Immigration Policy and Its Effects on Social Work Practice
ONE STORY OF MILLIONS

Define American: Jose's Story (video)
Why is Immigration a ‘Social Work Issue’?
CASE TO CAUSE: WHAT WOULD YOU DO?

- You’re working with a family who discloses that they don’t have electricity because the power company won’t turn it on without a Social Security Number on the account.
- An undocumented man has a stroke; he’s recovering in the hospital and ready to be discharged, but no facility will take him without insurance coverage.
- In your domestic violence shelter, you have a survivor who is undocumented; her abusive husband and her children are all U.S. citizens.
- Your client is a LPR; her husband dies suddenly, leaving her to care for their 3 children. She speaks little English despite having been in the U.S. for 6 years.
- Your 76-year-old client has been a LPR since 1999, but her limited English makes her hesitant to take the naturalization exam. She has serious disabilities and needs nursing home care.
- Marta comes to you pregnant, undocumented, and desperate. Her husband has just been deported, and she is due to give birth in 3 weeks. She is afraid to travel back to Guatemala in her condition. She has never seen a doctor and doesn’t know what to do now that she is alone.
- Roberto has been in the U.S. for 10 years. He graduated from high school but couldn’t go to college without legal status. He is considering applying for DACA and asks you for advice.
SOME DEFINITIONS TO START

- U.S. Citizen
- Lawful Permanent Resident
- Unaccompanied Alien Minor
- Undocumented Immigrant
- “Illegal Alien”
- Refugee
- Asylee
- Mixed-status Family
- Non-immigrant
- DACA
- Comprehensive immigration reform
- “Show Me Your Papers”
A record 40.4 million immigrants lived in the U.S. in 2011.

Percent of total U.S. population

87% Native-born citizens

13% Foreign-born immigrants

The foreign-born share of the population peaked at just under 15% from 1890 to 1920.

Mexico is the largest source country of U.S. immigrants...

29% Mexico
9% Caribbean
8% Central America
7% South America
4% Middle East
25% South & East Asia
19% All others

Pew Research Hispanic Center tabulations of 2011 American Community Survey (1% IPUMS)
While most foreign-born children are English proficient, only about half of adult immigrants are English proficient.

Percent of foreign-born immigrants who speak English...

<table>
<thead>
<tr>
<th>Ages 5-17</th>
<th>LESS THAN VERY WELL</th>
<th>VERY WELL/ONLY ENGLISH AT HOME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>28%</td>
<td>72%</td>
</tr>
<tr>
<td>Ages 18+</td>
<td>52</td>
<td>48</td>
</tr>
</tbody>
</table>

16% of all immigrants ages 5 and older speak only English at home.

Pew Research Hispanic Center tabulations of 2011 American Community Survey (1% IPUMS)

Percent of immigrants arriving...

- **Before 1990**: 38%
- **1990-1999**: 27%
- **Since 2000**:
  - ‘00-’05: 20%
  - ‘06 or later: 16%

Pew Research Hispanic Center tabulations of 2011 American Community Survey (1% IPUMS)
The poverty rate of immigrants is higher than that of the native born.

- Foreign born: 20%
- Mexican born: 29%
- South & East Asian born: 13%
- Born elsewhere: 17%
- Native born: 15%

Pew Research Hispanic Center tabulations of 2011 American Community Survey (1% IPUMS)
A third of the foreign born do not have health insurance.

Percent in the U.S. who have...

**NATIVE BORN**
- 13% no health insurance
- 87% have health insurance

**FOREIGN BORN**
- 34% no health insurance
- 66% have health insurance

Pew Research Hispanic Center tabulations of 2011 American Community Survey (1% IPUMS)
What’s the Problem?

Why are so many immigrants here without legal immigration status?
**STATE OF IMMIGRANT AMERICA**

- Obama Administration has deported more immigrants per year than any other President
  - Almost 410,000 individuals were deported in FY 2012

- Approximately 5.5 million children in the U.S., including 4.5 million U.S.-born citizens, live in mixed-legal status families with at least one parent who is an unauthorized immigrant.

- DHS statistics reveal that 204,810 parents of U.S. citizen children were removed from the U.S. between July 1, 2010 and September 30, 2012.

- Immigrant women often suffer higher rates of battering than U.S. citizens and have fewer support services available to them.

- Foreign-born workers earn less than native-born workers and, so, are more likely to live in poverty
  - Immigrant workers who are not U.S. citizens are more than twice as likely to live in poverty as those who have naturalized

- Sixteen percent of immigrant-headed families live in poverty; this figure is even higher for those with children under age 18

- Immigrant children have higher high school dropout rates, particularly if they arrive in the U.S. after they have turned 9
### U.S. Visa Bulletin, March 2010

<table>
<thead>
<tr>
<th>Family-Sponsored</th>
<th>All Chargeability Areas Except Those Listed</th>
<th>CHINA-mainland born</th>
<th>INDIA</th>
<th>MEXICO</th>
<th>PHILIPPINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmarried sons and daughters of USC</td>
<td>01APR07</td>
<td>01APR07</td>
<td>01APR07</td>
<td>01FEB94</td>
<td>01JAN03</td>
</tr>
<tr>
<td>Spouses and Children of LPR</td>
<td>01MAY12</td>
<td>01MAY12</td>
<td>01MAY12</td>
<td>15MAR11</td>
<td>01MAY12</td>
</tr>
<tr>
<td>Unmarried Children (21 years+) of LPR</td>
<td>01MAY07</td>
<td>01MAY07</td>
<td>01MAY07</td>
<td>22NOV93</td>
<td>15AUG03</td>
</tr>
<tr>
<td>Married Children of USC</td>
<td>15OCT03</td>
<td>15OCT03</td>
<td>15OCT03</td>
<td>08AUG93</td>
<td>22MAR93</td>
</tr>
<tr>
<td>Brothers and Sisters of Adult USC</td>
<td>22DEC01</td>
<td>22DEC01</td>
<td>22DEC01</td>
<td>15DEC96</td>
<td>01JAN91</td>
</tr>
</tbody>
</table>
NAVIGATING THE MAZE

Obtaining and advocating for services for immigrant clients
Is an Immigrant Eligible for Benefits?

- Is the benefit a public or privately-funded service?
  - If it’s a public benefit, at what government level, and with what specific funding?

- What is the immigrant’s immigration status?
  - If the individual is lawfully present, is he/she a ‘qualified immigrant’?

- What are the specific rules for eligibility for the benefit?

- What, if any, possible consequences are there for the individual if he/she uses services for which eligible (related to public charge, privacy)?

- What barriers to service may exist (language, cultural insensitivity, etc…)?
Navigating Eligibility—Federal Programs

- **U.S. citizens**
  - By birth (in US mainland, Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands, U.S. military bases/embassies)
  - By acquisition (at birth, through US citizen parent)
  - By derivation (through parent’s naturalization)

- **Nationals**
  - Persons born to countries under possession of U.S. (e.g. American Samoa)

- **Qualified Immigrants**
  - Lawful Permanent Residents (LPR)
  - Refugees and Asylees
  - Persons granted withholding of removal/deportation
  - Persons paroled into the U.S. for at least one year
  - Cuban/Haitian entrants
  - Certain “battered spouses and children”
RULES AFTER 1996 WELFARE LAW (PRWORA)

- Federal public benefits generally limited to
  - Citizens
  - “Qualified” immigrants
- 5 year bar
  - applies in select federal programs to immigrants who enter after 8/22/96 – even if they have “qualified alien” status (also a reason to encourage people to naturalize)
  - for this, and other reasons, it may be relevant whether a person entered before or on/after 8/22/96 (if LPR)
- States can use state funds to cover others
  - non-qualified immigrants or qualified immigrants during their first five years
  - approximately half of all states provide some state-funded benefits to immigrants ineligible under federal rules
  - more states have restricted eligibility in recent years
Examples of federal programs open to “everyone”

- Women, Infants & Children (WIC)
- School lunch programs
- Emergency Medicaid (for treatment of emergency medical conditions)
- Disaster relief (not necessarily rebuilding aid), immunizations, most public health
- No federal immigration restrictions on locally administered programs that don’t:
  - condition assistance on income or resources and
  - are necessary to protect life or safety.
  
  E.g., child protective services, parenting classes
Emergency Medicaid

- Available regardless of immigration status...
- for persons otherwise eligible for Medicaid...
- for treatment of an “emergency medical condition”
- Not limited to most extreme, life-threatening emergencies of the kind taken by ambulance to emergency rooms (although these DO count)
- Practices vary depending on the state. Examples of treatment have included:
  - Eye surgery to avoid having detached retina
  - Hysterectomy
  - Cancer evaluation and treatment
  - Renal dialysis
- Emergency Medicaid does not cover organ transplants.

What is an emergency medical condition?
A condition -- including labor and delivery -- with acute symptoms of such severity that the lack of immediate medical treatment could reasonably result in:

- serious jeopardy to the patient’s health, or
- serious impairment to bodily functions, or
- serious dysfunction of any bodily organ or part.
Barriers for Those Eligible

- **Deeming**
  - Sponsor income may be added or “deemed” to the immigrant’s income at the time of application for a federal means-tested public benefit.
  - Deeming may push over the income limit, making immigrants ineligible due to income and not to their immigration status. If immigrant has 40 quarters at time of adjustment, no affidavit of support required.
  - Immigrants reluctant to use benefits due to fear that sponsors will be held responsible to repay the government for benefits used by the immigrant and/or that they will be prejudiced in their own naturalization application.

- **Verification/Reporting**
  - Immigrants may fear that if they apply for benefits, they or a family member will be reported to the Department of Homeland Security (DHS). Evidence that this has increased with the passage of restrictive state legislation.

- **Public Charge**
  - Fear that USCIS will deny a person a green card, admission to the U.S., or future naturalization because they use benefits.

- **Lack of Language Access**
  - Reluctance or inability to use services because of lack of interpreters and translated material.

- **Confusion about Eligibility**
  - Immigrants may assume that they are not eligible due to confusion and misinformation about the rules and publicity related to anti-immigrant attacks on public benefit eligibility.
What about the ACA?

- Only individuals who are “lawfully present” are eligible for new affordable coverage options under the ACA (including purchasing insurance in the marketplace).

- ‘Lawfully present’ includes:
  - LPR, LPR applicants, refugees/asylees
  - DV survivors, U visa recipients
  - Nonimmigrants (including students, work visa holders)
  - Parolees, withholding of deportation, deferred action
    - *But NOT* DACA

- Individuals without these statuses are not eligible for tax credits, Medicaid expansion, or even participation in market-rate exchanges.
Navigating Eligibility—State Programs

- State-administered federal programs must follow federal rules re: immigrant eligibility (housing programs, some health care).
- Programs that are state/locally-funded or specifically left to state options, may include eligibility beyond federal rules.
  - Some states have also ‘pushed the envelope’ in restrictions.
- Advocates must investigate the funding sources for programs and understand which rules apply.
- 2007-2011, many states passed or proposed restrictive laws about immigrants’ eligibility for benefits.
  - For the most part, these laws reaffirm existing rules and are limited to only those immigrants not lawfully present in the U.S. (much smaller restricted categories than federal law).
  - There are concerns about the definitions, though, particularly that domestic violence shelters may be considered ‘housing’ and that some local health care services may be affected.
  - Also of concern is the effect that these rules will likely have on immigrants seeking services, particularly given misunderstandings about exactly who and what is covered.
In 2011, Kansas DCF (then, SRS) changed regulations regarding calculation of mixed-status households’ eligibility for SNAP.

Ineligible immigrants never counted as part of the ‘household’ for eligibility determination, but ending pro-rating had the effect of dramatically reducing eligibility and benefit levels of U.S. citizen children in mixed-status households.

Federal regulation allowed this restrictive practice (although KS was corrected for its implementation of the policy), but few states used it, since it reduces federal benefits to residents.

- Now, though, MO and other states are exploring this punitive approach.
<table>
<thead>
<tr>
<th>Family Composition</th>
<th>Gross Monthly Household Income</th>
<th>Current formula, all income counted, used in Kansas since 10/1/2011</th>
<th>Old SRS formula, all income counted except pro-rated share (still used by 44 states)</th>
<th>If all members were U.S. citizens (formula unchanged for these households)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five-person family (2 immigrant parents, 3 U.S. citizen children)</td>
<td>$1500</td>
<td>Household size=3 Income=$1500 Eligible Expected benefit amount=$210.10</td>
<td>Household size=3 Income=$900 ($1500/5=$300, times 3 eligible individuals) Eligible Expected benefit amount=$354.10</td>
<td>Household size=5 Income=$1500 Eligible Expected benefit amount=$479.50</td>
</tr>
<tr>
<td>Five-person family (2 immigrant parents, 3 U.S. citizen children)</td>
<td>$2200</td>
<td>Household size=3 Income=$2200 Not Eligible</td>
<td>Household size=3 Income=$1320 Eligible Expected benefit amount=$253.30</td>
<td>Household size=5 Income=$2200 Eligible Expected benefit amount=$311.50</td>
</tr>
<tr>
<td>Three-person family (1 immigrant parent, 2 U.S. citizen children)</td>
<td>$1800</td>
<td>Household size=2 Income=$1800 Not Eligible</td>
<td>Household size=2 Income=$1200 Eligible Expected benefit amount=$123.10</td>
<td>Household size=3 Income=$1800 Eligible Expected benefit amount=$138.10</td>
</tr>
<tr>
<td>Three-person family (1 immigrant parent, 2 U.S. citizen children)</td>
<td>$1500</td>
<td>Household size=2 Income=$1500 Eligible Expected benefit amount=$156.90</td>
<td>Household size=2 Income=$1000 Eligible Expected benefit amount=$171.10</td>
<td>Household size=3 Income=$1500 Eligible Expected benefit amount=$210.10</td>
</tr>
</tbody>
</table>
Many nonprofit agencies include Social Security requirements and/or rules about immigration status not because any law or funding source requires it but because of political pressures/fears and/or a reflexive addition of these requirements.

- e.g. using a SSN to verify income eligibility, instead of checking paystubs or manually verifying

While nonprofit agencies must follow the law regarding eligibility, social workers have an obligation to advocate with funders, agency executives, and other decision makers to question when these rules are really necessary and to suggest alternative ways to establish eligibility.
DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

In June 2012, DHS announced a new administrative policy granting temporary relief from deportation for some undocumented immigrants brought to the U.S. as children.

To be eligible for DACA, a young person must:

- Have come to the United States under the age of sixteen
- Have continuously resided in the U.S. for at least five years and have been physically present in the U.S. on June 15, 2012
- Either be currently in school, a graduate of a U.S. high school or a recipient of a Certificate of High School Equivalency, or an honorably discharged veteran of the Armed Forces of the United States
- Not have been convicted of either a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety
- Be younger than 31 as of June 15, 2012

DACA does not confer progress toward permanent status, eligibility for ACA benefits, or eligibility for public assistance, although some states grant driver’s licenses and instate tuition to DACA recipients.
Mixed-Status Families

- Need to evaluate eligibility for services separately for each family member
- Inclusive, non-threatening access points help family ‘brokers’ to navigate services
  - e.g. intake forms that don’t require information on those not requesting services; professional interpreters so that children are not pushed into adult roles
- Need advocacy messages that avoid splintering different segments of the immigrant population
  - e.g. can’t win educational opportunities for immigrant kids by pointing to “sins of their parents”
Eligible for most benefits if:

- Approved or pending:
  - Visa petition filed by US citizen or LPR spouse/parent or
  - Self-petition under the Violence Against Women Act (VAWA) or
  - Application for cancellation of removal or suspension of deportation under VAWA
- Applicant no longer lives with the abuser and
- Substantial connection between the abuse and the need for benefits
REFUGEES AND ASYLUM-SEEKERS

• Some statistics suggest more than 60% of asylum cases denied
• Must have credible fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion if returned to his/her country.
• Far more generous eligibility for assistance than other categories of ‘immigrants’, but significant barriers to full integration:
  • Post-traumatic stress disorder and other crisis-related mental health strains
  • Language barriers, often complicated by shortage of interpreters
  • Difficulty finding employment, particularly in this economy (and benefits are short-lived)
In just the first 9 months of FY 2014, 57,525 unaccompanied minor children — from babies to 17 years old — entered the U.S. illegally, a 189% increase over the year before. Most of the children — 42,164 — entered through the Rio Grande Sector of South Texas.

Unlike previous years, more minor immigrants arrived from El Salvador, Guatemala and Honduras than from Mexico. Most are fleeing violence in their home countries, particularly that fueled by the drug trade.

These children may be mistreated in detention centers, co-housed with adults, denied adequate legal counsel, and separated from family members while they await hearing on an asylum plea.
AGENDA FOR CHANGE: COMPREHENSIVE IMMIGRATION REFORM

- Family reunification
- Path to legal status for undocumented immigrants
- Work authorization for needed workers/reform of verification system
  - Full workers’ rights, including repeal of Hoffman Plastics decision and full portability of work-related immigration benefits
- Civil rights and civil liberties protections
- Citizenship and immigrant integration
- Smart enforcement
AGENDA FOR CHANGE: SUPPORTING LANGUAGE DIVERSITY

- Investment in English-as-a-Second-Language courses, for children and adults
- Language instruction for native English speakers, to promote global competitiveness
- Multilingual outreach and emergency services
- Rejection of ‘English-only’ laws
  - States like New Mexico have adopted “English-plus” measures that emphasize English acquisition while celebrating additional language competencies
With increasing requirements for government-issued photo identification for a variety of functions, access is essential for immigrant families.

Social work advocates must work with libraries, schools, and other entities that issue identification to create equitable access/alternatives.

Short of comprehensive immigration reform, all in the United States deserve some form of identification:
- Promotes inclusion but also security
RESOURCES TO HELP, WAYS TO GET INVOLVED

- National Immigration Law Center: [www.nilc.org](http://www.nilc.org)
- Kansas City Worker Justice Project: [http://kcwjp.org/index.html](http://kcwjp.org/index.html)
- National Employment Law Project: [http://www.nelp.org/site/issues/category/immigrants_and_work/](http://www.nelp.org/site/issues/category/immigrants_and_work/)
- Immigration Policy Center: [http://www.immigrationpolicy.org](http://www.immigrationpolicy.org)
- Kansas Stronger Together: [kansasstrongertogether@gmail.com](mailto:kansasstrongertogether@gmail.com) (listserv)
- Missouri Immigrant and Refugee Advocates: [http://www.mira-mo.org](http://www.mira-mo.org)
QUESTIONS?