“Assessing the Consequences of Temporary Deportation Relief: A Pilot of Immigrants in NYC.”

Final Proposal to the 2015-2018 Theme Projects
Cornell University, Institute for the Social Sciences

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**Thematic Focus and Significance**

This ISS theme proposal leverages a recent policy moment in the United States that has major implications for economic well-being, social inequality, and rights mobilization. In November 2014, President Obama introduced executive actions that would provide temporary deportation relief and work authorization to almost half of the 11 million undocumented immigrants in the United States (sometimes referred to as “a legalization program”).

A great deal of research has focused on the impact of undocumented status on individual immigrants. Yet, we have little information on how temporary reprieve from undocumented status will impact workers’ prospects for social mobility, their ability to engage in claims-making, and other behaviors or expectations regarding schooling, housing, or civic engagement. In a tenuous era of policy uncertainty, such as the past decade of proposed immigration reform,\(^1\) we also have limited information on how insecurity surrounding reform (what has sometimes been referred to as “legal limbo”) impacts immigrant workers’ (and their families’) decision-making.

The foregoing proposal seeks support to pilot a survey with the following key objectives. First, we aim to assess how immigrant workers are responding to and adjusting their orientations, preferences, and behavior to uncertain policy environments that have direct implications for their well-being. In the current policy climate, we ask how undocumented individuals eligible for the November 2014 deferred action program are preparing for this program, and how they have responded to the legal limbo created by the recent court challenge. Specifically, we are interested in whether and how potential applicants are seeking out information and legal advice, as well as how they are adjusting their decisions in hope of deportation relief and/or to meet eligibility criteria (e.g., work or educational requirements). In this funding cycle, we are
requesting support to complete this first round of surveys (Time 1). This will assess the actions that individuals are (or are not) taking in preparation for seemingly imminent policy change, and the impact that decades of political stasis and uncertainty has had on their work, social and civic lives.

Moving forward, we will also seek external funding support for at least one follow-up (and potentially two) regarding the impact of a legalization program (Time 2). Here our key questions include: How has the receipt of executive action (or variants of it), impacted immigrant workers with regard to 1) behaviors and attitudes in anticipation of immigration reform (such as educational investments and document preparation); 2) workplace conditions and outcomes (Hall, Greenman, and Farkas 2011; Hall and Greenman 2014); 3) experiences of workplace violations (Milkman, González, and Ikeler 2012; Bernhardt, Spiller, and Polson 2013); and 4) legal consciousness and rights mobilization (Griffith 2012; Gleeson 2010)? While previous studies have evaluated #2 and #3 following the Immigration Reform and Control Act of 1986, these data are now very dated and drawn in a distinct economic, demographic, and political era. To reiterate, we understand that the current tenuous policy environment presents both a challenge and an opportunity for assessing this question using the case study of immigration reform. Therefore, we have formulated a research design that would utilize a retrospective and prospective approach to understand potential immigrant beneficiaries’ attitudes and behaviors in the absence of reform, or soon thereafter the implementation of reform (T1), and how their new status has impacted their work and civic outcomes (T2).

In addition, we are proposing a range of qualitative exercises that would allow us to prepare a meaningful survey instrument. We propose to draw on the expertise of key organizational stakeholders through structured focus groups with legal service providers,
immigrant-serving nonprofits, unions, worker centers, and educational institutions. We also propose to conduct follow-up interviews with a core subset of beneficiaries to better understand the mechanisms that determine how an uncertain policy environment (T1) and subsequent policy changes (T2) shapes immigrant behavior. Existing research by Gleeson (and colleague Els de Graauw at CUNY) under the Deferred Action for Childhood Arrivals Program (a 2012 policy enacted by the President, and which is in full effect), lays important groundwork for this inquiry.

Research Program

Policy Background

In November 2014, President Obama announced another chapter in the expansion of executive branch protections for the 11 million undocumented immigrants in the United States. Following on the heels of the 2012 Deferred Action for Childhood Arrivals (DACA), the Deferred Action for Parental Accountability (DAPA) program would provide extended protection to millions of children who arrived in the country before the age of 16, and to parents of U.S. citizens and legal permanent residents. In addition to providing temporary deportation relief (three years), this new policy would provide these workers with employment authorization. A coalition of states (led by Texas) challenged DAPA expansion in court. On February 16, 2015, a federal district court Judge in Texas temporarily enjoined DAPA from moving forward. On March 24, 2015, the U.S. Court of Appeals for the Fifth Circuit granted the Obama administration’s motion to expedite its appeal of this decision and will hear the parties’ oral arguments on April 27, 2015. Texas v. United States, 5th Cir., No. 15-40238 (3/24/15).

We will leverage the theoretical and methodological assets of this ISS team to examine the following core immigrant outcomes with regards to the legal limbo of undocumented status, and possible subsequent receipt of legal status. Specifically, we will examine how
undocumented workers who may benefit from reform are gathering information (and from which sources) to prepare their application. We will also look at how they are investing in educational programs (a requirement of the current policy), putting financial matters in order (such as tax documents), gathering the financial means for the application (currently $465), and prioritizing other expenses and time obligations. In addition we want to know where they are gathering this information from (nonprofit organizations, labor unions and government agencies), and what resources exist to support them through this process. Our goal is to understand how the current policy environment is impacting immigrant expectations about the future, and how uncertainty influences economic and civic outcomes. Ultimately, we are also interested in how receipt of status impacts human capital investments (Hall, Greenman, and Farkas 2011), workplace conditions and outcomes (Hall and Greenman 2014), the experiences of workplace violations (Milkman, González, and Ikeler 2012; Bernhardt, Spiller, and Polson 2013), and legal consciousness and rights mobilization (Griffith 2012; Gleeson 2010).

Based on existing research, we know that exclusive immigration policies and inclusive labor standards policies in the United States often work at cross-purposes (Griffith 2011a; Griffith 2012; Griffith 2011b; Griffith and Lee 2012). On the one hand, exclusive federal immigration policies subject undocumented workers to deportation and prohibit employers from knowingly hiring them. State and local governments have taken steps even further to target undocumented immigrants where they work and live (Varsanyi et al. 2012). In contrast, undocumented workers have high rates of labor force participation and labor standards laws cast a big tent towards protecting all eligible workers regardless of their immigration status (Gleeson 2014). This contradiction and the multi-tiered matrix of surveillance and control, critics argue, produces and sustains a marginal workforce (Garcia 2012). Namely, it foments a constant fear
of deportation, relegating these workers to the lowest levels of the labor market and producing a chilling effect on workers’ reporting of wage violations and workplace threats to their health and personal safety (Garcia 2012).

Existing research has examined the impact of immigration status on key economic outcomes such as wages, occupational segregation, job mobility, and exposure to hazardous conditions. Analysis from the Legalized Population Survey (Cobb-Clark and Kossoudji 2000; Kossoudji and Cobb-Clark 2002) and other cross-sectional analyses regarding immigrant workers (Hall and Greenman 2014; Hall, Greenman, and Farkas 2011) confirms that undocumented workers are subject to lower wages, more dangerous working conditions, and higher instances of wage theft and other workplace violations (Bernhardt et al. 2009).

Research in the arena of law and society has assessed whether and to what extent legal status affects worker mobilization to claim rights (see work by Gleeson 2010, 2012.) The recently proposed executive actions provide an opportune moment to examine how the anticipation of a legalization program, and the potential receipt of legalized status, affects these various outcomes. Presumably, a work permit will bring these workers out of the shadows and aid them in obtaining a better job with less exposure to workplace abuse. However, DAPA is temporary, and there is mixed evidence regarding the impact that legal status has on enforcement efforts and claims-making behavior (Alexander 2013).

To this end, in phase 2, we seek to ask two questions regarding the new adult beneficiaries of deferred action: How will deportation relief and work authorization impact workers’ employment outcomes and experiences of labor standards violations? And, what is the impact of deportation relief and work authorization on the legal consciousness and claims-making of workers who may have experienced labor standards violations? The ISS-funded
research during phase 1 will lay the groundwork for us to be able to convincingly seek external support for this endeavor.

**Sample and Fieldsite**

We propose a mixed methods approach that would field a cohort of DAPA-eligible individuals in New York City. Drawing a sample from this population is challenging, but we follow past efforts and our own expertise in offering three sampling designs to be used alone or in combination, with the decision coming during the planning phase and after reaching out to relevant organizations: (1) Work with legal service providers in NYC who have been working with DAPA-eligible persons in anticipation of deferred action to identify clients who would be willing to complete a survey. (2) Several immigrant rights organizations in NYC have held (or will be holding) workshops on preparing for deferred action, attracting a large number of DAPA-eligible persons. In alliance, we would attend these mass workshops to recruit survey respondents (e.g., from email lists of attendees). (3) In partnership with member-based organizations – namely worker centers and labor unions – we would draw a sample of likely DAPA-eligible persons from membership lists. Admittedly, each of these sample designs would draw a sample that is selective in certain ways – i.e., DAPA-eligible persons who have worked with legal service providers, who have attended large planning events, or who participate in activities of worker organizations – but in the absence of administrative information on applicants, they represent the best practices for drawing reasonably large samples of this hard-to-reach population (Terriquez 2011; Valenzuela et al. 2006; Burnham and Theodore 2012).

Despite these limitations, there are reasons to believe that coverage error produced from a sampling frame drawn from NYC-based non-profit organizations is relatively conservative. First, New York City, to some extent, represents a best case for sampling from legal service providers because the city (and state) have invested millions of dollars in the initial DACA rollout.
Moreover, NYC is expected, through the Mayor’s Office of Immigrant Affairs, to continue to be involved in these last cycles of reform. Importantly, NYC is unique in providing publicly funded legal counsel in the courts, and is one of few localities to provide public funds towards the implementation of deferred action. To the extent that the ‘reach’ of legal service providers is wider in NYC than elsewhere, a sample produced from these organizations is likely to be less selective. Second, while recent research has found that a sizeable portion of the DACA eligible youth have submitted applications for deferred action without the help of legal service providers, those doing so were typically younger, better educated, and more technologically savvy (Wong and Valdivia 2014). In contrast, the DAPA-eligible population is likely to be more reliant on legal service providers given their older age and unfamiliarity with online resources that may aid them in the application process.

Using one or more of these sampling designs, we hope to draw an initial sample of approximately 500 persons. Following this initial survey sample, we intend to draw a 10 percent sample of approximately 50 interviewees in order to delve deeper into the mechanisms driving respondent behavior and attitudes, and to understand how legal limbo is impacting workers’ legal consciousness.

**Research Design**

In this initial proposal, we are requesting support to implement a series of focus groups, a survey, and a series of 50 interviews in the period before implementation of deferred action. Collecting data prior to the implementation of reform (or some variation of it) serves two main analytic goals: (1) it grants us an opportunity to test our survey instrument and to get an early start at establishing a sample of potentially DAPA-eligible persons; and (2) provides a true pre-reform observation period, that does not rely solely on retrospective reports prone to recall
errors. Beyond these methodological justifications, collecting data and interviewing migrants prior to reform has the added benefit of learning how migrants are adjusting their work activities, expectations for the future (e.g., regarding migration or schooling decisions), or otherwise altering their behaviors in anticipation (or not) of deferred action policies.

We hope to leverage the insights gained from this pilot to expand the data collection effort out to assess the short-and medium-run impacts of deportation relief. More specifically, assuming that reform moves forward, we plan to make two additional points of contact with study subjects following implementation of reform. The first follow-up (Time 2) would take place following receipt of deportation reprieve or work authorization. Information on work arrangements and other characteristics would be updated at this time. Data collected at this point would allow for a basic assessment of the immediate returns to deferred action, including questions on worker educational investments, economic mobility, societal perceptions and attitudes, and rights mobilization behavior. Under our planned design, a second follow up would occur at least one year from the receipt of deferred status. Again, basic work arrangements, compensation, educational training, and information on other characteristics would be collected via a survey. These data would provide information necessary to assess the medium-run returns to deferred action. Aware of the real potential for non-random sample attrition between interviews, this larger effort would consider the newest survey techniques in reducing attrition (e.g., Cash benefits for participation, Online system for changing contact information, Cash benefits for changing address when moving, Short interval between time points, Shorter surveys reduce time burden and thus survey fatigue, Following up with all base respondents if they are unavailable at first follow-up, etc.).
In line with these broader goals, we are actively seeking foundational support and are requesting support from ISS to seek funding to interface with other scholars conducting synergistic research in NYC and across the country, in order to apply meaningfully for additional grant support. As members of the Worker Institute at Cornell’s Executive Committee, Griffith (chair of the Precarious Workforce Initiative) and Gleeson will also work to seek public funding support from New York State for this study.

Relevance to ISS Mission

This research will advance the ISS theme project’s mission regarding interdisciplinary research in academia and the public sphere. Our team brings together diverse theoretical and methodological expertise, access to our target study population, and experience fielding large scale surveys and qualitative interviews. While much of the literature on undocumented work focuses on economic outcomes, our research will also identify the way that liminal status and temporary deportation relief impacts rights mobilization. The law and society literature suggests that there are two distinct mechanisms at work: instrumental and constituitive effects (Fleury-Steiner and Nielsen 2006; Berrey, Hoffman, and Nielsen 2012). To be certain, deportation relief and workplace authorization is essential for addressing workers’ job security and fear of removal (Abrego 2011; Cunningham-Parmeter 2008). However, research also suggests that undocumented status shapes workers’ legal consciousness and their orientation towards rights through their sense of belonging and entitlement to these protections (Gleeson 2010; Gonzales 2009; Ryo 2006).
Final Products

In addition to seeking public funding via the Worker Institute at Cornell, support from ISS will allow our team to solicit support (during year 1) from foundations in order to gather the funds necessary to field a two-part survey and follow-up qualitative interviews (during year 2). The team will also bring internal research assistance to the project, including likely support from 1 Master of Industrial and Labor Relations student and 2 undergraduate research fellows affiliated with the Worker Institute at Cornell (which has been confirmed by the Director, Lowell Turner). We expect that our T1 study will result in at least one publication regarding claims-making to be submitted to a leading interdisciplinary journal and likely a second article focused on patterns of immigrant incorporation and inequality. We also intend on seeking opportunities to address a public audience that includes local policy advocates.

The Team

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<tr>
<th>Faculty</th>
<th>School/Department</th>
<th>Theoretical/Methodological Expertise</th>
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<tbody>
<tr>
<td>Shannon Gleeson</td>
<td>ILR/Labor Relations, Law &amp; History</td>
<td>Latin@ Studies, law &amp; society, work &amp; inequality, immigration, mixed methods</td>
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<td>(co-team leader)</td>
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<tr>
<td>Matt Hall</td>
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<td>Demography, immigration, work and stratification, quantitative analyses</td>
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<tr>
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<tr>
<td>Steven Alvarado</td>
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<td>Sociology of education, Latinos &amp; immigration, quantitative analysis</td>
</tr>
<tr>
<td>Kate Griffith</td>
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<td>Economics, labor, education, and immigration</td>
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We have convened an interdisciplinary team of social scientists and law & society scholars which leverages both quantitative (Alvarado, Gleeson, Hall, Matsudaira), qualitative (Gleeson), and legal (Griffith) research and analysis skills. Our team is positioned to leverage the
professional and community contacts that will be necessary to pull this survey together. Griffith is a Research Fellow of NYU’s Center for Labor & Employment Law and has extensive contacts in the legal services community that represents immigrant workers in NYC. Both Griffith and Gleeson are core members of the Worker Institute at Cornell and the Precarious Workforce Initiative, and will work closely with our colleagues in the ILR NYC Extension Unit to gain contacts and access at an array of unions and immigrant-serving workers centers who have collaborated with ILR in past research studies, including social and legal service providers, as well as worker organizing groups and hiring halls, who have actively been working to reach out to DACA-eligible population (Fine 2006).

This team also has significant methodological expertise in survey research. For example, Hall was involved in the instrument of and the data collection effort for the Chicago Area Survey and Gleeson has conducted a survey of low-wage workers in the San Francisco Bay Area. Alvarado, Hall and Matsudaira also have quantitative research skills in immigration and education, residential segregation and labor market stratification research. Griffith is a leading scholar in the arena of “imemployment law,” as well as the rights of precarious workers.
REFERENCES


Wong, Tom, and Carolina Valdivia. 2014. *In Their Own Words: A Nationwide Survey of Undocumented Millennials.* United We Dream Network and Unbound Philanthropy. 
ENDNOTES

1 The past decade of immigration debates in the United States have included the following proposals, amongst others, each of which have been broadly discussed, and to some extent sensationalized, in the mainstream and ethnic media: The Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005 (HR 4437); the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (SB 1348); the Secure America and Orderly Immigration Act of 2005 (S. 1033); the Comprehensive Enforcement and Immigration Reform Act of 2005 (S. 1438); the Comprehensive Immigration Reform Act of 2006 (SB 2611); the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (SB 744) and HR 15). Also in 2013, the following bills were also proposed and unsuccessful: The Strengthen and Fortify Enforcement (SAFE) Act; The Legal Workforce Act; The Agricultural Guestworker Act; the SKILLS Visa Act.