

ADDRESSING THE IMMIGRATION STATUS OF ILLEGAL IMMIGRANTS BROUGHT TO THE UNITED STATES AS CHILDREN

HEARING
BEFORE THE
SUBCOMMITTEE ON
IMMIGRATION AND BORDER SECURITY
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRTEENTH CONGRESS
FIRST SESSION

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ADDRESSING THE IMMIGRATION STATUS OF ILLEGAL IMMIGRANTS BROUGHT TO THE UNITED STATES AS CHILDREN

TUESDAY, JULY 23, 2013

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY
COMMITTEE ON THE JUDICIARY
Washington, DC.

The Subcommittee met, pursuant to call, at 2:30 p.m., in room 2141, Rayburn House Office Building, the Honorable Trey Gowdy (Chairman of the Subcommittee) presiding.

Present: Representatives Gowdy, Goodlatte, Poe, Smith, King, Jordan, Amodei, Labrador, Holding, Lofgren, Conyers, Jackson Lee, Gutierrez, and Garcia.

Staff Present: (Majority) Andrea Loving, Counsel; Allison Halataei, Parliamentarian & General Counsel; Graham Owens, Clerk; (Minority) Tom Jawetz, Counsel; and Maggie Littlewood, Clerk.

Mr. GOWDY. Good afternoon. The Subcommittee on Immigration and Border Security will come to order. Without objection, the Chair is authorized to declare recesses of the Committee at any time. This is a hearing entitled “Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children.” We welcome all of our witnesses today. Both panels. And we will get to our witnesses momentarily.

When Chairman Goodlatte had the first immigration hearing months ago, I said we were looking for a remedy that would last a lifetime. A real remedy, not a political or electoral remedy, but a real remedy that is best for our country. And I said I thought we could find a synthesis or a harmony, if you will, between the compassion that defines us as a people and the respect for the rule of law that defines us as a republic.

The House Judiciary Committee has since held nearly a dozen hearings on different aspects of our immigration system and passed four bills, including legislation to strengthen interior enforcement and ensure the laws we pass are actually enforced. We know border security and interior enforcement are the only guarantee that we will not repeat the mistakes of the past.

The issue of how to treat children brought to this country is not new. Congress has considered it since at least 2001, but it is a new issue for this Congress and several Members of this Subcommittee.

We all view children as a special protected class. We have all witnessed acts of heroism where total strangers risk and sacrifice their lives for other people's children. We admire teachers and other professionals who dedicate their lives to teaching and helping other people's children. Children and the issues that impact their lives unite us like nothing else. And because children are a special class, the law treats children differently in almost every regard.

When children wander into neighborhood yards, we don't call that trespassing. When children cry and yell and scream at restaurants or on airplanes, we don't call that a violation of the noise ordinance. When children eat a grape at the grocery store or eat a piece of candy waiting in line before Mom or Dad pays for it, we don't call that petty larceny. Children can't sign contracts, they can't vote, they can't purchase certain items, they can't even work in some instances because the law treats children differently. Even when children do get in trouble, legally, the system is completely separate. Even the purpose of the system is different. The purpose of the adult justice system is to punish; the purpose of the juvenile justice system is to rehabilitate and to restore.

The law treats children differently for a variety of reasons, including the fact that children cannot form the intent necessary to violate the law. And intent is a necessary element of every criminal offense. Simply put, children who were brought here hadn't committed a crime, misdemeanor or otherwise. The adults may have, but the children have not. And that is not an expression of compassion, that is the execution and the application of the law.

There are an estimated 1.35 million undocumented children under the age of 18 and an estimated 1.6 million between ages of 18 to 24 in this country. In recent months, I have heard from many organizations and individuals regarding legislation aimed at granting legal status for this subset of undocumented immigrants children from South Carolina, children from as far away from South Carolina as California. When my good friend Jeff Denham was gracious enough to let me visit him in his district, Jeff, I remember a young lady at your town hall coming up to us afterward. And for virtually all her life this young lady grew up thinking that she was an American citizen. She never knew any differently. She led a virtuous life with good grades, hard work, community involvement, active in her church, wonderful, loving family. Exactly the kind of person that you and I would want to be a fellow citizen. She was polite. She was persuasive. She just had one question for us: what country am I supposed to go back to? This is the only country I have ever known.

So while there is an obvious openness with respect to children who have done nothing wrong, those same equities in my judgment, do not apply in the same regard to the remainder of the 11 million undocumented immigrants. They may or may not have other equities to argue. Let me say this as plainly as I can, attempts to group the entire 11 million into one homogeneous group in an effort to secure a political remedy will only wind up hurting the most vulnerable. And to earn the trust, respect of our fellow citizens, we must ensure there are sufficient antifraud measures and sufficient screening mechanisms so those who seek the benefit unjustly and without a factual basis are identified.

In conclusion, let me say this: we are a Nation of laws because law provides order and structure and predictability and peace and equality and justice. Compassion is good. But it can ebb and flow with the vicissitudes of life and the perspective of the individual.

The law remains sturdy and strong as the foundation upon which we live. I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic. I will bear true faith and allegiance to the same. I will bear arms on behalf of the United States when required by the law. I will perform noncombatant service in the Armed Forces of the United States when required by the law. I will perform work of national importance under civilian direction when required by the law. That is not an oath for Congress; that is the oath of citizenship. That is the pledge and the promise each makes, hand on heart, to their soon to be fellow citizens. Five distinct references to the law in just a single paragraph of the oath. If we expect people to support, defend, and live by the law after they become citizens, what possible explanation can exist for not applying the law during the process of becoming a citizen.

So finally the equities are on the side of the children in my judgment. Equities to be debated. The law is also on the side of these children. And the law stands above equity and opinion. America is different. We are compassionate and free because most of all we are a Nation of laws. And I presume that is one reason people so desperately want to come here in the first place.

And with that, I would recognize the gentlelady from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman. Today's hearing examines a critically important issue in our broken immigration system: the treatment of undocumented young people who were brought to the U.S. as children. These are kids who have grown up in this country, have attended American high schools, and who often know no other country as home.

This Subcommittee last held a hearing about these DREAMers in 2007 when three young women testified about their lives. One of the witnesses, Tam Tran, grew up in California, graduated from Santiago High School in Garden Grove, California and from UCLA with a Bachelor's Degree in American Literature and Culture with honors. Tam was in the Ph.D. program in American Civilization at Brown University and was continuing to serve as a leading voice in support of the DREAM Act when she and a close friend, another DREAMer, died in a car crash on May 15, 2010.

I wanted to recognize Tam as we begin this hearing because I am mindful of what Martin Luther King, Jr. referred to as the "fierce urgency of now." Right now, we have an historic opportunity to fix our broken immigration system, and it would be a national shame if we were unable to do that. One part of that fix, an important and compelling part of that fix, is to ensure that DREAMers have an opportunity to become just as American on paper as they already are in their hearts. I believe that there is a strong, bipartisan support for that principle and I am encouraged by some of what I have heard on this issue from Republican Members, including those in leadership, over the past few months.

In some ways, this is not new. The DREAM Act was first introduced as bipartisan legislation in 2001 and has had bipartisan support ever since. But the breadth of support in Congress is promising and I am extremely pleased that this breadth of support will be reflected by the witnesses who will be testifying today.

But as encouraged as I am by the focus of our hearing today, I must also say that I have concerns about some of what I have read in the press leading up to this hearing. I understand that Majority Leader Cantor and Chairman Goodlatte are working on a legislative proposal that is rumored to be called the KIDS Act. Their desire to become champions for this issue is a positive development and is in many ways a testament to the hard work that DREAMers themselves have done to build a coalition by telling their stories and advocating for change. But like the immigration bills that this Committee marked up in June, we have not yet seen the language of the KIDS Act, and we have not been asked to contribute to the effort. While I am looking forward to reviewing the KIDS Act when its authors are prepared to share it, I know that this is a sharp departure from the history of DREAM Act legislation that was always drafted and introduced with bipartisan support.

I am even more concerned about reports that some Republican Members may be working on legislation that would allow undocumented immigrants other than the DREAMers to obtain some temporary lawful status but without a specific path to legal, permanent residency.

I want to be clear: I recognize that this represents significant progress, and I welcome that. I believe it shows a growing appreciation that we cannot fix our broken immigration system without addressing the 11 million undocumented immigrants who are part of our businesses, our communities, and our families. But I believe it would be a grave mistake to allow millions of people to come out of the shadows and obtain lawful immigration status, only to leave them in a second-class status for the rest of their lives.

As I said at the Committee's very first hearing in this Congress, partial legalization is a dangerous path. We need only to look at France and Germany to see how unwise it is to create a permanent underclass. What makes America special is that people come here, they assimilate, they become fully American with all of the rights and responsibilities that citizenship bestows.

The American people agree. In a recent Gallup poll, Americans were asked the following question: "would you favor or oppose each of the following as part of legislation to address the issue of illegal immigration?" They were then provided various components of top-to-bottom reform of our immigration laws, mandatory e-verify, tightened border security, increased visas for skilled workers, and, "allowing illegal immigrants to become citizens." In the context of a broader fix to our broken immigration system, 88 percent said they favored a path to earned citizenship for the undocumented. Support was overwhelmingly strong across all ideological and ethnic groups. Among conservative, non-Hispanic, White respondents, 83 percent favored a path to citizenship and only 17 percent opposed.

We have an opportunity now to do something that will help strengthen America's economy. An opportunity to keep families to-

gether. And for everyone who believes in the rule of law, and I think all of us on the Judiciary Committee are in that camp, we have an opportunity to design an immigration system that promotes law-abiding behavior instead of our current one that actually depends upon law breaking.

This opportunity does not come often. I feel as though my entire time in Congress, 18-plus years, has been spent looking for an opening to fix our broken immigration system once and for all. This is that time. The Senate passed a bipartisan immigration reform bill, and I am doing everything I can to make sure the House is able to do the same. If we work together, I think we can make that happen, and I think our country will be better as a result. We know that our history as a country, America, was formed by immigrants, and we will not serve our country well unless we ensure that our future also welcomes the immigrant that will help build a stronger America.

And I thank you, Mr. Chairman, and yield back.

Mr. GOWDY. Thank you. Thank the gentlelady from California.

The Chair will now recognize the gentleman from Virginia, the Chairman of the full Committee, Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Chairman Gowdy. Thank you for holding this hearing. Thank you for your compelling opening statement.

You know, when most Americans think about illegal immigration, they picture adults crossing the desert on the southwest U.S. border. But not every illegal immigrant in the United States can be placed into the same category. Some did, in fact, come here by paying a coyote to smuggle them across the border. Some came here legally on a visa and didn't leave when their allotted time expired so they could work here illegally.

However, there is another class of unlawfully present aliens, a class of individuals who deserve to be considered from a different perspective. I am talking about aliens brought here as children by their parents. They had no input into their parents' decision to bring the family to the U.S. illegally. And many of them know no other home than the United States, having grown up as Americans since they were toddlers, in some instances. They surely don't share the culpability of their parents.

I have spoken about the fact that as part of the step-by-step approach the House is taking to address immigration reform, we should look at whether we as a Nation should allow this group of young people to stay in the U.S. legally. And while this is an important piece of immigration reform, it too must be accomplished effectively and responsibly to ensure that several years from now Congress is not once again being asked to pass another piece of legislation dealing with the immigration status of a new group of young people brought here by their parents.

To that end, I do not believe that parents who made the decision to illegally enter the U.S. while forcing their children to join them should be afforded the same treatment as their kids. Because, let's be clear, parents bringing their young children to the U.S. illegally is not something we want to encourage, not only because it would lead to continued illegal immigration, but also because illegally crossing the border is dangerous.

We have all seen the pictures or even video of children who are dehydrated and lethargic from an arduous trek across the Mexican and Arizona desert with their parents or with smugglers paid by their parents. These border crossings could include everything from handing a child over to a coyote in hopes of getting the child to the U.S., to placing a child in the back of a semi-truck in hopes that Customs and Border Protection officers at the U.S. Port of entry wouldn't detect a human presence in the trailer, to bringing a child down into a tunnel built between Mexico and the United States, knowing that at any moment it could collapse. These are all kinds of things that immigration reform must ensure come to an end. Enforcement at the border and in the interior of the U.S. is crucial to ending these kinds of situations. And this Committee has passed legislation to strengthen the enforcement of our immigration laws.

However, successful immigration reform must also look at how to address the significant population of illegal immigrants who are already here and who were brought here as young children by their parents through no fault of their own. And it needs to acknowledge that just because there is a group of children does not mean they should all be treated the same. For instance, if they have joined gangs or been involved in criminal activities, such as by entering the country as a drug mule crossing the border, or if they have otherwise shown that they do not intend to be productive members of American society, they should not be treated the same for purposes of legal status as young children brought here by their parents.

So I am pleased that the Chairman is taking the time to look at this issue today, and I look forward to hearing the testimony of all of our witnesses. Thank you, Mr. Chairman, I yield back.

Mr. GOWDY. I thank Chairman Goodlatte.

I know we have two panels, including four colleagues who have other Committee assignments. There had been other requests for opening statements. So we will get to you as quickly as we can. I will recognize Mr. Garcia, gentleman from Florida.

Mr. GARCIA. Thank you, Mr. Chairman. I wish to thank the Chairman. I know that he and many on the other side are trying to find a solution for this problem, a right solution, a just solution, an American solution. That said, when Members of this Committee, when Members of this House use inflammatory language, use offensive language, it does not help the process. In my district, I have multiple schools who on a regular basis produce valedictorians. And they are undocumented. However, when Members of this House use language such as, "For everyone that is a valedictorian there are another hundred out there who weigh 130 pounds and have calves the size of cantaloupes because they've been hauling 75 pounds of marijuana across the desert," it is offensive. And is beneath the dignity of this body and this country. I know that my colleagues are trying hard. In particular, I know that the Ranking Member on our side has been working very hard to find a solution. But this is an American problem, and we need to work together. We need to stop pointing fingers and find a pathway forward.

I look forward to the good will in particular of all this House to try to find a way to solve this very American problem. Thank you.

Mr. GOWDY. The Chair thanks the gentleman from Florida.

The Chair now recognizes the gentleman from Iowa, Mr. King.

Mr. KING. Thank you, Mr. Chairman. I appreciate your recognizing me for an opening statement. And my purpose in requesting time here is to help set the tone a little bit differently, in that when I see that we have eight witnesses all lined up on one side of the agenda and four people lined up to speak as opening statements and then would hear from the eight witnesses and at that point maybe you would hear from someone who happens to disagree with this concept that is before us today called the KIDS Act. And I don't know how I am supposed to know that officially. I did pick that up in the news. I know it was referred to by the gentlelady from California as the KIDS Act.

But we don't have a bill before us, ladies and gentlemen. And so we can't look at the language of a bill and take a position on that language. We are here today examining a concept, a philosophy, a potential bill that is not yet before us. This is the opposite order that we usually conduct business with in this Congress. So I would suggest that in the future we turn that back around, actually have a bill before us that we can have witnesses testify to.

All of us have sympathy for children who are brought here without knowledge that they were breaking the law. I do not think that the definition of a child cannot form intent doesn't stick when I look at the way we punish people for committing other crimes. And so I disagree with that definition to some degree with the Chairman of the Subcommittee on this particular subject. But whose fault is it? It is not the children's fault if they are children. It is not the children's fault if they are unaware. It is not the children's fault if their parents brought them into the United States. They are all subject to the application of the law. Then whose fault is it? Is it the parents' fault? I think so. And is any one of these witness panel, these four or the next four, are they going to advocate that we punish the parents for bringing their children into a situation where they all find themselves in contradiction of the law, in violation of the law? Is this being set up as a broader picture of a backdoor amnesty so that all people that are unlawfully in the United States, with those exceptions that the Senate has identified as those that have committed a felony and those who have committed those three mysterious misdemeanors, they would be exempt. But, otherwise, everybody in America is targeted to get legalized by the Senate Gang of Eight that may be implicitly in an action that might come from this bill. And I am very concerned about that. Because if you legalize people that are here in this country unlawfully and you waive the application—even if there were children and you waive the application of the law on their parents, especially if they are the ones that brought them to commit this act, then who do you enforce the law against if everybody that hasn't committed the felony is now legalized or their family member is to be reunified and everybody that comes after this point, when do you start to enforce the law if we can't enforce it today? On the next one that arrives with a 1-week-old baby? Maybe. I don't think so. I think what is on course here, advocated by our witnesses ahead of us, I expect, and those that will follow them, is, we will just do this little sliver here because this one tugs at our heart. It tugs at my heart, too.

But I listen to the Subcommittee Chairman's statement when he says he wants a remedy that will last a lifetime. I think we have a higher responsibility than that. I think we have to preserve the rule of law so that this country can last for many, many generations into the future. Not our lifetime, but the lifetime of the United States of America. And if you exempt the rule of law with regard to immigration, even a part of it, then what you have done is you have suspended the law in a category. And if you can suspend the law and exempt it for people who are either here illegally, for people that will come here illegally and those who, by the way, according to the Senate language, have been deported in the past and you invite them to come back to the United States again, then what you have done is you have sacrificed the rule of law on the altar of political expediency. And the result will be American immigration law will not be set by Americans again, it will be set by the people that can circumvent the border security that we are promised. But I will promise you, it will not come. It did not come in 1986. This Administration is not serious about enforcing the law. They will make whatever promises they need to do in order to do the legalization they want to do. And if the end of this thing is citizenship because they are willing to sacrifice the rule of law for political power and we have 100 million Americans today of working age that are not in the workforce, and we are talking about giving a reward for breaking the law, we must take this back to the essential fundamental principle.

I appreciate the Chairman yielding me some time, and I am looking forward to the testimony of the witnesses. I am not hopeful that I am going to hear that statement in any of the testimony that comes before this Committee. I thank the Chairman. I yield back the balance of my time.

Mr. GOWDY. The Chair now recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, this is a good start. We have done this, however, for those of us who are senior Members on this Committee, for more than a decade. And I thank you and Congresswoman Lofgren for the testimony that will be rendered today. And I believe that it is worthy to hear Members of Congress and to find that common ground. It is also worthy to hear the opposition. But it is also well to note that we as legislators are best when we act on behalf of the American people and we strike a compromise. The difficulty is, as I have listened to my good friend, that we will go nowhere if we cannot find a common ground or we do not have those who can see compromise on the horizon. But the one thing that we cannot compromise on, and I said this earlier in remarks, around the DREAMers and I thank them, for they have put in a spark plug that has drawn now the interest of our friends on the other side of the aisle, is that we are commemorating and celebrating Ramadan, but we also have principles in the Christian faith. One of them is in the book of Ruth, where this young woman entreats her mother-in-law not to leave her. She had come close to her mother-in-law, and she asked that her mother-in-law not go somewhere else and leave her. But we want to tell the DREAM Act children that they can stay, but we don't know about your parents or your sisters and brothers. What values are those? What value

is it if we tell our DREAM Act children that they can stay but we tell them not to honor their mother and their father. We have a format. We have comprehensive immigration reform. And we can listen to individual suggestions. I have seen bills that may be advantageous, that may even be put into the larger framework that so many Members have been working on over the years. But we cannot move forward if we have motions on the floor of the House, for example, voted enthusiastically to unfund the funding that would process DREAM Act children. How can you say that you are interested in moving forward when we have struck a chord of disension by taking the very dollars away that would help move the process forward, even if we were to take this one bill at a time.

I will say this as I wrap up. I have spent a number of years, we will hold an immigration hearing that we invite all of you to come to in Houston, Texas, on the 29th. We want people to come from far and wide. Members of Congress are coming in from around our State. And we are looking to delineate Texas' interest and commitment, as one of the larger States of the Union, in comprehensive immigration reform.

This morning, we heard that it is not only business persons, but it is the evangelical or the faith community and business. We are hoping to strike a chord. That is what we need in this Congress. Members of Congress that believe in business, you can vote for comprehensive immigration reform. Members of Congress that believe in the faith community, evangelicals and want to bring people together, you can vote for a comprehensive approach. And certainly if you adhere to law enforcement, who have cried out for comprehensive immigration reform, you can do that. But most importantly, if you believe in humanity, if you believe in the young people that maybe because we are in Washington you don't see. I see them. They come into our office with tears in their eyes. Yes, val-dictorians, salutatorians. Young men and women—I know there is a bill talking about those who have served in the military. We have done some of that before. Some young man who stopped me while I was shaking his hand on the platform of graduation, he stopped me as we were shaking hands, wishing him well. He said, I want to go into the service. And he can't go now. He didn't stop me and said he wanted to go to vacation or he wanted to get a big-time job. He wanted to go and serve his Nation. But of course he had an obstacle. If you see those kinds of children, then you know that the only approach we can take is comprehensive immigration reform. If you see the tears, if you view the vast humanity, that is the approach we should take.

I hope, Mr. Chairman, Ranking Member, that this Committee will see a comprehensive initiative, and that we will be voting much sooner than later for a better America. With that, yield back.

Mr. GOWDY. Thank the gentlelady from Texas.

The Chair now recognizes the gentleman from Texas, Mr. Poe.

Mr. POE. Thank you, Mr. Chairman. Thank you for holding this hearing, as well as the Chairman of the full Committee, the numerous hearings we have had and the step-by-step approach toward immigration reform legislation. I want to make my comments center on the phrase breaking the law. "Breaking the law."

It is estimated that over 1.3 million children were brought here from foreign countries without their consent by their parents who are under the age of 10. 1.3 million brought here under the age of 10. Everywhere in our law that I am aware of there must be some intent for the act to be committed, either civil intent to form a contract, criminal intent to commit a crime. In most States, 10 and under, a person cannot form the intent to do anything, to commit a crime, to sign a contract, because the law says they are a child. And as you have said, Mr. Chairman, immigration law is the only place I know of where intent is not required to be considered, quote, illegal.

I think it is time that we bring the law up to the standard of all laws in the United States, that a child cannot form the intent to commit an act that is illegal in the United States. So, therefore, we should look at children brought here by their parents, 10 and under, whatever age we use, 1.3 million, as not being able to have illegal status because they cannot—they did not consent to the act. They did not make that determination mentally. And, therefore, they should be treated, I think, in a special way, that they are children brought here with no intent to have the status that they have, they were—that status was given to them by their parents.

So breaking the law? I am not so sure that we can say that they have broken the law because their status should not be retroactive after they reach a certain age, but their age at the time that they were brought here. 1.3 million brought here under the age of 10, nowhere else in our law can a person commit a violation of the law under the age of 10 except in immigration.

So it seems to me that it is time that we deal with these special children in a very special way and bring them into our society and move forward with rectifying this error in our immigration law and making sure that we, as the Chairman has said, have compassion, that we follow the rule of law, and that we move forward with recognizing these children.

I have met numerous individuals who were brought here as children. Some of them serve in our military overseas, Afghanistan, Iraq. So I think this hearing is very important, hearing from fellow Members of Congress about this issue is a unique, special issue in the entire discussion of immigration legislation, dealing with those children that were brought here not by their choice and not by their intent, but the choice and intent of someone else.

And I will yield back, Mr. Chairman.

Mr. GOWDY. Thank the gentleman from Texas.

Mr. GOWDY. I believe there was one more request from the gentleman from Idaho.

Mr. LABRADOR. Mr. Chairman, there was no request. But I will go ahead and make a short statement. I just—

Mr. GOWDY. I should have kept my mouth shut.

Mr. LABRADOR. Okay. But anything the Chairman asks me to do, I will do.

Mr. GOWDY. The gentleman is recognized.

Mr. LABRADOR. Thank you, Mr. Chairman and members of the panel, members of the audience, I am grateful that you are here. I am grateful that we are having this discussion. I think it is important for us as Americans that we comply first with the rule of

law, that we, second, look at what the security of our Nation is, that we, third, look at what we need to do to make sure that the mistakes we have made in the past with respect to enforcement of our law, that they can be corrected. I think this is an important hearing. I think—I like the tone that we have set so far. And I want to make sure that we continue to have this tone and this conversation here about what to do with the people that came here as young people.

Now, I do want to make something very clear that I have said in public and private. There is no right to citizenship of the United States. It is a privilege that is provided by the law. And it is a privilege that is provided by our Constitution. And it is something that we need to discuss here, how to do it in the best way, so we can prevent in the future having the same mistake—making the same mistakes that we made in 1986 and making the same mistakes that we have made over the last 30 or so years. And I want to thank you for being here. I want to thank you for your efforts. And I will continue to do something to make sure that we can find a way for us to actually solve the problems that are facing us, which are grave problems that I think affect the future of the United States.

Thank you, Mr. Chairman.

Mr. GOWDY. Thank the gentleman from Idaho.

We are privileged to have two wonderful panels, the first of which are four of our distinguished colleagues, each of whom has a very distinguished resume. I would invite the audience or the viewers to look at their resumes in more detail. But in the interest of time, because they have other Committees to go to—and, Luis, we are anxious for you to come up and join the Subcommittee, I am not going to read the biographies. I am simply going to recognize Representative Coffman, Representative Denham, Representative Gardner, Representative Gutierrez, for your opening statements. And then we will—we thank you, and we will let you go back to the Committees that I know you all serve on.

With that, Representative Coffman.

TESTIMONY OF THE HONORABLE MIKE COFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. COFFMAN. Thank you, Mr. Chairman. So the first question that we—

Mr. GOWDY. You may want to punch the button on the—

Mr. COFFMAN. It is on now.

So the first question that we ought to ask ourselves here today is whether or not we believe that the young people who were brought to this country illegally as children, who grew up and who went to school here, who probably know of no other country, ought to have the pathway to citizenship. And I believe that the answer to that question is yes.

From my own background, I believe that the greatest expression of American citizenship is serving this Nation in our military. It is from the sacrifices of those who have worn the uniform that we as Americans enjoy the freedoms that we have today. I strongly believe that the undocumented young people in our country ought to

be able to serve in our military as one of those pathways to citizenship.

I come from a military family. My late father served in both the United States Navy and the Army and was a combat veteran from both World War II and the Korean War. I am also a combat veteran with service in both the United States Army and Marine Corps and was in both the first Gulf War and the Iraq War.

First of all, I think we need to remember that the role of the United States military is to defend our Nation and that the principle objective must always be the national security of our country. We must never use our Armed Forces as an instrument of social policy when that conflicts with our national security interests. Many of us can remember being told, half jokingly, by drill sergeants that in the military we are to defend democracy and not to practice it.

So the first question should be, will it benefit our military to have these undocumented immigrants be able to enlist in the United States military, and I think that the answer is clearly yes. Allowing these undocumented young people to enlist in the military will contribute to the national security of our country.

I left for my first overseas assignment in the United States Army in Europe in 1972. I returned from my last assignment with the United States Marine Corps in Iraq in 2006. What I saw over the course of that time was first a military in the early 1970's, in the aftermath of Vietnam, that suffered from low morale, poor discipline, and a question mark behind its combat readiness. Since both recruiting and retention were difficult, standards were continually compromised in favor of sustaining a large force numerically.

There is no comparison to my reflection of the military in the early 1970's and the military of today. The United States Armed Forces of today is much smaller in size, but it is an elite and a more lethal force of highly qualified Americans who want to continue to serve. However, when the civilian job market improves, retaining this quality force will become more challenging.

A study in 2009 completed by Mission Readiness, entitled "Ready, Willing, and Able to Serve," found that 75 percent of young adults between the ages 17 to 24 are not fit for military service because they either don't have a high school diploma, are overweight, have a criminal record, or a history of substance abuse. I strongly believe that expanding the pool of eligible recruits to select from could play a critical role in helping to retain the elite status of our military even as the civilian job market improves.

What my legislation, H.R. 435, the Military Enlistment Opportunity Act, does is provide reforms to our recruiting regulations that would allow certain undocumented residents of the United States to apply for military service after they have been first vetted by the Department of Homeland Security. The vetting by the Department of Homeland Security would only mean that the individual is eligible to apply to serve in the military and it would be up to each respective branch of service as to whether or not to accept these applicants.

Permanent residents, or green card holders, are allowed to enlist in the military today, but because they are not U.S. citizens, they are very restricted in terms of what occupational fields they can do.

Only U.S. citizens can hold a security clearance and without a security clearance, an increasing number of occupational fields in the military are off limits. Opening up enlistment opportunities to undocumented residents would only aggravate an existing problem by relegating these new recruits to a shrinking number of occupational fields given the fact that more and more of them require security clearances.

My solution under H.R. 435 is to grant citizenship at the beginning of their enlistment for both permanent residents and for those who were previously undocumented but now who would be allowed to enter the military. This would enable the military to use all of their soldiers, sailors, marines, and airmen to their best and highest potential because they would no longer be restricted from entering the majority of career fields. However, in doing so, I would make the citizenship revokable should the service member receive a less than honorable discharge within a 5-year period. Currently, enlistments are for an 8-year period but can be a combination of active duty, reserve, or inactive reserve time when the service members are still available to be called up to return to active duty.

I strongly believe that allowing those young people we are talking about today to serve in our military as a pathway to citizenship is not just the right thing to do but will serve to strengthen the national security of our country.

Thank you, Mr. Chairman.

Mr. GOWDY. Thank you, Representative Coffman.

[The prepared statement of Mr. Coffman follows:]

**Prepared Statement of the Honorable Mike Coffman,
a Representative in Congress from the State of Colorado**

Thank you Chairman Gowdy and the Immigration Subcommittee Members for the opportunity speak today on this panel on the legalization of the young undocumented population present in the United States.

Historically, there is no question that immigrants have contributed greatly to the strength, prosperity, and vitality of our nation.

Americans understand that people are an asset to be valued because we are a nation of, by and for the People—without which our American experiment would cease to function.

Unfortunately, our current system is broken and has become overly burdensome for individuals and their families, who want to come to the U.S. in search of a better life.

The legal immigration process is so difficult that it encourages breaking the law rather than wading through a complicated bureaucratic visa system.

For these reasons, I support conservative immigration reform because our current system simply does not work for the individuals who share our beliefs and deeply desire to be here.

Although I understand the issue of immigration reform has become divisive, I do believe we can come together on at least one single issue.

We can and should provide a path to citizenship for the young undocumented individuals who were brought here by their parents.

These young people have grown up here, attended school here, and know of no other country besides the United States.

It should be easy for us to formally accept them into society as long as they have stayed out of trouble and are independent, productive residents.

Also, many of these young people wish to serve this country in uniform.

My late father, a retired Army master sergeant, taught me that there is no higher demonstration of American citizenship than serving in the military.

As a Marine Corps combat veteran myself, I could not agree more and I strongly urge that these individuals have the opportunity to enlist and serve if they qualify.

Early this year, I introduced H.R. 435, the Military Enlistment Opportunity Act, which would allow qualified Deferred Action Childhood Arrivals to enlist in the military.

Most importantly, H.R. 435 provides a path to citizenship through military service, giving recruits access to all areas of military service including Officer Candidate School, Special Forces, military police, and cyber security.

Citizenship is a prerequisite for a security clearance—without which—these career fields are foreclosed.

This access to additional talent is also highly beneficial to our armed services because creating a greater pool of recruits is crucial for the military to confront an impending recruitment problem.

Recently, a study completed by Mission Readiness, titled “Ready, Willing and Unable to Serve,” concluded that 75 percent of young adults ages 17 to 24 are not fit for military service.

The vast majority of applicants are turned away because they don’t have a high school diploma, are overweight, have a criminal record or a history of substance abuse.

My bill would allow the military to continue to choose from the best by expanding their recruiting base. This is essential for our national security.

Finally, unlike other proposals like the Senate bill, H.R. 435 is in line with how the military enlistment process functions.

By certifying the individual before they attempt to enlist, we relieve the military of performing the central functions of the Department of Homeland Security.

Although the military does perform background checks and confirm documents, their central function is to ensure the best and brightest are joining their ranks rather than authenticating individual documents.

H.R. 435 is a commonsense bill that helps young undocumented individuals as well as the military.

I hope that this Committee and the House as a whole understand how important immigration reform can be for our military and national security, and

I look forward to working together on legislation that not only helps the young people gain legalization but also aids the armed services maintain their elite and unparalleled level of service to this nation.

Thank you again for the opportunity to testify today and I yield back.

Mr. GOWDY. Representative Denham, we want to make sure the microphones are fully functioning, so we may need to stand down just for 30, 45 seconds.

Mr. DENHAM. Chairman Gowdy.

Mr. GOWDY. It is definitely working now, Brother.

Mr. DENHAM. Chairman Gowdy. There we go.

TESTIMONY OF THE HONORABLE JEFF DENHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DENHAM. Chairman Gowdy, Ranking Member Lofgren, I just want to first start by thanking both of you for not only the appreciation that I share with both of you on spending time with me going over specific pieces of this legislation, but more importantly, my constituents. You guys have both dedicated a great deal of time and it is much appreciated by me and the folks in my district. I also want to thank the Members of this Committee for dedicating so much time to actually fixing this problem. I, like the Chairman, want to fix this once in my lifetime. It is a huge priority. It is a personal priority of mine. But it is also something that I believe

will grow the economy of California and contribute to the greatness of America.

But on a personal note, I have witnessed the trials and the joys of immigration through my own family. My father-in-law is a naturalized citizen from Mexico, my wife and her siblings first-generation Americans. I was very proud when my father-in-law, a very proud man, asked me to help him study for his citizenship test. It is a big deal. Not everybody wants to become a citizen, but those that do are willing to work hard to make this country great. Now, I know that we are here today to talk about kids that have been brought here through no fault of their own, a very important topic. And I look forward to continuing to engage on a variety of other issues. But specifically on this topic, one of the bills that is already in print, that a number of you have already cosponsored, will be part of the KIDS Act, would be the ENLIST Act. And during my 16 years of serving in the United States Air Force, I served along with many foreign nationals who were able to earn citizenship through putting their lives on the line for Americans in the armed services. Our Nation has never made citizenship a requirement for service in our Armed Forces. 50 percent of enlistees in the 1840's were immigrants. 660,000 military veterans became citizens through naturalization between 1862 and the most recent numbers of 2000. Individuals from Marshall Islands, Micronesia, Palau, and American Samoa can gain citizenship today through military service. The Lodge Act was passed by Congress in the 1950's to allow the military to recruit from Europe and other Nations overseas to fill critical roles. Between 1952 and 1990, 34,620 Filipinos, many of whom I served with, enlisted in the Navy were granted U.S. citizenship.

I introduced the ENLIST Act, H.R. 2377, which authorizes the enlistment in the Armed Forces of undocumented immigrants who were brought into the United States as children and who are otherwise qualified for enlistment. This bill will provide a way for the undocumented immigrants to be lawfully admitted to the U.S. for permanent residence by reason of their honorable service and sacrifice in the U.S. military. Not the only way, but certainly a way to show their dedication to this great country that we have.

The ENLIST Act will only affect a certain population of kids who have been in the United States since the age of 15 and are prohibited from expressing their patriotism and allegiance to the United States under current military code. These recruits would provide the military departments with a talent pool of young men and women, many of whom would have strategically valuable language and cultural competencies.

I recently met with a constituent, Gloria Sanchez, Mr. Chairman, I think you met her as well, who was recruited by the Marines from Modesto High School. A day after completing her paperwork and forms, Gloria was contacted by the recruiter and asked for her Social Security number, which she obviously did not have because she was brought here unlawfully into the United States. Gloria would have been able to serve her country had my ENLIST Act already been law.

In the midst of our immigration reform debate, one thing we should all agree on is that we must require those who came here

illegally to give back before they can receive any additional benefit. As someone who served, I remember the pride I felt wearing the uniform and cannot think of any better way for these young people to earn the right to fully share in the rights and freedoms of America.

I would just like to point out one other thing. As we traveled around this district, we traveled around the State, and I have even spent on time in other districts around the Nation. I have talked to not only a large number of immigrants, but I have talked to a lot of kids. And I get a very interesting look. We don't speak English—we don't speak Spanish, we only speak English. Their entire life they have gone to our schools with our kids.

It is an issue we have to address. This is a big challenge, addressing the entire immigration system. But specifically on this issue, we have to address this issue, we need to address it now.

Let me just finish by saying last month I appreciated Chairman Goodlatte and House Democratic Caucus Chairman Becerra, we had a colloquy on the floor dealing with the ENLIST Act. Both had said that they were willing to work together on making sure that this issue becomes a reality. I appreciate your willingness to do that. This is an important part of this package. And I hope this entire Committee and the entire House will consider the ENLIST Act as one of the ways, one of the ways for undocumented individuals to legalize. Without providing opportunities to earn a legal status our body will not resolve our immigration status. There is no better way than putting your life on the line for this country to become an American citizen.

I thank you.

Mr. GOWDY. Thank you, Mr. Denham.

[The prepared statement of Mr. Denham follows:]

**Prepared Statement of the Honorable Jeff Denham,
a Representative in Congress from the State of California**

Dear Chairman Goodlatte, Ranking Member Conyers, Members of the Committee,

Thank you for giving me the opportunity to address you in this Hearing on the immigration status of those brought to the United States as children. These are undocumented residents who only know America as their home, and were brought into the United States not by their own will, but that of their parents or guardians.

As a resident of central California, I have spent several decades getting an education, running a business, raising children, farming, attending worship services, volunteering for school events and kid's sports events—all alongside neighbors who were immigrants from Central America, South America, Southeast Asia, Portugal, and many other parts of the world.

I have also witnessed the trials and joys of immigration through my own family. My father-in-law is a naturalized citizen from Mexico, and my wife and her siblings are first-generation Americans. Watching my father-in-law and other family members go through the process of becoming citizens and integrating their pride of their heritage seamlessly with their American patriotism has helped shape my idea of what patriotism means. I am grateful for the opportunities I have had to experience the rich heritage of immigrants in one of the most diverse regions of the world, and it is a heritage my wife and I have taken great care to share with our two children and our nieces and nephews.

Although I grew up in a very diverse environment, it was during my 16 years serving in the United States Air Force that I developed my strongest appreciation for the contribution of immigrants to our nation. I served alongside many foreign

nationals who were able to earn citizenship through putting their lives on the line for Americans in the Armed Services.

Our nation has never made citizenship a requirement for service in our armed forces. Since the founding of our nation, noncitizens have been a part of our military, and Congress has seen fit to make military service a way for patriotic individuals from other countries to show allegiance to our flag and become United States citizens.

Almost half of U.S. Army enlistees in the 1840s were immigrants and more than 660,000 military veterans became citizens through naturalization between 1862 and 2000. These men and women have proven that they are prepared to make the ultimate sacrifice for their adopted country. I believe that anyone who swears an oath to defend our nation and serves out an enlistment term honorably should be entitled to the privileges afforded to American citizens.

Currently, citizens of the Marshall Islands, Micronesia and Palau, as well as American Samoa can gain citizenship through military service. Many individuals here on student visas and employment-based visas have special eligibility to join our armed forces and earn citizenship through the Military Accessions Vital to the National Interest (MAVNI) program. Additionally, many foreign nationals and Legal Permanent Residents serve in our armed forces as a way to earn citizenship. In the 1950s, Congress passed the now-expired Lodge Act, which allowed the military to recruit from Europe and other nations overseas. Between 1952 and 1990, 34,620 Filipinos enlisted in the Navy and were granted U.S. citizenship. In all of these cases, national security is enhanced, not threatened or undermined by foreign nationals and noncitizens. Likewise, allowing undocumented immigrants to enlist would not pose any additional national security risk because they would be subject to the same screening mechanisms in place for the other foreign nationals serving in our armed forces to earn the right to be called Americans.

In order to allow undocumented Dreamers to serve our country, I introduced the ENLIST ACT, H.R. 2377, which authorizes the enlistment in the armed forces of undocumented immigrants who were brought into the United States as children and who are otherwise qualified for enlistment. This bill will provide a way for the undocumented immigrants to be lawfully admitted to the U.S. for permanent residence by reason of their honorable service and sacrifice in the U.S. military.

The ENLIST Act will not give undocumented immigrants special benefits, nor will it create an opportunity or incentive for undocumented immigrants to rush the border now. The bill will not change military naturalization law. The ENLIST Act will only affect a certain population of people who have been in the United States and are prohibited from expressing their patriotism and allegiance to the United States under current military code. The bill gives an opportunity for current undocumented immigrants who otherwise qualify for enlistment to give back to the nation that has provided them with so much, including public elementary and secondary education and, in many cases, a college degree.

For the many thousands of young undocumented immigrants who graduate from our public and private high schools each year, military service would offer an avenue for them to serve the United States and earn a legal status in the country they love. These recruits would provide the military departments with a talent pool of young men and women, many of whom would have strategically valuable language and cultural competencies.

I recently met with Gloria Sanchez, a constituent of mine, who was recruited by the Marines to serve our country for her leadership, aptitude, skills, courage, and patriotism. The Marines and other branches of the military visited her high school, Modesto High School, and spent hours talking interested students through the recruitment process. A day after completing her paperwork and forms, Gloria was contacted by the recruiter and asked for her social security number, which she did not have because she was brought unlawfully into the United States. Gloria would have been able to serve her country had my ENLIST Act already been law. It is a shame to see men and women who have lived in the United States for most of their childhood denied the ability to put their lives on the line for our country. Congress has an interest in helping build up and care for our armed services, and that includes

providing opportunities for patriotic young people like Gloria to enlist and serve alongside our forefathers and the greatest heroes of American history.

This body is debating different approaches to fixing our broken immigration system, but one thing we should all agree on is that the approach must require those who came here illegally to give back before they can receive any additional benefit. As someone who has served, I remember the pride I felt to wear the uniform and cannot think of any better way for these young people to earn the right to fully share in the rights and freedoms of America.

I hope you will support the ENLIST Act's purpose of allowing undocumented immigrants to enlist in the regular component of the Armed Forces. Thank you for giving me the opportunity to present this testimony before you today.

Mr. GOWDY. Mr. Gardner.

TESTIMONY OF THE HONORABLE CORY GARDNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. GARDNER. Thank you, Chairman Goodlatte, Ranking Member Conyers, Chairman Gowdy, Ranking Member Lofgren, and other Members of the Committee, for the opportunity to testify today. My full statement has been submitted for the record.

This hearing today is an important step toward addressing immigration reform in a sensible and systematic manner. Clearly, our current system is broken. Immigration is an important issue for my district, like it is for everyone on this panel. Ignoring immigration laws for nearly 2 decades has helped result in approximately 11 million people in the United States without documentation. In fact, 40 to 42 percent of undocumented individuals in the Nation were once here legally, but overstayed their visas. The 1986 bill has proven unworkable and too easily avoidable. We must reform immigration laws and we must do so in a step-by-step process with deliberation and debate surrounding each piece of reform. And we must begin with border security and interior enforcement. We cannot simply put reform to the side because it is unworkable or the political will is simply not present to make it work. We have a chance to prove to the American people that the Federal Government can be trusted to build a long-term and common sense system.

It has been said by many that the United States is a Nation of immigrants, and I imagine if I was not blessed to be born in this country I would have done everything I could to be in this country. But we are also a Nation of laws. Our current immigration laws have proven inadequate and are not being enforced. If a law is not enforced or it is ignored, then we no longer remain a Nation of laws and the law becomes worth little more than the bill paper that it is written on.

Congress must move forward by building a new system of immigration laws that will stand strong and secure but still allow a workable system for people that want to be part of this great Nation and a healthy economy to have the opportunity to do so. I urge the House to be guided by law and fairness during this process and fair as well to the those currently waiting in the legal process to become citizens. Any immigration reform must first begin with border security and interior enforcement as a top priority, and I will

not support reform that fails to include strong security enforcement measures. Not only do these measures need to exist, but there must be confirmation from a credible outside entity that these measures have been satisfied and implemented. No one should be able to simply choose not to enforce the law or waive it through the administrative process. Once we have secured our borders and are enforcing the law and guaranteed these measures are working may we look to other reforms.

With these principles setting the framework, we are here to discuss potential reform for the very young, the children who were brought illegally into this country as minors. These are the children and young adults that for all intents and purposes are culturally American. These are the children that grew up in the United States and go to school with our children and grandchildren, with my daughter. This is an issue of fairness, law, and compassion. Many of these children know no other Nation except for the United States. Their parents made a decision to enter the country illegally and our broken system did nothing to prevent it. They deserve to be afforded some form that recognizes that they are here through no fault of their own. It was not their decision to not follow the law. I believe Members across the aisle can unite and agree that providing them with some sort of immigration relief is the fair thing to do. But this must be part of a step-by-step reform package. The legislation addressing these young individuals should not provide them with a treatment that is unfair to those already following the legal process. Any legislation addressing these children would need to be solely for the benefit of the child and no one else. It cannot elicit chain migration. During the process, we must find the appropriate balance. And while these children remain innocent, we cannot reward those family members who have broken the law.

And I have a story that I would like to share with the Committee. In 2005, I had just been appointed to the Colorado State Legislature, and I held one of my first town meetings on the Eastern Plains in a small farm town. The government teacher of the local high school brought the government class, the entire class, to attend the meeting. There weren't many of them. But during the question-and-answer period of the meeting, a young girl stood up and introduced herself, proudly stating that she was graduating first in her class, the valedictorian of her senior class, and she had gone to school with those same classmates since her kindergarten year, K through 12. She stood up and said she was brought in this country when she was only a few months old, brought into the country illegally. And she asked this question, I will never forget. Do you support in-state tuition for illegal aliens, she asked. I told her that I did not because allowing passage of such a policy was avoiding the real problem, it was failing to address the overall need for immigration reform and that we can't start with in-state tuition because we have to pursue meaningful immigration reform first to fix the broken nature of our process before anything else could happen. About a month ago, I was in the same small town in the Eastern Plains, and I ran into this young girl once again, same girl, the valedictorian of her high school, waiting tables. Eight years later,

we talked once again about the need for immigration reform. Eight years later, nothing has happened.

This time, Congress cannot just talk about immigration reform. Congress must act. While there will be strong disagreement about what to do, how to proceed, and what the end policy will ultimately look like, we simply cannot do nothing. We must act, and I believe we can do so in a way that 30 years from now, 100 years from now, future generations of this country, both immigrants and non-immigrants, can say that back then they did the right thing and it is working.

I would like to thank the Committee for the opportunity to testify today.

Mr. GOWDY. Thank you, Mr. Gardner.

[The prepared statement of Mr. Gardner follows:]

**Prepared Statement of the Honorable Cory Gardner,
a Representative in Congress from the State of Colorado**

Thank you Chairman Gowdy, Ranking Member Lofgren, and the other members on this subcommittee for the opportunity to testify today. The panel is an important step to address immigration reform in a sensible and systematic manner. In my district, immigration is an incredibly important matter—for families trying to look for a better way of life or agricultural interests hoping to harvest this year's crop.

The Immigration Reform and Control Act of 1986 proved unworkable and too-easily avoidable, and it helped result in approximately eleven million people in the United States without documentation. We need long-term, common sense legislation to fix this broken system. The House is committed to moving forward with a step-by-step process, with proper deliberation and debate surrounding each piece of reform. It is important that we do this right—proving to the American people the federal government can be trusted to build a lasting system that cannot simply be put aside because it is unworkable or the political will is simply not present to make it work.

This afternoon, I will share my views on how to move forward. I believe any immigration reform effort must begin first with border security and enforcement of the law. A strong guestworker program, accompanied by a modernized e-verify system, is critical. I will also discuss the potential reform for the very young—children—who were brought illegally into this country as minors, and possible ways to address this issue.

Many of us elected in 2010 came to Congress because we wanted to put this nation back to work. We wanted to get government out of the way in order to grow the economy so that people can find jobs and make sure there is a better tomorrow. We came to Washington to keep the American dream alive, and ensure that this great nation serves as a beacon of hope for individuals and families that want to achieve the American dream.

It has been said many times before—the United States is a nation of immigrants. Had I not been blessed to have been born in this country, I know I would have done everything I could to make sure my family had the opportunity to grow up here. We are also a nation of laws. Our current immigration laws have proven inadequate and are not being enforced. If a law is not enforced or it is ignored, then we no longer remain a nation of laws and the law becomes worth little more than the paper upon which it is written. According to *The Wall Street Journal*, between forty and forty-two percent of the undocumented people in this country came here legally, but overstayed their visas. We need to move forward by building a new system of immigration laws that will stand strong and secure, but still allow a workable system for people that want to be a part of this great nation and healthy economy to have the opportunity to do so. I urge the House to be compassionate and fair during this process.

Border security and interior enforcement remain my top priority during this debate—it must come first. A government that cannot secure its own border is a gov-

ernment that is not doing its job. The same is with a government that cannot assure a legal workforce. In 1986, the American people were promised interior enforcement during immigration overhaul, but this never took place. Ignoring immigration laws for at least two decades has resulted in at least eleven million undocumented individuals throughout the nation. We can rebuild the trust of the American people by securing the borders and enforcing the laws, and making sure that no one can simply choose not to enforce the law or waive it through administrative process. Not only do strong security and enforcement measures need to exist in any reform, but there must be confirmation from a credible, outside entity that these measures have been satisfied and implemented.

Once we have secured our borders and are enforcing laws—knowing the measures are working—we may look to other reform provisions. Today, we are here to specifically discuss those amongst us who were brought to the country as young children. These individuals, for all intents and purposes, are culturally American. These are the young adults and children who grew up in the United States and go to school with our children and grandchildren, with my daughter. These children know no other nation, except for the United States.

This is an issue of fairness, decency, and compassion. Their parents made a decision to enter this country illegally and our broken system did not prevent it. They deserve to be afforded some form of legal status that recognizes that they are here through no fault of their own. It is not their fault, nor was it their decision to not follow the law. I believe Members across the aisle can unite and agree that providing these children with some sort of immigration relief is the just and fair thing to do. But it must be part of a step-by-step reform package.

Any legislation that would address these children would need to be solely for the benefit of the child, and no one else. It cannot elicit chain migration. During this process we must find the appropriate balance between compassion and justice. While these children remain innocent, we cannot reward those family members who have broken the law. However, the children do deserve to have the opportunity to continue the American dream and we, as Members of Congress, should have the compassion to provide them with this. In 2005, I had just been appointed to the state legislature. I held one of my first town meetings on the eastern plains of Colorado in a small farm town. The government teacher of the local school brought the senior government class to attend the meeting. During the question and answer portion of the meeting a young girl stood up and introduced herself, proudly stating that she was graduating first in her class, the valedictorian. She had gone to school with her classmates, in the same school, since kindergarten. But, she said, she was brought into this country when she was only a few months old and she was illegal. “Do you support in-state tuition for illegal aliens?” she asked.

I told her that I did not, because allowing passage of such a policy was avoiding the real problem, it was not addressing the overall need for immigration reform. We must pursue meaningful immigration reform to fix the broken nature of the process before anything like this can happen.

A month ago, on the eastern plains of Colorado, I saw this same girl. The valedictorian of her class, waiting tables. Eight years later, I once again talked about the need for immigration reform. Eight years later, nothing has happened.

This time, Congress cannot just talk about reform. We must do it.

While there will be strong disagreement about what to do, how to proceed, and what the end policy will ultimately look like, we cannot simply do nothing. We must act. And I believe we can do so in a way that, thirty years from now, future generations of this country—both immigrants and non-immigrants—can say, they did it right. It is working.

Again, I would like to thank the Committee for the opportunity to participate in today’s hearing.

Mr. GOWDY. I now recognize our friend and fellow Judiciary Committee Member, Mr. Gutierrez.

TESTIMONY OF THE HONORABLE LUIS V. GUTIERREZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. GUTIERREZ. Thank you, Chairman Gowdy and Ranking Member Lofgren, for inviting me to testify today and to the full Committee Chairman, Chairman Goodlatte, for joining us as he has during all of these hearings.

Twelve years ago, I introduced the first bill to legalize the status of young people brought to this country by their parents, the Immigrant Children's Educational Advantage and Dropout Prevention Act, 2001. Since I introduced that first bill, the movement for legal immigration, for immigration reform, and for legalization has grown broader and deeper. In every community today there are young people, religious people, women, business owners, immigrant moms and dads and regular civic-minded U.S. citizens organizing to make sure we pass immigration reform this year in the U.S. Congress.

Over the August recess, Members of this Committee and Members of the House of Representatives will see firsthand that the desire for reform is real and present in their communities across this Nation. We have recently heard the Speaker of the House and the Majority Leader and a wide array of Republican voices say they are for legalizing the status of children under certain circumstances, including a pathway to citizenship. Wow. DREAMers and others who support immigration reform must be pretty darn persuasive. After all, look how far we have come in such a short time. Just 8 months ago, the Republican Party platform said, deport them all, veto the DREAM Act, and make every State pass Arizona S.B. 1070. Just a month ago, all but six of the Republicans in the House voted to kill the funding for the deferred action for childhood arrivals. Three weeks ago, every single Republican on this panel voted to make every undocumented young person a criminal.

But I am not here to chastise you. Rather, I am here to say, thank you for taking a step in the right direction of justice today. Now let us find a way to walk forward together tomorrow. Those of us who have sat at the immigration reform table for many, many lonely years are glad you are stepping up and engaging in a conversation with us. We need you. Without you, we cannot achieve success. If the Republican majority is starting with the DREAMers because that is as far as you are willing to go in terms of legal status for undocumented immigrants, I say thank you for coming this far. Because even a small step in the right direction is the first step in any good faith negotiation. It says compromise may indeed be within reach.

But let me be absolutely crystal clear and unequivocal, legalizing only the DREAMers is not enough. It would not be enough, given the years and decades of hard work and equities that millions of immigrants have built in this country. It would not be enough to satisfy the intense hunger for legality in the immigrant community, the desire to pledge allegiance to this country, the pride with which so many want some day to say "I am an American citizen." And it is not enough to restore the rule of law and truly fix a broken immigration system.

I have met with DREAMers and with their moms and dads, and I want the same thing for their kids that I want for my two won-

derful daughters. I want an indivisible family. I cannot imagine for 1 minute that Republicans who I know also honor the sanctity of family want to legalize the children but leave the rest of the family vulnerable to our broken immigration system.

After the election, I traveled to Missouri to meet with United We Dream and other DREAM activist leaders. I was told in no uncertain terms that they would not leave their parents behind. I will let them speak for themselves because they are well and truly capable of doing so, but let me tell you what I saw.

But let me tell you what I saw. I saw a maturity and a level of confidence that I think any politician would be a fool not to consider. They will not settle for what is good for them unless they can also win what is good for their families. And do you know what? Do you know why? Because their parents instilled values in them. Good and decent kids are raised by good and decent parents. If we honor the children for being upstanding and, quote, the kind of immigrants we like, then we must honor the parents who helped raise them to be upstanding.

I suspect—no, Chairman Gowdy—I know that there is more to come. This hearing and the legislation we understand is being prepared by the majority I fully believe is just the first step. I am optimistic that once you take one step toward justice, you will take a second and a third and as many steps as it takes until the thirst is extinguished. I want all of us to walk there together.

Once you see that standing up for young and talented immigrants feels good and right, you will want to stand up also for their parents who raised and nurtured them. The DREAMers will remember, the Nation will remember forever how this Congress and this country treated their parents. We have come such a long way, and we need to work together to keep America moving forward.

Mr. Chairman, I would like to ask unanimous consent that the op-ed written by my colleague, Congressman Mike Coffman, titled “The Time for Immigration Reform is Now”—it was published this past Sunday in the Denver Post—be submitted for the record. I have traveled to a lot of places but the op-ed in the paper that welcomed me on Sunday morning in Denver when I arrived this past Sunday is one of the best acts of welcoming I have ever received. And I would like that to be introduced into the record.

Mr. GOWDY. Without objection.

Mr. GUTIERREZ. And Mr. Chairman, I would like to be introduced into the record—consent to submit an editorial from the Bakersfield Californian, the hometown newspaper of Congressman David Valadao, with whom I shared a stage this past Saturday in Bakersfield in his district, and this editorial praises him for his willingness to compromise and engage Members on both sides of the aisle on the immigration issue. I ask that also be included in the record.

Mr. GOWDY. Without objection.

[The material referred to follows:]

http://www.denverpost.com/opinion/ci_23686791/time-immigration-reform-is-now

Mike Coffman: The time for immigration reform is now

By Mike Coffman The Denver Post

Posted:

DenverPost.com

While we are a nation of immigrants, our policies regarding immigration are dysfunctional. This is not just because we can't control our own borders and enforce our immigration laws, but also because even our system of legal immigration fails to reflect the needs of our country. A comprehensive immigration reform proposal must incorporate three essential elements: it must secure our borders and provide for the effective enforcement of our immigration laws; it must contribute to the economic growth of our country; and it must be compassionate in keeping families together.

First, we must secure our borders and enforce our laws. Ironically, my first overseas military assignment involved providing border security for another country while our own border remained unsecure. I've been down to our border with Mexico and I'm not convinced that simply throwing more money at border security will solve the problem. What is needed is leadership that reflects both the will to secure our borders and objective metrics, evaluated by experts outside of the executive branch, to make that determination. In addition, I don't think many Americans realize that 40 percent of illegal immigration is committed by those who first enter our country legally but then overstay their visas. Comprehensive immigration reform must not only provide for border security but also must help us enforce our immigration laws on those who enter our country on visas.

Removing the incentives for employers to hire people who are in this country illegally should be an essential element of any comprehensive proposal. To help enforce our laws, employers must have access and be required to use an electronic system, such as E-Verify, where they can quickly and accurately verify the legal status of each job applicant. Employers should be subject to stiff fines and criminal prosecution should they knowingly hire workers in this country illegally.

Comprehensive immigration reform must meet the economic needs of our country. No doubt, immigration policies should not be used as a tool to displace American labor but to complement it. Reform efforts should facilitate a more fluid and workable visa authorization system so that temporary workers for both low- and highly skilled positions can obtain and renew work permits. Seasonal temporary work, such as in agriculture, needs a robust system that allows the workers, without their families, to come into our country when they are needed and then go home after their seasonal work is done. For those on student visas in technical fields critical to our economy, we should allow them to stay and work in the United States after they graduate.

Lastly, comprehensive immigration reform must show compassion to the families that have

http://www.denverpost.com/opinion/ci_23686791/time-immigration-reform-is-now

been here regardless of their immigration status. Many have either children who were born here and are American citizens or children who grew up here, went to school here, and who know of no other country besides the United States. I believe that these young people should be afforded a pathway to citizenship. The adults who knowingly broke our immigration laws but who have otherwise not violated any criminal laws should be provided a temporary provisional residency. This would constitute a probationary status that would be rescinded if certain requirements — such as criminal background checks, paying taxes, and independence from public assistance — are not met.

From this status, they could apply to be permanent residents (green card), but not until all the border security and enforcement requirements, under a new immigration reform law, are certified to be effectively in place by experts outside of the executive branch.

There should be no special pathway to citizenship. After earning permanent resident status, they could apply for citizenship and should be treated like any other applicant, understanding that a critical part of comprehensive immigration reform must include the establishment of a much higher standard for both English proficiency and for demonstrating an understanding of the civic culture of our nation.

Our immigration system is badly broken, and every day that it is allowed to continue constitutes amnesty for those who have violated our laws. The time for comprehensive immigration reform is now.

U.S. Rep. Mike Coffman is a Republican who represents Colorado's 6th Congressional District.

The Bakersfield Californian

Editorial:

At least one valley congressman gets it

Saturday, Jun 15 2013 11:00 PM

Finally, Kern County is getting the kind of leadership in the immigration debate it has so patiently waited for. Finally, our congressman has loosed the shackles of political caution and voted on the side of economic reality. Although, owing to his otherwise conservative nature, he's not the type of guy to throw around words like compassion or social justice, our man in Washington has in effect addressed those too. He has made his position clear: immigration reform is inevitable and overdue.

No, not Kevin McCarthy. We have yet to see our Bakersfield-based representative say anything that strays from the Republican talking points about hermetically sealing the border. He has yet to stake out a pragmatic vision because, as majority whip, his job is to corral tea party loyalists, not strategize or set policy.

No, we refer here to David Valadao of Hanford, whose 21st Congressional District swoops into Kern County from the north. As a first-term back bencher, Valadao has every reason to go with the flow, vote with the conservative consensus and otherwise keep his mouth shut. On some matters, he has no doubt done that. But on immigration, he has seen the hypocrisy of an economic model that relies on immigrants, many of them undocumented, set against the background of a social construct that distrusts and misunderstands them.

When Rep. Steve King, R-Iowa., recently introduced a poison-pill amendment to the immigration bill that took away all discretion from the Department of Homeland Security on matters of deportation, including an end to all deferrals in the deportation process that favors "dreamers," every Republican on the Homeland Security Subcommittee supported it. Except one -- Valadao.

McCarthy's constituents are substantially the same ones as Valadao's. Farming is big, and so is reliance on the immigrant workers who make it go. Many farmers already complain that they are having trouble hiring enough employees to pick their crops. As a consequence, wages have increased and cultivation maintenance practices like thinning have been cut back in favor of more urgent matters, namely the harvest.

Barry Bedwell, president of the Fresno-based California Grape & Tree Fruit League, told the industry weekly *Ag Alert* last week he was seeing a "continuing trend of a tightening supply of labor" for fruit crops.

"We keep hearing of people saying, 'We wanted X people in a crew and we only ended up with Y,'" Bedwell said.

It's actually starting to get a bit silly.

One would think that McCarthy would leap to the aid of the farmers in his district, but as the No. 3 man in the GOP's House leadership team, his job is primarily party politics and caucus appeasement. Perhaps, then, he should consider the political consequences of further alienating the fastest-growing voting bloc in America. Failure to act on immigration hurt Republicans in 2012, and it will hurt them again in due course, unless they agree to meaningful action, and soon.

One southern valley Republican, at least, seems to get that. Where's the other one? Perhaps tending to his A rating from the anti-amnesty group Americans for Legal Immigration.

<http://www.bakersfieldcalifornian.com/opinion/our-view/x1028019795/At-least-one-valley-congressman-gets-it>

[The prepared statement of Mr. Gutierrez follows:]

**Prepared Statement of the Honorable Luis V. Gutierrez,
a Representative in Congress from the State of Illinois**

Thank you, Mr. Chairman and Ranking Member Lofgren for inviting me to testify.

I am always impressed by the depth and the breadth of the movement in this country for immigration reform.

Twelve years ago, I introduced the first bill to legalize the status of young people brought to this country by their parents, the Immigrant Children's Educational Advantage and Dropout Prevention Act of 2001 (H.R. 1582). That bill provided legal status to minors who had lived in the U.S. for at least five years and who were students.

Needless to say, Congress never passed that bill or similar bills, which is why we are here today.

At the time, immigration reform and standing up for undocumented students was a pretty lonely place to stand.

But look at where we are today.

United We Dream, an advocacy group which is represented on our second panel today, is just one of many advocacy groups and networks that have fought the last dozen years for immigrant students and young people. They are diverse, they are sophisticated, they are powerful, and—having had various groups of immigrant youth protest at my offices over the years—I can tell you, they are persistent.

Immigrant youth define the pro-immigrant movement and I want to say thank you to them for your leadership, your courage, your risk-taking, and your selflessness.

But they are not alone.

Today, the movement for legal immigration, for immigration reform, and for legalization is broad and deep.

In every community in this country, there are young people, there are religious people, there are women, there are business owners, there are Latino, Asian and African and immigrant moms and dads, and there are just regular, civic minded U.S. citizens organizing today to make sure we pass immigration reform this year in the United States Congress.

They stand with the DREAMers.

And the movement has grown in just the past few years.

When President Barack Obama was first elected President, I remember Congressman Rahm Emanuel, then an immigration reform skeptic, sitting me down with Congresswoman Jan Schakowsky in Rahm's Chicago office for the sole purpose of counting Democratic votes for immigration reform.

Our best guess was we had 185 solid Democratic votes for reform and we would need 40–50 Republicans to join us.

For two years, the President, Speaker Pelosi and everyone else said, "We'd love to push for immigration reform, Luis, but bring us the 40–50 Republican votes first and we'll talk about it."

Not for want of trying, on my part and on the part of the Congressional Hispanic Caucus and many others to build support on both sides of the aisle, we were fighting against the headwinds of the most partisan period in recent American history.

Even Republicans who stood with us and who had co-sponsored the DREAM Act or had co-sponsored the bipartisan bills I wrote with Jeff Flake and John McCain and Ted Kennedy—even most of those Republicans would not stand openly with us.

We were unable to show we had 218 votes to pass immigration reform in the House.

Just two years ago, we were not sure we could pass the DREAM Act when DREAMers, advocates, parents, educators and Democrats, including the President and Speaker Pelosi, were ready to call the vote in November 2010.

A ragtag, informal coalition of Democrats—and one or two stealthy Republicans—helped us whip the DREAM Act vote, which took place on December 8, 2010.

We passed the DREAM Act 216–198 and had 208 Democrats on board, even better than what Emanuel and Schakowsky and I had calculated a year or two earlier.

We had 8 Republicans join us, and two of them continue to serve to this day.

And you know what? The sun came up the next morning. The world did not spin off its axis. We had voted to legalize millions of young people, yet civilized society did not crumble.

Over in the Senate, 55 Senators voted for the DREAM Act but because of their arcane filibuster rules, it failed to come to a final vote. A minority, mostly—but not

exclusively—Republicans were able to thwart what the American people and a majority in both Houses of Congress favored.

Flash forward another year or so and the movement is growing still. In 2011, there was a limited form of prosecutorial discretion for some immigrants, including undocumented youth, which President Obama announced as part of an expansion of local police involvement in immigration enforcement.

In 2012, we were asking the President to help stop or slow down the massive wave of deportations that were taking a heavy toll on families, including DREAMers, in neighborhoods all across the country.

For almost two years after the DREAM Act filibuster prevented passage of the bill, legal scholars and many others joined us to say the President had extraordinary powers to examine the deportations of DREAMers and suspend them because they were not in the national interest.

The White House said they didn't have these powers under current law, but what they really meant was that if they started to dial-back the deportations against DREAMers and other groups of immigrants whose departure weakened, not strengthened our country—powers that are clear in current law and which the former Chairman of this Subcommittee has acknowledged the President indeed has—that Republicans, starting in this Subcommittee and going all the way to the Speaker's Office would take action to stop the Obama Administration if they took any such action.

And they were right.

The Republicans introduced the HALT Act to prevent the President from exercising the executive branch's long-held power of prosecutorial discretion. This bill would have suspended certain discretionary forms of immigration relief, policies prioritizing the removal of "criminal aliens" over "non-criminal" aliens and the authority to allow a case-by-case examination of the deportation of DREAMers.

But the march towards justice for young immigrants continued forward and in June 2012, the President announced he would let people who met certain criteria apply to have their deportations deferred, making them pay fees and submit fingerprints and documentation that they fit the Department of Homeland Security's criteria to review their cases.

In the city of Chicago on August 15th of last year, they came by the thousands. Approximately 13,000 young people and their families came to Navy Pier to get more information, find out what forms and what documentation they would need and, if they were ready, to fill out their application right on the spot.

There were lots of kids, but the people who came out in Chicago that day were families. Little kids too young to apply. Teenagers who were both timid and all grown-up at the same time, as only teenagers can be. We had college students and graduates with degrees and some who had to drop out of school to support themselves and their families.

And lots of Moms and Dads! They came to make sure they found out what was going on. They had sacrificed their whole lives to make sure their little boy or little girl had a chance in this country and they were there to watch out for them, to pray for them, and to help make it happen. They were overjoyed that their children were getting a chance they wished they had for themselves or for their other children.

Senator Dick Durbin and Mayor Emanuel and half the elected officials in town watched the 13,000 peaceful, hopeful people go through that line and we knew we had come so far from 2001 when I first introduced my bill.

We have heard the Speaker and the Majority Leader and a wide array of Republican voices say they are for legalizing the status of children under certain circumstances. I know as I look at the dais that there are votes for the DREAM Act and for legalization of some immigrants under some circumstances on the Republican half of the dais.

The movement we saw earlier in the year towards compromise and cooperation is beginning to be visible again.

Just last November, every single Republican ran on a platform that said no to any form of legalization ever.

In fact, every single undocumented immigrant—according to the Party Platform adopted in Tampa—was to leave the country. All 11 million.

Your Presidential candidate said they had to self-deport. He said the Arizona Law, SB1070, should be the law in every state. He said he would veto the DREAM Act if it came to his desk.

Look how far we have come just in the last eight and a half months. Now we have a growing consensus in the Republican Party that legalization under some circumstances might be okay.

Look how far we have come since June 8th. Just over a month ago. On that day, the House voted on the Homeland Security Appropriations Bill and attached to that

bill was an amendment offered by the gentleman from Iowa, which said that any funds to protect immigrants from deportation who were brought to the U.S. as children were to be stripped from the bill.

Just a month ago, every single Republican who voted—except for six—voted for the King Amendment. And every single democrat except for three voted against it.

Just a week or so later, every Republican in this committee voted to make every undocumented immigrant—whether they came here with a visa and overstayed or if they came across the border or were smuggled in without a visa—every single undocumented immigrant into a federal fugitive.

We would dump into the criminal justice system 11 million undocumented immigrants and then tell police, if you fail to go after them, we will take your federal money away. We will strip the funds that you use for community policing to make your neighborhoods safer, unless you start the kind of local police roundup activities that made Sheriff Joe Arpaio a household name in Spanish coast to coast.

Every Republican on the full committee voted for the SAFE Act. But it gets worse.

Not only would the undocumented immigrants be federal fugitives punishable with time in jail before they would be deported, their kids, their parents, their spouses, their landlords, their employers, and almost anyone else who has contact with them—could be charged with harboring or abetting federal fugitives, given the new authority of the States and police to enforce immigration law

That's possibly another 10, 20, or 30 million people we drop into the criminal justice system. And everyone on that side of the dais voted for that just two or three weeks ago.

What I am trying to say is that I have been one of the strongest advocates for immigration reform, I learned a great deal from the DREAMers, and we must be pretty darn effective.

Because just eight months after your platform said deport them, just a month after all but six of you voted to make every last one of them deportable, and just three weeks after every single one of you voted for the SAFE Act to make them and their families all criminals, here we are at a new turning point.

I am not here to slam you.

I am here to say thank you. I am here to say welcome aboard. Those of us who have sat at this table and felt lonely are glad you are stepping up again to talk this over with us.

If the Republican Majority is starting with the young people we call DREAMers because that is as far as you are willing to go in terms of legal status for undocumented immigrants, I say thank you for coming this far, because taking a step in the right direction is the first step in any good faith negotiation.

It is the first step that says a compromise may be within reach. It is a place we can start.

Let me be clear, and unequivocal. Legalizing only the DREAMers is not enough. It is not enough given all the hard work and equities that millions of immigrants have built in this country. It is not enough to satisfy the intense hunger for legality, the desire to pledge allegiance to this country and the national interest in restoring the rule of law.

But even saying that most of the 11 million are not, in fact, leaving and that we must deal with reality in a new and more effective way is an important first step towards compromise.

I suspect there is something else going on. I suspect that this is a first step and that there are others to come. This hearing and the legislation we understand is being prepared by the Majority is like dipping your toe in the water.

Maybe if you feel comfortable with one toe, we can work with you to dip another toe in the water.

I am optimistic that once you take a step towards justice, you will take a second one.

Once you see that standing up for young immigrants feels good and feels right, you will want to do it more.

They are delightful young Americans who are just as American as my kids and your kids, but they don't have that crucial piece of paper that says they can live here with the full rights—and responsibilities—of my children and your children.

As Congressman Coffman and Congressman Denham knows, they want to join the military. They want to serve this country because it is the only country many of them know.

We are simply talking about the paperwork of our immigration system catching up with the reality of our society. And we in this Subcommittee and in this Congress can act to make sure that paperwork catches up with reality.

Through this process, you are meeting young undocumented immigrants and I challenge you to tell them apart from their other immigrant and native U.S. born classmates and neighbors.

When my daughter brought home friends from school, we didn't check the kids' papers. We didn't ask for a birth certificate. And when their parents came to pick them up at our house, we didn't ask for their papers, either.

We talked like parents do about our daughters; about how they were growing up so fast, about how kids growing up in America have so many opportunities and so many hurdles and how things were simpler in our day, regardless of whether they grew up in Chicago like me or someplace else.

Their kids were growing up here just like my kids were growing up here and probably in some cases, the parents, and maybe the kids, were undocumented immigrants.

The question before us today is not whether we should legalize the young people who grew up here. I think my colleagues—not only the majority in the House, but a majority of Republicans—would support such a bill crafted in the right way.

In the bipartisan group I am a part of, we are crafting a bill that allows DREAMers to legalize their status and get on a quicker path to permanent residency. This is the consensus of the group, including among our most conservative members.

But what our bill does is to look not just at the individual immigrant, but at their family.

How can you legalize the status of a teenager and deny legal status to their parent?

How do you slice and dice the family, such that those who were brought here as children get one set of circumstances and their older siblings get something else? Or their parents?

I think we should look at immigrants as most of them look at themselves. As members of families with different generations and different circumstances, but each with a unique and powerful contribution to make to American society and to each other.

We should be uniting and strengthening the family unit, not dividing them up. George W. Bush said that “family values do not end at the Rio Grande,” and I think we should examine exactly which side of that river he was talking about.

When I traveled to Missouri after the election to meet with United We DREAM and other DREAM activists and leaders, I was told in no uncertain terms that they would not leave their parents behind.

Many of them are among the 400,000 young people who have received Deferred Action for Childhood Arrivals or DACA.

With fees paid, fingerprints taken and criminal background checks passed, DACA recipients are in a safe place when it comes to deportation and they can work legally and apply for a driver's license in nearly every state.

But despite being in a safe place, they will not leave their moms and their dads and their siblings by the side of the road.

I will let them speak for themselves because they are well and fully capable of doing so, but let me tell you what I saw.

I saw a maturity and a level of confidence that I think any politician would be a fool to mess with.

They are here. They are staying. They are not afraid. And they will not settle for what is good for them unless they can also win what is good for their families.

They will remember forever how this country treats their parents. Their generation, whether they are immigrants or native born Americans, will remember what we do in this Committee in this Congress.

We have come a long way, but we need to work together to keep moving forward.

Mr. GOWDY. Thank you, Mr. Gutierrez. Again on behalf of all of us, I full well recognize that you are needed on the floor and in Committee and you have constituents that are waiting on you and the fact that the four of you would take the time to come and testify we are all very, very grateful for your perspective and your insight.

We have another panel, so we will stand down just for a moment while the three of you go about and Mr. Gutierrez hopefully will join us. And with that, we will be in recess for 5 minutes.

[Recess.]

Mr. GOWDY. I want to thank our first panel again for their time and expertise and now turn our attention to our second group of witnesses, and we are equally grateful for their presence. We will begin, as is our custom with non-Member witnesses, by having you rise and take an oath. If you would all please rise and lift your right hands.

[Witnesses sworn.]

Mr. GOWDY. Let the record reflect all witnesses answered in the affirmative. You may be seated. Well, thank you again and I am going to read all of your biographies at once and then recognize you individually for your 5-minute opening statement.

And we will start with Dr. Barrett Duke. He is the Vice President for Public Policy and Research and Director of Research Institute of the Ethics and Religious Liberty Commission of the Southern Baptist Convention's Agency for Applied Christianity. He has been with the group since 1997.

Dr. Duke graduated summa cum laude with a BA from Criswell College. He received a Master's with honors in Old Testament studies in 1985 from Denver Conservative Baptist Seminary and a Ph.D. in religious and theological studies from joint doctoral program of the, I'm probably not going to pronounce this right, let's just say the School of Theology at the University of Denver. How is that?

Mr. DUKE. Yes, sir. That works.

Mr. GOWDY. Welcome. And then we will have Ms. Margie McHugh. She will be our next witness, Co-Director of the Migration Policy Institute's National Center on Immigrant Integration Policy, where she provides in-depth research and policy analysis on a broad range of immigrant immigration issues. Prior to joining MPI, Ms. McHugh served for 15 years as Executive Director of the New York Immigration Coalition, as Deputy Director of the New York City's 1990 Census Project and as Executive Assistant to New York Mayor Ed Koch's Chief of Staff. She is a graduate of Harvard and Radcliffe colleges. Welcome, Ms. McHugh.

Ms. Pamela Rivera is a native of Florida and a daughter of immigrants from Colombia. She is a graduate of Florida State University and currently pursuing a Master's Degree at the University of Florida. She has worked for various nonprofit causes, including the Salvation Army. Although she is a United States citizen, her sister is an undocumented immigrant who was brought to the United States at a young age by her parents. Welcome, Ms. Rivera.

And last but not least, Ms. Rosa Velazquez is a member of the National Coordinating Committee of the United We Dream Network and Co-founder and Executive Director of the Arkansas Coalition for DREAM. She is also a board member of the Arkansas United Community Coalition. She was brought to the United States unlawfully by her parents when she was 5 years old and has resided in Arkansas for nearly her entire life. She is currently studying at Henderson State University and Harding University where she is pursuing two Master's Degrees, one in English as a Second Language and the other in American Literature. Welcome, Ms. Velazquez.

Dr. Duke, we will start with you and then you will have a series of light panels in front of you and they mean what they tradition-

ally mean in life, green is go, yellow, slow down; and red is kind of summarize if you are able to do so. With that welcome again, Dr. Duke.

TESTIMONY OF BARRETT DUKE, Ph.D., VICE PRESIDENT FOR PUBLIC POLICY AND RESEARCH, THE ETHICS AND RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION

Mr. DUKE. Thank you very much. Good afternoon, Chairman Gowdy, Ranking Member Lofgren, and Members of the Subcommittee. As you heard, I am Dr. Barrett Duke. I'm the Vice President for Public Policy and Research for the Southern Baptist Convention's Ethics and Religious Liberty Commission. I appreciate the opportunity to speak to the Subcommittee this afternoon from a faith-based perspective on the subject of children who were brought here by their parents contrary to our Nation's immigration laws.

The Subcommittee is right to view this group of undocumented immigrants differently from those who came here as adults. These are people who did not make a conscious decision to break the Nation's immigration laws. They were brought here as minors. This is the only life they know. It is likely that they identify more with this country and its culture than they do with the country and culture from which their parents brought them. This is their home, in other words.

Our country should not hold these children accountable for the choices their parents made. Would anyone in this room want to or expect to be held accountable for decisions their parents made? I think not. Such distinctions are abhorrent to us as Americans. Many of our forebears came to this land to escape such types of social stratification. In this land, every person is to be judged by his or her own character and accomplishments, not those of his or her parents. God Himself has pledged such an approach to individual accountability. In the Hebrew scriptures, held by me and billions of others as God's revealed will, the prophet Ezekiel speaking God's pronouncement declared, "A son won't suffer punishment for a father's iniquity and a father won't suffer punishment for the son's iniquity." If God will not hold children accountable for the sins of their parents, certainly we should not either.

As an evangelical Christian, I rely heavily on the teachings of the Bible to help me develop my thoughts about all aspects of life, my own and my Nation's. I fully support the Biblical teaching of the divine origin and role of government as laid out in such passages as Roman's Chapter 13, verses 1 through 5. However, that passage does not give government the freedom to act in any way it chooses. It states that God's design for government is to punish bad behavior and to reward good behavior. Surely, we would all agree that this is a fundamental purpose of government. While every person brought to this country illegally as a minor should not qualify for special consideration by the Subcommittee, many certainly should. Those who are of good moral character and a demonstrated desire to make their own way through life should be given a chance to come out of the shadows and join in the full life

and vitality of our Nation. We should, in other words, reward their good behavior.

This is a group of people who embody many of the characteristics we value in Americans. This is the spirit our Nation celebrates. We should celebrate that spirit in these young men and women as well and provide a way forward for them.

As you consider legislation to assist these children of undocumented immigrants to fully prepare for full and productive lives in our Nation, here are some things I would urge you to consider:

First, it is difficult to imagine how you can fully address their needs without also addressing the needs of the other undocumented immigrants in our Nation, including their parents. It is my hope and prayer that Congress will see this as one piece of a bigger plan that meets the principles of sound immigration reform. We can honor the rule of law, secure our borders and chart a just and compassionate way forward for the millions of other undocumented immigrants living peacefully and productively in our midst.

Second, some parameters are in order as you chart a way forward for these young people. I suggested some in my full testimony, which you have, like evidence of prior residence in the country, enrollment in higher education or some form of national service like the military, which you just heard the gentleman speak of, completion of high school or a GED, granting a provisional legal status while they fulfill their obligation, and then eligibility for a green card and citizenship afterward.

I thank the Committee for your willingness to tackle this important matter. We are dealing with lives here, not only laws. Let justice be blind, but let her also be discerning. Their character and drive reveal that these young men and women under consideration represent some of the best of what we are looking for in our future citizenry. We should welcome them and encourage them and empower them to stand tall.

As we honor them and their commitment, we say to a watching world and likely to a watching citizenry that this really is still the land of opportunity and promise.

That concludes my comments. I look forward to attempting to answer any questions you might have.

Mr. GOWDY. Thank you, Dr. Duke.

[The prepared statement of Mr. Duke follows:]

Prepared Statement of Barrett Duke, Ph.D., Vice President for Public Policy and Research, The Ethics & Religious Liberty Commission of the Southern Baptist Convention

Good afternoon, Chairman Gowdy, Ranking Member Lofgren, and members of the subcommittee. I am Dr. Barrett Duke, vice president for public policy and research for the Southern Baptist Convention's Ethics & Religious Liberty Commission. As you are aware, the Southern Baptist Convention is the nation's largest non-Catholic denomination, with nearly 16 million members worshipping in more than 46,000 autonomous local congregations. The Ethics & Religious Liberty Commission is the official Southern Baptist entity charged by the Southern Baptist Convention to speak to our nation's moral, cultural, and religious liberty matters. I appreciate the opportunity to speak to the subcommittee this afternoon from a faith-based perspective on the subject of children who were brought here by their parents contrary to our nation's immigration laws.

The subcommittee is right to view this group of undocumented immigrants differently from those who came here as adults. These are people who did not make a conscious decision to break the nation's immigration laws. They were brought here as minors. This is the only life they know. It is likely that they identify more with this country and its culture than they do with the country and culture from which their parents brought them. This is their home.

Our country should not hold these children accountable for the choices their parents made. Would anyone in this room want to or expect to be held accountable for decisions their parents made? I think not. Such class distinctions are abhorrent to us as Americans. Many of our forebears came to this land to escape such types of social stratification. In this land, every person is to be judged by his or her own character and accomplishments, not those of his ancestors or her parents. God, Himself, has pledged such an approach to individual accountability. In the Hebrew Scriptures, held by me and billions of others as God's revealed will, the prophet Ezekiel, speaking God's pronouncement, declared, "A son won't suffer punishment for a father's iniquity, and a father won't suffer punishment for the son's iniquity" (Ezekiel 18:20). If God will not hold children accountable for the sins of their parents, certainly we should not either.

As an evangelical Christian, I rely heavily on the teachings of the Bible to help me develop my thoughts about all aspects of life, my own and my nation's. I fully support the biblical teaching of the divine origin and role of government as laid out in such passages as Romans 13:1-5. However, that passage does not give government the freedom to act in any way it chooses. It states that God's design for government is to punish bad behavior and to reward good behavior. Surely, we would all agree that this is a fundamental purpose of government.

While every person brought to this country illegally as a minor should not qualify for special consideration by this subcommittee, many certainly should. Those who are of good moral character and demonstrate a desire to make their own way through life should be given a chance to come out of the shadows and join in the full life and vitality of our nation. We should reward their good behavior. This is a group of people who embody many of the characteristics that we value in Americans. This is the spirit our nation celebrates. We should celebrate that spirit in these young men and women, as well, and provide a way forward for them.

As you consider legislation to assist these children of undocumented immigrants to fully prepare for full and productive lives in this nation, here are some things I would urge you to consider. First, it is difficult to imagine how you can fully address their needs without also addressing the needs of the other undocumented immigrants in our nation, including their parents. It is my hope and prayer that Congress will see this as one piece of a bigger plan that meets the principles of sound immigration reform. We *can* honor the rule of law, secure our borders, and chart a just and compassionate way forward for the millions of other undocumented immigrants living peacefully and productively in our midst.

Second, some parameters seem to be in order. These young women and men should be able to prove they were minors when they were brought here, and they should have been here for some period of time prior to the enactment of your legislation so that we make sure we don't encourage a rush into the country by parents hoping to take advantage of this country's good will. They should demonstrate that they are young men and women of strong moral character, with a commitment to their futures. Their legal records and a commitment to pursue some form of higher education, possibly college or technical school, or some form of service to their country, like joining the armed services, should be a sufficient guide for that. As a sign of their good faith commitment to pursue these goals, they should have successfully completed high school or passed the GED exam. They should be granted a provisional legal status that protects them from deportation while they are in higher education or some other acceptable activity. Following successful completion of their tracks, they should be allowed to apply for a green card and eventually citizenship if they desire it.

As I said earlier, I think you must also consider the parents of these young people. They are likely still their principal supporters, especially of those who pursue an education track. I do not think that you can confer a legal status on their parents

through this legislation. That should be part of the broader immigration reform that must be done. But, until you do that, you should do what you can to prevent the use of the children's records as a means to identify their parents for deportation. A simple solution might be to seal that part of the children's records from governmental inquiry.

There is also the important matter of cost for those who pursue higher education. I know Congress is debating that issue for our nation's college students now. You know how much college costs. We shouldn't make it impossible for these young, aspiring people to attain the goal we have held out to them. If we are serious about helping them to reach their full potential, and we should certainly be so, then we should do what we can to make it possible for them to obtain some form of financial assistance if they need it. The states should decide whether they can qualify for in-state tuition. But I would urge you to consider whether the federal government can help. Currently, non-citizens with proper documentation or who meet certain criteria can seek federal education funds, like refugees, asylees, victims of human-trafficking, and others. So, there is already somewhat of a precedent for this.

I thank the committee for your willingness to tackle this important matter. We are dealing with lives here, not only laws. Let justice be blind, but let her also be discerning. Their character and drive reveal that these young men and women under consideration represent some of the best of what we are looking for in our future citizenry. We should welcome them and encourage them, and do all we can to empower them to stand tall. As we honor them and their commitment, we say to a watching world, and likely, a watching citizenry, that this really is still a land of opportunity and promise.

That concludes my comments. I look forward to attempting to answer any questions you might have.

Mr. GOWDY. Ms. McHugh.

TESTIMONY OF MARGIE McHUGH, CO-DIRECTOR, NATIONAL CENTER ON IMMIGRATION INTEGRATION POLICY, MIGRATION POLICY INSTITUTE

Ms. McHUGH. Mr. Chairman and Members of the Committee, good afternoon. Thank you for the invitation to appear before you today. I've been asked to testify about the broad demographics of the population of young, unauthorized immigrants who were brought here as children and have since established deep roots in this country. Since the more generic analysis of this population does not exist, I will rely in my testimony on a detailed analysis I co-authored in 2010 of the then DREAM Act population which looked at the size and key sociodemographic characteristics of unauthorized immigrants who had entered the U.S. before age 16 and were continuously present in the U.S. for at least 5 years.

Our analysis found that approximately 2.1 million children and youths were potentially either immediately eligible for conditional legal status or could become eligible in the future. Our study divided the age and date of arrival of eligible populations into four subgroups based on their age and level of education, and we estimated each group's likelihood of meeting the requirements to obtain legal permanent residence, which in that case included completion of a college degree or at least 2 years of post-secondary education or military service.

Very quickly, the four subgroups broke out as follows: the largest was school-age children who would become eligible in the future if they graduated from high school or earned a GED and completed post-secondary education or military service requirements. Forty-

three percent of potential beneficiaries were in this category, or 934,000 children under age 18.

The next largest group, at 28 percent, were those who had already earned a high school diploma or GED but would need to pursue college or military service in order to obtain a green card.

Next, about 23 percent, or nearly 500,000 youths, were those over age 18 who lacked a high school diploma. They could potentially become eligible in the future if they completed a high school diploma or GED and subsequently completed post-secondary education or military service.

And, finally, we estimated that about 5 percent, or 114,000 of the 2.1 million, had already obtained at least an associate's degree, and, thus would be immediately eligible for a green card.

You will see in my written testimony that we looked further at key sociodemographic characteristics of the population and challenges many of these young people would face in completing college or being accepted into the military. These included affording college tuition and fees, needing to work to support themselves or their families, juggling parenting responsibilities and closing gaps in academic English proficiency. Overall, we estimated that only 38 percent of the 2.1 million who were potentially eligible based on their age, date of arrival and duration of residency would be able to meet the educational attainment or military service requirements in the legislation proposed at that time.

Since the cost of higher education and access to financial aid are such critical factors affecting college completion for low-income youth based on historical trends, we found that college affordability was likely to be the most significant factor that would prevent young immigrants from completing a post-secondary education requirement.

Our profile of the potentially eligible population is consistent with national research demonstrating that young immigrants are more likely to be nontraditional college students, meaning that they often enroll in post-secondary education at older ages, attend college part time, work while going to school and juggle family responsibilities along with their coursework. All of these factors have been associated with lower rates of college enrollment and completion, therefore a financial, social and academic support stands to play a critical role in the success of this population if their pathway to permanent residence and citizenship requires successfully making one's ways through post-secondary education or military service.

I would like to point out before closing that more recently the Congressional Budget Office estimated that approximately 1.5 million unauthorized immigrants would meet the age at arrival criteria under a version of DREAM included in recent Senate immigration legislation. CBO estimated that approximately 24 percent of these, 360,000, would be able to achieve permanent residence or naturalized by 2023.

In conclusion, Mr. Chairman, while the MPI and CBO estimates are based on different parameters, it does seem clear that approximately 1.5 million to 2 million youths meet the residency and age at arrival requirements contemplated in recent legislative proposals, but far fewer would gain permanent residence, and eventu-

ally citizenship, under these proposals, approximately 825,000 individuals in our analysis and 360,000 in CBO's assessment of S. 744.

In light of the reality that the pathway is a narrow one, the sociodemographic characteristics of unauthorized immigrants brought here as children provide important considerations for policymakers seeking to allow them to successfully achieve permanent legal status in the United States and become fully contributing members of our society.

I thank you, Mr. Chairman, for the opportunity to testify and would be pleased to answer any questions.

Mr. GOWDY. Thank you, Ms. McHugh.

[The prepared statement of Ms. McHugh follows:]



Testimony of

Margie McHugh
Co-Director, National Center on Immigrant Integration Policy
Migration Policy Institute

*Addressing the Immigration Status of Illegal Immigrants
Brought to the United States as Children*

Before the
House Judiciary Subcommittee on Immigration and Border Security
U.S. House of Representatives
Washington, D.C.

July 23, 2013

Chairman Gowdy, Ranking Member Lofgren and Members of the Subcommittee:

Good afternoon. I am Margie McHugh, and I am Co-Director of the National Center on Immigrant Integration Policy at the Migration Policy Institute (MPI), an independent, non-partisan think tank in Washington that analyzes U.S. and international migration and immigrant integration trends and policies. Thank you for the opportunity to testify today on the topic of “Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children.”

For over a decade, a select group of unauthorized immigrants—young adults who were brought to the United States as children and do not have a means to acquire legal status—has acquired a unique place in immigration policy discussions and legislative efforts. As you know, these young people are often referred to as DREAMers, a reference to the Development, Relief and Education for Alien Minors (DREAM) Act, which would provide a path to legalization for those who meet its higher education or military service requirements. This bipartisan legislation was first championed in 2001 by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL), and since then has been introduced regularly both as a stand-alone bill and as part of broader comprehensive immigration reform bills.

While this hearing is not about specific legislation, I have been asked to testify about the broad demographics of the population of young immigrants who were brought here as children and have since established deep roots in this country. To our knowledge there are no general analyses of the entire unauthorized youth population under, for example, age 18 or unauthorized immigrants regardless of age who arrived in the United States as children. My testimony will therefore rely on and summarize MPI’s prior analysis of the potential DREAM Act population as this provides our best available proxy for the unauthorized youth population. After discussing the size and characteristics of this population, I will then turn to a discussion of some of the barriers that young immigrants could face in meeting education or military service requirements that have been a feature of prior legislation, including challenges in paying for a college education, meeting caregiving and other family responsibilities and, for some, filling gaps in their English proficiency and academic skills before enrolling in college.

I. Size of the Population

While we do not know the specific provisions that might emerge from final immigration legislation in the current Congress, there are several key criteria that have held constant across this policy debate since it first arose in 2001. The target population for our analysis therefore includes individuals who:

- Have entered the United States before age 16
- Have been continuously present in the United States for at least five years prior to the legislation’s enactment

Prior bills would create a path to legal permanent residence and naturalization for those who meet education or military service requirements. Specifically, applicants would be able to earn permanent residency if they:

- obtain a degree¹ from an institution of higher education or complete at least two years in a program for a bachelor's degree or higher in the United States or
- honorably serve in the U.S. military.

MPI's 2010 analysis of the size of the youth population that could benefit from a targeted legalization program² was based on the 2009 DREAM Act introduced by Senator Durbin and Representative Howard Berman (D-CA). Our analysis found that approximately 2.1 million children and youth were potentially either immediately eligible for conditional legal status or could become eligible in the future. Of these 2.1 million potentially eligible individuals, however, we estimated that only about 38 percent—825,000 people—were likely to meet the educational or military participation requirements to achieve permanent residence (in other words gain a green card).

The Census Bureau does not ask legal status on its surveys or the decennial census, so our analysis used a methodology³ that imputes legal status based on a number of characteristics, among them year of arrival, gender and country of origin. Using these data, we developed estimates of how many young people would be eligible to apply for permanent residence based on their age, length of residency, how old they were when they arrived in the United States and current educational attainment. This is how we arrived at the estimate that 2.1 million people would be potentially eligible.

More recently, the Congressional Budget Office (CBO) estimated that approximately 1.5 million unauthorized immigrants would meet the age at arrival criteria under a version of the DREAM Act included in the recent Senate immigration legislation (S. 744). Approximately 24 percent of these—360,000—would be able to achieve permanent residence or naturalize by 2023, CBO estimated.

In sum, both CBO and MPI concluded that only a small share of the total unauthorized youth population could eventually meet the educational or military participation requirements to gain a green card. Throughout the remainder of this testimony, I will draw upon MPI's detailed profile of the potentially eligible population, recognizing that the numbers could change based upon the

¹ In conducting our analysis we defined "degree" to mean an award conferred by an institution of higher education (e.g. a community college) that requires at least 60 credits or about two years of coursework.

² Jeanne Batalova and Maggie McHugh, *DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries* (Washington, D.C.: Migration Policy Institute, 2010), www.migrationpolicy.org/pubs/dream-insight-july2010.pdf.

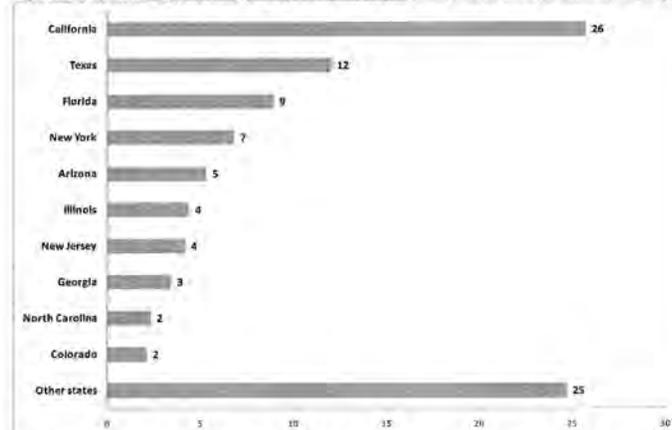
³ Our analysis was based on pooled data from the Census Bureau's 2006-2008 Current Population Survey (CPS) that were augmented with legal status imputations for the foreign born, based on the methodology developed by Jeffrey S. Passel of the Pew Hispanic Center.³

shape of future legislation.⁴

II. Key Characteristics of the Population

A legalization focused on unauthorized immigrants who entered the United States as children would have a particularly significant impact on the handful of states where the bulk of this population is heavily concentrated (see Figure 1). California has by far the largest number, accounting for 26 percent of all potential beneficiaries. Texas is home to 12 percent, followed by Florida (9 percent), New York (7 percent) and Arizona (5 percent). Several smaller, “new destination” states that have become known for rapid increases in the size of their immigrant populations in recent years—including Georgia and North Carolina—also account for a sizeable share. Altogether, about 75 percent of the potentially eligible population resides in 10 states.

Figure 1. Top Ten States with the Largest Number of Potential DREAM Act Beneficiaries (%)



Source: Migration Policy Institute (MPI) analysis of Census Bureau Current Population Survey (CPS), 2006-2008 pooled data, augmented with assignments of legal status to noncitizens by Jeffrey S. Passel, Pew Hispanic Center.

With regard to region of origin, the vast majority of potential beneficiaries are from Latin America, with Mexican immigrants accounting for 62 percent. Central American immigrants make up 11 percent and other Latin American immigrants another 11 percent. Asian immigrants

⁴ Various versions of the DREAM Act differ on whether there is an upper age ceiling on eligibility. MPI's analyses were based on the eligibility criteria included in the 2009 legislation. For more information, see U.S. Senate, Development, Relief and Education for Alien Minors Act of 2009, S. 729, 111th Cong, 1st session, <http://thomas.loc.gov/cgi-bin/query/z?c111:s.729>; U.S. House of Representatives, American Dream Act, H.R. 1751, 111th Cong, 1st session, <http://thomas.loc.gov/cgi-bin/query/z?c111:h.r.1751>. Both bills were introduced on March 26, 2009.

represent 10 percent of the potentially eligible population, and the remaining 7 percent are from other regions, including Europe, Africa and Canada.

III. Educational Attainment

The youth and children who would be potential beneficiaries include those who were brought to the United States before age 16 and have lived in this country for at least five years. Within this broader population, some groups would have greater odds of completing a college degree or military service. MPI created a typology of these groups according to their age and level of education, and estimated each group's likelihood of meeting the requirements to obtain legal permanent residence.

- a. *Immediately meet conditions for permanent status: college degree holders.* Young adults who have already obtained at least an associate's degree would qualify for legal permanent residence. This well-educated population is a relatively small group, representing 5 percent of the total potentially eligible population, or approximately 114,000 individuals.
- b. *Potentially eligible: high school graduates/ GED completers.* Those who have already earned a high school diploma or GED—but not a postsecondary degree—would need to pursue college or military service in order to earn permanent residence. This group represents approximately 28 percent of the total population, or 612,000 individuals. Among this group, MPI has estimated that 260,000 would qualify for permanent residence after completing an associate's degree or two years toward a bachelor's degree. We estimate that the route to permanent residence through military service would be substantially narrower in both availability and uptake, with fewer than 31,000 likely to adjust to permanent residence via this route (the reasons for which will be discussed below).⁵
- c. *Future potentially eligible: children under age 18.* School-age children would be eligible for legal permanent residence in the future if they graduate from high school or earn a GED and complete the postsecondary education or military service requirements. There are more than 934,000 children under age 18 who comprise the future potentially eligible population. Among these children, MPI estimated that 360,000 would be likely to complete high school and obtain a postsecondary degree, and another 40,000 would complete the military service requirements—with both these groups qualifying for legal permanent residence.

⁵ Estimating the number of those who could adjust to permanent legal status by serving in the military is much more difficult. One would expect that the military service path to permanent legal status would be appealing to many potential DREAM beneficiaries, particularly those who do not have the financial resources to pursue postsecondary education. However, the educational and English language proficiency requirements for military service may present a barrier for some. Relying on the recent past as a guide, we find that less than 1 percent of age-eligible Hispanics (18 to 44) were active enlisted military members in 2008. Given the powerful incentive of permanent legal status, we assume that 5 percent or less of potential beneficiaries would follow the military service path.

- d. *Young adults who lack a high school diploma/GED.* Finally, roughly 23 percent of those who meet the length of residency and age at arrival requirements—nearly 500,000 individuals—are over age 18 and do not have a high school diploma. These individuals could become eligible in the future if they complete a GED or secondary-level diploma through the adult education system and subsequently complete postsecondary education or military service. Still, their prospects for reaching this threshold are particularly slim: we estimated that only 22,000 of this group would progress to legal permanent residence.

IV. Barriers to Legalization

Youth who were brought to the United States as children represent arguably the most “Americanized” and well-integrated group of unauthorized immigrants. Federal, state and local governments have already invested substantial resources in their elementary and secondary education, and they have, for the most part, been afforded the same opportunities as their peers through high school. Their prospects for postsecondary education and career success are severely limited, however, due to financial and legal barriers. Our estimates of the number that would complete at least two years of college and achieve legal permanent residence take into account the high hurdles that some groups of potential beneficiaries will experience.

Income/Poverty Status: Over half (58 percent) of potential beneficiaries live in low-income households, defined as less than 200 percent of the federal poverty level. Among those who have a high school diploma or GED but lack a postsecondary degree, 47 percent are low income. The median family income among this group is \$40,000.

A wide body of research demonstrates a negative relationship between poverty and academic success across all levels of education. After high school graduation, the impact of poverty on individuals’ postsecondary choices is particularly pronounced due to the high cost of college tuition, along with the opportunity cost, for example, of entering the workforce versus pursuing an education. The full costs of a year of college in 2012-13—including tuition, fees, books, transportation, housing and other expenses—ranged from approximately \$15,500 for those attending public two-year colleges to over \$35,000 for those paying out-of-state tuition at public, four-year colleges.⁶

Unauthorized immigrants are ineligible for federal Pell grants and recent versions of the DREAM Act bar them from accessing Pell grants until after they become legal permanent residents. Since the cost of higher education and access to financial aid are such critical factors affecting college completion for low-income youth, based on historical trends we believe that college affordability is likely to be the most significant factor that will prevent young immigrants from completing a postsecondary education requirement as part of a pathway to achieving legal permanent residence.

⁶ College Board, “Trends in College Pricing, Average Estimated Undergraduate Budgets, 2012-13,” Figure 1, <https://trends.collegeboard.org/college-pricing/figures-tables/average-estimated-undergraduate-budgets-2012-13>.

Parenting and Family Responsibilities: A substantial number of those young adults who came to the United States as children are now parents with their own dependent children. Among female potential beneficiaries who have a high school diploma or GED but not a college degree, over one-third (38 percent) are parents; this share is substantially higher among women who are over 18 and lack a high school diploma (57 percent). Among men, the share with children ranges from approximately one-fifth to one-quarter across the different groups of potential beneficiaries. These figures indicate that many prospective beneficiaries—especially young women—will face challenges associated with balancing caregiving responsibilities and educational pursuits. For this cohort, in particular, social supports such as child care, transportation assistance and counseling—as well as flexible course scheduling and online learning—are likely to play a critical role in their college persistence and completion.

Labor Force Participation: Among potential beneficiaries with a high school diploma or GED but not a college degree, 85 percent of men and 62 percent of women were in the labor force. For many of these individuals, reducing their work hours to pursue postsecondary education may be a tough choice to make, as they are often the breadwinners for their families, and would likely struggle to balance their studies with the need for income from work. However, the new opportunities created by a legalization pathway may change that equation for some, motivating them to prioritize their education as a ticket to legal permanent residence and eventually, perhaps better jobs.

Limited English Proficiency: Approximately one-fifth of all potential beneficiaries—350,000 individuals—have limited English proficiency. The majority of these individuals (56 percent) are adults who also lack a high school diploma or GED. In most cases, these individuals would need to complete adult English as a Second Language (ESL) courses before pursuing a GED and eventually earning college credits. For this cohort, the military route would be no easier to pursue than the postsecondary route, since the military aptitude test can be taken only in English. Additionally, those who have a GED—instead of a high school diploma—must achieve a higher qualifying score on the military aptitude test and compete for a limited number of openings in each branch of the military.⁷

Academic Readiness: Finally, a sizeable share of high school graduates is likely to be unprepared for college-level courses. Compared to the entire U.S. undergraduate population, immigrants are especially likely to require remediation at the college level,⁸ potentially due to gaps in their academic English skills as well as the quality of their high school curriculum. The design and quality of remedial courses such students are placed in have been identified as major obstacles on the path to a college degree, with many students in these courses never progressing to college-level courses.⁹

⁷ Rod Powers, "US Military Enlistment Standards: Education," <http://usmilitary.about.com/od/joiningthemilitary/a/eneducation.htm>.

⁸ Sandra Staldis and Laura Horn, "New Americans in Postsecondary Education: A Profile of Immigrant and Second-Generation American Undergraduates," (Statistics in Brief, NCES 2012-213, U.S. Department of Education, National Center for Education Statistics, Washington, D.C., July 2012), <http://nces.ed.gov/pubs2012/2012213.pdf>.

⁹ Complete College America, *Remediation: Higher Education's Bridge to Nowhere* (Washington, D.C.: Complete College America, 2012), www.completecollege.org/docs/CCA-Remediation-final.pdf; Thomas Bailey, Dong Wook Jeong and

Overall, our profile of the potentially eligible population is consistent with national research demonstrating that, immigrants are more likely to be “nontraditional” college students, meaning that they often enroll in postsecondary education at older ages; attend college part time; work while going to school; and juggle family responsibilities along with their coursework.¹⁰ All of these factors have been associated with higher dropout rates and lower rates of college completion.¹¹ Therefore, financial, social and academic support stand to play a critical role in providing opportunities for this population to avail themselves of pathways to permanent residence and citizenship that require successfully making one’s way through postsecondary education or military service.

V. Conclusion

While the MPI and CBO estimates are based on different assumptions, it does seem clear that approximately 1.5 million to 2 million youth meet the residency and age at arrival requirements contemplated in recent legislative proposals. But far fewer would gain permanent residence (and eventually citizenship) under these proposals: approximately 825,000 individuals in our analysis and 360,000 in the CBO’s assessment of S. 744.

In light of the reality that the pathway is a narrow one, the socio-demographic characteristics of the population of young people brought here as children provide important considerations for policymakers seeking to allow them to successfully achieve permanent legal status in the United States and become fully contributing members of society.

I thank you, Mr. Chairman, for the opportunity to testify and would be pleased to answer any questions.

¹⁰ Sung-Woo Cho, “Referral, Enrollment, and Completion in Developmental Education Courses in Community Colleges,” *Economics of Education Review* 29, no. 2 (2010): 253-70, www.sciencedirect.com/science/article/pii/S0272775709001071.

¹¹ National Center for Education Statistics, “Profile of Undergraduates in U.S. Postsecondary Education Institutions: 2003-04, With a Special Analysis of Community College Students” in Robert Teranishi, Carola Suarez-Orozco and Marcelo Suárez-Orozco, *The Future of Children*, 21 no. 1 (2011): 153-69.

¹² Complete College America, “Time Is the Enemy,” www.completecollege.org/docs/Time_Is_the_Enemy.pdf; Excelencia in Education, *Taking Stock: Higher Education and Latinos* (Washington, D.C.: Excelencia in Education, 2009), www.excelencia.org/sites/default/files/ExcelenciaTakingStock.pdf.

Mr. GOWDY. Ms. Rivera.

TESTIMONY OF PAMELA RIVERA, WASHINGTON, DC

Ms. RIVERA. I want to take this opportunity to thank Chairman Gowdy and the Subcommittee for letting me share my very personal story.

My parents moved to the United States in the 1980's, and I was born in 1987 in California. Shortly after my birth, they moved back to Colombia with money they had saved working in the U.S. and tried to pursue a life there. They had my sister Evelyn while we were living in Colombia, and in 1991 when I was 4 and Ev was 3, they moved back to the U.S.

They moved back in order to provide a better life for us. They wanted us to live without the drugs, violence and daily car bombings that defined daily life in Colombia and for us to have a chance at obtaining a world-class education and fulfilling the American Dream.

For many years, I did not know about my family's immigration status. However, as the years passed, I began to understand that my family was not like most. And even though my parents worked hard to provide for our family, we would never be treated the same.

My dad worked nights and my mom worked mornings in order to make sure that my two sisters and I were never left alone. They understood the meaning of family and how important it was to raise their daughters in a stable home. My mom learned English quickly by volunteering at our school and working with us on our homework. I remember my mom asking my teachers to send home extra homework even on Fridays so that my sisters and I would catch up to other students.

My youngest sister Sara was born here in Florida in 1993. We all grew up in the same home, attended the same schools, spoke English, played lacrosse, but there was one major difference that would come to dominate our lives. Sara and I were natural born U.S. citizens, while my sister Evelyn was brought here on a now-expired visa.

It wasn't until high school that I found out for sure about my family's immigration status. There were so many little things that would come up what that I could not do, I had to work twice as hard to figure out because of the situation. For example, I was not able to get my driver's license when I turned 16. And I cannot tell you how hard it is as a teenager to not be able to drive. As hard as this was for my youngest sister and for me, there was always the light at the end of the tunnel, we were U.S. citizens. Ev did not have that. She had to go through high school graduation knowing that there was no relief in sight, no path to college, no path to a normal job. She had to walk across that stage and into the shadows.

The somewhat normal life she had gotten to live in the only home she had ever known was over, she also had to walk across that stage without our mom watching because our mom a couple months before had been pulled over at a traffic stop, arrested and forced to leave the country, all of this happening with my sister in the car.

This all occurred while I was a sophomore in college, and I cannot put into words the level of devastation this caused. It affected my personal well-being, it affected my academic success. My sisters and I worked hard in school and all earned Bright Futures Scholarships. But unlike my youngest sister and I, Evelyn was unable to claim her scholarship because of her undocumented status.

As a U.S. citizen, I have been able to pursue the American Dream. I'm a graduate of Florida State University and I'm currently pursuing my Master's Degree at the University of Florida.

Living in a mixed-status family, I have learned to cherish every moment I have with my family, especially since we've lost our mom. As a U.S. citizen, I'm hopeful that Congress finds a way to keep this from happening to other families. As of last year, it had been over 6 years since Ev had seen her mom. It has been over 6 years since her life as she knew it came to a halt. This is the only home she knows. She has been here for 21 years. Yet she is punished every day and forced to live a life in limbo for no reason at all.

The American Dream has been bittersweet for my family. I've had to watch my sister and others like her be denied opportunities afforded to us in the only country she has ever known by what amounts to an accident of birth.

Thank you so much for letting me share my story.

Mr. GOWDY. Thank you, Ms. Rivera.

[The prepared statement of Ms. Rivera follows:]

Prepared Statement of Pamela Rivera, Washington, DC

I want to take this opportunity to thank Chairman Goodlatte, ranking member Conyers and distinguished members of this committee for this opportunity to testify.

My parents moved to the United States in the 1980's and I was born in 1987. Shortly after my birth they moved back to Colombia with money they had saved working in the US and tried to pursue a life there. They had my sister Evelyn while we were living in Colombia. In 1991 when I was 4 years old they moved back to the U.S. in order to provide a better life for my sister and me. They wanted us to live without the drugs, violence, and daily car bombings that defined daily life in their native Colombia; and for us to have a chance of obtaining a world-class education and fulfilling the American Dream.

For many years I did not know about my family's immigration status. However, as the years passed I began to understand that my family was not like most, and even though my parents worked hard to provide for our family we would never be treated the same. My father worked nights and my mother worked in the morning in order to make sure that my two sisters and I were never left alone. They understood the meaning of family and how important it was to raise their daughters in a stable home.

My mother learned English quickly by volunteering at our school and working with us on our homework. I remember my mom asking my teacher to send home extra homework so that my sister and I would catch up to the other students. My youngest sister was born here in the U.S. in 1993. We all grew up in the same home, attended the same schools, spoke English, and played lacrosse, but there was one major difference that would come to dominate our lives: I was a natural born U.S. citizen while my sister Evelyn was brought to the United States on a now-expired visa.

It wasn't until high school that I found out for sure about my family's immigration status. I was unable to get my drivers license until I was 18 because my parents could not take me to the DMV. There were so many little things that would come up that I could not do or had to work twice as hard to figure out because of this

situation. All of this was with the knowledge that my youngest sister and I were U.S. citizens, and that for us there was a light at the end of the tunnel.

Evelyn did not have that. She had to go through her high school graduation knowing that there was no relief in sight—no path to college, no path to a normal job. She knew she had to walk across that stage and into the shadows, and that the somewhat normal life she had gotten to live in the only home she had ever known was over. She also had to walk across that stage without our mom watching, because our mother was forced to leave under voluntary departure.

My sisters and I worked hard in school and all earned the Bright Futures Scholarship but unlike our youngest sister and me, Evelyn was unable to claim her scholarship because of her undocumented status.

As a Citizen of the United States, I have been able to pursue the American Dream: I am an alumna of the Florida State University, and am currently pursuing a master's degree at the University of Florida.

Living in a mixed status family I have learned to cherish every moment I have with my family especially since we have lost our mother. We have to be proactive on issues. We have to protect our families. It has now been over 6 years since Eve has seen our mom. It has been 6 years since her life as she knew it came to a halt. This is the only home she knows, she broke no laws, she did nothing wrong, yet she is punished every day and forced to live in limbo—for no reason at all.

The American Dream has been bittersweet for us. I have had to watch my sister be denied the opportunities afforded to us, in the only country she has ever known, by what amounts to an accident of birth.

Mr. GOWDY. Ms. Velazquez.

**TESTIMONY OF ROSA VELAZQUEZ,
ARKANSAS COALITION FOR DREAM**

Ms. VELAZQUEZ. I would like to thank Chairman Gowdy, Ranking Member Lofgren, and the distinguished Members of this Committee for the opportunity to testify today. My name is Rosa Velazquez. I'm 30 years old. And ever since I was 5, Arkansas has been my home. I'm as Arkansan as the Arkansas Razorbacks, the Harding Bisons and the Henderson Reddies.

I'm honored to be a member of the United We Dream National Coordinating Committee. United We Dream is the largest immigrant youth led group network in the country made up of 51 affiliates in 25 States. As a network, United We Dream is committed to winning citizenship for our families and communities, all 11 million Americans without papers, and to creating an immigration system that treats all Americans with dignity, parents like my mother who was 22 years old when we came to the U.S.

Sadly, like so many other parents, her story has been forgotten. She made the courageous decision to travel alone with my 4-year-old brother Rudy and myself. I was 5. My mother packed all of our things in a backpack, and in August 1989 we got in a plane in Mexico City and we arrived in Dallas, Texas. My father Rodolfo would join us a year later in Arkansas.

Throughout my schooling, I was involved in every club, organization and civic group I could be a part of. I have always had the desire to be involved but it was in music that I found my true passion. I remember that the best performances I had were at Ouachita Baptist University where I would later be offered a choral scholarship. My parents taught me that our family values were greater than anything, and where one went, the rest followed. I can

remember vividly the day that I enrolled at Ouachita Baptist University. My parents went with me. They went with me when I chose my classes, when I looked at my dorm and when I went into the financial aid office. It was at this office that I found out that I was no longer eligible for a scholarship. I was undocumented, and I saw my once-in-a-lifetime opportunity slip through my fingers because I lacked legal status. To be fully eligible, I had to be a U.S. citizen. It was then that my mother took my hand with tears in her eyes and she told me that I could do anything that I set my mind to. So if I wanted to go to college, I was going to go to college.

My mother's hardworking hands are the reason that I'm here today and she is also the reason that I am currently a grad student at Henderson State University and Harding University in Arkansas, and I'm pursuing two Master's Degrees one in ESL English and one in American Literature. She is also the reason that my brother, Rudy, is going to the University of Arkansas in Fayetteville where in 2 years he will achieve a Bachelor's Degree in culinary arts. And she is also the reason that my 12-year-old brother Randy, a U.S. citizen, has high hopes and aspirations to attend college in the future.

Arkansas is the poultry capital of the world. We have several poultry processing plants and this is where my mother first began her work. Her job for the next 10 years was to cut chicken tenders with scissors and arrange them in the little yellow trays that you are able to purchase today at any grocery store.

As I sit here today telling you about my achievements and my successes, my mother, who has sacrificed everything for me with her hard work, is now suffering with carpal tunnel syndrome.

When Members of Congress tell me that I deserve the opportunity to earn citizenship and my mother doesn't, I tell them that if anyone deserves that opportunity to earn citizenship, it is my mother Rosalinda. My mother did what any mother facing uncertainty would have done—provide a better life for her children.

This is the land of opportunity where we learned that with hard work and perseverance, we have the opportunity to succeed. If Congress were to adopt an incomplete solution that would provide a path to earn citizenship for DREAMers like me but something less for our parents, it be like saying that I can now be one of you, but my parent can never be, that our hardworking parents are good enough to pick up your crops, to babysit your children, to landscape your yards, but they will never be treated as equal members of society. The solution that includes only DREAMers and people like me will lead to further separation of families and will in no way provide the answer that you seek.

Fix our broken immigration system. Do we really want to ignore the values that history has taught us by giving our parents a sit at the back of the line—bus type of legalization?

I am talented in many fields. I am an asset to this country but my mother's hardworking hands are the foundation on which this country was built. I am my mother's daughter. She and I are equal. My name is Rosa Angela Velazquez Figueroa. I am the daughter of Rosalinda and Rodolfo Velazquez and the sister to Rudy and Randy Velazquez. I am undocumented. I am one of the 11 million. And together, we are the American Dream.

Thank you.
Mr. GOWDY. Thank you, Ms. Velazquez.
[The prepared statement of Ms. Velazquez follows:]

Testimony of Rosa Velazquez
Hearing on “Addressing the Immigration Status of Illegal Immigrants
Brought to the United States as Children”

July 22, 2013

I would like to thank Chairman Gowdy, Ranking Member Lofgren, and the distinguished Members of this Committee for the opportunity to testify today.

My name is Rosa Velazquez and I am 30 years old. Ever since I was 5, Arkansas has been my home. And I am as Arkansan as the Arkansas Razorbacks, Harding Bisons and the Henderson Reddies.

I am a member of the United We Dream National Coordinating Committee. United We Dream is the largest immigrant youth-led network in the country, made up of 51 affiliate organizations across 25 states. As a network, United We Dream is committed to winning citizenship for our families and communities—all 11 million Americans without papers—and to creating an immigration system that treats all immigrants with dignity. We will not accept proposals that leave our parents behind or that criminalize our community!

Parents like my mother, who was 22 years old when we came to the US. Sadly, like so many other parents, her story has been forgotten. She made the courageous decision and traveled alone with my 4-year-old brother, Rudy and myself. I was 5. My mother packed all of our things in a backpack, and in August 1989, we got on a plane in Mexico City and we arrived in Dallas, Texas. My father, Rodolfo, came to Arkansas to join us a year later.

I started my education at a public school in Southwest Arkansas. Throughout my schooling, I was involved in every club, organization and civic group I could be a part of. I have always had a desire to be involved but it was in music that I found my passion. I remember that the best performances I had were at Ouachita Baptist University, where I would later be offered a choral scholarship.

And most recently my life changed when I was privileged enough to perform the National Anthem in front of more than 500 undocumented Americans at our first ever mock naturalization ceremony. That moment on Capitol Hill when I led my patriotic community in a tribute to this great country was the most American I have ever felt.

My parents taught me that our family values were greater than anything. And where one went, the rest followed. I can remember vividly the day that I enrolled at Ouachita Baptist University. My parents went with me. I had them with me when I chose my

classes, when I looked at my dorm and when I went into the financial aid office. It was at this office that I found out that I was no longer eligible for a scholarship. I was undocumented, and I saw my once-in-a-lifetime opportunity of attending college slip through my fingers because I lacked legal status. This is where I also learned that having a social security number, an Arkansas driver's license and a work authorization document, were not enough. To be fully eligible, I had to be a US citizen. It was then that my mother, through silent tears, took my hand and told me that I could do anything I set my mind to...so if I wanted to go to college, I was going to go to college.

My mother's hardworking hands are the reason that today, I am currently a grad student at Henderson State University and Harding University in Arkansas, pursuing two master's degrees, one in ESL English and one in American Literature. She is the reason that my brother, Rudy, is attending the University of Arkansas in Fayetteville, where in two years he will graduate with a Culinary Arts degree. And she is also the reason my twelve year old little brother, Randy, a US citizen, has high hopes and aspirations to attending college in the future.

Arkansas is the poultry capital of the world. We have several poultry processing plants and this is where my mother first began to work. Her job, for the next 10 years, was to cut chicken tenders with scissors, and arrange them in the yellow trays that you are able to purchase at any grocery store. As I sit here today telling you about my achievements and successes, my mother, who has sacrificed everything for me with her hard work, is suffering with carpal tunnel syndrome.

When Members of Congress tell me that I deserve an opportunity to earn citizenship and my mother does not, I tell them that if anyone deserves that opportunity to earn citizenship, it is my mother, Rosalinda.

My mother did what any mother, when facing uncertainty, would have done; provide a better life for her children than she had. Given the circumstances we lived under in Mexico, she knew in her heart that the US would become our home for what has now been 24 years. This is the land of opportunity, where we learned that with hard work and perseverance, we have the opportunity to succeed.

If Congress were to adopt an incomplete solution that would provide a path to earned citizenship for DREAMers like me, but something less for our parents, it would be like saying that I can now be one of you, but my parents can never be. Such a solution would tell DREAMers like me that our hardworking parents are good enough to pick your crops, babysit your children, landscape your yard, and at the same time never treated as equal members of this society. This solution that includes only DREAMers and people like me will only lead to further separation of families and will in no way provide the

solution you seek: fixing our broken immigration system and recognizing the full humanity of those who have been drawn here by the prospects of work.

Do we really want to ignore the values that history has taught us by giving our parents a “sit at the back of the bus” type of legalization?

I was taught at home what this country was founded on: family values, Christian values, courage, equality and justice. Anything other than a viable path to citizenship is not acceptable for me, my family and the other 11 million Undocumented Americans waiting for you to act.

I am talented in many fields and am an asset for this country, but my mother’s working hands are the foundation on which upon this country was built.

I am my mother’s daughter.

She and I are equal.

We both came here in pursuit of a better life and just like millions of Dreamers and families, we are ready to claim our citizenship.

As a representative of the community directly affected by what actions this committee will take on immigration reform, I hope that all members will seek our input as the process moves forward. And I hope that this hearing is the first step in addressing not only a real solution for me, but also for my parents.

My name is Rosa Angela Velazquez Figueroa, daughter of Rosalinda and Rodolfo Velazquez and sister to Rudy and Randy Velazquez.

I am undocumented,

I am one of the 11 Million

and together,

WE are the American DREAM.

Mr. GOWDY. I'm only going to say this once. No response from the audience. We are going to have order in this. It's fine to express yourself internally. No visible response.

With that, I would recognize the gentleman from Virginia, the Chairman of the full Committee, Mr. Goodlatte.

Mr. GOODLATTE. Thank you very much, Mr. Chairman. And it is my pleasure to ask some questions of the witnesses and I would like to start with you, Ms. Rivera. I very much appreciate your testimony and that of Ms. Velazquez.

Ms. Velazquez said that she didn't think there should be any difference between all of the 11 million people who are seeking to come here between herself and her mother, for example. But you know your parents. You probably know the parents of other people who have children who are not lawfully present in the United States. And my question for you is, would your parents and do you think other parents would be supportive of legislation that would allow your sister and other young people brought here at an early age to get legal status and ultimately U.S. citizenship but did not address their situation; in other words, parents' situations in the same way?

Ms. RIVERA. You know that is an incredibly difficult question to answer. My parents like I'm sure any other parents want what is the absolute best for their children. So you know it's easy to say that, yes, they would be very happy with that. But at the same time I can tell you that the pain of not having my mother with us is something that I really can't put into words and it is not something that I feel comfortable saying I'm okay with.

Mr. GOODLATTE. Your mother is not here in the United States.

Ms. RIVERA. Yes, sir.

Mr. GOODLATTE. But if she were here in the United States and she got a different status, say a legal status as opposed to a citizenship status, how would she feel about that?

Ms. RIVERA. My mom is, I know everyone says their mom is the best, but my mom is the best, and she from the minute they came here, as I said in my testimony, she was at my teachers' classrooms every day you know helping out, making sure that that we, you know, were as involved in our community as possible. It was at the time extremely annoying and I can only say that when it comes to my family, knowing my mom, she wants to be a part of this country. She still thinks, she still thinks of herself as an American even though she is in Colombia. So, I feel as though my mom would like a shot at being a citizen and she wants the opportunity and the responsibility that comes with that.

You know, again, we had up until that happened lived here, my parents for close to 20 years before she left. My dad is now a legal resident. He lives here. This is for them, what has become their lives. It is the only home we have ever known, so it is very difficult for me to say we would be okay with that and quite frankly, I wouldn't be okay with that. I know the sacrifices my parents made. I know the long hours my dad worked. I know how hard it was for them to be separated from everything they knew as their home, so I wouldn't want to have to make that decision.

Mr. GOODLATTE. Well, I certainly understand that you would not want them to have to make that decision, but Congress has to make that decision. And that is the hard part.

Let me ask Dr. Duke if you would comment on the problem that we have here of determining how we proceed to assure that we don't have future children brought here through the desert, in the backs of trailers, under tunnels and so on, into the United States illegally. So in order for Congress not to be back in the same position of debating whether to grant legal status to another 11 million illegal immigrants 20 years from now, what enforcement kinds of measures does the Southern Baptist Convention support being put into place?

Mr. DUKE. Yes, sir. Thank you for the question. It is a concern to Southern Baptists as well that we resolve this at this time and that we not have to come back here again as well. I think most Southern Baptists are saying, secure the border and workplace verification. They believe those two components would have a lot to do with addressing the future of illegal immigration. If folks can't get work here it's going to pretty much discourage them from coming. And so we do believe that those are a couple of components. There are certainly many others that the Committee should consider as well.

Mr. GOODLATTE. And in your testimony you mention that a commitment to the pursuit of a higher education or military service should be a sufficient guide to show that these young people have good moral character and a commitment to their futures and thus should be afforded a path to legal status. What should happen to young illegal immigrants who do not show such a commitment and are not of good moral character?

Mr. DUKE. You know, that is a really tough question in my opinion. The legislation under consideration here to me requires a certain level of moral character as well as a commitment to the future, to their futures and so I think that is going to be necessary for this special track for these particular young people. I think the rest are going to have to simply be considered along with all of the other 10 million or so undocumented immigrants in our country that the Committee is going to have to figure out how they address. There are going to be some adults who aren't going to be able to qualify for whatever this Committee, the Committee and ultimately Congress chooses to do as well. And, unfortunately, some of those children as well are going to be caught in a situation where they have made wrong choices and they have made it nearly impossible for themselves to find a way for this country to be able to grant them the kind of legal status that we would like to give them.

Mr. GOODLATTE. Thank you, Doctor. Thank you, Mr. Chairman.

Mr. GOWDY. Thank you, Chairman Goodlatte. The Chair will now recognize the gentlelady from California, the Ranking Member of the Subcommittee, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman, and thanks to all of our witnesses for simply excellent testimony that not only informs us but I think informs people who are watching this hearing across the country on C-SPAN and other Members of Congress who are watching it in their offices. It is very important that you are here.

Listening to our two young ladies, Ms. Rivera and Ms. Velazquez, very powerful testimony that you have given and as I was listening to Mr. Goodlatte's, Chairman Goodlatte's question I was thinking about the relationship between parents and sons and daughters.

I have a son and a daughter, kind of about your age. I would do anything for them. And I think you're saying the same about your parents. But here is the problem. When you have, when you are pitting sons and daughters against moms and dads, you've created really a system that is not healthy. And if I'm hearing you right, Ms. Rivera, it's not that your mother wouldn't do anything for you, it's that you would not permit that. You would not permit your mother to be thrown to the side of the road for your benefit.

Is that kind of a good summary of your position?

Ms. RIVERA. Yes.

Ms. LOFGREN. Thank you.

Dr. Duke, we've worked together in the past and I appreciate very much your testimony. And it's interesting you know there are many issues that you and I don't agree on but what we have learned is that we can work to things that we do agree on and one of those things has been immigration. The Ethics and Religious Liberty Commission is part of the Evangelical Immigration Table, and the statement released in March calling for immigration reform said that it should, and I quote, provide clear steps to citizenship for those who want, want it and qualify. Dr. Russell Moore, the President of the Commission, sent a letter to Congress last month saying that, and I again quote, "A tough yet achievable earned pathway to citizenship is a necessary part of broader reform."

Is that still your position and the position of the Ethics and Religious Liberty Commission of the Southern Baptist Convention?

Mr. DUKE. Congresswoman Lofgren, thanks for the question. Yes, it is still our position. It is my position that we should not be creating second-class citizens in this country. We just don't do that here. Everyone should have a full opportunity to rise to the, a full opportunity that this country affords them and citizenship is certainly a part of being able to do that.

So we believe, and I certainly believe, that we do need to create an opportunity for citizenship for those who can qualify by whatever standards this Committee and Congress would choose. But we do believe that that should be a component that is possible for these folks.

Ms. LOFGREN. Thank you very much. And I hope that the faithful here in the House will listen to your words of advice.

Now when the House last took up the DREAM Act some Members took to the floor and they called it the Nightmare Act. They said that allowing these young people to come out of the shadows and have an opportunity to earn legal permanent residence, and possibly also in the future citizenship, would prevent Americans from getting jobs and realizing other opportunities.

How would you answer that attack, Dr. Duke?

Mr. DUKE. Well, certainly, we are in a situation in our country right now where we don't have enough jobs it would seem, but we also have a lot of jobs that are simply going unfilled, and so, clearly, we need more workers in certain areas than we have right now.

We know that business is looking for more workers currently. So clearly there is still a need for more workers in this country. The best thing that we can do is create as well qualified and educated a workforce as we possibly can. We have all of these young folks here right now, what, over 1 million, who can be brought fully into the workforce and can meet a lot of those needs that we already have and as we continue to grow our economy we are going to need more workers and eventually everybody who wants a job, a full-time job is going to be able to find one. So I think this country needs more workers not less workers.

Ms. LOFGREN. Thank you very much. I'll just close by saying you know whenever we have a hearing like this I'm so struck by the courage shown by undocumented individuals. I think of them as aspiring Americans. And I remember my grandfather who came to this country when he was 16 years old with nothing. His process then was he got on a boat, it sailed to America and he got off the boat. He never saw his parents again. But he wanted to be an American just like you want to be an American. And he and generations of aspiring Americans came and really built this country.

And to think that our future will not be enriched by people who want to, who have enough hope and enough courage and enough ambition to want to be a free American, to help build our country, that that future would not be enriched is just a mistake because through aspiring Americans, people who want to come and throw in their lot with us and build a better country, our future will be strengthened. And I don't think we need to ration that. I think we ought to embrace that. Just as immigrants built our past they will help us build a great future for Americans.

So thank you all for your wonderful testimony today.

Mr. GOWDY. I thank the gentlelady from California. The Chair will now recognize the gentleman from Iowa, Mr. King.

Mr. KING. Thank you, Mr. Chairman. I appreciate being recognized, and listening to the testimony of the witnesses here, gathering my thoughts and trying to digest what's been taking place here today, and I think the first question I would ask is, Ms. Velazquez, and your testimony here I could hear the emotion in your voice and would you characterize the life you have had here in the United States as, you individually, living in the shadows?

Ms. VELAZQUEZ. I'm sorry?

Mr. KING. Would you characterize your life living here in the United States as living in the shadows?

Ms. VELAZQUEZ. Living in the shadows wasn't an option for me. There were—I was a voice to some members of my community. Some of the kids that were going to college there, that were wanting to go to college came up to me and I had to voice myself to them and let them know that—

Mr. KING. So you wouldn't characterize your life as living in the shadows here?

Ms. VELAZQUEZ. No, sir.

Mr. KING. Thank you. I appreciate knowing that.

I turn to Dr. Duke. And listening to your testimony and you cited Ezekiel 18:20 in that I would call it the sins of the father section. But I understand that point that the sins of the son shall not be punished by the father—onto the father and vice versa. But I look

at that and I also I read through the rest of your testimony and the balance of what you said, and it appears to me that neither would you punish the parents for bringing their children here, you just wouldn't do so in this bill.

Did I read that correctly?

Mr. DUKE. Thank you for the question, Congressman. No, I'm not saying we shouldn't hold the parents accountable for the choices that they made. There do need to be appropriate forms of restitution and penalty if these—

Mr. KING. But you wouldn't apply current law to them, you would exempt them from current law and want to write a new law that would be less onerous than the penalties in current law for the parents?

Mr. DUKE. Yes, sir, I think what we are saying is we are, or at least what I'm asking you is to create another set of penalties for the law other than the penalty that currently exists.

Mr. KING. Would this be under the concept of mercy?

Mr. DUKE. Well, mercy at the very least, but also in my opinion simply a matter of practicality and humanity.

Mr. KING. Mercy at the very least. Can you cite—and you are, no question, a Biblical scholar. Can you cite any place in the Bible where mercy is not accompanied by repentance?

Mr. DUKE. Well, Congressman, I simply know that God says, I will have mercy on whom I will have mercy. So He gets the freedom to choose whether or not—

Mr. KING. We're pretty sure he calls for repentance, though, aren't we, as Christians?

Mr. DUKE. He gets to choose under which circumstances He wants to have mercy, and we get to choose the circumstance under which we choose to have mercy.

Mr. KING. Let me suggest that we couldn't teach Christianity without repentance being a component of it, however. And I just, I wanted to make that point but also, I know that the Southern Baptist Conference has cited Matthew 25:35 for I was a stranger and you let me in.

Mr. DUKE. Yes, sir.

Mr. KING. And that is a central theme, also, which I'm a little surprised isn't in this testimony, but I would expect that you would adhere to that proposal as well, that theological philosophy?

Mr. DUKE. Yes, sir, that's correct.

Mr. KING. So are you aware, when we see that word "stranger," and when you look back through the Greek which is the foundation of the interpretation that most of the modern day Bible that I know, the word stranger is the Greek word *xenos*, x-e-n-o-s. And are you aware that that really means within that context in Greek guest foreigner, an invited guest, rather than someone who came in against the law?

Mr. DUKE. Yes, sir. I understand that there are various understandings of how that word is to be interpreted in that passage.

Mr. KING. So you wouldn't interpret Mathew 25:35 to mean you are commanded by God to welcome anyone that comes into your country or home regardless of whether they were invited or whether they were uninvited?

Mr. DUKE. I don't think—yes, sir. I think that is correct. We are not required to invite anyone who simply comes along into our homes. But we are required to express hospitality toward those, as many of those as we can.

Mr. KING. Towards invited guests, according to the Greek interpretation I would suggest.

Mr. DUKE. Pardon?

Mr. KING. Hospitality toward those invited guests, according to the Greek interpretation of the word *xenos*, stranger, invited guest.

Let me move on. Also St. Paul gave a sermon on Mars Hill, it's in Acts 17. And in that he said, and God made every Nation on Earth, and He decided when and where each Nation would be, and He granted that authority to the elected officials within the countries to set the border and to control the border. And that is the definition of sovereignty as I understand that.

Would you have a different understanding of St. Paul's sermon on Mars Hill?

Mr. DUKE. No, sir. I think that God does give human beings the freedom to create their own borders and to establish their own laws.

Mr. KING. Thank you very much. I appreciate all the witnesses. Mr. Chairman, I yield back.

Mr. GOWDY. The Chair would now recognize the gentleman from Michigan, the Ranking Member of the full Committee, Mr. Conyers.

Mr. CONYERS. Thank you, Mr. Chairman, and welcome to all of our witnesses.

I'm very impressed by the overall direction that all of the witnesses have made, their understanding of how we deal with not only the DREAMers but with their parents as well. One thing that concerns me is that sometimes we manage to keep the DREAMers in and there seems to be a growing tendency in that direction in the Congress. But the separation of the children, the DREAMers, from their parents, is something that still troubles me. And I'd like to just go down the witness list and see if you share any of this unease with me.

And I always like to start with the Vice President of the Southern Baptist Convention. One of these days we're going to get a witness from the Northern Baptist Convention here, but it hasn't happened yet.

Mr. DUKE. There aren't as many of them.

Mr. CONYERS. That's a good reason.

Mr. DUKE. I thank the Congressman. I do share concerns for the parents of these young men and women. They're in a different circumstance, however, because they purposefully have violated the law. So it's difficult for me to see how we can address the circumstance for these particular young people and then also address the parents' needs without talking about a full immigration solution.

Mr. CONYERS. Comprehensive.

Mr. DUKE. Yes, sir, a complete immigration solution that would address not only their parents but the parents of children who were born here as well who also need their circumstances to be addressed.

Mr. CONYERS. And might I ask you for your feelings on this part of the discussion?

Ms. MCHUGH. I would just say that our organization is focused on analysis of policy options facing the Congress, and so it's not the sort of way that we would approach the, approach an issue.

Mr. CONYERS. That means that you wouldn't think of it as comprehensive or that we could create a path for citizenship even for the parents although they have without doubt violated some of our immigration rules but we always start off here by saying, on both sides of the aisle, that the immigration system is broken. So it's not a matter of worrying too much about these rules, it is can we construct some others? And do you have an idea on that?

Ms. MCHUGH. Perhaps I was listening to your question with too formal an ear. I thought you said did I have a feeling of concern about that. I would say for my organization overall that a great deal of our policy analysis over the years has focused on the need for more comprehensive approaches to reform if we are to fix the system. But I would just say that there's a distinction between that and the question that you had asked.

Thank you.

Mr. CONYERS. Oh, thank you.

Ms. Rivera, what say you?

Ms. RIVERA. Obviously, I am supportive of comprehensive immigration reform, anything that helps families stay together. I think that that is the epitome of at least what my family, what I was raised on. I think it's for the well-being of children, and I just think it's for the well-being of America because you know the family unit is probably the most important unit we have in society.

Mr. CONYERS. So what about the parents? Do you think that we keep the DREAMers and work out a way for them a path for citizenship? But what bothers me is what do we do with the parents? Do we kick them out? Do we separate? Do we separate them from their children who were born here in the country?

Ms. RIVERA. No. I don't think that that is, I don't think that that is a real option. I think that that can cause lasting damage. I can tell you, I recently got married, I got married last month and had to go through the decision of trying to figure out how to do a wedding because I have my sister who cannot leave the country, and I have my mother who cannot come into the country. So I was engaged for 2 years hoping that some type of solution would occur and that at the very least my sister would be able to travel to Colombia. So finally we just had to give in and we had to get married. And it was wonderful but my mom was there via face time.

Mr. CONYERS. Thank you so much.

Mr. Chairman, could I get a response from Ms. Velazquez, even though my time is expired?

Mr. GOWDY. Certainly, Mr. Conyers. Ms. Velazquez, you may answer Mr. Conyers' question.

Ms. VELAZQUEZ. Thank you. At home I was taught that what this country was found on family values, Christian values, courage, equality and justice. I hope that this hearing is the first to addressing not only a resolution for me but for my parents as well.

Mr. CONYERS. Thank you very much and thank you, Mr. Chairman.

Mr. GOWDY. I thank the gentleman from Michigan. The Chair will now recognize the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. Thank you, Mr. Chairman.

Let me thank all the others. It's very good testimony, compelling emotional testimony we appreciate that. Let me go right to where Mr. Conyers was.

Ms. Velazquez and Ms. Rivera just for the record so we're all clear, you obviously support a path for citizenship for DREAMers and you would support a path for citizenship for parents as well? Ms. Velazquez?

Ms. VELAZQUEZ. Yes, sir.

Mr. JORDAN. Ms. Rivera?

Ms. RIVERA. Yes, sir.

Mr. JORDAN. How about you, Ms. McHugh?

Ms. MCHUGH. I'm sorry, a path—

Mr. JORDAN. A path to citizenship for DREAMers is what we're talking about today. Would you also support a path to citizenship for parents?

Ms. MCHUGH. My organization isn't an advocacy organization and so we don't take positions.

Mr. JORDAN. I'm asking you as a witness in today's hearing what do you think?

Can you speak on your behalf of yourself or you can only talk about your association?

Okay. How about Dr. Duke?

Mr. DUKE. Congressman, thanks for the question. Yes I believe there should be a way forward for citizenship for these others as well.

Mr. JORDAN. Okay. Let me go back to Ms. Velazquez. What about the rest of the estimated 11 million illegals here? Do you support a path to citizenship for those individuals? Ms. Velazquez?

Ms. VELAZQUEZ. Yes, sir. I support a path to citizenship for the 11 million.

Mr. JORDAN. Ms. Rivera?

Ms. RIVERA. Yes, sir.

Mr. DUKE. Yes, sir.

Mr. JORDAN. You guys do? The Southern Baptists have taken a position on that?

Mr. DUKE. Restate your question so I can answer it then, please.

Mr. JORDAN. We all know you are for the DREAMers. We all know you're for parents except Ms. McHugh doesn't want to respond to that. Ms. Velazquez and Ms. Rivera also are for the rest of the estimated 11 million who are here illegally, a path to citizenship. I just want to know where the Southern Baptists are.

Mr. DUKE. Yes, sir. In our resolution in 2011 we did call for legal status for the undocumented immigrants here in our presence in this country and in further reflection since then most Southern Baptists are also asking for a way forward for citizenship for these 11 million as well, and that certainly would be my position.

Mr. JORDAN. That's your position and it's the position of the Southern Baptists?

Mr. DUKE. The Southern Baptist Convention has not stated officially that that is its position.

Mr. JORDAN. Ms. Velazquez, do you support the comprehensive bill passed by the United States Senate?

Ms. VELAZQUEZ. I support a pathway to citizenship for 11 million undocumented immigrants.

Mr. JORDAN. Have you looked at the Senate bill?

Ms. VELAZQUEZ. Yes, sir.

Mr. JORDAN. And you are for it or against it?

Ms. VELAZQUEZ. It has a path to citizenship, so I support a path to citizenship.

Mr. JORDAN. Ms. Rivera, can you comment on the Senate bill? Are you for The Senate bill?

Ms. RIVERA. Yes, I am.

Mr. JORDAN. Ms. McHugh, have you taken a position on the Senate bill?

Ms. MCHUGH. No, we have not.

Mr. JORDAN. Dr. Duke, have Southern Baptists taken a position on the Senate bill?

Mr. DUKE. The Southern Baptist Convention has not taken a position on the STEM bill. My organization, the Ethics and Religious Liberty Commission—

Mr. JORDAN. No, no. I'm talking about the Senate bill, as passed by the Senate.

Mr. DUKE. Oh, the Senate bill. No, sir, we have not. We have simply said we believe it is a good step forward but it needs some repair and needs some work and we are looking to the House to help address some issues.

Mr. JORDAN. Last question for you, last question, Mr. Chairman and it's for you, Dr. Duke.

The Southern Baptist Convention, you said you believed they're for a pathway to citizenship for the 11 million even though you haven't taken a formal position. Is there anything in what you perceive as the position of the Southern Baptists that says border security must happen before there is a pathway to citizenship for those, for the estimated 11 million folks in the country illegally?

Mr. DUKE. Yes, sir. I would say that most Southern Baptists, and certainly myself, believe that we need to make sure the border is secure before citizenship is possible. But we do believe that we do also need to address the circumstances of these 11 million and that it needs to be done as a package in order to make sure that all of the needs of our Nation and of these undocumented immigrants are addressed.

Mr. JORDAN. Okay. Do you have any—I said last question but I changed my mind here, Mr. Chairman. I've got one more for Dr. Duke.

Do you have any concern—Mr. Gutierrez and the passion he brings to this issue we all respect. But he talked about in his statement that, you know, if, in fact, we pass a DREAM Act for young people that well, we're going to have to make sure we do it for parents because we can't have this—are you at all concerned about where it goes and the logical steps that Mr. Gutierrez has pointed out and all of you have pointed out, that it travels that way before we have a chance to actually secure the border and maintain the border as a sovereign Nation? Does that concern you at all, Dr. Duke, and the Southern Baptist Convention?

Mr. DUKE. Congressman, it does concern me that we may not get to the place where we secure the border. And I'm looking to you to make sure that there is a mechanism in place that assures us that the border is secured before permanent legal status is applied, but that doesn't mean that you can't do something intermediate in the meantime so that these folks here can at least know that they no longer have to live under the fear of deportation while our country is resolving this problem.

Mr. JORDAN. Great. Thank you, Mr. Duke. Thank you, Mr. Chairman.

Mr. GOWDY. I thank the gentleman from Ohio.

The Chair would now recognize the gentleman from Illinois, Mr. Gutierrez.

Mr. GUTIERREZ. Thank you very much, Mr. Chairman, and thank you to all the witnesses. It was a very compelling and very moving testimony. I'm delighted that you're here and I'm delighted that we're having a hearing that I think really broadens the perspective of this Committee. And I'd like to take the opportunity to say that, to Ms. Velazquez, you love your mom?

Ms. VELAZQUEZ. Yes, sir. I love my mother.

Mr. GUTIERREZ. After you described her, I love her too. And I want her to be part of your life.

Ms. VELAZQUEZ. Thank you. I'll let her know that.

Mr. GUTIERREZ. And I know that, Ms. Rivera, you know, you have two siblings, right?

Mr. RIVERA. Yes, sir.

Mr. GUTIERREZ. One of them out of status, the other one an American citizen like you. How do you feel, how important is it to you as an American citizen that you get your mom back? How important is it?

Ms. RIVERA. It would mean a lot. It's hard because there are so many things that you just want to call your mom and tell her about. There are so many little instances that people don't have to think about and don't even realize or, you know, that you take for granted. I've had to, I've had to experience that. I know how difficult it is and I can't imagine how difficult it must be for my mother always living in fear and never knowing if something happens to her kids, knowing that she cannot be there for them.

So you know I understand this issue is incredibly complicated, and I'm very happy not to have to do this myself but I believe that Congress has the ability to do it and I would love to have my mother back.

Mr. GUTIERREZ. Thank you. As we look at it, and as I look at it, I try to look at it through the prism. I have two daughters. I can't imagine what their life would be like without their mother. There are certain things that dads don't do. There are certain parts of life that dads don't fill in. I am kind of like the—I am the concierge. You know, need a ticket. Okay. Call Dad, he'll get you a ticket. Need to learn to drive a car, call Dad. Need somebody to take you to the university to go check it out, call Dad. I do those kinds things of things. Flat tire, call Dad. Right? Then there's all the other stuff that moms do, that parents do. I am not trying to diminish what we as men do and the relationship we have. But moms are pretty important in people's lives. So we should think.

I don't think about them as much. I say to my colleagues, I think simply about ourselves. And I think about what our relationship is to our children and how important I know every member of this panel is and has been and will continue to be to their children. And to simply look at it from your own prism in terms of your own children and what would their lives be like without us, I don't think it would be the same.

And I just want to say that, look, this isn't about the Senate bill. We can draft one here in the House of Representatives. We have the skills and we have the knowledge and I know that we have the fortitude to get us through those debates and those discussions. And so it is not about amnesty.

I mean, I look at the Senate bill and I say to myself, we really want it. I mean, we are saying 10, 15, 20, 25 years. Ms. Velazquez. Every cent that an undocumented person like your mother has spent and sent to Social Security Trust Fund, gone. Vanished. Confiscated in the Senate bill. Ten, 15, 20, 25 years. Work for the next 10 years. I came to Congress to have comprehensive healthcare for everybody. Gone. Eleven, 10 years, you want to get legalized, don't expect a cent of subsidy. And pay every tax imaginable and fulfill every financial responsibility. And don't expect one means tested program. Not one.

And in 10 years, kind of forget about bringing your brothers or your sisters, because those are costs. Those are gone. And then if that wasn't enough, 20,000 more border patrol agents. But you know what, it is worth it what you are doing. What we are doing is worth it. It is worth it to sit down. And I want to extend another hand to the other side of the aisle to say all those things, I don't like them, but I am ready to accept them. Because the alternative is the kind of pain that you hear about from that young lady. And you have to multiply what they said here millions of times. I just want you to think of those millions of tears each and every day, the pain and the devastation that exists in our community.

So thank you for the personal testimony. Thank you for humanizing this issue for all of us, and because I think that is going to help inform this Committee better than any statistics can. Thank you so much.

Ms. VELAZQUEZ. Thank you.

Mr. GOWDY. I thank the gentleman from Illinois.

The Chair will now recognize the gentleman from Idaho, Mr. Labrador.

Mr. LABRADOR. Thank you, Mr. Chairman.

Ms. Rivera, I only disagreed vehemently with one thing that you said in your testimony, and it's my mom is the best. So, no. I just have a few questions for you. And I appreciate both of you testifying today. But I want to talk about the realities of immigration. The immigration system that we are currently living under.

Are you familiar, Ms. Rivera, with the immigration system back in Colombia, what it is like?

Ms. RIVERA. I'm not. No.

Mr. LABRADOR. Do you know what would happen if I entered the country illegally today in Colombia?

Ms. RIVERA. No, sir.

Mr. LABRADOR. Okay. Do you know what would happen to my kids who I would bring into Colombia illegally?

Ms. RIVERA. No, sir.

Mr. LABRADOR. I suggest to you the treatment would be vastly different than the treatment that you and your family would receive here in the United States.

Now, since you came before us, and I don't like to ask personal questions, but you've testified about some personal issues. You said that your mom—you said you are a U.S. citizen; correct?

Ms. RIVERA. Yes, sir.

Mr. LABRADOR. And your mom can't come here to the United States. How is that possible when you are a U.S. citizen? What exactly is happening?

Ms. RIVERA. My mom, when I was a sophomore in college, she was pulled over for a minor traffic citation, was then arrested. And I believe she was—she was then arrested. And then at some point ICE got involved. She was taken to a detention center. You know, unfortunately for us, at the time, you know, I was not aware of all the different things—

Mr. LABRADOR. I just want to—I want to clarify something. She was arrested. She was returned to Colombia. Is that correct?

Ms. RIVERA. She was taken to a detention center and then a couple months later she was then—

Mr. LABRADOR. And you are over the age of 21.

Ms. RIVERA. Not at the time.

Ms. RIVERA. But today you are.

Ms. RIVERA. Yes, I am.

Mr. LABRADOR. Why can't you apply for her?

Ms. RIVERA. I have. Her visa was approved in the U.S. and then when she went to the embassy in Bogota, she was denied.

Mr. LABRADOR. Do you know why she was denied?

Ms. RIVERA. They said that she automatically, for leaving the country, the 10-year ban was—

Mr. LABRADOR. So did you file a waiver for her?

Ms. RIVERA. My father—so complicated.

Mr. LABRADOR. Just yes or no. I know this is difficult.

Ms. RIVERA. He has since then.

Mr. LABRADOR. And they haven't approved that yet.

Ms. RIVERA. No.

Mr. LABRADOR. But there is a way for your mom to come if you file a waiver and all those things. And the only point I am trying to make, I am not trying to embarrass you or put you on the spotlight, is one of the things that we are talking about doing here in the House of Representatives is actually removing some of these waivers that are actually preventing people who have been removed from the United States from coming back legally. And that is something that if we could pass in some legislation, you know, that would actually help you and your family, and it is one of the things that I am trying to accomplish.

Now, Ms. Velazquez, you—in your testimony, you said some things that I found frankly a little bit hard to understand. You said, "If Congress were to adopt an incomplete solution that would provide a path to earned citizenship for Dreamers like me but something less for our parents, it would be like saying that I can

now be one of you but my parents can never be.” And then you also said, “Do we really want to ignore the values that history has taught us by giving our parents a seat at the back of the bus type of legalization?”

That is actually highly inaccurate. And it is highly, I think, a little bit dismissive of our current immigration system. Are you familiar with the H-1B process at all?

Ms. VELAZQUEZ. I am not.

Mr. LABRADOR. Right now, if I came to the United States legally, so not coming illegally, I came to the United States as an H-1B worker, which is somebody who works in—as a guest worker in the high tech industry or requires a college degree, and I had children in the United States, they would become citizens. But I would not be necessarily—I would—I don’t have a right to become a citizen of the United States. I could apply for citizenship, but there is nothing that technically says I would have to become a citizen. And there are millions of people who come to the United States who have children and they still have to leave even though they came here legally. Are you aware of that?

Ms. VELAZQUEZ. I did not know that.

Mr. LABRADOR. So it wouldn’t be treating your family any different than we treat the millions and millions of people who actually come legally to the United States and they don’t have a right to stay in the United States. Now, I want to find a way to make—to help the 11 million. I don’t have a problem with that. But to come here to Congress and say that we are putting your parents in the back of the bus when we are treating them—we would treat them the same that we would treat anybody else who came here legally who doesn’t have a right to citizenship, I think you need to really rethink your rhetoric. Because there are people that are here legally that don’t become citizens of the United States, and they have children here, and they have the same values, the same beliefs, the same everything that you have, but the law does not allow them to become citizens. But yet they can actually stay here as guest workers in many, many industries.

I want to find a solution for this problem. I want us to treat everybody fairly. But, like I said in my opening statement, the most important thing for me is the rule of law, making sure that we prevent having this problem again 10 years from now, 20 years from now. Because, frankly, that is not fair to either one of you. If we continue to have these problems for the next little while, then there is going to be another Ms. Rivera and another Ms. Velazquez who is going to be coming here to Congress and telling us about the compelling story about their families and how their families now need to have a new legal status.

So I want to help you, I want to help your families, but, most importantly I want to make sure we fix the problems that we have so we don’t have to have this conversation again. Thank you very much for being here today.

Mr. GOWDY. Thank the gentleman from Idaho.

The Chair would now recognize gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank the Chairman. And I join with the idea that whenever we make steps toward improving lives and

act as legislators, we are really doing the right thing because that is a challenge and the charge that we have been given in this Congress, is to come to help fix America's problems.

I want to acknowledge my appreciation for all of the witnesses. But I do want to thank in particular who I saw earlier, Ms. Velazquez and Ms. Rivera. Because along with your knowledge, there are personal stories that are being told.

And, Ms. Rivera, I can't thank you enough for discussing something so personal. And I think if we can all appreciate each other's humanity that what we are talking about is not the nuts and bolts of moving checkers on a chess board, checkers board or chess on a chess board, but we are really talking about human lives. And I believe that we have held human lives in the balance too long. This has been going on too long. The key to this is not presupposing or predicting ill and disaster and devastation, but to look at the Senate bill as a marker in terms of attempting to frame, Dr. Duke, the relief this time so we don't have the idea of someone being able to say this will happen again.

Dr. Duke, I want to pose this question to you. We thank you for representing the Southern Baptists. This morning, we were with the evangelicals, who have made a commitment and have embraced, I guess, people from different faiths. And they believe it is time to move—really on the—the human aspect of it. As you listened to Ms. Rivera, Ms. Velazquez, you know, this is a comprehensive pathway to citizenship. There is a crack in the armor when you suggest that you will take the children. I know that some years back, the Ranking Member and myself worked on—in various ways and then together—the idea of what kind of facilities children are in, young people are in, under the age of majority. Previously, in detention centers, it wasn't a pretty scene. It wasn't a pretty scene when you had to separate families. So the human question arose. The idea of human trafficking, which I know the church has worked on, is dastardly. I come from a city that has an enormous problem in human trafficking, and it is not an international city, it is Houston.

So my question to you is, do you see the value in taking the comprehensive approach and regularizing family members, agricultural workers, tech workers, other skilled workers that really reins in what I think our friends have been speaking of through this hearing?

Mr. DUKE. Thank you for the question, Congresswoman Jackson Lee. Yes, we believe that we do need to address the entire 11 million or so undocumented immigrants here, that the family unification is an important aspect of immigration reform. The question for us with the—with this particular question on these particular children to us is a little different than their parents simply because the children didn't break any laws. And so I just don't see how you can address the parents who did break laws of that particular group differently than you address all the other parents of children who broke the law. That needs to be addressed in a bigger package of bills that we believe this—that you are working on and that we are hopeful you will continue to work on. And that this particular aspect of it, just these particular children just become one part of the entire package that does ultimately assure us family units.

Ms. JACKSON LEE. So you can support comprehensive immigration reform?

Mr. DUKE. Yes, we support a full immigration reform.

Ms. JACKSON LEE. Let me ask, get these questions out before my time, Ms. Rivera, Ms. Velazquez, can you talk to me both about the pain of separation from parents or the pain that young people have? Why don't we start with you, Ms. Rivera, the pain that you are experiencing—even though you are over 21?

Ms. RIVERA. Yes, ma'am.

Ms. JACKSON LEE [continuing]. Of not having your mother here. I assume she is in Colombia?

Ms. RIVERA. Yes, ma'am.

Ms. JACKSON LEE. You as a citizen have the right to visit. But the pain of not being able to have your mother here in the United States.

Ms. RIVERA. It's very difficult. It's the little things that add up. Birthdays, celebrations, graduations, weddings, also to things that, you know, become harder and harder. It's having to see my sister, who is unable to visit her, suffer and see that the only way she can interact with my mom is through a computer camera. So it's incredibly difficult. As I said in my testimony, it affected me while I was in school. I had to reach out to my college of liberal arts to my counselors and let them know what was going on because I could not concentrate. I was a college undergrad student trying to understand immigration law, which is just about impossible. Filing paperwork. So it's just—it's very difficult.

Ms. JACKSON LEE. Ms. Velazquez.

Ms. VELAZQUEZ. I can only imagine what it would be not to have my parents with me. My younger brothers, yeah, it would be devastating. And the pain in the community exists. We have several families in the State of Arkansas that are now battling that. And I can only imagine what Hido's parents would feel like to leave their 5 U.S. citizen children and then having to go back to a place that, you know, they haven't been to in a long time. We also have another case in Fort Smith where the Hernandez family have two U.S. citizen children, one is 3 years old. And their parent is in a detention center, waiting to be deported. And every time I see Leticia, I can see the pain in her eyes that she has whenever she talks to me about her dad and how much she misses him and playing with him. So just the thought of not being there, and even at my age, not being there with him is terrifying to me.

Mr. GOWDY. Thank you, Ms. Velazquez. I thank the gentlewoman from Texas—

Ms. JACKSON LEE. Let me thank the Chairman very much. And, Mr. Chairman, I am yielding back, just saying that Congress' duty is to fix these kinds of problems, even if they are pretty tough. I thank you and I yield back.

Mr. GOWDY. The Chair would now recognize the gentlelady from California for unanimous consent. And then the gentleman from Nevada, who has waited patiently, my good friend Mark Amodei.

Ms. LOFGREN. Thank you, Mr. Chairman. I would ask unanimous consent that we make a part of the record statements from the Congressional Asia-Pacific Island American Caucus, the National Immigration Forum, the First Focus Campaign for Children, the

American Civil Liberties Union, the National Immigrant Justice Center, the Asian Americans Advancing Justice, CHIRLA, the Anti-defamation League, National Education Association, YWCA, and the Church World Service, as well as a statement on citizenship from the Evangelical Immigration Table, and a poll from last week from the Gallup Organization on immigration as seen by Americans.

Mr. GOWDY. Without objection.

[The information referred to follows:]

Congress of the United States
Washington, DC 20515

Statement for the Record
Hearing on: "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children"
July 23, 2013

Today, the House Subcommittee on Immigration and Border Security will hold a hearing titled "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children." As Chair and Immigration Task Force Chair of the Congressional Asian Pacific American Caucus (CAPAC), we strongly support fixing our broken immigration system.

Asian Americans over the last ten years were the fastest growing racial group, making up 6% of the U.S. population. In the context of our current immigration debate, Asians also make up the single largest group of new immigrants coming to the U.S. annually, accounting for over ten percent of all undocumented immigrants.

We believe that any effort to amend our immigration system must include a roadmap to citizenship for the estimated 11 million undocumented immigrants residing in the U.S. Immigrants in the United States, who work hard, pay their taxes, and undergo criminal and national security background checks deserve an opportunity to come out of the shadows and enter American society.

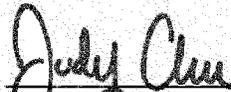
Asian American and Pacific Islander (AAPI) undocumented youth specifically stand to benefit from immigration reform. One in 10 young people who would benefit from the DREAM Act is of Asian origin. Of 1.76 million potential DACA (Deferred Action for Childhood Arrivals) beneficiaries, 9 percent (about 170,000) are from Asia. In the University of California system, AAPIs make up about 45% of undocumented undergraduate students.

These young people were brought to the United States through no fault of their own. They are Americans in every way, except on paper. They were raised as Americans, in American schools, yet cannot benefit from the opportunities afforded by a college education. These youths contribute to our nation and our culture every day. We owe them a chance to continue their pursuit of the American life and dream. In 2010, members of CAPAC overwhelmingly voted in favor of the DREAM Act (H.R. 5281) when it passed the House.

However, a legislative fix that only addresses DREAM youth would ignore the challenges that face immigrant families throughout the country, including the 4.5 million American-citizen children of undocumented immigrants living in mixed-status families. Congress should address the parents, families and neighbors of DREAM eligible youth as we work on updating our nation's immigration laws. Inability to do so would fail to adequately fix our broken immigration system and tear millions of families apart. The family unit is a bedrock American value that Congress should continue to protect as we consider immigration reform.

While we strongly support efforts to address this population of undocumented immigrants who came to the U.S. as youth, we should not leave the remaining undocumented immigrants without a roadmap to

citizenship. Last month, a super majority of bipartisan Senators successfully passed comprehensive immigration reform (S. 744) that addressed undocumented youth as well as the remaining 9 million undocumented immigrants. It is now up to the House to act on the best chance in a generation to reform our broken immigration system. We urge this subcommittee to follow the bipartisan precedent led by the Senate to draft legislation that ensures undocumented immigrants of every age and background can come out of the shadows and become American citizens.



Rep. Judy Chu
Chair
Congressional Asian Pacific American Caucus



Rep. Mike Honda
Immigration Taskforce Co-Chair
Congressional Asian Pacific American Caucus



Rep. Eni Faleomavaega
Immigration Taskforce Co-Chair
Congressional Asian Pacific American Caucus



Statement for the Record

House Judiciary – Subcommittee on Immigration and Border Security

"Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children"

July 23, 2013

The National Immigration Forum works to uphold America's tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

The National Immigration Forum applauds the Committee for holding this hearing on the matter of America's DREAMers and urges the Committee to look at the DREAMers as a part of broad immigration reform that includes an opportunity for citizenship for not only the DREAMers but all the others who desire to become part of the American Dream.

Last month by a bipartisan vote of 68-32 the United States Senate passed S. 744, the "Border Security, Economic Opportunity, and Immigration Modernization Act (herein after referred to as S. 744), a comprehensive immigration reform that attempts to strike the right balance between increased immigration enforcement and border security, earned legalization and an opportunity for citizenship, reforms to our current family based and employer-sponsored immigration system and efforts to deal with the current immigration backlog. One of the key lessons learned from 1986, besides the need for additional future legal avenues in our immigration system, is that all parts of our complex immigration system are interrelated, and must be dealt with in a cohesive manner, or we will suffer the unintended consequences.

Accordingly, as the Committee discusses the DREAMers and the potential "KIDS Act" legislation, it is important that the discussion not become singularly focused on just this one piece of immigration reform. A singular focus on the DREAMers will not fix our broken immigration system and, while helping address the plight of DREAMers, ignores their parents and others who also are deserving of a chance to participate in building America. While some may see the DREAMers as worthy, there are many others, immigrants who simply seek to participate in the American dream, who also deserve a chance to earn that opportunity. Ours is a country of second chances. While not



suggesting amnesty, a path that allows them to come forward, be registered, pay taxes and fines and demonstrate their commitment to the United States by working and learning English, will allow them to contribute to our economy and our strength as a nation.

In 2010 when the National Immigration Forum and other organizations advocated for the DREAM Act we recognized that while the DREAM Act was a very important step towards reform, it was not going to fix our nation's broken immigration system by itself. It was a "down payment" on broader reforms. Our immigration problem is a national problem deserving of a national, comprehensive approach.

However, we believe that *this* time is different when it comes to passing immigration reform. In the past two years, an alliance of conservative faith, law enforcement and business leadership has come together to forge a new consensus on immigrants and America that supports a comprehensive solution with support for the rule of law, but also supportive of a path to legal status and an opportunity for citizenship for the undocumented. These relationships formed through outreach in the evangelical community; the development of state compacts; and regional summits in the Mountain West, Midwest and Southeast.

In early December 2012, over 250 faith, law enforcement and business leaders from across the country came to Washington, D.C., for a National Strategy Session and Advocacy Day. They told policymakers and the press about the new consensus on immigrants and America. In February, to support these efforts, the National Immigration Forum launched the Bibles, Badges and Business for Immigration Reform Network to achieve the goal of broad immigration reform. Last month, to help achieve that goal, this network held a Policy Breakfast and Advocacy Day where participants organized 83 Hill meetings (55 with Republicans). This was just one event of over 40 that were held all over the country in support of immigration reform.

Two dozen national polls over the last few months show solid support for solutions that include, in addition to reasonable enforcement, the creation of legal channels for immigrants and the establishment of tough but fair rules to allow undocumented immigrants to stay and continue to work in the U.S. and earn the ability to eventually apply for U.S. citizenship.

The Forum looks forward to continuing this positive discussion on how best to move forward with passing broad immigration reform into law. The time is now for immigration reform.



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**FIRST FOCUS CAMPAIGN FOR CHILDREN
 STATEMENT FOR THE RECORD**

**SUBCOMMITTEE ON IMMIGRATION POLICY AND BORDER SECURITY:
 “ADDRESSING THE IMMIGRATION STATUS OF ILLEGAL
 IMMIGRANTS BROUGHT TO THE U.S. AS CHILDREN”**

July 23, 2013

Chairman Gowdy, Ranking Member Lofgren, and Members of the Subcommittee on Immigration Policy and Border Security, thank you for the opportunity to submit this statement on addressing the immigration status of immigrants brought to the U.S. as children.

The First Focus Campaign for Children is a bipartisan children’s advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. An important aspect of that work is a commitment to ensuring that our nation’s immigration policies promote child well-being by ensuring that families stay together and that all children have the opportunity to grow and thrive. We support the passage of immigration reform that meets the needs of children and protects American family values.

We have long worked towards passage of the Development Relief and Education for Alien Minors (DREAM) Act, and are encouraged to see support continue to grow on the issue across party lines. We firmly believe that immigrants who entered the U.S. as children, have grown up as Americans, and call this country their home should have the opportunity to become U.S. citizens and fully contribute to society. It is estimated that 1 million children currently under the age of 18 are growing up in the U.S. with an uncertain future with the only option of relief being the temporary two-year deferred action and work authorization available through the Deferred Action for Childhood Arrivals (DACA) program.¹ While the DACA program has been successful, congressional action is still urgently needed to provide these young people with a long-term solution by creating a path to citizenship. Providing undocumented youth with citizenship would help secure our nation’s future prosperity by reducing the high school dropout rate and making the U.S. once again a global leader in college completion rates. In fact, a 2010 study by the UCLA North American Integration and Development Center found that the legalization of undocumented youth could potentially generate 1.38 to 3.6 trillion dollars over their lifetime.² Thus, we firmly believe that any legislative fix for immigrants brought to the U.S. as children must be as inclusive as possible by accounting for all immigrants who entered as minors despite their current age, creating achievable requirements and fees, and making higher education affordable.

FIRST FOCUS CAMPAIGN FOR CHILDREN STATEMENT FOR THE RECORD
 HEARING ON THE IMMIGRATION STATUS OF IMMIGRANTS BROUGHT TO THE U.S. AS CHILDREN
 JULY 23, 2013

However, we also firmly believe that a legislative fix that only addresses the children in need of immigration status falls short of fully addressing the challenges facing the millions of children that are impacted by U.S. immigration policy every day, including the 4.5 million U.S. citizen children living in mixed-legal status families. These children live in fear of being separated from a parent or loved one at any moment, and thousands have already been torn apart from a father or mother. In fact, according to the Department of Homeland Security, nearly 205,000 parents of U.S. citizen children were deported in the 26 months between July 1, 2010 and September 31, 2012.⁵ Research has consistently shown that separation from a parent due to immigration enforcement has a significant detrimental impact on children's mental and physical health, academic performance, and economic stability.⁴ A new report by Human Impact Partners estimates that in the next year, if current immigration enforcement levels are maintained, roughly 43,000 U.S. citizen children will experience a decline in health as a result of the deportation of a primary caregiver, while another 100,000 children will suffer from withdrawal after a parent's arrest.⁶ In some cases, a child with a detained or deported parent may unnecessarily enter the U.S. child welfare system, as documented by a recent report by the Applied Research Center which estimates that 5,100 children with a detained or deported parent are currently living in foster care. Once a child is involved with the child welfare system, there is a significant risk that they may be permanently separated from their family due to conflicting immigration and child welfare laws.

For too long our immigration laws have failed to consider the interests of children, and as result, our children have paid a heavy price. Addressing the 1 million children in need of legal status is an important first step, but it is also necessary that Congress act to pass a comprehensive fix to our immigration system that protects our children's rights and interests and keeps families together. Recognizing the need for immigration reform to duly consider the needs of children, First Focus co-led an effort to develop a set of [children's principles for immigration reform](#) which have been endorsed by over 200 organizations. These principles call for immigration reform to:

- Provide children, youth and their families with a direct, clear, and reasonable pathway to citizenship, including a unique and expedited path for all those who entered the U.S. as children, such as DACA-grantees, undocumented children who are still minors, immigrant foster children, and unaccompanied immigrant children;
- Ensure that immigration judges are allowed to exercise discretion in admission and removal decisions based on the hardship to U.S. citizen and lawfully permanent children;
- Ensure that parents are not needlessly separated from their children, by reforming immigration enforcement policies to ensure that the best interest of children are considered in detention, transfer, and removal decisions and allowing parents to make decisions regarding their child's care;
- Establish policies for child welfare and immigration enforcement agencies to better facilitate the reunification of children in foster care with a detained or deported parent;
- Modernize the family immigration system to address the backlog and create appropriate channels for future migration that promote family unity;
- Protect access to critical safety net programs and income supports for children and their families; and
- Provide improved protections for unaccompanied immigrant children, including access to legal representation.

FIRST FOCUS CAMPAIGN FOR CHILDREN STATEMENT FOR THE RECORD
 HEARING ON THE IMMIGRATION STATUS OF IMMIGRANTS BROUGHT TO THE U.S. AS CHILDREN
 JULY 23, 2013

In closing, we'd like to thank the Chairman and the Subcommittee for holding this hearing on such an important issue and for recognizing that children must be given special consideration in the immigration debate. We fully support inclusive and reasonable legislation that will provide undocumented individuals who entered the U.S. as children with the opportunity to achieve full citizenship as part of a larger immigration proposal that addresses the needs of the millions of children living in mixed legal-status families as well as the thousands of vulnerable unaccompanied immigrant children seeking refuge in our country every year. To fully make children a priority, Congress must address the full spectrum of issues impacting children to ensure that our immigration system works for children and families.

Thank you again for the opportunity to submit this statement. Should you have any further questions, please contact Wendy Cervantes, Vice President of Immigration and Child Rights Policy at wendyc@firstfocus.net.

¹ Immigration Policy Center (2012). *Who and Where the DREAMers are*. <http://www.immigrationpolicy.org/just-facts/who-and-where-dreamers-are>.

² Cjeda, Raul H. et. al. (2010). *No DREAMers Left Behind: The Economic Potential of DREAM Act Beneficiaries*. North American Integration and Development Center, University of California, Los Angeles. http://paia.ucla.edu/uploads/3/2/1/9/4219226/no_dreamers_left_behind.pdf

³ U.S. Immigration and Customs Enforcement. Deportation of Parents of U.S. Citizen Children July 1, 2010- September 30, 2012. Accessed by Colorlines.com on December 12, 2012. http://colorlines.com/archives/2012/12/deportations_of_parents_of_us-born_citizens_122012.html

⁴ Ajay Chaudrey et. al., The Urban Institute (2010). *Facing our Future: Children in the aftermath of immigration enforcement*. http://www.urban.org/UploadedPDF/412029_FacingOurFuture_final.pdf

⁵ Human Impact Partners. June 2013. *Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families*. Oakland, CA. Available: <http://www.humanimpact.org/component/download/5008/1/304>.



WRITTEN STATEMENT OF
THE AMERICAN CIVIL LIBERTIES UNION

For a Hearing on

“Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children”

**Submitted to the U.S. House Committee on the Judiciary
Immigration and Border Security Subcommittee**

July 23, 2013

ACLU Washington Legislative Office
Laura W. Murphy, Director
Joanne Lin, Legislative Counsel
Chris Rickerd, Policy Counsel
Michael Tan, Staff Attorney

Chairman Gowdy, Ranking Member Lofgren, and Members of the Subcommittee on Immigration and Border Security:

The American Civil Liberties Union (“ACLU”) commends the Subcommittee on Immigration and Border Security for conducting a hearing on a pathway to citizenship for aspiring Americans who came to the U.S. as children, popularly known as DREAMers. The ACLU is a nationwide, non-partisan organization of more than a half million members, countless additional activists and supporters, and 53 affiliates nationwide dedicated to enforcing the fundamental rights of individuals under the Constitution and laws of the United States. The Immigrants’ Rights Project of the ACLU engages in a national program of litigation, advocacy, and public education to enforce and protect the constitutional and civil rights of immigrants.

Addressing the legal status of DREAMers is an important, but insufficient response to the need for immigration reform. This statement discusses additional reforms that are necessary to give DREAMers the equal protection of our Constitution and a fair chance to fulfill their American dream.

I. To guarantee full equality and inclusion for DREAMers and U.S. citizen children in mixed-status families, immigration reform legislation must include a fair pathway to citizenship for aspiring Americans as well as due process reforms.

Irrespective of their immigration status, all children suffer when their parents and siblings are living in the shadows.¹ Undocumented people are vulnerable to exploitation by employers, which has serious economic consequences for their families. Millions of DREAMers, other immigrants, and U.S. citizens live daily with the fear that their parents and siblings will be detained and deported.² High school DREAMers wonder whether their parents will be there to see them graduate and to move onto higher education. Any immigration reform legislation, therefore, must include a fair path to citizenship that keeps families together.

In addition, immigration reform must address the systemic due process problems that have long plagued our immigration detention and deportation system. Almost 205,000 parents of U.S. citizen children were deported between July 2010 and September 2012.³ In far too many cases, immigration judges do not even have the authority to consider whether parents can remain with their children in the U.S. Convictions for an “aggravated felony”—a misnomer which includes misdemeanors, no contest pleas, non-

¹ See HIROKAZU YOSHIKAWA & JENYA KHOLOPSEVA, MIGRATION POLICY INSTITUTE, UNAUTHORIZED IMMIGRANT PARENTS AND THEIR CHILDREN’S DEVELOPMENT (2013), available at <http://www.migrationpolicy.org/pubs/COI-Yoshikawa.pdf>.

² Over five million children—eight percent of all children in the U.S.—have at least one parent who is an undocumented immigrant. *Id.* at 3.

³ Seth Freed Wessler, *Nearly 205K Deportations of Parents of U.S. Citizens in Just Over Two Years*, COLORLINES (Dec. 17, 2012, 9:45 AM), http://colorlines.com/archives/2012/12/us_deports_more_than_200k_parents.html.

violent offense, and even decades-old convictions—lead automatically and categorically to deportation, with only the narrowest of exceptions.⁴ In aggravated felony cases, the immigration judge is not permitted to take family relationships into account, notwithstanding the hardship that deportation would cause to a U.S. citizen child or family member.

We urge the House of Representatives to recognize the contributions that the DREAMers and their families have made and will continue to make to this country. Relegating millions of aspiring Americans to a permanent “underclass,” in which they work and pay taxes, but are denied the opportunity to become citizens, as well as their basic rights to family unity, is counter to our American ideals of fundamental fairness.

II. Immigration reform legislation must provide a fair and expeditious path to citizenship and must clarify that DREAMers are “lawfully present.”

Any immigration reform should include a generous, fair, and expeditious pathway to citizenship for DREAMers, without prohibitive fees or unreasonable eligibility criteria. Additionally, legislation should remove key barriers that currently keep DREAMers from realizing their full potential and giving back to our communities.

Fair eligibility criteria for DREAMers include the elimination of any upper age cap, so that *all* DREAMers who came to the United States as children and satisfy the eligibility requirements are not arbitrarily barred from the path to citizenship, due to delays in passing immigration reform legislation. Moreover, educational requirements should be reasonable and responsive to the financial barriers that DREAMers must overcome to pursue higher education.⁵

Furthermore, immigration reform legislation should clarify that beneficiaries of Deferred Action for Childhood Arrivals (“DACA”) and DREAMers legalized under forthcoming legislation, are treated as “lawfully present” in the U.S. as they proceed along the path to citizenship. Recent experience with the DACA program makes the need for such clarification all too clear. Notwithstanding clear guidance from the federal Department of Homeland Security that DACA recipients are lawfully present and authorized to live and, in most cases, work in the U.S., a few states have opted to deny DREAMers basic rights and privileges based on the states’ wrongful conclusions that DACA recipients are not authorized to be in the U.S. For example, Arizona has denied drivers’ licenses to DREAMers based on its own erroneous determination that DACA recipients are not federally “authorized” to be in the U.S.,⁶ and Georgia has denied DREAMers admission to five state universities based on its conclusion that DACA

⁴ 8 U.S.C. § 1101(a)(43).

⁵ DREAMers are ineligible for federal financial aid, including work-study and loans. See Catherine Eusebio & Fermin Mendoza, *The Case for Undocumented Students in Higher Education*, EDUCATORS FOR FAIR CONSIDERATION 2 (2013), available at http://www.e4fc.org/images/E4FC_TheCase.pdf. In most states, DREAMers must pay out-of-state tuition rates at four-year universities. See *infra* notes 10-12.

⁶ <http://www.aclu.org/immigrants-rights/arizona-dream-act-coalition-et-al-v-brewer>

recipients are not “lawfully present.”⁷ DREAMers should not be denied the basic rights and privileges they need to function in everyday life and to pursue their educational and career goals. Immigration reform legislation that gives DREAMers a pathway to citizenship and clarifies that they are lawfully present will help protect DREAMers from such discrimination by state entities.

III. Immigration reform legislation must remove the barriers that unfairly exclude DREAMers from educational and career opportunities.

Under current law, prohibitive state tuition rates and arbitrary state licensing restrictions prevent many DACA beneficiaries and DREAMers from pursuing their educational and career goals. Immigration reform legislation must include a repeal of 8 U.S.C. § 1623, which forbids states from providing undocumented students postsecondary education benefits “on the basis of residence,” unless the same benefit is available to out-of-state U.S. citizens or nationals.⁸ For many DREAMers, the dream of attending college is limited to state public colleges, which are much more affordable than private colleges. Unfortunately in many states, undocumented DREAMers attending public colleges are charged out-of-state tuition rates even though those DREAMers attended secondary school in the state. The practical reality is that for most immigrant families, the costs of out-of-state tuition are prohibitively expensive,⁹ and out-of-state tuition rates effectively block many DREAMers from all higher education institutions, other than community or junior colleges.

In response to this problem, 15 states have enacted laws that extend in-state tuition to all students graduating from state high schools, thereby making public colleges and universities more affordable—and thus more accessible—to students regardless of immigration status.¹⁰ These states allow students who meet specific requirements, regardless of their immigration status, to pay in-state tuition rates at public postsecondary schools: California, Colorado, Connecticut, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New York, Oklahoma, Oregon, Texas, Utah, and Washington. Some of these state tuition equality laws have been subject to legal challenges—all unsuccessful—under 8 U.S.C. § 1623.¹¹ Immigration reform legislation should repeal 8 U.S.C. § 1623 to clarify that all states are free to choose to provide in-state tuition to undocumented students, DACA recipients, and DREAMers who are on the pathway to citizenship.

⁷ <http://www.acluga.org/news/2013/03/06/aclu-georgia-sends-letter-board-regents-asking-they-lift-ban>
⁸ See, e.g., *Day v. Bond*, 500 F.3d 1127 (10th Cir. 2007); *Martinez, et al. v. Regents of the University of California*, 198 P.3d 1 (Cal. 2008).

⁹ *Map: State Laws & Policies on Access to Higher Education for Immigrants*, NATIONAL IMMIGRATION LAW CENTER (May 25, 2013), <http://www.nilc.org/eduaccessstoolkit2.html#maps>.

¹⁰ Eighteen states have laws or university system policies that grant in-state tuition to undocumented students: California, Colorado, Connecticut, Illinois, Hawaii, Kansas, Maryland, Michigan, Minnesota, Nebraska, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, and Washington. See *id.*

¹¹ See, e.g., *Day v. Bond*, 500 F.3d 1127 (10th Cir. 2007); *Martinez, et al. v. Regents of the University of California*, 198 P.3d 1 (Cal. 2008).

Finally, immigration reform legislation should guarantee that DREAMers and other work-authorized immigrants have equal access to professional, commercial, and business licenses. Providing access to professional licenses is necessary to ensure that DREAMers can pursue careers in medicine, law, science, and a host of other fields.¹² Indeed, without this clarification in the law, DREAMers will be cut off from pursuing their career and vocational goals, since they will be blocked from obtaining the requisite license to practice in their field of training. Moreover, eliminating barriers to professional, commercial, and business licenses for these talented individuals will enrich the economy and benefit all Americans. We are all worse off when talented immigrants are blocked from careers based on arbitrary licensing restrictions.

We commend the Subcommittee for recognizing the need for a pathway to citizenship for DREAMers. The criteria for legalization should be fair, without prohibitive fees or any age cap that would arbitrarily exclude some DREAMers. Once they are on the path to citizenship, DREAMers should be given the same basic rights and privileges as other lawfully present aspiring Americans. Legislation must also remove the barriers that unfairly exclude DREAMers from educational and career opportunities, so that DREAMers have equal access to affordable higher education and professional licenses.

Most importantly, legislation should recognize that DREAMers' undocumented families and neighbors also dream of coming out of the shadows and participating fully in our economy and communities. Without a path to citizenship and equal due process protections for all undocumented immigrants, DREAMers and U.S. citizen children in mixed-status families will still be denied the equal protection of our laws, and our Constitution's promises of fairness and equal opportunity will remain unfulfilled. We urge the Subcommittee to promote equality and family unity by considering a comprehensive approach to immigration reform, including due process reforms and a pathway to citizenship for all undocumented immigrants.

¹² Over 800 different occupations require a license, and approximately 30 percent of all workers nationwide must have a license as a condition of employment. MORRIS M. KLEINER, LICENSING OCCUPATIONS: ENSURING QUALITY OR RESTRICTION COMPETITION? 5 (W.E. Upjohn Institute, 1st ed. 2006). ALAN B. KRUEGER, *Do You Need a License to Earn a Living? You Might Be Surprised at the Answer*, N.Y. TIMES, March 2, 2006, <http://www.nytimes.com/2006/03/02/business/yourmoney/02scene.html>.



Testimony by Mary Meg McCarthy
Executive Director, National Immigrant Justice Center

Submitted to the House Judiciary Committee
Hearing on “Addressing the Immigration Status of Illegal Immigrants
Brought to the United States as Children”

July 23, 2013

Chairman Goodlatte, Ranking Member Conyers, and members of the Committee: Thank you for the opportunity to submit this statement for the record. Since its founding nearly 30 years ago, Heartland Alliance’s National Immigrant Justice Center (NIJC), a Chicago-based non-governmental organization, has been dedicated to safeguarding the rights of non-citizens. Each year, NIJC and its unparalleled network of 1,000 *pro bono* attorneys provide legal counsel and representation to nearly 10,000 individuals. NIJC also promotes access to justice for impoverished immigrants, refugees, and asylum seekers through impact litigation, policy reform, and public education.

Thank you for taking the time to hold this hearing on the plight of undocumented immigrant youth. We applaud the decision of both Democrats and Republicans to consider this important issue; however, we strongly urge you to consider comprehensive immigration reform that would help all families. Providing a roadmap to citizenship for DREAMers is a good first step; however, many of the 11 million undocumented people who have built lives in the United States are not DREAMers and are in need of a way to come out of the shadows as well. In order to resolve the problems that our broken immigration system has created, a solution is needed for the larger undocumented immigrant community.

Undocumented immigrants are interwoven into our communities and many families are mixed-status—meaning that at least one family member is a noncitizen and one is a U.S. citizen. According to the Pew Hispanic Center, in 2011, 16.6 million people lived in a mixed-status family and one-third of U.S. citizen children of immigrants live in a mixed-status family.¹ Therefore, failure to include the parents and siblings of DREAM-eligible youth in immigration reform efforts will not stabilize immigrant families and will have a serious impact on the well-being of many immigrant youth.

In the first six months of 2011, over 46,000 parents of US citizen children were deported.² Deportation has devastating consequences for families. Our deportation policy—which often targets individuals whose only wrongdoing is being out of status—creates single-parent households, leaving families in

¹ Taylor, P., M.H. Lopez, J. Passel, and S. Motel. “Unauthorized Immigrants: Length of Residency, Patterns of Parenthood.” *Pew Hispanic Center*, Dec. 2011, <http://www.pewhispanic.org/2011/12/01/unauthorized-immigrants-length-of-residency-patterns-of-parenthood>.

² Wessler, S.F. “U.S. Deports 46k Parents with Citizen Kids in Just Six Months,” *Colorlines*, Nov. 3, 2011, http://colorlines.com/archives/2011/11/shocking_data_on_parents_deported_with_citizen_children.html.

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financial and emotional turmoil. Nationally, children in single-parent households are 4.2 times more likely to live in poverty than children in two-parent households.³ In addition, the poverty rate for single-mother families is 40.7 percent compared to 24.2 percent for single-father families.⁴ Since men are disproportionately detained more often than women, the economic consequences for immigrant families are much greater.⁵ Families are at a higher risk to fall into poverty following deportation.

Also, many children whose parents are deported end up in the foster care system. According to a report from the Applied Research Center, **there are a minimum 5,100 children in the foster care system as a result of parents being detained or deported.**⁶ The cost of foster care is estimated at \$26,000 annually per child. In addition, the cost to detain one person is an estimated \$164 per day; with at least 34,000 people detained at any time, this costs American taxpayers \$5.4 million per day.⁷ At a time when our country is struggling with federal sequestration and cuts to social service programs, the U.S. cannot afford this wasteful spending to detain and deport hardworking parents, tearing families apart in the process.

The impact of immigration enforcement policies goes far beyond the individuals who are subject to immigration enforcement; their families and communities also suffer the consequences. In addition to the financial costs of detention and deportation, children in immigrant families and their communities suffer emotionally and psychologically. In addition, many immigrant children conflate immigration agents with the police and grow up believing that they cannot go to the police for help. In fact, many immigrant families will not seek out emergency services or cooperate in criminal investigations for fear of being deported. This makes our communities less safe.

Laura entered the US with her siblings thirteen years ago at the age of sixteen. Although she considers the U.S. to be her home, she wasn't able to apply for deferred action status because she missed the cutoff date by one year. As such, Laura has to live in fear of coming into contact with ICE and being deported.

We need to find a solution to the broken immigration system. This must include a roadmap to citizenship for 11 million New Americans in this country. Any legislation that provides a narrow path to citizenship is only a temporary fix that will not solve our problems in the long-run. In addition, it excludes many hardworking individuals.

Victor, a native of Mexico, has been in the United States since he was seven years old. He graduated with honors from Waukegan High School. After graduation, he worked at a metal

³ Dreby, J. "How Today's Immigration Enforcement Policies Impact Children, Families, and Communities." *Center for American Progress*, Aug. 2012, <http://www.americanprogress.org/wp-content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf>, pp. 9.

⁴ *Ibid.*

⁵ Dreby 2013.

⁶ Wessler, S.F. "Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System." *Applied Research Center*, Nov. 2011, <http://www.arc.org/shatteredfamilies>.

⁷ National Immigration Forum. "The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add up to Sensible Policies." Aug. 2012.

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factory for seven years while also attending college classes to train to be an automotive collision expert. He regularly attends his church, Iglesia Sagrada Familia, and helps out with the youth group. He has two traffic citations for driving without a license, both of which he paid and resolved in a timely manner. He has no additional criminal history, past arrests, prior convictions, or outstanding arrest warrants. His neighbors characterize him as "courteous and attentive" as well as "responsible and hard-working."

In September 2008, Victor was stopped by ICE officers while he was giving an acquaintance a ride home. Officers were looking for the acquaintance, but questioned and detained both of them. Victor gave his name and date of birth to the officers, but refused to answer any questions about his immigration status. ICE officers forcibly searched Victor and placed him in removal proceedings based on information seized from his wallet. He paid a \$5,000 bond to get out of immigration detention. In December 2008, NIJC became involved in the case. Our motion to suppress/terminate was denied, and NIJC was appealing up through the courts when DACA was announced. His case was then administratively closed in 2012 and Victor was granted DACA.

Victor's girlfriend recently had their first child. They have been living together for more than a year; she cares for the baby at home while Victor provides for the family. Victor is currently pursuing advanced training in automotive repair at College of Lake County. According to his professors, he is an "outstanding member" of his community and "motivated to continue his education."

Finally, failure to address the situation of the 11 million undocumented people in this country will perpetuate an underclass without full rights and will impede economic growth. According to the Migration Policy Institute, naturalized citizens earn more than noncitizens and are less likely to be unemployed.⁸ Naturalized citizens earn 50 to 70 percent more than noncitizens.⁹ They are also half as likely to live below the poverty line compared to noncitizens.¹⁰ Indeed, the Center for American Progress (CAP) found that implementation of the Senate's immigration reform bill S. 744, which includes a 13-year-long roadmap to citizenship, will boost GDP by \$832 billion between 2013 and 2022. **The CAP report also indicates that the longer immigrants have to wait for legalization, the more economic benefits are curtailed.** Reducing the wait to naturalize under the Senate plan to just five years would increase GDP by \$1.1 trillion over a 10-year period.¹¹

Immigration advocates from all backgrounds—including DREAMers—will not stand for immigration reform that excludes parents and family members. Not only is this bad for our families, it is bad for our communities and our economy. We urge this Committee to create a meaningful solution by introducing

⁸ Sumption, M. and S. Flamm. "The Economic Value of Citizenship for Immigrants in the United States." *Migration Policy Institute*, Sept. 2012, http://carnegie.org/fileadmin/Media/Publications/mpii_econ_value_citizenship_01.pdf

⁹ Sumption and Flamm 2012, pp. 11.

¹⁰ *Ibid.*, pp. 11.

¹¹ Lynch, R. and P. Oakford. "The Economic Effects of Granting Legal Status and Citizenship to Undocumented Immigrants." Center for American Progress, Mar. 20, 2013, <http://www.americanprogress.org/wp-content/uploads/2013/03/EconomicEffectsCitizenship-1.pdf>.

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comprehensive immigration reform legislation with a roadmap to citizenship for all 11 million undocumented people.

I thank you for the opportunity to present this testimony on the urgent need to reform America's immigration system. Should you have any questions, please feel free to contact me at mmccarthy@heartlandalliance.org or at 312.660.1351.

Written Statement of
Asian Americans Advancing Justice

House Committee on the Judiciary
Subcommittee on Immigration and Border Security

Hearing on: "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children"

July 23, 2013

Today the House Subcommittee on Immigration and Border Security will hold a hearing titled "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children." On behalf of Asian Americans Advancing Justice ("Advancing Justice"), a national non-profit, non-partisan affiliation representing the Asian American and Pacific Islander (AAPI) community on civil and human rights issues, we believe that considering the plight of undocumented youth is a good first step in reforming the broken immigration system. However, we respectfully urge the Subcommittee to consider the plight of all of the estimated 11 million undocumented individuals who currently reside in the United States. Anything less than a full solution to fix the broken immigration system is not enough.

Asian Americans and Pacific Islanders (AAPI) have much at stake in pushing for fair and inclusive immigration reform. Out of about 18 million AAPIs in the U.S., 1.3 million are undocumented.¹ More undocumented AAPI immigrants are from China than any other Asian country (280,000), closely followed by the Philippines (270,000), India (240,000), Korea (230,000), and Vietnam (170,000).² Undocumented Indians are the fastest growing undocumented AAPI community - has doubled in size from 120,000 to 240,000 from 2000 to 2011.³ 267,000 LGBT-identified individuals are undocumented, representing about 2.7% of undocumented adults in the U.S. and of which 15% of undocumented LGBT adults are AAPI.⁴

AAPI undocumented youth specifically stand to benefit from immigration reform. Among the 2.1 million undocumented youth who would qualify for legalization through the DREAM Act, 1 in 10 is of Asian origin.⁵ Of 1.76 million potential DACA beneficiaries, 9 percent are (about 170,000) from Asia.⁶ In the University of California system, AAPIs make up about 45% of undocumented undergraduate students, with Koreans comprising 70 percent of the

¹ Pew Hispanic Center, "Unauthorized Immigrant Population: National and State Trends, 2010," available at <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-national-and-state-trends-2010/>.

² Michael Hofer, Nancy Rytina and Bryan Baker, DHS Office of Immigration Statistics, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011," September 2012, available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.

³ Hofer at 5.

⁴ Gary J. Gates, "LGBT Adult Immigrants in the United States," Williams Institute, March 2013, pg 1, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf>.

⁵ Jeanne Batalova and Margie McHugh, "DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries," July 2010, pg. 6, available at <http://www.migrationpolicy.org/pubs/dream-insight-july2010.pdf>.

⁶ Jeanne Batalova and Michelle Mittelstadt, "Relief from Deportation: Demographic Profile of the DREAMers Potentially Eligible under the Deferred Action Policy," August 2012, pg. 6, available at http://www.migrationpolicy.org/pubs/fs24_deferredaction.pdf.

undocumented student population followed by Pilipino (10%), Chinese (7%), and Indian and Pakistani students (5%).⁷

Undocumented youth face several obstacles: 1) they cannot receive any federal financial aid; 2) they cannot establish state residency; 3) they cannot receive benefits on the basis of residency, as federal law bars states from doing so unless the same benefit is offered to all U.S. citizens regardless of their residency; and (4) they lack access to healthcare.⁸ In fact, any solution to the broken immigration system should include access to health care, not just for Dreamers but for all undocumented immigrants as tax-paying members of our society.⁹ These youth also often face emotional distress, anxiety, sadness, and depression – all psychological costs related to the fear of revealing their status to others and fears of deportation.¹⁰

In addition, many Dreamers reside in mixed-status families where family members are undocumented, are legal permanent residents, and are citizens. These families are getting torn apart, separated, and held back because of the broken immigration system. A large percentage of the 11 million undocumented individuals have gone through the legal immigration system and are ensnared in backlogs, waiting for years to legalize.¹¹ To be with their family, some have overstayed their visas or arrived without authorization because of the long wait times for family sponsorship, while others have let their temporary status lapse. According to the Pew Hispanic Center, approximately 5.5 million children in the United States, including 4.5 million U.S.-born citizens, live in mixed-legal status families with at least one parent who is an unauthorized immigrant.¹²

These children are at risk of being separated from a parent at any time. The U.S. Department of Homeland Security (DHS) Office of the Inspector General estimates that over 108,000 parents of U.S.-citizen children were removed from the U.S. between 1997 and 2007.¹³ Reflecting a dramatic increase in recent years, statistics released by DHS reveal that 204,810 parents of U.S.-

⁷ University of California Office of the President, “Annual Report on AB 540 Tuition Exemptions, 2011-2012 Academic Year,” June 2013, Page 15, available at http://www.ucoop.edu/student-affairs/files/ab540_annualrpt_2012.pdf.

⁸ National Immigration Law Center, “Immigrants and the Affordable Care Act,” available at <http://www.nile.org/immigrants/aca.html>.

⁹ Institute on Taxation and Economic Policy, “Undocumented Immigrants’ State and Local Tax Contributions,” July 2013, available at <http://www.itrep.org/pdf/undocumentedtaxes.pdf> (estimates that undocumented immigrant contribute significantly, paying \$10.6 billion a year in state and local sales, excise, income and property taxes).

¹⁰ Educators for Fair Consideration, “The Case for Undocumented Students in Higher Education,” available at http://www.e4fc.org/images/E4FC_TheCase.pdf.

¹¹ Immigration Policy Center, “Why Don’t They Just Get in Line?: The Real Story of Getting a “Green Card” and Coming to the United States Legally,” March 2013, available at <http://www.immigrationpolicy.org/just-facts/why-dont-they-just-get-in-line>.

¹² Immigration Policy Center, “Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System,” available at <http://www.immigrationpolicy.org/just-facts/falling-through-cracks>.

¹³ Immigration Policy Center, “Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System,” available at <http://www.immigrationpolicy.org/just-facts/falling-through-cracks>; DHS Office of Inspector General, “Removals from Illegal Alien Parents of United States Citizen Children,” January 2009, available at http://www.oig.dhs.gov/assets/Mgmt/OIG_09-15_Jan09.pdf.

citizen children were removed from the U.S. between July 1, 2010 and September 31, 2012, accounting for nearly 23 percent of all individuals deported during that period.¹⁴

Moreover, by no means was Deferred Action for Childhood Arrivals (DACA) - instituted by the Obama Administration - a panacea. Although DACA allowed Dreamers to legally work in the U.S. and defer their deportation proceedings, this is only a temporary bandage. Deferred action is not federal law and can be terminated at any time.¹⁵ DACA recipients are only granted such status for two years at a time and an application notifies DHS of their presence, potentially exposing youth to future removal proceedings. Lastly, no benefits are conferred to family members that may also be undocumented but do not qualify for deferred action.

In 2013, we face a historic opportunity to wholly fix the broken immigration system. We need a broad and inclusive solution to address the plight of all Dreamers that includes the ability to become citizens and to reunite with their loved ones. Moreover, we need a comprehensive solution that fully addresses the 11 million undocumented individuals that live in the U.S. Immigrant youth cannot leave their parents behind, stuck in second-class status. Immigrant youth have been at forefront of calling for reform that will bring all 11 million out of the shadows. These leaders have also called for a commonsense solution that reunites families, protects workers, and ends harsh and unwarranted enforcement measures.

This is a mandate not just by Asian Americans and Pacific Islanders, but by the American people. In the November 2012 election, AAPI community said that immigration reform is issue of vital importance. In exit polling conducted by Advancing Justice-LA, 82% of Asian American voters in California said that immigration played an important role in how they viewed the presidential candidates.¹⁶ 73% of Asian American voters and 71% of Latino Americans cast their ballots for President Barack Obama in the November 2012 election.¹⁷ A June 21, 2013 FiveThirtyEight blog for the New York Times reports that polls show 72 percent of Republicans support a path to citizenship with multiple, specified requirements, as do 77 percent of independents and 83 percent of Democrats.¹⁸

¹⁴ Immigration Policy Center, "Falling Through the Cracks: The Impact of Immigration Enforcement on Children Caught Up in the Child Welfare System," available at <http://www.immigrationpolicy.org/just-facts/falling-through-cracks>; Seth Freed Wessler, Colorlines, "Nearly 205K Deportations of Parents of U.S. Citizens in Just Over 2 Years," available at http://colorlines.com/archives/2012/12/deportations_of_parents_of_us-born_citizens_122012.html.

¹⁵ U.S. Department of Homeland Security, "Deferred Action for Childhood Arrivals: Frequently Asked Questions," available at <http://www.dhs.gov/deferred-action-childhood-arrivals>.

¹⁶ Daniel Ichinose, Asian Pacific American Legal Center (now Asian Americans Advancing Justice as of June 2013), "THE 2012 ASIAN AMERICAN VOTE IN CALIFORNIA: Preliminary findings from AAPALC's 2012 statewide phone poll," available at

<http://apaalc.advancingjustice.org/sites/default/files/PTIONE%20POLL%20POWER%20POINT.pdf>.

¹⁷ New York Times, "Election 2012: President Exit Polls," available at <http://elections.nytimes.com/2012/results/president/exit-polls>.

¹⁸ Nate Silver, New York Times, "In Immigration Reform, Republican Support for Citizenship Hinges on Obstacles," available at <http://fivethirtyeight.blogs.nytimes.com/2013/06/21/in-immigration-reform-republican-support-for-citizenship-hinges-on-obstacles/>.

There are also economic benefits to providing a path to citizenship for the 11 million. Earlier this year on June 18, 2013, the Congressional Budget Office (CBO) assessed the Senate's comprehensive immigration bill (S. 744), which includes path to citizenship. The CBO found that in the first ten years after enactment, S.744 would reduce federal budget deficits by \$197 billion (although Corker-Hoeven amendment decreased this to less than \$40 billion).¹⁹ Over 20 years, S. 744 would reduce deficits by \$700 billion over that period.²⁰ Allowing undocumented immigrants to work in the United States legally would increase their state and local tax contributions by an estimated \$2 billion a year.²¹ In contrast, mass deportation would cost the U.S. economy a \$2.6 trillion in lost, cumulative GDP over 10 years,²² and a total 5-year immigration enforcement cost under a mass deportation strategy would be approximately \$285 billion.²³

We once again strongly urge the Subcommittee to consider the plight of all of the estimated 11 million undocumented individuals who currently reside in the United States. Anything less than a full solution to fix the broken immigration system is not enough. We welcome the opportunity for further dialogue and discussion about these important issues. We look forward to working with the Committee as it develops and moves immigration reform legislation through Congress. Thank you for the opportunity to express the views of Advancing Justice.

¹⁹ Congressional Budget Office, "Cost Estimate: S. 744 Border Security, Economic Opportunity, and Immigration Modernization Act, As reported by the Senate Committee on the Judiciary on May 28, 2013, including the amendments made in the star print of June 6, 2013," June 18, 2013, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/s744.pdf> (subsequently amended on June 24, 2013 by CBO after Corker-Hoeven amendment passage, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/SA%201183.pdf>).

²⁰ Congressional Budget Office, "Cost Estimate: S. 744 Border Security, Economic Opportunity, and Immigration Modernization Act, As reported by the Senate Committee on the Judiciary on May 28, 2013, including the amendments made in the star print of June 6, 2013," June 18, 2013, available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/s744.pdf>.

²¹ Institute on Taxation and Economic Policy, "Undocumented Immigrants' State and Local Tax Contributions," July 2013, available at <http://www.itep.org/pdf/undocumentedtaxes.pdf>.

²² Raul Hinojosa-Ojeda, Immigration Policy Center, "Raising the Floor for American Workers: The Economic Benefits of Comprehensive Immigration Reform," January 2010, available at <http://www.americanprogress.org/issues/2010/01/pdf/immigrationeconreport.pdf>.

²³ Center for American Progress, "The Costs of Mass Deportation: Impractical, Expensive and Ineffective," March 2010, available at http://www.americanprogress.org/issues/2010/03/pdf/cost_of_deportation.pdf.



COALITION FOR HUMANE IMMIGRANT RIGHTS OF LOS ANGELES

July 22, 2013

The Honorable Trey Gowdy
Subcommittee on Immigration and Border Security, Chairman
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Zoe Lofgren
Ranking Member of Subcommittee on Immigration and Border Security
1401 Longworth House Office Building
Washington, DC 20515

Re: House Judiciary Subcommittee Hearing, "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children"

Dear Chairman Gowdy,

The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) is a regional organization whose mission is to advance the human and civil rights of immigrants and refugees in Los Angeles. CHIRLA advocates on behalf of this community through policy and advocacy, organizing, education and community building. On behalf of CHIRLA, I am writing to express our views on the upcoming subcommittee hearing on "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children," to be held July 23rd in the House Subcommittee on Immigration and Borders.

DREAMers are a category of young immigrants who were brought to the United States as children through no decision of their own. For many of these immigrant youth, the United States is the only country they have known. Despite their years in the country, these youth have not been able to adjust their status and head down a pathway to citizenship.

CHIRLA supports a bi-partisan solution to bring these students out of the shadows. We also believe that the solution must take into account that the majority DREAMers are attached to larger immigrant families who also call the United States their home and contribute to our country daily. Any legislation or conversation solely addressing the future of DREAMers in the United States must also include a conversation about their families. Allowing one member of an undocumented family status over another adds to the problem of mixed status families and leaves other family members with an uncertain future where deportation is around every corner.

Deferred Action for Childhood Arrivals (DACA), an administrative measure to provide temporary relief to DREAMers, has allowed a portion of the population to obtain work permits and provides protection from deportation. This program is very limited, for instance it caps participants at age 31 and it is a temporary fix. Those DREAMERS who have already aged out of the traditional K-12 and secondary education system are left out of even this temporary



COALITION FOR HUMANE IMMIGRANT RIGHTS OF LOS ANGELES

fix even though they may meet all of the other requirements. Any legislation that comes out of congress this year, should ensure that, like a roadmap to citizenship for 11 million immigrants, the roadmap for DREAMers is as inclusive as possible.

All immigrant youth deserve a chance to achieve citizenship. While DREAMers are often associated with high school and college age students the reality is that not all immigrant youth are able to complete a formal education. Instead of heading off to college post high school graduation, some youth choose to enlist in the military. While many DREAMers wish to participate in the armed forces and protect freedoms in the only country they have known, their lack of status leaves them ineligible. Immigrant youth should be able to serve in the military and receive legal status and a pathway to citizenship for themselves and their families. In addition to the military route, youth should be able to substitute the education requirement for volunteer and community service hours with reputable organizations in their communities. After fulfilling a certain number of hours of volunteer service, they should then qualify for a pathway to citizenship.

CHIRLA welcomes a conversation on the future of immigrant youth in our country. However, we must also recognize that providing solutions for these youth does not fix our broken immigration system and does not provide relief for their families. We need to continue to work together to create a bi-partisan, comprehensive solution to our broken immigration system and seek a pathway to citizenship for the entire immigrant community.

If you have any questions, please contact Rita Medina at Rmedina@chirla.org or Joseph Villela at jvillela@chirla.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Villela".

Joseph Villela
CHIRLA, Policy Director

Officers of the National Commission

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The Honorable Trey Gowdy
 Chair, House Judiciary Subcommittee on Immigration, and Border Security
 1404 Longworth House Office Building
 Washington, DC 20515

The Honorable Ted Poe
 Vice Chair, House Judiciary Subcommittee on Immigration, and Border Security
 2412 Rayburn Office Building
 Washington, DC 20515

The Honorable Zoe Lofgren
 Ranking Member, House Judiciary Subcommittee on Immigration, and Border Security
 1401 Longworth House Office Building
 Washington, D.C. 20515

July 23, 2013

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ADL has advocated for fair and humane immigration policies since its founding in 1913. The League has helped expose anti-immigrant hate that has been a fixture of the current immigration debate, and has called for a responsible public debate that will honor America's history as a nation of immigrants. We understand that the policies adopted in the halls of government — and the words used in the debate, whether on the floors of Congress or on the nightly news — directly impact our ability to sustain a society that ensures dignity and equality for all. The climate of bias and hostility against immigrants that pervades the immigration debate hurts our country and stands in the way of the kind of reform Americans desperately seek to fix the broken immigration system.

ADL has consistently supported passage of the Development, Relief, and Education for Alien Minors (DREAM) Act, which would allow eligible, undocumented youth to apply for legal status. Last year, ADL welcomed the administration's Deferred Action for Childhood

Anti-Defamation League, 605 Third Avenue, New York, NY 10158-3660, T. 212.885.7700 F. 212.867.0779 www.adl.org

Arrivals (DACA) initiative to defer the deportation of some undocumented immigrants who were brought to the U.S. as children, and allow them to work legally.

We urge the House to act now to create a pathway to legalization for the thousands of young students who were brought to our country with no documentation, through no fault of their own. These children, like their American counterparts, have been raised and educated in our communities, have worked hard and stayed out of trouble. They deserve the opportunity to make a contribution to our country. Without legislation similar to the DREAM Act, these committed students will graduate without hope or a plan for the future, and without a place to call home.

While ADL supports legislation that creates a pathway to citizenship for students brought to the United States as children, the American people want broad immigration reform with a path to citizenship for undocumented immigrants. A July 11th, 2013, Gallup poll found that 88% of all Americans support a path to citizenship as part of immigration reform. A poll of Republican primary voters found 70% of respondents are open to a bill that combines tough border security, and requiring employers to check on potential hires' legal status with providing an eventual path to citizenship, and 71% of respondents support increases in legal immigration.

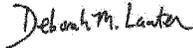
A piecemeal approach to immigration reform that addresses only undocumented minors but would deport their older siblings and parents is simply out of step with the clear majority of the American public who support legalization for the undocumented immigrants already contributing to American society. Individual pieces of legislation that address only small portions of the problem cannot fix America's broken immigration system. The House has an extraordinary opportunity to pass historic immigration reform legislation. We urge you to seize this unique moment in history and pass a comprehensive immigration reform bill that honors our history as a nation of immigrants.

Our immigration system has been broken for too long. Passage of legislation akin to the DREAM Act would be an important first step toward restoring order and fairness to our immigration system, but it cannot be the only step. We urge the House to address the plight of undocumented minors in the context of broader, comprehensive reform that reflects the best of America's founding ideals and creates a pathway to citizenship for immigrants, builds safeguards against bias and discrimination, and extends equal rights to all families.

Sincerely,



Stacy Burdett
Washington Director



Deborah Lauter
Director, Civil Rights Division

July 23, 2013

The Honorable Zoe Lofgren
U.S. House of Representatives
1401 Longworth House Office Building
Washington, DC 20515-0519

Dear Congresswoman Lofgren:

On behalf of the more than three million members of the National Education Association, we would like to offer the following views in connection with today's hearing, "Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children."

The United States is a nation of immigrants, and how we treat new immigrants reflects our commitment to the values that define us. We urge the House to move swiftly and support common-sense immigration reform that:

- **Creates a realistic path to citizenship for all the aspiring Americans who call the United States home.** When drafting legislation, we urge you to consider the need to ensure a fair process that takes into consideration the ways in which aspiring Americans contribute to our country, and how they help strengthen our economy.
- **Preserves the unity of families, traditional and nontraditional.** Family unity plays a critical role in student success. Yet growing numbers of public school students live in fear that our nation's immigration policies will break up their families, forcing them to choose between their country and their loved ones—mothers, fathers, sisters, and brothers. Family-based immigration is essential to keeping America strong.
- **Creates an expedited path to citizenship for students brought to the United States as children.** Our broken immigration system is draining America of the talent and resources this nation needs to compete in the global economy of the 21st century. Under current law, undocumented students can be denied access to in-state tuition, federal loans, and health benefits; as a result, many are unable to pursue higher education. Yet a 30-year-old immigrant who graduates from college pays \$5,300 more in taxes and costs the government \$3,900 less annually than a high school dropout. A DREAM Act would provide an expedited path to citizenship for students

brought to the United States as children, by no fault of their own, who graduate from high school or earn a G.E.D. An expedited path to citizenship for our littlest aspiring Americans—children too young to have graduated from high school—on a par with a DREAM Act would help ensure equity within families.

Immigration policy is a top priority for educators because it has a profound impact on their students and students' families. Educators encounter aspiring Americans in their classrooms and schools every day. They are students, friends, and neighbors—people who moved here to put food on the table, to provide for their families, and for the uniquely American promise of freedom and opportunity. We are all better for having these hardworking, aspiring Americans as contributing members of our communities.

NEA urges the House to act swiftly and in a bipartisan fashion. We look forward to working with you to make comprehensive immigration reform a reality at last.

Sincerely,

Mary Kusler
Director, Government Relations



June 3, 2013

Dear Member of Congress:

As one of the oldest women's rights organizations committed to eliminating racism and empowering women, the YWCA is deeply invested in the passage of comprehensive immigration reform that is inclusive of the needs of women, girls and families. We applaud the U.S. Senate Judiciary Committee for passing the *Border Security, Economic Opportunity and Immigration Modernization Act of 2013* (S. 744) and we will continue to support provisions in the legislation as it moves through the House and Senate that will protect the safety, security, and opportunity of immigrant women and their families.

Women are increasingly becoming the face of the migrant population in the United States. They now make up 51% of the immigrant population, and 100 immigrant women arrive in the United States for every 96 men. The YWCA USA urges Congress to pass legislation that will provide a clear roadmap to citizenship for the 11 million aspiring Americans, many of whom are women, girls and DREAMers. We ask Congress to adopt legislation that will allow them to fully integrate into the nation's social and economic fabric, with all of the rights and responsibilities entailed in full integration.

Citizenship should ensure that everyone living in the U.S. has access to economic supports, affordable health care, workers' rights, and the ability to live free from the fear of detention and deportation. Specifically, the YWCA urges Congress to enact national immigration reform legislation that includes:

- **A roadmap to citizenship for the 11 million aspiring Americans.** Immigration reform should include a clear and easily navigated road to full citizenship for those currently living under threat of deportation, as well as for those seeking to reunite with their families. With 1.5 million immigrants deported since 2009, the highest number yet, immigration policy has used mass detention and deportation of immigrants, often resulting in displaced families and communities. Any legislation introduced must be comprehensive and focused on family reunification, inclusivity, and integration rather than border security and enforcement.
- **Access to quality health care and economic supports, with no waiting periods.** Immigration reform should include immediate access to quality health care and economic supports. Waiting periods for health care were rejected in the debate on the Affordable Care Act and were removed for children and pregnant women in the Children's Health Insurance Program Reauthorization Act. Any health care or other safety-net services that are currently available, regardless of immigration status, should remain available to those who need them.
- **The DREAM Act.** Immigration reform should include a system to allow those who

for every woman

were brought to the country as children, known as DREAMers (because of the 2001 Development, Relief, and Education for Alien Minors Act), to begin the citizenship application process immediately. Any provisions pertaining specifically to legalization for DREAMers should allow people who are currently in school to qualify and not be restricted by age or education level; give states more freedom to offer in-state tuition; limit any criminal or conduct bars; and, clarify that the often harsh immigration consequences for certain conduct do not apply to minors.

- **Protections for trafficked women and immigrant women who are victims of sexual or domestic violence.** Immigration reform should include protections for immigrant women who are victims of sexual abuse, domestic violence and trafficking. Detained immigrant women and young girls are at higher risk for experiencing sexual assault and rape, and they must have access to resources and protections to prevent such incidences. U-Visas for immigrant victims of violence should be included as a part of immigration reform. In 2000, advocates in the field recognized that, while VAWA provided critical protections for victims of domestic and sexual violence, immigrant victims were reluctant to speak up due to a fear of deportation or retaliation. U-Visas provide a safe haven for immigrant victims by allowing them to reach out for help and creating a path to citizenship independent of their abusers.

We are at a critical crossroads in our nation's history as Congress considers legislation to overhaul our immigration system. We urge Congress to be inclusive of the needs of women, girls, and their families by passing legislation that includes a fair roadmap to citizenship and reunifies families; guarantees access to affordable health care options; creates a system that enables young immigrants who are enrolled in school or serving their country the ability to become citizens; and provides critical protections to women who are victims of trafficking, sexual assault or domestic violence.

Sincerely,



Dara Richardson-Heron, M.D.
CEO, YWCA USA



**CWS Statement for the Congressional Record Pertaining to the Hearing on Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children
House Judiciary Committee, Subcommittee on Immigration and Border Security
Tuesday, July 23rd, 2013**

As the House Committee on the Judiciary's Subcommittee on Immigration and Border Security considers policy changes that would impact the lives of immigrants who entered the United States as children, Church World Service (CWS) expresses our support for immigration reform that creates a path to citizenship, regardless of age, for our undocumented community members.

While it is encouraging to see members of the Subcommittee take an interest in helping immigrants who entered the United States when children adjust their status, we know first-hand that the wellbeing of individuals is determined not solely by their own rights and opportunities, but by the rights, opportunities and freedoms of their family members. Familial bonds are a cornerstone of stability, happiness and strong communities. This is especially true for many individuals who immigrated to the United States as children.

Many immigrant families have buoyed each other through struggles faced in their home countries, including poverty, war, persecution, and the painful but necessary decision to leave their home country in search of a better life. In the United States, many immigrant families have also found strength in one another as they have faced discrimination, exploitation, and the ongoing fear of apprehension, detention, deportation, and separation from their loved ones.

To attempt to help a young person by providing them an opportunity for growth, while simultaneously denying that opportunity to their parents, is to deny that the wellbeing of a child is in large part subject to the wellbeing of their family unit. Families are the backbone of our country and their unity promotes the stability, health, and productivity of individuals, which is critical for the strength of communities.

As CWS has not seen legislative language for the KIDS Act that some in Congress are working to introduce, we cannot comment on it. But, while we recognize that such a bill might help some, we must stress that is it far from the full solution. Such a narrowly-focused bill, regardless of the improvements it would bring to the lives of some, still would not fix our nation's broken immigration system. We encourage Congress to enact a pathway to citizenship that is timely and accessible, both for undocumented youth and our undocumented community members of all ages.

As a 67-year old faith-based humanitarian organization that works with immigrant communities through our 37 member denominations and 36 local offices and affiliates around the country, we want to see policy changes that improve the lives of undocumented youth. We pray for those changes, and we have educated our communities and policy makers about the need for those changes. But we also seek broader change: immigration reform that will reunite separated families and create a path to citizenship for our undocumented community members, regardless of age. A more narrowly tailored bill might be a step in the right direction, but it cannot promise to fix our immigration system or come close to providing the opportunities needed for undocumented men, women and children to fulfil their dreams and make a better future.

We are encouraged that House leadership and the Subcommittee seek to remedy the problems that our immigration system creates for undocumented youth. We respectfully ask that all members of the Subcommittee support proposals that go further than just this narrow issue, to embrace with meaningful policy change the lives of all our undocumented community members, that they might have an opportunity to pursue a pathway to citizenship. This is key to reforming our immigration system, grounding our immigration policies in sound reason, and helping to foster more welcoming communities and a stronger economy in which all can thrive and grow.

Evangelical Immigration Table

Leith Anderson
National Association of
Evangelicals

Stephan Bauman
World Relief

David Beckmann
Bread for the World

Noel Castellanos
Christian Community
Development Association

Luis Cortés
Esperanza

Richard Lind
Southern Baptist Ethics and
Religious Liberty Commission

Samuel Rodriguez
National Hispanic Christian
Leadership Conference

Gabriel Salguero
National Latino
Evangelical Coalition

Mathew Staver
Liberty Counsel

Jim Wallis
Sojourners

Statement on Citizenship

The Evangelical Immigration Table Statement of Principles calls for immigration reform that "establishes a path toward legal status and/or citizenship for those who qualify and who wish to become permanent residents." We believe a just and fair immigration system should include, for those who want it and qualify, clear steps to citizenship. This call is rooted in our biblically informed commitment to human freedom and dignity.

We recognize that immigrants come to the United States for different reasons. Some want to work, either temporarily or for a number of years, and then return to their home countries. Others are prepared to make a permanent commitment as U.S. citizens. Our immigration system should allow for each of these options.

For the currently undocumented, the first step should be a registration process and background check, and payment of a fine or fulfillment of community service. Those who qualify for provisional status should then be able to earn legal permanent residency over a period of feasible years by working, paying taxes, learning English, and demonstrating their good moral character. Additional visas will be needed to make sure that those already in line are processed first. This will ensure that those applying now do not enjoy an advantage over those who have been trying to comply with immigration laws, while allowing all qualified applicants to earn status within a reasonable period.

Everyone who achieves permanent residence status should be allowed to work toward citizenship if they are willing to embrace all of the responsibilities of citizenship. This typically involves a three- to five-year waiting period, demonstrating good moral character, and meeting specific requirements for English language proficiency and U.S. civics knowledge, with appropriate exemptions for the elderly and for persons with disabilities.

American democracy is anchored by the conviction that all human beings are created in God's image, and should be treated with dignity and respect. For those who have earned the right to live permanently in the United States, citizenship is a natural next step. Citizenship confers both rights and responsibilities for participation in our national life. There is nothing to be gained by barring lawful permanent residents from becoming citizens.

Our ability to attract and integrate motivated immigrants and their families gives us a competitive edge in the global marketplace. Keeping families together reflects our deeply held values. Having a fair and balanced system that includes a process for earning permanent residence status and eventually citizenship serves our national interest. The naturalization ceremony is always a deeply inspiring display of patriotism. Those who commit to citizenship voluntarily enrich the meaning of citizenship for all of us.

July 15, 2013

In U.S., More Relate to Democrats Than GOP on Immigration

Hispanic family favor Democrats in immigration policy preferences

by J. Robert Gallop

PRINCETON, NJ -- Americans are more likely to say their views on immigration and immigration reform align with the Democratic Party's than with the Republican Party's policies, although fewer than half relate to either party on the issue.

Party Seen as Closer to Own Views on Immigration

Just your opinion, which political party's policies on immigration and immigration reform come closer to your own -- [the Democratic Party (or) the Republican Party]?

	Democratic Party	Republican Party	Neither (vol.)/ No opinion
	%	%	%
U.S. adults	48	36	17
Non-Hispanic whites	41	42	16
Blacks	70	14	16
Hispanics	60	26	13

(vol.) = Volunteered response

June 13-July 5, 2013

GALLUP

Much of U.S. policy discussion about immigration and immigration reform is focused on illegal immigration from Latin America, making the subject particularly relevant to U.S. Hispanics. Six in 10 Hispanics agree more with the Democratic Party on immigration, while 26% agree more with the Republican Party. This represents a slightly greater preference for the Democrats among Hispanics than is seen in [their general political party identification](#). Throughout 2012, Gallup found 51% of Hispanics identifying with or leaning toward the Democratic Party and 24% identifying as or leaning Republican.

Blacks also heavily favor the Democratic Party on immigration policy, with 70% saying its policies come closer to their own views on the issue, while 14% name the Republican Party. This represents a slightly weaker favoritism toward the Democrats than blacks show in basic party identification. Whites, on the other hand, are about evenly split in their party preferences on immigration, similar to their overall party ID.

These results are based on Gallup's June 13-July 5 Minority Rights and Relations poll of 4,373 U.S. adults. The survey includes interviews with 1,000 Hispanics and 1,010 non-Hispanic blacks, in addition to 2,149 non-Hispanic whites.

Blacks aged 50 and older are the most likely to say the Democratic Party's views on immigration more closely match their own (76%), followed by younger blacks (67%), older Hispanics (64%), and younger Hispanics (59%).

Whites aged 18 to 49 show a slight tilt toward the Democrats on this question: 44% say their views are more in line with that party, versus 39% choosing the Republican Party. Whites 50 and older are the only racial/ethnic age group to skew the other way, with 46% naming the Republicans and 39% the Democrats.

Party Seen as Closer to Own Views on Immigration -- by Race and Ethnicity, and Age

	Democratic Party	Republican Party	Neither (vol.)/ No opinion
	%	%	%
Blacks 50+	76	9	15
Blacks 18 to 49	67	17	16
Hispanics 50+	64	24	13
Hispanics 18 to 49	59	27	13
Non-Hispanic whites 18 to 49	44	39	17
Non-Hispanic whites 50+	39	46	16

(vol.) = Volunteered response
June 13-July 5, 2013

GALLUP

Additionally, high percentages of Republicans (85%) and Democrats (89%) identify with their own party on immigration, while independents are about evenly divided.

Party Seen as Closer to Own Views on Immigration -- by Party ID

Just your opinion, which political party's policies on immigration and immigration reform come closer to your own -- [the Democratic Party (or) the Republican Party]?

	Democratic Party	Republican Party	Neither (vol.)/ No opinion
	%	%	%
Republicans	7	85	8
Independents	37	35	28
Democrats	89	5	6

(vol.) = Volunteered response
June 13-July 5, 2013

GALLUP

Immigration Policy Views Loosely Related to Party Preferences

The same poll found Americans broadly supporting each of four proposals for dealing with immigrants living in the U.S. illegally that are found in the Senate's immigration reform bill.

Notably, those who favor tightening border security and requiring employers to check the immigration

status of their employees -- two signature Republican issues -- are about equally likely to name the Democratic or the Republican Party as the one they more agree with on immigration. At the same time, the slight majority of those who favor expanding short-term visas for skilled workers and creating a path to citizenship for illegal immigrants -- two proposals strongly advanced by the Democrats -- say the Democratic Party's immigration views match their own.

Party Seen as Closer to Own Views on Immigration -- by Support for Specific Immigration-Reform Proposals

	Democratic Party	Republican Party
	%	%
Favor expanding the number of short-term work visas for immigrants whose job skills are needed in the U.S.	52	34
Favor allowing illegal immigrants already in the country the opportunity to become U.S. citizens if they meet certain requirements over a period of time, including paying taxes and a penalty, passing a criminal background check, and learning English	51	34
Favor requiring business owners to check the immigration status of workers they hire	45	39
Favor tightening security at U.S. borders	44	41

June 13-July 5, 2013

GALLUP®

The association between Americans' specific views on immigration and the party they believe more closely represents their immigration views is somewhat stronger when it comes to immigration priorities.

Those whose say that halting the flow of immigrants coming into the U.S. illegally should be the priority are more likely to say the Republican Party's policies rather than the Democratic Party's are closer to their own: 50% vs. 32%. By contrast, those who say the priority should be dealing with immigrants currently in the U.S. illegally identify even more strongly more with the Democratic Party on immigration, 61% to 25%.

Party Seen as Closer to Own Views on Immigration -- by Preference for Which Policy Should be U.S. Government's Immigration Priority

	Democratic Party	Republican Party
	%	%
Halting flow of illegal immigrants into the U.S.	32	50
Dealing with immigrants currently in the U.S.	61	25

June 13-July 5, 2013

GALLUP®

Bottom Line

The Democratic Party has an edge over the Republican Party in Americans' perceptions of which major party more closely shares their own views on immigration and immigration reform. Much of this, however, reflects straight partisanship, as equally high proportions of Republicans and Democrats prefer their own party. Perhaps more importantly, independents are evenly divided, suggesting that neither party has staked out a meaningful political advantage on the issue. Whites are also divided, while blacks and Hispanics line up with the Democratic Party, which is similar to the patterns seen in overall party ID.

Notably, Americans' preferences on four specific immigration proposals do not perfectly square with the party they name as better reflecting their immigration views. That's because all of the proposals Gallup tested -- those offering opportunity to illegal immigrants, as well as those strengthening laws against illegal immigration -- win supermajority support, and thus don't break sharply along political lines. Perhaps the message is that immigration is less of a rancorous issue than it might appear from the news out of Congress, even if rank-and-file Republicans and Democrats generally do prefer their own party's policies on the issue.

Survey Methods

Results are based on telephone interviews conducted June 12-July 6, 2013 with a total sample of 1,000 U.S. adults, 500 in all 50 U.S. states and the District of Columbia, including subsamples of black and Hispanic adults. All respondents had previously been interviewed in the Gallup Daily Tracking Survey. The total sample is weighted to represent total U.S. adult population, proportionally to residence in the U.S., population, ethnicity, sex and sample of national adults, and also so with 95% confidence that the margin of error is ± 2 percentage points.

For results based on a sample of 7,117 non-Hispanic whites, the maximum margin of sampling error is ± 2.1 percentage points.

For results based on a sample of 1,010 non-Hispanic blacks, the maximum margin of sampling error is ± 3.0 percentage points.

For results based on a sample of 1,000 Hispanics, the maximum margin of sampling error is ± 3.0 percentage points. (332 out of the 1,000 interviews with Hispanics were conducted in Spanish.)

Interviews are conducted with respondents on landline telephones and cellular phones, with interviews conducted in Spanish for respondents who are primarily Spanish-speaking.

Sampling was weighted to correct for unequal selection probability, non-response, and other sources of bias, and cell sizes in the base sampling frames. They are also weighted to adjust for potential non-response of gender, age, race, Hispanic ethnicity, education, region, population density, and other characteristics of respondents, and cell sizes to account for unequal selection probabilities. Demographic weighting factors are based on the March 2012 Current Population Survey figures for the equal 16 age cohorts of 5-year increments. Phone numbers are selected using Random Digit Dialing (RDD) to obtain a random sample of landline numbers. Cell phone numbers are based on the 2012 U.S. Census, which provides a random sample of cell phone numbers to be dialed.

In addition to sampling error, question wording and other methodological issues can affect survey results. For more information on Gallup's polling methodology, visit www.gallup.com.

[View methodology, full question results, and trend data.](#)

For more results on U.S. immigration polling methodology, visit www.gallup.com.

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Mr. GOWDY. The gentleman from Nevada, Mr. Amodei.

Mr. AMODEI. Thank you, Mr. Chairman. I want to associate myself with the remarks of my colleague from Texas, although I wish Mr. Gutierrez was still here. I wanted to talk with him on the record about teaching people to drive. Since he is not, we will skip that part.

You know, during the course of this hearing you have heard things about, "I don't want my parents left behind." "So this doesn't happen again." The package, comprehensive, you know, in this town, define "comprehensive." And everybody has concentrated on what the problem is now, and rightfully so. But we don't have that luxury of just concentrating on that. Your circumstances have been well represented, and I will tell you what, quite frankly, I personally believe the hardest thing for anybody to do is go back to the people that they represent, whatever the district is, and say we did nothing. Does anybody on the panel think that what is going on now is okay and nothing, status quo is okay?

Record should reflect nobody answered in the affirmative. Correct? Okay.

So now let me ask you this: I want to ask you to branch out beyond your personal circumstances, wanting your parents together, all that other sort of stuff, which is understandable in human nature. What was—and I will start with you, Ms. Velazquez, do you have any knowledge of what the thought process was when your mom, if I recall correctly, I missed part of it, said, you know what, I'm going there. And I'm staying and I'm taking my 2-year-old, the age doesn't really matter. And I am asking the question in the context of, because one of the toughest things to justify, because, okay, in 1986 they dealt with it. Here we are in 2013, we are going to deal with it, hopefully, we should. But now as some of the indication has been, so now we are 10 years down the road, 15 year down the road. How do you make sure that nobody comes here 15 or 20 years from now and has to sit where you are and tell the stories about that? What is the piece—and with all due respect, the border isn't Texas to California. You know, there is a gulf and there are a few coasts, and there is that thing up there north of Montana called Canada. What is your thought on how do you make sure this doesn't happen again? Once we deal with this group, any suggestions?

Ms. VELAZQUEZ. Well, I think that's your responsibility, Congressman. I think you—you all hold the answer to what we're going through.

Mr. AMODEI. Okay. And I appreciate that. But when you come and say, I want a comprehensive thing, I want you to deal with it, you can't say, but I got nothing to give you on the other part. Here's what I want you to do for me. I mean, you can, but then you risk whatever we come up with, which I think would scare the heck out of you.

Ms. Rivera?

Ms. RIVERA. Thank you, Congressman. To answer the first part of that question, you know, Colombia in the '80's and the early '90's was a very scary place to be. You know, my parents did what I think any parent would do, what I know I would do for my children, is they tried to give us, you know, every opportunity. And

they wanted to get us out of there because it was just so dangerous.

So to now address the second part of your question, it's very difficult to say, you know, how you—you fix this problem. But, you know, I know that you guys are incredibly talented and I know that you may think that that is a copout, but I really think that, you know, sitting down and talking this out you can figure it out.

Mr. AMODEI. And thank you for acknowledging that and the fact that the folks on the south side of the building should have a shot at that and hearings like this and other things, as well as the folks from the north side of the building.

Ms. McHugh, any thoughts? What have other countries done? What do you do so that you just don't keep turning the wheel and having new groups that are disenfranchised because our current system obviously isn't working?

Ms. MCHUGH. I'm not involved in a lot of these different areas of work in my organization. But you may be aware that we have published extensive analyses of both interior and border enforcement systems. We have done comparative work looking at how other countries are handling these issues. Also we've done a great deal of analysis of selections—

Mr. AMODEI. Briefly—I got a yellow light. Briefly, can you summarize?

Ms. MCHUGH. Yes. We know there are no easy answers to this.

Mr. AMODEI. Thank you for that. It's unanimous so far.

Mr. DUKE. Congressman, thanks for your question. It is the great question, how do we not ever come back here again. There will probably always be some people here illegally. We're not going to ever get hundred percent security at that point. But certainly the workplace is a large draw. And if you can put in some kind of e-verify for most employment circumstances, that certainly is going to deal with a lot of it. We need a way to track visas as well so the folks aren't overstaying their visas. To me it's offensive that the folks who gave their word that they would only be here a certain amount of time have chosen to back out on their word and overstayed their visas. To me, that's a concern as well. So you should address that as well. And then, of course, border security would help as well.

Mr. AMODEI. Thank you very much. Thank you, Mr. Chairman.

Mr. GOWDY. Thank the gentleman from Nevada.

The Chair would now recognize himself for 5 minutes of questioning.

Dr. Duke, I made a D in Old Testament, so I never thought about trying to take New Testament. But several of my colleagues have made reference to the Bible, and I'm almost positive that a couple named Joseph and Mary emigrated, according to one of the gospels, to Egypt when Herod was looking for their son. I guess in the Gospel of Matthew. But I want to ask you this, because this is what kind of vexes me from an equity or a fairness standpoint. I want you to imagine—I never understood why God preferred Esau over Jacob. And I never really understood why they killed the fatted calf for the prodigal son when the other son had done it exactly right, exactly the way he was supposed to do it. He didn't go and squander his fortune, he did what his father asked him to do.

So imagine a couple in Colombia with a daughter every bit as bright and engaging and beautiful as Ms. Rivera. And they did it the way we asked them to do it. What are the equities of jumping anyone ahead of them in line?

Mr. DUKE. Congressman, thanks for the question. It is a tough question. And your questions about exactly how to understand those particular situations in the Bible are still being debated and will be until the Lord returns, I'm sure. So you're not alone in trying to sort through some of those things.

I think that the reality is we have a situation that no—nobody wants but it's a real situation that we're dealing with. And we have 11 million people here. We cannot continue to allow them to live in the circumstances they are living in. It's not right for them, it's not in our country's best interest. So we need to address that. If we're going to secure the borders and we're going to trap 11 million people here, we better figure out some kind of way to stop us from simply consigning them to lives of poverty or bare subsistence, and their children and their children and their children after them. So it's more a practical question I think at that point, what you do folks in line trying to get her when you already have 11 million here. You could say that you already have 11 million here you have to address and those other folks, you know, at least they are making a living wherever they are. At least they have some degree of support wherever they are rather than us trying to drive these other folks out of here.

So we have to address this situation. We can't simply ignore it and act as though it doesn't exist. But when we do talk about getting on a path to our legal status, permanent legal status and so on, or citizenship, they should get behind the line. They should get at the end of the line for everybody who already has their paperwork in. For whenever their paperwork goes in, it should go in and be active after all of these other folks who have already applied in that process. So some folks will be a long time in that process unless you want to speed up how quickly we can process people for citizenship.

Mr. GOWDY. Ms. Velazquez, I think all of the witnesses have made a reference to 11 million. I hear it everywhere I go as if it's a homogenous group, and we know it's not. And you made reference several times to the 11 million. Would you agree with me that those members of the 11 million who can't pass a background check shouldn't be on a path to anything other than deportation?

Ms. VELAZQUEZ. Maybe the people that don't pass a background check, but I do believe that there should be a pathway for the majority of the 11 million.

Mr. GOWDY. Well, now, that is very different from what you said earlier, and that is kind of my point. My point is all 11 million can't pass any background check. All 11 million of any category of people, from preachers to Members of Congress, can't pass a background check. So why persist with the talking point of 11 million when we know that that's disingenuous? All 11 million don't want to be citizens. All 11 million can't pass a background check. And even if you concede that then we get to the details of what the background check is going to look like. For instance, if you were sitting where Mr. Amodei is sitting, if you have a conviction for do-

mestic violence, should you be on a path to citizenship or a path to deportation?

Ms. VELAZQUEZ. Well, I can only argue for my sake and my parents' sake—

Mr. GOWDY. No, no, no, no, no. With all due respect, you advocated on behalf of 11 million aspiring Americans. You are not a difficult fact pattern. Ms. Rivera is not a difficult fact pattern. So the talking point of 11 million aspiring Americans, I am not interested in—in that. I am down in the details of what does a background check look like? Do you think a conviction for domestic violence should disqualify someone from being on a path to citizenship or status?

Ms. VELAZQUEZ. I think I'm going back again to that's up to you all to decide. And—

Mr. GOWDY. Well, if it's up to us, then why do I constantly hear 11 million if it's one monolithic, homogeneous group? Why? I mean, why not just say what you said, which is there are subgroups that warrant different levels of scrutiny. For instance, children who were brought here with no criminal intent. That warrants one level of scrutiny. The parents who brought them here who can fashion criminal intent warrants another level of scrutiny. Those who have misdemeanor convictions have one level of scrutiny. Those who have multiple misdemeanor convictions have a different level of scrutiny. Those who have felony convictions have a different level of scrutiny. Why is that not the more honest response than to talk about 11 million aspiring Americans?

Ms. VELAZQUEZ. Well, honestly, I'm in no position to tell you who deserves what. And I don't know what you would do. How would you decide that 1 percent deserves something that the other doesn't.

Mr. GOWDY. Well, it's not hard for me. I spent 16 years prosecuting people for domestic violence. That's a disqualifier to me, even though most States consider it a misdemeanor. So with all due respect, the devil is in the details.

Ms. VELAZQUEZ. Right.

Mr. GOWDY. The bright line—you know, people don't have any trouble with that. The devil is in the details. I'm out of time. I'll just say this on behalf—all four of you were very good, persuasive witnesses, even if I don't agree necessarily with everything that's said. I think you are here in good faith. You contributed to the debate. When I see quotes like I did today from someone named Dan Pfeiffer, who apparently works for the President. I think it is the same Dan Pfeiffer that once said the law is irrelevant. And he tweeted out today that our plan is to allow some kids to stay, but deport their parents. He summarized this entire debate with that tweet.

So I want to compliment you and thank you for not being a demagogic, self serving political hack, who can't even be elected to a parent advisory committee, much less Congress, which is what Mr. Pfeiffer is. I want to thank you for not being that and understanding these are complex issues where reasonable minds can perhaps differ.

And with that, on behalf of all of us, I thank you for contributing to this issue.

Does the Ranking Member wish to say something in conclusion?

Ms. LOFGREN. No. I would just say that I do thank, once again, the witnesses for their testimony, and I think that it has advanced the cause of justice forward. And you are right, these are complicated questions. But I think you are also right they are not so complicated that we can't figure them out. And so I would just like to pledge once again my interest in working with the Chairman to reform the laws. They are a mess from top to bottom. And hopefully we can fix them from top to bottom.

And I yield back and thank you for the offer.

Mr. GOWDY. I will thank the gentlelady.

Ms. JACKSON LEE. Mr. Chairman.

Mr. GOWDY. Yes.

Ms. JACKSON LEE. I might have a parliamentary inquiry. We have had this hearing, we appreciate it. Do you know whether there will be a series of hearings? Will we now move to full Committee? Or what do we—can we perceive to be the next steps?

Mr. GOWDY. I appreciate the gentlelady's question, and I can't think of anyone less qualified than the lowest Member on the Republican side answering it. But I am happy to check with Chairman Goodlatte and get you an answer.

Ms. JACKSON LEE. Thank you so very much. We will both do so. Thank you, Mr. Chairman. I yield back.

Mr. GOWDY. I will thank all our witnesses. And with your indulgence, I would like to come down there and thank you in person. With that, we are adjourned.

[Whereupon, at 5:13 p.m., the Subcommittee was adjourned.]

