



Congress Must Protect Dreamers, Unaccompanied Immigrant Children, and Asylum Seekers

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Demonizing immigrants and threatening their basic survival has nothing to do with protecting the best interests of the American people. People For the American Way and PFAW's African American Ministers In Action believe that it's time for Congress to stop giving airtime to the nativism espoused by President Trump and the right-wing and stand up for real immigration reform that protects Dreamers and defends humanitarian protections for unaccompanied immigrant children and asylum seekers.

Letter Urging Congress to Protect Dreamers and Reject Nativist Wish List

Dear Members of Congress:

We, the undersigned immigration, refugee, faith, education, youth, health, labor and civil liberties organizations write to express our commitment to securing permanent protections for Dreamers and call on Congress to pass the Dream Act without further delay. Securing permanent protections for all Dreamers, including but not limited to those eligible for protection under the Deferred Action for Childhood Arrivals (DACA) program, must be the guiding light for senators in the week ahead; the American people overwhelmingly support a path to citizenship, not a kick-the-can-down-the-road temporary solution. Importantly, protecting Dreamers cannot come at the cost of harming other immigrants or immigrant communities, nor can it entail militarizing the border, keeping families apart, or undermining life-saving humanitarian protections.

President Trump ended DACA on September 5, 2017. Since then more than 19,000 immigrant youth who put their full faith in the U.S. government have lost the ability to work, study, and live without fear of deportation; hundreds of thousands more will lose protections in the months ahead. Despite President Trump's promise to support a "bill of love," he has rejected multiple bipartisan efforts at compromise. And now, through the White House's 'Legislative Framework' on immigration, he has instead doubled down on efforts to radically reshape the United States' immigration policies and, in doing so, the face of America to the world.

Let's be clear: The White House Framework would take the country backwards in an echo of restrictive policies not seen since the 1920s, while using the fate of Dreamers as bait. Congress must reject these nativist overtures. President Trump and Congressional Republicans created this moral crisis and it is up to them to work in good faith with Democrats to reach a narrow agreement that pairs a pathway to citizenship for Dreamers with smart and sensible border security measures.

Members of Congress must oppose efforts to hold Dreamers hostage in exchange for a nativist wish list. Anything that goes beyond the scope of the original agreement from last fall—namely, protecting Dreamers and making additional investments in reasonable border security—must be rejected.

Here are the issues which our organizations will not accept in any legislation:

Border Militarization: Trump's Wall and Deportation Force

Congress must oppose efforts to expand President Trump's mass deportation force and build his wall—a wasteful and unpopular policy that will only harm border communities—and must oppose ramping up enforcement actions against asylum seekers, unaccompanied children, and immigrant communities across the country.

The wall is crowding out sensible border security: In its budget request to Congress, according to the *New York Times*, the Trump administration already has been pushing to “pay for [the] Wall” by “cut[ting] proven border security measures.” And even Trump's own Department of Homeland Security (DHS) has concluded that “the southwest land border is more difficult to illegally cross today than ever before.”

What's worse, DHS Deputy Secretary Elaine Duke admitted that her department will no longer “distinguish between border security and interior enforcement,” meaning that any money Congress appropriates to DHS for border security will be used as a Trojan Horse to increase interior enforcement and terrorize communities across the United States through increased detentions and deportation.

While the media has focused extensively on the wall, the Framework contains a litany of so-called “Border Security” provisions that drastically increase Trump's deportation force and undermine protections for vulnerable families and children fleeing violence and persecution, including:

- The hiring of significant additional U.S. Immigration and Customs Enforcement or Border Patrol agents and officers, which is both unnecessary, and potentially dangerous, given the corruption, integrity, and excessive force issues that have plagued agencies like U.S. Customs and Border Protection (CBP).
- Block access to refugee protection in the United States, penalize asylum seekers, send children and other vulnerable asylum seekers back to danger, and severely damage the integrity of the U.S. immigration and asylum systems by violating U.S. treaty obligations

and seeking authorization of rights-violating policies (and egregiously terming this the “closing of loopholes”).

- Expanding expedited removal to include visa overstayers, which will deny due process to significant numbers of immigrants.

We do not believe that any of these provisions—including building the wall—can be considered reasonable border security. Funding wall construction would lead to the federal government seizing large tracts of private property through eminent domain and waiving dozens of protective laws, guaranteeing massive environmental damage and disrespect of Native Americans’ rights.

By contrast, reasonable border security must, at a minimum, include data-driven, independently-verified approaches to what works best and least intrusively for securing the border. Any increase in border-security resources must be accompanied by consultation with border communities; the smart use of technology (rather than more personnel or physical barriers); and accountability measures to assure fiscal responsibility and the rule of law, including adequate oversight of CBP through body-worn cameras, rescue beacons for migrants, and significant increases to watchdog resources at the Offices of Professional Responsibility and Inspector General.

Attacking Family Unity

Preserving the ability of families to reunite has always been a cornerstone of U.S. immigration policy. And yet, the White House is proposing to radically reshape immigration law by slashing entire categories of family-based migration. These policies would cut overall immigration at least one-third, and as much as 44 percent, and would needlessly penalize American families.

While the cuts are falsely billed as “protecting the nuclear family,” these changes would bar U.S. citizens from reuniting with their parents or their siblings, and would bar U.S. citizens and lawful permanent residents from reuniting with their adult children. To take just one of the more extreme proposals, stripping U.S. citizens of their ability to reunite with their parents would immediately reduce future immigration by 15 percent.

The steepness of cuts to family immigration in the White House framework and demanded by Sen. Tom Cotton’s (R-AR) RAISE Act, among other anti-immigrant legislation, would take the country back to the era of the 1920s, when the United States explicitly excluded immigrants on the basis of race and national origin. In fact, as economist Michael Clemens has found, the Framework would disproportionately exclude Black and Hispanic immigrants, as well as Muslim and Catholic immigrants. Not only will the White House plan keep thousands of American families separated from loved ones, but it will isolate our nation from the global economy, from international entrepreneurs and businesspeople, and most importantly from an immigrant labor force that will be critical to the future growth of our economy. Congress must not make any cuts to family-based immigration.

Eliminating the Diversity Visa

The White House Framework would also end the Diversity Visa program, which grants 50,000 visas each year to immigrants from countries that otherwise send few immigrants to the United States. The White House claims that the program is rife with fraud, and that “the qualifying criteria are very low,” both of which are fallacies. As David Bier of the Cato Institute found, “family and diversity immigrants are far better educated than U.S.-born Americans.” The Migration Policy Institute found that half of all Diversity Visa holders already have a college degree and one-quarter of diversity immigrants work in managerial and professional occupations.

Of course, every single Diversity Visa program beneficiary goes through extensive security checks before arriving (the same checks that any family- or employment-based immigrant goes through.) And contrary to the president’s misrepresentations, no one is given a green card automatically and the United States—not any other country—selects which persons will be awarded immigrant visas through the program.

The largest number of Diversity Visas are given to African immigrants each year, and cutting this program would disproportionately affect these immigrants. In 2016, for example, nearly one-in-five African immigrants gaining a green card came through the Diversity Visa program. The task at hand is to protect Dreamers, and Congress must not do so by slashing the Diversity Visa program.

The American people expect Congress to lead in the face of this crisis. Polls consistently show that the vast majority of Americans support a path to citizenship for Dreamers. We will be watching how members of both parties vote, and expect them to focus on protecting Dreamers, not remaking the immigration system.

Letter Defending Humanitarian Protections for Unaccompanied Immigrant Children and Asylum Seekers

Dear Members of Congress:

We, the undersigned immigration, refugee, faith, education, children’s, labor, human rights and civil liberties organizations, write to express our support for passing the Dream Act, while rejecting proposals that would punish asylum seekers and vulnerable children, or abolish the limited protections created by Congress to prevent their return to persecution, trafficking, and other serious harms. We ask Congress to remember that a solution for Dreamers cannot come at the cost of life-saving humanitarian protections. We oppose false portrayals of unaccompanied immigrant children and asylum seekers as dangerous individuals who take advantage of “loopholes” in the U.S. immigration system. The protections at issue were carefully crafted by Congress, and reflect core components of America’s identity as a country committed to liberty, justice and human dignity. The asylum process is lengthy and complex, and contains ample protections against fraud. We urge Congress to vote against provisions that roll back protections or curb access to due process for unaccompanied immigrant children and asylum seekers.

Safeguard protections for children

Children entering the U.S. as unaccompanied immigrants are not taking advantage of “loopholes,” contrary to what the President stated in his State of The Union address. These

children are entering under a limited and narrow set of protections granted in the Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008. To address concerns that the U.S. government was not adequately screening children to identify victims of human trafficking or other risks, Congress passed the TVPRA, and President George W. Bush signed it into law.

The TVPRA offers limited but necessary protections for vulnerable children from non-contiguous countries who travel thousands of miles to flee their countries and find safety. The law requires Customs and Border Protection (CBP) to transfer care and custody of these children to the Office of Refugee Resettlement (ORR), where child welfare professionals will screen them while they are still in government custody. They are also informed of their rights and can ask for legal protection. ORR cares for these children in the least restrictive setting that is in the “best interest of the child.” Current proposals include expediting the screening of unaccompanied children (by treating all unaccompanied children as the law currently treats children from Mexico and Canada), subjecting these children to more restrictive detention, and forcing the government to make final decisions before the children have an opportunity to find their bearings and trust an adult with their traumatic stories. If enacted, these proposals would likely return thousands of children to harm or death in their home countries.

Treating vulnerable children differently than adults is the hallmark of every government system that makes decisions about children. Testifying before the Senate Judiciary Committee, Department of Homeland Security Secretary Kirstjen Nielsen characterized the treatment of unaccompanied immigrant children as unfair (to the government) because an asylum officer, trained to speak with children, conducts the interview. Many of these children come from countries where law enforcement officials perpetuate abuses and cannot be trusted. Providing children the opportunity to go before an asylum officer and tell their story is fair and humane. Changing current laws would mean children would be forced to state their cases and defend themselves against a trained government attorney arguing for their deportation before an immigration judge in a foreign country, language, and legal system. Children cannot be expected to navigate the same procedures as adults. They have different levels of both emotional acuity and cognitive ability. Expecting children to plead their case before a judge as part of an adversarial proceeding, without an attorney, is neither fair nor an efficient use of limited resources.

Unaccompanied immigrant children are kids, not criminals. In fiscal year 2017, 30% of these kids were under the age of 14, and 17% were under the age of 12. In fiscal year 2016, 32% were under the age of 14, and 18% were under the age of 12. In the last five years, the fraction of unaccompanied children who are girls has skyrocketed to almost one-third of all children who present themselves to, or who are apprehended by, immigration authorities.

While many in the Administration seek to conflate these children with MS-13, the truth is that unaccompanied children are fleeing gang and other violence in their home countries, not the other way around. In just one telling example, the two largest providers of post-release services for unaccompanied immigrant children report that less than 1% of the children with whom they work have any gang involvement. Too often, young immigrants are banished to the margins of society, heightening their vulnerability to human traffickers and gang members.¹ Blaming the

diverse population of unaccompanied children who seek refuge in the United States for gang violence in our communities will only further traumatize and stigmatize these young people.

Protections for asylum seekers

The ability to seek asylum is not a “loophole.” It is a critical process enacted by Congress, reflecting this country’s long history of providing refuge to victims of religious, political, ethnic, and other forms of persecution. This tradition reflects a core component of this country’s identity as a nation committed to due process, freedom, and respect for human dignity. The United States has also pledged, through human rights and refugee protection treaties, to protect refugees from return to persecution, spare them from penalties for unauthorized entry, and not subject them or other persons to detention that is unnecessary or disproportionate. Proposals that seek to block refugees and vulnerable children from this country’s protection, and punish those who seek it, are not only at odds with American ideals but also our treaty commitments. They also provide a terrible and counterproductive example to the small number of front-line countries that host the overwhelming majority of the world’s refugees.

In an attempt to use Dreamer legislation as a vehicle to enact long desired changes, proponents of anti-asylum proposals have falsely pointed to the increase in U.S. asylum applications as evidence of abuse. At the same time, they have failed—again and again—to acknowledge the major reason for the increase in protection requests: the refugee and displacement crises stemming from El Salvador, Guatemala, Honduras, and more recently, the increase in asylum applications from Venezuela. Deadly dangers are forcing people to flee in search of protection, as the U.N. Refugee Agency and human rights organizations have detailed again and again. Asylum claims have risen sharply in other countries in the region, including in Costa Rica, Panama, and Belize. The number of asylum applications filed in Mexico rose by 678 percent from 2013 to 2016, as Human Rights First documented in a July 2017 report.

Instead of taking adequate steps to address the refugee crisis through processing asylum claims fairly and humanely, addressing the root causes of displacement, and supporting the development of effective asylum systems in the region, opponents of refugee protection have seized on the opportunity created by the need to protect the Dreamers to try to pursue extremist changes to U.S. immigration law. These changes would block refugees from even applying for asylum and punish those who do seek U.S protection. These harmful proposals include: raising the credible fear screening standard created by Congress, which will cause bona fide asylum seekers to be returned to persecution; unilaterally imposing a “safe third country” agreement to send refugees back to Mexico without its agreement and despite the dire dangers there; subjecting asylum seekers and others to even more prolonged periods of detention in cases where it is unnecessary or disproportionate, by blocking them from immigration court custody hearings; and further increasing criminal prosecutions of asylum seekers, in violation of due process and international prohibitions on penalizing refugees for unauthorized entry or presence.

The United States must not irredeemably abandon its global leadership in protecting those at risk of persecution and trafficking and undermine the rule of law globally by violating its legal obligations under refugee protection and human rights treaties.

We urge you to preserve protections for vulnerable people and to reject rhetoric that panders to fear and relies on incorrect facts. Taking away protections will threaten the lives of thousands of individuals and go against our country's history.