



## Deferred Action, Immigration, and Social Work: What Should Social Workers Know?

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## **Deferred Action, Immigration, and Social Work: What Should Social Workers Know?**

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*Undocumented young immigrants face numerous challenges and restrictions in terms of education and career-related aspirations. The Deferred Action for Childhood Arrivals program provides an opportunity for these young people to legally live and work in the United States at least temporarily. In this article, the author describes DACA requirements as well the responsibilities of social workers in providing assistance to eligible applicants and advocating for comprehensive immigration reform.*

*KEYWORDS* immigration, undocumented students, deferred action for childhood arrivals, immigration reform, undocumented immigrants

The NASW Code of Ethics (2008) as well as the International Federation of Social Workers Statement of Principles (2012) mandate that social workers should engage in policy advocacy to prevent discrimination, improve the quality of life in communities, and work for social justice, especially for groups of people who have historically faced discrimination and violation of basic human rights such as communities of color, women, members of the LGBTQ community, and persons with disabilities. In addition, these ethical codes remind us that one of our responsibilities is to prevent discrimination based on national origin and immigration status. Immigration is a human rights issue in a world that is becoming increasingly globalized and interconnected (Lundy, 2004). People often experience dislocation, displacement, and poverty in response to the depletion of natural resources, war, and political upheaval in their countries of origin and subsequently seek

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safe haven and better economic opportunities elsewhere (Dominelli, 2005; Harding & Libal, 2012).

Bolstered by widespread support among prospective Latino voters and the general public, President Barack Obama issued a policy memo in 2012 designed to assist undocumented students, creating the Deferred Action for Childhood Arrivals program (Immigration Policy Center, n.d.). Intended to assist young adults who had been brought to the United States as children by their parents, DACA offers eligible applicants the opportunity to apply for a work permit for a two-year period, but a number of restrictions limit participation to a narrow group of applicants. DACA eligibility also does not provide a path to citizenship (National Immigration Law Center, 2013a).

In this article, the author discusses the effects of undocumented status on the educational attainment and employment prospects of undocumented high school and college students. Efforts by the U.S. Congress to develop comprehensive immigration reforms are described. Key policy provisions in the Deferred Action for Childhood Arrivals program as well as the policy's anticipated effects on the young adults who are able to qualify for the program are examined. Also described are the responsibilities of social workers in terms of how to serve this population and engage in on-going policy advocacy to improve the lives of undocumented young people.

## THE EFFECTS OF UNDOCUMENTED STATUS ON IMMIGRANT YOUTH

Immigrants arrive in the United States generally seeking better economic opportunities, safety, or simply a better life than they experienced in their countries of origin (Martinez-Brawley & Zorita, 2011). However, most immigrant families typically experience stressors due to cultural “shock” and assimilation. The process of acculturation for children of immigrants may put additional stressors on all family members as children start to adapt to cultural expectations of the new county and learn the language (Dillion, De La Rosa, & Ibanez, 2013; Pumariega & Rothe, 2010). The loss of kinship support also makes it more likely that families will experience acculturation-related stress. Parents may expect adherence to traditional values; children may be asked to be translators and/or act as liaisons to public officials and professionals such as doctors or teachers. Adjustments to technology and legal requirements that were not prevalent in the previous country such as attending school, driving a car, and working in new fields or marginal jobs may make the process of acculturation particularly challenging. (Arbona et al., 2010; Chapman & Perreira, 2005).

Some undocumented immigrants experience hardship and trauma when they cross the border illegally such as exploitation from human traffickers and drug smugglers, sexual assault or the risk of being “turned back” or

deported (Androff, 2011; Dominelli, 2010; Pumariega & Rothe, 2010). Stress is also exacerbated by poverty, discrimination, and social stigma due to both race and citizenship status (Borges et al., 2009; Brabeck & Xu, 2010; Villalba, 2007). Immigrants also may have problems accessing language and culturally appropriate child welfare, mental health, health care, and social service resources. Social workers may not be aware of cultural norms and practices or lack the skills necessary to become culturally competent (Arbona et al., 2010; Brabeck & Xu, 2010; Villalba, 2007).

Undocumented immigrants are not eligible for almost all *public* welfare, social, mental health, and health care services or benefits except for emergency room care (Brabeck & Xu, 2010). This is particularly an issue for “mixed status” families in which parents are undocumented and children are citizens (Gildersleeve & Ranero, 2010). These families may qualify for some benefits for citizen children. However, they may not apply for services for which they are eligible due to fear of deportation (Brabeck & Xu, 2010). The possibility of deportation adds to the stress placed upon the family, particularly if there is a concern that parents may be separated from their children in the deportation process (Lara, 2012). Deportation may be particularly challenging for children due to their unfamiliarity with language and norms in their family’s original country (Brabeck & Xu, 2010).

Undocumented residents are not permitted to legally work or reside in the United States after they cross the border (King & Punti, 2012). In most states, they are not permitted to legally drive a car; employment is limited to a handful of industries in which safety laws are not always enforced and wage rates are below minimum wage. Although the Supreme Court ruled in 1982 (*Plyler v. Doe*) that states must provide elementary and high school education to undocumented students, college is often inaccessible (Gonzalez, 2008).

## THE EFFECTS OF UNDOCUMENTED STATUS ON ACCESS TO HIGHER EDUCATION

Children brought to the United States by their parents often are not aware of their undocumented status until they are enrolled in or about to graduate from high school (Gonzalez, 2011). Many of these children arrived in the United States as infants, speak English, and have attended U.S. elementary and high schools (Educators for Fair Consideration, 2012). However, they may not receive encouragement to pursue a college education from high school counselors because of their undocumented status. Gonzalez (2011) conducted 150 semi-structured interviews with undocumented youth in California. He found that many of the respondents anticipated having more opportunities than their parents, but became discouraged about their prospects in adolescence, particularly in instances in which a social security number was required for employment or college applications. These students

began to interact with their peers, teachers, and potential employers differently when they realized that they would be stigmatized and potentially deported if they were “found out.” Some of the respondents reacted to their change in status by dropping out of school and were further discouraged by the limited, low-wage options they encountered in the job market.

Research indicates that those undocumented high school students who are high achievers and who have been encouraged to apply for college admission by a mentor such as a caring teacher or advisor are most likely to access higher education (Gonzalez, 2011). However, these students are likely to face numerous challenges even trying to enroll in colleges and universities. For example, South Carolina and Alabama are the only states that actually prohibit college enrollment for people who are undocumented (National Conference of State Legislatures, 2013), but in most other states, undocumented students do not have access to financial aid from government sources (Perez, Cortes, Ramos, & Coronado, 2010). These students are ineligible for federal assistance or college loans (Diaz-Strong, Gomez, Luna-Duarte, & Meiners, 2011). Only 15 states permit undocumented students to apply for state assistance: California, Colorado, Connecticut, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New York, Oregon, Rhode Island, Texas, Utah, and Washington (National Conference of State Legislatures, 2013). In Oklahoma, Michigan, and Rhode Island, state university governing bodies also permit undocumented students to pay in-state tuition (Educators for Fair Consideration, 2012; Woodhouse, 2013). Most private institutions consider undocumented students to be foreign nationals and require them to pay fees equivalent to those charged international students, making education financially unfeasible. Often undocumented students must rely on assistance from relatives, wages from low wage work, or a small number of private scholarships or stipend programs to finance their education.

Restrictions on tuition assistance mean that these students must juggle several off-the-books jobs in order to pay tuition and other expenses. This can involve working as farm laborers or in packing sheds, cleaning homes and businesses, or in the restaurant, meat-packing, or construction industries (Gildersleeve & Ranero, 2010). For financial reasons these students tend to gravitate to low-cost educational institutions such as community colleges (Diaz-Strong et al., 2011). Often travel to and from school is a challenge, particularly in rural areas without transportation; some students may choose to drive illegally in order to attend school and consequently must risk traffic fines, having cars impounded by law enforcement, or arrest (and possible deportation), depending on state laws related to driving without a license (King & Puntí, 2012). Day-to-day activities such as obtaining credit, opening a bank account, seeking medical care, or renting an apartment may also be difficult or impossible for many undocumented students (Haverkamp, 2008; Segura, 2013). According to Perez, Cortes, Ramos, and Coronado (2010, p. 37), as a consequence of these and other sources of stress such as poverty

and fear of deportation, many undocumented students “constantly battle feelings of shame, trepidation, anger, despair, marginalization, and uncertainty.”

## RECENT DEVELOPMENTS IN IMMIGRATION POLICY IN THE UNITED STATES

Immigration policy has long been a source of controversy in the United States. Immigration reform in the 1980’s offered amnesty to more than 3 million immigrants, but did not provide a path to residency for the many undocumented individuals and families who continued to immigrate to the United States (A Reagan Legacy, 2010). According to Passel and Cohn (2011) undocumented or unauthorized immigrants can be defined as:

All foreign-born non-citizens residing in the country who are not “legal immigrants.” The vast majority of unauthorized immigrants entered the country without valid documents or arrived with valid visas but stayed past their visa expiration date or otherwise violated the terms of their admission. (“A Note on Terminology,” para 4)

Undocumented students are generally defined as any foreign born child of an undocumented immigrant who has not attained permanent residency or citizenship status enrolled in elementary, middle, or high school or in college or graduate school (Gonzalez, 2008; Passel & Cohn, 2011). In the past several years in the policy debate on immigration, the term “undocumented student” has been used to refer primarily to foreign born students in college or graduate programs who do not have legal status in the United States (Diaz-Strong et al., 2011).

The United States Congress attempted to pass a comprehensive immigration reform package in 2007 when the legislation failed in the U.S. Senate (Terrazas, 2007). More recently, undocumented college students have advocated for the passage of the “Dream Act,” which would allow them to legally work and reside in the United States and eventually apply for citizenship. This legislation also was defeated in the Senate in 2010 despite a comprehensive legislative campaign that included heavy media coverage, rallies, and civil disobedience on the part of Dream Act students (Brumback, 2011; Marcum, 2010; United States Student Association, 2009). However, national and local organizations formed by the Dreamers as well as other immigrant rights advocacy groups simply doubled their efforts on behalf of the Dream Act and comprehensive immigration reform (Foley, 2011).

The Pew Research Hispanic Center (PRHC) estimates that as of March 2010 there were approximately 11.2 million undocumented immigrants living in the United States, 3.7% of the entire population (Passel & Cohn, 2011). Although some of the opposition to immigration reform is based

on the assumption that the number of unauthorized immigrants is growing (Brothers, 2011), this number actually represents a decline from 2007 for which the PRHC estimate was 12 million. Passel and Cohn (2011) attribute the decrease to a reduction in the number of undocumented immigrants from Mexico and point out that 70% of the 400,000 people deported from the United States in 2009 were Mexican. Immigration was an issue raised repeatedly during the 2012 presidential race. Although President Barack Obama argued for creating a path to citizenship for most undocumented immigrants, Republican candidate Mitt Romney advocated for their “self” deportation (Svoboda, 2012).

In 2012, just after re-election, and with strong support from Latino voters, President Obama again called for a renewed commitment to immigration reform (Lambert, 2012). In June 2013, the U.S. Senate passed a comprehensive immigration bill that created a path to citizenship for undocumented young adults, agricultural workers, and other immigrants with bi-partisan support (Parker & Martin, 2013). Some Republican senators supported the measure due to \$300 million allocated for border security and special visa programs for highly skilled and educated workers and entrepreneurs willing to invest in U.S. businesses (Immigration Policy Center, 2013). A provision supported by agricultural and other industries for a guest worker program for low-skilled labor was also included. The bill also sets out a number of complex requirements that will create a 13-year path to citizenship for most undocumented applicants, but establishes a special set of provision for undocumented students (those individuals who would have been covered by the Dream Act) that would allow them to qualify for citizenship in five years. However, although individuals will be allowed to register to stay in the United States right away, certain conditions or triggers must be met before people can apply for citizenship, including certification by a special committee appointed by the president that U.S. borders are secure.

Although the Senate bill was successful, there was substantial Republican opposition to immigration reform in the U.S. House of Representatives, with opponents stating that any attempt to create a permanent path to citizenship could not be approved. Instead, House Majority Leader Eric Cantor introduced the “Kids Act” that would establish a path to citizenship for immigrant youth who would have been covered by the Dream Act (Mascaro, 2013). However, Dreamer-related groups immediately announced opposition to any legislation that would not permit their family members to stay in the United States.

## DEFERRED ACTION FOR CHILDHOOD ARRIVALS

The program “Deferred Action for Childhood Arrivals” is not a law but is policy implemented by the Department of Homeland Security based on a memo issued by President Barack Obama on June 15, 2012 (National Immigration

Law Center, 2013a). The U.S. Customs and Immigration Service (USCIS) will temporarily end (for a two-year period) deportations for most undocumented young people who would have been covered by the Dream Act. This means that USCIS, through the Department of Homeland Security, has chosen to use its discretion to halt enforcement of immigration laws for this population group. Decisions about who qualifies under this policy are made on a case-by-case basis. Applicants must submit an application, supporting documentation, and pay a fee of \$465. They also must be finger printed and submit to a background check (USCIS, 2013a).

According to the Pew Research Hispanic Center, the vast majority of the children of immigrants (4.5 million) are U.S. born and approximately 1 million are born outside the United States (Passel & Cohn, 2011). It is these foreign born children, brought to the United States when they were young, who qualify for DACA. Approved applicants essentially receive the right to temporarily live and work in the United States (National Immigration Law Center, 2013a). Those individuals who qualify for deferred action receive a work permit and Social Security number. DACA essentially brings qualified applicants out of the shadows and into the workforce. Although many of the members of the eligible population are “Dreamers,” the program also covers high school students age 15 and older as well as other young adults.

Any undocumented immigrants who came to the United States before their 16th birthdays and who were under 31 and who had no valid immigration status prior to June 15, 2012, and who have continuously resided in the United States between June 15, 2007, and the time of application can qualify for DACA (USCIS, 2013a). In addition, applicants must be currently enrolled in school or be high school graduates, GED recipients, or honorably discharged from the military. Furthermore, they must not have felony convictions, a “significant” misdemeanor, three or more other misdemeanors, or have threatened national security, or public safety DACA status is limited to a two-year period unless the president extends the program. There is no deadline for applications (Immigration Policy Center, n.d.).

The Pew Research Hispanic Center estimates that when DACA applications were initially accepted, 1.7 million undocumented immigrants between the ages of 18 and 30 who were brought to the United States as children could benefit from DACA (Passel & Lopez, 2012). They also estimate that another 250,000 high school students, ages 15–17 can also potentially qualify for the program. Another 320,000 could also qualify if they enroll in school or a GED program. About 85% of the estimated potential applicants are Latino.

Applicants must submit documents such as rental agreements, credit card or utility bills or school, medical, or military records that verify continuous residency in the United States as of June 2007. The National Immigration Law Center (2013a) advises applicants to submit at least one piece of evidence for each year beginning in 2007. For years in which documents are not available, the applicant should submit affidavits from at least two people who can personally verify the applicant’s U.S. residency.

Documents submitted to the U.S. Customs and Immigration Service (USCIS) are, in general, confidential, even if the application is denied. However, there are some exceptions. While for most applicants, information cannot be used to deport individuals, it can be shared with law enforcement, Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) if the documentation appears to be fraudulent, if there is evidence of a crime, or for “national security” purposes (National Immigration Law Center, 2013a).

A misdemeanor is defined in the policy as one in which the individual is jailed for at least five days and less than one year and does not include traffic offenses (National Immigration Law Center, 2013a). Significant misdemeanors include such crimes as drug trafficking, domestic violence, driving under the influence, burglary, unlawful use of a firearm, or sexual abuse.

### EARLY INDICATORS OF THE IMPACT OF THE DACA PROGRAM ON ELIGIBLE PARTICIPANTS

The Brookings Institution estimates that as of June 30, 2013, 557,412 immigrants had applied for DACA. Nearly all, 537,662 applications were accepted for review, 74.5% were approved, 24.5% were still pending, and just 1.0% were rejected (Singer & Svajlenka, 2013; “More than half a million people have applied,” para 1). The data used for the analysis by Brookings suggests that approximately 59% of the eligible population has applied and that those individuals with approved applications tend to be younger or still living with their families. It is probable that this is due to the fact that individuals still in school are the most likely to know about or be contacted with information about the program by advocacy groups. The majority of the applications received were from citizens from Mexico, but applications were received from citizens from numerous other countries, with most of the remaining applications coming from youth born in Central or South America, Asia, or the Caribbean.

One of the direct effects of DACA is that as soon as applications are approved individuals who qualify for DACA are issued both work permits and Social Security numbers. With these documents, many of the DACA recipients have obtained jobs, moving out of low-wage employment and starting professional careers, paying taxes, and planning their futures (Semple, 2013a). As of June 2013, 45 states and the District of Columbia had announced that they would allow DACA recipients to apply for driver’s licenses. The exceptions are Arizona, Nebraska, North Dakota, South Dakota, and Texas (National Immigration Law Center, 2013b).

In some instances, DACA applicants, who have consulted with immigration attorneys, have found out that they actually qualify for visas permitting legal entry into the United States under immigration laws that grant special

consideration to victims of crimes, abused children, and women who have experienced domestic violence (Semple, 2013b). Immigration lawyers attribute this eligibility surge to review of applications for DACA by qualified attorneys. Assistance provided to undocumented immigrants by community groups or unqualified individuals is often inadequate and many people simply were not previously informed that they could qualify for permanent residency in the United States under these programs.

Some members of the eligible population have not applied for DACA because they fear identifying themselves as undocumented and making themselves vulnerable to deportation in the future (Miranda, 2012). There are also concerns that the program is temporary and could be taken away at any time by executive order by the elected president. Some applicants may also have been discouraged by the \$465 application fee, concerns about meeting the program's criteria, or difficulties related to documenting continuous residency in the United States (Singer & Svajlenka, 2013). The bureaucratic language in the application and ambiguities about the DACA policy and the need for accurate advice about eligibility criteria and documentation as well as immigration laws in general also limited the number of applications (Miranda, 2012).

## DISCUSSION

An analysis of DACA provisions suggests that it is important that social workers participate in education and training about immigration issues and become knowledgeable about federal eligibility guidelines and benefits that are available for undocumented individuals and families. Multisystems social work practice with undocumented immigrants may require interaction with family members including extended family in other countries as well as strengths-based assessment that also focuses on acculturation, immigrant history, trauma, social identity, and adaptation to the new culture (Dominelli, 2005; Gonzalez, Lord, Rex-Kiss, & Jean, 2013). Social workers should, if possible, speak the language and be bi-cultural or have knowledge about the culture of origin (Pumariega & Rothe, 2010).

A number of specific strategies can be used to provide services to undocumented high school and college students. For example, family, friendship, and community supports can be sought to provide assistance to students who are experiencing stress due to bureaucratic barriers and stigmatization associated with undocumented status (King & Punti, 2012; Perez, Cortes, Ramos, & Coronado, 2010.; Segura, 2013). Social work interventions should focus on community and cultural strengths such as family bonds, bi-lingualism, and bi-culturalism (Villalba, 2007). School social workers can assist students by providing encouragement, linking students with mentors and disseminating accurate information about higher education opportunities (Gonzalez, 2011).

At universities and community colleges, peer support programs that also link students to mentors and role models and provide financial assistance can assist with the recruitment and retention of undocumented students (Perez, Cortes, Ramos, & Coronado, 2010). Faculty advisors in social work education programs as well as school social workers should become knowledgeable about in-state tuition policies and other financial resources for undocumented students (Diaz-Strong et al., 2011).

In addition, social workers should have some awareness about federal policies that can be used to assist undocumented families and youth that they encounter in the course of their practice. For example, undocumented youth in foster care may qualify as for the Special Immigrant Juvenile (SIJ) program if the juvenile court rules that deportation is not in their best interest. Qualifying for SIJ status permits them to apply for green cards, work, and obtain public benefits (Haverkamp, 2008). Children adopted before age 16 may also be eligible to apply for permanent residency in some situations.

Social workers should also be prepared to make appropriate referrals for legal assistance to undocumented people. It is particularly crucial that accurate immigration information be given to people seeking assistance. Social workers should not give people immigration advice, but due to the complexity involved in terms of current policies and individual situations, refer students and other undocumented immigrants to legal experts in this field (Haverkamp, 2008). Many immigrant families have been preyed upon by fraudulent immigration brokers or have simply been given bad advice (Diaz-Strong, Gomez, Luna-Duarte, & Meiners, 2010). USCIS (2013b) provides information about how to avoid legal scams and find licensed immigration attorneys in good standing. This agency also refers applicants to the U.S. Department of Justice Board of Immigration Appeals, which accredits both attorneys and nonprofit organizations that they have assessed as qualified to provide consultations about DACA applications.

Many of the Dream Act students and other undocumented young people have found that civic participation and political activism provides an avenue that not only increases peer interaction, interpersonal bonds, and social networks, it also increases the participant's feelings of personal power and self-efficacy (Gonzalez, 2008; King Hinton, 2011). According to Perez, Espinoza, Ramos, Coronado, & Cortes (2010, p. 260):

Because of the Plyler decision, undocumented students are politically socialized through the educational system and other civic institutions to become actively engaged "citizens." Rather than become completely dejected, hopeless, and apathetic, they invest time and effort in community service, volunteerism, and activism.

This suggests that one role for social workers is to provide opportunities for civic participation to all students regardless of citizenship status and to

work in partnership as allies with immigrant rights groups, engaging in policy advocacy and political activism. Documentation of the negative effects of immigration on immigrant youth and families and dissemination of this information is an important component of the legislative advocacy process. Social workers should also be prepared to engage in policy advocacy in relation to immigration for other undocumented children and adults. In addition to the Dream Act, comprehensive, sensible immigration reform is urgently needed to permit current immigrants to legally attend school and work and end the separation of family members due to fragmented and inconsistent government policies.

## CONCLUSION

Passel & Lopez (2012) estimate that 250,000 immigrants between ages 15–17 could potentially qualify for DACA in the next few years. This estimate suggests that at least 80,000 undocumented youth graduate from high school each year. It does not account for those youth who drop out—leaving untapped vast potential, skills, and potential taxpayers. Martinez-Brawley & Zorita (2011) argue that it is particularly critical that social workers not only know about the psychological factors faced by immigrants, but also about the socioeconomic and legal barriers likely to affect them and the policies that can be utilized to assist them. The ability to assess complex situations and laws and to advocate for social policies likely to benefit our clientele is a critical component of social work practice.

DACA eligibility is a complex process and social workers should work toward providing support and referrals to legal resources for student applicants. Beneficiaries obtain work permits and social security numbers and the ability to come out of the shadows and engage in many of day-to-day activities that most permanent residents take for granted including opening bank accounts, graduating from college, and starting long-term careers. In many states, they also may obtain driver's licenses and apply for financial aid. These seemingly small achievements have the effect of reducing the negative effects of stress and stigmatization and offer the opportunity of having a “normal” life. Comprehensive immigration reform legislation has the potential for providing some of the same opportunities for the family members of the Dreamers, improving their social, political, and economic status and allowing them to make substantial contributions to their new country.

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