

WHO ARE UNDOCUMENTED IMMIGRANTS?

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The term “undocumented immigrants” refers to a person who is not a citizen of the United States and does not have lawful immigration status. Most undocumented immigrants entered the U.S. without inspection or were lawfully admitted as nonimmigrants (e.g. with a tourist or student visa) but violated the terms of that status. For additional information, go to www.nilc.org and search for “Glossary of Key Terms.”

- Millions of undocumented immigrants live, work and raise families in the U.S. Recent estimates calculate the total at between 11.5 to 12 million people. *Pew Hispanic Center, “The Size & Characteristics of the Unauthorized Migrant Population in the U.S.” (3/7/06), Department of Homeland Security, Estimate of the Unauthorized Immigrant Population Residing in the United States: January 2006.*
- The likelihood that most undocumented immigrants will remain in the U.S., undetected, is greater than the likelihood that they will be required to depart. Immigration enforcement statistics place the number of persons expelled from the United States annually at approximately 236,000. *Immigration and Customs Enforcement Annual Report, 2007* approximately 2000 through the Boston, MA field office. *See Table 39, Department of Homeland Security, Yearbook of Immigration Statistics (2005).* Excepting the removal of those turned away at borders, a majority of expulsions from within the country are for criminal conduct and fraud, rather than simply for being in the U.S. unlawfully. The Department of Homeland Security prioritizes criminal and fraud grounds. Despite highly publicized raids, such as the March 6, 2007 factory raid in New Bedford that resulted in charges against more than 300 people, the vast majority of undocumented immigrants remain in the U.S.
- Federal immigration laws incorporate a recognition that many undocumented immigrants will remain in this country for years; hence, these laws provide a pathway to lawful status based upon longevity of residence. For example, under 8 U.S.C. 1229b, a deportable immigrant who has been continuously present in the U.S. for ten years may be awarded permanent resident status based on a claim of exceptional and extremely unusual hardship. *See also* 8 U.S.C. 1259 [providing lawful status for those continuously resident since 1972]. Further, federal reform legislation under consideration in Congress may create a new pathway to legal residence.
- The growth of “mixed-status families” – 1 in 10 U.S. families with children is of mixed-status (i.e. a family in which one or more children is a citizen and one or more parents is a noncitizen) and 75% of the children are citizens in the families with undocumented immigrants – implicates policy concerns for public institutions that wish to avoid treating subgroups of U.S. citizen children unequally. *See Fix & Zimmerman, “All Under One Roof: Mixed-Status Families in an Era of Reform”. Center for Migration Studies, 2001; Pew 3/7/06 report, supra.*