

**Markup by the U.S. House Committee on The Judiciary
of H.R. 2820, the “Dream Act of 2019”;
H.R. 2821, the “American Promise Act of 2019”; and
H.R. 549, the “Venezuela TPS Act of 2019.”**

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 a shared commitment to a stronger country. Our approach to immigration policy is no different; UnidosUS has advocated for an inclusive, prosperous future in every significant immigration conversation in the US since 1968. UnidosUS combines original research, policy analysis, and advocacy to support commonsense policy and an immigration system that is fair, just, and accountable to the rule of law—indeed, an immigration system that reflects the American values of a more perfect Union, a system of which we can all be proud.

Communities in all corners of the country urgently need Congressional action to regularize the immigration statuses of individuals with protections under the Deferred Action for Childhood Arrivals (DACA) policy and Temporary Protected Status (TPS) holders through legislation. Since September 2017, the Trump administration has taken a series of decisions that have upended the lives of more than one million *documented* individuals who, by definition of the policies deferring their removal: are not threats to public safety or national security; have lawfully resided the United States for over a decade; and have willingly submitted themselves to background and other government checks. Everyday, these measures impact nearly half a million American children with DACA and TPS recipient parents; Congress must act to protect them.

This statement for the record is intended to express our support for H.R. 2820, the “Dream Act of 2019” and H.R. 2821, the “American Promise Act of 2019,” and today’s markup process in connection with the same. Congress must grant these individuals, their families, and their communities, the peace of mind and certainty of permanent, legislative relief.

Protecting Dreamers and TPS Holders as a Moral Obligation

For the first time in U.S. history, policymakers have endeavored 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,¹ 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 failed to pass the legislative relief needed to bring stability to these affected populations.

The Trump administration's DACA and TPS decisions have resulted in serious and significant consequences that disproportionately impact hundreds of thousands of Latinos. These decisions threaten to wipe away significant investments made by DACA and TPS holders, as well as their communities, in the American social fabric. Impacted populations have spent years studying in American institutions, working across major industries, and deepening roots in their communities. Work authorization, and the stability it 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.

The data show industrious populations working toward their American dreams. TPS-holder labor force participation ranges from 81 to 88 percentⁱⁱⁱ; 91 percent of DACA recipients are employed.^{iv} DACA recipients have seen their average hourly wages increase 45 percent since the start of the program,^v while TPS has led to higher earnings for men and higher employment rates for women.^{vi} Moreover, TPS holders from El Salvador, Honduras and Haiti – comprising about 94 percent of all TPS holders – live in 206,000 households and over 61,000 of those homes are secured by mortgages^{vii}; 15 percent of DACA recipients aged 25 and older own homes (a large number are presumably secured by mortgages).^{viii}

Congress must act to avoid reversing these gains. Stripping DACA and TPS holders—some of the most vetted immigrants in our system— of work authorization and the ability to participate in the formal economy serves no one. It also sends the unacceptable and dangerous message that, not only does our government disregard merit and societal contributions, but also that goodfaith efforts by vulnerable populations to regularize and abide by our rules are rewarded with punishment. That is not who we are as a country.

This is Also About the Risks to American Children

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. As UnidosUS explains in its recent report, *Beyond the Border: Family Separation in the Trump Era*, millions of U.S.-citizen children are at risk of being separated from their parents every day by policies marshalled out by the current administration (Report Executive Summary, [Attachment 1](#)). 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, approximately 26 percent of DACA recipients are a parent of a U.S. citizen,^{xiii} equating to roughly 200,000 American children.^{xiv} TPS holders have, at least, an estimated 273,000 U.S.-citizen children.^{xv} 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.^{xvi}

The consequences for these American children can be significant. For example, as UnidosUS noted in a *New York Times* opinion piece earlier this month, common sense tells us, and research confirms, that stable households and environments are critical factors in ensuring educational achievement (New York Times Op-Ed, [Attachment 2](#)). Instead, the current immigration policy environment has led to increased absenteeism among Latino students, many of whom fear a parent will be taken away while they are at school.^{xvii} Absenteeism is directly correlated with high school dropout rates, lower academic performance, and worse employment outcomes. Children under threat of family separation are showing signs of trauma, or what medical professionals call “toxic stress,” which is linked to cognitive impediments, harm to vital organs, and increased incidence of mental and physical disorders.^{xviii} In effect, the myriad immigration policy decisions of the current administration – including rescinding DACA and TPS protections – are threatening to handicap the futures of an entire generation of American children.

Many of the Latino youth at risk of being separated from family today – including those with DACA and TPS parents – 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 U.S. child population.^{xx} As equals under the Constitution, it is wholly unacceptable that the administration’s policies are imperiling their educational attainment, health and well-being, economic prospects, and general safety through policies that threaten to separate them from a parent or other loved one at a moment’s notice.

The rescission of DACA and TPS protections is one of the many policies that, today, are imposing significant and overlapping hardship U.S. citizen children. Congress must act to protect these American children; remedies for DACA and TPS holders is an important first step.

Conclusion

Today, the Committee will markup critical legislation to protect individuals impacted by the Trump administration's decision to end DACA and TPS. The UnidosUS network of community-based organizations represents thousands of individuals who are depending on Congress to do what is right and just. We join the chorus of leaders from all walks of civil society, as well as the American public at large, who are calling for an immediate resolution to this urgent issue.

When it comes to the immigration policies of the past two years, our nation is at a critical moment of self-reckoning. Americans of conscience 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 were appalled when policy decisions were announced that place more than one million *documented* Dreamers and TPS holders at risk of deportation. 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 the critical American principles of justice, equity, 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.

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 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).

^{iv} 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).

^v 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).

^{vi} 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).

^{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).

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- ^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-acclu-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} 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)
- ^{xiv} 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).
- ^{xv} 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).
- ^{xvi} 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.
- ^{xvii} Gándara, Patricia, and Jongyeon Ee. "U.S. Immigration Enforcement Policy and Its Impact on Teaching and Learning in the Nation's Schools." Working Paper. Los Angeles: The Civil Rights Project at UCLA, February 28, 2018. <https://www.civilrightsproject.ucla.edu/research/k-12-education/immigration-immigrant-students/u.s.-immigration-enforcement-policy-and-its-impact-on-teaching-and-learning-in-the-nations-schools> (accessed October 2018).
- ^{xviii} Levitt, Pat. "Toxic Stress and Its Impact on Early Learning and Health: Building a Formula for Human Capital Development." Wisconsin Family Impact Seminars, 2015, 21. https://www.purdue.edu/hhs/hdfs/fii/wp-content/uploads/2015/07/s_wifis32c02.pdf (accessed October 2018).
- ^{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).

Attachment 1

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 has resulted in nearly 3,000 children being forcibly separated from parents on the southern border and is currently under Congressional investigation. Unfortunately, these horrific happenings are the tip of a very large iceberg, with millions of American youth at risk of suffering a similar fate. UnidosUS' report [*Beyond the Border: Family Separation in the Trump Era*](#) examines the scope and composition of the rest of this iceberg and how enforcement policies are threatening to separate nearly six million American children from their family members. The report analyzes the long-term impacts on U.S. citizen children, in terms of their economic, health, education, and safety outlooks.

Up to Six Million American Children at Risk.

Millions of U.S.-citizen children are at risk of being separated from their parents every day because of the policies put in place and enacted by the Trump administration. By some estimates, between 4.1 million and 5.7 million U.S.-citizen children live with an undocumented resident, and about 475,000 U.S.-citizen children could be impacted if their parents lose legal protections under the DACA and TPS programs. These American children stand to suffer the brunt of the impact of the Trump administration's aggressive immigration policies now and for years to come.

The Sources of Risk to American Children.

Anti-immigrant policies are not new, but today's environment is different in a number of important ways. First, the convergence and interaction of a number of these policies—including the return of workplace raids, state level anti-immigrant laws and policies, and aggressive and arbitrary enforcement efforts lacking prioritization based on articulable public safety concerns—have resulted in an uptick of arrests, detentions and removals under this administration. Second, newly empowered anti-immigrant voices within the administration are attempting to restrict the nation's legal immigration system diminishing keys avenues for family unity. Lastly, unlike any time before, we have an administration acting with political urgency to back up the intensity of its anti-immigrant rhetoric. Many of the historical precedents discussed at length in the report, when considered within this framework, portend very poorly for the future outcomes of millions of American youth today.

Interior Enforcement Under Trump.

- Between FY2016 and FY2017, ICE interior removals of people without criminal convictions nearly tripled from 5,014 to 13,744, respectively. This trend appears to have continued into FY2018. While interior removals overall increased by 17% in FY2018, ICE's last report omitted data on how many had criminal convictions.
- In FY2018, ICE opened 6,848 worksite investigations compared to 1,691 in FY2017. It made 1,525 administrative worksite-related arrests compared to 172 the year before.
- Local law enforcement participation in the 287(g) program has grown by over 260% since the start of the Trump administration. States like Tennessee have enacted laws requiring localities to enter into 287(g) pacts.
- ICE detention capacity increased from an average daily population of 36,000 in FY2016 to nearly 47,000 in March 2019. UnidosUS expects this number to grow by the end of FY2019.

The Specific Harms to American Children

Latino youth are the nation's future voters, parents, taxpayers and workers. Many of the youth at risk of being separated from family today are the same Latino youth that are critical to the long-term vitality of our nation.

- There are about 18.2 million Latino children under 18 in the United States—95% are U.S. citizens.
- In 2017, Latino children accounted for one-fourth of U.S. children under age 18.
- By 2050, they are projected to make up nearly one-third of the child population.

Economic Deprivation. Economic data suggest Latino households are more vulnerable to sudden financial emergencies and housing instability than other groups. Detention or deportation of a breadwinner or caregiver has been shown to exacerbate these vulnerabilities.

- Removing undocumented residents from mixed-status households slashes median income by a striking 47%.
- 1.2 million households secured by mortgages had at least one undocumented individual residing in it. Most deported immigrants said they had previously contributed to household mortgage payments.
- Housing instability is linked to profound negative behavioral and developmental impacts on youth.

Educational Disruption. Children of detained or deported parents are at higher risk of depression and anxiety, emotional problems, negative self-esteem, attention disorders, speech delay, and low school performance. The current immigration environment is contributing to high levels of absenteeism among students that are immigrants or U.S.-born children of immigrants.

- Two-thirds of educators say all of their students – regardless of immigration status – are indirectly affected by the current immigration environment.
- 287(g) cooperation was found to displace over 300,000 Latino students (mostly grades K-5) before 2012. Under the Trump administration, 287(g) cooperation has increased by 260%.
- Local cooperation with ICE—a Trump priority—is shown to reduce the number of Latino students at surrounding schools by nearly 10% within two years of a partnership being formalized.

Reduced Access to Nutrition and Health. Hostile immigration policies undermine the policy goals of anti-poverty programs like the Supplemental Nutrition Assistance Program (SNAP) and the Children's Health Insurance Program (CHIP). Today, nearly 10 million Latino children access health coverage through Medicaid and CHIP, while more than 1.1 million households with an individual eligible for and enrolled in SNAP has a Latino child. Fear of personal information sharing is one significant concern leading fewer eligible people to participate.

- There is a demonstrable correlation between the activation of Secure Communities in 2008 and substantial declines in CHIP/SNAP participation among eligible Hispanic citizen households.
- Since the Affordable Care Act (ACA) was enacted, every 10% increase in ICE detainer requests made to cooperative localities is linked to a 2% reduction in ACA insurance enrollment by Latinos.
- The public charge rule could lead to disenrollment or the chilling of more than one million U.S. citizen children of noncitizen parents from taking up SNAP, and another 875,000 to two million from CHIP and Medicaid.

Threats to Public Safety. The Trump administration's immigration policies are disrupting the safety of communities across the nation with significant Latino and immigrant populations. Numerous reports have documented that immigrants, and Latinos more generally, are reporting fewer crimes amid concerns that interacting with police or testifying in court could subject them or someone in their family to ICE enforcement. Such policies and their unintended side effects—i.e., Latinos and immigrants avoiding interaction with police, being reluctant to report crime, and feeling isolated—only serve to make immigrant and mixed-status families more vulnerable. In fact, Latinos are increasingly the targets of crimes.

Conclusions and Recommendations

The trajectory of our immigration environment is threatening to handicap the futures of entire generation of American children. The nation is long overdue for comprehensive immigration reforms, but in their absence Americans of conscience who care about the well-being of U.S.-citizen children should decry the growing threats to those trapped within the rest of the proverbial iceberg—by challenging the merits of congressional appropriations increases for this administration's indiscriminate deportation policies, demanding that Congress exercise its constitutional obligation to conduct meaningful oversight of DHS enforcement operations, and supporting local laws and ordinances that seek to mitigate indiscriminate ICE arrests under the current administration. Meanwhile, those charged with upholding immigration laws ought to be reminded that they have a responsibility and the authority to exercise discretion on how those laws are enforced. The lives of some of the most vulnerable members of our society are at stake—our children.

Attachment 2

President Trump's Immigration Policies Are Hurting American Children

An aggressive stance on legal and undocumented immigrants could have devastating results for the country.

By Janet Murguía

Ms. Murguía is president of UnidosUS.

May 2, 2019

Few of the Trump administration's policies were as universally reviled by Americans across the country as the family separation policy at the border. Yet many Americans would be surprised to learn that the heartbreaking images of children being torn from their parents' arms are playing out, often invisibly, in communities in this country, posing a severe threat to millions of American children and their families.

In the months leading up to the election, Donald Trump vowed to deport the 11 million undocumented immigrants in the United States. In 2017, the Trump administration unveiled an aggressive immigration agenda that made all immigrants a priority, regardless of whether they had a criminal conviction. As a result, apprehensions of immigrants with no criminal convictions skyrocketed during the first 14 months of his term.

A new report by UnidosUS found that for the nearly six million American children under the age of 18 who live in a household with undocumented residents, mostly parents, the risk of being separated from one or both parents has risen exponentially under the Trump administration. The consequences for the children who remain could be devastating: causing permanent, irreparable harm that will play out for years to come.

The deportation, and even the arrest or detention, of a parent or other household family member can leave a lasting financial impact on those left behind. By some estimates, removing a breadwinner from a household reduces the family's income by 47 percent and can result in frequent relocations or the loss of the home. Families are often further financially constrained by the inevitable legal fees associated with deportation proceedings.

The damage inflicted upon these children who are United States citizens is not just the collateral damage of immigration policies. In some instances, the administration is choosing to target mixed-immigration-status families — those that include American citizens, legal immigrants and undocumented members. The recent announcement that the Department of Housing and Urban Development will restrict subsidized housing for all families with undocumented members could push 25,000 families and their American children into homelessness.

Common sense tells us, and research confirms, that stable households and environments are critical factors in ensuring educational achievement. According to 68 percent of the educators who were surveyed in a 2018 University of California at Los Angeles study, aggressive immigration enforcement has led to increased absenteeism among Latino students, many fearing that a parent will be taken away while they are at school. Because absenteeism is directly correlated with high school dropout rates, this behavior not only affects academic grades but also hurts the student's future employment opportunities and leads to lower wages in adulthood.

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Educators are also sounding the alarm bell, noting that children under threat of family separation are showing signs of trauma, or what medical professionals call “toxic stress.” If prolonged, toxic stress can impede brain development, harm vital organs and result in a variety of mental and physical disorders.

And things could get worse. The administration’s attempt to terminate the Temporary Protected Status, or T.P.S., and Deferred Action for Childhood Arrivals, or DACA, programs would change the status of a million people from “documented” to “undocumented.” In economic terms this could result in nearly \$400 billion in lost GDP income over 10 years.

Even though the effort has been blocked by a court, the half-million American children of DACA and T.P.S. recipients are already going to bed and waking up wondering whether the next letter in the mail, the next phone call or the next knock on the door is the one that breaks their family apart. They, along with the millions of other children who fear that a parent will be taken away during a work-site raid or what used to be routine check-ins with the Department of Homeland Security, are bearing the brunt of President Trump’s immigration policies.

As you tuck your own children into bed at night or pack their lunch in the morning, think about the effect these policies will have not just on the children of undocumented parents but on the country as a whole. The trauma we’re inflicting is chipping away at the core of what makes this country great: the American family.

The president and his supporters often rally around the slogan “America First.” But these short sighted policies could disrupt an entire generation of American children.

Janet Murguía is president of UnidosUS, formerly the National Council of La Raza, a Latino civil rights and advocacy organization.

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