

Statement for the Record

Senate Committee on the Judiciary “Dream Deferred: The Urgent Need to Protect Immigrant Youth” Wednesday, May 8, 2024

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Chairman Durbin, Ranking Member Graham, and Members of the Senate Judiciary Committee, we thank you for the opportunity to submit this statement for the record for the hearing titled “Dream Deferred: The Urgent Need to Protect Immigrant Youth.” The Center for Law and Social Policy (CLASP) is a national, nonpartisan nonprofit advancing anti-poverty policy solutions that disrupt structural and systemic racism and sexism and remove barriers blocking people from economic security and opportunity. We work at the federal and state levels, supporting policy and practice that makes a difference in the lives of people experiencing conditions of poverty. CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and implementation) that reduce poverty, improve the lives of people with low incomes, and create pathways to economic security for everyone. Our immigration work focuses on advancing immigration policies that keep families together, promote health, child development, and support upward mobility.

Since its implementation, the Deferred Action for Childhood Arrivals (DACA) program has promoted child well-being by protecting more than 800,000 immigrants who entered the U.S. as children and have grown up in the United States.¹ DACA recipients are integral members of the American workforce, holding essential jobs as teachers, healthcare workers, grocery store clerks, and caregivers on the frontlines of the pandemic.² DACA recipients have contributed to the workforce in numerous sectors, volunteered in their communities, and supported civic engagement. For the approximately 300,000 U.S.-born children who have parents with DACA, the program helps support healthy childhood development by increasing DACA recipients’ kids’

¹ Nicole Prchal Svajlenka and Trinh Q. Truong, “The Demographic and Economic Impacts of DACA Recipients: Fall 2021 Edition,” Center for American Progress (November 24, 2021), <https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition/>.

² *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/>.

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access to critical benefits, such as employer-sponsored health insurance, and temporarily alleviating the fear of losing a parent as a result of immigration enforcement.³

Despite the tremendous success of the DACA program, it does not provide permanent protections to the over half a million current recipients.⁴ Moreover, it has been under threat multiple times, including the termination of the program in 2017 under the Trump Administration and the current fate of the DACA program currently in the hands of the Fifth Circuit Court of Appeals. Due to the injunction on first time applications put in place in 2021, nearly 100,000 potential DACA recipients continue to sit in limbo, unable to pursue educational and work opportunities that would better their lives, the lives of their families, and the wellbeing of the nation's economy.⁵ Even without the injunction, the program has excluded many Dreamers over the years due to its narrow age and education requirements, leaving many vulnerable to deportation. Congress must act swiftly to pass legislation, such as S. 365/H.R. 16, to provide Dreamers a long awaited pathway to citizenship and provide long-term stability and peace of mind.

Legal status for young immigrants bolsters our essential workforce.

Through work authorization provisions in the DACA program, over the last decade Dreamers have been able to participate as essential members of the American workforce. Data shows that approximately 343,000 people with DACA in the workforce were employed as essential workers, representing more than three-quarters of working DACA recipients.⁶ Of those, a total of 20,000 were educators and 100,000 worked to maintain our food supply chain.⁷ Additionally, approximately 45,000 DACA recipients worked in health care settings, including during the height of the pandemic, despite lacking equitable access to protect their own health.⁸ However, an estimated 270,000 immigrants with a college degree in medical and health sciences were out of work or working lower-skilled jobs during the pandemic.⁹ A pathway to legalization could have enabled their participation in the essential workforce during a time when our nation needed them.

Opening pathways to education and work can rewrite individuals' and families' futures.

³ Svajlenka and Truong, "The Demographic and Economic Impacts of DACA Recipients."

⁴ Active DACA Recipients (Fiscal Year 2024, Quarter 1), Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, March 21, 2024, https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data?topic_id%5B%5D=33602&ddt_mon=&ddt_yr=&items_per_page=100&query=

⁵ https://www.uscis.gov/sites/default/files/document/data/daca_performancedata_fy2023_q3.pdf

⁶ Svajlenka and Truong, "The Demographic and Economic Impacts of DACA Recipients."

⁷ Svajlenka and Truong, "The Demographic and Economic Impacts of DACA Recipients."

⁸ Svajlenka and Truong, "The Demographic and Economic Impacts of DACA Recipients."

⁹ Jeanne Batalova, "Immigrant Health-Care Workers in the United States," Migration Policy Institute, (April 7, 2023), <https://www.migrationpolicy.org/article/immigrant-health-care-workers-united-states-2021>.

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The DACA program also opened pathways to higher education for many. A 2022 DACA survey revealed that more than a quarter are currently in school while nearly half hold a bachelor's degree or higher.¹⁰ Analyses of 2021 American Community Survey data estimate over 408,000 undocumented students are currently enrolled in higher education, and the Migration Policy Institute estimates that nearly 100,000 undocumented youth graduate from U.S. high schools every year.¹¹ 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.¹²

In recognition of the importance of immigrant students, more than half of states have implemented policies to provide in-state tuition and, in some cases, state financial aid and other supports to undocumented students.¹³ Both S.365 and H.R. 16 include provisions that would further ease financial barriers to higher education for Dreamers across the country. The bills restore 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.

As DACA recipients gain more education, they are able to work higher paying and more stable jobs. In fact, the DACA program has played an important role in lifting families out of poverty. In a recent survey of DACA recipients, the average hourly wage more than doubled after they received DACA status.¹⁴ Legal status and access to work authorization has the potential to rewrite individuals' and their families' financial trajectories.

¹⁰ Tom K. Wong, Ignacia Rodriguez Kmec, and Diana Pliego, "DACA Boosts Recipients' Well-Being and Economic Contributions: 2022 Survey Results," Center for American Progress (April 27, 2023), <https://www.americanprogress.org/article/daca-boosts-recipients-well-being-and-economic-contributions-2022-survey-results/>.

¹¹ "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 and American Immigration Council, (updated Aug. 2023), https://www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students_v3.pdf; 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>.

¹² 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>.

¹³ "Toolkit on Access to Postsecondary Education," National Immigration Law Center, <https://www.nilc.org/issues/education/eduaccessstoolkit/eduaccessstoolkit2/#maps>.

¹⁴ "DACA Boosts Recipients' Well-Being and Economic Contributions: 2022 Survey Results," Center for American Progress (Apr. 2023) <https://www.americanprogress.org/article/daca-boosts-recipients-well-being-and-economic-contributions-2022-survey-results/>.

Congressional inaction has created uncertainty and fear for children in immigrant families.

The consequences of failing to provide permanent solutions for Dreamers are dire, particularly for children. 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.¹⁵ 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.¹⁶ Given the precarious state of their parents' status, these children must live in fear of losing a parent to detention or deportation.

The removal of a loving parent or caregiver from a family with children must be avoided at all costs. Children need their parents and guardians every single day to provide essential care and emotional support. Research thoroughly documents the short and long-term negative impacts of parental separation on children's physical, developmental, emotional, and economic well-being.¹⁷ 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.¹⁸ Children also experience these threats to their physical and mental health at the mere possibility and fear of family separation.¹⁹

Additionally, families often experience short and long-term economic hardship, including instability in housing and nutrition, because of a parent's deportation or detention.²⁰ 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. The impacts of childrens' exposure to toxic stress can be

¹⁵ "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>.

¹⁶ 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/>.

¹⁷ Nicole Chávez, Suma Setty, Hannah Liu, and Wendy Cervantes, "Still at Risk: The Urgent Need to Address Immigration Enforcement's Harms to Children," CLASP (June 2023), <https://www.clasp.org/publications/report/brief/urgent-need-address-immigration-enforcement-harm-children/>; Luis H. Zayas et al., "The Distress of Citizen-Children with Detained and Deported Parents." *Journal of Child and Family Studies* 24, no. 11 (November 1, 2015): 3213–23 <https://doi.org/10.1007/s10826-015-0124-8>.

¹⁸ 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>.

¹⁹ *Ibid.*

²⁰ *Ibid.*

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lifelong, negatively affecting their educational outcomes, career opportunities, and overall financial well being.

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. Changes to the immigration system, like the Trump Administration’s public charge rule, had a chilling effect that led families with mixed immigration statuses to avoid critical services for which they were eligible – a chilling effect that persisted two years after the Biden Administration’s rescission of the rule and likely still persists.²¹ 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.²²

Congress must act to protect Dreamers and their families.

Granting DACA recipients and all Dreamers a pathway to citizenship through S. 365/H.R. 16 would allow them 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. It would keep families together and free children and youth of toxic stress and anxiety. S. 365 contains several improvements from previous versions that have strengthened the benefits of the bill. This includes an expedited path to legalization for DACA recipients by making them immediately eligible for a green card, removing arbitrary age caps, and providing an employment pathway for those who need to work to support their families. We urge the Senate to 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 Wendy Cervantes, Director of Immigration and Immigrant Families, at wcervantes@clasp.org.

²¹ 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; Dulce Gonzalez, Jennifer M. Haley, and Genevieve M. Kenney, “One in Six Adults in Immigrant Families with Children Avoided Public Programs in 2022 Because of Green Card Concerns,” Urban Institute (Nov. 2023), <https://www.urban.org/sites/default/files/2023-11/One%20in%20Six%20Adults%20in%20Immigrant%20Families%20with%20Children%20Avoided%20Public%20Programs%20in%202022%20Because%20of%20Green%20Card%20Concerns.pdf>.

²² Bernstein et al., 2020.