

# Ready to Stay: A Comprehensive Analysis of the US Foreign-Born Populations Eligible for Special Legal Status Programs and for Legalization under Pending Bills

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# Ready to Stay: A Comprehensive Analysis of the US Foreign-Born Populations Eligible for Special Legal Status Programs and for Legalization under Pending Bills

By Donald Kerwin, José Pacas, and Robert Warren\*

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## Executive Summary

This report offers estimates of US foreign-born populations that are eligible for special legal status programs and those that would be eligible for permanent residence (legalization) under pending bills. It seeks to provide policymakers, government agencies, community-based organizations (CBOs), researchers, and others with a unique tool to assess the potential impact, implement, and analyze the success of these programs. The report views timely, comprehensive data on targeted immigrant populations as an essential pillar of legalization preparedness, implementation, and evaluation. The report and the exhaustive estimates that underlie it, represent a first attempt to provide a detailed statistical profile of beneficiaries of proposed major US legalization programs and special, large-scale legal status programs.

The report offers the following top-line findings:

- Fifty-eight percent of the 10.35 million US undocumented residents had lived in the United States for 10 years or more as of 2019; 37 percent lived in homes with mortgages; 33 percent arrived at age 17 or younger; 32 percent lived in households with US citizens (the overwhelming majority of them children); and 96 percent in the labor force were employed.
- The Citizenship for Essential Workers Act would establish the largest population-specific legalization program discussed in the report: 7.2 million (70 percent) of the total undocumented population would be eligible for legalization under the Act. Approximately two-thirds of undocumented essential workers reside in 20 metropolitan areas.
- The populations eligible for the original Deferred Action for Childhood Arrivals (DACA) program and for permanent residence on a conditional basis and removal of the conditions of permanent residence under the Dream Act of 2021 are not only ready to integrate successfully, but in most cases have already done so. A high percentage are long-term residents, virtually all have completed high school (or attend school), a third to one-half have attended college, and the overwhelming majority live in households with incomes above the poverty level.
- The median household income of California, Illinois, New York, and New Jersey residents that are eligible for the original DACA program is higher than the US median household income. New York and New Jersey residents that are eligible for removal of conditions on permanent residence under the Dream Act of 2021 also have median incomes above the US median household income. The total eligible for removal of conditions on permanent residence under the Dream Act of 2021 have median household incomes that are 99 percent of the US median income.
- Unlike populations eligible for most special legal status and population-specific legalization programs, childhood arrivals can be found in significant numbers and concentrations in communities throughout the United States, particularly in metropolitan areas.

- More than 1.8 million persons from El Salvador, Guatemala, and Honduras would be eligible for TPS if the Secretary of the Department of Homeland Security (DHS) designated Guatemala for TPS and re-designated El Salvador and Honduras.
- Local communities can best prepare for legalization by collaborating on: (1) the hard work of assisting individual immigrants to meet their immigration needs; (2) dividing labor, integrating services, screening the undocumented for status, and building legal capacity; and (3) implementation of special legal status programs. This collective work should be viewed as a legalization program in its own right.
- The populations eligible for legalization and legal status under the programs analyzed in the report have overlapping needs and large numbers of immigrants would be eligible for more than one program. However, substantial differences between these populations in size, geography, length of residency, education, socio-economic attainment, and English language proficiency argue for distinct preparedness and implementation strategies for each population.

The report also makes several broad policy recommendations regarding legalization bills, special legal status programs, and community-based preparedness and implementation efforts. In particular, it recommends that:

- Congress should pass broad immigration reform legislation that includes a general legalization program or, in the alternative, a series of population-specific programs for essential workers, childhood arrivals, agricultural workers, persons eligible for Temporary Protected Status (TPS) and Deferred Enforced Departure (DED), and long-term residents. In the interim, the Biden administration should also designate and re-designate additional countries for TPS.
- Immigration reform legislation should allow the great majority of US undocumented residents to legalize, should reform the underlying legal immigration system, and should provide for the legalization of future long-term undocumented residents through a rolling registry program.
- Congress, the relevant federal agencies, and advocates should ensure that any legalization program be properly structured and sufficiently funded, particularly the work of CBOs, states, and localities.
- Local communities should continue to build the necessary partnerships, capacities, and skills to implement a legalization program. They should do so, in part, by collaborating on special legal status programs such as DACA, TPS, and naturalization campaigns, as well as through the steady state work of assisting immigrants in their individual immigration cases and funding their representation in removal proceedings.

***“Immigration reform legislation should allow the great majority of US undocumented residents to legalize, should reform the underlying legal immigration system, and should provide for the legalization of future long-term undocumented residents through a rolling registry program.”***

Section I of the report describes the populations that would be eligible for legalization under pending bills and that are potentially eligible for special legal status programs. Section II presents top-line findings based on the Center for Migration Studies’ (CMS’s) estimates and profiles of these populations. The report offers estimates of each population by characteristics – such as length of time in the country, English language proficiency, education, household income, health insurance, and homeownership – that are relevant to preparedness and implementation activities. Section III makes the case for immigration reform and a broad legalization program. Section IV offers detailed recommendations on the substance, structure, and implementation of these programs.

## I. Introduction

This report provides estimates of US foreign-born populations that could be eligible for legalization (permanent residence)<sup>1</sup> under pending bills, whether as principal or derivative beneficiaries. It also analyzes populations eligible for temporary status or a reprieve from removal under special legal status programs. In producing these estimates, the Center for Migration Studies (CMS) seeks to provide policymakers, government agencies, community-based organizations (CBOs), researchers, and others with an important tool to assess the potential impact, implement, and analyze the success of these programs, including in real-time. CMS initiated this study in partnership with Ready to Stay, a national coalition of agencies “working to build field capacities and coordination for effective implementation of a large-scale immigration legalization program” and to facilitate “coordination and resources for implementation efforts” (Ready to Stay 2021).

The lengthy table in Appendix A sets forth the legislative and administrative programs analyzed in the report, program eligibility criteria, the American Community Survey (ACS) characteristics CMS used to derive its estimates, the status of these programs, and the size of potentially eligible populations. The report analyzes the following special legal status programs and populations:

- The original Deferred Action for Childhood Arrivals (DACA) program.
- Deferred Enforced Departure (DED) for former residents of Hong Kong, Liberians, and Venezuelans.<sup>2</sup>
- Temporary Protected Status (TPS)<sup>3</sup> for the following designated states: Burma/Myanmar, El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Venezuela, and Yemen (USCIS 2021a).
- Four TPS-designated states – El Salvador, Honduras, Nicaragua, and Sudan – that the Secretary of the Department of Homeland Security (DHS) should consider for re-designation. Re-designation would extend eligibility to a larger number of their nationals, by advancing the date from which they must have lived in the United States.
- A non-exclusive list of states – Guatemala, Ethiopia, and Sierra Leone – not yet designated for TPS, but with underlying conditions that would justify a designation.

The pending bills and potential legalization programs analyzed in the report are:

- The American Dream and Promise Act of 2021<sup>4</sup>: conditional permanent resident status for childhood arrivals; removal of the conditions on permanent resident status; and adjustment to lawful permanent resident (LPR) status for persons eligible for TPS in 2017 and DED in 2021.

<sup>1</sup> Legalization bills provide a path for undocumented residents to permanent residence. Legalization beneficiaries must subsequently apply to naturalize under a separate law and process.

<sup>2</sup> DED is an exercise of executive discretion not to remove nationals of select countries, typically because return to their home countries would imperil them.

<sup>3</sup> The DHS Secretary can designate nations for TPS based on armed conflict, environmental disaster, or other “extraordinary and temporary conditions” that prevent the safe return of their nationals. Immigration and Nationality Act (INA), § 244(b)(1).

<sup>4</sup> American Dream and Promise Act, H.R. 6, 117th Cong. (2021-2022).

- Dream Act of 2021<sup>5</sup>: conditional permanent residence for long-term residents who entered as children and persons eligible for removal of conditions on permanent residence.
- Citizenship for Essential Workers Act<sup>6</sup>: LPR status for essential workers and their spouses, children, and parents.
- Farm Workforce Modernization Act of 2021<sup>7</sup>: certified agricultural worker (CAW) status, which can lead to LPR status.
- US Citizenship Act of 2021<sup>8</sup>: general legalization program; LPR status for DACA recipients and other childhood arrivals; LPR status for persons eligible for TPS and DED in 2017; LPR status for agricultural workers; and the immediate family members of US citizens that would potentially benefit from elimination of the three- and 10-year bars on admission for unlawful presence.<sup>9</sup>
- Liberians eligible for permanent residence under the Liberian Refugee Immigration Fairness (LRIF) law.<sup>10</sup>

The report uses the term “legalization” to refer to federal programs that offer a path for undocumented residents to permanent residence and subsequently (under a separate process) to naturalization. This term encompasses general legalization programs, which are open to persons who have been living in the United States since a set date and who meet other conditions, and narrower, population-specific programs. The Immigration Reform and Control Act of 1986 (IRCA), for example, included a general legalization program for persons who had been undocumented prior to January 1, 1982, as well as population-specific programs for agricultural workers and Cuban-Haitian entrants.<sup>11</sup> The report uses the term “special legal status programs” to refer to TPS, DED, DACA, and other programs that offer temporary status or a reprieve from removal for members of targeted groups.<sup>12</sup>

These estimates were derived from detailed data collected in the US Census Bureau’s 2019 ACS. Legal status of each noncitizen in the survey was assigned based on CMS’s methodology described in Warren (2021). Estimates are available for populations eligible for legalization or legal status on a national, state, county, metropolitan, and public use microdata area (PUMA) of roughly 100,000 persons. CMS does not report numbers that round to less than 500 (which reflects roughly five persons surveyed) because the sampling variability is too large for samples below that number.

<sup>5</sup> Dream Act of 2021, S. 264, 117th Cong. (2021-2022).

<sup>6</sup> Citizenship for Essential Workers Act, S. 747, 117<sup>th</sup> Cong. (2021-2022).

<sup>7</sup> Farm Workforce Modernization Act of 2021, H.R. 1603, 117th Cong. (2021-2022).

<sup>8</sup> US Citizenship Act of 2021. H.R. 1177 and S. 348, 117<sup>th</sup> Cong. (2021-2022).

<sup>9</sup> Immigration and Nationality Act (INA) §212(a)(9)(B)(i)(I)(II). The bars for unlawful presence of 180 days, but less than a year (three-year bar) or more than one year (10-year bar) dis-incentivize pursuit of family-based visas and consular processing by intending immigrants when a visa becomes available (Kerwin and Warren 2019b).

<sup>10</sup> National Defense Authorization Act for Fiscal Year 2020, Pub. L. No. 116-92, 110 Stat. 3009-546 (2019) § 7611.

<sup>11</sup> Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3445 (Nov. 6, 1986).

<sup>12</sup> The report distinguishes these special programs from non-immigrant (temporary) and immigrant (permanent) visa programs.

## II. Findings

### *The US Undocumented Population*

The US undocumented population remains large (10.35 million in 2019), but has fallen by 1.4 million since 2010, driven principally by a 28 percent decrease in the Mexican undocumented population and large-scale return migration to Mexico (Warren 2021). Over the same period, the undocumented populations from Central America increased by 360,000 and from Asia by 165,000 (ibid.). Since 2010, nearly two times more newly undocumented residents have overstayed temporary visas after entering legally than have illegally crossed the border (Warren 2019).

*“The undocumented are mostly long-term residents who have made their homes in the United States.”*

The top countries of origin of the US undocumented population are Mexico (46 percent), El Salvador (7 percent), Guatemala (6 percent), India (6 percent), and Honduras (5 percent). Sixteen percent of undocumented residents are married to US citizens or LPRs. Ninety-six percent of those in the labor force are employed. Large numbers of US undocumented residents are low-income, working-class persons: 20 percent lives at or below the poverty threshold, 50 percent lacks health insurance, 40 percent has less than a high school diploma, and 14 percent does not speak English (ibid.). The undocumented are mostly long-term residents who have made their homes in the United States. They live in nearly 5.4 million US households, more than 6 million (58 percent) have lived in the United States for more than 10 years and 2.4 million for more than 20 years. Most enjoy strong family and socio-economic ties to the United States: 3.4 million arrived at age 17 or younger and 3.3 million live in households with US citizens, including 2.9 million US citizen children.<sup>13</sup> Essential workers constitute 74 percent of US undocumented workers (Kerwin and Warren 2020).

### *Populations Eligible for Special Legal Status Programs and for Legalization Under Pending Bills*

Table 1 provides estimates and characteristics of populations that would be eligible for general and population-specific legalization programs and for special legal status programs. The authors have selected these characteristics for their relative importance in assisting CBOs, government officials, and others to allocate their limited resources and to craft successful outreach, public education, self-help, and capacity-building strategies. They can also assist policymakers to assess the potential impact of these programs and researchers to evaluate and to identify key determinants of participation in them.

Many populations have overlapping needs and many immigrants are eligible for multiple programs. For example, 91 percent of TPS-eligible persons in 2017, who entered pre-2017, are essential workers, and virtually all the persons eligible for population-specific legalization programs would also be eligible for a general legalization program. That said, the chart also demonstrates that a one-size-fits-all approach to legalization preparedness and implementation would be counter-productive given the substantial differences between these populations in size, length of residency, socio-economic attainment, education, and English language proficiency. For example, about 86 percent of the 2.2 million covered by the Dream Act of 2021 speak English well, very well, or only English (Table 1). By comparison, only 28 percent of those

<sup>13</sup> The 2.9 million figure does not include the US citizen children of undocumented residents that do not live in these mixed status households.



eligible for CAW status under the Farm Workforce Modernization Act are proficient in English. Nearly all childhood arrivals have graduated from high school, but only a third of the CAW-eligible are high school graduates. Seventy-seven percent of Venezuelans eligible for DED have attended college, compared to 13 percent of Salvadorans eligible for TPS. Eighty-three percent of TPS-eligible Nepalis have health insurance, compared to 26 percent of the Hondurans that would be newly eligible for TPS if Honduras were re-designated for TPS (Table 1).

**Table 1. Estimates of the Number and Characteristics of the Population Affected by Legislative/Administrative Programs: *Estimates Derived from 2019 ACS Data.***

Program	Total	In the US 15+ years	Speak English well, very well, or only English	Completed high school	Some college, B.A., or higher	Household income above poverty level	Have health insurance	Own or are buying home
<b>Administrative Programs</b>								
DACA: Original Program	926,400	83%	90%	97%	45%	85%	53%	38%
Venezuela DED	192,200	8%	62%	95%	77%	79%	66%	25%
Hong Kong DED	9,300	26%	80%	86%	70%	95%	85%	62%
<b>Countries Designated for Temporary Protected Status</b>								
Burma/Myanmar	1,800	77%	53%	46%	21%	83%	73%	31%
El Salvador	193,800	100%	50%	37%	13%	88%	56%	48%
Haiti	115,300	32%	75%	77%	40%	82%	63%	33%
Honduras	56,500	100%	49%	50%	17%	82%	46%	35%
Nepal	29,100	6%	74%	69%	51%	89%	83%	28%
Nicaragua	14,300	100%	71%	58%	23%	87%	54%	47%
Somalia	Fewer than 500; data not shown.							
Sudan	1,300	0%	100%	95%	67%	33%	67%	0%
Syria	8,800	20%	70%	62%	29%	76%	85%	31%
Venezuela	192,200	8%	62%	95%	77%	79%	66%	25%
Yemen	5,700	17%	51%	68%	27%	81%	75%	31%
<b>TPS-Designated Countries that May be Eligible for (Re)Designation</b>								
El Salvador	523,000	19%	45%	49%	19%	78%	39%	30%
Honduras	409,400	19%	41%	46%	18%	67%	26%	20%
Nicaragua	35,500	26%	38%	71%	30%	81%	37%	31%
Sudan	6,800	0%	57%	100%	100%	73%	79%	37%
<b>Countries Not Currently Designated for TPS</b>								
Ethiopia	30,000	10%	83%	86%	53%	76%	72%	24%
Guatemala	662,500	34%	38%	37%	14%	71%	30%	22%
Sierra Leone	6,700	21%	92%	98%	53%	68%	57%	16%
<b>American Dream and Promise Act of 2021</b>								
Conditional permanent residence	1,425,900	68%	85%	100%	44%	85%	53%	37%
Removal of conditions on permanent residence	951,700	77%	84%	100%	44%	91%	56%	37%
Direct adjustment to LPR status for TPS recipients under the Promise Act	375,200	82%	59%	50%	22%	86%	59%	41%
Direct adjustment to LPR status for DED recipients under the Promise Act								

	189,600	9%	64%	95%	77%	83%	70%	27%
<b>Dream Act of 2021</b>								
Conditional permanent residence								
	2,245,400	45%	86%	95%	42%	80%	58%	37%
Removal of conditions on permanent residence								
	595,500	88%	89%	99%	46%	92%	56%	39%
<b>Citizenship for Essential Workers Act</b>								
Adjust to LPR status for essential workers and surviving family members								
	7,201,700	47%	56%	57%	28%	84%	46%	35%
Essential Workers								
	5,469,700	50%	56%	57%	29%	87%	47%	35%
Spouses								
	909,400	53%	40%	49%	24%	72%	36%	37%
Children								
	719,100	13%	82%	78%	40%	74%	54%	34%
Parents								
	103,500	57%	29%	42%	20%	87%	36%	41%
<b>Farm Workforce Modernization Act</b>								
CAW status								
	343,400	51%	28%	33%	10%	83%	39%	26%
<b>Liberian Refugee Immigration Fairness Act</b>								
LRIF program								
	7,200	3%	96%	92%	56%	100%	61%	22%
<b>US Citizenship Act of 2021</b>								
General legalization program								
	10,348,900	42%	59%	60%	33%	80%	50%	37%
LPR Status for DACA recipients and childhood arrivals								
	951,600	77%	84%	100%	44%	91%	56%	37%
DACA recipients								
	591,200	88%	89%	100%	46%	92%	56%	39%
Other childhood arrivals								
	360,300	58%	76%	100%	39%	89%	55%	36%
Total TPS-DED recipients								
	375,200	82%	59%	50%	22%	86%	59%	41%
Spouses								
	188,900	85%	55%	47%	20%	88%	61%	48%
Agricultural workers								
	343,400	51%	28%	33%	10%	83%	39%	26%
Spouses								
	193,400	54%	29%	29%	9%	82%	44%	29%
Immediate family members of US citizens that might benefit from removal of 3- and 10-year bars								
	1,282,600	55%	56%	51%	21%	88%	53%	51%

**Source: Center for Migration Studies.** Estimates derived from data collected in the 2019 ACS; see Appendix in Warren (2021) for methods of estimation. Source of ACS data: **Steven Ruggles, Sarah Flood, Sophia Foster, Ronald Goeken, Jose Pacas, Megan Schouweiler, and Matthew Sobek. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS, 2021.** <https://doi.org/10.18128/D010.V11.0>.

Table 1 also provides an opportunity to assess the relationship between the detailed characteristics of different populations. We would expect, for example, for English proficiency to be associated with completing high school, going to college, having household incomes above the poverty level, having health insurance, and buying a home. The correlations in Table 2 confirm these expectations and show the relative strengths of these relationships.

**Table 2. Correlation Between Selected Characteristics of Populations Affected by Proposed Programs.<sup>14</sup>**

Characteristic	Fluent in English	Completed high school	Some college, B.A., or higher	Household income above poverty level	Have health insurance	Own or are buying home
In the US 15 years or more	0.22	-0.03	-0.36	0.67	0.11	0.69
Fluent in English		0.89	0.63	0.41	0.65	0.31
Completed high school			0.85	0.32	0.63	0.03
Some college, BA, or higher				0.11	0.70	-0.18
Household income above poverty level					0.41	0.64
Have health insurance						0.34

**Source: Center for Migration Studies.** Correlation coefficients derived from the data for programs with 30,000 or more in Table 1.

The data and analysis in Tables 1 and 2 show the importance of designing immigration assistance programs tailored to the diverse characteristics of each population. Populations with low levels of English language fluency, education, income, health insurance, and homeownership would need sustained attention before, during, and in the aftermath of a legalization program, while populations on the other end of the spectrum may need more targeted and limited assistance.

Some populations may be able to self-file at higher rates and negotiate legalization or special legal status programs with less or different kinds of support. Researchers and service-providers, for example, have recognized the potential advantages of technology in implementing legalization and legal status programs, compared to earlier programs. Kamasaki, Timmons, and Tudi (2015, 288), for example, argue that improved technology “should make the application assistance process less burdensome today than under IRCA” and the “widespread availability of information via the Internet should ease access to documentation of continuous residence and workforce participation, should facilitate increased outreach efforts, and should enable high numbers of self-filers” (ibid). While undoubtedly true, immigration applications have also become far longer and more complicated than they were during IRCA, and applicants for many immigration benefits must also complete a separate employment authorization form.

Those eligible for the Dream Act of 2021 should have few difficulties because 86 percent speak English well, very well, or only English, 95 percent have completed high school, and 42 percent have attended college (Table 1). Populations that have been in the DACA or TPS programs over the past several years should be familiar with the application and renewal process.

Other immigrants, particularly newly eligible populations and recent arrivals, will need more assistance to understand and negotiate these processes. Only 8 percent from Venezuela and 6 percent from Nepal, for example, have resided in the United States for 15 years or more (Table 1). Agricultural workers and their spouses could also encounter difficulties because fewer than two-thirds speak English well, very well, or only English, and roughly two-thirds have not completed high school.

***“Newly eligible populations and recent arrivals will need more assistance to understand and negotiate immigration application and renewal processes than populations that have been in the DACA or TPS programs.”***

<sup>14</sup> Caution should be exercised in interpreting the figures in Table 2. The correlation coefficients are based on data from multiple programs; some immigrants are included in more than one proposed program; and the correlations are derived from percentages that have a range limited to -100 to +100 percent.

Table 3 ranks the largest legalization and legal status populations in terms of their “readiness” – measured by years in the United States and English language proficiency - to apply for programs for which they are potentially eligible.

**Table 3. Percent in the US 15 Years or More and English Proficiency: Selected Programs**

Program	Total	In the US 15 years or more	Speak English well, very well, or only English
US Citizenship Act of 2021	10,348,900	42%	59%
Citizenship for Essential Workers Act	7,201,700	47%	56%
DREAM Act of 2021: conditional permanent residence for childhood arrivals	2,245,400	45%	86%
American Dream and Promise Act of 2021: conditional permanent residence	1,425,900	68%	85%
Immediate family members of US citizens that might benefit from removal of 3 & 10-yr bar	1,282,600	55%	56%
Farm Workforce Modernization Act: CAW status	343,400	51%	28%

**Source: Center for Migration Studies.** Estimates based on data from the ACS; see Warren (2021) for methods of estimation.

The populations with shorter tenure in the United States and lower rates of English language proficiency would likely require more outreach and greater support in the event of a legalization program.

Tables 4, 5, and 6 provide estimates and several characteristics – nationally and for the top 10 states of residence – for the populations eligible for the original DACA program, and for permanent residence on a conditional basis and removal of the conditions on permanent residence under the Dream Act of 2021. They demonstrate that these populations are not only ready to integrate successfully, but have mostly already done so.

*“Childhood arrivals are not only ready to integrate successfully, but have mostly already done so.”*

A high percentage are long-term residents, virtually all have completed high school (or are in school), a third to one-half have attended college, and the overwhelming majority live in households with incomes above the poverty level. The median household income of those eligible for original DACA residing in California, Illinois, New York, and New Jersey is, in fact, higher than the US median household income (Table 4). Residents of New York and New Jersey that are eligible for removal of conditions on permanent residence under the Dream Act of 2021 also have median household incomes above the US median household income (Table 5). The total eligible for removal of conditions on permanent residence under the Dream Act of 2021 (Table 6) have median household incomes that are 99 percent of the total US median income. However, two states in Table 6 – Arizona (71 percent) and North Carolina (82 percent) – have median household incomes well below the US average.

**Table 4. Estimated Total Eligible for Original DACA and Selected Characteristics for the Top 10 States.**

Total and Top 10 States	Total	In the US 15+ years	Speak English well, very well, or only English	Completed high school	Some college, B.A., or higher	Household income above poverty level	Have health insurance	Own or are buying home	Median household income as pct. of US
<b>Total</b>	<b>926,400</b>	<b>83%</b>	<b>90%</b>	<b>97%</b>	<b>45%</b>	<b>85%</b>	<b>53%</b>	<b>38%</b>	<b>92%</b>
California	238,000	86%	90%	99%	48%	87%	63%	33%	109%
Texas	175,400	81%	90%	96%	45%	83%	38%	45%	84%
Florida	53,500	82%	88%	98%	43%	86%	46%	40%	85%
Illinois	43,500	88%	89%	97%	46%	85%	58%	37%	103%
New York	38,900	80%	88%	95%	53%	86%	62%	20%	121%
Arizona	35,200	86%	91%	96%	35%	86%	45%	47%	71%
Georgia	30,100	81%	91%	97%	31%	84%	44%	34%	93%
N. Carolina	28,300	83%	90%	98%	34%	85%	46%	48%	76%
Washington	25,400	85%	96%	100%	43%	92%	53%	38%	95%
New Jersey	23,500	78%	83%	99%	47%	87%	52%	35%	116%

**Source: Center for Migration Studies.** Estimates based on data from the ACS; see text for methods.

**Table 5. Estimated Total Eligible for Conditional Permanent Residence Under the Dream Act of 2021 and Selected Characteristics for the Top 10 States.**

Total and Top 10 States	Total	In the US 15+ years	Speak English well, very well, or only English	Completed high school	Some college, B.A., or higher	Household income above poverty level	Have health insurance	Own or are buying home	Median household income as pct. of US
<b>Total</b>	<b>2,245,400</b>	<b>45%</b>	<b>86%</b>	<b>95%</b>	<b>42%</b>	<b>80%</b>	<b>58%</b>	<b>37%</b>	<b>89%</b>
California	510,700	54%	86%	97%	45%	83%	70%	32%	99%
Texas	388,000	47%	84%	95%	41%	77%	39%	47%	82%
Florida	171,800	36%	88%	91%	41%	82%	59%	34%	77%
New York	137,500	37%	83%	92%	44%	82%	72%	22%	105%
Illinois	87,700	59%	87%	97%	44%	87%	63%	43%	98%
New Jersey	78,300	34%	84%	97%	39%	82%	58%	26%	112%
Georgia	70,800	43%	87%	96%	32%	79%	43%	41%	87%
Arizona	63,600	59%	90%	97%	38%	83%	51%	47%	71%
N. Carolina	56,700	50%	87%	96%	31%	79%	46%	45%	75%
Virginia	54,400	31%	88%	90%	51%	78%	57%	37%	71%

**Source: Center for Migration Studies.** Estimates based on data from the ACS; see text for methods.

**Table 6. Estimated Total Eligible for Removal of Conditions on Permanent Residence Under the Dream Act of 2021 and Selected Characteristics for the Top 10 States.**

Total and Top 10 States	Total	In the US 15+ years	Speak English well, very well, or only English	Completed high school	Some college, B.A., or higher	Household income above poverty level	Have health insurance	Own or are buying home	Median household income as pct. of US
<b>Total</b>	<b>595,500</b>	<b>88%</b>	<b>89%</b>	<b>99%</b>	<b>46%</b>	<b>92%</b>	<b>56%</b>	<b>39%</b>	<b>99%</b>
California	157,200	92%	90%	100%	48%	93%	65%	33%	114%
Texas	109,100	86%	91%	99%	47%	89%	46%	46%	92%
Florida	39,300	86%	87%	99%	43%	92%	54%	42%	90%
Illinois	29,300	90%	86%	100%	46%	93%	55%	34%	103%
New York	28,700	88%	85%	99%	54%	90%	58%	18%	131%
Arizona	20,800	95%	94%	99%	39%	92%	45%	52%	71%
Washington	19,900	93%	97%	100%	45%	93%	52%	38%	95%
N. Carolina	18,700	85%	89%	99%	31%	90%	50%	46%	82%
Georgia	17,400	84%	90%	100%	32%	94%	49%	31%	96%
New Jersey	16,600	83%	83%	100%	51%	92%	51%	37%	118%

**Source: Center for Migration Studies.** Estimates based on data from the ACS; see text for methods.

Table 7 provides estimates and characteristics of TPS-eligible Venezuelans for the five US states in which more than 81 percent of this population reside, with Florida home to 53 percent of this population. As shown in Table 7, only 8 percent have resided in the United States for more than 15 years. CMS estimates for 2019 (Warren 2021) show that 150,000, or 78 percent, of the 192,200 total TPS-eligible population from Venezuela arrived after 2013. Table 7 also illustrates the geographic concentration of select populations and the need to focus preparedness and implementation resources for federal programs in particular areas.

**Table 7. Estimated Total Eligible for Venezuelan TPS and Selected Characteristics for the Top Five States.**

Total and Top 5 States	Total	In the US 15+ years	Speak English well, very well, or only English	Completed high school	Some college, B.A., or higher	Household income above poverty level	Have health insurance	Own or are buying home	Median household income as pct. of US
<b>Total</b>	<b>192,200</b>	<b>8%</b>	<b>62%</b>	<b>95%</b>	<b>77%</b>	<b>79%</b>	<b>66%</b>	<b>25%</b>	<b>73%</b>
Florida	102,000	7%	68%	95%	76%	83%	76%	27%	73%
Texas	33,300	5%	59%	98%	80%	61%	47%	21%	70%
Georgia	10,800	11%	43%	94%	89%	83%	65%	27%	83%
Utah	6,100	0%	50%	94%	81%	89%	34%	11%	45%
New York	4,500	23%	56%	96%	69%	96%	82%	13%	95%

**Source: Center for Migration Studies.** Estimates based on data from the ACS; see text for methods.

Table 8 provides estimates of the populations that are eligible or may be eligible – nationally and in the three top states – for TPS. The table includes two countries that have not been designated for TPS, but that meet the criteria for a designation (Guatemala and Sierra Leone) and four countries that should be re-designated for TPS (El Salvador, Honduras, Nicaragua, and Sudan). The table illustrates the concentration of TPS and potential TPS populations in states such as California, Florida, and Texas, as well as the small size of several populations. It also suggests the dramatic effect of a TPS designation for Guatemala (662,500

would be eligible), and of re-designating El Salvador (523,000 would be newly eligible, in addition to the 193,800 now eligible) and Honduras (409,400 would be newly eligible, in addition to the 56,500 now eligible). If the DHS Secretary designates Guatemala and re-designates El Salvador and Honduras, more than 1.8 million nationals from these three Central American countries – which have been the source of significant migration to the United States in recent years – would be TPS-eligible.

***“If the DHS Secretary designates Guatemala and re-designates El Salvador and Honduras, more than 1.8 million nationals from these three Central American countries would be TPS-eligible.”***

**Table 8. Estimated Population Eligible for TPS, by Country: Total and Top Three States**

Rounded to 100s; values that round to less than 500 not shown.

Country	US total	Top state	Second state	Third state
<b>TPS Designated Countries</b>				
Venezuela	192,200	FL 102,000	TX 33,300	GA 10,800
Burma	1,800	-	-	-
Syria	8,800	CA 4,100	AZ 1,200	NY 800
Sudan	1,300	MI 800	-	-
Nicaragua	14,300	FL 6,800	CA 2,000	TX 1,400
Nepal	29,100	PA 4,100	TX 4,100	CO 2,400
Honduras	56,500	TX 13,400	FL 8,100	CA 7,500
Haiti	115,300	FL 43,400	GA 33,600	PA 7,100
El Salvador	193,800	CA 52,300	TX 34,600	MD 16,700
Yemen	4,500	CA 1,500	MI 900	NY 800
<b>Not Designated for TPS</b>				
Guatemala (if designated)	662,500	CA 137,600	FL 70,300	TX 51,000
Sierra Leone (if designated)	6,700	PA 1,800	MD 1,700	OH 700
<b>Not Yet Re-designated for TPS</b>				
Sudan (if re-designated)	6,800	NE 1,900	TX 1,200	MN 1,100
Somalia (if re-designated)	Fewer than 500; data not shown.	-	-	-
Nicaragua (if re-designated)	35,500	FL 12,800	CA 6,100	TX 3,800
Honduras (if re-designated)	409,400	TX 95,600	FL 54,200	NC 32,000
El Salvador (if re-designated)	523,000	CA 119,700	TX 104,500	MD 55,400

**Source: Center for Migration Studies.** Derived from ACS data; see text for method of estimation.

## Metropolitan Areas

Tables 9 through 12 provide information by metropolitan area for four of the programs shown in Table 1. It is not surprising that the large metropolitan areas around New York, Los Angeles, and Miami appear at the top of these tables. However, this concentration should not obscure the fact that potential participants in these programs are widely dispersed geographically. For example, the metropolitan area that ranks 94<sup>th</sup> in the total number of undocumented residents – Santa Cruz-Watsonville, CA – has just 13,500 undocumented residents, but a high number, 5,600 or 41 percent, would be eligible for legalization under the Farm Worker Modernization Act.

The Citizenship for Essential Workers Act would establish the largest population-specific legalization program discussed in the report and would have the greatest impact on the undocumented population: 7.2 million or 70 percent of the undocumented population would be eligible to legalize under the Act (Table 9). Approximately two-thirds of the undocumented essential worker population reside in the 20 largest metropolitan areas shown in Table 9.

**Table 9. Estimated Population Eligible for Legalization Under the Citizenship for Essential Workers Act, by Metropolitan Area of Residence: Top 20 Metro Areas**

Estimates derived from 2019 ACS data. Areas ranked by number of essential workers.

Metropolitan Area	Total undocumented population	Citizenship for Essential Workers Act	Percent of undoc. pop.
<b>US total</b>	<b>10,348,900</b>	<b>7,201,700</b>	<b>70%</b>
New York-Newark-Jersey City, NY-NJ-PA	960,300	647,800	67%
Los Angeles-Long Beach-Anaheim, CA	927,900	612,300	66%
Dallas-Fort Worth-Arlington, TX	581,100	433,900	75%
Houston-The Woodlands-Sugar Land, TX	576,500	408,800	71%
Miami-Fort Lauderdale-West Palm Beach, FL	413,300	274,300	66%
Chicago-Naperville-Elgin, IL-IN-WI	374,600	267,300	71%
Washington-Arlington-Alexandria, DC-VA-MD-WV	367,800	267,000	73%
Atlanta-Sandy Springs-Roswell, GA	251,600	181,400	72%
San Francisco-Oakland-Hayward, CA	255,000	160,200	63%
Riverside-San Bernardino-Ontario, CA	217,600	142,600	66%
Phoenix-Mesa-Scottsdale, AZ	196,000	138,900	71%
Seattle-Tacoma-Bellevue, WA	168,100	106,500	63%
Las Vegas-Henderson-Paradise, NV	151,900	101,100	67%
Boston-Cambridge-Newton, MA-NH	149,000	97,000	65%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	138,100	89,900	65%
San Jose-Sunnyvale-Santa Clara, CA	156,100	89,800	58%
San Diego-Carlsbad, CA	137,800	88,000	64%
Austin-Round Rock, TX	116,900	84,200	72%
Orlando-Kissimmee-Sanford, FL	122,300	82,200	67%
Denver-Aurora-Lakewood, CO	97,200	76,400	79%

**Source: Center for Migration Studies.** See text for data sources and methods of estimation.



Table 10 shows estimates of the number of farm workers that would be eligible for legal status under the Farm Workforce Modernization Act. Forty-one percent (140,000) reside in California. In fact, California has as many eligible workers as the sum of *the next 11 states*, and it has 11 of the top 20 metropolitan areas for farm workers (Table 10).

***“Forty-one percent of the farm workers that would be eligible for legal status under the Farm Workforce Modernization Act reside in California.”***

**Table 10. Estimated Population Eligible for Certified Agricultural Worker Status Under the Farm Workforce Modernization Act, by Metropolitan Area: Top 20 Metro Areas**

Estimates derived from 2019 ACS data. Areas ranked by number of eligible farm workers.

Metropolitan Area	Total undocumented population	Farm Workforce Modernization Act	Percent of undoc. pop.
<b>US total</b>	<b>10,348,900</b>	<b>343,400</b>	<b>3%</b>
New York-Newark-Jersey City, NY-NJ-PA	960,300	17,300	2%
Salinas, CA	60,300	17,100	28%
Los Angeles-Long Beach-Anaheim, CA	927,900	16,700	2%
Bakersfield, CA	51,500	15,200	30%
Santa Maria-Santa Barbara, CA	41,700	12,300	29%
Oxnard-Thousand Oaks-Ventura, CA	51,200	11,000	22%
Fresno, CA	52,800	9,900	19%
Miami-Fort Lauderdale-West Palm Beach, FL	413,300	9,500	2%
Riverside-San Bernardino-Ontario, CA	217,600	8,000	4%
Yakima, WA	24,900	7,800	31%
Chicago-Naperville-Elgin, IL-IN-WI	374,600	7,300	2%
Visalia-Porterville, CA	21,900	7,100	33%
Dallas-Fort Worth-Arlington, TX	581,100	6,300	1%
Portland-Vancouver-Hillsboro, OR-WA	81,000	5,900	7%
Santa Cruz-Watsonville, CA	13,500	5,600	41%
Merced, CA	26,400	5,600	21%
Stockton-Lodi, CA	39,700	5,500	14%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	138,100	4,200	3%
Tampa-St. Petersburg-Clearwater, FL	66,500	3,700	6%
Grand Rapids-Wyoming, MI	19,100	3,500	18%

**Source: Center for Migration Studies.** See text for data sources and methods of estimation.

Table 11 illustrates the dispersal of childhood arrivals eligible for conditional permanent residence under the American Dream and Promise Act. Unlike populations eligible for country-specific legal status programs (TPS and DED) and the TPS-eligible that would be eligible for permanent residence under the US Citizenship Act (Table 12), childhood arrivals can be found in significant numbers and concentrations in communities throughout the United States, particularly in metropolitan areas.

**Table 11. Estimated Number Eligible for Conditional Permanent Residence under the American Dream and Promise Act, by Top 20 Metro Areas**

Estimates derived from 2019 ACS data. Areas ranked by number of immigrants eligible.

Metropolitan Area	Total undocumented population	American Dream and Promise Act	Percent of undoc. pop.
<b>US total</b>	<b>10,348,900</b>	<b>1,425,900</b>	<b>14%</b>
Los Angeles-Long Beach-Anaheim, CA	927,900	158,500	17%
New York-Newark-Jersey City, NY-NJ-PA	960,300	118,800	12%
Dallas-Fort Worth-Arlington, TX	581,100	85,300	15%
Houston-The Woodlands-Sugar Land, TX	576,500	70,600	12%
Chicago-Naperville-Elgin, IL-IN-WI	374,600	64,700	17%
Miami-Fort Lauderdale-West Palm Beach, FL	413,300	43,500	11%
Riverside-San Bernardino-Ontario, CA	217,600	41,800	19%
Phoenix-Mesa-Scottsdale, AZ	196,000	36,300	19%
Washington-Arlington-Alexandria, DC-VA-MD-WV	367,800	36,200	10%
San Francisco-Oakland-Hayward, CA	255,000	36,100	14%
Atlanta-Sandy Springs-Roswell, GA	251,600	31,600	13%
Las Vegas-Henderson-Paradise, NV	151,900	24,900	16%
San Diego-Carlsbad, CA	137,800	24,400	18%
Austin-Round Rock, TX	116,900	20,600	18%
Seattle-Tacoma-Bellevue, WA	168,100	18,900	11%
Denver-Aurora-Lakewood, CO	97,200	17,700	18%
Boston-Cambridge-Newton, MA-NH	149,000	16,100	11%
McAllen-Edinburg-Mission, TX	99,700	15,900	16%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	138,100	15,300	11%
Orlando-Kissimmee-Sanford, FL	122,300	15,100	12%

**Source: Center for Migration Studies.** See text for data sources and methods of estimation.

Table 12 shows the number of TPS-eligible that would be eligible for permanent residence under the US Citizenship Act by the top 20 metropolitan areas. About 225,000, or 60 percent, live in the top eight metropolitan areas, again emphasizing the importance of having data distributed by geographic area. The four metropolitan areas with the largest numbers are Miami, Los Angeles, New York, and Washington, DC.

**Table 12. Estimated Number of TPS-Eligible that Would Be Eligible for Permanent Residence Under the US Citizenship Act, by Metropolitan Area: Top 20 Metro Areas**

Estimates derived from 2019 ACS data. Areas ranked by number eligible under the US Citizenship Act.

Metropolitan Area	Total undocumented population	US Citizenship Act	Percent of undoc. pop.
<b>US total</b>	<b>10,348,900</b>	<b>375,200</b>	<b>4%</b>
Miami-Fort Lauderdale-West Palm Beach, FL	413,300	43,700	11%
Los Angeles-Long Beach-Anaheim, CA	927,900	42,900	5%
New York-Newark-Jersey City, NY-NJ-PA	960,300	37,400	4%
Washington-Arlington-Alexandria, DC-VA-MD-WV	367,800	35,000	10%
Houston-The Woodlands-Sugar Land, TX	576,500	25,600	4%
Dallas-Fort Worth-Arlington, TX	581,100	19,500	3%
Orlando-Kissimmee-Sanford, FL	122,300	11,200	9%
San Francisco-Oakland-Hayward, CA	255,000	10,100	4%
Atlanta-Sandy Springs-Roswell, GA	251,600	7,200	3%
Boston-Cambridge-Newton, MA-NH	149,000	6,900	5%
Riverside-San Bernardino-Ontario, CA	217,600	5,700	3%
Raleigh, NC	58,100	4,400	7%
Las Vegas-Henderson-Paradise, NV	151,900	4,000	3%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	138,100	3,900	3%
Austin-Round Rock, TX	116,900	3,700	3%
Chicago-Naperville-Elgin, IL-IN-WI	374,600	3,400	1%
Fayetteville-Springdale-Rogers, AR-MO	25,000	3,400	13%
Phoenix-Mesa-Scottsdale, AZ	196,000	3,300	2%
Denver-Aurora-Lakewood, CO	97,200	3,300	3%
Charlotte-Concord-Gastonia, NC-SC	91,500	3,300	4%

**Source: Center for Migration Studies.** See text for data sources and methods of estimation.

### III. The Case for Immigration Reform and a Broad Legalization Program

The case for a general legalization program or a series of population-specific programs rests on two interrelated points; first, the positive impact of legalization on beneficiaries, their families and US communities; second, the negative effects of lack of status, which a legalization program would obviate for millions of US residents.

#### *Affirmative Benefits of Legalization*

Legal status can significantly reduce the inequalities, threats and hardships caused by lack of status, and can put formerly undocumented immigrants and their families on an entirely different trajectory.<sup>15</sup> Past programs broadened the possibilities and expanded the horizons of immigrants and their families, as measured by education, work, housing, English language acquisition, and health insurance. They led to dramatically increased investments by the newly legalized in themselves and their lives in the United States.

Congress mandated that the Immigration and Naturalization Service (INS) survey IRCA beneficiaries to determine the law's effects on their labor trajectories. The resulting Legalized Populations Surveys (LPS) compared the wages of IRCA's general legalization beneficiaries during their first year in the country, their last week of undocumented residence, and in 1992, roughly four to five years after the program went into effect. The study found that the mean hourly wage of applicants (in 1992 dollars) did not increase between their arrival and last week of undocumented residence (Smith, Kramer and Singer 1996, 43). However, it rose 15 percent in the four to five years following IRCA (ibid.). The study concluded that IRCA appeared to be a "turning point" for many beneficiaries, leading to a "surge of investment in language skills, education, and training" and "more than a doubling of the previous rate of human capital accumulation for most origin groups" (ibid., 45).<sup>16</sup>

*"Past legalization programs dramatically increased investments by the newly legalized in themselves and their lives in the United States."*

A study of LPS men similarly found that "post legalization changes in wage determinants for legalized workers" were "consistent with labor market mobility, which provides workers with an opportunity to move into jobs that reward existing human capital" (Kossoudji and Cobb-Clark 2002, 618). Workers who were proficient in English or had higher levels of education began "to earn a significant wage premium after legalization" (ibid.). The same scholars found, however, that IRCA did not significantly improve legalized Latina workers' labor market outcomes, concluding that it failed to "alter the structure of wage determinants leaving human capital unrewarded" or to change "the penalties associated with traditional migrant employment" (Cobb-Clark and Kossoudji 1999).

Although a more modest and a provisional program, DACA likewise has led to "better-paying jobs, access to higher education, an increased sense of belonging, and improved mental health" for recipients (Alulema 2019, 127). A national survey of 3,139 undocumented millennials in 2013 and 2014 found that DACA prompted many beneficiaries to begin their first jobs, move to new jobs, buy their first cars, obtain their first credit cards, become more financially independent, and return to school (Wong and Valdivia 2014, 18). Many also reported a greater sense of belonging in the United States and diminished fear of removal (ibid.).

<sup>15</sup> Legalization requirements can also promote immigrant integration. IRCA, for example, allowed applicants to fulfill its English language/civics requirement by showing they were "satisfactorily pursuing a course of study," which they could do by attending 40 hours of an approved course. 8 CFR § 245a.1(s)

<sup>16</sup> See also, Hinojosa-Onjeda (2021) reporting that these investments took the form of increased education, better housing, job training, English language acquisition, and greater entrepreneurial activity.

Undocumented immigrants contribute to every aspect of the nation's life.<sup>17</sup> During the COVID-19 pandemic, the case for legalization has become increasingly evident to the public and policymakers. Seventy-four percent of the nation's 7.3 million undocumented workers are essential workers under the DHS definition (Kerwin and Warren 2020). As the nation ages and its population over age 65 exceeds that under age 15 (Chamie 2021), the need for immigrant workers will only increase. US fertility rates fell for five consecutive years prior to the COVID-19 pandemic, and the US birth rate decreased by four percent in 2020 (Barroso 2021).<sup>18</sup>

***“Undocumented immigrants contribute to every aspect of the nation's life. During the COVID-19 pandemic, the case for legalization has become increasingly evident to the public and policymakers.”***

Legalization programs benefit the larger society: they “raise wages, increase consumption, create jobs, and generate additional tax revenue” (Hinojosa-Ojeda 2012, 191).<sup>19</sup> One study has estimated that broad immigration reform legislation, including a legalization program and a flexible, rights-respecting, legal immigration system, would add \$1.5 trillion to the US gross domestic product over 10 years (ibid., 176). Another study found that a legalization program would increase the productivity, earnings, and taxes paid by the legalized, resulting in increased contributions to the Social Security (SS) program, which would more than offset the SS benefits that they would receive (Kugler, Lynch and Oakford 2013).

### ***Negative Effects of Status Quo***

Among its cascading effects, lack of status negatively impacts employment, wages, housing, health care, education, and political integration (NAS 2015, 118-120). The US citizen children of undocumented parents experience “negative multiple effects” that can affect their integration, including the destabilization of their families, poverty, lost income, chronic stress, fewer years of schooling, and diminished life chances (NAS 2015, 122-123). Undocumented parents often do not access the services and benefits for which their children may be eligible for fear it might compromise their own ability to gain status or might lead to their deportation or the deportation of another household member (Bernstein et al. 2020).

In addition, the households of undocumented taxpayers, even those with US citizen children, are not eligible for anti-poverty programs, such as the Earned Income Tax Credit (EITC), Child Tax Credits (CTCs) in most cases, and relief under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Suro and Findling 2021). The status quo contributes to child poverty and the second-class citizenship of the children of undocumented residents (Suro and Findling 2021; Ryo and Peacock 2019; Kerwin, Alulema, and Nicholson 2018).

***“The status quo contributes to child poverty and the second-class citizenship of the children of undocumented residents.”***

Lack of status also disadvantages subsequent generations (NAS 2015, 14). A study of undocumented immigrants from Mexico and their progeny found that while the third generation experienced “notable” integration gains, these gains could not overcome the “legacy effect of unauthorized grandparents” (Bean,

<sup>17</sup> See, for example, “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans” Exec. Order No. 14012, 86 Fed. Reg. 8277 (February 2, 2021).

<sup>18</sup> The net growth of the US foreign-born population began to fall sharply after 2015 and rose by only 20,000 between July 2018 and June 2019 (Warren 2021).

<sup>19</sup> Overall, the socio-economic contributions of immigrants increase with permanent residence and citizenship (Collins 2021; Kerwin and Warren 2019a; Lynch and Oakford 2013).

Brown, and Bachmeier 2015, 185-86). Another study based on the Los Angeles Family and Neighborhood Survey from between 2000 and 2002 found, with two caveats,<sup>20</sup> that undocumented residents had lower levels of civic engagement than naturalized citizens, LPRs, and those with temporary status (Lai 2021).<sup>21</sup>

Of course, lack of status also exposes immigrants and their family members to the massive immigration enforcement system and the resulting risk of deportation, pervasive insecurity, impoverishment, and the curtailment of social rights (NAS 2015, 95).

A survey of 125 “established” households in Pima County, Arizona, for example, sought to quantify the economic hardship caused by an immigration arrest. It measured hardship in terms of lost “assets seized at the moment of arrest; the cost of hiring an attorney to fight one’s case; the cost of bonding a loved one out of detention (which frequently also includes the accumulation of considerable household debt); disruptions to employment; and various additional costs” (Boyce and Launius 2020, 302). The study found that immigration arrests affect “poverty, employment, education, housing security, health and development, and generational wealth inequality” (ibid.). It calculated that arrests led to “an average of \$24,151 in accumulated and permanent financial losses to each affected household,” including seized assets and bond payments (\$4,907); lost household income (\$4,242) from the apprehended family member or other household member; job loss and long-term unemployment or underemployment (\$15,129) (ibid., 304).

Children in “mixed-status” families who experience family separation due to the deportation of an undocumented parent can suffer from schooling disruptions, housing instability, diminished ability to concentrate, eating and sleeping problems, crying, clinging, fear of separation, fear of law enforcement, aggression, and other developmental difficulties (Chaudry et al. 2010; Zayas and Heffron 2016; Kerwin, Alulema, and Nicholson 2018). The deportation of undocumented parents can also result in termination of parental rights (Hall 2011).

The default alternative to a legalization program is to pursue enforcement policies that do little to reduce the size of the undocumented population and lead to an even longer-term undocumented population akin to a caste, with all the related stresses, cruelties, and lost human potential. An even worse alternative would be to try to arrest, detain and remove the nation’s 10.35 million undocumented residents from the country. A 2005 study conservatively estimated the costs of a mass deportation program, along with increased border enforcement, to be \$206 billion over five years, not counting the “negative shock to the economy” of removal of several million US workers (Goyle and Jaeger 2005).

***“The default alternative to a legalization program is to pursue enforcement policies that do little to reduce the size of the undocumented population and lead to an even longer-term undocumented population akin to a caste, with all the related stresses, cruelties, and lost human potential.”***

Another study found that that the median income of US mixed-status households – those with undocumented residents and US citizens (often children) – would plunge by 47 percent (to \$22,000) if the income of their undocumented residents were lost due to deportation, forcing millions of US families into poverty and the wide-scale loss of housing (Warren and Kerwin 2017, 5). This analysis estimated that the amount of financial support available to raise these US citizen children to their majority would fall by \$118 billion, that 1.2 million mortgages would be in peril, and that US gross domestic product would be dramatically reduced over 10 years (ibid., 6-7).

<sup>20</sup> The study found that education of immigrants in the United States “partially mediated the relationship between legal status and general civic participation” and that church membership and participation did not vary by status (Lai 2021, 219).

<sup>21</sup> The study also found that the undocumented mothers of children with legal status volunteered at their children’s schools and were involved in Parent Teacher Associations at far higher rates, than were undocumented mothers with undocumented children.

## IV. Recommendations

This report highlights the need for timely data on populations eligible for legalization and special legal status programs on national, state, and sub-state levels. To that end, CMS' Democratizing Data project makes detailed estimates of the US undocumented and eligible-to-naturalize populations available through a publicly accessible data tool (CMS 2021). The report also recognizes the underlying need for effective legislation and a strong commitment by government at all levels and by local communities to the success of these programs. It offers the following recommendations on immigration reform legislation and on community-based implementation efforts.

**Congress should pass broad immigration reform legislation that includes a general legalization program or, in the alternative, a series of population-specific legalization programs for essential workers, childhood arrivals, agricultural workers, persons eligible for TPS and DED, and long-term residents. In the interim, the Biden administration should designate and re-designate additional countries for TPS.**

As it stands, Congress has failed to pass a general legalization program for 35 years or the Development, Relief, and Education for Alien Minors (DREAM) Act for the last 20 years. It has not meaningfully reformed the US legal immigration system for 31 years since passage of the Immigration Act of 1990.<sup>22</sup> It has not overhauled the US legal immigration laws for 56 years since passage of the Immigration and Nationality Act of 1965.<sup>23</sup> For 25 years, Congress has failed to fix the most glaring problems created for immigrants and their families by a triumvirate of 1996 laws on immigration enforcement,<sup>24</sup> national security,<sup>25</sup> and public benefit policies<sup>26</sup> (Kerwin 2018).

Each year that Congress delays, politicizes immigrants, and fails to pass meaningful reform, the US undocumented population becomes more entrenched. Between 2010 and 2019, the percentage of undocumented residents living in the United States for 15 years or more grew from 25.2 percent to 42.5 percent (CMS 2021), including large numbers of persons stranded for years in family-based visa backlogs (Kerwin and Warren 2019b). Eighty-three percent of the DACA-eligible had lived in the United States for at least 15 years, according to the 2019 ACS (Table 1).

The US immigration system has also become more dysfunctional with each passing year of legislative inaction. As of November 2, 2020, for example, nearly 3.8 million applicants for numerically limited family-based visas languished in backlog (DOS 2020), with projected backlogs for some applicants exceeding their life expectancies (Kerwin and Warren 2019b). Immigration court backlogs had reached 1.34 million as of May 2021 (TRAC 2021), and pending affirmative asylum cases exceeded 386,000 by the fourth quarter of 2020 (USCIS 2020).

While passage of immigration reform legislation would be far preferable, the Biden administration should also utilize its authority to designate and re-designate additional countries for TPS. Table 8 provides a non-exclusive list of countries that should be considered. Conditions would clearly justify, for example, a TPS-designation for Guatemala and a re-designation of El Salvador and Honduras. CMS estimates that these steps would make more than 1.8 million nationals from these three countries eligible for TPS, which would

<sup>22</sup> Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (1990).

<sup>23</sup> Immigration and Nationality Act (INA) of 1965, Pub. L. No. 89-236, 79 Stat. 911 (1965).

<sup>24</sup> Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-546 (1996).

<sup>25</sup> The Antiterrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214 (1996).

<sup>26</sup> The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996).

benefit recipients, their families, and their communities in both the United States and abroad.

**Immigration reform legislation should allow the great majority of US undocumented residents to legalize, should reform the underlying legal immigration system, and should provide for the legalization of future long-term undocumented residents through a rolling registry program.**

Congress should pass legislation that would legalize the overwhelming majority of US undocumented residents. A general legalization would achieve this goal and yield the most benefits for the legalized population, their family members, and US communities.

However, general legalization programs have been exceedingly rare in US history (Kerwin 2020). Moreover, such a program – as IRCA illustrated – should be coupled with reform of the underlying legal immigration system. IRCA failed to anticipate future labor needs, leaving the nation with no way to accommodate its subsequent need for additional workers, except through illegal migration. It also failed to legalize sufficient numbers of undocumented persons, which led in part to the re-emergence of a large undocumented population (Chishti and Kamasaki 2014, 6; Kerwin and Warren 2017, 316). Finally, it did not extend derivative status to family members of beneficiaries. As a result, when IRCA beneficiaries obtained LPR status, they needed to petition for visas for their immediate family members (Kerwin 2010, 8), thus laying the groundwork for visa backlogs that now extend for decades for certain national groups in heavily subscribed family-based preference categories.

The US Citizenship Act of 2021 and other pending legalization bills also lacks a mechanism to legalize prospective long-term residents. Congress established the “registry” program in 1929,<sup>27</sup> to create admission records for the growing number of persons with “sympathetic cases,” many of whom had US families and were “interwoven” in their communities, but nonetheless lacked documents to regularize their status (Boswell 2010, 113). This program offers permanent residence to undocumented residents who have continuously lived in the United States for very long periods, have good moral character, are not ineligible for citizenship, and are not inadmissible on security and other grounds.

Since registry was created, Congress has advanced the entry cutoff date for eligibility several times. Most recently, IRCA moved ahead this date to January 1, 1972. As it stands, undocumented residents must have been continually present for nearly 50 years to qualify. While registry has become a dead letter in recent decades, it was available historically to undocumented residents who lived in the United States from between eight to 18 years (Kerwin and Warren 2017, 322-323). Congress should advance this date as a one-time fix to legalize persons who have lived in the United States for at least 10 years and it should provide that the date moves up automatically thereafter on a rolling basis. This step alone would make 58 percent of the US undocumented population eligible to legalize, including virtually all DACA-eligible US residents. A rolling registry provision would also obviate the need for future legislation to legalize very long-term residents.

***“A rolling registry program would promote the nation’s interest in immigrant integration and obviate the need for future legislation to legalize very long-term residents.”***

Advancing the registry eligibility date would also recognize that no legalization program can cover everyone that may be *prima facie* eligible for it, or that Congress intends to cover. Eligible undocumented residents will invariably slip through the cracks. Some will not qualify for technical reasons or because of oversights or deficiencies in the law or problems with its implementation. As IRCA, DACA, and other legal status programs show, some legalization-eligible immigrants will not be able to afford application fees or meet documentary

<sup>27</sup> INA §249.



requirements. Others will not come forward due to fear of removal, insufficient knowledge, misinformation, or a combination of reasons. Over time, these undocumented residents will build further equitable ties to the country, but may not be able to obtain legal status through the standard pathways. A rolling registry program would promote the nation's interest in immigrant integration and seek to depoliticize a phenomenon (long-term undocumented residency) that can be minimized, but not eliminated (ibid.). It would also acknowledge the deep and longstanding connections of these residents to US society.

**Congress, the relevant federal agencies, and advocates should ensure that any legalization program be properly structured and sufficiently funded, particularly the work of CBOs, states, and localities.**

Effective implementation of a legalization program will depend, in part, on technical issues related to the program's structure, such as the length of the application period (the longer, the better), documentary requirements, whether to establish a one-step or two-step legalization process, and well-defined statutory terms and eligibility criteria (Kerwin and Laglagaron 2010).

The federal government must also be able to accommodate the increased workload. A general legalization program might generate 6 million applications. These applications would be added to the high volume of applications, petitions, and requests for benefits that USCIS receives each year (8.1 million on average between 2018 and 2020) (USCIS 2021b, 3), and its pending applications (6.1 million by the fourth quarter of 2020) (USCIS 2020).

Past legalization and special legal status programs have demonstrated the need to mobilize and leverage community resources for legal screening, community outreach, public education, application and fee assistance, and other services. The success of such programs requires federal, state, and local government and private foundations to support capacity building in all of these areas, as well to fund national and regional coordination and community-based planning efforts.

***“The success of legalization programs requires federal, state, and local government and private foundations to support capacity building ... as well to fund national and regional coordination and community-based planning efforts.”***

Kamasaki, Timmons, and Tudi (2015), representing the Committee on Immigration Reform Implementation (CIRI) during the early years of the DACA program, produced one of the most thoughtful assessments of the need for government and private support for the legalization preparedness and implementation work of CBOs and national support organizations. The study analyzed the cost to CBOs of implementing the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and the expanded DACA program, which was announced by President Obama in 2014. CMS estimated that more than 5 million persons would have been eligible for these two programs, had they gone into effect (Kerwin and Warren 2016).

The study offers a valuable typology of the legal capacity available to low-income applicants from federally recognized organizations and their accredited non-attorneys, law school clinics, pro bono and low-cost attorneys, and “non-traditional” immigrant legal service providers, such as libraries, community centers, and places of worship (ibid., 293-297).<sup>28</sup> It also considered the important contributions of “community navigators,” which offer public education, outreach, referrals, and other non-legal services to immigrants.

Based on the experience of IRCA and DACA, the authors estimated that 3.75 million (75 percent of 5 million) would apply for DAPA and expanded DACA. Most low-income immigrants opt to apply for such programs

<sup>28</sup> Seven of 28 parish respondents to a 2020-2021 survey of Catholic immigrant-serving institutions, for example, reported providing legal services to immigrants (Kerwin and Alulema 2021).

on their own and some use private attorneys. CBOs educate and assist large numbers of potential program beneficiaries, but they formally represent far fewer. During IRCA, for example, about one-fifth of applicants filed their applications through Qualified Designated Entities (QDEs). However, these community-based groups assisted roughly one-half of applicants in a wide variety of ways (Chishti and Kamasaki 2014, 8). The CIRI authors then estimated that from 960,000 to 1.2 million DAPA and expanded DACA applicants would need assistance from charitable immigrant-serving agencies due to their low incomes and inability to afford private attorneys.

The analysis took into account non-government sources of funding for this work, particularly fees-for-service, which the authors viewed as both an essential source of revenue and a tool to build charitable legal service capacity. It then estimated the staffing and funding needed from government sources based on different scenarios related to staff costs and time spent with applicants. It concluded that CBOs would need between \$34.4 million (its lower-end estimate) and \$132.5 million (its midpoint) estimate, to assist 1.08 million expanded DACA and DAPA applicants. Of course, a larger program, whether a general legalization or some combination of population-specific programs would require significantly more funding.

As the CIRI authors recognized, CBOs lack sufficient capacity to meet the existing demand for their services, much less to accommodate a legalization program (*ibid.*, 302). This challenge has become more acute in the interim, as under-resourced CBOs struggle to assist immigrants to negotiate all the anomalies and pathologies of the US immigration system in the aftermath of the Trump administration. They need significantly more support to prepare for a large legalization program, particularly one the size of the general legalization set forth in the US Citizenship Act of 2021. This program could legalize more persons than the sum of all other legalization programs in US history (Kerwin 2010, 13).

Since many of the costs and responsibilities of federal programs fall on local communities (Kamasaki 2019, 231-232), states and localities should likewise receive significant legalization preparedness and implementation funding. Congress and private funders should support research to assess community-based needs in order to inform funding decisions and additional research to evaluate the implementation of legalization and special legal status program. A national analysis of the capacity of charitable immigrant legal service organizations, compared to the size and density of the undocumented population on a sub-state level, could significantly inform where investments are most needed to build community-based capacity.

**Local communities should continue to build the partnerships, capacities, skills, and connections needed to implement a legalization program. They should do so, in part, by collaborating on special legal status programs such as DACA, TPS, and naturalization campaigns, as well as through the steady state work of assisting immigrants in their individual immigration cases and in funding legal representation in removal proceedings.**

Since 2007, different configurations of groups on local, regional, and national levels have prepared for legalization. They have integrated services, divided responsibilities, collaborated on special legal status programs, recruited new partners, and advocated for reform.

Beyond establishing important community-based partnerships, CBO networks have charted how agencies from different sectors should interrelate locally, across geographic areas, and nationally. Select states and localities have also prioritized legalization preparedness. Preparation is essential given relatively short application periods, the size and diversity of affected populations, and the life-altering consequences of these infrequent programs. In particular, CBOs would need to pre-screen potential applicants, provide application assistance, offer technical support to self-filers, advocate on how the program should be structured, and educate the public on eligibility criteria, consumer rights, and community resources. Legal training and support agencies would need to mobilize to train CBOs in the complexities of the law, regulations, and procedures.

***“Community-wide collaboration in expanding public education and legal support to low-income immigrants may be the best way to prepare for a general or other large-scale legalization program. In addition, direct legal assistance should be viewed as a kind of continuous legalization program in its own right – in fact, the only large legalization program that has been available for more than 35 years.”***

Some argue that the steady-state work of securing immigration benefits, employment authorization, and relief from removal is less impactful than high-profile advocacy for immigration reform. In fact, the two are complementary. Community-wide collaboration in expanding public education and legal support to low-income immigrants may be the best way to prepare for a general or other large-scale legalization program. In addition, direct legal assistance should be viewed as a kind of continuous legalization program in its own right – in fact, the only large legalization program that has been available for more than 35 years.<sup>29</sup> In its systematic efforts to dismantle legal pathways to permanent residence and citizenship (Aleinikoff and Kerwin 2021; Guttentag 2021), the Trump administration paid a kind of backhanded compliment to the efficacy of this work. In making the US immigration system, with all its flaws, work for immigrants, communities can both legalize the undocumented and prepare for a formal legalization program.

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In 2016, a team of researchers from CMS and the University of Southern California’s Annenberg School for Communication and Journalism and the Sol Price School of Public Policy initiated an intensive study of implementation of the DACA program (Kerwin et al. 2017). The study aimed to “assess the progress of the NGO/CBO community in building legal, public education, and organizing capacity in order to ensure maximum participation in DACA, to prepare for a future legalization program, and to enlist DACA beneficiaries and others in service, advocacy, and community organizing work” (ibid., 7). The research team interviewed 66 individuals from 40 agencies that were heavily involved in the program’s implementation.

The DACA report found that collaboration on the day-to-day provision of legal services and on large-scale legal status programs, such as DACA, TPS, and naturalization campaigns, not only allowed immigrants to advance in status, but helped “to build many of the skills, partnerships and capabilities” needed to implement a large legalization program (ibid., 12). The study viewed DACA’s implementation not as a one-off effort, but as part of a multi-year process to build community-based capacity through diverse partnerships, services, and programs.

The report highlighted two processes that particularly contributed to capacity building during DACA. First, legal screening of potential DACA recipients allowed CBOs to establish relationships with immigrants that could be re-activated in response to a legalization program. The report characterized legal screening as an “access to justice” tool and a legalization program in its own right. In fact, several studies have found rates of undocumented persons, ranging from 14 to 25 percent, who may be eligible for immigration benefits or relief that would put them on a path to permanent residence, independent of a formal legalization program (Wong et al. 2014; Atkinson and Wong 2018; Kerwin et al. 2017, 9).

Second, the report found that community-based groups had built significant legal and other capacity

<sup>29</sup> None of the very few legalization programs since IRCA has legalized more than 100,000 persons (Kerwin 2010), which is a fraction of the persons “legalized” through direct service programs in any given year.

in implementing DACA. In particular, they had strengthened their ability to serve undocumented immigrants through:

- Expansion of federally recognized charitable legal programs and offices for immigrants, and of their non-attorney accredited representatives that can represent immigrants before DHS/USCIS and fully accredited representatives that can represent immigrants in removal proceedings;
- Improved use of digital information technology;
- Publicly accessible demographic information on eligible immigrants;
- New partnerships between diverse agencies and across sectors as part of a “whole of community” service-delivery strategy; and
- A rise in civic engagement and program leadership by the populations most affected by the program.

These findings suggest that community partnerships to meet legal immigration needs and to implement special legal status programs, such as TPS, DED, and DACA, prepare communities for legalization “by doing.”

***“Community partnerships to meet legal immigration needs and to implement special legal status programs, such as TPS, DED, and DACA, prepare communities for legalization ‘by doing.’”***

The DACA study examined the program’s implementation in five communities. The resulting case studies highlight the importance of building on pre-existing partnerships, and of tailoring their responses to the unique needs and challenges of diverse communities. They point to the need for a broad, integrated response in each community to include:

- Public education, particularly on the benefits of the program, eligibility requirements, and combatting *notario* fraud;
- Legal screening;
- Direct service provision;
- Leadership development “with the goal of building collective power” (Kerwin et al. 2017, 32);
- Special outreach and application assistance initiatives for underrepresented populations;
- Continuous capacity building in all its programmatic dimensions;
- Inter-sectoral collaborations; and
- The use of demographic information to plan, organize services, and build capacity.

The DACA report also envisioned a central role for local government in providing documentation for applicants, funding for legal screening and representation, classes tied to eligibility standards, public education, space, volunteer coordination, and partnerships between diverse institutions.

The Catholic Legal Immigration Network, Inc. (CLINIC) produced a manual in 2006 based on interviews with 20 “veterans” from the IRCA program on the steps immigrant legal service agencies should take to prepare for a legalization program, both before legislation passes and afterwards (Shea 2006). The manual, which CLINIC updated in 2010 and 2013 (CLINIC 2013), addresses many of the issues raised in subsequent DACA implementation reports, albeit with an eye toward planning by individual charitable legal service

programs. It also sets forth several elements of a successful legalization preparedness campaign.<sup>30</sup>

The CLINIC report also recognizes the need to continue to grow community infrastructure in order to support immigrant communities after the program ends. In particular, federal, state, and local governments, the private sector, and CBOs should prioritize the expansion of English classes, educational opportunities, upskilling initiatives, career counseling, and other programs that legalized immigrants and their children will want to access at high rates. In short, these reports view legalization preparedness and implementation as an important step in a longer national process of incorporation, integration, and empowerment of US residents that are ready to stay.

<sup>30</sup> CLINIC's manual emphasizes the interrelated needs for:

- Expanded legal capacity through the federal “recognition” process for charitable legal immigration programs, and “accreditation” of their qualified non-attorneys;
- Sufficient staffing and funding for CBOs, including through fees for service;
- Effective use of volunteers and pro bono attorneys;
- Legal screening of potential applicants;
- Administrative advocacy on program design and implementation;
- Public education on eligibility and documentation requirements and *notario* fraud;
- Community partnerships;
- Physical infrastructure;
- Reliable communication of legal developments;
- Special programs for vulnerable immigrants that would otherwise come forward at low rates; and
- Litigation to challenge and remedy erroneous interpretations of the law.

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<b>Appendix A: Legislative/Administrative Program, Eligibility Criteria, and Estimates of Total Populations Affected: November 1, 2021</b>				
<b>Legislative/ Administrative Program</b>	<b>Program Eligibility Criteria</b>	<b>ACS Characteristics Used to Derive Estimates</b>	<b>Status of Program (As of 11/1/21)</b>	<b>Estimated population eligible for program (Rounded to 100)</b>
<b>Administrative Programs</b>				
Deferred Action for Childhood Arrivals (DACA): Original Program	<ul style="list-style-type: none"> <li>• Under age 31 as of June 15, 2012;</li> <li>• 15 years or older at time of application;</li> <li>• Came to the US before turning age 16;</li> <li>• Maintained continuous residence in the US since June 15, 2007;</li> <li>• Physically present in the US on June 15, 2012, and at time of application;</li> <li>• Had no lawful status as of June 15, 2012 or their lawful status expired on or before that date; and</li> <li>• Obtained a high school (HS) diploma or GED,<sup>31</sup> are enrolled in school, or are an honorably discharged veteran of the US.</li> </ul>	<p>Respondent is:</p> <ul style="list-style-type: none"> <li>• Under the age of 31 as of 2012 and 15 years or older when applying;</li> <li>• Came to the US before turning 16;</li> <li>• Entered pre-2008; and</li> <li>• Is in school, obtained HS diploma, or is or was active duty in the military.<sup>32</sup></li> </ul>	Existing Program	926,400
Liberia Deferred Enforced Departure (DED)	<p>A Liberian national or person who last habitually resided in Liberia who:</p> <ul style="list-style-type: none"> <li>• Was a DED beneficiary as of January 10, 2021; and</li> <li>• Has continuously resided in US since October 1, 2002.</li> </ul>	Liberian and entered before October 2002.	Available to current DED recipients until June 30, 2022	(Fewer than 500) <sup>33</sup>
Venezuela DED	<ul style="list-style-type: none"> <li>• A national of Venezuela or person who last resided in Venezuela; and</li> <li>• Present in the US as of January 20, 2021.</li> </ul>	Venezuelan and entered pre-2021.	Existing program	192,200
Hong Kong DED	<ul style="list-style-type: none"> <li>• Last resided in Hong Kong; and</li> <li>• Present in the US as of August 5, 2021.</li> </ul>	Respondent is from Hong Kong and entered pre-2021.	Existing program.	9,300

<sup>31</sup> In the ACS, a high school degree includes a standard high school diploma, a GED, or an alternative credential.

<sup>32</sup> In particular, the ACS asks whether respondent is “[c]urrently on active duty or Training for Reserves or National Guard, or [was] active duty in the past.”

<sup>33</sup> CMS is not reporting on estimates below 500 because the sampling variability is too large for samples below that number.

Countries Designated for Temporary Protected Status (TPS) <sup>34</sup>				
Burma/ Myanmar TPS	<ul style="list-style-type: none"> <li>National of Burma/Myanmar or no nationality and last habitually resided in Burma/ Myanmar; and</li> <li>Has continuously resided in the US since March 11, 2021.</li> </ul>	Respondent is Burmese/ Myanmar, entered pre-2021, and undocumented.	Existing program	1,800
El Salvador TPS	<ul style="list-style-type: none"> <li>National of El Salvador or no nationality and last habitually resided in El Salvador; and</li> <li>Has continuously resided in the US since February 13, 2001.</li> </ul>	Respondent is Salvadoran, entered pre-2001, and undocumented.	Designation terminated, but extended for current beneficiaries to October 4, 2021.	193,800
Haiti TPS	<ul style="list-style-type: none"> <li>National of Haiti or no nationality and last habitually resided in Haiti; and</li> <li>Has continuously resided in the US since July 29, 2021.</li> </ul>	Respondent is Haitian, entered pre-2021, and undocumented.	Existing program given new designation. In addition, past designation terminated, but extended for current beneficiaries to October 4, 2021.	115,300
Honduras TPS	<ul style="list-style-type: none"> <li>National of Honduras or no nationality and last habitually resided in Honduras; and</li> <li>Has continuously resided in the US since December 30, 1998.</li> </ul>	Respondent is Honduran, entered pre-1999, and undocumented.	Designation terminated, but extended for current beneficiaries to October 4, 2021.	56,500
Nepal TPS	<ul style="list-style-type: none"> <li>National of Nepal or no nationality and last habitually resided in Nepal; and</li> <li>Has continuously resided in the US since June 24, 2015.</li> </ul>	Respondent is Nepalese, entered pre-2015, and undocumented.	Designation terminated, but extended for current beneficiaries to October 4, 2021.	29,100

<sup>34</sup> TPS designations were terminated for Haiti, Nepal, Sudan, Nicaragua, Honduras, and El Salvador. However, DHS extended TPS-related documentation for TPS beneficiaries from these countries until October 4, 2021 in response to preliminary injunctions in federal court cases challenging the terminations. “Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal,” 85 Fed. Reg. 79208 (December 9, 2020). <https://www.federalregister.gov/documents/2020/12/09/2020-27154/continuation-of-documentation-for-beneficiaries-of-temporary-protected-status-designations-for-el>.

Nicaragua TPS	<ul style="list-style-type: none"> <li>National of Nicaragua or no nationality and last habitually resided in Nicaragua; and</li> <li>Has continuously resided in the US since December 30, 1998.</li> </ul>	Respondent is Nicaraguan, entered pre-1999, and undocumented.	Designation terminated, but extended for current beneficiaries to October 4, 2021.	14,300
Somalia TPS	<ul style="list-style-type: none"> <li>National of Somalia or no nationality and last habitually resided in Somalia, and</li> <li>Has continuously resided in the US since July 19, 2021.</li> </ul>	Respondent is Somali, entered pre-2021, and undocumented.	Existing program	(Fewer than 500)
South Sudan TPS	<ul style="list-style-type: none"> <li>National of South Sudan or no nationality and last habitually resided in South Sudan; and</li> <li>Has continuously resided in the US since January 25, 2016.</li> </ul>	Respondent is South Sudanese, entered pre-2016, and undocumented.	Existing program for those eligible.	(Fewer than 500)
Sudan TPS	<ul style="list-style-type: none"> <li>National of Sudan or no nationality and last habitually resided in Sudan; and</li> <li>Has continuously resided in the US since January 9, 2013.</li> </ul>	Respondent is Sudanese, entered pre-2013, and undocumented.	Designation terminated, but extended for current beneficiaries to October 4, 2021.	1,300
Syria TPS	<ul style="list-style-type: none"> <li>National of Syria or no nationality and last habitually resided in Syria; and</li> <li>Has continuously resided in the US since March 19, 2021.</li> </ul>	Respondent is Syrian, entered pre-2021, and undocumented.	Existing program	8,800
Venezuela TPS	<ul style="list-style-type: none"> <li>National of Venezuela or no nationality and last habitually resided in Venezuela; and</li> <li>Has continuously resided in the US since March 8, 2021.</li> </ul>	Respondent is Venezuelan, entered pre-2021, and undocumented.	Existing program.	192,200
Yemen TPS	<ul style="list-style-type: none"> <li>National of Yemen or no nationality and last habitually resided in Yemen; and</li> <li>Has continuously resided in the US since July 5, 2021.</li> </ul>	Respondent is Yemeni, entered pre-2021, and undocumented.	Existing program	5,700

<b>TPS-Designated Countries That May be Considered for (Re)Designation<sup>35</sup></b>				
El Salvador: Possible TPS Re-designation	El Salvador not yet re-designated.	Respondent is Salvadoran, entered pre-2021, and undocumented.	Not yet re-designated.	523,000
Honduras: Possible TPS Re-designation	Honduras not yet re-designated.	Respondent is Honduran, entered pre-2021, and undocumented.	Not yet re-designated.	409,400
Nicaragua: Possible TPS Re-designation	Nicaragua not yet re-designated.	Respondent is Nicaraguan, entered pre-2021, and undocumented.	Not yet re-designated.	35,500
Sudan: Possible TPS Re-designation	Sudan not yet re-designated.	Respondent is Sudanese, entered pre-2021, and undocumented.	Not yet re-designated.	6,800
<b>Select Countries Not Yet Designated for TPS</b>				
Ethiopia: Possible TPS Designation	Ethiopia not yet designated for TPS.	Respondent is Ethiopian, entered pre-2021, and undocumented.	Not yet designated.	30,000
Guatemala Possible TPS Designation	Guatemala not yet designated for TPS.	Respondent is Guatemalan, entered pre-2021, and undocumented.	Not yet designated.	662,500
Sierra Leone: Possible TPS Designation	Sierra Leone not yet designated. Former designation terminated.	Respondent is Sierra Leonean, entered pre-2021, and undocumented.	Not yet designated. Past designation terminated.	6,700

<sup>35</sup> A TPS re-designation advances the date by which members of designated states must have resided in the United States, thus broadening TPS eligibility for more recent arrivals (Warren and Kerwin 2017). CMS's estimates in this section of the chart cover over only those who would be newly eligible for TPS if the US residence cut-off date were moved forward to January 1, 2021, and not those eligible under the original TPS designation.

**American Dream and Promise Act of 2021**

<p>Conditional permanent residence for those who entered as children under the Dream Act (Title 1 of Act)</p>	<p>Anyone who is inadmissible or deportable, under DED grant, has TPS, or is son or daughter of certain non-immigrants is eligible if they:</p> <p>Have had continuous physical presence since January 1, 2021, entered at age 18 or younger, AND:</p> <ul style="list-style-type: none"> <li>o Have been admitted to an institute of higher education or career and technical education (CTE) school at post-secondary level;</li> <li>o Have obtained in US a HS diploma or HS equivalency diploma, GED, credential or certificate from CTE school at secondary level, or a recognized post-secondary credential; or</li> <li>o Are enrolled in secondary school or education program assisting students to obtain HS diploma or recognized equivalent, pass GED test, or obtain CTE credential at secondary level.</li> </ul> <p>The Act calls for streamlined conditional permanent residence (CPR) procedures for DACA recipients who met requirements for renewal under program in effect January 1, 2017.</p>	<p>Respondent:</p> <ul style="list-style-type: none"> <li>• Entered the US before 2021;</li> <li>• Came to US before their 18<sup>th</sup> birthday; and</li> <li>• Graduated from HS, or is enrolled in HS or higher education program.</li> </ul>	<p>No existing program: Bill passed in House, but not Senate.</p>	<p align="right">1,425,900</p>
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Removal of conditions on permanent residence for DACA and childhood arrivals under the Dream Act (Title 1 of Act)	<p>A CPR recipient can adjust to lawful permanent residence (LPR) status if they:</p> <ul style="list-style-type: none"> <li>• Have not abandoned US residence during CPR period, and have: <ul style="list-style-type: none"> <li>o Graduated from a college or university, completed at least 2 years in good standing in US leading to bachelor's degree or higher, or have a recognized postsecondary credential from CTE;</li> <li>o Served in uniformed services for at least 2 years or received honorable discharge; or</li> <li>o Earned income at least 3 years and had employment authorization at least 75 percent of that time.</li> </ul> </li> </ul>	<p>CPR-eligible and:</p> <ul style="list-style-type: none"> <li>• Graduated from college/university;</li> <li>• Completed at least 2 years of college;</li> <li>• Is or was active-duty military service; OR</li> <li>• Has worked for 3 years or more.</li> </ul>	No existing program: Bill passed in House, but not Senate.	951,700
Direct adjustment to LPR Status for TPS recipients or those eligible under the Promise Act (Title 2 of Act)	Nationals of countries designated for TPS who had or were eligible for TPS on January 1, 2017 and have been continuously physically present in the US for at least 3 years.	Eligible for TPS in 2017 and entered the US pre-2017.	No existing program: Bill passed House, but Senate.	375,200
Direct adjustment to LPR Status for DED recipients or those eligible under the Promise Act (Title 2 of Act)	Nationals of countries designated for DED who were eligible for DED as of January 1, 2021 and have been continuously physically present in the US for at least 3 years.	Eligible for DED as of 2019 and entered the US pre-2018.	No existing program: Bill passed House, but not Senate.	189,600

**Dream Act of 2021**

<p>Conditional permanent residence for long-term residents who entered as children</p>	<p>Persons inadmissible or deportable, under DED grant, or has TPS are eligible if:</p> <p>They have continuous physical presence from 4 years before Act’s enactment and entered the US before age 18; AND:</p> <ul style="list-style-type: none"> <li>o Admitted to institution of higher education.</li> <li>o Earned a HS diploma, HS equivalency diploma, or GED; or</li> <li>o Enrolled in secondary school or education program assisting students to obtain HS diploma or recognized equivalent, or to pass GED or HS equivalency.</li> </ul> <p>The Act calls for adjustment to CPR for DACA recipients.</p>	<p>Entered pre-September 2017 and prior to age 18, and has HS diploma or is in school.</p>	<p>No existing program</p>	<p>2,245,400</p>
<p>Removal of conditions on permanent residence for long-term residents who entered as children</p>	<p>CPR recipients can adjust to LPR status if they:</p> <ul style="list-style-type: none"> <li>• Have not abandoned US residence; and</li> <li>• Complete one of the following: <ul style="list-style-type: none"> <li>o Acquired degree from a college or university, or completed at least 2 years of a bachelor’s or higher degree program in the US;</li> <li>o Served at least 2 years in Uniformed Services and, if discharged, received honorable discharge; or</li> <li>o Have worked for a period totaling at least 3 years, and at least 75 percent of that time with employment authorization.</li> </ul> </li> </ul>	<p>CPR-eligible and:</p> <ul style="list-style-type: none"> <li>• Graduated from college/ university or completed at least 2 years of college;</li> <li>• Is or was active-duty military; or</li> <li>• Has worked for 3 years or more.</li> </ul>	<p>No existing program.</p>	<p>595,500</p>



Citizenship for Essential Workers Act				
Adjustment to LPR status for essential workers and surviving family members	<p>Continuous physical presence in the US since January 1, 2021 and:</p> <ul style="list-style-type: none"> <li>Performed essential labor or services – as defined by DHS, state or local government, or in enumerated sectors, industries and occupations – during the COVID-19 public health emergency – and the parents, spouses, and children of these essential workers; or</li> <li>Have earned income as essential worker, but unable to continue due to risk to health/safety; are the surviving parent, spouse, or child of an immigrant who performed essential labor and died due to COVID-19; or are a member of the Armed Forces.</li> </ul>	See ACS characteristics below.	No existing program.	7,201,700
Essential Workers: Adjustment to LPR status	See above program eligibility criteria under LPR Status for Essential Workers and Surviving Family Members.	Worked in critical worker industry/ occupation and is in the labor force.	No existing program.	5,469,700
Spouses of Essential Workers: Adjustment to LPR status <sup>36</sup>	See above program eligibility criteria under LPR Status for Essential Workers and Surviving Family Members.	Spouses of respondents who worked in critical worker industry/ occupation and are in the labor force.	No existing program.	909,400
Children of Essential workers: Adjustment to LPR status	See above program eligibility criteria under LPR Status for Essential Workers and Surviving Family Members.	Children of respondents who worked in critical worker industry/ occupation and are in the labor force.	No existing program.	719,100
Parents of Essential Workers: Adjustment to LPR status	See above program eligibility criteria under LPR Status for Essential Workers and Surviving Family Members.	Parents of respondents who worked in critical worker industry/ occupation and are in the labor force.	No existing program.	103,500

<sup>36</sup> In CMS’s estimates, all of the spouses, children, and parents of essential workers are undocumented.

<b>Farm Workforce Modernization Act</b>				
<p>Certified Agricultural Worker (CAW) status.</p> <p>Note: CAW can adjust to LPR status if “performed” agricultural labor or services for at least 575 hours or 100 work days for enumerated periods prior to Act and as a CAW.</p>	<ul style="list-style-type: none"> <li>Performed agricultural labor or services for at least 1,035 hours or 180 work days during the 2-year period preceding March 8, 2021;</li> <li>On date of Act’s introduction, was inadmissible or deportable, under DED grant, or had TPS; and</li> <li>Continuously present from Act’s introduction to grant of CAW.</li> </ul>	<p>Worked for 2 years in occupations listed as <a href="#">Farm Labor</a> by the USDA.</p>	<p>No existing program: bill passed House, but not Senate.</p>	<p>343,400</p>
<b>Liberian Refugee Immigration Fairness Act</b>				
<p>Liberian Refugee Immigration Fairness (LRIF) Program: LPR status</p>	<p>Eligible for lawful permanent residence if national of Liberia and continuously present in the US from November 20, 2014 until filing adjustment of status application.</p>	<p>Liberian and entered pre-2014.</p>	<p>Passed into law, existing program.</p>	<p>7,200</p>
<b>US Citizenship Act of 2021</b>				
<p>General legalization program</p>	<p>Undocumented immigrants who were physically present in the US on or before January 1, 2021 would be eligible for temporary lawful prospective immigrant (LPI) status. After 5 years, they could apply for LPR status.</p>	<p>All US undocumented residents as of 2019.</p>	<p>No existing program.</p>	<p>10,348,900</p>

LPR Status for DACA Recipients and Childhood Arrivals	<p>Must have:</p> <ul style="list-style-type: none"> <li>• Been younger than age 18 on date of initial entry to the US;</li> <li>• Earned a HS diploma or GED;</li> <li>• Achieved one of the following: <ul style="list-style-type: none"> <li>o Graduated from a college or university, or completed at least 2 years of a bachelor's or higher degree program in the US;</li> <li>o Completed at least 2 years of honorable military service; or</li> <li>o Have worked for a period totaling at least 3 years;</li> </ul> </li> <li>• AND</li> <li>• Have registered for the Selective Service if they are a male over the age of 18.</li> </ul> <p>In addition, DACA recipients that meet the requirements for DACA renewal would be eligible for LPR immediately.</p>	<ul style="list-style-type: none"> <li>• Entered US before age 18.</li> <li>• Graduated from HS or has a GED, and either: <ul style="list-style-type: none"> <li>o Graduated from a college/ university or completed 2 or more years;</li> <li>o Is or was active-duty military; or</li> <li>o Earned income for 3 years.</li> </ul> </li> </ul>	No existing program.	951,600
DACA recipients eligible for LPR status	See directly above.	Respondent satisfied the characteristics above and is eligible for DACA.	No existing program.	591,200
Other Childhood Arrivals: eligible for LPR status	See above.	Respondent satisfied the characteristics above, but is not eligible for DACA based on entry age or continuous residency requirement.	No existing program.	360,300
Total TPS-DED recipients: eligible for LPR status	Nationals of countries designated for TPS or DED who have been continuously physically present in the US since January 1, 2017 and had or were eligible for TPS or DED on January 1, 2017 are eligible for LPR status.	Respondents who may have been eligible for TPS/DED in 2017 and who entered pre-2017.	No existing program	375,200 <sup>37</sup>

<sup>37</sup> CMS's estimates – which are based on 2019 ACS data – identified fewer than 500 DED-eligible as of 2017 and, thus, CMS did not count any DED-eligible in these totals.

Spouses of TPS/DED recipients: eligible for LPR status	Spouses of TPS-DED recipients above would also be eligible for LPR as derivatives.	Spouses of respondents who may be eligible for TPS/DED and who entered pre-2017.	No existing program	188,900
Children of TPS/DED recipients: eligible for LPR status	Children of TPS-DED recipients above would also be eligible for LPR as derivatives.	Children of respondents who may be eligible for TPS/DED and who entered pre-2017.	No existing program	459,400
Agricultural workers: eligible for LPR status	Agricultural workers who performed labor or services for at least 2,300 hours or 400 work days, including seasonal or temporary work, for a 5-year period immediately preceding the date they file their AOS application would be eligible to for LPR status.	Respondent worked for 2 years in occupations listed as <a href="#">Farm Labor</a> by the USDA.	No existing program.	343,400
Spouses of agricultural workers: eligible for LPR status	Spouses of agricultural workers are eligible for LPR as derivatives (see criteria above for Agricultural Workers).	Spouses of respondents who worked for 2 years in occupations listed as <a href="#">Farm Labor</a> by the USDA.	No existing program.	193,400
Children of agricultural workers: eligible for LPR status	Children of agricultural workers are eligible for LPR as derivatives (see criteria above for Agricultural Workers).	Children of respondents who worked for 2 years in occupations listed as <a href="#">Farm Labor</a> by the USDA.	No existing program.	472,900
Immediate family members of US citizens that might benefit from removal of 3- and 10-year bars.	The Act would remove the 3- and 10-year bars based on unlawful presence. <sup>38</sup> Therefore, it would benefit those who are now subject to the bars, including spouses of US citizens, parents of US citizen children over age 21, and children with US citizen parents. Members of these groups that cannot adjust to LPR status in the US become subject to the bars when they leave the country for consular processing; i.e., to secure family-based visas.	Respondent is married to a US citizen, has a US citizen child over age 21, or has a US citizen parent; and is from El Salvador, Honduras, Guatemala, or Mexico.	No existing program.	1,282,600

<sup>38</sup> INA §212(a)((9)(B)(i)(I) and (II).