



Written Testimony of
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For a Hearing of the
SENATE COMMITTEE ON THE JUDICIARY

“H.R.6, American Dream and Promise Act of 2021”
Tuesday, June 15, 2021, at 10:00 a.m.
Dirksen Senate Office Building, Room 106
Washington, D.C.

My name is Bishop Mario E. Dorsonville-Rodríguez. I am an auxiliary bishop of the Archdiocese of Washington and also currently serve as chairman of the U.S. Conference of Catholic Bishops' Committee on Migration (USCCB/COM). On behalf of USCCB/COM, I would like to thank the Senate Judiciary Committee, namely the Chair, Senator Durbin, and the Ranking Member, Senator Grassley, for holding this important hearing and for the opportunity to provide testimony.

We also take this opportunity to express our support and gratitude for ongoing efforts by members of Congress, especially those in the Senate, to achieve bipartisan cooperation on migration-related issues. It is our hope—and in the best interests of our country—that constructive dialogue and good-faith discussions will again become the norm, particularly when the lives and wellbeing of so many are at stake.

The Catholic bishops of the United States have long supported legislative relief for Dreamers,¹ Temporary Protected Status (TPS) holders, and Deferred Enforced Departure (DED) holders.² Earlier this year, we renewed our support for H.R. 6, the American Dream and Promise Act, the impetus for today's hearing.³ Through this testimony, I will provide a brief overview of our work serving migrants, with an emphasis on those populations at issue today, discuss the importance of a permanent solution for Dreamers and TPS/DED holders, while addressing some common misconceptions associated with legalization, and share our recommendations to Congress.

I. Catholic Social Teaching and the Work It Inspires

The work of USCCB/COM is aided by the USCCB's Department of Migration and Refugee Services (USCCB/MRS). USCCB/MRS works to advance our migration-related priorities, including advocacy and policy development toward the goals of humane and comprehensive immigration reform, just and proportionate immigration enforcement, and improved access to justice and due process for migrants and refugees fleeing persecution. Among its many activities, USCCB/MRS is also a long-standing government partner, providing support for and assistance to refugees, foreign national and U.S.-citizen human trafficking survivors, asylum-seeking families, and unaccompanied migrant children.

Our work assisting and advocating on behalf of migrants and refugees stems from the core Christian belief that every person is created in God's image and must be valued, protected, and

¹ Dreamers are young people who were brought to the United States without authorization as children by their parents or family members. Dreamers include those young people who have received Deferred Action for Childhood Arrivals, those who are eligible and did not apply for DACA, as well as other undocumented individuals of a similar age group who did not make the age cutoff for DACA (as they were slightly older or younger at the time). The Catholic Church advocates for permanent legal protection and a path to citizenship for all Dreamers, not just DACA recipients.

² TPS was established by Congress through the Immigration Act of 1990. TPS is intended to protect foreign nationals in the United States from being returned to their home countries if the home country became unsafe to return to during the time in which the individuals were in the United States. Countries are designated for TPS due to armed conflict, environmental disaster, or other extraordinary and temporary conditions. *See* 8 U.S.C. § 1254a. First used in 1990, DED is a discretionary and temporary stay of removal that is granted to individuals from certain designated countries. Nationals from a certain country are designated for DED by the President under his constitutional authority to conduct foreign relations. *See* U.S. CITIZENSHIP AND IMMIGRATION SERVICES, ADJUDICATOR'S FIELD MANUAL, § 38.2, <https://bit.ly/35e5Vtb> (last visited June 10, 2021).

³ Press Release, USCCB, USCCB President and Migration Chairman Welcome House Passage of Bipartisan Immigration Reform Legislation, Urge Swift Senate Action (Mar. 19, 2021), <https://bit.ly/3czYz7J>.

respected for the inherent dignity he or she possesses. We embrace the teachings of the Gospel as we advocate to address the root causes of migration, while simultaneously protecting those forced to migrate and ensuring the humane treatment of those migrants already living in the United States. In this context, we are especially mindful of Luke’s Gospel, wherein Christ affirms the greatest of God’s Commandments, immediately followed by the parable of the Good Samaritan.⁴ These theological imperatives are an integral part of our work as people of faith pursuing the common good. In our joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, the U.S. and Mexican Catholic bishops stated, “We judge ourselves as a community of faith by the way we treat the most vulnerable among us. The treatment of migrants challenges the consciences of elected officials, policymakers, enforcement officers, residents of border communities, and providers of legal aid and social services, many of whom share our Catholic faith.”⁵ We are witnesses to the challenges facing migrants, not only at the U.S.-Mexico border, but in our country’s interior. The way in which we respond to their needs is a testament to the authenticity of our convictions, both as Catholics and Americans.

Catholic teaching also recognizes the right of sovereign nations to regulate immigration: “Political authorities, for the sake of the common good for which they are responsible may make the exercise of the right to immigrate subject to various juridical conditions, especially with regard to the immigrants’ duties toward their country of adoption.”⁶ However, this right must always be balanced with the equally important right to migrate, and the sanctity of human life remains paramount.⁷

Throughout his pontificate, Pope Francis has spoken extensively on the issue of migration and the Universal Church’s commitment to an “ever wider ‘we.’”⁸ In his most recent encyclical, *Fratelli tutti*, the Holy Father highlights “the plea of the stranger” and the scriptural call “to recognize Christ himself in each of our abandoned or excluded brothers and sisters.”⁹ He goes on to speak about the mutually beneficial nature of immigration, recalling a statement he made some years earlier: “Immigrants, if they are helped to integrate, are a blessing, a source of enrichment and new gift that encourages a society to grow.”¹⁰

This need for integration is especially relevant to today’s hearing because it refutes the creation of “second class citizens,” whereby immigrants are denied full participation in society. The U.S. bishops emphasized this important point in 1986, when Congress passed the Immigration Reform

⁴ Lk. 10:25–37 (“You shall love the Lord, your God, with all your heart, with all your being, with all your strength, and with all your mind, and your neighbor as yourself.”).

⁵ *Strangers No Longer: Together on the Journey of Hope*, no. 6, USCCB (2003), <https://bit.ly/3tErRc1>.

⁶ CATECHISM OF THE CATHOLIC CHURCH, no. 2241 (2d ed. 2000).

⁷ See Pope Saint John Paul II, *Evangelium vitae*, no. 101 (“It is impossible to further the common good without acknowledging and defending the right to life, upon which all the other inalienable rights of individuals are founded and from which they develop. A society lacks solid foundations when, on the one hand, it asserts values such as the dignity of the person, justice and peace, but then, on the other hand, radically acts to the contrary by allowing or tolerating a variety of ways in which human life is devalued and violated, especially where it is weak or marginalized. Only respect for life can be the foundation and guarantee of the most precious and essential goods of society, such as democracy and peace.”).

⁸ Pope Francis, Message of His Holiness Pope Francis for the 107th World Day of Migrants and Refugees 2021, VATICAN (Sept. 27, 2021), <https://bit.ly/3vapn4R>.

⁹ Pope Francis, *Fratelli tutti*, no. 85 (Oct. 3, 2020) [hereinafter *Fratelli tutti*]; see also Mt. 25:35–46.

¹⁰ *Fratelli tutti*, *supra* note 9, at no. 135.

and Control Act (IRCA): “It is against the common good and unacceptable to have a double society, one visible with rights and one invisible without rights—a voiceless underground of undocumented persons.”¹¹

Dreamers and TPS/DED holders are our neighbors, parishioners, and—most importantly—fellow children of God. We as a Church have long advocated for their legal protection and full inclusion in the life of our country. The USCCB worked with members in the House and Senate on drafting the first versions of the DREAM Act in 2000 and 2001, and it has been calling for passage of such a measure ever since. Even as we welcomed the announcement of the Deferred Action for Childhood Arrivals (DACA) program in 2012, USCCB/COM noted that it was not a substitute for enactment of the DREAM Act or similar legislative protections.¹² We steadfastly believe that Dreamers need permanent legal protection, with a path to citizenship, enacted by Congress.

Similarly, for years, the USCCB has advocated for TPS for those seeking safety from the ravages of violence, environmental disasters, and other conditions. In fact, the USCCB worked closely with Senator Dennis DeConcini (D-AZ) and Representative Joe Moakley (D-MA) to support the statutory creation of TPS with the Immigration Act of 1990. Through its global presence and the work of Catholic Relief Services, the international humanitarian and development agency of the U.S. bishops, the Catholic Church has provided aid and ministered to those who have experienced firsthand the consequences of armed conflict, violence, and environmental disasters in their home countries. The Church consistently advocated for protection of foreign nationals living in the United States when Congress began debating the concept of temporary protected status in various forms during the 1980s.¹³

In addition to protecting those directly impacted by federal immigration law, the Church also views protecting Dreamers and TPS/DED recipients as protecting families—the building blocks of our society. Not only do Dreamers and TPS/DED holders deserve the opportunity to integrate into, and participate as full members of, our society, they deserve to stay with their families, which urgently depend on them. Dreamers and TPS/DED holders and their families should not face family separation. Family unity is vital for the wellbeing of our country, our Church, and our communities.

II. Dreamers

Knowing the many contributions of Dreamers to our nation, it was with extreme concern that we witnessed the previous administration’s attempt to terminate the Deferred Action for Childhood Arrivals (DACA) program in 2017.¹⁴ And while President Biden reversed this course on his first

¹¹ Don Kerwin, *Immigration Reform and the Catholic Church*, MIGRATION POL’Y INST. (May 1, 2006), <https://bit.ly/3cYKdyu>.

¹² Press Release, USCCB, Bishops Welcome President’s Deferred Action on Dream Eligible Youth, Urge Congressional Action on DREAM Act (June 15, 2012), <https://bit.ly/3vcrbKG>.

¹³ See Claire Bergeron, *Temporary Protected Status after 25 Years: Addressing the Challenge of Long-Term “Temporary” Residents and Strengthening a Centerpiece of U.S. Humanitarian Protection*, 2 J. ON MIGRATION & HUM. SEC. 22, 26–28 (2014).

¹⁴ Press Release, USCCB, USCCB President, Vice President and Committee Chairmen Denounce Administration’s Decision to End DACA and Strongly Urge Congress to Find Legislative Solution (Sept. 5, 2017), <https://bit.ly/3a6ngb3>.

day in office, we know that DACA youth continue to face great uncertainty. Furthermore, we know that many of the country's over 1.8 million Dreamers do not currently have formal DACA protection. For these young people, congressional action is the only solution.

We see and hear about this uncertainty every day in our dioceses and in our parishes. As a pastor, I have personally encountered DACA youth in the Archdiocese of Washington with impressive and inspiring stories. I have witnessed their tears and listened to their concerns not only for their individual futures but for that of their families as well. Many ask: What will happen to me? What will happen to my family? How could I leave when this is the only home I know?

Dreamers are educated, taxpaying individuals and valuable members of American families, our workforce, and our communities. They are contributors to our economy, academic standouts in our universities, and leaders in our parishes. For example, it's estimated that 1.3 million DACA-eligible individuals paid more than \$2.2 billion in federal taxes in 2017, on top of \$1.8 billion in state and local taxes.¹⁵ Meanwhile, it's been found that both DACA-eligible individuals and TPS holders had higher rates of entrepreneurship than similarly aged U.S.-born workers.¹⁶

Like their name implies, Dreamers are shining examples of those pursuing the American Dream. Providing Dreamers with a path to citizenship will advance the common good and allow these young people to reach their God-given potential, while also helping their families who depend on them. They have not only the support of the Church but a majority of Americans as well.¹⁷

Finding a solution for Dreamers is both the moral and common-sense path. On behalf of USCCB/COM, I urge Congress to give special attention to Dreamers and ensure that they have permanent legal protection that includes an expedited path to citizenship.

III. TPS and DED Holders

Over the past few years, we have also expressed deep concern over the prior administration's attempt to terminate TPS designations for many countries still grappling with the very same conditions that first warranted those designations, including El Salvador, Haiti, Honduras, and Nicaragua. These termination attempts left hundreds of thousands of individuals and their families in a state of uncertainty and fear. These terminations were subject to multiple lawsuits, but an estimated 320,000 TPS holders—some of whom have lived in the U.S. for over twenty years—faced potential loss of status and family separation.¹⁸ Therefore, TPS holders need a permanent legal solution that includes a path to citizenship, which Congress is empowered to provide.

¹⁵ *Overcoming the Odds: The Contributions of DACA-Eligible Immigrants and TPS Holders to the U.S. Economy*, NEW AM. ECON. (June 3, 2019), <https://bit.ly/2Syx4V0>.

¹⁶ *Id.*

¹⁷ See Jens Manuel Krogstad, *Americans Broadly Support Legal Status for Immigrants Brought to the U.S. Illegally as Children*, PEW RES. CTR. (June 17, 2020), <https://pewrsr.ch/3p9Z4sk> (“74% of Americans favor a law that would provide permanent legal status to immigrants who came to the U.S. illegally as children”).

¹⁸ Upon expiration or termination of a TPS designation, TPS beneficiaries return to the immigration status that they held prior to receiving TPS, unless that status has expired or the recipient has successfully acquired a new immigration status. TPS beneficiaries who entered the United States without inspection and who are not eligible for some other immigration benefit, for example, would return to being undocumented at the end of a TPS designation and become subject to removal.

Like Dreamers, TPS and DED holders are integral members of our country and our communities. Many own homes and businesses. Moreover, an estimated 130,000 TPS holders are classified as “essential critical infrastructure workers.”¹⁹ They are also members of our Church who worship, volunteer, and lead in their local parishes. Many TPS recipients have families in the United States, including over 273,000 U.S.-citizen children.²⁰ Again, we see the concept of family unity intertwined with these issues.

Recent redesignations of TPS for countries such as Haiti demonstrate the ongoing and serious challenges that first warranted humanitarian protection, making it incredibly difficult for those residing in the U.S. to return.²¹ This is especially true for those who have lived in this country for a decade or more, during which time they’ve put down roots.

For these reasons, it is equally important that TPS/DED holders be included, along with Dreamers, in a legalization effort, and we urge Congress to act accordingly.

IV. Common Misconceptions

Perhaps the most common misconception related to efforts that would provide legalization and a path to citizenship for undocumented immigrants (sometimes referred to as “amnesties”) is that doing so would encourage unlawful immigration. However, multiple studies analyzing unlawful migration flows following passage of the IRCA in 1986 contradict this assertion or else fail to support it.²² Rather, the primary drivers of migration are most directly associated with conditions in countries from which people migrate. This is the same conclusion reached by the Congressional Research Service: “Although motives vary by individual, difficult socioeconomic and security conditions—exacerbated by natural disasters and poor governance—appear to be the most important drivers of this mixed flow of economic migrants and asylum-seekers.”²³ Instead of relegating those already in the United States to the margins of our society or focusing solely on domestic enforcement measures, promoting integral human development to sustain rootedness in countries with outbound migration flows is far more likely to reduce migration.²⁴ In addition, efforts to provide legalization, including the American Dream and Promise Act, generally exclude recent unauthorized immigrants from legalization, so as to limit opportunistic behavior when addressing the inescapable reality of long-term, undocumented residents with established community ties.

¹⁹ 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), <https://ampr.gs/3wjQ2f>.

²⁰ Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the U.S. Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. ON MIGRATION AND HUM. SEC. 577 (2017).

²¹ For a report detailing the findings of a USCCB/COM-led delegation to Haiti in 2017, see USCCB/COM, HAITI’S ONGOING ROAD TO RECOVERY: THE NECESSITY OF AN EXTENSION OF TEMPORARY PROTECTED STATUS (2017), <https://bit.ly/3zktXRp>.

²² See Alex Nowrasteh, *Do Amnesties Increase Unlawful Immigration?*, CATO INST. (Dec. 16, 2014), <https://bit.ly/3pL5wIf>.

²³ PETER J. MEYER, CONG. RESEARCH SERV., IF11151, CENTRAL AMERICAN MIGRATION: ROOT CAUSES AND U.S. POLICY (Apr. 22, 2021), <https://bit.ly/3wfekIO>.

²⁴ See generally CATHOLIC RELIEF SERVICES, ROOTEDNESS TO PREVENT FORCED MIGRATION (2020), <https://bit.ly/3izchLB>.

Related to the previous misconception is that legalization would award those who “jumped the line” by entering the country unlawfully. However, the majority of undocumented immigrants in the U.S. first entered the country legally and have remained beyond the period they were authorized, such as those who overstayed their visas.²⁵ Meanwhile, most people seeking to enter the U.S. illegally are stopped,²⁶ and those requesting asylum—at the U.S.-Mexico border or elsewhere—have the legal right to do so under both domestic and international law. The idea that border security must be addressed before any legalization effort can occur fails to acknowledge these and other factors, such as inconsistent adherence to employment requirements, a wide range of obstacles hindering access to legal immigration, and the predatory practices of transnational organized crime. This is all the more reason that immigration reform needs to be comprehensive and address the wide range of issues plaguing our broken immigration system, rather than placing a disproportionate emphasis on domestic enforcement and deterrence, a strategy already proven to be counterproductive.²⁷ At the same time, the mere existence of these problems should not stand in the way of relief for Dreamers and TPS/DED holders who are deserving of legalization.

V. Recommendations

As the Committee and all of Congress work toward reform, we respectfully urge that any legislation passed:

1. **Protect all Dreamers and offer them a path to citizenship.** A legislative solution should address the entire Dreamer population, as there are many young people who were brought here as children but were prevented from obtaining DACA due to the program’s age cutoffs, filing fees, and other barriers. Additionally, most of these young people know the United States as their only home and should not be denied the opportunity to obtain U.S. citizenship and fully participate and integrate into American life.
2. **Provide a path to citizenship for TPS and DED holders.** A solution should ensure a path to citizenship for individuals who have personal equities that are closely associated with U.S. interests, such as U.S.-citizen children, businesses, and home mortgages.
3. **Maintain existing protections for unaccompanied children, asylum seekers, and family-based immigrants.** A solution for Dreamers and TPS/DED holders must not be achieved at the expense of other immigrant children and families. Such a trade-off would be untenable and contrary to the common good. We ask that you ensure any solution maintains existing protections for unaccompanied children and asylum seekers, as these protections help prevent trafficking and abuse, as well as ensure access to adequate care and due process. We also ask that you ensure that any solution for Dreamers and TPS/DED recipients, at a minimum, maintain existing avenues for family-based and diversity-based

²⁵ Sean McMinn & Renee Klahr, *Where Does Illegal Immigration Mostly Occur? Here’s What the Data Tell Us*, NPR (Jan. 10, 2019), <https://n.pr/356n1Jt>.

²⁶ Mark Hugo Lopez, Jeffrey S. Passel, & D’vera Cohn, *Key Facts About the Changing U.S. Unauthorized Immigrant Population*, PEW RES. CTR. (April 13, 2021), <https://pewrsr.ch/3gronUu>.

²⁷ See, e.g., *Three- and Ten-Year Bars: 5 Things You Should Know*, Fwd.us (June 18, 2019), <https://bit.ly/3pOQGAi> (discussing how the three- and ten-year bars for those who voluntarily depart after having been unlawfully present in the U.S. for an extended period of time have actually incentivized unlawful presence and discouraged the use of legal immigration).

immigration. Eliminating or reducing these avenues would be inconsistent with our values and encourage irregular flows of migration by people desperate to be reunited with close family members from whom they have been separated.

Conclusion

We appreciate the Committee's willingness to discuss these issues, and we encourage all members of Congress to work toward humane and just solutions for these valued members of our communities. As always, the Catholic Church stands ready to work with you in achieving these goals and will continue to stand in solidarity with our migrant brothers and sisters.