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Up to 1.7 Million Unauthorized Immigrant Youth May Benefit from New Deportation Rules

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About this Report

This report focuses on the unauthorized immigrant population that arrived in the United States before age 16 and is under the age of 31. The Pew Hispanic Center estimates the unauthorized immigrant population using the “residual method,” a well-developed and widely accepted technique that is based on official government data. For more details, see [“Unauthorized Immigrant Population: National and State Trends, 2010”](#) by Jeffrey Passel and D’Vera Cohn (2011).

In this report, data come mainly from the March 2010 Current Population Survey (CPS), conducted jointly by the U.S. Bureau of Labor Statistics and the Census Bureau. It is best known as the source for monthly unemployment statistics. Each March, the CPS sample size and questionnaire are expanded to produce additional data on the foreign-born population and other topics. The Pew Hispanic Center assigns legal status to individual cases in the CPS to agree with the residual estimates and makes further adjustments to the government data to compensate for undercounting of some groups. Therefore the population totals differ somewhat from the ones the government uses. Estimates presented in this report are based on cases assigned as unauthorized who met age, education and duration of residence criteria outlined by the U.S. Department of Homeland Security for its [“Deferred Action for Childhood Arrivals”](#) program.

Throughout this report, the term “unauthorized immigrant” refers to immigrants who are in the United States illegally.

This report was written by Jeffrey S. Passel, senior demographer, Pew Hispanic Center and Mark Hugo Lopez, associate director, Pew Hispanic Center. Paul Taylor, D’Vera Cohn and Ana Gonzalez-Barrera provided comments and guidance on earlier drafts of this report. Seth Motel provided research assistance. Eileen Patten number-checked the report. Molly Rohal was the copy editor.

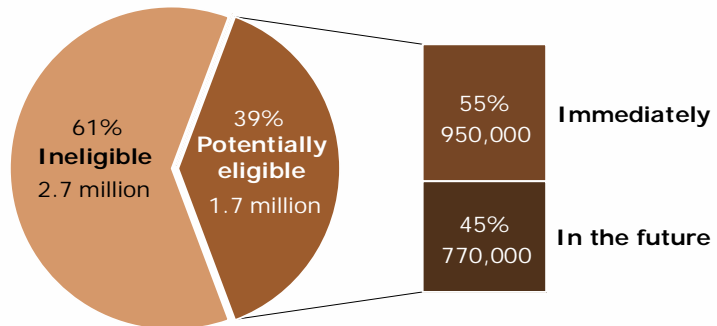
Up to 1.7 Million Unauthorized Immigrant Youth May Benefit from New Deportation Rules

Up to 1.7 million of the 4.4 million unauthorized immigrants ages 30 and under could potentially qualify for a new Obama administration program that goes into effect tomorrow that would shield them from deportation and enable them to apply for temporary but renewable work permits, according to new estimates from the Pew Hispanic Center, a project of the Pew Research Center.

Announced on [June 15, 2012](#), by U.S. Department of Homeland Security (DHS) Secretary Janet Napolitano, the new program, known as “Deferred Action for Childhood Arrivals,” potentially provides relief from deportation for eligible unauthorized immigrants who are ages 30 and under and arrived in the U.S. before age 16.

The new Pew Hispanic Center estimate of 1.7 million potential beneficiaries is an increase over the estimated 1.4 million potentially eligible unauthorized immigrants reported by the Pew Hispanic Center ([2012](#)) in June, when DHS announced the new policy. Since then, DHS ([2012](#)) has provided more detail on program eligibility, publishing updated guidelines on August 3, 2012. As a result, the Pew Hispanic Center estimates that as many as 320,000 more unauthorized immigrants may be eventually eligible for relief from deportation. These additional potential beneficiaries are unauthorized immigrants ages 16 to 30 who came to the U.S. as children, currently do not have a high school diploma and are not enrolled in school.

Figure 1
Unauthorized Immigrants Ages 30 and Under Eligible for Deportation Relief



Note: There are 4.4 million unauthorized immigrants in the U.S. ages 30 and under. The Pew Hispanic Center estimates 1.7 million could potentially be eligible for relief from deportation.

Source: Pew Hispanic Center estimates based on residual methodology applied to the March Supplement to the 2010 March Current Population Survey.

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According to the updated eligibility guidelines, if these young people enroll in school by the date of their application, they could become eligible for relief from deportation.¹

Some 85% of the 1.7 million young unauthorized immigrants eligible for the administration's new program are Hispanic, according to estimates from the Pew Hispanic Center. That is higher than the Hispanic share (77%) among the nation's estimated 11.2 million unauthorized immigrants.

Updated Eligibility Guidelines

On August 3, 2012, DHS published updated eligibility guidelines for the Deferred Action for Childhood Arrivals program. According to the updated guidelines ([U.S. Citizenship and Immigration Services, 2012](#)), unauthorized immigrants ages 15 to 30 who arrived in the U.S. before age 16 may qualify for deferred action if:

- They have continuously resided in the U.S. since June 15, 2007;
- They were physically present in the U.S. on June 15, 2012;
- They are enrolled in school, have a high school diploma or a GED, or have been honorably discharged from the military or Coast Guard by the time of their application;
- And they have not been convicted of a felony, a significant misdemeanor offense, or three or more other misdemeanors, and do not present a threat to national security or public safety.

Unauthorized immigrants who meet these criteria may apply for a deferred action permit that shields them from deportation for two years and also may potentially qualify them for work authorization.² At the expiration of the two-year deferred action period, program beneficiaries can apply for a two-year renewal, pending a review of their case. According to DHS, renewals will be issued in two-year increments. Unauthorized immigrants who are currently in removal proceedings or have a removal order also may apply for deferred action if they meet the eligibility guidelines set by DHS.

¹ The Migration Policy Institute recently adjusted its estimate of how many unauthorized immigrants might be eligible for the "Deferred Action for Childhood Arrivals" program. Its estimate of 1.76 million potentially eligible deferred action beneficiaries ([Batalova and Mittelstadt, 2012](#)) is not statistically different from the 1.73 million Pew Hispanic estimate and reflects its use of somewhat different data sources.

² An unauthorized immigrant who is granted relief from deportation through a deferred action permit may also be granted a permit to work as long as he or she can prove an "economic necessity for employment."

As DHS has noted, this new program does not provide a path to permanent residence status or citizenship. Also, immediate relatives or dependents of potential beneficiaries cannot be considered for deferred action.

The Department of Homeland Security, through U.S. Citizenship and Immigration Services (USCIS), will begin accepting applications from unauthorized immigrants ages 15 to 30 on August 15, 2012. According to USCIS, each deferred action request will be evaluated on a case-by-case basis. A \$465 application fee applies to each request and includes fees for the deferred action permit and fees for a temporary work authorization permit.

How Many Potentially Eligible Now

The Pew Hispanic analysis finds that among the 1.7 million unauthorized immigrants ages 30 and under who are potentially eligible to participate in the deferred action program, some 950,000 may be immediately eligible. This includes 700,000 unauthorized immigrants ages 18 to 30 who have a high school diploma or GED or are currently enrolled in high school. The estimate also includes 250,000 additional unauthorized immigrants ages 15 to 17 who are currently enrolled in school.³ Young unauthorized immigrants who may be

Table 1

Deferred Action for Childhood Arrivals Eligibility Among Unauthorized Immigrants Ages 30 and Under

(in thousands)

Unauthorized Immigrants Ages 30 and Under	4,410
Potentially Eligible	1,730
Potentially Eligible Now	
Ages 18-30 in high school or with high school diploma	700
Ages 15-17, enrolled in high school	250
Not Eligible Now, but Potentially Eligible in Future	
Ages 5-14	450
Ages 16-30, no high school diploma or GED and not enrolled in school	320
Ineligible	2,680
Under age 15, but have been in U.S. less than 5 years	280
Ages 15 and older and arrived in U.S. after age 15***	2,400

Note: All estimates rounded independently to nearest 10,000. Estimates shown do not take into account military or Coast Guard service and do not take into account felony or misdemeanor status. Both are criteria used by the U.S. Department of Homeland Security to determine eligibility. *** includes some unauthorized immigrants who arrived before age 16 but have not been in the U.S. for five years.

Source: Pew Hispanic Center estimates based on residual methodology applied to the March Supplement to the 2010 March Current Population Survey.

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³ The U.S. Census Bureau's Current Population Survey is the data source for these estimates and only includes school enrollment status for those who are between ages 16 and 24. Those ages 5 to 15 are assumed to be enrolled in school. Those ages 25 to 30 without a high school diploma are assumed to be not enrolled in high school.

immediately eligible make up more than half (55%) of the 1.7 million potential beneficiaries of the new program.

The Pew Hispanic estimates shown in this report do not take into account young unauthorized immigrants who may be potential beneficiaries through military or Coast Guard service rather than educational attainment—likely a small number of potential beneficiaries. Honorably discharged veterans who meet age and residency criteria qualify to take part in the deferred action program.

The Pew Hispanic estimates also do not take into account felony or misdemeanor status. Those who have been convicted of a felony, a significant misdemeanor or three or more misdemeanors are not eligible to participate in the deferred action program.

How Many Not Eligible Now, But May Be in the Future

Applying the updated eligibility guidelines recently published by DHS ([U.S. Citizenship and Immigration Services, 2012](#)), the Pew Hispanic analysis finds that there are 770,000 young unauthorized immigrants who are not currently eligible for deferred action, but may become eligible in the future. This includes 450,000 unauthorized immigrants under age 15 who are currently enrolled in school and have been in the U.S. continuously for at least five years. They would eventually age into program eligibility.

As noted earlier, an additional 320,000 unauthorized immigrants ages 16 to 30 who arrived in the U.S. as children and have been continuously in the U.S. for at least five years, but do not have a high school diploma or GED, could be eligible. Unauthorized immigrants in this group would become potentially eligible if they enrolled in school before applying for deferred deportation action. School enrollment is a key condition of DHS' updated eligibility guidelines.

Ineligible Unauthorized Immigrants

Not all unauthorized immigrants ages 30 and under are eligible for deferred deportation action under the new program. According to the Pew Hispanic analysis, some 2.4 million meet the age requirements of the administration's program but arrived in the U.S. after age 15 or have been here less than five years, making them ineligible. An additional 280,000 unauthorized immigrants who are under age 15 are also not eligible for the deferred action policy since they have not been in the U.S. for five years or more, the cutoff residency requirement of the program.

The deferred action policy also excludes any unauthorized immigrant childhood arrivals who arrive in the U.S. after June 15, 2012. These new arrivals do not qualify for deferred action and, unlike some potentially eligible young unauthorized immigrants, cannot age into eligibility.

There are an estimated 11.2 million unauthorized immigrants in the U.S., according to estimates from the Pew Hispanic Center ([Passel and Cohn, 2011](#)). As previously noted, they include 4.4 million who are ages 30 and under. An additional 6.8 million unauthorized immigrants ages 31 and older, who make up more than 60% of the nation's 11.2 million unauthorized immigrants, are not addressed by the deferred action program.

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Appendix A: Methodology

Unauthorized Immigrants—Overview

The data presented in this report on unauthorized and legal immigrants were developed with essentially the same methods used for previous reports (Passel and Cohn [2011](#), [2010](#)). The estimates use a multistage estimation process, principally using March Supplements to the Current Population Survey (CPS). The CPS is a monthly survey of about 55,000 households conducted by the Census Bureau for the U.S. Bureau of Labor Statistics; the sample is expanded to about 80,000 households for the March supplement.

The first stage in the estimation process uses CPS data as a basis for estimating the number of legal and unauthorized immigrants included in the survey and the total number in the country using a residual estimation methodology. This method compares an estimate of the number of immigrants residing legally in the country with the total number in the CPS; the difference is assumed to be the number of unauthorized immigrants in the CPS. The legal resident immigrant population is estimated by applying demographic methods to counts of legal admissions covering the period from 1980 to the present, which are obtained from the Department of Homeland Security's Office of Immigration Statistics and its predecessor at the Immigration and Naturalization Service. The initial estimates here are calculated separately for age-gender groups in six states (California, Texas, Florida, New York, Illinois and New Jersey) and the balance of the country; within these areas, the estimates are further subdivided into immigrant populations from 35 countries or groups of countries by period of arrival in the United States. Variants of the residual method have been widely used and are generally accepted as the best current estimates. For more details, see Passel and Cohn ([2010](#)) and Passel ([2007](#)).

Then, having estimated the number of legal and unauthorized immigrants in the March CPS Supplements, we assign individual foreign-born respondents in the survey a specific status (one option being unauthorized immigrant) based on the individual's demographic, social, economic, geographic and family characteristics. The data and methods for the overall process were developed initially at the Urban Institute by Passel and Clark (especially [1998](#)) and were extended by work of Passel, Van Hook and Bean (2004) and by subsequent work at the Pew Hispanic Center.

The final step adjusts the estimates of legal and unauthorized immigrants counted in the survey for omissions. The basic information on coverage is drawn principally from

comparisons with Mexican data, U.S. mortality data and specialized surveys conducted at the time of the 2000 U.S. Census (Bean et al. 1998; [Capps et al. 2002](#); Marcelli and Ong 2002). These adjustments increase the estimate of the legal foreign-born population, generally by 1%-3%, and the unauthorized immigrant population by 10%-15%. The individual survey weights are adjusted to account for immigrants missing from the survey. These augmented files serve as a basis for the detailed tabulations of the family, social, economic and geographic characteristics presented here and in previous reports.