

IMMIGRATION POLICY AND UNDOCUMENTED PERSONS

Position Statement

NASW affirms the nation's need for just immigration policy that provides an expeditious route to citizenship, addresses the unique human needs of immigrant and refugee families, balances workforce needs with worker rights, affirms the importance of educational advancement and cultural diversity for the state, and addresses legitimate border security issues. The NASW position is based on the bedrock values of human rights, cultural diversity, and social and economic justice for all.

Discussion

• *Background: Immigration patterns*

Census data shows that about 40 million people, 13% of the entire United States population, are foreign-born immigrants (United States Census Bureau, 2012). Although Iowa ranks 36th nationally in terms of immigration, the state's population of foreign-born residents has increased markedly in recent years. Between 2000 and 2010, Iowa's population of foreign-born residents rose from 91,085 to 139,477, approximately a 53% increase. The majority of these immigrations were from Latin America (43%) and Asia (30%), although a substantial portion hailed from Europe (16%) and Africa (8%) (Migration Policy Institute, 2013).

Historically, immigrants generally moved to one of six 'major destination' states -- Florida, California, Texas, Illinois, New Jersey and New York. However, in the past decade, that pattern has changed as immigrants with children chose new destinations with family-friendly communities, quality schools, and lower crime rates. Consequently, states such as Iowa, Nebraska, Minnesota, Kansas and Wisconsin have witnessed rapid growth in their foreign-born populations. Not surprisingly, these states have been faced a corresponding set of social and political challenges (Capps & Fortuny, 2006; Urban Institute, 2006).

Although a substantial number of immigrants obtain legal citizenship and/or legal residence, the core of the immigration debate resolves around the issue of undocumented persons. Undocumented persons are those who reside in the U.S. but are not U.S. citizens and do not possess valid documents granting them residence and/or work permissions. Such persons may have entered the country illegally (without inspection) or they may have entered legally (with inspection) but remained after their visas expired (Papademetriou, 2005).

While undocumented persons come from around the world, according to the Pew Hispanic Center, (Passel, 2006), the greatest percentage, 78%, arrive from Latin America, primarily Mexico. The Pew Center estimated that by 2006, 11-12 million undocumented immigrants, approximately 30% of all foreign-born residents, were living in the U.S., and that number has continued to rise. Nationally, this represents 9.3 million adults -- 5.4 million males and 3.9 million females, most between 18-39 years of age -- and 1.8 million children. Many of the estimated 6.6 million undocumented families have a 'mixed status', meaning that they also include members who are U.S. citizens. Nearly two thirds of all children living in undocumented families -- 3.7 million -- were born in the U.S. and are citizens by birth. Pearson and Sheehan (2007) provide a glimpse into the undocumented population in Iowa. They estimate that the population ranges from 55,000-85,000 persons, comprising some 24,000-37,100 families. The average undocumented family is smaller than the national average, ranging between 2.05-2.29 members with more recent immigrants having the smallest families. Compared to a mean income of \$67,300 for native-born Iowa families, undocumented families earn an estimated average income of \$27,400. Not surprisingly, poverty rates are nearly three times greater for undocumented Iowans, and an estimated 40% of this population is without health insurance.

- *Emerging issue: Unaccompanied minors*

Undocumented children who have been separated from their families and arrive in the United States without a parent or guardian comprise a uniquely vulnerable population. Although unaccompanied minors have always been a part of international migration flows, the recent “surge” in the number of arrivals has created a complex humanitarian crisis. Many children who cross the border as unaccompanied minors are sent by concerned parents who hope to spare their children from the Violence of organized armed criminal actors such as gangs and drug cartels operating in their countries of origin (Wolgin & Kelly, 2014, p. 1). In other cases, families send their children to the U.S., hoping that they can escape the hardship of deprivation and poverty.. Once these children are en route to the United States, they risk becoming exploited by human trafficking operations.

Over 47,017 unaccompanied minors from El Salvador, Honduras, Guatemala, and Mexico arrived in the United States in 2014, a 92% increase from the previous year (<http://www.americanprogress.org>). The suddenness of this phenomenon has overwhelmed systems and protocols relied upon by the U. S. Customs and Border Protection, Office of Refugee Resettlement, and Homeland Security resulting in mass detainments at facilities such as Lackland Airforce Base in Texas. These facilities have been short on staff who are adequately trained to assist with the influx of children, many of whom are very young and have experienced trauma (*UNHCR Children on the Run*, 2014, p.4). The length of stay at such facilities averages 35 days with 85% of the children ultimately being released to sponsors, such as an adult relative or a licensed program willing to accept legal custody, while awaiting deportation hearings (<http://www.immigrationpolicy.org>). Although there is a belief that most children fail to attend those hearings, government data indicates that “92.5% of children represented by lawyers appeared for their court proceedings” and that “this number is historically consistent - never below 89% since FY 2005” (Immigration Policy Center, 2014).

Iowa is one of many states where unaccompanied minors have taken refuge. The U. S. Department of Health and Human Services reports that 235 unaccompanied minors have been released by the Office of Refugee Resettlement to sponsors in Iowa during the Fiscal Year 2014 (<http://acf.hhs.gov/orr/programs/ucs/state-by-state-us-placed-sponsors>).

- *Challenges faced by immigrant and refugee families*

Undocumented children and families face particular challenges. Because they face greater poverty, undocumented families often have difficulty providing basic necessities – food, shelter, clothing, medical and dental care (Capps & Fortuny, 2006). In ‘mixed status’ families, one child may qualify for assistance while his/her undocumented siblings do not. A parent may be unaware of the programs or hesitate to seek assistance on behalf of an eligible child because of his/her undocumented status. Pearson and Sheehan (2007) note that in Iowa, undocumented families are not eligible for most of the publicly-funded programs for which native-born low-income families would qualify, including “unemployment benefits, in-state tuition at public universities, Medicaid, hawk-i children’s health insurance program or child-care assistance” (p. 7). Additionally, the majority of adults (59%) and children (53%) do not have medical insurance. Undocumented families are only eligible for K-12 public education, emergency medical care, immunizations, disaster-related emergency relief and public services such as law enforcement or fire rescue (Iowa Immigration Coalition, 2008).

Education presents a special challenge. Several factors contribute to lack of school readiness -- families with limited incomes, parents with limited education, and parents and children with limited English proficiency. Consequently, immigrant children are at risk for poor educational attainment (Capps & Fortuny, 2006). Parents may not be able to read to, or assist their children in completing homework, and may have little understanding of or engagement with the school system. Because many undocumented children do not speak English, ‘new growth’ states, overwhelmed with the influx of non-English speaking children, have struggled to deal with additional educational challenges. When children do succeed and complete high school, they are faced with limited avenues to higher education. Undocumented graduates do not qualify for in-state tuition at public universities, and most families lack bank accounts and the surplus income for savings, and thus are

unable to pay the costs of higher education. Without access to higher education, undocumented graduates may be forced into the underground workforce or be forced to return to a birth country that is alien to them. As a case in point, some members of the 2008 graduating class in Postville, Iowa included undocumented immigrant youth, brought to the U.S. as children, who had successfully completed high school, but were faced with few options despite their academic aptitude. As a state that prizes education, Iowa risks losing a valuable resource – young people who want to pursue college educations and remain in the state.

Federal Policy Issues

U.S. immigration policy has reflected a national ambivalence between excluding unwanted persons based on fear or racism, and welcoming strangers based on humanitarian or workforce considerations. Current federal policy has its origins in an immigration quota system enacted in 1924, and in later provisions that emphasized family reunification and labor market needs (National Association of Social Workers, 2006). Since the mid-1990s, welfare reform and antiterrorism concerns have added new elements -- non-citizens became ineligible for public assistance, families faced separation as various offenses were classified as deportable, and post-9/11 terrorism fears led to tighter border controls and strict curtailment of non-citizen rights.

Since 1965, family reunification has been governed by a quota-based ‘family preference’ system in which the family members of U.S. citizens or legal residents are assigned to one of four preference groups (Hatch, n.d.). Spouses, minor children, and parents of U.S. citizens are eligible for visas without regard to quotas; depending on the speed of the processing, they may be permitted to immigrate in about a year. However, strict quotas and administrative backlogs force those in the preference system to wait far longer. Analysis by the League of Women Voters (Hatch, n.d.) suggests that with backlogs numbering in the millions, a person could expect to wait at least 5 years, but possibly as long as 20 years, for a visa. Faced with long-term separation, many family members choose to join their ‘anchor relatives’ in the U.S. as undocumented persons. When the opportunity for a visa finally arrives, they must travel to the American embassy in their country of origin to complete the paper work. If immigration officials there discover that the applicant has been ‘out of status’ for over a year, s/he will be legally barred from re-entering the U.S. for another ten years. While it is possible to secure a waiver to the entry bar, there are additional fees, including lawyers’ fees, and no guarantee that a waiver will be granted. Those who abide by the separation requirement often send financial support to family members in their home country. In turn, this may prevent them from accumulating sufficient income and savings to satisfy the legal proof of assets required by the U.S. government, and so the opportunity for a visa may be lost, forcing the applicant to restart the process.

Despite pressure on both sides of the political aisle for national policy reforms, current federal initiatives are focused on rigid immigration control and enforcement. Such measures include erecting a fence along the U.S.-Mexico border, increasing border controls, conducting raids on work sites where undocumented immigrants are believed to be employed, strictly controlling the number of visas and work permits, penalizing employers who hire undocumented workers, and deporting those without valid documentation.

In June 2012, the federal government announced a policy change that afforded undocumented children brought to the U.S. by their parents additional protections if they were pursuing either education or military service. Deferred Action for Childhood Arrivals (DACA) provides the opportunity for legal employment without the fear of deportation (Immigration Equality, n.d.). The program was designed to improve public safety, border security, and the integrity of the immigration system by focusing the majority of resources on the removal of individuals who pose a danger or risk to national security or public safety (Department of Homeland Security, n. d.).

- *Administrative relief*

In an effort to provide leadership by unilaterally addressing immigration reform, President Obama announced an executive action on November 20th, 2014. The executive action includes expanding the current Deferred Action for Childhood Arrivals (DACA) and creating a new deferred action program that,

together, would allow the 11 million undocumented immigrants now living in the United States to remain in the country for a period of three years without fear of deportation. This administrative relief is particularly relevant for the 3.7 million undocumented parents of children under the age of 18 who themselves are U.S. citizens or legal permanent residents. Although the President's executive actions would not take effect until well into 2015, they have provided hope to disenfranchised immigrant and refugee families who can now emerge "from the shadows" and apply for temporary legal residence (<http://www.nilc.org/relief.html>).

State Level Policy Issues

- *Tax revenue*

Undocumented immigrants add substantially to the well-being of the economy and the communities in which they reside. They add to local community vitality by renting or owning businesses and homes, purchasing goods and services, and contributing to local, state and federal taxes through employment. This is particularly important for many of Iowa's rural communities that struggle with an aging population, a declining main street, and an eroding tax base. Analysis by Pearson and Sheehan (2007) concludes that the average undocumented family pays an estimated \$1,671 in sales, property and income taxes each year; collectively, undocumented families annually contribute \$40 million - \$62 million in state and local taxes, and an additional \$50 million - \$70 million to federal Social Security and Medicare programs. Additional revenues go uncollected by the state when workers are paid 'off the books'. The taxes paid by undocumented workers contribute to many publicly funded programs from which they do not benefit, including unemployment insurance, federally funded assistance programs, Social Security, and Medicare.

- *Workforce needs*

The workforce contribution of undocumented immigrants deserves serious consideration. Some have argued that all undocumented workers should be immediately deported. A study by the Perryman Group (2008) concluded that for the U.S. as a whole "the immediate effect of eliminating the undocumented workforce would include an estimated \$1.757 trillion in lost annual spending, \$651.511 billion in lost annual output, and 8.1 million in job losses" (p.40). For Iowa, the effect would be \$4.401 billion in lost expenditures and 25,199 in lost jobs (p. 44-45). Because undocumented workers are concentrated in certain industries, the effects there would be more pronounced. As the nation's economy has become more technological and U.S. workers have become more educated, employers have experienced labor shortages in key areas... Increasingly, undocumented workers have filled those positions.

As a state, Iowa faces a workforce shortage. A recent survey by Iowa Workforce Development (2012) concluded that current job vacancies, upcoming retirements and future job expansions, will leave the state with significant workforce needs. The study concluded that future employment will require a combination of high school (39%), vocational technical or associate education (14%), and undergraduate education (16%). As one of the new destination states, Iowa has the opportunity to engage this population to meet its workforce needs.

- *In-state tuition*

The Iowa Policy Project estimates that 8,800 - 13,600 undocumented children under the age of 18 reside in Iowa. Although the Supreme Court decision in *Plyler v Doe* guaranteed to all students access to primary and secondary education regardless of their immigration status, the path to higher education remains extremely difficult. One barrier that undocumented students face when pursuing a college degree is being charged out of state tuition when they attend institutions within their state of residency. A report by the Center for American Progress (Perez, 2014) argues that tuition-equity laws would create access to higher education, especially since undocumented students are prohibited from financing their education via federal loans. These state-based DREAM Acts allow undocumented students to pay the same tuition rates as their peers by altering state residency requirements. To date, 16 states have enacted tuition-equity laws (Perez, 2014, p. 2).

- *Drives' licenses'*

Eligibility for drivers' licenses is another relevant state-level immigration issue. The Iowa Department of Transportation is presently not issuing licenses to those granted temporary legal status (Noble, 2013), but recent clarification by the Department of Homeland Security indicates that those whose cases have been deferred under this policy change are present in the country legally. Subsequently, in late January 2013 the department reversed its decision and individuals granted legal residence under DACA became eligible for Iowa driver licenses (Petroski & Krogstad, 2013). Currently, 12 states have adopted legislation allowing undocumented immigrants to acquire drivers licenses (*National Immigration Law Center Map of Enacted Laws*, 2015). In doing so, public safety is increased as all drivers, regardless of immigration status, must learn the rules of road. Economically there are benefits as well. Not only would the state see an increase in revenue from a newly eligible segment of the population paying the licensing fee, more of those drivers would be eligible to purchase automotive insurance (*National Immigration Law Center*, 2013).

Recommendations

In the context of these complicated and pressing issues, NASW recommends that state policy makers:

- Ensure that unaccompanied minors are placed in safe and supportive environments with a sponsor, have access to legal counsel, and are treated in a manner that reflects the "best interest of the child".
- Allow undocumented persons to obtain state-issued driver licenses; these would not serve as legal immigration documents, but would bestow legal driving privileges and would require undocumented person easier access to employment and improved public safety.
- Expand state funding of English-language and adult literacy programs, delivered through public schools and community colleges, to assist the integration of new immigrants into Iowa communities.
- Support the federal Development, Relief and Education for Alien Minors Act (DREAM Act) to assist qualified high school graduates in gaining access to higher education.
- Enact a tuition-equity law allowing undocumented students to pay in-state tuition at Iowa's colleges and universities.

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