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**Possible solution regarding Development, Relief, and Education for Alien Minors, aka Dreamers (D.A.C.A.), their illegal alien parents and minor siblings**

**by Jo Rae Perkins**

Over the past couple of years, I have thought about the “Dreamer” issue. I have considered the pros and cons of amnesty versus outright deportation. I have talked with various people, some who have immigrated here legally with green cards, have become, or are working becoming U.S. Citizens. I have also talked with others who came here legally, but their visa is expired, yet they remain in the U.S. This paper does not address those who are still in the U.S. with expired visas as that is another issue which I feel needs to be addressed on its own.

I have attempted to present my solution as simply as possible without losing the importance of how fix the issue of the “Dreamer” population and their families. For the remainder of this paper, the “Dreamer” term is replaced with Adult Children\*. Should you have questions regarding any of the statements or suggestions in this paper, please send an email to [Comments@Perkins4Oregon.com](mailto:Comments@Perkins4Oregon.com).

To begin with, children cannot / should not be held legally responsible for the illegal actions of their parents. For the most part, the children had no real say in whether they were brought to the United States. They have been victimized and used as pawns, that is no way to treat anyone, ever!

The United States of America is the only home country many of the Adult Children know. They are more likely to identify as Americans than not. There must be a solution that is reasonable, yet works to keep the immigration system intact and does not open the proverbial flood gates.

As I refer to the various parties, the following terms will be used:

Adult Children/Adult Child: Age 18+ these are the adults who were brought to the U.S. Illegally prior to the age of 18 by their parents.

Minors: Age 0 – 17

Parent(s): illegal alien adults who have brought minor children with them.

### **Adult Children:**

1. No later than 60 calendar days after the Adult Child's 18<sup>th</sup> birthday or 60 calendar days from the date of legislation approving this plan, whichever is later, the Adult Child must file an intent to apply for Naturalization under the Act and pay an applicable fee.
2. No later than 60 calendar days after the Adult Child's 18<sup>th</sup> birthday or 60 calendar days from the date of legislation approving this plan, whichever is later, the Adult Child must apply for a Temporary Tax Payer Identification Number (TTPIN), not a social security number.
3. Will have six years to prepare for and complete the Naturalization process and be sworn in as a U.S. Citizen. \*(this is different than President Trump's 11-12 year proposal, which I have not read).
4. Must meet the same General Naturalization Eligibility Requirements (see below) as those who came to the United States of America legally and are now applying for Naturalization. Proposed changes to be made are noted below to accommodate the Adult Child applicant.
5. Must not have been convicted of a crime prior to filing the intent to become a Naturalized citizen form.
6. During the Six-year Naturalization Window (SNW), if the Adult Child is convicted of a crime, other than that of being an illegal immigrant, they forever forfeit the opportunity to become a U.S. Citizen. They may apply for non-immigrant residency with a work permit. If convicted of a felony, the Adult Child is subject to deportation.
7. During the Six-year Naturalization Window, the Adult Child is not eligible to receive:
  - a. Any federal government assistance, such as SNAP, Welfare, Medical or Section 8 housing. The state in which they are applying, or other private entity may aid so long as the monies are not from any underlying federal program.
  - b. The Pell Grant or other federal education financial assistance including federally subsidized scholarships
8. Children of the Adult Children will NOT be granted automatic citizenship until both parents (if they are both in the U.S.) are U.S. Citizens. The Adult Child Citizen may then apply for citizenship for their minor child(ren).

9. Marriage to a U.S. Citizen, whether naturalized or natural born, will not guarantee the Adult Child will be eligible to remain in the United States of America or its territories.
10. If the Adult Child has a criminal conviction prior to becoming a Naturalized citizen, they are automatically deemed ineligible.
11. If there is clear and irrefutable proof the Adult Child has been protesting against the United States in any rally which is meant to undo the U.S. Constitution or elevate their standing above legal residents, their application can be denied due to insurrection or other Constitutionally legal reasons.

The current cost to apply for citizenship is \$725.00. I propose setting up a system where the Adult Child(ren) may deposit funds into an account on their behalf, leading up to the deadline to becoming a U.S. Citizen. By depositing funds into an account for the benefit of the Adult Child, the application fee would not increase. The deposited funds would be non-refundable, unless there are mitigating circumstances as to why the Adult Child is unable to complete the Naturalization process within the six years; for example, serving in the U.S. Military and currently deployed or dealing with a major medical event. Barring extenuating circumstances, which would be written into the 'Act', the Adult Child(ren) may be subject to deportation or may be allowed to re-apply for citizenship. If reapplication is allowed, the Adult Child applicant will pay an additional penalty fee and have a limited time, for example 12 months to complete the Naturalization process.

### **The Parent(s):**

No later than 60 calendar days after passing and signing into law legislation regarding Adult Children, Illegal Aliens and their minor children, the notification by the Parent(s) must be made in writing to ICE with the intent to comply with Option 1 or 2 below:

Because the Parent(s) came to the U.S. without proper authority, they have the following two options:

### **Option 1:**

Return to their home country and reapply for legal entry, taking with them all Minor children. The Department of Immigration and Naturalization will have a matrix to determine how long the re-entry process will take.

1. The Parent(s) will be required to apply for U.S. Citizenship under the normal Naturalization process within 90 days of re-entry.
  - a. This is only available if Parent(s) do not have any prior criminal record in any state or territory of the United States.
  - b. Will be ineligible to receive any federal government assistance as stated under Adult Children item 7 (a) and (b) above.

2. The Parent(s) would need to pay a fine/fee, an amount to be determined by legislation upon approval and prior to re-entry into the United States or its territories.
3. Must show has sufficient means for self-support either by a notarized affidavit from an employer stipulating employment or by showing funds deposited in a U.S. bank account, equal to six-months living expenses based upon the cost of living in the region/city they will be living.
4. Chain migration of other family members, other than their natural born or legally adopted minor children would be disallowed.
5. Husbands and Wives: Would be allowed to apply for joint re-entry if they were married to each other at the time of their initial entry into the U.S. whereby they were in the U.S. illegally.

See the following examples:

- a. Husband and Wife (Parents) enter the U.S. bringing with them at least one minor child. Both may apply for legal re-entry/residency in the U.S. as a family unit.
  - b. Unmarried female or male (Parent), enters the U.S. with a minor child, marries another illegal alien while living in the U.S; both choose to self-deport and apply for re-entry as a family unit. The decision to allow this would be based upon legislation and number of years married prior self-deportation.
  - c. Unmarried female or male (Parent), with minor child self-deport, subsequently, marry while awaiting legal authority to re-enter the U.S., may NOT file as a family/couple unit. Each adult would need to apply and be accepted upon their own merit.
6. Will be required to file an intent to apply for Citizenship for their minor children and pay a fee. Must be completed within 12 months of re-entry.
  7. Should the minor reach the age of majority during the 12-month time frame, the Minor will be required to follow the Adult Children plan as previously spelled out.

## **Option 2:**

Stay in the United States or its Territories with their minor child(ren), the Parent(s):

1. Forfeit all rights to future citizenship even if they later decide to self-deport and apply for legal re-entry into the United States or its territories.
2. Must apply for a non-citizen worker's permit and be sponsored by a natural born or naturalized citizen, pay a fine and the appropriate fees.
3. Must show there is sufficient means for self-support either by a notarized affidavit from an employer stipulating employment, or by showing funds deposited in a U.S. bank account, equal to six-months living expenses based upon the cost of living in the region/city they will be living.

4. Are not eligible to receive any federal financial assistance other than the right to receive social security benefits under the rules in place at the time of their legal authority to work in the United States. All prior earnings would not be counted towards social security earnings eligibility.
5. Must immediately apply for a non-immigrant, work visa, and Tax Payor Identification Number
6. Must go through a background check
7. Have no criminal convictions
8. If there are no minor children living in the home, the parents must self-deport unless they can show just cause why they should be allowed to remain in the US.

By choosing option two, the Parent(s) also take away the opportunity for their minor child(ren) from becoming U.S. Citizens. There are two exceptions. The Parent(s) later decide to self-deport, before the minor child(ren) reaches the age of majority (18), or the minor child(ren), after reaching the age of majority (18), joins the U.S. Military.

Under either Option One or Two, should there be any conviction of criminal activity in the future, the Parent(s) are subject to deportation along with their minor child(ren).

Children born to an illegal alien while residing in or visiting any state or territory within the United States, is NOT a U.S. Citizen. This includes the child(ren) born to those who later become eligible to be in the U.S. or its territories. This means no “Birthright” or “Anchor Babies”

### **Minors:**

1. Upon reaching the age of majority, if their Parent(s) have not yet filed for and received a Temporary Identification Number on the minors’ behalf, the child must apply no later than 60 calendar days after reaching the age of majority (18).
2. The Minor, now Adult Child, must, within the 60-calendar day time frame, file an intent to apply for Naturalization under the Act and pay an application fee.
3. If the Parent(s) choose option 2 above, the Minor will not be eligible to become a Naturalized citizen until they reach the Age of Majority (18).
4. Should the Minor give birth to a child, that child will NOT be a U.S. Citizen until the Minor has become a U.S. Citizen.

This is not amnesty and should not be interpreted as amnesty. This is way to allow those who have lived in the U.S. and have shown themselves to be of moral character, productive members of society, to legally remain in or legally return to the U.S. or its territories.

To prevent an influx of new illegals, the proposal would apply only to those illegal aliens who can prove they have lived in the United States or its territories since January 1, 2008.

**General Eligibility Requirements – Adult Child(ren) changes are in red**

<https://www.uscis.gov/citizenship/learners/learn-about-naturalization>

- Be at least 18 years old at the time you file [Form N-400, Application for Naturalization](#). **This would be a different form number for example N-400D**
- Be a permanent resident (have a “Green Card”) for at least 5 years. **This would be different for Adult Children to reflect new legislation.**
- Demonstrate [continuous residence](#) in the United States for at least 5 years immediately before the date you file Form N-400(D).
- Show that you have been physically present in the United States for at least 30 months out of the 5 years immediately before the date you file Form N-400. **This provision would change beginning with the passage of new legislation to address the Adult Children and Minors with regards to that class only. All others this would remain the same.**
- Show that you have lived for at least 3 months in the state or USCIS district where you apply. Students may apply for naturalization either where they go to school or where their family lives (if they are still financially dependent on their parents).
- Be a person of good moral character.
- Demonstrate an attachment to the principles and ideals of the U.S. Constitution.
- Be able to read, write, and speak basic English.
- Have a basic understanding of U.S. history and government (civics).
- Take an oath of allegiance to the United States.

\*changes made after 01/31/2018

Should you have any comments on this topic, please email:

[Comments@Perkins4Oregon.com](mailto:Comments@Perkins4Oregon.com) in the subject line, please insert Immigration.