

Know Your Immigration Facts

Making a Case for Comprehensive Immigration Reform

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IMMIGRANTS IN SOUTH DAKOTA: The Reality

In 2014, all foreign-born persons (27,845) represented 3.2% of South Dakota's total population. 0.7% of the total population of SD is unauthorized. (Pew Research Center *Hispanic Trends Project 2017, Hispanic Population by State*)

Immigrants in South Dakota - 2015

Top Countries of Origin



All Foreign born: 3.2% of population

Unauthorized: 0.7% of the total population of SD

***The top three regions of birth of the foreign-born in South Dakota were Asia, Africa, and Latin America.** (Migration Policy Institute, *State Data Profiles, 2014*)

- Sioux Falls is home to residents from at least 101 countries and regions. 147 languages and dialects are spoken. (Sioux Falls Multicultural Center, 2014)
- The total Hispanic (Latino) population of South Dakota, both foreign and U.S. born, totals about 29,000 or about 3% of the state population. The three South Dakota counties with the largest Hispanic populations are Beadle County with 1,763 or 10%, growing 1037% since 2000; Minnehaha County with 8,850 or 5%, growing 179% since 2000; and Pennington County with 5,259 or 5%, growing 125% since 2000. (Pew Hispanic Center, *"Census 2014"*)
- South Dakota's total unauthorized population is estimated 5,000 or 0.7% of the state's total population. This population has remained essentially stable since 2009 after nearly two decades of changes (Pew Hispanic Center, *"Census 2014"*)
- The U.S. Hispanic population now stands at 57 million. South Dakota's Hispanic population in 2013 was 27,186 compared to 10,101 in 2000. **South Dakota has the**

fastest-growing state Latino population since 2000 in the nation with a 190% change since 2000! Tennessee (176%), South Carolina (172%), Alabama (164%) follow in 2nd, 3rd and 4th place. (Pew Research Center *Hispanic Trends, 09/16/2016*)

* The largest Central American communities in SD in order of population are from Guatemala, El Salvador, and Honduras.

- Beadle County, SD was ranked 8th in the nation for the fastest-growing Hispanic population between 2007 and 2014. (Pew Research Center *Hispanic Trends, 09/16/2016*)
- In 2009, 95.7% of children in Latino families in South Dakota were U.S. citizens. (American Immigration Council)
- From 2000 to 2010, houses owned or rented by Latinos in Minnehaha County jumped from 786 to 1,723. (*Argus Leader*, article by Steve Young, April 2012)

SOUTH DAKOTA LABOR 9% share of the labor force, paid \$4.2 million in state and local taxes including \$3.3 million in sales taxes and \$833,000 in property taxes. (Institute for Taxation and Economic Policy)

- Unauthorized immigrants in South Dakota currently pay an estimated \$5.3 million in state and local taxes in 2014. Their contribution would rise to \$5.9 million if they could receive legal status. (American Immigration Council, 2017)
- The federal tax contribution of South Dakota's Latino population included \$58.5 million to Social Security and \$13.7 million to Medicare in 2013. (Partnership for a New American Economy)
- Latinos in South Dakota paid \$90.5 million in federal taxes and \$28.2 million in state/local taxes in 2013. (Partnership for a New American Economy)
- The 2014 purchasing power of Latinos in South Dakota totaled \$660 million, an increase of 1,435% since 1990. (Selig Center for Economic Growth at the University of Georgia.)
- The total number of Hispanic-owned businesses in the US is projected to increase by 750,000 or 23% in three years, fifteen times the national growth rate. The fastest growing region for Hispanic business activity consists of Minnesota, Iowa, Missouri, Nebraska, North Dakota and **South Dakota!** (Geoscapes and US Hispanic Chamber of Commerce study, 09/21/2015).

BENEFITS OF Deferred Action for Childhood Arrivals (DACA)

Initiated on June 15, 2012, DACA 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.

* In a recent survey, 65% of DACA recipients are currently in school. Of these, 70% are working, as well. 92% are pursuing educational opportunities they previously could not. 83% are pursuing an associate's or bachelor's degree and 17% advanced degrees. (National Immigration Law Center, *"Results from Nationwide Survey of DACA Recipients Illustrate the Program's Impact"*, 07/09/15)

* As of March 31, 2016, the U.S. Citizenship and Immigration Services (USCIS) had accepted applications from 820,000 individuals, approving 728,285 of them. 581,000 had been in the program long enough to apply for renewal, and 539,000 of them – 93% - had done so. (Migration Policy Institute *Issue Brief, August 2016*)

*As of 2017, about 311 people in South Dakota had applied for DACA. DACA recipients in South Dakota paid an estimated \$585,000 in state and local taxes in 2016. (*American Immigration Council, 2017*)

* DACA grantees have experienced improved employment opportunities and earnings. In an Institute for Research on Labor and Employment survey, 84% of DACA enrollees reported having a job, versus 68% of those without deferred action. The survey also found that recipients earned on average 20% more than their non-DACA counterparts. (Migration Policy Institute *Issue Brief, August, 2016*)

*Terminating the DACA program could reduce tax contributions to Social Security and Medicare by \$24.6 billion over a decade; incur unnecessary turnover costs to employers at the tune of \$3.4 billion; and lead to the immediate job loss of over 645,000 DACA beneficiaries. (Immigrant Legal Resource Center, *"Money on the Table – the Economic Costs of Ending DACA," December 2016*)

*Another important advantage of participation in DACA is eligibility for driver's licenses and other state-issued IDs.. (Migration Policy Institute *Issue Brief, August, 2016*).

IMMIGRANTS: PUBLIC BENEFITS, TAXES, SOCIAL SECURITY

* 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

- **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. (*Ibid*)
- 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*)
- About a third of unauthorized immigrant workers (32% in 2014) are employed in service occupations, compared with 17% of U.S.-born workers who hold these types of jobs. Construction jobs employed 16% of unauthorized immigrant workers in 2014, triple the share of U.S.-born workers (5%) in those occupations. Production and maintenance jobs employed 14% of unauthorized immigrant workers in 2014 but 9% of U.S.-born workers. (Pew Hispanic Center, *11/03/2016 survey of occupations*)



IMMIGRANTS: FACTS AND FIGURES

- Over the past decade, the Hispanic high school dropout rate has dropped dramatically. The rate reached a new low in 2014, dropping from 32% in 2000 to 12% in 2014. Even so, the Hispanic dropout rate remains higher than that of blacks, whites and Asians. (Pew Research, 07/28/2016)
- Nearly 4 million Latinos would like to be home owners in the next five years, but only 1.5 million can afford it. Less than one-in-five have the access and means to do so. (The Demand Institute, 2015)
- 34.9% of immigrants (or 8,215 people) in South Dakota were naturalized U.S. citizens in 2013 – meaning that they are eligible to vote. (Fact Sheet, *New Americans in South Dakota*, January 1, 2015)
- The most recent data shows the Latino share of all new entrepreneurs rising to 22%, compared to 16% in 2003. The fastest growing regions for Hispanic-owned businesses from 2012 to 2015 are in the West North Central and East North Central divisions, which are projected to grow by 30 and 29%, respectively. (3rd Annual Report 2015, *Geoscape*)
- During the latest 8-year period from 2007 to 2015, Hispanic-owned business' revenue jumped by an astonishing 88% to nearly \$661 billion. Hispanic business owners are 1.5 times more likely to be in the >\$150K/per year income bracket than Hispanics overall. (*Ibid.*)

ENFORCEMENT OF FEDERAL IMMIGRATION LAWS

- A mass deportation strategy would cost an average of \$10,070 per person, for a total of \$114 billion to remove 11.3 million people...On the flip side, putting unauthorized immigrants on a pathway to citizenship would add a cumulative \$1.2 trillion to GDP over a decade, increase the earnings of all Americans by \$625 billion, and create an average of 145,000 new jobs each year. (Center for American Progress, 08/18/15)
- Most of the 11 million undocumented people in the U.S. have been living here for five years or more. Two-thirds have been here for at least a decade. Almost half are living in homes with a spouse and children. (Los Angeles Archbishop Jose Gomez at Boston College, Sept.8, 2016).
- The Obama administration deported 414,481 unauthorized immigrants in FY2014, a drop of about 20,000 (or 5%) from 2013, newly released Department of Homeland Security data show. The overall decrease is driven by a significant decline in deportations of immigrants with a criminal conviction. The decline is linked to new enforcement priorities that focus exclusively on those who have been convicted of a crime, those deemed a threat for the public safety and those who have recently crossed the border. In addition, border apprehensions have also declined. The 337,117 Border Patrol apprehensions in fiscal 2015 are the lowest since 1971. One reason, is an overall decline of immigrants coming to the U.S. **Today, more Mexicans are returning home to Mexico than arriving in the U.S.** (*Pew Research Report*, 08/31/2016)

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 undocumented 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)
- The 2010 Census data reveals that incarceration rates among the young, less-educated Mexican, Salvadoran, and Guatemalan men who make up the bulk of the unauthorized population are significantly lower than the incarceration rate among native born young men without a high school diploma. (*"The Criminalization of Immigration in the United States,"* American Immigration Council, 07/13/15)

*The overwhelming majority of immigrants are not "criminals" by any commonly accepted definition of the term. For this reason, harsh immigration policies are not effective in fighting crime. Unfortunately, Immigration policy is frequently shaped more by fear and stereotype than by empirical evidence. As a result, immigrants are being defined more and more as threats. The detention and deportation machine is designed primarily to track down and expel non-violent individuals. This brand of immigration policy is cruel, pointless, shortsighted, and counterproductive. Comprehensive immigration reform is needed to make our immigration system responsive to the economic and social forces which drive migration in the first place. (*Ibid*)

Immigration Specialist with a family reunified through the immigration process



ALL U.S. IMMIGRATION LAW IS 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.

