

“Immigrants as Essential Workers During COVID-19”

U.S. House Committee on the Judiciary Subcommittee on Immigration and Citizenship

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Chairwoman Lofgren, Ranking Member Buck, and members of the subcommittee, thank you for inviting me to testify before you today on this important topic. My name is Tom Jawetz, and I am the vice president for Immigration Policy at the Center for American Progress. American Progress is the nation’s foremost progressive think tank dedicated to improving the lives of all Americans through bold, progressive ideas as well as strong leadership and concerted action.

It’s a particular honor to appear before the subcommittee for which I once worked, although I would have loved to be sitting in 2141 Rayburn HOB rather than in my home office this afternoon. At the same time, I recognize that my ability to do my job from the comfort and safety of my home in the middle of this global pandemic is a privilege and a luxury—the same is not true for so many people.

Over the past six-and-a-half months, while many of us have hunkered down in our homes, millions of immigrants—just like millions of other Americans—have gone out at great personal risk to themselves and their families to perform jobs that are essential to the functioning of the country. Based upon the most recent American Community Survey data from 2016 through 2018, the Center for American Progress estimates that there are approximately 10.5 million undocumented immigrants in the country today, about 7 million of whom are in the workforce.¹ Of this number, nearly three-in-four—an estimated 5 million people—are doing jobs deemed essential to the nation’s critical infrastructure according to the Department of Homeland Security’s Cybersecurity and International Security Agency’s (DHS CISA) latest guidance.²

Undocumented immigrants are performing essential jobs in many different sectors of the workforce. An estimated 389,000³ are working as farm workers⁴ and food processors securing

¹ Center for American Progress analysis of pooled 2016 1-year, 2017 1-year, and 2018 1-year American Community Survey microdata, accessed via Steven Ruggles and others, “Integrated Public Use Microdata Series, U.S. Census Data for Social, Economic, and Health Research, 2016, 2017, and 2018 American Community Surveys: 1-year estimates” (Minneapolis: Minnesota Population Center, 2020), available at <https://usa.ipums.org/usa/>.

² Advisory Memorandum from Christopher C. Krebs, Director, Cybersecurity and Infrastructure Security Agency (CISA) On Ensuring Essential Critical Infrastructure Workers Ability to Work During the COVID-19 Response (Aug. 18, 2020) available at https://www.cisa.gov/sites/default/files/publications/Version_4.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_FINAL%20AUG%2018v3.pdf/.

³ See supra n.1.

⁴ This estimate of the number of undocumented farm workers in the country may be conservative as a result of how the U.S. Census Bureau collects jobs data from respondents in the American Community Survey (ACS). An alternative data source frequently used to study undocumented farm workers is the

the nation’s food supply—even as food processing plants became epicenters of the virus,⁵ and agricultural areas are right now experiencing some of the nation’s highest concentrations of coronavirus outbreaks.⁶ I hope every member of the subcommittee has seen the photographs of farm workers—as many as half of whom are undocumented⁷—harvesting crops under a dark orange-red sky, in evacuation zones, with dangerous air quality, using only their cell phones to light the way.⁸ There are also an estimated 225,000 undocumented health care workers serving us and our loved ones as doctors, nurses, and home health aides, as well as an additional 190,000 undocumented individuals working not as health care providers but in necessary custodial and administrative roles to ensure health care settings remain safe and open.⁹ Millions of other undocumented immigrants are keeping grocery shelves stocked, packing warehouses, and cleaning and sanitizing businesses that have stayed open so we can remain home and the country can keep running.

So much has changed over the past six-and-a-half months. For many people, the entire concept of an “essential worker” hardly existed before this began. But over time we have seen a growing appreciation among the public for the contributions and sacrifices that essential workers are making for the country. And over the course of the pandemic, the concept of who qualifies as an “essential worker” also has evolved. Even during the tightest lockdowns, while some states and localities adopted the DHS CISA guidance, many others adopted their own definitions. In states like California, New York, and Illinois, for instance, construction workers early on were deemed essential—even if they weren’t busy retrofitting health care facilities—and that kept local

National Agricultural Workers Survey (NAWS), which inquires about immigration status but also samples a far smaller population; NAWS typically reports that a greater share of the farm workforce lacks immigration status than estimates derived from the ACS. *See* Ryan Edwards and Francesc Ortega, “The Economic Impacts of Removing Unauthorized Immigrant Workers,” Center for American Progress (September 2016), available at <https://www.americanprogress.org/issues/immigration/reports/2016/09/21/144363/the-economic-impacts-of-removing-unauthorized-immigrant-workers/>.

⁵ Caitlin Dickerson and Miriam Jordan, “South Dakota Meat Plant is Now Country’s Biggest Coronavirus Hot Spot,” *New York Times*, April 15, 2020, available at <https://www.nytimes.com/2020/04/15/us/coronavirus-south-dakota-meat-plant-refugees.html>; Gaby Galvin, “CDC: Nearly 5,000 Meat Processing Workers Infected with COVID-19,” *U.S. News & World Report*, May 1, 2020, available at <https://www.usnews.com/news/healthiest-communities/articles/2020-05-01/cdc-nearly-5-000-meat-plant-workers-infected-by-coronavirus>; Jess Huff, “Pilgrim’s to Remain Open Despite Death, Multitude of Cases,” *The Lufkin Daily News*, May 9, 2020, available at https://lufkindailynews.com/coronavirus/article_3ec18f99-b12e-521e-995e-2c82d230280b.html.

⁶ Helena Bottemiller Evich, Ximena Bustillo, and Liz Crampton, “Harvest of Shame: Farmworkers Face Coronavirus Disaster,” *Politico*, September 8, 2020, available at <https://www.politico.com/news/2020/09/08/farmworkers-coronavirus-disaster-409339>.

⁷ Miriam Jordan, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” *New York Times*, April 2, 2020, available at <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

⁸ Facebook, “TV JAM,” available at <https://www.facebook.com/TVJAM/photos/a.205431559863651/864678583938942> (last accessed September 2021).

⁹ *See supra* n.1.

economies from even greater economic damage.¹⁰ Undocumented immigrants make up nearly 13 percent of the nation’s construction workforce, generating nearly \$50 billion in national GDP each year and helping families gain wealth and stability.¹¹

CISA itself has three times updated its guidance, and in its most recent version recognizes the essential work provided by the widest assortment of educators, from pre-school through college and university settings, whether in-person or remote.¹² Version 4.0 of the guidance similarly recognizes that dependent caregivers, including those who work in childcare and eldercare, provide an essential community function. Every parent and employer in the country knows that schools and dependent care providers are critical to getting Americans safely back to work. In recent years, while every state in the country has experienced some teacher shortages,¹³ an estimated 8,800 Deferred Action for Childhood Arrivals (DACA) recipients are working in K-12 schools. Immigrants also play an important role in the country’s early childhood workforce,¹⁴ and also play an outsize role as home health and personal care aides.¹⁵

But while the country has become increasingly aware of the essential work that immigrants—including undocumented immigrants—are doing during the pandemic, it is important to recognize that this work didn’t suddenly become essential during the pandemic, these people didn’t suddenly start doing this work during the pandemic, and many of these jobs didn’t suddenly become hazardous to the health and safety of workers during the pandemic. This is work and these are workers who have long been essential to the functioning of this country and its economy and frequently they have done this work, often at significant personal risk, with far too little recognition or reward.

Just as these folks are doing essential work now and have long done essential work, we know their work will be critical going forward, both as we continue to deal with the coronavirus—who knows for how long—and as we take steps to begin to rebuild and strengthen our economy.

¹⁰ National Conference of State Legislatures, “COVID-19: Essential Workers in the States,” May 21, 2020, available at <https://www.ncsl.org/research/labor-and-employment/covid-19-essential-workers-in-the-states.aspx>.

¹¹ See supra n. 1; Edwards and Ortega, “The Economic Impacts of Removing Unauthorized Immigrant Workers.”

¹² See supra n. 2.

¹³ Freddie Cross, “Teacher Shortage Areas; Nationwide Listing; 1990-1991 through 2017-2018,” U.S. Department of Education, Office of Postsecondary Education (June 2017), available at <https://www2.ed.gov/about/offices/list/ope/pol/ateachershortageareasreport2017-18.pdf>.

¹⁴ Leila Schochet, “Trump’s Attack on Immigrants Is Breaking the Backbone of America’s Child Care System,” Center for American Progress, February 5, 2018, available at <https://www.americanprogress.org/issues/early-childhood/news/2018/02/05/445676/trumps-attack-immigrants-breaking-backbone-americas-child-care-system/>.

¹⁵ Jeanne Batalova, “Immigrant Health-Care Workers in the United States,” Migration Policy Institute, May 14, 2020, available at <https://www.migrationpolicy.org/article/immigrant-health-care-workers-united-states-2018>.

The U.S. House of Representatives took a number of important steps in this regard when it passed the Heroes Act in May.¹⁶ Not only would the legislation extend—without regard to immigration status—critical financial support to all tax filers as well as free coronavirus testing, treatment, and vaccines, but it offers automatic extensions of work authorization to people with DACA and Temporary Protected Status (TPS). That provision has taken on heightened importance as a Ninth Circuit panel recently cleared the way for the administration to move forward with its plans to end TPS for hundreds of thousands of recipients and DHS has made substantial changes to the DACA program—likely in anticipation of ending those protections—without first doing the analysis required by the Supreme Court.¹⁷ Extending protections to DACA recipients and TPS holders is of paramount importance not only to the nearly 1 million people who rely upon those protections every day to live and work lawfully in the country, but also to the more than 500,000 U.S. citizen children in their households.¹⁸ It is of additional importance to the country as a whole, given that more than 550,000 DACA recipients and TPS holders whose permission to work in this country is under constant threat from DHS are working in jobs that DHS itself deems to be essential to the critical infrastructure of the nation.¹⁹

Importantly for today’s hearing and for future policy debates, the Heroes Act includes still another provision that would grant temporary protection from deportation and work authorization to undocumented immigrants serving as essential workers. Those provisions should be in any package passed by Congress before the current session ends.

But Congress can and must do even better.

Regardless of whether another coronavirus relief package becomes law before the end of this year, the next Congress will have to act swiftly to put in place a comprehensive national recovery package that rises to the continuing challenge of fighting the coronavirus pandemic and that puts us on a path to economic recovery. For this recovery to be sufficiently dynamic and durable, as well as inclusive and equitable, it must reach historically marginalized communities that have been both disproportionately affected by the twin public health and economic crises that we are

¹⁶ The Heroes Act, H.R. 6800, 116th Cong., 2nd sess. (May 12, 2020), available at <https://www.congress.gov/bill/116th-congress/house-bill/6800/text>.

¹⁷ Julián Aguilar, “Thousands of Immigrants in Texas Could Be Forced to Leave the Country Following Court Decision on Protected Status,” Texas Tribune, September 14, 2020, available at <https://www.texastribune.org/2020/09/14/texas-immigrants-temporary-protected-status-court-ruling/>; Camilo Montoya-Galvez, “Young Immigrants Challenge Trump Administration Decision to Scale Back DACA Program,” CBS News, August 28, 2020, available at <https://www.cbsnews.com/news/young-immigrants-challenge-trump-administration-decision-to-scale-back-daca-program/>.

¹⁸ Nicole Prchal Svajlenka and Philip E. Wolgin, “What We Know About the Demographic and Economic Impacts of DACA Recipients: Spring 2020 Edition,” Center for American Progress, April 6, 2020, available at <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482676/know-demographic-economic-impacts-daca-recipients-spring-2020-edition/>; Nicole Prchal Svajlenka, Angie Bautista-Chavez, and Laura Muñoz Lopez, “TPS Holders Are Integral Members of the U.S. Economy and Society,” Center for American Progress, October 20, 2017, available at <https://www.americanprogress.org/issues/immigration/news/2017/10/20/440400/tps-holders-are-integral-members-of-the-u-s-economy-and-society/>.

¹⁹ See supra n. 1.

in, and excluded from past recovery efforts. For undocumented immigrants who have long contributed to this country in myriad ways—and certainly for those who have performed essential work during this pandemic, as well as for their families—such legislation must include permanent protection and a path to citizenship.

The American people understand and support this. Several months ago, Hart Research Associates conducted a nationwide poll that showed strong support (73% support - 22% oppose) for providing a path to citizenship for undocumented essential workers.²⁰ Voters agreed with such a policy both because they recognized that such workers had stepped up for our country when we needed them most and had earned the opportunity to become permanent members of the American family and because immigrant workers who were essential in the pandemic will similarly be essential to rebuilding our economy going forward.

Clearly the benefits to these individuals and their families of permanent lawful status would be tremendous. The average undocumented immigrant in the country today has lived here for 14 years.²¹ This is their home, it is where millions of them have chosen to raise their families, and it is long past time that we recognized them as fully woven into the fabric of American life.

But the benefits of granting lawful status and eventually citizenship will also be felt throughout the U.S. economy. A range of studies have shown that legal status first, and citizenship second contribute to higher wages and higher productivity for workers. This in turn leads to more tax revenue and more spending in the local economy, boosting consumption, and, once again, increasing taxes paid.²² When the White House Council on Economic Advisors in 2014 analyzed the Obama Administration’s efforts to create the Deferred Action for Parents of Americans (DAPA) initiative and to expand DACA, they concluded that extending protection from deportation and work authorization to approximately 5 million people would have increased the total productivity of the U.S. labor force per worker by between one-tenth and one-quarter of one percent and increased average wages of native-born workers by 0.1% over ten years.²³ These gains would have come because once undocumented immigrants receive work authorization and

²⁰ Center for American Progress Action Fund and Hart Research Associates, “Winning the Immigration Debate During COVID-19” (Washington, D.C., 2020), available at <https://cdn.americanprogressaction.org/content/uploads/sites/2/2020/07/22050052/E-12792c-CAPAF-WEBSITE-FINAL.pdf>.

²¹ See supra n. 1.

²² Pieter Bevelander and Don J. DeVoretz, “The Economic Case for a Clear, Quick Pathway to Citizenship,” Center for American Progress, January 27, 2014, available at <https://www.americanprogress.org/issues/immigration/reports/2014/01/27/82889/the-economic-case-for-a-clear-quick-pathway-to-citizenship/>; Adriana Kugler and Patrick Oakford, “Comprehensive Immigration Reform Will Benefit American Workers,” Center for American Progress, September 12, 2013, available at <https://www.americanprogress.org/issues/immigration/reports/2013/09/12/74014/comprehensive-immigration-reform-will-benefit-american-workers/>.

²³ Council of Economic Advisers, “The Economic Effects of Administrative Action on Immigration,” Executive Office of the President of the United States” (November 2014), available at https://obamawhitehouse.archives.gov/sites/default/files/docs/economic_effects_of_immigration_ea_february_2015_update_final_v2.pdf.

have greater certainty about their future in the United States, they can get more specialized jobs better matched to their skills, which would pave the way for increased output and increased wages in the long run for all workers. They are also more likely to make investments in themselves and their communities, starting new businesses and pursuing more education or vocational training, which could have positive spillover effects for everyone. At the time, American Progress also estimated that DAPA would have resulted in a cumulative GDP increase of \$164 billion, an \$88 billion increase in incomes for all Americans, and the creation of more than 20,000 jobs each year over a 10-year period.²⁴ Higher wages would also translate into greater revenue paid into the social security and Medicare systems, shoring them up for years to come.²⁵ Permanent legal status also helps undocumented workers—who are disproportionately subject to poor wages and working conditions²⁶—receive necessary and appropriate workplace protections, which will create the foundation for a strong and resilient labor market for all.²⁷

Think back to March and April, when the country first became really aware of how serious this pandemic was. At the time there was a real sense of common purpose and shared sacrifice. It was clear in our communities, as people stood and clapped during shift changes at the hospital and signs thanking essential workers sprang up in people’s yards and on billboards outside of shuttered restaurants and places of worship. Six months in, even as the number of new coronavirus infections and deaths each day is so many times greater than it was in those early months, it’s often hard to feel that same sense of unity.

But we have now lost more than 200,000 fellow Americans to this virus.²⁸ Tens of millions of people have lost jobs and are unemployed—many no longer looking for work as our failure to bring the virus in check has largely kept the economy in deep freeze. The main lesson of a

²⁴ Lizet Ocampo, “The Economic Benefits and Electoral Implications of DAPA,” Center for American Progress, May 19, 2015, available at <https://www.americanprogress.org/issues/immigration/news/2015/05/19/113481/the-economic-benefits-and-electoral-implications-of-dapa/>.

²⁵ Patrick Oakford and Robert Lynch, “How Will Immigration Reform Impact the Medicare Trust Fund,” Center for American Progress, February 27, 2014, available at <https://www.americanprogress.org/issues/immigration/reports/2014/02/27/82121/how-will-immigration-reform-impact-the-medicare-trust-fund/>; Adriana Kugler, Robert Lynch, and Patrick Oakford, “Improving Lives, Strengthening Finances: The Benefits of Immigration Reform to Social Security,” Center for American Progress, June 14, 2013, available at <https://www.americanprogress.org/issues/immigration/reports/2013/06/14/66543/improving-lives-strengthening-finances-the-benefits-of-immigration-reform-to-social-security/>.

²⁶ Josselyn Andrea Garcia Quijano, “Workplace Discrimination and Undocumented First-Generation Latinx Immigrants,” University of Chicago School of Social Service Administration Advocates’ Forum (2020), available at <https://www.ssa.uchicago.edu/advocates-forum-2020-workplace-discrimination-undocumented-immigrants>.

²⁷ Adriana Kugler and Patrick Oakford, “Comprehensive Immigration Reform Will Benefit American Workers,” Center for American Progress, September 12, 2013, available at <https://www.americanprogress.org/issues/immigration/reports/2013/09/12/74014/comprehensive-immigration-reform-will-benefit-american-workers/>.

²⁸ Johns Hopkins University & Medicine, “Coronavirus Resource Center,” available at <https://coronavirus.jhu.edu/> (last accessed September 2021).

pandemic—a lesson we learned, then forgot, but need to learn once more—is that we can only beat it if we work together. And just as we must all come together to defeat the coronavirus, we must all come together to help rebuild the country. A coronavirus relief or economic recovery package that once more leaves millions of people behind—including those who have put so much on the line and have already lost so much—will come up short of what the country truly needs and what people ultimately deserve.