

**FIRST FOCUS CAMPAIGN FOR CHILDREN
STATEMENT FOR THE RECORD**

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION POLICY AND ENFORCEMENT

AT A HEARING ENTITLED

**“H.R. 2497, THE “HINDER THE ADMINISTRATION’S LEGALIZATION
TEMPTATION (HALT) ACT”**

JULY 26, 2011

Chairman Gallegly and members of the House Subcommittee on Immigration, thank you for the opportunity to submit this statement regarding the July 26th hearing on the Hinder the Administration’s Legalization Temptation (HALT) Act.

The First Focus Campaign for Children is a bipartisan children’s advocacy organization dedicated to making children and families a priority in federal policy and budget decisions. Our organization is also committed to ensuring that our nation’s immigration policies promote the well-being of children and families. We fully support the Administration’s ability to exercise prosecutorial discretion as well as other relief options while enforcing our immigration laws, especially when the best interest of a child is at stake in such decisions. We strongly oppose the HALT Act as it would eliminate the Administration’s use of prosecutorial discretion for humanitarian purposes and directly threaten the safety and well-being of children and families.

While we oppose the HALT Act in its entirety, we are particularly concerned with the provisions that would restrict the Administration’s use of humanitarian parole, cancellation of removal, and other critical forms of immigration relief. These measures have been used by this Administration as well as by preceding Administrations to protect children and families with the most need. For example, last January Haiti suffered a devastating earthquake which left over 1,200 children orphaned. At the time, the Administration responded quickly and efficiently by granting humanitarian parole to young Haitian survivors and providing them a safe haven in the United States with adoptive families. One such child is Vanessa, an eight-year-old survivor of the earthquake who spent nearly four days under the rubble of an orphanage before being rescued. A few months later, she was granted humanitarian parole and taken in by a loving family that is currently in the process of adopting her. In addition to being able to receive a life-changing surgery to correct her severely bowed legs, Vanessa also received the mental

health treatment she so urgently needed. Late last year, the U.S. Congress went on to pass the Help Haiti Act, bipartisan legislation that ultimately provided much needed relief to Haitian orphans by granting them Legal Permanent Resident (LPR) status. To suspend or restrict the use of humanitarian parole for any amount of time would be irresponsible and unnecessarily put lives at risk. While the HALT Act makes an exception in cases where “the life of an alien is imminently threatened,” it restricts authority that in a time of emergency could delay the need for a quick response.

Humanitarian parole has also been used in the past to protect the safety and well-being of U.S. citizens. One such case is that of Hermenegildo Ortega, the sole caregiver of two children who was deported to Mexico from Orange County, California in 2003. After Ortega’s girlfriend passed away from AIDS in 1996, he became the legal guardian of his girlfriend’s son, who had been diagnosed with HIV, and their daughter. After his deportation, his children were sent to live in foster care. Ortega was later granted a one-day visa to argue his case before the family court, where he pleaded for humanitarian parole in order to be reunited with his children and remain in the U.S., where his son could get the life-sustaining medical care he needed. The family court judge ultimately recommended that Ortega be allowed to remain in the country to care for his U.S. citizen children. Ortega’s story exemplifies the importance of being able to weigh the hardship that deportation of a parent can have on a U.S. citizen child.

The HALT Act would also restrict the Administration’s use of deferred action, meaning that the Department of Homeland Security (DHS) would no longer be able to defer the deportation of young people who were brought to the U.S. as children. Currently, there are nearly 1 million undocumented children under the age of 18 who consider the U.S. their home yet live in constant fear of deportation. One such young person is Walter Lara, one of the first youths to be granted deferred action in 2009. Walter was just three years old when his family first immigrated to the U.S., and he did not learn of his undocumented status until he was in the process of applying to college. Despite limited options, Walter graduated from Miami Dade College with a 3.7 GPA and a major in Computer Animation. After learning of his pending deportation, First Focus joined with other organizations in a campaign to prevent his removal. In July of 2009, DHS ultimately granted Walter deferred action just a few days before his scheduled deportation. Since Walter’s case, several deserving youths have also received deferred action. We firmly believe that it is vital for DHS to continue to exercise its authority of prosecutorial discretion with regards to these young people, who should not be punished for the actions of their parents. It simply makes no sense to separate these young people from their families and deport them to a country they often no longer remember.

Cancellation of removal is another important component of our immigration law that has been used in the past to preserve family unity. Currently, DHS has the ability to grant cancellation of removal to an immigrant who has been in the U.S. at least ten years and whose deportation would result in “exceptional and extremely unusual hardship” to a U.S. citizen or LPR spouse, parent, or child. In addition to suspending cancellation of removal, the HALT Act would similarly suspend the ability for DHS to waive the three and ten year bar for admission to the U.S. in cases where children and families living in the U.S. would suffer extreme hardship as result of a family member’s absence. Policies such as these have significant implications given that over 5 million children living in the U.S., the vast majority of whom are U.S. citizens, live with at least one undocumented parent. Even with these policies in place, over 108,000 children were separated from a parent due to deportation between 1997 and 2007. To put more children at risk of losing a parent would run contrary to our American values.

In closing, Mr. Chairman and members of the committee, we hope that as Congress continues to discuss the future of U.S. immigration policy that the impact on children and families also be considered. Too often, immigration policies fail to take into account the potential harm to the youngest and most vulnerable members of our society. Currently, children of immigrants comprise nearly a quarter of all U.S. children, and the future prosperity of our country is directly linked to their long-term well-being. It benefits no one to deport a young person like Walter Lara, to separate a child with HIV from his father, or to deny Americans the ability to respond to humanitarian crises overseas involving orphaned children like those in Haiti. In fact, it defies common sense. As advocates for children, we firmly believe that the Administration must retain discretion to grant common sense and humanitarian immigration relief that is consistent with the family values our nation cherishes. Rather than pursue harmful proposals such as the HALT Act, we hope that Congress can engage in an honest discussion about a comprehensive fix to our immigration system that honors our American values of putting children first and keeping families together. The First Focus Campaign for Children looks forward to working with you to achieve this important goal. If you have any questions, please contact Wendy Cervantes, VP for immigration and child rights policy, at 202-657-0637.

Sincerely,



Bruce Lesley
President