

# Ready or Not? Gauging Midwest Preparations for Executive Action on Immigration

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## Summary

As the Midwest prepares for President Obama's executive actions on immigration to take effect, it has a significant stake in ensuring that they are implemented successfully. The actions offer millions of unauthorized immigrants across the country a temporary reprieve from deportation and permission to work lawfully in the United States. Full participation by the estimated 579,000 eligible residents in the Midwest could generate \$652.3 million in tax revenues over the next five years. State and city government agencies, nonprofits, and legal service providers, among others, will play key roles in helping immigrants complete their applications. While these groups have begun taking steps to prepare, regional efforts are far from complete and many challenges remain.

- ▶ Nearly half—288,000—of eligible Midwesterners are dispersed outside of concentrated immigrant communities in harder-to-reach areas.
- ▶ Limited legal resources could mean an average load of 800 cases per legal aid organization across the Midwest, creating strain on nonprofits that cannot count on additional funding to increase capacity.

- ▶ Large increases in requests for needed documents such as educational transcripts, bank records, payment receipts, and birth certificates will test the capacity of public and private entities to efficiently meet the demand.
- ▶ Families with multiple applicants may face challenges in paying application fees, estimated at \$465 per person.<sup>1</sup>
- ▶ Immigrants not familiar with the procedures may fall prey to fraud or those who aim to exploit the opportunity for financial gain.

While legal challenges to President Obama's executive actions remain, it is critical that communities continue to prepare for implementation. How much the Midwest gains from the executive actions depends largely on how effectively local communities can work together to help eligible immigrants submit complete and accurate applications. Experience from previous large-scale legalization efforts, along with successful programs already in place in many Midwestern communities, provide blueprints for maximizing the potential gains offered by the actions.

## The benefits of successful implementation of the Executive Actions on Immigration

In November 2014 President Barack Obama announced the Immigration Accountability Executive Actions, an ambitious (if controversial) plan that, among other measures, offers many unauthorized immigrants living in the United States “deferred action,” or temporary relief from deportation, and permission to work lawfully in the country (see figure 1).

The president’s announcement followed a long political stalemate in Washington over immigration reform legislation. While the potential economic, social, and security benefits of the executive actions fall short of what a new law enacted by Congress could offer,<sup>2</sup> the nation and the Midwest nevertheless have much to gain from the deferred action and work authorization provisions.

Recent data from the White House Council of Economic Advisors project that the executive actions will boost the economy by improving productivity, increasing wages for all US workers, expanding the

American workforce, and shrinking the federal deficit by at least \$25 billion in 2024.<sup>3</sup> The Center for American Progress (CAP) projects wages for the average American worker to grow by 8.5 percent as a result of the program.<sup>4</sup>

Of the estimated 11.3 million unauthorized immigrants living in the United States, approximately 1.3 million reside in the 12 states of the Midwest.<sup>5</sup> Almost half of those are expected to be eligible for deferred action. Should everyone who is qualified ultimately receive deferred action and permission to work lawfully, CAP projects that Midwest tax revenues would increase by \$652.3 million over the next five years

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***If everyone who is qualified received deferred action and permission to work lawfully, Midwest tax revenues would increase by a projected \$652.3 million over the next five years.***

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FIGURE 1

### Summary of Immigration Accountability Executive Actions

In addition to DACA and DAPA, the Department of Homeland Security issued new policies aimed at:

- ▶ strengthening border security measures;
- ▶ changing immigration enforcement priorities that determine who is apprehended and deported;
- ▶ allowing more unauthorized individuals to apply for provisional or “stateside” waivers, which allow individuals to apply for an extreme hardship waiver in the United States before traveling abroad to get the immigrant visa and ultimately to be eligible for lawful permanent residence and on the path to citizenship;
- ▶ making additional policy improvements to the family-based immigration system;
- ▶ modernizing visa program policies focused on economic growth and job creation;
- ▶ promoting citizenship education and public awareness for lawful permanent residents.

Note: This is not an exhaustive list.

Source: US Department of Homeland Security

(see figure 2).<sup>6</sup> Though 100 percent participation is unlikely, that estimate provides a baseline against which to measure potential gains from likely participation and approval rates, estimated to be between 50 and 85 percent.

### DACA and DAPA in the Midwest

Approximately 579,000 undocumented residents of the Midwest could meet residency requirements and other criteria to qualify for deferred action, according to estimates by the Migration Policy Institute (see figure 3).

#### Expanded Deferred Action for Childhood Arrivals (DACA)

The executive actions expand eligibility for the original DACA program launched in 2012. To qualify, undocumented individuals must now:

- ▶ have entered the United States before their 16th birthday,
- ▶ have lived in the United States continuously since at least January 1, 2010,
- ▶ be currently in school or meet certain educational requirements (or be an honorably discharged veteran of the military),
- ▶ pass criminal background requirements,
- ▶ not be deemed a threat to public safety or national security.

FIGURE 2

### Potential Five-Year Increase in Midwest Tax Revenues Resulting from Deferred Action

	Increase in tax revenues over five years in millions
Illinois	\$347
Indiana	\$66
Michigan	\$49.3
Minnesota	\$42
Ohio	\$41
Missouri	\$27
Iowa	\$23
Kansas	\$22
Wisconsin	\$19
Nebraska	\$16
<b>Midwest total</b>	<b>\$652.3</b>

Source: Patrick Oakford and Philip E. Wolgin, "Topline Fiscal Impact of Executive Action Numbers for 31 States," Center for American Progress, November 24, 2014.

DACA provides a temporary, three-year reprieve from deportation and permission to work. Nationally, the number of individuals eligible is approximately 1.5 million, including those originally eligible under DACA 2012.<sup>7</sup> The opening date for applications remains in flux (see figure 4).<sup>8</sup>

#### Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)

This program makes unauthorized parents of children who are US citizens or lawful permanent residents (LPRs, known colloquially as green card holders) eligible for deferral of deportation for three years. The DAPA program, like DACA, will allow the eligible population to obtain work permits.<sup>9</sup> An applicant must demonstrate that he or she:

- ▶ has continuously resided in the United States since January 1, 2010,
- ▶ is the parent of a US citizen or LPR born on or before November 20, 2014,
- ▶ is not an enforcement priority for removal from the United States.

FIGURE 3

### Potential DACA and DAPA Applicants in the Midwest, 2015

Of the 597,000 potential DACA and DAPA applicants in the Midwest, approximately half (291,000) live in the counties listed below, which represent areas with concentrated immigration populations. The remainder (288,000) are in more diffuse areas.

State	Total eligible by state	County	Total eligible by county
Illinois	281,000	Cook (Chicago)	155,000
		DuPage	16,000
		Kane	21,000
		Lake	22,000
		Will	11,000
Michigan	45,000	Wayne (Detroit)	8,000
Indiana	44,000	Marion (Indianapolis)	13,000
Minnesota	42,000	Hennepin (Minneapolis)	17,000
		Ramsey (St. Paul)	8,000
Wisconsin	35,000	Milwaukee (Milwaukee)	11,000
Ohio	34,000	Franklin (Columbus)	9,000
Kansas	34,000		
Missouri	27,000		
Nebraska	19,000		
Iowa	18,000		
N. Dakota	N/A		
S. Dakota	N/A		
<b>Midwest total</b>	<b>579,000</b>		
<b>US total</b>	<b>5,202,000</b>		

Note: Migration Policy Institute county-level data is available for 94 US counties with the largest populations of unauthorized immigrants, home to approximately two-thirds of the 11.4 million unauthorized immigrants in the United States. Counties in Kansas, Missouri, Nebraska, and Iowa were not included in this analysis, indicating wider dispersion of eligible populations in these states. Modeling data are not available for North and South Dakota due to small sample size. Data estimates subject to update.

Source: Migration Policy Institute

## Challenges to Executive Action

Since President Obama announced plans for executive action in November 2014, national and local legal and budgetary challenges have delayed and otherwise threatened its implementation. While these challenges continue to develop and, as of this writing, remain unresolved, most legal experts believe that the program will withstand the legal challenge.

- ▶ **Federal injunction:** Within days of the president's November 2014 announcement, a coalition of 26 states filed a lawsuit challenging the deferred action components of the president's actions. On February 16, 2015, the Federal District Court for the Southern District of Texas issued an injunction for the expanded DACA and DAPA programs, delaying the application period. The Department of Justice has appealed the case to the 5th Circuit Court of Appeals and sought an emergency stay. In the meantime, on March 12 a coalition of 14 other states filed a brief to lift the injunction, citing the economic benefits of executive action. While the injunction is a temporary setback, the court has yet to rule substantively on whether the programs are valid. It could be months before there is a resolution, and the Supreme Court may decide to hear the case.
- ▶ **DHS budget:** In January 2015 the House of Representatives passed a bill to fund the Department of Homeland Security (DHS). That bill included amendments designed to undo the expanded DACA and DAPA programs announced in 2012 and 2014. Members of both chambers of Congress debated the issue for weeks and the impasse threatened to partially shut down DHS operations. On February 25 lawmakers cleared the way for a Senate vote on the legislation undoing these programs; the House approved the budget on March 3.
- ▶ **Illinois budget crisis:** In light of a \$6.2 billion state deficit, Illinois Governor Bruce Rauner proposed significant spending reductions in his 2016 budget presented on February 15, 2015, including the elimination of the Immigrant Service Line Item, which provides nearly \$7 million in funding to 60 immigrant-serving community organizations. Funding cuts threaten to reduce organizations' ability to support the implementation of deferred action programs. The budget has yet to be approved by the Illinois General Assembly.
- ▶ **State-level legislation:** In February 2015 lawmakers in both Missouri and Kansas introduced bills that would effectively eliminate DACA and DAPA recipients' work authorization and ability to get a driver's license. Pending legislation in both states would make it illegal for employers to knowingly hire an undocumented immigrant and would also prohibit both states from issuing them drivers licenses.

Source: Muzaffar Chishti, Faye Hipsman, and Bethany Eberle, "As Implementation Nears, U.S. Deferred Action Programs Encounter Legal, Political Tests," *Political Beat*, Migration Policy Institute, February 11, 2015.

Nationally, the estimated total of eligible individuals that fall within this category is 3.7 million.<sup>10</sup> The application period is scheduled to begin in May of 2015, but may be delayed (see figure 4).<sup>11</sup>

At the two-year mark of DACA in August of 2014, 51 percent of the 1.2 million youth eligible for DACA under the old program rules had applied.<sup>12</sup> As of September 2014, US Citizenship and Immigration Services (USCIS) had received over 743,000 DACA applications. As of March 2014, more than 553,000 young people had been approved for the program.<sup>13</sup>

Experts have begun to document how DACA has changed the lives of these individuals and their communities. According to a study from the Migration Policy Institute, DACA "is unique among immigration policies in its focus on educational attainment as a condition for eligibility."<sup>14</sup> The same report found that many individuals who had dropped out of high school

were re-enrolling to be eligible for DACA.<sup>15</sup> Also, while federal financial aid is not available for DACA recipients, legislation in some states allows for in-state

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tuition for undocumented students, including Illinois, Kansas, Minnesota, and Nebraska.

While DACA offers increased access to higher education for applicants, there are other benefits. The ability to secure a driver's license, available in some states, will increase public safety. A survey of current DACA recipients found that nearly 60 percent acquired driver's licenses. Another 60 percent obtained a new job, and 45 percent increased their earnings.<sup>16</sup>

## Process for DACA and DAPA Applicants

1. Get information about DACA and DAPA from various sources. (Note: At present only the 2012 DACA program is available. Expanded DACA and DAPA are not yet available.)
2. Use online (in development) or legal services resources to determine whether an attorney is needed or whether case is simple enough to self-file.
3. Gather documentation (e.g., bank records, phone records, school records, birth certificate, marriage certificate, affidavits, and other available evidence) to prove age, residency, and other requirements; get photos taken and prepare application. In some cases, this stage may require additional action such as enrolling in school.
4. Submit application package, supporting documentation, and required fees.
5. Go to USCIS application support center for biometrics appointment.
6. If deemed qualified, receive deferred action card/work permit, valid for a three-year period.

## Implementation challenges

Deferred action and work authorization are not automatically granted to those who qualify. Individuals must submit an application to the federal government, obtain documents to prove eligibility, undergo an extensive background check, and pay application fees (see figure 5). Some DACA applicants will also need to enroll in school to meet the educational requirement. The process will pose a challenge not only for individual applicants, but for federal and local government agencies and communities across the Midwest and the nation, all of which have a significant stake in the successful implementation of this program.

## Processing of applications

Federal government agencies—particularly USCIS—will process the applications for deferred action. While there is a potential to receive up to five million requests for DACA and DAPA programs, even smaller, more realistic numbers of applications will pose significant challenges. USCIS annually processes roughly six million applications, meaning that deferred action applications could nearly double the agency's workload.

If it is to meet the demand, USCIS will need to increase its capacity significantly. This includes adding to staff and facilities, establishing operational processes and guidelines, training officers, and conducting national security and criminal background checks. Additionally, the adjudication of these applications must be done on a case-by-case basis, subject to the agency's use of new enforcement priorities. While implementation will undoubtedly be a challenge,

USCIS took similar steps to mobilize for DACA and has a successful blueprint to follow in gearing up for these initiatives.<sup>17</sup>

## Funding

Funding will be another challenge. When Congress enacted the 1986 Immigration Reform and Control Act, the most recent broad-based overhaul of the country's immigration laws, it appropriated federal funds to cover certain services and costs. Congress created

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State Legalization Impact Assistance Grants to compensate states for expenses they incurred in facilitating the legalization effort.<sup>18</sup> Congress also appropriated funds to reimburse certain nongovernmental organizations, called Qualified Designated Entities, for assisting immigrants in preparing and filing applications.

Since DACA and DAPA were created by executive action instead of an act of Congress, Congress has not appropriated funds to implement the program and is not expected to do so (see figure 6). Current DACA and DAPA programs, therefore, will be implemented without new federal resources. As a result, USCIS will depend on application fees to cover the costs associated with its dramatically expanded workload. This circumstance also creates challenges for state and local

FIGURE 6

EXECUTIVE ACTION	CONGRESSIONAL ACTION
Temporary—can be overturned by the next president	Lasting solution—would require legislation to modify the law
Can provide assurances but no legal guarantees to prevent the government from misusing the data gathered from applicants	Can provide confidentiality and other legal safeguards to immigrants
Without authorization from Congress, the executive branch cannot provide financial resources for implementation	Congress can appropriate financial resources for implementation
Without changes to current law, cannot on its own provide new lawful status; requires discretionary decisions based on the facts of each case to determine whether to defer deportation for a period of time	Revisions to the law can provide legal status and possible path to citizenship based on US policy priorities

governments as well as community organizations and nonprofit service providers that will seek to increase service delivery capacity without federal support, particularly in Illinois (see figure 4).

### Preparedness among local communities

State, county, and city government agencies; nonprofits; educational institutions; and legal service providers, among others, will play key roles in helping local immigrant communities prepare applications. The

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degree to which the Midwest will benefit from deferred action depends on how effectively local communities can work together to promote the program and encourage eligible immigrants to submit complete applications. Factors that will determine how well Midwestern states and localities fare include:

- ▶ size of the eligible unauthorized population;
- ▶ extent of civic and immigrant support infrastructure;

- ▶ willingness of government officials to engage and make resources available;
- ▶ readiness of local stakeholders to engage in collaborative efforts;
- ▶ availability of community and legal resources;
- ▶ availability of technical assistance throughout the application process;
- ▶ ability to avoid disjointed or duplicative efforts in information dissemination, education, and outreach;
- ▶ ability to overcome language and cultural barriers;
- ▶ ability of applicants to pay (or obtain a loan to cover) application fees.

### Midwest preparedness

The 12 states of the Midwest vary widely in both the size of the task and in how prepared they are to assist in the preparation of applications. While state and local governments as well as nonprofit organizations have taken many steps to prepare themselves and local residents for implementation, regional efforts are far from uniform or complete.

Over the past half century, the undocumented population has continued to grow in every state in the

FIGURE 7

## Growth of Unauthorized Immigrant Population in the Midwest

The first row for each state shows the number of unauthorized immigrants, the second row shows the percentage of the state population.

	1965-1980	1980-1990	1990-2000	2000-2010
Iowa	2,000 0.07%	5,000 0.18%	25,000 0.85%	75,000 2.46%
Illinois	135,000 1.18%	200,000 1.75%	475,000 3.82%	525,000 4.09%
Indiana	8,000 0.15%	10,000 0.18%	65,000 1.07%	110,000 1.69%
Kansas	8,000 0.34%	15,000 0.61%	55,000 2.05%	65,000 2.27%
Michigan	8,000 0.09%	25,000 0.27%	95,000 0.96%	150,000 1.52%
Minnesota	9,000 0.22%	15,000 0.34%	55,000 1.12%	85,000 1.6%
Missouri	7,000 0.14%	10,000 0.2%	30,000 0.54%	55,000 0.92%
North Dakota	<2,000 N/A	<5,000 N/A	<10,000 N/A	<10,000 N/A
Nebraska	3,000 0.19%	5,000 0.32%	30,000 1.75%	45,000 2.46%
Ohio	10,000 0.09%	10,000 0.9%	55,000 0.48%	100,000 0.87%
South Dakota	<2,000 N/A	<5,000 N/A	<10,000 N/A	<10,000 N/A
Wisconsin	8,000 0.17%	10,000 0.2%	50,000 0.93%	100,000 1.76%
<b>Midwest total</b>	<b>198,000</b>	<b>305,000</b>	<b>935,000</b>	<b>1,310,000</b>

Note: Total numbers of unauthorized immigrants in the Midwest do not include North and South Dakota.

Source: The Pew Charitable Trusts

Midwest. The region gained more than one million undocumented immigrants between 1990 and 2010 (see figure 7). Each state in the region is home to a considerable number of individuals eligible for the DACA or DAPA programs (see figure 3). Many of those

eligible for the new programs—especially adults who are older and out of school—may be less integrated in their communities than the youth eligible for the original DACA program in 2012. The overall growth and geographic spread of the Midwest’s unauthorized population indicates that many eligible for deferred action may live outside communities with concentrated immigrant populations in areas with a limited social and legal services infrastructure. Nevertheless, lessons learned from previous large-scale immigration legalization efforts suggest that if communities take steps now, they will be better positioned to facilitate the application process.

### Lessons from past efforts

The Immigration Reform and Control Act of 1986 (IRCA) legalized nearly 2.7 million unauthorized immigrants in the late 1980s. About three-fourths of those estimated to be eligible applied to legalize their status.<sup>19</sup>

A case study conducted in Los Angeles on IRCA implementation found several important indicators of success, including early planning and the financing of capacity building. Without such efforts, applicants may seek information and support from *notarios*—the majority of whom are not accredited to offer legal advice—and other potentially unscrupulous practitioners.<sup>20</sup> New York City’s approach to implementing IRCA included a mass mailing to inform constituents about the program, along with an \$800,000 allocation from the city for outreach and assistance, which helped build a legalization information hotline.<sup>21</sup>

The 2012 implementation of DACA illustrated the challenge of securing the documents necessary to verify applicants’ eligibility. School records were a critical piece of evidence for these youth. Older DACA applicants were challenged in accessing these records, especially if significant time had passed since they completed or left school. In response, several school districts—including administrations in Yakima, Washington; San Diego and Los Angeles, California; and Des Moines, Iowa—created systems to facilitate transcript requests, including adding staff, setting up new offices, and creating new databases and websites.<sup>22</sup>

State and local governments are powerful conveners in local efforts. The engagement of mayors’ offices was critical during DACA implementation in 2012.

Mayors' offices facilitated access to public documents such as school records, partnered with public libraries to train staff and hold outreach sessions, used school and other public facilities to hold outreach sessions, and used their authority to crack down on *notario* fraud and other exploitative practices. Mayors can also use their "convening power" to bring together a cross-section of valuable stakeholders. Similarly, where state and local governments were active participants during IRCA implementation, awareness and

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understanding of the program were higher, as were application rates.<sup>23</sup>

Sound strategy and collaboration contributed to strong IRCA application rates in the late 1980s. Approximately 75 percent of the eligible population applied for the program.<sup>24</sup> However, at the two-year mark of DACA, application rates for those potentially eligible for DACA hovered at 55 percent nationally.<sup>25</sup> The lower application rate for DACA is due to a variety of factors. For example, many prospective applicants may hesitate to come forward given the temporary nature of these programs (see figure 6) and the mistrust of government that is often felt in immigrant communities. Potential applicants may also be wary of the legal challenges to expanded DACA and DAPA as long as the court case remains unresolved (see figure 4).

This suggests that additional strategies must be employed to encourage immigrants to apply for current executive action programs. Strong communication and education efforts may help offset potential

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***Strong communication and education efforts may help offset potential applicants' fear of coming forward and applying for deferred action.***

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applicants' fear of coming forward and applying for deferred action.

Despite the initially lower application rate for DACA, this program is ongoing and numbers continue to increase as outreach and educational efforts persist and lessons learned are put into practice. Additionally, local efforts will need to tailor their outreach and

assistance models differently for DAPA than they did for DACA, given that the population will generally be older, more insulated, less tech savvy, and may have less English fluency.

## **Cataloging current efforts**

Best practices from past implementation efforts provide a benchmark against which to measure how prepared local communities are for the large-scale implementation efforts needed for the current executive actions. They include:

- ▶ cross-sector collaboration and coalition building;
- ▶ proactive outreach and communications strategies;
- ▶ access to quality, low-cost legal services;
- ▶ strong application support, including securing documentation;
- ▶ affordability.

Midwestern communities are already taking steps to prepare in each of these areas, but there are many opportunities for increased collaboration and strategy building. Examining and cataloging the efforts currently under way in the Midwest help gauge how prepared the region is for implementation.

## **Cross-sector collaboration and coalition building**

While larger cities and traditional immigrant hubs have longstanding histories of cross-sector immigration coalitions, many states and localities, particularly in rural areas, do not. This problem is especially acute as today's immigrant populations are spread more widely across the country than ever before. According to county-level data from the Migration Policy Institute (see figure 3), nearly half of eligible individuals for the DACA and DAPA programs in the Midwest—288,000 people—are dispersed outside of concentrated communities of unauthorized immigrants. Statewide and regional coalitions are helpful in reaching such diffuse populations.

Members of community networks often have specific areas of expertise and resources to offer. For example, some may have language expertise, meeting space, funding, or specific populations that they can reach effectively. Others may have legal expertise in immigration or a strong volunteer network they can engage. It is important to harness all of these resources

## National Implementation Efforts

Several innovative, collaborative national organizations, representing a diverse group of stakeholders, support local executive action implementation work. This is not an exhaustive list.

### **Committee for Immigration Reform Implementation (CIRI) ([www.adminrelief.org](http://www.adminrelief.org))**

Comprised of 21 legal, community, labor, faith-based, and ethnic organizations, many with local affiliates, this committee has created high-quality, consistent, and accessible advocacy, public education, and training materials. Materials are free and accessible online. Among other resources, the website contains an informational overview, materials to use for public presentations, legal analysis, and tools to fight fraudulent immigration actors.

### **iAmerica ([www.iAmerica.org](http://www.iAmerica.org))**

Coordinated by the Service Employees International Union in collaboration with legal, service, faith, advocacy, and ethnic-based organizations, iAmerica was created to “offer informational tools and interactive opportunities for immigrants and their families to become full participants in democracy.” The website includes information aimed at individuals seeking accurate information and updates about DACA and DAPA, provides a telephone hotline number for information, and includes a legal services directory searchable by zip code.

### **Immigration Advocates Network (IAN) ([www.immigrationadvocates.org](http://www.immigrationadvocates.org))**

This national organization is a resource for immigration legal service providers and pro bono immigration attorneys. It manages a searchable legal directory and an events calendar, hosts substantive webinars and trainings, and provides many additional tools for nonprofit legal service delivery.

### **Cities United for Immigration Action ([www.citiesforaction.us](http://www.citiesforaction.us))**

This initiative, launched by New York’s Mayor Bill de Blasio, provides a platform for mayors across the country to engage in and support local implementation efforts. Recommendations for mayors build on best practices identified from the initial DACA implementation. As of March 2015 more than a dozen Midwest communities in Illinois, Michigan, Minnesota, Missouri, Ohio, and Wisconsin are represented on the Mayor’s Steering Committee. Other alliances for mayors to join in support of executive action implementation are in formation.

to build a network that can meet the demand. What’s more, cohesive, collaborative local networks are attractive to national funders.

### **Midwest efforts**

In recent years, several communities across the Midwest have created Offices of New Americans, Offices of Immigrant Affairs, or “Welcoming America”

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designations. Faith and business leaders across the region have also organized themselves in support of immigrant integration and reform. These local offices and stakeholders are well positioned to respond to

executive action, serving as convening agents for planning and implementation and engaging the strong networks and partnerships they already have in place. In addition, several national-level organizations are helping with local preparation efforts by providing technological tools, training, and resources to individuals and local organizations (see figure 8).

Of the 12 states in the Midwest, at least seven—including Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, and Ohio—are taking steps to collaborate effectively and prepare for the challenges of implementing the executive actions. They are forming cross-sector planning committees of stakeholders who will lead efforts to coordinate implementation.

Anchored by the melting pot of Chicago, the state of Illinois has long had a large undocumented immigrant population. The state is home to an estimated 525,000 unauthorized immigrants, the largest population in

the region and the fourth largest population in the nation. Collaborative, cross-sector planning to implement an immigration program began in 2013, when the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) raised funds, convened a multisector group of stakeholders, hired an implementation director, and began drawing up plans in anticipation of legislative or executive action.

ICIRR approaches this work via four committees: legal, communication, community organizations, and logistics support. It has built a multilingual website ([www.ILISREADY.org](http://www.ILISREADY.org)) that will serve as an information hub for individuals in Illinois looking for basic information or legal resources. The coalition is also hub for training—including train-the-trainer sessions—for community organizations, faith-based institutions, and local school leadership, notably counselors in the Chicago Public Schools, who share information with students and their families. A local group of philanthropies, called the Illinois Immigrant Funders Collaborative, provided critical seed funding for the effort. Despite these strides, the state of Illinois is facing severe budget cuts that might have an impact on the service delivery capabilities of immigrant-serving organizations in Illinois (see figure 4).<sup>26</sup>

Efforts in Missouri also launched early. Service providers formed a coalition, the St. Louis Provider Collaborative, in the summer of 2014 to prepare for executive action even before it was announced.

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***Service providers in Missouri aim to target hard-to-reach communities by partnering with ethnically diverse organizations, using interpreters to provide information in numerous languages, and meeting immigrants in their communities.***

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Building on lessons from implementing DACA in 2012, the coalition is holding informational and document preparation sessions at churches, libraries, and schools. It aims to target hard-to-reach communities by partnering with ethnically diverse organizations, using interpreters to provide information in numerous languages, and meeting immigrants in their communities. Members are also preparing materials for school teachers, counselors, union representatives, and others who have regular contact with immigrants.

Indiana also exemplifies strategic coalition building in its planning for implementation. In the fall

of 2014 a multisector coalition convened by the Indianapolis Immigrant Welcome Center joined forces in Indianapolis. The coalition is coordinating planning efforts, hosting information sessions in English and Spanish, managing a telephone hotline, and combating immigration fraud. Similarly, in November 2014 a group of legal service providers, community and faith-based nonprofits, immigration advocates, and educational institutions based in northern Indiana formed the Michiana Immigration Coalition, an executive action response committee. It is holding regular planning meetings, coordinating education and outreach efforts, and looking at ways to provide services and assistance to the maximum number of applicants possible.

The state of Michigan has also launched a new effort to coordinate implementation, with collaboration of multisector stakeholders at the centerpiece of the plan. Spearheaded by the Michigan Immigrant Rights Center and Michigan United, the group, known as Michigan's Administrative Relief Steering Committee, has met regularly since November 2014. The committee has coordinated statewide community information sessions that have already reached several thousand immigrants, developed a written fund development agreement among partner agencies, made collective funding requests, and agreed on the expanded civic engagement and legal services workshop model that will be implemented in the state.

## **Proactive outreach and communications strategies**

Even in large cities with long histories as immigrant gateways, immigrant communities can be linguistically and culturally isolated, making it difficult to effectively disseminate information about the new programs. In the Midwest, where as many as half of eligible immigrants for the DACA and DAPA programs reside outside of concentrated immigrant communities, information dissemination will be a particularly critical challenge.

Sound public outreach includes the preparation and dissemination of explanatory materials; a robust media strategy (with specific emphasis on ethnic media); the identification and training of local, trusted messengers; and a strong collaboration with public partners such as schools, libraries, and state and local governments.

Accurate information is essential in informing immigrant communities and helping them understand the requirements of the new deferred action programs. Moreover, if accurate information is not provided up front and in a linguistically and culturally appropriate manner, unscrupulous actors will fill the void, taking advantage of an often vulnerable population. This is where cross-sector collaboration becomes so important. Groups in various sectors interact with immigrant communities in different ways. Many have built strong

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relationships within immigrant communities over the years and can serve as a trusted source for information. Ethnic media offer powerful channels for linguistically and culturally relevant communication with immigrant communities. However, their reach is often limited outside of major metro areas with longstanding immigrant communities.

#### **Midwest efforts**

In at least nine states throughout the Midwest, including Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Nebraska, Ohio, and Wisconsin, organizations are already providing information about the availability of the new deferred action programs, even before the application period has started.

Demand for information is high across the region. In Indiana information sessions have swelled to 400 participants. Organizers reported that participants were so interested in what they were learning that they used smart phones to record the session and snapped pictures of the presentation.

#### **Access to quality, low-cost legal services**

US immigration law has been cited as the second-most complicated area of law, just after tax law.<sup>27</sup> Some immigrants justifiably choose to obtain a lawyer to counsel and represent them through the process, but many do not. Applicants have several options to consider in preparing to submit their applications. They can (1) file the applications themselves (self-file), (2) engage a private attorney (only feasible for those who can afford the legal fees), (3) attend a workshop to receive a legal screening and receive some assistance, or (4) find a

nonprofit immigration legal service provider to take their case. The choice depends largely on the complexity of the individual case as well as the availability of quality, affordable legal assistance.

Most often, as was the case during both IRCA and DACA implementation, many applicants decide to apply on their own. While going it alone can be the right decision for many applicants, unintended negative consequences may await others who are unequipped to navigate the complexities of the application process. In addition, immigrants applying for deferred action who do not undergo comprehensive screening may not know they are potentially eligible for other, more permanent forms of immigration relief.

In fact, more than 14 percent of individuals found eligible for DACA were also eligible for a more permanent form of immigration relief, which could put them on a path to US citizenship rather than the temporary deportation relief granted by DACA.<sup>28</sup> Additionally, some self-filers make mistakes in completing the forms, which could slow the adjudication process. Those who file but are ineligible may risk exposing themselves or a family member to detention or deportation. As a result, it is important that quality, easy-to-understand resources and tools are available to those who decide to self-file.

Those who are not able to afford a private attorney will often go to a nonprofit immigration legal service provider. These organizations can be a valuable resource, but are often limited in capacity and vary

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***More than 14 percent of individuals found eligible for DACA were also eligible for a more permanent form of immigration relief, which could put them on a path to US citizenship rather than the temporary deportation relief granted by DACA.***

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greatly in number across geographies in the Midwest (see figure 9). Legal service programs are regulated by the US Department of Justice Board of Immigration Appeals (BIA), which permits and regulates nonattorneys to practice immigration law. These programs provide free or low-cost legal screenings, application assistance, and legal representation. They can then determine whether it makes sense for applicants to move forward on their own or whether they have a more complex case that warrants an attorney's assistance. In the Midwest, organizations recognized by the

BIA vary greatly in size, ranging from one to more than 25 accredited representatives.

However, given the limited number of such organizations across the region, the possibility of large caseloads for these staff looms large. Even a modest application rate of 50 percent—significantly lower than the estimated 55 percent rate recorded nationally for DACA programs to date—would create an average load of 1,144 cases per legal service organization across the region (see figure 9). Legal representatives estimate that each application could take between two and 20 hours to prepare, depending on the complexity of the case and the quality of the documentation. The strain on these organizations will be considerable, as was the case during the initial DACA application process.

Because DACA and DAPA were created by executive powers instead of through an act of Congress, federal funds are unlikely to be appropriated to build capacity at legal services and other local organizations. In addition, Congressional Legal Service Corporation (LSC) funding, designed to provide legal assistance to those who could not otherwise afford it, cannot be used to serve undocumented immigrants, except for limited categories. Because federal funds are not available, local and national private funds become even more important, especially in supporting organizations' initial ramp-up efforts. Philanthropy and local governments are already providing critical up-front funding, but a good deal more will be needed for successful implementation of DACA and DAPA.<sup>29</sup>

Legal staff—both attorneys and BIA-accredited representatives—tend to be extremely limited at legal

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***Because federal funds are not available, local and national private funds become even more important, especially in supporting organizations' initial ramp-up efforts.***

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service organizations. Analysis of several databases, including those of the Immigration Advocates Network and the US Department of Justice, indicates that just over 500 accredited legal staff are affiliated with Midwestern legal service organizations.<sup>30</sup>

Coalitions and networks often boost capacity and provide technical assistance to immigration legal services attorneys and BIA-accredited representatives. One such network is the Catholic Legal Immigration Network (CLINIC). CLINIC is the largest network of

nonprofit, BIA-recognized organizations providing direct legal services in the country. It has 270 affiliates, 65 of which are in the Midwest. Additionally, networks of private attorneys such as local chapters of the American Immigration Lawyers Association may take cases pro bono to fill the gap. Communitywide collaboration, planning, and training will be key to matching attorneys willing to work pro bono with organizations in need of expanded capacity.

The 2012 implementation of DACA suggests that new deferred action applicants will rely on a variety of sources to prepare their applications. A survey of nearly 1,500 undocumented youth conducted by

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***Limited legal services could mean an average load of 800 cases per legal aid organization, even assuming that only half of those who are eligible apply and that 30 percent of those choose to self-file.***

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United We Dream showed that 30 percent of respondents submitted a DACA application on their own, 32 percent attended a DACA workshop or clinic, and 40 percent paid for legal assistance (including nonprofit assistance or representation by a private attorney). Some attended DACA workshops and also paid for legal assistance.<sup>31</sup> A potential 30 percent self-filing application rate for new DACA/DAPA applicants paints a slightly less daunting picture of caseloads—800—for Midwestern legal service organizations, though demand is still likely to far outpace supply (see figure 9.)

Whether they go to a private attorney or legal service organization, it is important to direct applicants to legitimate sources for legal help. Unscrupulous notaries public, also known as “*notarios*,” have caused great financial and legal harm to immigrants seeking to regularize their status. Some charge exorbitant prices to immigrants, who are misled into believing the notaries can obtain legal status for them. Some make significant errors on applications, exposing applicants to potential deportation or family separation. Confusion stems from the distinct role of notaries public in other countries, especially in Latin America and Europe, where some obtain the equivalent of a law license and are authorized to represent clients before the government.<sup>32</sup>

Local communities must steer potential applicants to reliable legal resources and away from *notarios*

FIGURE 9

### Potential Caseloads for Midwestern Nonprofits Providing Legal Aid to Undocumented Immigrants

	Number of legal aid orgs	50% application rate		75% application rate		85% application rate	
		# of cases	cases per org	# of cases	cases per org	# of cases	cases per org
Iowa	20	9,000	450	13,500	675	15,300	765
Illinois	66	140,500	2,128	210,750	3,193	238,850	3,618
Indiana	17	22,000	1,294	33,000	1,941	37,400	2,200
Kansas	8	17,000	2,125	25,500	3,188	28,900	3,613
Michigan	36	22,500	625	33,750	938	38,250	1,063
Minnesota	30	21,000	700	31,500	1,050	35,700	1,190
Missouri	15	13,500	900	20,250	1,350	22,950	1,530
Nebraska	16	9,500	594	14,250	891	16,150	1,009
Ohio	26	17,000	654	25,500	981	28,900	1,112
Wisconsin	19	17,500	921	26,250	1,381	29,750	1,565
<b>Midwest total</b>	<b>253</b>	<b>289,500</b>	<b>1,144</b>	<b>434,250</b>	<b>1,716</b>	<b>492,150</b>	<b>1,945</b>
<b>Midwest total, assuming a 30% self-application rate*</b>	<b>253</b>	<b>202,650</b>	<b>800</b>	<b>303,975</b>	<b>1,201</b>	<b>344,505</b>	<b>1,361</b>

\*A 30 percent self-application rate (with the other 70 percent seeking help from legal aid organizations) is likely a more realistic representation of the potential caseloads. This percentage is based on a survey of nearly 1,500 undocumented youth conducted by United We Dream on the 2012 implementation of DACA, which showed that 30 percent of respondents submitted a DACA application on their own.

Note: While these projections provide an average number of cases per organization in each state, numbers will vary widely from organization to organization. For example, some organizations only take on the complicated cases, and therefore process fewer cases.

Source: Immigration Advocates Network and US Department of Justice

and other potentially fraudulent actors. In addition, a number of Midwestern states, including Illinois, Indiana, Iowa, Michigan, and Nebraska, are cracking down on fraud and *notario* abuses with strong consumer protection laws. These typically limit advertising by notaries public and “prohibit unqualified persons from performing [the] unique functions of an immigration attorney.”<sup>33</sup> Similarly, a North Dakota statute prohibits notaries from “acting as an ‘immigration consultant’ or ‘expert in immigration matters.’”<sup>34</sup>

#### Midwest efforts

It is certain that demand for quality immigration legal services will be greater than supply in communities across the Midwest. Typically, immigration legal resources are particularly scarce in rural areas.

In larger cities the benefit of increased resources is offset by significantly larger numbers of individuals to serve. In response, several states have put in place additional efforts to connect immigrants with quality legal resources.

In order to meet the diverse needs for legal services in Illinois, the Illinois Immigration Funders Collaborative and affiliated foundations are investing in expanded legal services capacity both in downstate Illinois and in the outer suburbs of Chicago, where legal services are scarcer than in the metropolitan area.

The Chicago-based National Immigrant Justice Center (NIJC) has also employed digital technology to bolster capacity, partnering with Illinois Legal Aid Online to establish an online intake wizard with prompts for online legal screening and referrals.

Minnesota has established [www.lawhelpmn.org](http://www.lawhelpmn.org), a website for individuals trying to locate affordable, quality, nonprofit legal services.

In serving rural communities, savvy organizations recognize that the most effective resources meet people where they are. In 2014 a cohort of Nebraska-based legal service providers established the Nebraska

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***In serving rural communities, savvy organizations recognize that the most effective resources meet people where they are.***

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Immigration Legal Assistance Hotline, a centralized phone bank to conduct intake interviews. Convened by Justice for Our Neighbors and coordinated by Legal Aid of Nebraska, the hotline allows immigrants from across the state to receive legal screening interviews over the telephone. After a full intake interview, cases are assigned to one of five nonprofit legal service providers. Similarly, during DACA implementation the Iowa office of Justice for Our Neighbors successfully reached rural communities by sending two immigration attorneys around the state to hold information sessions and application clinics in six satellite locations. At the time this report was written, there was not yet an effort by organizations in the state of Iowa to coordinate a strategic response to the executive actions.

### **Strong application support, including securing documentation**

Because the demand for immigration legal resources will far outpace the supply, savvy local implementation strategies will need to include other types of support for the application process, particularly for the collection of necessary documentation. Documentary evidence is required to establish the applicant's identity and show that he or she has lived in the United States continuously for a specific period of time. Often, foreign documents must be translated into English.

The question, "How do you document an undocumented life?" posed in a 2012 *New York Times* article illustrates the challenges of gathering documentary evidence.<sup>35</sup> Individual applicants are not alone in shouldering the burden. Public entities—including schools, banks, foreign consulates, libraries, utility companies, and departments of motor vehicles—will

need to boost their capacity to process requests for transcripts, bank records, payment receipts, birth certificates, and the like. An example from California illustrates the potential magnitude of documentation requests: Just a few months into DACA implementation in 2012, the Los Angeles Unified School District reported backlogs of transcript requests of 200 to 300.<sup>36</sup>

In the current scenario, because DAPA applicants will typically be older than the average DACA applicant and thus further removed from resources such as school transcripts, difficulties in collecting documentary evidence are likely to be even more acute.<sup>37</sup>

A significant hurdle will be the collection of identity documents such as birth certificates, identity cards, and passports from the applicants' counties of origin. Foreign consulates are uniquely positioned to provide these documents. Consulates expect the volume of these requests to be very high and are taking

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***Public entities—including schools, banks, foreign consulates, libraries, utility companies, and departments of motor vehicles—will need to boost their capacity to process requests for transcripts, bank records, payment receipts, birth certificates, and the like.***

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steps to streamline processes and prepare. Chicago is home to 51 foreign consulates, but in other areas of the Midwest consulates are scarce. Detroit has seven consulates, including the Mexican consulate; Minneapolis has three, including a Mexican consulate; and Indianapolis, Omaha, and Kansas City each have a Mexican consulate. Applicants will need to travel many miles, often to Chicago, to reach a consulate to request these important documents.

### **Midwest efforts**

Midwest states and localities are well positioned to provide support in gathering documentation for immigrants going through the application process. In Milwaukee, Catholic Charities is using its parish system to tap into highly dedicated volunteers. On Sundays a Catholic Charities representative—often an attorney—will stay after mass and provide information to parishioners. Volunteers support DACA and DAPA applicants by providing rides to legal service providers for those who do not have a driver's license and by helping applicants gather supporting documents. Several churches have even procured their own FBI

fingerprint machines, facilitating the acquisition of the biometric data necessary to submit an application.

Following the announcement of the original DACA program in 2012, Chicago-based immigration legal service providers got ahead of an anticipated influx of documentation requests at Chicago Public Schools, working with school officials to streamline the transcript request process. The collaboration produced an

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***Volunteers support DACA and DAPA applicants by providing rides to legal service providers for those who do not have a driver's license and by helping applicants gather supporting documents.***

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efficient, one-page document that enables both legal service providers and USCIS staff to understand transcripts, making processing more efficient.

### **Affordability**

Application fees for the original and expanded version of DACA are set at \$465 per person. The application fee for DAPA had not yet been announced at the time of this writing. While fees are necessary to fund the additional capacity needed to process applications at USCIS, they pose challenges to many applicants. Moreover, additional expenses related to hiring legal representation or gathering required documentation are often required. Because of the high prevalence of mixed-status households, more than one member of a family may be eligible to apply, creating a significant financial burden for families with multiple applicants.

A recent national study of self-selected youth eligible under the DACA program found that among those who had not yet applied, 43 percent reported they could not afford the fees.<sup>38</sup> However, there are ways for individuals to find financial support and for communities to promote the availability of these opportunities. Local investments that promote affordability will reap returns in the form of local tax revenues (see figure 2), higher education attainment, and community safety. In order to be effective, these resources must be sufficiently promoted so that applicants are aware of them.

### **Midwest efforts**

As of this writing, several loan programs are available to assist with application and legal fees in metro Chicago. Second Federal Credit Union, associated

with Self-Help Federal Credit Union, provides loans with one-year terms and an annual interest rate of 8 percent. For a \$465 DACA application, interest after one year would be \$20.40. National programs and resources are also available for fee assistance, including the National Federation of Community Development Credit Union, Self-Help Federal Credit Union, the Community Trust Dreamer Loan, and DACA lending circles coordinated through 21 PROGRESS.

### **Is the Midwest ready?**

Building on hard-learned lessons from DACA, IRCA, and other large-scale implementation efforts, the Midwest is in some ways more prepared for such a challenge than ever before. Yet challenges still loom regarding the capacity of immigrant-serving, community-based groups; legal aid organizations; and public offices that process document requests. There also are concerns about affordability and about the need to counter misinformation and prevent unscrupulous individuals from taking advantage of applicants.

Many city governments and civic organizations across the region have fully embraced the challenge

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***Building on hard-learned lessons from DACA, IRCA, and other large-scale implementation efforts, the Midwest is in some ways more prepared for such a challenge than ever before.***

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and the opportunity presented by the 576,000 potential deferred action recipients. These individuals have the opportunity to more fully contribute to local communities and regional economies, generating hundreds of millions in tax revenues in the process. In response, cross-sector implementation efforts are already in place in cities from Dayton to Detroit and Milwaukee to Minneapolis, and state-level collaboratives are fostering the sharing of ideas, resources, and capacity across communities.

The wide regional geographic distribution of individuals eligible for DACA and DAPA could prove to be the Midwest's biggest challenge. Rural Midwestern communities have been among the country's hardest hit in terms of population losses and an aging workforce. Such communities are poised to gain the most from these new deferred action programs, but often have

the least experience in supporting applicants through the process.

Beyond cross-sector and community-specific partnerships, regional collaboration will be key in

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*The wide regional geographic distribution of individuals eligible for DACA and DAPA could prove to be the Midwest's biggest challenge.*

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maximizing the benefit presented by executive action. While there is no single model that should be employed across regions, or even states, it will be

critical to learn from best practices that are being implemented in different regions across the country. Midwestern immigrants and their families have much to gain from the successful implementation of these new deferred action programs. So do their communities and cities, and the heartland as a whole.

## Methodology

Qualitative and quantitative data for this report were gathered via online research and one-on-one, in-person and telephonic interviews conducted by the author.

## About the author

Rebecca S. Carson is principal at Star Immigration Strategies, a firm providing immigration law, policy, and advocacy expertise in the Chicago area. She previously served as chief of staff for the director of United States Citizenship and Immigration Services, Department of Homeland Security. During her tenure as chief of staff, USCIS successfully implemented such high-level initiatives as Deferred Action for Childhood Arrivals, Entrepreneurs in Residence, and the new provisional waiver process. Prior to that role, she served as the chief of the Office of Citizenship from July 2009 to June 2011. During that time she led federal efforts to proactively foster immigrant integration, encourage United States citizenship, and promote instruction and training on citizenship rights and responsibilities.

Prior to joining USCIS, Ms. Carson managed several national and statewide campaigns. She worked extensively for US Senators Patty Murray and Maria Cantwell. A licensed attorney in Illinois, Ms. Carson serves as a member of the Chicago Immigration Court Working Group, a group of Chicago-area immigration experts formed to raise awareness and take steps to strengthen the Chicago Immigration Court system.

Ms. Carson began her career as a grassroots organizer during the 2000 presidential election campaign. Between political work and law school she taught English in Honduras. She earned a JD and Public Interest Law Certificate from the DePaul University College of Law. She holds a bachelor's degree in international political economy from Colorado College.

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## Endnotes

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8. While January 18, 2015, was the date originally set to begin accepting applications, the Federal District Court for the Southern District of Texas issued a temporary injunction, temporarily precluding USCIS from accepting applications. The Department of Homeland Security has filed an appeal to the 5th Circuit of Appeals.
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16. Roberto G. Gonzales and Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA* (Washington DC: American Immigration Council, June 2014), [http://www.immigrationpolicy.org/sites/default/files/docs/two\\_years\\_and\\_counting\\_assessing\\_the\\_growing\\_power\\_of\\_daca\\_final.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/two_years_and_counting_assessing_the_growing_power_of_daca_final.pdf).
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- (Washington DC: Migration Policy Institute, January 2014): 6.
25. Jeanne Batalova, Sarah Hooker, and Randy Capps, *DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action* (Washington DC: Migration Policy Institute, August 2014): 1.
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  35. Kirk Semple, "Undocumented Life Is a Hurdle As Immigrants Seek a Reprieve," *The New York Times*, October 3, 2012, accessed January 30, 2015, <http://www.nytimes.com/2012/10/04/nyregion/for-illegal-immigrants-seeking-a-reprieve-lack-of-documents-is-again-a-hurdle.html?pagewanted=all&r=0>.
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