

Reaching into

Navigating the Intricacies



the Shadows

by Carol Ward

of Serving Undocumented Families



Early in the summer of 2012, a cover story in *Time* magazine featured a group of young people who have “come out” in a new way. These individuals, brought to the United States as small children, were openly declaring their status as non-citizens via social media and other outlets in an effort to effect political change. Whether or not as a result, President Obama announced in June 2012 that hundreds of thousands of people who immigrated to the U.S. illegally as children will be allowed to stay and work without fear of being deported.

Such developments have fueled the debate about immigration in the United States, but these stories don’t capture the realities of the lives of undocumented people living in this country—a group that the Center for Immigration Studies numbered in 2009 at nearly 11 million. Many are concentrated in specific areas, with, for example, 2.7 million in California, 1.45 million in Texas, 1.05 million in Florida, and 925,000 in New York, according to the Pew Research Center; approximately 80 percent are from Latin American countries (the majority of those from Mexico), 12 percent from Asia, 4 percent from Europe and Canada, and 4 percent from Africa and other places. They come to the U.S. for reasons ranging from extreme poverty to political oppression in their native countries; once here, many have a tenuous personal safety net at best.

“Undocumented families are among the most resourceless population in the United States,” says Ruben Garcia, director of El Paso’s Annunciation House, a privately funded shelter and assistance center that serves mainly undocumented individuals.

“These families are unable to access the most basic of social services that we usually count on to help people keep their heads above water,” Garcia adds. “That makes life very difficult and marginalizes people in a severe way.”

Left: The Center for Immigration Studies estimates that nearly 11 million people in the United States are undocumented.

Right: A strict immigration law in Alabama, HB-56, requires police, schools, and hospitals to check the immigration status of students, patients, and anyone stopped and suspected of being an undocumented immigrant. The law has both the legal and undocumented Latino population in the state fearful of deportation and family breakups. A young girl does her homework in a home of mixed citizenship. Half the family is worried about sudden deportation, while others, born in the U.S., have full citizenship.





Left: A worker assists a Mexican family with immigration paperwork in her Garden City, Kansas, office. Her clients range from completely undocumented residents to those seeking to visit their home countries and needing the proper paperwork to return to the United States legally.

Lower right: Volunteers prepare bags of food that will be distributed at the Community Posada to support immigrant families who are struggling in the challenging Arizona economy—one made more difficult by the new laws regarding the employment of undocumented workers.

Susan Bowyer, directing attorney for the Immigration Center for Women and Children’s San Francisco office, calls undocumented individuals “the most vulnerable people in the United States.”

“They can’t call the police or access services, and they’re not eligible for any public benefits,” Bowyer points out.

Murky Waters in Alabama

Finding ways to reach and assist undocumented families in Alabama became more difficult last year, when the state legislature passed what is considered to be the most aggressive anti-immigration law among all states, surpassing even the restrictions of Arizona’s law.

Four other states (Utah, Georgia, Indiana, and South Carolina) have passed immigration-enforcement laws, while eight more (Oklahoma, Missouri, Mississippi, Tennessee, Kentucky, Virginia, North Carolina, and Florida) have made moves toward doing so. Among other restrictions, Arizona’s SB 1070, passed in 2010, made it a misdemeanor for an alien to be in Arizona without carrying the required documents; it also required that state law-enforcement officials attempt to determine individuals’ immigration status during lawful stops, detentions, or arrests, or during “lawful contacts,” when there is reasonable suspicion that the individual is an illegal immigrant. (The U.S. Supreme Court struck down parts of the law in June 2012.) In Alabama “we took

Arizona’s bad law and made it worse,” says Stephen Stetson, a policy analyst at the Arise Citizens’ Policy Project, a Montgomery, Alabama–based group that addresses poverty issues in the state.

Alabama’s new law instructs police to check the immigration status of anyone they stop if they suspect the person of being an undocumented immigrant. The law also makes it a felony to harbor, shield, or transport illegal immigrants, although it is unclear where the burden of knowledge lies. In October 2011 the 11th U.S. Circuit Court of Appeals temporarily blocked several portions of the law, including a requirement that schools check the immigration status of new students and their families.

Stetson says the law has put a severe crimp in the services available to undocumented individuals, such as access to housing.

“To rent an apartment to someone who is undocumented is criminalized in Alabama,” he says, noting that landlords are handling the new rules in various ways.

“The law doesn’t say that [the landlord] must demand citizenship papers, but he could,” Stetson explains. “A lot of landlords are erring on the side of caution. It’s been extremely hard for a lot of these people to enter into lease agreements.”

An early version of the law, which has since been amended, was interpreted to mean that state-run utility companies could not enter into business transactions with undocumented individuals. For the winter of 2011–12, that meant many undocumented families were without heat and running water.

Providing food assistance has also become fraught with difficulty. Dick Hiatt, executive director of the Food Bank of North Alabama in Huntsville, says excessive paperwork, fears of prosecution, and lower food volume are three results of the new law.

The Food Bank of North Alabama serves as a wholesaler, distributing food—including government food provided through The Emergency Food Assistance Program (TEFAP)—to several groups throughout the region. Because it receives that food from the federal government, it is considered to be a state-funded entity. Under the new law,

That inability to access public services is exacerbated by the other significant problems that undocumented individuals typically face, including threat of deportation, barriers to working legally, and being barred from low-income housing. In addition, they are often hesitant to seek medical care or ask for help in school for fear of drawing attention to their families' illegal status.

The agencies that exist to help the poor in this country are often stymied in their efforts to assist undocumented individuals and families, due to restrictive or confusing laws governing who is eligible for help. Yet there are strategies that service providers can use to best meet the needs of undocumented clients. The first step is outreach.

Ask? Don't Ask?

Experts in the field say that there are programs to address many of the crises that befall undocumented families—including homelessness and lack of food—on an alarmingly regular basis. But many of these families are loath to be found out, or to give any information that might reveal their undocumented status.

Eliana Kaimowitz, an attorney and equal justice works fellow for the California Rural Legal Assistance Foundation, maintains that having that information is crucial to determine the most efficient way to help.

"It's really hard to help people if you don't know what's going on," Kaimowitz says. "It's important to let people know that immigration status won't preclude you from helping them, but it may help clarify what type of help you can give them." She suggests assuring clients that the service provider "has an obligation not to disclose" the information with others.

"Not asking about it just further perpetuates the undergroundness of it all," Kaimowitz adds. "What's really terrible is that so many families are eligible for services but they're not getting them." She points to mixed-status families, in which one or more members are U.S. citizens while others are not, as a key example.

Others say asking about immigration status creates an unneces-

the Food Bank of North Alabama must prove that no group it conducts business with employs any illegal immigrants.

"It all has to be done formally, and all the documents have to be notarized," Hiatt says, noting that his organization is audited regularly.

For the rural churches and groups that rely on the food bank, this level of bureaucracy is daunting.

"It's very confusing for a lot of these small organizations," Hiatt says, adding that several are noncompliant. "We have to place them on hold until they can get their paperwork done. Their whole mission is to feed hungry people, and this has made trying to help people in need much more difficult."

The challenges do not end there. According to Hiatt, the new law requires that if any agency is providing assistance based on any criteria—such as means testing—then that agency must determine if the person receiving the food is an American citizen.

An obvious way around that problem would be to eliminate the means testing, which would then exempt the agency from inquiring about

immigration status—except that under federal law, food provided through the TEFAP program requires such testing.

"The problem is that without federal food there isn't much food available," says Hiatt. "Ever since the economy went south it's been federal food that has held us together." That problem has been made worse by the diminished farming in Alabama—due to a lack of migrant labor under the new rules—

which means food banks can no longer rely on "community food security" programs, as they did in the past.

The solution is less than ideal. "Many of the food banks are just getting everybody they serve to sign a statement saying they are a U.S. citizen, regardless of the reality, and that gets [the food bank] off the hook," Hiatt says, adding, "It's just gotten insane down at the distribution level." ■



sary barrier to services.

“It’s clear that nonprofits, under federal law, don’t have an obligation to ask about immigration status,” in the view of Meliah Schultzman, an attorney with the National Housing Law Project. She notes that immigration status does not come down to simply being documented or undocumented—that there are many categories in between. There is considerable confusion at the provider level about which programs are applicable for undocumented families or families whose status is between illegal and legal, meaning that questions about status may not always be helpful to ask.

“As a policy it would be very helpful if a nonprofit provider made it clear from the outset that they do not need to know about immigration status and are not going to ask about it,” Schultzman says.

“Even though immigration is such a hot topic, most social workers don’t know anything about how it works and what the different statuses are,” according to Kaimowitz. “It’s more complicated than just having a green card or being undocumented. There are different statuses that make you eligible for different types of assistance, and people don’t know that.

“A lot of the social workers are really overworked so they don’t have time to ask their supervisor, they just say ‘no, you’re ineligible,’” Kaimowitz adds. “It’s more work and in some situations there is no guidance.”

Bowyer’s agency works to get documentation for illegal immigrants who meet certain criteria. One example is those who have applied for U Visas. Created by the Victims of Trafficking and Violence Protection Act of 2000, U Visas are designed to provide lawful status to noncitizen crime victims who are assisting or are willing to assist legal authorities with investigations. U Visa status may be available to victims of domestic violence or certain other crimes.

In some states, including New York and California, public benefits are available for U Visa applicants, Bowyer says.

“The problem is that front-end workers don’t understand the law—a woman applies for services but they are denied because the social worker tells her she needs a social security number,” Bowyer says, noting that her agency has started a major effort to educate providers with regard to this issue.

Mixed-status Families

The extent to which mixed-status families can access services is an important, and too often misunderstood, issue.

El Centro, a Kansas City, Kansas–based outreach organization that focuses on the Latino community, provides myriad services for both documented and undocumented families in the area. Melinda Lewis, public-policy consultant for El Centro, claims that most undocumented families are of mixed status, with one or more children having citizenship.

Fear among this group runs high, according to Lewis, making it difficult to provide any assistance. “We have many, many immigrant parents who won’t apply for food assistance for their children,” she says. “They won’t believe us when we say they are in fact eligible because they are afraid of discriminatory action, or even afraid of adverse immigration action.”

That same problem manifests itself in different ways across the country when it comes to housing issues, Schultzman says. She notes the U.S. Department of Housing and Urban Development rule that households cannot be rejected for low-income housing because they have one or more undocumented members; the assistance level is based on the number of documented individuals.

Schultzman points out, however, that housing authorities do not typically understand the nuances of the rules, so it is incumbent on local service providers to know.

“Many housing authorities still have forms that say every household member must provide a social security number,” Schultzman says as an example. “That automatically turns a lot of families off who otherwise might be eligible for mixed-household status.”

Schultzman says that she understands the immigrants’ fear of being exposed if they reveal their status—but that she has not encountered any situations in which undocumented occupants have been reported.

In the Trenches

Many efforts to help noncitizen residents can get mired in the details of who legally qualifies for what services and, equally important, how to convey the intricacies of the law to overworked providers and disenfranchised immigrant families. But out in the trenches, service providers are coming up with ways to help undocumented families gain a footing in this country.

For 34 years Annunciation House has been helping undocumented individuals who cross the border into Texas, with Garcia estimating that the shelter has hosted nearly 120,000 undocumented people during that time.

The organization’s main role is to provide temporary shelter for

those who need to regroup before making their way in a new country. Garcia says the challenges for such people are huge.

“It’s very difficult for people to exit shelters,” he says. “They have a very hard time finding work, and if they do find it, it’s very low pay or they find themselves in situations where the employer doesn’t pay what he promised.” Annunciation House does not have a strict time limit for stays, but guests are encouraged to move through in order to make room for the next wave of people in need.

Annunciation House also helps facilitate employment, but not in the usual way.

“You basically have to set up an informal network” outside the government-supported or privately funded employment programs within shelters and other facilities, Garcia says. “Undocumented workers seek employment in the informal economy. They inquire at places where they see other people working, things like that.”

Affordable housing is also an issue. Garcia says many landlords in the El Paso area are not interested in potential tenants’ legal status; they mainly want to know if the tenants can pay rent. He adds, “These are substandard apartments that rent by word of mouth, and the poor know how to find them.”

Up in the Seattle area, Gina Custer, director of housing services for East King and South King Counties at the YWCA Seattle/King/Snohomish, encounters undocumented families on a regular basis.

The YWCA inquires about the status of those seeking assistance, but only to ascertain the correct course of action, Custer says. Once people are placed in the organization’s temporary or transitional housing, other services come to the fore.

“We can’t do a lot with employment,” Custer admits. “Some folks are completely amazing in that somehow they are able to get jobs without social security numbers but they’ve gotten tax identification numbers. It’s really hit and miss, to be honest.”

Custer says, however, that she can connect clients with legal



Even amidst uncertainty and fear, undocumented families try to maintain family life and networks in the U.S.

services that may be able to help with immigration issues, and to other services, such as language classes. Custer also notes that interpreters are provided for women or families who need them during intake and throughout their stays. One of the main jobs for Karly Garcia (no relation to Ruben Garcia), a Latina Outreach Specialist for the YWCA Seattle/King/Snohomish, is to help Spanish-speaking immigrants navigate unfamiliar bureaucratic processes.

In addition, Karly Garcia troubleshoots a variety of other challenges faced by undocumented women and families. She provides health education to the Latina women who utilize the YWCA facilities, about 80 to 90 percent of whom are undocumented, she estimates.

But more than that, she works as a liaison and advocate for these women, who often do not have the means or the knowledge base to access the services they need. Those needs run the gamut, from emergency dental care to surgery to help for a schizophrenic son.

“There are so many challenges just on a day-to-day basis, and they don’t know where to turn,” Karly Garcia says. “They don’t understand the language or the system,” and they have fewer