

Congressman Luis V. Gutiérrez

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*Judiciary Subcommittee on Immigration and Border
Security*

“Addressing the Immigration Status of Illegal Immigrants
Brought to the United States as Children”

Thank you, Mr. Chairman and Ranking Member Lofgren for inviting me to testify.

I am always impressed by the depth and the breadth of the movement in this country for immigration reform.

Twelve years ago, I introduced the first bill to legalize the status of young people brought to this country by their parents, the Immigrant Children's Educational Advantage and Dropout Prevention Act of 2001 (H.R. 1582). That bill provided legal status to minors who had lived in the U.S. for at least five years and who were students.

Needless to say, Congress never passed that bill or similar bills, which is why we are here today.

At the time, immigration reform and standing up for undocumented students was a pretty lonely place to stand.

But look at where we are today.

United We Dream, an advocacy group which is represented on our second panel today, is just one of many advocacy groups and networks that have fought the last dozen years for immigrant students and young people. They are diverse, they are sophisticated, they are powerful, and--having had various groups of immigrant youth protest at my offices over the years--I can tell you, they are persistent.

Immigrant youth define the pro-immigrant movement and I want to say thank you to them for your leadership, your courage, your risk-taking, and your selflessness.

But they are not alone.

Today, the movement for legal immigration, for immigration reform, and for legalization is broad and deep.

In every community in this country, there are young people, there are religious people, there are women, there are business owners, there are Latino, Asian and African and immigrant moms and dads, and there are just regular, civic minded U.S. citizens organizing today to make sure we pass immigration reform this year in the United States Congress.

They stand with the DREAMers.

And the movement has grown in just the past few years.

When President Barack Obama was first elected President, I remember Congressman Rahm Emanuel, then an immigration reform skeptic, sitting me down with Congresswoman Jan Schakowsky in Rahm's Chicago office for the sole purpose of counting Democratic votes for immigration reform.

Our best guess was we had 185 solid Democratic votes for reform and we would need 40-50 Republicans to join us.

For two years, the President, Speaker Pelosi and everyone else said, "We'd love to push for immigration reform, Luis, but bring us the 40-50 Republican votes first and we'll talk about it."

Not for want of trying, on my part and on the part of the Congressional Hispanic Caucus and many others to build support on both sides of the aisle, we were fighting against the headwinds of the most partisan period in recent American history.

Even Republicans who stood with us and who had co-sponsored the DREAM Act or had co-sponsored the bipartisan bills I wrote with Jeff Flake and John McCain and Ted Kennedy--even most of those Republicans would not stand openly with us.

We were unable to show we had 218 votes to pass immigration reform in the House.

Just two years ago, we were not sure we could pass the DREAM Act when DREAMers, advocates, parents, educators and Democrats, including the President and Speaker Pelosi, were ready to call the vote in November 2010.

A ragtag, informal coalition of Democrats--and one or two stealthy Republicans--helped us whip the DREAM Act vote, which took place on December 8, 2010.

We passed the DREAM Act 216-198 and had 208 Democrats on board, even better than what Emanuel and Schakowsky and I had calculated a year or two earlier.

We had 8 Republicans join us, and two of them continue to serve to this day.

And you know what? The sun came up the next morning. The world did not spin off its axis. We had voted to legalize millions of young people, yet civilized society did not crumble.

Over in the Senate, 55 Senators voted for the DREAM Act but because of their arcane filibuster rules, it failed to come to a final vote. A minority, mostly--but not exclusively--Republicans were able to thwart what the American people and a majority in both Houses of Congress favored.

Flash forward another year or so and the movement is growing still. In 2011, there was a limited form of prosecutorial discretion for some immigrants, including undocumented youth, which President Obama announced as part of an expansion of local police involvement in immigration enforcement.

In 2012, we were asking the President to help stop or slow down the massive wave of deportations that were taking a heavy toll on families, including DREAMers, in neighborhoods all across the country.

For almost two years after the DREAM Act filibuster prevented passage of the bill, legal scholars and many others joined us to say the President had extraordinary powers to examine the deportations of DREAMers and suspend them because they were not in the national interest.

The White House said they didn't have these powers under current law, but what they really meant was that if they started to dial-back the deportations against DREAMers and other groups of immigrants whose departure weakened, not strengthened our country-- powers that are clear in current law and which the former Chairman of this Subcommittee has acknowledged the President indeed has--that Republicans, starting in this Subcommittee and going all the way to the Speaker's Office would take action to stop the Obama Administration if they took any such action.

And they were right.

The Republicans introduced the HALT Act to prevent the President from exercising the executive branch's long-held power of prosecutorial discretion. This bill would have suspended certain discretionary forms of immigration relief, policies prioritizing the removal of "criminal aliens" over "non-criminal" aliens and the authority to allow a case-by-case examination of the deportation of DREAMers.

But the march towards justice for young immigrants continued forward and in June 2012, the President announced he would let people who met certain criteria apply to have their deportations deferred, making them pay fees and submit fingerprints and documentation that they fit the Department of Homeland Security's criteria to review their cases.

In the city of Chicago on August 15th of last year, they came by the thousands. Approximately 13,000 young people and their families came to Navy Pier to get more information, find out what forms and what documentation they would need and, if they were ready, to fill out their application right on the spot.

There were lots of kids, but the people who came out in Chicago that day were families. Little kids too young to apply. Teenagers who were both timid and all grown-up at the same time, as only teenagers can be. We had college students and graduates with degrees and some who had to drop out of school to support themselves and their families.

And lots of Moms and Dads! They came to make sure they found out what was going on. They had sacrificed their whole lives to make sure their little boy or little girl had a chance in this country and they were there to watch out for them, to pray for them, and to help make it happen. They were overjoyed that their children were getting a chance they wished they had for themselves or for their other children.

Senator Dick Durbin and Mayor Emanuel and half the elected officials in town watched the 13,000 peaceful, hopeful people go through that line and we knew we had come so far from 2001 when I first introduced my bill.

We have heard the Speaker and the Majority Leader and a wide array of Republican voices say they are for legalizing the status of children under certain circumstances. I know as I look at the dais that there are votes for the DREAM Act and for legalization of some immigrants under some circumstances on the Republican half of the dais.

The movement we saw earlier in the year towards compromise and cooperation is beginning to be visible again.

Just last November, every single Republican ran on a platform that said no to any form of legalization ever.

In fact, every single undocumented immigrant--according to the Party Platform adopted in Tampa--was to leave the country. All 11 million.

Your Presidential candidate said they had to self-deport. He said the Arizona Law, SB1070, should be the law in every state. He said he would veto the DREAM Act if it came to his desk.

Look how far we have come just in the last eight and a half months. Now we have a growing consensus in the Republican Party that legalization under some circumstances might be okay.

Look how far we have come since June 8th. Just over a month ago. On that day, the House voted on the Homeland Security Appropriations Bill and attached to that bill was an amendment offered by the gentleman from Iowa, which said that any funds to protect immigrants from deportation who were brought to the U.S. as children were to be stripped from the bill.

Just a month ago, every single Republican who voted --except for six--voted for the King Amendment. And every single democrat except for three voted against it.

Just a week or so later, every Republican in this committee voted to make every undocumented immigrant--whether they came here with a visa and overstayed or if they came across the border or were smuggled in without a visa--every single undocumented immigrant into a federal fugitive.

We would dump into the criminal justice system 11 million undocumented immigrants and then tell police, if you fail to go after them, we will take your federal money away. We will strip the funds that you use for community policing to make your neighborhoods safer, unless you start the kind of local police roundup activities that made Sheriff Joe Arpaio a household name in Spanish coast to coast.

Every Republican on the full committee voted for the SAFE Act. But it gets worse.

Not only would the undocumented immigrants be federal fugitives punishable with time in jail before they would be deported, their kids, their parents, their spouses, their landlords, their employers, and almost anyone else who has contact with them -- could be charged with

harboring or abetting federal fugitives, given the new authority of the States and police to enforce immigration law

That's possibly another 10, 20, or 30 million people we drop into the criminal justice system. And everyone on that side of the dais voted for that just two or three weeks ago.

What I am trying to say is that I have been one of the strongest advocates for immigration reform, I learned a great deal from the DREAMers, and we must be pretty darn effective.

Because just eight months after your platform said deport them, just a month after all but six of you voted to make every last one of them deportable, and just three weeks after every single one of you voted for the SAFE Act to make them and their families all criminals, here we are at a new turning point.

I am not here to slam you.

I am here to say thank you. I am here to say welcome aboard. Those of us who have sat at this table and felt lonely are glad you are stepping up again to talk this over with us.

If the Republican Majority is starting with the young people we call DREAMers because that is as far as you are willing to go in terms of legal status for undocumented immigrants, I say thank you for coming this far, because taking a step in the right direction is the first step in any good faith negotiation.

It is the first step that says a compromise may be within reach. It is a place we can start.

Let me be clear, and unequivocal. Legalizing only the DREAMers is not enough. It is not enough given all the hard work and equities that millions of immigrants have built in this country. It is not enough to satisfy the intense hunger for legality, the desire to pledge allegiance to this country and the national interest in restoring the rule of law.

But even saying that most of the 11 million are not, in fact, leaving and that we must deal with reality in a new and more effective way is an important first step towards compromise.

I suspect there is something else going on. I suspect that this is a first step and that there are others to come. This hearing and the legislation we understand is being prepared by the Majority is like dipping your toe in the water.

Maybe if you feel comfortable with one toe, we can work with you to dip another toe in the water.

I am optimistic that once you take a step towards justice, you will take a second one.

Once you see that standing up for young immigrants feels good and feels right, you will want to do it more.

They are delightful young Americans who are just as American as my kids and your kids, but they don't have that crucial piece of paper that says they can live here with the full rights -- and responsibilities -- of my children and your children.

As Congressman Coffman and Congressman Denham knows, they want to join the military. They want to serve this country because it is the only country many of them know.

We are simply talking about the paperwork of our immigration system catching up with the reality of our society. And we in this Subcommittee and in this Congress can act to make sure that paperwork catches up with reality.

Through this process, you are meeting young undocumented immigrants and I challenge you to tell them apart from their other immigrant and native U.S. born classmates and neighbors.

When my daughter brought home friends from school, we didn't check the kids' papers. We didn't ask for a birth certificate. And when their parents came to pick them up at our house, we didn't ask for their papers, either.

We talked like parents do about our daughters; about how they were growing up so fast, about how kids growing up in America have so many opportunities and so many hurdles and how things were simpler in our day, regardless of whether they grew up in Chicago like me or someplace else.

Their kids were growing up here just like my kids were growing up here and probably in some cases, the parents, and maybe the kids, were undocumented immigrants.

The question before us today is not whether we should legalize the young people who grew up here. I think my colleagues--not only the majority in the House, but a majority of Republicans-- would support such a bill crafted in the right way.

In the bipartisan group I am a part of, we are crafting a bill that allows DREAMers to legalize their status and get on a quicker path to permanent residency. This is the consensus of the group, including among our most conservative members.

But what our bill does is to look not just at the individual immigrant, but at their family.

How can you legalize the status of a teenager and deny legal status to their parent?

How do you slice and dice the family, such that those who were brought here as children get one set of circumstances and their older siblings get something else? Or their parents?

I think we should look at immigrants as most of them look at themselves. As members of families with different generations and different circumstances, but each with a unique and powerful contribution to make to American society and to each other.

We should be uniting and strengthening the family unit, not dividing them up.

George W. Bush said that "family values do not end at the Rio Grande," and I think we should examine exactly which side of that river he was talking about.

When I traveled to Missouri after the election to meet with United We DREAM and other DREAM activists and leaders, I was told in no uncertain terms that they would not leave their parents behind.

Many of them are among the 400,000 young people who have received Deferred Action for Childhood Arrivals or DACA.

With fees paid, fingerprints taken and criminal background checks passed, DACA recipients are in a safe place when it comes to deportation and they can work legally and apply for a driver's license in nearly every state.

But despite being in a safe place, they will not leave their moms and their dads and their siblings by the side of the road.

I will let them speak for themselves because they are well and fully capable of doing so, but let me tell you what I saw.

I saw a maturity and a level of confidence that I think any politician would be a fool to mess with.

They are here. They are staying. They are not afraid. And they will not settle for what is good for them unless they can also win what is good for their families.

They will remember forever how this country treats their parents. Their generation, whether they are immigrants or native born Americans, will remember what we do in this Committee in this Congress.

We have come a long way, but we need to work together to keep moving forward.