

Senate Judiciary Committee Hearing
“H.R.6, American Dream and Promise Act”
Questions for the Record
for León Rodríguez, former Director of U.S. Citizenship and Immigration
Services
Submitted June 22, 2021

LEON RODRIGUEZ RESPONSES TO QUESTIONS FROM SENATOR
WHITEHOUSE

1. During his testimony, Mr. Edlow cited statistics that show an increase in apprehensions of migrants along the southwest border by U.S. Customs and Border Protection in the past year. Mr. Edlow attributes the increase to the Biden administration “wag[ing] war on immigration enforcement.”

- a. What evidence is there that these immigration trends are connected to President Biden’s immigration policies?

Response: Mr. Edlow and I were testifying less than six months into the Biden administration, during the precise time period that the U.S. and the rest of the world was emerging from the most constraining restrictions and limitations of the COVID pandemic. Mr. Edlow was benchmarking the increase in apprehension against the last year of the Trump Administration, during which time the COVID pandemic, not the Trump enforcement-only approach to Central American migration, was causing the decrease in border apprehensions. Indeed, before that apprehensions were at high-levels notwithstanding the Draconian and brutal measures implemented by the Trump Administration.

- b. Based on your experience and expertise, what are the likely causes of these trends?

Response: The causes of the trends we were seeing at the time that Mr. Edlow and I testified and have seen since then are the same as they have been since the time we first saw increased migration from the Honduras, Guatemala and El Salvador – widespread violence in those countries, much of it gang-related – which violence local and national governments and law enforcement organizations have been powerless or unwilling to address. Honduras and El Salvador in particular have over years had among the highest homicide rates in the world.

- c. What long-term solutions could the federal government pursue to reverse these trends?

Response: Border enforcement seeks to treat the symptoms of the problems that I described above, it does not eliminate the true problems that have been driving migration. The United States can only truly reverse these trends by working with

regional partners and the governments of Guatemala, Honduras, and El Salvador needs to support honest local efforts strengthen the rule of law, eliminate corruption, promote effective and honest policing, and grow economic opportunity particularly for distressed populations.

- d. What should be the priority or priorities of the federal government to create a functioning, sustainable immigration system?

Response: The basic structure of our immigration systems is outdated and poorly suited to meet the needs of our thriving economy and to realize our values as a democracy built and grown by immigrants and their descendants, and as a beacon to the displaced. Using health care as an example, health care organizations are struggling to hire sufficient qualified and willing workers at all levels of their organizations, not simply in the M.D. ranks. While there are some pathways to bring M.D.'s and R.N.'s, the pathways for other types of workers are very limited and ultimately insufficient to meet the needs of our health care businesses. Indeed many of these are positions that could be filled by migrants from Central American and other parts of the world.

At the same time, our levels of refugee admission and other humanitarian immigration are sadly low when compared to the size of populations and our wealth as a country.

The reason these problems exist is that too much of our national conversation about immigration and of our operational changes to the immigration system have been focused on imagined threats posed by immigrants. Immigrants do not by and large displace U.S. workers, they do not pose a heightened public safety threat (indeed, most data suggest lower rates of criminality in immigrant communities), and they do not threaten to rip our social fabric, as I have heard some lawmakers suggest.

Instead, we need to develop numerical immigration benchmarks that truly reflect our significant workforce needs, promote economic development especially of distressed areas, and genuinely represent one of the world's largest and most populous countries doing its fair share to welcome persons displaced by persecution and other humanitarian crises. We also need to focus on modernizing immigration processing to make it efficient, economically sustainable and technologically current so as to make it easier not harder for immigrants to come to the U.S.

2. During the hearing, we heard repeatedly that Dreamers, TPS holders, and other immigrants pose a risk to our communities.
 - a. Is there any evidence that immigrants make our communities less safe?

Response: NO! Notwithstanding attempts in certain quarters to reverse engineer data suggesting such heightened risk, criminal justice data clearly demonstrates the opposite.

- b. How do immigrants, particularly Dreamers and TPS holders, contribute to our economy?

Response: Given the high levels of employments both among DACA recipients and among TPS holders, there is no question that they contribute substantially to our economy. Conversely, their abrupt removal from the U.S. workforce could be nothing short of disastrous.

3. In his testimony, Mr. Elder alleged that the American Dream and Promise Act “creates blanket waivers for criminal aliens thereby allowing most criminal aliens to benefit.” Is that accurate? If not, why not?

Response: That’s an absurd statement – the bill adopts the existing inadmissibility categories in the INA and provides limited exceptions and waivers for certain misdemeanors. The notion that these exceptions and waivers amount to “blanket waivers” defies logic and is insulting to the public servants that would be administering the Act.