



The National Council of La Raza*

MOVING TOWARD AN IMMIGRANT INTEGRATION AGENDA

by Clarissa Martinez De Castro**

The vibrancy of the United States as an economic power and icon of diversity is strengthened by the country's immigrant population. The stories of recent immigrants share many similarities with their past counterparts, even as their places of origin continue to change. Latin America, specifically Mexico, represents the current greatest contributor of newcomers to the country. The way in which we approach immigrants' integration into U.S. society holds important implications for the future progress of the country as a whole.

Community-based organizations (CBOs) have played an important role in bridging the gaps between immigrants and their new communities. Operating in the communities where immigrants live, CBOs have nurtured the trust of a population prone to keep a low profile and avoid contact with governmental agencies. Their work has enhanced the outcomes of naturalization efforts, adult English classes, and outreach campaigns in a variety of areas, particularly health. As governments consider policies affecting immigrant populations, they should consider these CBOs as strong allies both in evaluating the effectiveness and reach of such policies, as well as in improving the channels of communication between government and these populations.

In recent years, policies adopted at the federal level have had detrimental effects on this integration process. The changes effected by federal welfare and immigration reforms adopted in 1996 had severe consequences for immigrant populations, some well beyond the intent of the legislation. The group bearing the brunt of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was legal immigrants, even though their levels of participation in the welfare system were low. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which at its origin mirrored some of the components of California's Proposition 187, adopted extremely punitive measures making uncertain the legal status of permanent residents and barring many other immigrants' ability to adjust to legal status. Although only the federal government dictates the rules affecting our immigration policies, the two acts had a significant impact on states' immigrant policies. PRWORA and IIRIRA simultaneously shifted much of the responsibility for dealing with these populations to the states, while restricting federal financial contributions and state discretion to do so.

* The National Council of La Raza (NCLR) is a private, nonprofit, nonpartisan organization established in 1968 to reduce poverty and discrimination and improve life opportunities for Hispanic Americans. NCLR is the largest constituency-based national Hispanic organization, serving all Hispanic nationality groups through its network of over 270 affiliate community-based groups and regional offices. NCLR has supported fair and effective immigration and farmworker policies for over two decades, and has provided a fact-based Latino perspective on the issue of immigration. NCLR approaches this issue as a civil rights organization, with an interest in protecting the rights of its constituency within the United States and promoting the values and principles of the nation as a whole.

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As discussion on immigration once again takes a prominent role, this time fueled by the aftermath of September 11 events and attempts to increase domestic security, it is crucial to ensure that emerging legislation does not use immigrants as a scapegoat, and that we are careful to distinguish between that which makes us only feel better and that which makes us truly safer. Already, anti-immigrant groups are shamelessly abusing this tragedy and the fear it created to link the U.S. immigrant population with the 16 individuals responsible for the attacks in an attempt to deter positive immigrant integration policies being considered by some states.

Nevertheless, the current situation, the campaign to “Fix ’96,” and the pending discussion on legalization create some opportunities for federal, state, and local governments to explore policies that maximize the contributions of immigrants in a framework respectful of civil rights and constitutional foundations. A brief snapshot of some of those areas is provided below.

DEMOGRAPHIC OVERVIEW

According to the 2000 U.S. Census, about one in eight Americans is of Hispanic origin. Of the 35 million Latinos living in the United States, Mexicans represent 58.5%, Puerto Ricans 9.6%, Cubans 3.6%, Central Americans 4.8%, South Americans 3.8%, Dominicans 2.2%, Spaniards 0.3%, and all other Latinos 17.3%. Of these categories, the only one showing an increase between the 1990 and 2000 Census is that of “All Other Latinos.” Several factors have been offered to explain that growth, including (1) the addition of Hispanics who did not indicate a subgroup to this category, (2) inaccurate tabulations, and (3) a greater “pan-Hispanic” identification stemming from intermarriage among Latino ethnicities. Further analysis is needed to determine the precise factors driving this growth.

Although the majority of the Latino population (60%) is native-born, Latinos across the country, immigrant or not, feel the impact of immigration policies directly or indirectly. A significant number of citizens live in families that include legal and/or undocumented immigrants and experience the effects of restrictive policies. Those who do not are still prone to experience fallout from immigration policies, which have often resulted in discriminatory practices directed at anyone perceived to be an immigrant. Immigration is therefore an issue of powerful symbolism for Latinos in general, regardless of their status.

ACCESS TO HEALTH AND BENEFITS PROGRAMS

Latinos are the group of Americans most likely to lack health insurance coverage. Among the foreign-born population, Hispanics are also more likely than other immigrants to lack health insurance. Undocumented immigrants have generally been barred from accessing government safety net programs. The few services to which they have access – immunizations, treatment for communicable diseases, emergency services – tend to serve the larger public good. Legal immigrants had, for the most part, enjoyed parity with citizens in terms of access to programs and services. That changed in 1996. PRWORA created a multitiered system establishing unequal treatment of legal immigrants compared with citizens, the unintended negative consequences of which have led to widespread support for repeal of its measures by legislators at all levels of

government and advocacy groups around the nation. The two most widely affected programs are Food Stamps, which is recognized as a work support program that assists many low-income working families in making ends meet, and Supplemental Security Income (SSI), which provides support for the elderly, disabled, and blind. However, legal immigrants also face restrictions in accessing the State Children's Health Insurance Program (SCHIP), Medicaid, and Temporary Assistance to Needy Families (TANF).

Although states have been given some discretion to serve populations ineligible for federal programs, they do not count with a federal funding match, even though a large portion of taxes paid by immigrants go to the federal government. Notably, several states have expanded their programs. For example, in 1999 Texas adopted legislation to include legal immigrant children ineligible for federal funds under their state program, while California recently extended Food Stamp and SSI programs serving legal immigrants in that state. Currently pending are federal proposals to increase access to health care and Food Stamps – the Legal Immigrant Children's Health Improvement Act, the Nutrition Assistance for Working Families and Seniors Act, and the Women Immigrants' Safe Harbor Act. Continued efforts to reverse access restrictions are an important way to improve the health status of immigrants and protect some of the most vulnerable members of that community.

EDUCATION

Education is an important component of successful immigrant integration, both as a means of language acquisition and as a tool for greater economic opportunity. The mid-1990s gave way to proposals – first in California and then at the federal level – to throw undocumented children out of elementary and secondary schools. Although those proposals were repealed, in recent years the country has seen repeated attempts to undo bilingual education programs at the elementary and secondary school levels, with passage of California's Proposition 227 adding to the momentum. Whereas evaluation of current bilingual and English-as-a-Second-Language (ESL) programs to identify those most effective is in order, attempts to apply a "one-size-fits-all" program of English immersion fail to take into account the diverse backgrounds and needs of these students. Such attempts, in addition to setting students up for potential failure, do nothing to address the segregation of English-Language Learners (ELLs) within some school districts, or to improve the resources and conditions of the schools they attend.

Additionally, as more states adopt standard-based reforms to increase accountability in the educational system, close attention must be paid to the implications for ELLs. If the tests prove invalid, or if they are used inappropriately, ELLs are likely to experience disproportionate increases in grade retention, and their chances of dropping out will increase significantly. Therefore, assessments used to measure ELL students' English language acquisition and academic progress must be designed and developed (including pilot and field tests) in a manner that ensures their validity and reliability, and accompanied by regulations or guidance from state education agencies prescribing appropriate testing protocols for ELLs. Continuous exemption of these students from testing requirements is not a viable option; an accountability system that excludes ELLs will not create incentives for schools to improve this group's performance.

Current federal debate on the reauthorization of the Elementary and Secondary Education Act (ESEA) presents opportunities for Congress to ensure that the education system provides equality of educational opportunity to language minority students.

Higher Education

Although some states already had restricted access to higher education prior to its passage, IIRIRA effectively took away a state's option to offer in-state tuition to immigrants who fulfilled state residency requirements regardless of immigration status, by imposing prohibitive costs to states that decide to do so. Thus, many immigrant students, undocumented as well as those in the process of adjusting to legal status, have been denied access, due to the high cost of tuition, to the institutions of higher learning to which they had earned admission. Although these students are still able to attend, they are subjected to international student rates, which tend to be three to ten times higher than in-state rates.

This policy creates an enormous loss to the states where these students reside, both in terms of brainpower and future economic contributions to the tax base. California and Texas have created exemptions based on stricter criteria than those required to become a state resident, to extend resident rates to undocumented and other immigrant students who have attended state high schools for three years and graduated from a state high school. The Student Adjustment Act, a pending federal proposal restoring access to in-state tuition and providing legalization channels for those who graduate from a higher education institution, would go a long way to address this situation.

DRIVER'S LICENSES

Until recently, the requirements ruling the issuance of a driver's license (DL) were an individual's ability to prove identity, driving skill, and knowledge of traffic and safety regulations. Policies adopted by a variety of states requiring a Social Security Number (SSN)^{*} and/or proof of legal immigration status have resulted in denying access to DLs and identification (ID) cards to immigrants, undocumented as well as in the process of adjusting to legal status, who can legitimately prove their identity and their ability to drive. Such measures force these vulnerable immigrant populations further underground, and undermine public safety by increasing the number of unlicensed and uninsured drivers on the road.

Moreover, these requirements have unintended negative effects on community policing. Fear of repercussions due to their own immigration status or that of family members has been proven to have a deterrent effect on immigrant populations' inclination to cooperate with police. Not

* The SSN requirement stems from a misapplication of a PRWORA provision calling on states to request SSNs for child support collection purposes in driver's license applications. The Department of Health and Human Services' Office of Child Support Enforcement issued a memorandum in 1999 clarifying that the law intended for states to collect SSNs from those possessing one, and not to make SSNs a requirement for a driver's license. It also suggested that state licensing agencies could require individuals without SSNs provide a sworn affidavit stating their ineligibility for one, to prevent evasion or fraud. Some states adopted the use of a Social Security Administration (SSA) letter, L-676, which is issued by SSA to individuals who lack an SSN. Other states have adopted the use of an Individual Taxpayer Identification Number (ITIN), a nine-digit number issued by the Internal Revenue Service (IRS) for federal tax collection purposes only to those without an SSN, in lieu of SSNs. However, even in light of clarification and alternatives, many states maintain or are considering adopting a straight SSN requirement.

having an ID or driver's license could result in unwillingness to report an accident even when the other party was at fault – keeping unsafe drivers on the road. The policy will inevitably encourage and facilitate unlawful predatory schemes against immigrants, as it simultaneously reduces the state's ability to prevent such practices.

Both the SSN and the proof of legal immigration status have been portrayed as necessary measures to prevent identity theft and fraud. However, privacy groups have testified that a prevention system based on SSNs is flawed given widespread use of the SSN as an identifier. In 1993, Congress' Office of Technology Assessment stated that "(C)oncerns about the proliferation of the use of the Social Security Number for purposes unrelated to the administration of the Social Security system, and the power of the number to act as a key to uncovering and linking a vast amount of information held by both the government and private companies, have been voiced in a number of contexts... As a result of this increased use of the Social Security Number, the number now facilitates the ability of large institutions to compare databases. It allows outsiders (including private detectives, hackers, or other strangers) to move from database to database, from credit bureau to insurance company to grocery store to publisher, to find out detailed marketing, financial, and medical information about an individual, so that a very detailed dossier on the individual can be created."¹ SSN requirements therefore allow yet another entity to create an SSN databank, increasing the number of databases that can be accessed by unscrupulous individuals to commit fraud.

The post-September 11 environment has fueled proposals to restrict further immigrants' access to these documents in an effort to improve domestic security – whether by completely denying access to the undocumented or increasing scrutiny of legal immigrants. It is ironic that, although the focus of insulating the system from fraud has focused on immigrants, native-born citizens are likely to have less government-issued picture documents than legal immigrants. It must be noted then that a system requiring secure documents only from one segment of the population, namely immigrants, will not make the entire system secure. Several states use SSNs and proof of lawful presence as two of *several options* of legitimate documents applicants can provide to verify their identity – federal and state governments would be well served by exploring similar options that prevent identity theft, without sacrificing safety on public roads.

RACIAL PROFILING

Racial profiling violates civil rights and undermines the ability of law enforcement to enforce the law effectively. When an innocent individual's ethnicity is used to establish a cause for suspicion of a crime, then that individual – along with family members, friends, and neighbors – may lose trust in the integrity of law enforcement. Beyond race and ethnicity, immigration status, real or perceived, has also become a profiling factor, opening the door for more civil rights violations and further undermining community-policing efforts. There are currently no federal systematic measures in place to prevent and document these practices, nor to give effective recourse to victims.

Trends of increased cooperation between local law enforcement and federal agencies, particularly the Immigration and Naturalization Service (INS), compound the problem. In 1996 Congress

established a formal Memorandum of Understanding (MOU) process between the Department of Justice (DOJ) and state or local government to guide INS-state/local collaborations. However, what has ensued is a series of often-informal collaborations outside these guidelines, apparently without proper DOJ review and training in immigration law for state/local offices. Numerous incidents of abuse have been documented, with victims including U.S. citizens and legal permanent residents. Since legal and undocumented immigrant communities are less prone to demand their rights and file complaints, in addition to having less access to legal advice and representation, it is likely that the extent of the problem is much greater than currently estimated.

Immigration enforcement by local and state law enforcement agencies, even under the guise of enforcement of separate criminal statutes, compromises and detracts from the true mission of local police of ensuring public safety, and worst of all, it undermines public trust and confidence. Members of affected communities are likely to fear harassment and abuse by the police and are thus less likely to seek police help when they legitimately need it – to report a crime or suspicious behavior, serve as a witness or on a jury, or otherwise cooperate with law enforcement. Yet, in the aftermath of the terrorist attacks of September 11, some states are seeking to expand local law enforcement authority to enforce immigration law. For example, the Attorney General of South Carolina has announced that he is seeking an agreement with INS to create an "elite force to enforce federal immigration law."² In light of the troubled history of these collaborations, NCLR believes they should not proceed, particularly since their proponents cannot demonstrate anything except a rhetorical connection to actual or potential terrorist threats.

In 2001, Texas adopted legislation to address racial profiling, including data collection, officer training, and recourse for victims. California's legislation on this issue has not succeeded. The End Racial Profiling Act of 2001 is currently pending in the U.S. Congress.

NATURALIZATION

Of Latino immigrants, 74.2% of those who entered the United States before 1970 have become U.S. citizens. Naturalization rates for those entering before 1980 and 1990 are 45.7% and 23.9%, respectively. Of those who entered after 1990, 6.7% have become citizens.* Recent years have seen a spur in naturalization rates, with factors such as the 1980's amnesty, immigrant reaction to the mid-1990s anti-immigrant environment, dual citizenship, and immigrants' exclusion from services offered as part of the explanation.³ These new citizens are contributing to the revitalization of American electoral participation.

Naturalization is the critical last step that new Americans take in order to participate fully in the civic life of the United States. As such, it is important that the naturalization process is accessible and efficient, with minimal backlogs and waiting periods. The INS has a troubled history of failing to fulfill its dual missions, to enforce immigration laws effectively and humanely, and to provide efficient and effective service to immigrants seeking to naturalize, reunite with family members, and otherwise go through the immigration process. There is an

* Generally, an immigrant must be a legal permanent resident for five years before qualifying for naturalization. At that point, provided the individual meets the other requirements, including passing exams in English and civics, the process can take anywhere from six months to two years to complete.

ongoing policy discussion about dividing the principal INS functions of enforcement and naturalization. The outcome of any debate on this issue must be a more effective organization with greater accountability and a dramatically improved relationship with the people the agency encounters.

In addition, it is obvious that increased funding for English classes and education would greatly assist immigrants in achieving this step, as waiting lists abound for these programs. Enrolling the support and participation of CBOs in these efforts would maximize outreach and outcomes. Similarly, less opposition to proposals to strengthen naturalization and more civic support for citizenship campaigns would greatly enhance the process.

CONCLUSION

The United States is, undeniably, a nation of immigrants. Contributions to the richness of the country's economic, social, and cultural fabric are made every day by immigrants that work hand in hand with more established populations to achieve a better life for themselves, their families, and their new communities. Current discussions on immigration laws could provide incentives for a long overdue examination of policies that assist or impede the full incorporation and participation of immigrants in American society, but should not be the only vehicle for such evaluation. Federal and state leadership is required to address the inconsistencies of current policies and to ensure that our treatment of immigrants is aligned with America's best values and traditions. Strong collaboration with CBOs could greatly enhance this process, by building upon the established trust between these organizations and immigrant communities, to open channels of communication between immigrants and government. In addition to retaking pending legislation at the federal and state levels in the areas here covered, other issues remain. At the core of this discussion should be the realization that how well immigrants fare is intrinsically linked to the future progress of the country as a whole.

¹ Office of Technology Assessment, [Protecting Privacy in Computerized Medical Information](#), 64-65 (1993).

² Press Release from South Carolina Attorney General Charlie Condon. October 8, 2001.

³ Fix, Michael, Jeffrey S. Passel, and Wendy Zimmerman, *The Integration of Immigrant Families in the United States*, Immigration Studies. Washington, DC: The Urban Institute. July 2001.