



Testimony of

**Margie McHugh**  
Co-Director, National Center on Immigrant Integration Policy  
Migration Policy Institute

*Addressing the Immigration Status of Illegal Immigrants  
Brought to the United States as Children*

Before the  
House Judiciary Subcommittee on Immigration and Border Security  
U.S. House of Representatives  
Washington, D.C.

July 23, 2013

Chairman Gowdy, Ranking Member Lofgren and Members of the Subcommittee:

Good afternoon. I am Margie McHugh, and I am Co-Director of the National Center on Immigrant Integration Policy at the Migration Policy Institute (MPI), an independent, non-partisan think tank in Washington that analyzes U.S. and international migration and immigrant integration trends and policies. Thank you for the opportunity to testify today on the topic of “Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children.”

For over a decade, a select group of unauthorized immigrants—young adults who were brought to the United States as children and do not have a means to acquire legal status—has acquired a unique place in immigration policy discussions and legislative efforts. As you know, these young people are often referred to as DREAMers, a reference to the Development, Relief and Education for Alien Minors (DREAM) Act, which would provide a path to legalization for those who meet its higher education or military service requirements. This bipartisan legislation was first championed in 2001 by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL), and since then has been introduced regularly both as a stand-alone bill and as part of broader comprehensive immigration reform bills.

While this hearing is not about specific legislation, I have been asked to testify about the broad demographics of the population of young immigrants who were brought here as children and have since established deep roots in this country. To our knowledge there are no general analyses of the entire unauthorized youth population under, for example, age 18 or unauthorized immigrants regardless of age who arrived in the United States as children. My testimony will therefore rely on and summarize MPI’s prior analysis of the potential DREAM Act population as this provides our best available proxy for the unauthorized youth population. After discussing the size and characteristics of this population, I will then turn to a discussion of some of the barriers that young immigrants could face in meeting education or military service requirements that have been a feature of prior legislation, including challenges in paying for a college education, meeting caregiving and other family responsibilities and, for some, filling gaps in their English proficiency and academic skills before enrolling in college.

## **I. Size of the Population**

While we do not know the specific provisions that might emerge from final immigration legislation in the current Congress, there are several key criteria that have held constant across this policy debate since it first arose in 2001. The target population for our analysis therefore includes individuals who:

- Have entered the United States before age 16
- Have been continuously present in the United States for at least five years prior to the legislation’s enactment

Prior bills would create a path to legal permanent residence and naturalization for those who meet education or military service requirements. Specifically, applicants would be able to earn permanent residency if they:

- obtain a degree<sup>1</sup> from an institution of higher education or complete at least two years in a program for a bachelor's degree or higher in the United States or
- honorably serve in the U.S. military.

MPI's 2010 analysis of the size of the youth population that could benefit from a targeted legalization program<sup>2</sup> was based on the 2009 DREAM Act introduced by Senator Durbin and Representative Howard Berman (D-CA). Our analysis found that approximately 2.1 million children and youth were potentially either immediately eligible for conditional legal status or could become eligible in the future. Of these 2.1 million potentially eligible individuals, however, we estimated that only about 38 percent—825,000 people—were likely to meet the educational or military participation requirements to achieve permanent residence (in other words gain a green card).

The Census Bureau does not ask legal status on its surveys or the decennial census, so our analysis used a methodology<sup>3</sup> that imputes legal status based on a number of characteristics, among them year of arrival, gender and country of origin. Using these data, we developed estimates of how many young people would be eligible to apply for permanent residence based on their age, length of residency, how old they were when they arrived in the United States and current educational attainment. This is how we arrived at the estimate that 2.1 million people would be potentially eligible.

More recently, the Congressional Budget Office (CBO) estimated that approximately 1.5 million unauthorized immigrants would meet the age at arrival criteria under a version of the DREAM Act included in the recent Senate immigration legislation (S. 744). Approximately 24 percent of these—360,000—would be able to achieve permanent residence or naturalize by 2023, CBO estimated.

In sum, both CBO and MPI concluded that only a small share of the total unauthorized youth population could eventually meet the educational or military participation requirements to gain a green card. Throughout the remainder of this testimony, I will draw upon MPI's detailed profile of the potentially eligible population, recognizing that the numbers could change based upon the

---

<sup>1</sup> In conducting our analysis we defined “degree” to mean an award conferred by an institution of higher education (e.g. a community college) that requires at least 60 credits or about two years of coursework.

<sup>2</sup> Jeanne Batalova and Margie McHugh, *DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries* (Washington, D.C.: Migration Policy Institute, 2010), [www.migrationpolicy.org/pubs/dream-insight-july2010.pdf](http://www.migrationpolicy.org/pubs/dream-insight-july2010.pdf).

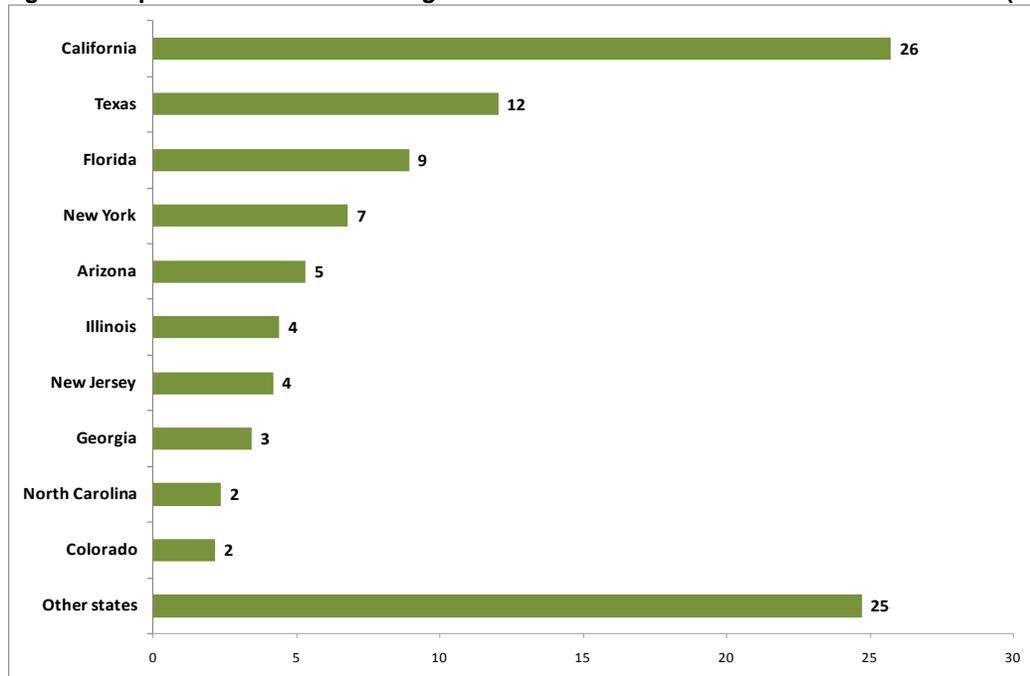
<sup>3</sup> Our analysis was based on pooled data from the Census Bureau's 2006-2008 Current Population Survey (CPS) that were augmented with legal status imputations for the foreign born, based on the methodology developed by Jeffrey S. Passel of the Pew Hispanic Center.<sup>3</sup>

shape of future legislation.<sup>4</sup>

## II. Key Characteristics of the Population

A legalization focused on unauthorized immigrants who entered the United States as children would have a particularly significant impact on the handful of states where the bulk of this population is heavily concentrated (see Figure 1). California has by far the largest number, accounting for 26 percent of all potential beneficiaries. Texas is home to 12 percent, followed by Florida (9 percent), New York (7 percent) and Arizona (5 percent). Several smaller, “new destination” states that have become known for rapid increases in the size of their immigrant populations in recent years—including Georgia and North Carolina—also account for a sizeable share. Altogether, about 75 percent of the potentially eligible population resides in 10 states.

**Figure 1. Top Ten States with the Largest Number of Potential DREAM Act Beneficiaries (%)**



*Source:* Migration Policy Institute (MPI) analysis of Census Bureau Current Population Survey (CPS), 2006-2008 pooled data, augmented with assignments of legal status to noncitizens by Jeffrey S. Passel, Pew Hispanic Center.

With regard to region of origin, the vast majority of potential beneficiaries are from Latin America, with Mexican immigrants accounting for 62 percent. Central American immigrants make up 11 percent and other Latin American immigrants another 11 percent. Asian immigrants

---

<sup>4</sup> Various versions of the DREAM Act differ on whether there is an upper age ceiling on eligibility. MPI’s analyses were based on the eligibility criteria included in the 2009 legislation. For more information, see U.S. Senate, Development, Relief and Education for Alien Minors Act of 2009, S. 729, 111<sup>th</sup> Cong, 1<sup>st</sup> session, <http://thomas.loc.gov/cgi-bin/query/z?111:S.729>; U.S. House of Representatives, American Dream Act, H.R. 1751, 111<sup>th</sup> Cong, 1<sup>st</sup> session, <http://thomas.loc.gov/cgi-bin/query/z?c111:HR.1751>. Both bills were introduced on March 26, 2009.

represent 10 percent of the potentially eligible population, and the remaining 7 percent are from other regions, including Europe, Africa and Canada.

### III. Educational Attainment

The youth and children who would be potential beneficiaries include those who were brought to the United States before age 16 and have lived in this country for at least five years. Within this broader population, some groups would have greater odds of completing a college degree or military service. MPI created a typology of these groups according to their age and level of education, and estimated each group's likelihood of meeting the requirements to obtain legal permanent residence.

- a. *Immediately meet conditions for permanent status: college degree holders.* Young adults who have already obtained at least an associate's degree would qualify for legal permanent residence. This well-educated population is a relatively small group, representing 5 percent of the total potentially eligible population, or approximately 114,000 individuals.
- b. *Potentially eligible: high school graduates/ GED completers.* Those who have already earned a high school diploma or GED—but not a postsecondary degree—would need to pursue college or military service in order to earn permanent residence. This group represents approximately 28 percent of the total population, or 612,000 individuals. Among this group, MPI has estimated that 260,000 would qualify for permanent residence after completing an associate's degree or two years toward a bachelor's degree. We estimate that the route to permanent residence through military service would be substantially narrower in both availability and uptake, with fewer than 31,000 likely to adjust to permanent residence via this route (the reasons for which will be discussed below).<sup>5</sup>
- c. *Future potentially eligible: children under age 18.* School-age children would be eligible for legal permanent residence in the future if they graduate from high school or earn a GED and complete the postsecondary education or military service requirements. There are more than 934,000 children under age 18 who comprise the future potentially eligible population. Among these children, MPI estimated that 360,000 would be likely to complete high school and obtain a postsecondary degree, and another 40,000 would complete the military service requirements—with both these groups qualifying for legal permanent residence.

---

<sup>5</sup> Estimating the number of those who could adjust to permanent legal status by serving in the military is much more difficult. One would expect that the military service path to permanent legal status would be appealing to many potential DREAM beneficiaries, particularly those who do not have the financial resources to pursue postsecondary education. However, the educational and English language proficiency requirements for military service may present a barrier for some. Relying on the recent past as a guide, we find that less than 1 percent of age-eligible Hispanics (18 to 44) were active enlisted military members in 2008. Given the powerful incentive of permanent legal status, we assume that 5 percent or less of potential beneficiaries would follow the military service path.

- d. *Young adults who lack a high school diploma/GED.* Finally, roughly 23 percent of those who meet the length of residency and age at arrival requirements—nearly 500,000 individuals—are over age 18 and do not have a high school diploma. These individuals could become eligible in the future if they complete a GED or secondary-level diploma through the adult education system and subsequently complete postsecondary education or military service. Still, their prospects for reaching this threshold are particularly slim: we estimated that only 22,000 of this group would progress to legal permanent residence.

#### **IV. Barriers to Legalization**

Youth who were brought to the United States as children represent arguably the most “Americanized” and well-integrated group of unauthorized immigrants. Federal, state and local governments have already invested substantial resources in their elementary and secondary education, and they have, for the most part, been afforded the same opportunities as their peers through high school. Their prospects for postsecondary education and career success are severely limited, however, due to financial and legal barriers. Our estimates of the number that would complete at least two years of college and achieve legal permanent residence take into the account the high hurdles that some groups of potential beneficiaries will experience.

*Income/Poverty Status:* Over half (58 percent) of potential beneficiaries live in low-income households, defined as less than 200 percent of the federal poverty level. Among those who have a high school diploma or GED but lack a postsecondary degree, 47 percent are low income. The median family income among this group is \$40,000.

A wide body of research demonstrates a negative relationship between poverty and academic success across all levels of education. After high school graduation, the impact of poverty on individuals’ postsecondary choices is particularly pronounced due to the high cost of college tuition, along with the opportunity cost, for example, of entering the workforce versus pursuing an education. The full costs of a year of college in 2012-13—including tuition, fees, books, transportation, housing and other expenses—ranged from approximately \$15,500 for those attending public two-year colleges to over \$35,000 for those paying out-of-state tuition at public, four-year colleges.<sup>6</sup>

Unauthorized immigrants are ineligible for federal Pell grants and recent versions of the DREAM Act bar them from accessing Pell grants until after they become legal permanent residents. Since the cost of higher education and access to financial aid are such critical factors affecting college completion for low-income youth, based on historical trends we believe that college affordability is likely to be the most significant factor that will prevent young immigrants from completing a postsecondary education requirement as part of a pathway to achieving legal permanent residence.

---

<sup>6</sup> College Board, “Trends in College Pricing, Average Estimated Undergraduate Budgets, 2012-13,” Figure 1, <http://trends.collegeboard.org/college-pricing/figures-tables/average-estimated-undergraduate-budgets-2012-13>.

*Parenting and Family Responsibilities:* A substantial number of those young adults who came to the United States as children are now parents with their own dependent children. Among female potential beneficiaries who have a high school diploma or GED but not a college degree, over one-third (38 percent) are parents; this share is substantially higher among women who are over 18 and lack a high school diploma (57 percent). Among men, the share with children ranges from approximately one-fifth to one-quarter across the different groups of potential beneficiaries. These figures indicate that many prospective beneficiaries—especially young women—will face challenges associated with balancing caregiving responsibilities and educational pursuits. For this cohort, in particular, social supports such as child care, transportation assistance and counseling—as well as flexible course scheduling and online learning—are likely to play a critical role in their college persistence and completion.

*Labor Force Participation:* Among potential beneficiaries with a high school diploma or GED but not a college degree, 85 percent of men and 62 percent of women were in the labor force. For many of these individuals, reducing their work hours to pursue postsecondary education may be a tough choice to make, as they are often the breadwinners for their families, and would likely struggle to balance their studies with the need for income from work. However, the new opportunities created by a legalization pathway may change that equation for some, motivating them to prioritize their education as a ticket to legal permanent residence and eventually, perhaps better jobs.

*Limited English Proficiency:* Approximately one-fifth of all potential beneficiaries—350,000 individuals—have limited English proficiency. The majority of these individuals (56 percent) are adults who also lack a high school diploma or GED. In most cases, these individuals would need to complete adult English as a Second Language (ESL) courses before pursuing a GED and eventually earning college credits. For this cohort, the military route would be no easier to pursue than the postsecondary route, since the military aptitude test can be taken only in English. Additionally, those who have a GED—instead of a high school diploma—must achieve a higher qualifying score on the military aptitude test and compete for a limited number of openings in each branch of the military.<sup>7</sup>

*Academic Readiness:* Finally, a sizeable share of high school graduates is likely to be unprepared for college-level courses. Compared to the entire U.S. undergraduate population, immigrants are especially likely to require remediation at the college level,<sup>8</sup> potentially due to gaps in their academic English skills as well as the quality of their high school curriculum. The design and quality of remedial courses such students are placed in have been identified as major obstacles on the path to a college degree, with many students in these courses never progressing to college-level courses.<sup>9</sup>

---

<sup>7</sup> Rod Powers, “US Military Enlistment Standards: Education,”

<http://usmilitary.about.com/od/joiningthemilitary/a/enleducation.htm>.

<sup>8</sup> Sandra Staklis and Laura Horn, “New Americans in Postsecondary Education: A Profile of Immigrant and Second-Generation American Undergraduates,” (Statistics in Brief, NCES 2012-213, U.S. Department of Education, National Center for Education Statistics, Washington, D.C., July 2012), <http://nces.ed.gov/pubs2012/2012213.pdf>.

<sup>9</sup> Complete College America, *Remediation: Higher Education’s Bridge to Nowhere* (Washington, D.C.: Complete College America, 2012), [www.completecollege.org/docs/CCA-Remediation-final.pdf](http://www.completecollege.org/docs/CCA-Remediation-final.pdf); Thomas Bailey, Dong Wook Jeong and

Overall, our profile of the potentially eligible population is consistent with national research demonstrating that, immigrants are more likely to be “nontraditional” college students, meaning that they often enroll in postsecondary education at older ages; attend college part time; work while going to school; and juggle family responsibilities along with their coursework.<sup>10</sup> All of these factors have been associated with higher dropout rates and lower rates of college completion.<sup>11</sup> Therefore, financial, social and academic support stand to play a critical role in providing opportunities for this population to avail themselves of pathways to permanent residence and citizenship that require successfully making one’s way through postsecondary education or military service.

## V. Conclusion

While the MPI and CBO estimates are based on different assumptions, it does seem clear that approximately 1.5 million to 2 million youth meet the residency and age at arrival requirements contemplated in recent legislative proposals. But far fewer would gain permanent residence (and eventually citizenship) under these proposals: approximately 825,000 individuals in our analysis and 360,000 in the CBO’s assessment of S. 744.

In light of the reality that the pathway is a narrow one, the socio-demographic characteristics of the population of young people brought here as children provide important considerations for policymakers seeking to allow them to successfully achieve permanent legal status in the United States and become fully contributing members of society.

I thank you, Mr. Chairman, for the opportunity to testify and would be pleased to answer any questions.

---

Sung-Woo Cho, “Referral, Enrollment, and Completion in Developmental Education Courses in Community Colleges,” *Economics of Education Review* 29, no. 2 (2010): 255-70, [www.sciencedirect.com/science/article/pii/S0272775709001071](http://www.sciencedirect.com/science/article/pii/S0272775709001071).

<sup>10</sup> National Center for Education Statistics, “Profile of Undergraduates in U.S. Postsecondary Education Institutions: 2003-04, With a Special Analysis of Community College Students” in

Robert Teranishi, Carola Suarez-Orozco and Marcelo Suárez-Orozco, *The Future of Children*, 21 no. 1 (2011): 153-69.

<sup>11</sup> Complete College America, “Time Is the Enemy,” [www.completecollege.org/docs/Time\\_Is\\_the\\_Enemy.pdf](http://www.completecollege.org/docs/Time_Is_the_Enemy.pdf); Excelencia in Education!, *Taking Stock: Higher Education and Latinos* (Washington, D.C.: Excelencia in Education!, 2009), [www.edexcelencia.org/sites/default/files/ExcelenciaTakingStock.pdf](http://www.edexcelencia.org/sites/default/files/ExcelenciaTakingStock.pdf).