



Written Statement of the American Civil Liberties Union

Submitted to the
U.S. House Committee on the Judiciary

The Dream Act (H.R. 2820) and the American Promise Act (H.R. 2821)

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The American Civil Liberties Union (ACLU) is a nonpartisan public interest organization with nearly 2 million members, hundreds of thousands of additional activists and supporters, and 53 affiliates nationwide—all dedicated to protecting the principles of freedom and equality set forth in the Constitution. For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and civil liberties, including immigrants' rights. The ACLU vigorously defends the constitutional right of due process for all Americans—both citizens and immigrants—and advocates for policies that protect these rights.

The ACLU strongly supports the Dream Act (H.R. 2820) and the American Promise Act (H.R. 2821), which would provide protection from deportation and a fair path to citizenship for more than 2 million Dreamers and beneficiaries of Temporary Protected Status (TPS) and Deferred Enforced Departure (DED).

The House of Representatives last passed a major legalization bill in 2010. It is long past time for Members to make good on their commitments to provide a path to citizenship for undocumented immigrants. We encourage Members to pass these bills without any amendments that would further restrict applicant eligibility.

The people who would benefit from the Dream Act and the American Promise Act face heightened vulnerability under the Trump administration. Their lives were thrown into chaos when the administration ended the DACA program, suspended TPS protections for hundreds of thousands of U.S. residents, and ended DED for Liberians. Dreamers, TPS and DED beneficiaries, and immigrant communities in general currently live in the purgatory of an uncertain future in the United States. It is incumbent upon Congress to act to protect our neighbors, colleagues, and family members. Inaction will inevitably lead to the deportation of tens of thousands of longtime U.S. residents and thousands more family separations for mixed-status families.

We are disappointed that the Amendment in the Nature of a Substitute for the Dream Act grants the Secretary of the Department of Homeland Security the discretion to deny benefits for otherwise eligible applicants who are deemed a public safety risk, including due to gang affiliation absent a conviction or due to prior juvenile delinquency adjudications. This provision runs counter to basic due process principles and disregards the importance of holding youth, including immigrant youth, accountable in developmentally appropriate ways, without lifelong consequences. It would also have racially disparate impacts. Regrettably, we know that Black and brown communities are over-policed and regularly face racial profiling. According to 2015 data from the Department of Justice, Black youth are five times more likely to be detained or

committed compared to white youth, and Latinx youth are 65% more likely to be detained or committed than their white peers.

Throughout the markup of the Dream Act and the American Promise Act, we urge Members to reaffirm their commitment to basic due process principles, including for immigrant and undocumented communities. We also urge Members to re-examine the provisions in both bills that create overbroad exceptions to privacy and confidentiality protections for applicants. They should draw from the lessons learned in the important progress toward criminal justice reform, especially with regards to disproportionately harsh consequences for criminal offenses, and apply them here.

The House Judiciary Committee—and the chamber as a whole—must pass the Dream Act and the American Promise Act, without harmful amendments, and put into action their long-held support for Dreamers and immigrant communities more broadly. The opportunity to move this legislation forward is historic. It is time for Members to vote their principles and their promises.