

# **DAPA in the Balance: Supreme Court Arguments and Potential Impacts on U.S. Families and Communities**



Webinar  
April 14, 2016



# Logistics

- Slides and audio from today's webinar will be available at [www.migrationpolicy.org/events](http://www.migrationpolicy.org/events)
- The report discussed today is available on our website:
  - ***Deferred Action for Unauthorized Immigrant Parents: Analysis of DAPA's Potential Effects on Families and Children***, By Randy Capps, Heather Koball, James D. Bachmeier, Ariel G. Ruiz Soto, Jie Zong, and Julia Gelatt is available at: <http://bit.ly/dapaprofile>
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# Presenters



**Muzaffar Chishti**, Director, MPI's office in New York at NYU School of Law



**Randy Capps**, Director of Research, U.S. Programs, Migration Policy Institute



**Cristina M. Rodríguez**, Leighton Homer Surbeck Professor of Law, Yale Law School; and MPI Nonresident Fellow

# Randy Capps



**Randy Capps** is Director of Research for U.S. Programs at the Migration Policy Institute. His areas of expertise include immigration trends, the unauthorized population, immigrants in the U.S. labor force, the children of immigrants and their well-being, and immigrant health-care and public benefits access and use.

Dr. Capps, a demographer, has published widely on immigrant integration at the state and local level. He also has examined the impact of the detention and deportation of immigrant parents on children.

Prior to joining MPI, Dr. Capps was a researcher in the Immigration Studies Program at the Urban Institute (1993-96, and 2000-08).

He received his PhD in sociology from the University of Texas in 1999 and his master of public affairs degree, also from the University of Texas, in 1992.

# **DAPA's Potential Effects on Families and Children**



By Randy Capps, Heather Koball, James D. Bachmeier,  
Ariel G. Ruiz Soto, Jie Zong, and Julia Gelatt

**MPI Webinar**

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# Acknowledgments and Methodology

- **Collaborators:** Colin Hammar and James Bachmeier at Temple University, Philadelphia, provided data on the unauthorized population. Jennifer Van Hook at Pennsylvania State University advised in developing the methodology.
- **Data sources:** Census Bureau's 2008 Survey of Income and Program Participation (SIPP) and 2009-13 American Community Survey (ACS).
- **Methods:** "Multiple imputation" assigns legal status in the ACS based on self-reported status in the SIPP.



# Deferred Action Programs

- 2012 Deferred Action for Childhood Arrivals (DACA):
  - unauthorized immigrant youth ages 15-30, with at least 5 years continuous residence, arrived in the country before age 16, and in school or graduated high school
  - 2012 initial DACA program still in effect
  - 2014 expansion enjoined by a federal district court in Texas
- 2014 Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA):
  - unauthorized immigrant parents of U.S. citizens and LPRs with five years or more of continuous U.S. residence
  - Enjoined by the federal district court alongside the DACA expansions
- In our analysis, the “DAPA-eligible population” includes unauthorized immigrants potentially eligible for DAPA but not for DACA.



# Today's Presentation

1. Estimate the number of people in households with unauthorized immigrants potentially eligible for DAPA.
2. Describe the characteristics of potentially eligible individuals and their families.
3. Estimate the impacts on families of DAPA's two components:
  - A. **Work authorization:** changes in labor force participation and earnings for potentially eligible fathers and mothers.
  - B. **Protection from deportation:** income changes for families separated from fathers who could be deported in the absence of DAPA.





## 3.6 Million Unauthorized Immigrants Are Potentially Eligible for DAPA

- 3.3 million live with minor children (under age 18) who are U.S. citizens (USCs) or lawful permanent residents (LPRs).
  - These parents are identified based on the citizenship and legal status of the children living in the same household.
- An additional 340,000 *do not* live with minor USC or LPR children but have adult USC children (18 or older) in a different household.
  - These parents are identified based on the birth rates to Mexican and Central American noncitizens 18 years or more ago.
  - Mexican and Central American noncitizens are used as a proxy for all unauthorized immigrants.
- Both estimates are for populations “potentially” eligible for DAPA.
  - Information on continuous residence and disqualifying criminal convictions was not available in the SIPP or ACS data.

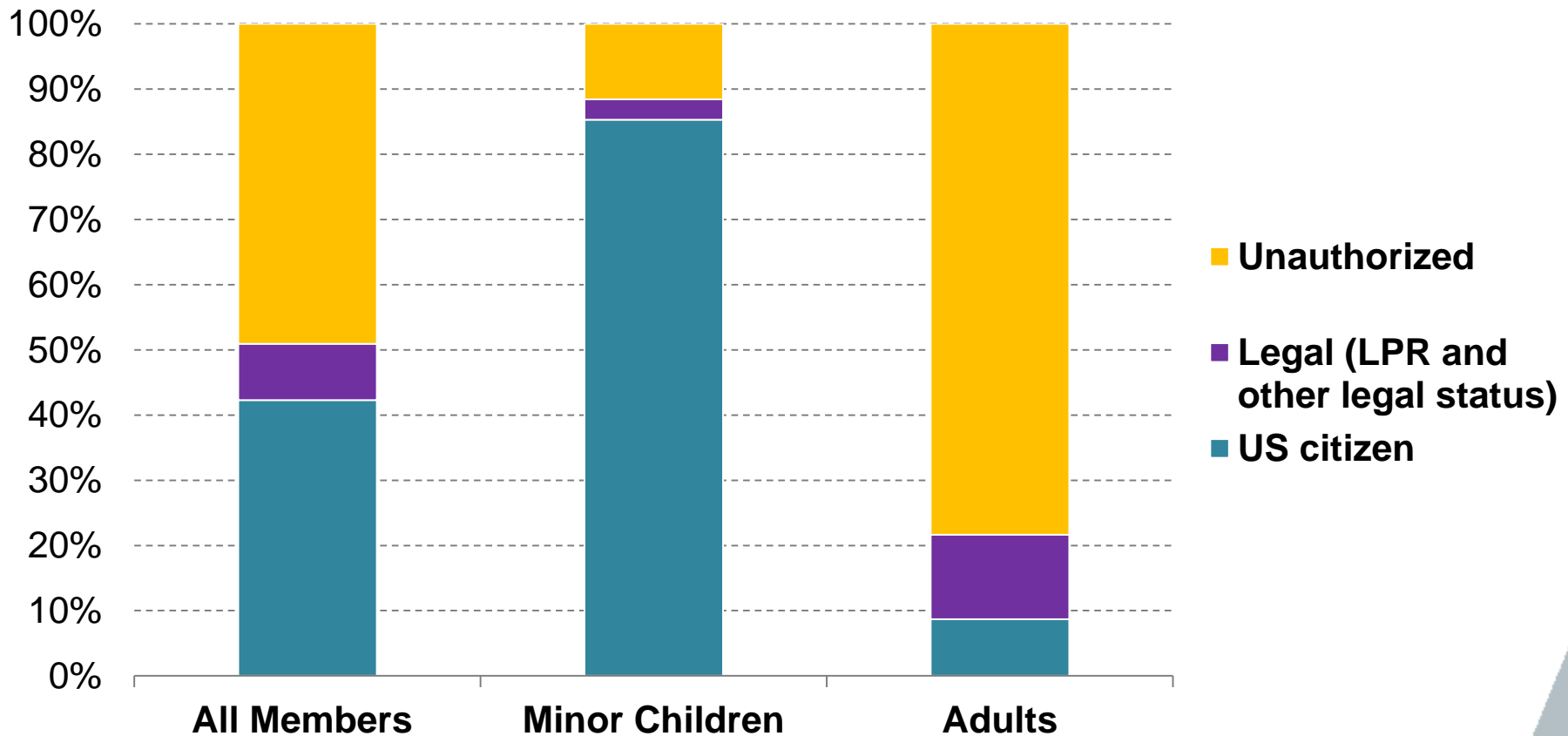


# 10.2 Million People Live in Households with at Least One DAPA-Eligible Adult

- 9.9 million live in households with DAPA potentially eligible individuals and their minor USC/LPR children (under age 18)
  - 3.3 million are potentially eligible for DAPA.
  - 4.3 million are minor children.
  - 2.3 million are other adults.
- Adding the 340,000 unauthorized immigrants who have USC children 18 or older *in a different household* brings the total to 10.2 million.

# Most Adults in Potential DAPA Households Are Unauthorized, but Most Minor Children Are USC's

Immigration Status of Children (under age 18) and All Adults in Potential DAPA Households with Minor Children, (%), 2009-13



Source: Migration Policy Institute (MPI) analysis of data from the U.S. Census Bureau's American Community Survey (ACS), 2009-13 pooled, and 2008 Survey of Income and Program Participation (SIPP) by James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University.

# California and Texas Have the Largest DAPA-Eligible Populations

**Ten States with Largest Potentially DAPA-Eligible Populations and State Shares of the U.S. Eligible Population, (%), 2009-13**

State	Population Potentially Eligible for DAPA	State Share of U.S. Potentially Eligible Population (%)
<b>United States</b>	<b>3,605,000</b>	<b>100</b>
California	1,087,000	30
Texas	559,000	15
New York	231,000	6
Illinois	183,000	5
Florida	150,000	4
New Jersey	133,000	4
Georgia	125,000	3
North Carolina	114,000	3
Arizona	97,000	3
Washington	74,000	2

Source: MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.

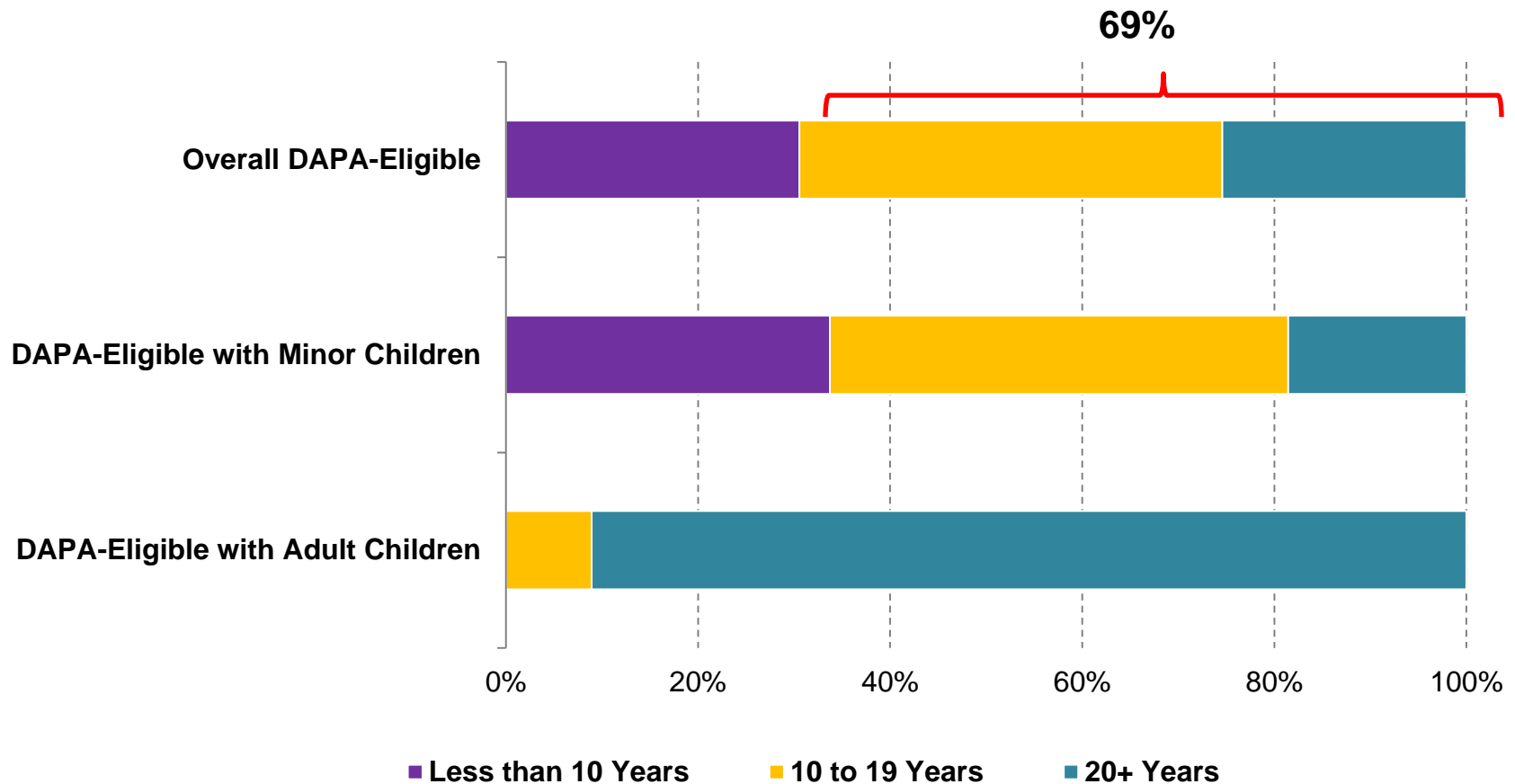


# Today's Presentation

1. Estimating the number of people in households with unauthorized immigrants potentially eligible for DAPA.
2. Describing the characteristics of potentially eligible individuals and their families.
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4. Estimating the income changes for families separated from fathers who are deported, in the absence of DAPA.

# Two-Thirds of DAPA-Eligible Parents Have at Least 10 years of U.S. residence

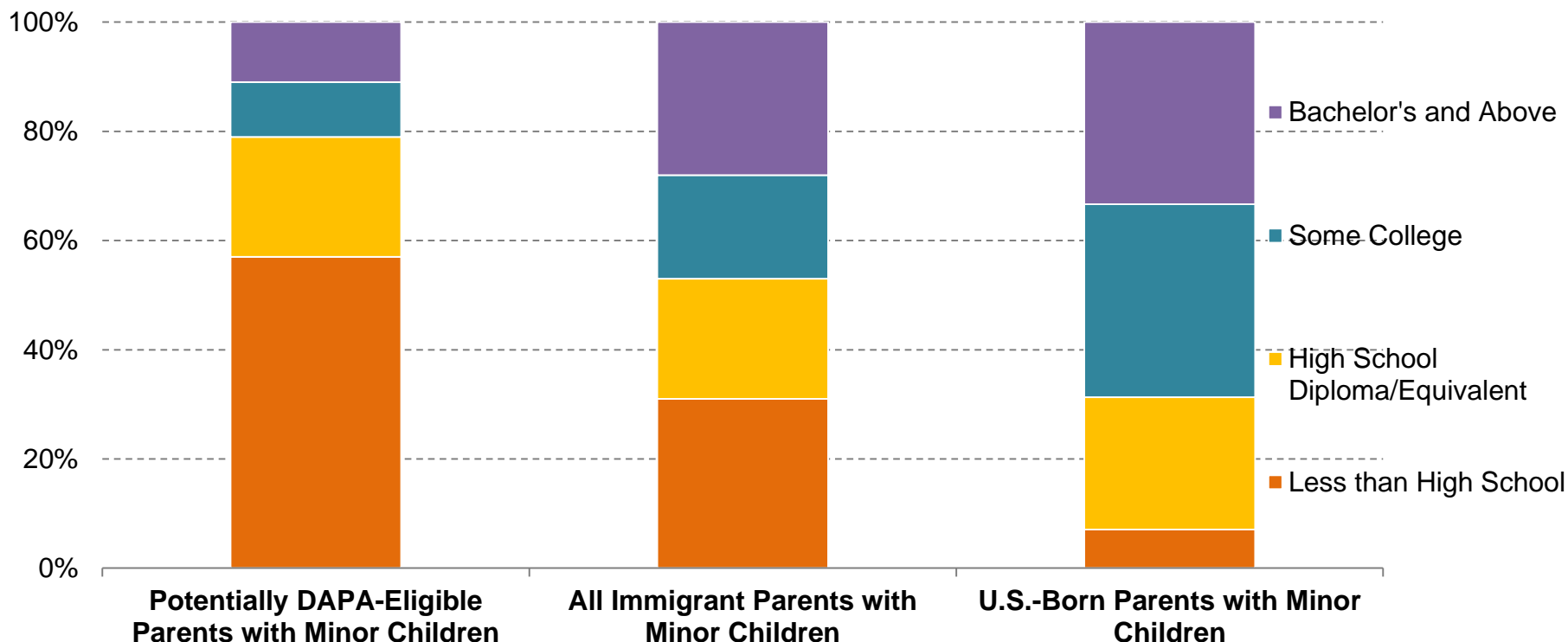
Length of U.S. Residence of Potentially DAPA-Eligible Population, 2009-13



Source: MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.

# DAPA-Eligible Parents Are Significantly Less Educated than Other Immigrant Parents

**Educational Attainment of Potentially DAPA-Eligible Parents with Minor Children, All Immigrant Parents, and U.S.-Born Parents, (%), 2009-13**

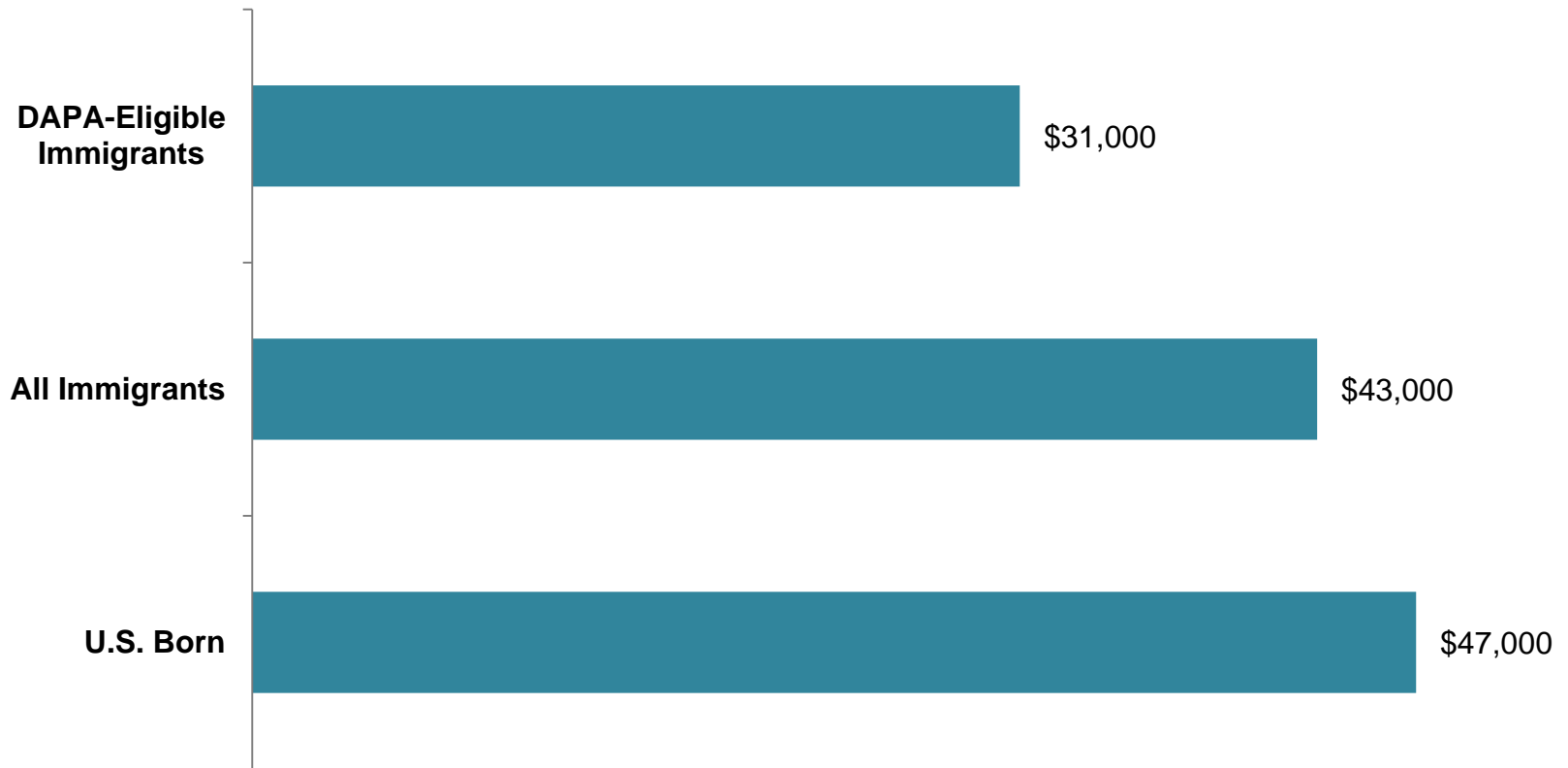


*Note:* This analysis was conducted for parents ages 18 and older. While educational attainment is generally calculated for adults ages 25 and older, only 4 percent of the potentially DAPA eligible, 3 percent of all immigrant parents, and 5 percent of U.S.-born parents were ages 18 to 24. As a result, the inclusion of parents ages 18 to 24 is unlikely to influence the educational distribution very much.

*Source:* MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.

# DAPA Families Have Much Lower Incomes than Other Immigrant Families

## Median Annual Incomes of Families with Minor Children, by Parental DAPA Eligibility and Nativity, 2009-13



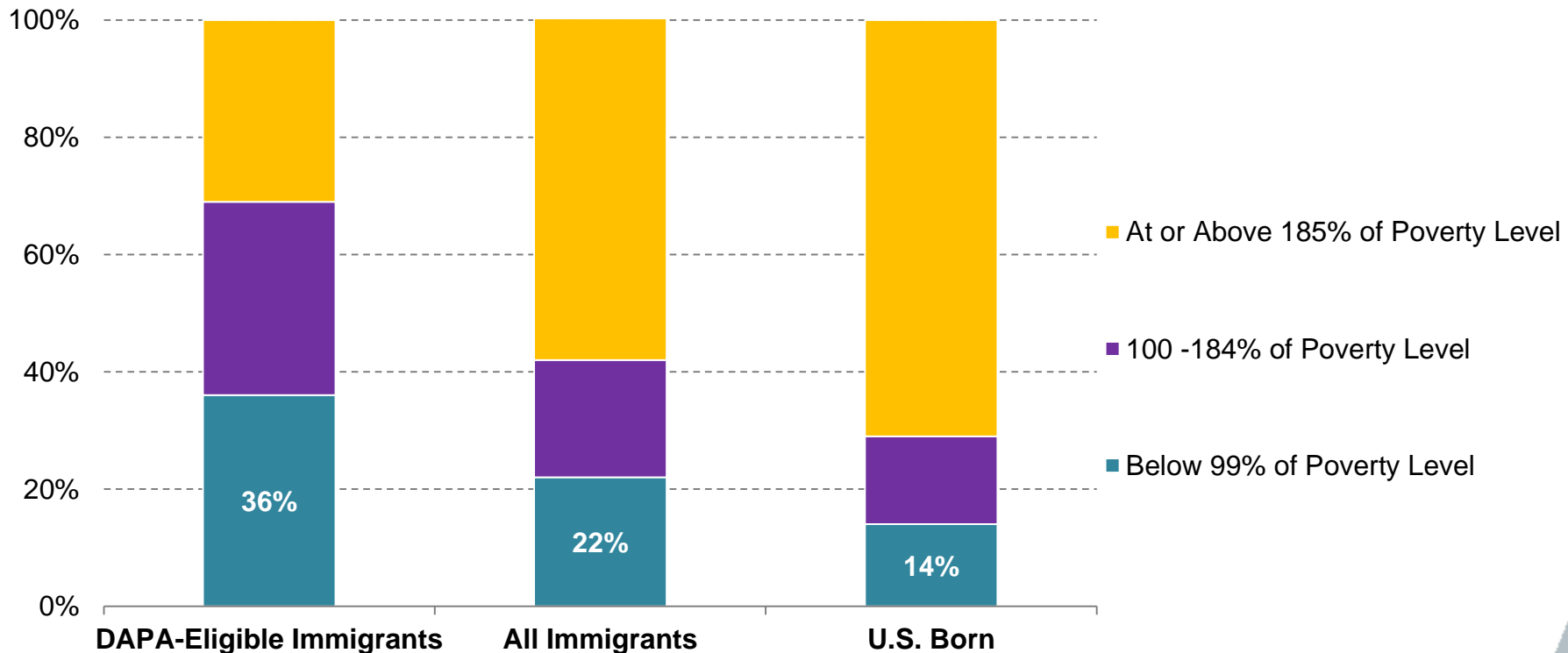
*Note:* DAPA families include at least one parent potentially eligible for DAPA; immigrant families include at least one foreign-born parent, regardless of citizenship or immigration status.

*Source:* MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.



# DAPA-Eligible Families Have Much Higher Poverty Rates than Other Immigrant Families

**Share of Families with Annual Incomes below the Federal Poverty Level (FPL) and 185 Percent of FPL, by Parental DAPA Eligibility and Nativity, (%), 2009-13**



*Notes:* DAPA families include at least one parent potentially eligible for DAPA; immigrant families include at least one foreign-born parent, regardless of citizenship or immigration status. The federal poverty level (FPL), calculated based on total family income before taxes (excluding capital gains and noncash benefits such as food stamps), was approximately \$24,000 for a family of four in 2013. The income threshold to qualify for Women, Infants, and Children (WIC) and the National School Lunch Program (NSLP) is 185 percent of FPL.

*Source:* MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.



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# DAPA Would Not Change Labor Force Participation of Unauthorized Fathers or Mothers

## Rates of Labor Force Participation, Employment, and Unemployment for Men and Women by Potential DAPA Eligibility and Legal Status, (%), 2009-13

	Potentially DAPA-Eligible Immigrants		Legal Permanent Residents (LPRs)	
	Men	Women	Men	Women
In Labor Force	95%	52%	86%	63%
Employed	93%	85%	91%	88%
Unemployed	7%	15%	9%	12%
Not in Labor Force	5%	48%	14%	37%

- Granting work authorization would not raise labor force participation for men at all, because it is already so high (95%)
- Granting work authorization would not raise participation significantly for women, either because other factors such as age, education, and being a parent explain almost all but 4% of the difference with LPRs.

*Notes:* Sample includes adults ages 18-64. Potentially DAPA-eligible immigrants include only those living with minor children (under age 18) in the same household.

*Source:* MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.

# DAPA Would, However, Likely Raise Unauthorized Fathers' Earnings Substantially

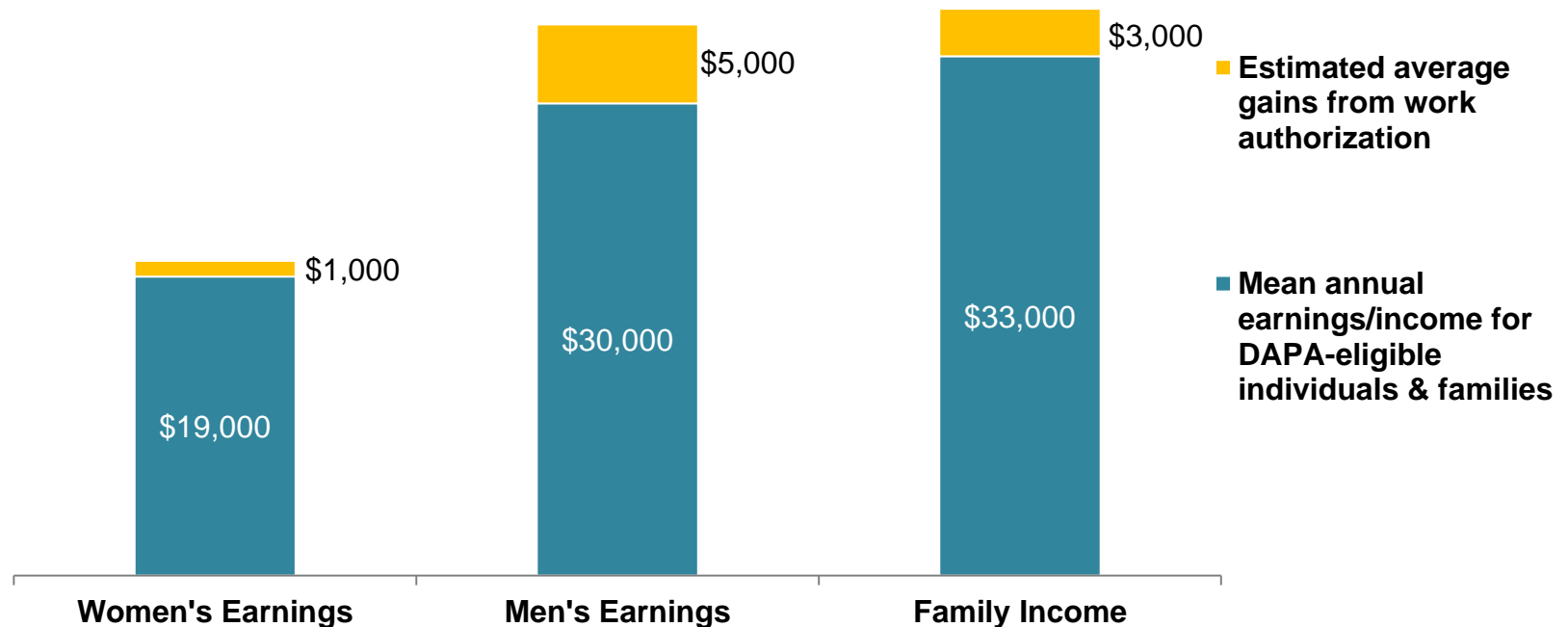
## Decomposition of Mean Annual Earning Differences between Potentially DAPA-Eligible and LPR Adults, by Gender, 2009-13

	Men	Women
Legal Permanent Resident (LPR) Adults	\$ 40,000	\$ 27,000
Potentially DAPA-Eligible Adults	\$ 30,000	\$ 19,000
Difference between Potentially DAPA-Eligible and LPR Adults		
Due to Sociodemographic Characteristics	\$ 5,000	\$ 7,000
Due to Work Authorization and Other Unmeasured Factors	\$ 5,000	\$ 1,000
% Difference between Potentially DAPA-Eligible Adults and LPR Adults		
Due to Sociodemographic Characteristics	17%	37%
Due to Work Authorization and Other Unmeasured Characteristics	16%	7%

Source: MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.

# Families with DAPA-Eligible Parents Would See Incomes Increase and Poverty Decline with Work Permits

## Mean Annual Earnings/Incomes and Estimated Average Gains from Work Authorization for DAPA-Eligible Individuals and Families, 2009-13



- Poverty rates for potentially DAPA-eligible families would fall by 6 percentage points: from 36% to 30%.

Source: MPI analysis of data from the 2009-13 ACS pooled and 2008 SIPP by Hammar, Bachmeier, and Van Hook.



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# Deportation of Fathers Would Dramatically Reduce Family Incomes And Raise Poverty

- Some fathers would be subject to deportation.
  - Mothers are rarely deported, as 91% of deportees are men.
- In the average potentially DAPA eligible 2-parent family:
  - Mean annual income is \$33,000.
  - Subtracting the father's earnings would reduce income to \$9,000.
  - This represents a 73% drop in median annual income.
  - This decline in income would move the average 2-parent family from 134% to 49% of the federal poverty level.



# Conclusions

- 3.6 million unauthorized immigrants potentially eligible for DAPA.
- 10 million individuals would be affected by DAPA.
- The potentially eligible population mostly has long U.S. residence, but low educational attainment and high poverty.
- Granting work authorization would increase the average income of DAPA-eligible family by 10%.
- Deportation would on average *decrease* income by 73%.
- But deportation of potentially DAPA-eligible parents is rare:
  - The Obama's Administration's current deportation priorities closely match DAPA eligibility criteria.



# Cristina Rodríguez



**Cristina Rodríguez** is the Leighton Homer Surbeck Professor of Law at Yale Law School. Her research interests include constitutional law and theory; immigration law and policy; administrative law and process; language rights and policy; and citizenship theory. In recent years, her work has focused on constitutional structures and institutional design. She has used immigration law and related areas as vehicles through which to explore how the allocation of power (through federalism and the separation of powers) shapes the management and resolution of legal and political conflict. Her work also has involved examination of the effects of immigration on society and culture, as well as the legal and political strategies societies adopt to absorb immigrant populations.

Ms. Rodríguez joined Yale Law School in 2013 after serving for two years as Deputy Assistant Attorney General in the Office of Legal Counsel at the U.S. Department of Justice. She was on the faculty at the New York University School of Law from 2004-2012 and has been Visiting Professor of Law at Stanford and Harvard Law Schools. She is a non-resident fellow at the Migration Policy Institute in Washington, D.C. and has been a member of the Council on Foreign Relations. She earned her B.A. and J.D. degrees from Yale and attended Oxford University as a Rhodes Scholar, where she received a Master of Letters in Modern History. Following law school, Ms. Rodríguez clerked for Judge David S. Tatel of the U.S. Court of Appeals for the D.C. Circuit and for Justice Sandra Day O'Connor of the U.S. Supreme Court.



# Questions and Answers

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