

December 6, 2022

Honorable Members of the U.S. Congress
Washington, D.C. 20515

Re: Take Urgent Action to Save LGBTQ Dreamers

Honorable Members of Congress,

As LGBTQ rights organizations, we call on Congress to immediately pass legislation with permanent protections and a pathway to citizenship for all Dreamers. This group includes LGBTQ people at risk of persecution or torture if deported to their countries of birth. With the courts poised to permanently end protections for hundreds of thousands of DACA recipients, and an incoming House likely to block any safeguards for Dreamers, it is critical that you act now. We urge you to reach a bipartisan agreement on a pathway to citizenship for Dreamers, free from tradeoffs harmful to refugees, asylum seekers, and other immigrants.

Right now, lawmakers have a shrinking window of opportunity to end a decade of tumult for millions of Dreamers, including over 600,000 current DACA recipients, and thousands of others who have been shut out of the program by the courts. Dreamers entered the country as children without documentation and have spent most of their lives in the U.S. They have grown up here, laid deep roots, and taken on vital roles: more than half of DACA recipients are parents to U.S.-born children; more than 300,000 hold essential jobs in the health care, education, and food sectors; and DACA-recipient households contribute nearly \$10 billion in taxes to federal, state, and local governments each year.¹ Without immediate Congressional action, all Dreamers, including DACA recipients, will be at risk of deportation—with devastating consequences to their families, communities, and the country they call home.

For LGBTQ Dreamers, accessing permanent legal protections in the U.S. is often a matter of life and death. In one survey, ten percent of DACA recipients identified as LGBTQ.² Another study put the figure closer to 4.7%.³ That means that potentially hundreds of thousands of LGBTQ young people are in danger of being deported to places where they face grave harm. The majority of DACA recipients were born in Mexico, El Salvador, Guatemala, and Honduras—countries where it is fundamentally unsafe to be LGBTQ. Other Dreamers hail from countries like Pakistan and Saudi Arabia, where same-sex relationships are punishable by life imprisonment and the death penalty.

Without permanent protections, Dreamers who are LGBTQ will face unconscionable abuse, including forced conversion therapy, sexual assault, and brutal violence. While the asylum system may provide protection to some LGBTQ Dreamers, it will not protect them all. Furthermore, forcing hundreds of thousands of new claims through the chronically backlogged asylum system would further strain government resources while putting Dreamers in a constant state of uncertainty for years. The only permanent solution to this crisis is legislation that creates

¹ Center for American Progress, *The Demographic and Economic Impacts of DACA Recipients: Fall 2021 Edition* (Nov. 24, 2021) <https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition/>.

² Center for American Progress, *What Ending DACA Means for LGBTQ Dreamers* (Oct. 11, 2017) <https://www.americanprogress.org/article/ending-daca-means-lgbtq-dreamers/>.

³ UCLA School of Law, Williams Institute, *LGBT ‘Dreamers’ and Deferred Action for Childhood Arrivals (DACA)* (June 2020), <https://williamsinstitute.law.ucla.edu/publications/lgbt-dreamers-daca/>.

a pathway to citizenship for all Dreamers, a necessity the American public strongly agrees with. An overwhelming majority of U.S. voters—93% of Democrats and 71% of Republicans—would support legislation creating a pathway to citizenship for Dreamers.⁴

Accordingly, we call on Congress to pass a clean bill that protects Dreamers and to aggressively reject any tradeoffs that threaten fair and humane immigration. Proposals packaged as “border security” often provide cover for devastating policies like the use of Title 42 to expel migrants and asylum seekers, including LGBTQ refugees. Under the pretext of protecting public health, Title 42 implemented an asylum ban at the southern border, led to increasingly dangerous border crossings, and forced asylum seekers to wait in makeshift refugee camps in Mexico. In the camps, LGBTQ people were exposed to kidnapping, sexual assault, brutal violence, and murder.⁵ Congress must reject any effort to codify Title 42 expulsions into law, which would permanently ravage our asylum system. Holding Dreamers hostage in exchange for proposals that remove, expel, or shut out asylum seekers is unacceptable.

It is now or never for Congress to pass permanent protections and a pathway to citizenship for millions of Dreamers, including potentially hundreds of thousands of LGBTQ young people. The U.S. is their home. It’s where they grew up, came out, earned degrees, got jobs, and started families. Uprooting them now will not only devastate communities across the country, it will put the most vulnerable Dreamers in grave danger. These young immigrants came to the U.S. for a better life, and in the process, they made the country a better place for all of us. Dreamers deserve nothing less than permanent protection, and they are counting on you to make that dream a reality.

For additional information, contact Bridget Crawford at bcrawford@immigrationequality.org. Thank you for your attention to this urgent matter.

Signed,

National Center for Lesbian Rights
Outright International
Human Rights Campaign
Oasis Legal Services
InReach
Antioch College
Los Angeles LGBT Center
Transgender Legal Defense and Education Fund (TLDEF)
National Center for Transgender Equality
Young Center for Immigrant Children's Rights
Immigration Equality Action Fund
National Immigrant Justice Center
Santa Fe Dreamers Project

⁴ Impact Research/Public Opinion Strategies, *Findings from Recent Nationwide Immigration Polling* (Oct. 27 2022) <https://www.fwd.us/wp-content/uploads/2022/10/FWD.US-NATIONWIDE-IMMIGRATION-POLL-FINDINGS-MEMO-10.26.22.pdf>.

⁵ Human Rights First, *The Nightmare Continues: Title 42 Court Order Prolongs Human Rights Abuses, Extends Disorder at U.S. Borders* (June 2022) <https://humanrightsfirst.org/wp-content/uploads/2022/09/NightmareContinues.pdf>.