



**Statement for the Record**  
**U.S. Senate Judiciary Committee**  
**Hearing: “H.R. 6, American Dream and Promise Act of 2021”**

June 15, 2021

Chairman Durbin, Ranking Member Grassley, and Members of the Senate Judiciary Committee, we the undersigned organizations representing the Children Thrive Action Network (CTAN), thank you for the opportunity to submit this statement for the record for the hearing on the American Dream and Promise Act of 2021. CTAN is a national network dedicated to defending and supporting children of immigrants in the U.S., and our advocacy is guided by a set of policy principles that include a path to citizenship; equitable access to health care, education, and economic security; and family unity and child wellbeing in immigration policy.<sup>1</sup>

The American people agree that every law and policy must be guided by a “best interest of the child” standard.<sup>2</sup> However, children have historically been disregarded or targeted for intentional cruelty in U.S. immigration policy decisions. For children of immigrants or children who are themselves immigrants, Congress’ failure to pass a pathway to citizenship for undocumented people has inflicted harm on children, including family separation and toxic stress that can have long-term impacts on children’s healthy development. Children of immigrants make up approximately one in four of all children in the United States and are the fastest growing segment of the child population.<sup>3</sup> Of these children, approximately 5 million have a parent who is undocumented or is a recipient of the Deferred Action for Childhood Arrivals (DACA) Program or Temporary Protected Status (TPS).<sup>4</sup> Approximately 728,000 children are undocumented themselves.<sup>5</sup> The American Dream and

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<sup>1</sup> *Policy Principles to Advance the Wellbeing of Children of Immigrants*, Children Thrive Action Network, <https://secureservercdn.net/104.238.69.231/kpc.cec.myftpupload.com/wp-content/uploads/2021/06/CTAN-Policy-Principles-to-Advance-the-Wellbeing-of-Children-of-Immigrants.pdf> (last visited June 11, 2021).

<sup>2</sup> Bruce Lesley, *Voters Have Spoken and They Support Children*, First Focus on Children (Nov. 23, 2020), <https://firstfocus.org/blog/voters-have-spoken-and-they-support-children>.

<sup>3</sup> *Children in U.S. Immigrant Families*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families?width=1000&height=850&iframe=true>. (Accessed Nov. 5, 2020).

<sup>4</sup> Randy Capps, Michael Fix, & Jie Zong, *A Profile of U.S. Children with Unauthorized Immigrant Parents*, Migration Policy Institute (Jan. 2016), <https://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents>; Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States* (Sept. 5, 2019), <https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-unitedstates/>.

<sup>5</sup> Randy Capps et al., *Unauthorized Immigrants in the United States: Stable Numbers, Changing Origins*, Migration Policy Institute (Dec. 2020), [https://www.migrationpolicy.org/sites/default/files/publications/mpi-unauthorized-immigrants-stablenumbers-changingorigins\\_final.pdf](https://www.migrationpolicy.org/sites/default/files/publications/mpi-unauthorized-immigrants-stablenumbers-changingorigins_final.pdf).

Promise Act would provide a pathway to citizenship for millions of Dreamers, TPS holders, and Deferred Enforced Departure (DED) recipients, giving immigrant children and children of immigrants family unity and stability to dream and plan for the future.

### ***A path to citizenship for Dreamers***

Dreamers, or immigrants who entered the United States as minors, have grown up in the United States, and are vital to our communities and our country. While a path to citizenship has robust support among the American public as well as bipartisan support in Congress, legislation remains to be passed into law. In 2012 the Department of Homeland Security created the DACA program, which granted young people eligible for the program relief from deportation and improved access to higher education, career opportunities, and basic necessities such as a driver's license or credit card.<sup>6</sup> On this day, the 9th anniversary of the DACA program, approximately 640,000 current DACA beneficiaries are pursuing a college degree or participating in our workforce.<sup>7</sup> During the pandemic, almost a million DACA recipients served in frontline jobs in essential industries, including health care, caregiving, and agriculture.<sup>8</sup>

Despite the tremendous success of the DACA program, it does not provide permanent protections and has been under threat multiple times, including the termination of the program in 2017 under the Trump Administration. The program has also excluded many Dreamers over the years due to its narrow age and education requirements, leaving many vulnerable to deportation. Moreover, beneficiaries of the program still face barriers to higher education, including access to federal financial aid.<sup>9</sup> DACA recipients also face barriers to health coverage, as the Department of Health and Human Services has not yet expanded eligibility for CHIP, Medicaid, and the Affordable Care Act exchanges despite DACA recipients being lawfully present.<sup>10</sup>

By finally providing a path to citizenship, the American Dream and Promise Act of 2021 would grant immigrant youth more stability to further build their lives and futures in the country they call home. The bill contains several improvements from previous versions that would make more Dreamers eligible for relief. To qualify, applicants must have been 18 or younger when they first entered the country and physically present since January 1, 2021 (rather than several years before bill enactment). The bill also extends protections to the children of E and H visa holders who otherwise would age out of their lawful status, providing eligibility for relief under the bill to 190,000 additional

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<sup>6</sup> *Consideration of Deferred Action for Childhood Arrivals (DACA)*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca> (last updated Feb. 4, 2021).

<sup>7</sup> *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles> (last visited June 11, 2021).

<sup>8</sup> *FWD.us Estimates Show Immigrant Essential Workers are Crucial to America's COVID-19 Recovery*, FWD.us (Dec. 16, 2020), <https://www.fwd.us/news/immigrant-essential-workers/>.

<sup>9</sup> Christian Juarez, *The Obstacles Unauthorized Students Face in Postsecondary Education*, Center for American Progress (Dec. 21, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/12/21/444414/obstacles-unauthorized-students-face-postsecondary-education/>.

<sup>10</sup> Vanessa Lopez & Tim K Mackey, *The Health of Dreamers*, Health Affairs (Feb. 13, 2018), <https://www.healthaffairs.org/doi/10.1377/hblog20180209.367466/full/>. *Frequently Asked Questions: DHS DACA FAQs*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions#:~:text=An%20individual%20who%20has%20received,deferred%20action%20is%20in%20effect> (last updated Feb. 4 2021).

children and youth. The bill would also provide an expedited path for DACA recipients by making them immediately eligible for a green card. Together, these positive changes mean an estimated 2.3 million Dreamers are estimated to ultimately get on a path to citizenship.<sup>11</sup>

### ***Improved access to higher education for immigrant youth***

New American Economy estimates that more than 450,000 undocumented students are currently enrolled in higher education,<sup>12</sup> and the Migration Policy Institute estimates that nearly 100,000 undocumented youth graduate from U.S. high schools every year.<sup>13</sup> Immigrant youth are vital to their local economies, yet have historically been left with limited options upon graduation from high school, sometimes even being barred from enrolling in public universities. The cost of a higher education is also often a barrier given that many Dreamers are first generation college students, come from families with low incomes, and lack access to federal financial aid and other forms of assistance.<sup>14</sup>

In recognition of the importance of immigrant students, more than half of the states have implemented policies to provide in-state tuition and, in some cases, state financial aid and other supports to undocumented students.<sup>15</sup> The American Dream and Promise Act includes provisions that would further ease financial barriers to higher education for Dreamers across the country. The bill restores states' ability to determine in-state tuition eligibility for undocumented immigrants based on residence without penalties under current law. This provision is critical to ensure that Dreamers are able to achieve their higher education goals.

### ***A path to citizenship for TPS and DED holders***

The American Dream and Promise Act also grants protections to TPS and DED holders. Congress created TPS to protect individuals already in the United States from returning to unsafe situations in their country of origin.<sup>16</sup> Many TPS beneficiaries have resided in the United States for over 20 years, around 68,000 of whom arrived as children under the age of 16.<sup>17</sup> Approximately 273,000 U.S. citizen children have parents who are TPS beneficiaries.<sup>18</sup> An estimated 131,000 TPS holders from

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<sup>11</sup> *Deferred Action for Childhood Arrivals (DACA) Data Tools*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>, (last visited June 11, 2021).

<sup>12</sup> *Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?*, Presidents' Alliance on Higher Education and Immigration (Apr. 2020), <https://www.presidentsalliance.org/wp-content/uploads/2020/07/Undocumented-Students-in-Higher-Education-April-2020.pdf>.

<sup>13</sup> Jie Zong and Jeanne Batalova, *How Many Unauthorized Immigrants Graduate from U.S. High Schools Annually?*, Migration Policy Institute (Apr. 2019), <https://www.migrationpolicy.org/research/unauthorized-immigrants-graduate-us-high-schools>.

<sup>14</sup> Wendy Cervantes and Duy Pham, *Expanding the Dream: Engaging Immigrant Youth and Adults in Postsecondary and Adult Education*, Center for Law and Social Policy, (Nov. 2017) <https://www.clasp.org/publications/report/brief/expanding-dream-engaging-immigrant-youth-and-adults-postsecondary-and>

<sup>15</sup> *Toolkit on Access to Postsecondary Education*, National Immigration Law Center, <https://www.nilc.org/issues/education/eduaccesstoolkit/eduaccesstoolkit2/#maps>, (last updated March, 2021).

<sup>16</sup> *Temporary Protected Status*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/temporary-protected-status>, (last updated Mar. 23, 2021).

<sup>17</sup> Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. on Migration & Hum. Security 577 (2017), available at <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500302>.

<sup>18</sup> *Id.*

El Salvador, Honduras and Haiti supported the country as essential workers during the pandemic,<sup>19</sup> continuing to be, as they always have been, vital parts of our communities and economy. The recent Supreme Court decision on *Sanchez v. Mayorkas*, which established that Temporary Protected Status (TPS) holders who originally entered the U.S. without inspection are unable to adjust their status based on that status, makes the need for permanent protections for TPS holders particularly urgent.

Without permanent immigration status, TPS holders and their families would face terrible decisions to either separate from their U.S. citizen children or return to a country they haven't been to in years with children who only know the United States as their home. Liberian recipients of DED, a temporary administrative protection granted by the president under his or her powers to conduct foreign relations,<sup>20</sup> would face similar horrible decisions. The American Dream and Promise Act would provide critical relief to hundreds of thousands of families who simply want to live freely and provide for their loved ones.

### ***Stability for children in mixed-status families***

The consequences of failing to provide permanent solutions for these immigrant populations are dire, particularly for children. More than half-a-million U.S. citizen children have at least one parent who is a DACA recipient or lives with a family member who is a TPS holder.<sup>21</sup> Given the precarious state of their parents' status, these children often live in fear of losing a parent. Children separated from their parents due to detention or deportation experience toxic stress, often exhibited in increased fear, anger, crying and changes in sleeping and eating habits.<sup>22</sup> Children also experience these threats to their physical and mental health at the mere possibility and fear of family separation.<sup>23</sup> The impacts of toxic stress can be lifelong. Additionally, families often experience economic hardship, including instability in housing and nutrition, because of a parent's deportation or detention.<sup>24</sup> Separation from parents or primary caregivers also deny children important foundational relationships that help them regulate their emotions, meet developmental milestones, and more fully engage with their family, peers, and community.

Children of immigrants and their families who lack lawful status also face multiple structural barriers to critical public services and programs that support their healthy development, including the Children's Health Insurance Program (CHIP), Medicaid, nutrition assistance, and housing benefits.

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<sup>19</sup> Nicole Prchal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Center for American Progress (Apr. 14, 2020), <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>.

<sup>20</sup> *Temporary Protected Status and Deferred Enforced Departure*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/i-9-central/complete-correct-form-i-9/temporary-protected-status-and-deferred-enforced-departure> (last updated May 24, 2021).

<sup>21</sup> Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States*, Center for American Progress (Sept. 5, 2019), <https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-unitedstates/>. Leila Schochet and Nicole Prchal Svajlenka, *How Ending TPS Will Hurt U.S.-Citizen Children*, Center for American Progress (Feb. 11, 2019), <https://www.americanprogress.org/issues/immigration/reports/2019/02/11/466022/ending-tps-will-hurt-u-s-citizen-children/>.

<sup>22</sup> Randy Capps et al., *Implications of Immigration Enforcement Activities for the Well-being of Children in Immigrant Families*, Urban Institute (Sept. 2015), <https://www.urban.org/sites/default/files/alfresco/publication-exhibits/2000405/2000405-Implications-of-Immigration-Enforcement-Activities-for-the-Well-Being-of-Children-in-Immigrant-Families.pdf>.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

Recent changes to the immigration system, like the Trump administration's public charge rule, had a chilling effect that led families to avoid critical services for which they were eligible.<sup>25</sup> Additional barriers like cumbersome application processes, lack of language access, and fear of enforcement based on immigration status prevent children of immigrants and their families from utilizing programs that contribute to children's health, development, and economic stability.<sup>26</sup>

A pathway to citizenship would allow parents to secure more stable employment, better access critical benefits, and remove the cloud of deportation, ultimately enabling them to provide a healthier and brighter future for their families.

### ***Strengthening the bill for children and families***

While we fully support the American Dream and Promise Act and urge the Senate to pass the bill, we also believe the bill needs improvements. First, the bill provides no pathway to citizenship for children too young to meet the bill's work and education requirements, nor does it provide explicit protection from deportation for these children. These "Little Dreamers" experience all the harms and barriers outlined above and should not be denied a pathway to citizenship at such a critical time in their lives just because of their age.

Second, the bill denies a pathway to citizenship for youth who have had contact with the juvenile justice system or who were allegedly or actually involved in gang activity. Children and youth are different from adults, and Congress should not impose lifelong consequences for decisions they make while they are still growing and discovering the world. Additionally, Congress cannot ignore years of research and the public's growing understanding of the racism that leads to over-policing and harmful databases, which disproportionately impact Black and Brown youth.

We encourage Congress to address these concerns and work to strengthen the bill for children and families.

### ***Conclusion***

The American Dream and Promise Act would free children and youth of toxic stress and anxiety, keep families together, and allow immigrant families to freely build their futures here in the United States. The time is now—immigrant youth and children of immigrants have waited years for Congress to act and have been repeatedly disappointed by anti-immigrant rhetoric and horse trading that harms one part of the immigrant family at the expense of another. We urge the Senate to equitably expand the Dream and Promise Act, pass the bill, and continue to work towards an immigration system that advances the well-being of children of immigrants.

We thank you again for the opportunity to submit this written testimony. For any questions regarding this statement, please contact Miriam Abaya, Senior Director of Immigration and Children's Rights at First Focus Campaign for Children at [miriama@firstfocus.org](mailto:miriama@firstfocus.org) or Wendy Cervantes, Director of Immigration and Immigrant Families at CLASP at [wccervantes@clasp.org](mailto:wccervantes@clasp.org). We look forward to working with Congress to ensure immigration reform that is in the best interests of children.

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<sup>25</sup> Hamutal Bernstein et al., *Amid Confusion over the Public Charge Rule, Immigrant Families Continued Avoiding Public Benefits in 2019*, Urban Institute (May 2020), [https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019\\_3.pdf](https://www.urban.org/sites/default/files/publication/102221/amid-confusion-over-the-public-charge-rule-immigrant-families-continued-avoiding-public-benefits-in-2019_3.pdf).

<sup>26</sup> *Id.*

Signed,  
Center for Law and Social Policy (CLASP)  
Children's Defense Fund  
Justice for Migrant Women  
First Focus Campaign for Children  
Kids in Need of Defense (KIND)  
MomsRising/MamásConPoder  
National Association of Social Workers (NASW)  
National Education Association (NEA)  
National Immigration Law Center (NILC)  
Partnership for America's Children  
Prevention Institute  
The Children's Partnership  
UnidosUS  
Voices for Utah Children