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## CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

### COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON THE IMMIGRATION AND CITIZENSHIP

#### HEARING ON: “WHY DON’T THEY JUST GET IN LINE?’ BARRIERS TO LEGAL IMMIGRATION”

CISCO WEBEX  
WEDNESDAY, APRIL 28, 2021  
2:15 P.M. (EDT)

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- Thank you, Chairwoman Lofgren and Ranking Member McClintock, for convening this timely and important hearing on “Why Don’t They Just Get in Line?’ Barriers to Legal Immigration.”

- Let me welcome our witnesses and thank them for taking time out of their busy schedules to share with us their perspectives and views on the challenges immigrants face in seeking lawful permanent resident (“LPR” or “green card”) status and the need to overhaul and modernize the legal immigration system:

- John Yang, President and Executive Director of Asian Americans Advancing Justice (AAJC).

○ David J. Bier, Research Fellow, Cato Institute.

○ Pareen Mhatre, Student, University of Iowa and Former H-4 Nonimmigrant Who Aged Out of Dependent Status.

○ *[Minority Witness] Rob Law, Director of Regulatory Affairs and Policy, Center for Immigration Studies.*

• Madam Chairwoman, during the first 100 years of our national existence, new settlers were important to the young nation and immigrants were welcomed.

• This policy paid rich dividends as the immigrants and their descendants contributed heavily to the growth of the nation.

• It was during this time that Emma Lazarus wrote the poem that now is forever enshrined on the Statue of Liberty:

○ *“Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.”*

• Sadly, today’s immigration law does not live up to our forebearer’s dream.

• The Immigration and Nationality Act (INA) sets forth the structure of today’s immigration law, including a “preference system” for the distribution of immigrant visas.

• The current preference system was established over thirty years ago in 1990, and limits the yearly admittance into the United States to 226,000 family-based immigrants, 140,000 employment-based immigrants, and 55,000 diversity immigrants.

- The preference system also limits the number of visas that can be made available each year to natives of any single foreign state to 7 percent.

- Over time, the limitations imposed by the preference system has created significant backlogs in the immigrant visa system, as more individuals apply for visas each year than those who receive immigration visas.

- Additionally, under the INA, an individual who was “unlawfully present” for more than 180 days but less than 1 year prior to departing the United States is barred from returning for 3 years, and an individual who is “unlawfully present” for more than one year is barred from returning for 10 years.

- Madam Chairwoman, few ideas are more central to who we are as Americans than the notion that people should be judged based on their own merits as individuals and not on their race or nationality.

- Immigrants make invaluable contributions to American innovation, the American economy and the American Dream.

- Immigrants bring new ideas and fresh perspectives to our companies and our communities.

- Immigrants are workers and taxpayers who complement the domestic workforce and make contributions large and small to our everyday lives, and they are also our neighbors.

- In Texas, immigrants are part of the social fabric.

- Texas is home to 386,300 Dreamers, 112,000 of whom reside in Harris County.

- These individuals live with 845,300 family members and among those family members, 178,700 are U.S.-born citizen children.

- Texas immigrants own 43,500 homes in Texas and pay \$340,500,000 in annual mortgage payments and their households contribute \$2,234,800,000 in federal taxes and \$1,265,200,000 in state and local taxes each year.

- Annually, these households generate \$10,519,000,000 in spending power in Texas and help power the national economy.

- In spite of this, our current immigration policy is hopelessly outdated, and it must change to reflect the realities of the 21<sup>st</sup> century economy.

- Rather than keeping people out due to arbitrary limits, our immigration policy should be reworked to build a diverse workforce that allows American companies to serve global customers, compete in new markets and leverage different perspectives that fuel innovation.

- Over the past year, immigration for many categories of people was shut down due to COVID-related immigration bans, many of which are still in effect.

- These policies exasperated the already long green card backlogs, and there are currently over 4 million people in the family immigration backlogs waiting to reunite with their loved ones.

- According to the May 2021 Department of State Visa Bulletin, the average wait time for a permanent resident to sponsor an unmarried son or daughter from Mexico is over 20 years, and the average wait time for a U.S. citizen to sponsor a sibling from the Philippines is nearly 25 years.

- Additionally, in order for certain Indian nationals to be eligible to received a work-based visa, they would have had to file a visa petition before August 1, 2010 – nearly 11 years ago.

- Individuals applying today will have to wait much longer—as long as the number of individuals applying for visas each year

continues to be greater than the number of individuals receiving such visas, wait times will keep rising.

- This backlog is only one of the problems in our current lawful permanent resident system: many immigrants enter the United States under worker visas, but due to the long backlogs, the children who came with their parents "age-out" of their parent's status at age 21, before their parents obtain a green card.

- One criterion for DACA has excluded hundreds of thousands of young immigrants who would otherwise qualify for the program: that the immigrant "had no lawful status on June 15, 2012."

- This means that the children of immigrants on work visas must leave the country at the age of 21 unless they find a temporary way to stay, but because they had previously been considered documented due to their parents' visas, they are ineligible for DACA.

- According to the CATO Institute, there are more than 200,000 so-called "documented Dreamers."

- Take Mily Herrera, 16, and her older brother Diego Herrera, 19, who have lived in Houston, Texas for more than a decade.

- Her parents brought her and her older brother to the United States because they wanted to give them a better future, away from the violence and corruption of their home country Mexico.

- Their parents lawfully obtained E-2 visas, a type of visa citizens of Mexico can use to start businesses in the United States, and in 2014 they opened a business in Houston.

- Mily and Diego have the same visa status as their parents, but once they turn 21 they will lose it because they will no longer be

considered dependents – and because they had lawful status in 2012, they are ineligible for DACA.

- Fixing our broken system and providing a path to earned access to citizenship is critical, and it is a central feature of the U.S. Citizenship Act of 2021, which provides a path to earned legalization status to those 11 million undocumented immigrants who have resided in the United States for 5 years and meet other eligibility requirements.

- Madam Chairwoman, as we hold this important hearing, this Congress stands on the precipice of at long last passing comprehensive and humane immigration reform, and I am thinking of the hundreds of thousands of young immigrants whose lives will be changed for the better by keeping our promise to them, so they can realize their dreams and making America better, stronger, and more prosperous.

- And at this moment, I am thinking of Alonso Guillen, an heroic DREAMER who lived in my congressional district, and who came to the United States from Mexico as a child and died when his boat capsized while he was rescuing survivors of the flooding caused by Hurricane Harvey in the Houston area.

- I am mindful also that in addition to helping restore America's reputation as the most welcoming nation on earth, the President's U.S. Citizenship Act of 2021 also positions America to better compete and win in the global economy of the 21<sup>st</sup> century.

- According to expert studies, including one by the Center for American Progress, continuing deferred action for childhood arrivals would result in a gain of \$460.3 billion from the national GDP over the ensuing decade and would provide an estimated 685,000 workers to the nation's economy and workforce at a time when more, not fewer, workers are desperately needed.

- And 10 states, including my home state of Texas, would stand to

gain more than \$8 billion annually in state GDP.

- Madam Chairwoman, comprehensive immigration reform is desperately needed to ensure that Lady Liberty's lamp remains the symbol of a land that welcomes immigrants to a community of immigrants and does so in a manner that secures our borders and protects our homeland.

- We must help reunite American families with their loved ones, alleviate prolonged family separations, and provide redress to people who were denied visas based on discriminatory immigration bans.

- We must live up to our founding principles by addressing the arbitrary discrimination in our nation's employment-based green-card system

- Thank you again for convening this important hearing and I would now like to ask the witnesses some questions.

- [QUESTIONS]

- Thank you, Mr. Chairman, I yield back my time.