LEGAL STATUS AND IMMIGRANT INTEGRATION

Legal status affects immigrants’ paths to integration in a variety of ways, across a wide range of activities, and with varying degrees of intensity. In areas that are fundamental for integration, such as employment, access to higher education, social services, and health care, legal status plays a significant role. In addition, the influence of legal status cuts across generations, with parents’ undocumented status in particular affecting the development of children, even when the children are U.S. citizens.

While the previous chapter describes the history and current state of immigration policy, a wide body of research has also examined the impact of policy changes on immigrants and their descendants. These policy changes have contributed to the proliferation of legal statuses, with important consequences for immigrant integration. This chapter reviews the effects of legal status on opportunities for integration and examines the potential long-term consequences for immigrants and their descendants. It begins with a general introduction to the effects of legal status on various aspects of life that are crucial for integration. It then describes the categories of legal status and the opportunities and obstacles that legal statuses place on pathways to integration. The proliferation of different legal statuses interacts with integration trajectories in many ways, complicating any effort to pinpoint when integration into American society begins for individuals. Over half (52%) of people receiving lawful permanent resident (LPR) status do so after living in the United States for some period of time under a different legal status and adjusting to LPR status. And many undocumented people live in the
United States for decades without officially “immigrating.” Many people in temporary
statuses have therefore begun integrating into American society before officially
immigrating, and many people who are very integrated into our workplaces,
neighborhoods, schools, and churches have never officially immigrated.

LEGAL STATUS AND ITS EFFECTS ON IMMIGRANT INTEGRATION

Increased immigration enforcement and restrictions on access to social benefits by
legal status (see Chapter 2) channel immigrants either toward integration or, in its
absence, to insecurity and dim prospects for the future. Immigrants living out-of-status or
in temporary and discretionary statuses often face policies of deterrence that constrain
their lives today as well as their opportunities for the future.

As discussed in Chapter 2, legal status has become increasingly important to
immigrant integration. Most immigrants of the past did not face the complexities that the
contemporary immigration system poses; when employment opportunities decreased,
social programs were implemented to assist immigrants and aid integration (Fox, 2012).
Presence in the country was generally enough to guarantee access to public benefits. But
legislation enacted in 1996 under the Illegal Immigration Reform and Immigrant
Responsibility Act (IIRIRA), the Personal Responsibility and Work Opportunity
Reconciliation Act, and the Anti-Terrorism and Effective Death Penalty Act expanded
the conditions under which unauthorized immigrants in local communities and
jurisdictions face exclusion, while restricting even legal residents’ access to social
welfare benefits (Table 3-1). Today, categories of admission and classification into
different legal statuses have serious consequences for immigrants’ everyday lives and the rights they are granted (Bosniak, 2007).

As described in Chapter 2, the federal government’s definition of legal status establishes four general categories: permanent statuses, temporary, discretionary, and undocumented (Table 3-2; see Figure 3-1 for proportions in these categories). Permanent status is the strongest anchor the law provides because it allows labor mobility, confers significant constitutional rights and access to some public benefits, and can lead to naturalization provided that the LPR meets a set of additional requirements. Temporary statuses include a variety of employment-based and humanitarian-based admissions that confer lawful presence for limited periods of time, which are subject to review by Congress. Discretionary statuses grant temporary lawful status via executive discretion and as such can be terminated at any time. Although discretionary statuses provide temporary protection from removal, provided that holders meet certain requirements related to behavior and practices, these statuses grant the least degree of formal security.

Undocumented status offers no formal security at all, provides only some civil and labor rights, and poses a significant barrier for immigrant integration (Jones-Correa and de Graauw, 2013). While undocumented status is technically not a step toward legalization, in reality this status is where some immigrants start or, more significantly, where many find themselves at some point in the legalization process. Increasingly, laws have made it easier to shift from documented to undocumented status but not vice versa, placing many immigrants in undetermined legal statuses that can revert to undocumented status for long, indefinite periods of time (Menjívar, 2006). In consequence, this category is particularly dynamic and fluid.
There are two aspects of the current immigration system that magnify the importance of legal status today and its effects for the prospects of immigrant integration. First, on the legislative side there has been an expansion of temporary legal statuses with indefinite periods of extension as well as long waiting lines and backlogs for applications, particularly those submitted through family reunification, to be reviewed and adjudicated. This means that many immigrants who are legally present (but lack LPR status, see Chapter 2) may spend years, sometimes even decades, in uncertain situations, often lacking access to a range of social benefits. All legal statuses short of citizenship, including LPR, are intentionally designed to be temporary. Many people move through two or more statuses over the course of their lifetimes or even within a few years, although there is currently little data on the scale and length of these transitions (see Chapter 10 for further discussion of data needs and recommendations). Second, on the enforcement side, since the 1980s new strategies have expanded enforcement into the interior of the country, beyond the border with Mexico (Kanstroom, 2007; Massey, 2003).¹ This change heightens the importance of legal status for the daily activities of immigrants who are undocumented or hold temporary permits. More intensive and extensive enforcement strategies mean that individuals with less than permanent status face risk of deportation, and depending on local and state-level laws, they may also find their social rights severely curtailed. In several geographic areas throughout the country, enforcement has expanded to include a variety of public spaces, such as in traffic or on

¹ Although it is still too early to fully measure the impact of the November, 2014 Executive Action replacing Secure Communities with the Priority Enforcement Program, it may substantially reduce the threat of deportation to the majority of undocumented immigrants. The Migration Policy Institute estimates that approximately 13 percent of undocumented immigrants will be considered enforcement priorities under the new program, compared to 27 percent under the previous guidelines (for more details, see Rosenblum, 2015).
public transportation (Armenta, 2012; Ellis et al., 2014; Longazel, 2013; Menjívar and Abrego, 2012; Schmalzbauer, 2014; Steil and Ridgley, 2012), with negative consequences for the daily lives of immigrants, including constraints on the jobs they can secure and their physical mobility (Hagan et al., 2011; Stewart, 2012). Whereas in the past immigrants in less permanent statuses were essentially “Americans in waiting” (Motumura, 2007), today functionally analogous immigrant groups are actively discouraged from putting down roots in the United States (Kanstroom, 2007).

**Consequences for Integration**

Legal status affects immigrants’ opportunities to integrate across a wide variety of social dimensions. As discussed in detail in Chapter 4, only naturalized citizens are allowed to vote and fully participate in the U.S. political system. Legal status also defines access to social services (Capps et al., 2007; Hagan et al., 2003) and to health care (Cummings and Kreiss, 2008; Kandula et al., 2004; Viladich, 2012). Undocumented immigrants and those who are less than permanent residents are ineligible for medical care coverage, except emergency care and childbirth services. Immigrants in undocumented status or some temporary statuses, such as those who fall under Deferred Action for Childhood Arrivals (DACA), are not eligible for health care benefits through the Affordable Care Act² (see Chapter 9). The barriers immigrants face in accessing health care affect their children (Balcazar et al., 2015). Legal status also impacts housing,

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²Throughout this report “Affordable Care Act” is used to refer to the combination of two separate pieces of legislation: the Patient Protection and Affordable Care Act (P.L. 111-148) and the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152).
including ownership (McConnell, 2013; 2015), which has consequences for the
neighborhoods in which immigrants live and the schools their children attend, as well as
for housing conditions and overcrowding (Drever and Blue, 2009; McConnell, 2013;
McConnell and Marcelli, 2007).

Legal status also can restrict access to higher education, with direct implications
for immigrants’ futures. Although all children in the United States, regardless of legal
status, have the constitutional right to primary and secondary education (kindergarten
through 12th grade, abbreviated as “K-12 education”), those in less permanent legal
statuses have limited access to higher education, especially since several states do not
extend to them the benefit of in-state tuition (see Chapter 2). As discussed further in
Chapter 6, undocumented or uncertain legal status can thwart immigrants’ initial
optimism about educational opportunities in the United States, create higher barriers to
social mobility (Hill and Torres, 2010; Menjívar, 2008; Gonzales, 2011), and impinge on
educational attainment (Bean et al., 2011; Bean et al., 2015).

Legal status also dictates the kind of jobs immigrants can obtain and the wages
they can earn (Donato et al., 1992; Donato and Massey, 1993; Donato et al., 2008;
Donato and Sisk, 2012; Massey and Gelatt, 2010; Calavita, 2005; Flippen, 2014; Phillips
and Massey, 1999; Massey et al., 2002; Takei et al., 2009; also see Chapter 6).

Immigrants with post-secondary education or even professional degrees who are
undocumented are often concentrated in low-paid and unstable jobs not commensurate
with their education or experience. This occurs among immigrants who come to the
United States with relatively higher levels of human capital (Menjívar, 2000), as well as
those who acquire skills here (Abrego, 2014). Undocumented status in particular prevents
them from acquiring jobs that are consistent with their expertise and degrees, potentially thwarting paths to socioeconomic mobility. The lack of labor rights associated with temporary visas and insecure legal status also negatively affects the occupational status and wages of immigrants (Gentsch and Massey, 2011).

Finally, all legal statuses short of citizenship are now subject to deportation due to changes in the law that make even LPRs deportable (see Chapter 2). And although most immigrants, even the undocumented, have the potential to “regularize” or legitimize their status and achieve LPR status via marriage, through an employer, or through family petitions, many face significant barriers to adjustment of status, including high fees, language barriers, technicalities about mode of entry and time of arrival, and lack of legal expertise. The complexities of the immigration system may themselves be barriers to integration (see Table 3-2). In this way, legal status channels immigrants’ access to society’s benefits in the immediate future, with direct effects on the life prospects of immigrants and their descendants (Bean et al., 2013, 2015; Massey, 2007, 2013; Marquardt et al., 2011; Menjívar, 2012; Yoshikawa et al., 2013).

**Intersections**

The effects of legal status on integration also vary as status intersects with other social markers, such as gender, age, and national origin. They also differ by geography because states and localities vary in both enforcement practices and restrictions on various social welfare and civic benefits imposed on immigrants (see Chapter 2).
Legal status and gender interact in multiple ways (Salcido and Menjívar, 2012). For instance, 91 percent of deportees are men (Rosenblum and McCabe, 2014). Among Mexican nationals, 92 percent of those deported between 2009-2011 who had lived in the U.S. for more than a year were male, and among these, 72 percent were heads of households (Mexican Migration Monitor, 2012). The gender imbalance in deportation creates female-headed households, disrupting parent-child relationships and increasing the household’s risk of poverty (Dreby, 2012; Enchauteegui, 2013). Meanwhile, spouses of many temporary workers are prevented from accessing employment, a policy that disproportionately affects women. In the workplace, immigrant women who are undocumented face a range of constraints related to the combination of their legal status, entry into low-skill occupations, and work-family conflicts (Flippen, 2014), while men’s wages are disproportionately affected by undocumented status compared with women (Donato et al., 2008). And immigrant women in domestic violence situations have been found to be less likely to report abuse when they are undocumented or in uncertain legal statuses (Bhuyan and Senturia, 2005; Erez and Globokar, 2009; Salcido and Adelman, 2004; Salcido and Menjívar, 2012).

National origin, as it intersects with enforcement practices, matters too. Ninety-one percent of the deported come from only four countries—Mexico, Guatemala, Honduras, and El Salvador—even though nationals from these countries make up just 73 percent of the undocumented population (Rosenblum and McCabe, 2014). In public discourse about immigration, undocumented immigrants are often conflated with Latinos, leading to racial profiling and discrimination that creates even higher barriers to integration (Chavez, 2001; 2007; Stumpf, 2006; and Heyman, 2013).
Generation also matters, as young immigrants (the 1.5-generation, see Chapter 2) who are undocumented face different challenges than their counterparts who arrived as adults (Gleeson and Gonzales, 2012). Legal status constrains the social lives of young immigrants who, because of their status combined with the particular state in which they live, may be unable to obtain driver’s licenses or formal identification documents, which denies them access to adult establishments. Thus, undocumented status affects young immigrants’ socialization into adulthood (Abrego, 2006; Gonzalez and Chavez, 2012; Gleeson and Gonzalez, 2012). These effects vary by state and local residence, as states and localities have some leeway when it comes to administering social welfare programs and limiting employment and educational opportunities for immigrants.

Mixed-Status Families and Consequences for the Second Generation

The effects of legal status on immigrant integration reverberate beyond the individuals who hold these statuses, with consequences beyond the immigrant generation. These effects are particularly felt in mixed-status families where some members are undocumented and some are not (Dreby, 2012; Enriquez, 2015; Rodriguez and Hagan, 2004; Suárez-Orozco et al., 2011; Yoshikawa, 2011).

Mixed-status families take several forms. Many include undocumented parents and U.S.-born citizen children (or children with varied legal statuses). Mixed-status families also include unauthorized spouses of either citizens or LPRs who are barred from legal status because of the 3- and 10-year bars set out in the 1996 IIRIRA for immigrants who entered the country without inspection (Migration Policy Institute,
Mixed-status families arrive at these formations through multiple paths and have varying opportunities to achieve legal status (Suárez-Orozco et al., 2011). Some of these family members are undocumented and have no opportunity to regularize their status; others hold temporary statuses or other dispensations; and others are trapped in the long waiting lines and backlogs of the immigration bureaucracy today.

In 2013, 5.2 million U.S. children resided with at least one undocumented immigrant parent. The vast majority of these children—4.5 million—were U.S.-born citizens, but 775,000 were estimated to have undocumented status themselves (Passel et al., 2014). Children with undocumented parents constitute nearly one-third of all children of immigrant parents and about 8 percent of all U.S.-born children. Thus, their parents’ legal status can and will affect the prospects of a significant proportion of the U.S.-born second generation.

Mixed-status families present a unique opportunity to gauge the effects of legal status on short- and long-term patterns of immigrant incorporation as well as to capture the ripple effects of legal status beyond individuals and into the second generation. Children or spouses who are U.S. citizens or LPRs in these families often mediate between social institutions and their unauthorized relatives: translating documents, accompanying relatives to government offices, interpreting communications, and in general helping with daily life (Orellana et al., 2003; Menjívar, 2000). In this way, the U.S.-citizen and LPR children and spouses in immigrant families play the role of “brokers” by bridging undocumented family members to various key institutions in society and providing a link for eventual integration. Immigrant parents of U.S.-born children may entrust these children with responsibilities and decision making because of
the children’s ability—linguistically and culturally—to deal with institutions, organizations, and communities (Valenzuela, 1999).

Civic engagement and socialization in mixed-status families also “trickles up” from children to parents (Wong and Tseng, 2008); the children connect their parents to political institutions and community organizations, contributing to the parents’ political socialization (Bloemraad and Trost, 2008). In these cases, the children’s involvement beyond the home contributes to a sense of belonging and membership (Solis et al., 2013). By these means, the younger generation develops a sense of citizenship and provides paths for the rest of the family to advance their integration.

However, when parents are undocumented, their U.S.-born children often experience multiple negative effects, which in turn affect incorporation patterns for the second generation (Yoshikawa, 2011). Such negative effects include increased vulnerability of the parents and destabilization of the family (Thronson, 2008), increased risk of living in a one-parent household, and losses in income (Dreby, 2015; Landale et al., 2011). Thus, mixed-status families are also more likely to be impoverished than other families (Fix and Zimmerman, 2001). In addition, parents’ undocumented status exerts substantial and lasting negative effects on their children’s educational attainment (Bean et al., 2015). Even after controlling for measured and unmeasured factors that select into legalization, the adult second generation, Mexican American children whose parents remained undocumented attained 1.25 fewer years of completed schooling than their counterparts whose parents transitioned to a documented status (Bean et al., 2011; Bean
et al., 2015). This substantially diminishes the life chances of higher generation Mexican Americans, because such deficits are intergenerationally transmitted to children.³

Research in the area of child development shows that the legal status of parents also affects the developmental context of U.S.-born children. Parents’ undocumented status is associated with lower levels of cognitive development and educational progress across early and middle childhood (Brabeck and Xu, 2010; Ortega et al., 2009; Yoshikawa, 2011). By adolescence, having an undocumented parent is associated with higher levels of anxiety and depressive symptoms (Potochnick and Perreira, 2010). These detrimental effects may occur through a variety of mechanisms. Parents may not access means-tested programs for their citizen children due to concerns about showing proof of earnings, which might identify their employers. In addition, fear of deportation can produce higher levels of chronic stress. Undocumented parents, relative to their documented low-income counterparts, experience worse job conditions and live in more-crowded housing conditions, both of which can translate into higher parental psychological distress and diminished learning opportunities for the children, such as subsidies for quality child care (Yoshikawa, 2011, Yoshikawa and Kalil, 2011).

Research suggests that the psychological trauma that some children in these families have experienced will be long lasting (Raymond-Flesch et al., 2014; Zayas, 2015), with the potential to alter these U.S. citizens’ perceptions of who they are and their place in U.S. society (Menjívar and Lakhani, n.d.; Santos and Menjívar, 2013). Long-term effects can include decreased American identity on the part of children who live in

³These deficits also dampen third-generation educational attainment, although research has not yet estimated the magnitude of this penalty because data on the migration status of the grandparents of the Mexican American third generation have heretofore not been collected.
contexts of heightened fear of deportations (Enchautegui and Menjívar, 2015; Santos and Menjívar, 2013). Despite the rights that come with birthright citizenship, U.S.-born children’s opportunities are mediated and may be restricted by their parent’s legal status (Yoshikawa, 2011).

In addition, the 774,000 minors who are undocumented face particular risks in both the short and long terms (Passel et al., 2014). As they pass through middle childhood and adolescence, they usually become aware of their undocumented status and its implications for their current or future educational and employment prospects (Gonzales, 2011). This process of “learning to be illegal” has implications for psychological well-being, as some youth hide their status from peers, reduce their educational effort, and isolate themselves. And in families where children have different legal statuses, inequalities in rights and benefits may exacerbate discrepancies between siblings over the life course (Menjívar and Abrego, 2009).

These effects are not confined to just children in mixed-status families. Research has found that the implications of marriage to an undocumented immigrant for U.S.-citizen spouses and partners are direct and profound, as it can undermine certain social rights (e.g., the right to a family) that come with U.S. citizenship (Lopez, 2015; Schueths, 2012). The fear of deportation itself can reverberate to other family members who risk losing a close family member, with effects on perceptions of and relations with law enforcement agencies generally (Hacker et al., 2011). Although the research on mixed-status families is still relatively limited, indications from research in key areas that shape immigrant integration point to cumulative disadvantages that can negatively impact the
integration of future generations descending from mixed-status families (O’Leary and Sanchez, 2011).

PERMANENT STATUSES

There are currently only two “permanent” legal statuses for immigrants: naturalized citizenship and lawful permanent resident (LPR). Naturalization is often viewed as the end point of integration: the moment when an immigrant takes on the (nearly) full rights and responsibilities of being an American. Lawful permanent residence grants immigrants many social benefits and a pathway to naturalization, but has much more limited rights. And while LPR status is intended as a way station to citizenship, in actuality many people remain in that status for extended periods of time, impeding their political integration (see Chapter 4). Below the panel discusses ways in which naturalized and LPR statuses potentially aid or impede immigrant integration; we also describe refugee and asylee statuses, both of which have a clear pathway to lawful permanent residence and are the focus of unique integration efforts by the federal government.

Naturalized Citizenship

In 2013, 779,929 people became naturalized citizens, a decline from the historical high point of 1,046,539 naturalizations in 2008. But in general the number of naturalizations has increased steadily since the 1990s (Figure 3-2). An LPR wishing to
apply for naturalization can do so after 5 years in LPR status (3 years if married to a U.S. citizen) or after serving in the U.S. Armed Forces (for further details see Table 3-2). The demographics of naturalized citizens have changed considerably since 1970. Prior to that decade, the majority of naturalized citizens were born in European countries, reflecting the earlier waves of immigration. After 1970, the origin of new citizens shifted to Asia and Latin America (Table 3-3). There are currently 18.7 million naturalized citizens living in the United States. About a third of newly naturalized citizens are from Asia, and another third are from North America (which includes Mexico) (Figure 3-3). The average naturalizing citizen is a married woman between the ages of 25 and 44 (see Lee and Forman, 2014).

With a few exceptions, naturalization extends rights similar to those obtained through citizenship by birth (for more details see Chapter 4). Citizens enjoy protection from deportation and have full access to social welfare benefits, creating stability and enhancing integration opportunities for both naturalized immigrants and their families (Table 3-1). Overall, 61 percent of eligible immigrants naturalize, although there is significant variation by region of origin (Gonzalez-Barrera et al., 2013). The panel discusses patterns of naturalization and potential explanations for disparate naturalization rates in detail in Chapter 4, but it is worth noting here is that if naturalization is a major marker of successful integration, these variations suggest that some groups are integrating more quickly than others.

Lawful Permanent Residence
LPR status grants indefinite legal residence to foreign-born individuals who have met a set of requirements. An applicant can become an LPR, or receive a “green card” in common parlance, via an assortment of family-based categories, employment-based categories, through diversity visas, or after adjusting from refugee or asylee status (Figure 3-4, Table 3-2). LPR status can be issued to those residing outside the United States or to individuals already in the United States who are seeking to adjust their status; the latter are sometimes referred to as “adjustees” (Jasso, 2011).

The number of LPRs in the United States has generally grown since World War II, with some yearly variation and an enormous spike in the 1990s, the direct result of the one-time legalization opportunity offered under the 1986 Immigration Reform and Control Act (see Chapter 2). There are 13.1 million lawful permanent residents living in the U.S., and around 1 million people currently become LPRs every year (Figure 3-5). Over 40 percent of new LPRs in 2013 were from Asia, and nearly 32 percent were from North America (Figure 3-6).

Lawful permanent residence is the most stable legal status short of U.S. citizenship. LPRs have work authorization, are eligible for some public benefits, and can sponsor their spouses or unmarried children for permanent residence. LPR status therefore allows immigrants to put down more-permanent roots in the United States, potentially aiding their integration. And since adjustees make up the majority of new LPRs, a large portion of those receiving their “green card” have already begun the integration process (Martin and Yankay, 2014).

LPR status also provides a path to citizenship and political integration. Although LPRs cannot vote in elections that require voters to be U.S. citizens (e.g., they cannot
vote in federal or state elections), there are a few jurisdictions in the country that allow
LPRs to vote in local elections. They cannot run for political office but can and do
participate in political life (see Chapter 4). They can own property and travel any time,
but cannot be absent from the country for extended periods of time or relocate to another
country to live there permanently without risking the loss of their LPR status. These
requirements are conducive to permanent residence and integration (Aptekar 2015).

However, since the IIRIRA passed in 1996, individuals with LPR status can be
placed in removal proceedings if they are convicted of an “aggravated felony” (see
Chapter 2), controlled substance violations (with the exception of possessing less than 30
grams of marijuana), certain firearm offenses, domestic violence, or two crimes involving
moral turpitude. They may also face removal proceedings if they engage in document or
marriage fraud, human trafficking, falsely claim U.S. citizenship, or violate laws relating
to espionage, among other crimes. Thus, although lawful permanent residence is a
“permanent” status, there are several exceptions today that make this status less
permanent than it used to be.

In 1996 legislation also significantly limited LPRs’ access to benefits (see
Chapter 2). Since 1996, LPRs must wait 5 years to become eligible for Medicaid, food
stamps, Supplemental Security Income, and the State Children’s Health Insurance
Program. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996
also reduced food stamp allotments for mixed-status households, thus increasing food
insecurity for U.S-citizen children living in mixed-status families (Van Hook and
Balistreri, 2006). Some of these benefits have since been restored, but several portions of
the laws remain in place, and many adult immigrants continue to be ineligible for federal assistance programs.4

Moreover, the IIRIRA further instituted mechanisms that have limited the access of immigrant-sponsored relatives to public assistance. A U.S. citizen or LPR petitioning for a close family member (through family-based visas) must agree to support that person until he or she becomes a U.S. citizen or can be credited with 40 quarters of work (usually 10 years), and the petitioner must sign a legally enforceable affidavit of support that shows the petitioner has an income of at least 125 percent of the federal poverty level.5 This requirement is intended to ensure that the sponsor will have enough resources to provide for the sponsored individual so that the individual will not become a public charge (Espenshade et al., 1997). It also makes it more difficult for low-income immigrants to sponsor relatives, delaying family reunification and/or contributing to more mixed-status families (Fix and Zimmerman, 2001).

These changes in access to social welfare benefits and in sponsorship requirements make it more difficult for immigrants with lower socioeconomic status to bring their family members to the United States and to access assistance if they subsequently experience unemployment or low wages. Delayed family reunification and the lack of a social safety net make even LPRs’ prospects for full integration more difficult (Enchautegi and Menjivar, 2015).

4In 2013, 16.7 percent of noncitizens (meaning immigrants who are eligible but have not naturalized) received Medicaid and 16.2 percent received food stamps. Overall, the proportion of noncitizens versus native-born receiving this type of assistance has barely changed since 1995: only 6.8 percent of all persons receiving Medicaid in 2013 were noncitizens (compared to 6.5 percent in 1995), and only 8.7 percent of those receiving food stamps in 2013 were noncitizens (Wasem, 2014). This suggests that concerns about immigrants disproportionately using social welfare services may be misplaced. 5http://www.uscis.gov/green-card/green-card-processes-and-procedures/affidavit-support
Refugee and Asylum

Since 1948 the United States has provided relief for persons seeking refuge from persecution abroad. Today, two programs grant this relief: the refugee program grants entry to persons currently outside the United States, while those already within U.S. borders can apply for asylum (see Table 3-2). Each year the President, in consultation with Congress, sets a limit for refugee admissions, generally between 70,000 and 80,000. However, the actual number admitted has fluctuated depending on the international and national political climate (Bruno, 2014). Refugee slots are also allotted regionally to ensure diversity; however, there are marked geographic concentrations. There is no cap on asylum approvals. Except for Cubans, groups of Latin American origin rarely receive either refugee or asylee status, regardless of conditions in the country of origin. By contrast, the 1966 Cuban Adjustment Act allows any Cuban national who arrives on U.S. soil to adjust to LPR status after one year.

Large number of refugees entered the United States in the 1970s and 1980s as a consequence of the Vietnam War and humanitarian emergencies worldwide. However, since 1990 the number of refugees entering the United States each year has shrunk considerably as the program added diversity quotas and reached a low point after 2001, in part due to changes in security procedures and admissions requirements and to changes in the national mood after the September 11, 2001, terrorist attacks (“9/11”) (Bruno, 2015; Martin and Yankay, 2014). The number of people granted asylum has also fluctuated over the years, falling from a historical high of more than 39,00 in 2001 to around 25,000 to 29,000 in recent years (Figure 3-7). The regions from which most refugees originate
have changed considerably since 1990, when the largest number came from Europe.

Today, most refugees and asylees are from Asia and Africa. Notably, immigrants originating in Latin America do not rank prominently in these visa allocations (see Figure 3-8).

Refugees and asylees can receive assistance via the Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services, as the federal government assumes responsibility for their well-being (see Chapter 2). This is the only affirmative integration program at the federal level. ORR services include cash assistance, medical evaluations and healthcare assistance, assistance with accessing social welfare benefits, and assistance finding employment and setting up small businesses. Many of these programs are funded by ORR but run in partnership with states and localities.

Refugees approved for admission also receive assistance through the Department of State’s Reception and Placement Program; this assistance includes rent, food, and clothing, as well as contacts with organizations that help them locate employment and obtain language skills. These organizations, usually composed of co-ethnics, mediate between the federal government and the refugees to provide refugees with a resettlement infrastructure familiar to them. Assistance beyond the first few months is coordinated between the federal government and the states where the refugees settle; it provides long-term cash and medical assistance, employment (they receive employment authorization upon arrival), and social services.

There is a clear path to U.S. citizenship for refugees and asylees and a somewhat shortened time frame for naturalization. However, as with all categories short of
naturalized U.S. citizen, refugees and asylees have no “right to remain.” Refugees and asylees are subject to many of the same grounds of inadmissibility and removability as other noncitizen immigrants and can be subject to removal proceedings for criminal convictions and other violations, including immigration fraud.

Although refugees and asylees receive the most direct integrative assistance, they face the same potential barriers to integration as immigrants in other legal statuses (Portes and Zhou, 1993). For instance, many are Black or Muslim (or both) and therefore may face discriminatory attitudes and may be stigmatized for outward demonstrations of their faith (McBrien, 2005). In addition, many refugees and asylees are fleeing violence and may have been forcibly separated from their homes. “Acute” refugees who flee suddenly with little preparation likely have very little in terms of material wealth and may have been separated from family members (Kunz, 1973). Acute refugees also generally have lower levels of education and skills than voluntary migrants (Zhou, 2001). And settlement of refugee populations in new gateway cities can strain local resources and create tensions with native-born populations (Singer and Wilson, 2007).

TEMPORARY STATUSES

The United States has a variety of temporary “nonimmigrant” statuses, some of which have clearly established pathways to lawful permanent residence but the majority

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6The panel does not offer detailed descriptions of every possible legal status in the immigration system because many categories apply to only a small number of individuals and there is little to no data about how these legal statuses impact integration. Instead the analysis focuses on the largest and most politically prominent categories, for which data about integration are available. For a full list of legal statuses and a short statement about their pathways to citizenship, see Table 3-2.
of which lack a clear regulatory pathway to permanent residence and citizenship. In addition, even statuses with a clear regulatory pathway often face long visa backlogs that make it difficult to predict when (or if, since they generally face restrictions on length of stay) they will be able to adjust their status to LPR (Menjívar, 2006). This section begins by discussing temporary statuses based on employment and education, including H-1B specialty workers, H-2A agricultural workers, and international students. It then discusses Temporary Protected Status (TPS), a category that is intended to provide short-term relief to people escaping civil strife or natural disasters in their countries or origin but instead has become a long-term legal limbo for thousands of immigrants from Central America.

H-1B Temporary Worker

The most well-known employment-based nonimmigrant visa is the H-1B. The program was created in 1990 and has a ceiling quota of 65,000 new visas annually, with no cap on renewals or changes of employer (for details, see Table 3-2). An advanced-degree exemption allows for an additional 20,000 new visas to be issued each fiscal year. Over the past 15 years, demand for H-1B visas has far outstripped supply (with the exception of 2001 to 2003, when the cap on new visas was temporarily raised to 195,000); in 2015, U.S. Citizenship and Immigration Services (USCIS) received nearly 233,000 applications for new visas in fiscal 2016 and reached the cap a few days after filing season began. USCIS has created a lottery system to deal with the excess of annual applications for new H-1B visas.
In 2013, 474,355 nonimmigrants were “admitted” to the country via an H-1B visa (most were H-1B visa holders already present in the United States) (Figure 3-7). These numbers include both new H-1Bs subject to the annual caps, and renewals. The typical H1B visa holder is a college educated male from India who works in STEM fields (O’Brien, 2013; for further details see USCIS, 2015). The H-1B visa is a “dual intent” visa, meaning it provides the opportunity for the highly skilled workers who hold them to regularize their status to LPR, provided that their employer has the ability and willingness to sponsor them. These are well-educated workers who are already trained in areas that complement the U.S. workforce and are deemed of special import for the economic future of the country (many H-1B workers were international students who attended U.S. universities). And even when H-1B visa holders have the same level of training as native-born professionals in the same field, the knowledge of a particular technological process or research area that an H-1B visa holder brings can be very different; they thus can contribute knowledge as collaborators rather than solely as competitors (Regets, 2007). Although further research is needed on these workers, the human capital they bring with them, combined with their strong connections to the U.S. labor market, likely aids their integration into U.S. society.

But while H-1B visa holders may benefit from potential LPR regularization through an employer, this is not a sure outcome. The long backlogs in the processing of applications and the per-country caps create bottlenecks in applications for lawful

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7Exacerbating the gender imbalance in H1B visas, until recently spouses of H-1B visa holders were not issued work permits. New USCIS rules indicate that effective May 26, 2015, holders of H-4 visas (dependent spouses of H-1B visa holders) are allowed to apply for work permits if their H-1B spouses have reached certain milestones in the LPR process. See http://www.uscis.gov/news/dhs-extends-eligibility-employment-authorization-certain-h-4-dependent-spouses-h-1b-nonimmigrants-seeking-employment-based-lawful-permanent-residence [August, 2015].
permanent residence, even as visa holders face a 6-year restriction on the length of time they can remain in this status. In addition, dependence on employer sponsorship can pose obstacles for those who want to apply for LPR status. Unfortunately USCIS does not track the number of H-1Bs who adjust to LPR, either via their employer or by other routes such as marriage to a U.S. citizen. The number who remain in the United States and the extent to which they and their families do successfully integrate is still an open question and additional research needs to be done on how these highly valued workers and their families are integrating.

Agricultural Worker (H-2A)

The United States has a wide variety of temporary employment-based visas with no clear regulatory pathway to lawful permanent residence. Although users of these visas may eventually adjust their status to other categories, and the existence of these categories indicates economic need for these workers, applicants for these visas are not permitted to express intent to permanently immigrate. These categories include H-2A agricultural workers; H-2B nonagricultural workers; O-visa performers, athletes, and academics; and TN NAFTA professionals from Mexico and Canada (see Table 3-2).

The largest and most prominent category in this set are the H-2A agricultural workers. The number of H-2A workers has skyrocketed since the mid-2000s (Figure 3-9). The vast majority are low-skilled migrant workers from Mexico who work in the fruit and vegetable industry. Most H-2A workers are male, are over the age of 25, and have
low levels of education. And although net immigration rates from Mexico (in-migrants minus out-migrants) dropped to zero during the Great Recession, entries of Mexican temporary workers on H-1 and particularly H-2 visas have continued to increase (Massey, 2012).

H-2A visas holders have no clear path to LPR or citizenship through their employment, are not eligible for most federal programs or state benefits, and have no legal right to remain in the country once their contracts expire. Overall, H-2A workers are encouraged to make their stays temporary and discouraged from putting down roots and integrating. However, many may settle in the United States anyway. Although some may shift their statuses via family ties or other forms of employment with clearer pathways to permanent residence, others may become “undocumented” visa overstayers if they do not leave the country when their visas (and contracts) expire. These visas may therefore be transitional statuses on pathways that provide more opportunities or higher barriers to integration, and further research on this status is warranted.

International Student

International students are an increasingly important part of the “nonimmigrant” population in the United States, both because their numbers are growing rapidly (Figure 3-10) and because they are a key source of highly skilled labor in the United States. Student visas holders are not allowed to declare “dual intent” when they apply for visas,
but despite this limitation, they have a well-traveled indirect path to other statuses, including H-1B and LPR (Ruiz, 2014).

In 2013, the United States admitted over 1.5 million foreign students, including undergraduate, graduate and vocational students. International students make up over 4 percent of all undergraduate and graduate students in the U.S. Almost 60 percent of all international students come from just five countries, and one-fourth come from China alone, although students arrive from every region of the world (Figure 3-11; for further details on international students see Ruiz, 2014).

Although foreign student visas do not have a direct path to LPR or citizenship, foreign students can seek temporary work authorization, can do a practicum in their field for up to 29 months after graduation, or can apply for H-1B visas, which can lead to employment-based LPR regularization opportunities. They can also seek LPR status through family-sponsored visas. Foreign students are self-selected for higher education and skills, which are positively correlated with integration. And foreign students’ method of entry into the United States funnels them through a key integrating institution: schools of higher education. When and if foreign students graduate they are usually proficient in English (if they weren’t before); are trained to fill skilled positions in the U.S. labor force, often in STEM fields; are better acculturated to American social norms than their peers who were not educated in the United States; and may have formed intimate relationships with native-born students (see Chapter 8).

However, as with other temporary visas, foreign students are not eligible for federal benefits or state assistance, and if they apply for an H-1B visa, they face the same

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cap and lottery as other applicants. Foreign students also must remain enrolled in accredited educational institutions for the duration of their status, and when their visas expire they must either leave the country when their visa expires or risk falling out of status as visa overstayers. While international students enjoy several potential pathways to permanent status, they face the same barriers to social benefits and lack of stability as other temporary visa holders. And like all immigrants who are not naturalized citizens, they enjoy no “right to remain.” There is currently little data on international students’ integration, but as their numbers continue to grow, further research on these individuals would provide scholars, policymakers, and colleges and universities with valuable information about how this status interacts with immigrant integration.

**Temporary Protected Status**

Temporary Protected Status (TPS) is designed to address the shortcomings of refugee law, as TPS extends protection to some groups not covered under the conventional definition of refugees (see Chapter 2). TPS confers a work permit and allows recipients to work and live in the United States for a renewable period of 18 months. This dispensation was initially offered to immigrants from El Salvador in 1990. At the time, an estimated half-million Salvadorans were already residing in the United States with undocumented status after fleeing a violent civil war. The designation was extended through Deferred Enforced Departure and then terminated in 1994, but El Salvador was designated for TPS again in 2001 after devastating earthquakes in that country. Some countries have had continuous designation for many years; for instance,
Somalia has been designated for TPS continuously since 1991. These immigrants must renew their permits every 18 months for a fee, and renewal deadlines vary by country.

In 2015, 11 countries were covered by TPS: 6 in Africa, 3 in Central America, one in the Caribbean, and one in the Middle East. An estimated 340,310 beneficiaries of TPS resided in the United States in 2014, and the vast majority were from El Salvador (Figure 3-12) (Messick and Bergeron, 2014). USCIS does not publish numbers and characteristics of TPS beneficiaries as it does for other statuses, so additional demographics for this population are unavailable.

TPS aids immigrant integration by giving immigrants who would otherwise be undocumented a legal presence in the country, which affords them certain rights. TPS removes at least the immediate threat of deportation and grants recipients work authorization, making it easier to access legal employment and potentially better wages (Orrenius and Zavodny, 2014). However, aside from access to legal employment and a stay of deportation, most TPS holders have very limited rights—no more than those of immigrants in undocumented status.\(^{10}\)

Although TPS seems to provide better economic opportunities for those who would otherwise be undocumented (Orrenius and Zavodny, 2014), the liminal legality of many Central Americans under TPS also constitutes a serious barrier to socioeconomic mobility and long-term integration (Menjivar, 2006). Furthermore, persons with TPS cannot petition for legal status for their family members, which serves as an additional

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\(^{10}\)In 2013, the Sixth Circuit Court of Appeals, which covers parts of Kentucky, Michigan, Ohio, and Tennessee, found that immigrants with TPS who are immediate relatives of U.S. citizens can adjust their status to lawful permanent residence (*Flores, et al. v. USCIS*). A district court in Washington State made a similar determination in 2014. If policy changes are enacted in response to these court rulings allowing TPS holders in these districts to adjust their status, it would create an important geographic variation in the integrative prospects of TPS holders.
reminder that the U.S. government considers them temporary visitors rather than permanent migrants, and has the potential to restructure family composition in the long term (Enchautegui and Menjívar, 2015). Thus TPS confers partial inclusion while simultaneously affirming (with periodic reminders) that this status is temporary and partial.

DISCRETIONARY STATUSES

As described in Chapter 2, various presidential administrations since 1990 have created lawful statuses via executive discretion. Because these statuses are not created by legislation, they are subject to the discretion of the Executive, making them inherently unstable because the programs can be canceled at any time. They also do not provide any established regulatory pathway to lawful permanent residence. However, they do provide the right to work legally in the United States and some protection from deportation. The newest and largest status (in terms of eligible population) in this category is DACA.\textsuperscript{11}

Below, the panel describes the demographics of persons in the United States with this status and the aids and barriers to their integration.

Deferred Action for Childhood Arrivals

\textsuperscript{11}In a November 2014 executive action, President Obama also created Deferred Action for Parental Accountability for parents of U.S. citizens and LPRs. The Migration Policy Institute (2014) estimates that as many as 3.7 million parents may be eligible for the program. In February 2015, a federal district court in Texas issued an injunction against implementation of the program, and at the time of this report the program remains in legal limbo.
Since 2001 Congress has repeatedly considered and then failed to pass various versions of the DREAM Act (Development, Relief, and Education for Alien Minors), a legislative effort to provide legal status for undocumented persons who were brought to the United States as children and who meet certain educational and other criteria. In June 2012, President Obama announced an executive action that provided relief from deportation and granted temporary work authorization for undocumented immigrants in this category (see Table 3-2 for details). The President updated and slightly expanded the program in a November 2014 executive action, although as of February 2015 these changes were blocked by a federal judge.

When President Obama announced the June 2012 executive action, an estimated 1.165 million people were immediately eligible to apply for DACA (Batalova et al., 2014). By March 2015, almost 750,000 had applied, 64 percent of the estimated eligible population. The approval rate for DACA is almost 90 percent. Notably, Latin American youth have been far more likely to apply for DACA than any other group, and three-fourths of all DACA applicants were born in Mexico (Singer et al., 2015). Although an estimated 10 percent of DACA-eligible persons are from Asia, they account for only 4

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12Estimates of the population immediately eligible for DACA are drawn from the most recent U.S. Census American Community Survey (ACS) for 2013, with immigration status assigned based on responses to another national survey, the 2008 Survey of Income and Program Participation (SIPP). The estimates have the same sampling and coverage errors as any other survey-based estimates that rely on ACS and other Census Bureau data. The Migration Policy Institute’s estimates also use commonly accepted benchmarks from other research studies to determine the size of the unauthorized population and response rates to surveys. For more detail on the methodology, see DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action from the Migration Policy Institute in 2014.


14The high approval rates for DACA applicants may reflect the fact that applicants are self-selected. See Singer et al. (2015) for information on what factors motivate and hinder DACA eligible individuals to apply.
percent of applicants (Figure 3-13). Women are more likely to apply for DACA than
men, and the vast majority of applicants are low-income (for further details on the DACA
eligible population and applicants, see Batalova, et al., 2014; Singer et al., 2015).

In some ways, DACA status parallels TPS (it even uses a similar application form
and confers status for a similar length of time), as it provides temporary relief to a subset
of the undocumented population but without a path to lawful permanent residence. The
aids and barriers to integration that DACA recipients face are therefore similar to those
who hold TPS, although DACA is an even more fragile status because it has no
regulatory authorization from Congress, an issue made clear in the recent challenges to
President Obama’s November 2014 extensions of DACA.

Like TPS, DACA status may aid integration by granting immigrants legal
presence in the United States, which affords them certain rights and protections. Indeed,
comparisons of application rates by state suggest that the extra protections DACA affords
is a motivating factor for applying. For instance, Arizona, North Carolina, and Texas—all
states with restrictive measures against undocumented immigrants—have a higher share
of applicants in their estimated eligible populations than do California, Illinois, and New
York, which are states with more welcoming political climates (Batalova et al., 2014;
Singer et al., 2015). DACA removes the immediate threat of deportation and grants
recipients work authorization, making it easier to access legal employment and better
wages (Gonzalez and Bautista-Chavez, 2014). DACA status is also indirectly but
strongly associated with a higher sense of national belonging (Wong and Valdivia, 2014;
Teranishi et al., 2015) and civic participation (Wong and Valdivia, 2014).
Because attaining DACA status is directly linked to allowing its recipients to work, receipt of DACA leads most directly to a number of work-related benefits such as obtaining a first job or a better one (Wong and Valdivia, 2014), as well as higher earnings (Gonzales et al., 2014; Teranishi et al., 2015). Other benefits include obtaining health care through employment, more stability in transportation and housing, and greater participation in college activities (Gonzales et al., 2014; Raymond-Flesch, et al., 2014; Teranishi et al., 2015). Early research therefore suggests that DACA can have a positive impact on immigrant integration.

However, there are important limits to DACA’s integrative potential. First, this status is limited to undocumented people who are below a certain age and arrived within a particular time period. The educational requirement also limits its scope, especially since being undocumented poses significant challenges to educational attainment. Early research suggests that undocumented youth who do not meet the education requirements have more limited English skills, lower incomes, and are more likely to be in the labor force (Batalova et al., 2013). In addition, applicants must reapply every 2 years, highlighting the temporary nature of this status, which has no pathway to LPR status and citizenship. Also important, it is unclear whether future administrations will continue the program or if any future immigration reform by Congress will make provisions for this population. And some eligible youth are not applying for DACA because they are worried about providing their information to the government and are holding out for comprehensive immigration reform that might offer better protections against deportation (Gonzalez and Bautista-Chavez, 2014).
DACA-eligible youth almost inevitably come from mixed-status families because most were brought to the United States by undocumented parents. Although DACA offers them some form of legal status, their family members continue to face deportation and limited opportunities. This ongoing instability and the constant fear of deportation for ineligible family members may further limit the integrative possibilities of this status.

**UNDOCUMENTED IMMIGRANTS**

The undocumented category is technically not a “legal” category but is indirectly established by immigration law as it creates categories of admission. As discussed in Chapter 1, the number of undocumented immigrants began to increase after the 1965 amendments to the Immigration and Nationality Act of 1952, which restricted immigration from Latin America. Between 1990 and 2007, the number of undocumented immigrants living in the United States tripled but then stalled and declined slightly, perhaps as a result of the Great Recession (Figure 1-17 in Chapter 1). Although the majority of the undocumented are from Mexico and the popular stereotype is of migrants sneaking across the Southern Border, this category is composed of all individuals who entered the country without inspection, as well as visa overstayers; it thus includes people from every region of the world (Figure 3-14).

The integrative prospects of undocumented immigrants tend to vary by geographic location, as discussed further in Chapter 5. As noted in Chapter 2, some states and municipalities grant the undocumented limited access to public assistance. As of early 2015, California, Colorado, Connecticut, the District of Columbia, Illinois, Maryland, Nevada, New Mexico, Utah, Vermont, Washington, offer access to driver’s
licenses regardless of legal status. Furthermore, California, Colorado, Connecticut, Illinois Kansas, Maryland, Minnesota, Nebraska, New Mexico, New Jersey, New York, Oregon, Texas, Utah, Washington, and Wisconsin have statutes that condition eligibility for in-state tuition to attend college or university on attending and graduating from high school in the state, thus allowing students who cannot provide proof of citizenship or legal residence to claim this education benefit. Importantly, regardless of state of residence, undocumented children have a constitutional right to K-12 education as stipulated by Plyler v. Doe 457 U.S. 202 (1982).

The undocumented face unique barriers to integration, as by definition they are excluded from direct pathways to legalization. Perhaps the most important is the constant fear of deportation. Deportations have skyrocketed, especially after the IIRIRA passed in 1996 (National Research Council, 2011, p. 52; also see Figure 2-1 in Chapter 2). In 2013 the United States deported more than 438,000 people.

The majority of undocumented workers are confined to low-wage occupations either because of their lower human capital or because their status makes it difficult to find jobs commensurate with their skills and education or keeps them from accessing educational opportunities. This puts undocumented workers at unique risk for labor violations by employers (Bernhardt et al., 2013, p. 725). A 2008 survey of low-wage workers in Chicago, Los Angeles, and New York indicated that 31 percent of immigrant workers experienced a violation of minimum-wage laws compared with only 16 percent among native-born workers; among the undocumented the figure was 37 percent compared with 21 percent among those with work authorization (Bernhardt et al., 2009).
Another survey of immigrant workers in New Orleans found that 41 percent had experienced wage theft by those who presumably had hired them (Fussell, 2011).

Undocumented immigrants are also subjected to hostility from the American public at large and to racial profiling by authorities, which makes their integration much more difficult. For instance, the rise of anti-immigrant sentiment and intensification of immigration enforcement appear to be taking a toll on the health of undocumented Mexican migrants, who are positively selected for good health when they leave for the United States but display worse health than otherwise similar nonmigrants when they return (Ullmann et al., 2011; Barcellos et al., 2014). In addition, there is a strong connection between anti-immigrant sentiment and the level of Hispanic segregation and neighborhood isolation across metropolitan areas (Rugh and Massey, 2014). And Hall and Stringfield (2014) showed that segregation of Hispanics from non-Hispanic white Americans rises as the estimated prevalence of undocumented migrants in the population increases.

**Undocumented Status and “Crimmigration”**

Undocumented immigrants are often called “illegal aliens” and many, if not most, Americans believe that it is a crime to reside in the United States as an undocumented immigrant. Yet the law is much more complex. Currently it is a civil matter to overstay a visa, a misdemeanor to illegally enter the country, and a felony to re-enter the country after having been previously caught here illegally and deported. While many people describe the process of expelling people from the United States as “deportations,” the legal term is “removal.” The Supreme Court ruled in 1893 in *Fong Yue Ting vs. United*
Therefore undocumented immigrants who are deported do not have “criminal” trials but rather “administrative hearings,” and they are not allowed the protections of U.S. criminal law: the right to a lawyer, the right to a warrant before the police can search them, or other aspects of due process.

Thus, the 40+ percent of the undocumented who overstayed their visas did not thereby actually commit a crime. And among those who do cross the border illegally, most are not charged with a criminal offense; instead they are offered voluntary departure, which does not create a criminal record (National Research Council, 2011).

These are usually people found within 100 miles of the Mexican border who “voluntarily” agree to be taken back over the border and are released with no further sanctions or charges. They do not see an immigration judge, and the decision to remove them comes from Department of Homeland Security (DHS) personnel. In other cases, undocumented immigrants are ordered removed by DHS personnel (accelerated removal) or can be detained and then see an immigration judge who issues a removal ruling (standard formal removal). This creates a record of removal, which has serious implications if immigrants are apprehended crossing the border again. “Unlawful re-entry” after removal is now categorized as a felony offense, expanding the criminalization of undocumented immigrants.

The passage of the IIRIRA and the Antiterrorism and Effective Death Penalty Act in 1996 greatly expanded the list of deportable crimes, as well as expanding the authority of state and local police to enforce federal immigration policies. More recently, the Secure Communities program made it easier for local and state police to communicate
about arrestees’ immigration status with the federal government (discussed in Chapter 2).

Consequently there has been a large increase in the detention of undocumented people, deportations and removals, and the general "criminalization" of undocumented status (Gladstein et al., 2005; Douglas and Sáenz, 2013).

On an average day, U.S. federal deportation authorities now hold in custody over 33,000 noncitizens and manage more than 1.71 million people in various stages of immigration removal proceedings (U.S. Department of Homeland Security, 2012). Nearly 400,000 individuals are deported annually, double the rate of a decade ago (Simanski, 2014). These numbers represent some of the largest numbers of deportations or removals in the history of the United States.

Immigration and Customs Enforcement does not exercise direct control over most of the noncitizens in its custody. Rather, it contracts with local jails and state and private prisons, which hold approximately 84 percent of its detainees (Amnesty International, 2007). This growth in detentions in prisons and in other facilities includes many people with no criminal records. A recent study using Immigration and Customs Enforcement data found that 58 percent of the 32,000 detainees in custody as of January 29, 2009, did not have any criminal record. Four hundred people who had no criminal record had been held for over a year’s time (Kerwin and Lin, 2009). Those who had committed crimes had often been found guilty of relatively minor crimes such as traffic-related violations (13 percent) and immigration-related offenses (6 percent)” (Kerwin and Lin, 2009). The most common criminal conviction was driving under the influence of alcohol.

Nevertheless, these detainees were primarily held in facilities designed for people who
have committed serious crimes: 70 percent were in state and local prisons, while only 27 percent were in contract detention facilities or service processing centers.\(^\text{15}\)

The significant increase in detentions and deportations of undocumented immigrants has profound effects on these immigrants’ ability to integrate, and in many ways that is the intended effect. Yet the number of undocumented immigrants in the United States continued to soar after 1996 and only fell (slightly) in response to the economic deprivations of the Great Recession.

**Attitudes towards Undocumented Immigrants**

An important aspect of the context of reception for undocumented immigrants that affects their integration prospects is the attitude of the native-born toward them. While Americans have generally preferred to decrease the number of immigrants coming to the United States, they have also tended to resist mass deportation as the solution to the problem of undocumented immigration. For example, in the *CBS/New York Times Poll* in 2006 and 2007, the proportion favoring a pathway to legal status for undocumented immigrants was consistent at around 62 percent,\(^\text{16}\) while the proportion favoring deportation was considerably lower, at around 33 percent.\(^\text{17}\) In later years nearly one-half

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\(^\text{15}\)The remaining 5 percent were in federal prisons or in “soft” detention centers such as medical centers (Kerwin and Lin, 2009).


supported a pathway to citizenship, while less than a third of respondents preferred deportation while (see Chapter 2).

Despite the often negative rhetoric surrounding undocumented immigration, there is some public support both for more lenient and more punitive actions toward the undocumented. Support for President Obama’s executive action on DACA ranged from 41 percent to 54 percent in 2015, depending on how the question was worded. Yet support for tougher laws such as Arizona’s Support our Law Enforcement and Safe Neighborhoods Act was at 69 percent in 2010.

Majorities of both Latino and Asian Americans agree that granting legal status to undocumented immigrants would strengthen the U.S. economy and improve the lives of undocumented immigrants, and support for a pathway to citizenship among Asian Americans increased significantly between 2008 and 2012 (National Asian American Survey, 2013). Yet majorities of these groups are also concerned that granting legal status might lead to more undocumented immigration and would reward illegal behavior (Lopez et al, 2013, p. 3).

Perhaps not surprisingly, the issue of unauthorized immigration is far more personal for Latinos than for Asian Americans. The Pew Research Center found that 46 percent of Hispanics report that they are much more likely to fear that a family member or a close friend would be deported, compared to 16 percent of Asian Americans. The


19This Arizona law is often called “SB 1070.” Source: http://www.cbsnews.com/htdocs/pdf/CBSNYTPoll_health_care_060712.pdf [August, 2015].
contrast is even more stark among the foreign-born from these two regions of origin: 59 percent of Latino immigrants expressed this fear, compared to only 18 percent of foreign-born Asian Americans (Lopez et al., 2013 p. 2). Still, there is diversity of opinion on immigration by nativity (Lopez and Gonzalez-Barrera, 2013).

In sum, undocumented legal status poses the highest barrier to immigrant integration among the current statuses; in fact, the lack of legal status is intended to explicitly discourage integration by denying undocumented immigrants access to various social and economic benefits and leaving them vulnerable to deportation. Yet millions of undocumented immigrants continue to reside in the United States, working, starting families, seeking pathways to other legal statuses, and integrating into American society despite the obstacles.

**SUMMARY AND CONCLUSIONS**

Given the significant potential to alter individuals’ life chances, legal status has become a new axis of social stratification, similar to other social markers such as social class, gender, and race (Gee and Ford, 2011; Massey, 2007, 2013; Menjívar, 2011). The research to date indicates that a strong positive relationship exists between naturalization and integration and that LPR status and other statuses with clear pathways to becoming an LPR offer significant benefits for integration. However, the barriers that legal statuses short of naturalization create for integration and the codification of these barriers in law mean that legal status sometimes trumps the effects of other social markers (Menjívar et al., in press). Legal status intensifies the effects of disadvantages that come from other
social positions, such as those based on social class, gender, or race and ethnicity, while diminishing the benefits that an advantageous social position can have. Undocumented status, in particular, presents a formidable barrier to integration and economic progress, a situation exacerbated by criminalization of undocumented status and the unprecedented level of enforcement and deportations since 1996.

**Conclusion 3-1** Legal status affects immigrant integration. Legal permanent resident status has a positive effect on integration, but temporary, discretionary, and especially undocumented status negatively affect immigrants’ ability to integrate across various social dimensions. More research is needed to better understand the relationship between temporary legal statuses, in particular, and integration outcomes.

In addition, legal status has intergenerational impacts. For instance, the educational attainments of children whose parents eventually legalized were just as high as those whose parents entered the country legally, suggesting that the burdens of parental undocumented status on children (including U.S.-born children), while sizeable and debilitating, mostly disappear when legalization occurs (Bean, et al., 2015). Given the ripple effects that legal status has for other family members, it is important that future research examine its effects in family and community contexts.

**Conclusion 3-2** Parents’ legal status affects the integration prospects of a significant proportion of the U.S.-born children of immigrant parents. Parents’
undocumented status in particular can have negative effects on children’s socioeconomic outcomes, cognitive development, and mental health.
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