



Statement for the Record of

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Executive Director

**CASA**

**For a Hearing from the Committee on the Judiciary  
Subcommittee on Immigration and Citizenship**

**“Why Don’t They Just Get in Line?”  
Barriers to Legal Immigration**

Wednesday, April 28, 2021

2141 Rayburn House Office Building

Washington, D.C. 20515

CASA is a group of passionate, community-conscious people working to organize, advocate for, and expand opportunities for Latino and immigrant people in the state of Maryland, Pennsylvania, and Virginia. We do this by providing employment placement; workforce development and training; health education; citizenship and legal services; and financial, language, and literacy training to Latino and immigrant communities throughout the state. Since our humble beginnings in 1985 assisting Central American refugees fleeing wars and civil strife at home, we have worked tirelessly to bring immigrant communities in Maryland, Virginia, and Pennsylvania out of the shadows and into greater power, dignity, and legitimacy.

The United States is home to approximately 11 million undocumented individuals,<sup>1</sup> including an estimated 636,390 Deferred Action for Childhood Arrivals (DACA) recipients<sup>2</sup> and approximately 320,000 Temporary Protected Status (TPS) recipients.<sup>3</sup> Five million undocumented individuals are currently aiding the battle against COVID-19 as essential workers,<sup>4</sup> including 202,500 DACA recipients<sup>5</sup> and 131,300 TPS holders.<sup>6</sup>

Unfortunately, most undocumented individuals cannot obtain lawful status because no such pathway to lawful status exists. While a small number of undocumented individuals can adjust status via sponsorship, section 212(a)(9) of the Immigration and Nationality Act (INA) imposes 3-year, 10-year, and even permanent bars from entry on certain individuals who accrue specific amounts of unlawful presence and meet other requirements.<sup>7</sup> Furthermore, INA § 245(a) requires that nonimmigrants be “inspected and admitted or paroled into the United States” in order to adjust status, which excludes many undocumented individuals who entered without inspection from eligibility.<sup>8</sup> By July 31, 2019, only 76,000 DACA recipients successfully adjusted status to lawful permanent residents (LPRs).<sup>9</sup> Likewise, by September 17, 2020, nearly 82,000 TPS

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<sup>1</sup> *Profile of the Unauthorized Population: United States*, Migr. Pol’y Inst., <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US> (last accessed Apr. 26, 2021).

<sup>2</sup> Andorra Bruno, Cong. Rsch. Serv., R46764, *Deferred Action for Childhood Arrivals (DACA): By the Numbers 9* (2021).

<sup>3</sup> Jill H. Wilson, Cong. Rsch. Serv., RS20844, *Temporary Protected Status and Deferred Enforced Departure 5* (2021).

<sup>4</sup> Nicole Prchal Svajlenka, *A Demographic and Economic Profile of Undocumented Workers on the Pandemic’s Front Lines*, Ctr. for Am. Progress (Feb. 18, 2021, 9:02 AM), <https://www.americanprogress.org/issues/immigration/news/2021/02/18/495992/demographic-economic-profile-undocumented-workers-pandemics-front-lines/>.

<sup>5</sup> Nicole Prchal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, Ctr. for Am. Progress (Apr. 6, 2020, 9:01 AM), <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

<sup>6</sup> Nicole Prchal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Ctr. for Am. Progress (Apr. 14, 2020, 9:05 AM), <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>.

<sup>7</sup> 8 U.S.C. § 1182(a)(9)(B)–(C) (2021).

<sup>8</sup> *Id.* § 1255.

<sup>9</sup> Andorra Bruno, Cong. Rsch. Serv., R46764, *Deferred Action for Childhood Arrivals (DACA): By the Numbers 20* (2021).

holders adjusted status to LPRs, and nearly 9,500 former TPS holders successfully naturalized.<sup>10</sup>

To promote equity for undocumented individuals throughout the United States, Congress must repeal the bars implemented by INA § 212(a)(9), the per-country limit on employment- and family-based visas, and the inspection and parole requirements of INA § 245(a). Additionally, Congress must pass legislation to provide status to undocumented individuals, including but not limited to the Dream Act of 2021, the American Dream and Promise Act of 2021, the SECURE Act, and the Citizenship for Essential Workers Act, either through reconciliation or through any other available mechanism.<sup>11</sup>

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<sup>10</sup> Lora Adams, TPS Advoc. Working Grp., Pulling Back the Curtain: Analysis of New Government Data on Temporary Protected Status 36 (2021), available at <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/pulling>.

<sup>11</sup> American Dream and Promise Act of 2021, H.R. 6, 117th Cong. (2021); Dream Act of 2021, S. 264, 117th Cong. (2021); Safe Environment from Countries Under Repression and Emergency (SECURE) Act, S. 306, 117th Cong. (2021); Citizenship for Essential Workers Act, S. 747, 117th Cong. (2021).