Statement Regarding the Passage of H.R. 6, The American Dream and Promise Act of 2019  
June 5, 2019

The following statement has been issued by the National Juvenile Justice and Delinquency Prevention Coalition Steering Committee members:

The National Juvenile Justice and Delinquency Prevention Coalition (NJJDPC) expresses our reservations about the final version of H.R. 6, the American Dream and Promise Act of 2019, that was passed by the U.S. House of Representatives yesterday. While we strongly support the overall goals of the Dream Act and want to see a pathway to citizenship for these young people codified into law, the many conduct-based triggers that bar relief under the Act lead us to worry about the actual benefits for immigrant youth who come into contact with police and the juvenile legal system.

The version of H.R. 6 that passed out of the House Judiciary Committee added many new - and unprecedented - grounds of exclusion for people who apply for Dream Act relief, including discretionary bars for those who have juvenile delinquency adjudications, which are not convictions and should not carry the consequences of such, and those who the government labels as participating in gang offenses. These bars to relief must be viewed in the context of our current political climate and the statistics on youth who come into contact with the juvenile justice system. We have seen a trend from the current administration to target and criminalize immigrant youth and youth of color. Youth crime is at a 30-year low, but youth and communities of color are still paying the price for damaging and ineffective policies that emerged in the 1990s that severely criminalized youth behavior. The bar to relief under the Act on these bases would create a double punishment for immigrant youth.

While the Rules Committee adopted an amendment that made an important change to the bill to ensure that juvenile adjudications that are expunged, set aside, or result in a rehabilitative disposition are excluded as part of the discretionary bar, this will not protect all youth. According to the National Conference of State Legislatures, only 15 states automatically seal or expunge
juvenile records, and only in certain circumstances. This creates a “justice by geography” system that is neither fair nor just.

Rather than pitting kids against one another and promoting a narrative of the “good immigrant” versus the “bad immigrant,” Congress should be focused on ensuring all immigrant youth who have only known the United States as home no longer have to live in fear of an uncertain future regardless of childhood mistakes. The juvenile justice system recognizes that young people are different than adults and treats them as such. Congress should do the same.

The members of NJJDPC remain committed to working with members of the House and Senate to educate them on the critical intersection of immigration law with juvenile justice and criminal justice law. As the bill moves through the legislative process, we look forward to ensuring the best bill possible lands on the president’s desk.

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The National Juvenile Justice and Delinquency Prevention Coalition (NJDPC) is a collaborative array of youth- and family- serving, social justice, law enforcement, corrections, and faith-based organizations, working to ensure healthy families, build strong communities and improve public safety by promoting fair and effective policies, practices and programs for youth involved or at risk of becoming involved in the juvenile and criminal justice systems.