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October 2, 2017

The Honorable Chuck Grassley
Chairman
Senate Committee on the Judiciary
U.S. Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary
U.S. Senate
Washington, DC 20510

Statement of Human Rights Watch for Hearing on “Oversight of the Administration’s Decision to End Deferred Action for Childhood Arrivals”

Dear Chairman Grassley and Ranking Member Feinstein,

We write to thank you for holding a hearing addressing the urgent human rights issue of protection for undocumented youth, and to urge your committee to forward to the Senate for approval an inclusive legislative solution to protect immigrants with deep ties to the United States from deportation.

Congress is considering several different proposals to protect undocumented youth from deportation in the wake of President Trump’s decision to end Deferred Action for Childhood Arrivals. These proposals correctly recognize the urgency of providing a path to legal status for people who have developed deep ties to the United States. Under the current US immigration system, it is otherwise extremely difficult – and often impossible – for DACA recipients and other unauthorized immigrants to gain permanent legal status in the US, even when they have immediate family who are US citizens, years of residence in the US, and other deep community ties such as significant contributions to local economies.

Without DACA or legislative action to provide protection, deeply rooted immigrants who have come to enjoy a real degree of security in building their lives will be returned to a state of vulnerability. Human Rights Watch has repeatedly documented the devastating impact of deportations of people with deep ties to the US on families

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and communities.¹ Undocumented immigrants are also often left more vulnerable to crime and abuse—which can make citizens and noncitizens alike less safe.

Congress should develop an inclusive plan to regularize the status of immigrants with deep ties to the United States. Not only is this good and humane policy, but it is the best and perhaps the only way to meet the country's obligations under international law to protect the home and family of all people in the US from arbitrary interference.²

Unfortunately, Senator Tillis', Senator Lankford's, and Senator Hatch's SUCCEED Act (Solution for Undocumented Children through Careers Employment Education and Defending Our Nation) fails to provide adequate protection for a vulnerable class of people whose right to family and home are threatened. Under the SUCCEED Act, eligible immigrant youth would have to wait 15 years to become U.S. citizens. In order to enter this process, they would be forced to forgo due process rights, which could allow them to be quickly deported without a day in court, based on an allegation that they fail to meet the bill's strict requirements. The prolonged process would also bar them from seeking other forms of immigration relief for which they could become eligible. The bipartisan DREAM Act would protect more immigrant youth over a more compressed timeline without negative impact on their due process rights.

We urge your committee to take swift action to forward an inclusive proposal to the Senate floor that would protect immigrants who have deep ties to the US immediately without negative impact on their due process rights.

Sincerely,

Jasmine L. Tyler
US Advocacy Director

CC: Senate Judiciary Committee

¹ http://features.hrw.org/features/Torn_Apart_US_immigration_reform_2014/; <https://www.hrw.org/blog-feed/the-deported>

² International Covenant on Civil and Political Rights, Articles 17 and 23.