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Statement of the National Immigration Law Center

House Judiciary Committee

FULL COMMITTEE MARKUP:

H.R. 2820, the “Dream Act of 2019”

and

H.R. 2821, the “American Promise Act of 2019”

May 22, 2019 at 10:00AM

Dear Members of the House Judiciary Committee,

Established in 1979, the National Immigration Law Center (NILC) is an organization long dedicated to protecting and advancing the rights and opportunities of low-income immigrants and their families. We believe that all people should have the opportunity to achieve their full human potential – regardless of their race, gender, immigration, and/or economic status. Over the past forty years, NILC has won landmark legal decisions protecting fundamental human and civil rights and advocated for policies that reinforce our nation’s values of equality and justice for all. One such case is *Batalla Vidal, et al. v. Nielsen, et al*, where we challenged the termination of the Deferred Action for Childhood Arrivals (DACA) program. Today we write to support the passage of legislation that would provide permanent protections for immigrant youth, including DACA recipients, who grew up in the United States without status as well as Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) holders who face uncertain futures, in particular after actions taken by this administration.

We urge Members of this Committee to support the passage of H.R. 2820, the “Dream Act of 2019,” and H.R. 2821, the “American Promise Act of 2019.” These bills lay out a positive and inclusive vision for our country by recognizing the long overdue need to provide permanent protections and a clear, attainable pathway to citizenship for immigrant youth, including DACA recipients, who grew up in the United States and TPS and DED holders. This legislation recognizes that

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they are integral, contributing members of our communities who have been in the United States for decades and call the United States their home. They are our neighbors, colleagues, friends and family members. As such, we welcome the new provisions which include, among other provisions, an increase to the age of entry, no age cap, a work track for eligibility for lawful permanent residence, relief for some individuals who were deported and are currently outside of the United States, confidentiality protections, and strong due process protections for those whose applications are provisionally denied. **NILC urges the Committee to support the passage of these bills and any amendments that would expand eligibility for relief or provide further protections.** We also urge the Committee to oppose any amendments that would further restrict eligibility under these bills.

While we strongly support these bills as a progressive step forward to providing urgently needed protections, **we also want to express our deep concern for provisions which unnecessarily perpetuate a narrative of criminalizing immigrant communities** and conflict with longstanding criminal justice reform efforts aimed at combating racial profiling and criminalization of youth of color. Specifically, H.R. 2820 leaves applicants potentially subject to baseless allegations of gang participation based on information in error-ridden databases that purport to track alleged gang members – provisions that run counter to steps we have taken as a nation toward much-needed criminal justice reform. The inclusion of these provisions only further contributes to the racial profiling and criminalizing of immigrant communities of color. We urge Members to take this markup as an opportunity to instead challenge these narratives and discuss a vision of progressive legislation that is aligned with larger criminal justice reform efforts.

Furthermore, it is crucial that, as the bill moves forward, no further changes are made that threaten to undermine the inclusive vision we are fighting for. NILC urges Members to oppose any amendments which might seek to further restrict eligibility or to deny protections or benefits to those granted relief under the bills. It is crucial that H.R. 2820 and H.R. 2821 not be further amended with exclusionary provisions rooted in the same xenophobic and racist motives that led to the termination of the DACA, TPS, and DED programs.

We are grateful to see the Dream Act of 2019 and American Promise Act of 2019 move forward in the legislative process and hope to soon see it brought to the House floor for a vote without any harmful changes.

Sincerely,
The National Immigration Law Center