



At the Edge of US Immigration's “Halt of Folly:” Data, Information, and Research Needs in the Event of Legalization

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Executive Summary

Virtually all accounts of the state of the US immigration system point to its patently broken condition, with the presence of almost 12 million people without legal status paramount to this characterization. Because of several recent developments including continued and renewed interest in regularizing the status of most unauthorized migrants in executive and legislative branch agendas, the Center for Migration Studies of New York, with support from the John D. and Catherine T. MacArthur Foundation, convened a group of immigration specialists, researchers, scholars, and advocates in Washington, DC in September 2013 to discuss potential data, information, and research needs in the event of the enactment of large-scale legalization programs for the unauthorized population.

This paper describes the results of this one-and-a-half day discussion. It begins with a description of the contours of a legalization program if it were to follow a similar form as S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act passed by the Senate in June 2013. In addition to being the most recent effort in this area, S. 744 includes a relatively complex set of conditions for “earning” legalization. A number of data, information, and research needs would need to be met to ensure the proper implementation of such a program. First, planning for effective local outreach and service delivery efforts requires estimating the eligible population at finer-scale geographies; understanding financial and time disincentives to apply and adhere to the program and skill levels required; assessing capacity in service delivery relative to the size and service needs of the local eligible population; tracking the progress of applicants through the legalization process; and understanding effective forms of outreach and service delivery. Second, assessing the effects of legalization on immigrant integration, future immigration, and fiscal and

economic life in the United States would include anticipating the effects of legalization on eligibility and use of locally- and state-provided services by the legalized and their families.

Within the discussion of these issues, the paper describes recent and potential efforts to develop methodologies, partnerships, and evaluation and tracking systems by different stakeholders and organizations to ensure and assess the short- and long-term effectiveness of legalization efforts. In doing this, it alludes to the lessons of past regularization programs addressed during the meeting including the Immigration Reform and Control Act of 1986 and the Deferred Action for Childhood Arrivals program.

Although the volatile political climate may make a full-fledged legalization program unlikely in the near future, waiting to plan for such a possibility until after legislation passes would be ill-advised. Because such a discussion may also help shape the parameters of how legalization takes place, for a like that provided by this meeting are valuable vehicles to organize and mobilize knowledge, and should be thus continued and expanded.

Introduction

Every other contemporary scholarly and almost all advocacy accounts related to the US immigration regime begin by declaring the system's patently broken status. The clearest sign of this malaise—the root causes of which are nonetheless posited to be related to somewhat different forces across these accounts—is represented by the presence of close to 12 million individuals without legal authorization to reside and work in the country (Passel, Cohn and Gonzalez-Barrera 2013; Warren and Warren 2013). As such, any discussion of legislative reform (or, to a lesser extent, executive action) to amend a relatively ineffective set of rules, regulations, and practices often begins by addressing the status of this population.

Many argue that it is highly unrealistic to deport (or, in administrative parlance, remove) that many people. Even though just over 3 million people were formally removed between FY2001 and FY2011 (DHS 2012, Table 39) putting a real dent in the unauthorized population exclusively through enforcement appears unlikely given the large number of people continuing to enter without or falling out of status, resulting in the relative stability of the unauthorized population even in the midst of massive deportation (Hoefer, Rytina and Baker 2012; Passel et al. 2013; Warren and Passel 1987; Warren and Warren 2013). Studies evaluating the effectiveness of immigration enforcement net of other conditions (e.g., economic trends on both sides of the border or in specific immigrant destinations, the evolution of migrant networks) also suggest enforcement-only approaches are not a viable solution (Angelucci 2012; Massey and Riosmena 2010; Parrado 2012). With the financial, social, emotional, and political costs of continuing, protracted, massive levels of removals looming large (Amuedo-Dorantes, Puttitanun and Martinez-Donate 2013; Dreby 2010; Golash-Boza 2012), regularization seems like a practical and, for many experts, a fair option (Hanson 2007; Massey, Durand and Malone 2002), and one that has been favored by a majority of Americans in recent times (Muste 2013).

Although the regularization of (most of) the unauthorized population has been on the immigration reform agenda for several years (for some past “earned legalization” efforts, see Rosenblum, Capps and Yi-Ying Lin 2011), recent progress has reignited the idea of passing so-called Comprehensive Immigration Reform (CIR). Most notably, on June 27, 2013 the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act.¹ In addition to proposing broad changes to the immigration system aimed at adding flexibility to better accommodate and manage labor-related migration in particular, S. 744 included the establishment of a long, winding road to permanent residency for most people who are currently unauthorized under a Registered Provisional Immigrant status (RPI). In addition to supporting the general ideas behind S. 744 and its legalization efforts in particular, the Obama Administration had taken prior action through the Deferred Action for Childhood Arrivals (DACA) program with the purpose of providing temporary reprieve from the risk of deportation to eligible undocumented youth brought into the United States by their parents.

Given these considerations and developments, on September 19–20, 2013 the Center for Migration Studies (CMS) convened a group of immigration specialists, researchers, scholars, and advocates in Washington, DC to discuss potential data, information, and research needs in the event of the enactment of large-scale legalization programs for the unauthorized population. This paper reports on the main results of this one-and-a-half day gathering, which was supported by a grant from the John D. and Catherine T. MacArthur Foundation. As participants were assured their comments would not be for attribution, no credit is hereby given to any one individual in particular. The paper instead collates and describes collective deliberations during the meeting, as agreed to by meeting participants.

Many may think it unlikely that a version of S. 744, or any other major legalization program, would pass both the House and Senate and become law in the near future.² Yet, even for low-odds propositions, planning and readiness are of paramount importance for ensuring and evaluating success in the event it does take place. Because the implementation period of past regularization programs has been rather short, assessing the types of information, data, and research different stakeholders may need to ensure and evaluate the smooth running of such a program cannot wait until a possible bill becomes law. Further, understanding potential information, data, and research needs related to an eventual legalization program could not only aid in its implementation but shape the conversation. Early information about prior immigration reform efforts has also helped correct some problems existing in various past bills.³

To contextualize the discussion of these information, data, and research needs, I first present a summary of the general provisions of a legalization program along the lines of what was proposed under S. 744. I draw some comparisons between S. 744 and the legalization programs of the Immigration Reform and Control Act (IRCA) of 1986, which

1 *Border Security, Economic Opportunity, and Immigration Modernization Act of 2013*, S. 744, 113th Cong., 1st Sess. (2013). <http://www.gpo.gov/fdsys/pkg/BILLS-113s744es/pdf/BILLS-113s744es.pdf>.

2 Indeed, as of this writing no bill had become law and it appeared unlikely that the House would pass an omnibus immigration bill in the near future.

3 For instance, calculations of populations falling out of eligibility for asylum given changes in regulations by the *Illegal Immigration and Immigrant Responsibility Act of 1996* led to the enactment of the *Nicaraguan Adjustment and Central American Relief Act of 1997* (Coffino 2006).

were both used as the basis of discussion during the meeting. S. 744 is a model of what a contemporary legalization program may look like, while IRCA offers still useful lessons on successes and failures in outreach, enrollment, and on the consequences of the program for applicants and others.⁴ I then follow with a description of the main information, data, or research needs identified by the meeting participants that would allow local and state governments and immigration-related, service delivery agencies to better plan for an effective program of outreach and application support. Preparation would include the sharing of best practices; research to allow local, state, and federal agencies to anticipate eligibility and service demand from legalized populations; and establishment of a basis to assess the effectiveness of legalization program(s) on immigrant incorporation and future unauthorized and authorized migration dynamics.

The Contours of a Multi-Pronged Legalization Program

Legalization programs can be general or population-specific. S. 744, like IRCA, included both types (for a history and breakdown of general and population-specific programs in the United States over the last three decades, see Kerwin 2010). S. 744 considered two special populations: childhood arrivals (the so-called DREAMers) and agricultural workers (whose legalization provisions under S. 744 were known as the blue card program).

In addition to population or group membership, both general and special-population programs may include several types of eligibility requirements, though special-population programs generally have lower bars and requirements than general programs. In the case of S. 744, applicants need to meet at least five criteria to be able to apply for two RPI terms of around six years each before being able to graduate to lawful permanent residence (LPR):⁵

Arrival cutoff dates. Legalization programs, including those in IRCA as well as others (e.g., the *Nicaraguan Adjustment and Central American Relief Act* (NACARA) of 1997) generally include cutoff dates to minimize the possibility of a spike in additional unauthorized migration between signing and implementation. In the case of S. 744, this cutoff date was set to December 31, 2011 for everyone except dependents of an (eligible) unauthorized migrant adult, who must have arrived in the United States before December 31, 2012.

Continuous presence. To be eligible for legalization, unauthorized immigrants also need to prove they remained (mostly) present in the country since the cutoff date above. Continuous presence has not been required under special agricultural worker programs in either IRCA or S. 744 because many agricultural workers may spend the off-season in the sending country, though they are required to complete minimum time

⁴ A somewhat more detailed summary and analysis of the specifics of legalization pathways opened by S. 744 is provided in ICIRR (2013). For an analysis of other less complex recent (failed) legislative attempts at passing “earned legalization,” see Rosenblum et al. (2011).

⁵ In addition to individual requirements for each applicant, S. 744 includes “triggers,” requirements that the federal government needs to meet before anyone is allowed to become an LPR including: the deployment of a “border security strategy” that is “operational;” the completion of a border fence strategy (including 700 miles of pedestrian fencing); the deployment of more than 40,000 border patrol agents on the Mexico-US border; the full implementation of the E-verify (electronic employment verification program); and the implementation of an electronic exit system to better detect and deter visa overstays.

in agricultural work (90 days in the case of IRCA; 100 days or 575 hours in the case of S. 744). Of note in S. 744 is that some individuals who had been removed from the country would be allowed to obtain RPI status. In particular, people with direct family ties to LPRs and citizens (e.g., who would otherwise be eligible to apply for LPR under family reunification provisions of the Immigration and Nationality Act (INA)) would be allowed to apply and thus waive bars related to their prior unauthorized status triggered by their departure or removal. In addition, individuals who were removed from the country after the cutoff date and would have otherwise been eligible for RPI status through the special program aimed at regularizing childhood arrivals—also referred to as the DREAM Act—would be eligible for RPI status.

Language and civics requirements. Like IRCA, S. 744 would require that applicants pass English and civics tests prior to becoming LPRs. These tests would be similar to those required for naturalization (Massey et al. 2002; Rosenblum et al. 2011).

Socioeconomic requirements. S. 744 includes stringent criteria to convert RPI into LPR status. This includes a relatively hefty fine (\$1,000 in addition to undetermined application fees) as well as the payment of any pending assessed taxes. Further, recent legalization bills including S. 744 also contain other socioeconomic requirements prior to RPI renewal and becoming an LPR. These include proving “continuous” regular employment, full-time school enrollment, or having a family income of at least 100 percent and 125 percent of the federal poverty line (for RPI renewal and progression to LPR, respectively), with exceptions for age, disability, caregivers, dependents, and extreme hardship.

Good moral character. Applicants would need to pass background checks throughout the process of becoming RPIs as well as when applying for LPR status. Commission of a felony, aggravated felony, or three misdemeanor convictions, as well as unlawful voting, would disqualify applicants. However, if a conviction had been expunged or set aside, it would not count against an applicant. Other types of offenses that would not count against applicants include minor traffic offenses, state or local offenses related to people’s immigration status, or violation of the rules that could otherwise bar someone from getting status (e.g., immigration document fraud).⁶ The bars involving more serious criminal behavior and national security threats or terrorism could not be waived.

Main Data, Information, and Research Needs to Plan for and Evaluate a Legalization Program

To ensure appropriate levels of outreach, service delivery, and knowledge about the (eligible and ineligible) unauthorized population prior, during, and after legalization takes place—including understanding of the effects of the program on those regularizing and on others—several stakeholders said they would greatly benefit from different types of information, data, and research. During the meeting, two major objectives of planning for effective outreach and service delivery, and broadly assessing the effects of a legalization

⁶ Even if one of those rules applied to a potentially eligible migrant, the applicant could apply for a waiver in most cases.

program were identified, along with more specific information, data and research needs within each objective.

1. To plan for effective local outreach and service delivery efforts

1.1 Estimating the likely eligible population at finer-scale geographies

In order to estimate levels of demand for US Citizenship and Immigration Services (USCIS) workload and the outreach and legal assistance that potential applicants may need from nongovernmental organizations (NGOs) interested in ensuring the success of the program, it is first necessary to estimate the eligible population. These estimates should be available at relatively fine geographic scales, for example, at the state level and, when possible, local level. There are some estimates of the unauthorized population available for select states (Hoefler et al. 2012; Passel et al. 2013) and for all states (see online appendices in Warren and Warren 2013).

Ideally, these estimates would need to be further spatially downscaled and augmented or overlaid by adding estimates of unauthorized migrants meeting each and all of the requirements for RPI (e.g., language requirements). For some estimates of this sort with prior, less restrictive regularization initiatives, see Passel and Lopez (2012) and Rosenblum et al. (2011). These estimates could also benefit from calculations on whether eligible individuals may also be eligible to legalize under provisions already established by the INA (e.g., family reunification) provided that, as in the case of S. 744, the bill also includes provisions waiving any ban triggered by unauthorized presence in the United States. Understanding who would be eligible through other provisions is vital because these individuals may be able to become LPRs more rapidly and for a lower fee, and S. 744 forces applicants for RPI to forego other vehicles to legal status.

Recent efforts by demographers discussed in the meeting may allow for further downscaling estimates of the unauthorized population (e.g., for some major cities) likely eligible for regularization. In addition to the use of localized surveys with legal status information (e.g., Marcelli, forthcoming), demographers have also refined methodologies to impute the legal status of foreign-born populations using legal status information from other (e.g., smaller, one-time) surveys (Burtless and Singer 2011; Capps et al. 2013; Van Hook et al., forthcoming). Participants discussed creating identifiers of legal status and a new variable based on the detailed data collected each year in the Census Bureau's American Community Survey (ACS).⁷ This would allow the public at large to do customized searches of ACS datasets for the characteristics of legal and unauthorized immigrants. The availability of these data in the future, or the use of similar imputation techniques on local and regional surveys (e.g., the Los Angeles Family and Neighborhood Survey) that provide substantial detail on other aspects of eligibility such as language and admissibility, could greatly

⁷ Because many populations and particularly the unauthorized are generally undercounted in censuses and surveys (e.g., Van Hook et al., forthcoming), demographers generally adjust these estimates up (Passel et al. 2013; Warren and Warren 2013). Improved techniques could include a set of weights to perform these adjustments as well.

advance the assessment of local demand for the program and for services associated with it.

1.2 Understanding incentives and levels of skill to apply and adhere to the program

In addition to assessing eligibility *per se*, meeting participants also pointed out the need to understand potential barriers to application and adherence to the program among those eligible. This includes knowledge of the share of eligible participants who might find fees prohibitive or face other barriers like proving the time of arrival, continuous presence, continuous employment and lack of English language proficiency. An assessment of these price and time elasticities could illuminate the circumstances under which individuals may be unlikely to apply or to remain in the program and could potentially help in designing ways in which selection and attrition could be reduced. For instance, this information could help Congress or the Executive Branch design or adjust the fee structure for the low-income or rules related to continuous employment for the self-employed.⁸

Assessing the language and technological skills of the eligible population could also help plan for the best and most efficient way to provide services for different segments. Information on language skill and technological literacy and access could guide outreach and application preparation strategies. Likewise, it was of interest to participants whether some applicants could, with minimal support, prepare and file their own applications, allowing service-providers to devote more time to other categories of applicants. Such a strategy would help to maximize the resources available in each community.

1.3 Assessing local capacity in service delivery

According to meeting participants, prior experience with massive legalization in the context of IRCA—when almost 2.7 million people legalized (Kerwin 2010)—placed a very large burden on the capacity of many service providers and federal, state and local government agencies. DACA brought similar pressures, although the information collected for this program could be used to “pre-qualify” applicants for legalization under S. 744 and satisfy certain requirements of the DREAM Act, if this legislation passed. Despite immense technological advancement since IRCA, a legalization bill would still create enormous challenges to local service capacity, particularly for organizations providing free or heavily subsidized services. The unauthorized population is more than three times as large as it was in the late 1980s (Passel et al. 2013; Warren and Warren 2013) and at least five times larger than eligible DACA participants. Furthermore, it is much more spread out geographically relative to pre-IRCA times (e.g., Durand, Massey and Capoferro 2005; Singer 2004; Suro and Singer 2002), including nontrivial numbers of migrants living in nonmetropolitan areas (Donato et al. 2007). Thus, while many less traditional immigrant gateways have large (unauthorized) migrant populations, they may not yet have

⁸ Congress may potentially take into consideration how much and when migrants may be able to pay in fees when determining the fee structure of the program, among other factors entering this consideration. For instance, whether paying a \$2,000 fine before becoming LPR would increase the percentage of people adhering to the program relative to paying \$1,000 during each RPI phase.

developed their organizational capacity to accommodate these new populations, much less to respond to a legalization program.⁹ It is in the context of these likely underserved areas that assessing local capacity around outreach, application assistance, full legal assistance, as well as English language and civic classes, among other activities, becomes particularly pressing.

Meeting participants emphasized the need to match different levels of need for general guidance versus more individual legal assistance, with an estimate of the local capacity provided by different kinds of non-profit and government organizations. In particular, it was proposed that information on local capacity should be collected, shared, and mapped according to the types and levels of service provided by different organizations. This information should be compared to information on applicants that: could apply on their own with minimal guidance; could apply with information provided in a classroom setting; and would need one-to-one counseling.

Organizations range in their capability and capacity to provide community outreach, application assistance, and complex legal work. Organizations with only basic screening capacity could be of assistance by helping channel more complex cases to private attorneys or to federally-recognized charitable organizations with attorneys or with accredited non-attorneys who can provide legal assistance.

During the meeting, it was also stressed that nontraditional partners may be particularly important to assist specific populations, such as providing outreach and group processing workshops in places, within industries, or to national origin groups with small numbers of unauthorized immigrants, otherwise hard-to-reach groups or those that might have been underrepresented in prior regularization efforts. For example, some Asian-American populations were underrepresented in the case of IRCA and DACA.¹⁰

It was suggested that organizations not mainly or typically associated with immigration-related assistance, but with a broad interest in the success of a legalization program, could also be partners in these efforts. Participants suggested that nontraditional partners could help with hard-to-reach populations, provide basic eligibility screening, and operate as clearinghouses to channel potential applicants to other organizations according to the complexity of their case, capacity to self-file and economic means. Because new gateway communities may have large eligible populations but less local capacity, nontraditional partners may be of particular relevance in these places.

The discussion also highlighted that other, private forms of local capacity, including the capacity of so-called notarios, should be catalogued and mapped for two reasons. First, a large notario presence in the context of low levels of other local capacity could imply higher levels of migrant vulnerability and would underscore the need for redoubling efforts in specific locales. Second, despite the general sense that many notarios can be ill-informed and sometimes ill-intentioned, it may nonetheless be possible that some notarios could become partners and points of contact and screening, particularly in places with

⁹ For a recent news story related to these issues, see <http://www.npr.org/blogs/codeswitch/2013/12/10/249766634/in-a-small-missouri-town-immigrants-turn-to-schools-for-help>.

¹⁰ See, for instance, http://www.nytimes.com/2013/12/09/nyregion/advocates-struggle-to-reach-immigrants-eligible-for-deferred-action.html?_r=0.

fewer options and lower capacity. Yet participants emphasized that vetting mechanisms for these and other kinds of providers need to be in place, perhaps aided by national legal and immigration aid organizations (e.g., legal training from organizations like the Catholic Legal Immigration Network, Inc. (CLINIC) or Immigrant Legal Resource Center (ILRC)), which may include formal Board of Immigration Appeals (BIA) recognition and accreditation, to ensure a sufficient level of knowledge and service capacity.

While some partners would be helpful in determining program eligibility, others could provide assistance in meeting particular program requirements, including language and civics requirements. School systems, city and county agencies, utility companies and banks could provide the documentation needed to establish entry dates and continuous residence. Because the mix of organizations that may be able to provide these services will likely vary across different locations, it will be important to create databases and maps of these organizations in each community.

Finally, public-private ventures—particularly with technology companies—were discussed as a potential way to integrate some of these efforts in collecting, organizing, sharing, and using data. Some of these companies, most notably Facebook, have lobbied and otherwise generally supported the idea of immigration reform and could help to reach and provide assistance to tech-savvier populations (e.g., DREAMers). It was reported that other technology companies have also provided resources such as tablets to outreach workers as part of their community outreach and social marketing efforts, thus suggesting that they may be willing collaborate in supporting some of these activities.

1.4 Tracking applicants' progress through the legalization process

In addition to anticipating potential problems of who may apply (or drop out of) the program, it is in the interest of USCIS, service providers, immigration analysts and scholars to track the progress of applicants throughout the different stages of regularization. Timely information of this sort would allow different organizations to assess whether additional outreach or aid activities may be necessary to ensure robust participation, understand which program requirements may have been particularly onerous, rendering many applicants unable or ineligible to continue such as high fees, failing background checks or English tests, and to identify how life circumstances change in ways that motivate certain applicants to drop out of the program.

1.5 Understanding and sharing effective forms of outreach and service delivery

Participants stressed the need to understand the effectiveness of different forms of outreach and service delivery to establish a platform to share best practices in these areas. To evaluate outreach and service delivery, one might compare predicted to actual demand of particular segments of the unauthorized population. However, the specifics of how to go about doing this are not straightforward. Logically, understanding past performance in regularization efforts—such as IRCA, NACARA, and DACA—was viewed as the first step to identify

populations and locations in which program performance was not as high as desirable.

Participants also discussed the idea of curating and disseminating best practices in areas such as screening and interviewing techniques; the collection of information that would allow organizations to channel and triage cases; ways to assess the need for more information about applicants; ways in which localities can provide documents to support program applications; how to reach communities not coming forward or doing so slowly; and ways to involve nontraditional players and to expand the number of local service providers. In addition to using pre-established networks of providers, public-private partnerships could be of use in coming up with innovative information-sharing schemes.

2. To assess the effects of legalization on immigrant integration, future immigration, and the fiscal and economic life in the United States.

2.1 Understanding the effects of legalization on immigrant incorporation and assimilation

As with any other policy intervention, legalization is expected to have direct and intended consequences as well as indirect, unintended, or unforeseen ones. The program should improve the lives of immigrants in the short-run and help facilitate their integration and that of their descendants in the long-run. Regularization of status should foster political participation and improve the wellbeing of immigrants and their families in dimensions such as mental health, access to health care, and working conditions and wages.¹¹

The collection of information from successful IRCA applicants from both administrative sources as well as surveys—most notably through a short-panel longitudinal project known as the Legalized Population Survey (LPS)¹²—spurred a large amount of research on labor market behavior, social service use, and family immigration dynamics during the first few years after legalization (Amuedo-Dorantes and Bansak 2011; Bean, Edmonston and Passel 1990; Borjas and Tienda 1993; Chiswick and Miller 1999; Kossoudji and Cobb-Clark 2000; Powers, Seltzer and Shi 1998; Tienda and Singer 1995; Woodrow-Lafield 1994).¹³

Participants suggested that these data collection efforts are key to understanding the integration of the legalized and their families into US society, and suggested a few improvements in data collection relative to LPS-1 and LPS-2, collected in 1989 and 1992, respectively. Among these suggestions were the inclusion of more information on other aspects of immigrant life, and an expansion of the follow-up period from five to at least ten years. The experience of the more recent New Immigrant Survey-Pilot and New Immigrant Survey (Jasso et al. 2004) could be used as a model to improve data collection in terms of topics and follow-up procedures.

11 For research on the burden of irregular immigration status on different dimensions of wellbeing, see Derose et al. (2009); Hall et al. (2010); and Menjivar (2006).

12 For a brief summary, see Powers et al. (2004). For a description of the survey methodology, see <http://mmp.opr.princeton.edu/LPS/LPSpage.htm> or <http://idsc.iza.org/?page=27&id=53>.

13 Research aimed to understand the effects of IRCA (including legalization) on the lives of the legalized also used other sources of survey data, such as the Mexican Migration Project (e.g., Donato and Massey 1993; Phillips and Massey 1999).

2.2 Understanding the effects of legalization and other changes in the immigration system on future legal and unauthorized flows

Beyond the more direct consequences of legalization on successful applicants and their families, regularization programs may have effects on populations other than those legalizing. Most notably, particular attention has been paid to the impact of past legalization programs and, thus, how legalization might affect unauthorized immigrant flows. In addition to the likelihood that the legalized would eventually sponsor a number of relatives for admission (Woodrow-Lafield 1994), immigration analysts, policymakers, and the public have been particularly interested in the effect of legalization and comprehensive reform more broadly on additional illegal (as well as legal) migration. Although it is clear that IRCA as a whole did not deter unauthorized migration in the long-run, it did not appear to have encouraged illegal immigration in the short-run either (Donato, Durand and Massey 1992; Orrenius and Zavodny 2003). With more administrative data on legal migration and enforcement, as well as survey data on unauthorized flows, it will be possible to estimate the effect of a legalization program and other possible legislative changes on future legal and undocumented flows.

2.3 Anticipating the effects of legalization on eligibility and use of locally- and state-provided services by legalized and related populations

Legalization is naturally accompanied by increasing rights and privileges for program participants. These include some forms of public assistance and services, many of which are provided by local and state governments. As a result, legalization may lead to an increase in the benefit-eligible population, or may otherwise elicit increased utilization of benefits and government services. Furthermore, while service levels and eligibility vary from state to state, many public benefit programs remain federally-mandated at least at a minimum level. Because many of these programs work under federal grant mechanisms requiring states and localities to match funds or include so-called maintenance-of-effort (MOE) provisions, service expansion of any sort will likely cost states and/or localities additional amounts (CBO 2013).

Meeting participants stressed the need to understand the government services for which the legalized population would qualify (by state) and the associated increases in use. Furthermore, the experience with the implementation of IRCA's State Legalization Impact Grants program (SLIAG)—established to help states defray some of these additional obligations—suggests many areas of improvement, particularly on the reimbursement model. For a description of some of these challenges, see Liu (1991).

Conclusion: Future Directions

This paper has described some of the most pressing information, data, and research needs that would stem from an eventual legalization program as suggested by the participants of a CMS-led meeting in late September, 2013. While they are neither the end nor the beginning of the work needed to ensure the success and measure effects of an eventual program, these efforts aim to identify data, information, and research needs for local, state

and federal officials, policymakers, NGOs, researchers and scholars.

As such, the work of this group should perhaps be accompanied and followed by working groups dealing with more specific objectives like spatial downscaling of eligibility, how to determine whether user segmentation is feasible, how to measure and share information on local capacity, and how to fund and plan for a survey of the legalized. Despite the need for specialization and deeper consideration of these different areas, meeting participants were keen on the notion that many different kinds of information be centralized and shared among a broader network. To this end, an organization like CMS (along with others) should consider hosting a platform to communicate these efforts, share data, best practices, and ideas, and foster community exchange. This will help both prepare for and shape several forms of potential regularization that could take place in the future.

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