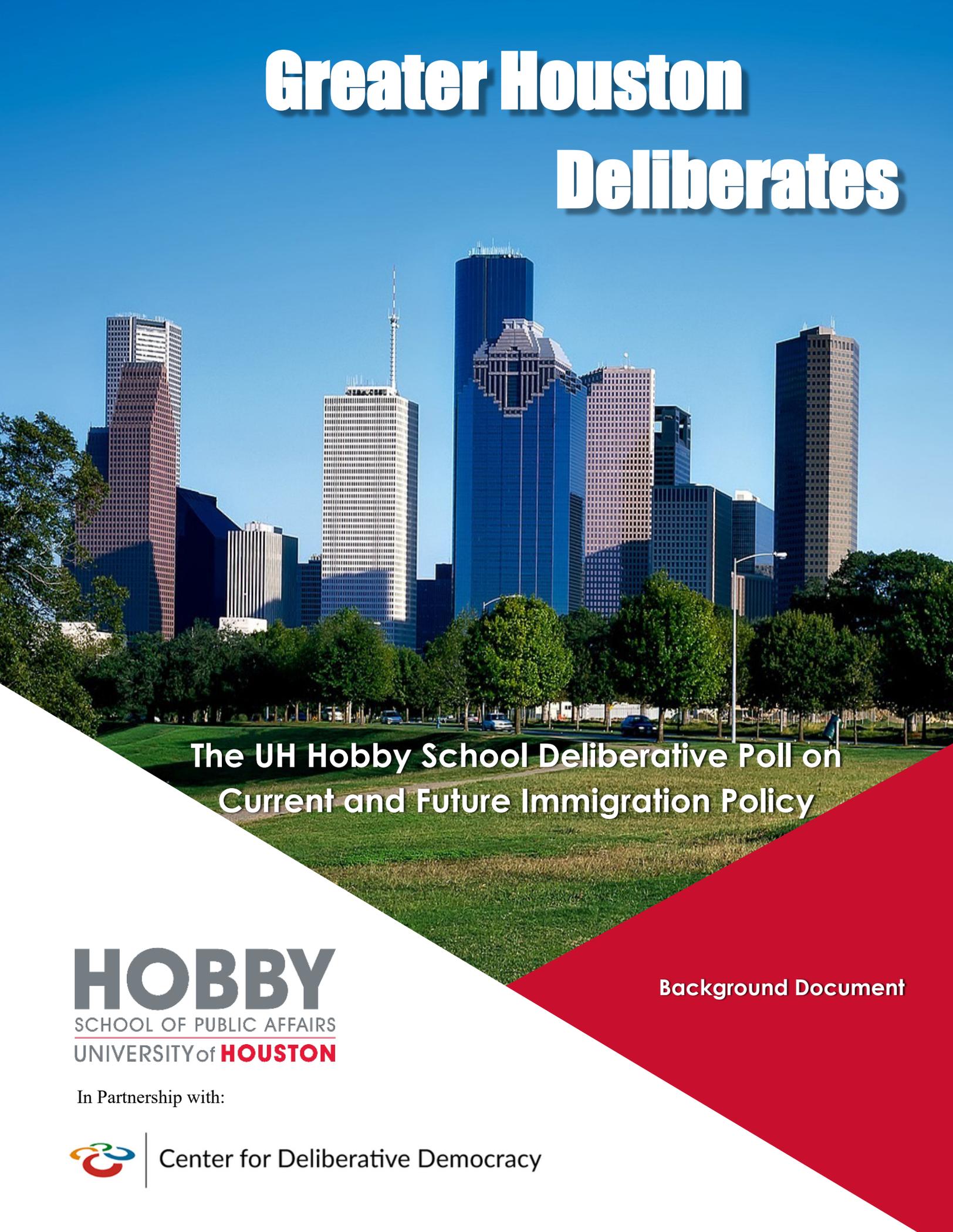


Greater Houston Deliberates



The UH Hobby School Deliberative Poll on Current and Future Immigration Policy

HOBBY
SCHOOL OF PUBLIC AFFAIRS
UNIVERSITY of **HOUSTON**

In Partnership with:



Center for Deliberative Democracy

Background Document

How Does a Deliberative Poll Work?

Pioneered by James Fishkin at Stanford University's Center for Deliberative Democracy, Deliberative Polling® is an attempt to use public opinion research in a new and constructive way. Fishkin and his collaborators Robert C. Luskin and Alice Siu have conducted Deliberative Polls in 28 countries. The polling process reveals the conclusions the public would reach if people had the opportunity to become more informed and more engaged in the issues. You are part of a random sample of Texans from the Greater Houston area, reflecting Houston's diversity, who will meet for a Saturday to talk about the issue of immigration and some proposed solutions. After you arrive in at the University of Houston, you will be randomly assigned to a small group to discuss the issues. As part of your small group discussions, you will develop questions to ask a balanced panel of experts on each issue. At the end of the event, you will fill out a survey. With your anonymity protected, what you say will be shared with the larger public and with opinion-leaders and policy-makers. These informed views often challenge the conventional wisdom about public priorities and concerns regarding immigration.

The Purpose of this Deliberative Poll

The purpose of this deliberative poll is to allow registered voters from the Greater Houston area to discuss present and future policies regarding immigration. There are a variety of opinions regarding immigration and how these issues should be resolved among the event participants. This deliberative poll is not only a platform to express your own opinion and suggest solutions, but also a time to actively listen to other participants' ideas and to ask questions of expert panelists. The Deliberative Poll event is designed to explore solutions to the more pressing policy issues that are included under the immigration umbrella. Some of the issues that will be discussed are already in practice while others are policy options for future consideration.

Briefing Materials

In order to be able to actively participate in discussion and form a view on these issues, it is important to familiarize yourself beforehand with them by reviewing these briefing documents carefully. On the day of the event, these briefing materials will form the basis of the discussion of issues regarding Immigration. Included in this packet are briefing materials that provide background information on many of the pressing issues regarding immigration today. At the end of these documents is a glossary of terms that might be unfamiliar to you to help you cultivate a more informed opinion.

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Introduction

This document provides information related to the current controversy about immigration both in Texas and the nation as whole. The controversy involves issues about which reasonable people can disagree. In its simplest form, the controversy has two sides. On one hand, some argue that immigration laws should be strictly enforced and that those who are in the United States illegally, either because they entered illegally or who entered legally but have overstayed or violated the terms of their visa, should be deported regardless of circumstances. On the other hand, others argue that many of those who are here, while technically illegal, and are making useful contributions to society and the economy. Emphasis on enforcement of the laws and deportation should be on those who pose a threat to society by committing crimes or otherwise being a public nuisance. Furthermore, a large number of the undocumented population came to the United States as children, not of their own choice, and have grown up here and know no other country.

The Debate

Immigration has been a hallmark of political debate in the United States for decades, as policymakers must consider the competing security, economic, and humanitarian concerns of U.S. citizens and noncitizens. Congress has complete authority over immigration regulations and dictates who can be admitted into the country, how long they can stay, and when it is time for them to leave. The executive branch is charged with the task of enforcing immigration laws. The states have jurisdiction over things such as employment, education, licensing, and who can receive certain benefits.¹

There has been much controversy over how to address the problem of undocumented immigrants in the United States. Some argue that undocumented immigrants violate the laws of the United States against illegal entry or, if they entered legally, overstayed their visas or violated the terms of their visas. There is also concern that a number of these undocumented immigrants pose a severe threat to public safety. Thus, for the purposes of preserving the rule of law and guaranteeing the security of United States citizens and legal immigrants, local governments and law enforcement agencies should cooperate with the federal government to enforce federal immigration laws. On this view, there is no room for local governments and law enforcement agencies to exercise discretion about the treatment of undocumented immigrants.

By contrast, others contend that when enacting and enforcing immigration laws, just like any in any other policy area, governments face tradeoffs about the best use of scarce resources, which need to be reconciled. There are millions of undocumented immigrants in the United States and

¹ For detailed information about state immigration laws, please see <http://immigration.findlaw.com/immigration-laws-and-resources/state-immigration-laws.html>.

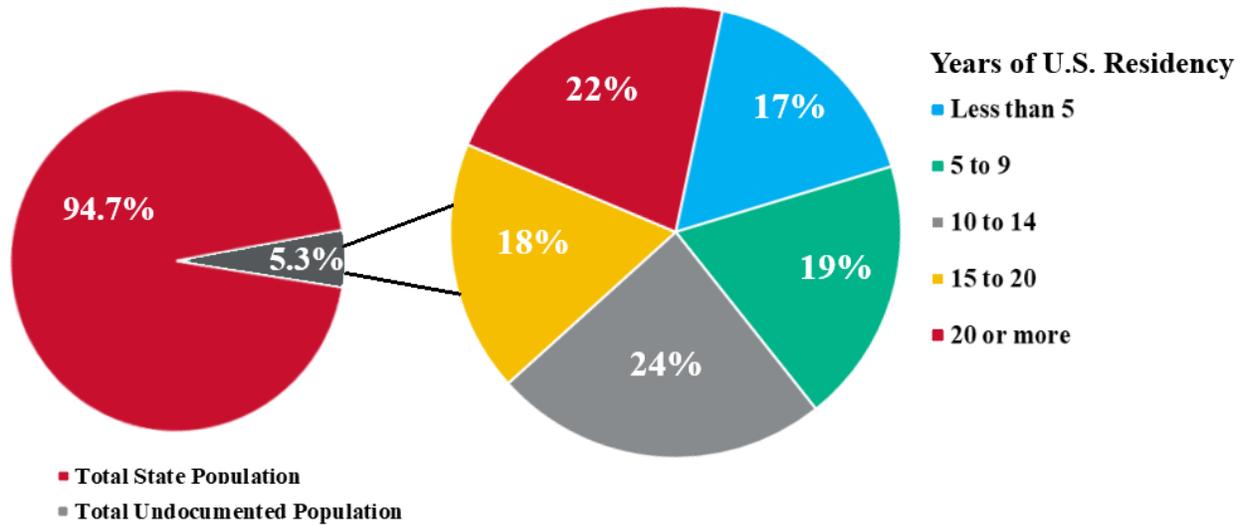
many are in Texas. It would be very expensive and even be impossible to deport all undocumented immigrants. Choices need to be made if law enforcement officials are to have any other priorities than enforcement of immigration laws. Moreover, although it is true that undocumented immigrants are in violation of immigration laws, it cannot be denied that undocumented immigrants make contributions to the economy of the United States, such as workforce participation, consumption of goods and services, and tax revenue. Both sides in this debate have their merits and the issue needs more discussion to figure out how to deal with the problem of undocumented immigrants.

The issue is of great importance is that the state of Texas: after California, Texas has the second-highest number of undocumented immigrants in the United States, according to the Department of Homeland Security. Based on the estimate of the Pew Research Center, there were 11 million undocumented immigrants in the country in 2015, a small but statistically significant decline from the Center's estimate of 11.3 million for 2009.² In Texas, it is estimated that there were 1.47 million undocumented immigrants in 2014. The information about undocumented immigrants in Texas is summarized as follows:

- Undocumented population in Texas (as of 2014) was approximately 5.3% of Texas' total population (see Figure 1).
- 17% of undocumented immigrants have lived in the United States for more than 20 years (see Figure 1).
- Top five countries of birth are Mexico (78%), El Salvador (4%), Honduras (4%), Guatemala (3%), and India (1%).
- 57% of undocumented immigrants in Texas who are ages 5 and older claim to not speak English very well while a combined 24% of this population claims to speak English very well or only speak English.
- 72% of undocumented immigrants in Texas do not have health insurance.
- 41% of undocumented immigrants in Texas are homeowners.

² For detailed information about illegal immigration in the United States, please see <http://www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/>.

Figure 1. Years of U.S. Residency for the Undocumented Population in Texas



Source: <https://www.migrationpolicy.org/data/authorized-immigrant-population/state/TX>

According to the Department of Homeland Security (see Table 1), during the 2016 fiscal year, of the approximately 50 million foreigners who legally entered the United States with a visa, about 740,000, or 1.47%, illegally overstayed their visas. This group of people are also included in the undocumented population.

Table 1. 2016 Visa Overstay Report

Admission Type	Expected Departures	Out-of-Country Overstays	Suspected In-Country Overstays	Total Overstays	Total Overstay Rate	Suspected In-Country Overstay Rate
VWP Countries Business or Pleasure Visitors	21,616,034	18,476	128,806	147,282	0.68%	0.60%
Non-VWP Countries Business or Pleasure Visitors (excluding Canada and Mexico)	13,848,480	23,637	263,470	287,107	2.07%	1.90%
Student and Exchange Visitors (excluding Canada and Mexico)	1,457,556	38,869	40,949	79,818	5.48%	2.81%
All Other In-Scope Nonimmigrant Visitors (excluding Canada and Mexico)	1,427,188	13,504	29,498	43,002	3.01%	2.07%
Canada and Mexico Nonimmigrant Visitors	12,088,020	16,193	166,076	182,269	1.51%	1.37%
TOTAL	50,437,278	110,679	628,799	739,478	1.47%	1.25%

Source: Department of Homeland Security Fiscal Year 2016 Entry/ Exit Overstay Report

While there are many policy issues involving undocumented immigrants, our focus here will be on crime and public safety, economy and the workforce, and public benefits. To facilitate the exchange of opinions on the above-mentioned policy issues, the following provides background information about each policy issue, respectively.

A. Crime and Public Safety

Enforcement of Federal Immigration Laws by Local Agents

According to federal law under 8 U.S. Code § 1324, anyone who knowingly harbors, transports, or encourages an undocumented immigrant to enter the United States illegally is in violation of federal law and can face a financial penalty and imprisonment ranging from 5 years to 20 years, depending on the severity of the crime. Additionally, 8 U.S. Code § 1325 specifies that immigrants who come to the United States and do not go through any facility specified by immigration officers or bypass inspection by an immigration officer are subject to a fine, imprisonment, or both, along with deportation.

With the issue of immigration becoming more salient, some states and local authorities have refused to cooperate with the federal government's regulations and mandates regarding immigration enforcement, by claiming certain areas "sanctuary cities" to protect undocumented immigrants. The federal government pushed back, arguing that while states and local governments have some latitude regarding the issues and policies they prioritize and how they use their resources, they do not have the authority to change federal regulations and directives on immigration enforcement in order to protect these individuals from deportation regardless of their age when they entered the United States, or their lack of past criminal history.

In 2015 Kathryn "Kate" Steinle was fatally shot in San Francisco by Jose Ines Garcia Zarate, an undocumented immigrant who was a seven-time felon, had been deported five times, and was freed under sanctuary city laws prior to her death.³ Although Zarate was later found not guilty of Kate's murder, many lawmakers and the public felt an even bigger urge to tighten border protection and have more cooperation with federal immigration officials. Four months prior to the shooting, Immigration and Customs Enforcement (ICE) agents requested that Zarate be detained at the local jail so that they could pick him up, but he was released because he did not fit their criteria to hold him for an additional period of time for federal officials. President Trump used this case and several others to stress his plan for a border wall along the border of the United States and Mexico, and for more mandated cooperation with federal immigration officials to protect the citizens of the United States. Many local and state officials heeded this call and began to introduce legislation that would do more to curb illegal immigration.

³ For more detailed information, please see <http://www.latimes.com/local/california/la-me-ln-kathryn-steinle-verdict-20171130-story.html>.

Given the growing number of people who overstay their visas, some argue that the solution is stricter immigration laws such as criminalizing all undocumented immigrants whether they entered the country illegally or just overstayed a visa. Others argue that the real solution to the problem is not new laws, but stricter enforcement of immigration laws by local law enforcement agents, including more cooperation with federal immigration agents. Recently Texas lawmakers have taken the latter approach: On November 15, 2016, Texas Senator Charles Perry (R-Lubbock) filed Senate Bill 4 (SB 4), known as the “sanctuary city” law. SB 4 allows all law enforcement officials to ask about the immigration status of a person under lawful detention. This bill also prohibits local law enforcement or college campus police departments from barring commissioned police officers, corrections officers, booking clerks, magistrates, district attorneys, criminal district attorneys, and other prosecuting attorneys from honoring federal ICE detainer requests (holding an individual up to an additional 48 hours after their release date in order to run finger prints to show if they are here legally) and investigations.⁴ The penalties for noncompliance with the law include fines up to \$25,000, jail time, and/ or removal from office. Additionally, the law prohibits local police departments, campus police departments, or elected official from creating policies that would impede local officials from inquiring about immigration status of people in their communities.

While the penalties for noncompliance can be steep, some argue that because not all local law enforcement agents have the training required to act as a federal official when it comes to immigration enforcement, these agents should not be punished. According to Section 287(g) of the Illegal Immigration Reform and Responsibility Act of 1996, the Director of ICE can enter into agreements with state and local law enforcement agencies that will allow them to act as federal agents when it comes to enforcing immigration laws. With these agreements, law enforcement agents are trained under the supervision of ICE officers during four-week basic training program and a one-week refresher training program.⁵ Currently, there are only 76 law enforcement agencies in 20 states that have these cooperation agreements with ICE that has trained and certified about 1,822 state and local officers to enforce immigration laws.⁶ In Texas, there are only 25 of the 254 counties participating in these agreements; however, these participants do not include some of the counties with the largest immigrant populations such as Harris County, Travis County, and Dallas County, for example.

During the 2016 presidential campaign, Donald J. Trump demanded action against sanctuary cities, which provide some protection for undocumented immigrants under laws that limit how much cooperation local police may have with federal immigration authorities. After taking office, President Trump rescinded two programs created by President Obama to shield undocumented children and their parents from deportation. At the end of June 2017, the U.S. Congress passed

⁴ For more information regarding detainer requests, please see <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf>.

⁵ For more information regarding the 287(g) agreement, please see <https://www.ice.gov/287g>.

⁶ Ibid

two bills backed by President Trump to strengthen enforcement of the laws on undocumented immigrants. One of the bills would impose harsher prison sentences on deportees who re-enter the United States, whereas the second bill would bar states and localities that refuse to cooperate with immigration authorities from receiving certain Justice Department and Homeland Security grants. Some American cities, states, and individuals have challenged the president's actions in court. While President Trump had ordered officials to deport all undocumented immigrants who have committed any crime or falsified any documents, he said on January 24, 2018 that he is open to a path to citizenship after 10 to 12 years for hundreds of thousands of undocumented immigrants brought to the United States as children. The issue of undocumented immigrants will continue to attract public attention in the near future.

Issues with Senate Bill 4

SB 4 was signed on May 7, 2017 by Governor Greg Abbott and was set to go into effect on September 1, 2017 but is still being challenged in the courts. Plaintiffs, including cities from across Texas as well as community and academic organizations, filed lawsuits arguing that SB 4 violated the First, Fourth and Fourteenth Amendments of the U.S. Constitution, among other violations of the law.

On January 25, 2017, President Trump signed Executive Order 13768 titled, "Enhancing Public Safety in the Interior of the United States". This order stressed that undocumented immigrants and those who overstayed their visas posed a threat not only to public safety but also to national security. The order also specified that cities that limit cooperation with the federal government on immigration enforcement, or "sanctuary cities", would be ineligible to receive federal grant money. There were several legal challenges by several cities that arose after this order was issued which resulted in a nationwide injunction which halted the enforcement of this order. In late-November of 2017 Judge William Orrick, III ruled that the section of the order that dealt with "sanctuary cities" being disqualified from receiving federal grants was unconstitutional. Regarding SB 4 in Texas, U.S. District Judge Orlando Garcia in San Antonio ruled against the state of Texas in August 2017 and halted major provisions of SB 4 that require jail officials to honor all detainer requests to hold individuals an additional 48 hours after their release so decide if those individuals should be deported. He also blocked sections that prohibit local entities from pursuing "a pattern or practice that 'materially limits' the enforcement of immigration laws" and another that prohibits "assisting or cooperating" with federal immigration officers as reasonable or necessary. On March 13, 2018 the 5th Circuit Court of Appeals ruled that most of the provisions in SB 4 could remain in effect; however, the injunction on the section that punishes local officials from "adopting, enforcing or endorsing" policies that specifically prohibit or limit enforcement of immigration laws remains.⁷

⁷ For more information, please see <https://www.texastribune.org/2017/09/25/appeals-court-allows-more-texas-sanctuary-cities-law-go-effect/>.

While these state and federal orders were set to go into place in 2017, other local and government officials in and around Texas maintained that laws like these would not only boost crime rates and distrust in immigrant communities that local law enforcement has worked hard to build, but would also end up hurting the state economically. On the other hand, those in opposition argue that it is law enforcement officers' duty to enforce the law despite the economic cost of detaining those here illegally or losing trust in immigrant communities. They argue that if law enforcement officers and local governments strictly enforced immigration laws and cooperated more with federal immigration agents, preventable crimes, like the Kate Steinle case, would diminish. In their view, this far outweighs the cost of detaining undocumented immigrants and there should be more done to ensure security of U.S. citizens.

At issue is the relationship between concentration of undocumented immigrants and public safety. Studies have shown that cities where undocumented immigrants are concentrated do not necessarily have higher crime rates.⁸ According to Pew Research Center, undocumented immigrants concentrated in smaller Western and Southwestern metro areas such as McAllen-Edinburg-Mission, Texas; Salinas, California; and Yuma, Arizona, experience low crime rates.⁹ In the 20 metro areas where undocumented immigrants were most prevalent as seen in an analysis by *Governing Magazine*, property crime rates were about 10 percent lower and violent crime rates were about 8 percent lower than those of all other regions reviewed (see Figure 2). Similarly, year after year, El Paso and San Diego, cities bordering the Mexican border, record some of the lowest violent crime rates of other large American cities. Overall, a large body of research finds no link between immigration and high crime rates, with some studies suggesting that places with more immigrants enjoy slightly lower crime rates.

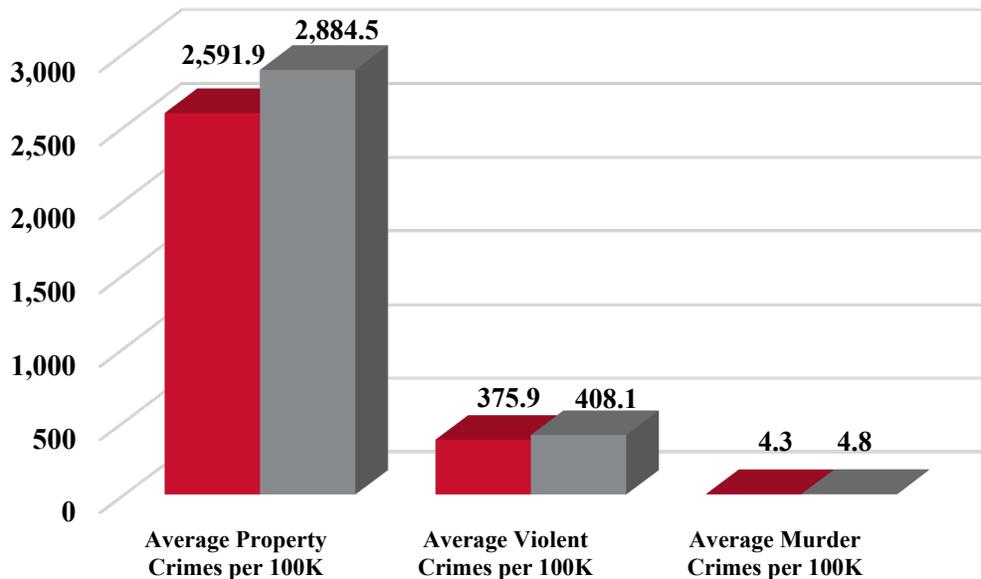
Critics often contend that illegal immigration leads to more crime and that research has generally failed to distinguish such individuals from the vast majority of legal immigrants who have been scrutinized by authorities. A further complicating factor is the unknown relationship between immigration status and willingness to report crimes. A recent study has shown that crime reporting is inversely related to increases in the relative size of both the noncitizen and foreign-born populations within a metropolitan area, and that the negative effect is greater for violence than for property crimes.¹⁰

⁸ For the report "The Effects of Sanctuary Policies on Crime and the Economy," please see <https://www.nilc.org/wp-content/uploads/2017/02/Effects-Sanctuary-Policies-Crime-and-Economy-2017-01-26.pdf>.

⁹ For more detailed information, please see <http://www.governing.com/topics/public-justice-safety/gov-undocumented-immigrants-crime-pew.html>.

¹⁰ Gutierrez, C. M. and D. S. Kirk. (2017). "Silence Speaks: The Relationship between Immigration and the Underreporting of Crime." *Crime and Delinquency*, 63(8): 926-950. DOI: 10.1177/0011128715599993

Figure 2. Crime Rates in Metro Areas¹¹



■ **Top 20 Highest % of Undocumented Immigrants** ■ **All Other Metro Areas**

Source: Governing calculations of Pew Research Center, FBI 2013-2015 annual crime rates.

Notes: Top 20 metro areas are New York-Newark-Jersey City (NY-NJ-PA), Los Angeles-Long Beach-Anaheim (CA), Houston-The Woodlands-Sugar Land (TX), Dallas-Fort Worth-Arlington (TX), Miami-Fort Lauderdale-West Palm Beach (FL), Chicago-Naperville-Elgin (IL-IN-WI), Washington-Arlington-Alexandria (DC-VA-MD-WV), Atlanta-Sandy Springs-Roswell (GA), Riverside-San Bernardino-Ontario (CA), Phoenix-Mesa-Scottsdale (AZ), San Francisco-Oakland-Hayward (CA), Boston-Cambridge-Newton (MA-NH), San Diego-Carlsbad (CA), Las Vegas-Henderson-Paradise (NV), Philadelphia-Camden-Wilmington (PA-NJ-DE-MD), Seattle-Tacoma-Bellevue (WA), Denver-Aurora-Lakewood (CO), San Jose-Sunnyvale-Santa Clara (CA), Orlando-Kissimmee-Sanford (FL), and Austin-Round Rock (TX).

Crime Reporting

Although the new Texas law gives law enforcement agents more latitude to inquire about immigration status of those lawfully detained, some argue that witnesses and victims of crimes can be protected through this process despite their immigration status. The law prohibits officers from asking about the immigration status of victims of crimes and the witnesses reporting them unless an officer has reason to believe they have committed a separate crime or if it is pertinent to investigating the offense. However, if witnesses or crime victims are asked about their immigration status and the officer discovers they are undocumented, the officer can provide them with

¹¹ Note: A “metro area” or “metropolitan area” is the urban and suburban area around a major city. They usually consist of one or more whole counties and share industry, housing, and infrastructure.

information regarding federal visas such as the U-Visa (visas for victims of crimes and their families who have endured severe mental and physical abuse) and the T-Visa (visas for victims of human trafficking) if they are willing to cooperate with officers during the investigation. On the other hand, as noted above, some studies have shown that in areas with a denser immigrant population, victims of crimes and the witnesses to them are less likely to report crimes out of fear of deportation.¹² There are several possible consequences of a reluctance to report crimes. First, if a victim is afraid to come forward to report the crime, it could make it easier to commit crimes in those areas and create an environment of silent victims. Second, if a witness is apprehensive to testify, it could result in the perpetrator going free and could undermine the justice system.

Access to Counsel

Like citizens who have committed criminal acts and cannot afford an attorney, undocumented immigrants who have been accused of committing a criminal act are granted court appointed attorneys at the expense of taxpayers. According to the Fourth and Fifth Amendments in the United States Constitution, all persons who enter in the country regardless of status are entitled to certain protections of the law, including due process. As late as 2001, the U.S. Supreme Court further confirmed this in the case of *Zadydas v. Davis*, ruling that “once an alien enters the country, the legal circumstance changes, for the due process clause applies to all persons within the United States.” However, despite some beliefs, living in the United States without authorization is not always a criminal offense.¹³ For example, some immigrants have entered the country legally, but have overstayed their visas or have violated their visas by changing jobs or dropping out of school.¹⁴ It is estimated that nearly 740,000 undocumented immigrants came to the United States legally, but overstayed their visas in 2016.¹⁵ Cases such as these are civil offenses that can cause them to be deported (entering the country illegally is prosecuted as a crime). Therefore, because these cases that go through immigration court are considered civil or administrative cases and not criminal, many of these people do not have access to legal representation, not because they are not allowed to, but because they often cannot afford one. According to the Texas Indigent Defense Commission, it costs the taxpayers about \$600 on average per person for a court or state appointed attorney in a criminal case for the 2017 fiscal year.¹⁶ In 2016, ICE spent an average of \$10,854 per deportee during the fiscal year. This includes all costs necessary to identify, apprehend, detain, process through immigration court, and remove an undocumented immigrant. Some argue that strictly enforcing immigration laws and attempting to deport all those here illegally despite

¹² Gutierrez, C. M. and D. S. Kirk. (2017). “Silence Speaks: The Relationship between Immigration and the Underreporting of Crime.” *Crime and Delinquency*, 63(8): 926-950. DOI: 10.1177/001128715599993

¹³ For more information, please see <http://thehill.com/blogs/congress-blog/judicial/248218-immigration-in-america-the-real-debate>.

¹⁴ Ibid

¹⁵ For more information, please see <https://www.washingtontimes.com/news/2017/may/22/visa-overstays-biggest-problem-illegal-immigration/>.

¹⁶ Data source for calculation can be found at <http://tidc.tamu.edu/public.net/Reports/ExpenditureReportResults.aspx>.

circumstance, would have an enormous economic impact on the country that individual states may not be prepared for. Therefore, providing undocumented immigrants with legal counseling in civil cases to help them stay in the United States legally can save state and local governments' money. Some states and major cities have already taken measures to allocate funding through their state and city budgets to provide legal aid for immigrants and refugees including: Austin, Texas, Chicago, Illinois, Atlanta, Georgia, Seattle, Washington, and the states of California and New York, among others. Others contend that federal and local governments should not spend taxpayer money to help undocumented immigrants stay in the United States because they violate U.S. immigration laws and should be deported without any excuse. Some local governments, however, provide funding to undocumented immigrants for legal services.

B. Economy and the Workforce

Immigrant Workforce

Texas shares the largest border with Mexico of any southern border state. Immigrants that come into the United States through Texas legally or illegally make up a significant portion of the workforce in certain industries. According to a Pew Research Center analysis, in Texas, 1.1 million undocumented immigrant workers make up 8.5% of the state's total labor force. Jobs are concentrated in industries like agriculture, hospitality, and especially construction, where an estimated 25% of workers are undocumented.¹⁷ Many businesses, particularly in construction and agriculture, thrive because they are able to hire undocumented immigrants to do work that U.S. citizens would not do, or would not consider doing at the prevailing wage. They are able to put out more products, at a faster pace, with lower labor costs, helping boost local and state economy. Not only do undocumented immigrants help some industries thrive, this group of people also helps the economy by paying into the tax system. Undocumented immigrants can attain an Individual Tax Identification Number (ITIN). These ITINs are nine-digit numbers that the IRS uses to ensure all people, including undocumented persons, pay taxes whether or not they have a social security number. There are many immigrants that have ITINs including those with unlawful status; however, they do not provide legal status or work authorization. By paying taxes they help pay into the social security system (which they are not eligible for), Medicare, and help fund public schools and other local government services through sales tax and property taxes.¹⁸ In 2017, the Institute on Taxation & Economic Policy estimated that about "50 percent of undocumented immigrant households currently file income tax returns using [ITINs], and many who do not file income tax returns still have taxes deducted from their paychecks." In Texas, undocumented immigrant's state and local tax contributions equal about \$1.56 billion.

A study released in 2006 by former Texas Comptroller Carole Keeton Strayhorn showed that undocumented immigrants who lived in Texas in 2005 added \$17.7 billion to the state's economy.

¹⁷ For more information, please see <http://www.khou.com/article/news/local/texas/in-texas-undocumented-immigrants-have-no-shortage-of-work/285-373024063>.

¹⁸ For more information, please see https://www.americanimmigrationcouncil.org/sites/default/files/research/the_facts_about_the_individual_tax_identification_number.pdf and <https://www.irs.gov/individuals/revised-application-standards-for-itins>.

Furthermore, removing undocumented immigrants would make labor markets tighter in the activities they operate, forcing firms to raise prices for their goods and services.

Some studies have demonstrated that SB 4, by expelling undocumented immigrants, would have a negative influence on Texas's economy:

- According to Texas Together, SB 4 will result in significant economic costs, related to jobs, earnings, taxes and GDP in Texas. Specifically, it is estimated that:
 - (1) SB 4 will cost 165,000 to 248,000 Texans their jobs.
 - (2) SB 4 will shrink Texas' economy by \$9.2 billion to \$13.8 billion.
 - (3) SB 4 will cut state and local revenues \$220-335 million per year.
 - (4) SB 4 will keep students away from Texas colleges, making Texas less competitive.
- Using data from the 2015 American Community Survey and the Bureau of Economic Analysis, the Reform Immigration for Texas Alliance — a group made up of 40 state-based immigrant and civil rights groups — estimated that the state stands to lose roughly \$223 million in state and local taxes and more than \$5 billion in gross domestic product under SB 4.

Although SB 4 may be averse to economic activity in Texas, supporters of SB 4 or President Trump's executive order argue that enforcing laws more strictly and deporting more people would help the economy by providing more jobs to U.S. citizens. More people would have the jobs that immigrants are taking, and some would be able to start making more money for their families and not have to rely on supplemental income through state and federal programs. Overall, they argue that using U.S. workers for U.S. jobs would take some of the burden off of the government and would help boost the economy as more citizens would be employed and pay into the tax system.

These steps to ensure that jobs were first going to U.S. citizens are not new. In the 1960s and 1970s there was an uptick in local law enforcement agents turning immigrants over to federal immigration officials, primarily because there was bipartisan concern in Congress regarding undocumented immigrants displacing U.S. labor. There was a large push to find and deport undocumented immigrants so that more jobs would be open to U.S. citizens. To deport undocumented immigrants who illegally work in the United States, some argue that local government officials should routinely share their information about immigrants' occupation or places of employment with federal immigration officials. Moreover, Congress has enacted multiple statutory provisions designed to maximize cooperation between federal, state, and local law enforcement agencies in enforcing immigration laws.¹⁹ However, according to a 2009 Congressional Research Service report that discussed local law enforcement agencies' responsibilities under § 434 of the Personal Responsibility and Work Opportunity Reconciliation

¹⁹ For more information, please see https://fairus.org/sites/default/files/2017-08/State_Local_Government_Cooperation-FAIR.pdf.

Act of 1996 (PRWORA) and § 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), the 1996 law “does not require entities to collect such information in the first place”. The U.S Court of Appeals for the Second Circuit ruled that “Congress cannot directly compel states to collect and share information regarding immigration status with federal immigration authorities.” Therefore, local governments and law enforcement agencies have no obligation to collect or share information about immigrants’ occupation or places of employment with federal immigration officials. To do so is a voluntary action.²⁰

The E-Verify System

To prevent undocumented immigrants and other people who have violated immigration laws from obtaining employment illegally in the United States, the voluntary, free, internet-based program called the E-Verify system was created in 1997 to help employers make sure that the people they were hiring were eligible to be employed.²¹ Employers participating in E-Verify program would have new hires fill out a Form I-9 to verify their employment eligibility. This form would be sent through the E-Verify system to the Social Security Administration and the United States Citizenship and Immigration Services (USCIS) to determine if the information on the I-9 matched government records and could tell the employer if the potential new hire is a U.S. citizen or has the appropriate visas to legally work in the United States.²² By 1997 the E-Verify program was piloted in California, Texas, Florida, and New York.²³ Starting in 2009, the federal government mandated that most federal contractors had to use the program, and by the end of 2012 there were 20 states that required use of the system for some public and private employers. Currently, Texas is one of the 23 states that have some sort of mandatory participation in the E-Verify program, but it only extends to government agencies and not the private sector.²⁴ Although the program was created to deter employers from hiring undocumented immigrants and potential immigrant workers from getting jobs without legal work permits, the system is still somewhat problematic because of the difficulty in matching names and errors in the system. Studies for the U.S. Department of Homeland Security have shown that using the E-Verify system was effective and the number of unauthorized workers has decreased. However, about half of the employers in the study did not feel that participation in the E-Verify system was effective in deterring undocumented immigrants in applying for jobs with their businesses.²⁵

²⁰ For more information, please see <https://www.mediamatters.org/research/2015/07/07/fox-news-falsely-claims-sanctuary-cities-violat/204286>.

²¹ For more information about the E-Verify system, please see <http://www.ncsl.org/research/immigration/everify-faq.aspx>.

²² For more information about the E-Verify program, please see <https://www.uscis.gov/e-verify/about-program>.

²³ For more information about the history of E-Verify, please see <https://www.nilc.org/wp-content/uploads/2015/12/e-verify-history-rev-2011-09-29.pdf>.

²⁴ For more information about E-Verify policy in Texas, please see <https://www.texastribune.org/2015/08/27/e-verify-mandate-becomes-law/>.

²⁵ For more information, please see https://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/EVerify%20Studies/E-Verify_User_Survey_Report_April2014.pdf.

While the program is largely voluntary, some business owners are advocating for it to be mandated in all sectors to even out the playing field for every employer hiring workers.²⁶ Others, however, express concern that by mandating this program, it would significantly decrease their workforce, especially those in the agriculture and construction industries. They argue that in order to compensate for the lack of available workforce there would need to be a tradeoff to use E-Verify by making it easier to get temporary workers or to have a legalization program for the workers already with the company.²⁷

Temporary Work Visas

Responding to the need to fill the workforce, the H-2 visa program was created in the early 1950s to legally employ guest workers for the agricultural (H-2A) and non-agricultural (H-2B) industries. The H-2 visa program gives temporary, nonimmigrant work visas to low-skilled laborers from eligible countries. There are approximately 450,000 guest workers in the United States today. In order to qualify for these programs, employers must show that there are not enough qualified U.S. citizens for the job and that immigrant workers will be paid similar wages and have the same working conditions of similarly employed U.S. workers.^{28,29} These visas are valid for one year, but may be extended up to three years if the employer shows an immediate need. Employers are encouraged to file at least 60 days prior to the need of immigrant employees, but the application approval process for the employer and employee could take much longer.

One drawback with these programs is the approval time for both employers and potential new hires. Generally, employers know ahead of time when they will need a workforce and for how long, but some situations arise when there is immediate need and they do not have enough time to hire the number of legal workers needed. For instance, in August of 2017 Texas and Louisiana were hit with Hurricane Harvey, which had one of the largest economic and property impacts from a hurricane since Hurricane Katrina hit in 2005. There were 33 counties along the Gulf Coast in Texas that were declared natural disaster areas with estimated losses of nearly \$125 billion.³⁰ Thousands of people lost their homes, vehicles, and other property due to flooding, roadways and other infrastructure were damaged, and people were displaced for weeks. Some are still waiting for their houses to be rebuilt.³¹ With thousands of workers displaced or out of work indefinitely because businesses were affected, there was a need for rapid assistance. Given the unpredicted

²⁶ For more information, please see <https://www.marketplace.org/2018/02/02/world/e-verify-might-not-be-all-its-cracked-be>.

²⁷ Ibid.

²⁸ For more information about H-2A temporary workers, please see <https://www.uscis.gov/working-united-states/temporary-workers/h-2a-temporary-agricultural-workers>.

²⁹ For more information about H-2B temporary workers <https://www.uscis.gov/working-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers>.

³⁰ For more information, please see <https://www.nhc.noaa.gov/news/UpdatedCostliest.pdf>.

³¹ For more information, please see https://www.uscis.gov/sites/default/files/USCIS/Verification/E-Verify/E-Verify_Native_Documents/Everify%20Studies/E-Verify_User_Survey_Report_April2014.pdf.

high-demand of workforce in the aftermath of Hurricane Harvey, some business owners, especially from the construction industry, began to hire day workers, many of whom they knew were illegal, to start the rebuilding process. In cases such as these, some argue that there needs to be more programs to grant temporary legal status or to speed up the H-2 visa process so that contractors can hire temporary workers faster and legally in times of urgent need.³² Others argue that creating more temporary visas takes away job opportunities from U.S. citizens who are out of work and capable to fulfill the need.

C. Higher Education Benefits

Prior to 1996, immigrants who were in the United States lawfully were eligible for many public benefits similar to those of U.S. citizens: Social Security Income, temporary housing, food stamps, and Medicaid. However, those in the United States unlawfully were only eligible for emergency Medicaid.³³ In 1996 the U.S. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) which heavily restricted or denied federal benefits to legal immigrants and left state and local benefits up to the states to determine who would be eligible.

In-State Tuition and Financial Aid

The Migration Policy Institute reported that there were approximately 180,000 undocumented immigrants in Texas who were in the 18-24-year-old age bracket, or college age (see Figure 3).³⁴ About 25 percent of those undocumented immigrants, or about 46,000, were reported to be enrolled in school. Texas was the first state to offer in-state tuition and state financial aid to college students who had undocumented status.³⁵ Since 2014, Texas legislators have introduced several pieces of legislation to tighten and eventually revoke the eligibility of undocumented immigrants to receive in-state tuition and financial aid; however, these attempts failed to pass.

According to the National Conference of State Legislatures, since 2001 there have been eighteen states that have passed legislation allowing for in-state tuition rates for undocumented immigrants who have met state-specific requirements, with one revoking the law in 2011.³⁶ Three states have passed legislation prohibiting undocumented immigrants from receiving in-state tuition, and five states, including Texas, not only allow undocumented students to receive in-state tuition rates but also allow them to have eligibility to receive state financial aid.

³² For more information, please see <http://www.govtech.com/em/disaster/Houston-Day-Laborers-Suffer-Wage-Theft-in-Post-Harvey-Reconstruction.html>.

³³ For more information, please see <https://www.migrationpolicy.org/article/immigrants-welfare-reform-and-coming-reauthorization-vote>.

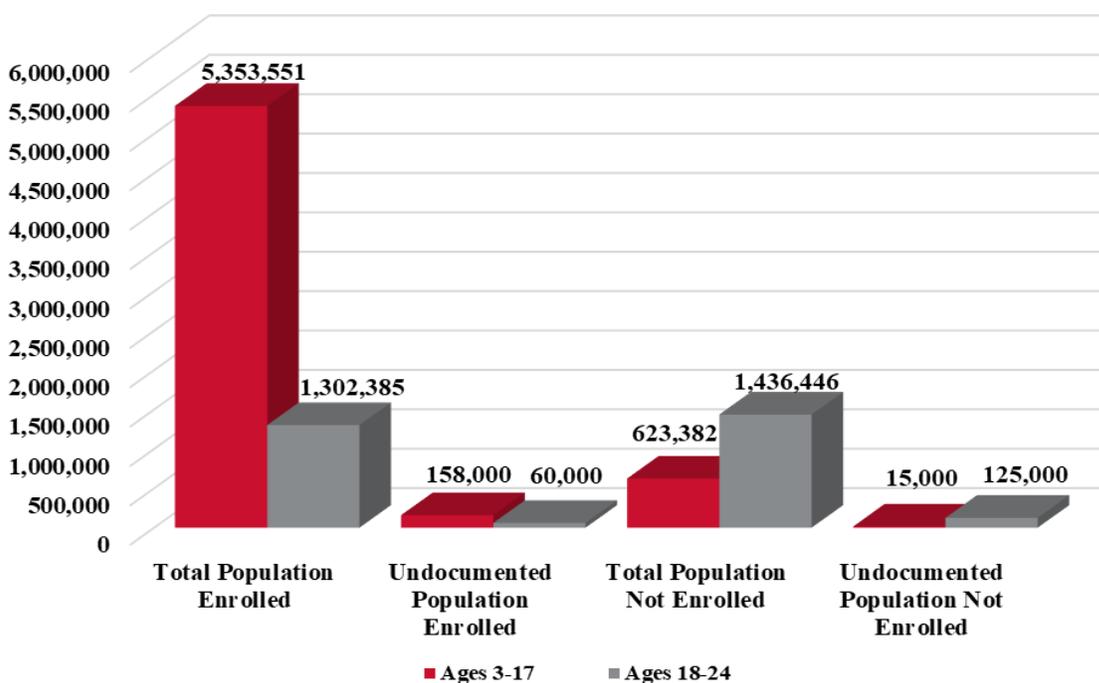
³⁴ For detailed information about profile of undocumented immigrants in Texas, please see <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/TX>.

³⁵ For more information about Texas's in-state tuition policy, please see <https://uleadnet.org/map/texas-policy>.

³⁶ For more information about undocumented student tuition in the United States, please see <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>.

One such grant is called the TEXAS (Towards Excellence, Access and Success) Grant, and the residency eligibility requirement to receive this grant is established if the student graduated from a high school in Texas, if the student has lived in Texas for a minimum of three years before applying, and is willing to sign an affidavit that she or he intends on applying for permanent residency.³⁷ In 2010, the Texas Higher Education Coordinating Board reported that Texas dispersed nearly 2,200 TEXAS grants during that fiscal year to students who were likely not in the United States legally. This totaled to be about \$7.8 million in state-funded financial aid.³⁸

Figure 3. School Enrollment for Children and Youth in Texas



Source: U.S. Census Bureau, 2012-2016 ACS 5-Year Estimates

Proponents of allowing in-state tuition to undocumented immigrant students argue that children taken to this country by immigrant parents should not be denied access to a college education because of their parents' choices. Additionally, they argue that being able to pay in-state tuition rates provides more incentive for students wishing to go to college to finish high school, graduate from college, and become a contributing member of society.³⁹ This would help abate the

³⁷ For more information about Texas's law to allow undocumented immigrants to pay in-state tuition, please see <https://www.texastribune.org/2011/10/25/undocumented-students-texas-receive-financial-aid/>.

³⁸ For more information about Texas's law to allow undocumented immigrants to pay in-state tuition, please see <https://www.texastribune.org/2011/10/25/undocumented-students-texas-receive-financial-aid/>.

³⁹ For more information, please see <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>.

cycle of poverty and the strain of economic support for this population. Furthermore, this is not only an issue with undocumented immigrants; citizens alike can move their children who are in high school into a state to meet the residency requirements so when it is time for their child to attend college, they would be able to pay in-state tuition rates. Opponents argue that even if undocumented students graduate from college, the likelihood of them getting a job is diminished because they are still undocumented immigrants; therefore, tax dollars should not be spent to fund education for someone who is technically here illegally.⁴⁰

While many of these programs concern adults, children of undocumented immigrants have more access to public benefits. All children in primary school (Kindergarten through the 12th grade) are entitled to receive free public education regardless of their immigration status. Additionally, pregnant women and those who have infants and are nursing can be eligible for the WIC (Women-Infants-Children) program which provides vouchers for food if their children were born in the United States. Children would also be able to be enrolled in the Medicaid program. However, adult, undocumented immigrants are only eligible to enroll in emergency Medicaid which would allow temporary insurance in cases of emergencies to help take some of the burden off the hospitals and keeps insurance rates lower. No hospital can deny emergency treatment to anyone regardless of immigration status, so this money goes to help the poor who need extensive emergency care and cannot afford it otherwise. The money set aside for these types of funds is less than one percent of the cost of Medicaid.⁴¹

D. Legal Options for Undocumented Immigrants

There are some legal options for noncitizens who enter the country without going through some sort of inspection or who overstay a visa to remain in the country legally. These options include:

1. Marriage to a U.S. citizen. This is geared more towards those who overstayed a valid visa. It would give them an immediate relative status which could make them eligible for an adjustment in status. The marriage must be proven a bona fide marriage and not one for a green card.
2. If they have served honorably in the military during a war or conflict.
3. If a judge has cancelled their removal for various reasons including them being in the country for several years (typically 10) and exhibited good moral character while they were here- no arrests, etc.
4. Granted asylum- must apply within 1 year of entry/ expiration of authorized stay. Must show persecution or fear of such based-on race, religion, nationality, political views, or membership in a particular group.

⁴⁰ Ibid.

⁴¹ For more information about how undocumented immigrants receive Medicaid treatment, please see <https://www.pbs.org/newshour/health/how-undocumented-immigrants-sometimes-receive-medicaid-treatment>.

5. TPS if you are from one of the 10 designated countries. The minimum stay is 6 months and maximum is 18 months; however, the Sec. of Homeland Security can extend that time if the specified issues in their country of origin remain after the original cut-off date. Members are also allowed to work during this temporary status.

Deferred Action for Childhood Arrivals (DACA)

In 2012, President Obama announced that he was issuing an executive order that would create a program for undocumented individuals who were brought to the U.S. as children to be eligible to receive deferred action from deportation for a two-year period that could be renewed. During these two-years, those who were beneficiaries of DACA would be able to apply for a work permit. The eligibility requirements for those applying to this program included not having committed any felonies or serious misdemeanors, had entered into the U.S. illegally before they turned 16, have lived in the U.S. continuously since June of 2007, completed high school or a GED program or have been honorably discharged from the military, and were under the age of 31 by June 15, 2012. This program was meant for it to be an opportunity for individuals living in the U.S. illegally since children an opportunity to have some sort of protected status. DACA is not a pathway to citizenship or lawful permanent residency and individuals still run the risk of being deported once they have let authorities know they were in the U.S. illegally. In 2014, President Obama announced that he intended to expand this program to include other undocumented immigrants; however, that expansion was rescinded in 2017 under President Trump and the DACA program as a whole was planned to be phased out and applications were no longer accepted. More recently, there have been federal court orders for the U.S. Citizenship and Immigration Services (USCIS) to resume accepting renewal applications for those who have already been granted the deferred action under DACA.⁴²

According to the Migration Policy Institute (MPI), there were approximately 1.3 million undocumented immigrants who were eligible for DACA in 2016 across the nation. In Texas, there is estimated to be over 270,000 individuals that would fit the eligibility criteria to benefit from this deferred action program (see Figure 4).⁴³ Of those who are eligible in Texas, about 88% come from Mexico and Central American countries and about 6% are from countries in Asia.

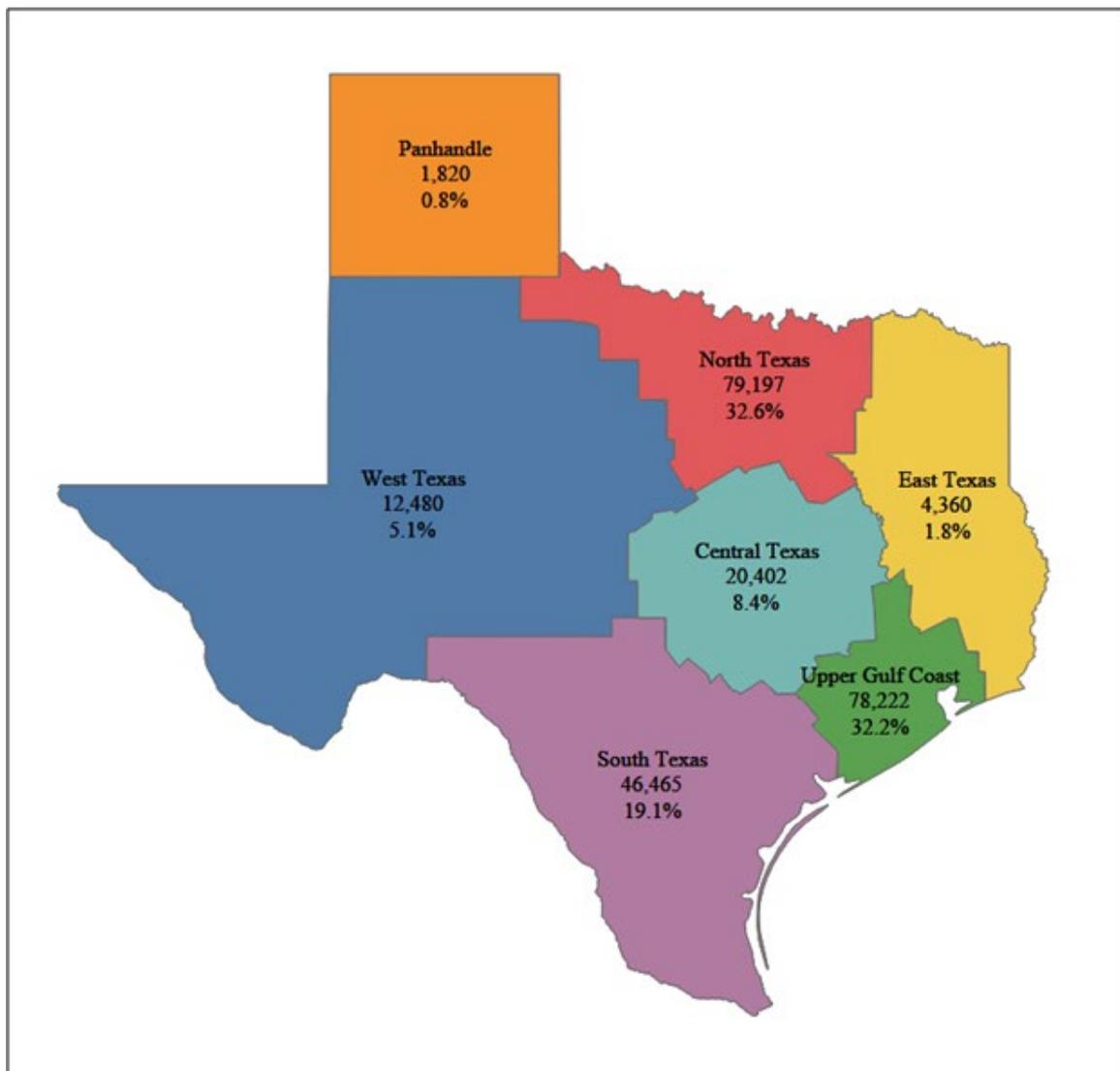
With this large population of individuals who were brought to the U.S. as children, some of which have only know life in the U.S. some argue that there should be more viable legal options for beneficiaries of the 2012 DACA program from being granted lawful, renewable status to being eligible to start a pathway to citizenship. Most of these beneficiaries have lived in the country all or most of their lives and it would be inhumane to separate them from their lives and family to

⁴² For more information on DACA, please see <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>.

⁴³ Estimations were made by the Hobby School of Public Affairs using the data from the 2016 American Community Survey.

deport them to a country they have no connection to because they were brought to the U.S. by their parents or guardians at a young age. Creating an option for these recipients to legally remain in the country with a legal status would allow them to work and be a positive contribution to society. Furthermore, the DACA program has been a good boost for the economy; DACA recipients are projected to contribute over \$460 billion to the U.S. GDP over the next decade.⁴⁴ On the other hand, some argue that any type of amnesty for those who have entered the country illegally should not be given, despite the age they were brought into the country.

Figure 4. Distribution of DACA Eligible Population by Metropolitan Area



Source: Estimation of DACA eligible population made by the Hobby School of Public Affairs using the U.S. Census 2016 ACS data.

⁴⁴ Tom K. Wong, et al., “DACA Recipients’ Economic and Educational Gains Continue to Grow,” www.americanprogress.org, Aug. 28, 2017.

The worry is that if any type of legal status is offered, it could increase the strain on the welfare system, public education, and other public benefits offered to those here illegally. Additionally, some argue that if there is option of a prolonged legal status for DACA recipients, it could cause a domino effect for others to bring in young children in hopes that over time their children would be eligible or granted legal status. Finally, providing legal options to these recipients means that there would be a special application of the law for select groups which means that there would be unequal treatment of undocumented immigrants and would undermine the rule of law in the U.S.

Temporary Protected Status

Since 1990, Congress has created a Temporary Protected Status (TPS) through the 1990 Immigration Act which would provide a lifeline to noncitizens who could not return to their country of origin due to war, natural disaster, or other extraordinary circumstances.⁴⁵ This status gives noncitizens from designated countries a temporary status to remain and work in the United States for a limited amount of time if those individuals have met the eligibility requirements.⁴⁶ This particular status differs from granting individuals asylum because it is a form of relief for all individuals from a particular country that falls under the TPS protection. This status is granted for a minimum of 6 months with a 12-month option, and a maximum of 18 months; however, the Secretary of Homeland Security can decide to extend that time if issues persist in those countries. Individuals who are granted TPS status have the option to renew if their native country is still deemed protected under this status. There have been 22 countries that have been granted TPS since 1990. Currently, there are over 300,000 beneficiaries from ten countries that are designated with TPS: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen.

According to the 1990 law, being granted this temporary, lawful status is not a means to any separate, permanent immigration status in the U.S. Once the beneficiary's country is no longer classified as needing TPS, the status of that person will return to that of which they had prior to receiving the protected status. If a person entered into the U.S. without going through any inspection, they would be considered undocumented and would be subject to deportation.⁴⁷ However, some argue that those who are beneficiaries of TPS should be eligible to apply for interim legal status which would lead to the option of applying for Lawful Permanent Residency (LPR), especially those who have been here for an extended period of time.

⁴⁵ Public Law Number 101-649 (1990).

⁴⁶ For more information about the TPS status, please see <https://www.uscis.gov/humanitarian/temporary-protected-status>.

⁴⁷ For more information please see the American Immigration Council's website <https://www.americanimmigrationcouncil.org/research/temporary-protected-status-overview>.

Those advocating for there being an opportunity to get an LPR status argue that many of these individuals have been in the U.S. lawfully and fully employed for over a decade under TPS. These individuals have been paying into federal income taxes, property taxes, Social Security, and other means of taxation. Removing these individuals would not only have some sort of economic impact due to worker shortage and low unemployment, but a humanitarian impact as well. Many of these individuals have started families in the U.S. Removing these individuals could have impacts on their families who depend on them to be the breadwinner of their family. Finally, if there is not a pathway to LPR, removing large numbers of individuals, especially from countries like Honduras, Guatemala, or El Salvador could have a destabilizing effect on those governments who are not equip to handle a huge influx in population.

Others argue that having TPS is only intended to be a temporary form of relief which legally does not include a pathway to permanent, lawful status. The status is granted for a specific reason, and once the conditions for TPS to be granted no longer exists, those beneficiaries have an obligation to return to their home country and apply for other immigration statuses if they want to stay in the U.S. Additionally, they argue that providing a pathway to LPR will be an incentive for others to enter the U.S. from other countries in hopes that they could benefit long-term from the TPS program. Additionally, granting a permanent, indefinite status could make it more difficult for future administrations to grant TPS if he/ she believes that the temporary status could go on indefinitely.

Conclusion

This document provides information about three distinctive and controversial topics that are at the center of public policy debates on immigration policy, namely the impact of undocumented migrants on crime and public safety, the economy and the workforce, access to public benefits, and legal options. Each side of the argument offers different insights about the issues to which reasonable people can disagree. Proponents of stricter enforcement emphasize on the negative consequences of illegal immigration and advocate for deportation of all undocumented immigrants irrespective of their particular circumstances. Opponents to outright deportation argue that those individuals who reside in the U.S. without legal authorization make enough useful contributions to society and the economy and should not be prioritized for deportation. Law enforcement should heavily shift the deportation focus on those that have committed crime or become a public nuisance. A special consideration is given to those who were brought into the country as children without proper authorization: should they be penalized for decisions their parents made for them and be prevented from enjoying benefits provided by the only country they have ever known? A controversy has also arisen over the role of “sanctuary cities”, which revolves around scope of authority and responsibility of state and local governments regarding enforcement of federal immigration policies.

We hope that this information will provide an unbiased background for deliberations on this issue and acknowledge that this document might not include comprehensive information regarding “sanctuary cities” and immigration in general. Later, you will be invited to discuss some policy issues related to the above-mentioned topics. We hope to create an open-minded dialog to discuss these topics with consideration about the evidence presented and invite you to openly share your opinions. Please know that there are no wrong or right answers, only different points of view.

Glossary

Administrative Law

The body of law that regulates the operation and procedures of government agencies.

Adjustment of Immigration Status

Procedure allowing certain aliens already in the United States to apply for immigrant status. Aliens admitted to the United States in a nonimmigrant, refugee, or parolee category may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available. In such cases, the alien is counted as an immigrant as of the date of adjustment, even though the alien may have been in the United States for an extended period of time.

Alien

Any person not a citizen or national of the United States.

Apprehension

The arrest of a removable alien by the Department of Homeland Security. Each apprehension of the same alien in a fiscal year is counted separately.

Asylee

An alien in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the alien last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States. These immigrants are limited to 10,000 adjustments per fiscal year.

Asylum

A status that gives a form of protection to people who meet the definition of a refugee but are already in the United States or seeking admission at a port of entry.

Beneficiaries

Aliens on whose behalf a U.S. citizen, lawful permanent resident, or employer have filed a petition for such aliens to receive immigration benefits from the U.S. Department of Homeland Security. Beneficiaries generally receive a lawful status as a result of their relationship to a U.S. citizen, lawful permanent resident, or U.S. employer.

Cancellation of Removal

A discretionary benefit adjusting an alien's status from that of deportable alien to one lawfully admitted for permanent residence. Application for cancellation of removal is made during the course of a hearing before an immigration judge.

Criminal Removal

The deportation, exclusion, or removal of an alien who has 1) been charged under a section of the Immigration and Nationality Act that requires a criminal conviction and that charge is the basis for the removal or 2) a criminal conviction noted in the Deportable Alien Control System (DACS) for a crime that renders the alien removable. An alien with an appropriate criminal conviction is considered a criminal alien regardless of the section of law under which the alien was removed.

Customs and Border Protection (CBP)

Law enforcement organization charged with keeping terrorists and their weapons out of the U.S. while facilitating lawful international travel and trade.

Deferred Action for Childhood Arrivals (DACA)

A program allowing certain people who came to the United States as children and meet several guidelines to request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status.

Eligibility for requests of DACA include:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an

honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
and

7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Department of Homeland Security (DHS)

The federal agency designed to protect the United States against threats. Its wide-ranging duties include aviation security, border control, emergency response and cybersecurity.

Deportation

The formal removal of an alien from the United States when the alien has been found removable for violating the immigration laws. Deportation is ordered by an immigration judge without any punishment being imposed or contemplated. Prior to April 1997 deportation and exclusion were separate removal procedures. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 consolidated these procedures. After April 1, 1997, aliens in and admitted to the United States may be subject to removal based on deportability.

Detainer

Also known as an immigrant hold, a detainer is a written request for law enforcement officials to detain an individual for up to an additional 48 hours after his/ her release date in order to provide U.S. Immigration and Customs Enforcement (ICE) agents extra time to determine whether to take the individual into federal custody for deportation purposes.

E-Verify System

E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS). E-Verify is a voluntary program. However, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to enroll in E-Verify as a condition of federal contracting. Employers may also be required to participate in E-Verify if their states have legislation mandating the use of E-Verify, such as a condition of business licensing. In some instances, employers may be required to participate in E-Verify as a result of a legal ruling. It is available in all 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Commonwealth of Northern Mariana Islands

Employer Sanctions

The employer sanctions provision of the Immigration Reform and Control Act of 1986 prohibits employers from hiring, recruiting, or referring for a fee aliens known to be unauthorized to work

in the United States. Violators of the law are subject to a series of civil fines for violations or criminal penalties when there is a pattern or practice of violations.

Expedited Removal

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorized the DHS to quickly remove certain inadmissible aliens from the United States. The authority covers aliens who are inadmissible because they have no entry documents or because they have used counterfeit, altered, or otherwise fraudulent or improper documents. The authority covers aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled by an immigration officer at a port-of-entry. The DHS has the authority to order the removal, and the alien is not referred to an immigration judge except under certain circumstances after an alien makes a claim to lawful status in the United States or demonstrates a credible fear of persecution if returned to his or her home country.

F-1 Student Visa

Allows you to enter the United States as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. You must be enrolled in a program or course of study that culminates in a degree, diploma, or certificate and your school must be authorized by the U.S. government to accept international students.

H-1B Visa

For workers with "specialty occupations" admitted on the basis of professional education, skills, and/or equivalent experience.

H-1C Visa

For registered nurses to work in areas with a shortage of health professionals under the Nursing Relief for Disadvantaged Areas Act of 1999.

H-2A Visa

For temporary agricultural workers coming to the United States to perform agricultural services or labor of a temporary or seasonal nature when authorized workers are unavailable in the United States.

H-2B Visa

For temporary non-agricultural workers coming to the United States to perform temporary services or labor if unemployed persons capable of performing the service or labor cannot be found in the United States.

Human Trafficking

Human trafficking is modern-day slavery and involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act.

Immediate Relative

Certain immigrants who because of their close relationship to U.S. citizens are exempt from the numerical limitations imposed on immigration to the United States. Immediate relatives are: spouses of citizens, children (under 21 years of age and unmarried) of citizens, and parents of citizens 21 years of age or older.

Immigration and Customs Enforcement (ICE)

Law enforcement agency of the federal government of the United States tasked to enforce the immigration laws of the United States and to investigate criminal and terrorist activity of foreign nationals residing in the United States.

Immigration Court

An administrative court that hears removal and deportation proceedings. Foreign nationals can acquire legal status in the U.S. or may be removed from the U.S. depending on the decisions made by immigration judges. Appeals from the Immigration Court are heard by the Board of Immigration Appeals.

I-94 Form

A form needed by all persons except United States citizens, returning resident aliens, aliens with immigrant visas, and most Canadian citizens visiting or in transit. Air and sea travelers are issued I-94s during the admission process at the port of entry. This form is a lawful record of admission.

Immigration Detention

The policy of holding individuals who are suspected of violating visas, entering the country illegally, and/ or those who are subject to deportation and removal in detention until a decision is made by immigration authorities to either grant a visa that would allow them to stay in the United States, or to repatriate them to their home country.

Immigration Judge

An attorney appointed by the Attorney General to act as an administrative judge within the Executive Office for Immigration Review. They are qualified to conduct specified classes of proceedings, including removal proceedings.

Immigration Nationality Act (INA)

The Act (INA), which, along with other immigration laws, treaties, and conventions of the United States, relates to the immigration, temporary admission, naturalization, and removal of aliens.

Immigration Reform and Control Act (IRCA) 1986

Public Law 99-603 (Act of 11/6/86), was passed to control and deter illegal immigration to the United States. Its major provisions stipulate legalization of undocumented aliens who had been continuously unlawfully present since 1982, legalization of certain agricultural workers, and sanctions for employers who knowingly hire undocumented workers, and increased enforcement at U.S. borders.

Individual Tax Identification Number (ITIN)

A tax processing number only available for certain nonresident and resident aliens, their spouses, and dependents who cannot get a Social Security Number (SSN).

Interim Legal Status

A renewable work authorized status.

Law Enforcement Agent (LEA)

A person who works for a government agency and is responsible for the enforcement of law.

Lawful Detention

The detention of an individual by a local entity for the investigation of a criminal offense. A Local entity includes the governing body of a municipality, county or special district or authority, an officer or employee of or a division of a municipality including a sheriff, municipal police department, municipal attorney, county attorney, or a district attorney or criminal district attorney.

Lawful Immigration Status

Foreign nationals in the United States who have lawful permanent resident (LPR) status and conditional permanent residents, nonimmigrants, refugees, asylee, parolees, foreign nationals in temporary protected status (TPS), and foreign nationals lawfully present in the Commonwealth of the Northern Mariana Islands (CNMI) between November 28, 2009 and November 27, 2011 based on a valid, unexpired, and lawfully obtained period of stay that was CNMI-authorized prior to November 28, 2009 that remains valid on the date of adjustment application.

Legal Permanent Resident (LPR)

Non-citizens who are lawfully authorized to live permanently within the United States. Also known as “green card holders.” LPRs may accept an offer of employment without special restrictions, own property, receive financial assistance at public colleges and universities, and join the Armed Forces. They also may apply to become U.S. citizens if they meet certain eligibility requirements. The Immigration and Nationality Act (INA) provides several broad classes of admission for foreign nationals to gain LPR status, the largest of which focuses on admitting immigrants for the purpose of family reunification. Other major categories include economic and humanitarian immigrants, as well as immigrants from countries with relatively low levels of immigration to the United States.

Legalized Aliens

Certain illegal aliens who were eligible to apply for temporary resident status under the legalization provision of the Immigration Reform and Control Act of 1986. To be eligible, aliens must have continuously resided in the United States in an unlawful status since January 1, 1982, not be excludable, and have entered the United States either 1) illegally before January 1, 1982, or 2) as temporary visitors before January 1, 1982, with their authorized stay expiring before that date or with the Government's knowledge of their unlawful status before that date. Legalization consists of two stages-temporary and then permanent residency. In order to adjust to permanent status aliens must have had continuous residence in the United States, be admissible as an immigrant, and demonstrate at least a minimal understanding and knowledge of the English language and U.S. history and government.

Metropolitan Statistical Area (MSA)

MSAs consist of a core area with a large population and adjacent communities having a high degree of social and economic integration with the core. They are defined by the U.S. Office of Management and Budget (OMB). MSAs are generally counties (cities and towns in New England) containing at least one city or urbanized area with a population of at least 50,000 and a total metropolitan population of at least 100,000 (75,000 in New England). MSAs of one million or more population may be recognized as Consolidated Metropolitan Statistical Areas (CMSAs). Primary Metropolitan Statistical Areas (PSMAs) are component areas within MSAs. New England County Metropolitan Areas (NECMAs) are the county based metropolitan alternative of the New England states for the city and town based MSAs and CMSAs.

Naturalization

The conferring, by any means, of citizenship upon a person after birth.

Nonimmigrant

An alien who seeks temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The nonimmigrant classifications include: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancée(s) of U.S. citizens, intracompany transferees, NATO officials, religious workers, and some others. Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

Parolee

A parolee is an alien, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist.

Permanent Resident Alien (PRA)

An alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by the Department of Homeland Security in the United States.

Port of Entry

Any location in the United States or its territories that is designated as a point of entry for aliens and U.S. citizens. All district and files control offices are also considered ports, since they become locations of entry for aliens adjusting to immigrant status.

Refugee

Any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. People with no nationality must generally be outside their country of

last habitual residence to qualify as a refugee. Refugees are subject to ceilings by geographic area set annually by the President in consultation with Congress and are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States.

Removal

The expulsion of an alien from the United States. This expulsion may be based on grounds of inadmissibility or deportability.

Sanctuary City

A city in which the local government and police limit the cooperation with federal immigration enforcement agents in order to protect low-priority undocumented immigrants from deportation and turn over those who have committed serious crimes.

Silent Victim

Victims of crimes who are often afraid of coming forward because the police could ask about their immigration status or that of their family. Crimes can go unreported and be repeated if these victims remain silent to legal authorities.

Temporary Protected Status (TPS)

Establishes a legislative basis for allowing a group of persons temporary refuge in the United States. Under a provision of the Immigration Act of 1990, the Attorney General may designate nationals of a foreign state to be eligible for TPS with a finding that conditions in that country pose a danger to personal safety due to ongoing armed conflict or an environmental disaster. Grants of TPS are initially made for periods of 6 to 18 months and may be extended depending on the situation. Removal proceedings are suspended against aliens while they are in Temporary Protected Status.

T-Visa

A temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to 4 years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T nonimmigrant status is also available for certain qualifying family members of trafficking victims. T nonimmigrants are eligible for employment authorization and certain federal and state benefits and services. T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents (obtain a Green Card).

U-Visa

Set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000.

Undocumented Immigrant

See Alien

United States Citizenship and Immigration Services (USCIS)

The government agency that oversees lawful immigration to the United States. There are 19,000 government employees and contractors working at more than 200 offices across the world. They administer the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.

Visa Overstay

Staying past the date on your I-94 Form or the end of your studies on an F-1 Visa. For those who overstay their departure date, your visa is automatically cancelled, and you cannot use it to enter the United States again and will likely prevent some to come into the country again. If a person remains in the United States 180 days after the expiration of their visa, they are inadmissible into the United States in the future and are ineligible to receive a visa, green card (lawful permanent residence), or other immigration benefits for a period of 3 years (180-365 days overstayed) or 10 years (over 365 days overstayed), depending on how long they overstayed.

Visa Waiver Program

Enables most citizens or nationals of participating countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa.

Voluntary Departure

The departure of an alien from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an immigration judge. An alien allowed to voluntarily depart concedes removability but does not have a bar to seeking admission at a port-of-entry at any time. Failure to depart within the time granted results in a fine and a ten-year bar to several forms of relief from deportation.

287(g) Program

Allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), to receive delegated authority for immigration enforcement within their jurisdictions. There are currently 78 law enforcement agencies in 20 states with the 287(g) agreement. ICE has trained and certified more than 1,514 state and local officers to enforce immigration law.

Project Advisory Members

Co-Chairs of the Advisory Board

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Hobby School of Public Affairs

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Pablo Pinto, Ph.D., Director, Center for Public Policy, Hobby School of Public Affairs, University of Houston

Savannah L. Sipole, Ph.D., Post-Doctoral Fellow, Hobby School of Public Affairs, University of Houston

Ching-Hsing Wang, Ph.D., former Post-Doctoral Fellow, Hobby School of Public Affairs, University of Houston, current Assistant Professor, National Cheng Kung University

Center for Deliberative Democracy

James Fishkin, Ph.D., Director, Center for Deliberative Democracy, Professor of Communication and Political Science, Stanford University

Alice Siu, Ph.D., Associate Director, Center for Deliberative Democracy, Stanford University