

Congress of the United States
Washington, DC 20515

November 22, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
U.S. Capitol
Washington, D.C. 20510

The Honorable Patrick Leahy
President Pro Tempore
United States Senate
U.S. Capitol
Washington, D.C. 20510

The Honorable Dick Durbin
Chair
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Leader Schumer, Senator Leahy, and Chair Durbin,

Last Friday, the House passed the Build Back Better (BBB) Act, a historic piece of legislation that contains promises made and promises kept for millions of Americans across the country.

And yet, another promise three *decades* in the making still hangs in the balance. The House version of the BBB Act limits relief for certain undocumented individuals to a five-year parole status, yet another form of temporary reprieve. We now write to urge you and the rest of our colleagues in the Senate to reinstate a pathway to citizenship for Dreamers, TPS holders, farm workers, and essential workers in the Senate’s version of the reconciliation bill.¹ The reconciliation bill is an especially suitable vehicle for providing this relief. One need look no further than previous CBO scores for the same proposal to know that providing a pathway to citizenship would have a massive budgetary impact.²

Under the Constitution, Congress alone holds the power to determine who can become a citizen, and under what conditions.³ So when Congress promises “immigration reform,” as it has done throughout the negotiation process, our party must fully deliver on that promise. For decades, immigrants have sought relief from the precarity of jumping from one temporary status to another in the only country they can call home. Another temporary status would merely extend this precarity.

¹ The initial House version of the Build Back Better Act included an advance to the registry date to January 1, 2010. Estimates indicate 1.6 million Dreamers, 360,000 holders of Temporary Protected Status, and 3.6 million essential workers (including 1 million farm workers) would be able to apply for green cards under this provision. See HOUSE COMMITTEE ON THE JUDICIARY, IMMIGRATION PROVISIONS – BUILD BACK BETTER ACT (2021), https://judiciary.house.gov/uploadedfiles/immigration_bbb.pdf.

² See, e.g., CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE OF S. 744: BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT (2013), https://www.cbo.gov/system/files/113th-congress-2013-2014/costestimate/s744_0.pdf; CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE OF H.R. 6, THE AMERICAN DREAM AND PROMISE ACT (2021), <https://www.cbo.gov/system/files/2021-03/hr0006.pdf>; see also Daniel Costa, *Immigration Reform Would Be a Boon to U.S. Economy and Must Be Part of the \$3.5 Trillion Budget Resolution*, ECON. POLICY INST. (Sept. 15, 2021, 10:19 AM), <https://www.epi.org/blog/immigration-reform-would-be-a-boon-to-u-s-economy-and-must-be-part-of-the-3-5-trillion-budget-resolution-senate-parliamentarian-would-be-wrong-to-rule-otherwise>.

³ U.S. CONST. art I § 8, cl. 4.

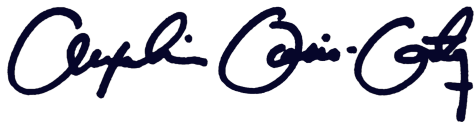
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Whether we keep our promise or not is a question of political will. We do understand that the Senate Parliamentarian has issued a memorandum dismissing – despite evidence to the contrary – the budgetary impact of providing a pathway to citizenship. But the role of the Parliamentarian is an advisory one, and the Parliamentarian’s opinion is not binding. As we laid out in our letter to you on October 21, 2021, both federal law⁴ and Senate precedent provide that the Senate’s Presiding Officer can issue a different binding ruling on such a parliamentary point of order. We cannot let an unelected advisor determine which promises we fulfill and which we do not, especially when the vast majority of Americans – in both parties – want us to provide a pathway to citizenship.⁵

The moment is now. We urge you to reinstate a pathway to citizenship for Dreamers, TPS holders, farm workers, and essential workers in the Senate’s version of the reconciliation bill.

Thank you for your attention to this letter, and your commitment to honoring the tributes that millions of undocumented individuals have paid to this country.

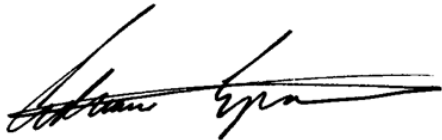
Sincerely,



Alexandria Ocasio-Cortez
MEMBER OF CONGRESS




J. Luis Correa
MEMBER OF CONGRESS



Adriano Espaillat
MEMBER OF CONGRESS



Jesús G. “Chuy” García
MEMBER OF CONGRESS



Grace Meng
MEMBER OF CONGRESS

⁴ 2 U.S.C. § 644.

⁵ Evangel Penumaka, *Voters Across Parties Support a Path to Citizenship*, DATA FOR PROGRESS (June 14, 2021), <https://www.dataforprogress.org/blog/2021/6/14/voters-support-path-to-citizenship>.