



Statement for the Record from

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**Submitted to the House Judiciary, Immigration and Citizenship Subcommittee
Hearing on Oversight of U.S. Citizenship and Immigration Services**

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United We Dream is the largest immigrant youth-led network in the United States. We create welcoming spaces for young people—regardless of immigration status—to support, engage, and empower them to make their voices heard and win. We have an online reach of five million and are made of a powerful membership of 500,000 members and 112 local groups across 28 states. Over 60 percent of our members are women and 20 percent identify as LGBTQ.

Led by and accountable to youth leadership, United We Dream advocates for a multi-racial democracy where immigrants and communities of color live safely, with dignity and can thrive.

We appreciate the Subcommittee for acknowledging the need for oversight on US Customs and Immigration Services (USCIS). It is clear from their policy, managerial and financial decisions of late that they have abdicated their function to serve Americans, foreign-born or otherwise, and carry out their mission to “efficiently and fairly adjudicat[e] requests for immigration benefits.”¹ It is important to hold the agency accountable for its negligence, incompetence and contempt for the decisions of the Supreme Court. An oversight hearing is an important first step in that process.

We wish the Committee felt compelled to hear from directly impacted people instead of an anti-immigrant organization like the Center for Immigration Studies. Hearing from those who have to navigate the immense bureaucracy and obstacles imposed by USCIS meant to discourage and turn away as many people as possible, is paramount to understanding the impact these policies have on our communities. United We Dream members and immigrants at large want to maintain and adjust their status and work permits but USCIS has made it nearly impossible. Hearing about the personal impact of these policies also would reveal the underlying stream of terror they wreak on our communities, the fear of detention and deportation is inhumane and no one should live under its shadow.

Instead, Minority members of the subcommittee have invited the Center of Immigration Studies (CIS), an infamous anti-immigrant organization whose white nationalist goals align with this Administration’s vision. The Southern Poverty Law Center has flagged CIS as an anti-immigrant group that perpetuates the lies of white nationalists, like Stephen Miller², by circulating their writings within their newsletters. Moreover, their analysis cannot be trusted as they have been debunked several times and shown to manipulate data.³ Former

¹ “Mission and Core Values | USCIS,” July 5, 2020. <https://www.uscis.gov/about-us/mission-and-core-values>.

² Marcotte, Amanda. “Hard Evidence That Stephen Miller Is a White Nationalist — and Why That Isn’t ‘Old News.’” Salon, November 12, 2019. <https://www.salon.com/2019/11/12/hard-evidence-that-stephen-miller-is-a-white-nationalist-and-why-that-isnt-old-news/>.

³ Southern Poverty Law Center. “Center for Immigration Studies Reports.” Accessed July 28, 2020. <https://www.splcenter.org/fighting-hate/intelligence-report/2009/center-immigration-studies-reports>.



Illinois Rep. Luis Gutierrez has said, “Their research is always questionable because they torture the data to make it arrive at the conclusion they desire, which is that immigrants are criminals and a burden on the U.S. and our economy. It is the worst kind of deception...”

⁴ How can this Committee then legitimize this organization by having them testify at this hearing?

Under the Trump administration, immigrant youth, their families and communities of color have experienced first hand the impact of white supremacist immigration and criminal legal systems. Inherently racist from conception, the Trump administration has mercilessly amplified the message and expanded the consequences of a discriminatory and wilfully negligent agency. These systems are unleashed in their full force as a single, unified deportation force acting upon vulnerable communities. At the border, the implementation of cruel and unnecessary policies [including MPP (Migrant Protection Policy) and Zero Tolerance] has caused irreparable harm to those seeking refuge and a better life in our country. Immigration bans, at first implemented under the guise of security, are now enforced under the pretense of public health. USCIS has played a key role in making it harder for immigrants to live and work in the United States and for those outside the country to pursue a better life within our borders.

This statement is to address the several ways in which USCIS has become an obstacle and in many instances a barrier in the lives of American citizens and immigrants alike instead of a customer service agency to facilitate a transition into American life. During the Trump administration, USCIS has changed its mission to remove the phrases “nation of immigrants” and “customers”⁵ leaving behind its most American value and becoming an enforcement agency. In his statement, then-Director L. Francis Cissna emphasized the “[u]se of the term leads to the erroneous belief that applicants and petitioners, rather than the American people, are whom we ultimately serve” implying the agency no longer sees applicants and petitioners as American, or that serving them is separate from serving Americans, which is patently untrue.⁶

The Trump administration since then has turned USCIS into yet another tool in its anti-immigrant deportation machine, by using its policies to deny immigration benefits,

⁴ Southern Poverty Law Center. “Center for Immigration Studies.” Accessed July 28, 2020.

<https://www.splcenter.org/fighting-hate/extremist-files/group/center-immigration-studies>.

⁵ Before Feb. 2018, USCIS mission statement read, ““USCIS secures America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.” NPR.org. “America No Longer A ‘Nation Of Immigrants,’ USCIS Says.” Accessed July 27, 2020.

<https://www.npr.org/sections/thetwo-way/2018/02/22/588097749/america-no-longer-a-nation-of-immigrants-uscis-says>.

⁶ *Id.*



issuing Notices to Appear for those rejected,⁷ bankrupting the institution, and grinding its functions to a halt,⁸ not to mention the defiance of the recent Supreme Court decision to return Deferred Action for Childhood Arrivals (DACA) program to its original 2012 state.⁹ We urge Congress to hold this administration accountable for the cruel and unnecessary ways it has found to add hardship to the lives of immigrants both inside the country and abroad.

USCIS has created new rules to increase fees, add unnecessary restrictions and requirements, and overall discourage immigrants from applying for not only immigration benefits but social welfare assistance they are in need of and qualify for but have become too afraid to use, so as to not risk their immigration status. Through the new regulations for the Public Charge rule, USCIS said as much in its own proposed rule, that they expected the federal government to save money in transfers to states because people would disenroll from life-saving programs “due to concern about the consequences to that person receiving public benefits and being found to be likely to become a public charge.”¹⁰ This is an unconscionable move, immigrants already do not qualify for most government assistance programs and this has driven them away from vital resources like medical care and food assistance.¹¹

As mentioned before, USCIS issues Notices to Appear automatically for most rejections and denials, this unnecessarily initiates deportation procedures for a number of immigrants and takes away prosecutorial discretion, not only harming immigrants, their families and communities but overburdening the immigration courts as well.¹² Another way USCIS is used as deportation enforcement is through its shared databases.

A FOIA lawsuit filed by Make the Road New York and Make the Road Connecticut revealed Immigration and Customs Enforcement (ICE) has access to shared databases where USCIS

⁷ “The new USCIS guidance instructs staff to issue a Notice to Appear (NTA) to anyone who is unlawfully present when an application, petition, or benefit request is denied...This move essentially ends all prosecutorial discretion, a key tool used by law enforcement and prosecutors all over the country to effectively prioritize cases.” Immigration Impact. “USCIS Is Slowly Being Morphed Into an Immigration Enforcement Agency,” July 9, 2018. <https://immigrationimpact.com/2018/07/09/uscis-guidance-immigration-benefit/>.

⁸ Meissner, Sarah Pierce, Doris. “USCIS Budget Implosion Owes to Far More than the Pandemic.” migrationpolicy.org, June 15, 2020. <https://www.migrationpolicy.org/news/uscis-severe-budget-shortfall>.

⁹ POLITICO. “Whiplash’: Trump and His Team Face an Internal Struggle over Dreamers.” Accessed July 27, 2020. <https://www.politico.com/news/2020/07/24/trump-internal-struggle-fate-of-dreamers-380572>.

¹⁰ Federal Register. “Inadmissibility on Public Charge Grounds,” October 10, 2018. <https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>.

¹¹ Bernstein, Hamutal, Dulce Gonzalez, Michael Karpman, and Stephen Zuckerman. “Amid Confusion over the Public Charge Rule, Immigrant Families Continued Avoiding Public Benefits in 2019.” Urban Institute, May 13, 2020. <https://www.urban.org/research/publication/amid-confusion-over-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-2019>.

¹² *Id* “USCIS Is Slowly Being Morphed Into an Immigration Enforcement Agency.”



keeps information on DACA recipients.¹³ This break from their commitment to keep DACA recipients' information confidential and the lack of transparency on exactly what information is shared and how is extremely concerning and not only may be serving to provide ICE with information to facilitate enforcement on people with lawful presence, but also serves to once again discourage immigrants from applying for benefits they qualify for. These policies instill fear and distrust of government in immigrant communities. Policies like these are harmful to immigrant communities of color as well as the larger American society. This administration might use economic arguments as pretense to implement their white nationalist agenda and they might save the government money at first, but this is a shortsighted way of governing since it's already been shown time and again that immigrants contribute and grow the American economy.¹⁴

This willful negligence of their original mission and purposeful financial mismanagement is evident in yet another new rule that has been proposed by this administration to increase fees across the board exponentially. USCIS is an agency funded by the fees collected from applications for immigration benefits. But due to a drop in applications, an obvious consequence from the various barriers and anti-immigrant policy proposals of the Administration, USCIS claims it cannot fund itself through the end of the year 2020. In November 2019 the agency proposed the new rule to increase fees, predicting a budget shortfall of \$1.2 billion. This year USCIS claimed the drop in applications and thus in fees was due to the pandemic and announced they would be furloughing over 13,000 of its staff by the beginning of July.¹⁵ This furlough has been postponed several times, the latest start date is August 31st. However, a letter from Senator Patrick Leahy has revealed USCIS to have enough funds to last until the end of the year.¹⁶ While warning of a dire budget shortfall and furloughs, this administration refused to send Congress an official request to cover costs and it still has not. The agency made a request to the White House, proposing a ten percent surcharge on top of the impending fee increases to pay back Congress, but the Administration never relayed the request as necessary, while it bizarrely claimed Congress had everything it needed to provide the funds.¹⁷ Furthermore, Senator McConnell, in his

¹³ Lind, Dara. "ICE Has Access to DACA Recipients' Personal Information Despite Promises Suggesting Otherwise, Internal Emails Show." ProPublica. Accessed July 28, 2020.

https://www.propublica.org/article/ice-has-access-to-daca-recipients-personal-information-despite-promises-suggesting-otherwise-internal-emails-show?token= ZxdeE_wocC45nxQoi4TRYZ4jEdTGjPb.

¹⁴ Jawetz, Tom. "Building a More Dynamic Economy: The Benefits of Immigration." Center for American Progress. Accessed July 28, 2020. <https://www.americanprogress.org/issues/immigration/reports/2019/06/26/471497/building-dynamic-economy-benefits-immigration/>.

¹⁵ *Id.* Meissner, "USCIS Budget Implosion Owes to Far More than the Pandemic."

¹⁶ "Leahy Announces That USCIS Is Postponing Furloughs Of 13,000 Public Servants | United States Senate Committee on Appropriations." Accessed July 28, 2020.

<https://www.appropriations.senate.gov/news/minority/leahy-announces-that-uscis-is-postponing-furloughs-of-13000-public-servants>.

¹⁷ BuzzFeed News. "The Immigration System Is Set To Come To A Near Halt, And No One Is Paying Attention." Accessed July 28, 2020. <https://www.buzzfeednews.com/article/hamedaleaziz/immigration-system-budget-cuts>.



recently proposed HEALS Act response to the pandemic, includes a provision¹⁸ to provide USCIS with the loan while also calling for a 10% increase in fees so that it is immigrants who must pay the price for USCIS's deliberate mismanagement..

This process has been made purposefully confusing and opaque to create fear, inefficiencies and slow down the benefits given to immigrants. USCIS cannot be allowed to continue self-sabotage when so many immigrants depend on it to maintain their legal presence, adjust their status, apply for visas and receive work authorization, all in the same of white nationalism.

Perhaps the most egregious negligent act USCIS has taken up is to defy a US Supreme Court order. On June 18th the Supreme Court decided on the case regarding the DACA program, siding with the plaintiffs and ordering the rescission memo be discarded. This restored the program to its original form and meant USCIS should have resumed accepting and processing new initial applications and advance parole requests. However, even as the decision was filed on July 13th and a Maryland Federal Court ordered USCIS to comply on July 17th,¹⁹ DHS has just released a new memorandum dismantling the program.²⁰ In defiance of the Courts, DHS will not resume accepting and processing initial applications, and will only process renewals that are now of one-year periods, instead of the previous 2 years.

There are an estimated 66,000 immigrant youths who would have come of age and become eligible for DACA between its rescission and now.²¹ There are over 1.3 million people who currently qualify but only 643,560 are currently enrolled.²²

Leidy Leon, an 18-year-old UWD member, was too young to apply for DACA before Trump ended it in 2017. She feels living in the uncertainty of not being able to apply for DACA makes her "unsure of her future and unmotivated to continue in school, but encouragement and support from people close to her helped get her through high school."²³

¹⁸ Additional Emergency Appropriations For Coronavirus Health Response And Agency Operations
<https://www.appropriations.senate.gov/imo/media/doc/Phase%20IV%20Summary%20-%20FINAL%20.pdf>

¹⁹ NPR.org. "Federal Court Orders Trump Administration To Accept New DACA Applications." Accessed July 28, 2020.
<https://www.npr.org/2020/07/17/892413311/federal-court-orders-trump-administration-to-accept-new-daca-applications>.

²⁰ Department of Homeland Security. "Department of Homeland Security Will Reject Initial Requests for DACA As It Weighs Future of the Program," July 28, 2020.
<https://www.dhs.gov/news/2020/07/28/department-homeland-security-will-reject-initial-requests-daca-it-weighs-future>.

²¹ Press, The Associated. "Trump Offers Confusion, Contradictions on Immigration Order." The New York Times, July 20, 2020, sec. U.S.
<https://www.nytimes.com/aponline/2020/07/20/us/politics/ap-us-trump-immigration.html>.

²² migrationpolicy.org. "Deferred Action for Childhood Arrivals (DACA) Data Tools," August 4, 2016.
<https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>.

²³ "What Happens next for DACA -- and for College-Aged Students Who Want to Apply for the First Time?" Accessed July 28, 2020.
<https://www.insidehighered.com/news/2020/07/06/what-happens-next-daca-and-college-aged-students-who-want-apply-first-time>.



When the Supreme Court ruled in favor of the program, Leidy felt hopeful and the opportunity to apply for DACA “would mean the absolute world to my family and I because we wouldn’t be filled with such uncertainty and fear.”²⁴

She will be attending University of California, Merced in the fall and says “getting DACA would minimize my anxiety and make it easier to plan for my future during and after college.”²⁵ But all this is being jeopardized not only for Leidy but for hundreds of thousands of immigrant youth because the Trump Administration refuses to comply with the Supreme Court.

This unprecedented contempt for the US Supreme Court only highlights the fact that the Trump Administration does not care for the rule of law but has turned ICE, Customs and Border Protection (CBP) and USCIS into a deportation and enforcement-focused triad, with enforcement goons in ICE and CBP²⁶ and an agency in USCIS willing to harm not only immigrants but flaunt all other democratic institutions.

If allowed to continue to operate with impunity, USCIS will only devolve itself into a giant bureaucracy, impossible to navigate which immigrants are too scared to engage with and we believe that is the goal of this administration. If they cannot change immigration laws, they will bring the system to a halt and not allow it to function.²⁷ This Administration does not want people of color to move to this country or to thrive in America and they will do whatever it takes to enact their racist agenda.²⁸ It is up to Congress to stop them.

Congress has to order USCIS to comply with the Supreme Court, to do their job. Any money provided to USCIS has to have provisions to ensure its proper use and prohibit any transfer to other agencies, and we will oppose any funding that allows USCIS to transfer money towards enforcement agencies. Additionally, because USCIS will be taking away fee waivers for immigration benefits, Congress needs to pass legislation codifying fee waivers, making them a permanent fixture of our immigration system and ensuring those most vulnerable have access to the assistance they need. Congress also needs to insist on the Administration bringing forward nominations to fill top positions at DHS, ICE, CBP and USCIS, which have been staffed by Acting Directors who this Administration knows would never get confirmed. We demand accountability and transparency of these agencies.

²⁴ *Id*

²⁵ *Id*

²⁶ Levinson, Jonathan, et al. NPR.org. “Federal Officers Use Unmarked Vehicles To Grab People In Portland, DHS Confirms.” Accessed July 28, 2020. <https://www.npr.org/2020/07/17/892277592/federal-officers-use-unmarked-vehicles-to-grab-protesters-in-portland>.

²⁷ Derysh, Igor. “Stephen Miller Wants Zero Refugee Admissions in 2020. He May (Almost) Get It.” Salon, July 20, 2019.

<https://www.salon.com/2019/07/20/stephen-miller-leads-trump-administration-push-to-cut-refugee-admissions-to-zero/>.

²⁸ *Id* Marcotte, “Hard Evidence That Stephen Miller Is a White Nationalist — and Why That Isn’t ‘Old News.’”



In spite of relentless assault on immigrant freedoms, we along with our families have organized in the streets and all levels of government and have delivered a stinging rebuke to this administration—that no matter how fervent its commitment to xenophobia, racism, and criminalization, immigrants are #HereToStay.

We will keep organizing and building until every member of our community is protected and can thrive.