



Immigration Reform and Unauthorized Women Immigrants in California

The role and position of unauthorized immigrants has been a perennial issue in California and the United States for decades. An estimated 10.3 million foreign-born residents in the country are here illegally,¹ a quarter of whom (2.6 million) reside in California. This short subject provides a look at a national reform proposal, and how that proposal could affect unauthorized women immigrants and their families in California.

IMMIGRATION REFORM

One goal of immigration reform proponents has been a path to citizenship for immigrants working and living in here illegally. Title II of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S. 744) in the U.S. Senate would create a new status, called “Registered Provisional Immigrant” (RPI) specifically for unauthorized immigrants who have resided in the country for an extended time.

Immigrants without legal status, and who have been continuously present in the United States since December 31, 2011, would be able to apply for RPI status, contingent on the payment of fees, fines, and back taxes. They would be required to maintain RPI status for ten years, during which they would also be required to show continuous employment, enrollment in a secondary or higher education institution, or maintain adequate resources to be above 125% of the federal poverty level. After ten years of RPI status, immigrants would then be allowed to apply for Lawful Permanent Resident status and receive a green card.

IMPACT ON WOMEN IMMIGRANTS

While these reform efforts—if enacted—would undoubtedly benefit unauthorized immigrants as a whole, there is some concern that women immigrants would be at a significant disadvantage at maintaining their RPI status. The pathway to citizenship outlined in the bill hinges on immigrants maintaining their employment status. As Figure 2 shows, the vast majority of male unauthorized immigrants (84%) were

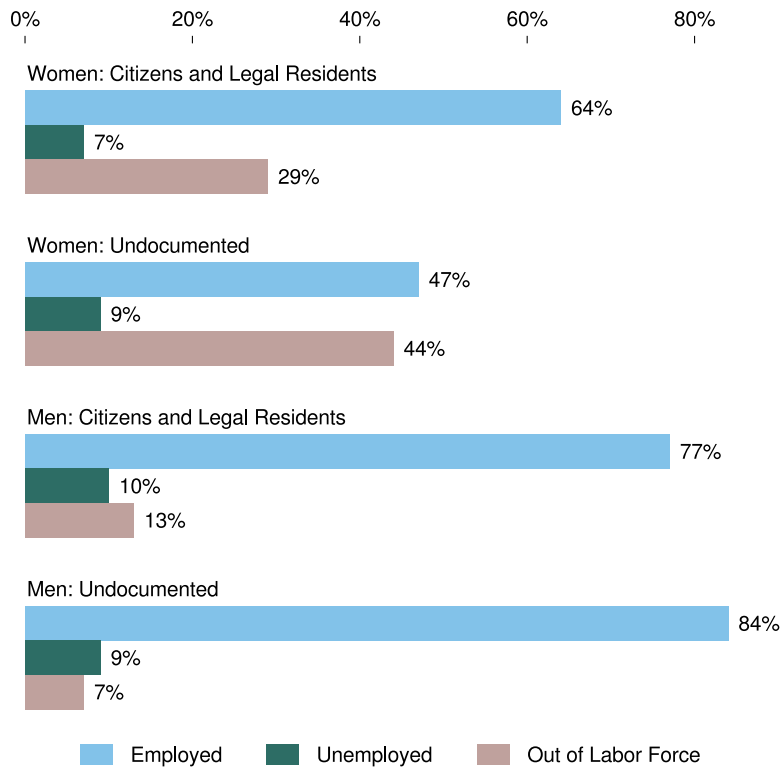
S. 744 — Proposed Path to Citizenship²

1. **Apply for Registered Provisional Immigrant (RPI) Status:**
 - a. Continuous presence in the U.S. as of December 31, 2011;
 - b. Payment of fees, fines and back taxes.
2. **Renew RPI Status at 6 years:**
 - a. Regular employment since initial filing (no unemployment period longer than 60 days), or
 - i. Enrollment in secondary or higher education institution, or
 - ii. Adequate resources to be above 100% of poverty level.
3. **Apply for Lawful Permanent Resident (LPR) Status:**
 - a. 10 years in RPI status;
 - b. No absence from U.S. longer than 180 days in any calendar year while in RPI status;
 - c. All fees, fines and taxes paid;
 - d. Regular employment since initial filing (no unemployment period longer than 60 days), or
 - i. Enrollment in secondary or higher education institution, or
 - ii. Adequate resources to be above 125% of poverty level.
 - e. Completion or enrollment in required course on English and U.S. civics.
4. **Apply for Citizenship after 3 years in LPR status.**

in the labor force and employed as of 2010. This is actually higher than the 77% employment rate for the population of male residents as a whole. Women immigrants show a reversal of this pattern—64% of all women in the United States were in the labor force and employed, whereas only 47% of female unauthorized immigrants were.

The under-employment of women unauthorized immigrants has many causes. Unauthorized immigrant families are more likely to adopt traditional gender roles than native-born or authorized immigrant families. Women in these families are more likely to

Figure 1: Employment Status of Unauthorized Immigrants in California, by Gender¹



become homemakers rather than work outside the home. They often still work, but more sporadically, often “under the table,” take on seasonal positions, or work out of the home. Depending on the final requirements for proof of income, many women immigrants may be ineligible to apply on their own.

Women in such communities may be at special risk for domestic violence and other forms of exploitation. They are isolated from legal protections due to language, cultural norms and fear of deportation. Becoming a citizen has been shown to improve legal protections, to open opportunities for education and to widen employment prospects.

IMPACT ON CHILD CITIZENS

Most unauthorized immigrant women, 83%, live with a spouse, and 64% are in a household with minor children.³ Of these children, 81% were born in the country and are U.S. citizens. Citizen children of unauthorized immigrants qualify for assistance programs such as the Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and child care subsidies. However, accessing programs can be difficult under threat of

deportation. Undocumented parents often forgo applying for assistance programs for their children, for fear of releasing their own status to government officials. Overall, 16% of American children have at least one parent who is an unauthorized immigrant.¹ Considering that 67% of those households are under the federal poverty level, this represents a large population of U.S. citizens who qualify for assistance programs but can be missed.

REFORM SOLUTION

S. 744 seeks to address immigrant families by allowing qualifying RPIs to apply for citizenship for dependent children and spouses jointly. The bill would also allow spouses to apply independently if the relationship ends due to death or divorce, or in the case of domestic violence to apply for RPI status even if the relationship has not been formally ended. Although this workaround could help the majority of female unauthorized immigrants, it has been criticized because it takes the ability to apply out of the hands of married women. Additionally, there is a concern because many women immigrants are not legally married to their spouses. Unfortunately, there is not good data on the number of immigrant families that identify as couples but lack a marriage certificate. It is possible that the family application process could require documentation that many unauthorized immigrants would be unable to provide.

WORKS CITED

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