

Informational Hearing

Senate Select Committee on the Social Determinants of Children’s Well-Being

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Past, Present, & Future: Immigration in Los Angeles & California’s Investments in Immigrant Children

BACKGROUND BRIEF

Introduction

The background brief document provides additional context to the informational hearing by the Senate Select Committee, Chaired by Senator Holly J. Mitchell, on the topic of immigration and the intersection with children’s well-being and health outcomes. PART I examines a brief history of immigration and migration patterns in California, specifically Los Angeles, to help understand cultural, social, economic, and political forces that have shaped immigration today. PART II provides demographic data about Los Angeles and California to better understand the current makeup of the state and county, and help contextualize the scope of current immigration policies. This section also considers the scope of current immigration policies and their impact on our state and county. PART III focuses on President Donald Trump’s stance on immigration while on the campaign trail, during the period of transition, and the implementation of those stances by his administration once in office. This section also explains significant federal immigration policies and highlights their consequences to systems, communities, families, and individuals. PART IV addresses various social determinants of health such as access to childcare, K-12 education, higher education, physical and mental health, immigration legal services, and poverty to better understand both what has been done and what remains to be done to protect immigrant children. In this section, where possible, we provide recommendations directed at all parties that can make change happen. PART V presents some of philosophical and moral issues on the topic of immigration that we think are worth considering.

PART I: HISTORY OF IMMIGRATION IN LOS ANGELES

To understand the present, we must first learn our past. Critical periods in the state's history highlight tensions from the demographic shifts resulting from immigrants coming to California both for opportunities and riches - to those fleeing from their countries of origin for political and security reasons. As migrants and settlers arrived, they established roots, expanded their families, and built communities. However, in some instances, the actions of immigrants and settlers were not always favorable to those who came before them, or after them, especially when resources are at issue. The situation for Native American and Japanese-Americans are prime examples of that.

A. Native Origins

Native Americans were the first to call California home. About 13,000 years ago, they lived along the Santa Barbara coast.¹ By 1492, an estimated 300,000 Native Americans occupying the present day U.S. and one-third of that population living in California. The Chumash and Gabrielino tribes occupied, amongst other territories, present day Los Angeles and Orange County, while the Serrano tribe lived along the San Bernardino mountains and plains. The Gabrielino tribe is believed to have migrated from the Mojave Desert to Los Angeles, more than 2,000 years ago.

B. Spain in the Age of Seafaring and the Beginning of Colonialism

Portuguese explorer Juan Rodriguez Cabrillo was commissioned by Spain to explore the coastlands, reach the Strait of Anián, and link the Atlantic and the Pacific. By 1542, Cabrillo's crew became the first Europeans to reach California by sea. The Gabrielino tribe canoed out to greet Cabrillo off the shores of Santa Catalina and San Pedro, but he declined their invitation to come to shore and visit. In Santa Barbara, Cabrillo and other Spanish settlers engaged with the Chumash. In 1602 the Spanish explorer Sebastian Vizcaino embarked on a similar journey. The Spanish introduced diseases such as influenza and smallpox, which failed the immune systems of the Chumash Native Americans, contributing to their decline.²

C. Los Angeles was Established as a Pueblo by Mexicans

On September 4, 1781, Mexican Captains Rivera y Moncada recruited a group of 11 families. Those families were made up of 44 individuals with European, African, and Indigenous ancestry.³ Of the 44 men, women, and children who came from Sonora, Mexico to establish a

¹ <https://www.youtube.com/watch?v=4e4ebhJST9o>

² <https://www.santaynezchumash.org/history.html>

³ <https://www.lacity.org/for-residents/history-los-angeles/history-los-angeles>

new town, more than half were Mexicans of African descent.⁴ Mexico's participation in the transatlantic slave trade in the 16th and 17th centuries resulted in a population with African ancestry⁵. Africans were captured, sold, and transported on Portuguese and Spanish ships to Mexico. Descendants of slaves reproduced with both indigenous Mexicans and those of Spanish blood, resulting in a diverse population.

The aforementioned diverse group traveled from the San Gabriel Mission to a location chosen by Alta California Governor Felipe de Neve. A small town was created and named *El Pueblo de Nuestra Señora la Reina de Los Ángeles de Porciúncula*.⁶ Gaspar de Portola, a Spaniard, named the local river *Rio de Nuestra Señora la Reina de Los Ángeles de Porciúncula*. Although it was only a small, isolated cluster of adobe brick houses and random streets carved out of the desert, this was the beginning of present-day Los Angeles.

D. Spanish Missions Grew with Native Americans Paying the Ultimate Price

In 1769, Spaniards settled in the territory of the Chumash, where they founded colonies and missionaries. The history of the Spanish inflicting pain and suffering on Native American communities for religious purposes continued with Junipero Serra, a Roman Catholic priest. In September 1771, the San Gabriel Mission in the Native Gabrielino territory was created through forced backbreaking unpaid labor by Native Americans.⁷ The Chumash, like the Gabrielino, converted to Catholicism as a result of persuasion and pressure. In 1781, there were an estimated 5,000 to 10,000 Gabrielino living in the region. At that time, there were 31 known sites believed to have been Gabrielino villages, each with as many as 400 to 500 huts. Every village was led by a chief, who was established through hereditary lineage. From the late 1700s and early 1800s, the abuses of the mission system enslaved Native Americans and broke up the communal living system, eroding traditional ways of life and depopulating Native Americas. These communities were exposed to diseases and exploitative, sometimes lethal, labor by the "foreigners" who came to steal and plunder their land.

E. Americans of English Descent Arrive to California, Further Facilitating the Near Extinction of Native Americans

The early 1800s brought American ships to California. In 1818, Joseph Chapman, an American born carpenter, blacksmith, and shipbuilder, became the first English speaker to settle in California. He assisted in the construction of the new Los Angeles Plaza Church along with other projects for the town. California remained under Spanish rule until 1822, when Mexico

⁴ Bowman, Lynn. *Los Angeles: Epic of a City*. Page 341

⁵ Bowman, Lynn. *Los Angeles: Epic of a City*. Page 341

⁶ <https://www.laweekly.com/native-americans-in-l-a-almost-saw-their-culture-erased-now-theyre-getting-it-back/>

⁷ The Gabrielino communities and culture went into a rapid decline after the San Gabriel Mission was established. They were forced into joining the mission and upon becoming converts through baptism, they were pressured into abandoning their native village, culture, religion and language. <http://www.laalmanac.com/history/hi05.php>

took control of California and engaged in frequent trade with the U.S. The coast of California provided a market for whaling and seal hunting, while also granting ships a port of entry to purchase California goods (e.g., cattle hide and tallow) at San Pedro Bay⁸. In November 1841 the Rowland-Workman exploratory party, composed of New Mexicans, Europeans, and Americans, arrived to Mission San Gabriel in Los Angeles. Among these members was Jacob Frankfort, the first Jewish person to arrive to Los Angeles. By 1841, the majority of the Gabrielinos were no longer living in their villages and many had scattered to work at Mexican ranches. The earlier promises made by Mexican authorities that Gabrielinos would take ownership of former mission lands were never fulfilled.

F. Relations with Mexico and the U.S. Suffered and California Officially Became a United States Territory after the Treaty of Guadalupe Hidalgo

In 1835, Texas gained independence from Mexico and became a sovereign country for the next decade.⁹ The 1836 Treaty of Velasco established the Rio Grande as the border between Texas and Mexico. While the President of Mexico signed the treaty, the Mexican Congress did not ratify it, and Texas' independence was not acknowledged. Under President James Polk, Texas was annexed by the U.S. Polk believed in Manifest Destiny, the idea that the U.S. westward expansion and land acquisition was inevitable and justifiable. In 1845, there was a dispute about where the southern border should be – the U.S. claimed the Rio Grande and Mexico claimed the Nuecos River. The Nuecos River runs mostly parallel to the Rio Grande about 50 to 100 miles. When the Mexican Army crossed the Rio Grande and fought with U.S. soldiers, President Polk declared an invasion, and the Mexican-American War commenced.

During the war, the U.S. Army fought their way to Mexico through California, and traveled to Mexico City, taking control of Mexico's Capital. The Treaty of Guadalupe Hidalgo in 1848, marked the official end of the two-year war. Mexico lost over one million square miles of land which represented half its territories. California, along with present-day Nevada, Wyoming, and New Mexico, were now under the control of the U.S. Fighting in Alta California came to an immediate stop, and prisoners of war were released. Californios, people of Spanish descent who were born in the California territory, promised to cease all fighting, and obey the rules and regulations of the U.S. For their promises, they were granted the same rights and privileges of U.S. citizens.

G. The Discovery of Gold in California: Opportunities, Exploitation, Racism, and Oppressive Government Actions

⁸ <https://www.lacounty.gov/government/about-la-county/history/>

⁹ <https://www.nps.gov/cham/learn/historyculture/mexican-american-war.htm>

In 1842, Francisco Lopez was the first to discover gold flakes in present-day Placerita Canyon, California, marking the start of the Gold Rush.¹⁰ The news of this discovery was widespread, leading to a rush of people in search of riches. An estimated \$100,000 of gold was collected from the canyon; it was not until 1848 that more gold was discovered at Sutter's Mill.¹¹ Gold was also discovered in the mountains north of Los Angeles, drawing gold-rushers to Southern California. Los Angeles became the primary source of food for those in search of gold, providing a demand for beef from the farmers and establishing a new diverse population that permanently settled in the Antelope Valley.

President Polk's official announcement to Congress on December 5, 1848 that gold had been discovered in California induced a mass migration of young and middle aged men from around the world, including China, Australia, England, Ireland, France, Poland, Posen, Russia, and Germany. Irish immigrants were escaping the Irish Potato Famine, before the Gold Rush, and with it, they came in larger numbers. Migrants also came from other parts of the United States, including African-American slaves who were brought to California to work, and who paid for their freedom, and that of others in similar situation, in gold.¹² After the Mexican-American War, many Mexicans lost their property, and the Gold Rush prompted them to migrate to California, often in large numbers with entire families. The challenge for them was that before the war, being in California was home as California was predominated by Mexicans, but now, they were seen as "foreigners".¹³

The gold rush prompted one of the most massive migrations in U.S. history, dramatically changing the demographics of our state. This economic and migration shift led to boomtowns, rapid economic growth and prosperity. This growth also facilitated the construction of railroads, churches, banks, and the Pony Express, which allowed mail to get to the Midwest via pony in two weeks' time. The railroad connected families with working fathers and sons, while a booming population created a market for consumer products.¹⁴ All of the aforementioned were contributing qualifications that made California eligible for statehood two years later.¹⁵

H. Amid the Gold Rush, Native Americans Faced Danger as their Resource were Commodified and Extracted

With the discovery of gold, Native Americans were once again exploited and robbed. In 1850, California officially became a state 1850. In the Legislature's first session, lawmakers approved

¹⁰ <https://www.lacounty.gov/government/about-la-county/history/>

¹¹ <https://www.lacounty.gov/government/about-la-county/history/>

¹² Starr, Kevin. *California: A History*. Page 13. 2007. <https://thecaliforniagoldrushp5.weebly.com/migration.html>

¹³ <https://thecaliforniagoldrushp5.weebly.com/migration.html>

¹⁴ Prior to the railroad, it was hard to travel to California. The railroad allowed families to travel from the mid-west and east to California faster. It was also relatively comfortable and fast-paced, as compared to horse-drawn carriages or coming down the tip of South America by boat to reach California.

¹⁵ <https://online.norwich.edu/academic-programs/resources/historical-impact-of-the-california-gold-rush>

an “Act for the Government and Protection of the Indians” that allowed Native Americans to be sold into indentured servitude for minor offenses and separated children from their families. The state also funded militia campaigns against native people. In 1851, Governor Peter Burnett told lawmakers to expect a “war of extermination” to continue “until the Indian race becomes extinct.” The U.S. government continued to sponsor ethnic cleansing; “Well into the 1870s, Native Americans were legally hunted for bounties by citizen militias, and in some cases, endured forced marches from their home territories to remote reservations and rancherias.”¹⁶ Between 1846 and 1879, California’s Native American population declined from 150,000 to 30,000, according to one estimate.¹⁷

I. In the Aftermath of the Gold Rush, Chinese Immigrants were Excluded

Chinese immigrants began arriving in the U.S. in the early 1850s to work in gold mines and made their way into agriculture, factories, and in the construction of the Central and Union Pacific Railroads.

Charles Crocker, the supervisor of the construction of the Central Pacific Railroad, intended to hire white laborers to build the railroad. However, lack of interest from white laborers forced Crocker to hire Chinese immigrants who had arrived during the Gold Rush to complete this labor-intensive job. At that time, thousands of Chinese immigrants, for reasons of racial exclusion, were marginalized out of mainstream employment.¹⁸ Crocker employed more than ten thousand Chinese men to complete the job during the mid-1860s. With the knowledge that Chinese immigrants were desperate for work, Crocker paid exploitative wages of \$26 a month for six days of work, long hours, and unsafe working conditions that resulted in many deaths¹⁹. The first Transcontinental Railroad linking the Central and Union Pacific Railroads was completed in May 1869.

American laborers were angered at the perceived loss of employment opportunities and began targeting Chinese immigrants. From 1850 through 1870, anti-Chinese sentiment led to the passage of California measures that prevented the naturalization of Chinese immigrants and required Chinese businesses and workers to acquire special licenses.²⁰ Most of those measures were nullified due to violations of the 1868 Burlingame-Seward Treaty with China. Nonetheless, discrimination of Chinese residents continued. In October 1871, 18 Chinese men, including a boy of 14 were lynched in Los Angeles followed by the looting of the Chinese

¹⁶ <https://www.laweekly.com/native-americans-in-l-a-almost-saw-their-culture-erased-now-theyre-getting-it-back/>. On June 18, 2019, Gov. Gavin Newsome issued an executive order apologizing on behalf of the citizens of California for a history of “violence, maltreatment and neglect” against Native Americans. He made the apology verbally as well, at the blessing ceremony of the future California Indian Heritage Center in West Sacramento. <https://www.latimes.com/politics/la-pol-ca-gavin-newsom-apology-california-native-american-tribes-061818-story.html>

¹⁷ <https://www.latimes.com/politics/la-pol-ca-gavin-newsom-apology-california-native-american-tribes-061818-story.html>

¹⁸ Cite, Kevin Start, California, Page, 118.

¹⁹ <https://www.history.com/news/transcontinental-railroad-chinese-immigrants>

²⁰ <https://history.state.gov/milestones/1866-1898/chinese-immigration>

quarter by a predominantly Anglo-American mob of five hundred.²¹ With the railroads built, the U.S. government passed the Chinese Exclusion Act of 1882, suspending immigration from China for ten years.²² Furthermore, laws were passed that prohibited interracial marriages between Chinese individuals and white Americans. And every Chinese person was required to carry a certificate identifying their status (e.g., laborer, scholar, diplomat, merchant) when entering or leaving the country.

J. As the Population of California Grew, the Agriculture Industry Became More Vital and Lucrative, with Cheap Land, and Opportunities to get Rich

As California's population continued to expand, agriculture required abundant sources of cheap labor. By 1869, more people were employed by the agricultural industry than mining (47,863 to 36,339), and ten years later, agriculture became the main contributor to California's economy.²³ Through the 1870s, Southern California remained heavily Mexican and rancho based. The news of plentiful, cheap, and empty plots of land ready for farming led to the migration of educated, middle class men to California. These men had dreams of settling down on farms or joining the agriculture business. Southern California mainly grew citrus, olives, fruits, date palms, honey producing apiaries, and vineyards.

Although the 1860s brought hundreds of Japanese immigrants, it was not until the 1880s that thousands arrived in California to propel the agricultural industry. Before the 1880s, the majority of Asian immigrants came from China, but the Chinese Exclusion Act of 1882 led to a shift. For cheap labor, Americans now turned to the Japanese as Japan was experiencing economic shortfalls. Thousands of Japanese men, in the late 1800s, began living in boarding houses around East First Street in Los Angeles. This area, first settled in 1885 by the former sailor Hamanosuke Shigeta, became known as Little Tokyo, eventually housing the largest Japanese-American population in North America.²⁴

The Pensionado Act, enacted in 1903, was an agreement between the U.S. and the Philippines, allowing Filipino students to attend institutes of higher education in the U.S. for the purpose of learning about the American culture. By the 1920s, instead of Filipino students, young Filipino men began immigrating to the U.S. to meet the shortage of farm workers. At the start of 1920, 5,693 Filipinos were living in the United States, 3,300 of whom resided in California.²⁵ Ten years later, 45,208 were living in the United States with 30,000 living in California.²⁶

By 1942, World War II had created a shortage of farm workers, so Congress enacted the Bracero Program. This government sponsored program resulted in millions of temporary workers from Mexico forming the backbone of the U.S. agricultural industry. Within two years, more than 4.6 million contracts were signed, and Mexicans endured racial and wage discrimination, in addition

²¹ Starr, Kevin. *California: A History*. Page 120. 2007.

²² <https://history.state.gov/milestones/1866-1898/chinese-immigration>

²³ Starr, Kevin. *California: A History*. Page 110. 2007.

²⁴ <https://www.nps.gov/places/little-tokyo-historic-district.htm>

²⁵ <http://opmanong.ssc.hawaii.edu/filipino/cali.html>

²⁶ <http://opmanong.ssc.hawaii.edu/filipino/cali.html>

to difficult labor conditions.²⁷ Animosity grew among Mexican, Japanese, Filipinos, and white laborers who competed for the same jobs in agriculture. Due to the competitive job market, growers were able to keep wages low, perpetuating an environment of subpar working conditions.

K. Japanese American in Internment Camps During WWII Despite Being Citizens

On December 7, 1941, Japanese forces attacked the American port Pearl Harbor. This led to the spread of fear, discrimination, and the eventual internment of Japanese Americans. With approval from Congress, President Franklin D. Roosevelt declared war against Japan on December 8, 1941, and the U.S. entered World War II. To prevent potential saboteurs or espionage agents from attacking the United States again, Roosevelt signed Executive Order 9066 on February 19, 1942.²⁸ The fact were no person of Japanese ancestry living in the U.S. was ever convicted of any serious act of espionage. In contrast, between 1942 and 1944, 18 white people were tried for spying for Japan with at least 10 convicted in court.²⁹ The executive order forced Japanese and Japanese-Americans to evacuate their homes, take only what they could carry, and allow the military guard to transport them to a relocation center before being transferred to one of ten internment camps.³⁰

Similar to the experience of Chinese immigrants, anti-Japanese sentiment arose with the decline of employment for white laborers even before World War II. In response, the United States and Japan created the “Gentlemen’s Agreement” of 1907, when no more 30,000 Japanese immigrants were living in the United States. According to the agreement, Japan denied passports to Japanese citizens intending to enter the U.S. for employment and the U.S. denied entrance of Japanese immigrants with passports issued by other countries. However, students and businessmen, as well as the parents, wives, and children of Japanese immigrants already living in the U.S., continued to be admitted, which lead to the steady rise of the Japanese population in California.

The California Alien Land Law of 1912 prohibited immigrants who were ineligible for citizenship from owning land and possessing long term agricultural land leases for more than three years in California. This law intended to discourage Japanese immigrants from coming to California, and to propagate anti-Japanese views to the rest of the nation.³¹ Many Japanese immigrants registered their land under the names of their American born children, or the names of European Americans. The Immigration Act of 1924 created a national origins quota, limiting the number of immigrants permitted into the United States. Immigration visas were only granted

²⁷ <http://braceroarchive.org/about>

²⁸ <http://bancroft.berkeley.edu/collections/jacs/camps.html>

²⁹ <https://www.nps.gov/articles/historyinternment.htm>

³⁰ <https://www.nps.gov/manz/learn/historyculture/japanese-americans-at-manzanar.htm>

³¹ <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3652&context=californialawreview>

to two percent of the total number of individuals from each nationality that resided in the United States in 1890 and excluded immigrants from Asia.”³²

During WWII, the Santa Anita Assembly Center located northeast of Los Angeles housed 18,000 Japanese people. Although each relocation center acted as its own town with a school, farmland, livestock, post offices, and work facilities, it was also surrounded by armed guards and barbed wire. It was common for centers to experience food shortages, and poor sanitation; housing people in horse stalls, cow sheds, and stables. Factories and agricultural processing plants located in different relocation centers offered the Japanese internees opportunities for employment. More than 1,000 Japanese were sent to complete seasonal farm work, and 4,000 were granted permission to leave the centers to attend college. On August 4, 1942, a riot broke out due to insufficient rations and overcrowding.

By November 1942, Japanese Americans in the west coast were completely relocated, and they remained confined for almost four years. Despite being segregated into internment camps, Japanese Americans were determined to prove their loyalty and patriotism. The Japanese American 442nd Regimental Combat Team, created in February 1943, was composed of volunteers from the internment camps, and “became the most decorated unit of its size in U.S. military history”.³³ The unit earned more than 18,000 awards, with over 13,000 Japanese Americans serving in the regiment.

Although Roosevelt rescinded the executive order by December 1944, the Japanese residents were not provided with immediate compensation or support when released. Many lost their homes, property, personal belongings, and had nowhere to go. By March 1949, the last Japanese internment camp was officially closed; and by 1976, President Gerald Ford repealed Executive Order 9066. Congress formally apologized in 1988 and passed the Civil Liberties Act that awarded reparations of \$20,000 each to over 80,000 Japanese Americans.

L. Immigration and Nationality Act of 1965 (Hart-Celler Act)

Within the Constitutionally assigned powers of Congress is the authority to pass legislation related to immigration. And while immigration law demonstrates a dark history of racism, xenophobia, and self-interest, the passage of the Hart-Celler Act, also known as the Immigration and Naturalization Act (INA) of 1965, was an exception in that it did not explicitly discriminate against people of color.

The Hart-Celler Act resulted in three robust changes:

³² <https://history.house.gov/Historical-Highlights/1901-1950/The-Immigration-Act-of-1924/>

³³ <https://www.history.com/news/unlikely-world-war-ii-soldiers-awarded-nations-highest-honor>

- Abolished the old country-of-origins quotas, which allocated small quotas to southern and eastern Europe and still smaller - almost prohibitively small quotas to Asia.
- Established two principal criteria for admission to the United States: i) family ties to citizens or permanent residents, or ii) possession of scarce and needed skills.
- Increased the total numbers of immigrants to be admitted to the United States.³⁴

As a result of the Hart-Celler Act, people from Asia and Latin America were able to immigrate under the quotas and family reunification provisions of the immigration law. Southeast Asians came as political refugees, often having lived for years in refugee camps in Asia.”³⁵ While the Hart-Celler Act was a step in the direction of immigration justice, the shift of the racial composition of immigrants made some Americans uncomfortable. Prominent political scientists, historians, legislators, and journalists called for America to return to its white, European roots, citing the inability of immigrants from Asia, Africa, and Latin America to integrate.³⁶ For Los Angeles, the federal law brought a dynamic shift. Census data from 1960 census showed that more than five million of Los Angeles County’s then-population of six million people were white and largely native born.”³⁷ By 1970, languages such as Korean, Spanish, and Chinese were becoming commonplace in Los Angeles.³⁸ At the same time, Los Angeles became home to the nation’s largest suburban black population.³⁹ Thus was the beginning of Los Angeles as it appears today.

M. Foreign Aid to Central America in 1981 Resulted In Violence and Trauma

Civil wars and dangerous gang violence in certain Central American nations have led to a dramatic increase of Salvadoran and Guatemalan immigrants in Los Angeles.⁴⁰ Almost immediately after Ronald Reagan’s inauguration in 1981, direct U.S. military assistance to El Salvador soared from zero in 1980 to \$424 million in the 1981-84 period, leading to a rapid escalation of the war in that country and major disruption of the economy and livelihood of many Salvadorans.⁴¹ The United States’ support for repressive dictatorships in Central America led to inhumane treatment and lethal violence, traumatizing an entire generation. Death squads, disappearance of loved ones, and torture were the norm in portions of Central America, all of

³⁴ Waldinger, Roger and Mehdi Bozorgmehr. Ethnic Los Angeles. Page 9. 1996.

³⁵ Ong, Paul, Enda Bonacich, and Lucie Cheng. The New Asian Immigration in Los Angeles and Global Restructuring. Page 102.

³⁶ Motomura, Hiroshi. Who Belongs? Immigration Outside the Law and the Idea of Americans in Waiting. Retrieved 10/20/2019. Available at <https://www.law.uci.edu/lawreview/vol2/no1/motomura.pdf>

³⁷ <https://www.kcrw.com/news/articles/how-a-1965-immigration-law-shaped-todays-los-angeles>

³⁸ “The Asian American population in Los Angeles, whose growth parallels the national trend, increased nearly fivefold between 1970 and 1990, from roughly 190,000 to approximately 926,000. With this phenomenal growth, Los Angeles has emerged as the home of the single largest Asian population in the United States, easily outnumbering the populations in other major metropolitan areas, including San Francisco-Oakland, Honolulu, and New York.” For further information, read: Ong, Paul, Enda Bonacich, and Lucie Cheng. The New Asian Immigration in Los Angeles and Global Restructuring.

³⁹ Waldinger, Roger and Mehdi Bozorgmehr. Ethnic Los Angeles. Page 401. 1996.

⁴⁰ Waldinger, Roger and Mehdi Bozorgmehr. Ethnic Los Angeles. Page 279-284. 1996.

⁴¹ Waldinger, Roger and Mehdi Bozorgmehr. Ethnic Los Angeles. Page 285. 1996.

which were financially condoned by the U.S. government, to ensure continued access to resources in this part of the world.

The U.S. government did not only recognize these dictators but also trained and provided military grade weapons to their death squads. American federal government trained thousands of Latin American military and police officers at the School of the Americas during the 1980's.⁴² The training manuals recommended “torture, execution, blackmail and arresting the relatives of those being questioned.”⁴³ Despite the United States’ recognition of these dictators, victims of these repressive regimes fleeing their lives remained ineligible for asylum. Today, Los Angeles’s vibrant and strong Central American communities still reel from the effects of the civil war in their home countries.

N. 1986 Immigration Reform and Contract Act (IRCA) was a Double Edged Sword

The 1986 Immigration Reform and Contract Act (IRCA) represented a shift from the more equitable Hart-Cellar Act to one seeking greater border security and penalties for new immigrants. The Act makes it illegal to knowingly hire undocumented immigrants in the United States, and establishes financial and other penalties for companies that employed undocumented immigrants. The Act also legalized most undocumented immigrants who arrived in the country prior to January 1, 1982.

In Los Angeles, a strong union response emerged in support of undocumented workers and those who were able to convert to legal status because of IRCA. According to the Labor Research Review from Cornell University, “IRCA presented L.A. labor with both a threat and an opportunity. The threat was many-sided, ranging from INS raids and deportations to mass firings, intimidation of activists, and the splitting of workers.”⁴⁴ In response, the labor movement raised hundreds of thousands of dollars to assist immigrants, mobilizing volunteers, and providing legal aid so that many immigrants could navigate the process and apply for amnesty.⁴⁵ In Los Angeles, most of the beneficiaries from amnesty were of Mexican descent. Empirical evidence reveals the benefits of going from living in the shadows to having legal status – Angelinos showed a decrease in poverty rates and an increase in homeownership and educational attainment.⁴⁶

O. Proposition 187 and the Sentiments of the California Voting Public in 1994 was found to be Unconstitutional by the Court

In 1994, Californians passed the “Save Our State” initiative known as Proposition 187.⁴⁷ Proposition 187 provided that undocumented immigrants ineligible for public social services, public health care services (except emergency services required under federal law), and public

⁴² <https://www.nytimes.com/1996/09/28/opinion/school-of-the-dictators.html>

⁴³ *Id.*

⁴⁴ <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1128&context=lr>

⁴⁵ *Id.*

⁴⁶ https://dornsife.usc.edu/assets/sites/731/docs/RPA_immigrant_integration_web.pdf

⁴⁷ [https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_\(1994\)](https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_(1994))

education at elementary, secondary, and post-secondary levels. The measure proposed requiring various state and local agencies to report persons suspected of residing in the country without legal permission to the California Attorney General and the United States Immigration and Naturalization Service. The measure proposed requiring the California Attorney General to transmit reports to Immigration and Naturalization Service and to maintain records of such reports. The measure also proposed making it a felony to manufacture, distribute, sell or use false citizenship or residence documents.”⁴⁸ With 60 percent of the vote, the “Save Our State” initiative reflected another tumultuous period of California history where immigrants and people of color were scapegoated.

The courts stopped this policy from being implemented. First, U.S. District Court Judge Mariana R. Pfaelzer found Proposition 187, as drafted, to be unconstitutional on its face and issued an injunction to bar it from being implemented.⁴⁹ Second, further work by the Mexican American Legal Defense and Education Fund (MALDEF) and the Southern California chapter of the American Civil Liberties Union led to a final ruling confirming the federal government’s exclusive authority over immigration and declaring the measure unconstitutional.”⁵⁰

PART II: TODAY’S DEMOGRAPHIC DATA ABOUT IMMIGRANTS FOR LOS ANGELES AND CALIFORNIA

As Part I of the background outlines, California has experienced demographic shifts through time. As with our past history, California’s demographic and cultural shifts do not occur in a vacuum. Federal level immigration actions impact the demographics of our state. This section provides demographic facts to contextualize the implications of Trump’s immigration policies on California’s residents.

California has a population of about 40 million people. If the state were a country, it would rank 34th in total population size. Within California, Los Angeles County is most populated at 10.1 million. California is a minority-majority state, meaning no single ethnic group forms a majority. Spanish is the second most prevalent language after English.

Of the 40 million people in California, 10.7 million individuals are classified as “foreign born” which includes naturalized U.S. citizens, lawful permanent immigrants (or green-card holders), refugees and asylees, certain legal nonimmigrants (including those on student, work, or some other temporary visas), and persons residing in the country without authorization.⁵¹

Of the immigrants in California, 73 percent have legal status. According to 2014 data, 2.35 to 2.6 million people in the state, representing 6 percent of the total population, are undocumented. Of that figure, there is an estimated 600,000 undocumented persons 24 and younger. The latest data shows that 49.5 percent of California children (ages 0-17) are estimated to be living with

⁴⁸ *Id.*

⁴⁹ <http://articles.latimes.com/1997/nov/15/news/mn-54053>

⁵⁰ <https://www.aclu.org/news/cas-anti-immigrant-proposition-187-voided-ending-states-five-year-battle-aclu-rights-groups>

⁵¹ State Immigration Profiles, “California”. *Migration Policy Institute*. Retrieved 9/28/2019 from <https://www.migrationpolicy.org/data/state-profiles/state/demographics/CA>

one or more parents who were born outside of the United States. Within that group, 750,000 K-12 students have undocumented parents. That constitutes about 13 percent of the total children who are in the K-12 school system living in a mixed family status.⁵²

The highest percentages of immigrants in California are of Latino origin (49%) and Asian (34%).⁵³ Recent immigrant arrivals to the US is by far coming from Asian countries as compared to Latin America or the rest of the world per the Public Policy Institute. The top counties of birth for undocumented immigrants in California are México (68%), El Salvador (6%), Guatemala (4%), Philippines (4%), India (3%), China (3%), South Korea (2%), and Vietnam (1%).⁵⁴

71 percent of California's undocumented population was Mexican-born.⁵⁵ In Los Angeles, the percentage of children living with foreign-born parents is much higher at 64 percent.⁵⁶ Los Angeles County has a total population of 10.2 million with 3.5 million of those, or 35 percent, born outside the country. At 917,000 individuals, Los Angeles County also accounts for the highest number of undocumented immigrants.

Immigrants contribute immensely to the California economy with 1 in 10 workers being undocumented. In Los Angeles County alone, undocumented immigrants contribute \$330,158,700 in property taxes, \$213,832,200 in local sales taxes, and multi-millions more in taxes to the State of California.⁵⁷

PART III: TRUMP WINS ON ANTI-IMMIGRATION PLATFORM AND DELIVERS ON HIS PROMISES

On Tuesday, November 8, 2016, Donald Trump was elected the 45th President of the United States. With 306 electoral votes versus Democratic candidate Hillary Clinton's 232 electoral votes, President Trump won the election. Trump did not win the popular vote. He had never served in the United States military, and had never held political office.

A. On the Campaign Trail, Trump Paints Immigrants in a Bad Light

One of the central tenets of President Trump's presidential campaign was his strong disapproval of immigration patterns -a viewpoint shared by many conservative Americans. While on the campaign trail, Trump expressed support for limiting not only illegal immigration, but also legal

⁵² There are about 11.4 million undocumented immigrants in the U.S.

⁵³ In this data set, Latinos have classified themselves under various race categories that include White, Black, American Indian, Asian. For that reason, the Migration Policy Institute inserted an additional layer of data of "Latino Origin (of any race)" in their analysis.

⁵⁴ *See supra.*

⁵⁵ <https://www.ppic.org/publication/undocumented-immigrants-in-california/>

⁵⁶ Kidsdata.org at <https://www.kidsdata.org/region/718/los-angeles/results#ind=&say=&cat=37,6>

⁵⁷ Institute on Taxation and Economic Policy. "State and Local Tax Contributions of Undocumented Immigrants: County-by-County Data. Retrieved on 9/14/2019 at <https://itep.org/wp-content/uploads/CA-UnDOC-State-and-Local-Taxes.pdf>

immigration and guest-worker visas, characterized unauthorized immigrants as criminals⁵⁸, vowed to put a moratorium on Muslims entering the U.S., and promised to build a wall at the U.S.'s southern border and to "make Mexico pay for it." In 2013, while featured as a speaker at the Conservative Political Conference, Trump spoke against unauthorized immigrants while encouraging immigration from Europe, which revealed that the immigrants he intended to target were mostly of Mexican, Central, South American, African, and Asian descent.

Trump's presidency was a rude awakening to some who believed they were living in a post-racial world. Yet, many Americans resonated with Trump's rhetoric and gravitated further to him. The gravitation may center on Trump's ability to give words to feelings and frustrations that conservative Americans already harbored.⁵⁹ It may also be the result of foreign interference in the integrity of our democratic process, mainly through creating false content to stroke certain emotions.⁶⁰ Foreign governments have recognized the Achilles heel of American politics - an inability to acknowledge and deal with the deeply embedded racism in our past and present.

B. Trump Lays out a Comprehensive Immigration Plan During the Transition Period

During the transition period between his presidency and that of President Obama, Trump offered ten policy actions he would take to address immigration reform on his official transition website:

- 1) Constructing a wall along the southern border;
- 2) Ending catch-and-release programs;
- 3) Having zero tolerance for criminals who live in the United States illegally;
- 4) Blocking funding for sanctuary cities;
- 5) Canceling "unconstitutional executive orders" and enforcing immigration laws;
- 6) Suspending visas to individuals from countries where adequate screening cannot occur;
- 7) Ensuring that foreign countries keep citizens deported from the United States;
- 8) Completing the biometric entry-exit tracking system;
- 9) Ending employment and benefits for individuals residing in the country without legal permission, and
- 10) Reforming immigration regulations to benefit the country and its labor force.⁶¹

C. Trump Administration Immigration-Related Policy

⁵⁸ In the launch of his Presidential campaign, Trump said this of Mexican immigrants: They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."

⁵⁹ <https://www.thenation.com/article/economic-anxiety-didnt-make-people-vote-trump-As-such-racism-did/>

⁶⁰ <https://www.washingtonpost.com/outlook/2019/10/07/founders-knew-first-hand-that-foreign-interference-us-elections-was-dangerous/>

⁶¹ https://ballotpedia.org/Timeline_of_federal_policy_on_immigration,_2017-2020#Early_priorities_of_the_Trump_administration

In accordance with President Trump’s proposed plan, since January 2017, his administration has taken the following actions on immigration:⁶²

1. Punishing Sanctuary Cities

On January 25, 2017, Trump signed the Enhancing Public Safety in the Interior of the United States Executive Order (EO 13768), which would make sanctuary cities (i.e., those that limit the enforcement and prosecution of federal immigration laws) ineligible for federal grants. EO 13768 also prioritized the deportation of individuals who “pose a risk to public safety or national security”. The prioritization included not only those who were convicted of a crime, but also those charged, but not convicted of a crime.

The Trump Administration also reinstated Secure Communities, a program that uses local law enforcement arrest data to identify individuals residing in the U.S. without legal permission. The program had been previously discontinued under the Obama administration.

In response to Trump’s action, Senator Kevin De Leon and the California Legislature introduced and - on a party-line vote - passed the California Values Act (SB 54), which Governor Jerry Brown signed into law. The California Values Act:

- prevents state and local law enforcement agencies from using their resources on behalf of federal immigration enforcement agencies, including to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes;
- prohibits the release of personal information and transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination;
- prohibits office space exclusively dedicated for immigration authorities for use within law enforcement facilities;
- allows for cooperation between local, state, and federal law enforcement in cases of violent illegal immigrants.⁶³

On Apr. 18, 2018, the Trump administration sued the state of California to block laws restricting cooperation with immigration authorities on the basis of unconstitutionality.⁶⁴ A federal judge dismissed the lawsuit in July 2018. Judge John A. Mendez said “The Court does not find any

⁶² In his first State of the Union address on January 30, 2018, Trump outlined his administration’s four pillars for immigration reform:

1. Path to citizenship for 1.1 million DREAMers that would take 12 years
2. Increased border security by building a wall and hiring border control officers; ending catch and release.
3. Ending the diversity visa lottery and towards a more merit-based system (likely prioritizing foreigners with higher education and wealth)
4. End family-based immigration (i.e. chain migration), which would “protect the nuclear family”

<https://www.bing.com/videos/search?q=Trump+2018+State+of+Union+immigration+video&view=detail&mid=B23AF5C8E72AD80272DFB23AF5C8E72AD80272DF&FORM=VIRE>

⁶³ http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54

⁶⁴ <https://www.sfoxaminer.com/news/federal-appeals-court-upholds-most-of-californias-sanctuary-laws/>

indication in the cited federal statutes that Congress intended for States to have no oversight over detention facilities operating within their borders.”⁶⁵ The U.S. Ninth Circuit Court of Appeals upheld SB 54, AB 450, and most of AB 103. AB 450⁶⁶, authored by Assemblyman David Chu, requires employers to notify their employees should federal agents come to inspect employment records, and upheld the majority of AB 103, a budget trailer bill, [that] directs the California Attorney General to inspect the facilities where the Department of Homeland Security holds people in detention.”⁶⁷

2. Secure Funding and Expand the Building of the Border Wall

Trump signed the Enhancing Public Safety in the Interior of the United States Executive Order on the same day he signed the Border Security and Immigration Enforcement Improvements Executive Order.⁶⁸ EO 13767 directs the US government to build a border wall using current funding. However, a Department of Homeland Security internal report priced the wall at \$21.6 billion and stated it would take three years to build. In contrast, Mitch McConnell, Senate Majority Leader, pegged the cost at \$12 to 15 billion.⁶⁹ Due to the lack of funds, construction on the wall has not begun.⁷⁰

In December 2018 through January 2019, the federal government was partly shut down for a record-breaking 35 days because of Trump’s insistence that he would veto any spending bill that

⁶⁵ https://www.upi.com/Top_News/US/2018/07/09/Judge-tosses-most-of-DOJ-challenge-to-California-sanctuary-laws/2401531186309/

⁶⁶ <https://www.gibsondunn.com/update-on-california-immigrant-worker-protection-act-ab-450/>

⁶⁷ <https://www.kpbs.org/news/2019/apr/19/californias-sanctuary-cities-law-upheld-appeals-co/>;
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB103

⁶⁸ In September 2017, California sued the federal government on the grounds of separation of powers. California Attorney General Xavier Becerra stated that “the Trump Administration violated the U.S. Constitution, failed to comply with federal and state environmental laws, and relied on a federal statute that does not authorize the proposed projects.” In February 2018, a judge denied the motion for summary judgement, and shortly thereafter, the State appealed portions of the District Court decision. Sixteen other states also sued the Trump Administration.

In April 2019, Governor Gavin Newsom and AG Becerra continued to challenge Trump’s declaration of a national emergency at the Southern border by asking “a judge in the Northern District of California to prohibit the Trump administration from redirection \$1.6 billion in federal funds to finance what the attorney general said ‘was never meant to be used for a border wall.’” Becerra argued that Trump’s actions were unconstitutional as they “usurp Congress’ appropriation powers, ignore the National Environmental Policy Act and lack statutory authority on the ground that the government cannot adequately justify the diversion of money.”

However, In July 2019, the Supreme Court approved the reallocation of \$2.5 billion in Department of Defense anti-drug funding to construct the wall while other legal proceedings continue. In September 2019, an additional \$3.6 billion was diverted from U.S. military construction projects around the world, including schools for children of American soldiers. As of October 2019, \$9.8 billion has been allocated to build the wall, likely with more money to come. With increased funding, progress on the wall may move faster than it has in the recent past.

<https://www.sacbee.com/news/politics-government/capitol-alert/article228890649.html>

<https://oag.ca.gov/news/press-releases/attorney-general-becerra-constitution-rule-law-barriers-trump-border-wall>

⁶⁹ <https://www.cato.org/blog/cost-border-wall-keeps-climbing-its-becoming-less-wall>

⁷⁰ <https://www.reuters.com/article/us-usa-trump-immigration-wall-exclusive-idUSKBN15O2ZN>

did not include \$5.7 billion in border wall funding. Trump asserted that there was a humanitarian and security crisis at the southern border that required immediate budget action from Congress.⁷¹ At that point, the average national public opinion polls showed six in 10 Americans opposed to the building of a border wall. In contrast, in 2013, an ABC News/Washington Post survey found that 65 percent of Americans supported building a 700-mile fence along the Mexico border.⁷²

On February 15, 2019, Trump signed a \$328 billion spending bill that included \$1.375 billion for barriers on the southern border, providing 24 percent of the amount he demanded for the border wall. On February 15, 2019, Trump signed a declaration of National Emergency stating:

“The current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency. The southern border is a major entry point for criminals, gang members, and illicit narcotics. The problem of large-scale unlawful immigration through the southern border is long-standing, and despite the executive branch’s exercise of existing authorities, the situation has worsened in certain respects in recent years.”

Trump diverted \$8 billion, which had previously been appropriated to the US Department of Defense for military construction and drug interdiction activities, and to the Treasury’s forfeiture fund, to build the wall.⁷³ Congress passed a joint resolution to overturn the emergency order, but Trump vetoed the resolution.

The United States southern border with Mexico spans 2,000 miles, with 650 miles of previously existing barriers. 69 miles have been reported to be completed since Trump’s presidency. We Build the Wall, a private organization, claims to have constructed 5 miles of new wall on private property near El Paso Texas.⁷⁴ 509 miles of new barrier is planned to be constructed by the end of 2020.⁷⁵

3. Impose Travel Ban

On January 27, 2017, Trump issued the Protecting the Nation from Foreign Terrorist Entry into the United States Executive Order 13769 which:

- suspended the refugee admission program for 120 days,

⁷¹ In response, Speaker of the House Nancy Pelosi and Senator Minority Leader Chuck Schumer issued a televised response rejecting his request for a border wall and called on him to reopen the government. They said that they supported border security measures, but “disagree with the president about the most effective way to do it.”

⁷² <https://www.cato.org/publications/commentary/americans-used-support-border-wall-what-changed-their-minds>;
By 2019, nearly half of Californians say they opposed the wall while 30 percent say they support the wall.

⁷³ <https://www.10news.com/news/local-news/poll-californians-still-opposed-to-border-wall-after-trumps-address>

⁷⁴ <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/>;
https://ballotpedia.org/Timeline_of_federal_policy_on_immigration,_2017-2020

⁷⁵ <https://webuildthewall.us/help-build-the-wall/>

⁷⁵ <https://www.bbc.com/news/world-us-canada-49805982>

- limited the number of refugees to be admitted to the U.S. in 2017 to fewer than 50,000, citing that it was “detrimental to the interests of the United States” to accept refugees at a higher number
- suspended refugee applicants, foreigners, and green card holders from seven Muslim majority countries, including Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen for 90 days, and
- indefinitely halted the admission of refugees from Syria.

The executive order was created to prevent the infiltration of foreign terrorists or criminals by establishing adequate standards. The order, which targeted Muslim majority countries, became known as the “Muslim ban”. Although not stated explicitly, the EO’s text implies that the Muslim travel ban is based on the biased notion that Muslims are terrorists. Data shows that every jihadist who conducted a lethal attack inside the U.S. after 9/11 was either a citizen or legal resident. No fatal attacks were committed by terrorists from the banned countries. The Cato Institute, a conservative think tank pointed out:

- Including those murdered in the terrorist attacks of September 11, 2001 (9/11), the chance of an American dying from a terrorist attack on US soil in the 41 years of a study was 1 in 3.6 million,
- Americans are 253 times more likely to die in an ordinary homicide than a terrorist attack carried out by a foreigner in the U.S.⁷⁶
- The chance of an American being murdered in a terrorist attack committed by an illegal immigrant is 1 in 10.9 billion per year

Chaos broke out at airports when the travel ban was issued. More than 700 travelers were detained by Department of Homeland Security agents, and up to 60,000 visas were “provisionally revoked.”⁷⁷ About 3,000 protestors took to the Los Angeles International Airport to denounce the Administration’s action. Lawyers around the nation arrived at international airports to offer legal assistance to those stranded.⁷⁸ Critics of the ban said it was Trump fulfilling his discriminatory campaign promise for a “total and complete shutdown of Muslims entering the United States.”⁷⁹

A nation-wide temporary restraining order (TRO) was issued against the travel ban on February 3, 2017, and upheld by the United States Court of Appeals for the Ninth Circuit on February 9, 2017. The Department of Homeland Security (DHS) stopped enforcing portions of the order and the State Department re-validated visas that were revoked.

Next came Executive Order 13780, signed by Trump on March 6, 2017. This rewrite of the travel ban took Iraq off the list of banned countries, citing the country’s effort to improve its security screening process and its military’s ongoing campaign against the Islamic State. It

⁷⁶ <https://www.forbes.com/sites/niallmccarthy/2017/01/31/most-terrorists-in-the-u-s-since-911-have-been-american-citizens-or-legal-residents-infographic/#7b389e3d894b>; <https://www.cato.org/publications/policy-analysis/terrorism-immigration-risk-analysis#full>

⁷⁷ National Public Radio, February 3, 2017, “Federal Judge Stays Trump Travel Order, But Many Visas Already Revoked.

⁷⁸ <https://abc7.com/news/3k-protesters-descend-on-lax-in-opposition-to-trumps-travel-ban/1726960/>

⁷⁹ June 26, 2019, Morning Edition, “They Took My Heart with Them: Yemeni Parents Stranded by Trumps’ Travel Ban”

exempted legal permanent residents and U.S. citizens who also held citizenship in any of the six named countries. Anyone who had a valid visa when the first order took effect to the time of the new order was also exempted. Syrian refugees were no longer halted indefinitely and the new order stopped prioritizing Christians.⁸⁰ Federal District Judge Derrick Watson of Hawaii issued a nationwide halt to the revised travel ban on March 15, 2017 and on June 12, the 9th Circuit appeals court upheld the Hawaii ruling, on the basis of religious discrimination against Muslims.

The third version of the travel ban issued on September 24, 2017 removed Sudan from the list because its government was providing “reliable” information. Moreover, Chad and North Korea were added, and government officials were limited from travelling to Venezuela. This ban had no expiration date. In October 2017, California joined five other states to challenge this last order. AG Becerra asked the court to “temporarily halt enforcement of the ban while their lawsuit challenging its constitutionality played out.”⁸¹ After numerous legal challenges, on June 26, 2018, the Supreme Court upheld the policy’s third revision, voting 5-4 that the ban fell within the president’s authority and was not discriminatory.⁸²

The final travel ban, upheld by the Supreme Court, covers Libya, Yemen, Iran, North Korea, Syria, Somalia, and Venezuela. The following categories are exempt:

- Lawful permanent residents (green card holders)
- Foreign nationals admitted or paroled to the US on or after the effective date
- Foreign nationals with travel documents that are not visas that are valid before or after the effective date
- Dual nationals traveling on a passport that is not one of the affected countries
- Those traveling on a diplomatic or related visa
- Foreign nationals who have already been granted asylum, refugees who have already been granted admittance, and those who have been granted withholding of removal, advanced parole, or protections under the Convention Against Torture.”⁸³

Individuals who are restricted by the ban and who do not qualify for an exemption may request a waiver granted on a case-by-case basis and under the discretion of a consular officer. “The person seeking entry must prove that: 1) denying entry would cause the foreign national undue hardship; 2) entry would not pose a threat to the national security or public safety of the United States; and 3) entry would be in the national interest.”⁸⁴

4. Conducts Operations Targeting Criminals

The U.S. Immigration and Customs Enforcement (ICE) is the federal law enforcement agency under the U.S. Department of Homeland Security that is primarily responsible for immigration

⁸⁰ <https://www.usnews.com/news/national-news/articles/2017-03-06/6-differences-between-trumps-new-and-old-travel-bans>

⁸¹ <https://www.kqed.org/news/11622854/california-revives-lawsuit-against-trump-travel-ban>

⁸² <https://publicintegrity.org/business/immigration/the-supreme-courts-travel-ban-decision-explained/>

⁸³ <https://www.acslaw.org/expertforum/trumps-travel-ban-two-years-later/>

⁸⁴ For assistance in preparing a waiver request packet, the Middle East Interest Group of the American Immigration Lawyers Association has developed a practice pointer for seeking a waiver, which can be found here <https://www.aila.org/infonet/applying-for-a-waiver-pursuant-to-presidential>

enforcement and transnational crime. Since 2003, ICE has focused on retrieving and deporting sex traffickers and people who have committed crimes. As part of their work, the Enforcement and Removal Operations (ERO) identifies, arrests, and removes “aliens” who present a danger to national security or are a risk to public safety.⁸⁵

ICE confirmed on February 10, 2017 that the Department intended to catch “convicted criminals, gang members, and individuals who re-entered the country after being deported, and individuals who had final removal in place”. According to the Department of Homeland Security, the operations led to more than 680 arrests by Feb 13, 2017. Although these actions were met with outcry from immigrant communities and allies, John Kelly, the former Director of the Department of Homeland Security, claimed operations were routine.⁸⁶

In fact, presidents before Trump conducted many more removals. George W. Bush’s administration leaned heavily on removal proceedings without court orders. People who attempted to enter the country were turned away without a hearing before an immigration judge. This process was known as a “voluntary departure” or a “return”. Compared to the prior administrations, Presidents Clinton, Bush, and Obama reduced removals and returns.

The Migration Policy Institute reports that 12 million people were deported during the Clinton Administration, more than 10 million were removed or returned during the Bush administration, and fewer than 5 million were removed or returned during the Obama administration. Although the Obama administration deported more than 409,000 people in 2012, compared to 256,000 people in 2018 under the Trump administration; the main difference between both administrations is the process of prioritization⁸⁷. Cecilia Muñoz, Obama’s top domestic policy adviser, asserts that Obama prioritized deporting people convicted of serious crimes and recent arrivals with criminal records, than people with families living in the country for 20 years.⁸⁸ In contrast, Trump was targeting all non-European immigrants that entered the United States without prior approval. Immigration policies under the current administration are created with the lens of racism and xenophobia, targeting immigrants from Latin America and Africa, and not necessarily with the view of keeping residents within the United States safe.

The ICE raids created a lot of fear in immigrant communities. Some notable ICE actions are as follows:

- In February 2018, ICE fanned from the Central Valley, to Stockton, San Francisco, and Sacramento and detained 150 people. At that time, Thomas Homan, the acting director of ICE said, “Sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety.”⁸⁹
- On Monday, December 17th, ICE deported 36 people of Cambodian descent in Texas. On January 29, 2019, ICE reported 118 arrests in New York with 107 of those convicted

⁸⁵ <https://www.ice.gov/about>

⁸⁶ <https://www.ice.gov/news/releases/ice-arrests-20-san-diego-during-week-long-surge-targeting-criminal-aliens-and>
<https://www.ice.gov/news/releases/ice-arrests-97-criminal-aliens-and-immigration-violators-5-day-enforcement-surge-6>

⁸⁷ <https://www.pbs.org/newshour/politics/how-trump-has-already-changed-immigration-policy>

⁸⁸ <https://www.cnn.com/2019/07/13/politics/obama-trump-deportations-illegal-immigration/index.html>

⁸⁹ https://www.sfchronicle.com/bayarea/article/Reports-of-California-immigration-sweep-are-true-12714833.php?utm_campaign=twitter-premium&utm_source=CMS%20Sharing%20Button&utm_medium=social

or had criminal charges pending against them, 55 of whom had final order for removal. On June 6, 2019, ICE arrested 32 people during a 5-day enforcement raid in New England.

- On July 7, 2019, ICE raids were announced in Los Angeles. Mayor Eric Garcetti informed people of their rights, and announced that law enforcement would not be cooperating with ICE.⁹⁰ United University Church near USC, along with about a dozen places of worship in LA county provided sanctuary for undocumented immigrants.⁹¹

It is difficult to gauge the extent of fear that deportations create for immigrant communities, but the anecdotal accounts conveyed to staff are consistent. One example of fear comes from a story from CBS2 News. In the story, a 9-year old girl worried of what might occur to her family if her father was deported. Despite living in the United States for 17 years, having three American children, and a wife with legal residency; her Guatemalan father was still at risk for deportation at any moment. His daughter wondered whether their family might become homeless if their father was removed and his income was no longer available to the family.⁹²

A challenge with ICE operations is that people with no criminal background, or with legitimate status are also likely to be targeted by immigration enforcement. In a study of ICE activities, from January 2016 to September 2018, data showed that there were 1,199,026 ICE encounters, 381,370 arrests, and 650,944 removals. Under the Obama administration, ICE screened 5,940 U.S. citizens about their right to stay in the country as compared to 27,540 U.S. citizens under Trump's first year.⁹³ The presumption of innocence, one of the most sacred principles of the American justice system, is being greatly ignored as immigration officials apprehend individuals solely based on their appearance and not on probable cause. Consequently, many immigrants from Latin America, Africa, and Muslim nations with obvious distinctive non-European features live in fear that if unjustly apprehended, will be found guilty until proven innocent.

Immigration is an issue about controlling the movement of human beings, and where people are inevitably has economic consequences and moral implications for any jurisdiction. One estimate indicates that mass deportation could reduce U.S. Gross Domestic Product by \$4.7 trillion over 10 years. Research and individual testimonies indicate that raids and deportations make community members more fearful and mistrustful of public institutions, curtailing crime reporting, and civic engagement. Certainly, that issue has come up numerous times in the planning of this hearing as we struggle with the reality that even as we hold a hearing on immigration, immigrants might be too afraid to participate in a process designed to assist and give voice to their realities.⁹⁴ Martin LaMonica, deputy editor of the Conversation noted, "Whether and to what extent mass raids will take place in the coming weeks remains to be seen, but I think that their implications for U.S. democracy and the rule of law could be far-reaching." Simply put, the relationship between immigrants and government institutions is experiencing deterioration through deportations and other anti-immigrant actions, and numerous state

⁹⁰ <https://losangeles.cbslocal.com/2019/07/14/people-are-scared-to-go-out-undocumented-immigrants-brace-for-ice-raids-on-those-with-removal-orders/>

⁹¹ <https://abc7.com/society/no-large-scale-ice-raids-reported-in-socal-across-us/5396715/>

⁹² <https://losangeles.cbslocal.com/2019/07/17/ice-raids-los-angeles/>

⁹³ <http://theconversation.com/how-ice-enforcement-has-changed-under-the-trump-administration-120322>

⁹⁴ Id.

administrators have lamented about this in their effort to ensure support and services to the immigrant population.

5. Federal Worksite Raids

In the United States, immigrants make up 17 percent or 28 million of the 163.7 million persons in the civilian labor force in 2017. Between 1970 and 2017, the percentage of the foreign born laborers more than tripled, from 5 percent to 17 percent. Over the same period, the foreign-born share of the total population grew slower: from less than 5 percent to just under 14 percent.⁹⁵

A workplace raid occurs when ICE agents come to a workplace to question workers and detain those it believes are in the U.S. unlawfully. Workplace raids can be used to target specific workers as part of an ongoing investigation, or to question all workers who are present.

ICE may also conduct a workplace audit by requiring an employer to prove that all of its employees are authorized to work in the United States. The employer must provide ICE with each employee's Form I-9 (which is required to be filled out by every employee at the beginning of employment). ICE is supposed to provide an employer with a "Notice of Inspection" before conducting an audit. Although ICE does not have to be present when conducting an audit, they can and occasionally do so unannounced.

Workplace raids and workplace audits have consequences on workers, their families, businesses, and the society at large.⁹⁶ After an immigration raid, working people are incarcerated in for-profit detention facilities, children are left without parents or guardians, and entire communities are left reeling. These raids also lead to further distrust of law enforcement officials by immigrant communities and communities of color.

In 2017, the Legislature passed AB 450 (Chiu) which is known as The Immigrant Worker Protection Act to be enforced by the California Attorney General and Labor Commissioner. Effective January 2018, AB 450 does the following:

- sets forth certain prohibitions on employer conduct if an immigration enforcement agent seeks to enter the employer's place of business or requests employee records, subject to certain specified exceptions;
- mandates that employers comply with specific notice requirements to employees if the employer receives notice from an immigration agency of an upcoming inspection of I-9 Employment Eligibility Verification Forms or other employment records;
- prohibits employers from reverifying employment eligibility of any current employee at a time or in a manner not required by federal immigration law.⁹⁷

⁹⁵ <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Labor>

⁹⁶ More information available at <https://legalaidatwork.org/factsheet/workplace-raids-workers-rights/>

⁹⁷ <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigrants/immigration-ab450.pdf>

In California, community members, non-profits, labor, and elected officials are working together to ensure communities have privacy at their workplace.⁹⁸ Even with AB 450, immigrant communities in California remain fearful. During the summer of 2019, President Trump named major California cities such as Los Angeles and San Francisco as targets for workplace raids.⁹⁹ After seeing the impact on immigrants, the mere threat of workplace raids has a chilling effect on mixed-status families, children, and the economy. With the threat of workplace raids in July 2019, even diverse economies like Los Angeles experienced lower sales. Some immigrants stopped coming to work, seeking refuge in their homes out of fear.¹⁰⁰ Threatening communities with large immigrant populations, such as Los Angeles, has been a tactic utilized by the Trump administration, especially the U.S. DHS, and ICE.

Immigrant workers have been shouldering the burden and consequences of the federal government failing to provide a pathway to citizenship for undocumented immigrants. Meanwhile, billion-dollar corporations' profit from the labor and skill of undocumented workers while shifting the blame to their workers. AB 450 was a critical step in the right direction in providing responsibilities employers while providing critical notice to employees.

6. End of Central American Minors Program

In August 2017, the Trump administration formally terminated the Central American Minors (CAM) Program, which granted Central American minors' temporary legal residence in the United States. This action shut the door on over 2,700 people who had previously received conditional approval to enter the U.S. The CAM parole program was established in 2014 by the Obama administration in response to a great increase in the number of unaccompanied minors and families fleeing violence and making the dangerous journey to illegally enter the country from El Salvador, Guatemala and Honduras. The program was created to provide certain minors from these countries the opportunity to be considered, while still in their home country, for refugee resettlement in the United States.¹⁰¹ These countries, collectively known as the "Northern Triangle" were selected due to the increase of gang violence and threat of death for many young people. The program enabled approximately 3,000 children and family members to safely resettle to the U.S. as refugees by the end of 2016.¹⁰²

Under the CAM program, parents who are lawfully present in the U.S. are eligible to request access to the program for their children. Qualifying parents may be any individual who is at least 18 years old and lawfully present in the U.S. through Permanent Resident Status, Temporary Protected Status, Parole, Deferred Action, Deferred Enforced Departure, or Withholding of Removal. Qualified children must be the child (genetic, step, or legally adopted) of the qualifying parent, unmarried, under the age of 21, and a national of the three above mentioned countries. Individuals who were determined to be ineligible for refugee status were

⁹⁸ <https://oag.ca.gov/news/press-releases/attorney-general-becerra-issues-advisory%C2%A0providing-guidance-privacy-requirements>

⁹⁹ <https://www.latimes.com/local/lanow/la-me-ice-raids-immigration-trump-20190714-story.html>

¹⁰⁰ <https://www.latimes.com/local/lanow/la-me-ice-raids-immigrant-communities-20190715-story.html>

¹⁰¹ <https://www.uscis.gov/humanitarian/humanitarian-parole/central-american-minors-cam-information-parole-applicants>

¹⁰² <https://refugeerights.org/irap-challenges-termination-of-parole-program-for-central-american-minors-cam/>

then considered for the possibility of entering the U.S. under parole.¹⁰³ The parole portion of the CAM program was terminated in August 2017, and the refugee portion of the program stopped accepting new applications shortly thereafter in November 2017.

In June 2018, a complaint was filed against the Trump administration in the Northern District of California. Applicants and beneficiaries of the CAM program filed a class-action lawsuit, *S.A. v. Trump*, challenging the decision to terminate the CAM Parole Program and revoke parole for nearly 3,000 children.¹⁰⁴ On May 17, 2019, the final judgment and order for permanent injunction were filed by the court, which stopped DHS from rescinding conditional approvals for the 2,700 individuals who had been approved for parole. The court also ordered DHS to complete the post-conditional approval processing for those 2,700 individuals under the policies that had been in place before January 2017. Finally, DHS was stopped from adopting any policy or practice that would bar them from processing the 2,700 individuals or putting their processing on hold¹⁰⁵.

7. Deferred Action for Childhood Arrivals (DACA)

Deferred Action for Childhood Arrivals is an immigration action that offers relief from deportation and allows individuals to work. The purpose of DACA is to protect eligible immigrant youth who came to the United States when they were children. President Barack Obama created the program in 2012 citing Congress's inability to act on immigration.

DACA requirements are as follows:

- At least 15 years old, but under the age of 31 as of June 15, 2012
- Came to the U.S. before 16th birthday
- Lived continuously in the U.S. from June 15, 2007 to the present
- Physically present in U.S. on June 15, 2012 and the time of application
- Currently studying or graduated from high school or earned a certificate of completion of high school or GED, or have been honorably discharged from the Coast Guard or military (technical and trade school completion also qualifies);
- And no conviction of a felony, significant misdemeanor, or 3 misdemeanors of any kind.

President Obama called it “a temporary stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people”¹⁰⁶ DACA is not a pathway to become a Legal Permanent Resident (LPR) or a U.S. Citizen. It is a very narrow program where applicants are approved on a case-by-case basis. Despite this, Californians engaged in a coordinated approach so that as many eligible beneficiaries (in both urban and rural areas) applied. The results were staggering. California has the highest number of DACA recipients and program participants. As of August 2018, in the United States, 1,302,000 people are estimated to be eligible for DACA and 699,350 participated in the program.¹⁰⁷ Of those 699,350, California accounts for 200,150 DACA recipients with an

¹⁰³ <https://www.uscis.gov/CAM>

¹⁰⁴ <https://www.clearinghouse.net/detail.php?id=16651>

¹⁰⁵ <https://www.clearinghouse.net/detail.php?id=16651>

¹⁰⁶ <https://www.factcheck.org/2018/01/the-facts-on-daca/>

¹⁰⁷ DACA Recipients & Program Participate Rate, by State. Retrieved 9/24/2019 from <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>

estimated 388,000 being eligible. Los Angeles County accounts for the largest share of DACA eligible individuals at 170,000.¹⁰⁸

On September 5, 2017, Elaine Duke, under the direction of Attorney General Jeff Sessions and President Trump, ordered a rescission of DACA.¹⁰⁹ The public announcement, the same day of the rescission, by Attorney General Sessions was the first time DACA recipients heard of the decision. Public notice was never given to DACA recipients. Further creating anxiety in immigrant communities was the fact that individuals had less than 22 working days (30 including weekends) to submit a renewal. Young immigrants from across the United States of America immediately felt the impact of the targeted immigration policy making of President Trump's administration. Those in high school, who were not yet 15, were devastated to learn that the rescission meant no new applications would be accepted.

The impossible timeline and uncertainty took a toll on the health of young immigrants who were fortunate to still have DACA or were eligible for renewal. Anxiety, depression, and PTSD all increased.¹¹⁰ Karla Cornejo Villavicencio, in the New York Times, wrote:

“Undocumented life in America is hard on the mind and body. Poverty, precarious employment, poor access to health care, discrimination and trauma from the migration itself often lead to disorders like depression, anxiety and post-traumatic stress disorder. Access to mental health treatment is scant, the demands of simply surviving are overwhelming, the fear of being discovered discourages people from seeking care, and the stigma of mental illness has perpetuated a culture of silence that only worsens the suffering.”¹¹¹

The existence of DACA, and its stabilizing status, until Trump's election, provided mental health wellness for so many. A U.S. National Health Interview survey in 2016 showed that 40 percent of those eligible for DACA reported improvements to their mental health after the program began.¹¹²

The rescission of DACA could be seen as a targeted attack by an administration that has shown a disregard for immigrants, especially those who are people of color.¹¹³ By the time the recession was announced, data was available to show the importance, effectiveness, and success of DACA.

¹⁰⁸https://www.migrationpolicy.org/sites/default/files/datahub/State%20and%20County%20Estimates%20of%20DACA-Eligible%20Population_2018.xlsx

¹⁰⁹ The first challenge to DACA was before the Trump administration. It was filed on December 2014 and is known as *U.S. v. Texas*. The decision in Texas led to keeping intact DACA from 2012, but resulted in a nationwide preliminary injunction on DACA 2.0 (an expansion to embrace more immigrants) and Deferred Action for Parents of American Citizens. In 2016, the Supreme Court of the United States of America (SCOTUS) issued a slip opinion wherein they affirmed the lower court's ruling by writing: “The judgment is affirmed by an equally divided Court.”

¹¹⁰ <https://americasvoice.org/blog/mental-health-dreamers/>

¹¹¹ <https://www.nytimes.com/2017/09/08/opinion/sunday/mental-health-daca.html?smid=tw-share>

¹¹² https://www.huffpost.com/entry/undocumented-immigrants-ptsd_n_5a74e117e4b06ee97af29715

¹¹³ https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html

According to The Center for American Progress, DACA recipients are deeply rooted to their communities and make important economic contributions.

- As they have grown up, DACA recipients have formed families of their own. In California, it is estimated that more than 70,000 U.S. born children have a parent who has DACA;¹¹⁴
- DACA recipients make important economic and fiscal contributions in the form of tax revenue. It is estimated that DACA recipients contribute \$2.1 billion in federal taxes, \$1 billion in state and local taxes, own homes, and have a consumer spending power of \$8 billion.¹¹⁵

DACA recipients are woven into the fabric of our society. They have provided leadership to our state through their work at some of the leading technology companies in California, in government, board rooms, non-profits, the medical field, as educators, students, child care providers, and more.

Immediately after the rescission of DACA, Attorney General Xavier Becerra, on behalf of the State of California, sued the federal government. Non-class lawsuits were entered by the City of San Jose, Santa Clara County, individual DACA recipients, and the UC system. On September 11, 2017, the five California lawsuits were all consolidated as *Regents of the University of California v. U.S. Department of Homeland Security*. In *Regents of the University of California v. U.S. DHS*, six individual DACA recipients were named as plaintiffs. Dulce Garcia, Miriam González Ávila, Saul Jimenez Suarez, Viridiana Chabolla Mendoza, Norma Ramirez, and Kirayut Latthivongskorn are the six Californians of DACA status who went through the judicial system to fight for themselves and others.¹¹⁶ These plaintiffs work and study in the fields of law, medicine, education, and psychology, and asserted that the loss of DACA will frustrate their professional goals and accomplishments, in addition to threatening their access to federal and state benefits and their abilities to reside in the U.S. with their families.¹¹⁷

On January 9, 2018, the U.S. district court in California granted the preliminary injunction requiring the federal government to accept applications for renewal of DACA.”¹¹⁸ As a result of the injunction, “[t]o date, more than half a million Dreamers whose DACA approvals had expired, or would have expired, have been able to regain or keep their DACA protections.”¹¹⁹

On July 8, 2019, the Supreme Court of the United States (SCOTUS) released a calendar as to what legal matters they will take on during the upcoming session.¹²⁰ The Justices included DACA.¹²¹ On November 12, 2019, the Justices are scheduled to hear oral arguments concerning two specific questions: 1) Whether the Department of Homeland Security (DHS) decision to wind down the DACA policy is judicially reviewable; and 2) Whether DHS's decision to wind

¹¹⁴ <https://www.americanprogress.org/issues/immigration/news/2019/09/12/474422/know-daca-recipients-state/>

¹¹⁵ *Id.*

¹¹⁶ Thereafter decisions of *Batalla Vidal v. Nielsen* (filed in the Eastern District of New York), and *NAACP v. Trump* (filed in the District Court of Columbia) were entered.

¹¹⁷ https://www.cand.uscourts.gov/filelibrary/3302/UC-v-DHS_C17-5211-WHA_Order_1-9-18.pdf

¹¹⁸ <https://www.nilc.org/wp-content/uploads/2019/02/litigation-re-DACA-2019.pdf>

¹¹⁹ <https://oag.ca.gov/daca>

¹²⁰ https://www.supremecourt.gov/oral_arguments/argument_calendars/MonthlyArgumentCalNovember2019.pdf

¹²¹ <https://www.scotusblog.com/2019/07/court-releases-november-argument-calendar-3/>

down the DACA policy is lawful.¹²² In the interim, Congress has failed to pass legislation protecting undocumented immigrants leaving undocumented youth with increased anxiety. America Hernandez, a Californian and DACA recipient described her emotions: “A lot of nightmares at times, you know there is a lot of fear. What if I lose my home? What if I’m separated from my loved ones? What if I’m never able to come back to this country?”¹²³

8. Public Charge

Since the 1800’s, U.S. immigration law has considered the ability of immigrants to care for themselves without becoming public charges in determining their potential for admission into the nation. Within this view, “a person was considered a “public charge” for immigration purposes, if the person was primarily dependent on the government for subsistence¹²⁴. A person was considered ‘primarily dependent’ if they received federal, state, or local cash assistance like Supplemental Security Income (SSI), or Temporary Assistance for Needy Families (TANF) otherwise known as CalWORKs in California, and general assistance, and further included long-term care at government expense.¹²⁵ Therefore, self-sufficiency played an important role in evaluating an application for admission or adjustment of status (i.e. obtaining a green card, or extending a stay on a nonimmigrant visa, or changing status to a different nonimmigrant classification).

On August 14, 2019, the U.S. DHS published the *Inadmissibility on Public Charge Grounds* final rule that would significantly change the meaning of the public charge.¹²⁶ The rule expanded the definition of public charge by broadening the public benefits considered to include “federal, state, or local cash benefit programs for income maintenance”, Medicaid (with certain exclusions), the Supplemental Nutrition Assistance Program (SNAP) also known as “food stamps”, Temporary Assistance for Needy Families (TANF), Section 8 housing assistance, Section 8 Project-Based Rental Assistance, Public Housing under section 9 of the Housing Act

¹²² The information on the consolidated cases, a description from SCOTUs, and the questions presented is available at: <https://www.supremecourt.gov/qp/18-00587qp.pdf>

This dispute concerns the policy of immigration enforcement discretion known as Deferred Action for Childhood Arrivals (DACA). In 2016, this Court affirmed by an equally divided Court, a decision of the Fifth Circuit holding that two related Department of Homeland Security (DHS) discretionary enforcement policies, including an expansion of the DACA policy, were likely unlawful and should be enjoined. See *United States v. Texas*, 136 S. Ct. 2271 (per curiam). In September 2017, DHS determined that the original DACA policy was unlawful and would likely be struck down by the courts on the same grounds as the related policies. DHS thus instituted an orderly wind-down of the DACA policy. The questions presented are as follows: 1. Whether DHS's decision to wind down the DACA policy is judicially reviewable. 2. Whether DHS's decision to wind down the DACA policy is lawful.

¹²³ <https://www.kvpr.org/post/fresno-city-council-votes-support-daca-cases-going-supreme-court>

¹²⁴ <https://www.nilc.org/issues/economic-support/pubcharge/>

¹²⁵ <https://www.nilc.org/issues/economic-support/pubcharge/>

¹²⁶ <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>

of 1937, and federally subsidized housing.¹²⁷ The rule does not include CHIP or subsidies for Affordable Care Act Marketplace coverage as a public benefits.”¹²⁸

DHS will not consider public benefits used by immigrants, who at the time of receipt or of application for admission or adjustment of status, is enlisted in the U.S. armed forces, or is serving in active duty, and will not consider the receipt of public benefits by the spouse and children of such service members.¹²⁹ DHS will also not consider the receipt of Medicaid for emergency medical conditions, Medicaid services provided under the Individuals with Disabilities Education Act, School-based services or benefits provided to individuals who are at or below the oldest age eligible for secondary education, Medicaid benefits for individuals under 21 years old, or Medicaid benefits received during pregnancy and 60 days afterwards.¹³⁰

Additionally, a person would be considered a public charge if they used at least one out of an expanded list of public benefits for a total of 12 months during a three-year (36 month) period.¹³¹ This would be calculated so that using two different benefits in one month counted as receiving 2 months of benefits. Doing so puts more people under the umbrella of being designated a public charged, and thus becomes a basis to deny admission or conversion to legal permanent status.

These regulations were *intended* to go into effect on October 15, 2019. However, the rule was immediately challenged in several federal courts by immigrant rights groups and state attorneys general. On October 11, 2019, federal judges in three states issued temporary injunctions against these rules, preventing the implementation. U.S. District Judge, Phyllis Hamilton, in California “ruled that Trump administration officials ‘acted arbitrarily and capriciously during the legally-required process to implement the changes they propose’ in violation of the Administrative Procedure Act.”¹³² Hamilton also cited the significant costs of these rules to local and state governments when immigrants leave public health benefit programs - for example, immigrants avoiding scrutiny or deportation might be less likely to seek out preventative medical services such as vaccinations and screenings, which would have adverse effects on the health of the public.

What remains unclear and uncomfortable for many immigrants, their families, and their allies is that while there has been a temporary injunction issued, it is still not certain how and when the final ruling will be decided. At the moment, the federal government is able to appeal the temporary injunction, and this issue might be able to reach the Supreme Court. Until a final order is in place, the status of the public charge rule remains in limbo -- higher courts can find the rule permissible, and thus legal. If this happens, the best chance to overrule the decision might be a change in Administration. However, if a higher court upholds the lower court’s decision to stop the rule, then the Trump Administration’s changes to the public charge rule is rejected.

¹²⁷ <https://www.ilrc.org/public-charge>

¹²⁸ <https://www.kff.org/disparities-policy/fact-sheet/public-charge-policies-for-immigrants-implications-for-health-coverage/>

¹²⁹ <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>

¹³⁰ <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>

¹³¹ <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>

¹³² <https://www.npr.org/2019/10/11/769376154/n-y-judge-blocks-trump-administrations-public-charge-rule>

Until more status updates are provided, the best way to engage the rule is to learn the facts and to determine whether and how it might apply in individual cases, and for immigrants to make decisions that best fit their needs and their lives. Unfortunately, immigrant families may have to choose between accessing life sustaining or improving public benefits at the risk of scrutiny by immigration officials and being designated a public charge, or choosing not to access these resources, leading to the dangers of living in poverty. Both decisions have significant short- and long-term repercussions.

To that end, the legal aid community wants all immigrants to understand that public charge does not apply to refugees, asylees, survivors of human trafficking, domestic violence or other serious crimes, VAWA self-petitioners, special immigrant juveniles, and certain people paroled in the US. Use of public benefits will not automatically make a person a public charge, as immigration officials have to look at all the circumstances of a family before determining they are a public charge, including a person's age, health, family status, assets, resources, financial status, education, and skills.¹³³

While the strategy to provide individual analysis to help families understand and make decisions is sound, the chilling effect of the public charge rollout has already been felt. Kaiser Family Foundation writes:

Previous experience and recent research suggest that the rule will lead individuals to forgo enrollment in or disenroll themselves and their children from public programs because they do not understand the rule's details and fear their own or their children's enrollment could negatively affect their or their family members' immigration status. For example, prior to the final rule, there were growing anecdotal reports of individuals disenrolling or choosing not to enroll themselves or their children in Medicaid and CHIP due to growing fears and uncertainty. Providers also have reported increasing concerns among parents about enrolling their children in Medicaid and food assistance programs, and WIC agencies across a number of states have had enrollment drops that they attribute largely to fears about public charge. A survey conducted prior to the final rule found that one in seven adults in immigrant families reported avoiding public benefit programs for fear of risking future green card status, and more than one in five adults in low-income immigrant families reported this fear.¹³⁴

Kaiser Family Foundation reports that more than 13.5 million Medicaid and Children's Health Insurance Program enrollees nationwide, including 7.6 million children, live in households with at least one noncitizen or are noncitizens themselves and could be at risk of disenrollment

¹³³ <https://www.nilc.org/issues/economic-support/lets-talk-about-public-charge-pif/>

¹³⁴ <https://www.kff.org/disparities-policy/fact-sheet/public-charge-policies-for-immigrants-implications-for-health-coverage/>

because of the new rule.¹³⁵ Carol Gallegos, an immigrant services provider at the TODEC Legal Center, said that she has been fielding questions from parents who are considering disenrolling their children in public benefits. “People are terrified, Ms. Gallegos said, “At the end of the day, they are going to do what they need to do to protect their families.”¹³⁶

9. HUD (housing urban development) immigrant policy

On May 10, 2019, the Housing Urban Development Agency published a proposed rule that would bar mixed-status families from residing in public housing and using Section 8 programs.¹³⁷ Mixed-status families are households where member(s) are citizens or legal permanent status who are eligible for public housing assistance live with member(s) who are ineligible for housing assistance due to their immigration status.¹³⁸ In these situations, subsidies are pro-rated based on the number of members of the household that are eligible. The result is that most mixed status families pay significantly higher rents than do similarly situated and sized households who are not mixed-status. HUD’s proposed new would require all residents of HUD subsidized public housing or voucher supported units and leaseholders who are 62 and under to be verified as eligible using their immigration status as a determinant factor of eligibility.¹³⁹

The Los Angeles Homeless Services Authority (LAHSA) estimated that this potential chance could impact 11,000 individuals of mixed-status families in which at least one of the family members has an eligible legal status in the City of Los Angeles, and 500 mixed status households in the County of Los Angeles. The LAHSA Commission unanimously approved public comments opposing the HUD proposed rule.¹⁴⁰

Nationally, nearly 108,000 people will be at risk of being evicted and displaced if HUD’s proposed rule is implemented. Approximately 55,000 are children at risk of being displaced and subject to homelessness, including U.S. citizens and legal residents. In addition, children may face separation from family members who are ineligible for public housing assistance and are evicted¹⁴¹

The National Immigration Law Center states, “This proposal and the ongoing attacks against immigrants will increase the “chilling effect” in immigrant communities, resulting in immigrants avoiding or disenrolling themselves from programs that make their families healthy and strong, even if they are not technically impacted by policy proposals or those proposals that have not yet

¹³⁵ https://www.chcf.org/blog/final-public-charge-rule-is-out/?_cldee=bHVhbi5odXluaEBzZW4uY2EuZ292&recipientid=contact-eb72aea496c8e61180f55065f38a19e1-0c8e9a95eaa0426d8916a545d6e25f3c&utm_source=ClickDimensions&utm_medium=email&utm_campaign=Essential%20Coverage_2019_Q3&esid=7c4d62db-93d5-e911-a982-000d3a1991fc

¹³⁶ <https://www.latimes.com/california/story/2019-09-02/trump-children-benefits-public-charge-rule>

¹³⁷ <https://www.nilc.org/2019/07/08/huds-mixed-status-rule-is-the-latest-attack-on-the-immigrant-community/>

¹³⁸ <https://www.nilc.org/2019/07/08/huds-mixed-status-rule-is-the-latest-attack-on-the-immigrant-community/>

¹³⁹ <https://www.federalregister.gov/documents/2019/05/10/2019-09566/housing-and-community-development-act-of-1980-verification-of-eligible-status>

¹⁴⁰ <https://www.lahsa.org/news?article=554-hud-proposed-rule-change-on-mixed-status-families-in-public-housing>

¹⁴¹ <https://www.nilc.org/2019/07/08/huds-mixed-status-rule-is-the-latest-attack-on-the-immigrant-community/>

been approved. Further, the proposed rule only worsens the nations' affordability housing crisis.¹⁴²

10. Zero Tolerance Policy

On May 7, 2018, the Department of Justice (DOJ) implemented a “zero tolerance” policy toward illegal border crossing both to discourage illegal migration into the United States and to reduce the burden of processing asylum claims that Administration officials contend are often fraudulent.¹⁴³ Under the zero tolerance policy, the DOJ prosecuted all adult aliens apprehended crossing the border illegally even if they need asylum or have children.¹⁴⁴ According to the Congressional Office of Research, the DOJ's policy represented a change in the level of enforcement of an existing statute rather than a change in statute or regulation as prior administration rarely prosecuted illegal border crossing.

Criminally prosecuting adults for illegal border crossing requires detaining them in federal criminal facilities where children are not allowed. Per a settlement agreement in the Flores case, the Homeland Security Act of 2002, and the Trafficking Victims Protection Reauthorization Act of 2008, children cannot be detained for more than 20 days. If parents cannot be released with the children, then the children are considered to be unaccompanied alien children and transferred to the Department of Health and Human Services Office of Refugee Resettlement for care and custody.

Since the zero-tolerance policy was implemented, up to 3,000 children may have been separated from their parents. In addition, thousands more were separated prior to the public announcement of the policy change.

Following mostly critical public reaction, President Trump issued an executive order on June 20, 2018, mandating that DHS maintain custody of alien families during the pendency of any criminal trial or immigration proceedings. DHS Customs and Border Protection (CBP) subsequently stopped referring most illegal border crossers to DOJ for criminal prosecution. A federal judge then mandated that all separated children be promptly reunited with their families. Another rejected DOJ's request to modify the FSA to extend the 20-day child detention guidelines. DHS has since reverted to some prior immigration enforcement policies, and family separations continue to occur based upon DHS enforcement protocols in place prior to the 2018 zero tolerance policy. Administration officials and immigration enforcement advocates argue that measures like the zero-tolerance policy are necessary to discourage migrants from coming to the United States and submitting fraudulent asylum requests. They maintain that alien family separation resulting from the prosecution of illegal border crossers mirrors that which occurs regularly under the U.S. criminal justice system policy where adults with custody of minor children are charged with a crime and may be held in jail, effectively separating them from their children. Immigrant advocates contend that migrant families are fleeing legitimate threats from countries with exceptionally high rates of gang violence, and that family separations resulting

¹⁴² <https://www.nilc.org/2019/07/08/huds-mixed-status-rule-is-the-latest-attack-on-the-immigrant-community/>

¹⁴³ <https://fas.org/sgp/crs/homesec/R45266.pdf>

¹⁴⁴ <https://fas.org/sgp/crs/homesec/R45266.pdf>

from the zero-tolerance policy are cruel and violate fundamental human rights - such as the ability to request asylum. They maintain that the zero-tolerance policy was hastily implemented and lacked planning for family reunification following criminal prosecutions.

In prior years, most individuals apprehended were single adult males. Family unit apprehensions, which increased from just over 11,000 in fiscal year 2012 to 99,901 in the first four months of fiscal year 2019, and apprehensions of unaccompanied alien children are occurring within the context of otherwise relatively low historical levels of total alien apprehensions. In addition, the national origin of recently apprehended family units and unaccompanied children has shifted to mostly Central American from long-term trends of mostly Mexican nationals.

The zero-tolerance policy was reversed in June 2018, but many reports indicate continued family separations.

11. 2020 Census Citizenship Question

The United States Census is required by the U.S. Constitution and must be conducted every 10 years, with roots in 1790. Participation in the U.S. Census is required by law, as specified in Title 13 of the U.S. Code. This Title also states that identifiable information is private, and the Census Bureau cannot release it.

The Census is important for several reasons. At the most basic level, the census tells us who lives in the United States—their age, race and ethnicity, gender, and other important demographic details. Furthermore, the results of the census determine the number of seats for each state in the U.S. House of Representatives, which determines the number of delegates for each state in the Electoral College, which is important for elections that will take place in 2022 to 2030. Forecasters have estimated that California may lose 1 seat or remain the same at 54 seats. The census results are also used to redraw boundaries for congressional, state legislative, and school districts. Finally, and perhaps most importantly, the census data is used as the basis for the distribution of federal funding and grants as federal programs use this data to appropriate funding to state and local areas for services and resources. It is clear that an accurate and true count is important.

In March 2018, the Census Bureau announced that the citizenship question, asking “Is this person a citizen of the United States?” will be added to the 2020 Census questions. Wilbur Ross, the secretary of the US Department of Commerce, claimed that the citizenship numbers were necessary to enforce the Voting Rights Act’s protection against voting discrimination and that the question was requested by the Justice Department and approved by him.

On March 27, 2018, California Attorney General Xavier Becerra filed a lawsuit against the Trump Administration. The citizenship question is of particular importance to California because of California’s high volume of noncitizen residents. As a result of the harsh anti-immigrant policies stated in the above sections of this paper, immigrants continue to live in fear of deportation or other adverse immigration actions. Therefore, it is projected that due to this fear, many noncitizens may choose not to participate in the census. This means that the count in California may end up being drastically lower than the actual number of individuals living in the

state. An incorrect count places the state in a position of receiving fewer federal dollars than is necessary to fund all resources needed by the 40 million individuals living in California.

In June 2019, the Supreme Court blocked the inclusion of the citizenship question in a New York case. And in July 2019, the Trump Administration decided to abandon the plan to add a citizenship question to the 2020 Census.

PART IV: The State has Taken Actions to Integrate and Defend Immigrants, But More Work Remains

Immigrants, authorized or not, are an integral part of the history, economy, and culture of the United States. Integration is a dynamic two-way process in which immigrants and their surrounding communities work together to build secure, vibrant, and cohesive communities. For newcomers and children, immigrant integration is the process of economic mobility and social inclusion. This process depends upon the institutions and mechanisms that promote development and growth within society.

A healthy society begins with healthy people, especially children, who have the opportunities to succeed socially, economically, and physically. The Children’s Partnership, asserts, “California can continue to build on the progress made at the state level in the last two decades by advancing an inclusive and progressive agenda, reflecting the diverse communities that make up the state.”¹⁴⁵

To provide a more comprehensive overview of the status of immigrants in California, especially the rights and benefits afforded them, the California Senate Office of Research (SOR) has compiled, in English and Spanish, a list of resources available to immigrants. While the information is not exhaustive, it is extensive and incredibly beneficial. The SOR document and this backgrounder should serve as complimentary resources for a thorough understanding of the immigration landscape in California.

A. Early Care and Education (ECE) for Undocumented Children in California

California’s Unruh Civil Rights Act prohibits discrimination by all business establishments based on sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, and sexual orientation.

Specifically, general child care in California is accessible regardless of citizenship status, unless the child or the child’s parent(s) are under a final order of deportation from the United States Department of Justice.¹⁴⁶

The two primary sources of child care funding in California, Child Care and Development Block Grants (CCDBG) and TANF, come from the federal government. As a result, applicants for child

¹⁴⁵ Mental Health

¹⁴⁶ 5 California Code of Regulations Section 18107.

care assistance are, with exceptions, subject to verification of immigration and citizenship status and eligibility is limited to qualified immigrants, including lawful permanent residents and refugees.¹⁴⁷ For CCDBG funds, eligibility is based on the citizenship status of the child, and not the parent. Under CCDBG, administering agencies may not require verification of a parent's citizenship or deny childcare based on parental citizenship status. There are exemptions to the verification policy for non-profits. In contrast, Head Start and Early Head Start are not considered "federal public benefits," and thus immigration status does not impede access.

Child care is not considered a public charge consideration under the former or final public charge rule temporarily stayed by the court.¹⁴⁸ Despite this, because of other public charge criteria, the Center for Law and Social Policy reports that early care and education programs have experienced drops in enrollment, attendance, and parent participation in the six states surveyed. California was one of these states. According to provider in California, "We still have a center that needs children. We used to fill up...but now, we're scrounging for children. They think maybe they're going to be deported if they sign up."

The Center for Law and Social Policy (CLASP) reports that nationally, many ECE programs feel unprepared to meet family's needs. Immigrant families are seeking resources, such as legal advice and clarity on how immigration policies affect them, which are generally not areas of expertise for child care providers. Across various sites, teachers and staff at ECE facilities expressed grief about being unable to provide adequate help in this area.

The childcare industry employs many immigrants. An estimated one-fifth of the early care and education workforce is foreign-born. ECE staff report anxiety about increased incidents of racism and xenophobia. Some of these child care providers are DACA recipients.¹⁴⁹

CLASP provides the following recommendations regarding child care and the immigrant population:

- State and local policymakers should fund coordination and collaboration between ECE and immigrant-serving organizations to improve access to key information that affects immigrant families
- Policymakers should ensure immigrants and their families have a voice in key coalitions, councils, and activities
- State agencies that administer early childhood programs should ensure that programs have access to best practices and training on trauma-informed care and the necessary funding to implement these practices

¹⁴⁷ 6 With CCDBG funds, eligibility is based on the citizenship/immigration status of the child, and not the parent.

¹⁴⁸ <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet>

¹⁴⁹ Id. Separately, note that there are favorable provisions for immigrants for licensing purposes. The website for the California Department of Social Services states that their core mission is to ensure the health and safety of children in care. They work with child care providers, parents, and the child care community to ensure that licensed facilities meets established health and safety standards. All children and families, regardless of age, ethnicity, cultural background, gender, socio-economic status, or ability, are afforded the same protections under law and regulations for child care facilities.

- State agencies that administer public benefits should ensure that immigrant children and families are not deterred from enrolling in critical programs by keeping staff adequately informed and distributing information to families and community partners.
- State agencies that administer public benefits should provide guidance to ECE programs on protecting data and personal confidentiality
- ECE programs should encourage families to create their own deportation safety plans and to share them with program staff

B. K-12 Education for Undocumented Children

State law requires that all children age 6 to 18 attend school. In the 1982 seminal case of *Plyler V. Doe*, the Supreme Court guaranteed undocumented students free access to K-12 education. The State Board of Education filed an *amicus curiae* (“friend of the court”) brief stating:

As educators concerned with the provision of quality education for all children and for the improvement of society through an educated population, the California State Board of Education believes strongly that there is no rational educational or fiscal purpose in excluding children of illegal aliens from receiving the educational opportunities available to all other children.

The ruling in *Plyler V. Doe* prohibited the state of Texas from making funding to local school districts contingent on excluding undocumented children. The court held that the Texas law violated the Constitution’s equal protection clause of the 14th Amendment, which protects “any person” not just “any citizen”.

In 1994, California voters passed Proposition 187, which placed severe restrictions on benefits provided to illegal immigrants. This proposition was challenged in court and determined to be unconstitutional and unenforceable, based on *Plyler v. Doe*.¹⁵⁰

The Migration Policy Institute estimates that 93 percent of school age undocumented children and youth, ages 3 through 17, are enrolled in school. Of those enrolled in school, 27,000 undocumented immigrants graduated from California high schools in 2016. This is 27% of the undocumented high school graduates in the entire nation.

According to Education Trust-West, threats to undocumented youth have increased since President Trump’s election. Ed Trust-West notes some challenges children face at schools and at home:

- Bullying or harassment at school
- Language barriers to learning and insufficient academic support
- Fear that they or family members will be deported and separated
- Less parental participation in school as caregivers fear revealing immigration status

¹⁵⁰ California Education Code Section 48215; *League of United Latin American Citizens v. Wilson* [CD Cal. 1997] 997 F.Supp. 1,244

- Lack of family access to social services, such as food assistance or health care
- Fear of reporting crimes to law enforcement
- Needing to enter the workforce at a young age to support their families, which impacts their ability to focus on and stay in school and relegates them to “under the- table” work without employment protections.
- Lack of access to federal financial aid, making college less attainable. Though state-level financial aid is available, many students do not apply, fearful of the repercussions of revealing personal information.¹⁵¹

In response to these fears, California has implemented some pro-immigrant actions. In 2017, the state created the California Newcomer Education and Well-being Project, which provides supplementary instructional and social adjustment support for youth and their families. The program was received \$10 million for a period of three years through the budget process, chaired in the Senate by Senator Holly J. Mitchell. Eleven school districts participate in the program. The State Superintendent of Public Instruction sent a letter to all K-12 superintendents urging them to declare their districts as a safe haven. Many K-12 districts have passed sanctuary resolutions, and now refer families to community based organizations and legal service providers. They also train counselors or staff to help undocumented students navigate the college application process.

C. Higher Education

The Pew Hispanic Center estimates that one-third of children in families with undocumented parents live in poverty, and there are many undocumented of college-going age. Undocumented students are not eligible for federal financial aid. Poverty and lack of financial aid access, especially in other states, generally contribute to the low college attendance rate.¹⁵² In California, only 40 percent to those ages 18 to 24 (or between 64,000 to 86,000 undocumented students) are estimated to be enrolled in college. When in college, 81 percent of the students are enrolled at the California Community College, 14 percent are enrolled at the California State University, and 5 percent are enrolled at the University of California. The Campaign for College Opportunities asserts, “losing or even underutilizing these talented students poses a threat to our state’s workforce and economy when you consider California needs an additional 1.65 million college-educated workers by 2030.”¹⁵³

While not all DACA recipients are college students, and while not all undocumented students in California have DACA status because of the rules around eligibility, California has the highest number of Deferred Action for Childhood Arrival recipients and program participants. As of August 2018, in the United States, 1,302,000 people are estimated to be eligible for DACA, and

¹⁵¹ https://west.edtrust.org/wp-content/uploads/sites/3/2017/11/ETW_CA-Undocumented-Students-What-You-Need-to-Know-FINAL-April-2017_Jan2018.pdf

¹⁵² https://poverty.ucdavis.edu/sites/main/files/file-attachments/undocumented_students_and_higher_education_0.pdf?1538690803

¹⁵³ ign.org/portfolio/in-their-voices/

699,350 participated in the program.¹⁵⁴ Of those 699,350, California accounts for 200,150 DACA recipients, with an estimated 388,000 being eligible. Los Angeles County accounts for the largest share of DACA eligible individuals: 170,000.¹⁵⁵

California, as a state, has been a leader for higher education access for undocumented students:

- AB 540 (Firebaugh), Instate Tuition.

Signed into law in 2001, AB 540 allows eligible undocumented, legal permanent residents, and U.S. citizen students to pay in-state tuition at public colleges and universities if they:

- i) attend a California high school,
- ii) graduated from a California high school or received an equivalent,
- iii) submit an affidavit to California public college or university that they intend or will intent that they will apply for legal status if they are eligible to do so.

- AB 130 (Cedillo) and AB 131 (Cedillo) California Dream Act

Signed into law in 2011, these bills allow AB 540 students to apply for Cal Grants and non-state funded scholarships. Under the California Dream Act, students could receive “entitlement” Cal Grants but were restricted from accessing “competitive” Cal Grant and could get them after Federal Student Aid (FAFSA) students, who had federal legal status. These provisions made it difficult for AB 540 students to get financial aid.

- SB 1210 (Lara), the California Dream Loan Program

Signed into law in 2014, this act provides AB 540 students with access to DREAM Loans, which offer interest rates that are consistent with those for the William D. Ford Federal Direct Loan Program.

- In 2017, the state approved \$3 million towards Dream Loans for undocumented students at the UC and CSU and \$7 million for emergency aid for undocumented students at the CCC.
- In 2018, Calderon authored AB 1895, the Dream Loan Repayment, which guarantees that California Dream Loan borrowers will have access to the same income-based repayment options that students who utilize federal student loans can access starting in 2020.
- In 2019, Senator Durazo expanded the Dream loan eligibility to students pursuing graduate or professional education.

- In 2017, the state provided in-state tuition for AB 540 students (by allowing for units earned at the California Community College and adult schools to qualify for AB 540 status).

¹⁵⁴ DACA Recipients & Program Participate Rate, by State. Retrieved 9/24/2019 from <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>

¹⁵⁵ https://www.migrationpolicy.org/sites/default/files/datahub/State%20and%20County%20Estimates%20of%20DA-Eligible%20Population_2018.xlsx

- In 2018, the state invested in legal services for higher education by providing \$21 million one-time funds for undocumented students, staff, and faculty at the UC, CSU, and CCC;
- In 2019, the state provided funding in the budget to established the Cal Grant B Service Incentive Grant Program to offer grants to students who are not eligible for federal work study programs and that complete specified volunteer or community service hours, and through Senator Rubio’s AB 1645, requires the CCC and CSU and requests to the UC to designate Dreamer Resource Liaison on each of their respective campuses to help undocumented students access supports and resources.

Erik Ramirez, program coordinator of the Dreamer Resource Center¹⁵⁶ at Sacramento state, in a presentation shared the following: Many students experience financial difficulties, but for the undocumented, the situation is worst. Some continued to pay out of state tuition rates, and many cannot work without DACA, cannot apply to scholarships for U.S. citizens/residents, and cannot receive federal financial aid. Because of restrictions, and lack of opportunities, some have a limited work history or professional experience on their resume. Undocumented Students are also facing a great amount of uncertainty and anxiety around their immigration status, which is a constant worry. They are worried about disclosing their immigration status, are afraid that they or their loved ones will be deported, and are generally uncertain about the future.

The Campaign for College Opportunity, conducted focus groups with undocumented students including those from Los Angeles City College, Los Angeles Harbor College, East Los Angeles College, Los Angeles Trade Technical College, West Los Angeles college, CSU Los Angeles, CSU Northridge, and CSU Long Beach, and UCLA to name some in the relevant geographic space. They said these students raised these general themes:

1. Resources for undocumented students are inconsistent across campuses. About 50 undocumented student centers have opened. Students expressed that the centers are key for them to feel like they belong and that they are supported in their well-being and academic success. However, some centers only have a table with fliers, others can be out of the way, some have little or no staffing, and some are not well visited by DREAMers. The students suggest that more funding can be provided to staff campus positions focused on serving undocumented students; in addition, they suggest that a mandatory one-unit orientation for incoming documented students be put in place.
2. Campus climate is often hostile for undocumented students. Students cited personal experience of professors and administrators who made insensitive comments about undocumented people, and were not mindful of their needs. The students recommend that all California colleges and universities offer the necessary training for administrators, faculty, and staff to increase awareness of the laws, policies, and practices affecting undocumented students. In addition, they suggested the funding of ally training to better support undocumented students.

¹⁵⁶ The mission of the Sacramento State Dreamer Resource Center is to make the dream of a college degree a reality for undocumented students and students with mix-status families at Sacramento State. They focus on outreach, dreamer ally training, expert policy briefing, dream gatherings, dream connections, academics and financial guidance, immigration clinic, grants, and scholarships, etc.

3. Access to financial aid is a key factor in an undocumented students' ability to go to college. Students recommend providing emergency funds to cover basic and special needs like housing, transportation, and legal fees.
4. Undocumented students continue to need access to legal services for themselves and/or their families. Students recommend providing ongoing financial support to ensure the stability and availability of legal services and DREAM Resource Liaisons.
5. Professional experience requirements for graduation or professional development poses a challenge to undocumented students. The students recommend, like the service-incentive grant program, to offer grants to undocumented students who complete specified volunteer or community service hours and meet academic requirements.¹⁵⁷

In contrast to the things that still need to be done, some things are happening. Actions campuses have taken include implementing sanctuary principles on campuses, and some offer training to help faculty and staff advocate for undocumented students.

D. Health

Health is one of the areas where there has been the most significant advances in the recent past, especially for undocumented children. As part of the 2015 budget process, California expanded full scope Medi-Cal to the then estimated 170,000 to 250,000 undocumented children and teens effective May, 2016.¹⁵⁸ In so doing, it joined states like Illinois, Massachusetts, New York, Oregon and Washington, plus the District of Columbia, to provide government health coverage to undocumented immigrant children.¹⁵⁹ The latest data from the Department of Health Care Services shows that for January 2019, 41,851 children are enrolled in full scope Medi-Cal in Los Angeles County along.

Full scope Medical covers medical office visits, hospitalization, and prescription medicines, substance abuse, and needed medical tests, family planning and contraception, pregnancy related health care including pregnancy tests, prenatal care and delivery, post-partum care, and abortion; and mental health.

California Insurance Commissioner Ricardo Lara led the effort to expand health coverage for children when he was a state senator. The Insurance Commissioner had grown up without health insurance in East Los Angeles, and dreaded holidays as a kid because his family "vacation" meant traveling to Mexico to see doctors and dentists, he said at a conference of this year.

The efforts to expand healthcare led to a tangible impact on Californians. For example, Capitol Radio highlighted a story of a high school student who benefitted from the expansion, through which she acquired glasses that allowed her to see the whiteboard at school. The young aspiring Spanish teacher shared that it took a weight off her shoulders, knowing that she could afford treatment if she ever got sick.¹⁶⁰

¹⁵⁷ <https://collegecampaign.org/wp-content/uploads/2019/10/In-Their-Voices-Final-1.pdf>

¹⁵⁸ Sen. Mitchell was the Subcommittee Chair for Health and Human Services, the Senate Budget and Fiscal Review Committee, that heard the issue, and recommended its passage.

¹⁵⁹ <https://www.governing.com/topics/health-human-services/khn-california-immigrant-health-care-children.html>

Dr. Ilian Shapiro of AltaMed Medical in Boyle Heights, east of downtown Los Angeles said that benefits come to other kids that undocumented children interact with on the playground at school, their families, and the general community. Specifically, he mentioned the prevention of diseases from spreading.

A year after the implementation of the healthcare expansion, the number reached a high of 134,374 children.¹⁶¹ In that year, the amount allocated to the healthcare expansion was \$365 million. Having insurance for these California children is not the same as getting services. A recent state audit found that roughly 2.4 million California children eligible for Medi-Cal are not getting preventive services, including lead testing and vision screening. Many pediatricians still will not accept Medi-Cal patients because of the program's relatively low payment rates for doctors according to the audit. The audit also faulted the Department of Health Care Services for doing too little to inform families about the services for which they qualify.

Multiple factors can cause a lack of enrollment and utilization. Enrollment can drop when the economy is good, pricing families out of the threshold to remain eligible for the program. Language barrier could be a problem for applying and utilizing, and the application might be too complex for some. Widespread fear in the immigrant community caused by Trump's immigration policies, like public charge, is another reason, one which was asserted by a health policy research professor, Edwin Park, of Georgetown University. The fear of triggering public charge considerations is making some immigrants miss their appointments, and some are pulling their children out of Medi-Cal or not renewing coverage.¹⁶² Trump's immigration policy also may have the effect of reducing the flow of undocumented immigration into the country, according to the Pew Research center. Additionally, the high cost of housing in the U.S. generally, and California specifically, may also dissuade undocumented immigrants from coming. (Here, it is worth noting that those who are considered undocumented is not the same as those who present at the border for asylum.) Nationally, 4.9 million undocumented immigrants were coming from Mexico into the U.S in 2017 as compared to 6.9 million in 2007. For these reasons, from May 2017 to February 2018, enrollment in the Medi-Cal expansion has fallen to 127,845, down five percent from the year before.

This year, the Legislature and Governor Gavin Newsom, through the budget process, expanded full-scope Medi-Cal for young adults 19 through 25, regardless of immigration status. Officials estimate that 90,000 young adults will join the first year, 75 percent of whom already get

¹⁶¹ The California Health Care Foundation, on May 13, 2016, posted on their website that they were working with other California-based philanthropes and partners to reduce these barriers to maximize enrollment among eligible children. This included:

- Raising awareness through grants and multi-lingual and multi-ethnic media as part of their #Health4AllKids campaign.
- Supporting county social service agencies with Medi-Cal eligibility through training that covers topics such as cultural competency, addressing immigration fears, coordinating with local community-based organizations, and existing children's coverage programs.
- Helping with enrollment and post-enrollment navigation. <https://www.chcf.org/project/medi-cal-expansion-to-undocumented-children/>

¹⁶² <https://www.governing.com/topics/health-human-services/khn-california-immigrant-health-care-children.html>

restricted scope coverage in the Medi-Cal System.¹⁶³ The \$98 million budget allocation provides that the program will start no sooner than January 1, 2020.

The Capital Public Radio story pointed out that the expansion would help people like the aspiring Spanish teacher, who had turned 19, was enrolled in community college, and no longer had health care. This action in the latest budget takes her through age 26.

Advocates of the proposal have asserted that this year's budget investment is cost-effective because prevention and primary care services can help identify problems earlier, reducing cost in the long-term. Critics like Sally Pipes, President of the Pacific Research Institute, oppose the recent expansion because of the cost, and because it will incentivize more people coming, per her assertion. She further asserts that taxes are imposed on people who are here legally to support those who are not. That assertion is partially true, but mostly false and needs to be addressed because it is a prevalent argument in the immigration debate.

The state collects tax revenue from property, personal income, corporate, and sales tax. People, documented or not, can own property in California and pay taxes; but arguably, immigrants are generally poorer and have less money to buy property or more expensive property - though that is a matter of proportion.¹⁶⁴ Undocumented immigrants can work and file income tax in California. There is no provision around undocumented people owning a business, and so undocumented Californians are a part of that tax paying class. Finally, everyone pays sales tax, depending on what and how much they purchase (i.e. gas tax).

It is worth noting that there was a budget proposal to expand healthcare to undocumented seniors 65 and older, but there was not a three-way deal on that proposal. Part of the challenge was the cost of such an expansion.¹⁶⁵ We share this recognizing that immigrant families live in multi-generation households, and what impacts elders also impacts the youth they are in communion with. Additionally, with respect to the budget, any item that cannot receive funding from the federal government means the state will have to pay for it entirely.¹⁶⁶

E. Mental Health

As indicated in PART III, Trump's immigration policies have flamed fear in the immigrant population, both for those who are authorized and unauthorized. "The current Federal Administration's aggressive immigration enforcement policies and inflammatory rhetoric toward immigrant communities have negatively impacted the mental health and well-being of children

¹⁶³ <http://www.ebudget.ca.gov/2019-20/pdf/Enacted/BudgetSummary/HealthandHumanServices.pdf>. Trump, in reaction to California's action, said, "The Democrats want to treat the illegals with health care and with other things, better than they treat the citizens of our country." <https://www.governing.com/topics/health-human-services/khn-california-immigrant-health-care-children.html>. Note, citizen children who are otherwise financially eligible already receive Medi-Cal.

¹⁶⁴ <https://www.ocregister.com/2017/12/22/can-undocumented-workers-get-a-mortgage/>

¹⁶⁵ <http://www.capradio.org/articles/2019/04/29/undocumented-children-can-get-california-health-care-now-gavin-newsom-wants-young-adults-to-have-it-too/>

¹⁶⁶ <http://www.capradio.org/articles/2019/04/29/undocumented-children-can-get-california-health-care-now-gavin-newsom-wants-young-adults-to-have-it-too/>

in immigrant families.” opens a report on immigrant children’s mental health in California in 2018. Stress, fear, anxiety, and depression were the major symptoms shown, resulting in greater distractions at school and struggles in the home.

As a result of the magnitude of fear, the Children’s Institute convened people to discuss the matter and to provide recommendations for how to alleviate the situation. Stakeholders recommended the following actions:

1. Strengthen Community Safety to Ensure that Children, Youth, and Families Feel Secure and Supported in their Communities
 - Federal legislation to expand safe spaces for ICE actions from school to also include childcare centers and private playgrounds.
 - State law to ensure that state information is not shared with the federal government.
 - State agency staff and administration officials should support the full implementation of California law, including SB 54 and AB 699, that protect immigrants and their families in their communities.
 - A thorough assessment to identify what steps individual health clinics or the state is taking to support community needs and the gaps that still exist.
 - State association representing educators, health and social services providers, and businesses should support the implementation of SB 54 through member education, public awareness, and adoption of safe space policies in health care and social service settings.
 - California schools should implement AB 699 and provide safe spaces for parents and family to express concern and learn about immigration policy, including programs that educate families about their rights.
 - The California Department of Education should encourage Local Educational Agency to address School Climate (Priority 6) in their Local Control and Accountability Plan, directly linking opportunities to create welcoming environments, particularly for students in immigrant families, with state requirements.
2. Invest in Community-Based Approaches and a Community-Based Workforce to Support Immigrant Families
 - Local government philanthropic organizations should support legal services and advocacy organizations in training existing health navigators, enrollers, and community health workers, and by expanding the workforce to educate immigrant families about their rights and advocate for policy changes.
 - State and local government should distribute information and resources, train staff, and expand community engagement and partnership programs for local residents in innovative ways and support model practices.
 - California state agencies and philanthropic organizations should provide incentives for schools to become forums for educating families about their rights and to create programs to support them, expanding upon and developing other

school based campaigns that provide information to immigrant families across the state.

- Philanthropic organizations should invest in the identification, strengthening, and replication of leadership networks that empower residents to educate their communities.
- Researchers should partner with community members to identify, evaluate, and expand upon community-based therapy models that work, including alternative or non-traditional methods of care.

3. Improve Access, Coordination, and Integration of Services to Reduce Barriers for Immigrant Families

- Federal policymakers should stop efforts to discourage immigrant families and children from accessing nutrition, health, and other programs and services.
- State policymakers should grant all low-income adults, regardless of immigration status, access to health care services that would allow them to live healthier lives and prevent the onset of illness to better care for their children.
- Local policymakers should adopt or expand upon county programs to provide health care services to their residents and build momentum for statewide coverage solutions.
- State and local policymakers should provide more stable and flexible funding sources that create incentives for integration and collaboration between health clinics, community-based organizations, schools, legal services, and more.
- State and local policymakers should provide stable and flexible funding sources to create incentives that identify and chip away at the social determinants of health.
- State agencies should develop a system across the state that identifies mental health care that is culturally competent and contextually aware of their unique needs to support referrals
- Community organizations should offer safe spaces for their community members to share mental health impacts.
- Philanthropic organizations should support researchers to evaluate existing and new integrated service delivery models to refine and expand what works.
- Philanthropic organizations should also support and evaluate options that build on the skills and social capital of volunteers to provide support to immigrant families needing multiple services.

4. Build Capacity of Providers, Educators, and Others who Interact with Immigrant Families

- Department of Homeland Security should strengthen and train staff on protocols to minimize harm to children if they are present during immigration enforcement actions. They should also ensure that detained or deported parents are able to make decisions about their child's care.
- State agencies should include trauma-informed care training as part of Continuing Medical Education, medical school curriculum, teacher and school administrator training, and licenses for social workers and other mental health professionals.

- California should adopt a statewide trauma-informed care strategy for child-serving programs and initiatives that is adapted to include the unique needs of immigrant families.
 - Health plans, hospitals, and clinics should conduct education and outreach policy in newsletters and trainings to their frontline staff, providers, and executives regarding the impacts of immigration enforcement.
 - Philanthropic organizations should support the dissemination of Know Your Rights training to a wide array of sectors working with immigrant families.
5. Educate and Engage Communities about Immigrant Rights and Build Public Will to Take Action
- Advocacy groups and philanthropic organizations should continue to share accurate information related to the immigrant community and recognize immigrant contributions.
 - Policymakers and agency leaders, at the state and local levels, should more frequently highlight the value of immigrants and immigrants' rights publicly with mainstream and ethnic media.
 - They should also use their platform to partner with community-based organizations to spread clear messages that educate immigrant families on immigration policy and their rights.
 - Philanthropic and advocacy groups should create partnerships with ethnic and mainstream media to provide Know Your Rights information, programs where people can ask questions, and other helpful educational programs, rather than perpetuating terrifying stories about immigrants.
 - Advocacy groups should mobilize and organize as a way to build on families' resiliency.
 - State voter engagement efforts should strategize at the neighborhood level and take on the role of advocating on behalf of their local communities, including immigrant families.
 - Philanthropic organizations, advocacy groups, and researchers should raise awareness among the public and policymakers about the importance of children of immigrants to California's future.

In addition to the above recommendations of the Children's Institute, staff have concerns about whether children are receiving mental health services through full-scope Medi-Cal on account of the fear they are experiencing. Full-scope Medical covers mental health services, but the level of services provided to this population is again not clear. When possible, instead of providing more funding to do the job of what ought to be available, we should leverage services for which the state is already paying for. In so doing, we might be able to save money to invest in other services.

F. Child Welfare

Recent demographic trends and a rapidly changing immigration policy landscape, including rising federal immigration enforcement, have important implications for state and local child welfare agencies and the children in their care.

Children of immigrants, like other U.S. children, may enter the child welfare system if there are reports of abuse or neglect. Children with parents who are unauthorized immigrants may also enter the child welfare system if U.S. Immigration and Customs Enforcement (ICE) arrests, detains, or deports a parent. For that reason, some legal non-profits are encouraging families to be prepared and to designate family or friends who can step in to take care of children if parents are detained or deported. Ironically, fear of immigration enforcement may make some families with unauthorized immigrant members wary of engaging with government entities, including child welfare agencies, who are mainly interested in making sure that children have safe people that they can be with, especially in a system that generally suffers from having sufficient foster parents.

Parents who have been detained can find it difficult to keep up with cases involving their children. Additionally, immigrant families can face unique challenges when it comes to interacting with child welfare professionals, including those linked with cultural misunderstandings and limited English proficiency.

In 2012, the California Reuniting Immigrant Families Act (SB 1064) was passed to protect children and immigrant families. SB 1064 does the following:

- Prohibits immigration status as being a qualifying component of placement. Additionally, it allows the child welfare agencies to place children with relatives abroad.
- Places reasonable efforts on the child welfare agency to assist parents in reunifying with their children, even when parents have been detained or deported.
- Permits juvenile court to extend the timeliness for family reunification based on barriers caused by the parent's detention or deportation.
- Requires CDSS to provide guidance to child welfare agencies on assisting children eligible to apply for Special Immigrant Juvenile Status (JIJS), T and U visas, and VAWA self-petitions.
- Encourages child welfare agencies to enter into Memorandum of Understanding with foreign consulates to help facilitate information sharing and cooperating regarding the children California's child welfare system. Foreign consulates can help with obtaining or providing birth certificates, and other documentation for children, locating a parent detained in ICE custody, facilitating family reunification.¹⁶⁷

¹⁶⁷ <https://www.ilrc.org/sites/default/files/resources/immigration-childwelfare-report.pdf>

There is fear that in many counties in California, the child welfare system is not adequately prepared to handle children with undocumented status, for various reasons, including the possibility of deportation once they turn 18.

In contrast, Los Angeles County is a jurisdiction that is aware of and willing to address the needs of undocumented children in its child welfare system. Los Angeles has two approaches for doing this: 1) Dedicated office with immigration-related responsibilities; 2) Designation of a dedicated liaison or resource person. Caseworkers initially screen unauthorized immigrant minors for potential eligibility for immigration benefits and refer those who may be eligible to the central Special Immigration Status Unit for further assistance.¹⁶⁸

SB 1064 encourages, but does not require MOUs with other countries. But Jurisdictions like Fresno, Monterey, San Diego, and Los Angeles have these MOUs that lay out each party's responsibilities when foreign nationals or children of foreign nationals are involved with U.S. child welfare agencies. It is worth asking why these MOUs should not apply to all children in the child welfare system in California and not just the counties that decide it is something they want to do.

G. Poverty

First, it should be noted that various poverty measures that are all different with different standards. New data from the U.S. Census Bureau's supplemental poverty measure shows roughly 7.5 million Californians, about 19 percent of the state population, live in poverty. California is one of the three states tied for the highest poverty rate, alongside Florida and Louisiana. The poverty rate is 14 percent for the U.S."¹⁶⁹ Furthermore, when looking at the health and well-being of children using the California Poverty Measure, 24 percent of young California children 0-5 and also 24 percent of children 6-17 live in poverty.¹⁷⁰ Of those children, approximately 172,600 are in deep poverty across the state with resources averaging \$12,500 per year.¹⁷¹ Los Angeles, one of the highest poverty rate areas in the state, has poverty rates for children that varies greatly across regions, with the rate being four percent and 68 percent between the southwestern and southcentral part.¹⁷²

Amongst young children, immigration, single-parent status, and those without English proficiency are more likely to be poor. The poverty rate for children with non-English proficient parents is 42 percent, with immigrant parents it is 40 percent, higher than the 2017 statewide rate of 24 percent.¹⁷³

¹⁶⁸ <https://www.migrationpolicy.org/research/immigrant-families-child-welfare-systems>

¹⁶⁹ Capital Public Radio. "California as One of the Nations Highest Poverty Rates, Again." Retrieved on 9/20/2019 at <http://www.capradio.org/articles/2018/09/12/california-has-one-of-the-nations-highest-poverty-rates-again/>

¹⁷⁰ Public Policy Institute of California report titled "Geography of Child Poverty in California." Retrieved on 9/19/2018 at <http://www.ppic.org/publication/geography-of-child-poverty-in-california/>

¹⁷¹ See *supra*.

¹⁷² Geography of Child Poverty in California, Sohn and Caroline Danielson, February 2017, Public Policy Institute.

¹⁷³ The PPIC notes that immigration does not correlate with poverty in all regions, and in places like Oakland, the rate is very different.

The Public Policy Institute states that safety net programs reduce child poverty, though it has more impact in lower-cost regions. Poverty has an adverse impact on children's educational, employment, and health outcomes over the longer term.

For American born children of immigrants, access to public benefits is not an issue. For undocumented immigrant children, access to public benefits is an issue. Under the Personal Responsibility and WORK Opportunity Reconciliation Act of 1996, welfare and benefits are limited to citizen children and with permanent legal status who have resided in the country for five years. Under even DACA are ineligible to receive federal public benefits like Supplemental Nutrition Assistance Program (SNAP), Social Security Income (SSI), and Temporary Assistance for Needy Families.¹⁷⁴

In short, there is very little recourse to alleviate poverty through public benefits programs for undocumented and some legal immigrants through the federal government as it stands. For that reason, advocates in the immigrant community have identified the state as a potential source of funding to help the immigrant population in general, and children in particular.

Last year, and the year before, as part of the 2019 budget process, advocates pushed the Legislature and the Governor to expand the funding of the California Earned Income Tax Credit (CA EITC), modeled after the federal Earned Income Tax Credit (EITC), to include family units with so called Individual Taxpayer Identification Numbers (ITIN). In 2015, ITINs paid \$23.6 billion in federal. This budgetary and policy request has not come to fruition.¹⁷⁵

The federal EITC has been shown to be a good poverty reduction program for families that have relatively low earnings. Advocates saw this as one way of getting needed financial help to a population that, statistically, indicated the need for help. This would be another step in expanding public benefits to undocumented immigrants as was the case in health care.

PART V: THE PHILOSOPHICAL AND MORAL ISSUES IN IMMIGRATION

Immigration is a difficult topic to discuss and write about. For that reason, we started you out with the facts of our immigration history so that you can draw conclusions on your own. We also wanted to show what immigration, means - in practical terms - for people who do not have citizenship status. While debates are important to have, at the end of the day, what we do with the lives in front of each of us might be more important than quotas, forms, lines, and court dates. In short, how do we help our neighbors integrate, and what can we learn from them and vice-versa. To that end, the American Psychological Association (APA) advocates for practical, humane immigration policies that consider the needs of immigrants and particularly their families. Like the APA, our state investments are practical responses to alleviate harm and suffering.

¹⁷⁴ Note that undocumented children are eligible for the Women, Infants, and Children (WIC) program.

¹⁷⁵ <https://www.sacbee.com/news/politics-government/capitol-alert/article231186638.html>

While a practical framework around immigration is likely best, the principals, morals, and views of race and ethnicity as exemplified through borders and “legal” status are also important to examine. On one hand, but for Native Americans, we are all immigrants or come from ancestors who were themselves immigrants.¹⁷⁶ Aspirations and motivations: the need to run away from conflict, the desire for physical safety, and the quest to “be more” are primal urges that compels us to move. Without these instincts, as immigration history demonstrates, California and Los Angeles would not be what it is today. It is a large metropolis with a diverse colors, national makeup, many ethnic origins all living together in relative peace and harmony. There is something very beautiful about that. Even when racial and class divides still exist - blemishing that beauty.¹⁷⁷

On the other hand, should anyone who wants or needs to come the United States be able to do so? If the answer is yes, then what we have at all our borders, North and South, is an open border that enables the free movement of people (and/or goods) with no restrictions on movement. Notably, before the 1880s, migration to the United States was not fully controlled.

These are some fundamental, and possibly, extreme questions worth examining when it comes to immigration. What are borders anyway? Why do they need to exist? And in the end, what purpose do they really serve? Do I want others to have the same opportunities as I do? Am I okay with my taxes going to pay for residents of my community, who are born outside of the country?

John Washing, in the Nation, quotes Greg Grandin, author of the *End of the Myth: From the Frontier to the border Wall in the Mind of America*, in asserting that border walls represent “the absurdity of human efforts to force the concrete to conform to the abstract.” For him, people should be able to leave their country and enter a new one freely, without penalty, and without forcing them underground economies or worse things. In an open border society, violence would be reduced by avoiding “unseaworthy ships captained by smuggler, ford dangerous rivers to bypass visa restrictions, or trek across remote deserts to avoid violent border guards.”

Washing thinks borders are inherently unequal. He does not understand why a child born on the Mexican side of the border should be relegated to relative hardship, while a child who happens to be born in the United States can obtain greater opportunity, privilege and bounty. Joseph Carens, in his book the *Ethics of Immigration*, writes that birthright privileges grant “great advantages on

¹⁷⁶ <https://www.thenation.com/article/open-borders-immigration-asylum-refugees/>. Humans, are apparently one of the most widespread migratory species animal, along with starlings and cockroaches. Additionally, that instinct is enshrined in Article 13 of the Universal Declaration of Human Rights: Everyone has the right to leave any country, including his own, and to return to his country.”

¹⁷⁷ <https://www.cfr.org/backgrounders/us-immigration-debate-0> A2019 Gallup poll found that 76 percent of Americans considered immigration a good thing for the United States.

the basis of birth but also entrench those advantages by legally restricting mobility, making it extremely difficult for those born into a socially disadvantaged positions to over that disadvantage, no matter how talented they are or how hard they work.” He further notes that corporations and capital are not contained by borders the way people are.

Washing makes the case for a borderless nation by asserting that one of the drivers of immigration is climate change, because of accelerated displacement projected across the globe, hardened borders are not sensible as free movement is imperative.

Washing acknowledges some of the main rebuttal to his arguments: wouldn't there be an influx of migrants, wouldn't wages decline, wouldn't people need more government services, wouldn't crime increase...all of which are likely true he writes. But he asserts that what's also true is that there could be more freedom, more equality, and more justice if we have open border.¹⁷⁸ “All movements need an anchor in shared positive vision, not a homogenous or exact or perfect condition, but one that will nonetheless dismantle the hierarchies, disarm concentration of power, guide relations, and nurture individual autonomy alongside collective responsibility.”

While some people either believe in the utopia of cultural diversity or do not mind change, or both, some like things the way they are and define themselves in relationship to the “other” - the ones that Trump keeps talking about in very bad terms. It could be argued that those people just want cultural continuity need to have some sort of control in how their nation develops, including the values that are contained in public culture - especially if those values replicate that of their past. Cultural continuity though might be just another way of saying that some people live in fear of the “other” – generally, and specifically immigrants, Muslims, and minorities per the latest political tactics on immigration, as mastermind by people like Stephen Miller.¹⁷⁹ That fear of the other is further warped when a person born in the country, frequently a white person, sees the “other” doing better than them, as they continue to be stuck in low wage work.¹⁸⁰

Some people, arguably some swath of Trump voters, are worried about the economy and fear that immigrants coming to the country might take jobs from them, or lowered wages, or get services, like health care - for free. The reaction to California's healthcare expansion to young adults regardless of immigration status provides evidence of that. Others prescribed to a more egalitarian mindset. For context about proportionality, in a Washington Post-ABC poll conducted June 28 through July 1, 40 percent of Americans approve of Trump's action, as compared to the 57 percent that do not.

¹⁷⁸ Note, the notion of open border does not work if only one nation participates. Movement is the coming and going from one place to the next, with the nation state being the jurisdiction most implicated, even as migration happens in nations, between states, such as the case with the United States.

¹⁷⁹ <https://www.washingtonpost.com/graphics/2019/politics/stephen-miller-trump-immigration/>

¹⁸⁰ <https://www.axios.com/donald-trump-immigration-policy-focus-group-reaction-6d153f37-1b39-4a19-ad5b-cfdaf48a2c0.html>; <https://www.voterstudygroup.org/publication/story-of-trumps-appeal>

What is interesting and sad about the immigration debate is: not only is it literally ripping families apart, it is also ripping the country apart and adds to our divide as the two main sentiments of human nature, to share and not to share, are at schism with one another. In this debate, we cannot fully decide between one or the other, and so we end up going down the rabbit hole of determining and trying to reach an agreement about whose deserves permission. Almost all of immigration law is based on this notion of being deserving or not, including DACA. And so, as the clogged up and expensive immigration system prioritizes people to grant or deny authorization, many will continue to come and present themselves at the border, and others will come through at non-official points of entry because of the choices they have (and don't), America is still their best choice.