

Testimony for the Record

U.S. House Committee on the Judiciary

Full Committee Hearing: *“Protecting Dreamers and TPS Recipients”*

Wednesday, March 6, 2019

2141 Rayburn House Office Building, Washington, DC 20515

Chairman Nadler, Ranking Member Collins, and Members of the House Committee on the Judiciary, we thank you for the opportunity to submit this written testimony for the March 6 hearing: *“Protecting Dreamers and TPS Recipients.”*

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, anti-poverty organization advancing federal, state, and local policy solutions that work for low-income people. We are extremely concerned with the devastating impact the Administration’s decision to end the Deferred Action for Childhood Arrivals Program (DACA) program and Temporary Protected Status (TPS) would have on hundreds of thousands of Dreamers and TPS holders from six designated countries. As an anti-poverty organization committed to ensuring all people have the resources and services needed to achieve their full potential and support their families, we urge Congress to act quickly to pass clean bipartisan legislation that will help provide DACA, TPS recipients, and other undocumented youth with a clear attainable path to citizenship.

The Administration’s decision to end DACA in September 2017 after months of mixed messages created immediate harm for DACA recipients and their communities across the country. Since then, the termination of DACA has created anxiety and uncertainty for DACA recipients and their families, despite nationwide federal court injunctions blocking the Trump Administration’s decision to rescind the program.

Since 2012, DACA protections have allowed more than 820,000 immigrant youth to remain in the United States, access employment and driver’s licenses, and pursue postsecondary education without fear of deportation.¹ While three federal nationwide injunctions² have blocked the Trump Administration from stripping protections from current DACA beneficiaries, the program is no longer accepting first-time applicants. This September 5 DACA decision means that more than 200,000 young Dreamers who were waiting to turn 15 to meet the program’s age requirements have been precluded from DACA’s protections, dashing their hopes for a better future.³ DACA recipients and undocumented immigrant youth need a permanent legislative fix to achieve long-term economic security, attain overall stability, and continue contributing to their communities.

Enacted in 1990, TPS provides humanitarian relief for immigrants seeking refuge due to ongoing armed conflict, natural disasters, and untenable conditions in their countries of origin. TPS is a temporary legal status that allows TPS holders from designated countries to work and remain in the U.S. Since September 2017, the Trump Administration has rescinded TPS for six countries⁴—El Salvador, Nicaragua, Haiti, Sudan, Nepal, and Honduras—and ended Deferred Enforced Departure (DED) for Liberia. However, a federal court ruling has blocked the Administration from terminating TPS for 300,000 immigrants from El Salvador, Nicaragua, Haiti, and Sudan.⁵ While the court ruling is a significant victory, the Supreme Court has yet to act on the pending DACA and TPS litigation.

Unfortunately, President Trump's demand for a costly, unnecessary wall has distracted Congress from focusing on passing a permanent legislative fix for Dreamers and TPS recipients. DACA beneficiaries and TPS holders continue to be caught in a state of uncertainty about their futures. Every day that Congress and the Administration fail to act, they further endanger the economic security and wellbeing of these individuals and their families.

Without legislation and immediate relief for DACA and TPS recipients, hundreds of thousands of immigrant families will remain in limbo. If Congress does not act soon, these beneficiaries will lose their ability to work and feed their families when their legal protections expire. DACA beneficiaries and TPS holders stand to lose their homes, businesses, and opportunities to access higher education and driver's licenses.

The newly elected Congress can make history by acting now. They'll have the support of advocates⁶; state and local elected officials; employers; and faith, labor, educational, and community leaders who recognize the invaluable contributions of Dreamers and TPS holders. According to a recent poll, most Americans strongly support letting Dreamers adjust their legal status.⁷

Impact on Family Members of DACA and TPS recipients

Many DACA and TPS recipients live in mixed-status families and are financially supporting their family members. Stripping away temporary protections would be devastating for their economic security and hinder their upward mobility. An estimated 34 percent of immediately eligible DACA recipients live in families with annual incomes below the federal poverty line.⁸ In fact, DACA recipients are often their families' primary breadwinners. Research shows that DACA has significantly improved economic outcomes for recipients. Through DACA, recipients have increased their incomes by 69 percent, enabling them to purchase cars and homes as well as climb out of poverty.⁹

Furthermore, more than quarter of DACA recipients have a child who is a U.S. citizen.¹⁰ An estimated 273,000 TPS holders from El Salvador, Honduras, and Haiti are also parents to U.S.-citizen children.¹¹ Research shows that children benefit when their parents are mentally and physically healthy and have access to higher education and better-quality jobs. Indeed, one study found that mothers' DACA status promoted improved mental health for their children.¹² Ending DACA and TPS will have the opposite effect, severely undermining children's development and wellbeing. Families will be forced to live in fear of being separated due to deportation as well as experience stress over financial hardships—all of which put children's healthy development at risk.

Contributions of DACA and TPS Recipients to the Economy and Our Communities

DACA beneficiaries and TPS holders, as well as their families, are long-term residents with deep roots in their communities. All DACA beneficiaries and some TPS recipients arrived in the U.S. as children.¹³ Among these immigrants, 50 percent of Salvadorans and Hondurans and 16 percent of Haitians have resided in the U.S. for 20 years or more.¹⁴

DACA and TPS recipients are integral members of our nation's community and economy. DACA recipients immigrated to the U.S. before turning 16 (on average, when they were just six years old).¹⁵ Today, they are 25 years old on average.¹⁶ These young people have been students and contributing members of our society for at least a decade. A large share of DACA and TPS recipients are students or parents of children and youth enrolled in our nation's secondary and postsecondary institutions. In fact, 97 percent of DACA beneficiaries are either in school or working according to a national survey, catalyzing a strong response from business leaders and

institutions of higher education across the country calling for the Trump Administration and Congress to protect Dreamers.¹⁷

Similarly, labor force participation for TPS holders from El Salvador, Honduras, and Haiti ranges from 81 to 88 percent.¹⁸ DACA beneficiaries and TPS holders are educators, innovators, lawyers, public servants, health care professionals, and business owners. They're also employed in the construction, hospitality, and service sectors. Without work authorization and protected status, DACA and TPS recipients will lose their ability to support themselves and risk being separated from their loved ones. Removing students, teachers, doctors, business owners, and other young immigrants will ravage their communities and the national economy. Ending DACA will reduce the U.S. Gross Domestic Product by an estimated \$460 billion over the next decade.¹⁹

CLASP Urges Swift Passage of Legislation for Dreamers and TPS Holders

Since the Supreme Court's position on DACA and TPS cases and timing on a court ruling is unknown, it's imperative that Congress act quickly to pass legislation incorporating the provisions included in the Dream Act of 2017 and the American Promise Act—both introduced in the 115th Congress. Together, these bills would provide a clear pathway to citizenship for a wide range of DACA and TPS recipients as well as other undocumented youth and DED recipients.

As an organization committed to ensuring that policy solutions work for low-income people, CLASP strongly recommends that a legislative solution must enable youth and adults who reflect the full diversity and talents of the undocumented youth population—including those who have not pursued a traditional college education or military service—to be eligible for a path to permanent residency and citizenship. For example, we strongly support the provision included in the Dream Act of 2017 that would create a pathway to citizenship through employment. In addition, it's also critical to provide a hardship exception for Dreamers who may not be able to work, attend school, or join the military due to certain circumstances, such as raising children. In our *Expanding the Dream* report, we highlight the importance of a legislative solution that is as inclusive as possible: not only by ensuring broad eligibility that reflects the realities of the undocumented population but also by avoiding unrealistic requirements and restrictions that put potential beneficiaries at greater risk of falling out of status, such as denying beneficiaries access to tax credits and higher education assistance critical for working families and low-income students.²⁰

Finally, we urge Congress to pass legislation that is free from harmful enforcement provisions that could undermine the safety and wellbeing of immigrant youth and families. CLASP has conducted field research in six states to better understand how new immigration policies are harming young children in immigrant families. Our interviews with child care and early education providers and focus groups with parents revealed that increased enforcement actions and anti-immigrant rhetoric have resulted in heightened stress among parents, children, and service providers.²¹ In addition to increased parental anxiety, which is transferred to children, immigrant parents are also more reluctant to enroll their children in critical health and nutrition programs for fear of perceived immigration-related repercussions, despite their being eligible. Clearly, any legislative fix for undocumented youth and TPS recipients that is coupled with enforcement provisions will create additional harm for these immigrant youth and adults and their families.

People forced to return to their home countries, or who may be subject to deportation, would face challenges to reintegration. For many DACA beneficiaries, the U.S. is the only home they've ever known. And the children and families they might leave behind would face economic hardship.

For these reasons, CLASP urges Congress to act swiftly and provide immediate relief and economic security to immigrant families. Members must pass an inclusive bill that offers legal permanent residency and citizenship to DACA, TPS, and DED recipients as well as undocumented immigrant youth.

We thank you again for the opportunity to submit this written testimony, and we look forward to working with you to pass a clean legislative solution that will fairly address the urgent situation facing hundreds of thousands of Dreamers and TPS recipients across the country. Should you have any questions regarding this testimony, please do not hesitate to reach Wendy Cervantes, Director of Immigration and Immigrant Families at wcervantes@clasp.org or 202-906-8059.

Endnotes

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- ³ Faye Hipsman, Barbara Gomez-Aguinaga, and Randy Capps. "DACA at Four: Participation in the Deferred Action Program and Impacted on Recipients." The Migration Policy Institute, August 2016. <http://www.migrationpolicy.org/research/daca-four-participation-deferred-action-program-and-impacts-recipients>
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- ⁵ American Civil Liberties Union, *CRISTA RAMOS, et al., Plaintiffs, v. KIRSTJEN NIELSEN, et al., Defendants*. United States District Court, Northern District of California, October 3, 2018. https://www.aclusocal.org/sites/default/files/aclu_ramos_20181003_order_granting_prelim_injunction.pdf
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- ⁷ America's Voice, https://americasvoice.org/press_releases/cnn-poll-83-12-americans-want-dreamers/
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- ¹² Jens Hainmueller, Duncan Lawrence, Linna Martén, et al. *Protecting unauthorized immigrant mothers improves their children's mental health*, Science Magazine, August 2017. <http://science.sciencemag.org/content/sci/early/2017/08/30/science.aan5893.full.pdf>
- ¹³ Robert Warren and Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, *Journal of Migration and Human Security*, 2017, pps.577-592, Center for Migration Studies. <http://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/>
- ¹⁴ Ibid.
- ¹⁵ The Center for American Progress, "State by State DACA Fact Sheets," Interfaith Worker Justice, 2017. <http://www.iwj.org/resources/state-by-state-daca-fact-sheets>
- ¹⁶ Tom Wong, Sanaa Abrar, Tom Jawetz, Ignacia Rodriguez Kmec, Patrick O'Shea, Greisa Martinez Rosas, and Phillip E. Wolgin, *Results from Tom K. Wong et al., 2018 National DACA Study*, Center for American Progress, August 2018.
- ¹⁷ Tom Wong, et al., "DACA Recipients' Economic and Educational Gains Continue to Grow." "Open Letters From Leaders of American Industry," September 20, 2017. <https://www.businessleadersdreamletter.com/> Isabel Fattal, "How Higher-Education Leaders Are Fighting for DACA," The Atlantic, September 1, 2017. <https://www.theatlantic.com/education/archive/2017/09/how-higher-education-leaders-are-fighting-for-daca/538740/>
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