



The Deferred Action Service Difficulty Index: An Analytic Tool for Designing Service Strategies to Help Applicants for DAPA and DACA

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Overview

Discussions of strategy for “implementing administrative relief”, that is, developing a service delivery system to provide support to DACA and DAPA applicants (as well as undocumented immigrants who may be eligible for some alternative form of immigration benefits) have, inevitably, begun to explore what it takes and how much different “service models” will cost

The planning tool presented here—the “DAPA/DACA Service Difficulty Index” (D-SDI) –is meant as a contribution to ongoing discussions on these topics. Our hope is that use of this tool will help shift discussion from its current focus on average “cost per case” toward development of a broad menu of service models and business plans where more attention is given to who needs what level of service, and who might be left out if a single “cookie cutter” strategy is adopted. Specifically we believe it will be necessary to develop detailed strategic plans which go beyond generic reference to “low hanging fruit” vs. “hard-to-serve” applicants and beyond a single dimension where some clients/cases are considered “simple” and others “complex”.

Rather, we believe the key planning questions relate to what types of services are provided to whom by whom, with what follow-up. As of September, 2014, only 43% of those potentially eligible for DACA had applied.¹ The issues this raises for the service provider community and foundation funders are – “Why?” and “What models of service delivery can help more of those who are eligible qualify?” These issues must be carefully considered as we embark on a huge national campaign to help the 4-5 million currently undocumented immigrants eligible for DAPA or DACA or some other mode of administrative relief successfully apply.

Lower-than-expected rates of application for immigrant benefits are not likely to stem primarily from applicants’ lack of awareness about DACA (and soon, DAPA) and will not be improved by “more outreach”. What will be needed more than increased repetition of informational outreach is a contextualized social marketing campaign and a flexible, accessible service delivery system which provides



individuals and families with opportunities to make a sound decision to apply or not and successfully follow through on their decision

The purpose of the D-SDI Index is to help inform development of service delivery networks for assistance to potential applicants for deferred action by providing a tool to examine the socioeconomic and demographic diversity within any defined service population in order to project the amount of help and types of help different sorts of applicants within that population might need to be successful in their application process. The tool is designed to be used at a variety of geographic levels - community, county, regional, state, and the nation-- or to assess the service difficulty of any identified population—in this current paper, migrant and seasonal farmworkers.

Since the profile of the undocumented immigrant population in different communities, regions, and states varies, an immediate implication from use of the Index is that service/implementation costs will differ from one area to another—as some service delivery networks will be serving more very difficult clients than others and, in general, “client mix” will vary from one area to another. What ‘mix’ is served is a function not only of who happens to obtain the information and request service (i.e. the potentially eligible individuals and families) but also of the particular service configuration and marketing strategy adopted by the funding community and the service provision community. It is our hope that the use of this Service Difficulty Index will catalyze useful discussion of who is and who is not being served and the appropriate strategies for reaching those who may be falling through the cracks. We hope also that discussion of diversity in the service population will focus attention on a range of authentic outcomes, i.e. success in securing deferred action status, moving onward and upward in the labor market, and becoming increasingly engaged in community civic life, not simply bean-counting of service-related activities (e.g. # of workshops)

The D-SDI can be used for regional and national planning to guide planning and design of service networks to assist farmworkers and other rural immigrants, using National Agricultural Worker Survey dataset. With minor modifications it can be used for assessing the challenges inherent in serving any local service population--at the community (PUMA), state, regional, and national level when used in conjunction with the “Democratizing Data” American Community Survey dataset which contains a variable on immigrants’ legal status created by Robert Warren and his colleagues which will soon be available from the Center for Migration Studies.



Description of the DAPA/DACA Service Difficulty Index (D-SDI)

The immediate focus of the D-SDI is on expected difficulties to be overcome in serving diverse groups of farmworkers and farmworker spouses, based on their personal characteristics, since we have developed the Index via analysis of the population of undocumented farmworkers in the National Agricultural Worker Survey (NAWS) 2009-2010 dataset.² This has permitted us to look carefully at the potential service population's characteristics in relation to factors which will make it more difficult (or easier) for undocumented farmworkers to apply for DACA or DAPA.

We will refine this planning tool as time goes on and as we learn more from collaboration with our grantees about their day-to-day experiences in serving different sub-populations of DACA or DAPA applicants. In particular, as the tool is refined, we will seek to expand its scope to assess not only the likely difficulty in effectively serving different kinds of individuals but, also, entire households since the most effective service delivery strategies are likely to be those oriented not simply toward individuals but toward entire households, extended families, and social networks (e.g. of neighbors, co-workers, *paisanos* brought together in a hometown association network-- *club de oriundos*).³

The Technical Structure of the Index

The aggregate difficulty of serving an identified service population (in this case, the overall national population of farmworker heads of household and their spouses) is visualized as the sum of serving each of the individuals in that population of potential DAPA or DACA applicants.⁴ To be sure, the actual amount of time, energy, organizational resources needed to serve any specific individual may not align perfectly with their estimated service difficulty because of unobserved individual factors not included in the model: e.g. convictions for misdemeanors, difficulties in securing identity documents. Nonetheless, despite its limitations, the D-SDI can illuminate local, state, and national planning in terms of both potential costs and needed service focus.

The D-SDI rates the service difficulty for any individual prospective DAPA or DACA applicant on a scale from 0.5 to 7.25 where 0.5 represents the easiest sort of individual to help and where 7.25 represents the most difficult-to-serve individual. The index is multi-dimensional—based on assessing the extent to which each of eight index components contributes to the difficulties faced in assisting them.⁵



We constructed the D-SDI looking at a core set of inter-related factors which are likely to play a role in determining the difficulty of serving a specific DAPA or DACA farmworker applicant.⁶ These factors are the following:

- Educational attainment
- English-language ability
- Family economic well-being
- Age at entry into the U.S.
- Time residing in the U.S.
- Previous enrollment in adult education/training course
- Type of US migration—non-migrant, “shuttle”, “follow-the-crop”
- Indigenous origin/gender

We considered several other factors which might also be correlated with service difficulty but did not include them—usually because their likely role had already been accounted for by other factors (i.e. co-variance with already-included factors).⁷ An interesting finding in the course of constructing the D-SDI was that one possible correlate of service difficulty—trips abroad during the year prior to interview—would probably not affect very many applicants since about 97% of undocumented farmworker potential applicants had no trips abroad and, of the 3% who had left the country, two-thirds of the trips abroad were for 1 month or less, suggesting that it would be relatively straightforward to demonstrate that the absences were brief, casual, and innocent.⁸

Eventually it might be feasible and desirable to construct an enhanced index which includes additional indicators of service difficulty—but, in practical terms, the utility of the sort of service difficulty index described here stems primarily from the fact that it can serve early on as a framework for visualizing the challenges which will need to be overcome in effectively helping a wide range of sub-populations among the overall undocumented population.

Individual Components of the Multi-Dimensional D-SDI Index

Below each of the eight component factors included in the composite service difficulty index is described briefly. The shorthand name of each D-SDI component in parenthesis is the name of the variable used – not of interest to the general reader, but important in the application of the index to an extant dataset. Each of the eight individual elements which make up the index is assigned a score from 0 (no specific difficulty posed by this factor for a potential applicant) to 2 (a high degree of difficulty in terms of this component for a potential applicant).



1. Educational Attainment (EDUC)

Educational attainment is the best available proxy for a potential applicant’s functional literacy and numeracy which are, in turn, important determinants of the difficulty he or she faces in assembling the documentation required for a DACA or DAPA application. Numeracy, specifically, plays an important role in a potential applicant’s ability to weigh the costs and benefits of applying for deferred action; consequently low levels of literacy within a service population imply higher costs in persuasive outreach.

There is an extensive literature on educational attainment and functional literacy—although we are not aware of sound research that focuses specifically on ability to deal with USCIS paperwork. However, what we do know from the National Adult Literacy Survey (NALS) reports, research on census forms completion (Kissam, Nakamoto, and Herrera 1995), and research on Mexican K-12 education (OECD 2010; Sawyer 2013), is that the Mexican and Guatemalan migrants from rural communities into U.S. farmwork have had, specifically, little experience in reading and filling out highly-formatted sorts of documents such as USCIS application forms.⁹ Without well-developed numeracy skills they also lack the conceptual tools, for example, needed to reliably assess the benefits they will derive over time (e.g. in a 3-year time frame, or assuming successful renewal, 6, or 9 or more years) from work authorization as compared to immediate out-of-pocket expenses for one or several family applicants.

Scoring: We assume that applicants who attended 3 or less years of school in their home country have virtually no foundation of functional literacy vis-à-vis forms completion. We entered a 2 as the educational attainment component of the D-SDI for these minimally-educated individuals. For individuals with 4 to 6 years of schooling we entered a 1.75, implying that they, too, would have substantial difficulty but, at least a shaky foundation for confronting paperwork. For individuals with 7 through 9 years of schooling we entered a 1.25, suggesting some difficulty with forms but less severe than those with less schooling and for persons with 10-11 years of schooling we entered a 0.5 implying residual difficulty (e.g. an almost-adequate foundation for a pro se application for DACA but quite possibly need for advice on the exact meaning of one or another not entirely clear form instruction or specialized legal concept such as “continuous residence”). Individuals with 12 or more years of schooling were assumed to have no educational barrier to filling out a DAPA or DACA application.

To provide a benchmark for our development of the educational attainment component of the D-SDI we computed the mean educational attainment for DAPA-eligible farmworkers, DACA-potentially eligible (both those who met and those who



didn't meet the USCIS educational requirements), and fully DACA-eligible (i.e. those who did meet the DACA educational requirements).

Mean educational attainment for the DAPA-eligible undocumented farmworker group is 6.55 years of schooling, for the DACA eligible-but-for-education, 7.52 years, and for the DACA fully-qualified 12.1 years. It is clear that, for the entire service population limited education/literacy is a constraint although its impact on difficulties encountered in serving this population are closely related to individuals' English-language ability also.

Actual adult literacy may, of course, vary from predicted functional literacy based on educational attainment. However, in the development of the current index we believe that these deviations are, to some extent, co-variant with English-language competency, attendance in an adult education and/or job training program, and time in the U.S. and, consequently, deviations should be explained fairly well by inclusion of these other factors in the index.

2. English-language ability (LANGCOMP)

English-language ability is not only a proxy for an immigrant's ability to read, write, and interact verbally with English-speaking individuals, but, also, one indicator of acculturation. Thus, it is an important predictor of service difficulty. The NAWS uses categories similar to those in the ACS (American Community Survey) for classifying respondents' English-language ability— speaking English “not at all”, “a little”, “somewhat”, “well”. NAWS also asks respondents about their ability to read and write English but the responses don't vary much from the reports of oral English ability and, in the current context, we believe that oral English ability is more relevant to the DAPA and DACA application process. Different sub-populations of immigrants are more or less fluent in English based on the industry sector and type of job they work in, how prevalent English is in the local neighborhood or community, as well as personal motivation, prior educational attainment, and other factors.

Scoring: We assigned to individuals reporting they spoke English “not at all” or “a little” a score of 1 on the English-language component of the D-SDI. Our experience interviewing farmworkers over several decades indicates that a self-assessment of speaking “a little” English is not very different from “no English” in functional terms vis-à-vis the conversations involved in deciding to apply or not apply for DAPA or DACA, discussing legal issues related to qualification, and overcoming problems encountered in assembling applications (e.g. communicating with English-speaking clerical personnel to secure school records or documentation of disposition of a court case). We scored those reporting that they spoke English “somewhat” with a



0.25 service difficulty factor implying that they would have some, but not huge, difficulties in interacting with English-language service providers and USCIS personnel. Those who said they spoke English well were given a score of zero on this component.

Our weighting of English-language ability as a factor in service difficulty reflects the fact that it is, to some extent, co-variant, with other factors included in the D-SDI. There is an extensive literature on second-language acquisition which shows that, in general, immigrants' English-language acquisition is related to age at arrival, length of time in the U.S. and pre-migration level of education, as well as attendance in ESL classes. The relevant observation here is that actual English-language acquisition requires opportunities for interaction with English-language speakers and such opportunities are rare in the agricultural workplace and in many neighborhoods with concentrations of immigrants throughout the U.S.

Almost nine out of ten DAPA-eligible farmworkers (88%) speak only a little English or no English. Consequently, English-language limitations are a consistent component of service difficulty for this sub-population. Slightly more of the DACA-eligible (20%) speak English well but—contrary to popular opinion—the majority are still limited in English (in part because those who did well in school and speak English well are no longer doing farmwork, even when their family members are).

3. Family Economic Well-Being (FAMINC)

Economic well-being is another factor in service difficulty; it is to be expected that more consultation, advice, and problem-solving will be required for applicants in very low-income households, especially those which experience periodic spells of unemployment or underemployment which wipe out household savings. Unlike the ACS, the NAWS public dataset does not include a continuous variable with a survey respondent's household's level of poverty; the relevant variable is, instead, a categorical one (FAMPOV where 1="under the poverty level", and 0="not under the poverty level". We computed the "family economic well-being" of a household headed by DAPA or DACA potential applicants based on overall family income and being in poverty or not.

Scoring: In our construction of the family economic well-being variable as an indicator of service difficulty, we assigned the applicant a difficulty level of 1 if the household was living below the poverty level, a zero if the family income as reported as \$30,000 or higher, and a 0.5 for families/households with income where they were out of poverty but making less than \$30,000 per year. This reflects an assumption that the very poorest of the families would, indeed, experience serious economic difficulties in paying application fees (especially where a family included a



husband and wife who were both applying for DAPA), that families in between would have some difficulty but could probably manage household finances to manage fees, and that those making >\$30,000 would be able to manage finances to cover application costs fairly easily (at least if they were convinced it was worthwhile and safe to apply).

At the lower end of the economic spectrum, about one-third (34%) of the DAPA-eligible farmworkers live in poverty while about one-eighth (13%) have family incomes over \$30,000 per year. Therefore, about half (53%) fall in the middle where economic pressures are real but manageable to some extent. The sub-population who are eligible only for DACA is slightly less well-off economically. This is because they are younger (mean age 23.4 for the DACA-only vs. 32.7 for the DAPA-eligible), have less education, earn lower wages (\$8.44/hr. for the DACA-only vs. \$8.93 for the DAPA-eligible workers), and have generally lived less time in the U.S. than the settled DAPA-eligible sub-population.

4. Age at Entry (ENTRYAGE)

Immigrants who arrived in the U.S. as children have usually had an easier pathway to social and linguistic integration than those who arrived later in life. They have, for example, usually gone to U.S. schools and, even in cases where instruction was not adequate and/or where they dropped out, the school experience was an element in their social integration into U.S. community life. In particular, in the context of DACA, it is important to have arrived before the age of 16 because this is a core eligibility requirement.

Scoring: We assigned to immigrants who had arrived prior to age 16 a zero (difficulty level) on the entry age component of the D-SDI—implying that they are likely to have some advantages in being prepared to manage the DAPA or DACA application process as compared to those who arrived when they were older.

We assigned those who arrived at age 16-28 a 0.25 score on the age-at-arrival component, implying that, whatever length of time they had been in the U.S., the process of social integration had probably been more difficult for them. In particular, we know that the farmworkers who arrived at the age of 16-18 are likely to have gone straight to work in the fields and not to have attended school in the U.S. We assigned to applicants who are somewhat older-- 29+ years of age-- a 0.5 score. In this context, it is useful to note that the overwhelming majority of applicants are 45 years old or less because most in the older cohort of immigrant farmworkers adjusted their status under IRCA.¹⁰



5. Time Residing in the U.S. (TIMEINUS)

In general, immigrants who have resided longer in the U.S. are likely to have an easier time applying for DAPA or DACA than those with less time here. Even those who are less socially-integrated have usually had at least some experience navigating interactions with U.S. bureaucracies. Time in the U.S. is, to some degree, co-variant with English-speaking ability and, therefore, its relationship to service difficulty is partially accounted for by that factor. We believe time in the US goes beyond language ability as a correlate of an applicant’s understanding of how the US works. However, we also assume that there may be a slightly increased probability of having a misdemeanor arrest with increased length of residence in the U.S. So we make less adjustment for length of time in the U.S. than we might have otherwise.

Scoring: Since persons who have resided in the U.S. less than 5 years are not eligible for DACA or DAPA we make no adjustment for recency of arrival for these undocumented individuals (although they are, indeed, less likely to know the “rules of the game” here in the U.S. and are, indeed, less likely to be able to interact adequately with paperwork bureaucracy). We project a modest burden of service difficulty due to recency for those who have lived in the U.S. for 5-10 years—and assign them a score of 0.25 in the SDI residency component. We score immigrants who have resided in the U.S. 10+ years at zero—implying that beyond this point their actual length of residence has no clear-cut effect on the difficulty of assisting them.

6. Previous enrollment in adult education/training course (CLASS)

Mainstream educational attainment—either in a home country or U.S. educational system does not fully reflect an individual’s educational attainment—since they may have attended an adult education class or training course.

Adult education program attendance, separate from the specific skills a learner may gain, provides useful practical experience in interacting within an organizational framework, filling out forms, organizing information into a standardized format, following essentially bureaucratic procedures which may assist immigrants in confronting the DAPA or DACA application process.

Scoring: We assigned to undocumented farmworkers who had not attended an adult education class or training program a service difficulty component score of 1 and assigned to those who had attended a class a score of zero (difficulty).

The sorts of class attendance incorporated into this component include: ESL, literacy, adult basic education, job training, GED, and university course.¹¹ We did not attempt



to assess the extent to which one sort of class or another might have helped prepare an immigrant for the DAPA or DACA application process—since the evidence from adult education reporting systems and evaluations suggests that most low-literate immigrants such as farmworkers progress quite slowly in ESL or ABE classes and often dropout before making significant progress. While going to a university course might appear to provide significant advantages to those who enrolled in one, it is not clear how much “value added” was involved (since the typical university student usually has a GED or high school education already and since reports of undocumented farmworker youth transitioning into community college suggests that success in this context is difficult).

Slightly more than one-fifth (22%) of the DAPA-eligible population had, at some point during their time in the U.S. gone to some sort of adult learning program class.

7. Type of US migration—non-migrant, “shuttle”, “follow-the-crop” (MIGDIFF)

The NAWS dataset includes a variable (MIGTYPE) which is very useful in the current context, as it classifies respondents as being settled non-migrants, “shuttle” migrants (who travel from their home base to a specific distant destination to do farmwork) and “follow the crop” migrants (who go from one crop-task to another).

Scoring: We assume that mobility is associated with difficulties in securing some of the sorts of evidence required in either the DAPA or DACA process—be it evidence of continuous residence, school records, or court records on arrests or convictions. Therefore, we assign to settled farmworkers a zero (difficulty) on this component, a 0.25 to shuttle migrants (since their travels are less extensive and their living/working arrangements in their destination more stable, and a 0.5 to “follow the crop” migrants. It deserves note that being a “follow the crop” migrant in particular implies some degree of economic/social marginality which may make effective service delivery especially difficult for these migrants.

Slightly more than two-thirds (68%) of the DAPA-eligible farmworkers are settled non-migrants. One quarter (25%) are follow-the-crop migrants and the remaining 7% are shuttle migrants. Fewer workers (60%) of the sub-population who are almost eligible for DACA and who don’t currently meet the educational requirements are settled and relatively more of them (17%) are shuttle migrants.



8. Indigenous origin/gender (INDIGENOUS2)

Indigenous-origin immigrants from Mexico or Guatemala make up about 16% of the farm labor force in the U.S. They are generally somewhat marginalized in terms of living and working arrangements in the U.S. communities where they settle (although this varies substantially depending on how well-established their village migration network is in a particular U.S. community).¹² Many are limited in Spanish as well as English. Many have reported greater than average difficulty in securing identity documents such as birth or marriage certificates from their hometowns.¹³ We assume this constellation of social circumstances makes it more difficult to serve them in the context of DAPA or DACA assistance.

Scoring: Although it is often said that indigenous migrants don't speak Spanish, the reality is that many speak some Spanish—since it is the lingua franca for a wide range of transaction in their home countries. At the same time, although they speak some Spanish, many indigenous migrants have limited Spanish vocabulary and imperfect comprehension of discussions which go beyond ordinary, routine day-to-day topics. Consequently they experience a greater likelihood of misunderstanding communications (instructions, advice, explanations) even when they have some facility in Spanish. Generally, however, it is the women from indigenous villages who have less opportunities to interact with Spanish-speakers than men, so we presume that their Spanish-speaking ability is generally still more limited than men's; as is their English ability and their knowledge/ability to navigate the world outside of farmwork. Therefore we assign to individuals who are indigenous women a service difficulty factor of 1 and to indigenous men a factor of 0.25.

The DAPA-eligible population has the same proportion of undocumented farmworkers of indigenous origin as the overall population (16%) but the population almost eligible for DACA except for education has a slightly higher proportion of indigenous-origin individuals (18%).

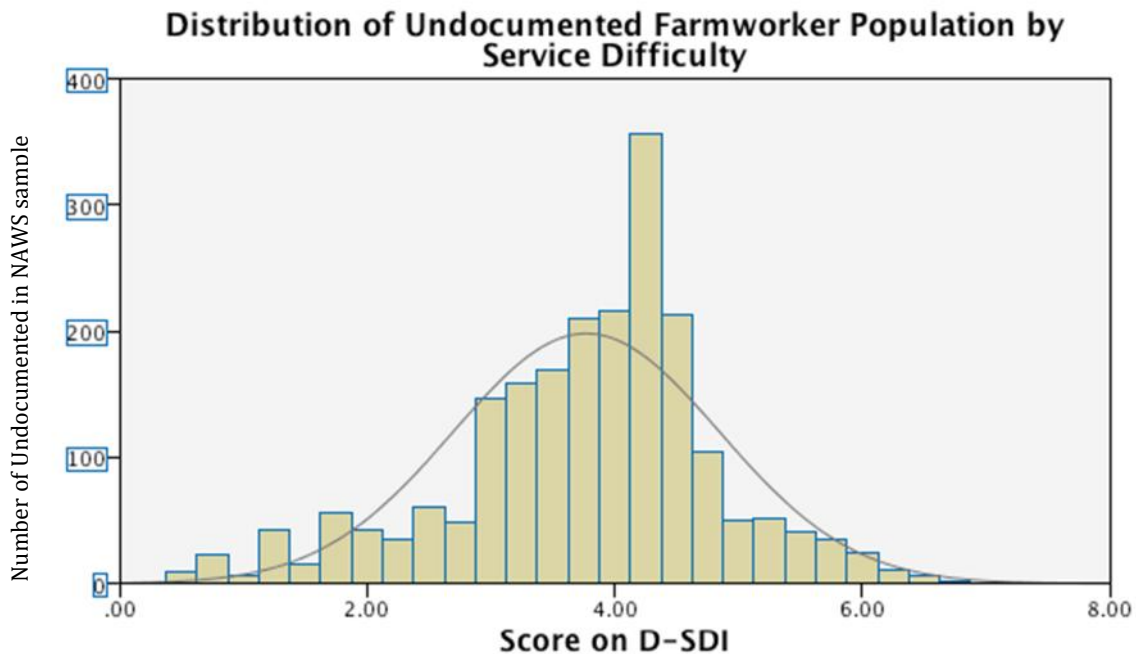
Analytic Results from Use of the D-SDI: Distribution of Undocumented Farmworker Population by Expected Service Difficulty

Applying the service difficulty index to the overall population of undocumented farmworkers provides a profile of the range of difficulties service providers will encounter in serving potentially DAPA and DACA eligible farmworkers.

In **Figure 1** we show the actual distribution of service difficulty and, as reference, a normal distribution around the mean service difficulty for all farmworkers.



Figure 1



We can see in **Figure 1** that actual service difficulty clusters within a subset of the population (i.e. those with D-SDI scores from 3.0 through 4.75), and that the most difficult and easiest (according to the Index), are relatively few. As can be seen in the figure above, the actual distribution of service difficulty for the overall service population is slightly asymmetrical with a wider range of service difficulty among those who are easier to serve than the average undocumented farmworker) than to the right (i.e. those who are harder to serve).

There are not simply “easy” or “difficult” cases and “average” cases. There is actually a continuum of service difficulty which approximates but deviates slightly from a normal distribution. At the same time, since overall service difficulty is multi-dimensional, because it stems from diverse factors—e.g. language, education, ethnicity, migrancy, age at arrival, length of time in the U.S.—considering each individual component of the index is also desirable as part of a systematic effort to design a service delivery system which is optimized to respond to the distinctive needs of prospective clients in a given service area or service population. A “one size fits all” model will not be optimal and the cost-per-case (i.e. in time, energy, number of service encounters) will need to vary substantially from client to client.



Interpreting D-SDI Scores

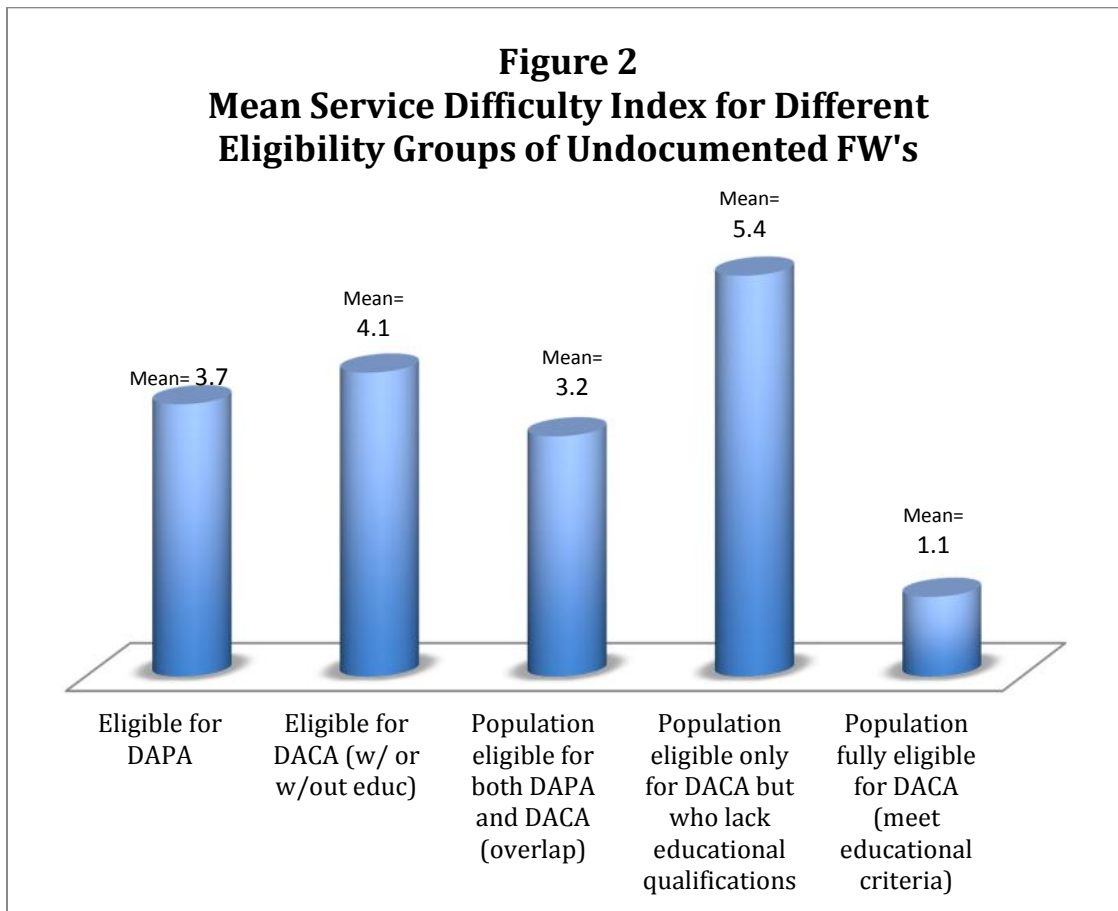
Since the D-SDI index reflects eight different factors which determine, in part, the service difficulty for different sorts of clients and service populations, many constellations of factors enter into the composite D-SDI score for an individual or the mean for a sub-population.

For example, a settled farmworker applicant for DAPA who has an 8th grade education, who came to the U.S. at the age of 21, has lived in the U.S. for 18 years, and who speaks “some” English, who is married and has two children, makes \$24,000 per year would have a service difficulty score of 2.25, predicting that he would be substantially easier to serve than most.

In contrast a settled farmworker of indigenous-origin applying for DAPA, who attended only 2 years of school, who separated from her children’s father and supporting them herself on an income of \$18,000 per year, who speaks “a little” English, and who came to the U.S. 8 years ago at the age of 23, would have a service difficulty score of 5.5, indicating that she would be substantially harder to serve than most.

Differences in Service Difficulty for Different Sub-Groups Based on Eligibility for DAPA or DACA

There are notable differences in expected difficulty of service for different sub-groups as categorized by eligibility for DAPA or DACA. **Figure 2** shows the mean difficulty of serving the farmworkers who we would expect to apply under each of the different avenues for qualifying for deferred action.



Strategic planning needs to take into account both the mean service difficulty of each of these groups and the relative size of each group.¹⁴

As can be seen in **Figure 2** above, the DAPA-eligible population is a moderately difficult sub-group to serve. Most have several characteristics which contribute to difficulty in serving them—most obviously limited English and limited education but, also, economic hardship. However, the DAPA-eligible are a crucial group to serve effectively because they make up more than four-fifths (82%) of the overall farmworker population eligible for deferred action.¹⁵

The easiest to serve sub-population are the youth and young adults who are fully DACA-eligible (to the far right of the figure). In part this is due to the fact that since they came to the U.S. before the age of 16 and actually completed high school or a GED, they mostly speak English fairly well and have at least a modest level of literacy. However, they are also the smallest of all the eligibility sub-groups, only 16% of those who are potentially DACA-eligible and make up only 4% of the entire population eligible for deferred action.



In contrast, the most difficult to serve group of applicants are the DACA-eligible-but-for-education who are not eligible for DAPA, despite coming to the U.S. as young teenagers or as children. They did not finish school (and some of the older teenage arrivals never dropped in to school in the U.S.). They are, typically, more socially marginalized in that they do not have U.S.-born children, less literate. They are less likely to speak English and more likely to be migrant workers and earn less than the long-term settlers who are eligible for DAPA. They make up more than half (52%) of the potentially DACA-eligible population and about 16% of the overall population eligible for deferred action. A strategic planning concern is that because they are more difficult to serve they may be left out in the cold.

Implications of the Distribution of Undocumented Farmworkers by Program Eligibility

When we reflect on the strategic implications of these variations in size of each of these groups, along with the typical service difficulty for each, some key points stand out:

- The largest eligibility sub-group (the four out of five who are eligible for DAPA) are relatively difficult to serve (D-SDI mean score of 3.7) but cannot be ignored because there are so many.
- The second largest eligibility group (the one out of six who is potentially eligible only for DACA but who doesn't meet USCIS education criteria) are very difficult to serve (D-SDI mean score of 5.4). They need the most help but cannot be helped without addressing the systemic issues which make it hard for them to enroll in adult learning programs.
- The fully DACA-qualified are by far the easiest sub-group to serve (D-SDI mean score of 1.1) but they are, also, a very small group.

We frequently hear reference to 'low hanging fruit' and 'higher hanging fruit'. What the current analysis means in relation to the strategic option of "focusing on the low-hanging fruit" is that while such a strategy might be attractive as a gambit to deliver cost-effective service, it will ultimately fail, because there are very few low-hanging fruit. A farmworker-oriented service delivery system to help those eligible for deferred action must, inevitably, configure its service model to serve the very large group of DAPA eligible who are moderately difficult to serve.



At the same time, service networks which are committed to providing equitable support to all potentially eligible undocumented farmworkers who seek to secure lawful presence via deferred action will, inevitably, need to make provisions to serve the substantial minority of DACA-eligible-but-for-education whose only pathway forward is apply via DACA (i.e. because they are not the parent of a citizen or LPR son or daughter). These are the 'higher hanging fruit,' the hardest-to-serve group. It includes both more recent and more long-term farmworkers who would be able to qualify under DACA if they met the educational requirements.

Serving this group will be challenging, but unless there is a commitment to design services which are responsive to their needs, realizing the full potential of President Obama's executive action will not be possible.

Different Levels of Service Difficulty within Each Sub-Group of Farmworkers Eligible for Relief

Although different sub-groups of potential DAPA and DACA applicants have characteristic levels of service difficulty, there is also substantial variation within each of these groups. To explore this we analyzed the distribution service difficulty within the overall population and within different sub-groups and sub-populations of undocumented farmworkers by categorizing ranges of service difficulty into four quartiles:

- **much easier to serve** than the average (D-SDI 0.5 through 2.2)
- slightly easier to serve than the average (D-SDI 2.3 through 3.5)
- slightly harder to serve than the average (D-SDI 3.6-4.2)
- **much harder to serve** than the average (D-SDI 4.3-7.2)

We have summarized the different broad ranges of service difficulty for the sub-groups of potential applicants in the table below.



Summary: Categories of Service Difficulty

<i>Variation within and between Sub-groups of DACA and DAPA eligibility</i>					
	<---- Based on the Service Difficulty Index---->				
	% of this group who are likely to be:				
DACA-eligible sub-groups	<i>Much easier</i>	<i>Slightly easier</i>	<i>Slightly harder</i>	<i>Much harder</i>	<i>Total</i>
All potentially DACA-eligible (both those who do and don't have education)	16%	20%	15%	49%	100%
Potentially eligible <u>only</u> for DACA, not DAPA, and who also lack educational requirements.	0%	2%	14%	84%	100%
Fully-eligible for DACA (meet education requirements)	100%	0%	0%	0%	100%
DAPA-eligible sub-groups	<i>Much easier</i>	<i>Slightly easier</i>	<i>Slightly harder</i>	<i>Much harder</i>	<i>Total</i>
All who are eligible for DAPA	12%	27%	38%	23%	100%
Eligible for both DAPA and potentially eligible for DACA	13%	52%	21%	13%	100%

As noted previously, it is important to keep in mind that there is a significant overlap between those who are DAPA-eligible and those who are DACA-eligible and that each of these sub-groups differs in size. In considering the implications of varying levels of service difficulty for each sub-group classified by eligibility, it is useful to take into account the relative size of each sub-group.

Conclusion

Our intent in developing the deferred action service difficulty index presented here (the D-SDI) has been to contribute to the ongoing discussion among immigrant advocates, service providers, and funders about the types of service and service-funding strategies which will be most efficient and effective both in supporting undocumented immigrants in pursuing the benefits available to them through administrative relief.

We have developed the service index based on an analysis of national survey data on a large (approximately 730,000) but distinct sub-group among the overall population of immigrants eligible for deferred action, i.e. farmworkers and their spouses.¹⁶ Nonetheless, this sort of analysis is immediately relevant to planning for all sub-populations of undocumented immigrants and can be readily adapted to the data elements available in the Center for Migration Studies special-use version of



the American Community Survey. A similar analysis might also be possible using the Survey of Income and Program Participation (SIPP) which the Migration Policy Institute has identified as a valuable source of data for analyses of the undocumented immigrant population or their own version of the ACS dataset.

It is clear that some individuals in each of the applicant sub-groups may be able to navigate the paperwork and requirements and apply on their own. There obviously are others who only will need a little assistance – perhaps a bit of advice and clarification which can be provided in a single orientation workshop and follow-up with a legal review of their application packages. However, most will need a good deal more coaching and direct help, based on their individual circumstances, and even the possibility that they may self-select out of the process, because they are not eligible at all.

The recurring question is – “Why assist those who are harder to serve, if it requires substantially more resources?” We have undertaken the analysis presented here in the hope of providing some answers to this question. We are certainly sensitive to the issues of ‘available resources’, and ‘helping as many people as possible with a light touch,’ and then going on to the harder to serve. However, we think the issue requires a more nuanced review than it has received to date, and that it does not need to resolve into a ‘zero-sum’ perspective.

The first element to consider in answering this question is that it is not viable to ignore those “in the middle”, who need more than a single orientation and application completion session. There’s too many of them to ignore. Serving them may, in fact, not require that many more resources, if the interventions are designed thoughtfully and implemented flexibly so as to respond to each applicant’s actual needs.

The second consideration is that, given the factors which enter into the applicant population’s need for assistance, the sort of services that must be provided need not be visualized as consisting entirely of “legal services” which are expensive to provide. The emerging discussion about staffing service delivery systems seems very promising in its focus a good deal of service assistance actually being met by “community navigators”, volunteers and paraprofessional staff drawn from the immigrant service population itself who, with sound training on the key legal issues involved in DAPA and DACA applications and screening for alternative remedies, coupled with solid legal support for advice and review of final applications can provide the bulk of the services needed.

Such a service model, which recognizes the need for ongoing interaction with clients as they seek to assemble the documentation required for DAPA and DACA, as they



hit “bumps in the road” in following through with all the required steps, should be favored, we believe. It is likely to be the best-suited for meeting the challenge of responding to the support needs of millions of undocumented immigrants who may apply for DAPA or DACA. Coaching is key – not just related to legal service issues, but also related to the range of factors needed to complete and submit a deferred action application successfully, and foster the individual’s/family’s integration into the community

This sort of community-based coaching and case management can, when well-designed, be both effective and cost-effective. The importance of stressing effectiveness (i.e. a menu of services configured to respond to the client population’s actual service needs more than efforts to minimize costs), is that there are more strategic risks associated with high rates of failure as a result of inadequate or inappropriate interventions which arise from cost containment efforts than from adopting “richer” models of intervention.

Without a well-designed service delivery model which incorporates coaching/case management, it is entirely conceivable that non-application and failure rates could reach 30-40% while, if there were to be a focus on designing an service delivery system where the priority is effectiveness rather than one where cost/encounter is minimized, the configuration might only increase the cost/encounter by 10-20%.¹⁷

Although our analysis serves to provide a composite service difficulty index which takes into account each of the multiple barriers applicants may face in submitting successful DAPA or DACA packages, we would urge service planners to also give careful consideration to the specific factors faced by the service population they seek to assist. In some populations, limited-English may be more of a barrier to applicants than the cost of application. In other populations, English-language ability may not be a barrier but limited literacy may be. The central consideration will always need to be how best to configure the kinds of help made available to customer “demand” and need.

The distribution of service difficulty in the farmworker population indicates that robust implementation will require an overall strategic framework which anticipates and provides different “tiers of service” for different sub-populations of clients. The utility of the service difficulty index as a planning tool stems from the fact that makes it possible to estimate how many prospective applicants will need to have access to each tier of service

Ultimately, given the new avenues to lawful presence opened up by President Obama’s announcement of executive action, it is clear that the optimal service strategy will be a family-oriented one—since there are many potential efficiencies in



screening each household to determine which family member will best qualify for which remedy, determining which approaches make the most sense in terms of managing the information-related tasks involved in applying and covering the cost of multiple applications in a household.

Here too, what will be required is not simply summary skeletal “strategic” models but, rather, full-fledged operational models which will, inevitably, entail some measure of case management. “Outreach” and orientation via information sheets with “canned” information will serve little purpose. Outreach will need to engage with families from the very first encounter in assessing the challenges they face in applying, reflecting on how and when to go forward with application(s), and subsequently providing easy access to advice and assistance as needed.

Service planning which looks carefully at prospective applicants’ and applicants’ households’ needs for assistance, based on understanding the ways in which their individual personal and socioeconomic characteristics affect their need for assistance holds out the promise of providing a solid foundation for “jumpstarting” the process of integrating DAPA and DACA recipients into the mainstream of U.S. society.

Detailed consideration of individuals’ and families’ educational, language, economic circumstances, early on in the process of developing service networks for DAPA and DACA applicants will greatly facilitate subsequent efforts to help them move beyond work authorization and freedom from fear of deportation onward into upward mobility in the labor market, improved access to health care, and increasing levels of civic participation. Without a commitment to moving undocumented immigrants beyond the first step of “getting their papers in order”, the full promise of executive action will remain unfulfilled.



End Notes

¹ The USCIS report on DACA at the end of FY 2014 shows that 702,000 applications had been received. Migration Policy Institute estimates that there were about 1,626,000 immigrant youth and young adults potentially eligible (including the 426,000 who were qualified based on age, age of arrival, and residence, but who lack a high school degree or GED and who need to enroll in an adult education or training course to qualify). Thus, the effective application rate was 43%. Unless DACA strategy includes special efforts to help the sub-group who are DACA-eligible-but-for education, the maximum application rate would be 74% since 26% fall into this sub-group.

² We reviewed 2,139 records of NAWS respondents who are undocumented who were interviewed during FY 09-10.

³ Analysis of the NAWS data shows that the population of DACA and DAPA eligible farmworkers includes quite dense clusters of immigrants from some Mexican states—most notably Michoacan and Oaxaca (as might be expected) but also states such as Guerrero. The existence of these clusters suggest that outreach and service strategies designed to engage extended family and village networks, perhaps via *federaciones* and hometown associations, will be particularly effective.

⁴ Our visualization of “service difficulty” refers both to difficulty of outreach (social marketing) to a sub-population with specific profiles (e.g. low-literate, indigenous, migrant farmworkers) and actual provision of the menu of individualized services required to effectively assist them in successfully applying for and being granted deferred action (e.g. including assistance with follow-up requests for evidence from USCIS as necessary, resolution of issues as to whether an educational provider qualifies as being of “demonstrated effectiveness”, resolving issues related to demonstration of continuous residence).

⁵ Each of the components of the service difficulty index is a prima facie correlate of service difficulty. Consequently, when examining the real-world population of undocumented potentially eligible farmworkers there is more variation in some dimensions (e.g. educational attainment) than in others (e.g. English-language ability).

⁶ Some of these factors (indigenous origin, type of migration within the U.S., adult education/job training classes attended in the past) are unique to the NAWS dataset and of special importance in assessing the expected difficulty of serving farmworkers but the rest are available as part of the ACS core dataset. We



encourage modification and refinement of the D-SDI as time permits and if/when service data becomes available to validate and/or modify our assumptions about the correlates of service difficulty.

⁷ The objective in constructing any index or model is to predict as simply as possible an unobserved characteristic (service difficulty) based on observed characteristics for an identified population (using variables available in a pre-existing dataset such as the ACS or NAWS). For example, it is for this reason the current model omits the “time abroad” factor which is genuinely related to service difficulty—because it only affects the difficulty of a very small group.

⁸ The overall prevalence of trips abroad during the entire 5 years prior to application is, of course, likely to be higher than the 1-year rate. However, it would seem that the profile of trips, i.e. mostly short ones, would be similar. Moreover, given the cost of border-crossing on return to the U.S. it is unlikely that many of the settled DAPA and DACA eligible farmworkers could actually afford to go home

⁹ Adam Sawyer and Bryant Jensen have done extensive research over more than a decade on educational outcomes in Mexico, including research on differences in urban and rural student outcomes (with almost all Mexican immigrant farmworkers being from rural migrant-sending villages). The National Adult Literacy Survey (NALS) is particularly useful as a benchmark for assessing literacy in relation to interactions with bureaucracies in that the Educational Testing Service’s assessment of literacy is anchored to three broad domains—prose literacy, document literacy, and quantitative literacy and generates broad “bands” of literacy referred to as Levels 1-4. The domain of document literacy specifically includes skills related to understanding and completing forms. The NALS sample included foreign-born respondents and has detailed documentation of literacy instrumentation. See Irwin S. Kirsch and Ann Jungeblut, “Profiling the Literacy Proficiencies of the JTPA and ES/UI Population”, Educational Testing Service, 1992 for the most thorough analysis of the competencies of less-educated sub-populations. Insights on educational attainment and census forms completion are from Edward Kissam, Enrique Herrera, and Jorge Nakamoto, “Hispanic Response to Census Enumeration: Forms and Procedures”, Aguirre International Report to the Census Bureau, 1992.

¹⁰ About 6% of the DAPA-eligible undocumented farmworkers are over 45 years of age. This population includes some who were unable to legalize under IRCA for one reason or another but also some who arrived in the U.S. in their 30’s but still at a young-enough age to have a U.S.-born child. The older almost-DACA-eligible but for education undocumented farmworkers are mostly eligible for DAPA also. The relatively low prevalence of DAPA and DACA-eligible current farmworkers is also



likely to reflect the fact that some have already been forced to leave farmwork for health reasons or have managed to move into non-agricultural employment. Consequently, the overall population of rural immigrants is likely to have a higher proportion of older applicants than the farm labor force per se.

¹¹ These are the types of adult education and training courses distinguished in responses to NAWS question B07. We have not reviewed SIPP, the Survey of Income and Program Participation, but we believe it uses a more detailed classification of program participation.

¹² We have, for several decades, observed the implications of belonging to a particular village migration network which is dominant in the local community or not. These village networks play a major role in assisting newcomers in settling in to local communities and these forms of mutual support continue on for decades. Inevitably, immigrants who do not belong to the dominant migration network in a local community typically experience some disadvantages in access to information which circulates within these informal social networks and in getting help with a range of needs. We believe these differences are likely to extend into the realm of DACA and DAPA applications. Being from Rancho Xoconotle, Guanajuato is very useful if one is a farmworker in Arvin, CA but not so helpful if one is in Watsonville, CA where there are so many migrants from Zamora, Michoacan. For detailed analysis, see: Ed Kissam, David Runsten, Jo Ann Intili, “ Networks and farm labor dynamics in Parlier, California”. In *Proceedings of the Agricultural Labor Research Symposium*. Sacramento, CA: EDD, State of California, 1991. See also Ed Kissam, “ Migration networks and processes of community transformation: Arvin, California and Woodburn, Oregon”, *Journal of Latino and Latin American Studies*, 2007.

¹³ Karen Asencio, *The Under-Registration of Births in Mexico: Consequences for Children, Adults, and Migrants*, Migration Policy Institute (April 12, 2012) available at: <http://www.migrationpolicy.org/article/under-registration-births-mexico-consequences-children-adults-and-migrants>

¹⁴ Based on the 2009-2010 NAWS sample where 1,086 cases can be identified as eligible for deferred action under some program, with 905 eligible under DAPA, and 286 potentially eligible (those current meeting the education requirements and those who might potentially qualify if they could enroll in an adult learning program). Of the DAPA-eligible, 800 could qualify only under DAPA, while 105 are eligible both for DAPA and potentially for DACA. Another 148 only qualify under DACA (if they can meet the education requirements) and 45 qualify only for DACA and are fully-qualified since they meet the educational requirements as well as age at arrival and length of time in the U.S.



¹⁵ However, it should be noted, in this context that there is some overlap between the DAPA-eligible and potentially DACA-eligible groups of undocumented farmworkers. The “dual-eligible” (who potentially qualify for both DAPA and DACA) make up more than one-third (37%) of the overall DACA-eligible population, and 10% of the overall population eligible for deferred action (either DAPA or DACA).

¹⁶ As noted previously in our analysis, in developing the D-SDI we have focused on farmworkers’ and their spouses’ ability to apply for DAPA or DACA. The discussion here has not yet included analysis of the population of farmworker dependents who are eligible for DACA (because the NAWS public use dataset makes this analysis somewhat more difficult technically). This does not mean that we discount the need for outreach to families who have DACA-eligible children (i.e. the “pipeline” of future-eligible DACA potential applicants). It is an important strand in the strategy. We also have not yet incorporated attention to the service difficulties which will be faced by the undocumented immediate relatives of U.S. citizens and LPR’s who might benefit from the waiver of the 10-year bar. We will address this when the regulations for the program are published in mid-2015.

¹⁷ Charles Kamasaki’s analysis of implementation of IRCA and other programs offering immigration benefits to undocumented immigrants makes an important contribution to planning since he explicitly addresses the need to focus on relevant outcomes, namely success rates not just application rates and factors that into overall cost estimates for overall implementation of application assistance. The D-SDI can be used within this over-arching planning framework as a tool to estimate the average cost/client for different sub-populations of applicants based on costs typical each “tier” of service (e.g. based on number of client encounters likely to be required for a typical client in an “moderately difficult” tier of service vs. a “moderately easy to serve” tier).