and education requirements, nor does it provide explicit protection from deportation for these children. These “Little Dreamers” experience all the harms and barriers outlined above and should not be denied a pathway to citizenship at such a critical time in their lives just because of their age.

Second, the bill denies a pathway to citizenship for youth who have had contact with the juvenile justice system or who were allegedly or actually involved in gang activity. Children and youth are different from adults, and Congress should not impose lifelong consequences for decisions they make while they are still growing and discovering the world. Additionally, Congress cannot ignore years of research and the public’s growing understanding of the racism that leads to over-policing and harmful databases, which disproportionately impact Black and Brown youth.

We encourage Congress to address these concerns and work to strengthen the bill for children and families.

Conclusion

The American Dream and Promise Act would free children and youth of toxic stress and anxiety, keep families together, and allow immigrant families to freely build their futures here in the United States. The time is now—immigrant youth and children of immigrants have waited years for Congress to act and have been repeatedly disappointed by anti-immigrant rhetoric and horse trading that harms one part of the immigrant family at the expense of another. We urge the Senate to equitably expand the Dream and Promise Act, pass the bill, and continue to work towards an immigration system that advances the well-being of children of immigrants.

We thank you again for the opportunity to submit this written testimony. For any questions regarding this statement, please contact Miriam Abaya, Senior Director of Immigration and Children’s Rights at First Focus Campaign for Children at miriama@firstfocus.org or Wendy Cervantes, Director of Immigration and Immigrant Families at CLASP at wcervantes@clasp.org. We look forward to working with Congress to ensure immigration reform that is in the best interests of children.

²⁵ Hamutal Bernstein et al., *Amid Confusion over the Public Charge Rule, Immigrant Families Continued Avoiding Public Benefits in 2019*, Urban Institute (May 2020), https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019_3.pdf

²⁶ *Id.*

Signed,
Center for Law and Social Policy (CLASP)
Children's Defense Fund
First Focus Campaign for Children
Kids in Need of Defense (KIND)
MomsRising/MamásConPoder
National Association of Social Workers (NASW)
National Education Association (NEA)
National Immigration Law Center (NILC)
Partnership for America's Children
Prevention Institute
The Children's Partnership
UnidosUS
Voices for Utah Children



U.S. SENATE COMMITTEE ON THE JUDICIARY
 HEARING H.R. 6, AMERICAN DREAM AND PROMISE ACT OF 2021
 June 15, 2021

COMMUNITIES UNITED FOR STATUS AND PROTECTION
 STATEMENT FOR THE RECORD

Communities United for Status and Protection (CUSP) is a collaborative of grassroots immigrant community organizations working together to end the uncertainty that TPS holders in our communities live with every day, and to build a more inclusive immigrant rights movement that centers the needs and experiences of African, Afro-Caribbean, Afro-Latinx, Arab/Middle Eastern, and Asian Pacific Islander (API) immigrants. The member organizations include Adhikaar, African Communities Together (ACT), Haitian Bridge Alliance (HBA), National Network for Arab American Community (NNAAC), and The UndocuBlack Network.

CUSP is grateful to Chairman Dick Durbin (D-IL) and members of the Senate Judiciary Committee for convening this critical hearing on the American Dream and Promise Act. Along with many other organizations and individuals, CUSP supports the establishment of a path to citizenship for the more than 400,000 Temporary Protected Status (TPS) holders who have become Americans by circumstance, if not by birth. CUSP exhorts the Senate to recognize the contribution of TPS holders and provide them a path to citizenship in any immigration legislation, including through the reconciliation process if necessary.

Recently, the U.S. House of Representatives passed the American Dream and Promise Act (H.R. 6) with bipartisan support and we encourage the Senate to follow suit. The legislation would provide Dreamers and TPS holders with permanent status and a path to citizenship. Securing permanent residency for TPS holders is paramount to provide certainty and stability to individuals who have been denied such peace of mind for decades in many cases.

“I am a Sudanese TPS Holder, and I have been here for 20 years. That’s more than half my age, and I’ve been working, and paying taxes, so I would love to see TPS become permanent, and for us to get a clean path to citizenship. We don’t know what the future holds, and nothing is guaranteed in this way. TPS the way it is now doesn’t offer security, no future, no longevity. I have never lived in my home country, nor can I live anywhere else since this is the only place I’ve ever

really known. We need a real solution!” **Ahmed Osman, Sudanese TPS Holder from New York**

TPS is a form of humanitarian relief that is granted by the Secretary of the Department of Homeland Security (DHS) to nationals of a country undergoing ongoing armed conflict, environmental disasters, or other extraordinary and temporary conditions. TPS applications must be received by DHS within a specified timeframe with supporting documentation, payment of fees, and applicants are required to undergo a criminal background check.¹ At least every 18 months, DHS reconsiders whether to extend a country’s TPS designation. Upon a country’s designation extension, beneficiaries must reapply to DHS by paying additional fees, submitting required documentation, and undergoing another background check.² TPS holders are some of the most vetted immigrants in the U.S. today but face perpetual uncertainty, fearing a forced return to an unknown home country, ill-prepared for their arrival.

“I own a transportation company called Sherpa Transportation. My wife works in a restaurant. COVID was hard on both of us, but thankfully, we have been able to continue both of our work and the business, and I am hopeful for the future. I felt that I have achieved my American dream, but I don’t know how long I will be able to stay in this country after contributing my 23 years to the United States.

My son just began Colorado State University for four years - I was so proud of him for starting college in America. I feel that this is also a part of my family’s American dream. Even though he is in college, he is still my son - and he needs our backing through guidance and economical support. I cannot imagine being separated from my family and now I can’t afford it anymore.

We cannot live in this way anymore, and that is why TPS is not enough. TPS has granted my family and others like me so many things and I am grateful. But now we need permanent residency.” **Nabin Sherpa, Nepali TPS holder from Colorado**

Currently, DHS has designated Burma, Haiti, Somalia, South Sudan, Syria, Venezuela, and Yemen for TPS.³ The prior administration terminated TPS protection for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan, however, those countries maintain their TPS protection through ongoing litigation. The Biden administration recently redesignated Haiti for TPS, but it has not done the same for nationals of the remaining countries, even though country conditions have not materially improved.⁴ As it stands, close to 300,000 TPS holders from the countries protected through litigation will lose their status in a few short months.

¹ <https://fas.org/sgp/crs/homesecc/RS20844.pdf>

² <https://fas.org/sgp/crs/homesecc/RS20844.pdf>

³ <https://www.uscis.gov/humanitarian/temporary-protected-status>

⁴ <https://fas.org/sgp/crs/homesecc/RS20844.pdf>

It is with this constant fear of status loss that TPS holders, many of whom have been here for decades, have been forced to build their lives. Despite the uncertainty, they continue going to school, working, building businesses, and having families of their own. Over 80% of TPS holders are employed, having paid about \$4.6 billion in taxes.⁵ Altogether, they're expected to contribute over \$164 billion to the GDP over the next decade.⁶

"I am a proud single mother of a daughter who is working as a nurse. Within a couple of years of getting my work permit through TPS, I was able to acquire two businesses (gas station and convenience stores), in Dallas, and in Texarkana. TPS has given this mother and daughter the opportunities that we could never have imagined back in Nepal, especially as a single mother family. Yet, the uncertainty that TPS entails has been very stressful for us. We need permanent residency so that I can grow my businesses further, my daughter can be ensured of longer-term employment in health services, and we can both continue to give back to the community the way we always have been even while in temporary status. As one of the over 2,500 TPS holders from Nepal, we are calling on Senator Cornyn and Cruz to go beyond partisan politics and support us, their constituents. We are building the economy of Texas at this critical time. Texas is our home and community." **Namrata Pokhrel, Nepali TPS holder from Texas**

More recently, during the COVID-19 global pandemic, almost one-third of all TPS holders were employed in essential occupations that could not be done remotely and were integral to providing services upon which Americans' relied.⁷ In fact, Texas has the third largest population of TPS holders and the largest number of Nepali TPS holders.⁸ In Texas, during the COVID-19 crisis, 20,700 TPS holders were employed as essential critical infrastructure workers as described by DHS.⁹ In spite of their tenuous immigration status, TPS holders put their lives on the line in service to their adopted country while working in healthcare, food service, manufacturing, transportation, and more.¹⁰ As a result of their essential employment, TPS holders were more likely to contract and die from COVID, yet their efforts helped keep the economy running. At risk to their own health, and in spite of uncertainty, TPS holders worked to ensure access to essential services and kept the economy moving.

⁵ https://dornsife.usc.edu/assets/sites/731/docs/Promising_Returns_April_2019_TPS_Brief.pdf

⁶ <https://www.fwd.us/news/temporary-protected-status-tps-5-things-to-know/>

⁷ <https://www.americanprogress.org/press/release/2020/04/14/483197/release-130000-tps-holders-serving-essential-workers-coronavirus-crisis/>

⁸ <https://www.latimes.com/local/lanow/la-me-ln-nepal-migrants-tps-trump-immigration-20190417-story.html>

⁹ <https://www.americanprogress.org/issues/immigration/reports/2020/10/19/491812/nepali-tps-holders-make-significant-contributions-america/>

¹⁰ <https://www.americanprogress.org/press/release/2020/04/14/483197/release-130000-tps-holders-serving-essential-workers-coronavirus-crisis/>

Congress must not allow the uprooting of hundreds of thousands of these immigrants who have kept America safe and healthy during one of the nation's darkest moments, but should work to provide them with a path to permanent status so they can truly thrive. The time is now. Americans across the political spectrum support a path to citizenship for TPS holders.¹¹ This is why CUSP urgently calls on the Senate to pass H.R. 6, to provide much-needed stability to the nation's immigrant communities.

Many TPS holders have lived in the U.S. for decades. They have continued to serve as frontline workers throughout the COVID-19 pandemic, and would be integral to any infrastructure efforts undertaken in the country moving forward, and they contribute significantly to the economy and social fabric of the country. Without a path to citizenship for TPS holders, they are sentenced to a lifetime of uncertainty, having committed to a country that hasn't yet committed to them.

Congress has an obligation to end this uncertainty and make TPS holders' permanent members of our communities. This hearing is an important step towards accomplishing that goal. CUSP applauds this movement and continues to urge the Senate to recognize the sacrifice and commitment of TPS holders by passing the American Dream and Promise Act urgently and creating a path to citizenship.

ADHIKAAR is a New York-based non-profit, organizing the Nepali-speaking community to promote human rights and social justice for all. We are a women-led workers' center and community center focused on workers' rights, immigration rights, access to affordable healthcare and language justice. We organize the Nepali-speaking community to create broader social change; build coalitions on advocacy campaigns that address our community's needs; center women and the most impacted communities in our leadership; engage members in participatory action research; and implement community education, workplace development training, and support services.

AFRICAN COMMUNITIES TOGETHER (ACT) is an organization of African immigrants fighting for civil rights, opportunity, and a better life for our families here in the U.S. and worldwide. ACT empowers African immigrants to integrate socially, get ahead economically, and engage civically. We connect African immigrants to critical services, help Africans develop as leaders, and organize our communities on the issues that matter.

HAITIAN BRIDGE ALLIANCE, INC. (HBA) is a 501(c)(3) nonprofit community organization based in Southern California that advocates for fair and humane immigration policies and connects migrants with humanitarian, legal, and social services, with a particular

¹¹

<http://americasvoice.org/wp-content/uploads/2020/12/AV-2020-Immigration-Polling-Overview-Updated.pdf>

focus on Black migrants, the Haitian community, women, LGBTQAI+ individuals and survivors of torture and other human rights abuses. Since 2015, HBA has provided services to asylum seekers and other migrants at the U.S.-Mexico border, in U.S. detention, and during U.S. immigration proceedings.

NATIONAL NETWORK FOR ARAB AMERICAN COMMUNITY (NNAAC) is a national consortium of independent Arab American community-based organizations. The Network's primary mission is to build the capacity of Arab American non-profit organizations that focus on the needs and issues impacting their local community while collectively addressing those issues nationally.

THE UNDOCUBLACK NETWORK (UBN), founded in 2016, is a multigenerational network of currently and formerly undocumented Black people that fosters community, facilitates access to resources and contributes to transforming the realities of our people so we are thriving and living our fullest lives. UBN has chapters in New York City, the DC/MD/VA area, and Los Angeles, CA.



CWS Statement to the Senate Judiciary Committee, pertaining to its [hearing](#) entitled “H.R.6, American Dream and Promise Act of 2021” on Tuesday, June 15, 2021

As a 75-year old humanitarian organization representing 37 Protestant, Anglican, and Orthodox communions and 24 refugee resettlement offices across 17 states, Church World Service (CWS) urges the Committee to affirm and support a compassionate and humane immigration system that is inclusive of all immigrant neighbors. This must include enacting pathways to citizenship for the 11 million undocumented immigrants, such as by passing the *Dream and Promise Act of 2021*, ending reliance on immigrant detention and deportation, prioritizing family unity, and honoring the dignity of all people.

As we honor the 9 year anniversary of the Deferred Action for Childhood Arrivals program that immigrant youth won and protected, CWS urges the Biden administration and Congress to secure a pathway to citizenship for the 11 million undocumented immigrants immediately. CWS urges our national leaders to support immigration policies that do not immorally exclude certain neighbors from relief because of our nation’s inequitable and racist criminal justice system that disproportionately targets Black and Brown communities. We [applaud](#) the House for passing the *Dream and Promise Act*, and we urge the Senate to swiftly improve and pass the bill which would provide a permanent pathway to citizenship to over three million undocumented youth, Temporary Protected Status (TPS) holders, and Deferred Enforced Departure (DED) recipients. This is a critical first step toward much-needed relief for all 11 million undocumented community members who call the United States home. We also urge Congress to support and pass the following bills that would provide pathways to citizenship for our undocumented neighbors: the *U.S. Citizenship Act (S.348)*, *Citizenship for Essential Workers Act (S.747)*, *Dream Act (S.264)*, and *SECURE Act (S.306)*. We note the House-passed *Farm Workforce Modernization Act (H.R.1603)*.

Immigrants and refugees are part of our national fabric and vital to the prosperity of our communities. They are valued members of our families, congregations, and communities. Immigrants and refugees are mothers, fathers, and children. Immigrants help drive our economy, including undocumented immigrants and individuals with Deferred Action for Childhood Arrivals (DACA), TPS, and DED. They are [doctors, nurses, and medical aides](#) working in our hospitals and elder care facilities, caring for and treating COVID-19 patients. They are [farm workers](#) who put food on our tables and truck drivers and grocery store workers making sure our grocery stores stay stocked. They are factory workers making sure Americans have what we need to stay healthy and beat the pandemic. Essential workers have faced the most significant risks amid the COVID-19 pandemic. A [new report](#) shows that providing a pathway to citizenship for undocumented immigrants would grow our economy, create new jobs, and increase wages for undocumented and U.S.-born workers alike, specifically it would increase U.S. GDP by \$1.7 trillion over the next decade while creating 438,800 new jobs. As the world searches for solutions during a global pandemic, we have a moral obligation to those who are our neighbors and community members.

For far too long, Dreamers, farm workers, TPS holders, and many more immigrant workers have waited for Congress to deliver an opportunity to pass a meaningful, permanent solution that provides a path to citizenship. CWS joins nearly [1,000 faith organizations, faith leaders, and people of faith](#) urging the Biden administration to include a pathway to citizenship for essential immigrant workers, farmworkers, people with DACA, TPS, and DED, and their families in the upcoming recovery packages prioritized through reconciliation -- and urges Members of Congress to weigh in with administration to do the same. Our leaders can meet this urgent moment to re-energize our economy, go big to build the cities and towns of the future, and modernize our immigration system to show the world that America can lead with bold ideas and our most cherished values.

Refugee and immigrant essential workers keep our communities healthy and strong during the COVID-19 pandemic and are vital to our nation's recovery from this crisis. In the U.S., an estimated [176,000 refugees](#) are health care workers and [175,000](#) work in food supply chains. [Six million immigrant workers](#) in our communities are at the frontlines of keeping us healthy and fed. While making up only [17%](#) of about 156 million working people, immigrants are disproportionately represented in front line occupations and essential industries including healthcare, food service, child care, cleaning service, manufacturing, and many more. However, refugees in particular have been [largely left out](#) of COVID-19 relief packages. Our national response to the pandemic has shamefully failed to include and guarantee immigrants’ inclusive and full access to economic relief, as well as equitable access to testing, treatment, and vaccination. We lament the disproportionate impact of the virus on communities of color, including Black immigrants and immigrants of color.

As the U.S. recovers and rebuilds, the need to value and honor immigrants and refugees is increasingly urgent. Crises test who we are as a nation – and we are stronger when we are united, extend compassion to our neighbors, and listen to public health experts. The administration and Congress must continue to repair the harm caused by our current system and envision a humane system for all people to build safe and healthy lives.



COUNTY of VENTURA

June 17, 2021

The Honorable Richard Durbin
Chair
Committee on the Judiciary
U.S. Senate
Washington, DC, 20510

Dear Chair Durbin:

I am writing on behalf of the County of Ventura to reiterate its support for legislation that would ensure the continuation of protections provided under the Deferred Action for Childhood Arrivals (DACA) program and provide a pathway for permanent status.

Thank you for holding a Committee hearing on June 15 to receive testimony on DACA and the House-passed H.R. 6, the *American Dream and Promise Act of 2021*. The County also appreciates your leadership in introducing S. 264, the *Dream Act of 2021*.

There are thousands of individuals protected under DACA in Ventura County, who were brought to the U.S. as minors and who have withstood economic challenges to steadfastly pursue college and become productive members of the community. They represent some of the brightest and most accomplished students, working diligently to advance their education despite the obstacles they face. The loss of their ability to continue their education and work in the United States would have a significant impact on the local economy in the County.

Please continue to work with your colleagues on the Judiciary Committee to enact these needed reforms. Legislation to continue the protections provided by DACA and provide a pathway for permanent status would benefit Ventura County and the nation by the presence of these young people who have worked diligently to contribute to our communities.

Sincerely yours,

A handwritten signature in black ink that reads "Don Gilchrest".

Don Gilchrest
Washington Representative

DWG: awg



**Statement for the Record of
Fair Immigration Reform Movement (FIRM) Action
Submitted to Senate Committee on the Judiciary
For the Hearing: "H.R.6, American Dream and Promise Act of 2021"
on Tuesday, June 15, 2021, 10 a.m.**

The Fair Immigration Reform Movement (FIRM) Action writes in support of an urgently needed path to citizenship for immigrants in America, especially undocumented youth, Deferred Action for Childhood Arrivals (DACA) recipient, and Temporary Protected Status and Deferred Enforced Departure (TPS & DED) holders. We are eager to work with Congress and the Senate Judiciary Committee to create this fair and equitable roadmap to citizenship for all, using our vision, the Roadmap to Freedom, as a guide.

FIRM Action, a project of Community Change Action, with our sister organization, FIRM, is a network of 27 c4 organizations and 37 c3 organizations and four organizing networks across 30 states. The [Roadmap to Unity and Freedom](#) is FIRM/Action's vision for immigration in America and serves as a basis for the Roadmap to Freedom Resolution ([H. Res. 64](#)) introduced this Congress by Representatives Jayapal, Chu, Clarke, Escobar, Garcia, and Ocasio-Cortez. The Roadmap is rooted in the voices of dozens of member organizations who represent hundreds of thousands of immigrant families across the country, and as a visionary policy platform it embodies affirmative values and principles by which we would measure any immigration proposal in the 117th Congress.

Accordingly, we thank Chair Durbin for his leadership in holding this congressional hearing to focus the Senate's attention on H.R. 6, the American Dream & Promise Act, introduced in the House by Representative. Lucille Roybal-Allard and co-sponsored by 175 House Members. The American Dream and Promise Act passed in the U.S. House of Representatives with bipartisan support, earlier this year, building on the momentum two years earlier, when it passed the House during the 116th Congress.

Advancing this legislation is especially critical because the TPS, DED, and DACA programs have been put in jeopardy after the Trump Administration tried so hard to target these members of our communities, and the resulting litigation has made the temporary nature of these programs even more precarious. Our communities have organized and mobilized over decades to achieve programs like DACA, and they have continued to fight for survival while enduring the attacks of the Trump Administration. The American Dream and Promise Act is a critical first step toward securing a path to citizenship for millions of people who call this country home.

However, H.R. 6 falls short of our vision articulated in the Roadmap to Freedom because of harmful provisions that target the community it aims to help. One problematic provision of H.R. 6 creates a new procedure called “secondary review” giving the Department of Homeland Security (DHS) the discretion to deny status to already-eligible individuals by adding an additional layer of requirements that exclude anyone with a misdemeanor conviction, juvenile adjudication, or alleged gang membership (without any adjudication by a criminal judge).

As drafted, H.R. 6 imposes harsh and unfair bars that reinforce the systemic racial bias inherent to our criminal legal system when determining who is eligible for a pathway to citizenship. We encourage the Senate to adopt the amendment proposed in the House by Representatives Garcia, Pressley, and Jayapal which would strike the “secondary review” language. This crucial amendment garnered 47 co-sponsors and 190 endorsements from national, state, and local groups, illustrating a strong opposition to this specific provision rooted in exclusion and division--values that are the antithesis of the Roadmap to Freedom. And notably, other key immigration bills that create the roadmap to citizenship like the U.S. Citizenship Act and the Senate’s DREAM Act do not include this harmful provision. Now is the time to align immigration policy with the values of the movement to reform the criminal legal system so that we do not leave behind any members of our communities, especially those who are disproportionately discriminated against and who most need stability and support.

In conclusion, we as a nation, stand to gain immensely by affirming our commitment to all immigrants and taking up bold reforms to the immigration system that center those directly impacted. We must both stand for the most inclusive vision of America and build bridges for immediate action.

FIRM Action is ready to work with Congress to make critical improvements to H.R. 6 as articulated above so we can finally achieve permanent protections for the undocumented youth, DACA recipients, TPS & DED holders urgently. And as Congress works towards a recovery package that boosts our public health, bolsters our economy, and stabilizes and strengthens our physical and care infrastructure—immigrant essential workers, immigrant youth, TPS and DED holders, and their families must be included by creating the roadmap to citizenship for them and their families, as they have and will continue to support our nation to recover and rebuild. The opportunity to realize the roadmap to citizenship for millions is now.

Thank you for the opportunity to submit this statement for the record.

Sincerely,

Fair Immigration Reform Movement (FIRM) Action

Action NC

CASA in Action

CHIRLA Action

CIRC Action

Colorado People's Action

El Centro Poder y Accion

ACT Indiana

FLIC Votes

IL Immigrant Action

MPA - Maine People's Alliance

Michigan People's Campaign

MTR Action

NAKASEC Action Fund

Unidos MN

Nebraska Appleseed Action Fund

NYIC Action Fund

OneAmerica Votes

PCUN

PLAN Action

PAZ en Accion

SIREN Action

Somos Accion

Kansas People's Action

Texas Organizing Project

TIRRC Votes

Voces de la Frontera Action

Workers Defense Action Fund



Statement for the Record from

Todd Schulte
President
FWD.us

**Submitted to the Senate Judiciary Committee for the
hearing regarding “H.R.6, American Dream and
Promise Act of 2021”**

June 15, 2021

Chairman Durbin, Ranking Member Grassley, and Members of the Committee:

As the Committee meets today to discuss “H.R. 6, American Dream and Promise Act of 2021,” we respectfully submit this statement for the record, including a brief summary of research and projections from FWD.us¹ describing the populations impacted by this legislation and the economic benefits to the United States of its passage and implementation.

FWD.us is a bipartisan political organization, founded by leaders in the technology and business communities, that believes America’s families, communities, and economy thrive when more individuals are able to achieve their full potential. We strongly support legislation, including H.R. 6, to create a pathway to citizenship for undocumented immigrants, including Dreamers and individuals currently protected by Temporary Protected Status (TPS) and Deferred Enforced Departure (DED).

According to our latest estimates, passing the American Dream and Promise Act would have significant economic benefits, allowing immigrants who secure citizenship under the bill to increase their annual individual earnings by as much as 80%.² We also estimate that this would allow them to contribute an additional \$46 billion annually to the economy beyond their current contribution,³ and an additional \$10 billion in federal, state, and local tax revenue, beyond what they already pay. This commonsense policy is long overdue.

The timing of today’s hearing reminds us that Dreamers have waited far too long for Congress to take action on this issue. June 15th marks the ninth anniversary of the creation of the Deferred Action for Childhood Arrivals (DACA) program. For nine years, DACA recipients have been able to go to school and work with some reprieve from the threat of deportation, allowing them to transform their lives and begin building careers and futures in the United States. At the same time, DACA recipients and their families have been forced to live their lives in two-year increments, waiting on edge every time they are eligible for renewal, and with virtually no opportunity to establish themselves permanently in the only country they know as home.

We also recently marked the 20th anniversary of the first introduction of the DREAM Act by Senators Dick Durbin and Orrin Hatch (a former Chair of this Committee). Similar legislation has been reintroduced in every Congress since, and has been passed out of the House multiple times, including with bipartisan passage of the American Dream and Promise Act in March of this year.

These anniversaries are bittersweet. We are grateful to elected leaders, including Members of this Committee from both parties, who have continued to work toward legislation to establish a

¹ This statement includes research and analysis adapted from the FWD.us report, “Pathways to Citizenship for Undocumented Immigrants,” available at <https://www.fwd.us/news/pathway-to-citizenship>. This report includes population and economic estimates for various proposed pathways to citizenship, including legislation for Dreamers and recipients of TPS and DED.

² For more information on how we calculated economic estimates, refer to the methodology section of our “Pathways to Citizenship for Undocumented Immigrants” report, available at <https://www.fwd.us/news/pathway-to-citizenship>.

³ Contributions to the economy are after payment of federal, state, and local taxes.

pathway to citizenship. At the same time, it is beyond disappointing, and a complete moral failing, that Congress has failed to finish the job and actually to send any of this legislation to a President's desk. Clear majorities of Americans support this legislation.⁴ There is no excuse for continued delay.

DACA recipients - and our country more broadly - needs solutions more urgently than ever. Despite the Supreme Court having prevented DACA's end last year, legal challenges to the program continue, threatening the little certainty and protection DACA recipients are holding onto today. And last week, the Supreme Court made crystal clear that it is the responsibility of Congress to provide TPS recipients - thousands of whom have lived in the U.S. for decades - an opportunity to adjust their status and earn citizenship. All of these developments follow a year of incredible pain and suffering across American communities struggling throughout the COVID-19 pandemic. Millions of undocumented immigrants, including Dreamers, TPS holders, and DED recipients, have played critical roles as essential workers⁵ throughout the pandemic, risking their own lives and sacrificing enormously to save American lives, and support their country and communities.

We firmly believe that this legislation is urgently needed to protect Dreamers, TPS recipients, and DED recipients. We also know this legislation will be good for America, growing the economy and boosting revenue. As the Committee considers this legislation today, we urge Members to focus on facts and data that illustrate the benefits of a full pathway to citizenship.

To help support the Committee's discussion, we present this brief summary of FWD.us' original research and projections about the populations impacted by this legislation and the economic benefits to the United States of its passage.

Demographic and Economic Estimates

American Dream and Promise Act eligible population

In total, FWD.us estimates the American Dream and Promise Act would establish a pathway to citizenship for about 2.7 million people.⁶

⁴ For example, recent FWD.us polling found that 71% of Americans support a pathway to citizenship for Dreamers. For more, see the FWD.us report, "Pathways to Citizenship for Undocumented Immigrants."

⁵ For additional analysis of the contributions of immigrants to the essential workforce, please see the FWD.us report, "Immigrant Essential Workers are Crucial to America's COVID-19 Recovery", available at <https://www.fwd.us/news/immigrant-essential-workers>, as well as the FWD.us policy blog, "Undocumented Essential Workers: 5 Things to Know," available at <https://www.fwd.us/news/undocumented-essential-workers-5-things-to-know>.

⁶ Estimates for the multiple groups that make up the undocumented immigrant population rely on the residual method for calculating the undocumented population, using augmented 2019 data from the U.S. Census Bureau's American Community Survey (ACS), made available by University of Minnesota's IPUMS database. This method is similar to that used by other research organizations estimating the undocumented immigrant population, even though some individuals who are part of the undocumented population may be protected from deportation. For more detailed information on methods used to estimate the undocumented immigrant population, see our previously published methodology, available at <https://www.fwd.us/wp-content/uploads/2020/12/Immigrant-Essential-Workers-Methodology.pdf>.

We estimate that nearly 2 million individuals eligible for the American Dream and Promise Act have lived in the United States for more than 10 years. Nearly 800,000 potential beneficiaries live in “mixed-status” families with a U.S. citizen spouse or child. And approximately 1.3 million American Dream and Promise-eligible immigrants are working as essential workers, sacrificing their own safety to help the U.S. respond to and recover from the devastating COVID-19 pandemic.

Creating a pathway to citizenship for this population would bring significant economic benefits to the United States, as newly-naturalized citizens are able to contribute even more. We estimate that individuals covered by the American Dream and Promise Act would increase their annual individual earnings by as much as 80% once naturalizing as citizens. In turn, this would drive a \$46 billion increase in Gross Domestic Product (GDP) beyond their current contributions to the economy. Securing citizenship would also increase this group’s combined federal, state, and local taxes by \$10 billion each year.

Dreamers

We estimate some 2.2 million Dreamers⁷ would have a pathway to citizenship under the American Dream and Promise Act. Of these, approximately 1 million are estimated to be currently enrolled in, or eligible for, the DACA program.

Dreamers have generally grown up and lived their lives in the United States. The median age for Dreamers is 24 years old, while more than two-thirds are less than 30 years old. An estimated 91% of Dreamers are currently enrolled in school or are in the labor force. Approximately 600,000 Dreamers live in mixed-status families with a U.S. citizen spouse or child.

If Dreamers were able to naturalize as citizens, working Dreamers could eventually see up to a 90% increase in their annual personal earnings, allowing them to contribute an additional \$38 billion to the economy and an additional \$8 billion in combined federal, state, and local taxes each year. These additional economic and tax contributions are only likely to increase year after year given that about half of Dreamers are in school, but will soon enter the labor force.

By comparison, if legislation were restricted only to current or eligible DACA recipients, these benefits would be significantly lower, with only additional, annual GDP contributions of \$21 billion (compared with \$38 billion for all Dreamers) and increased, combined tax revenue by \$4.5 billion each year (compared with \$8 billion for all Dreamers).

⁷ We define Dreamers as undocumented immigrants who came to the U.S. in 2019 or earlier, at 18 years or younger, and are either in school or have completed the equivalent of a high school diploma. Data limitations prevent us from including individuals who came to the U.S. after 2019. These Dreamer-specific estimates are based on the *undocumented* population. A separate group of Dreamers covered in the American Dream and Promise Act who lawfully lived in the U.S. as children of nonimmigrant parents or those waiting for an adjustment of status are not included in Dreamer-specific estimates.

TPS Recipients

We estimate some 600,000 TPS and DED recipients⁸ or individuals eligible for TPS or DED would be able to pursue citizenship under the American Dream and Promise Act. The vast majority of TPS/DED recipients who would qualify come from El Salvador (260,000), Venezuela (130,000) Haiti (80,000), or Honduras (60,000). Together, undocumented individuals from these countries make up 88% of the TPS/DED population under this bill.

Labor force participation among TPS/DED recipients or individuals eligible for TPS/DED is higher than average than for that of U.S. citizens, with 83% of TPS/DED recipients or those eligible active in the workforce. This includes more than 360,000 who are employed as essential workers. TPS recipients also contribute significantly in industries like business services and retail (130,000), construction (80,000), and leisure and hospitality (70,000).

TPS/DED holders eligible under this legislation have, by definition, lived in the United States for quite some time, an average of 18 years, with more than three-quarters living in the U.S. for ten or more years. About 200,000 live in mixed-status families with U.S. citizen spouses or children.

With U.S. citizenship, TPS recipients could eventually increase their individual earnings by up to 70% annually. In turn, they would add \$10 billion more to GDP than they are already contributing, as well as an additional \$2.5 billion in combined federal, state, and local taxes each year.

Conclusion

The numbers are clear: creating a pathway to citizenship for Dreamers, TPS recipients, and DED recipients, along with other undocumented immigrants, will greatly benefit these individuals as well as communities across America. America's workforce needs it, and the U.S. economy will expand because of it. Across all ideological background, the American public supports it. Most importantly, it is the right thing to do. Today, as we celebrate the anniversary of DACA, we urge the Committee to keep the facts in mind, along with the stories of millions of aspiring Americans who already call this country home.

⁸ We define TPS recipients as undocumented immigrants granted or eligible for [TPS](#), a designation protecting immigrants who cannot safely return to their home countries. Included TPS countries are based on USCIS designations as of January 1, 2017, per the text of the American Dream and Promise Act as passed by the House of Representatives. A random assignment of this population among undocumented immigrants identified in the ACS was selected, according to countries of citizenship and year of entry when applicable for the group. This group also includes undocumented Venezuelans who were eligible for DED before the bill's deadline of January 20, 2021.

**U.S. Senate Committee on the Judiciary Hearing
H.R. 6, American Dream and Promise Act of 2021
Statement for the Record Submitted by
Representative Lucille Roybal-Allard (CA-40),
Representative Nydia Velázquez (NY-07), Representative Yvette D. Clarke (NY-09)
June 15, 2021**

Chairman Durbin, Subcommittee Chair Padilla, Members of the Committee, thank you for holding this hearing and thank you for allowing us to submit this testimony.

We applaud Senate Judiciary Committee Chairman Dick Durbin (D-IL) and Immigration Subcommittee Chairman Alex Padilla (D-CA) for taking the first step toward passing H.R. 6, the American Dream and Promise Act out of the Senate and onto President Biden's desk. Earlier this year, U.S. Representatives Lucille Roybal-Allard (CA-40), Nydia Velazquez (NY-07), and Yvette Clarke (NY-09) introduced H.R. 6 for the second consecutive congress. With the assistance of Speaker Nancy Pelosi, on March 18, 2021, the bill was passed out of the House on a bipartisan vote.

The Senate Judiciary Committee's hearing presents an opportunity to make H.R. 6 law and end once and for all the fear and uncertainty that has plagued the lives of our nation's Dreamers and Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) beneficiaries, who are an integral part of the fabric of our American society.

Over the course of the deadly coronavirus pandemic, Dreamers and TPS beneficiaries have played a vital role. During the health emergency, an estimated 202,500 DACA recipients and more than 131,000 TPS holders risked their lives to protect the health and safety of their fellow Americans. Dreamers and TPS holders are among the essential workers helping to package and stock our food, the teachers of our children, and the doctors, nurses, and caregivers who daily have sacrificed their lives to save the lives of others.

Yet in spite of the critical role they play in our society, over 2.1 million Dreamers and hundreds of thousands of TPS holders live in a state of limbo, doubt, and anxiety about being deported to a country most do not know. H.R. 6 eliminates the legal status ambiguity in Dreamers', TPS and DED holders' lives and recognizes the talents and indispensable contributions they make to our country.

The American Dream and Promise Act is supported by Democrats, Republicans, and Independents, as well as businesses, organized labor, faith groups, educators, health professionals, former Cabinet officials, and the majority of the American public. In fact, in this Congress, Republican support of H.R. 6 in the House increased. This unprecedented coalition of support highlights that this legislation is not a partisan issue. It is an issue about who we are as Americans and what is in the best interest of our country.

By passing the American Dream and Promise Act, we will live up to our American values of fairness, justice, and compassion. We urge the full Senate to take up and pass the American Dream and Promise Act, preferably with bipartisan support or, if necessary, through the budget reconciliation, and send it to the President's desk for his signature.



June 14, 2021

Honorable Dick Durbin
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: H.R. 6, the American Dream and Promise Act of 2021

Dear Chairman Durbin and Ranking Member Grassley:

I write to express Apple's support for H.R. 6, the American Dream and Promise Act of 2021, and our appreciation to the Committee for holding a hearing on this important bill. Apple's leadership in American technological innovation; in growing American jobs; and in revolutionizing and improving lives and learning, in this country and around the globe, stems from our people. Apple's innovation strategy is simple. It is all about the people, and their rich diversity. At Apple, our hundreds of Dreamers are members of our collective family. Their creativity and passion have made us a stronger and more innovative American company.

We have long encouraged Congress to take action to make protections for Dreamers permanent. These individuals deserve our respect as equals, and Congress needs to find a solution rooted in American values. The American Dream and Promise Act provides a sensible pathway to citizenship to these Dreamers, young people who came or were brought to the United States as children, as well as to recipients of Temporary Protected Status and Deferred Enforced Departure.

Apple wouldn't be where we are today without Dreamers who have earned the right to continue their extraordinary contributions to our company and our society. Finding a solution for the Dreamers has for years enjoyed the overwhelming support of the American public, and that support runs across party lines. I am heartened that the American Dream and Promise Act is receiving serious consideration by your Committee, and Apple offers its wholehearted support.

Best Regards,

A handwritten signature in black ink that reads "Timothy Powderly".

Timothy Powderly
Senior Director, Government Affairs, Americas

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Statement of the American Friends Service Committee

Submitted to the Senate committee on the Judiciary Hearing on “H.R.6, American Dream and Promise Act of 2021.”

June 15, 2021

Contact:

Peniel Ibe

Policy Engagement Coordinator

pibe@afsc.org

The American Friends Service Committee (AFSC) is a 104-year-old Quaker organization, and over the course of our work we have established migration justice program across the country alongside immigrant leaders and grassroots organizers committed to a more welcoming immigration system in the United States.

Every person without permanent immigration status deserves a lasting solution to keep families and communities together. There are currently about 11 million undocumented immigrants in the U.S. without a viable roadmap to permanent residency and citizenship. They provide emotional and financial support to loved ones; shoulder responsibilities in schools, churches, local businesses, and civic organizations; and are deeply integrated into our communities. AFSC believes that all immigrants in the United States should be given a roadmap to citizenship. This includes over one million Temporary Protected Status (TPS), Deferred Enforced Departure (DED) and Deferred Action for Childhood Arrivals (DACA) recipients who are vital members of our communities and continue to contribute so much despite the lack of stability of permanent legal status.

AFSC works with communities of TPS holders and DACA recipients in multiple states including Colorado, Florida, Iowa, New Hampshire, New Jersey, and California. At the Pan Valley Institute in Fresno, California, AFSC supports the advocacy of immigrants as they face marginalization and economic inequality. In Newark, New Jersey, we support the advocacy of TPS holders fighting to keep their families together. And in Colorado, we activate alongside immigrant leaders committed to political advocacy and local protection of their communities.

Granting legal permanent residency with a roadmap to citizenship for TPS, DED and DACA recipients will strengthen communities and support family stability. Most TPS, DED and DACA recipients have been in the U.S. for decades. They are from mixed status families of U.S. citizens, immigrants, and other undocumented individuals. Nearly 270,000 US citizen children have a parent who is a TPS recipients from Honduras, El Salvador, or Haiti, and at least 200,000 US citizen children have a parent who is a DACA recipient. Deporting TPS, DED and DACA recipients would separate hundreds of thousands of families, which is morally abhorrent and infringes on their human right to family life.

TPS, DED and DACA recipients are key threads in the fabric of their local economies and the national economy. A roadmap to citizenship will provide the stability for these individuals to

continue to gain from and contribute to the economy, earn higher incomes, establish more businesses, and otherwise make more contributions to the welfare of their families and communities.

AFSC calls on the Senate to **immediately enact a permanent solution like H.R.6 that offers Lawful Permanent Residency (LPR) and a roadmap to citizenship for all TPS, DED and DACA recipients *without* expanding detention infrastructure, increasing funding for ICE and CBP, or further militarizing our border communities.**

DACA faces an additional court challenge and will continue to be vulnerable to political and legal attacks. A recent court ruling reversed a previous decision that protected TPS holders—and could open TPS holders up to deportation before the end of year if the Senate doesn't act. Ultimately, only legislation, not litigation, can protect DACA, TPS and DED recipients and undocumented youth.

And as we finally recognize the need for permanent protections and a roadmap to citizenship for DACA, TPS and DED recipients, we must intentionally guard against excluding who have been labeled "criminal" in a system that disproportionately affects Black and brown communities, including immigrants. The American Dream and Promise Act is critically important legislation, but we believe that it should not treat certain individuals as disposable and undermine years of youth justice and criminal legal reform efforts.

In AFSC's work with immigrant communities, we have seen firsthand the ways in which these labels are used to take basic human rights and due process away from individuals, and how blanket exclusions on the grounds of interactions with the criminal legal system can tear apart families and harm communities.

An inclusive roadmap to citizenship will give TPS, DED and DACA recipients protection from policies that would criminalize them and their loved ones and increase persecution through detention and deportation.

AFSC urges Senators to pass H.R. 6 and show leadership by removing the new and unprecedented grounds of exclusion in bills like HR6, ensuring that legislation passed is clear, timely and inclusive so that the criminalization of immigrants within this bill does not become a standard for future immigration proposals.



June 15, 2021

The Honorable Dick Durbin
Chairman, Senate Judiciary Committee
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Alex Padilla
Chairman, Subcommittee on Immigration, Citizenship, and Border Safety, Senate Judiciary
Committee
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Immigration Hub Letter in Support of H.R. 6, the Dream and Promise Act

Dear Committee Chairman Durbin and Subcommittee Chairman Padilla,

We, the Immigration Hub, write in enthusiastic support of H.R. 6, the Dream and Promise Act. On March 18th, the Dream and Promise Act passed with bipartisan support in the House. If signed into law, the bill would provide a pathway to citizenship for U.S.-raised immigrant youth known as “Dreamers,” as well as Temporary Protected Status (TPS) recipients and Deferred Enforced Departure (DED) beneficiaries. We thank you for your leadership in organizing today’s hearing, on the ninth anniversary of the Deferred Action for Childhood Arrivals (DACA) program, and we look forward to continuing to work with you to secure permanent protections for immigrant communities this year.

The Dream and Promise Act would provide critical protections and a pathway to citizenship for millions of immigrants who call this country home. [Estimates](#) indicate that there are more than 2 million Dreamers living in the United States. These individuals came to the U.S. as children, and are either in school or have already graduated with at least the equivalent of a high school diploma. Nearly 1 million Dreamers are [essential workers](#), and approximately 125,000 Dreamers have or are eligible for TPS. Meanwhile, more than 1.4 million Dreamers have lived in the U.S. for at least ten years. More than 500,000 are parents of at least one U.S. citizen minor child or have a U.S. citizen spouse.

Current TPS holders and individuals eligible for TPS would benefit from the Dream and Promise Act in that they would obtain permanent protections and the opportunity to apply for citizenship. [Estimates](#) indicate that nearly 640,000 people are either holders of or are eligible for TPS. Most of these individuals are from Northern Triangle countries (El Salvador, Honduras, and Guatemala), [Venezuela](#), or Haiti, and about three-fourths have lived in the U.S. for at least ten years. Approximately, 15% are also married to a U.S. citizen spouse, while about 25% have U.S. citizen minor children. Today’s hearing on the Dream and Promise Act is a critical step forward in securing permanent protections for these individuals who have made invaluable contributions to our country and who are our family members, neighbors and friends.



The Dream and Promise Act would not only provide protections and a pathway to citizenship for millions of immigrants, it would also bolster the country's economy. A [recently released report](#) found that enacting the Dream and Promise Act would increase U.S. GDP by a cumulative total of \$799 billion over 10 years and create 285,400 new jobs. Five years after implementation, those eligible would experience annual wages that are \$4,300 higher. Ten years after implementation, those annual wages would be \$16,800 higher, and all other American workers would see their annual wages increase by \$400.

As Dreamers and advocates take action on the streets with a looming federal case ruling that could possibly terminate DACA, and in light of last week's Supreme Court [decision](#) in *Sanchez v. Mayorkas* that limits the eligibility of TPS holders to adjust their status, the time for a pathway to citizenship for Dreamers and TPS holders could not be more urgent.

We urge you and your colleagues in the Senate to continue to work toward securing permanent protections for Dreamers and TPS holders immediately by passing H.R. 6, the Dream and Promise Act, or including a pathway to citizenship for Dreamers, TPS holders and essential workers in reconciliation. We thank you again for holding today's hearing and look forward to continuing to work in partnership with you and your staff.

Sincerely,

The Immigration Hub



600 14th Street, N.W., Suite 300
Washington, D.C. 20005

**Statement for the Record
U.S. Senate Committee on the Judiciary**

H.R.6 – American Dream and Promise Act of 2021

June 18, 2021

The IBM Corporation (“IBM”) was very pleased to see the Senate Judiciary Committee discuss H.R.6, the American Dream and Promise Act, on June 15, 2021, the date marking the 9-year anniversary of the establishment of the Deferred Action for Childhood Arrivals (“DACA”) program.

The DACA program has enabled nearly 40 talented individuals to become current IBMers, and while we are immensely proud of their accomplishments, we are equally troubled by the uncertainties they face regarding their futures in the U.S. DACA IBMers reside across more than 10 states, from New York, to North Carolina, to Texas, to California. They perform various and significant roles throughout our company, including in the cloud computing and artificial intelligence areas that are critical to our strategy, and their work is vital to clients across the retail, travel and financial services areas, to name just a few. They are engineers, chiefs of staff, client services representatives and software developers, among many others.

IBM has made its position very clear that Congress must pass a permanent, bipartisan legislative solution that will provide a path to citizenship for these DACA work-authorized employees. IBM has been and will continue to be a staunch advocate for this important Congressional action. Our company helped create and continues to lead the multi-industry Coalition for the American Dream. Our former CEO was one of the first tech industry leaders to meet with Congress and the White House to urge action on DACA. IBM has participated in hundreds of meetings with Members of Congress and staff from all states to relay our support for permanent DACA protections; we’ve signed on to countless letters addressed to the former and current Administration and Congress; and we’ve signed amicus curiae briefs in support of DACA. We’ve also facilitated in-person and virtual fly-ins of our Dreamers so they could share their personal stories and appeal directly to their state’s Senators and Representatives, giving them a voice – for the first time.

IBMer, Alan Torres, who serves as Chief of Staff to the General Manager for IBM’s Consumer and Travel Market, recently shared his perspective on the issue: “To me, DACA embodies the American dream – the opportunity for a validated history, a stable present, and a better future. DACA doesn’t grant me any right or privilege over any American citizen, rather it gives me my own opportunity to rise as an active member of society.”



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“They say that success is when opportunity meets preparation, and DACA was just that, an opportunity. An opportunity to bring my skillset into the market and make a better life for myself and my family. Isn’t that the true definition of the American dream? With DACA, my dreams were no longer restricted just because of my place of birth. And I was now being measured purely by my abilities and skill set.”

Torres goes on to say, “Where would I be without DACA? Honestly, I don’t know, but I am reminded of the fragility of it all every 18 months when it is time to renew my permit, and anxiety kicks in as I wait for the DACA renewal to be approved before I am forced to take a leave of absence at work. I am reminded every time politicians argue over the legality and ethical dilemma of it. I, and many like me, continue to live in a nebulous area of the law – with an expiration date stamped on our backs. And even so, I am still grateful for the opportunity. But I yearn for a more permanent stability.”

“This is what I know for sure: without DACA, my life would be very different. I would never have been able to become an engineer, to become an IBMer, to become a leader in my company. More importantly, without these opportunities, I would have been confined to a life of limited opportunities and possibilities.”

IBM, once more, calls on Congress to pass a permanent bipartisan solution that creates a path to citizenship for DACA recipients and other Dreamers. We have shared here advocacy steps we have taken thus far on behalf of Alan and every other Dreamer that IBM has been fortunate to have as part of our team, and we will continue advocating as long as it takes for the permanent solution they deserve to become reality.



**Improve The Dream
Statement for the Record**

Submitted to the Senate Judiciary Committee

“H.R.6, American Dream and Promise Act of 2021”

Tuesday, June 15, 2021

Improve The Dream is an advocacy organization led by young immigrants who have grown up in the United States as child dependents of long-term visa holders without a clear path to citizenship. We represent over 200,000 Documented Dreamers and are collectively raising awareness about the various issues that cause us to age-out of the system when we turn 21.¹ Members of our community were brought to the United States at an average age of five and have resided here for an average of 12 years. We are advocating for change that permanently ends "aging-out" and provides a path to citizenship for every child who grows up in the United States, regardless of status.

We appreciate the committee holding this important hearing on the 9-year anniversary date of the DACA program to highlight the urgency of passing *H.R. 6, Dream and Promise Act*. Over two million children, documented and undocumented, who have grown up in the United States face deportation from the only home they have ever known. For over 20 years, the DREAM Act has been a beacon of hope that serves as an opportunity for achieving the American Dream while keeping families together.

In 2001, when the original DREAM Act was introduced, Senator Orrin Hatch stated that "the purpose of the DREAM Act is to ensure that we leave no child behind, regardless of his or her legal status in the United States." Unfortunately, from the start, this premise was not held by the legislative text, as the DREAM Act has historically excluded children who grew up here while maintaining a documented status. For the first time, the House version of the Dream & Promise Act of 2021 allows such Documented Dreamers to qualify. Over 200,000 Documented Dreamers, who previously were not addressed by this legislation only because they maintained status, now have hopes of achieving the American Dream and being recognized as Americans. We are grateful to the House for including us in the Dream & Promise Act and we urge the Senate to keep and strengthen this provision.

Many Americans are not aware that it is possible for an immigrant child to grow up in the United States with legal status, but still have no clear path to citizenship. This is because current immigration laws prevent high-skilled immigrants (H-1B visas), small business owners (E-2 visas), and their children from having a future in this country. Due to long backlogs certain

countries face, the children of H-1B visa holders "age-out" of their status at age 21. E-2 visa holders, on the other hand, have no pathway to citizenship, which forces their children to self-deport at age 21. Likewise, children of other long-term visa holders face a similar predicament.² Moreover, many of us are facing self-deportation everyday since the immigration system currently has no mechanism in place to protect children from aging-out. These obstacles are not just tearing families apart, but also negatively impacting the United States economy.³

At age 21, Documented Dreamers must self-deport or switch to a student visa, get lucky enough to be sponsored by an employer, win the H-1B visa lottery, and start the entire employment-based green card process on our own. However, even switching to a student visa is difficult because of the requirement to show "nonimmigrant intent" and ties to our country of birth. Additionally, the odds of winning the H-1B lottery was 31% in 2020, proving there is no viable path for most.⁴

While growing up, we do not receive benefits and protections that were offered to other children brought here at a young age, only because we had not lost our documented status. This means we do not have work authorization through DACA, hindering us from gaining valuable work experience and giving back to our communities. The requirement of being undocumented prevented approximately 75,000 children from qualifying for the program, limiting them from reaching their fullest potential.⁵ Documented Dreamers do not qualify for any federal aid and many do not qualify for in-state tuition, despite meeting all other residency requirements. Although DACA recipients and Documented Dreamers were both brought here at a young age and grew up as Americans, before the *Dream and Promise Act of 2021*, legislative solutions excluded us. It is important to recognize the positive impact that the DACA program has had on many Dreamers, but, we believe that permanent protection should be provided to all Dreamers, including us.

While many Documented Dreamers are included in H.R. 6, since this legislation was not written with protections for this population in mind, the legislative text does not optimally protect all of us. To further strengthen this bill, the following technical changes are necessary:

1. In addition to children of E-1, E-2, H-1B, and L visa holders, expand inclusion to all children, irrespective of their parent's status.² If the original purpose of the DREAM Act was to provide a path to children who grow up in the United States, it does not make sense to exclude any children who grew up with certain other statuses, especially because they would have qualified for DACA if they had lost that status.
 - a. The following technical change should be made to Section 102 of the bill:

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 104(c)(2), an alien who is inadmissible or deportable from the United States, is subject to a grant of Deferred Enforced Departure, has temporary protected status under section 244 of the Immigration and Nationality Act ([8 U.S.C. 1254a](#)), or ~~is the son or daughter of an alien admitted as a nonimmigrant under subparagraphs (E)(i), (E)(ii), (H)(i)(b), or (L) of section 101(a)(15) of such Act ([8 U.S.C. 101\(a\)\(15\)](#))~~ **or has been, at any time, admitted to the United States as a dependent child of a nonimmigrant admitted pursuant to an approved employer petition under section 214 or with status under section 101(a)(15)(E) if—**
2. Allow children who have maintained lawful aggregate presence of 10 years to be exempt from requirements of continuous presence. It is difficult for some Documented Dreamers who did not qualify for DACA to meet the continuous presence requirement as they may have been forced to self-deport.
 - a. The following technical addition should be made to Section 304 of the bill:

(d) EXCEPTION FOR CERTAIN LONG-TERM RESIDENTS.—An alien who had at the time of the application been lawfully present in the United States for an aggregate period of not less than 10 years shall be exempt from the requirement of continuous physical presence under section 102(b)(1)(A), if the alien meets all other requirements under this Act.

We urge this committee to strengthen the inclusion of Documented Dreamers and ensure the provisions' inclusion in any future iteration of this legislation. We are committed to working with members of this committee to find solutions which permanently protects individuals who were brought here as children and consider this their home. All children who grow up in the United States should receive a clear pathway to citizenship.

¹David Bier, “100,000 Children in the Employment-Based Green Card Backlog at Risk of Family Separation,” 2020, available at

<https://www.cato.org/blog/100000-children-employment-based-green-card-backlog-risk-family-separation>

²David Bier, “House Bill Provides Path to Citizenship for Most Legal Dreamers”, 2021,

available at <https://www.cato.org/blog/house-bill-provides-path-citizenship-most-legal-dreamers>

³David Bier, “Huge Fiscal Benefits of Including Legal Immigrant Dreamers in the DREAM

Act,” 2017, available at

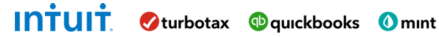
<https://www.cato.org/blog/huge-fiscal-benefits-including-legal-immigrant-dreamers-dream-act>

⁴USCIS, “FY 2021 H-1B Cap Petitions May Be Filed as of April 1”, 2020, available at

<https://www.uscis.gov/news/news-releases/fy-2021-h-1b-cap-petitions-may-be-filed-as-of-april-1>

⁵MPI, “A Narrower Path in the House for Most DREAMers,” 2018, available at

<https://www.migrationpolicy.org/news/narrower-path-house-most-dreamers>



2550 Garcia Avenue
Mountain View, CA 94043
650-944-3840
intuit.com

May 17, 2021

US House of Representatives
Washington, DC 20515

Dear Representative,

On behalf of Intuit, a global technology platform that helps enable our customers and communities build prosperity, I write to respectfully urge you to support H.R. 6, The American Dream and Promise Act. Introduced by Representatives Roybal-Allard (D-CA), Velázquez (D-NY), and Clarke (D-NY), H.R. 6 is critically important to enable young US raised immigrants including undocumented and documented Dreamers, to earn lawful permanent residence and a path to citizenship.

Immigrants, including Dreamers, are an integral part of our society. Dreamers contribute billions in annual economic growth, are critical to our workforce, and are fully integrated in our communities. Intuit's US workforce includes approximately one thousand employees on high-skilled non-immigrant visas - primarily H-1Bs - as well as some in the Deferred Action for Childhood Arrivals (DACA) program. Their contributions to our company and our customers are extensive and innumerable.

We also commend the sponsors of the American Dream and Promise Act for including protections for "documented Dreamers," the children of certain nonimmigrant visa holders. Like other Dreamers, the children of our employees on high-skilled work visas have grown up here and consider America their home.

Many follow in the footsteps of their parents and are leaders in fields of math and science. While our H-1B employees face long wait times often lasting more than ten years to obtain their green card, their children could "age out" at 21 and have to self-deport from the US. One estimate found the net economic cost of losing documented Dreamers to be over \$30 billion.

Inconsistent administrative actions over the years coupled with continued legal battles have created significant hardship for these Dreamers and their families. Without the protections in this legislation, these individuals could be forced to return to a place they have little to no connection and we may lose the vital contributions of Dreamers to our economy, our workforce, and communities.

Therefore, we respectfully ask your support in the swift passage of H.R. 6, which provides a permanent legislative solution for these children bringing certainty to them and their families and ensuring they can continue their valuable contributions to the US.

Sincerely,

Sasan Goodarzi
Chief Executive Officer
Intuit



Senate Judiciary Committee

Hearing "H.R.6, American Dream and Promise Act of 2021"

June 15, 2021

Statement for the record

The Latin America Working Group (LAWG) submits this statement for the record for the Senate Judiciary Committee hearing "H.R.6, American Dream and Promise Act of 2021" on June 15, 2021. As an organization that advocates for more just U.S. policies towards Latin America & the Caribbean and that defends the rights of migrants and refugees, LAWG fully supports H.R.6, American Dream and Promise Act of 2021 and has expressed support for this bill on numerous occasions. With our support and that of many other organizations, H.R. 6 passed the House of Representatives during the 117th Congress.

The importance and urgency of the Senate moving forward its version of H.R.6 cannot be overstated. H.R.6 would provide a pathway to citizenship for Dreamers and Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) beneficiaries. These are members of our communities who have strengthened our society and economy and helped us survive the COVID-19 pandemic. The time to recognize their contributions and their identity as permanent members of our communities is now. H.R. 6 would allow them with a path forward to citizenship and the ability to live and work without fear of deportation.

Under the *Ramos v. Nielsen* and *Bhattarai v. Nielsen* [lawsuits](#), the protection for TPS beneficiaries from Honduras, El Salvador, and Nicaragua has been extended to October 4, 2021. This expiration date is less than six months away. TPS beneficiaries cannot live their lives with uncertainty and fear awaiting the next expiration date of their protections. Congress must act immediately to grant them permanent protections and a pathway to protection urgently. There is no alternative.

Conditions in Honduras, El Salvador, and Nicaragua to which TPS beneficiaries would be returned to if their status expires represent ongoing situations of insecurity, danger, and poverty, which have been exacerbated by the pandemic and two back-to-back hurricanes that devastated the region last year. According to the United Nations, as of June 2021, there were [1.7 million people displaced](#) across the region due to the impacts of Hurricanes Eta and Iota. Governments and international organizations continue to provide humanitarian relief to communities affected by the hurricanes more than six months later, but the assistance is far from what is needed. An estimated [10 million people](#) remain in need of humanitarian assistance across Central America and there are reports from humanitarian organizations that food insecurity will continue to increase. Many [individuals](#) have not yet recovered from the impact of the hurricanes, especially women, girls, and members of Afrodescendant and indigenous communities. The Biden Administration should designate TPS for Guatemala and re-designate it for Honduras, El Salvador and Nicaragua based on the impacts of the hurricanes but in the meantime, Congress must act to grant permanent protections to TPS beneficiaries.

Dreamers, DED and TPS beneficiaries are essential to this country. They are essential workers, many on the [frontlines during the pandemic](#). They study, run businesses, are homeowners, and are part of the fabric of our communities and our nation. The United States must be a country that lives up to its values of recognizing immigrants as an essential part of our society.



Daniella Burgi-Palomino

Co-director

Latin America Working Group (LAWG)

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JO ANN ROONEY, JD, LL.M., EdD
President

June 11, 2021

Hon. Richard J. Durbin
Chair, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Hon. Chuck Grassley
Ranking Member, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

RE: American Dream and Promise Act of 2021, H.R. 6

Dear Chairman Durbin and Ranking Member Grassley:

Loyola University Chicago strongly supports the American Dream and Promise Act of 2021, H.R. 6, and applauds the Senate Judiciary Committee for hosting a hearing to review and discuss the legislation. Loyola is also very grateful to Senators Durbin and Graham for re-introducing the Dream Act of 2021, S. 264.

The American Dream and Promise Act would provide a pathway to citizenship for qualifying residents, including a number of our college students who presently have undocumented status. Chairman Durbin, you have been fighting for this legislation for 20 years, and Loyola University Chicago is most grateful to you for being such a determined champion for our undocumented students.

Manuel Bernal Mejia, M.D., is an Emergency Medicine Resident at Advocate Health Care in Oak Park, Illinois, and will be providing oral testimony. Dr. Bernal also is an alumnus of Loyola University's Stritch School of Medicine. I will let him tell his own story, but I would like to take this opportunity to share more information about Loyola University Chicago's commitment to all of our undocumented students, especially our medical students, as a Jesuit Catholic institution of higher education.

In 2012, after President Obama created the Deferred Action for Childhood Arrivals (DACA) program, Loyola University Chicago's [Stritch School of Medicine](#) became the first medical school in the nation to alter its admission policy to make students with DACA status eligible to apply and compete for admission. As you know, DACA provides a significant portion of undocumented students with a work permit and a social security number, as well as a two-year, renewable reprieve from actions on their cases such as deportation.

Loyola leadership soon determined that DACA-eligible medical students would be able to become licensed physicians in Illinois and most other states and proceeded to encourage them to apply to our Stritch School of Medicine. After a few years, other medical schools followed Loyola's example, and today there are about 200 medical students and residents in the United States who were able to pursue their professional studies thanks to DACA. Loyola has educated about 25% of these medical professionals, 29 of whom are now in residency, like Dr. Bernal, and 20 of whom are still enrolled.

Dr. Bernal is one of several Stritch graduates with DACA status who are already making significant contributions to our nation's health care. Cesar Montelongo Hernandez couldn't enroll in medical school upon graduating from college due to his undocumented status. In 2015, however, he enrolled at Loyola as the first DACA recipient in an MD-PhD program, and he recently completed his doctoral dissertation in microbiology. Dr. Montelongo studied how bacteria and viruses interact in the human body, which could be a driver for antibiotic resistance in the clinical setting. He is poised to become the kind of physician who brings basic research to the bedside in a timely and scientific manner, a skill and talent we have come to see as being so valuable in the present pandemic.

Alejandra Duran Arreola, MD, is completing her first year of residency in family medicine with Kaiser Permanente in the State of Washington, having graduated from Loyola's Stritch School of Medicine in 2020. Dr. Arreola has supported patients and their families this year on a full range of health care needs. Early in the pandemic, she accompanied patients in the ICU who were dying from COVID-19, but due to infection control protocols were unable to have family at their bedside. She now regularly addresses patient questions and concerns about COVID-19 vaccines, and helps them to understand the importance of inoculation. Dr. Arreola grew up in rural Georgia, and her dream is to practice rural medicine throughout her career, taking care of underserved patients from cradle to grave.

Juan Gonzalez-Martinez grew up in Detroit, having arrived in the U.S. when he was one year old. After attending public school, he looked to adjust his undocumented status by enlisting in the United States Marines. The recruiter told him that he could serve his country in the Marine Corps, and would probably get deployed. He could fight and even die for his country, but when he returned there was no guaranteed pathway to citizenship, or any kind of permanent legal status. Mr. Gonzalez-Martinez appreciated the honesty, but he also was heartbroken, because he wanted to serve his country, and also to show people that this is his home.

Armed with a very strong desire to change the legal landscape, Mr. Gonzalez-Martinez later enrolled in Loyola's School of Law, a choice that was possible even with his DACA status. This May, after successfully completing his first year, he secured an internship at the Circuit Court of Cook County with the Honorable Judge John Simon. He hopes one day to use his legal knowledge to assist the less fortunate, either through public service or by working for a legal aid clinic.

Including our DACA students at the Stritch School of Medicine and at our School of Law, we estimate that presently there are about 150 undocumented students studying at Loyola, roughly half of whom are DACA-eligible. The instability of the DACA program, however, is a significant concern for us and for our students. With its two-year renewable status, DACA cannot provide the recipient, even if they have successfully completed degree programs, with the long-term security that comes with a path to citizenship. The American Dream and Promise Act not only provides hope for our students, it helps to secure and nurture their talents on behalf of all Americans.

Our undocumented students and graduates – and the many young people like them – are woven into the fabric of our communities, and they are highly motivated to contribute to our communities and our country. Like Dr. Bernal, Dr. Montelongo, and Dr. Arreola, they are our future doctors and first-responders. Like Mr. Gonzalez-Martinez, they also are our future lawyers, teachers, and business owners. They are committed to lifting up the most marginalized in our world and Loyola is committed to their success, with the knowledge that their achievements and accomplishments will benefit us all.

We recognize that many people, including many of our own Loyola students, are advocating for comprehensive revision of our immigration laws. Our hope is that passage of the American Dream and Promise Act in 2021 will ultimately stand as a critical first step in that direction, while providing immediate, significant hope and promise to hundreds of thousands of students and other residents. Thank you again for your support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jo Ann Rooney', with a long, sweeping horizontal line extending to the right.

Jo Ann Rooney, JD, LLM, EdD
President



Statement from NAE Executive Director Jeremy Robbins to Senate Judiciary Committee on full committee hearing, H.R.6, American Dream and Promise Act of 2021:

Creating a path to citizenship for Dreamers and TPS holders is a critical piece of the effort to reform America's outdated immigration system. It is past time for the uncertainty that has plagued Dreamers, TPS holders, their employers, and the communities they call home to end, and we support bipartisan efforts to achieve a solution.

Our research finds that DACA-eligible immigrants and TPS holders:

- Are essential workers in the response to and recovery from the COVID-19 pandemic. More than half of all DACA-eligible immigrants, some 542,000 people, are essential workers, including more than 60,000 in the healthcare industry alone.
- Are productive members of the workforce: 93 percent of DACA-eligible immigrants and 94 percent of TPS beneficiaries are employed.
- Pay billions in federal income, state, and local taxes: DACA-eligible immigrants pay close to \$4.0 billion in taxes, while TPS holders pay more than \$1.5 billion annually.
- Hold significant economic clout: DACA-eligible individuals hold \$19.4 billion in spending power, while TPS holders hold \$5.8 billion.
- Are job creators: There are approximately 43,000 DACA-eligible entrepreneurs. More than one out of every 10 TPS holders, or 10.5 percent, reported being self-employed.

We fully support legislation that would provide a path to citizenship for Dreamers and TPS holders, and we urge the Senate to take swift, bipartisan action to make this a reality.

**NATIONAL
DOMESTIC
WORKERS
ALLIANCE**

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Statement for the Record
Submitted to the U.S. Senate Committee on the Judiciary

On Full Committee Hearing Titled:
“H.R. 6, American Dream and Promise Act of 2021”
June 15, 2021

Submitted by:
National Domestic Workers Alliance
45 Broadway, Suite 320
New York, NY 10006

The National Domestic Workers Alliance (NDWA) is the leading voice of over 2.2 million domestic workers in the United States, including nannies who take care of our children, housecleaners who bring order to our home, and home care workers who ensure that our loved ones can live with dignity and independently at home. NDWA works to improve the quality of jobs, and to achieve fairness and dignity for this workforce that provides essential care and cleaning services in our homes. More than 90 percent of domestic workers are women, and mostly immigrants and women of color. NDWA's community includes over 250,000 domestic workers in all 50 states, and 74 local affiliate organizations and chapters in 36 cities and 19 states.

NDWA urges Congress to pass the American Dream and Promise Act of 2021 (H.R. 6). NDWA supports setting undocumented immigrants on pathways to citizenship, enabling those who call the U.S. home to live with dignity, safety, and stability. Expanded pathways to citizenship are also central to our economic growth, improving wages and job quality, and helping address the care gap. The Dream and Promise Act in particular would provide a pathway to citizenship that would enable Dreamers and individuals with Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) to live and work in the communities they know as home without fear and eventually with full citizenship.

PASSAGE OF H.R. 6 WILL HELP IMPROVE WAGES AND JOB QUALITY FOR ESSENTIAL WORKERS. Care work is the work that makes all other work possible, but too many immigrant workers do not have the safety and security they need. Over the last year, NDWA's members have been working in occupations at the forefront of the COVID-19 public health and economic response by providing care in homes. A pathway to citizenship and work authorization will enable domestic workers who are Dreamers and TPS or DED holders to enter the formal labor market, obtain better wages, and secure better working conditions. Many domestic workers are primary breadwinners for their households¹, yet they are paid low wages, have few employer-provided benefits, like health insurance or paid time-off, and cannot access paid family and medical leave or paid sick days.² The typical domestic worker is paid \$12 an hour, 39.8 percent less than a typical nondomestic worker who is paid \$19.97 an hour.³ The average annual income of a domestic worker is less than \$16,000 per year.⁴ However, research

¹ Since March 13, 2020, NDWA has been conducting weekly surveys of domestic workers through our online news services. Our surveys in March and early April showed that 77 percent of over 15,000 surveyed workers are primary breadwinners of their households. NDWA, *Coronavirus' Economic Impact on Domestic Workers*, https://domesticworkers.org/sites/default/files/Coronavirus_Report_4_8_20.pdf

² Julie Wolfe, Jori Kandra, Lora Engdahl, and Heidi Shierholz, Economic Policy Institute, *Domestic Workers Chartbook: A Comprehensive Look at the Demographics, Wages, Benefits and Poverty Rates of the Professionals who Care for Our Family Members and Clean our Homes*, (May 14, 2020), <https://files.epi.org/pdf/194214.pdf>.

³ *Id.*

⁴ *Id.*

on DACA showed that the average hourly wages among DACA recipients more than doubled after they obtained work authorization.⁵ Economic research has demonstrated that providing a pathway to citizenship increases overall GDP growth and wages for all Americans.⁶ Estimates show that passage of H.R. 6 would increase the U.S. GDP by nearly \$800 billion over 10 years and create 285,400 new jobs.⁷

In addition, workplace violations are pervasive and systemic across domestic work occupations, compounded by the stark power imbalance between workers and employers and the fear of termination or other retaliation.⁸ Workers are highly exposed to the entire spectrum of labor exploitation, including sexual assault, physical and verbal abuse and labor trafficking.⁹ Immigrant domestic workers are even more easily exploited by employers. For example, these workers are often afraid to even complain about unpaid wages or substandard working conditions for fear that their employer could take action that leads to their detention or removal.¹⁰ Their status may also make it difficult for immigrants to engage in collective action or join unions.¹¹

For example, Diwata¹² is a member of an NDWA affiliate and is a home care worker from the Philippines. The United States has been her home for the past 30 years but she lives in fear of being deported as undocumented. She loves her work, caring for people one-on-one in their

⁵ Tom K. Wong, Testimony before the U.S. Senate Subcommittee on Immigration, Citizenship and Border Safety, (May 12, 2021), <https://www.judiciary.senate.gov/imo/media/doc/Tom%20K%20Wong%20-%20SJC%20Subcommittee%20Testimony%20-%20May%2012%202021.pdf>.

⁶ Robert Lynch and Patrick Oakford, "The Economic Effects of Granting Legal Status and Citizenship to Undocumented Immigrants," Center for American Progress, (March 20, 2013), <https://www.americanprogress.org/issues/immigration/reports/2013/03/20/57351/the-economic-effects-of-granting-legal-status-and-citizenship-to-undocumented-immigrants/>.

⁷ Giovanni Peri and Reem Zaiour, "Citizenship for Undocumented Immigrants Would Boost U.S. Economic Growth," Center for American Progress, (June 14, 2021), <https://www.americanprogress.org/issues/immigration/reports/2021/06/14/500433/citizenship-undocumented-immigrants-boost-u-s-economic-growth/>.

⁸ Annette Bernhardt, Ruth Milkman, and Mik Theodore, National Employment Law Center, Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities, (2009) available at <https://www.nelp.org/publication/broken-laws-unprotected-workers-violations-of-employment-and-labor-laws-in-americas-cities/>

⁹ John Cavanagh and Ai-jen Poo, Institute for Policy Studies and National Domestic Workers Alliance, The Human Trafficking Of Domestic Workers In The United States (2017) available at https://ips-dc.org/wp-content/uploads/2017/03/Beyond-Survival-2017-Report_FINAL_PROOF-1-1.pdf.

¹⁰ Public Radio International, For undocumented workers, demanding better work conditions could mean deportation (Aug. 26, 2019) available at <https://www.pri.org/stories/2019-08-26/undocumented-workers-demanding-better-work-conditions-could-mean-deportation>

¹¹ Daniel Costa, Economic Policy Institute, Employers increase their profits and put downward pressure on wages and labor standards by exploiting migrant workers (Aug. 27, 2019) available at <https://www.epi.org/publication/abor-day-2019-immigration-policy/>

¹² Name has been changed to protect privacy.

homes. Before the pandemic, she worked as a caregiver for four years for the same client. Her client's daughter advertised the position at \$15 dollars an hour, but they paid Diwata only \$10 an hour -- less than the minimum wage in California. She found out that they were paying other workers who were citizens \$15 an hour. She was upset, but she was afraid to speak up and ask for the advertised wage because of her immigration status. Enacting H.R. 6 will provide immigrant workers like Diwata with the security to ensure their rights are respected, they are paid fairly, and have meaningful access to justice if they face labor abuses that are all too common in this sector.

PASSAGE OF H.R. 6 WILL HELP ADDRESS THE CARE GAP AND CREATE A ROBUST CARE WORKER PIPELINE. Home care is predicted to be one of the fastest growing sectors in the next decade. Even before the pandemic, many states faced shortages of home care workers. Over the next decade, demand for home care will grow by 46 percent, with more than one million new home care jobs. The COVID-19 pandemic has made visible the crucial role of the workers who perform these care jobs, and that they are often women of color and immigrant women. As President Biden has noted in describing the American Jobs Plan, “[Home care] workers – the majority of whom are women of color – have been underpaid and undervalued for too long.”¹³ By placing more individuals on a pathway to citizenship, H.R. 6 will help meet dual goals: ensuring that we have the workforce to fill these care jobs and that there are quality jobs in this women-powered workforce.

H.R. 6 WILL PROVIDE ADDED SECURITY AND STABILITY TO AMERICAN FAMILIES ACROSS THE COUNTRY. Many Dreamers and TPS and DED holders are parents of U.S.-citizen children. The precarity of a family member's immigration status leaves many families in a state of constant worry and uncertainty. By providing pathways to permanent residency and, ultimately, to citizenship, H.R. 6 will allow families to stay together and make plans without fears of family separation and deportation. Two members of Adhikaar, an affiliate of NDWA shared:

¹³ The White House, *supra* note 6.

“I work in Manhattan as a food delivery person. There is danger and stress about COVID-19 everywhere, but I need to go to work anyway. During this time I could also get coronavirus, fortunately, that has not happened. But I am worried and scared. I have a large bag of medication I need to take daily. I need to go to work every day because this job helps me and my family survive. Through TPS I have a work permit and pay taxes which helps me and economically supports this country. If TPS is canceled, we are all going to be out of work. We are surviving because of TPS. If TPS holders are given permanent residency, it would let hundreds of thousands of immigrants like me continue to work, help save lives, and rebuild this economy.” – **Binsa¹⁴, Nepali TPS holder, and Adhikaar member**

“After receiving TPS, I opened my own business and bought a house in Eagle, Colorado. Now I own a transportation company. I felt that I have achieved my dream, but what I don’t have is the uncertainty of how long I will be able to stay in this country after contributing my 23 years to the United States. I have a U.S. citizen son who is attending Colorado State University. He needs our backing through guidance and economical support. I was already apart from my family but now I can’t do it anymore.” -- **Shanoli¹⁵, Nepali TPS holder, and Adhikaar member**

We thank Chairman Durbin and Members of the Senate Judiciary Committee for holding this critical hearing and urge the Senate to pass H.R. 6, the American Dream and Promise Act.

¹⁴ Name has been changed to protect privacy.

¹⁵ Name has been changed to protect privacy.

National Council of Jewish Women
2055 L St NW Suite 650
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T: 202. 296. 2588



National Council of Jewish Women

June 15, 2021

The Honorable Dick Durbin
Chair
Committee on the Judiciary
United States Senate

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate

Dear Chairman Durbin and Ranking Member Grassley,

National Council of Jewish Women (NCJW) thanks the Senate Judiciary Committee for holding this hearing on the American Dream and Promise Act of 2021 (H.R. 6). As an organization devoted to improving the lives of women, children, and families, NCJW believes that now is the time to act. Protecting immigrant youth, Temporary Protected Status (TPS) holders, and Deferred Enforced Departure (DED) recipients is the first step toward a pathway to citizenship for all 11 million undocumented people living in the United States. Today is the ninth anniversary of DACA, and the Dream Act was first introduced 20 years ago. It is long past time to enact a permanent solution for the millions of people living in uncertainty.

The *Torah* teaches us to welcome the stranger, for once we were strangers in the land of Egypt. Winning permanent protections for undocumented immigrants is not simply an issue of politics, but one of morality. The more than 3 million Dreamers, TPS, and DED holders helped by this bill are part of our communities. They own homes and businesses, attend school, worship in our congregations, and are vital to the economic strength of our nation. For many, the United States has been home for decades, or is the only home they have ever known.

Immigrant youth, TPS holders, and DED recipients have been in legal limbo over the past four years, and a decision about DACA from the Southern District of Texas is expected at any time. No one should have to plan their life from court case to court case. Thank you again for holding this hearing on the American Dream and Promise Act (H.R. 6). We urge the Committee and Congress to act now to provide a pathway to citizenship for Dreamers, TPS recipients, and DED holders by passing the American Dream and Promise Act of 2021 (H.R. 6), the first step toward citizenship for all 11 million undocumented immigrants in the U.S.

If you have any questions, please contact Faith Williams, Associate Director of Government Relations and Advocacy at fwilliams@nciw.org.

Sincerely,

Jody Rabhan
Chief Policy Officer
National Council of Jewish Women

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EXECUTIVE DIRECTOR
Marielena Hincapié

Statement of the National Immigration Law Center

Senate Judiciary Committee

FULL COMMITTEE HEARING

H.R.6, American Dream and Promise Act of 2021

June 15, 2021

Dear Members of the Senate Judiciary Committee,

Established in 1979, the National Immigration Law Center (NILC) is an organization long dedicated to protecting and advancing the rights and opportunities of low-income immigrants and their families. We believe that all people should have the opportunity to achieve their full human potential – regardless of their race, gender, immigration, and/or economic status. Over the past forty years, NILC has won landmark legal decisions protecting fundamental human and civil rights and advocated for policies that reinforce our nation's values of equality and justice for all. One such case is *Batalla Vidal, et al. v. Nielsen, et al.*, where we challenged the termination of the Deferred Action for Childhood Arrivals (DACA) program and ultimately won at the U.S. Supreme Court, keeping its protections in place for hundreds of thousands of individuals across the country. Today, we write to support legislation that would provide permanent protections for immigrant youth, including DACA recipients, who grew up in the United States without status as well as Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) holders who face uncertain futures, in particular after actions taken by the previous administration. The Dream and Promise Act of 2021 (H.R. 6) would provide a long awaited and urgently needed pathway to citizenship for these communities.

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This week we celebrated the nine-year anniversary of the announcement of DACA. In the past nine years since its implementation, we have seen the deep impact the DACA program has had on the lives of DACA recipients, their families, and their communities. Yet, DACA does not provide what immigrant youth and TPS and DED holders need: permanent protections from deportation with a pathway to citizenship. We urge the committee to hear the stories of the individuals who represent hundreds of thousands waiting on action from Congress.

The Dream and Promise Act of 2021 lays out a positive and inclusive vision for our country. It provides a clear, attainable pathway to citizenship to an estimated 4.4 million individuals, many of which have been in this country for decades. Many know no other country as home. They have built a life and community here. They have U.S. citizen children and contribute to our economy and culture every day. The COVID-19 pandemic has also further revealed that many immigrants, including DACA recipients and TPS holders, work essential jobs that carried us through as we have weathered the global public health crisis. Yet, the roles they have filled in our nation have long been essential even before this pandemic. It is time to fully recognize these individuals and provide them with the certainty and permanent protections they need.

We urge the Committee to support the Dream and Promise Act of 2021 and ensure its inclusion in the upcoming reconciliation package. Immigrant communities are counting on your action and looking to your next steps.



June 15, 2021

The Honorable Richard Durbin
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

Thank you for calling today's hearing on H.R. 6, American Dream and Promise Act of 2021. I write to reiterate the National Retail Federation's (NRF) support for this long-overdue legislation.

NRF, the world's largest retail trade association, passionately advocates for the people, brands, policies and ideas that help retail thrive. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$3.9 trillion to annual GDP and supporting one in four U.S. jobs — 52 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

NRF has long supported the Dream and Promise Act, which would provide a path to citizenship for immigrants who were brought to the country as minors and meet certain educational or military requirements, successfully pass a background check and remain in good legal standing. Further, it would extend a path to citizenship to foreign-born children of temporary workers in certain circumstances.

The men and women whose status would be adjusted by this legislation are law-abiding, tax-paying Americans who have never known adult life anywhere else besides the United States. They have contributed to – and will continue to contribute to – our society, businesses and economy.

While the Dream and Promise Act is an important step in addressing much-needed immigration reform, NRF further encourages Congress to be move more broadly to address our broken immigration system. The current system simply fails to meet our nation's needs; it has

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National Retail Federation
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been plainly apparent for years that Congress must find a way to expand avenues to immigration for high-skilled and low-skilled workers alike.

NRF members believe now is the time to provide a permanent solution that will bring certainty and stability to the millions of men and women that came to the United States as minors and will provide them with a pathway to lawful permanent residence and ultimately American citizenship.

Sincerely,



David French
Senior Vice President
Government Relations

Statement for the Record

Senate Judiciary Committee Hearing on H.R. 6, the American Dream and Promise Act

Neil Bradley, Executive Vice President and Chief Policy Officer

U.S. Chamber of Commerce

"We commend Chairman Durbin for holding this hearing on H.R. 6, the American Dream and Promise Act. The Chamber supports this legislation, as it would provide lasting solutions for the plight of millions of Dreamers, long-term Temporary Protected Status recipients, and many "legal Dreamers" that are the foreign-born children of various nonimmigrant workers who lose their legal status in the U.S. once they reach 21 years of age. These reforms will provide much needed certainty and relief for millions of people who merely want to pursue their version of the 'American Dream.'"

"However, in order for this immigration bill to become law, Republicans and Democrats must find common ground on these measures and many others, including much needed enhancements to our nation's border security efforts. We urge the Chairman and the other members of the Senate Judiciary Committee to reach across the aisle and consider pairing H.R. 6 with commonsense border security measures, including, but not limited to, the provisions in S. 1358, the Bipartisan Border Solutions Act of 2021. For far too long, Congress has allowed huge immigration problems to go unaddressed, which has only made them harder to solve today; we hope this committee seizes the opportunity before it to pursue bipartisan legislative solutions that will make lasting improvements to our nation's immigration system."



Statement for the Record
Submitted to the U.S. Senate Committee on the Judiciary

On Full Committee Hearing Titled:
"H.R.6, American Dream and Promise Act of 2021"

Submitted by:
UnidosUS
Raul Yzaguirre Building
1126 16th Street NW, Suite 600
Washington, DC 20036-4845

June 15, 2021

Introduction

UnidosUS, formerly the National Council of La Raza, is the largest national Latino¹ civil rights and advocacy organization in the United States. For more than 50 years, we have worked to advance opportunities for Latino families to enhance their significant contributions to the social, economic, and political tapestry of our great nation. In this capacity, UnidosUS and its Affiliate Network of nearly 300 community-based organization in 36 states, the District of Columbia, and Puerto Rico, work to provide education, health care, immigration, housing, workforce development, free tax preparation, and other services to millions of Latinos in the United States each year.

Through our Affiliate engagement, we have cultivated deep ties with on-the-ground communities across the country and serve these diverse constituents by amplifying their voice to legislators. Namely, we have documented stories and collected data that depict the hardships of some of the most vulnerable immigrant populations in the country: individuals with protections under the Deferred Action for Childhood Arrivals (DACA) policy—also known as DREAMers—and those who have long held Temporary Protected Status (TPS). During the Trump administration, these communities have been stressed by the onslaught of policy directives designed to upend the lives of more than one million of these *documented* individuals and their nearly half a million U.S.-citizen children. Meanwhile even as a number of court cases have delayed the full implementation of these policies in recent years, they are a reminder that long-term permanent solutions are needed.

In this statement, we reassert the urgent need for Congress to pass legislation offering DREAMers and TPS holders a path to citizenship. The American Dream and Promise Act of 2021, H.R. 6, which already passed in the U.S. House of Representative in March 2021, affords the Senate the ideal opportunity to do just that. DREAMers and TPS holders have laid down roots in the United States and are inherent to our country's social fabric. They have also made critical contributions to our economy, an impact evident throughout the COVID-19 pandemic. This past year, approximately 333,800 DREAMers and TPS holders stepped up to the frontline and served as essential workers to provide Americans with important goods and services.¹ Due to the precarity of their legal status and other discriminatory barriers, DREAMers and TPS holders, along with other immigrants working in essential roles, have been unfairly excluded from facets of prior pandemic relief packages, despite the necessary role they have played in keeping our country afloat.

The moment for action is now. Our leaders have a unique opportunity to ensure that the nation emerges stronger from a historic pandemic event by promoting policies that advance an equitable recovery for everyone. UnidosUS maintains that to truly achieve an inclusive and equitable recovery emerging from the COVID-19 pandemic, a path to citizenship for individuals

¹ The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

like DREAMers and TPS holders is necessary. Passing the American Dream and Promise Act of 2021 and providing a pathway to citizenship for DREAMers and TPS holders is an essential piece of the way forward.

Dreamers and TPS holders are integral to the American social fabric

The DACA program was instituted in 2012 to authorize individuals who were brought into the country as undocumented youth – also known as DREAMers – who have completed or enrolled in high school, and who have not committed serious offenses, to obtain work permits and have temporary protection from deportation.ⁱⁱ As of September 30, 2020, about 640,000 undocumented immigrants had active DACA status.ⁱⁱⁱ A sizable majority—roughly three-fourths (76%)^{iv}—of DREAMers entered the United States in 2011 or earlier, a decade ago or longer. A common characteristic amongst DREAMers is that they are young: the average DREAMer arrived to this country at the age of seven and is now 25 years old.^v Based on these figures alone, it’s safe to say that many of these individuals have known nothing but the United States for the majority of their lives. They have been raised as Americans, yet are forced to juggle school, work, and the incessant fear of being deported to a country they do not call home.

MAJORITY OF DREAMERS ARE LESS THAN 30 YEARS OLD			
No. of eligible Dreamers under the 2021 Dream Act in each state, by current age			
State	% <18 years old	% 18-29 years old	% 30 years or older
United States	21	43	37
Alabama	47	34	19
Alaska	n/a	n/a	n/a
Arizona	13	44	43
Arkansas	26	43	31
California	13	39	48
Colorado	18	52	29
Connecticut	34	35	32
Delaware	11	60	29
District of Columbia	38	54	9
Florida	30	37	32
Georgia	24	39	37
Hawaii	36	24	40
Idaho	13	62	25
Illinois	10	43	48
Indiana	31	57	12
Iowa	23	41	36
Kansas	28	44	28
Kentucky	38	40	22

TPS is a humanitarian program authorized under the Immigration Act of 1990 that generally is designed to protect individuals from countries experiencing natural disaster, civil strife, or other extraordinary circumstances.^{vi} It is estimated that more than 325,000 individuals—among 10 protected countries—hold TPS today. More than 250,000 of these recipients are from Central American countries, specifically El Salvador, Honduras, and Nicaragua. Similar to DREAMers, most TPS holders have established deep and long-lasting roots in their communities here. For example, TPS recipients from El Salvador, Honduras, and Haiti—90% of the current TPS population—have resided in the United States for an average of 19

years.^{vii}

Though our work with our affiliate network and experiences with our communities, it is clear to us that DREAMers and TPS holders recognize the opportunities offered to them in the United States and are not taking these privileges for granted. With work authorization and the stability it provides, DACA and TPS recipients have, over time, secured higher paying jobs, higher rates of home ownership, and greater access to lines of credit. This is borne out by the data. Consider

that DACA recipients have seen their average hourly wages increase 45%,^{viii} while having TPS has been shown to lead to higher earnings for men and higher employment for women.^{ix} Moreover, an estimated 94% of all TPS recipients live in 206,000 households and about 30% of those houses are secured by mortgages.^x A survey of DACA recipients found that 15% of those aged 25 and older owned homes (with presumably a large number being secured by mortgages).^{xi}

These communities' participation rates in the workforce and education system affirm their many contributions. Approximately 91% of DREAMers across the country are currently employed,^{xii} and similarly, TPS holders have a work force participation rate of more than 80%, primarily in industries such as construction, restaurants and food services, landscaping, and child care.^{xiii}

Critically, DREAMers and TPS holders are also essential to the economic standing of the United States, and providing them a path to citizenship would only further promote our nation's prosperity. A recent report by the University of California Davis and Center for American Progress finds that enacting the American Dream and Promise Act (H.R. 6) would increase U.S. GDP by a cumulative total of \$799 billion over 10 years, create 285,400 new jobs, and result American workers seeing their annual wages increase by \$400.^{xiv} Moreover, in 2017 alone, TPS holders and the DACA-eligible—with a collective spending power of \$25.2 billion—contributed more than \$5.5 billion in taxes, including almost \$2.5 billion to state and local governments.^{xv} A pathway to citizenship for these individuals, thus, is the epitome of a win-win situation.

These contribution to the nation have been acutely felt during the past year. Across the country, DACA recipients and TPS holders have worked in essential roles during the COVID-19 pandemic, accounting for 202,500^{xvi} and 131,300^{xvii} of essential workers, respectively. DREAMers are making up for critical shortages in medicine and education: They are serving on the frontlines of hospitals as physicians and medical students,^{xviii} and teaching our nation's youth as children struggle to learn remotely.^{xix} Likewise, TPS holders are occupying a range of roles as they tend to the health of fellow Americans. According to estimates, 11,600 health care workers are TPS recipients, comprised of the following: 8,100 home health and personal care aides, nursing assistants, orderlies, and psychiatric aides; 1,900 health technologists and technicians; and 1,300 other health care support occupations.^{xx} In addition to the health care sector, DREAMers and TPS holders have made significant contributions that help feed America. Farm to folk, these individuals are well represented in food-related occupations and industries, including the 142,100 DACA recipients—more than a quarter of all employed DACA holders—and^{xxi} 76,100 TPS holders who work in food production and distribution jobs.^{xxii}

A pathway to citizenship for DREAMers and TPS holders is as much about them as it is their American children

The American children for DREAMers and TPS holder are among a generation of American children who live with a parent who lacks permanent legal status. By some estimates, between 4.1 million^{xxiii} and 5.7 million U.S.-citizen children^{xxiv} live with an undocumented resident. TPS

holders from El Salvador, Honduras and Haiti—comprising about 94% of all TPS holders^{xxv}—have an estimated 273,000 U.S.-citizen children.^{xxvi} Moreover, approximately 26% of DACA recipients are a parent of a U.S. citizen,^{xxvii} equating to at least 200,000 U.S.-citizen children.^{xxviii} Adding together the highest estimates of U.S.-citizen children living in households with at least one undocumented adult to those living in households with at least one DACA or TPS recipient parent, the total number of U.S.-citizen children in households at risk of being separated from an income-earning or caregiving adult could be as high as six million.^{xxix}

Many of the youth at risk of being separated from family—including those with DACA and TPS parents—today are the same Latino youth that are critical to the long-term vitality of our nation. As UnidosUS has consistently argued, Latino youth are the nation’s future workers, voters, parents, and taxpayers. In 2017, Latino children accounted for one-fourth of U.S. children under age 18,^{xxx} and by 2050, they are projected to make up nearly one-third of the child population.^{xxxi} It is wholly unacceptable to them, their families, and our nation that the administration’s policies are imperiling their educational attainment, health and well-being, economic prospects, and general safety through policies that threaten separate them from parent or other loved one at a moment’s notice.

Deported Parents of U.S. Citizen Children^{xxviii}

(by Calendar Year)	2011	2012	2013	2014	2015	2016	2017	Totals
Deportation Orders Sought	66,785	84,676	61,218	Unavailable	29,611	23,085	19,241	284,616
Deportation Orders Obtained	41,918	39,843	28,414	Unavailable	11,282	9,966	11,120	142,543
Deportations Carried Out	31,918	29,843	71,898	Unavailable	31,411	28,860	27,080	221,010

Source: U.S. Immigration and Customs Enforcement, "Deportation of Aliens Claiming U.S.-Born Children []" (Multiple Reports). <https://www.dhs.gov/publication/2017-dhs-congressional-appropriations-reports> (accessed October 2018).

What the Trump administration may have regarded as casual and trivial policy choices when they ended DACA and TPS protections have in fact resulted in serious and significant consequences that have disproportionately impacted hundreds of thousands of Latinos families, including children. On September 5, 2017, the Trump administration announced the end of the DACA policy,^{xxxii} and in doing so thrust nearly 800,000 predominantly Latino immigrant youths and their families into a state of legal limbo. Similarly, in January 2019, the Trump administration announced terminations of TPS for six countries.^{xxxiii} While legal decisions have halted the full implementation of these policy decisions to date, legal challenges remain and thus keep thousands of families in a constant state of uncertainty.^{xxxiv} Children deserve a permanent solution for their parents.

Conclusion: Support for legalization is a moral obligation and requires bipartisan effort

In his Executive Order “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusions Efforts for New Americans,” President Biden stresses the duty of government to “encourage full participation by immigrants, including refugees, in our civic life; that immigration processes and other benefits are delivered effectively and efficiently; and that the Federal Government eliminates sources of fear and other barriers that prevent immigrants from accessing government services available to them.”^{xxxv} DREAMers and TPS holders, among many other immigrants, have demonstrated commitment to civic life, most notably through their work on the frontlines of the pandemic. Their inclusion in the American fabric also enriches the nation and American workers.

For a long time, recipients of DACA and TPS have been—and continue to be—integrated into our society. They are effectively Americans in every single way, except on paper. To be a society that fully embraces these Americans, we must give them a path to citizenship. UnidosUS urges the Senate to pass the American Dream and Promise Act of 2021, which represents a timely and unique opportunity to do just that.

Please feel free to contact Carlos Guevara (cguevara@unidosus.org) for any questions raised by this statement.

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Statement for the Record from

Juliana Nascimento
Senior Advocacy Manager
United We Dream

**Submitted to the Senate Judiciary, Immigration and Citizenship Subcommittee Hearing
on House Resolution 6 - American Dream and Promise Act of 2021
Tuesday, June 15, 2021**

Contact: Juliana Nascimento, juliana@unitedwedream.org

United We Dream is the largest immigrant youth-led network in the United States. We create welcoming spaces for young people--regardless of immigration status-- to support, engage, and empower them to make their voices heard and win. We are a non-partisan, membership-based network made up of over 750,000 members, five branches with over 100 affiliate organizations across 28 states. Over 60 percent of our members are women and 20 percent identify as LGBTQ. United We Dream's vision is to build a multi-racial, multi-ethnic movement of young people who organize and advocate at the local and national levels for the dignity and justice of immigrants and communities of color in the United States.

We want to appreciate all the members of the Senate Judiciary Committee reviewing the implications and benefits of H.R. 6 for our undocumented communities. In particular, we look forward to mark nine years since immigrant youth won the DACA program. DACA has helped hundreds of thousands of immigrant young people, many of whom are United We Dream members, changing the course of their lives through ways of protection from deportation and work authorization.

While we celebrate, we also hold space to acknowledge DACA was not enough and has only temporarily provided relief to a fraction of our communities. Most of our communities are still vulnerable to deportation, expulsion and separation from their loved ones. Many more hang in the balance as the future of DACA is questioned once again in the courts. We've had nine years of DACA and nine years of limbo. We need permanent protections to keep our entire community safe.

In light of this, we celebrate the passage of the Dream & Promise Act through the House as a direct testament to the power and resilience of our communities, and the members of United We Dream who have organized day-in and day-out for meaningful legislation that protects immigrants without the harmful enforcement tradeoffs. For the last 30 years, undocumented immigrants have been subjected to some of the most heinous abuses and barred from accessing basic services because of our status. Our youth-led, multi-racial movement has refused to buckle under the weight of these attacks, remaining headstrong in our fight to deliver permanent solutions for all 11 million undocumented immigrants in the U.S.

The Dream & Promise Act is one of the most expansive policies to provide permanent solutions for millions of immigrant youth and TPS holders and includes much-needed improvements to expand eligibility. H.R. 6 would provide a pathway to citizenship for people who came to the U.S. before January 1st, 2021, who were 18 years or under, who have stayed in the country since they arrived, and who meet the additional education, work, and military requirements. It would also create a pathway to undocumented immigrants who have been present for at least 3 years or who on January 1st, 2017 had or were eligible for TPS. This bill would give long awaited relief to the hundreds of thousands of undocumented immigrants that have made investments in this country while in limbo.

Not only would Dream and Promise respond to the call for permanent relief but also would have direct benefits for U.S. citizens through the increase of the U.S. GDP by a cumulative total of \$799 billion over

10 years and create 285,400 new jobs¹. Creating a pathway to citizenship would not only be the right thing to do but also would be a substantial stimulus to the U.S. economy.

Our members include immigrant youth who either don't qualify for DACA but who would be given relief with the passage of Dream and Promise. Idalia Quinteros, member of United We Dream, said: "I was a year off from qualifying for DACA after coming to the U.S. when I was 8-years-old. Without any form of protection, I have always felt a sense of anxiety and fear that I might be deported and separated from my loved ones. The Dream & Promise Act would be life changing for me and millions of young people who don't qualify for protections from deportation under DACA. Under this bill, I would finally have the opportunity to apply to and take a decent paying job with a work permit, get a driver's license, become more independent, qualify for more scholarships for college, and feel secure in my home. Congress must immediately pass the Dream & Promise Act for me and three million other undocumented people."

And while we celebrate the benefits this bill would provide to millions of people, we also write to express our disappointment in the unchanged criminal barriers which would disproportionately exclude some Black and brown immigrants profiled by racist policing. As the bill stands, both the Dream provisions and Promise provision impose several bars to their respective groups.

Whereas, Dream act places bars based on "Criminal and National Security " which includes all the criminal grounds of inadmissibility in the INA, national security bars in the INA, felony conviction, three or more misdemeanors, or domestic violence misdemeanor. The Promise act incorporates the criminal bars as applied to TPS. These are unnecessarily exclusionary measures that would bar many of our people at the discretion of DHS.

Most notably, this bill imposes a "secondary review" process that allows DHS to deny applications if DHS believes an applicant is a threat to public safety or has participated in gang related activities within the past 5 years. United We Dream's report, *The Truth About ICE and CBP: A Comprehensive Analysis of the Devastating Human Impact of the Deportation Force by the Immigrant Youth & Families Who Know It Best*, provides a comprehensive overview of the liberties DHS as an agency. It spotlights the case of Miguel Reyes Garcia, who in December of 2017, ICE targeted despite having a valid DACA. ICE confiscated his work permit, destroyed it, and arrested him on unfounded allegations of gang affiliation. Miguel's case demonstrates these criminal exclusions sweep very broadly, are arbitrary, and ripe for misuse and abuse by individual officers.

Our movement delivered a clear political mandate - we must see to it that the Dream & Promise Act is passed without delay and without tradeoffs that would provide resources for ICE and CBP. Our communities deserve every single opportunity to obtain citizenship and relief now. At any moment, Judge

¹ "Citizenship for Undocumented Immigrants Would Boost U.S. Economic Growth." Center for American Progress, Jun 14, 2021. https://cdn.americanprogress.org/content/uploads/2021/06/11131527/EconImmigration-scenario3.pdf?_ga=2.202238225.1444002346.1623688532-134508985.1623688532

Hansen in Texas could rule to terminate DACA, leaving hundreds of thousands of undocumented youth at risk of deportation.

With all of this in mind, we implore the Judiciary Committee to reconsider the arbitrary criminal bars upheld by Dream and Promise while also supporting a permanent pathway to citizenship. We will oppose any attempts to increase unnecessary exclusionary measures that place harmful barriers to our communities most vulnerable to over policing and racial discrimination.

Immigrant youth are ready, we along with our families have organized in the streets and all levels of government. We are grateful to the Judiciary Committee for taking the time today to hear testimony and reasoning behind supporting H.R. 6. It is time now to deliver on a promise made to immigrant youth held in limbo for far too long.

We will keep organizing and building until every member of our community is protected and can thrive.