

Report on Immigration and Refugee Issues – March 2022

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Profile of the Immigrant Population: (source: ilctr.org *Immigrant Learning Center*)

Number of Immigrants in the United States: 44 million (13.6%)

Top five immigrant groups: Mexico, China, India, Philippines, El Salvador

Number of immigrants in Massachusetts: 1 million (16%)

Top five immigrant groups: China, Dominican Republic, India, Brazil, Haiti

Percent of the undocumented population in Massachusetts: 22%

Of the 44 million immigrants in the U.S.:

50% are naturalized citizens

27% are Legal Permanent Residents

23% are undocumented/unauthorized

Profile of Ukrainian Immigrants in the U.S. (data source: americanimmigrationcouncil.org)

Total population living in the U.S.: 344,000

248,000 (72.2%): Naturalized citizens

30,000 (8.6 %): Legal Permanent Residents

27,000 (7.9%): Other legal temporary status (e.g. work visa)

5,000 (1.5%): DACA legal status

34,000 (9.9%): Undocumented status (80% have been in the U.S less than 10yr)

The Dept. of Homeland Security announced on March 3, 2022 that Ukrainian immigrants who do not have legal status will have protection under the Temporary Protection Status (TPS) program.

On March 24, 2022 President Biden announced that the U.S will provide refugee protection for up to 100,000 Ukrainian refugees.

There are approximately 10,000 Ukrainians living in Massachusetts.

Issue: Refugee Admissions from 1980 – 2021 (source: uscis.gov)

According to the refugee agency of the United Nations, UNHCR, there are **21 million** refugees in the world and another **51 million internally displaced people**.

[For data on refugees in the world, host countries, and major refugee source countries, See: www.unhcr.org/en-us/figures-at-a-glance]

Under the Refugee Act of 1980, the President, in consultation with Congress, establishes each year the ceiling, or goal, of refugee admissions. Over the past four decades the refugee admissions have averaged around **70,000-90,000 annually**. Under President Trump the refugee program had been drastically curtailed. Refugee admissions for FY 2017: 53,716; in FY2020 to 11,814.

President Biden has set a goal of 125,00 admissions for this fiscal year.

[For data on refugee admissions from 1980-2020, see: “Refugee and Asylees in the U.S.,” See: www.migrationpolicy.org/article/refugees-and-asylees-united-states-2021]

Legal Protections and Policies Affecting Undocumented Immigrants

VOWA, U Visa, T Visa (source: uscis.gov)

Those who qualify will receive legal immigrant status with work authorization and a pathway to legal permanent residency.

- Violence Against Women Act (VOWA): Victims (male or female) of domestic violence; victim must be a spouse, parent or child of either a U.S. citizen or a Legal Permanent Resident; victim must cooperate with the police investigation of the underlying crime.

[Note: On March 17, 2022 President Biden signed the reauthorization legislation for grants to states and agencies for FY 2022 spending.]

- U Visa: Victim of a serious crime (e.g. kidnapping, felonious assault, domestic violence)

- T Visa: Victim of human trafficking (sex or labor trafficking)

MassHealth Coverage: (source: Health Care for All; hcfama.org)

Generally, persons without lawful immigrant status are only eligible for the Masshealth program called Massachusetts Limited which provides for emergency care services. The Mass. House (H 1309) and Senate (S 762) have proposed expanding medical care coverage for all persons under the age of 21.

ISSUE: In-State Tuition for DACA Recipients or for All Undocumented Students

Massachusetts: DACA recipients **do qualify** for in-state tuition; however, those who are undocumented and do not have DACA status do NOT qualify for in-state tuition costs.

Currently, legislation has been submitted in the House and Senate that would allow in-state tuition costs for undocumented high school graduates.

Twenty states and D.C. currently do provide in-state tuition costs to high school graduates in their states.

ISSUE: Driver's Licenses for Undocumented Immigrants

Massachusetts **does NOT** allow undocumented immigrants to obtain a legal driver's license.

However, on **Feb. 16, 2022** the Mass. house of Representatives passed the legislation (An Act Relative to Work and Family Mobility) that would allow undocumented immigrants to apply for a drivers license. It is expected that the Senate will pass the bill. Governor Baker has not stated whether he will sign the bill, but the bill may be protected by a veto-proof majority in the House and Senate. If passed, the bill would **take effect on July 1, 2023** and it would affect over 78,000 people. To date, 17 states and D.C. allow undocumented immigrants to obtain driver licenses.

Issue: DACA (Deferred Action for Childhood Arrivals):

In July 2021 a U.S. District Court in Texas issued an injunction against the DACA executive order (Obama administration 2012); the injunction does not affect those who already have qualified under the program; first time applications will not be allowed to be approved by USCIS at this time. The Dept. of Homeland Security has recently published a proposed federal regulation announcing its intent to codify the DACA program.

ISSUE: DREAMERS: Conditional Legal Status for Undocumented Children and Young Adults

In March 2021 the House of Representatives passed H.R. 6: the "American Dream and Promise Act of 2021." This legislation would affect those who currently have DACA status (699,350) and other children and young adults who entered the U.S. before they turned 16 yrs of age. (Note: additional qualifications needed). Research suggests that a total of **1.7 million children and young adults** could potentially qualify. The legislation would enable these recipients, after a ten year period, to apply for legal permanent residency. This legislation is currently under review by the U.S. Senate.

Reports on Detention Centers:

www.detentionwatchnetwork.org See reports: “Toxic Relationship: Private Prisons and Immigration Detention”; “Lives in Peril: How Ineffective Inspections Make ICE Complicit in Immigration Detention

www.immigrantjustice.org. See reports: “Fatal Neglect: How ICE Ignores Deaths in Detention”; “Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention.”

Federal Appeals Court: Legality of ICE detainees

First Circuit Court of Appeals: *Morales v. Chadbourne* (July 17, 2015)

Holding: ICE detainer is a violation of individual’s Fourth Amendment protections

(*Note: Morales became a naturalized citizen in 1995. Nevertheless, she was erroneously detained in 2004 and in 2009 by ICE.*)

Massachusetts Supreme Judicial Court: Legality of ICE detainees:

Commonwealth v. Lunn, 477 Mass. 517 (2017) Holding: Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainer, beyond the time that the individual would otherwise be entitled to be released from State custody

Massachusetts Resources

(I wish to thank and acknowledge the assistance of **Bernice Garcia**, DCF social worker and MSW candidate, SSU)

CAREGIVER AUTHORIZATION AFFIDAVIT: Mass. Gen. Laws Chapter 201F

Authorizes a parent or guardian to appoint an adult to exercise concurrently the rights and responsibilities relative to education and health care of a minor child. The affidavit requires the signature of two witnesses and notarization.

Boston Area Assistance for Detained Immigrants:

Boston Immigration Accompaniment Network (BIJAN): <https://beyondbondboston.org>

Provides much needed assistance to detained immigrants in Massachusetts jails (ICE detainees) and help for their families. Helping to raise bond money for the detainees is one form of assistance, but there are a hundred different ways that these volunteers reach out to the families of detainees.

Attorney General Hotline To Report Bias-Motivated Harassment/Threats:

800-994-3228

Civil Rights protections: 617-963-2917

Political Asylum Immigration Representation (PAIR) For asylum attorney representation, and to request a “Know Your Rights” presentation for your agency: www.pairproject.org {617-742-9296}

Refugee and asylum seeker assistance organizations in Massachusetts:

Refugee Immigration Ministry (Malden, MA) : www.r-i-m.net {781-322-1011}

Boston Center for Refugee Health and Human Rights at Boston Medical Center; www.bcrhr.org {617-414-4794}

The International Institute of New England, Offices in Boston (617-695-9990), Lowell And Manchester, NH

Immigration legal assistance organizations:

Greater Boston Legal Services: www.gbls.org {617-371-1234} Boston

Northeast Legal Aid): www.northeastlegalaid.org {781-599-7730} Lynn & Lowell

Rian Immigrant Center: (617-542-7654) Boston

Advocacy organizations:

Essex County Community Organization (ECCO) www.mcan-pico.org/affiliates/ecco

Massachusetts Communities Action Network (MCAN) www.mcan-pico.org

Massachusetts Immigrant and Refugee Coalition (MIRA) www.miracoalition.org

Council on American Islamic Relations (CAIR) www.cair.com

UnidosUS (formerly National Council La Raza) www.unidosus.org

Advocacy Organizations that Opposes legalization of undocumented immigrants:

Federation for American Immigration Reform: www.fairus.org

Immigration Reform Law Institute: www.irli.org

Pro legalization advocacy organizations:

American Immigration Council: www.americanimmigrationcouncil.org

Immigrant Legal Resource Center: www.ilrc.org

City of Lynn Resources

Lynn Community Connections Coalition (781-842-0359): food gift cards, clothing, etc.
The Haven Project (781-593-5742): youth services (18-24yrs), housing, employment, etc.
Lynn Community Health Center (781-586-6673): health care, mobile food pantry, etc.
Lynn Economic Opportunity Center (781-581-7220): utilities, Head Start, housing, etc.

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Immigration Reform

U.S. Citizenship Act of 2021 (proposed by the Biden administration)

This bill establishes a path to citizenship for certain undocumented individuals. The bill also replaces the term *alien* with *noncitizen* in the immigration statutes and addresses other related issues.

Specifically, the bill establishes a new status of *lawful prospective immigrant*. This status shall be available to an applying noncitizen who meets certain requirements, including being continually present in the United States from January 1, 2021, and passing background checks. After at least five years with this status, an eligible noncitizen may apply for and receive permanent resident status.

The bill also provides permanent resident status to certain applying noncitizens, specifically for eligible noncitizens who (1) entered the United States as a minor, (2) were eligible for temporary protected status or deferred enforced departure on January 1, 2017, or (3) worked a certain amount of agricultural labor in the five years prior to applying.

Among other things, the bill also

- redefines for immigration purposes the term *conviction* to exclude convictions that have been expunged or vacated,
- requires the Department of State to implement a strategy to advance reforms in Central America and address key factors contributing to migration from the region to the United States,
- requires the State Department to establish refugee processing centers in Central America,
- requires Customs and Border Patrol sectors and stations to have a certain number of employees with certain qualifications such as paramedic training,
- generally prohibits religious discrimination in granting or denying immigration benefits, and

- establishes grant programs for providing training and services to immigrants.

The House of Representatives passed two immigration bills in March 2021:

- American Dream and Promise Act – protection for DACA recipients and others
- Farm Workforce Modernization Act – protection for undocumented farm workers.