5 MYTHS ABOUT UNDOCUMENTED IMMIGRANTS¹

MYTH #1: Anyone who enters the country illegally is a criminal.

Facts: Being an undocumented (or "illegal") immigrant has been, until now, only a civil, not a criminal violation. Under federal immigration law, unlawful presence in this country is a civil offense. The civil penalty for being in this country unlawfully is deportation, or removal, which the U.S. Supreme Court has held is not "criminal punishment." However, some states—like Arizona—are trying to criminalize an undocumented immigrant's mere presence.

MYTH #2: Undocumented immigrants do not have any rights in the U.S.

<u>Facts</u>: Undocumented immigrants have the right to access the courts. They have rights in their homes, and those who have been arrested or who are in custody have certain constitutional rights under the Fourth, Fifth, and Sixth Amendments. Undocumented immigrants have rights in the workplace, including the right to minimum wage and overtime pay. Undocumented immigrant children have the right to a public school education. Undocumented immigrant children may now qualify for in-state tuition to attend college in Connecticut and a few other states. Undocumented immigrants can own property and get mortgages. Undocumented immigrants can be child support obligors or obligees and can get court orders giving them custody of their children. (Connecticut courts have not ruled on what role, if any, a parent's immigration status should play in making custody determinations.)

MYTH #3: Immigrants don't want to become citizens.

<u>Facts</u>: Immigrants come to the U.S. for a variety of reasons — to reunite with family or to find better employment opportunities — and would prefer to do so through legal channels. However, avenues to legalize under the U.S. immigration system are extremely limited, and most undocumented immigrants in the U.S. cannot simply apply for a visa and obtain legal status. (It is untrue that most undocumented immigrants can simply fall in love and get married to a U.S. citizen in order to legalize. In most cases, even those who are married to U.S. citizens and who have U.S. citizen children are not eligible to legalize under current immigration laws.) Those immigrants who are eligible and seek citizenship do so despite difficult requirements and huge backlogs that can delay the process for years.

¹ See Doris Meissner, "Five Myths about Immigration" at http://www.washingtonpost.com/wp-dyn/content/article/2010/04/30/AR2010043001106.html; ACLU "Immigration Myths and Facts," at http://www.aclu.org/immigrants-rights/immigration-myths-and-facts; Alexander Barnard, Myths and Realities of Illegal Immigration," at http://cmd.princeton.edu/files/POM_june2007.pdf; Randolph Caps & Michael Fix, "Undocumented Immigrants: Myths and Realities" at http://www.urban.org/publications/900898.html

MYTH #4: Undocumented and documented immigrants represent distinct populations.

<u>Facts</u>: Most immigrant families are of "mixed" immigration status. Two-thirds of all children with undocumented parents (about 3 million) are U.S.-born citizens and thus live in mixed-status families. Of the nearly 12 million undocumented aliens estimated to be living in the U.S., about two million are children who entered the country at a young age with their parents and who did not independently decide to break U.S. immigration laws: they speak English and have grown up in this country and yet they face limited educational and employment opportunities given their immigrant status.

MYTH #5: Undocumented immigrants don't pay taxes but still get benefits.

Facts: All immigrants (legal and undocumented) pay sales, property, and consumption taxes; many undocumented immigrants also pay income taxes, even though they can't benefit from most federal and state local assistance programs. Contrary to popular belief, undocumented workers are not (and have never been) eligible to claim social security benefits. In fact, most undocumented workers will use a false social security number to prove work authorization, therefore paying money into a benefit system that they may never be eligible to use. According to the Social Security Administration, undocumented immigrants account for a "major portion" of the billions of dollars paid into the Social Security system—an estimated \$520 billion as of October 2005. Immigrants' tax payments support both local and state services in addition to the federal government. One study shows that immigrants, regardless of status, will pay on average \$80,000 per capita more in taxes than they use in government services over their lifetime. Undocumented immigrants can receive schooling and emergency medical care, but not welfare, food stamps, Medicaid, and most other public benefits. Undocumented immigrant parents cannot receive government benefits in their own right but may be the payees for benefits received on behalf of eligible family members, such as U.S. citizen spouses or children.

USEFUL LINKS:

- United States Citizenship and Immigration Services: <u>www.uscis.gov</u>
- Immigrant Legal Resource Center (ILRC): www.ilrc.org
- National Immigration Project, of the National Lawyer's Guild: www.nationalimmigrationproject.org
- ASISTA (Advanced Immigration Technical Assistance): <u>www.ASISTAonline.org</u>

REFERRALS:

- Connecticut Chapter of AILA [American Immigration Lawyers Association] for referral to private attorneys: 1-800-954-0254
- International Institute of CT (Hartford, Bridgeport, Stamford) for general services:
- UCONN's and Yale Law School's Asylum and Human Rights Clinics
- 3 Legal Services Programs in CT: Connecticut Legal Services Greater Hartford Legal Aid

New Haven Legal Assistance