ORANGE COUNTY SCREENING REPORT

A REPORT OF THE

OPPORTUNITY INITIATIVE

In partnership with

TOM K. WONG, PH.D.
Associate Professor
Department of Political Science
University of California, San Diego

oc-cf.org/ocscreeningreport.pdf
INTRODUCTION

From April 2017 to February 2018, the Orange County Opportunity Initiative (OCOI) supported legal service providers across Orange County in a large-scale, coordinated immigration legal screening project. Having access to trusted, quality legal services is vital for Orange County’s undocumented immigrant population. Indeed, many undocumented immigrants may potentially be eligible for some form of permanent immigration relief, meaning a legal way to stay in the country, but may not know it, much less be able to pay for the costs associated with applying for it.

The OCOI Screening Project began with six funded partner organizations—Catholic Charities of Orange County, Council on American-Islamic Relations (CAIR), World Relief Southern California, Public Law Center (PLC), Korean Community Services (KCS), and Asian Americans Advancing Justice, Orange County. As the project evolved, five additional organizations joined the effort—Building Skills Partnership, Orange County Communities Organized for Responsible Development (OCCORD), PARS Equality Center, and the Legal Aid Society of Orange County.

This report analyzes the outcomes of the immigration legal screenings. In particular, this report asks and answers the question of how many undocumented immigrants in Orange County may potentially be eligible for some form of permanent immigration relief. The data show that 18.7 percent of undocumented immigrants in Orange County may potentially be eligible for some form of permanent immigration relief. With an estimated 244,000 undocumented immigrants, this translates into approximately 46,000 people who, with access to trusted, quality legal services, may have a legal pathway to stay in the country. For each undocumented person who is able to access permanent immigration relief and is able to legally stay in the United States, this not only profoundly impacts the individual, but it also keeps families together, and allows individuals to participate more fully in society and in the economy.
The staff attorneys of the OCOI Screening Project partner organizations and their U.S. Department of Justice (DOJ) accredited representatives (with their supervising attorneys present) conducted the immigration legal screenings. Undocumented immigrants were screened for potential eligibility for:

- 245i
- Adjustment of Status
- Asylum
- Derivative Citizenship
- Military Parole-in-Place
- NACARA
- Non-LPR Cancellation of Removal
- Special Immigrant Juvenile Status
- T Nonimmigrant Status (i.e., T-Visa)
- U Nonimmigrant Status (i.e., U-Visa)
- Violence Against Women Act (VAWA)

Appendix A provides a brief description of each form of immigration relief. The same screening questionnaire was used in all of the screenings to ensure consistency in data collection.

DATA AND ANALYSIS

Eleven OCOI Screening Project partner organizations provided immigration legal screenings to 2,232 people. The outcomes of a random sample of 1,000 of the immigration legal screenings are analyzed here to estimate the percentage of undocumented immigrants in Orange County who are potentially eligible for some form of permanent immigration relief.²

In the sample, the average age of those who were screened is 38.9 years old and the average length of time that they have been in the United States is 17.1 years. More women were screened than men, 58.5 percent compared to 41.5 percent. And while 83.8 percent of those who were screened were born in Mexico, 37 different countries and territories, from Argentina to Vietnam, are represented in the sample. Table 1 compares the sample to the broader undocumented population in Orange County.³ As the table shows, the sample of those who received immigration legal screenings tends to be slightly older and has lived in the United States longer than the overall undocumented population. Moreover, those who received immigration legal screenings are significantly more likely to

¹Previous research by Wong et al. (2014) showed that approximately 14 percent of DACA recipients were potentially eligible for some form of permanent immigration relief. In other words, instead of applying for DACA, which is temporary and has to be renewed every two years, they were eligible to apply for permanent legal status. See: Wong, Tom K., Kerwin, Donald, Atkinson, Jeanne, McCarthy, Mary Meg. 2014. “Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey.” *Journal on Migration and Human Security*. https://doi.org/10.14240/jmhs.v2i4.37. Moreover, in a regional study, Atkinson and Wong (2018) found that approximately 15 percent of the entire undocumented population in the United States South were potentially eligible for some form of permanent immigration relief. See: Atkinson, Jeanne M., Wong, Tom K. 2018. “The Case for a National Legalization Program Without Legislation or Executive Action: Results from Screening for Immigration Legal Options.” *Journal on Migration and Human Security*. https://doi.org/10.1177/231150241871915.

²Those who may potentially be eligible for a family-based sponsorship in the future are not considered in this analysis to be potentially eligible for some form of permanent immigration relief. Moreover, those with potentially identifying problems, meaning issues that could prevent their eligibility, are also not considered in this analysis to be potentially eligible for some form of permanent immigration relief.
be women and are significantly more likely to have been born in Mexico. For the purposes of this analysis, these differences mean that more rigorous statistical modeling is required before using the results from the sample to estimate the percentage of undocumented immigrants in Orange County who may potentially be eligible for some form of permanent immigration relief.

TABLE 1. Undocumented Population in Orange County – Screening Project Sample Compared to 2016 American Community Survey (ACS)

<table>
<thead>
<tr>
<th></th>
<th>SCREENINGS</th>
<th>2016 ACS ESTIMATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>38.9</td>
<td>37.7</td>
</tr>
<tr>
<td>Years in the United States</td>
<td>17.1</td>
<td>15.9</td>
</tr>
<tr>
<td>% Male</td>
<td>41.5%</td>
<td>52.7%</td>
</tr>
<tr>
<td>% Born in Mexico</td>
<td>83.8%</td>
<td>67.5%</td>
</tr>
</tbody>
</table>

In the random sample of 1,000 immigration legal screenings, 405 people, or 40.5 percent, were found to be potentially eligible for some form of permanent immigration relief. However, in order to estimate how many undocumented immigrants in Orange County are potentially eligible for permanent immigration relief using these results, additional steps are needed. This analysis begins by modeling how the likelihood of being potentially eligible for permanent immigration relief varies by age, length of time in the United States, gender, and country of origin. Potential eligibility for permanent immigration relief is regressed on these covariates using the following logistic regression model:

\[ \Pr (1|X) = x_0 + x_1 \text{ age} + x_2 \text{ age}^2 + x_3 \text{ years in U.S.} + x_4 \text{ gender} + x_5 \text{ Mexico} + \varepsilon \]

Age and age squared are included in the model because the relationship between potential eligibility and age is not likely a linear one. For example, some forms of permanent immigration relief are available only to young people (e.g., SIJS) while those who are older may also be more likely to be potentially eligible for permanent immigration relief because they are more likely to have children (American citizen children, in particular). Number of years in the United States can also affect potential eligibility. Gender is also included in the model because certain forms of permanent immigration relief disproportionately affect women more than men (e.g., VAWA). Country of origin is also an important determinant. After estimating the model, the results are then used to simulate the predicted probability of potential eligibility for some form of permanent immigration relief for the broader undocumented population in Orange County. In other words, after modeling the likelihood of potential eligibility for permanent immigration relief using our sample of immigration legal screenings, the results are then used to simulate out-of-sample predicted probabilities for the broader undocumented population in Orange County using the ACS microdata.

\(^3\text{The size and characteristics of the undocumented population in Orange County are estimated by Wong using the Warren method. This estimate was obtained using the most recent United States Census 2016 American Community Survey (ACS) 5-year microdata. This figure represents a decrease in the undocumented population in Orange County from the previous year. Per the 2015 ACS 5-year microdata, there were an estimated 258,000 undocumented immigrants in Orange County.}\)
POTENTIAL ELIGIBILITY FOR PERMANENT IMMIGRATION RELIEF

An estimated 18.7 percent of undocumented immigrants in Orange County are potentially eligible for some form of permanent immigration relief. With an estimated 244,000 undocumented immigrants in Orange County, this translates into approximately 46,000 people.

Recall that among the sample of 1,000 immigration legal screenings, 405 people, or 40.5 percent, were found to be potentially eligible for some form of permanent immigration relief. However, our county-wide estimate is lower because the statistical model takes into account the differences in the characteristics of the sample when compared to the characteristics of the broader undocumented population in Orange County.

It is important to note that while an estimated 18.7 percent of undocumented immigrants in Orange County may potentially be eligible for permanent immigration relief, this does not mean that 46,000 people will file immigration petitions. Indeed, more work needs to be done to track people after they learn about being potentially eligible for permanent immigration relief. For example, numerous obstacles may impede an individual from filing an immigration petition. One main obstacle may be the costs associated with applying. The average annual pre-tax wages and salary income among those who are potentially eligible for permanent immigration relief is $23,814. This makes the costs of filing a petition prohibitive for many who may potentially be eligible (not even factoring in other potential costs such as hiring an attorney). There are other obstacles not related to costs. For example, one might not have (or might not be able to get) the documents that are needed to submit along with a petition.

Other notable characteristics about those who may potentially be eligible for permanent immigration relief are:

• 92.2 percent who are in the labor force are currently employed
• The top five occupations (using Census occupation codes) are: Maids and Housekeeping Cleaners, Personal Care Aids, Childcare Workers, Retail Salespersons, and Cashiers
• The top five industries (using Census industry codes) are: Restaurants and other food services, Private households, Traveler accommodation, Services to buildings and dwellings, and Child Day Care Services
• 44.9 percent are limited English proficient (LEP), meaning they do not speak English or they are bilingual, but do not speak English well
• 43.6 percent do not have health insurance.
RECOMMENDATIONS

As the data show, an estimated 46,000 undocumented immigrants in Orange County may potentially be eligible for some form of permanent immigration relief. However, when considering expanding resources for immigration legal services, the data also show that there are outreach gaps that future work can address. The data point the way to more proactive outreach to undocumented immigrants who may potentially be eligible for some form of permanent immigration relief. Recall that 92.2 percent of those who may potentially be eligible for some form of permanent immigration relief and who are in the labor force are currently employed, with Restaurants and other food services, Private households, Traveler accommodation, Services to buildings and dwellings, and Child Day Care Services as the top five industries (using Census industry codes). Using data such as these to inform our thinking about where and when immigration legal screening events may be most accessible, as well as who the most effective messengers for these events may be, can and should complement existing modes of outreach.

The sample of immigration legal screenings also make clear that more outreach targeted at undocumented men and at undocumented immigrants born in places other than Mexico is needed. Orange County is home to the largest number of foreign-born persons from Vietnam and the second largest number of foreign-born persons from Korea by county across all counties in the United States. Proactive outreach to these groups could make future work more representative of the broader undocumented population in Orange County.

The top occupation (using Census occupation codes) for undocumented men in Orange County is Grounds Maintenance Workers. The second top occupation is Construction Laborers, followed closely by Cooks. This means that partnering with labor organizations such as the SEIU (for Grounds Maintenance Workers and Cooks) or the local Building Trades (for Construction Laborers) to do direct outreach to their respective memberships regarding immigration legal screenings can prove fruitful. The occupational profile for undocumented immigrants in Orange County born in places other than Mexico is slightly different. The top occupation for undocumented immigrants born in places other than Mexico is Maids and Housekeeping Cleaners, followed closely by Retail Salespersons, Cashiers, and Personal Care Aides. This means that partnering with local business associations (for Retail Salespersons and Cashiers) or organizations such as the National Domestic Workers Alliance (for Maids and Housekeeping Cleaners and Personal Care Aides) can also prove fruitful.
As the analysis of the immigration legal screenings makes clear, an important set of unanswered questions remains regarding what happens after the initial screening. For those who are not currently eligible for immigration relief, what information or services can be provided to them? Are partner organizations currently providing this information or services? If not, why not? If so, can services for undocumented immigrants who are not currently eligible for immigration relief be bolstered given the current policy environment? For those who are found to be potentially eligible for some form of permanent immigration relief, what happens next and what more can be done to ensure that those who can legally stay in the United States are in fact able to do so? As resources for immigration legal services expands, so too should our efforts to answer these questions.

The view of the organizations that are “on the ground” also provide important lessons learned. When considering expanding resources for immigration legal services, it is clear that adding capacity may require a more nuanced discussion. More specifically, the need is not simply to add more immigration attorneys who can do the immigration legal screenings, but there is also a need to add staff support—from office management to organizers who can create screening workshops (secure locations, staff the events, advertise the events, etc.), among other staff support.

It has also become clear that those who are potentially eligible for some form of immigration relief are not a homogenous group. For example, those who are currently in immigration detention face a very different, and arguably more pressing, set of challenges than those who are not in immigration detention. Strategic thinking about how to expand access to legal screenings for those who are currently in immigration detention is an important and necessary evolution of the screening project.

The following are examples of the importance and impact that immigration legal screenings have had on Orange County residents.

• “We screened a Mexican man whose son was in the military. We assisted him in applying for, and ultimately obtaining, Military Parole-in-Place.”

• “We screened a Romanian man who was married to a U.S. citizen (USC). He had been in the U.S. for close to twenty years. He had an approved I-130 petition [for family members of U.S. citizens], but he did not know what the next steps were to obtain

---

4This should not be interpreted to mean that organizations do not need more legal capacity, they do. Potential fruitful avenues to explore are partnering with law schools and immigration law clinics, as well as the private bar.
permanent residency. He legally entered the U.S., but did not have any record of this. If we could not prove he legally entered the country, he would have to leave and return to his country of origin and then file a provisional waiver for having unlawfully resided in the U.S. Fearing he would be unable to return, he did not want to leave the U.S. We assisted him with a Freedom of Information Act (FOIA) request to obtain his record of lawful entry. Once we received proof of his legal entry, we were able to file a petition in order for him to obtain a green card.”

• “We screened a Canadian woman and her 3-year-old daughter. The child’s father was a U.S. citizen. The mother and daughter had experienced abuse by the child’s U.S. citizen father. We assisted in applying for Violence Against Women Act (VAWA) protections for the three-year-old. The three-year-old daughter recently received a prima facie approval. We are currently assisting the mother in applying for a U-Visa [for victims of crime].”

CONCLUSION

The OCOI supported immigration legal service providers across Orange County in a large-scale, coordinated immigration legal screening project. Over 2,000 undocumented immigrants in Orange County received immigration legal screenings as a result of this effort. In analyzing a random sample of 1,000 of these immigration legal screenings, the data show that an estimated 18.7 percent of the undocumented population in Orange County may be eligible for some form of permanent immigration relief. This translates into approximately 46,000 people. More work needs to be done to track people after they learn about being potentially eligible for some form of permanent immigration relief and, in particular, whether one is actually able to obtain legal status. The data make clear that a large number of undocumented immigrants in Orange County may have legal avenues to stay in the United States, which will bear the fruit of great promise for their lives, their families, and the communities, like Orange County, they call home.

The OCOI continues to make headway in providing outreach, education, and legal services for immigration relief and citizenship. By ensuring the full participation of our immigrant communities, Orange County will see positive economic, health, and educational outcomes for all residents while strengthening the social and cultural fabric of our community.
APPENDIX A

245i: According to United States Citizenship and Immigration Services (USCIS), 245i will “enable certain individuals who are present in the United States who would not normally qualify to apply for adjustment of status in the United States to obtain a green card (permanent residence) regardless of: the manner they entered the United States; Working in the United States without authorization; Failing to continuously maintain lawful status since entry.” USCIS also notes that in most cases, one must pay an additional $1,000 fee, which is added onto the costs of other immigration forms that must be filed. See here: https://www.uscis.gov/greencard/life-act-245i-adjustment

Adjustment of Status: According to United States Citizenship and Immigration Services (USCIS), adjustment of status “is the process that you can use to apply for lawful permanent resident status (also known as applying for a green card) when you are present in the United States. This means that you may get a Green Card without having to return to your home country to complete visa processing.” See here: https://www.uscis.gov/greencard/adjustment-of-status

Asylum: An individual is potentially eligible for asylum if they have come to the United States seeking protection because they have been persecuted or fear persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. According to United States Citizenship and Immigration Services (USCIS), “If you are eligible for asylum you may be permitted to remain in the United States. To apply for Asylum, file a Form I-589, Application for Asylum and for Withholding of Removal, within one year of your arrival to the United States. There is no fee to apply for asylum. You may include your spouse and children who are in the United States on your application at the time you file or at any time until a final decision is made on your case. To include your child on your application, the child must be under 21 and unmarried. See here: https://www.uscis.gov/humanitarian/refugees-asylum/asylum

Derivative Citizenship: According to United States Citizenship and Immigration Services (USCIS), there are two general ways to obtain citizenship through American citizen parents: “at birth and after birth but before the age of 18.” Although complex, one example of how derivative citizenship can come into play is: a person is born abroad to a United States citizen; the person becomes estranged from the United States citizen parent (e.g., parents are separated); the person comes to the United States, but thinks that he or she is undocumented; but if the person is the “genetic, legitimated, or adopted son or daughter of a U.S. citizen,” then this person may already be an American citizen. See here: https://www.uscis.gov/us-citizenship/citizenship-through-parents

Military Parole-in-Place: Under our immigration laws, a person may be granted parole in place (allows undocumented persons to apply for green cards while remaining in the United States) if the person is a “spouse, widow(er), parent, son or daughter of: An active-duty member of the U.S. armed forces; An individual in the Selected Reserve of the Ready Reserve; or An individual who (whether still living or deceased) previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.” See here: https://www.uscis.gov/military/discretionary-options-military-members-enlistees-and-their-families

NACARA: According to United States Citizenship and Immigration Services (USCIS), the Nicaraguan Adjustment and Central American Relief Act (NACARA) “allows qualified individuals to apply for suspension of deportation or for cancellation of removal (‘NACARA 203 relief’) under the standards similar to those in effect before the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.” See here: https://www.uscis.gov/humanitarian/refugees-asylum/asylum/nacara-203-nicaraguan-adjustment-and-central-american-relief-act

Non-LPR Cancellation of Removal: According to United States Citizenship and Immigration Services (USCIS), non-LPR cancellation of removal is “A discretionary benefit adjusting an alien’s
status from that of deportable alien to one lawfully admitted for permanent residence. Application for cancellation of removal is made during the course of a hearing before an immigration judge. “To be clear, although this is a form of permanent immigration relief, it requires that an undocumented person be in removal proceedings (hence, “made during the course of a hearing before an immigration judge”). See here: https://www.uscis.gov/tools/glossary/cancellation-removal

Special Immigrant Juvenile Status: If a person is under 21 years of age (and meets other criteria) is currently living in the United States and “cannot be reunified with one or both of your parents because of ANY of the following: Abuse, Abandonment, Neglect, or A similar basis under state law; AND it is not in your best interests to return to the country of nationality or last habitual residence of you or your parents,” this person may be eligible for Special Immigrant Juvenile (SIJ) status. With SIJ status, one may qualify for a green card. See here: https://www.uscis.gov/green-card/sij

T-Visa: According to United States Citizenship and Immigration Services (USCIS), T Nonimmigrant Status for victims of human trafficking is a “temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to 4 years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T nonimmigrant status is also available for certain qualifying family members of trafficking victims. T nonimmigrants are eligible for employment authorization and certain federal and state benefits and services. T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents (obtain a Green Card).” Because a T-Visa can lead to a green card, it is considered here as a permanent form of immigration relief. See here: https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status

U-Visa: According to United States Citizenship and Immigration Services, (USCIS), U Nonimmigrant Status for victims of criminal activity is “set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women’s Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.” Because a U-Visa can lead to a green card, it is considered here as a permanent form of immigration relief. See here: https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status

VAWA: This is a protection under the Violence Against Women Act (VAWA). According to United States Citizenship and Immigration Services (USCIS), “The VAWA provisions in the [Immigration and Nationality Act] allow certain spouses, children, and parents of U.S. citizens and certain spouse and children of permanent residents (Green Card holders) to file a petition for themselves, without the abuser’s knowledge. This allows victims to seek both safety and independence from their abuser, who is not notified about the filing.” If approved, one may be eligible for a green card. See here: https://www.uscis.gov/humanitarian/battered-spouse-children-parents
About Tom K. Wong, Ph.D.

Tom K. Wong is an associate professor of political science and Director of the International Migration Studies Program Minor at the University of California, San Diego. He recently served as an advisor to the White House Initiative on Asian Americans and Pacific Islanders (WHIAAIP) under the Obama administration. Tom’s research focuses on the politics of immigration, citizenship, and migrant “illegality.” Additionally, he serves on the leadership committee of the California Immigrant Policy Center, the board of the New American Leaders Project, and recently served on the advisory council of Unbound Philanthropy. Learn more about his work at tomwongphd.com.

About OC Opportunity Initiative

The OC Opportunity Initiative is a regional collaborative of grantmakers dedicated to improving the lives of immigrants in Orange County. Learn more about the OC Opportunity Initiative at oc-cf.org/ocopportunityinitiative.

QUESTIONS?
Please contact Cathleen Otero at the Orange County Community Foundation at 949.553.4202.