

**Written Testimony of
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**Before the U.S. House of Representatives
Committee on the Judiciary**

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Chairman Nadler, Ranking Member Jordan, and Vice Chair Scanlon, thank you for providing this opportunity to share our jurisdictionally relevant legislative priorities with the Committee. We submit testimony today in support of the 9/11 Immigrant Worker Freedom Act, a forthcoming bill that we are co-leading. If enacted, the bill would provide adjustment of status to immigrants who worked, volunteered, or served in other qualifying roles in the recovery efforts after the 9/11 terrorist attacks.

This year, we commemorate the 20th anniversary of the 9/11 attacks. The 9/11 Immigrant Worker Freedom Act – a version of which was introduced in the 115th Congress but did not make it past committee¹ – is overdue by about that many years. Out of the thousands of undocumented immigrants who took part in the recovery efforts, many have already passed away or left the United States. For two decades, remaining immigrant 9/11 workers have remained in the shadows due to their lack of legal immigration status.

By stepping up for our country at a critical moment, these individuals sacrificed their mental, emotional, and physical health. Those hired informally by cleaning companies often worked for months without adequate protective gear in places rife with debris, asbestos, and dust.² None of these workers understood or expected that exposure to these toxic materials – not to mention the unbelievably traumatic nature of the work – would put them at risk of fatal illnesses such as cancer, asbestosis, and other respiratory complications, as well as post-traumatic stress, anxiety and depression. When they eventually did become very ill, few sought out available medical help for fear of deportation.³

¹ H.R. 3250, 115th Cong. (2017).

² Claudia Torrens, *Immigrant Sept. 11 Cleanup Crews Seek Residency as a Reward*, ABC NEWS (Sept. 8, 2021, 6:29 PM), <https://abcnews.go.com/Health/wireStory/immigrant-sept-11-cleanup-crews-seek-residency-reward-79891905>.

³ Erin Billups, *Undocumented Workers Exposed to Toxins During the WTC Cleanup Also Feeling Health Effects 15 Years Later*, NY1 (Sept. 12, 2016, 10:16 AM), <https://www.ny1.com/nyc/bronx/health-and-medicine/2016/09/12/undocumented-workers-9-11-health-outreach-> (“It’s estimated about 6,000 undocumented immigrants took part in the recovery and cleanup efforts after September 11th, but more than two-thirds of them have not accessed the free health care available to them.”)

An estimated 2,000 individuals could be eligible for adjustment of status under this bill.⁴ As legislators, we should work from a keen understanding of how our actions (or absence thereof) affect lives on the ground. Accordingly, we would like to dedicate this written testimony to two individuals whose stories caught my attention in particular.

The first is Ms. Lucelly Gil, who spent six months cleaning debris in lower Manhattan.⁵ She was paid \$60 for every eight hours of work. On top of losing movement in one arm, she has since struggled with breast cancer, gastritis, asthma, and depression. Breast cancer is a common illness for women who worked at the site.⁶ While she received some compensation for her health complications from the federal victims fund, she would have preferred a grant of immigration status.

Then Mr. Franklin Anchahua, who developed heartburn, acid reflux, and breathing problems after he helped clear thick layers of dust from buildings in lower Manhattan.⁷ For ten years, he avoided seeking medical help out of fear of deportation, and instead treated these complications with herbs that his mother shipped from Peru. In his words: “Attorneys who helped us years ago told us we would get immigration papers but, look, 20 years have passed and we have nothing.”

These immigrant 9/11 workers are entitled to every bit of their frustration and disappointment. As Ms. Rosa Duque, who developed breathing complications after her work in the recovery, said: “When we volunteered to go to work they didn’t ask, ‘Are you a citizen?’ ‘Are you a resident?’”⁸ We are certainly not entitled to ask those questions now, when time has made it clear that the courageous first step that these immigrant workers took twenty years ago was only the start of their incredible sacrifice.

So, the solution is simple and entirely in the hands of Congress. The 9/11 Immigrant Worker Freedom Act is our chance to do right by the approximately 2,000 undocumented 9/11 workers who still live in the United States. If it is enacted, these individuals would finally be able to apply for adjustment of status, and receive work authorization during the pendency of that application.

⁴ See generally Cristian Benavides, *New York Congressional Democrats Push to Legalize Undocumented 9/11 Workers*, NBC NEWS (July 12, 2017, 4:26 PM), <https://www.nbcnews.com/news/latino/new-york-congressional-democrats-push-legalize-undocumented-9-11-workers-n782156>.

⁵ 9/11: Ground Zero’s Forgotten Migrant Cleaners Demand Recognition, FRANCE24 (Sept. 6, 2021, 3:32 AM), <https://www.france24.com/en/live-news/20210906-9-11-ground-zero-s-forgotten-migrant-cleaners-demand-recognition>; see also Torrens, *supra* note 3.

⁶ See Moshe Z. Shapiro, et al., *Cancer in General Responders Participating in World Trade Center Health Programs 2003-2013*, 4 JNCI CANCER SPECTRUM pkz090 (2020), <https://doi.org/10.1093/jncics/pkz090>.

⁷ *Los ‘Héroes’ Hispanos Olvidados en la Tragedia del 11 de Septiembre de 2001*, UNIVISION (Sept. 11, 2021, 7:54 AM), <https://www.univision.com/noticias/politica/9-11-atentados-torres-gemelas-hispanos-sobrevivientes-trabajadores-salud>; Gabe Ortiz, *Two Decades After Sept. 11, Undocumented Recovery Workers Are Still Fighting for Legal Status*, DAILYKOS (Sept. 10, 2021, 3:34 PM), <https://www.dailykos.com/stories/2021/9/10/2051446/-Two-decades-after-Sept-11-undocumented-recovery-workers-are-still-fighting-for-legal-status>.

⁸ FRANCE24, *supra* note 6.

They will be able to live without fear of deportation from the country they helped rebuild in exchange for their long-term health.

We ask for the warm support and cooperation of the Committee on this long-overdue bill. We cannot let these heroes down once again.