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Foreword

As the cover of Volume 27 makes painfully clear, our current challenges in incorporating Latino/a communities are not new or novel. Over the past century, the U.S. has been slow to grant the legal rights and formal protections that would enable Latino/as to participate fully within our economy, our polity, and our civil society. Latino/a immigrants have been particularly marginalized within a system that values their labor but frequently denies their basic humanity. Cover artist Annie Lopez conveys this powerfully in her piece “Alien Inspector,” which uses a family artifact from 1919 to make us reflect on our current era. How much progress have we made, exactly?

The collection of articles, commentaries, and artwork contained in this volume seek to answer this question, at least in part. On the issue of immigration alone, contributing authors Carolina Rizzo and David M. Hernández examine the due process violations that undocumented immigrants routinely experience today within detention centers and immigration court proceedings. Despite the urgent need to overhaul our immigration policies, we have struggled to broker even partial policy solutions. For example, President Obama’s plan to use executive authority to extend administrative relief from deportation to 5 million undocumented immigrants is now on hold due to challenges within the courts.

Given this landscape, we must think creatively to imagine what empowerment can look like for Latino/as today. California State Senator Ricardo Lara is one such policy visionary. Recognized as a Champion of Change by the White House, Senator Lara ushered in important state legislative victories as the immediate former chair of the California Latino Legislative Caucus. In this position, he fought to expand access to health care coverage, driver’s licenses, and college student loans for undocumented immigrants in the state. In this volume, Senator Lara discusses the impact that access to professional licensure will have on undocumented immigrants in California.

While such local developments are promising, we also need a national policy agenda that similarly places Latino/a communities at the center rather than on the margins. Contributing authors Brenda Calderon and Wesley R. Brooks argue that Latino/a communities have a direct and important stake in postsecondary completion and in energy dependence—two policy areas that are central to America’s global competitiveness and national security. Yet, Latino/as do not factor prominently into these policy debates. For this reason, publications like the Harvard Journal of Hispanic Policy have an important role to play. Each year, our contributing authors ask how Latino/a communities are served by the status quo, and offer innovative ideas on how we might further empower our Latino/as through policy change.

I would like to take this opportunity to thank the Harvard Kennedy School for recognizing the importance of our work, and for providing continuous support to the Harvard Journal of Hispanic Policy and our sister publications. In particular, I would like to thank our Dean of Students, Dr. Karen Weaver, as well as our publisher Martha Foley and our faculty advisor Richard Parker. Finally, I want to share my appreciation for our Executive Advisory Board for their tireless advocacy and guidance, and for our entire student Editorial Board for their dedication and hard work.

Juana Hernandez
Editor-in-Chief

A Note On Terminology

In establishing the *Harvard Journal of Hispanic Policy (HJHP)* at the John F. Kennedy School of Government at Harvard University in 1985, our founding editors were cognizant of the importance of terminology and naming. They sought to form a credible publication that would bring the US Latina/o community to the forefront of policy debates and that would name new priorities, challenges, and opportunities for policy makers to consider.

Naming the journal itself proved to be an important endeavor. For decades, the terms used to define US Latina/os fluctuated greatly, creating much dissonance within the policy discourse. Ethnic origin (e.g., “Mexican”) and regional labels (e.g., “Central American”) were not inclusive enough to capture *HJHP*’s mission as a publication. Similarly, emerging pan-ethnic constructs (e.g., “Latin American”) implied homogeneity where incredible diversity and fluidity exists. Even with these limitations, our founding editors knew that a common language was needed to bridge conversations across disciplines.

Our founding editors thus reached consensus around “Hispanic,” a term that reflected national trends at the time. The term’s adoption by the federal government reflected the growing prominence of US Latina/os in domestic policy. In 1968, President Lyndon B. Johnson announced the observation of Hispanic Heritage Week, an important step in recognizing the population’s presence and history. In 1976, Congress passed legislation requiring the federal government to collect and analyze data on “Americans of Spanish origin or descent” in order to understand how this subgroup was impacted by federal policies and programs. The following year, the Office of Management and Budget developed standards for this data collection, hoping to create coherence across educational, health, and human service agencies. Finally, and perhaps most significantly, the US Census Bureau added a Hispanic question in 1980 in an effort to obtain more accurate population estimates with which to inform national policy making.

Since the journal’s founding in 1985, the lexicon has only continued to evolve. In 2000, the US Census Bureau introduced survey language that used “Hispanic” and “Latino” interchangeably. Similarly, many national advocacy, leadership, research, and civic organizations continue to use “Hispanic” in their name, while adapting their communications to be inclusive of the term “Latino.” Today, we too have adapted. Standing at the eve of our thirtieth anniversary, we are proud to carry our name and legacy with us while remaining forward-looking. For this reason we have begun to intentionally use “Latina/o” and the plural term “communities” within our publication, social media sites, and website.

Our Editorial Board remains committed to inclusivity and will continue to publish works from individuals and organizations that may use different terms. It is our firm belief that, in the difficult work of naming the policy needs of our community, no singular term may ever be comprehensive enough for the complexity at hand.



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Unaccompanied Child Migrants in "Crisis": New Surge or Case of Arrested Development?

by David M. Hernández

David M. Hernández is assistant professor of Latina/o Studies at Mount Holyoke College. His research focuses on immigration enforcement, in particular, the US detention regime. He is completing a book manuscript on this institution, entitled "Undue Process: Immigrant Detention and Lesser Citizenship." His article "Pursuant to Deportation: Latinos and Immigrant Detention" was recently reprinted for the second time in Governing Immigration Through Crime: A Reader (Stanford University Press, 2013). Hernández is coeditor of Critical Ethnic Studies: A Reader (Duke University Press, forthcoming).



Crisis and Surge

In spring and summer of 2014, news accounts broke about a growing "crisis" and "surge" of unaccompanied Central American minors from El Salvador, Guatemala, and Honduras entering the United States. The news was sudden and swift, accompanied by photos of children lying about on floors, crowded behind prison bars, or overflowing into hallways of detention facilities. By the end of that summer, the US government would report 66,000 apprehensions of unaccompanied children, with more than 50,000 of them from El Salvador, Guatemala, and Honduras¹ as well as thousands of others apprehended and detained with family members while pursuing asylum claims or fighting deportation.

The Obama administration responded to the increased flow of Central Americans with its own enforcement "surge," ultimately requesting \$3.7 billion to manage the humanitarian emergency.² Alejandro Mayorkas, deputy secretary at the Department of Home-

land Security (DHS), stated, "We are surging resources to increase our capacity to detain individuals and adults with children, and to handle immigration court hearings."³ The administration opened emergency detention centers at military bases in Texas and California, expanded the use of ankle bracelets to monitor freed migrants, provided emergency legal counsel to children, and accelerated the processing and deportation of migrants by strategically deploying immigration judges to high docket courtrooms along the southern border. It also provided Central American countries with \$255 million for repatriation and reintegration programs and attempted to quell rumors of easy admission to the United States, sending Vice President Joe Biden to Latin America to meet with the presidents of El Salvador and Guatemala as well as senior officials from Honduras.⁴

The "crisis" and "surge" served all sides of the debate, demonstrating an unenforced and out-of-control border for anti-immigrant forces, a cruel and rushed detention appa-

ratus for migrant advocates, and the urgent need for comprehensive immigration reform (CIR) for the Obama administration. It caused the administration to delay promised executive actions⁵ on deportation policies in the absence of CIR and to more permanently expand detention capacity for children and families beyond merely emergency incarceration. As apprehensions led to deportation and asylum cases, government lawyers maintained the “crisis” discourse, utilizing procedures not used against migrants since the period immediately following the September 11 attacks. DHS attorneys argued, for example,

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that Central American refugees represented, collectively, a “national security threat” that would “encourage human trafficking” and that they should be categorically denied bond and release from the newly created restrictive detention facilities; in other words, the minors and their parents represented a “mass migration” and should be treated en masse instead of as individuals.⁶ These prosecutorial decisions led to accelerated court processes not meant to deliver justice sooner, but rather to deter future migrations by deporting today’s migrants more quickly. Circumventing careful individual deliberations of an asylum seeker’s case, immigration court proceedings entailed the prosecutorial management of “surge dockets,” or “rocket dockets,” which gathered dozens of children together for their collective day in court in a rushed process.⁷

The increased movement of asylum seekers, emergency response by government,

and the vexed debate locally and nationally all pointed to a migration crisis. But was this truly a crisis and sudden surge in migration? Prior to the story breaking in the spring of 2014, immigration lawyers in South Texas had reported since 2008 seeing increases in the number of migrants—primarily women and children, the majority from Central American countries, and some of them unaccompanied—entering detention centers. In other words, the so-called surge had been underway for several years without any countersurge in government policies and resources. By its own statistics, the federal government reports

that apprehensions of unaccompanied minors saw their first large jump in 2009, of mostly Mexican children, before the recent increase in children from Central America, growing since 2012. As such, although 2014’s number of Central American children from El Salvador, Guatemala, and Honduras was a dramatic change—roughly 16,000 children arriving per country that year—Mexican children have been arriving unaccompanied at the same rate since 2009 without any political debate or surge in media.

Conditions of Displacement

In the sensational political context of surges and crises, immigrant advocates, scholars, and many migrants themselves point to more long-standing structural conditions in Central America causing people, in particular children, to flee north. These include crushing poverty, urban violence, organized crime, and

ineffective governmental responses to these dangers. It’s imperative that we address these conditions of displacement but also that we examine the root “causes of the causes” of forced migrations, in particular, US military, political, and economic interventions in Central America throughout the twentieth century.

The US commitment to “regime change” in Latin America and the Caribbean, in order to protect its intertwined financial and political interests, openly tolerated and supported military dictatorships throughout the twentieth century, which in turn led to popular revolts, especially in Central American nations. These regional revolutions and civil wars peaked in the 1980s, killing a quarter of a million Salvadorans, Nicaraguans, and Guatemalans, and forced the migration of two million persons from the region, one-half of those settling in the United States as refugees or undocumented migrants.⁸ Postwar US interventions and regime changes in the region persisted into this century, most recently with the US support of the military coup in Honduras in 2009, ousting the democratically elected government of

mainstream media. Some immigrant advocates even adopted the “crisis” discourse, hoping to call attention to or humanize the conditions of displacement, dangerous travel north, and harsh detention conditions. Most often, the “crisis” served to mask, or at best only partially explain, the more profound reasons children and families would flee their home countries. It made the migration of these persons seem impulsive, resulting from individual choices regarding safety or false rumors of easy acceptance after arrival to the United States.

Obscuring Patterns of Migration

The “crisis” discourse is part of a long-term habit of addressing migration and enforcement as exceptional historical events tied to security crises. Refugee flows over land or sea, fears of disease, fears of “enemy aliens” during military campaigns, or more recent “wars” on terrorism, drugs, or crime have led to the detention and harsh treatment of migrants, especially non-White migrants, throughout the twentieth century and today.

In the sensational political context of ‘surges’ and ‘crises,’ immigrant advocates, scholars, and many migrants themselves pointed to more long-standing structural conditions in Central America causing people, in particular, children, to flee north.

Manuel Zelaya.⁹ Other examples of US intervention consist of current neoliberal economic arrangements and “free trade” efforts, US deportations to Central America, antidrug and anticrime global initiatives pushed by the US, and finally, long-term family separation caused by migrations related to all of the forces above. In short, US intervention in Central America has never ceased, and today’s migrations are linked to refugee streams from the 1980s.

This more complex analysis, however, paled in comparison to a sensationalized security crisis, which made better copy in the

Such “crises,” however, are typically treated as individual emergencies without precedents or patterns. This results in short historical memories of immigration calamities and a governmental myopia that fails to appreciate the complex conditions in the sending countries and the role of the United States in creating those conditions.

When migration is treated as a one-time exceptional event, the resulting policies tend to be strategies of shortsighted exclusion and deterrence. Fences and walls, large-scale and expedited deportations, as well as attempts at

deterrence through detention and incarceration, onerous legal proceedings, and denial of services are all contemporary examples of normative enforcement responses. None of these efforts address the long-standing dynamics that compromise safety and produce migration. In the Central American “crisis,” for example, the United States in coordination with Central American governments sought to develop one-time messaging for migrants that would broadcast the dangers of migration and their inevitable removal. US Customs and Border Protection launched a campaign of billboards and public service announcements throughout Mexico and Central American nations, as well as commissioned songs that aired on Latin American radio stations telling about the dangers and inevitable failure of migration to the United States.¹⁰

The orthodox response to the Central American unaccompanied minors is but one example of the United States’ collective failure to see past the “surge” to ongoing, decades-long reasons for these migrations. As such, it’s not just that we should look at the structural causes of Central American migration today, but that we should interrogate our traditional reluctance to do so. A broad parallel to this denial would be the widespread invocation of the United States as the hospitable “nation of immigrants,” which results in the obfuscation of the nation’s traditional hostilities directed toward migrants, in particular, non-White migrants. Indeed, whereas the United States has traditionally incorporated millions of migrants into the nation, it also has ensured their marginality through social and legal mechanisms forcing migrants to subsidize their own survival and US economic interests through collective sacrifice and second-class citizenship. The discourse of crisis or national hospitality toward newcomers obscures this patterned history of migrant marginalization.

Failed Methods of Enforcement

The US government’s response to the Central American “surge” in asylum

seekers, despite its sensational frame, has lacked exceptionality or innovation, reflecting a knee-jerk return to old and dangerous methods of controlling migration through enforcement-only strategies. The president or Congress could have remedied the situation with a variety of immediate and long-term fixes that would recognize and address the long-standing structural causes of Central American migration or immediately grant relief to the asylum seekers. Instead, comprehensive immigration reform remains dormant in Congress, and President Obama delayed his long-promised executive actions on deportations for five months, permitting the administration’s massive deportation apparatus to lurch forward, formally deporting more than 1,000 persons per day and 400,000 per year, with over 90 percent returning to Latin American countries.¹¹ Without addressing the long-term causes of displacement in Central America, the Obama administration is attempting to deter migration through detention and deportation. In particular, the government pulled back from emergency detention centers and began constructing or refashioning prisons to hold families with children.¹² Prior to the rise in unaccompanied minors in 2014, the government had only one detention center for families, a 100-bed facility in Berks County, Pennsylvania. It added 1,100 beds in summer 2014 with a temporary public facility in Artesia, New Mexico, and a privately run, for-profit facility in Karnes County, Texas. In December 2014, a 480-bed, for-profit facility opened in Dilley, Texas, while a larger 2,400-bed facility is being constructed next door. Also in December, the Artesia facility transferred its final detainees, while simultaneously, the for-profit Karnes County Residential Center agreed to expand its facility by 626 detention beds, making up for the closure of the New Mexico facility. All together, family detention capacity increased thirty-five times over in fewer than six months.¹³

Memories of family detention in Texas are very short. It was less than six years ago when

President Obama ended his predecessor’s failed Texas experiment with for-profit family detention, when the administration ceased the T. Don Hutto Residential Center’s use as a family detention center. This came after protests and lawsuits regarding the abusive conditions, especially for children, during the three-year life of the former prison. The Hutto facility was not shuttered, but converted into a women’s immigrant detention facility, simultaneously reflecting Obama’s symbolic detention reforms but also his administration’s continued use and expansion of privatized immigrant detention. The Corrections Corporation of America—which also runs the new Dilley, Texas, facility—remains the for-profit contractor of detention services, despite allegations of sexual abuse at Hutto when it was a family detention center and, after, as a women’s facility.

The new facilities commissioned in the summer of 2014 have quickly devolved into abuse allegations and led to a repetition of old mistakes by the same government and corporate managers at the helm of public debacles less than a decade ago. At the Artesia Family Residential Center in New Mexico, several advocacy groups representing the asylum seekers, including the National Immigration Law Center, have sued the government for its accelerated legal processes and infringements on due procedural rights. Charges include unsanitary conditions, restrictions on communication with attorneys, and coercing migrants to relinquish their rights and protections. The suit also seeks the return of three hundred deported women and children who did not get their day in court because the “credible fear” standard had been elevated arbitrarily for migrants in the Artesia facility.¹⁴

At Karnes County Residential Center in Texas, the DHS has instituted a no-bond or high-bond rule for migrants with considerable merits, such as those who pass their credible fear interviews, pose no threat to public safety, are not deemed flight risks, and have relatives that will receive them if released from

detention. Although bond decisions are supposed to be individualized, these are wholesale policies and legal practices, as DHS Secretary Jeh Johnson has instituted one-size-fits-all government affidavits opposing bond for all persons considered part of a mass migration.¹⁵ Opened in August 2014 with 500 beds and set to expand to 1,200, the Karnes facility is a for-profit prison run by the GEO Group corrections corporation. The Mexican American Legal Defense and Education Fund (MALDEF) has already sued the Karnes detention center for sexual abuse, extortion, and harass-

The U.S. government response to the Central American ‘surge’ in asylum seekers, despite its sensational frame, has lacked exceptionality or innovation, reflecting a knee-jerk return to old and dangerous methods of controlling migration through enforcement-only strategies.

ment of Central American women and families detained there. The sexual abuse allegations are in violation of the Prison Rape Elimination Act, recently extended to DHS facilities. According to the complaint, guards trade small privileges for sex, call the female detainees *novias* (“girlfriends”), and fondle women in front of children and other detainees.¹⁶ The presence of children elevates these abuses. At the Karnes facility, for example, asylum hearings detailing torture and abuse are conducted in the presence of children, and youth are not screened for their own asylum merits. Similarly, the GEO Group is not licensed under Texas child welfare oversight agencies. These failures mirror exactly the documented abuses at the for-profit Hutto facility last decade that led to its closure.

Arrested Developments

The return to family detention on a massive scale is woefully inadequate and dangerous. Let's not forget that prior to the media frenzy about unaccompanied minors, the United States had already been operating a harsh, arbitrary, and stunningly efficient deportation system. Efficiency here is measured by the true "surge" of detention and deportation, both processes ensnaring over 400,000 persons a year during the tenure of the Obama administration. In the courtroom, in detention centers, and in the streets or at work where immigrants are targeted based on racial presumptions, noncitizens and those perceived to be noncitizens have been pushed through a federal deportation machinery unprecedented in size. Persons that migrate without inspection—which formerly resulted in an immediate return to their country of origin (most often Mexico)—are today charged with unlawful entry, given criminal sentences, and then deported formally at great cost to the general public and devastating effects on future lawful migration. Formal deportation has a cyclical effect, as migrants caught after returning to the United States after an earlier formal deportation face the federal felony charge of "illegal reentry." This felonious process can lead to prison sentences from two to twenty years, another deportation, prohibitions against future lawful migration, and potentially, another unlawful return, especially if family, property, cultural, and religious networks are in the United States.

Framing the migration of unaccompanied children from Central America as a sudden surging "crisis" facilitates the return to old policies that do not work and cause significant harm. In this framework, emergency shelters, the detention of families and children, expedited legal processes—all hallmarks of earlier "crises"—appear as exceptional, yet rational, responses. However, the punishment of migrants seeking relief from dangerous conditions in their home countries—as individuals, as families, or as children—is a long-standing

practice, whose material infrastructure and legal authorities are products of earlier so-called surges. They indicate an accumulation and consolidation of power over noncitizens and reflect what historian John Higham calls the "distinctively American" spirit of nativism.

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With its Gender Action Portal, the Women and Public Policy Program at Harvard Kennedy School provides scientific evidence—based on experiments in the field and in the laboratory—on the impact of policies, strategies and organizational practices aimed at closing gender gaps in the areas of economic opportunity, politics, health, and education to help translate research into action and take successful interventions to scale.



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Se Siente, Se Siente, Nuestra Gente Está Presente: Latinos and the Search for Twenty-First-Century Economic Empowerment

by Víctor George Sánchez Jr.

Víctor George Sánchez Jr. is the community engagement development coordinator for the Northeast region with the AFL-CIO. His responsibilities focus on building relationships with community groups around a shared agenda that includes, but is not limited to, access to good jobs, health care, quality public education, affordable housing, and immigrant rights. Sánchez's involvement in organizing around issues of access and affordability in higher education as an undergraduate led to his election as president of the University of California Student Association, which represents more than 225,000 students across the University of California's ten campuses. In this role, he helped lead the development and implementation of statewide campaigns around the California Grant-Aid Program, AB 656 Oil and Gas Severance Tax, AB 462 College Affordability Act, and the California DREAM Act. Upon graduation, his passion for empowering marginalized communities led him to Washington, DC, where he was elected to the role of vice president and then president of the United States Student Association. There, Sánchez managed and implemented grassroots campaigns around national issues like student debt reform, the federal DREAM Act, and the preservation of educational access and financial aid programs for low-income students. Emboldened by his experience as a young executive director and social justice organizer, he went on to become a national campaign coordinator for the AFL-CIO's Immigration Campaign. Born and raised in Los Angeles, Sánchez is the son of immigrant parents from Costa Rica and México. A proud first-generation Chicano/Latino, he attended the University of California, Santa Cruz, where he graduated with dual majors in sociology and Latin American and Latino studies.



Introduction

In the past several years, researchers and pundits have spoken about the growth of the US Latino community in very narrow terms. The national discourse has mainly focused on the electoral impact our community can have, particularly since the 2008 presidential election.¹ Yet our surge in numbers has more far-reaching impact than the ballot box alone. At 16 percent, Latinos constitute the fastest-growing segment of the American workforce. Estimates project that by 2050, one in three working Americans will be Latino.² With a share of the economy that great, Latinos actu-

ally hold significant influence over the health and longevity of the American economy.

Still, Latino workers remain marginalized within a few specific industries. In industries such as construction and manufacturing, hotels and restaurants, and the service sector, opportunities for upward socioeconomic mobility remain limited due to weak worker protections. Latinos in these industries continue to be vulnerable to employer violations like wage theft and misclassification, amongst other exploitive practices. The Latino worker is thus at the center of the debate around growing income inequality. At its highest

level since the Great Depression, our inability to close this gap will lead to stagnant living standards for Latinos in the short term and a weakened economy for all Americans in the long term.³ Indeed, the twentieth century was a different world for labor protections and standards, but it remains to be discovered how economic empowerment will change in the twenty-first century as Latino workers increasingly drive economic growth.

¿Quiénes Somos? Latinos in the Workforce

Labor trends have shown that the Latino community's primary occupations are in the service sector, construction and maintenance, as well as sales, office and administrative support. These jobs are located in a private sector where we have seen the continual erosion of workplace protections, a pattern that has mirrored the decline in union density to just 6.7 percent.⁴

The Latino share of the workforce will continue to grow to nearly 30 percent by 2050.⁵ This is an astounding figure considering the potential purchasing power of Latino households in an economy that is largely consumption based. However, Latinos take home less money per paycheck than do African Americans, Asian Americans, or Whites. The median weekly earnings of full-time wage and salary workers are \$578 for Latinos compared to the \$802 for Whites.⁶ The disparity is clear and a large reason why 6.7 million Latinos would be affected by a raise in the federal minimum wage.⁷

The disparity in educational attainment between Latinos and other ethnic groups also prevents Latinos from avoiding unemployment and achieving higher-paid positions. Latinos represent only 18 percent of those in the workforce with a bachelor's degree or higher.⁸ As it stands now, these factors hold our present and future economic potential hostage. The debate about how to increase educational attainment for Latinos is a separate policy area to examine, but the centrality of its impor-

The question is not whether the Latino workforce can have positive impacts on the overall economy. Rather, it is whether Latinos will have stable, middle class jobs with worker protections or continue to be overrepresented in low wage jobs.

tance in achieving more stable quality jobs is uncontested.

The question is not whether the Latino workforce can have positive impacts on the overall economy, but, rather, whether Latinos will have stable middle-class jobs with worker protections or continue to be overrepresented in low-wage jobs. Growth in the Latino workforce is inevitable, and we must actively create safeguards and economic opportunity to help end income inequality.

Twentieth-Century Labor Law

Worker protections are a silver lining afforded only after years of struggle in the United States. The passage of several laws in the twentieth century set the bar for what has become commonplace in today's work life. One of the main federal labor law victories was the National Labor Relations Act (NLRA), passed in 1935. Arguably the key US labor law statute, it outlined worker protections and tools for employees and employers to use in order to avoid infringing upon the general welfare of workers, businesses, and the overall US economy.⁹ One of the main tools created under the NLRA to safeguard workers was the right to organize into unions and collectively bargain. Collective bargaining has been and continues to be the gold standard for workers to protect their rights in the workplace. A process of negotiation, this practice enables workers to reconcile wages, hours, health, and safety as well as overtime rights with their

employers. Unions have used collective bargaining as a way to build economic power for the working class. Hard-fought victories with large employers spanning decades were only possible because of the protections laid out in the NLRA.

A second law relevant to Latino workers today is the Fair Labor Standards Act (FLSA). The FLSA established a minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private and public sectors.¹⁰ Created in 1938, the FLSA has seen many amendments, including adjustments to equal pay, anti-age discrimination, and the federal minimum wage. One complexity of this legislation with serious implications for Latinos is that the Department of Labor (DOL) allows exemptions to the law itself. Latino workers today are preferentially excluded from FLSA standards because the Wage and Hour Division of the DOL specifies protections around minimum wage, overtime pay, and child labor based on industry. Not all

Latino workers today are preferentially excluded from FLSA standards because the Wage and Hour Division of the DOL specifies protections around minimum wage, overtime pay and child labor based on industry.

employees are covered and thus do not benefit from the rights and protections outlined in the FLSA.¹¹ Furthermore, the burden of proof as to whether or not an employee is eligible to benefit from FLSA relies on the employer. Given the concentration of Latinos in manual labor and service sector jobs, they remain vulnerable to employer abuse. The NLRA also created categories of "excluded" workers through exemptions for certain industries.¹² These exemptions were political concessions made during the amendment process in order to secure passage of both policies.¹³ Lawmakers excluded particular occupations

to avoid extending employment protections to particular racial and ethnic groups. More than fifty years later, Latinos still shoulder the brunt of these exclusions.

Hoy en Día: The Reality of the Latino Worker

Despite the minimum standards of worker protections created under federal labor law, Latinos in the workforce continue to suffer multiple infractions. As evident in the complexity of workplace protection eligibility, Latino workers remain vulnerable, especially when employers enforce FLSA standards.

One form of violation is commonly referred to as "wage theft," or unpaid wages. A crisis that has existed below the radar for decades, the expansiveness of the problem has begun to garner more attention in recent years. A 2009 survey that focused on construction, food manufacturing, restaurant, janitorial services, and home health care workers found that \$56.4 million are stolen

from approximately 1.1 million workers every week in New York, Los Angeles, and Chicago through minimum wage, overtime, and other pay violations.¹⁴ Given that Latinos make up 24 percent of workers in low-wage jobs, wage theft stifles purchasing power and, ultimately, our long-term economic stability.¹⁵ Dr. David Weil, director of the US Department of Labor's Wage and Hour Division, notes that since 2010 the agency has uncovered nearly \$1 billion in illegally unpaid wages; immigrant workers represent a disproportionate amount of victims.¹⁶ This crisis is only worsening as employers continue to seek ways to short-

change workers of the wages they are legally owed.

As one method of denying workers the wages and benefits they earn, some employers misclassify their employees as independent contractors. Misclassification allows employers to cut costs and reduce tax liabilities at the expense of employee benefits. Employers who choose to misclassify workers do so to curb costs by cutting benefits to workers who would legally be entitled to them otherwise. It also reduces tax responsibility, costing the federal government millions. This problem is widespread, as up to 30 percent of employers

Most notably, domestic workers are not afforded the right to collectively bargain in the NLRA, denied wage and/or overtime protections under the FLSA and are even excluded from Occupational Safety and Health Administration (OSHA) regulations.

misclassify employees.¹⁷ This disadvantages law-abiding employers who are forced to compete on an uneven playing field. The biggest loser, however, is the worker left without a health insurance plan or access to workers' compensation or disability support when needed. When an employer misclassifies an employee as an independent contractor, the law automatically assumes the employee would be able to afford insurance as a self-employed individual with the necessary "overhead."¹⁸

Misclassification thus sets into motion a race to the bottom for both companies and individual workers. In industries like construction, where labor costs are frequently used as an excuse to cut corners, Latinos stand to be significantly affected because they comprise

22.5 percent of those employed in the industry nationally.¹⁹

The historical origins of exclusion from protections indicate how deeply rooted racial discrimination and worker abuse are in the United States. These policies initially aimed to exclude African American workers from labor protections in industries common in the South before the civil rights movement. At present, these historically excluded industries employ primarily Latino workers. For example, in many states in the US today, domestic workers, farm laborers, and restaurant workers are predominantly Latino.

Labor law violations happen to Latinos regardless of immigration status. Although job growth among US-born Latinos has outpaced that of Latino immigrants, we all continue to be concentrated in vulnerable industries and at risk for workplace mistreatment.²⁰ Immigration status, however, is an important intersectionality we cannot ignore. Undocumented workers face an even larger burden because of a broken immigration system; worker authorization practices are discriminatory, and there is no clear pathway to citizenship. Threats of deportation, violence, and other forms of intimidation instill fear and have forced workers to work against their will, leaving Latino immigrants, among others, susceptible to larger issues like labor trafficking.²¹

The domestic worker industry presents a prime example of mistreatment. Largely Latino, domestic workers suffer a disproportionate amount of rights violations at the workplace. These include but are not limited to infringements on wages and benefits as well as health and safety concerns. Domestic workers fall victim to many of these abuses, due to exemptions in labor laws that protect workers in other industries. Most notably, domestic workers are not afforded the right to collectively bargain in the NLRA, are denied wage and/or overtime protections under the FLSA, and are even excluded from Occupational Safety and Health Administration (OSHA) regulations. Access to worker compensation

is not mandatory for employers in half of the states in the United States or only applicable once a certain wage threshold is met. Given the low wages domestic workers typically earn, coverage is too often a right out of reach.

An important additional layer to the complexities of worker vulnerability, gender merits closer analysis. There are close to three million Latinas in the service industry. With the added impact of the gender pay gap, Latinas earn sixty cents to the dollar, equivalent to \$16,416 in lost wages in a year for a typical worker.²² Finally, 77 percent of Latinas in the South report sexual assault to be an issue at the workplace.²³ Income inequality, often examined exclusively through differences in class and race, continues to be influenced by the gender of workers as well, with Latinas representing an especially vulnerable group in today's workforce.

Strong workplace protections preserve dignity and respect in the workplace. Every day, Latino workers not only experience threats to their wages and benefits, but also impediments to their long-term upward socioeconomic mobility and stability. With an economy that is fast changing due to Latino population growth, the need for proactive policy changes to curtail workplace abuse will help address growing income inequality.

Changing the Paradigm

The time for change was yesterday. Despite labor protections established in the NLRA and FLSA, Latinos are still vulnerable. Low wages and weak worker protections reproduce the cycle of poverty for Latinos in the United States. The sense of urgency is all too real. Latinos across the country have started to organize on all levels, pushing for the much-needed reforms that will fill the gaps in federal labor law in order to expand worker protections and restore dignity to all workers.

At the local level, immediate policy responses to wage theft and misclassification have taken the form of ordinances or execu-

tive action. Municipalities from Miami to El Paso to Seattle and Los Angeles have begun to introduce change by establishing investigatory task forces or by enacting strong policies prohibiting wage theft. Reflecting the hard work already done, any new proposed policy should aim to do the following:

- Strengthen enforcement tools and expand staff capacity in existing agencies
- Review existing rules and set new urgent timelines for labor claims that are filed
- Instill penalties and establish mandatory payment of back wages within a specific time frame, setting up the revocation of business licenses or other forms of citations if issues are left unresolved
- Protect workers from retaliation when a labor claim is filed with the city by increasing penalties
- Promote responsible employer practices publicly via an avenue that will allow greater information and resources to penetrate needed communities
- Establish a permanent partnership with local worker centers, unions, and other community organizations that will actively work to improve enforcement of existing labor laws so as to prevent further harm and promote greater synergy amongst concerned parties

On the state level, we have seen a movement grow out of the need for workplace rights, specifically with the domestic worker industry. The work of the National Domestic Worker Alliance (NDWA) has been particularly innovative in this area. Introducing a Domestic Workers Bill of Rights across various states, the NDWA has been largely successful in winning protections and fairness for domestic workers. With victories in Hawaii, New York, Massachusetts, and California, the NDWA builds greater awareness for stronger workplace rights in an industry that is excluded from protections in the NLRA and FLSA. These innovative policies can be

extended across other industries and include the following at their core:²⁴

- The establishment of the eight-hour workday, with rules for overtime
- Guaranteed days of rest
- The right to maternity or paternity leave without loss of employment
- Protection against discrimination, violence, sexual harassment, and harassment based on gender, race, national origin, and religion
- Access to temporary disability payments regardless of part-time or full-time status
- Annual living wage increases, as well as paid sick and vacation days
- Protection from working in an unsafe or unhealthy environment
- Eligibility to receive workers' compensation if injured on the job

The most far-reaching reform would have to come at the federal level. As the movement for labor rights continues to gain strength, potential federal proposals that would directly uplift and empower Latinos in the workplace would include:

- Raising the federal minimum wage
- Establishing the same rights and protections under the NLRA and FLSA to all workers
- Ensuring whistleblower protection for workers assisting to enforce workplace protections

The Labor Movement, Latinos, and Looking Ahead

It is essential to highlight the role of organized labor in protecting workers. The labor movement finds itself in a time of transition in which transformation has become necessary for self-preservation. As a crucial component in the story of America and its workers, unions first formed to usher in the very protections

now sought by the Latino community. The early successes of organized labor resulted in prolonged periods of production, the creation of the middle class, and aspects of life in America we now consider normal, such as the weekend. Their influence was and continues to be unparalleled.

Despite the inherent challenges of expanding union membership to historically underrepresented populations such as Latinos, there are many advantages for our community to join unions. In 2013, Latinos who benefitted from union membership had weekly median earnings of \$832 as opposed to the \$547 for nonunion community members, and the Latino union member took home an average annual salary of \$43,264 a year versus the nonunion annual salary of \$28,444 a year.²⁵ In addition, Latino union members were 41 percent more likely than nonunion workers to have employer-provided health insurance and 18 percent more likely to have a pension plan.²⁶

The alignment between what unions can offer and what the Latino workforce needs could lead to a strategic partnership that secures economic stability and growth with dignity. In 1961, A. Philip Randolph, a prominent African American labor leader, described the intersection of such interests best in his vision of the labor movement: “[t]he essence of trade unionism is social uplift. The labor movement traditionally has been the haven for the dispossessed, the despised, the neglected, the downtrodden, the poor.”

It is clear that unions will continue to shift toward advancing consistent democracy beyond its registered rank and file, promoting engagement in the struggle toward equity across populations. They will look to forge strategic relationships with communities that are most impacted by issues of social and economic justice today. Latinos have the opportunity to participate, actively engage, and help push this movement to deliver the rights and protections needed to ensure economic empowerment in the twenty-first century.

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Realizing the DREAM: Expanding Access to Professional Licenses for California's Undocumented Immigrants

by Ricardo Lara

Senator Ricardo Lara (D-Bell Gardens) represents the Southeast Los Angeles County cities of the 33rd Senate District. Raised in a blue-collar immigrant household in East Los Angeles, Lara has risen through the ranks of the California Senate to become the chairman of the influential California Latino Legislative Caucus and a member of the powerful Rules and Appropriations Committees. He has become a statewide and national leader in the push for civil rights, including passing first-in-the-nation legislation to establish the California DREAM Loan Program for undocumented students and updating professional licensing rules so that undocumented Californians can contribute to the economy. The Los Angeles Times called Senator Lara the "point man in the push for immigrant rights," and President Barack Obama recognized his leadership with a Champions of Change Award at the White House. Upon his election, Senator Lara became the first openly gay person of color elected to the California State Senate.



The unfulfilled promise of comprehensive immigration reform has left millions of undocumented immigrants in the United States living under the constant threat of deportation. Without a substantive proposal or timetable to overhaul the immigration system, this trend will continue. Fortunately, in California, the Legislature is pioneering a path forward.

California has made a fundamental commitment to invest in the education of our youth, regardless of their immigration status.

Each year we pass groundbreaking legislation to recognize the rights and contributions of our immigrant population. Among the

most significant pieces of legislation is Senate Bill 1159—a new law passed in 2014 that will allow applicants for a professional license to provide an individual taxpayer identification number (ITIN) in lieu of a Social Security number (SSN). This law ensures that otherwise eligible individuals are not prohibited from obtaining a professional license due to immigration status, thereby creating new economic opportunities for our immigrant workforce and stimulating the California economy.

California has made a fundamental commitment to invest in the education of our youth, regardless of their immigration status. We recognize that many immigrants come to the United States as children and attend California public elementary and secondary schools as well as public colleges and universities, and we have worked to remove barriers to education. Specifically, by enacting progres-

California is leading where the federal government is failing. We are taking a proactive approach to assist in the success of all Californians, regardless of immigration status because it makes economic sense.

sive state legislation—including Assembly Bill 540, Assembly Bill 130, Assembly Bill 131, and Senate Bill 1210—we provide nonresident tuition exemptions and state scholarships and financial aid. We have also established the DREAM Loan Program at the University of California and California State University systems in order to help undocumented students acquire resources to graduate on time. As a result, many undocumented students are able to attend and graduate from California colleges and universities and are ready to contribute as working professionals. But, even with such progressive innovations, there are many more barriers to entry that we must address.

To date, the conversation about professional licensing has largely been ignored, but it is an imperative component in providing access to jobs for our undocumented population, including those that qualify as DREAM students. Much of the dialogue and advocacy around DREAMers centers on their ability to access and complete a higher education. Yet, while this is a critical component in helping integrate high achieving young men and women within our higher education

This law [SB 1159] ensures that otherwise eligible individuals are not prohibited from obtaining a professional license due to immigration status, thereby creating new economic opportunities for our immigrant workforce and stimulating the California economy.

systems, the pressing issue is what happens after graduation. Those who do not qualify for deferred action for childhood arrivals (DACA) are unable to practice in the professions they spent years mastering. As a result, highly skilled immigrants are unable to contribute their talents and tax dollars to our workforce or economy because of their documentation status. Without a professional license, our immigrants are unable to fulfill their desire to start a business.

Recent estimates show that immigrants in California are entrepreneurial. Indeed, according to a 2012 report by the Partnership for a New American Economy, immigrants are more than twice as likely to start a business compared to native-born workers.¹ For the working-age population, Latino and Asian immigrants have a self-employment rate of 12 percent, which is twice the rate for nonimmigrant Latinos and Asians.² This leads to great contributions to California's economic output. In fact, undocumented immigrants in California alone contribute about \$130 billion of California's gross domestic product (GDP)—a figure greater than the entire GDP of Nevada.³

These figures demonstrate that prohibiting undocumented immigrants from obtaining a professional license due to immigration status would be a detriment to our economy. California has recognized this and has taken some action. Specifically, the California Legislature recognized the need to address this arbitrary restriction on professional licenses for undocumented immigrants with the passage of Assembly Bill 1024 in 2013. This bill clarified that all applicants who meet the requirements for admission to the California State Bar may be licensed to practice law regardless of immi-

gration status. The California Supreme Court further validated the enactment of this bill on 2 January 2014 when it unanimously ruled to allow for the admission of Sergio Garcia, an undocumented immigrant who passed the bar exam, to the State Bar of California, citing the enactment of AB 1024 as the basis for the ruling. Another bill that removes the professional license restriction is Assembly Bill 1822, which allows undocumented immigrants access to architecture licenses. Bills 1024 and 1822 remove the barrier to admission for specific professions, but this piecemeal approach is not enough.

In an effort to address this issue holistically, I authored Senate Bill 1159, which requires forty licensing boards under the California Department of Consumer Affairs to accept professional license applicants regardless of legal status by 2016, including contractors, cosmetologists, mechanics, and landscapers, among others.

With laws like SB 1159, California is leading where the federal government is failing. We are taking a proactive approach to assist in the success of all Californians, regardless of immigration status because it makes economic sense. SB 1159 is just one common-sense solution to the inaction we are seeing at the federal level. While there is still much work ahead of us, laws like this will help undocumented Californians realize their dreams.

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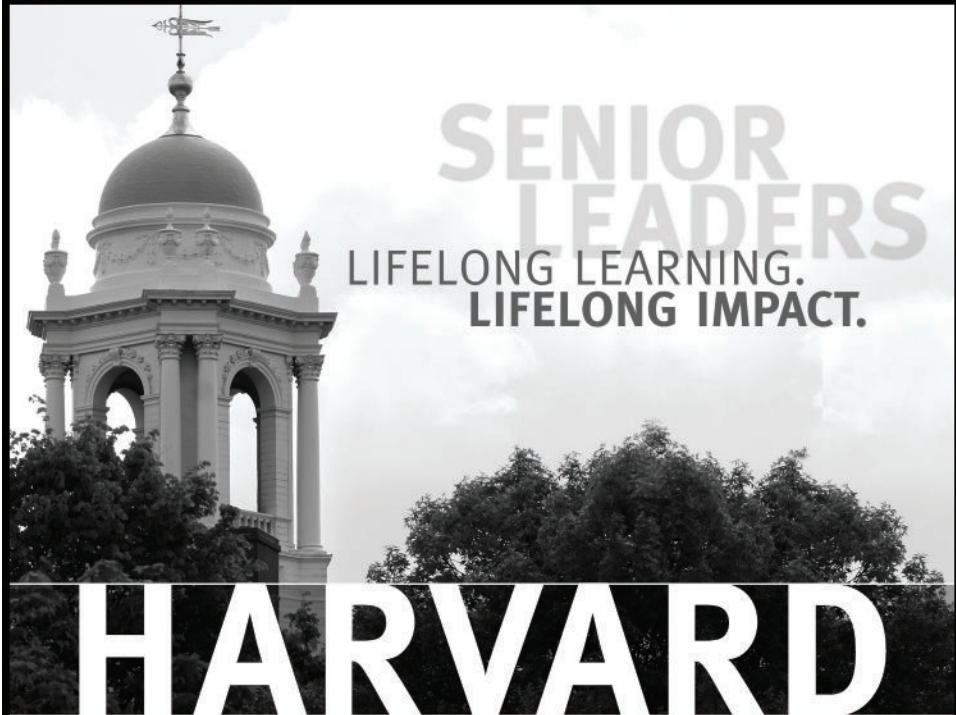
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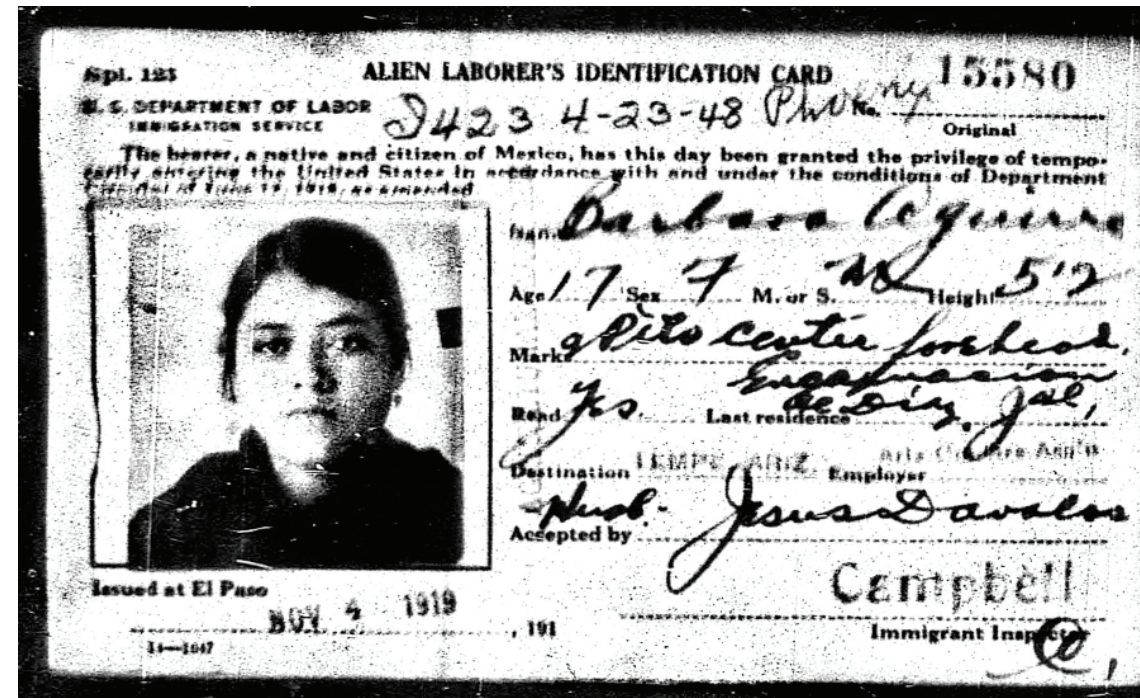
by Annie Lopez

A native of Phoenix, Arizona, Annie Lopez is influenced by the culture of the Southwestern United States. Her artwork is mostly self-taught and reflects family and personal experiences. Since 1983, her work has been shown across the country in many prestigious exhibits including "Locals Only: 602/480/623" at the Phoenix Art Museum, "American Voices: Latino Photographers in the US." at the Smithsonian Institution in Washington, DC, and "The Show" at the Museum of Fine Arts, Santa Fe, New Mexico. Lopez has received a National Association of Latino Arts and Cultures (NALAC) Fund for the Arts Artist Grant; a Mid-Career Award from the Contemporary Forum of the Phoenix Art Museum; a Purchase Award from the Tucson Museum of Art; an Artist Materials Grant Award from the Phoenix Art Museum's Contemporary Forum; a project grant from New Forms Regional Grants Program (NFRIG) based in Texas; a fellowship grant from the Art Matters Foundation, New York; and a fellowship grant from the Arizona Commission on the Arts. Her work is in the collections of the Phoenix Art Museum; McDonald's Corporation; National Hispanic Cultural Center of New Mexico; Planned Parenthood; City of Phoenix, Arizona; City of Glendale, Arizona; Phoenix Children's Hospital; Arizona State University; the Tucson Museum of Art; and the Diane and Bruce Halle Collection of Latin American Art. Lopez is an active participant in the Phoenix art scene. From 1982 to 1999, she was an artist member with the MARS (Movimiento Artistico del Rio Salado) gallery in Phoenix. She donates her time to jury exhibits, mentor younger artists, serve on grant panels, and work with local arts organizations. Lopez served two terms on the Arts and Culture Commission for the City of Phoenix. She regularly exhibits in the Phoenix area.

Alien Inspector

Archival Pigment Print
2013

Campbell, the person assigned to inspect aliens from Mexico and not outer space, noted the wrong age for my grandmother. She turned seventeen a month later. My grandfather - Barbara's husband of two years - was given a new surname by the immigrant inspector. My grandparents came to Arizona to pick cotton in Tempe. Within months, they moved to Jerome where my grandfather worked in the mines. My grandmother gave birth to the first of her ten children seven months after she entered the United States legally through the El Paso Port of Entry. The baby was named after his father, but later known as Shorty.



Artist Spotlight

Camilo Cruz

Camilo Cruz grew up in a home environment that was deeply committed to social justice. His late father, Richard Cruz, was a Chicano civil rights attorney who dedicated his career to fighting injustices experienced by minorities and poor people throughout California. Cruz's social justice influences have translated to various projects he directs that involve restorative and collaborative justice practices. Since 2001, he has served as the community relations officer of the Los Angeles Superior Court. In this role, he works closely with judicial leadership to develop and strengthen programs like the Los Angeles County Teen Court Program, Stopping Hate and Delinquency by Empowering Students (SHADES), History in the First Person, Court-Clergy Conference, and many other programs aimed at engaging the community in the administration of justice. Before joining the Court, Cruz was a senior policy advisor to former Los Angeles City Councilmember Michael Feuer. While working for Feuer, Cruz led a task force to create the Van Nuys Community Court, which was the first community court program in California. Cruz received his master's in public policy from Claremont Graduate University. He also holds a master of fine arts from California State University, Long Beach. Through the production of photographic art, he explores psychological dynamics in the space of justice. This is done to communicate truths about our human condition and spark discourse that results in us redefining ourselves as a paradoxical and imperfect species rather than a rational one. By seeing ourselves as "imperfect" within a system that likes to consider itself "perfect," Cruz provokes phenomenological awakenings of the consciousness within the viewers of his art. Cruz's art has been shown nationally and internationally and has received numerous awards, including fellowships from the California Community Foundation and the Center for Cultural Innovation.

The Attorney



Pedro



Andy



Carlos & Rosa



Espinoza





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Catch and Detain: The Detention Bed Quota and the United States' Overreliance on Detention as a Tool for the Enforcement of Immigration Laws

by Carolina Rizzo

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Abstract

This article examines the quota requiring daily detention of 34,000 noncitizens and finds the following: it is wasteful compared to viable alternatives; it prevents the US Department of Homeland Security from making detention decisions based on its priorities and needs; and it imposes heavy costs on society at taxpayers' expense. The article goes on to note that alternative to detention (ATD) programs satisfy the same goal of institutional detention at a fraction of the cost and in a more humane way. Recommendations include eliminating the quota, using the savings to strengthen and expand ATD programs, and redefining "detention" to include cost-effective alternatives.

Introduction

For many years, immigration policy in the United States has stirred countless debates at the national and state levels. Economics, foreign relations, national security, race, class, and the very idea of what it means to be American are intertwined in immigration

policy. As legislators struggle to reform the immigration system, one fact is clear: the system is broken. In the meantime, US Immigration and Customs Enforcement (ICE) detains nearly 34,000 noncitizens¹ every night to comply with what it interprets as a congressional quota.² The quota,³ which originates from language that first appeared in the 2010 Department of Homeland Security (DHS) Appropriations Act, costs taxpayers more than \$5 million a day to fulfill through institutional detention.⁴

Expanding even faster than criminal detention, immigration detention is the fastest-growing detention system in the United States. However, approximately 89 percent of detainees are not dangerous.⁵ Conditions in many of these detention centers are poor, exposing detainees to abuse and inadequate basic services. Even with the availability of less expensive alternatives that are similarly effective to institutional detention, the quota remains in place. For legislators who need to show a tough stance on immigration enforce-

ment, the quota is an easy fix to an ever-evolving problem. How the government will continue to deal with the millions of undocumented immigrants living in the shadows—and the more who are yet to come—is a question that lies at the very heart of America.

The goal of immigration detention is not to punish but to protect the public and ensure that detainees appear in court and comply with final removal orders. So why does the United States detain so many noncitizens? While some undocumented immigrants—especially those considered a public threat—should be detained, for many others, institutional detention is a waste of funds.

Development

Detention as the Default Approach for Immigration Enforcement

For the greater part of immigration history in the United States, detention has been the exception, not the norm. It was not until 1892, when the first federally operated immigration detention center was opened on Ellis Island, New York, that the federal government began to detain immigrants who sought entry to the United States. Once detention became a common practice, it was a fairly brief process—a quick screening tool to protect national security.

Pursuant to the Immigration Act of 1893, detained immigrants were held briefly—between three and five hours—for the limited purpose of undergoing an inspection. The inspection was meant to ensure the detainee was in good health and would not become a public burden. The Supreme Court recognized that immigration detention without trial was permissible, and even necessary, to determine whether the detainee was entitled to remain in the United States or to otherwise make arrangements for their deportation. Except for those who were considered a threat to national security or an enemy of the US government, detention was a routine administrative procedure in those early years.

In 1952, Congress eliminated the practice of detaining immigrants, with some exceptions. While the attorney general was vested with statutory discretion to deny bail to aliens in deportation proceedings, the Board of Immigration Appeals (BIA) had “long interpreted that statutory grant of discretion to conform to due process requirements, holding that aliens should not be detained unless they posed either a risk of flight or a danger to the national security.”⁶ The closure of Ellis Island in 1954 appeared to symbolize the demise of immigration detention. In fact, for the following decades, only a few individuals were detained during immigration proceedings.

The detention system was eventually resurrected in the 1980s with the opening of new detention centers to house refugees arriving from Cuba, Haiti, and Central America. This large influx of unauthorized migrants created public and congressional animosity that influenced the adoption of a US policy favoring the detention of more aliens.

As animosity and concerns about public safety rose, Congress believed that the Immigration and Naturalization Service (INS)—the agency in charge of immigration at the time—was ineffective at identifying and deporting removable noncitizens. Specifically, Congress was concerned that noncitizens who had committed violent crimes might be released from criminal custody⁷ before the INS could deport them. Congress also had little trust in the agency’s decision-making ability regarding the release of some of these detainees and therefore suspended INS’s discretion to release this type of noncitizen on bond.

In 1988, Congress responded by enacting the first mandatory detention legislation provisions into law. This legislation requires that a specific class of noncitizens—those who had been charged with, but not necessarily found guilty of, committing aggravated felonies⁸—be detained without bond. Because of mandatory detention, individuals who had been charged with aggravated felonies could no longer apply for relief from deportation,

such as cancellation of removal, asylum, or naturalization. When this legislation came about, more than 20 percent of nondetained criminal immigrants in deportation proceedings were failing to appear at their deportation hearings.⁹ Thus, some legislators concluded that mandatory detention of noncitizens in removal proceedings who had been charged with certain crimes would be the best way to ensure their compliance with removal orders. Since then, the list of qualifying aggravated felonies was expanded substantially. Currently, an offense does not have to be aggravated nor a felony to qualify as an aggravated felony for immigration purposes.¹⁰ Mandatory detention also applies to permanent residents (green card holders).

The government’s desire to keep dangerous people out of the United States was further reinforced by two terrorist attacks—the World Trade Center bombing in 1993 and the Oklahoma City bombing in 1995—that understandably raised national security concerns. As a result of these events, US immigration law shifted dramatically. In 1996, Congress passed two pieces of legislation that significantly changed immigration detention in the United States. Through this legislation, Congress further expanded the list of offenses that would trigger mandatory detention without the possibility of bond.

In addition to aggravated felonies, Congress included other automatic triggers—namely, drug offenses, two or more crimes of “moral turpitude,” and pending final removal orders.

Additionally, Congress also created “expedited removal of arriving aliens”: a process that allows immigration officials to summarily (i.e., without a prior hearing) deport immigrants arriving without proper documents. Finally, Congress increased the budget for immigration detention. The combination of the expansion of mandatory detention, expedited removal, and additional funds for immigration detention resulted in an explosion in numbers of immigrant detainees from approximately 5,000 a day in 1994 to 19,000 in 2001.¹¹ By the end of

2010, the detainee population was at 33,000 per day.¹² Additionally, as direct response to the September 11 attacks, the USA Patriot Act of 2001 radically revised the rules governing immigrant detention.¹³ ICE now detains around 34,000 immigrants per day. Detention has become the primary means of immigration law enforcement, regardless of security threat or risk of flight.

A Tough Stance on Immigration Enforcement

Immigration detention is within the purview of Immigration and Customs Enforcement—the main investigative arm of DHS. ICE detains a variety of noncitizens, including those who entered the United States without proper documents, overstayed their visas, have been charged with or convicted of crimes that make them removable, have been deported or ordered to leave the country but returned or remained in the United States, or are seeking asylum. Most of these detainees are not subject to mandatory detention and would be eligible for release if ICE determined, after an individualized assessment, that they are not dangerous or a flight risk.

Until 2009, ICE was not subject to an immigration detention quota. The late Senator Robert Byrd, a Democrat from West Virginia, introduced the requirement in the 2010 DHS Appropriations Act. Byrd—then chairman of the DHS Appropriations Committee—and other lawmakers were concerned that, under President George W. Bush’s administration, ICE was failing to enforce immigration laws. Pursuant to the “catch and release” enforcement policy, non-Mexican undocumented immigrants who were apprehended at the border were released with instructions to appear in immigration court at some later date. The policy was highly unsuccessful due to the large amount of released noncitizens that absconded.¹⁴

The increase of funding for detention beds was presented as a reason for the rise in removals of noncitizens. However, increased

funding for beds simply allowed ICE to detain a larger percentage of those apprehended than before. Since 2000, though, the number of undocumented immigrants in the United States has been declining, while the number of detainees continues to rise.

A Smarter Way to Achieve Immigration Detention Goals

Considering immigration detention's dual goals of ensuring compliance with final removal orders and protecting public safety, institutional detention should be deemed necessary only for some noncitizens. The decision to take a person's liberty—perhaps the most precious of American values—should be well founded. Squandering taxpayer dollars to take a noncitizen's liberty, after an individualized assessment determines them unlikely to be at flight risk or to pose any danger to the community, is simply unjustifiable.

The U.S. government's overreliance on detention as a de facto mechanism for the enforcement of immigration laws, and the increase of contracts with third parties for detention operations has transformed immigration detention into an industry. In the hands of third parties, this industry has an incentive to treat human beings like commodities.

The federal criminal system and the criminal systems of every state in the United States have used ATD programs with great success. These programs were created to address detainees who are not legally subject to mandatory detention, are not dangerous, and present a low flight risk. A perfect candidate for ATD programs would be someone with strong ties to the community and no history of violence—criteria met by many people lingering in detention centers today. Through ATD programs, ICE can monitor noncriminal immigrants for a fraction of the cost of institutional detention without wasting taxpayer dollars or disrupting families. These programs cost up to \$17 per

immigrant per day—about thirteen times less than the cost of institutional detention.¹⁵ If the detention bed quota were removed, taxpayers could save more than \$1.4 billion per year.¹⁶

ATD Programs Tried and Tested

ATD programs include a combination of the following monitoring mechanisms: supervised release to nongovernmental organizations, release on bail to an individual citizen, reporting requirements by phone or in person, open center detention, or community release. DHS created three different ATD programs: the Intensive Supervision Appearance Program (ISAP), the Enhanced Supervision Reporting (ESR) program, and the Electronic Monitoring (EM) program. ISAP and ESR are run by contractors and have experienced high success rates.¹⁷ According to an ICE report, "ISAP, which has a capacity for 6,000 aliens daily, is the most restrictive and costly of the

three strategies using telephonic reporting, radio frequency, and global positioning tracking in addition to unannounced home visits, curfew checks, and employment verification. ESR, which has a capacity for 7,000 aliens daily, is less restrictive and less costly, featuring telephonic reporting, radio frequency, and global positioning tracking and unannounced home visits by contract staff."¹⁸

Contractors have supervised detainees in ISAP since 2004, and by October 2009, ISAP had served 13,000 participants and experienced a success rate of 87 percent.¹⁹ ESR, created in 2007, yielded a 96 percent success rate.²⁰ EM is the only program that is actually

run by ICE. Created in 2009, EM is only available in states where ISAP and ESR are not. It uses only three supervising techniques—telephonic reporting, radio frequency, and GPS tracking—and it experienced a success rate of 93 percent.²¹ ISAP's successor, ISAP II, yielded between a 96 percent and 99 percent success rate.²²

Other ATD programs were designed by DHS in partnership with community-based organizations and are then run by those organizations. The first example of this type of program was the Appearance Assistance Program (AAP), a pilot program developed between ICE and the nonprofit Vera Institute of Justice. The AAP was very successful throughout the time it was implemented (February 1997 through March 2000). Through the AAP, DHS tested out "different methods and levels of supervision to learn how to increase rates of court appearance and compliance with adverse rulings."²³ Supervision under the AAP was made through a combination of in-person reporting, required phone-ins, and home visits, resulting in a 91 percent success rate.²⁴ The key to its success was the participation of community-based organizations that supervised and provided resources to detainees.

A second example of a community-based ATD program was the partnership between DHS and the Lutheran Immigration and Refugee Service (LIRS). In 1999, DHS and LIRS came together to release twenty-five Chinese asylum seekers from detention into open shelters around the country. Similar to the AAP, this program was also very successful; 96 percent of the participants appeared at their hearings.²⁵ A third community-based ATD program was the collaboration between DHS and the Catholic Charities of New Orleans to address thirty-nine asylum seekers released from detention and sixty-four "indefinite detainees" who were not legally removable from the United States. Again, this program—which ran between 1999 and 2002—proved to be very successful (97 percent success rate).²⁶

Liberal and conservative organizations alike—including the Heritage Foundation, the International Association of Chiefs of Police, the Conference of Chief Justices, the American Bar Association, and the Council on Foreign Relations—support ATD programs. Notwithstanding that ATD programs are inexpensive, more humane, and efficient to run, ICE still depends mainly on institutional detention, as fewer than 5 percent of detainees are supervised through ATD programs.²⁷ ATD programs are also almost as effective as institutional detention even though the US government invests significantly less on them. While it could be argued that any program that is not 100 percent successful would not be an adequate substitute for institutional detention, these programs could be improved with a fraction of the funds saved from the elimination of the quota.

Irresponsible Policy Making

Satisfying the quota through institutional detention is fiscally irresponsible. In fact, a recent study found that the US government "spends more on its immigration enforcement agencies than on all its other principal criminal federal law enforcement agencies combined."²⁸ According to ICE, for fiscal year (FY) 2014, institutional detention of immigrants cost American taxpayers \$119 per immigrant per day—a figure that does not account for operational costs.²⁹

Conversely, ATD programs, which cost only between \$.70 and \$17 per day, are almost as effective at ensuring that detainees appear in court and comply with removal orders. Research supports this conclusion: up to 99 percent of active participants in the ATD program ISAP II appeared at their immigration hearings.³⁰ While the success rate of other ATD programs has been somewhat lower, those programs can be improved with increased investment.

ATD programs are also more humane than institutional detention. Institutional detention commingles immigrants with actual

criminals in state and local jails. Even those held in private detention centers are treated like criminals. Immigrant detainees include already vulnerable populations like asylum seekers, torture survivors, victims of human trafficking, the sick, the disabled, the elderly, and pregnant women. They also suffer sexual assault, physical and emotional violence, and do not have access to adequate food, health care, or outdoor recreation. Some facilities even subject immigrant detainees to forced labor. The effects of this treatment are devastating. A 2003 study found that 86 percent of detainees were depressed, 77 percent suffered from anxiety, and 50 percent suffered from posttraumatic stress disorder.³¹ There have also been instances of segregation and solitary confinement in detention centers and county jails. As a result of that treatment, immigration detainees have suffered grave physical and psychological harm, including death.

Immigration Detention as an Industry

The US government's overreliance on detention as a de facto mechanism for the enforcement of immigration laws as well as the increase of contracts with third parties for detention operations have transformed immigration detention into an industry. In the hands of third parties, this industry has an incentive to treat human beings like commodities.

By requiring that a detention quota be filled every day, Congress is interfering with ICE's prosecutorial discretion... As a result, many noncitizens who could be released are detained.[ii] In fact, ICE recently determined that 10.2 percent of current daily detainees—or over 3,400 detainees per day—are not legally required to be detained and do not fit in ICE's high priority category.

Since noncitizens who have committed crimes are first processed, adjudicated, and punished through the criminal system, the goals of immigration detention are nonpunitive. In fact, immigration detention is legally

classified as “civil” detention. As opposed to jail or prison, the purpose of immigration detention is to hold noncitizens who pose a risk of flight or threat to public safety while the decision on their immigration case is pending. Nevertheless, immigration detention facilities resemble prisons, and detainees are treated no different than criminals. Additionally, many noncitizens spend several months in immigration detention waiting for the resolution of their cases because of immigration adjudication backlogs.³²

ICE detains immigrants in three types of facilities: Service Processing Centers, state and local jails, and private detention facilities. More than two-thirds of the immigrant detainee population are held in private detention centers and state and county jails.³³ In fact, there are approximately 350 detention facilities used by ICE, but only eight of those are ICE owned and operated.

Most private immigration detention centers are owned by the Corrections Corporation of America (CCA) or the GEO Group, Inc. These corporations established a relationship with ICE in the 1980s. Before, undocumented immigrants were dealt with exclusively within the civil system, but in 2005, Operation Streamline began to criminalize undocumented immigrants and implemented a

zero-tolerance policy that drastically increased immigration detainee populations.³⁴ The immigration detainee population has been steadily growing ever since. In 2002, over

3,300 immigrants were sent to private prisons under two \$760 million contracts between the Federal Bureau of Prisons and CCA, and by 2012, ICE was paying private companies \$5.1 billion to hold more than 23,000 criminal immigrants under thirteen contracts.³⁵

Placing a large portion of the US immigration detention system in the hands of private companies is dangerous when we consider the human costs. Besides profiting from federal funds, private detention centers—like those run by CCA—force detainees to work for between \$1 and \$3 a day.³⁶ These corporations then charge detainees to access basic services; the money earned by those detainees is reinvested into the prison to pay for exorbitant phone call rates or other necessities like toothpaste and soap. Another important disadvantage of third-party detention is the diminished transparency and accountability. Once detention is placed in the hands of third parties, ICE can no longer directly monitor human rights abuses and compliance with US law and policy as effectively.

The amount of detainees is not only growing, it is growing with increasing speed. In 1996, the US government detained approximately 70,000 noncitizens, and in 2012, a staggering 400,000.³⁷ Between 2001 and 2010, the amount of detainees almost doubled, from 209,000 in 2001 to 392,000 in 2010.³⁸ The number of immigration detainees grew at a faster rate than privately held state or federal prisoners during that time. As the numbers of detainees grow, the immigration detention industry continues to become more profitable. Federal government contracts to detain 1,000 or more immigrants are common and have sparked a new wave of private prisons, especially in the Southwestern states.

Tailoring Detention Practices to Meet Immigration Detention Goals

Like any other federal government agency, ICE has discretion to prioritize its goals and allocate funds according to those priorities. ICE should be able to focus its limited

resources on meeting the goals of immigration detention. Specifically, ICE prioritizes the detention of “serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind, known gang members . . . and individuals with an egregious record of immigration violations.”³⁹ Conversely, ICE's policy does not target undocumented immigrants who are seriously ill, disabled, elderly, pregnant, or nursing; are primary caretakers of children or an infirm person; or whose detention is not otherwise in the public interest. Nevertheless, because the quota is an arbitrary number that makes no distinction between detainees, a lot of detainees who fall into these categories are detained.

By requiring that a detention quota be filled every day, Congress is interfering with ICE's prosecutorial discretion. Prosecutorial discretion is the authority of an agency to decide to what degree to enforce the law against a specific person. Like all other federal government agencies, ICE has prosecutorial discretion over subjects within its jurisdiction. ICE may exercise prosecutorial discretion to decide whether to detain immigrants who are not required to be detained by law. However, unlike any other enforcement agency, ICE must comply with a detention quota. As a result, many noncitizens who could be released are detained. In fact, ICE recently determined that 10.2 percent of current daily detainees—or more than 3,400 detainees per day—are not legally required to be detained and do not fit in ICE's high-priority category.⁴⁰ Therefore, in its FY 2015 budget request, ICE again asked for the quota to be reduced, this time to 30,539, arguing that such a level “is sufficient to detain those whose detention is required by law (i.e., ‘mandatory detainees’) and higher priority aliens.”⁴¹

In exercising prosecutorial discretion, ICE must consider certain factors such as its civil immigration enforcement priorities, how long that person has been in the United States, how they arrived, their level of education, whether they or their family members

have served in the US military, their criminal history, their immigration history, their ties or contributions to the community, and so on. These types of careful considerations are similar to those made in the criminal system. They ensure that enforcement agencies are using their resources in a way that best benefits society by protecting it from dangerous individuals and keeping communities together. ICE should be able to make detention decisions without an arbitrary quota that detracts from its case-by-case assessments about the usefulness and impact of detention over each specific individual, while also taking into account its budget and priorities.

A Quota that Sticks

In June 2013, the Deutch-Foster amendment—which proposed to eliminate the detention bed quota—failed to pass in the House of Representatives, despite having earned the support of 189 members of Congress, including eight Republicans. In September 2013, Representatives Ted Deutch (D-Florida) and Bill Foster (D-Illinois), along with sixty-three of their colleagues, sent a letter to the Obama administration requesting that it remove the bed quota from the administration’s FY 2015 budget request. In early 2014, the two congressmen again renewed their amendment to no avail. For FY 2015, the president requested a reduction of the quota to 30,539 beds. However, in previous instances where the president’s budget request called for funding for a lower amount of beds, Congress ignored that request and maintained the same level of funding. DHS is currently operating under a continuing resolution, which is set to expire on 27 February 2015.⁴²

North Carolina Representative David Price, the ranking Democrat in the House Homeland Security Appropriations Committee, has tried to strike the quota since it was first introduced. During a House Judiciary Committee hearing, then-Representative Spencer Bachus (R-Alabama), questioned the quota’s efficacy and advocated for the use of ATD programs. Representatives Price,

Jan Schakowsky (D-Illinois), Jared Polis (D-Colorado), Mike Quigley (D-Illinois), and Lucille Roybal-Allard (D-California) all spoke against the quota on the House floor during the debate over the DHS Appropriations Act of 2014. From within DHS, there is also opposition to the quota and a preference for ATD programs. Former DHS Secretary Janet Napolitano spoke out against the quota calling it an “arbitrary” requirement.⁴³ Julie Myers Wood, former ICE assistant secretary, believes that ATD programs are more sensible than institutional detention.⁴⁴

On the other hand, supporters of the quota believe that institutional detention is the best way to make sure that noncitizens appear in court and comply with final removal orders. They maintain that the quota does not force ICE to detain more noncitizens than its caseload requires. However, though the quota may be the most effective way to ensure that noncitizens comply with immigration court orders, this 100 percent effectiveness bears

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a high cost that is not only financial but also societal. ATD programs, which are almost as effective, are less expensive and keep families together. While institutional detention breaks families apart—including families whose members are US citizens or lawful permanent residents—ATD programs are able to protect the integrity of the family unit. Institutional detention forces detainees to stop working, which, in turn, creates a financial strain on their families and on the greater American society.

ICE can only afford to remove 400,000 noncitizens per year—less than 4 percent of the estimated undocumented population in the United States.⁴⁵ The former ICE acting director of Detention and Removal Operations admitted that even though detention is the surest way to hold people, it would be fiscally impossible to detain everyone.⁴⁶ The requirement to detain 34,000 a day is arbitrary—a number that is not based on need or predicted need, and it obstructs ICE’s ability to detain when it is necessary.

Conclusion

Eliminating the US government’s overreliance on immigration detention is a necessary step toward meaningful immigration reform. The legislative requirement on ICE to detain an arbitrary number of people every day without regard to their propensity for risk of violence or flight is fiscally unsound and morally questionable. Detaining 34,000 people every day is expensive and wasteful in view of alternative to detention programs that have been successful across the country and cost ten to thirteen times less. Aside from fiscal savings, these programs would treat noncitizens as human beings rather than commodities and allow them to continue to be productive members of society while they wait for their day in immigration court.

The detention bed quota—an unprecedented requirement for any law enforcement agency—should be eliminated. This decision would free up funds for ICE to allocate according to its priorities and needs. Even without the quota, noncitizens subject to mandatory detention would still be detained; however, for those who do not need to be statutorily detained, ICE would be able to employ a combination of monitoring mechanisms based on individualized risk assessments. In so doing, ICE would be able to manage its funds in the most efficient way possible to protect border security, national security, and public safety, while complying with immigration law and saving taxpayer dollars.

Additionally, a portion of the millions of dollars saved from the elimination of the quota should be reinvested into ATD programs. These programs prove to be efficient and keep communities and families together. Finally, the term “detention” should be redefined to include alternative forms of detention as opposed to institutional detention.⁴⁷ Improving the US immigration system, and the laws and policies that dictate it, is a complex and arduous endeavor, but eliminating the quota should not be. The United States is a nation of immigrants. It is still a beacon of hope, bright with the promise of a better life for people from every corner of the world.

ENDNOTES

1 Some detainees are legal permanent residents, or green card holders. ICE detainers have also been placed on US citizens. See “ICE Detainers Placed on US Citizens and Legal Permanent Residents,” TRAC Immigration, Syracuse University, 20 February 2013 (noting that between fiscal year (FY) 2008 and FY 2012, ICE placed detainers on 834 US citizens and 28,489 legal permanent residents). An ICE detainer (or “hold”) is a notice that ICE issues to local, state, and federal law enforcement agencies to turn over suspected noncitizens to ICE.

2 The DHS Appropriations Act provides funds to maintain 34,000 immigration detention beds per day. It does not specifically say that those beds must be filled. However, ICE interprets it as a quota because that is how Congress meant it. When ICE released 2,200 detainees to save money and the detainee population fell to 30,773, Republican Congressman Michael McCaul reminded ICE officials that they were “in clear violation of the statute.” See William Selway and Margaret Newkirk, “Congress Mandates Jail Beds for 34,000 Immigrants as Private Prisons Profit,” Bloomberg, 24 September 2013.

3 The quota is known most commonly as the “detention bed mandate,” but the terms are interchangeable. I use the term “quota” to avoid confusion between “bed mandate” and “mandatory detention,” two related but very different terms.

4 Sources differ as to the cost of immigration detention. Figures range from \$119 to \$164 per detainee per day and between \$1.7 and \$2 billion per year. For FY 2014, the National Immigration Forum calculated that immigration detention costs taxpayers \$159 per detainee per day for a total of \$5.05 million per day. See National Immigration Forum, “The Math of Immigration Detention,” note 5 (noting that \$159 per bed per day is a more accurate figure than \$119 because the latter does not account for

operational costs); Ted Robbins, "Little-Known Immigration Mandate Keeps Detention Beds Full," Transcript, National Public Radio, 19 November 2013; Tabassum Zakaria, "US Agency Says Average Cost of Immigrant Detention \$119 Per Day," Reuters, 28 February 2013.

5 Luz C. González Fernández, "Immigration Detention in America: Civil Offense, Criminal Detention," Harvard Journal of Hispanic Policy, 3 December 2013; National Immigration Forum, "Math of Immigration Detention."

6 Sarah Gryll, "Immigration Detention Reform: No Band-Aid Necessary," Emory Law Journal 60, no. 5 (2011): 1224-1225.

7 Undocumented immigrants who are convicted first serve their sentence in criminal detention and are then turned over to ICE, but only when there is an ICE detainer in place. Otherwise, they are released.

8 The list of offenses that qualify, pursuant to the Immigration and Nationality Act, is extensive. In addition to the more obvious dangerous crimes such as murder, rape, sexual abuse of a minor, arson, and explosive materials offenses, to name a few, many other less dangerous offenses qualify as aggravated for immigration purposes. Theft offenses, including receipt of stolen property, failure to appear before a court pursuant to a court order, and criminal contempt are among some of the offenses that qualify as an aggravated felony. More importantly, the person does not need to be found guilty of committing such offense, for merely being charged is enough to trigger the statute. See 8 U.S.C. § 1101(a)(43).

9 Alina Das, "Immigration Detention: Information Caps and Institutional Barriers to Reform," University of Chicago Law Review 80 (2012): 149.

10 See *United States v. Winston C. Graham*, 169 F.3d 787 (3rd Cir. 1999) (holding that a class A larceny, a misdemeanor, qualifies as an "aggravated felony" for immigration purposes).

11 Detention Watch Network website, "The History of Immigration Detention in the US."

12 Ibid.

13 The Act allows the detention of an alien if the attorney general has reasonable grounds to believe that the alien is engaged in terrorist activity or any other activity endangering national security. Because "terrorist activity" is defined as broad as to include "the use of, or threat to use, a weapon with intent to endanger a person or property," it would encompass "a permanent resident alien who brandished a kitchen knife in a domestic dispute with her abusive husband, or an alien who found himself in a barroom brawl, picked up a bottle, and threatened another person with it." See Gryll, "Immigration Detention Reform," 1230.

14 On 23 August 2006, then DHS Secretary Michael Chertoff announced the end of "catch and release."

15 ATD programs cost anywhere from \$.70 to \$17 per person per day, depending on the program. See National

Immigration Forum, "Math of Immigration Detention" (\$.70 per person per day); Julie Myers Wood and Steve J. Martin, "Smart Alternatives to Immigrant Detention," Washington Times, 28 March 2013 (\$9 per person per day); Nick Miroff, "Controversial Quota Drives Immigration Detention Boom," Washington Post, 13 October 2013 (under \$10 per person per day).

16 National Immigrant Justice Center website, "Eliminate the Detention Bed Mandate."

17 Success in this context means that the detainees complied with their Notice to Appear by appearing in court and with their removal orders.

18 Dora Schriro, Immigration Detention and Overview Recommendations, ICE, DHS, 6 October 2009, 20.

19 US Immigration and Customs Enforcement, "Alternatives to Detention for ICE Detainees," ICE Fact Sheet, 23 October 2009.

20 Ibid.

21 Ibid.

22 Human Rights First, "Immigration Detention: How Can the Government Cut Costs?" Fact Sheet, 12 January 2015; Wood and Martin, "Smart Alternatives to Immigrant Detention."

23 David Mizner, The Appearance Assistance Program: Attaining Compliance with Immigration Laws Through Community Supervision, Vera Institute of Justice, 1998.

24 Detention Watch Network, "Alternatives to Detention Fact Sheet."

25 Lutheran Immigration and Refugee Service, "Alternatives to Detention (ATD): History and Recommendations."

26 Ibid.

27 In FY 2010, 4 percent of the 380,000 that ICE detained were in ATD programs.

28 Doris Meissner et al., Immigration Enforcement in the United States: The Rise of a Formidable Machinery, Report in Brief, Migration Policy Institute, January 2013.

29 National Immigration Forum, "Math of Immigration Detention" (noting that \$159 per bed per day is a more accurate figure than \$119 because the latter does not account for operational costs).

30 Human Rights First, "Immigration Detention: How Can the Government Cut Costs?"; Wood and Martin, "Smart Alternatives to Immigrant Detention."

31 American Civil Liberties Union (ACLU), Briefing Materials Submitted to the United Nations Special Rapporteur on the Human Rights of Migrants, 17 April 2007.

32 As of March 2013, there were 327,483 deportation cases pending, according to Syracuse University's Transactional Records Access Clearinghouse. "ICE Detainers Placed on US Citizens and Legal Permanent Residents," Syracuse University, 20 February 2013. Immigration

court backlogs have increased 85 percent over the last five years, with wait times also increasing to an average of 562 days. Cindy Chang, "Immigration Court Backlogs Increase 85% Over Five Years," Los Angeles Times, 25 October 2013.

33 National Immigration Forum, "Math of Immigration Detention."

34 Operation Streamline is a zero-tolerance program started in 2005 in Del Rio, Texas, in which Border Patrol agents refer migrants to the US Attorney's offices to be criminally prosecuted. Alistair Graham Robinson et al., Operation Streamline: Costs and Consequences, Grassroots Leadership, September 2012.

35 Aviva Shen, "Private Prisons Spend \$45 Million on Lobbying, Rake in \$5.1 Billion for Immigrant Detention Alone," ThinkProgress, 3 August 2012.

36 Yana Kunichoff, "'Voluntary' Work Program Run in Private Detention Centers Pays Detained Immigrants \$1 a Day," Truthout, 27 July 2012.

37 Andrea Black, "Why We Should Repeal Mandatory Detention of Immigrants," Open Society Foundations, 31 July 2013.

38 ACLU of Georgia and Georgia Detention Watch, "Securely Insecure: The Real Costs, Consequences and Human Face of Immigration Detention."

39 John Morton, "The Release of Criminal Detainees by US Immigration and Customs Enforcement Policy or Politics?" (written testimony for a House Committee on the Judiciary hearing, 19 March 2013).

40 DHS, Congressional Budget Justification FY 2015, 2014.

41 Ibid.

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The Renewable Fuel Standard (RFS) and America's Future: An Analysis of the Potential Impact of Major RFS Policy Alternatives on US Hispanics

by Wesley R. Brooks

Wesley R. Brooks was born and raised in Miami, Florida, to a Cuban American mother and an American father. He graduated from Duke University with dual bachelor's degrees in biology and political science. As a doctoral student at Rutgers University, Brooks studied behavioral interactions between native and invasive fishes in the Florida Everglades, as well as the patterns of plant invasions in, and novel methods for the restoration of, rare tropical dry forest communities in South Florida. Brooks also obtained a certificate in politics and government from the Eagleton Institute at Rutgers through which he secured a placement within the National Center for Environmental Economics at the US Environmental Protection Agency (EPA). While at the EPA, he worked with agency staff to develop an improved economic model framework to capture ecological damages. Recently, he has been heavily involved in translating science to policy makers and the public. As a result of his efforts, Brooks has been recognized as an Emerging Public Policy Leader by the American Institute for Biological Sciences. As a Congressional Hispanic Caucus Institute (CHCI) Fellow, he helped spearhead Representative Ileana Ros-Lehtinen's efforts to get her fellow lawmakers' support to urge the Food and Drug Administration to provide an Accelerated Approval pathway for rare disease treatments. Brooks now works for Ros-Lehtinen as a legislative assistant and is responsible for her education, energy, environment, health care, and veteran's affairs portfolios, among others.

Abstract

Given recent large-scale shifts in global energy markets and growing public concern for the impact of fossil fuel use on the environment, it is time for policy makers to reevaluate the current Renewable Fuel Standard (RFS). In particular, the suitability of the RFS for meeting long-term US energy policy goals and its sustainability via promoting equitable outcomes for a diversifying population—including Hispanics, the fastest-growing demographic group in the United States—should be primary focuses of any reforms. The RFS was established in the mid-2000s as a means to stimu-

late the growth of domestically produced and renewable alternatives to petroleum-derived transportation fuels.

This article reviews three major policy alternatives introduced in the 113th Congress to amend the current RFS and assesses the degree to which these bills could improve policy in the interest of a growing Hispanic community without undermining the broad-based national benefits the RFS produced. This analysis reveals that US Hispanics do not share in the vast economic and employment benefits from the growth of a national biofuels industry that is centered in rural areas of the

Midwest and that they also disproportionately affected by RFS-induced increases in food prices. All three policy alternatives discussed in this article would reduce the disparate impacts of current RFS policy on Hispanics, but may also reduce the national benefits derived from the current policy's impacts on reducing dependence on foreign oil and fuel price stability. Thus, this article suggests a hybrid solution that may create an effective, equitable, and sustainable RFS to guide future biofuels development and utilization in the United States.

Introduction

The Renewable Fuel Standard (RFS) was established by the Energy Policy Act (EPA) of 2005 and later expanded under the Energy Independence and Security Act (EISA) of 2007.^{1,2} The RFS was conceived by policymakers as a tool to reduce the demand for transportation fuels derived from foreign oil

material that can be converted to sugars. The RFS, administered by the US Environmental Protection Agency (EPA), mandates the annual minimum volumes of biofuels across four nested categories that must be incorporated into the nation's transportation fuel supply. The biofuel categories include total renewable fuels, advanced renewable fuels, cellulosic biofuel, and biomass-based biodiesel.³

To meet the 2007 EISA requirements for renewable fuel, biofuels must meet specified reductions in lifecycle greenhouse gas (GHG) emissions relative to the 2005 baseline average of gasoline or diesel fuel it replaces. Lifecycle GHG emissions assessments undertaken by the EPA consider all sources of direct and indirect emissions, including those resultant from potentially significant land-use changes and those related to feedstock and fuel production and use. Lifecycle GHG reduction thresholds are also used to define biofuel categories under the RFS. To qualify as a renewable fuel,

Energy independence, economic development, environmental impacts, and technological limitations are among the most important issues for policymakers and economists to understand as they seek to evaluate whether the Renewable Fuel Standard (RFS) positive effects in reducing American dependence on foreign oil outweigh other diffuse, but potentially significant, negative effects.

by stimulating the production of domestic biofuels that could be mixed with or replace gasoline at a time when foreign imports and prices were at or near all-time highs. Biofuels utilized for transportation are most commonly liquids such as ethanol or biodiesel and are derived from processing biomass—organic matter that may include plant materials, wood and paper waste, animal manure, municipal solid waste, algae, and food waste. Ethanol, the most widely available, can be produced from any organic matter containing sugars or any

a biofuel must achieve a 20 percent lifecycle GHG emissions reduction. Advanced biofuels and biomass-based diesels must achieve 50 percent lifecycle GHG emissions reductions, while cellulosic biofuels must meet or exceed 60 percent reductions.⁴

Currently, the vast majority of biofuel produced in the United States is ethanol made from corn starch. Corn starch ethanol qualifies as a renewable biofuel, just meeting the 20 percent lifecycle GHG emissions reduction standard. Advanced biofuels, meanwhile, may

be made from other food crops like sugarcane, as well as some grains depending on the methods used to process the ethanol, or in the case of cellulosic biofuels, from nonedible crops like perennial grasses, harvest and wood waste, municipal solid wastes, or yard and food wastes. While cellulosic biofuels are less economical in large-scale production than those derived from corn starch, they may hold tremendous promise for the development of a waste-derived ethanol industry. Future technological advancements may also permit for enhanced sorting and processing of industrial and municipal waste products into ethanol within the very urban areas where the wastes were produced and the ethanol will be sold, reducing transportation and storage costs and enabling the growth of the ethanol industry beyond the Corn Belt.

RFS Successes and Challenges

Overall, the RFS has been quite successful in reducing foreign oil imports and creating demand for biofuel alternatives, though it has produced more limited price benefits. Biofuels now account for nearly 10 percent of the nation's transportation fuel supply and are predicted to displace the need for some 13.6 billion gallons of petroleum-based fuels by 2022.⁵ This increased use of biofuels, combined with new domestic production of shale oil and increased vehicle efficiency standards, has reduced foreign oil imports greatly since the RFS was established less than a decade ago. With regard to shielding consumers from rising and unstable prices, economists generally agree that there are consumer price benefits for blending ethanol into gasoline, but there are large disparities in opinion regarding the size of the benefit to consumers. Findings from recent studies range from \$0.17 to \$1.09 per gallon in savings for gasoline blended with ethanol versus unblended gasoline.⁶ Meanwhile, the EPA projects that by 2022 the RFS will only be responsible for a reduction in gasoline prices of about \$0.03 per gallon.⁷

Yet, the rapid success of the RFS in stimulating domestic biofuel production and the large-scale diversion of corn and other crops from the food supply to create fuel have been met with increasing resistance by interest groups raising economic and ethical considerations. Even as the acreage devoted to corn and the productivity of the national corn crop has increased over the last few decades, the share of corn used for ethanol production has climbed rapidly, from 6 percent in 2000 before the RFS to 40 percent in 2012.⁸ The increased demand for corn and other agricultural products by ethanol producers has coincided with a major increase in the price of these commodities. The EPA estimates that the RFS will contribute to a \$10 per capita rise in food costs by 2022, owing mainly to increasing corn prices.⁹ In particular, the USDA projects corn prices to remain about 100 percent higher through 2020 than their 1997–2006 levels.¹⁰ These market effects have also shifted economic incentives for farmers, leading to major concerns over resultant changes in grain and livestock production, fertilizer and pesticide inputs, and land-use that may exacerbate environmental and water quality concerns. Corn-based ethanol production also impacts the market for natural gas, a key input for the production of corn and ethanol.

Energy independence, economic development, environmental impacts, and technological limitations are among the most important issues for policymakers and economists to understand as they seek to evaluate whether the RFS's positive effects in reducing US dependence on foreign oil outweigh other diffuse, but potentially significant, negative effects. Another potential consideration for policymakers is that the benefits and costs of the RFS are not equally distributed across the nation's population, owing to geographic differences in the production and use of ethanol and other renewable fuels and to income and spending differences amongst different racial and ethnic groups in the United States.

Hispanics and the RFS

Relative to the average American, Hispanics in the United States are more likely to be negatively affected by the RFS in terms of economic prospects and fuel and food prices. While Hispanics in the US now number 53 million¹¹—approximately 17 percent of the nation’s total population—Hispanics primarily live in the American Southwest and along the Eastern Seaboard and were almost twice as likely to live in an urban environment than non-Hispanics in 2003.¹² Meanwhile, the benefits of the RFS are highly concentrated in the rural Midwest where farmers are capitalizing on high corn and land prices and where the major ethanol producers and distributors are based. Just in terms of gasoline prices, one analysis demonstrated that the effects of ethanol blending on wholesale gas pricing resulted in an additional savings of \$0.25 and \$0.22 per gallon averaged over the last decade in the Midwest relative to the East and West Coasts, respectively.¹³

Fuel and food prices, both affected by the RFS, also negatively affect Hispanics disproportionately because of Hispanics’ relatively lower earnings. In 2011, the median household incomes of foreign-born and native-born Hispanics were \$35,900 and \$42,400, respectively, while the US average, including Hispanics, was \$50,000.¹⁴ From 1980 to 2003, Hispanics spent a greater share of their income on food than non-Hispanics (20 percent compared to 16.9 percent), including spending about 18 percent more in real dollars.¹⁵ Over this same period, Hispanics spent about 5.5 percent of their total expenditures on transportation fuels, slightly more than non-Hispanics; however, non-Hispanics averaged 12.3 percent more in real dollars on transportation fuels in this period.¹⁶ Thus, the pressure to hold down oil and gas prices is driven by non-Hispanics even though transportation fuels consume a greater share of the incomes of Hispanics. While Hispanics benefit slightly from any decreased fuel costs as a result of the RFS, the concomitant rise in

food prices associated with this energy-based policy costs Hispanics more in total dollars and as a share of their incomes.

These disproportionate impacts on Hispanics by the RFS have not received much attention thus far, but they should, especially as Congress debates a full range of important modifications to meet the program’s immediate and future challenges. There have been a number of bills in the 113th Congress proposed to amend the RFS including the Leave Ethanol Volumes at Existing Levels (LEVEL) Act (H.R. 1469), the Renewable Fuel Standard Amendments Act (H.R. 1482), and the Renewable Fuel Standard Elimination Act (H.R. 1461). The LEVEL Act proposed by Representative Mike Burgess (R-Texas) would limit the expansion of RFS biofuel mandates and lock-in the 10 percent blend wall.¹⁷ Representative Steve Womack’s (R-Arizona) Renewable Fuel Standard Amendments Act would also reduce the biofuel mandate while requiring all biofuel to meet advanced biofuel standards beginning in 2014.¹⁸ Finally, the RFS Elimination Act, as proposed by Representative Bob Goodlatte (R-Virginia) would repeal the RFS program altogether.¹⁹ This article reviews these three major policy alternatives to amend the RFS and assesses the degree to which these bills could improve policy in the interest of a growing Hispanic community without undermining the broad-based national benefits the RFS produced.

Leave Ethanol Volumes at Existing Levels (LEVEL) Act

The LEVEL Act proposes substantive changes to the RFS primarily by redefining renewable fuel and significantly reducing the mandated volumes of renewable fuel blended into the nation’s transportation fuel supply. In redefining renewable fuel, the LEVEL Act would essentially rescind the new definitions of renewable fuels that were instituted under the 2007 EISA; specifically, the Act would revoke the 20 percent reduction in lifecycle GHG emissions threshold and allow for the inclusion of waste-derived ethanol. The RFS

would be set annually at 7.5 billion gallons of renewable fuel. This level is equivalent to the final year of the original RFS biofuel mandate in the 2005 EPA Act and would represent a 63 percent reduction for 2015 and a 79 percent reduction for 2022 in the RFS biofuel mandate established under EISA in 2007.

After dissolving the nested categories of biofuel mandates currently instituted in the RFS, the LEVEL Act would support the development of cellulosic and waste-derived biofuels by crediting 1 gallon of these advanced biofuel types as 2.5 gallons of renewable fuel. Meanwhile, the LEVEL Act would also prohibit the introduction into commerce

energy production would be lessened, including environmental and water quality issues, agricultural land-use and animal feedstock issues, and upward pressure on food prices. However, weaker demand for corn might also greatly reduce corn prices, yielding cheaper corn ethanol prices. While this might have a slight impact on gas prices for consumers, it would also undermine advanced biofuel technologies. The 2.5x equivalency credit incentive in the LEVEL Act issued for the blending of cellulosic and waste-derived ethanol into gasoline by distributors may not be enough to offset the cheaper corn ethanol that may also result from the law’s passage.

These disproportionate impacts on Hispanics by the RFS have not received much attention thus far, but should, especially as Congress debates a full range of important modifications to meet the program’s immediate and future challenges.

of any ethanol-gasoline blend greater than 10 percent ethanol (E10) and rescinds recent EPA waivers granting the distribution of ethanol-gasoline blends up to 15 percent ethanol (E15). The bill would require the EPA to thoroughly study effects of higher ethanol-gasoline blends on consumer products; the impact of these higher blends on engine performance, emissions, and consumer safety; as well as the ability of gasoline distribution infrastructure to introduce these blends into commerce with minimal misfueling by consumers.

Projected LEVEL Act Impacts

Given that any ethanol would become an eligible renewable fuel to satisfy a greatly reduced mandate, corn-based ethanol would likely come to dominate the renewable fuels market share in the short term even more than under the current RFS policy. Over the longer term, the greatly reduced mandate would slacken the demand for corn used to produce ethanol. As a result, many of the worst consequences of the high demand on corn for

The low mandate level for biofuels mixed into the transportation fuel supply in the LEVEL Act virtually assures that the blend wall will not be an issue for US consumers until 2023 at the earliest. In fact, if current US gasoline demand remains flat, the volume of ethanol in the fuel supply would decrease from right around the 10 percent blend wall under current law to approximately 5 percent or less under the LEVEL Act. Nonetheless, some corn ethanol in excess of the RFS mandate may still be produced and incorporated into the fuel supply but this would vary highly with the price of oil. This bill would also commission the study of the benefits and consequences of expanding the blend wall so that policy options beyond 2022 can be properly investigated, leaving the potential for future industry growth. It is also important to note that the EPA has certified that passenger vehicles manufactured in 2001 or later can accept E15. By the time the LEVEL Act would expire, the vast majority of vehicles on US roadways would

have been manufactured after 2001; thus, the blend wall might be passively expanded to 15 percent by 2023.

Overall, by reducing the volume of ethanol in the fuel supply and concomitantly increasing the demand for gasoline, the LEVEL Act would likely increase fuel prices and may increase fuel price instability by increasing the proportion of oil-derived fuel in the marketplace. One study suggests that each billion gallon increase in demand for gasoline would increase gas prices by nearly \$0.06 per gallon²⁰; this could mean an increase of as much as \$0.78 per gallon in 2015 as a direct result of the lowered mandate (from 20.5 to 7.5 billions of gallons [bgal]). The LEVEL Act, however, might also eliminate some of the upward pressure on corn and food prices, at least in part. As a result, the LEVEL Act relieves much of the disparate impacts that current RFS policy imposes on Hispanics in the US, both in terms of food prices and reducing the gas savings gap between the Midwest and the coasts even as gas costs rise.

Perhaps most significantly though, the LEVEL Act would also take a major step to developing ethanol production near the major metropolitan centers producing usable waste. Because these metropolitan areas are also where the majority of Hispanics live, there are a number of potentially large benefits to developing waste-derived ethanol industries in these communities, including new jobs and higher incomes, municipal savings through reduced disposal costs, and potentially healthier and cleaner urban environments. However, the low flat cap on the biofuels mandate in the LEVEL Act may disincentivize the development of a waste-derived ethanol industry that could boost Hispanic jobs and incomes in much the same way that corn ethanol has done for rural residents of the Midwestern states.

Renewable Fuel Standard Amendments Act

Like the LEVEL Act, the RFS Amendments Act would also decrease the RFS

mandate and eliminate the separate nested biofuels category limits. RFS Amendments Act renewable fuel mandate levels would be reduced by 15 billion gallons from 2007 EISA levels in each of the years from 2015 to 2022.²¹ The RFS Amendments Act also redefines renewable fuel; however, rather than weakening the definition of renewable fuel as under the LEVEL Act, this bill would require all renewable fuel after 1 January 2014 to meet the advanced biofuel requirements of the 2007 EISA. As a result, all corn-based ethanol would be excluded from qualifying under the new RFS.

RFS Amendments Act Impacts

In mandating that all biofuels meet advanced biofuel criteria, the RFS Amendments Act would likely result in substantial pressure by ethanol refineries to move away from low GHG lifecycle emission feedstocks and processes such as those involved in corn ethanol production to meet the RFS mandate. Instead, ethanol made from other food crops including sugarcane, rye, and barley, and nonfood crops like switchgrass and winter cover crops, may qualify depending on EPA analyses of their GHG lifecycle emissions. Thus, the relative value of crops may shift and, with it, shifts in crop production and associated land-use changes. Because of the outsized influence of corn in the American diet, the decrease in corn prices resultant from reduced corn demand should outweigh any concomitant increases in other agricultural commodities, providing at least some decrease in food prices relative to current conditions under RFS policy.

Because of the greater mandate reductions, the effect of the RFS Amendments Act on fuel prices is likely greater than that of the Level Act; the 2015 mandate reduction (15 bgal relative to current policy) could result in gas prices rising by as much as \$0.90 per gallon,²² \$0.12 per gallon greater than the estimate for the LEVEL Act. This bill would likely also increase gas price volatility even more so than the LEVEL Act because of the

smaller initial mandate in the short term (and increased reliance on petroleum-based fuels). Additionally, this bill could result in a strong demand for imported Brazilian sugarcane ethanol as a cheaper, abundant source of advanced biofuel to meet the new biofuels mandate. This outcome could sacrifice some of the energy independence and price stability benefits of current RFS policy.

By incorporating a rising RFS mandate, the RFS Amendments Act would allow for the expansion of the biofuels industry in a way not fostered by the LEVEL Act. Depending on the strength of demand for Brazilian sugarcane ethanol, the RFS Amendments Act could also encourage the development of new and more economical advanced biofuels, including cellulosic biofuels. Unfortunately, there is no explicit carve-out for cellulosic or waste-derived biofuels as in the LEVEL Act. On the other hand, blend wall issues would likely be put off until 2020 based on the RFS Amendments Act mandate schedule and might be alleviated entirely pending new engine technologies and manufacturer certifications already approved by the EPA.

The Renewable Fuel Standard Amendments Act (H.R. 1482) would reduce the disproportionate impacts of the RFS on Hispanics in the U.S., while preserving at least some of the national benefits of the RFS.

Much like the LEVEL Act, the RFS Amendments Act provides some relief from the disparate impacts of current RFS policy on Hispanics in the United States. While fuel prices would likely rise significantly because of less insulation from global oil prices, increased gasoline demand, and the costs of importing

ethanol, food prices should return to close to pre-RFS levels. Even given Hispanics' larger proportion of income directed toward food rather than fuel (nearly four times larger), this policy change is not likely to be a net benefit to Hispanics because fuel prices will be affected much more strongly than food prices. The RFS Amendments Act, however, would reduce the disparity in benefits between demographic groups within the United States. This bill would also favor advanced biofuel technologies developed in rural areas over those in metropolitan areas because of the lack of recognition for waste-derived ethanol, so there would be less future upside for US Hispanics in terms of potential industry, employment, and income growth.

Renewable Fuel Standard Elimination Act

The RFS Elimination Act would repeal Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)). This section of the US Code houses the EPA's entire renewable fuel program including the RFS mandate. The authors of the bill likely view it as a vehicle to limit government intervention within, and distortion of, domestic energy markets. This bill is one of several in recent years that seek to curtail the reach and rule-making authority of the EPA.

RFS Elimination Act Impacts

The RFS Elimination Act would presumably result in the reduction of most fuel price stability benefits and greatly undermine the reduced reliance on foreign oil that has resulted from the imposition of the RFS mandate. Meanwhile, food prices should return to pre-RFS levels, although there might be a short-term wholesale disruption of agricultural commodities as farmers adjust to new policy incentives. With no incentive for the production of advanced biofuels and the need to incorporate an oxygenate into gasoline – given the ban in place on MTBE (methyl tertiary butyl ether) in most states – some corn would still be diverted to the fuel supply

to make ethanol. The effect of this policy on fuel prices would depend on the voluntary demand for ethanol as an oxygenate, but the need to replace 20.5 bgal of ethanol in 2015 with gasoline could increase gas prices by as much as \$1.23 per gallon.²³ As a result of the RFS Elimination Act, the disproportionate effects of the RFS would be eliminated, but so too would the overall national benefits and the potential outcome of a growing biofuels industry to enhance rural economies as well as create new opportunities for Hispanics and other groups concentrated in metropolitan and urban areas in the future.

Conclusions

With a rapidly growing share of the US population and the electorate, Hispanics are receiving increasing attention from the media and politicians as a powerful constituency. However, policy makers have generally been slow to evaluate how legislation that is not popularly perceived as being particularly salient to Hispanics (issues other than immigration, trade with Latin America, Latin American foreign policy, etc.) would actually impact this constituency of growing electoral importance. In fact, according to national exit polling, none of these issues were among the top three most important issues for Hispanic voters. Hispanics in the 2012 election instead listed the economy (60 percent), health care (18 percent), and the federal budget deficit (11 percent) as their main concerns.²⁴ In the case of the RFS, US Hispanics have been disproportionately impacted by increasing food prices and have benefitted less from slightly reduced fuel costs because of income and expenditure differences relative to other groups. Hispanics in the United States, while enjoying the same national benefits of this policy in terms of reduced reliance on foreign oil and fuel price stability, do not share in the vast economic benefits (greater gas price savings and employment opportunities) from the growth of a biofuels industry that is centered in rural areas of the Midwest.

The three policy alternatives discussed in this article would all reduce the disparate impacts of current RFS policy on Hispanics relative to other groups in the United States, but could also increase costs for all groups. All three bills differ, however, in the extent to which they equalize benefits and costs among Hispanics and non-Hispanics, as well as the extent to which they preserve or expand the nationwide benefits the RFS has stimulated.

The Renewable Fuel Standard Elimination Act (H.R. 1461) would represent the most effective policy option for eradicating the disproportionate impacts of the RFS on US Hispanics; yet, this bill would also eliminate all of the national benefits associated with the RFS. Instead, both the LEVEL Act (H.R. 1469) and the Renewable Fuel Standard Amendments Act (H.R. 1482) would reduce the disproportionate impacts of the RFS on Hispanics in the United States, while preserving at least some of the national benefits of the RFS. The RFS Amendments Act could succeed in further transitioning the US biofuels industry to advanced biofuels (though with little upside specifically for Hispanics), but may also encourage increased reliance on foreign sources of qualifying fuels (e.g., Brazilian sugarcane ethanol). In contrast, the LEVEL Act could generate huge opportunities for Hispanics in terms of jobs and income by helping launch waste-derived ethanol industries centered in metropolitan areas of the United States, but only if waste-derived ethanol is able to become economically competitive with corn ethanol production.

To achieve an effective and sustainable RFS program, the 114th Congress might consider incorporating the rising mandate caps from the RFS Amendments Act into the framework of the LEVEL Act with some proportion of the mandated volume being reserved for advanced biofuels (similar to current policy). Under such a policy, the disparate impacts between Hispanics and non-Hispanics would be greatly reduced from the current RFS, while the reduced reliance on foreign oil

and fuel price stability benefits would largely be preserved. Additionally, the inclusion of waste-derived ethanol into the RFS and the increasing demand generated from rising annual advanced biofuel mandates could generate new biofuels industries in the areas where Hispanics and other minority groups live, contributing to a wide variety of biofuel industry benefits including rising wages and increased direct and indirect job opportunities that are currently concentrated in largely non-Hispanic regions of the country.

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Achieving “First in the World”: Hispanic Serving Institutions and Closing the Attainment Gap

by Brenda Calderon

Brenda Calderon is an education policy analyst at the National Council of La Raza (NCLR), the nation’s largest Hispanic civil rights and advocacy organization. She focuses on K-12 accountability issues and access and success for Latino students in higher education. In this role she works to advance state and federal policy by conducting research on successful policies and practices in educating Latino students. Prior to NCLR, she completed a fellowship with the Congressional Hispanic Caucus Institute in the office of Senator Tom Harkin, then chairman of the Senate Committee on Health, Education, Labor, and Pensions (HELP), where she oversaw Hispanic Serving Institutions and provided key assistance on the Higher Education Affordability Act of 2014, a bill to reauthorize the Higher Education Act. Prior to that, she was an English language instructor and worked for education and disability rights advocacy groups. Calderon holds a bachelor’s degree in political science from the University of California, Los Angeles, and a master of education from Loyola Marymount University. She is currently completing a PhD in education policy at George Mason University.



Abstract

Latino degree attainment plays a critical role in meeting President Barack Obama’s goal of the United States being the country with the highest proportion of adults with postsecondary degrees. In fall of 2012, Hispanic students outnumbered their White counterparts in postsecondary enrollment. However, even with increased enrollment, Latinos still lag behind other racial and ethnic groups in degree completion. With more than 50 percent of Latino postsecondary undergraduate enrollment at Hispanic Serving Institutions (HSIs), increasing institutional capacity to address barriers in Latino college retention and completion is necessary to propel students from access to success. Research shows barriers for Latino completion consist of limited financial resources, a demanding work schedule, and limited academic advising. Emerging models for Latino postsecondary success employ community coalitions, or “collective impact models,” to address the

barriers to degree completion. These models use a holistic approach to educating children by engaging community-based organizations such as libraries, health organizations, and the private sector to collectively work toward improving the education of children. The reauthorization of the Higher Education Act provides an opportunity for Congress to improve capacity building at Hispanic Serving Institutions. Policy recommendations include requesting a longitudinal study that measures the effectiveness of support systems for Latino completion, prioritizing collective impact models, and creating bonus grants for institutions that meet degree completion goals.

Introduction

Latino student college enrollment is necessary in meeting President Barack Obama’s ambitious “first in the world” goal to have the highest proportion of college graduates by 2020. In fall of 2012, Latinos outnumbered their White counterparts in higher education

enrollment.¹ The federal government supports capacity building at institutions of higher education that enroll a significant amount of low-income and minority students through grants. Established in 1992 under the reauthorization of the Higher Education Act, the federal government defined Hispanic Serving Institutions (HSIs) as, among other things, institutions with over 25 percent full-time equivalent enrollment of Hispanic students, and recognized HSIs as a means to support Latino students in postsecondary education. These supports are necessary as Latino student share of enrollment in higher education has increased over the past three decades,² yet Latino degree completion rates still lag behind those of their racial/ethnic counterparts. Data from the US Department of Education reports only 13.1 percent of Hispanics age 25 to 29 had earned a bachelor’s degree or higher, compared with 17.8 percent of Blacks, 31.1 percent of Whites, and 50.4 percent of Asians.³ HSIs enroll more than half of all Latino undergraduate students and consequently are essential in

to expand and enhance academic offerings, program quality, and stability for institutions that are helping Hispanic students complete postsecondary degrees. The grant can be used for one or more combinations of allowable activities, including the purchase of books, tutoring, and establishment of an endowment fund.

Hispanic National Trends in Higher Education

In the 2011-2012 academic year, Latinos attended college at higher rates than their White counterparts. A report by the Pew Center on Hispanic Trends states: “According to the Census Bureau, 49 percent of young Hispanic high school graduates were enrolled in college. By comparison, 47 percent of White non-Hispanic high school graduates were enrolled in college.”⁴ Even though overall enrollment for Latinos increased, projections indicate that this growth in college enrollment proves inadequate. According to the Lumina

A focus on improving college success for the growing number of Latinos can aid in closing the college degree gap and promote economic mobility through increased job opportunities.

targeting this growing population of degree-seeking students. Improving these programs is prudent in promoting Latino college completion and making sure the United States is “first in the world.”

Title V, Part A, of the Higher Education Act, known as “Developing Hispanic Serving Institutions,” creates a competitive grant program to expand educational opportunities for Latino students. In order for institutions of higher education to qualify for this capacity-building funding, they must meet the requirement of 25 percent enrollment of Hispanic students, in addition to having a 50 percent enrollment of needy students (i.e., Pell Grant eligible). Moreover, this program aims

Foundation, “To reach an attainment rate of 60 percent by 2025, the nation must produce 62 million high-quality postsecondary credentials. At current rates, the US will produce around 39 million two- and four-year college degrees between now and 2025, leaving a gap of 23 million.”⁵ As Latinos continue to make up a growing share of undergraduate enrollment, ensuring this population completes their degrees will aid in closing the degree attainment gap.

As mentioned, Latinos lag behind other racial and ethnic counterparts in degree completion. A study by Angela McClynn problematizes the fact that Latinos are increasingly enrolling in institutions of higher education, but not

necessarily completing their degrees. The researcher cites: “Only 50 percent of students enrolled in the first year of college in 2006 had completed a degree by the year 2012.”⁶ Beyond access to higher education, providing students the support they need to help complete postsecondary education will benefit society and the economy overall.⁷ Focusing on improving college success for the growing number of Latinos can aid in closing the college degree gap and promote economic mobility through increased job opportunities. Targeting HSIs that enroll large numbers of students is an intentional strategy in closing degree attainment gaps for Latino students.

HSIs and Targeted Degree Completion

HSIs face a number of challenges in graduating their students. A 2010 study by Billie Gastic and David Gonzalez Nieto looked at degree completion at HSIs. They found that four-year HSIs had graduation rates comparable to their ethnic campus representations, whereas two-year HSIs showed Latinos were significantly underrepresented in earners of associate degrees.⁸ HSIs admit more students at higher academic risk than other two-year colleges because of student nontraditional characteristics. These include students that are academically underprepared, work part-time, have family responsibilities, and have few role models in their families that have college degrees.⁹ *Higher Education: Gaps in Access and Persistence Study*, a research report by the National Center for Education Statistics, cites financial and personal reasons for Hispanic attrition in higher education. Hispanic students also had the lowest rates of meeting with an advisor compared to other racial/ethnic groups.¹⁰ These factors impede students from successfully completing their programs. Addressing barriers to Latino student completion through concerted efforts and strong investments in support systems can remedy the challenges students face in completing their degrees.

Investments in Latino college completion have addressed some of these obstacles. The fall 2013 cohort of Excelencia in Education award recipients profiled universities that offer promising practices in leading Latino student success. In *What Works for Latino Students in Higher Education*, Deborah Santiago recognized universities that are increasing their efforts for Latino student success in enrollment, performance, and graduation rates.¹¹ Common strategies of these four-year universities include paid on-campus opportunities, involve faculty and staff in guiding students, connect students with peer leaders, and have consistent data-driven success in serving migrant students. Practices that increased retention were those that incorporated a holistic approach to increase the number of Latinos in STEM (science, technology, engineering, and math) fields and summer developmental academics to academically prepare students. Sharing these practices with other similar universities and scaling up best practices can increase support services for Latino students and promote graduation. Providing a space for facilitating the exchange of best practices among similar institutions of higher education

Providing a space for facilitating the exchange of best practices amongst similar institutions of higher education can also aid institutions in better targeting the needs of their students.

can also aid institutions in better targeting the needs of their students.

Although the US Department of Education lacks longitudinal data on Latino college success at HSI grantees, other studies look at promising practices for Latino postsecondary success. Researchers Alberta Gloria and Jeanett Castellanos suggest that culturally

...the importance of family involvement in support services can also be an important strategy in meeting the needs of Hispanic first-generation college students.

sensitive, emotional, social, and informational support is vital to the success of Hispanic first-generation college students.¹² In addition, a “cradle to career” model, meaning support at every point in a students’ education trajectory from early childhood into workforce, is important in achieving this goal. Santiago adds the importance of family involvement in support services can also be an important strategy in meeting the needs of Hispanic first-generation college students.¹³ To this extent, emerging models in postsecondary success address the comprehensive supports needed to help students complete their degrees.

Emerging Models in Latino Postsecondary Success

Collective impact models bridge various stakeholders to come together for a common cause of postsecondary degree attainment. Partners for Postsecondary Success, a project funded by the Bill & Melinda Gates Foundation, builds on community partnerships to engage leaders to implement a multisector strategy to improve postsecondary completion outcomes for students. These initiatives leverage resources from different stakeholders and can include the private sector, health organizations, and other community-based organizations in order to have a holistic model for postsecondary success. Central tenets of collective impact models include the following:

1. *Common agenda.* All participants have a shared vision for change, a joint understanding of the problem, and a common approach for a solution.

2. *Shared measurement systems.* Collecting data and reporting it will make sure that reporting is aligned and that all participants hold each other accountable.
3. *Mutually reinforcing activities.* Groups work together, but do not necessarily do the same things; however, they encourage participants to undertake activities to support the collective action of others.
4. *Continuous communication.* Groups share resources and communicate to help develop trust and provide the best possible solution to the problem.
5. *Backbone support organizations.* Creating and managing collective impact requires a separate organization and staff with a specific set of skills to serve as the backbone to the entire initiative.¹⁴

These models for postsecondary success focus on community coalitions and a shared responsibility in meeting the needs of students in higher education. Engaging leaders in the communities that focus on providing the supports students need, like academic counseling and engaging parents, can reduce the barriers to college retention and completion.

Policy Recommendations

As Congress moves forward with the reauthorization of the Higher Education Act, it is important to prioritize Latino college completion as a necessary means to meet the United States’ goal of being first in the world. In meeting said goal, the following recommendations create a foundation for improving Title V and making completion a national priority:

1. *Conduct a longitudinal study through the Government Accountability Office on HSI grantees on the use of funds and outcomes.* Although data does exist at local institutions, longitudinal data on how the institutions used the grant and outcomes of said funding could aid in aligning allowable activities that lead to Latino student success. More research

in this field can promote better decision making and inform mechanisms for sustainability.

2. *Prioritize direct support services for students by adding preference points for HSI grants that employ collective impact models.* Research on Latino student completion suggests a holistic approach is necessary to promoting degree completion. Engaging other members of the community provides opportunities to directly target students at the local level and leverage financial resources during times of budgetary constraints.
3. *Create a new section in Title V, Part A, that incentivizes degree completion by providing additional bonus grants for institutions that meet reasonable degree attainment goals.* This can be calculated through a formula by factoring in the number of students enrolled and disaggregating that information by credential/ degree sought and completion rates. Once schools meet a small threshold (for example, 5 percent of degree attainment or number of degrees produced by student characteristics), they will receive an additional grant to further support completion efforts. Therefore, schools that meet their targets receive a financial reward to continue to do so, however, schools that have not yet reached their targets will continue to receive a base grant.

Conclusion

A targeted effort to support Hispanic Serving Institutions is necessary in meeting the “first in the world” degree attainment goal. By promoting better data collection for evidence-based decision making, prioritizing local community impact models, and incentivizing institutions through an additional funding stream, Congress can support Latino postsecondary completion. With Latinos growing in enrollment numbers in postsecondary education and also concentrated at HSIs, sup-

porting institutional capacity is necessary to address barriers to degree completion.

ENDNOTES

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- 7 Jamie P. Merisotis, “A Stronger Nation Through Higher Education” (speech presented at the Council for Opportunity in Education, Chicago, Illinois, 9 September 2013.)
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- 10 Terris Ross et al., *Higher Education: Gaps in Access and Persistence Study*, National Center for Education Statistics, US Department of Education, August 2012.
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CALL FOR SUBMISSIONS

DEADLINE: November 1, 2015

The *Latin America Policy Journal (LAPJ)* at the John F. Kennedy School of Government at Harvard University is currently seeking submissions for spring of 2016. The *LAPJ* is a student-run, nonpartisan, scholarly review published annually.

What to Submit

We strongly encourage submissions from writers of all backgrounds, including scholars, policy makers, civil servants, journalists, advocates, and organizers.

ARTICLES

- 6-10 double-spaced pages (1,800-2,500 words)
- Include a 100-150-word abstract

COMMENTARIES, INTERVIEWS, OR SHORT ESSAYS

- 3-6 double-spaced pages (900-1,800 words)

BOOK REVIEWS

- 3-6 double-spaced pages (900-1,800 words)
- Reviews should critically assess recent books that innovate beyond the frontier of current thinking about Latin American politics and policy

ARTWORK

- Original and unpublished visual artwork
- High-resolution digital images (3,000+ DPI) in .jpg files

Selection Criteria

All submissions must comply with the following in order to be considered:

- Work must be original and unpublished.
- Citations must be formatted according to the author-date system in the *Chicago Manual of Style*. Footnotes are not accepted.
- Include a cover letter with the author’s name, address, e-mail, daytime phone number, and brief biography (maximum of 300 words).
- Authors are required to cooperate with editing and fact-checking and to comply with journal-mandated deadlines.
- Authors who fail to meet these requirements may not be published.

E-mail your submission to lapj@hks.harvard.edu by **November 1, 2015**.

The Intersections of Legality, Gender, and Responsibility in Salvadoran Transnational Families: A Review of Sacrificing Families: Navigating Laws, Labor, and Love Across Boundaries

BY LEISY ABREGO
(STANFORD UNIVERSITY PRESS, 2014)

Reviewed by Hanna M. Love

Hanna M. Love is a fourth-year undergraduate student at Pomona College in Claremont, California. She works as a student activism coordinator at the Intercollegiate Feminist Center for Teaching, Research and Engagement and as a sociology research assistant focusing on American Indian decolonization and indigenization efforts in universities. She has performed qualitative research on sex workers' rights and unionization efforts in Buenos Aires, Argentina, and has worked as a rape crisis counselor at Project Sister Family Services in Pomona, California. She is a recipient of a QuestBridge National College Match Scholarship and is a proud member of Pomona College's QuestBridge community.

Leisy Abrego's *Sacrificing Families: Navigating Laws, Labor, and Love Across Boundaries* is a unique departure from the existing literature on transnational families in Latin American countries. The text, which focuses on the structural contexts that fuel inequalities across transnational families, differs from other portrayals of transnational families in several key ways.

While Abrego recognizes the contribution that remittances make toward El Salvador's gross domestic product (GDP), she distances herself from numerical assessments and political assumptions of development and instead chooses to examine the complex con-

struction of concepts like illegality, gender, and family that contribute to various inequalities across transnational families. By focusing on these structural and material inequalities, she diverges from other work that glosses over the diverse range of experiences characterizing transnational families. In *Sacrificing Families*, Abrego flips the dominant development discourse on its head and relies on the power of testimony and narratives to deliver a gendered critique of migration. This framework is vital in understanding the personal impact of policy issues and the power of social and political constructions in influencing intimate emotional bonds. Abrego's critique situates

transnational migration not only in the context of global inequalities, but also in the context of the pervasive gender inequalities that characterize familial roles and labor opportunities in both El Salvador and the United States.

Abrego rejects the oversimplification of categories such as "legal" and "illegal" and instead frames legality as a fluid concept that produces material patterns of inequalities across national boundaries. By problematizing the notion of "productive uses" of remittances, posing the question of who carries the burden of international development, and unearthing the complex construction of social categories that determine migrants' opportunities, Abrego illustrates how seemingly abstract political notions of legality and development directly correlate with personal conceptualizations of emotional well-being, responsibility, and family.

The Legal-Illegal Spectrum

Abrego's deconstruction of (il)legality informs her theoretical framework and illustrates the ways in which "legal" immigration status is historically specific and socially and politically produced. By focusing on the "production of illegality," Abrego illustrates how illegality is systematically produced in international migration to mirror existing social inequalities, as barriers in the visa application process ensure that only members of the Salvadoran middle and upper classes can access legal channels for migration. Abrego includes a powerful assessment of how legal status (i.e., whether migrants are able to obtain legal visas for travel) dramatically alters migrants' experiences upon arrival to the United States. She focuses on how illegality creates negative material consequences for migrants that may include immense debt, violence, limited mobility, and lingering fears of deportation. Abrego also delves into the fluidity of illegality, illustrating how Temporary Protected Status (TPS), a temporary legal status sometimes granted to Salvadoran migrants, creates a peculiar limbo between legal and illegal status in

which migrants are unable to determine their future status or plan for family reunification. In her deconstruction of illegality, Abrego sheds light on an important aspect of public policy that is often overlooked: the ability of seemingly abstract policies to directly impact the intimate relationships between families, partners, and caregivers. In showing how the intersection between legality and the ability to send remittances often serves as "tangible proof" of parents' love and support, Abrego illustrates how transnational families' conceptualizations of family ties are directly linked to political and economic forces. By delving into the legal-illegal spectrum and illustrating its complex relationship with emotional well-being and family cohesiveness, Abrego blends the political and the personal and shows how productions of illegality create direct consequences for transnational families.

Gender Roles in Transnational Families

Abrego's emphasis on gender constructs in her theoretical framework helps distinguish her analysis from existing discussions on transnational families. By showing how transnational mothers redefine and renegotiate motherhood, while also conforming to several aspects of its gendered construction, Abrego illustrates the fluidity of motherhood and its changing definitions in the context of the transnational family. She also details the role of gender in determining the financial outcomes of the transnational parent. While describing the power mothers have to renegotiate the concept of motherhood to fit transnational parenting, Abrego shows how mothers seeking "gendered redemption" may place themselves at a greater risk for exploitation (which includes domestic violence, sexual assault, or workplace exploitation) in order to make up for the physical separation from their children. While transnational fathers have alternative outlets to express their masculinity—including repressing their emotions, demonstrating physical strength, and engaging in

extramarital sexual activities—Abrego shows how women are forced to fulfill their gendered expectations only through their roles as mothers and caregivers. By juxtaposing the lifestyles of transnational mothers and fathers, Abrego frames women as balancing a fine line between caregiver and victim and depicts how women sacrifice their own safety and often accept exploitation and domestic abuse to send remittances to their children.

Abrego's focus on the gendered inequalities characterizing transnational parenting and the intersecting forces that privilege men over women in the migration process is one of the strongest aspects of her work. However, it is important to analyze the connections she makes between agency, choice, and victimization. Abrego posits that domestic violence,

In *Sacrificing Families: Navigating Laws, Labor and Love Across Boundaries*, Abrego flips the dominant development discourse on its head and relies on the power of testimony and narratives to deliver a gendered critique of migration.

abuse, and economic exploitation are survival strategies that women employ to prioritize their children over themselves. Implicit in this assertion is that “victimhood” can be a rational economic choice or strategy. While it is true that women have the agency to stay in abusive relationships to better their financial situation, it is important that the complexities of this agency are deconstructed fully and that victimization is not depicted as a rational survival strategy or sacrifice similar to rationing meals or reducing spending. Choosing to remain in a violent relationship might be an economic “choice,” but Abrego could have explored further the connection between choice and victimization. Despite this critique, Abrego's focus on constructions of motherhood and notions of gendered redemption greatly enhance the scope of her work and provide a concrete avenue from which to envision a renegotiation

of gendered expectations and a deconstruction of the link between motherhood and exploitation.

Public Discourse on Migration in El Salvador

After delving into the inequalities that take place across transnational families, Abrego concludes her book by exploring the invisibility of transnational families in El Salvador as a powerful critique from which to prompt greater social and cultural recognition of transnational families. By illustrating how dominant conceptualizations of remittances as a source of GDP and international development can erase individual stories of pain and sacrifice, Abrego highlights the need

for greater visibility of personal stories of transnational families in Salvadoran schools, media, and political discourse. Abrego argues that in order to combat the growing disconnect between Salvadoran youth and El Salvador, there need to be proactive efforts to connect people with their communities and their country rather than enabling migration as a commonly sought-after future. Schools and social institutions need to recognize the normalcy of transnational families and provide resources and support for students processing trauma and separation. Only once transnational families are recognized in social institutions can collective healing, processing, and support follow. Dominant narratives of abandonment and wasted remittances need to be dismantled, while networks of support and outlets for processing and building community need to be introduced.

Conclusion

Abrego's *Sacrificing Families: Navigating Laws, Labor, and Love Across Boundaries* accomplishes its goal of illustrating the personal side of transnational migration, debunking dominant assumptions of economic development, and prompting a renegotiation of widely accepted social constructions like legality, gender, and familial responsibility. Abrego's use of narratives and in-depth interviews enhances her work as it enables transnational families to dictate policy suggestions and speak to their own complex renegotiations of family, motherhood, and fatherhood.

It is vital that Abrego's work be taken into consideration by those involved in public policy and those who have a stake in the formal definition of illegality, as the human side of transnational migration and remittances have long since been ignored in policy development. These transnational families—while contributing remittances that comprise up to 15 percent of El Salvador's GDP—are also families whose intimate relationships have been shaken and distorted by global inequalities and who have been forced to carry the burden of development for their country. They are experiencing first-hand the ramifications of imperialism and exploitation, and they should not be viewed as the solution to El Salvador's lack of viable employment opportunities. Migration is not a solution—it is a response to the rampant inequalities imposed upon the people of El Salvador by exploitative neoliberal policies. Abrego's *Sacrificing Families* is an important first step in changing the discourse on transnational families, but it is critical that we push ourselves further. We need to not only suggest a reworking of gender norms and an abstract call for community building and creating ties to one's own country, we also need to create policies that shift the unequal distribution of resources in El Salvador and ensure that mothers are not forced to compensate for the failed policies of a neoliberal agenda.

In Memoriam

Dr. Juan Flores (1943-2014)

Eminent ethnic and cultural studies scholar, author, and former HJHP Executive Advisory Board Member Dr. Juan Flores died last December at the age of 71.

From his beginnings as an undergraduate at Queens College to his brilliant career as a pioneer in the field of Puerto Rican Studies, Dr. Flores is remembered with great admiration by his students, colleagues, friends, and loved ones. His longstanding commitment to the study of migration and to the formation of diasporas can be traced to his time as an assistant professor of German studies at Stanford. He later returned to New York to advance this work as the Director of the Center for Puerto Rican Studies (Centro) at CUNY Hunter College.

During his tenure at Centro, Dr. Flores established an Advisory Board comprised of academic and community representatives, consolidated Centro's Research Group, created the Tertulia Series, and provided research opportunities for a new generation of Puerto Rican scholars. Dr. Flores also played a vital role in transforming CENTRO Journal into one of our country's preeminent journals on Puerto Rican Studies and a leading academic publication in Latino Studies.

A prolific writer, Dr. Flores published numerous papers and books on race, identity, transnationalism, and music. Among his most influential work is *The Afro-Latino Reader* (2011), *The Diaspora Strikes Back: Caribeño Tales of Learning and Turning* (2009), *Bugalú y otros guisos* (2009), *From Bomba to Hip-Hop: Puerto Rican Culture and Latino Identity* (2000), *Divided Borders: Essays on Puerto Rican Identity* (1993), and *Insularismo e ideología burguesa: nueva lectura de A.S. Pedreira* (1979).

Hunter College colleague and current HJHP Executive Advisory Board member Edwin Meléndez reflects: "Juan went beyond the purely yet so important intellectual exercise to encourage a younger generation of scholars and community activists to engage in practices that question racial hierarchies while building more egalitarian relations among and within our communities. For those of us who had the privilege of knowing Juan, his sudden, too soon passing away saddens our hearts. Our hearts go out to Miriam, his wife, and to all friends and family during these difficult times. Juan, we will miss you deeply."

In addition to serving on the HJHP Executive Advisory Board, Dr. Flores directed Hunter College's Mellon Minority Undergraduate Fellowship Program, served on the Board of Directors of the New York Council on the Humanities, and consulted for the Smithsonian Institute and the Rockefeller Foundation.

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HARVARD JOURNAL OF HISPANIC POLICY

Call for Submissions

HJHP invites established and emerging scholars, researchers, and policy practitioners to submit work by October 16, 2015 for publication consideration.

About HJHP

Founded in 1985, the *Harvard Journal of Hispanic Policy (HJHP)* is the oldest student-run academic journal at the John F. Kennedy School of Government at Harvard University, and one of the premiere publications in the nation focused on the public policy issues that impact the US Latina/o community. A nonpartisan review, *HJHP* seeks a wide range of submissions for print and web publication.

Submission Guidelines

Through October 16, 2015, *HJHP* will accept research articles, book reviews, commentaries, and artwork for print publication consideration. *HJHP* also accepts opinion editorials, interviews, and artwork for web publication consideration on a rolling basis. All submissions must be previously unpublished and of the author's own creation. Print submissions must adhere to the *Chicago Manual of Style* formatting guidelines; footnote citations are not permitted.

In addition, please note the following standards:

- Research articles must be between 4,000 and 7,000 words and include an abstract of no more than 100 words.
- Book reviews must be between 1,500 and 3,000 words and must include the full book citation, including publisher and year of publication.
- Commentaries must be between 1,500 and 3,000 words and include references where appropriate.
- Opinion editorials should be between 750 and 900 words and include references where appropriate.
- Artwork should comment on the US Latina/o community's political, social, and/or economic condition and must be submitted as high-resolution files (300+dpi, JPEG format). Each submission must include artwork title, artist name, medium, and year of creation.

How to Submit

Prospective contributors must submit their works electronically to hjhp@hks.harvard.edu. Each submission should include a cover letter with author's (1) full name, (2) mailing address, (3) e-mail address, (4) phone number, (5) abridged biography of no more than 300 words, and (6) a professional headshot. Any supporting graphics, charts, and tables must be included as separate attachments.

All submissions received by October 16, 2015, will be considered for print publication. The HJHP Editorial Board will contact authors selected for publication by January 1, 2016. Authors may be asked to perform additional fact-checking or editing before publication; compliance with these procedures is required for publication.

www.harvardhispanic.org



Call for Papers

Deadline: November 29, 2015

The *Asian American Policy Review (AAPR)* at Harvard University's John F. Kennedy School of Government is now accepting submissions for its 26th edition, to be published in the spring of 2016. Founded in 1989, AAPR is the first non-partisan academic journal in the country dedicated to analyzing public policy issues facing the Asian American and Pacific Islander (AAPI) community.

We seek papers exploring 1) the social, economic and political factors impacting the AAPI community and 2) the role of AAPI individuals and communities in analyzing, shaping, and implementing public policy. We strongly encourage submissions from writers of all backgrounds, including scholars, policy makers, civil servants, advocates, and organizers.

Selection Criteria

The AAPR will select papers for publication based on the following criteria:

- Relevance of topic to AAPI issues and timeliness to current debates
- Originality of ideas and depth of research
- Sophistication and style of argument
- Contribution to scholarship and debates on AAPI issues

Submissions Guidelines

- All submissions must be *previously unpublished* and based on *original work*
- All submissions must be *formatted according to The Chicago Manual of Style*
- Authors are required to *cooperate with editing and fact-checking* and to comply with AAPR's mandated deadlines. Authors who fail to meet these requirements may not be published
- All submissions must include a cover letter with (1) author's name, (2) mailing address, (3) email address, (4) phone number, and (5) a brief biography of no more than 300 words
- *Research articles should be 4,000 to 7,000 words* in length and include a 100 word abstract
- *Commentaries should be 1,500 to 3,000 words* in length
- *Media, Film, and Book Reviews should be 800 to 1,000 words* in length.
- All figures, tables, and charts must be clear, easy to understand, and submitted as separate files.

Email submissions and any questions you may have to: aapr@hks.harvard.edu

Thank you,

AAPR Editorial Board

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HARVARD JOURNAL OF HISPANIC POLICY

The *Harvard Journal of Hispanic Policy (HJHP)* is a nonpartisan academic review that publishes interdisciplinary works on US Latino/a politics and public policy. The *Harvard Journal of Hispanic Policy* is published annually by the John F. Kennedy School of Government at Harvard University.

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