



**Statement for the Record from**

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**Submitted to the House Judiciary, Immigration and Citizenship Subcommittee  
Hearing on The U.S. Immigration System: The Need for Bold Reforms**

**Thursday, February 11, 2021**

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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 750,000 members and 112 local groups across 28 states.

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 bold action to overhaul and modernize our immigration system and to examine President President Biden's vision for immigration reform as well as other legislative proposals and reforms necessary to unite American families, and accelerate our economic recovery as we emerge from the COVID-19 pandemic. It is clear both this Administration and Congress are committed to finally resolving long standing problems in our immigration systems and creating a pathway to citizenship for the 11 million undocumented people who have been living in the US for so long under threat of deportation and without so many protections and rights.

We wish the Committee felt compelled to hear from directly impacted people as well as policy experts. Hearing from those who have to navigate the immigration system themselves or who are altogether left out of it unprotected is paramount to understanding the impact these policies have on our communities. United We Dream members and immigrants at large want to be included and heard in building a system that is innovative, people-centered, fair and humane and which will ultimately impact them the most.

It is especially important now that we have come out of an administration that only sought to leverage the root issues of the system to weaponize it even more against immigrants. Moreover, 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.



This statement is to address the need for bold action from the administration and from Congress, on offering urgently needed solutions to those who have been here and on creating a fair and humane system that will welcome those yet to come. To that end, we will go over our priorities when it comes to legislation that impacts our membership and communities followed by our in depth review and support for many components of President Biden's US Citizenship Act of 2021.

We agree that our current immigration system is broken and in need of a complete overhaul and appreciate President Biden's bold framework as a solid start to that goal. We recognize it as the most progressive piece of legislation to provide pathways to citizenship to millions that we have seen and urge Congress to pass it this year still.

Our top priority is to win a pathway to citizenship for all undocumented people, and to achieve this, we support and welcome any and all opportunities to win permanent solutions for undocumented people that do not grow the deportation force of ICE and CBP.

We welcome the effort put forth by the President Biden team and are in support of it, but recognize that in order to get this right for the 11 million and move forward legislation that helps people without hurting people, this will take time. Ultimately, our goal is for this expansive legislation to pass in both chambers of Congress and be signed into law by President President Biden by the end of this year. To that end, we also believe we can have more than one shot at creating pathways to citizenship for different subsets of the undocumented population. Yes, we must move forward a process to pass legislation for the 11 million into law and we see early opportunities to swiftly move forward and pass into law bills that have already been tested and passed by the House within the first 100 days of this Congress.

United We Dream is in full support for the passage of an improved Dream and Promise Act along with the Farm Workforce Modernization Act as a package by March 12 in the House. As bills that moved through House committee markups in the previous Congress and won bipartisan support, these bills can now be brought to the floor ahead of House recess in March to make a clear statement to the Senate that legalization for millions of immigrants can be achieved as soon as possible. This would change the lives of over 3.5 million people (2 million immigrant youth, 400,000 TPS holders, 1 million farmworkers) and provide them with a pathway to citizenship. We also support the swift passage of legislation in the Senate that would protect immigrant youth, TPS holders and farmworkers within the first 100 days. Senator Dick Durbin has already reintroduced the Dream Act and Senator Chris Van Hollen has introduced the SECURE Act, which together offer a pathway to citizenship



for immigrant youth and TPS holders. This comes along with a parallel strategy in our push for citizenship for essential workers, immigrant youth and TPS holders to be included in the second President Biden reconciliation package bill expected in April (there are 5.2 million undocumented essential workers).

Meanwhile we continue to support the advancement of broad legislation that offers a pathway to citizenship to all 11 million people. In President Biden's proposal, we would like to highlight the importance of three pieces: (1) the expedited pathway to immigrant youth, TPS holders and farmworkers to achieve citizenship within 3 years, (2) in repealing the 3 and 10 year bars from the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and (3) the overhaul of the immigration system with reforms to asylum rules, visas and border management. For us, a pathway to citizenship for all is just the beginning.

The President's proposal offers an eight year path to citizenship for those who are not immigrant youth, TPS holders or farmworkers. This would mean five years in temporary status before being able to receive legal permanent residency (LPR) and being able to apply for naturalization three years after that. We recognize this is an improvement from previous proposals (the latest was 13 years), but still we believe five years is still too long to be in temporary status, which is a precarious state of being in the United States and longer than a full presidential term. Unfortunately, as we've learned, that can mean terrible things to those most vulnerable. The truth is our people deserve better, over 66% of undocumented people have been in the United States for over 10 years. They should all be expedited straight into LPRs like immigrant youth, TPS holders and farmworkers.

We also praise the previously mentioned repeal of the 3 and 10 year bars in President Biden's proposal. Barring deported immigrants from the country solely because of their unlawful status when apprehended has already been proven not to work as a deterrent and only serves to punish and keep people who would otherwise be able to adjust their status from doing so. Repealing a section of it is a good beginning to reimagining an immigration system that is centered around people and their needs instead of keeping them out. However, we must further decouple the criminal legal system from the immigration system. In short, the IIRIRA created the modern and deadly detention and deportation apparatus by also<sup>1</sup>

- Expanding the range of criminal convictions that could result in deportation of legal permanent residents;

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<sup>1</sup> Human Rights Watch. "US: 20 Years of Immigrant Abuses," April 25, 2016. <https://www.hrw.org/news/2016/04/25/us-20-years-immigrant-abuses>.



- Making it more difficult to apply for asylum;
- Authorizing mandatory and prolonged detention and drastically increased the number of those in detention;
- Creating fast tracks for deportation used to deny people asylum and much more.

For us it is clear the entire IIRIRA should be repealed, we hope President Biden and Congress will take a first step by supporting and passing New Way Forward, legislation that seeks to address many of the deeply rooted inequities and harms our immigration system is built upon.

President Biden's proposal also prioritizes keeping families together. By recognizing LGBTQ+ families, allowing immigrants with approved family-sponsorship petitions to join family in the United States on a temporary basis while they wait for green cards to become available, and including the NO BAN Act, the proposal broadens the ways in which families and communities can be reunited. We recognize these efforts as positive changes and hope they are honored by not creating absurd and prohibitive evidence requirements. Moreover, by including the NO BAN Act into his proposal, President Biden purposefully limits the ability of the executive branch to create travel bans altogether and specifically prohibits discrimination on the basis of religion. By codifying the effort, he is ensuring future presidents will not be able to bring such discriminatory policies back.

The proposal also takes several steps to protect undocumented workers. A couple of bright spots for us are the provision of U-visas for those victims of serious labor violations and the protections for workers from deportation in cases of workplace retaliation. We look forward to seeing language on these provisions on what will be considered a "serious labor violation" and we are hopeful this will not become an impossible qualification to meet. On the other hand, employment verification systems, which the proposal intends to make improvements to, are historically detrimental and punitive to undocumented workers, keeping people from dignified and protected labor. They are an unnecessary burden on workers and employers and should not exist.

The President's proposal would also increase the number of some visas (Diversity visas from 53,000 to 80,000) while trying to retrieve others that might not reach their cap, streamlining the process to adjusting statuses and providing work permits to some non-immigrant visas. These are all good measures to be taken but they will not be enough to address the need from immigrants and the economic needs of the country. "Numerous studies have documented that immigrants are needed to replace the large number of



retiring Baby Boomers and that the future growth of the U.S. workforce will come from immigrants and their children.”<sup>2</sup> We will simply need more visas.

When it comes to the border, shifting the framework from border security to border management is a definite improvement the President Biden administration has brought to this issue. We appreciate the exclusion of further financing of detention and deportation from this proposal. It sits in stark contrast to previous attempts and avoids premature compromise on our values. As previously mentioned, enforcement has exponentially increased since 1996 and it has failed in deterring migration<sup>3</sup> or keeping us safe. From 2005 to 2020, ICE’s budget has increased by 171 percent and CBP’s by 176 percent.<sup>4</sup> Unfortunately, the bill does include supplementation for technologies and infrastructure which will further militarize our borders and affect our border communities.

We would like to point out people live at the border, on both sides of it. Entire communities have been divided and devastated by policies created by those far from them. We must take these communities into consideration when contemplating higher surveillance, armaments and barriers to border crossing. How the danger might not be in those crossing the border unauthorized but in the fear instilled in those communities and in the potential for abuses of power and authority by those entrusted to protect us. In that light, we look forward to learning more about the Border Community Stakeholder Advisory Committee mentioned in President Biden’s framework and expect border community members to be included in the accountability work of the Department of Homeland Security.

Lastly, the President Biden proposal turns to address the root causes of migration and our asylum system. We praise the improvements promised. Such as giving back discretion to judges and adjudicators, establishing legal orientation programs, reinstating the Central American Minors program, increasing U-visas and eliminating 1-year deadlines for asylum applications. However, the US has much work to do in assessing its past and present impact in Central American countries and how to best offer aid. The proposal sets aside \$4 billion for aid to countries but it is conditioned on reducing endemic corruption, violence, and poverty. We will be watching for the requirements and strings attached to this aid.

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<sup>2</sup> Svajlenka, Nicole Prchal. “Immigrant Workers Are Important to Filling Growing Occupations.” Center for American Progress, May 11, 2017.

<https://www.americanprogress.org/issues/immigration/news/2017/05/11/431974/immigrant-workers-important-filling-growing-occupations/>.

<sup>3</sup> NW, 1615 L. St, Suite 800 Washington, and DC 20036 USA 202-419-4300 | Main 202-857-8562 | Fax 202-419-4372 | Media Inquiries. “5 Facts about Illegal Immigration in the U.S.” Pew Research Center (blog). Accessed February 10, 2021.

<https://www.pewresearch.org/fact-tank/2019/06/12/5-facts-about-illegal-immigration-in-the-u-s/>.

<sup>4</sup> Bolter, Muzaffar Chishti, Jessica Bolter Muzaffar Chishti and Jessica. “As #DefundThePolice Movement Gains Steam, Immigration Enforcement Spending and Practices Attract Scrutiny.” migrationpolicy.org, June 24, 2020.

<https://www.migrationpolicy.org/article/defundthepolice-movement-gains-steam-immigration-enforcement-spending-and-practices-attract>.



We recognize the monumental task ahead and look forward to the challenge. We also understand there are even more issues that have eluded even the most thorough of proposals. We would like to highlight a few here for your consideration.

Climate change is already impacting migration patterns. Most current asylum seekers have fled the devastation caused by the increasing number of hurricanes to hit already devastated countries. President Biden has already promised to increase the number of asylum seekers we will be taking in to 125,000 a year. But he has not addressed the steadily increasing need when it comes to climate refugees. In 2018 the World Bank has estimated that by 2050, there will be 143 million more climate refugees.<sup>5</sup> There should be a new class of refugees created for this issue alone and we cannot wait until the need is overwhelming.

We need independent immigration courts. Although President Biden addresses this by giving back some discretion to judges and adjudicators, it is not enough. The immigration courts cannot be impartial and ensure a fair process while it is under the jurisdiction of the Department of Justice and its influence. This was demonstrated when former Attorney General Jeff Sessions imposed quotas on immigration judges.<sup>6</sup> This must not happen, again, Congress must make immigration courts independent under Article 1.

Although President Biden adds no funding for immigration enforcement or deportation, his proposal makes no attempt at defunding enforcement agencies like Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP). These agencies have proven themselves dangerous and unnecessary time and again when it comes to the detention and deportation of immigrants. They have abused<sup>7</sup> their authority<sup>8</sup> and power<sup>9</sup>, and broken human rights laws. We demand they be defunded and ultimately disbanded.

Along the same lines, since detention is not needed, we also demand detention camps be closed, both private and publicly owned. President Biden has already signaled his

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<sup>5</sup> Kumari Rigaud, Kanta, Alex de Sherbinin, Bryan Jones, Jonas Bergmann, Viviane Clement, Kayly Ober, Jacob Schewe, Susana Adamo, Brent McCusker, Silke Heuser, and Amelia Midgley. 2018. Groundswell: Preparing for Internal Climate Migration. The World Bank. Pg 2. <https://openknowledge.worldbank.org/handle/10986/29461>

<sup>6</sup> NPR.org. "Justice Department Rolls Out Quotas For Immigration Judges." Accessed February 10, 2021.

<https://www.npr.org/2018/04/03/599158232/justice-department-rolls-out-quotas-for-immigration-judges>.

<sup>7</sup> Martinez, Arlene. "ICE Detention Centers Rife with Abuse, Investigation Finds." USA TODAY. Accessed February 10, 2021.

<https://www.usatoday.com/story/news/nation/2019/12/23/ice-detention-centers-rife-abuse-investigation-finds/2736084001/>.

<sup>8</sup> NPR.org. "DHS Inspector General Finds 'Dangerous Overcrowding' In Border Patrol Facilities." Accessed February 10, 2021.

<https://www.npr.org/2019/07/02/738179391/dhs-inspector-general-finds-dangerous-overcrowding-in-border-patrol-facilities>.

<sup>9</sup> United We Dream. "ICE & CBP Abuse Tracker." Accessed February 10, 2021.

<https://unitedwedream.org/the-truth-about-ice-and-cbp/ice-and-cbp-abuse-tracker/>.



willingness to close private prisons, it should follow that private detention camps are next since they actually represent the majority of those incarcerated by private companies.<sup>10</sup>

Ultimately, enforcement agencies and detention camps exist because immigrants are criminalized and punished for moving across borders and migrating, a global phenomenon. Before these agencies existed, before immigration laws were weaponized to punish people, borders were porous and migrants were allowed to move in search of a better life. We also call for the decriminalization of immigration and the detaching of local law enforcement from immigration enforcement. As mentioned before, IIRIRA should be repealed, but there are other laws that also contribute to the deportation pipeline, like Sections 1325 and 1326 of the Title 8 of the federal code, which criminalize unlawful entry and re-entry into the country. Such codes should be repealed. Furthermore, agreements between federal immigration enforcement agencies and local law enforcement like 287(g), Secure Communities, Operation Stone Garden and others should be ended. They do not make communities safe, instead they spread fear and distrust of local police.<sup>11</sup>

Finally, we support President Biden's proposal and other legislation in granting permanent protections to as many people as possible. We don't believe these different pieces of legislation to be mutually exclusive as long as they provide a pathway to citizenship for people without further increasing the deportation force. At the end of the day, we welcome any and all legislative efforts to achieve those results.

In spite of relentless assault on immigrant freedoms in the past administration, we along with our families have organized in the streets and all levels of government and have delivered a clear message to President Biden - we demand a pathway to citizenship for all undocumented people and we will not tolerate further terror in our communities.

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

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<sup>10</sup> Luan, Livia. "Profiting from Enforcement: The Role of Private Prisons in U.S. Immigration Detention." migrationpolicy.org, April 30, 2018. <https://www.migrationpolicy.org/article/profitting-enforcement-role-private-prisons-us-immigration-detention>

<sup>11</sup> Lopez, Laura Muñoz. "How 287(g) Agreements Harm Public Safety." Center for American Progress, May 8, 2018. <https://www.americanprogress.org/issues/immigration/news/2018/05/08/450439/287g-agreements-harm-public-safety/>.