

Protecting Dreamers and TPS Recipients

Submitted to
U.S. House Committee on The Judiciary

Submitted by
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Introduction

UnidosUS, formerly the National Council of La Raza, is the largest national Latino civil rights and advocacy organization in the United States. For more than 50 years, we have worked to advance opportunities for Latino families to enhance their significant contributions to the social, economic and political tapestry of our great nation. In this capacity, UnidosUS and its Affiliate network of nearly 300 community-based organizations in 36 states, the District of Columbia, and Puerto Rico, work to provide education, health care, immigration, housing, workforce development, free tax preparation, and other services to millions of Latinos in the United States each year.

Throughout our history as an organization, UnidosUS has united communities and diverse groups seeking common ground through collaboration, and that share a desire to make our country stronger. Our approach around immigration policy is no different and has guided our advocacy efforts during every significant immigration conversation our country has had over the past few decades. UnidosUS has combined original research, policy analysis, and advocacy to support commonsense policy solutions to achieve an immigration system that is fair, just, and accountable to the rule of law—indeed, an immigration system that we can all be proud and in which we can all see ourselves.

This statement for the record focuses on the urgent need for Congress to pass legislation that protects some of the most vulnerable immigrant populations in the country: individuals with protections under the Deferred Action for Childhood Arrivals (DACA) policy and those who have long held Temporary Protected Status (TPS). Beginning in September 2017, the Trump administration has made a series of policies decisions that have upended the lives of more than one million *documented* individuals who, by the definition of the policies shielding them from removal, have in most instances been in the country for over a decade, are not threats to public safety or national security, and have willingly subjected themselves to background and other government checks. And, it is not just them who are impacted by these policies: nearly half a million U.S. citizen children have a parent that is a DACA or TPS recipient.

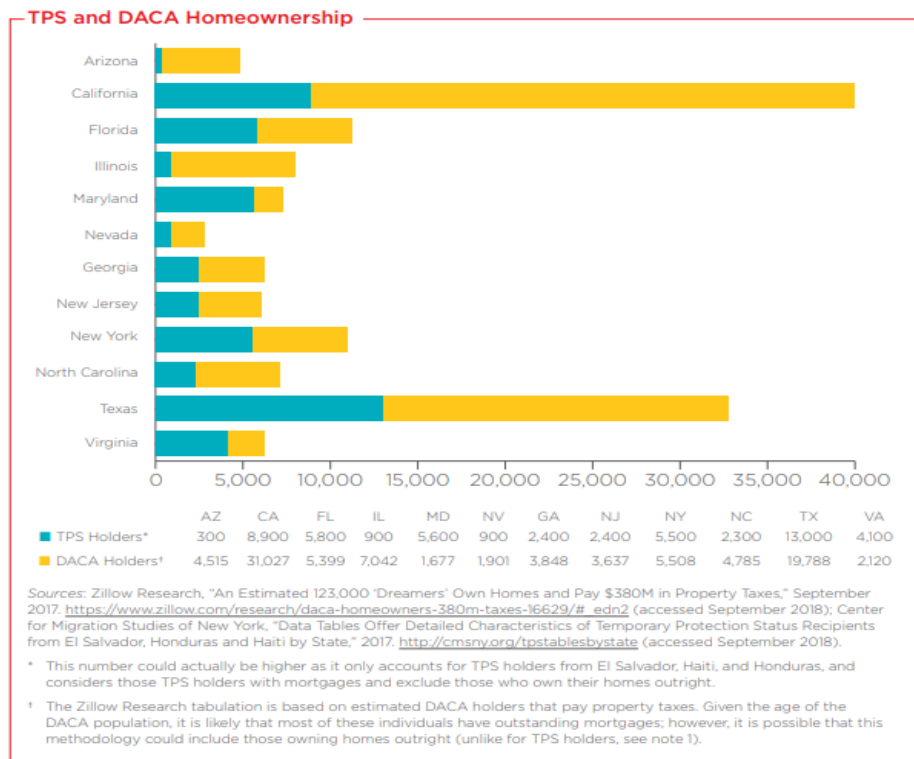
It is past time that Congress provide these individuals, their families, and their communities, with the peace of mind and certainty that comes with a permanent legislative relief.

A Moral Obligation to Protecting Dreamers and TPS Holders

For the first time in U.S. history, policymakers have made concerted efforts to effectively and sizably increase the number of the undocumented population. In the span of less than eight months, the Trump administration made a series of policy decisions to end legal protections for more than one million DACA and TPS holders, the overwhelming majority of whom have resided in the United States for well over a decade (nearly two decades in the case of the longest tenured TPS holders). On September 5, 2017, the Trump administration announced the end of the DACA policy,ⁱ and in doing so thrust nearly 800,000 predominantly Latino immigrant youths and their families into a state of legal limbo. Similarly, in September 2017, the Trump

administration began to rescind protections for nearly all individuals in the country registered under TPSⁱⁱ—a humanitarian program authorized under our laws that generally is designed to protect individuals from countries experiencing natural disaster, civil strife, or other extraordinary circumstances. It is estimated that more than 325,000 individuals have TPS today. While a handful of court decisions have temporarily halted the full implementation of these policy decisions in the case of DACA, the 115th U.S. Congress has failed to pass the legislative relief needed to bring stability to these affected populations.

What the current Administration may have regarded as casual and trivial policies choices when it ended DACA and TPS protections, in fact have resulted in serious and significant consequences that have disproportionately impacted hundreds of thousands of Latinos. It is unacceptable that these decisions are threatening to wipe away significant investments made by DACA and TPS holders (and their communities) in their own education, pursuit of higher-skilled employment opportunities, and in deepening roots in their communities through homeownership, among others. Work authorization, and the stability that provides, has enabled DACA and TPS recipients to obtain higher paying jobs, higher rates of home ownership, and greater access to lines of credit, such as credit cards, personal loans and auto loans.



This is borne out by the data. Consider that DACA recipients have seen their average hourly wages increase 45%,ⁱⁱⁱ while having TPS has been shown to lead to higher earnings for men and higher employment for women.^{iv} TPS-holder labor force participation ranges from 81% to 88%,^v while a recent survey of DACA recipients found that 91% of them are employed.^{vi} Moreover, an estimated that about 94% of all TPS recipients live in 206,000 households and that about 30% of

those are secured by mortgages,^{vii} while a survey of DACA recipients found that 15% of those aged 25 and older owned homes (with presumably a large number being secured by mortgages).^{viii}

The formal revocation of DACA and TPS protections would reverse all that. It would strip those immigrants—the most vetted in our system—of work authorization and the ability to participate in the formal economy and puts them at risk of deportation under one of the most hostile immigration enforcement regimes in recent years. But, it also sends the unacceptable message that, merit and accomplishments aside, America thinks their lives are disposable even after DACA and TPS holders, in particular, put significant trust in the government’s promise of the contrary. That is not who we are as a country.

American Children at Risk

In the Spring of 2018, America witnessed the implementation of what many observers denounced as an immoral and inhumane *de facto* family separation policy. The policy resulted in nearly 3,000 children being forcibly separated from parents on the southern border,^{ix} with revelations that significant numbers of parents were deported without their child after being misled by immigration authorities.^x The Trump administration’s so-called “zero-tolerance” policy rightfully caused national outrage and mobilized hundreds of thousands of Americans to protest across the nation.

Few people realize, however, that the border family separation crisis is only the tip of an immense iceberg. Millions of U.S.-citizen children are at risk of being separated from their parents every day because of the policies being marshalled out by the current administration. Many of them are Latino youth. By some estimates, between 4.1 million^{xi} and 5.7 million U.S.-citizen children^{xii} live with an undocumented resident. Moreover, TPS holders from El Salvador, Honduras and Haiti – comprising about 94% of all TPS holders^{xiii} – had an estimated 273,000 U.S.-citizen children,^{xiv} approximately 26% of DACA recipients were a parent of a U.S. citizen^{xv} equating to at least 200,000 U.S.-citizen children.^{xvi} Adding together the highest estimates of U.S.-citizen children living in households with at least one undocumented adult to those living in households with at least one DACA or TPS recipient parent, the total number of U.S.-citizen children in households at risk of being separated from an income-earning or caregiving adult could be as high as six million.^{xvii}

Deported Parents of U.S. Citizen Children^{xviii}

(by Calendar Year)	2011	2012	2013	2014	2015	2016	2017	Totals
Deportation Orders Sought	66,785	84,676	61,218	Unavailable	29,611	23,085	19,241	284,616
Deportation Orders Obtained	41,918	39,843	28,414	Unavailable	11,282	9,966	11,120	142,543
Deportations Carried Out	31,918	29,843	71,898	Unavailable	31,411	28,860	27,080	221,010

Source: U.S. Immigration and Customs Enforcement, “Deportation of Aliens Claiming U.S.-Born Children [.]” (Multiple Reports). <https://www.dhs.gov/publication/2017-dhs-congressional-appropriations-reports> (accessed October 2018).

Many of the youth at risk of being separated from family – including those with DACA and TPS parents – today are the same Latino youth that are critical to the long-term vitality of our nation. As UnidosUS has consistently argued, Latino youth are the nation’s future workers, voters, parents, and taxpayers. In 2017, Latino children accounted for one-fourth of U.S. children under age 18,^{xix} and by 2050, they are projected to make up nearly one-third of the child population.^{xx} It is wholly unacceptable to them, their families, and our nation that the administration’s policies are imperiling their educational attainment, health and well-being, economic prospects, and general safety through policies that threaten separate them from parent or other loved one at a moment’s notice.

The current administration’s immigration policies, along with the suite of tools it has deployed to operationalize them, generate numerous challenges to these American children as they too face the prospect of being separated from a family member. The rescission of DACA and TPS protections is one of the many policies that, today, are imposing significant and overlapping hardship on nearly 500,000 U.S. citizen children. Congress must act to protect these American children as well, and remedies for DACA and TPS holders is an important first step.

Conclusion

Today, the Committee will hear testimony from several individuals who have been impacted by the Trump administration’s decision to end DACA and TPS. UnidosUS stands in solidarity with those voices calling for legislative solutions, and lifts up the voices of thousands of similarly situated individuals that are a part of or are serviced by the UnidosUS network of community-based organizations throughout the country. We also join the chorus of leaders from all walks for civil society, as well as the American public at large, who view this as an urgent issue in need of immediate resolution.

When it comes to the immigration policies of the past two years, our nation is at a critical moment of self-reckoning. Americans of conscious watched in abhorrence last spring as reports started to emerge about our government’s de facto family separation policies which resulted in nearly 3,000 children being forcibly separated from parents. They watched appalled when one policy decision after another was announced placing more than one million *documented* Dreamers and TPS holders at risk of deportation. And, they are beginning to understand that a suite of enforcement and other administrative policies are placing millions of U.S.-citizen children at risk of separation from a parent or loved one.

The nation is long overdue for immigration reforms that adhere to critical American principles like justice, basic fairness, and family unity. Congressional action to provide certainty and relief for DREAMers and TPS holders is a critical first step. Please feel free to contact Carlos Guevara (cguevara@unidosus.org) for any questions raised by this statement.

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- ⁱ “Attorney General Sessions Delivers Remarks On DACA”. 2018. *Justice.Gov*. <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-daca> (accessed October 2018).
- ⁱⁱ “Temporary Protected Status Designated Country: Sudan”. 2018. *USCIS*. <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-sudan> (accessed October 2018).
- ⁱⁱⁱ Wong, Tom. 2018. “2017 National DACA Study”. https://cdn.americanprogress.org/content/uploads/2017/11/02125251/2017_DACA_study_economic_report_updated.pdf (accessed October 2018).
- ^{iv} Menjivar PhD, Cecilia. “Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants.” Center for Migration Research, The University of Kansas, May 2017. http://ipsr.ku.edu/migration/pdf/TPS_Report.pdf (accessed October 2018).
- ^v Warren, Robert, and Donald Kerwin. 2018. “Mass Deportations Would Impoverish US Families and Create Immense Social Costs.” The Center for Migration Studies Of New York (CMS). <http://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs> (accessed October 2018).
- ^{vi} Wong, Tom. 2018. “2017 National DACA Study”. https://cdn.americanprogress.org/content/uploads/2017/11/02125251/2017_DACA_study_economic_report_updated.pdf (accessed October 2018).
- ^{vii} Kerwin, Donald, and Robert Warren. 2018. “Data Tables Offer Detailed Characteristics of Temporary Protection Status Recipients from El Salvador, Honduras and Haiti by State”. *The Center for Migration Studies of New York (CMS)*. <http://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti> (accessed October 2018).
- ^{viii} Wong, Tom. 2018. “2017 National DACA Study”. https://cdn.americanprogress.org/content/uploads/2017/11/02125251/2017_DACA_study_economic_report_updated.pdf (accessed October 2018).
- ^{ix} Dickerson, Caitlin, Miriam Jordan, and Ron Nixon. “‘I Want Her Back’: Some Migrant Families Reunite, but Other Parents Grow Desperate.” *The New York Times*, July 13, 2018, sec. U.S. <https://www.nytimes.com/2018/07/12/us/trump-migrants-children-border.html> (accessed October 2018)
- ^x “Migrant Parents Were Misled into Waiving Rights to Family Reunification, ACLU Tells Court.” *Washington Post*. <https://www.washingtonpost.com/news/morning-mix/wp/2018/07/26/migrant-parents-were-mislead-into-waiving-rights-to-family-reunification-aclu-tells-court> (accessed October 2018).
- ^{xi} Zong, Jie, and Randy Capps. 2018. “A Profile of U.S. Children with Unauthorized Immigrant Parents”. *Migrationpolicy.Org*. <https://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents> (accessed October 2018).
- ^{xii} Warren, Robert, and Donald Kerwin. 2018. “Mass Deportations Would Impoverish US Families and Create Immense Social Costs”. The Center for Migration Studies Of New York (CMS). <http://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs> (accessed October 2018).
- ^{xiii} “What Is Temporary Protected Status.” *UnidosUS* (blog), August 10, 2018. <https://blog.unidosus.org/2017/08/10/tpseano-series-temporary-protected-status> (accessed October 2018).
- ^{xiv} Kerwin, Donald, and Robert Warren. 2018. “Data Tables Offer Detailed Characteristics of Temporary Protection Status Recipients from El Salvador, Honduras and Haiti by State”. The Center for Migration Studies Of New York (CMS). <http://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti> (accessed October 2018).
- ^{xv} Wong, Tom. 2018. “2017 National DACA Study,” https://cdn.americanprogress.org/content/uploads/2017/11/02125251/2017_DACA_study_economic_report_updated.pdf. (accessed October 2018)
- ^{xvi} Woodruff, Betsy. 2018. “200K Kids Could Lose Their Parents If Dreamers Are Deported”. *The Daily Beast*. <https://www.thedailybeast.com/200k-kids-could-lose-their-parents-if-dreamers-are-deported> (accessed October 2018).
- ^{xvii} The 6 million U.S.-citizen child estimate is arrived at by adding the 5.7 million U.S.-citizen children from the 2014 CMS estimate, and the 473,000 U.S.-citizen children living with a DACA or TPS recipient parent. There is undoubtedly some overlap between these populations, however, given the likelihood of growth in the number of U.S.-citizen children since the dates of these reports, it is reasonable to suggest that as many as 6 million U.S.-citizen children could be at risk of losing an incoming-earning or caregiving adult from their household.

^{xviii} The actual figures are likely higher, as they exclude similar 2014 government data (publicly unavailable), and do not include deportations of parents who for whatever reason (e.g., language barriers, fear) fail to tell immigration officers that they have U.S.- citizen children.

^{xix} “Child Population by Race”. 2018. *Kids Count Data Center*. <https://datacenter.kidscount.org/data/tables/103-child-population-by-race#detailed/1/any/false/871,870,573,869,36,868,867,133,38,35/68,69,67,12,70,66,71,72/423,424> (accessed October 2018).

^{xx} Mather, Mark, and Patricia Foxen. *Toward A More Equitable Future: The Trends and Challenges Facing America’s Latino Children*. Publication. September 2016. http://publications.unidosus.org/bitstream/handle/123456789/1627/towardamoreequitablefuture_92916.pdf?sequence=4&isAllowed=y (accessed October 2018).