

## Making Good on the Promise: Helping Out-of-School Immigrants, Farmworkers, and other Rural Immigrants Qualify for Deferred Action

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### OVERVIEW

The DACA program (deferred action for childhood arrivals) initiated by USCIS on August 15 holds great promise for immigrant youth and young adults. It provides them freedom from the fear of deportation, a chance to begin working legally, a way to pursue their career development, and an assurance that civic engagement really works—inspiring them in continued advocacy for passage of DREAM Act so as to eventually find a clear-cut pathway to U.S. citizenship.

The challenge now is to transform promise into reality—to make the most of the opportunities that have opened up—using DACA as a springboard to leverage young immigrants’ new status into a launchpad for an upward trajectory toward economic well-being, career advancement, and rewarding, effective, civic engagement.

Immigrant advocates, service organizations, and civic groups are now four months into the process of building the organizational capacity needed for supporting DACA applicants in this quest. About 180,000 DACA applications had been received by USCIS as of October 10.<sup>1</sup> These represent about 13% of the estimated 1,382,000 age-eligible DACA applicants who are currently old enough to apply for relief.<sup>2</sup>

This cohort of early DACA applicants are predominantly those who are “fully qualified” for approval under DACA, students currently enrolled in school and high school and college graduates who faced no particular hurdles in securing documentation of their identity, age, residence, and educational qualifications, and who had no legal issues to resolve. Applications will continue to be sent in as young adults and youth who may have been undecided about applying for DACA decide to apply and as those who had faced some challenges in assembling required documentation or resolving minor legal issues prepare their applications.

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It is now an appropriate time to begin planning to consider how to keep the initial momentum going and, ultimately, to assure that all those eligible who wish to apply under DACA can do so. A key strand in strategic planning and capacity-building efforts is to develop a system to support DACA applicants which is cost-effective but which, also, is equitable, which assures that the hardest-to-serve, as well as others get help.

## **DIVERSITY WITHIN THE DACA-ELIGIBLE POPULATION**

Somewhere between 1.26 and 1.38 million immigrant youth and young adults who came to the U.S. as children are potentially eligible for DACA based on the age they arrived in the U.S. and their current age.<sup>3</sup> However, about 350,000 to 390,000 of these youth and young adults who qualify for DACA in terms of age and residence are not currently enrolled in school and have not managed to get a high school diploma or GED.<sup>4</sup> They make up about 28% of the overall DACA-eligible population. Under the DACA program guidelines these non-HS/non-GED youth and young adults can only qualify if they enroll in an adult education program. Consequently, access to such opportunities are essential for them.<sup>5</sup>

USCIS guidelines clarify that the adult education courses applicants can enroll in to meet DACA educational qualifications include a broad range of adult learning programs which will help them advance in the labor market—basic skills development offered at adult schools or community colleges to prepare them for vocational training in specific occupations, vocational training, employment preparation, and GED preparation courses.<sup>6</sup> The applicants who do enroll in an adult education program in order to secure relief under DACA and who are successful in them will very likely qualify for better-paid and more rewarding employment after they receive their work authorization (probably 4-6 months after they apply)

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An essential part of strategically preparing these out-of-school DACA applicants who are young working adults (or young mothers who dropped out of school and the labor market in order to raise children) will be to assure that when they have completed their adult education program it will provide them relatively rapid returns on the time they have invested. Three considerations are paramount: will the adult education programs they enroll in so as to qualify for DACA provide them bona fide opportunities to succeed? Will learners learn what they need to reap real benefits in terms of employability? Will the adult education system be able to develop the additional service capacity to enroll almost 400,000 new adult learners when budget problems have so dramatically reduced their capacity (typically by more than 20%) over the past 5 years.

## **ADULT EDUCATION ACCESS FOR THE NON-HS/NON-GED APPLICANTS**

The Migration Policy Institute report, the Immigration Policy Center report, and analyses by Rob Paral Associates of metro/micro-areas provide valuable insights into the extent of need for adult education access. The problem of non-HS/non-GED applicants' access to adult education is serious

in both urban and in rural communities but it is particularly challenging in the rural areas where the out-of-school non-HS/non-GED potential DACA applicants, many of them migrant and seasonal farmworkers, are concentrated—because the adult education infrastructure is not well-developed.

The vast majority (74%), but not all, of the DACA-eligible immigrant youth and young adults are of Mexican or Central American origin and the overwhelming majority of them are born in Mexico.<sup>7</sup> It is likely that the overwhelming majority—probably 9 out of 10-- of the educationally-disadvantaged potential DACA applicants are of Mexican or Central American origin—because physical contiguity made it easier for parents to eventually bring young children who were left in their home villages when parents migrated to the U.S. and for some young teenagers to immigrate directly from Mexico or Guatemala on their own.<sup>8</sup>

This facet of migration dynamics deserves attention because many of the Mexican and Central American potential DACA applicants are very low in literacy because they dropped out of school before even reaching high school. Many, especially among the farmworker population, may also be limited in English—some because they began working as soon as they arrived in the U.S. without ever attending school in the U.S. These difficulties are particularly acute for indigenous-origin Mexican or Guatemalan immigrants—some of whom dropped out of elementary school before coming to the U.S.<sup>9</sup>

These age-qualified, but educationally disadvantaged, potential DACA applicants will need not simply one-time advice and guidance as to how to prepare a pro se application but, also, ongoing assistance in problem-solving in order to secure and effectively present the documentation needed to qualify for relief under DACA. In particular, they will need individualized and responsive support to help them secure admittance to an appropriate adult education program, in planning how to best align available educational opportunities with their personal interests, career plans, work schedules, and family life. They will also need ongoing support in navigating the unfamiliar space of educational bureaucracy and in learning “learning to learn” skills so as to become successful learners.

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The challenges faced by these youth and young adults who seek to resume an interrupted education are significant but the potential benefits are real and long-lasting. Deferred action and work authorization will have an immediate, dramatic impact on their economic well-being and that of their families. At the same time, for those who dropped out of school, re-connecting with adult learning programs prepared to provide “anytime, anyplace” lifelong learning support may have a profound long-term impact on their lives—by allowing them for more than previously seemed possible, by encouraging them to have the luxury of exploring and pursuing their own individual interests.

## **COMMUNITY ACTIVISTS AND SOCIAL NETWORKS CAN MAKE A DIFFERENCE**

Community-based organizations and the DREAMer networks can make especially valuable contributions by helping teenagers and young working adults who did not finish high school understand (and believe!) that they, too—not only high school and college students and graduates—

may qualify for deferred action. This is particularly crucial for the rural applicants because so many of them are farmworkers who believe they can't possibly succeed in school and that, therefore, they are inevitably condemned to lifelong work in low-wage occupations.

It will be important to also consider carefully what roles organizations such as the federations of Mexican immigrants, *clubes de oriundos*, and other Latino-oriented service organizations can do to help their fellow immigrants succeed in securing deferred action status and work authorization as well as what they can do to catalyze cross-agency, collaboration among immigrant advocacy groups, schools, job training programs, family service providers, churches, businesses, and non-profit networks to help applicants navigate the overall process and, then, meet the education requirements of DACA.

Once the non-HS/non-GED working youth and young adults understand they can indeed qualify for DACA—by enrolling in an adult learning program—it will then be necessary for community organizations, civic activists, and service providers to advocate vigorously and work collaboratively with schools, community colleges, and non-profit education service providers to make courses available to them, to develop the adult learning opportunities these educationally-disadvantaged applicants need as part of their pathway to DACA and securing authorization to work legally.

## **GEOGRAPHIC DISTRIBUTION-URBAN/RURAL DACA-ELIGIBLE IMMIGRANTS**

It appears that more than two-thirds of the young, educationally-disadvantaged working immigrants eligible for DACA are concentrated in major urban areas—Los Angeles, Chicago, New York, Dallas, Houston, Seattle, and other large cities around the country.

However, almost one-third of the young working immigrants who do not yet meet the education requirements (an estimated 100,000-120,000 of them) live in rural areas. They are farmworkers or other low-wage immigrant workers in agricultural areas of the United States—as poultry and meat processing plant workers, construction workers, janitors, truck drivers, child care providers, gardeners, housecleaners, restaurant workers, retail clerks, or, even as proprietors of their own small businesses.<sup>10</sup>

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It will be crucial for immigrant advocates, educational institutions, farmworker service organizations, agricultural employers, concerned civic groups, community colleges, K-12 and schools in these rural areas to begin planning immediately and working collaboratively to build adult education service capacity and fashion the kinds of courses needed to allow these working youth and young adults to move ahead.

## **AN ESTIMATE OF MIGRANT AND SEASONAL FARMWORKERS (MSFW'S) POTENTIALLY ELIGIBLE FOR DEFERRED ACTION (DACA)<sup>11</sup>**

The vast majority (43,000 or 81% of the approximately 55,000 unauthorized MSFW's in the U.S. who are eligible for DACA) based on age and residence do not currently meet the education requirements of DACA—because they lack a high school diploma or a GED and are not currently

enrolled in school.<sup>12</sup> About as many non-farmworker immigrants in rural areas of the U.S. are likely to be in the same situation—perhaps another 45,000 of them (some of whom are farmworker family members).

Most of these rural immigrants are of Mexican origin, although there are significant numbers of Guatemalan farmworkers also in the Southeast and immigrants of other national origins in some other rural areas of the country (e.g. Hondurans in North Carolina, Somalis in Minnesota, Hmong in California’s Central Valley).

It appears that almost two-thirds of the DACA-eligible farmworkers and rural immigrants in the rural U.S. live in three Pacific Seaboard states (California, Oregon, Washington). And about 80-90% of them live in California. Based on metro-by-metro analyses by Rob Paral Associates we estimate the number of potential DACA applicants in rural California as about 83,000; the same analysis suggests that about half (42,000) will need access to adult education in order to qualify.

Other areas with significant concentrations of DACA-eligible MSFW’s include, in the Southeast, Florida, Georgia, and North Carolina, Texas and Michigan in the Midwest, in the Northeast, upstate New York and rural New Jersey, and along the Atlantic seaboard states, Tennessee, Kentucky, Maryland, and Pennsylvania.<sup>13</sup> The distribution of the DACA-eligible rural population who are not MSFW’s is probably similar to that of the farmworker population although secondary migration may have given rise to some concentrations of immigrants in areas other than those where there is labor-intensive agricultural production.<sup>14</sup>

## **STRATEGIES TO HELP OUT-OF-SCHOOL DACA-ELIGIBLE IMMIGRANTS ACCESS ADULT EDUCATION—IN RURAL AND IN URBAN AREAS**

DREAMer networks are unique resources for peer outreach and counseling programs designed to support the educationally-disadvantaged potential DACA applicants. Who better can convey the message, “Si se puede!” to working youth and young adults who think that education’s not for them? DREAMer networks can inspire, encourage, counsel, and coach their out-of-school peers—based on experience bridging two worlds: the community and in higher education. Merely “informing” them is not enough. Providing them, ongoing, individualized support will be necessary; some may need only a short, intense period of advice and help, others may require a modicum of support and encouragement over a period of months.

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While peer support is key, there are crucial roles for formal institutions and organizations to play also. High schools, community colleges, and colleges can support and catalyze peer support to DACA applicants by working to make service-learning opportunities available to high school and post-secondary students. The overwhelming majority of the college-educated DREAMers who have been so active in promoting the DREAM Act and legalization for undocumented youth are strongly committed to assuring equity for all and extending the benefits of DACA as broadly as possible. They are ready, able, and willing. Educational institutions should partner with them to make high

schools, community colleges, and 4-year colleges, the fulcrum for promoting DACA and continuing education as an important pathway toward career advancement for immigrant youth.

Legal service providers are needed to provide sound advice at key points in DACA applicants' preparations to apply. It will be important for legal service providers providing orientations to DACA and counseling applicants in workshops to anticipate the problems they will face in enrolling in and succeeding in adult education. At the point of intake, legal service providers working on DACA will need to advise the potential applicants who have to enroll in adult education to take the necessary steps to enroll and to counsel patience since gaining admittance may take weeks or months. A good first step for all will be to work with an advisor (not necessarily a lawyer, ideally a peer or volunteer counselor) to develop an individual education plan based on their personal interests, objectives, and informal self-assessment.

Although resuming their education, may seem a daunting barrier to the out-of-school working youth and young adults who dropped out or who never went to school in the U.S., the core of the DREAMer movement has been not “realism” (acceptance of the status quo) but “dreaming” (moving forward whatever the odds of success). Starting in again with basic skills development and adult education may well be difficult—but the only ethical and sound advice will be for legal advisers to present this option as a viable opportunity to qualify and, at the very least, orient applicants to the fact there are several alternative pathways forward in adult learning programs. (See Werner-Kohnstamm Family Fund DACA Discussion Paper #2 for our review of the issues inherent in returning to adult education, the benefits of doing so, and some strategic approaches that seem promising for creating new courses designed specifically in response to the needs of the non-HS/non-GED DACA applicants).

## **THE SEARCH OF IMMEDIATE RELIEF COUPLED WITH WORK TOWARD LONG-TERM LIFE OUTCOMES**

Ultimately, strategies to support applicants in submitting successful DACA applications need to achieve a balance between advice on complex legal issues and the less-demanding but, nonetheless, critical tasks involved in assembling and presenting a successful application, including the complex ones involved in enrolling in adult education. Surely, effective strategy requires that DACA applicants have access to advice on legal “red flags” and immigration options other than DACA, but it would be a mistake to assume that every DACA-related challenge is a legal one or requires extensive expertise in immigration law.

The legal situation of the rural Mexican immigrants is probably quite similar to that of the urban immigrants but it is likely the rural DACA applicants may encounter more difficulties in documenting continuous residence due to the semi-formal arrangements typical in low-wage immigrant jobs where they are employed, especially in farmwork, as well as the informal nature of living arrangements in communities with crowded housing and complex households.

Identity documents are one problem. The Mexican Secretaria de Relaciones Exteriores has already been proactive in encouraging consular offices to collaborate in workshops in DACA and in facilitating and expediting applicants' requests for birth certificates, identity cards, or other crucial documents. However, Mexican state offices of migrant affairs can and should work equally hard to remove whatever barriers there may be to securing home-country documents.<sup>15</sup> Documentation of date of arrival and continuous residence is challenging also—but has been greatly facilitated by



USCIS' recent guideline making it clear that it is reasonable to expect only on document providing evidence of U.S. residence for each year of an applicant's time in the U.S.

Part of system approaches to strategic support and individual efforts in advising non-HS/non-GED applicants for DACA will be to look carefully and deeply not only at the short-term implications of enrollment in an adult education program so as to qualify for DACA but, also, to consider the medium-term and long-term issues. USCIS, quite reasonably, noted in its guidelines that it would expect those granted deferred action based, in part, on their enrollment in an adult learning program, to actually make significant progress toward achieving their educational objectives—as part of enrollment in a GED preparation, basic skills development, or vocational training, community college, college, or employment preparation—by the point they applied for DACA renewal in two years.

Community-based organizations, potential DACA applicants themselves, funders, and concerned employers can make valuable contributions by advocating for well-designed course offerings from adult schools, community colleges, and vocational training programs. This advocacy must be oriented toward creation of courses which are easily accessible to DACA out-of-school applicants who may be limited in English and basic skills. Such courses, when well-designed, can satisfy USCIS's legitimate desire for DACA applicants' adult learning program enrollment to be substantive and, at the same time, focus on building employment-related skills and recognize the distinctive learning needs and goals of working immigrant adults.

Pro-DACA efforts to help individual applicants will need to be coupled with vigorous advocacy in states (e.g. Arizona, South Carolina, Georgia, Alabama) that seek to bar undocumented immigrants' access to adult education and community college programs.<sup>16</sup> Within immigrant communities themselves, ongoing campaigns will be needed to refer potential DACA applicants to high-quality immigrant-friendly educational institutions that offer courses meeting USCIS expectations (i.e. leading toward a GED or vocational training or employment).<sup>17</sup>

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Ideally, efforts to make new education system service capacity available to DACA applicants in rural areas would be focused on creating course offerings tailored to the learning needs and personal objectives of farmworkers and other low-wage working adults. For example, vocational ESL courses offered by K-12 adult schools or community colleges would be likely to both meet USCIS requirements and provide farmworker youth and young adults a first step upward on a career ladder which would improve the stability of their earnings (either in agricultural employment or elsewhere). GED courses crafted specifically to prepare students to take the GED in Spanish may be useful for some groups of DACA-eligible farmworkers. California, Oregon, Washington, and Florida, at least, have well-developed community college systems which can play a particularly valuable role. But local K-12 school systems which, for example, in California, bear primary responsibility for offering adult basic education and ESL courses can play an important role also.

Pressure points also include messaging targeted to family and extended village networks as well as to the out-of-school youth and young adults who are potentially DACA-eligible. There is a special role

here for *Federaciones, clubes de oriundos*, LULAC chapters, NALEO, MALDEF, NCLR, as well as other Latino networks and local community-based organizations because they can fairly easily establish *confianza*—convincing dubious youth that they can be trusted and are genuinely dedicated to helping. These groups can have a huge impact on the well-being of the DACA-eligible working immigrants in Mexican-origin and other ethnic communities by promoting the option of resuming one’s education and helping newly-enrolled adult education students as they struggle with continuing their education; this sort of involvement makes a contribution too by, essentially, providing the potential applicants and newly-granted DACA beneficiaries accessible models for civic participation and introducing the idea of “giving back to the community”.

There are roles for mainstream institutions also—especially in the more rural, resource-poor communities. There are now many small, rural communities where municipal governments recognize local immigrants as de facto citizens of their community and which are now willing to take proactive pro-immigrant stances, mainstream civic groups such as the League of Women Voters, service organizations such as community health centers, local chambers of commerce, community-run park and recreation programs, a wide spectrum of community groups, can, if they wish pitch in to support their local, hometown youth in achieving status via DACA. Initiatives such as the Institute for Local Government’s technical assistance to municipalities in implementing “Welcoming Immigrants” programs could, in principle, be expanded to include community volunteer efforts to help DACA applicants with their applications and adult education participation.

## **ROLES FOR PROGRAMS TARGETED TO MIGRANT AND SEASONAL FARMWORKERS (MSFW’S) IN MAKING GOOD ON THE PROMISE OF DACA**

The challenges farmworkers face in applying for DACA, and in many other aspects of their lives, are great—but some unique resources are available to help them. There have now been, for more than 50 years, several large federally-funded national programs targeted to serving the needs of migrant and seasonal farmworkers (MSFW’s). Originally, as part of Great Society programs in the 1960’s, these programs supported multi-service community-based organizations that had emerged as a way to respond comprehensively to the special needs of migrant and seasonal farmworkers. Now, half a century later, these various social service, health, and educational functions are delegated to distinct organizational service networks. Nonetheless, each of these could, if it wished, play a valuable role in making the dream of deferred action and upward career mobility a reality for young immigrants in rural communities. However, to assure this proceeds as effectively as possible, it would be valuable for federal, state, and local administrators, managers, and program planners to recognize how support to DACA applicants relates to their core mission, proactively explore role(s) they might individually or collectively play in helping MSFW applicants for deferred action enroll in adult learning programs, and, then, reach out to offer support to farmworkers and their families in applying for DACA.

Key MSFW program networks which can immediately provide assistance to farmworkers in applying for DACA include the following<sup>18</sup>:

**Migrant Education** programs—Funded at around \$390 million per year, these programs, funded by federal grants to states and by states to local school districts or consortia of districts, Migrant Education grantees are authorized to serve migrant farmworker families, irrespective of legal status. Their designated service population includes both students currently enrolled in K-12 schools and out-of-school farmworker youth and young adults up through 21 years of age. Migrant education



programs can and should offer orientation to the DACA provisions, application assistance tailored specifically to the needs of farmworker applicants, and fund VESL and GED preparation programs tailored to the learning needs of out-of-school DACA-eligible farmworkers up through the age of 21. Naturally, their role should also include student counseling and orientation explaining the immigration-related benefits of school enrollment and high school completion within the context of DACA for students currently in school.<sup>19</sup>

Migrant education currently provides limited funding for some program designs which are especially relevant—most notably HEP (designed to transition school dropouts into post-secondary education)—but it would be entirely feasible to allocate a significant portion of the state grants for K-12 school systems to programs for out-of-school youth. Some states have offered programs for out-of-school working farmworkers but there are not many of these. Some local Migrant Education programs have now begun to assist potential DACA applicants, at least with orientation to the provisions of the program but it will be important to extend this initial response to include, also, basic skills offering designed specifically to provide those current farmworkers who are both Migrant Education-eligible and DACA-eligible (i.e. those 15-21 years of age) access to appropriate, adult education courses.

**Migrant and Seasonal Headstart programs**—Funded at a level of about \$250 million per year, MSHS programs are typically operated by community-based organizations. With more than 400 sites around the country, the MSHS programs can play an extremely valuable role in informing farmworkers of the provisions of DACA—because the demographics of the farmworker parents of pre-school children enrolled in MSHS programs correspond, to a significant extent, to those of the DACA-eligible age group, i.e. farmworkers under the age of 31.<sup>20</sup> MSHS grantees playing such a role is facilitated by the overall Head Start program design which gives attention not only to pre-schoolers’ development but, also, to family resiliency.

**National Farmworker Jobs Program grantees**—Funded at a level of about \$78 million per year, the NFJP grantees have a long history of serving farmworker families and providing them basic skills development and employment training. There appear to be statutory constraints on NFJB grantees enrolling unauthorized farmworkers (i.e. DACA applicants prior to approval) but they can, nonetheless, play a valuable role in orienting farmworker communities to the DACA provisions as part of their broad outreach activities.<sup>21</sup>

An appealing program design would be a two-phase one. The first phase would focus on initial career orientation, coaching in “learning to learn” skills, and remedial work in skills areas where participants are weak. This initial “transitional” phase might last for 4-6 months and would need to be supported with non-federal funds (perhaps foundation support, via fee-for-service charged to enrollees, perhaps from 3<sup>rd</sup> party payers such as local employers). Such a program design would be USCIS-qualified because it would indubitably consist of preparation for vocational training provided by organizations deemed to be of demonstrated effectiveness (because they receive federal funding—although the funding can’t be used to instruct DACA applicants until they receive work authorization). Such a course could be designed ahead of time to assure a seamless transition once DACA applicants receive work authorization—with the more expensive phase of technical/vocational training being eligible for federal support. The DACA recipients (who had qualified under USCIS guidelines based on their enrollment in Phase 1 of the two-phase program) could then graduate into the second phase of the program which would consist of vocational training (combined with continuing basic skills remediation if needed) with the outcome being the

standard one for WIA-funded employment training providers—placement into a training-related job.

A more modest role for the farmworker employment training programs would be to provide the initial career orientation and counseling the non-HS/non-GED needed to be in a position to plan the second phase of their continuing education which might involve enrollment in federally-funded vocational counseling, ESL, literacy, and employment training programs. Because of their expertise in employment training the NFJP grantees could play a particularly valuable role in working with local community colleges and K-12 adult schools to design VESL and other employment-oriented training programs designed specifically for non-HS/non-GED farmworkers which will both meet USCIS requirements and provide solid learning environments where the returning students could be successful in pursuing and completing a course of vocational training (i.e. leading either to an employment-related certificate or an AA degree).

**TRIO Programs**—Designed to support upward career mobility and to focus on rural areas as well as disadvantaged inner-city neighborhoods, these programs have the potential to be valuable partners in efforts to rapidly design adult education service networks to respond to DACA-eligible farmworkers’ needs.

## **IN SUMMARY**

A greatly-expanded network of adult education opportunities will be crucial in providing assistance to about 370,000 young immigrants, who will need to enroll in a GED preparation, employment-oriented adult education, or vocational training in order to qualify for deferred action. Among these educationally-disadvantaged young immigrants seeking to qualify for DACA there are probably about 120,000 rural residents, farmworkers and others, who will face especially serious challenges in accessing adult learning programs—due to lack of service delivery system capacity, distance.

The proactive involvement of a broad range of community-based organizations can make a huge difference in persuading the young DACA eligible immigrants who dropped out of school (to work or to raise children) that they, too, may be able to qualify for DACA by enrolling in an adult learning programs. Having provided them initial encouragement and advice, these organizations could and should commit themselves to providing the DACA beneficiaries continuing support to help assure they complete the program they enrolled in.

Local, state, and national partnerships relying on a mix of federally-funded activities, foundation-funded initiatives, and other local sources of funding (including contributions from small Latino businesses, agribusiness, and major corporations) can make the difference in determining whether the promise of deferred action can be transformed into a reality for the immigrant out-of-school working youth and young adults who have not yet had an opportunity to complete their education.

## END NOTES

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<sup>1</sup> “Pace of DACA Approvals Quickens, but Will it be Fast Enough?”, Immigration Impact, American Immigration Lawyers Association, October 16, 2012.

<sup>2</sup> Immigration Policy Center, “WHO AND WHERE THE DREAMERS ARE, REVISED ESTIMATES: A Demographic Profile of Immigrants Who Might Benefit from the Obama Administration’s Deferred Action Initiative”, analysis by Rob Paral Associates, October 17, 2012.

<sup>3</sup> The lower estimate (1.26 million currently age-eligible) is from the Migration Policy Institute, Jeanne Batalova and Michelle Mittelstadt, “Relief from Deportation: Demographic Profile of the DREAMers Potentially Eligible under the Deferred Action Policy”, August, 2012. The higher estimate (1.38 million currently age-eligible) is from the Immigration Policy Center’s October 17<sup>th</sup> report.

<sup>4</sup> The highest estimate of non-HS/non-GED DACA-eligible immigrants is from an unpublished tabulation provided to GCIR by Rob Paral Associates of the geographic distribution of the three sub-groups within the DACA-eligible population (the current fully-qualified, the age-eligible who need access to adult education, and those “in the pipeline, not yet old enough to apply) for all U.S. metro and micro areas (sometimes, but not always, corresponding to counties).

<sup>5</sup> See USCIS web page at [www.uscis.gov/childhoodarrivals/](http://www.uscis.gov/childhoodarrivals/)

<sup>6</sup> USCIS is to be commended for its’ framing of the guidelines regarding enrollment in adult education so as to qualify for DACA. They are broad and oriented toward the legitimate objective of ensuring that adult education enrollment yields solid benefits to the applicant. They encourage enrollment in courses and programs which are likely to lead to economic advancement and toward encouraging immigrant school dropouts to resume interrupted education/ongoing learning which will afford them opportunities for career advancement.

<sup>7</sup> MPI estimates that 65% of all DACA-eligible immigrants are of Mexican origin. However, the educationally-disadvantaged are even more likely to be of Mexican origin. In California, for example, 90% of out-of-school immigrant youth are of Mexican or Central American origin (Laura Hill and Joseph Hayes, “Out-of-School Immigrant Youth”, Public Policy Institute of California, 2007). Hill and Hayes also provide valuable information on the overall educational profile of the out-of-school immigrant youth and note that almost two-thirds (62%) are limited in English. See also Deborah Reed, Laura Hill, Christopher Jepson, and Hans Johnson, “Educational Progress Across Immigrant Generations in California”, Public Policy Institute of California, 2005. The authors note that Mexican immigrant youth who came to the U.S. are more likely to directly enter the labor force than youth of other ethnic origins. Based on decennial census data the authors report that only 36% of the 1<sup>st</sup>-generation Mexican immigrant youth in California finish high school, compared to 83% of Vietnamese, 95% of “other Asian” youth, 93% of Filipino, and 47% of Central American youth. My further analysis of Paral’s metro-by-metro analysis of the DACA-eligible population suggests that about 90% of the Mexican and Central American DACA-eligible in rural areas fall into the non-HS/non-GED group.

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<sup>8</sup> A 2001 study for the U.S. Department of Labor, “No Longer Children: The Youth Who Harvest America’s Crops”, (Kissam, Garcia, Mullenax 2001) found that most of the teenagers working in farmwork had immigrated on their own and that most were young men. Current ethnographic research in Fresno County (personal communication, Anna Garcia and Jorge San Juan, Centro Binacional de Desarrollo Indigena Oaxaqueno “12 Familias project”) confirms our earlier findings in the DOL study and the analysis offered by Laura Hill and Joseph Hayes that some of the farmworker youth did not attend school in the U.S.—having gone immediately to work in the fields upon arriving in the U.S. as young teenagers. However, the dynamics of Mexico-U.S. migration are constantly shifting and one of the most notable shifts which has probably contributed to the numbers of DACA-eligible non-HS/non-GED youth and young adults is that there is less solo male migration and more whole family migration. At the same time, as border control has intensified, more of the earlier cohorts young migrants remain in the U.S.

<sup>9</sup> See Karen Mercado Asencio, “The Under-Registration of Births in Mexico: Consequences for Children, Adults, and Migrants”, Migration Information Source (MPI), April, 2012.

<sup>10</sup> In two rural agricultural communities (Arvin, CA and Woodburn, OR) with high concentrations of immigrants studied in the 2001-2006 New Pluralism research conducted by JBS International as part of the USDA’s rural community development research initiative between one-third and two-thirds of the immigrant population worked in low-wage non-agricultural non-professional occupations. See Ed Kissam, “Migration Networks and Processes of Community Transformation: Arvin, California and Woodburn, Oregon”, *Journal of Latinos and Latin American Studies*, Winter, 2007. My estimates of the numbers of rural DACA-eligible immigrants based on National Agricultural Worker Survey (NAWS) and New Pluralism study data are in fairly close agreement with Paral’s metro-by-metro analysis assuming that the underlying ACS data used by Paral suffered from differential undercount of farmworkers in rural areas. The consequences of ACS undercount are complex because differential undercount biases the demographic and socioeconomic profile in some ways which are well understood (Fein and West 1987) and other ways that are not necessarily easily predictable. In general, characteristics significantly correlated with census undercount in regression analyses include: living in a linguistically isolated household/neighborhood, educational attainment, recency of immigration, living in “low visibility” housing, living in a “complex” household, living in a household without mail delivery.

<sup>11</sup> This is a conservative estimate based on the ETA/DOL’s consensus of a U.S. farm labor force of 1.4 million farmworkers working in “seasonal agricultural services”. This estimate does not include livestock or dairy workers or workers in other sorts of agriculture-related employment such as poultry or vegetable processing which are, also, concentrated in rural counties. Moreover, as farm labor expert, Phillip Martin, pointed out in a recent paper for a Farm Foundation discussion (“Human Capital in U.S. Agriculture”, July 10, 2012) there remain uncertainties about the ratio of currently-employed to temporarily-unemployed farmworkers, i.e. the peak-trough ratio. Some analysts believe there may be closer to 2.2 million migrant and seasonal farmworkers, This would imply about 50% more DACA-eligible farmworkers than in our estimate here.

<sup>12</sup> Based on analysis of National Agricultural Worker Survey (NAWS) data 2007-2009. The NAWS provides a highly reliable basis for this estimate because the dataset includes information not only on demographic and socioeconomic characteristics but, also, on immigration status. Because the

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DACA-eligible farmworkers are a relatively small sub-population within the overall U.S. farm labor force, there are some uncertainties as to whether the number is actually higher or lower (as is the case with the Pew and MPI estimates) and the estimate here is the mid-point.

<sup>13</sup> The definitive national distribution of DACA-eligible MSFW's varies from labor market to labor market. Relatively more of the farmworkers in the Western Migrant Stream are unauthorized (61%) and in the Eastern Migrant Stream (51%) than in the Midwest (29%). See Susan Gabbard, Daniel Carroll, and Russell Salz, "How is the Farmworker Population Changing? What Does This Mean for Health Clinics", presentation to Western Migrant Stream, January, 2009.

<sup>14</sup> In our "New Pluralism" research (Kissam and Griffith 2006) we studied rural immigrant settlement areas with high concentrations of immigrant settlers which included labor-intensive agricultural production and others which didn't. An example of rural areas with relatively lower concentrations of farmworkers include Iowa, North Carolina, and Georgia.

<sup>15</sup> Jesus Martinez-Saldana and Edward Kissam, "Los DREAMers y las autoridades Mexicanas", *La Opinion*, August 28, 2012.

<sup>16</sup> For an excellent review of relevant state policies affecting admission to community colleges see Alene Russell, "State Policies Regarding Undocumented College Students: A Narrative of Unresolved Issues, Ongoing Debate and Missed Opportunities", American Association of State Colleges and Universities, March, 2011.

<sup>17</sup> See, for example, Valeria Fernandez, "Arizona Denies Dreamers GED Classes to Block Deferred-Action", New America Media, August 20, 2012. In contrast, California's AB 540, has had a positive impact by allowing DREAMers to pay in-state tuition for community college courses and AB 131 will help still further by allowing DREAMers, including low-income DACA applicants to request fee waivers for community college courses.

<sup>18</sup> Non-profit organizations and local agencies implementing these programs often receive core funding from the targeted federal MSFW programs but, also, have additional sources of state, local, foundation, and private sector funding.

<sup>19</sup> It is useful to note that the sorts of basic skills development courses most needed by the out-of-school limited-English, low-literate farmworkers who are DACA applicants are all considered to be, essentially, "remedial", i.e. providing adult learners the skills that are typically expected to be developed as part of K-12 education. Thus, within the policy framework articulated in Plyler v. Doe, adult school courses and non-credit community college courses might well be considered as being "protected" even if states sought to deny access to the DACA applicants who will remain temporarily "unauthorized" during the period from when they submit their application until their DACA application is approved.

<sup>20</sup> See Office of Planning, Research and Evaluation, Administration for Children and Families, "2012 Report: Migrant and Seasonal Head Start Supplement to the National Agricultural Worker Survey", March, 2012.

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<sup>21</sup> However, it is possible that USCIS might be able to grant employment-training programs, including the NFJP WIA 167 grantees, a waiver to use federal funds to support DACA applicants' participation in an employment training program. Such a course of action would be entirely consistent with the social policy thrust of DACA, i.e. to provide pathways for the DACA-eligible population to move onward and upward in the labor market and, thereby, increase the return on investments in their U.S. Education. Projections of the benefits of affording DREAM Act beneficiaries work authorization would seem to provide a good indicator of the public return to be expected in terms of tax revenue and cost savings in programs providing assistance to the US citizen children in economically disadvantaged mixed-status families. A report by the Immigration Policy Center, "The DREAM Act: Creating Economic Opportunities" (December 8, 2010) provides citations to a range of relevant studies. To my knowledge, there have not been, to date, any analyses of the employment-related impacts and tax revenues attributable to the sub-population of non-HS/non-GED DACA applicants being able to successfully secure work authorization but I outline some of the considerations in "Fulfilling the promise of DACA for school dropouts: key issues, strategic challenges, and opportunities", Werner-Kohnstamm Family Fund DACA Discussion Paper #2, October 8, 2012.