



Statement for the Record from

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**Submitted to the House Judiciary Committee on the Dream Act, H.R. 2820, and the
American Promise Act, H.R. 2821**

Wednesday, May 22, 2019

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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 have an online reach of five million and are made of a powerful membership of 500,000 members and 112 local groups across 28 states. Over 60 percent of our members are women and 20 percent identify as LGBTQ.

Led by and accountable to youth leadership, United We Dream advocates for a multi-racial democracy where immigrants and communities of color live safely, with dignity and can thrive.

Under the Trump administration, immigrant youth, their families, and communities of color have experienced firsthand the impact of animus-filled immigration enforcement and criminal legal systems. Inherently institutionally racist in nature, the Trump administration mercilessly expanded these systems and unleashed their full force as a single, unified deportation force acting upon vulnerable communities. Rescinding protections [including the Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS)], targeting long-time residents, and shirking any semblance of accountability or transparency, this administration has declared a war on immigrants and communities of color.

In its 116th session, Congress has a moral imperative and mandate to enact bold, fair and humane legislation to protect a large group of immigrants from deportation, to establish a pro-immigrant benchmark for future legislation, and to begin the first step in a long process to heal our nation's immigrant community.

This statement speaks to the need to pass legislation - specifically the Dream Act, H.R. 2820, and the American Promise Act, H.R. 2821 - which establishes a roadmap to citizenship for undocumented youth, DACA recipients, TPS and DED holders - totaling over 2 million people.

This bill builds upon the legacy of the Dream Act, which is one of helping people without hurting people. In its current form, the bill is not compromised through corresponding enforcement increases or the penalization of collateral immigrant groups. We urge Judiciary committee members to stop any amendments that would alter that and we urge them to stop the endless budget increase for detention camps and deportation agents.

United We Dream, supported by our members, will oppose any amendments or attempts to legislate the racial profiling and criminalization of our communities or use our safety as bargaining chips to build up the deportation force.

The latest version of the bill reflects many priorities for immigrant youth such as the idea that groups beyond young people should be protected, that a college degree should not be the only qualifier for citizenship and that people who have been deported can apply and return to their families. The bill also says that young people who entered the United States at age 18 or younger could be eligible, that marijuana or civil disobedience-related misdemeanors should be waived and that young people fighting their case will have a right to counsel.

Yet, we must note that a manager's amendment added unnecessary provisions never before seen in a Dream Act, which could bar people from protection because of juvenile infractions and for the first time added problematic language related to alleged gang affiliations. These amendments are wrong, and they only serve to demonize immigrants and people of color and fuel Trump's deportation force.

Expanding the grounds of inadmissibility or bars to deny individuals relief on the basis of juvenile adjudications or allegations of gang involvement further criminalize immigrants and put them on the path to Trump's deportation pipeline.

Although this bill makes important progress in our fight for a just and humane immigration system, we will continue to urge Congress to abandon the failed experiment of disqualifying immigrants from relief based on previous interactions with the criminal legal system.

Our immigration system is shamefully tied with our criminal legal system, from increased criminal prosecutions for immigration-related offenses by the federal government; racial profiling, arrest, killings, and prosecution of Black and brown people by state and local enforcement (and collateral immigration consequences); to the double-standard for immigrants in terms of rehabilitation and post-conviction relief. The criminal legal system works in tandem with our civil immigration system to disqualify individuals from relief and future immigration relief cannot exacerbate this poisonous dynamic.

Felony and misdemeanor bars (which, again, exist in addition to the grounds of inadmissibility) feed into the administration's narrative that immigrants are criminals; and the broken messaging framework that there are "good" immigrants and "bad" immigrants.

This legislation will likely be used as a basis for future comprehensive immigration reform. Future negotiations regarding comprehensive immigration reform will likely lead to enforcement concessions, especially in the area of criminal background eligibility. Thus, it is imperative to frame the criminal eligibility conversation in a manner as progressive as possible, as immigration legislation, especially in the bipartisan context, inevitably becomes more—not less—stringent.

We call on Judiciary Committee members to reject any harmful amendments to these bills that would further criminalize and exclude members of our community from relief from deportation.

Furthermore, we call on Judiciary Committee members to reject any amendments that would increase funding or resources to the agencies of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). We've seen President Trump provide free reign to these agencies to terrorize communities, break apart families, and detain immigrants at unprecedented rates, including those with deportation protections.

In 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*¹, provides a comprehensive overview of the expansive increase in enforcement under this administration. United We Dream has also regularly conducted surveys of thousands of DACA recipients, collecting and analyzing data points on economic gains, attitudes, and other metrics.² We submit both reports for the record as part of this markup process.

ICE now targets long-time community members and immigrants with no criminal history,³ with arrests by ICE rising more than 30 percent, from FY 2016 (110,104) to FY 2017 (143,470);⁴ and another 10 percent from FY 2017 to FY 2018 (158,581).⁵ ICE's arrests of immigrants without criminal convictions more than doubled—increasing 146 percent from FY 2016 (15,353) to FY 2017 (37,734);⁶ and increased 42 percent from FY 2017 to FY 2018 (53,441).⁷ To incarcerate the growing number of arrested immigrants, ICE dramatically expanded its detention capacity, currently holding an average daily population of 45,000 in detention camps.⁸ Functionally, this means that ICE incarcerates approximately 400,000 immigrants every year.⁹

With all of this in mind, the Judiciary committee members should pass the Dream Act, H.R. 2820, and the American Promise Act, H.R. 2821 tomorrow with no harmful additions that would put immigrants in danger or exclude members of our community from relief from deportation. We will oppose any amendments or attempts to use our safety as bargaining chips to build up the deportation force or to legislate the racial profiling and criminalization of our communities. Immigrant youth know that we are in a long term fight to protect our communities.

¹ Greisa Martinez Rosas and Sanaa Abrar, *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*, United We Dream, Feb. 2019, available at <https://unitedwedream.org/the-truth-about-ice-and-cbp/>.

² Tom K. Wong et al., *Amid Legal and Political Uncertainty, DACA Remains More Important Than Ever*, Center for American Progress, Aug. 15, 2018, <https://www.americanprogress.org/issues/immigration/news/2018/08/15/454731/amid-legal-political-uncertainty-daca-remains-important-ever/>.

³ *Id.*

⁴ Kate Voigt, *Cogs in the Deportation Machine: How Policy Changes by the Trump Administration Have Touched Every Major Area of Enforcement* 7, April 24, 2018, available at <http://www.aila.org/infonet/aila-report-cogs-in-the-deportation-machine>.

⁵ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, Fiscal Year 2018 ICE Enforcement and Removal Operations Report 2 (Dec. 14, 2018), <https://www.ice.gov/doclib/about/offices/ero/pdf/eroFY2018Report.pdf>.

⁶ *Id.*; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, Fiscal Year 2017 ICE Enforcement and Removal Operations Report (Dec. 13, 2017), <https://www.ice.gov/removal-statistics/2017>.

⁷ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, Fiscal Year 2018 ICE Enforcement and Removal Operations Report 3 (Dec. 14, 2018), <https://www.ice.gov/doclib/about/offices/ero/pdf/eroFY2018Report.pdf>.

⁸ Letter from National Organizations to Mitch McConnell, Leader, U.S. Senate, et al. (Sept. 5, 2018), available at https://www.immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2018-09/FY19-CR-detention-funding-NGO-letter_Sept2018_Final.pdf.

⁹ Aria Bendix, *ICE Shuts Down Program for Asylum-Seekers*, THE ATLANTIC, June 9, 2017 (“These large-scale detention rates continue today, with around 400,000 immigrants being held in detention facilities each year—around 80 times the amount held in 1994.”).

Future legislation must not contain onerous interior or border enforcement provisions; further criminalize immigrants; expand the nation's deportation apparatus; continue or expand the funding of immigration enforcement; or close off our immigration system to future immigrants, especially Black and brown immigrants. Specifically, in terms of enforcement, legislation providing permanent protection for immigrant youth must not: (a) fund additional ICE or CBP agents; (b) foster the expansion or continuation of our nation's sprawling and inhumane network of detention camps; (c) further criminalize immigrants by expanding the grounds of inadmissibility or deportability; or (d) continue the ongoing militarization of the border. In terms of benefits, legislation must not: (a) eliminate legal paths to immigration, including the diversity visa, sibling visa category, or other family-based immigration paths; (b) gut our nation's humanitarian forms of relief, including asylum; or (c) prohibit immigrant youth who receive relief from sponsoring their parents or other relatives in the future.

In spite of relentless assault on immigrant freedoms, we along with our families have organized in the streets and all levels of government and have delivered a stinging rebuke to this administration—that no matter how fervent its commitment to xenophobia, racism, and criminalization, immigrants are #HereToStay.

We will keep organizing and building until every member of our community is protected and can thrive.