

**IMMIGRATION IN TARRANT COUNTY
FACTS AND ISSUES
LEAGUE OF WOMEN VOTERS OF TARRANT COUNTY
FEBRUARY 2007**

At our May 2006 Annual Meeting, The League of Women Voters of Tarrant County voted to study *The Impact of Immigration on the Tarrant County League area with a focus on criminal justice, public education, and the workforce*. The Study Committee agreed to expand the focus to cover housing in response to local efforts to punish landlords for renting to undocumented persons.

The Texas Comptroller's *Special Report: Undocumented Immigrants in Texas* (December 2006) found that:

- The estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 added \$17.7 billion to our gross state product.
- Undocumented immigrants produced \$1.58 billion in state revenues.
- They received \$1.16 billion in state services.
- Local governments bore the burden of \$1.44 billion in uncompensated health care costs and local law enforcement costs for undocumented immigrants not paid for by the state or federal government.

DEMOGRAPHICS

The U.S. Census Bureau's latest American Community Survey (ACS) provides the following demographic estimates for Tarrant County as of July 1, 2005.

- Population 1,595,715, up 149,496 since 2000.
- Foreign born population 240,154 up 56,931 since 2000.
- Foreign-born population who were not U.S. citizens, 171,404 (71 percent of the foreign born) up from 69 percent in 2000.
- In 2000, only 12.7 percent of the total 2000 County population was foreign-born.
- 38 percent of the population increase between 2000 and 2005 was foreign-born.
- In 2005, more than 2/3 of the foreign-born were from Latin America, primarily Mexico.
- Almost 2/3 of the persons added to the Tarrant County population between April 2000 and July 2005 were of Mexican descent.

Based upon national and Texas ratios of foreign-born to undocumented, we estimate that nearly 100,000 persons in Tarrant County are undocumented immigrants.

EDUCATION

The school districts do not collect data on the citizenship or immigration status of students. Therefore, we have only a general idea of the impact of immigrant children on the school systems in Tarrant County. The impact includes the additional students resulting from foreign immigration and the extra services these students require. While we don't know how many children are added to the system or their impact on various social services, we do know the number of students enrolled in Limited English Proficiency (LEP) classes. This can give a very rough idea of the numbers of immigrant students.

According to the Texas Department of Education latest statistics, 14.5 percent of the 311,031 students enrolled in public schools in Tarrant County are LEP students. However, this number is likely understated because the state does not release numbers of students if there are less than 5 students in a class. Although there are a wide variety of languages spoken, 71 in Arlington alone, the top two languages are Spanish with 12.5 percent and Vietnamese with 0.7 percent.

Of course, we have no way of knowing how many immigrant students either come with good English skills or acquire them fast enough to be mainstreamed. We also have no idea how many (especially in the lower grades) come from native-American families where English is not spoken. The number of LEP students falls off sharply as grade levels rise. We would hope that is because students become English-proficient. However, those who don't learn English are more likely drop out of school. We have been unable to find cost statistics for LEP students versus regular students, though the cost is likely higher.

As our world economies becomes more and more interconnected, students from different cultures, speaking languages other than English, should probably be considered community assets, rather than burdens.

CRIMINAL JUSTICE

According to a Deputy Fort Worth Police Chief, the police department does not track undocumented persons in their system, nor do they arrest immigrants for failure to have documents. "We make arrests only for criminal activity. These people are here to work and take care of their families. They go out of their way to stay out of trouble with the law. If they should be cited for class C offences (traffic violations, no insurance, parking tickets), they pay the fine." Fort Worth has a contract to house 35,000 inmates per year. The population fluctuates on a daily basis. Fort Worth does not file for any of the federal reimbursements. Therefore, there is no need to

track or budget funds by immigrant status. Should an undocumented immigrant be arrested, INS is called immediately for pickup and deportation.

According to the Tarrant County Budget Office, undocumented immigrants are tracked upon entering the system. The U. S. Marshall's office is notified immediately for pick up. A request for reimbursement is filed monthly with the federal State Criminal Alien Assistance Program (SCAAP). Those arrested for felony criminal acts are immediately transferred to the Federal system. They are not indicted in our local courts, nor do they become part of the County Criminal Justice system. They are prosecuted by the federal courts. If no federal crime has been committed, INS is called for immediate pick up and deportation. On one day recently, three undocumented immigrants were being held in the Tarrant County jail facility. The jail has a 3,500-person per day capacity.

The local data appears to conflict with the aforementioned State Comptroller's study that estimated incarceration of undocumented immigrants cost Tarrant County almost \$2.5 million in 2005. The federally-funded State Criminal Alien Assistance Program (SCAAP) partially compensates states and local governments for the incarceration of certain undocumented immigrants. However in recent years, the funding has been severely reduced and the Bush Administration's proposed 2007 budget has no allocation for the program.

WORKFORCE

Under the Immigration Reform and Control Act of 1986 (IRCA), employers may hire only persons who may legally work in the U.S. (citizens and nationals of the U.S. and aliens authorized to work in the U.S). The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). Employers must keep each I-9 on file for at least three years, or one year after employment ends, whichever is longer.

Provisions of IRCA preempt any state or local law from imposing civil or criminal sanctions upon those who employ or recruit or refer for a fee for employment, unauthorized aliens. As a result of IRCA, data on the percentage of the workforce in Tarrant County which is foreign-born or undocumented has been impossible to obtain. Our discussion, therefore, is based upon state and national studies on this issue.

The Pew Hispanic Center's study entitled *Growth in the Foreign-Born Workforce and Employment of the Native Born* (August 2006) provides some interesting information:

- In Texas, between 1990 and 2000, foreign-born population growth and native-born employment rates had a positive correlation, meaning that native-born workers were not hurt by the influx of foreign-born workers. We could not find post-2000 data on this.
- In 2000, an estimated 16.4 percent of the Texas labor force was foreign-born.

A study by the Congressional Budget Office entitled *The Role of Immigrants in the U.S. Labor Market* (November 2005) offers the following facts:

- Nearly all workers age 25 and older who were born in the U.S. have completed at least nine years of education while 18 percent of the foreign-born workers have completed eight years of education or fewer.
- About six percent of native-born workers don't have a high school diploma or a GED compared with 29 percent of foreign-born workers. The high percentage of foreign-born workers without a diploma or GED has come primarily from Mexico and Central America.
- Among people ages 16 to 24, those born in Mexico or Central America are less than half as likely to be in school as natives or immigrants from other parts of the world. Immigrants from the rest of the world are much more likely to have taken graduate courses or obtained a graduate degree than are native-born workers. Note that almost 2/3s of the foreign-born in Tarrant County are from Latin America, primarily Mexico and Central America.
- In most age groups, a higher percentage of men from Mexico and Central America are in the labor force than are native-born men or other male immigrants. Despite their lower educational attainment, men from Mexico and Central America had a similar unemployment rate in 2004 (5.6 percent) as native-born men (5.7 percent).
- 2004 labor force participation rates for foreign-born women from Mexico and Central America was almost 10 percentage points below that for native-born women and their unemployment rate was 3 percentage points higher.
- Almost half of all workers from Mexico and Central America are in three of 22 occupational groups: production; construction and extraction; and building and grounds clearing and maintenance. Three-quarters of workers from Mexico and Central America are in relatively low-education occupations compared with only one-quarter of native-born workers.

This CBO study postulates that the arrival of large numbers of immigrants with little education has probably slowed the growth of wages of native-born high school dropouts, at least initially. Recent estimates of the effect of two decades of growth in the foreign-born workforce on the average earnings of native-born high school dropouts have ranged from negligible to an earnings reduction of almost 10 percent. The wide range in the estimates reflects, in part, the uncertainty surrounding what employers and native workers would have done. As reported in the *Wall Street Journal's* [An Immigration Raid Aids Blacks -for a Time](#) (January 17, 2007), when federal agents raided a chicken processing plant in Georgia, the company lost 75 percent of its mostly Hispanic worker-force. It

replaced the immigrants by hiring residents from the surrounding area, primarily Blacks. Wages rose from \$6.00 per hour to between \$7.00 and \$9.00. However, job turnover has been very high. The company still needs about 300 workers and is now bringing in Laotian Hmong workers from Minnesota and Wisconsin. The Hmong's were refugees from the Vietnam War era.

Not all immigrants are low-paid for low-skilled. Duke University's study entitled *Americas New Immigrant Entrepreneurs* (January 2007) found that

- 25% of technology and engineering companies started from 1995 to 2005 had at least one key founder born outside the U.S., many of them from India.
- These companies employed 450,000 workers and generated \$52 billion in sales in 2005.
- The states with an above average rate of immigrant technology and engineering companies included California (39%), New Jersey (38%), Georgia (30%), and Massachusetts (29%).
- Texas was below average at 18%.

HOUSING

The Fair Housing Act (the Act) prohibits discrimination because **of race, color, religion, sex, national origin, disability, and familial status** in most housing related transactions. Further, the Act makes it unlawful to indicate any preference or limitation on these bases when advertising the sale or rental of a dwelling. The Act also prohibits harassment of anyone exercising a fair housing right and retaliation against an individual because s/he has assisted, or participated in any manner, in a fair housing investigation.

The Act does not prohibit discrimination based solely on a person's citizenship status. Accordingly, asking housing applicants to provide documentation of their citizenship or immigration status during the screening process does not violate the Fair Housing Act. In fact, such measures have been in place for a number of years in screening applicants for federally-assisted housing. However, landlords who are considering implementing similar measures must make sure they are carried out in a nondiscriminatory fashion. For example, all immigrants must be treated in the same manner.

Under the Fair Housing Act, the Department of Justice may bring lawsuits where there is reason to believe that a person or entity is engaged in a "pattern or practice" of discrimination or where a denial of rights to a group of persons raises an issue of general public importance.

Several city councils, including Hazelton, Pennsylvania, Escondido, California and Farmers Branch in our own immediate area, have passed ordinances prohibiting rental of dwellings or apartments to undocumented immigrants. The ACLU and the Mexican American Legal Defense and Education Fund have filed a lawsuit against Farmers Branch. A State District Judge in Dallas has issued a temporary restraining order against the city from enforcing the ordinance and a hearing for a permanent injunction was set for January 22nd.

REFUGEES

Among the foreign-born are refugees, persons living outside their country of origin who cannot return to their home due to fear of persecution based on their race, religion, or membership in a particular social/political group. The number and nationalities of refugee arrivals to the United States is determined each year by Congress and the President. Texas receives approximately 4,500 refugees per year. Recent newspaper reports indicate that Iraqis are being admitted to the U.S. as refugees in only very small numbers, if at all.

The Refugee Resettlement Program is 100-percent funded by federal funds from the Office of Refugee Resettlement (ORR), Administration for Children and Families, within the Department of Health and Human Services. These programs are administered by the Texas Department of Human Services (TDHSS), Office of Immigration and Refugee Affairs (OIRA). In Tarrant County Catholic Charities Diocese of Fort Worth and World Relief provide refugee services through contracts with TDHSS. The goal of the Refugee Resettlement Program is to help refugee families attain economic independence and cultural adjustment as soon as possible after their arrival in the United States. The Refugee Resettlement Program provides

- temporary cash assistance,
- medical assistance for refugees who have lived in the United States for eight months or less, and
- social services to eligible refugees who have lived in the United States for five years or less.

IMMIGRANT VISAS

An immigrant visa is issued to a foreign national who intends to live and work permanently in the U.S. In most cases, a relative or employer sponsors the individual by filing an application with the U.S. Citizenship and Immigration Services. The application is later forwarded to the appropriate U. S. Consulate or Embassy overseas for continued processing and issuance of the immigrant visa to the intended immigrant, if eligible.

The quota system is designed to ensure that only a certain number of non-citizens become legal permanent residents (Green Card holder) every year. Candidates for permanent residency are categorized by the group who sponsors them: immediate relatives, family-based immigrants, and employment-based immigrants.

Immediate relatives can always receive a Green Card without any numeric limitation. To qualify, you have to be either the spouse or unmarried minor child (under 21) of a U. S. citizen, or you have to be a parent of a U.S. citizen, and the U.S. citizen child must be 21 years or older.

Family-based immigration categories have a limit of 226,000 annually.

- Family 1st - unmarried sons and daughters of U.S. citizens, any age (23,400).
- Family 2nd - dependents of Green Card holders (114,200 limit).
- Family 3rd - married sons and daughters of U.S. citizens (23,400).
- Family 4th - brothers and sisters of U.S. citizens (65,000).

Persons who qualify in one of the family-based categories, typically wait from 2 or 3 years to well over 20 years to be allowed entry.

The three steps to obtain a green card through employment are labor certification, petition, and either adjustment of status or consular processing.

The labor certification is proof that the employer needs to hire somebody from outside the U.S. because the position cannot be filled with an American. Employer requirements are as follows:

- Offer at least the prevailing wage for this occupation to ensure that you don't get the job simply because you underbid Americans.
- Track any received resumes, and why the applicants were not hired.
- Justify any unusually restrictive job criteria, in particular, foreign language skills require a very solid business reason.
- Advertise the positions in a newspaper. Internet-only advertising is not acceptable, although the Department of Labor recognizes the internet as one allowable venue for job advertisements.
- Provide proof that all applicants have been contacted and invited for an interview.

There are actually two quota systems. The first quota system limits the number of people who can apply in each category, regardless of their country of birth. The second quota limits the number of people who can immigrate from any one country. No one country can represent more than seven percent of the total worldwide immigration (currently 25,620.). This quota is the same for every country. India, and China have the same quota as Nauru (population 10,000).

HEALTH CARE

LWV Tarrant County expanded its position on Health Care in the spring of 2006. That position is as follows: *The League supports the continuation, improvement, and expansion of health services for the medically indigent in Tarrant County, including undocumented immigrants, in order to overcome barriers to accessibility."*

As a result of our new health care position, we have joined Allied Communities of Tarrant (ACT) in calling for a change in the policy of the Tarrant County Hospital District (JPS) that refuses to provide non-emergency care and other required services to poor individuals who do not have documentation of citizenship. Undocumented immigrants who can pay for services or are covered by insurance are treated in JPS clinics. However, JPS is the only urban county hospital district in Texas that does not fund non-emergency care for all its low-income residents. Last summer, LWV Tarrant county joined ACT and others in asking for the policy be reversed, but JPS said they needed to know how much this expanded service would cost. JPS has since funded a study, expected in June 2007, to determine the cost of serving low-income, undocumented residents in Tarrant County.

One of our members, Ann Sutherland, spearheaded an ACT-sponsored study of JPS which found the following information:

- According to the most recent audit, JPS made \$17 million profit on charity care alone in 2005.
- This \$17 million could provide over 150,000 office visits to sick Tarrant County residents.
- JPS had a total of over \$300 million in reserves, proportionately more than most other urban hospital districts.
- ACT estimates the cost of including poor, undocumented Tarrant County residents would be between \$2 and \$4.2 million, well below the \$58 million total profit JPS made just last fiscal year.

The ACT study further recommends that JPS set aside \$10 million (approximately two percent of their operating budget) for this and other services to needy Tarrant County residents.