

Statement for the Record
Submitted to the U.S. Senate Committee on the Judiciary
Subcommittee on Immigration, Citizenship, and Border Safety

On Hearing Titled:
**“Removing Barriers to Legal Migration to Strengthen our
Communities and Economy”**

Submitted by:
UnidosUS
Raul Yzaguirre Building
1126 16th Street NW, Suite 600
Washington, DC 20036-4845

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Introduction

UnidosUS, formerly the National Council of La Raza, is the largest national Latino¹ civil rights and advocacy organization in the United States. For more than 50 years, we have worked to advance opportunities for Latino families to enhance their significant contributions to the social, economic, and political tapestry of our great nation. In this capacity, UnidosUS and its Affiliate Network of nearly 300 community-based organization in 37 states, the District of Columbia, and Puerto Rico, work to provide education, health care, immigration, housing, workforce development, free tax preparation, and other services to millions of Latinos in the United States each year.

Throughout our history as an organization, UnidosUS has united communities and diverse groups seeking common ground through collaboration and a shared desire to make our country stronger and to achieve an immigration system that is fair, just, and accountable to the rule of law—an immigration system of which we can all be proud.

Modernizing and Updating Legal Immigration Channels Is A Must

We thank the subcommittee, Chairman Alex Padilla, and Ranking Member John Cornyn for hosting this important and timely hearing on the importance of modernizing our legal immigration system. UnidosUS enthusiastically supports proposals to modernize our legal immigration system that address the needs of industry and promote family unity. For us, this means not only ensuring visas systems work reliably for employers seeking foreign talent while protecting the labor rights of all workers, but also requires policies that help stabilize undocumented workforces such as those operating in the essential industries powering the nation's recovery from the COVID-19 pandemic.

Thus, UnidosUS seeks to draw particular attention to the plight of millions of long-time undocumented residents. Despite having lived in the United States for at least 15 years per Pew Research, the typical undocumented resident remains in a state of legal limbo.¹ While some believe there is a “line,” the reality for many undocumented individuals is that legalization is effectively out of reach despite their many contributions to families, communities, and the nation. Those who do possess a requisite family relationship that could lead them to legal status are often stymied by draconian and outdated laws like the so-called “3/10 year bars” and others like it that needlessly put families at risk of permanent family separation as they seek to regularize their status.² Proposals to recapture unused visas and others on an incremental ilk exist, but our laws and policies must incorporate solutions to blunt the harshness of these rules to ensure everyone with an approved family- or employment-based visa can benefit from the changes.

¹ The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. This document may also refer to this population as “Latinx” to represent the diversity of gender identities and expressions that are present in the community.

Solutions Are Available if We Look to the Past

We applaud the interest expressed during the hearing of exploring bipartisan solutions to these important matters. UnidosUS has a long standing tradition of support efforts to reform our efforts comprehensively but also appreciates that incremental reforms could be constructive first steps. That is why we believe that proposals that recapture unused visas, provide privileged adjustment of status processing for certain applicants, and/or exempt certain classes of employment-based visas from numerical caps, should be accompanied by provisions that give individuals with approved family- or employment-based petitions the option to cure unlawful presence bars of inadmissibility if needed.

Our laws already provide at least way for Congress to do this: modernize Section 245(i) of the Immigration and Naturalization Act. This law, a version of which was first authorized in 1990 and subsequently reauthorized several times until the early 2000s, allows those with approved family and employment-based petitions to pay a sizeable fine (in addition to application fees) to cure certain civil immigration infractions if needed. Critically, unlike measures that would provide independent paths to legalization, this law relies of existing family- and employment-based paths to lawful permanent residences which makes it the sensible companion to visa recapture provisions. Legislation like the Fairness for Immigrant Family of 2021 and The Family Reunification Act of 2021 contemplate this and other important updates to existing provisions of our immigration laws.

The Pandemic Reminds Us Why These Inclusions Are Needed

UnidosUS has documented the significant contributions Latinos and immigrants throught the COVID-19 pandemic, including those of the millions of undocumented workers on the frontlines of the nation's response.³ The COVID-19 pandemic will not doubt leave us many lessons for how the country prepares for future emergency events. The nation's dependance on vulnerable communities over these past two years, makes clear to us that one of those lessons must be the urgency of modernizing our immigration system.



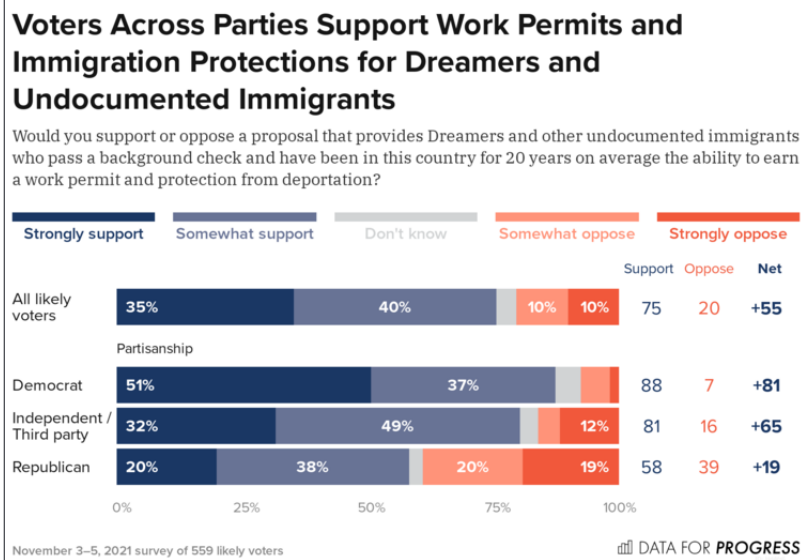
In the past two years, Latinos and immigrants have risen to the occasion, working on the frontlines and doing the essential worker to help provide fellow Americans with fresh food, quality health care, and other necessities like child care. In a report published last year, the Center for American Progress (CAP) shared that an estimated five million undocumented immigrants—approximately three in four undocumented individuals in the labor force—are essential workers.⁴ Latinos, despite accounting for only 17.6% of the U.S. workforce, account for 70.5% of essential workers.⁵ According to a UnidosUS analysis of U.S. Bureau of Labor Statistics data from last year, Latinos represent 54% of agricultural workers, 29.7%

of food manufacturing workers, and 29% of medical assistant.⁶ These Latinos, key to maintaining the food supply chains and health of this country during the pandemic, are working—and putting themselves at risk—at a disproportionate rate relative to other demographics. Despite their essential contributions, many of these Latino who were undocumented were, given their legal status, left to fend for themselves. During this unprecedented time, our government failed to provide critical protections and relief to these communities.

The contributions these communities have made to our nation's economy invalidates the false assertion of critics that foreign-born workers steal jobs from, oftentimes blue collar, American-born workers. Literature on the topic has repeatedly emphasized that immigrants work in professions that most American-born workers do not actively seek out, given their physical- and time-intensive nature. Moreover, in addition to stimulating the economy with their spending power, many undocumented workers contribute through local and federal taxes as well. Undocumented workers and their households, according to CAP, contribute \$79.7 billion in federal tax contributions and \$41 billion in state and local contributions.⁷ These households tout \$314.9 billion in spending power, a capacity that would only increase if we implement immigration reform to provide them with appropriate protections and benefits.⁸

Bipartisan Support Is Largely Present

These efforts to achieve immigration reform and harness the economic potential of this community is not a one-sided effort. There has long been bipartisan support for immigration reform and the Subcommittee hearing acknowledged just that. During the hearing, Senator Durbin shared that several Republican Senators have approached him inquiring about whether a vote on DREAMers will take place this year. UnidosUS emphasizes the urgency of this moment: The opportunity for collaboration for the greater good of our nation is at hand and we must not let it pass us by.



The bipartisan support for immigration reform in Congress is similarly mirrored on the ground. A new poll from Data for Progress on the immigration provisions in last year’s Build Back Better plan demonstrates broad bipartisan support for protections for long-residing undocumented immigrants in the United States. The poll, which surveyed 598 voters, showed that 75% of them supported “a proposal that provides DREAMers and other

undocumented immigrants who pass a background check and have been in this country for 20 years on average the ability to earn a work permit and protection from deportation.” The support also was visible in bipartisan majorities: When the reform was proposed to them, 88% of Democrats approved, in addition to 81% of Independents and 58% of Republicans.⁹

Conclusion

As Professor Stephen Legomsky so adroitly reminded us at the hearing, challenges with visa backlogs impact human beings and these individuals possess very human desires to live and work alongside their loved ones. For some that desire means crossing vast oceans to rejoin a family member in the United States, while for others it means a harrowing journey across a shared land border. These very human desires combined with a long-broken visa system rife with insurmountable backlogs helps explain the reality for too many undocumented workers in America today.

The nation is long overdue for immigration reform. We applaud the Subcommittee for taking up this important issue, and we express our hope that it engenders and reignites healthy debate about how to accomplish this objective. Solutions are within reach, the need is urgent, and the American public is supportive.

Please feel free to contact Carlos Guevara (cguevara@unidosus.org) for any questions raised by this statement.

¹ Migration Policy Institute. “Unauthorized Immigrant Population Profiles.” *Migration Policy Institute*. <https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles> (accessed March 2022).

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- ² Homan, Laura B. “Not All ‘Entries’ Are Equal – The Law of ‘Entry’ and ‘Admission’ for Purpose of the Immigration and Nationality Act.” *National Law Review*. 29 October 2012. . <https://www.natlawreview.com/article/not-allentries-are-equal-law-entry-and-admission-purposes-immigration-and-nationali> (accessed March 2022).
- ³ Cuevas, Rolando; Ruskin, Emily. “The Latino Community in the Time of COVID-19: Prospects for an Equitable Recovery One Year Later.” *UnidosUS*. July 2021. <https://www.unidosus.org/publications/2178-the-latino-community-in-the-time-of-covid-19-prospects-for-an-equitable-recovery-one-year-later/> (accessed March 2022).
- ⁴ Svajlenka, Nicole Prchal. “Protecting Undocumented Workers on the Pandemic’s Front Lines: Immigrants are Essential to America’s Recovery.” *Center for American Progress*. December 2020. https://cdn.americanprogress.org/content/uploads/2020/12/01095848/Making-The-Case-ForLegalization.pdf?_ga=2.104448704.1945692736.1620665685-1677381982.1619194653 (accessed March 2022).
- ⁵ United States Congress Joint Economic Committee. “The Economic State of the Hispanic Community in America: Keys to Building a Better Economy after COVID-19.” 30 September 2020. https://www.jec.senate.gov/public/_cache/files/d25ebfa5-5843-4ce4-ac6d-a75c8af6425d/hhm2020-economicstateofthehispaniccommunityin-america-final.pdf (accessed March 2022).
- ⁶ UnidosUS. “The Latino Community in the Time of Coronavirus: The Case for a Broad and Inclusive Government Response.” *UnidosUS*. 9 July 2020. <http://publications.unidosus.org/handle/123456789/2066> (accessed March 2022).
- ⁷ Svajlenka, Nicole Prchal. “Protecting Undocumented Workers on the Pandemic’s Front Lines: Immigrants are Essential to America’s Recovery.” *Center for American Progress*. December 2020. https://cdn.americanprogress.org/content/uploads/2020/12/01095848/Making-The-Case-ForLegalization.pdf?_ga=2.104448704.1945692736.1620665685-1677381982.1619194653 (accessed March 2022)
- ⁸ Ibid.
- ⁹ Penumaka, Evangel. “Congress Faces a Historic Opportunity to Deliver Transformative Immigration Relief.” *Data for Progress*. 8 November 2021. <https://www.dataforprogress.org/blog/2021/11/8/congress-faces-a-historic-opportunity-to-deliver-transformative-immigration-relief> (accessed March 2022).