

Know Your Immigration Facts

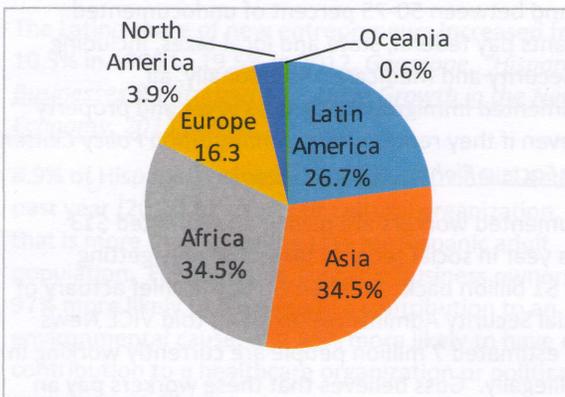
Making a Case for Comprehensive Immigration Reform

Prepared by: *Presentation Sisters at Caminando Juntos*
617 E. 7th St. Sioux Falls, SD 57103, 605-274-3735

IMMIGRANTS IN SOUTH DAKOTA: The Reality

In 2011 the foreign-born persons, documented and undocumented, represented 2.8 percent of South Dakota's total population. Fewer than 1 percent are undocumented. *Pew Research Center's Hispanic Trends Project 2012, Hispanic Population by State: 2012.*

Immigrants in South Dakota Places of origin



All Foreign born: 2.8 percent of population
Undocumented: less than 1 percent

***The top three regions of birth of the foreign-born in South Dakota were Central America, Eastern Europe, and Southeastern Asia.** (Migration Policy Institute, "2012 American Communities Survey and Census Data on the Foreign Born by State,"

<http://www.migrationpolicy.org/data/state-profiles/state/demographics/SD>

- Sioux Falls is home to residents from at least 101 countries and regions. 137 languages and dialects are spoken. (*Sioux Falls Multicultural Center data, 2014*)
- The total Hispanic (Latino) population of South Dakota, both foreign and U.S. born, totals about 23,402 or about 3% of the population. The three South Dakota counties with the largest Hispanic populations are Beadle County with 1,406, Minnehaha County with 7,398 and Pennington County with 4,123. (*Pew Hispanic Center, "Census 2011," <http://pewhispanic.org/2013/08/29/u-s-hispanic>*)
- South Dakota's total undocumented population is estimated to be less than 1 percent of the state's total population. **This percentage has not changed since 2000.** South Dakota remains one of the states with the least unauthorized immigrants. (*Jeffery S. Passel and D'Vera*

Cohn. "Unauthorized Immigration Population: National and State Trends, 2010," p.24, Washington, D.C.: Pew Hispanic Center, February 1, 2011)

- The total U.S. Hispanic population was 52.9 million in 2012 compared to 35.2 million in 2000. South Dakota's Hispanic population in 2012 was 23,402 compared to 10,101 in 2000, or a **132% increase!** Only four other states experienced an increase from 2000-2012 greater than South Dakota: Kentucky, 135%; Alabama, 157%; South Carolina, 161%; and Tennessee, 163%.
- From 2000 to 2010, Spanish replaced German as the most common non-English language spoken in South Dakota. Dakota (a Native American language) also passed German, making German the third most common non-English language in the state. *Modern Language Assn., "Most Spoken Languages in SD: Compare 2000 and 2010."*

SOUTH DAKOTA LABOR

- Undocumented immigrants in South Dakota paid \$4.9 million in state and local taxes in 2010, including \$4.7 million in sales taxes and \$227,000 in property taxes, according to data from the *Immigration Policy Center: July, 2013.*
- Were undocumented immigrants in South Dakota to have legal status, they would pay \$5.2 million in state and local taxes, including \$4.9 million in sales taxes and \$236,000 in property taxes. *The Perryman Group, "An Essential Resource: An Analysis of the Economic Impact of Undocumented Workers on Business Activity in the US...," April, 2008.*
- South Dakota's labor force was estimated to be 443,000 in 2010. It is estimated that less than 1.5 percent of this labor force was comprised of undocumented workers. (*Passel and Cohn. "Unauthorized Immigrant Population," p. 24*)
- South Dakota's 595 Latino-owned businesses had sales and receipts of \$317.4 million and employed 1,206 people in 2007. The state's 452 Asian-owned businesses had sales and receipts of \$203.8 million and employed 2,837 people in 2007, the last year for which the Asian data is available. (*Immigration Policy Center, "New Americans in the Mount Rushmore State: The Economic Power of Immigrants, Latinos, and Asians in South Dakota," January 2012*)
- The 2012 purchasing power of Latinos in South Dakota totaled \$507 million (an increase of 1,079% since 1990) while Asian buying power totaled \$339 million (an increase of 1,069% since 1990). (*Selig Center for Economic Growth at the University of Georgia*)

POTENTIAL BENEFITS OF IMMIGRATION REFORM

*** The Deferred Action for Childhood Arrivals (DACA)**

program, initiated on June 15, 2012, provides deferred action from deportation for certain undocumented immigrant youth. It is valid for two years and may be renewed at the end of two years. Individuals who receive deferred action may apply for and may obtain employment authorization, as well. Deferred action does not provide a path to lawful permanent resident status or U.S. citizenship.

* The dominant perception is that the vast majority of DACA-eligible youth are Latino. Across the US, we estimate that **76 percent** of the total potentially eligible population is from Mexico or Central America. (*Migration Policy Institute, "County Level View of DACA Population Finds Surprising Amount of Ethnic & Enrollment Diversity," September 2014*)

* USCIS released its first quarterly report for Fiscal Year 2014 on statistics for the DACA program. The numbers demonstrate not only the need for immigration reforms laws, but also the need for interim relief for otherwise law-abiding undocumented people currently present in the U.S. Through June 30, 2014, 580,859 requests were approved by USCIS. *Koklo & Associates, P.C., Immigration and Firm News, 2014.*

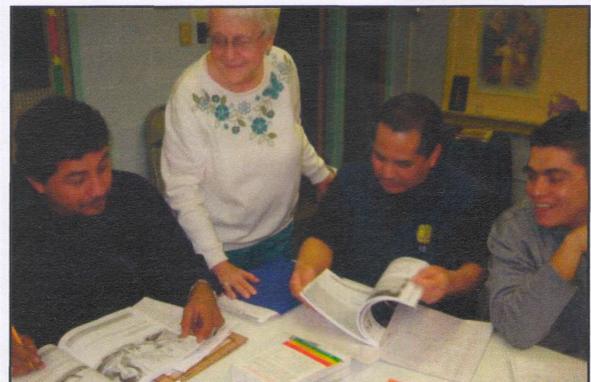
* DACA contributes to the economic and social incorporation of young adult immigrants. Approximately 61% of DACA recipients surveyed have obtained a new job since receiving DACA. Over half have opened their first bank account, and 38% have obtained their first credit card. 61% have obtained a driver's license which has likely widened educational, employment, and other options for these young adult immigrants. If given the opportunity, 94% responded that they would apply for citizenship if ever eligible. *Immigration Policy Center, "How DACA is Impacting the Lives of Those Who are now DACAmented," August 2013.*

* Outdated policy restrictions have prevented international students with STEM degrees, from American universities, from transitioning into our workforce. We train the world's brightest minds, only to have those students compete against us because our immigration laws do not offer a viable path forward. www.thehill.com, *"Economy will Benefit from Immigration Reform," February 14, 2014.*

* Following the legalization of millions of undocumented immigrants, U.S. GDP is expected to increase by \$832 billion over the course of ten years. Over the same time: Americans personal income will increase by \$470 billion; 121,000 new jobs will be added annually; and newly-documented immigrants will pay an additional \$109 billion in taxes (\$69 billion in federal taxes and \$40 billion in state and local government taxes)." www.washingtoncompact.com, *"Immigration Reform: Towards a Stronger Washington." 2013*

IMMIGRANTS: PUBLIC BENEFITS, TAXES, SOCIAL SECURITY

- *Undocumented* immigrants are not eligible for federal public benefits. This includes income supplements, such as Social Security, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), health care (Medicaid and Medicare) and food stamps (SNAP). (*American Immigration Lawyers Association, "Navigating the Immigration Debate," January 2009*) It is true that new immigrants add a cost to some local and state service sectors such as schools.
- Even *documented* immigrants face tough restrictions on accessing public benefits. Most documented immigrants are not eligible to receive Medicaid, TANF, food stamps or SSI during at least their first five years in the U.S., regardless of how much they have worked or paid in taxes. (*Immigration Policy Center, "Giving Facts a Fighting Chance," October 2010*)
- All immigrants pay taxes regardless of their immigration status and between 50-75 percent of undocumented immigrants pay federal, state and local taxes, including Social Security and Medicare. Additionally, all undocumented immigrants pay sales taxes and property taxes, even if they rent housing. (*Immigration Policy Center, "Giving Facts a Fighting Chance"*)
- Undocumented workers are paying an estimated \$13 billion a year in social security taxes and only getting around \$1 billion back. Stephen Goss, the chief actuary of the Social Security Administration (SSA), told VICE News that an estimated 7 million people are currently working in the US illegally. Goss believes that these workers pay an annual net contribution of \$12 billion to the Social Security Trust Fund. The SSA estimates that undocumented workers have paid \$100 billion into the fund over the past decade. Yet as these people are in the US illegally, it is unlikely that they will be able to benefit from their contributions later in life. *VICE News, "Unauthorized Immigrants Paid \$100 Billion Into Social Security Over Last Decade," by Roy Germano, August 4, 2014.*



Adult English learners

IMMIGRANTS: FACTS AND FIGURES

Today's immigrants are assimilating: buying homes, starting up new businesses, contributing to society and becoming U.S. citizens:

- A record 69% Hispanic high school graduates in the class of 2012 enrolled in college that fall, two percentage points higher than the rate (67%) among their white counterparts, according to a *Pew Research Center* analysis of new data from the U.S. Census Bureau.
- The percentage of immigrants who own their homes is projected to rise from 26 percent in 2000 to 72 percent in 2030. (International Business Times US, "Home Ownership, Education Rates of Immigrants in U.S. Projected to Shoot Up," November 17, 2011)
- 30.4% of immigrants (or 6,686 people) in South Dakota were naturalized U.S. citizens in 2011 – meaning that they are eligible to vote. (*2011 American Community Survey*, Immigration Policy Center, July 2013).
- The Latino share of new entrepreneurs increased from 10.5% in 1996 to 19.5% in 2012. *Geoscape*, "Hispanic Businesses & Entrepreneurs Drive Growth in the New Economy, 2013 Report."
- 8.9% of Hispanic business owners have contributed in the past year (2012) to an arts or cultural organization, a figure that is more than twice the rate for Hispanic adult population. Furthermore, Hispanic business owners are 97% more likely to have made a contribution to an environmental cause, and 45% more likely to have made a contribution to a healthcare organization or political organization. (*Ibid*)

ENFORCEMENT OF FEDERAL IMMIGRATION LAWS

- Most of the people being deported are not dangerous criminals. Despite claims by U.S. Immigration and Customs Enforcement (ICE) that it prioritizes the apprehension of terrorists, violent criminals, and gang members, the agency's own deportation statistics do not bear this out. Rather, most of the individuals being swept up by ICE and dropped into the U.S. deportation machine committed relatively minor, non-violent crimes or have no criminal histories at all. Ironically, many of the immigrants being deported would likely have been able to remain in the country had the immigration reform legislation favored by the administration become law. *Immigration Policy Center*, "Misplaced Priorities: Most Immigrants Deported by ICE in 2013 Were a Threat to No One."
- U.S. taxpayers will fork over \$12 billion for border security this year (2013). That's the cost of room and board for 250,000 college students, 4 million iPads, 300 million frozen meals, 13 major sports teams and franchises, Shell's deb on Iranian oil, a B-2 bomber, and the cure for Lou Gehrig's disease. *IVN*, "Border Security Costs Taxpayers \$12 Billion," August 5, 2013, Ryan Vetter.

IMMIGRANTS AND CRIME

- An immigrant's unauthorized presence in the United States is a civil violation of immigration law, not a criminal offense. Undocumented immigrants who are apprehended may be put into removal proceedings which are administrative, not criminal proceedings. (*Immigration Policy Center*, "Giving Facts a Fighting Chance")
- Businesses that hire illegal workers are subjected to *criminal punishment* by federal law but the unauthorized workers themselves are only subject to *civil penalties*. (*The New York Times*, "Supreme Court to Rule on Immigration Law in Arizona," December 12, 2011)
- Today, two-thirds of individuals deported are subject to what are known as 'summary removal procedures,' which deprive them of both the right to appear before a judge and the right to apply for status in the U.S. Two of these procedures, 'expedited removal' and 'reinstatement of removal,' allow immigration officers to serve as both prosecutor and judge – often investigating, charging, and making a decision all within the course of one day. *Immigration Policy Center*, "Removal Without Recourse: The Growth of Summary Deportations from the U.S." 2014
- Native-born citizens are *five times* more likely than immigrants to be in a correctional facility or mental hospital. (Michael Greenstone and Adam Looney, "Ten Economic Facts About Immigration," *The Brookings Institute*, September 2010)
- Lower incarceration rates of immigrants compared to natives "holds true especially for the Mexicans, Guatemalans, and Salvadorans who make up the bulk of the undocumented population." (*Rubén G. Rumbant, PhD, and Walter A Ewing, PhD*, "The Myth of Immigrant Criminality and the Paradox of Assimilation: Incarceration Rates Among Native and Foreign-born Men," Spring 2007)
- Harsh immigration policies are not effective in fighting crime because – as numerous studies over the past 100 years have shown – immigrants are *less* likely to commit crimes or be behind bars than the native-born, and high rates of immigration are *not* associated with higher rates of crime. Many of the immigrants in federal prison are being criminally charged with an immigration violation and nothing more. (*Immigration Policy Center*, "From Anecdotes to Evidence: Setting the Record Straight on Immigrants and Crime," July 25, 2013).



Immigration Specialist providing client consultation

ALL U.S. IMMIGRATION LAW HAS BEEN FEDERAL LAW WITHOUT EXCEPTION

U.S. HISTORY OF IMMIGRATION LEGISLATION

Most of our founding fathers looked favorably on continuing immigration to the U.S. In George Washington's words:

"The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions, whom we shall welcome to participate in all of our rights and privileges, if by decency and propriety of conduct they appear to merit the employment."

(Roger Daniels, "Guarding the Golden Door: American Immigration Policy And Immigrants Since 1882," p.6)

Following this ideal, Congress imposed no significant restrictions on immigration until after the Civil War. With a few minor exceptions, immigration remained open to all with no documentation needed, or even considered.

- **Treaty of Guadalupe Hidalgo in 1848** shifted our U.S. border south, immediately rendering 100,000 Mexicans Americans citizens.
- The first formal immigration legislation was the **Chinese Exclusion Act of 1882**. It suspended Chinese immigration and barred Chinese in the U.S. from citizenship. It was repealed in 1943.
- The **Emergency Quota Act of 1921** was the first quantitative immigration law. It set temporary annual quotas according to nationality. It was heavily weighted in favor of natives of Northern and Western Europe.
- The **National Origins Act of 1924** replaced the Emergency Quota Act. It set strict quotas for immigration based on nationality, with the intent to restrict immigration of Southern and Eastern Europeans, as well as Asians. *It also introduced for the first time the requirement of a visa to enter the U.S.*
- The **McCarran-Walter Act of 1952** was enacted during the Cold War-era and reflected the fight against Communist countries. It greatly limited immigration from the Eastern Hemisphere and Asia.
- The **1965 Immigration and Nationality Act** ended legal discrimination based on race and ethnicity. It eliminated the previous quota system, and initiated a new system based primarily on family relationships and job skills.
- Twenty years later the U.S. enacted the **1986 Immigration Reform and Control Act**. This legislation legalized 3 million immigrants from all parts of the world who had been residing in the U.S. without proper documentation since January 1, 1982. It created a new classification of temporary agricultural workers and established sanctions for employers who hired undocumented immigrant workers.
- In 1996 Congress passed the **Illegal Immigration Reform and Immigrant Responsibility Act**. This legislation made legal immigration more restrictive and complex for specific countries and categories of peoples, *rendering it nearly impossible for some*. It also made undocumented

immigrants ineligible for U.S. benefits, such as food stamps, SSI and other governmental programs for the poor, elderly and disabled. This legislation still stands today.

Citations:

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ON ANCESTORS ENTERING THE U.S.

Based on the above data, it can be ascertained that until 1924 there was no permission or Visa requirement needed for immigrants to enter the U.S. All previous generations of immigrants could simply board a steamship and arrive at one of the U.S. ports of entry without securing permission from the U.S. government.

For those of us whose ancestors came to the U.S. prior to 1924 to proudly proclaim that our ancestors came legally (the "right" way) to the U.S. makes little sense. Before 1924 there was no legal or illegal/right or wrong way to immigrate. It simply took a few hours of processing at the port of entry and the new immigrants were admitted to the U.S. and allowed to travel wherever they wished.

IMMIGRATION THE "RIGHT" WAY

Misconceptions persist about how our immigration system works today. Many people believe:

- that immigrants stay undocumented to avoid paying taxes
- that immigrants are unwilling to apply for a permanent resident card and SS card because of the time and effort it takes, and the waiting period involved

The reality is that almost all undocumented immigrants deeply desire to become lawful residents. However, under our present immigration laws, many immigrants are not eligible for a Visa and do not qualify for a permanent resident card. The many and complex requirements for documentation are outlined in our current immigration law. In addition, U.S. Visa availability is subject to yearly quotas. No single country is allowed more than 7% of the family-based visas for any given year. There is also a complex preference system in place governing many immigration petitions for U.S. status.

Our current immigration system has not been adequately reformed since 1965. As a nation, we need a single functional immigration law to meet the needs of today's realities, as opposed to a patchwork of 50 conflicting laws.