

UNDEREMPLOYMENT AND LABOR MARKET INCORPORATION OF HIGHLY  
SKILLED IMMIGRANTS WITH PROFESSIONAL SKILLS

by

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## THESIS ABSTRACT

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Title: Underemployment and Labor Market Incorporation of Highly Skilled Immigrants with Professional Skills

This thesis project examined underemployment at the state and national levels. Underemployment is the inability of highly skilled migrants with degrees from their home countries to enter the workforce in the receiving country. Pending and enacted legislation was analyzed at the state level to determine in which ways the state of Oregon can implement similar policies to effectively incorporate underemployed immigrants into the state workforce. This project utilized primary data sources at the state and federal level, migrant interviews were used as illustrations of the barriers that exist for underemployed migrants, and secondary data sources from the fields of economics, social sciences, political sciences, and population studies were utilized to provide an understanding of how underemployment is addressed at the national level. Overall, my research found underemployed professional migrants are greatly underutilized, which translates into missed economic opportunities for individual migrants and for the United States as a whole.

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# CHAPTER I

## INTRODUCTION

### **Overview**

Have you ever met a taxi driver who in a previous life was a doctor, engineer, or lawyer in their home country? Have you ever wondered why this individual is now driving a cab as a living? The Migration Policy Institute estimates that 2 million, highly skilled immigrants in the United States as of 2015 are in this position. (Batalova, Fix, and Mittelstadt 4). “Brain waste”, or underemployment, is the problem where a highly skilled migrant cannot appropriate incorporate herself into the labor market at a level appropriate to their education, professional experience, and industry (Batalova, McHugh, and Morawski 1). This is the frustrating reality of many immigrants in the United States that affects not just their inability to find work appropriate with their credentials but it also affects their earning potential and ability to provide for their families in the sending and receiving countries.

Batalova (2009) has found that underemployment of highly skilled immigrants creates losses in productivity and negative costs to the economy. For example, the cost of underemployment of highly skilled immigrants in Australia was AU \$150-350 million in 1990. The cost to the Canadian economy was CAN \$3-5 billion per year. Figures for the United States were unavailable but Batalova estimates that these costs in other developed countries means there more than likely are high costs in the United States as well (Batalova 2009).

The literature on underemployment is largely led by nonprofits and think tanks that are working directly with everyday migrants seeking to find work with their current credentials. One of these is World Education Services, a coalition of leaders from nonprofit organizations, businesses, and education institutions that have come together to advance the field of underemployment studies of highly skilled immigrants (World Education Services). The Migration Policy Institute, another organization taking strong efforts to advance research on migrant incorporation into the labor market, has identified several barriers highly skilled migrants face when attempting to enter the workforce: lack of English speaking abilities, racism and discrimination that permeates the work place, legal status, and the role that credentials play within the work place.

### **Purpose of Study**

Much of the nonprofit and think tank work on underemployment is taking place in large metropolitan areas. A small focus is given to smaller metropolitan areas. For this reason, a highlighting what is and what is not being done to address underemployment in Oregon is important.

My thesis project builds on this work by analyzing policies in other state that have taken direct steps to incorporate underemployed migrants into their workforces. This study aims to provide recommendations on what policy changes the state of Oregon can make to incorporate underemployed migrants into the Oregon workforce in the future. More specifically, what can Oregon do to create policies at the state level to incorporate skilled migrants? What should these policies look like?

The importance of this focus group in relation to the labor market is that underemployed professional migrants have the skills to contribute in a greater way to the

local state economy, the economy of the United States, and the economy of their home countries through remittances. The problem is they are underutilized; they work in low skilled positions rather than working in high skilled positions. More importantly they are contributing to their families' financial security in the United States and the financial security of the loved ones they left behind. Low earnings due to underutilization of skills of a migrant in the receiving country means less remittances they can send home to their loved ones (Batalova, Fix, and Creticos 5-6). Remittances, the money migrants in receiving countries send to their family members in sending countries, help in many ways, such as medical visits, sending their children to better schools, buying more groceries to have food at home, and investing in family members' businesses (Ratha 4).

From a human rights perspective, this work is important because immigrant participation in the labor market at a level appropriate to their credentials means investing in the overall wellbeing of the individual skilled migrant, the wellbeing of their family members' in their home countries, their future generations, and on the sacrifices they have made to get to where they are. It means investing in the here and now and investing in the future. From an economic and pragmatic perspective, this work is important in order to maintain the United States' edge within the world market. Skilled individuals are already seeking to come to the United States. Keeping them here is another story (Batalova, Fix, and Creticos 5).

### **Definition of Terms**

Table 1, located at the end of this chapter contains a list of terms and their respective definitions used throughout the study. It is important to indicate that throughout this work the terms low-skilled, mid-skilled, and high-skilled will be used to

refer to individuals who have different types of professional experiences, however it does not in any way mean that a “low-skilled” individual is considered to be less than another who is considered to be “highly-skilled”. It simply refers to the ways in which the literature has differentiated between professions in different sectors of the labor market. This study is not seeking to diminish those individuals in our society who work hard to make a living, regardless of the sector they work in. Their skills and contributions are an integral part of our society and they should be praised.

Additionally, migrant autonomy is significant and not to be undermined. Migrants make decisions to migrate, work, study, based on their current needs and on their social networks. These networks may include governmental and academic institutions, diaspora organizations, nongovernmental organizations, religious organizations, and family and friend relationships at home and abroad, among others that allow them to decide when and where to migrate (Poros 2011). Undermining them based on their education, profession, or other means is inappropriate and ignorant of the ways in which migrants enhance our communities at every level.

### **Organization of Study**

Finally, it is important to mention that this work does not have a dedicated literature review chapter. This type of literature does not lend itself to a comprehensive literature review but is instead incorporated throughout the study. Chapter 2 explains the methodology used to gather and analyze research. Chapter 3 will briefly discuss the ways in which immigrants incorporate themselves in our communities at the national level and at the state level in Oregon, their educational attainment, and contributions. An explanation of immigrant involvement directly within the labor force is also explained.

Chapter 4 touches on our current political arena. What changes has the current administration employed and what messages have they voiced to our communities? Chapter 5 seeks to explain underemployment, beginning with what it is, how it is viewed in the literature, and what barriers scholars have identified as being primary deterrents for entering the labor force at a level appropriate to migrant credentials. Chapter 6 provides an explanation and analysis of 20 policies that have been enacted throughout 14 states in the United States that directly seek to decrease barriers to workforce incorporation. To conclude, Chapter 7 touches on my recommendations and final remarks regarding underemployment in the state of Oregon.

*Table 1: List of Definitions*

TERM	DEFINITION
<b>Low-skilled</b>	Refers to any individual who has obtained a high school education or less.
<b>Mid-skilled</b>	Defines a skill set that requires more than a high school education but less than a four year college education.
<b>High-skilled</b>	Refers to any individual who has obtained a bachelor’s degree or higher and will be used interchangeably with “highly educated”.
<b>Migrant</b>	Any individual who has moved from his or her country of origin to a receiving country. Is used interchangeably in this work with “immigrant”.
<b>Receiving Country/Host Country</b>	Both of these terms will be used jointly as synonyms for one another. They are defined as the country or society that hosts migrants.
<b>Native-Born</b>	Describes an individual who was born in the United States, a United States territory, or a United States military base.
<b>Foreign-Born</b>	Describes an individual born in a country that is not the United States and also resides within the United States.

(Batalova, McHugh, and Morawski)



## CHAPTER II

### METHODOLOGY

The goal of this chapter is to explain the methodology utilized to carry out this project. First, I discuss the process used to collect data. I break that down by explaining the sources of my primary data that make up this project. Next, I explain the process for obtaining the interviews with migrants that are used as supporting illustrations in Chapter 5 as on-the-ground examples of ways that migrants are faced with barriers in the labor market. From there, I shift to explain the origins of the secondary sources and data that helped me explore this topic further. The chapter ends with an explanation of the study's limitations and parameters.

#### **Data Collection**

This research project is a qualitative study that utilized primary sources from national and state government agencies, nonprofit organizations nationwide and within the state of Oregon, academic sources, and interviews with migrants. The Internal Review Board (IRB) approved the project in early fall 2017, before participant interviews were conducted.

#### **Primary Data Sources**

I gathered and referenced primary data from several federal sources including the U.S. Bureau of Labor Statistics, the Division of Local Area Unemployment Statistics, U.S. Census, Bureau of Labor and Industries. These federal and state primary data sources provided me with demographic information about foreign-born workers in the

United States and in Oregon over time. Specifically, these primary sources provide this project with information on immigrant population estimates, regions where immigrants reside, and educational attainment of immigrants. This data was gathered from the U.S. Census and the American Community Survey.

State-specific primary data sources, such as the Oregon Administrative Rules (OAR), Oregon Revised Statutes (ORS), Oregon Health Authority (OHA), Oregon Medical Board, Oregon Employment Department, and the Oregon Health Licensing Office (HLO), were utilized to understand licensing requirements for individuals in the Oregon workforce. More specifically, the OAR was used to find any recently added notices of proposed rulemaking to determine if there were any proposed policies specific to foreign-born workers looking to enter the Oregon workforce not included in the IMPRINT policy map. This information was used in conjunction with IMPRINT's policy map, which lists a total of 20 policies throughout the country that seek to reduce barriers to foreign-born workers entering the workforce (see Chapter 6 for more information and analysis on IMPRINT's policy map).

Finally, two state organizations, the Immigrant and Refugee Community Organization and SE Works & WorkForce Oregon provided me with information about how they address underemployment at a local level. Generally, their focus is to provide foreign-born and foreign-educated professionals with the tools to effectively enter the workforce in the state of Oregon. These tools range from resume building, mock interviews, to finding employment for these individuals seeking to enter the labor force.

## **Migrant Interviews**

This project also utilizes data gathered from in-depth participant interviews conducted during fall 2017. The interviews were semi-structured and were conducted with two migrants in the state of Oregon. I used the interviews as supporting evidence to demonstrate the lived experiences of two immigrants who are a part of the Oregon workforce. Their accounts provide insight into the everyday experience of migrants trying to work in the United States.

Both participants were asked 15 open-ended questions about their experiences migrating to the United States and their perceptions about labor market incorporation in the United States. The interviews lasted between 30-45 minutes. The open-ended format allowed the participants to elaborate on certain aspects of their story that they felt was relevant to the questions being asked. It also allowed me to ask follow-up questions that provided me with more information that benefited this project.

I recruited both research participants from my professional network at Centro Latino Americano and from my informal network within my local community. The following was the eligibility criteria for the participants. Participants needed to be highly educated individuals who earned a B.A., M.A., Ph.D or other post baccalaureate degree in their countries of origin and now reside in Oregon. Also, their reason for moving to the United States needed to be for reasons other than work or to attend school at an American academic institution.

Table 2, below, indicates both participants' professional and educational attainments in their home country and in the United States.

*Table 2: Migrant Participants*

<b>PARTICIPANT NAME</b>	<b>EDUCATION LEVEL</b>	<b>PROFESSION IN HOME COUNTRY</b>	<b>PROFESSION IN RECEIVING COUNTRY</b>	<b>COUNTRY OF ORIGIN</b>
<b>Anna</b>	Bachelor of Arts	Marketing	Real Estate Agent	Costa Rica
<b>Joyce</b>	Juris Doctor	Attorney – Environmental Law	Attorney – Immigration Law	Bolivia

### **Secondary Data Sources**

The secondary research gathered for this project came from several different fields of study. Many of the articles and books that I read and analyzed were published within journals focusing on international and migration studies, such as *International Migration Review*. I drew more data and information from the fields of economics, social sciences, political science, and population studies. Much of the secondary sources used for this project came from national think tanks including the Migration Policy Institute, Brookings Institute, the American Immigration Council, Catholic Immigration Network, and the Pew Research Center. National nonprofit organizations also played a prominent role in providing me with an understanding of how underemployment is understood and addressed at the national level. These nonprofits include IMPRINT Project and World Education Services.

### **Limitations of Study**

There were several limitations with this project. Originally, this project sought to use the lived experience of underemployed migrants residing in the state of Oregon to understand the barriers underemployed migrants face when utilizing their professional

credentials and experience in the labor market of the country to which they have migrated. The first limitation is with the small sample size. I did not gather enough participant data to make generalizations and inferences about this group of underemployed individuals. Because of this, the migrant interviews are used as supporting examples of migrants' lived experiences incorporating into the workforce in the state of Oregon.

The second limitation is the lack of recorded data by government institutions on underemployed migrants. The U.S. Bureau of Labor Statistics has plenty of quantitative data on the demographics of foreign-born workers in the U.S. workforce and state labor markets. However, none of this information specified whether any of these foreign-born workers have the credentials to find work more appropriate to their skill levels.

Specifically, I wanted to find out if they had the following information relating to involvement of foreign-born workers in the Oregon and US labor force who are highly skilled and earned their degrees abroad from a foreign academic institution:

- Educational attainment (B.A., M.A., PhD, +)
- Occupations in the U.S.
- Earnings
- Number of skilled foreign-born workers who work in “low skilled” positions
- Earning potential of those working in “low skilled” positions with the potential to work in more “high skilled” positions
- Number of individuals who work in jobs appropriate to their credentials earned in their home countries
- Information on unemployed foreign-born workers with any of the following degrees, B.A., M.A, PhD, and their reason for being unemployed

### **Parameters of the Study**

This project focuses strictly on foreign-born professionals who obtained their credentials, education and professional experience, in their home country and moved to

the United States for reasons other than to work or study at an American academic institution and cannot find work at the level appropriate with their credentials. Specifically, these individuals earned a B.A., M.A., PhD, or other post-baccalaureate degree in their home country. This includes, but is not limited to, individuals who are unemployed, are not looking for employment but chose this due to their inability to enter the workforce at a level appropriate with their credentials, and those individuals working in “low skilled” positions but have the skills to work in “higher skilled” jobs.

The goal of this project was not to focus on migrants from one region of the world who are underemployed, but to focus on underemployment as a whole within the United States and the state of Oregon.

## CHAPTER III

### UNDERSTANDING IMMIGRANT INVOLVEMENT IN THE LABOR FORCE

This chapter draws from several bodies of literature: migration, underemployment, economics of migration, several U.S. Census Bureau surveys, and the U.S. Bureau of Labor Statistics. In this section I will describe the demographics of immigration in the United States and in Oregon. The goal is to understand what immigration in the United States and Oregon looks like. The chapter seeks to answer the following: how many immigrants reside in the United States and in Oregon? Where do migrants decide to settle down after migrating to the United States? Why is this so? What does labor market participation of immigrants look like?

#### **Geography of Immigration**

##### *United States*

The United States has a long history with immigration. Over time, immigration into the country has decreased and increased many times and for varied reasons. For example, the implementation of domestic and foreign policies, as well as various environmental, political, and social events, among others, have created migration waves over time.

The Migration Policy Institute and the American Community Survey estimate that the foreign-born population in the United States has increased by a little more than 33 million people between 1970 and 2015 (Batalova and Zong 2-3). A large percentage of all immigrants gravitate towards states with major U.S. cities and with large settled

immigrant populations. As of 2015, the top five states with the highest numbers of immigrants residing in them are California, Texas, New York, Florida, and New Jersey (Migration Policy Institute, “State Immigration Data Profile”). Table 3, below, lists the total number of immigrants residing in each of these 5 states.

*Table 3: Top Five States with Highest Numbers of Foreign-Born Individuals*

<b>Top Five States</b>	<b>Number of Immigrants</b>
California	10.6 million
Texas	4.6 million
New York	4.5 million
Florida	4 million
New Jersey	1.9 million

(Migration Policy Institute, “State Immigration Data Profile”)

This information takes into consideration all categories of migrants, whether they are naturalized citizens, legal permanent residents, or those the United States government considers to be nonimmigrants, those with a work visa, student visa, or other types of visas, those with refugee or asylum status, and perhaps even undocumented immigrants. These numbers demonstrate that states with prominent and important cities, such as New York and Los Angeles, attract documented and undocumented immigrants because of the appeal, accessibility to resources and opportunities, and the social support of the existing immigrant community. A crucial limitation of this data is that it probably does not accurately take into account undocumented immigrants in those states. The Migration



Policy Institute gathered this data from the U.S. Census Bureau’s American Community Survey and the Decennial Census, which generally do not record data on undocumented migration. The Pew Research Center estimates that 11.2 million undocumented immigrants were residing in the United States as of 2015 (Krogstad, Passel, and Cohn 1).

*Oregon*

As of 2015, the State of Oregon is home to nearly 400,000 immigrants. The two biggest immigrant groups residing in the state are immigrants born in various countries throughout Latin America. The second largest immigrant group are those individuals born in countries within Asia (Migration Policy Institute, “State Demographics Data – Oregon”). See Table 4 for a breakdown of this information.

*Table 4: Top two regions where foreign-born individuals in Oregon are from*

<b>Region of Origin</b>	<b>Number of Immigrants</b>	<b>Percent of Total Immigrant Population</b>
Latin American	176,011	44.8%
Asia	127,396	32.1%
Total in Oregon	397,293	100%

(Migration Policy Institute, “State Demographics Data – Oregon”)

In their work, Singer, Hardwick, and Brettell (2008) expand on the makeup of the Portland metropolitan area. According to them Portland this is a “re-emerging gateway” that is seeing a new wave of immigration. What defines this metropolitan area as a “re-emerging gateway” is the large influx of immigrants that are moving to Portland. Portland, along with the Twin Cities, Sacramento, and Seattle, saw an increase in immigration in the Twentieth Century, saw a strong decrease in the latter part of the

Twentieth Century, and is now seeing a re-emergence of immigration in the Twenty-first Century (Singer, Hardwick, & Brettell 7-9). Gentrification in the business district and other surrounding areas has increased land values. This economic change motivates native-born and foreign-born migrants to move to the suburbs in search of more affordable housing (Singer, Hardwick, & Brettel 229). Further, large corporations have made Portland and the surrounding cities their home, increasing the number of jobs available in the area. Such is the case for Intel in Beaverton, Aloha, and Hillsboro, Nike in Portland, and Apple in the same metropolitan areas. Overall, migration flows are happening now and will continue to happen in the future as the economy in the state ebbs and flows. For the purposes of this study, I will not focus on Oregon as a “reemerging gateway” but do want to stress the importance of internal and international migration in and out of the state.

The demographics of immigration within the United States are important to mention for several reasons. First of all, the regional areas where migrants decide to reside in are important indicators of social and economic factors that will affect them in the short and long term. These social and economic factors are also indicative of the social and economic state of the host country. Second, these movements provide valuable information about immigrant communities that are currently residing in these areas and why many of these are well established and have resided there for decades. Third, understanding the movements of migrants provides information on the changes occurring within the host societies and host country and how the immigrants are being affected by such changes. In the case of Oregon, the influx of migrants the state is taking in makes it a viable region in which to carry out research.

## Educational Background of Immigrant Workers

The U.S. Bureau of Labor Statistics analyzes labor market participation of foreign-born versus native-born individuals using gender, age, and race or ethnicity but it does not analyze the participation of foreign-born versus native-born individuals based on education in a foreign country, a limitation for this research project. Chapter 2 explains this limitation and Chapter 7 will expand on this in more detail. The U.S. Bureau of Labor Statistics does estimate that there is a steady increase in the percent of foreign-born workers in the United States. While the entire labor force has increased by 21 million since 1996, half of that increase was of foreign-born workers (U.S. Bureau of Labor Statistics, "Foreign-born Workers in the U.S. Labor Force"). The following two tables, Table 5 and Table 6, below, break down foreign-born participation in the labor force since 2016 and the educational attainment of foreign-born workers, respectively.

*Table 5: Foreign-Born Participation in the Labor Force in the U.S. since 2016*

Race/Ethnicity	Number of Foreign-Born Workers	Percent of Total Labor Force
Total	27 million	16.9%
Hispanics/Latinos	13,041,000	48.3% <sup>1</sup>
Asians	6,750,000	25% <sup>2</sup>

(U.S. Bureau of Labor Statistics, "Foreign-born Workers in the U.S. Labor Force")

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<sup>1</sup> This percentage is based on the total number of foreign-born workers in the United States: 27 million.

<sup>2</sup> Same as above.

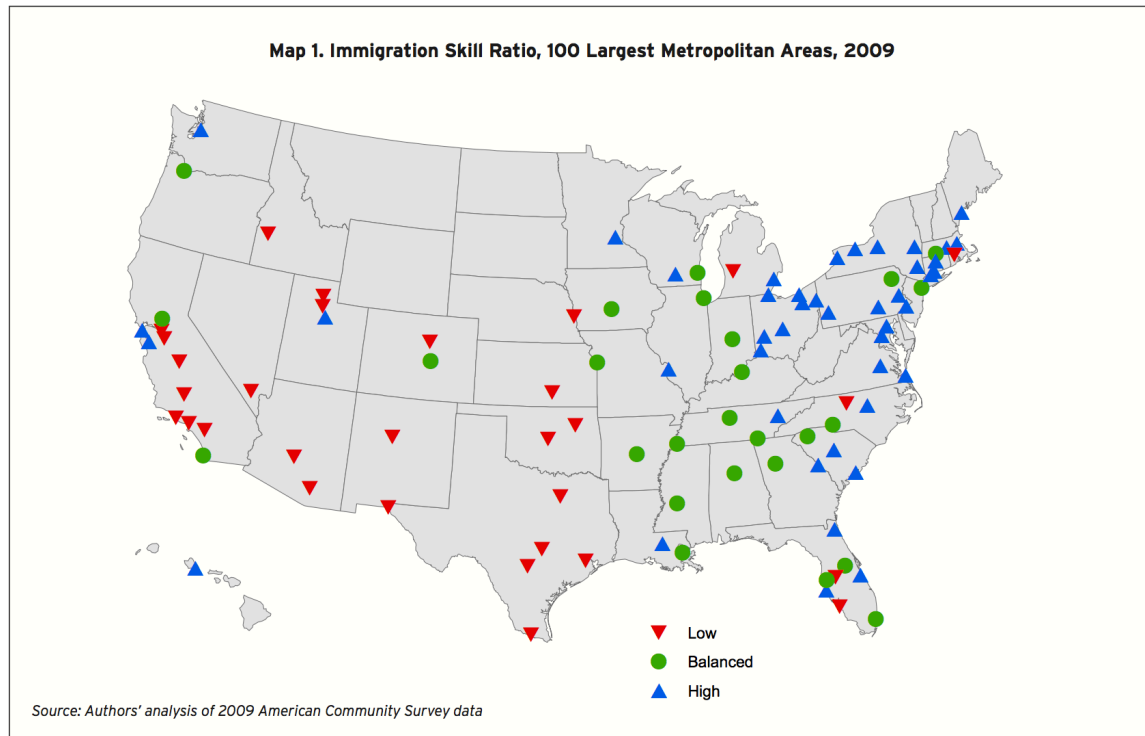
*Table 6: Educational Attainment of Foreign-Born Workers*

<b>Skill Level</b>	<b>Educational Attainment</b>	<b>Percentage of Foreign-Born Workers</b>
“Low”	Have not completed high school or GED	22.4%
“Mid”	Completed high school but not a college degree	24.7%
	Completed some college	17%
“High”	Completed a bachelor’s degree or higher	35.9%

(U.S. Bureau of Labor Statistics, “Foreign-born Workers: Labor Force Characteristics Summary”)

Part of the appeal that states with large cities and metropolitan areas provide migrants are the demands for low-skilled and high-skilled workers. Depending on the variation of economic structures in that region, some metropolitan areas might have a higher need for low-skilled workers who are trained in areas such as construction. At the same time, other cities and metropolitan areas might have a higher need for high-skilled workers, such as engineers and healthcare professionals (Hall, Singer, De Jong, and Roempke Grafe 8). My research finds that immigrants favor residing in larger metropolitan areas in the east coast, the west coast, and the southwest. They tend to stray from more rural areas where it might be more difficult to find work, as is the case for the Midwest and the northern parts of the United States in North and South Dakota, and Wyoming, among select others (Hall, Singer, De Jong, and Roempke Grafe 8). Figure 1, below, demonstrates where migrants reside based on their skill level.

Figure 1: Immigration Skill Ratio



(Hall, Singer, De Jong, and Roempke Graefe 8)

### Social Networks of Foreign-Born Workers

Career and work opportunities are not the only reasons why certain cities and states prove to be more attractive to immigrants. Previous settlement patterns also play a large role in determining where migrants gravitate. Historically settled communities and ethnic enclaves draw more immigrants due to the well-established roots of those communities. These are part of social networks, which play an important role in connecting individuals to their communities of residence or future communities where they will reside (Poros 2011).

Social networks are relationships that individuals have with family, friends, acquaintances, institutions, organizations, and the like in their home countries and in receiving countries. It is through these relationships that migrants are often able to find

communities that help them adjust to their new residence, whether that is finding a church or finding a job. All individuals, whether they are migrants or not, have social networks that provide them with important social capital. What makes social networks especially important for migrants is that these are networks that exist in two different countries. They are transnational in scope because they allow the migrants to integrate into the receiving country but also allow them to maintain a connection and relationship with their home countries (Poros 2011).

People do not randomly choose regions of the world to move to. Instead, their choices are based on information and resources they have gathered through their social networks. Immigrants move to regions where they have family or friends, who in turn already have their own established social networks. This eases the integration process for migrants and provides modes of support for them (Poros 2011). Collier explains that immigrants thrive in the host society and are able to integrate into society much easier depending on the type of social networks that they are able to create (138).

In relation to underemployment, there are negative social ramifications for those underemployed high-skilled immigrants. Based on information provided by Hall et al. (2011), immigrants who are part of the low-skilled labor market tend to live in isolated enclaves and are subject to social tensions, dangerous work conditions with long work hours and poor pay. Oftentimes, these immigrant workers are undocumented, which only exacerbate social tensions in the work place and in their communities. While the study performed by Hall et al. (2011) discusses unfavorable conditions for low-skilled undocumented workers, they hypothesize that these underemployed foreign-born workers

are subject to these social tensions that might not exist for them if they were not underemployed (2-3).

### **Economics of Migration**

The National Academy of Sciences published a report on the economics of migration in 2017 that explains foreign-born workers' participation in the economy. According to the report, skilled foreign-born workers raise wages through innovative abilities. Immigrants create jobs rather than take jobs away from native-born workers (Blau and Mackie 6). Foreign-born workers do not compete for all the jobs available to native-born workers; native-born workers compete with foreign-born workers within their skill levels. For example, native-born workers with a bachelor's degree in chemical engineering compete with foreign-born workers with a bachelor's degree in chemical engineering (Immigration Policy Center 2010). Secondly, there is no fixed or finite number of jobs available in the workforce. The more people there are, the higher the demand is for goods and services. This, in turn, means there are more jobs needed to fill the demand of the growing population (Haskins 4). It also means increased revenue from taxes for the government. As the population grows, the greater the demand is for goods and services, which means people will pay for those goods and services, as well as pay taxes that the government takes in (Blau and Mackie 5-6). Table 7 and Table 8, below, show the economic contributions of immigrants in the State of Oregon and in the United States as a whole.

*Table 7: Immigrant Contributions in Oregon as of 2014*

<b>Immigrant Contributions in Oregon as of 2014</b>	
Total Earnings	\$9.9 billion
State and Local Taxes	\$736.6 million
Federal Taxes	\$1.7 billion
Spending Power	\$7.4 billion
Medicare Contributions	\$264.9 million
Social Security Contributions	\$1 billion

(New American Economy 5)

*Table 8: Immigrant Contributions in the United States as of 2014*

<b>Immigrant Contributions in the United States as of 2014</b>	
Total Earnings	\$223.6 billion
Combined State and Local Taxes	\$104.6 billion
Federal Taxes	\$223.6 billion
Combined Spending Power	\$926.9 billion

(American Immigration Council 2017)

Immigrant residence in the United States and participation in the workforce is positively significant for two reasons. First, immigration provides the economy and the workforce with workers, preventing issues seen within other economies such as stagnant markets and aging or shrinking workforce (Blau and Mackie 6). Secondly, the second and third generations of immigrants are found to have a higher educational attainment and have higher wages. Subsequent generations of immigrants are able to contribute more in taxes during their working ages than the first generation. This is important because if the



first generation had not migrated, the United States would not see these contributions to the economy and workforce (Blau and Mackie 9).

Table 9, below, demonstrates forgone state and local taxes between 2009-2013. These are economic contributions that were missed due to the state of underemployment by approximately 2 million highly skilled foreign-born workers (Batalova, Fix, and Mittelstadt 4).

*Table 9: Forgone State and Local Taxes Between 2009-2013*

<b>Forgone State &amp; Local Taxes, 2009-2013</b>	
Total Annual Wages	\$39.4 billion
State and Local Taxes	\$3 billion
Federal Taxes	\$7.2 billion

(Batalova, Fix, and Mittelstadt 20)

Focusing on the plight of highly skilled underemployed foreign-born workers is necessary because of the potential positive impact they can have on the U.S. economy. Choosing not to incorporate these individuals in the work force is a missed opportunity. Similarly, the state of politics in the United States instills fear in immigrant communities, as well as fear of immigrants within our communities due to the wrong belief that immigrants take jobs away. This blocks the positive impact immigrants have in the United States. Chapter 4 will touch on the exclusionary rhetoric and exclusionary legislative efforts employed by the Trump administration.

## CHAPTER IV

### IMMIGRATION & THE TRUMP ADMINISTRATION

This chapter focuses on the current administration's policy changes and political rhetoric. In this section I will describe the challenges the current administration has instituted through two actions: exclusionary rhetoric and exclusionary legislative changes. The goal is to frame underemployment of skilled and professional migrants within today's politics.

#### **Exclusionary Rhetoric**

The 2016 presidential election and inauguration of the Trump administration into the White House created fear within many minority communities throughout the country, especially among immigrant communities. President Trump's rhetoric and legislative efforts against our immigrant neighbors leaves many families living in fear of discrimination and apprehension. Many fear and/or experience deportation. In fiscal year 2017, 226,119 immigrants were removed by the Trump administration, a decrease of a little over 14,000 removals from fiscal year 2016 (U.S. Immigration and Customs Enforcement). This is in comparison to the Obama administration, which removed 391,341 immigrants in his first year as president (Chishti, Pierce, and Bolter 2017). The media has repeatedly labeled President Obama "deporter in chief" because of the large number of removed individuals when compared with the previous administrations of President Bush and President Clinton. However, the difference between President Obama and President Trump is with the messages that both presidents sent to the country. Obama's targets for removal were "felons, not families". President Trump's focus is to

deport all undocumented migrants (The Economist 2017). Trump's rhetoric and call to deport all undocumented migrants, regardless of situation, instills fear into the homes of our immigrant neighbors. This fear affects all of us, regardless of legal status, educational attainment, or work force participation.

I witness this fear first-hand among my immigrant neighbors in Lane County, Oregon where I work as an advocate for the Latino immigrant community. The 2016 presidential election and the ensuing climate toward immigrants led the coalition that I am a part of, Latinx Alliance of Lane County, to jump to action and provide more information and resources for our community on how best to prepare in case of emergency -- what to do in the event of raids, apprehensions, and deportations. These community events take place in schools, churches, and other public spaces where our immigrant communities congregate. We provide community members with family preparedness resources, which help families prepare for the possibility of a loved one being apprehended by Immigration Customs Enforcement (ICE), put into deportation proceedings, and be deported to their country of origin. An important aspect of the family preparedness resources is Know Your Rights presentations. These presentations are carried out during family preparedness events and are important because they educate our immigrant community on how to best react when encountering local police and ICE, especially if a confrontation involves an undocumented individual.

Throughout 2017, I helped organize and run family preparedness events and Know Your Rights presentations within our Latino immigrant communities. Many families who attended were interested in these events because of the fear they feel due to the negative rhetoric, which is an unfortunate hallmark of the current presidential

administration. “They are not our friend, believe me. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people” (Reilly 2016). The comments from the president towards immigrants began during his presidential campaign and have continued on throughout his presidency.

### **Exclusionary Legislative Efforts**

“The United States must adopt an immigration system that serves the national interest. To restore the rule of law and secure our border, President Trump is committed to constructing a border wall and ensuring swift removal of unlawful entrants. To protect American workers, the President supports ending chain migration, eliminating the Visa Lottery, and moving the country to a merit-based entry system. These reforms will advance the safety and prosperity of all Americans while helping new citizens assimilate and flourish” (The White House, “Immigration”, 2017).

Further compounding this problem is the subsequent legislative efforts by the Trump administration. The continuous call to construct a border wall along the U.S.-Mexico border to increase border security and curb undocumented migration is a tenet of the president’s tenure so far. He states that a border wall will save American lives, reduce crime, and reduce drug flow (The White House, “Remarks by President Trump After Review of Border Wall Prototypes”, 2018).

One of President Trump’s initial actions was to enact a travel ban that immediately prevented individuals from eight Muslim majority countries from entering the United States. Different pro-immigrant groups, such as the American Civil Liberties Union (ACLU), have fought President Trump’s executive orders banning citizens of these countries from entering the United States since early 2017 (ACLU of Washington, 2018). Another example of anti-immigrant actions by the White House is the rescission of the Deferred Action for Childhood Arrivals (DACA) in 2017. This overturned President Obama’s executive order to provide temporary legal status and work

authorization to hundreds of thousands of undocumented youths who proved to be effective members of our society despite their lack of status. DACA provided these Dreamers the ability to live and work in the United States without fear of apprehension and deportation. It enabled them to work in this country and provide for their families, many of whom are United States citizens (United States, 2017). At this point, the government has an unstable stance on the future of DACA and no definitive actions have been put into place by Congress to reenact it or end the program. Dreamers who are eligible to renew are encouraged to do so, though this is temporary. In spite of Congress' inability to agree on the future of Dreamers, the White House has stated their vision for Dreamers. This includes providing permanent legal status, a pathway to citizenship, for those eligible under specified requirements, such as good moral character (The White House, "White House Framework on Immigration Reform & Border Security", 2018).

Another example of the government's stance relating to immigrant communities is the revocation of Temporary Protected Status (TPS) to citizens of Honduras, Nepal, and other countries. TPS provides temporary legal status to citizens of countries that are experiencing environmental devastation or political unrest. It allows impacted individuals to live and work in the United States without fear while their countries are in turmoil. The Trump administration deemed that these countries are no longer in turmoil and their citizens must return home (United States Citizenship & Immigration Services, "Temporary Protected Status"). In a similar fashion and in relation to the refugee crisis all over the world, President Trump chose to reduce the number of refugees who are relocated within the United States from refugee camps in other parts of the world.

President Trump lowered the numbers of relocated refugees from 110,000 to 45,000 (Rosenberg, 2018).

Additionally, in an effort to increase interior enforcement, the president avidly speaks out against sanctuary states, cities, and other jurisdictions stating that it is their responsibility to aid federal law enforcement in apprehending undocumented immigrants. Many states, cities, and jurisdictions took a stance against the federal government by implementing sanctuary laws, meaning that they will not provide the federal government with local law enforcement resources to apprehend and deport undocumented immigrants. As a result, the administration made announcements in 2017 stating sanctuary jurisdictions may be in danger of losing federal law enforcement funding. According to the Center for Immigration Studies, there are approximately seven sanctuary states, one of which is Oregon (Griffith and Vaughn, 2017).

Lastly, the president is pushing to change the immigration system in the United States by implementing a skills-based system, which would replace the family-based system that has been in place for several decades. President Trump views our current system as problematic because it enables chain migration. In other words, it allows individuals to provide their immediate relatives and their immediate relatives with legal permanent resident status, and ultimately, citizenship. This is referred to as chain migration and is viewed negatively by the administration. Chain migration plays into the administration's rhetoric of "criminal aliens" entering the country and "endangering" our local communities (The White House, "Ending the Economic Harm Caused by Our Immigration System", 2018).

For this reason, creating legislative opportunities for highly educated and skilled migrants is an important decision to take. We need to prepare our migrant communities for a potential shift in immigration policy that focuses on skills. By doing this, we provide them the opportunities to make informed decisions that allow them to incorporate themselves into the workforce at levels appropriate to their credentials, to increase their incomes, increase the opportunities their family here and abroad receive, and provide a more secure future where they will have a place within our society and workforce. Our underemployed community members will be more productive to our communities in the short and long term, regardless of the changes in immigration policy that the government decides to enact.

## CHAPTER V

### MIGRANT UNDEREMPLOYMENT

In this section I focus on the aspect of the skilled migrant experience: underemployment. This section describes the challenges skilled migrants face when entering or participating in the labor force in a receiving country. For the purposes of this project, the terms brain waste and underemployment are used interchangeably.

#### **What Is It?**

“Brain waste”, or underemployment, is the challenge that some immigrants encounter when the credentials they gained in their home country are not recognized by the host society or by the institutions that reside within the host country. “Brain waste” is often confused with *brain drain*, which concerns the loss of skilled-immigrants who are migrating from their home country to another developed or developing country. For the most part migrants are pulled to neighboring nations because of the increase in career security, higher wages, and more overall opportunities. Among other reasons, migrants are pushed from their native countries due to low wages and low numbers of available work opportunities (Kalra 45). “Brain waste” is also not to be confused with *brain gain*, which concerns the increase in innovation and creativity that skilled immigrants bring when they migrate (West xii-xiii).

#### **Categories of Underemployment**

Gelaye Debebe (2009), an associate professor at George Washington University, explains that there are three tiers or categories to underemployment. These tiers stem



from the observation that some migrants, depending on their region of origin and demographic characteristics (age, gender, race), are likely to experience underemployment. The first tier is made up of immigrants from more developed regions, such as from Western Europe and parts of Asia. These immigrants are believed to experience low brain waste. The mid tier is made up of immigrants from the African continent. The final and third tier includes immigrants from Latin America, the Middle East, and Eastern Europe. According to Debebe, individuals who experience the most brain waste fall higher within the tiers (138-139). For example, a 28 year old female from Sweden is offered a position, but a 28 year old female from Peru with the same qualifications as the woman from Sweden does not succeed in being offered the position. The individual from Peru falls into the third tier of underemployment and faces more challenges to labor market incorporation in the receiving country. These tiers demonstrate stark inequalities in the treatment of immigrants based on region of origin, rather than on qualifications.

*In Labor Market Penalties for Foreign Degrees Among College Educated Immigrants*, Arbeit and Warren (2013) ask two important questions that have important implications for immigrants facing brain waste: “Are degrees earned abroad worth less in the American economy than degrees earned domestically? Are degrees from universities in such disparate places as Mexico, Southeast Asia, or Africa all regarded equally relative to US degrees?” (853). In order to answer the first question, Arbeit and Warren compared immigrants educated abroad versus immigrants educated in the United States. Their findings suggest that, for the most part, degrees earned outside of the United States are valued much less than degrees earned in the United States. Further, they found that

foreign educated immigrants are less likely to find a job in their field of knowledge than those who received their education in the United States (Arbeit and Warren 854).

In relation to the second question, Arbeit and Warren echo Debebe in that the region of the world where a degree is obtained does matter in relation to how it is valued in the United States. More specifically, employers from Canada, the United Kingdom, and Ireland hold degrees from Western Europe and parts of Asia at a higher standard and believe them to have more potential than degrees obtained in Mexico, the Caribbean, and Central and South America. Overall, men and women earn less and are much less likely to find work that is in their range of knowledge than those educated and trained inside of the United States (Arbeit and Warren 854). This echoes Debebe's claim: people from the low tier, who typically are from Western Europe and parts of Asia, are exposed to less brain waste than people in the third tier who are typically from Latin American, the Middle East, and Eastern Europe.

What does this say more generally about U.S. employers and the U.S. labor market? Arbeit and Warren (2013) hypothesize that employers believe their choice to choose a U.S. educated person over a foreign educated person is rational and believe that universities in different regions of the world do not provide students with the adequate curriculum and training. Their findings also conclude that immigrants with degrees earned abroad earned less than their domestically educated counterparts, supporting the hypothesis that the United States labor market is not taking advantage of the skills and knowledge that foreign-born and foreign educated immigrants are bringing with them (870).

## **Barriers to Labor Market Incorporation**

Migrants face a number of barriers when they migrate to a new country. These barriers present themselves in all areas of migrant life, including within the labor force. As a result, the following barriers exist within the underemployment field and prevent migrants from entering the workforce at a level appropriate to their education and skills.

### *English as a Second Language*

While many immigrants arrive in the United States with a working knowledge of the English language and vocabulary, many may not be well versed in the professional vocabulary of their fields. Another instance where language presents itself as a barrier is when the immigrant only knows basic conversational English. While this fluency level might be enough to maneuver with ease in informal settings, in the professional arena this often proves to be a strong limitation and hinders the immigrant from being accepted to the job they have applied for (Sumption 3). Language, therefore, is a major limitation that leads to discrimination and prejudice in the workplace.

Anna, an immigrant from Costa Rica, views language as a barrier to entering the labor market in the United States. She earned a bachelor of arts degree in advertising and marketing from the Universidad Autonoma de Centro America (Autonomous University of Central America) in 1986. She worked at a well-known advertising agency in Costa Rica as an ad and promotions manager before moving to the United States in the year 2000. Anna current works as a real estate agent, with a focus on helping members of the Latino community achieve their dreams of homeownership in the Portland metropolitan area. She has worked in this field for the last three years and has been using her

knowledge of advertising to help her in the real estate industry in the United States.

Below, Anna explains how her accent has been a barrier for her:

If I was in Costa Rica doing the same it would have been much easier than here [*working in real estate*]. Because the language is another challenge that I have been meeting since day one. It is not only the culture but it is also the language. The accent. Because I have to improve the language. It is not only the knowledge. It is not only learn the strategies and tips and ways to improve my knowledge in my profession and my performance. It is that I have to do everything in another language. And if I am learning something in English I need to translate that into Spanish. And if I am doing something in Spanish I need to translate that into English. So that is another challenge to deal with the language. If I was in Costa Rica, it would have been only Spanish all of the time. It would have been more easy. Easier. If I was a native English speaker it would have been (*makes psst noise*). Piece of cake. But I have dealt with knowledge, culture, I have dealt with discrimination. I have dealt with language.

### *Racism & Discrimination in the Workplace*

Chavez (2008) explains the ways in which Latinos, particularly Mexican-Americans, are viewed in the United States and the types of stereotypes that have permeated this society for decades. Within this, the Latino Threat Narrative (LTN) views foreign-born Latinos and Latino-Americans as poor, uneducated, monolingual, and reproductive threat. They are seen as part of a homogenous society that does not change or adapt. President Kennedy described them as homogenous by saying that they were not “pluralistic”, such as was the case for Europeans, and noted that they followed only their cultural norms (i.e. they lacked the cultural capital to thrive in a new society) and were largely concentrated in the Southwest. Through time, the creation of “illegal” was politically created and signified an “other” who could not achieve legality or partake in society. The meaning of Latino and Hispanic came to be a synonym for illegal, undocumented, and foreigner.

Post-9/11 expanded the meaning behind Chaves’ LTN. The U.S.-Mexico border is viewed as a porous entrance that could potentially allow for the entry of terrorists into

the United States. The terms “illegal” and “undocumented” have expanded definitions and are used to further political rhetoric: if Mexicans are able to sift through the U.S.-Mexico border, terrorists can easily do so as well. Chapter 4 explained President Trump’s rhetoric exemplified through his efforts to build a wall at the US-Mexico border. The discourse behind the LTN is that Latinos are not part of the nation and if they do attempt to partake, they are seen as a threat to the safety of the nation (Chavez 2008). In relation to underemployment, Latinos, whether they are immigrants or not, are faced with this invisible barrier that brings with it so many discriminatory stereotypes. This barrier does not see the immigrant through the skills and experience she is bringing but instead by what is portrayed through politics, the media, and implicit bias that manifests itself in society everyday.

The workplace is another area where migrant minorities, regardless of legal status, see discrimination. Vallejo (2015) carried out a study of professional Mexican-Americans in the white-collar workplace and their exposure to subtle racism. She defines subtle racism as “the pervasive discriminatory acts experienced by members of stigmatized groups on a daily basis” (71). While outward and obvious racism is punishable by law, underlying racist attitudes and characteristics between minorities and whites still permeates professional institutions. These are expressed through jokes, exclusion, and putdowns. Generally, Vallejo (2015) explains that underlying discrimination comes from power dynamics, where whites have a sense of entitlement whether it is outward or not. In her case study, she explains that Mexican-Americans are further looked at through the critical lens of being undocumented and poor, in large part

due to political discourses that continually label Latino immigrants as being a drain on the economy, something we see in the media every second of every day (Vallejo 71).

Overall, Vallejo's study sheds light on ways in which white employers and fellow employees carry out subtle racism toward professional Mexican-Americans in the workplace. This study didn't focus on immigrants; it focused on highly educated Mexican-Americans, a group of people who are by all intents and purposes American. If highly educated US citizens are being discriminated against in this way within the workplace and beyond, to what extent do migrants face racism and discrimination in society and in the workplace?

We can draw a connection between Chavez' LTN, Vallejo's subtle racism in the workplace, and Debebe's brain waste tiers. Chavez and Vallejo describe racism and discrimination in relation to Hispanics and Latinos and Debebe describes work place discrimination towards Hispanics and Latinos based on region of origin. All three authors independently explain how Hispanic or Latino immigrants are portrayed everyday through the media and politics, how they are viewed in the professional setting, and the effects this has on these communities due to their region of origin.

Anna and Joyce provided a snapshot of their experiences with racism and discrimination. Joyce, an immigrant from Bolivia, received a law degree from the Universidad Católica Boliviana (Catholic Bolivian University). Once she migrated to the United States, she earned a Master of Laws degree from the University of Washington. Her law trajectory did not follow the usual law student's trajectory because after receiving her LLM, she took and passed the California State Bar, at which point she

decided to get her Juris Doctor from the University of Oregon. Joyce explained that her peers expressed certain attitudes toward her:

Yea but also perhaps it was the cultural part because I had a thick accent and perhaps people didn't know how to talk to me. I had a thick accent and a different way of speaking, dressing. People also were always stressed out so maybe they didn't have patience. But you can also call it racism and it was when I was very lonely and it was very difficult for me.

Anna also provided a snapshot of what this is has been like for her:

Because I have accent they don't look at you the same way. They may make fun of you. Or me in this case. Because the only fact that I speak Spanish they consider myself a Mexican person and they really don't like Mexican people. Many Americans believe that if you speak Spanish you are poor. You are in a different category. So that is something that you have to deal with. Even when I am not poor. Even when I am educated and probably more educated than many many Americans that are in the same job as me. And I work more professionally than they do. But at the end I am the foreigner.

Anna's response shows that she is a victim of subtle racism, particularly when she hinted that people have joked about her accent in the work place. Joyce also did not explicitly call some of these experiences as "racism" or "discrimination"; she rationalizes those experiences as differences in culture, language, and accent. These common themes from both participants' experiences demonstrate these two barriers clearly play a direct part in migrant's experiences in the work place and in other areas of society.

### *Legal Status*

The immigration system in the United States is a complicated and dynamic system that has been a controversial topic for many years, particularly when it comes to deciding who should or not be admitted. Legal status is an important barrier because it is a direct deterrent for finding work at a level appropriate with credentials. Without legal status and work authorization, a migrant will be forced to enter the informal workforce

despite their high skilled background and professional credentials. Below is a brief explanation of the immigration system in the United States followed by Anna and Joyce’s experience with the immigration system.

Volume 8 of the U.S. Code (8 CFR), the Immigration and Nationality Act (INA), delineates who can enter the United States, who can work, who can attain permanent residency, who can attain naturalization, who can obtain citizenship, who is required to leave, and who must not be allowed to enter the country. There are two broad categories: U.S. citizens and non-citizens. U.S. citizens are individuals who were born in the United States and/or have one or both parents who are U.S. citizens. Non-citizens are individuals who have legal status or do not have legal status. Subcategories of non-citizens are defined in Table 10 below but generally are people who are lawful permanent residents, asylees and refugees, nonimmigrants, those who fall within any of the temporary humanitarian categories, and undocumented migrants (Catholic Immigration Network Inc. 2-5).

*Table 10: Subcategories of Non-Citizens*

CATEGORY	EXPLANATION
<b>Lawful Permanent Residents (LPRs)</b>	Also known as “green card holders”. Individuals who have followed one of the paths to permanent residency: family relationships, employment skills, humanitarian protections, diversity visa lottery, etc. Non-citizens that do not follow one of these paths to permanent residency cannot attain permanent residency. Permanent residency means that these individuals are able to work indefinitely in this country, they can sponsor direct family members so they can attain permanent residency or citizenship through naturalization, are able to travel to and from the United States with no restrictions, and they are given the opportunity to become United States citizens through naturalization.
<b>Asylees and Refugees</b>	These are individuals who have a well-founded fear of persecution in their home countries or have been persecuted in their home countries on the basis of race, religion, political affiliation, nationality, or membership in a particular group. Asylees are those individuals who are already in the United States and are seeking protection, whether documented or not. Refugees are individuals who are outside of the United States and are seeking protection.



<p><b>Nonimmigrants</b></p>	<p>These are individuals who enter the United States in a temporary basis and are given a visa, a permit to enter the United States temporarily. They could be students, tourists, or other individuals such as diplomats, crewpersons, individuals coming for employment reasons, exchange visitors, fiancé(e)s of US citizens, artists and entertainers, religious workers, victims of severe forms of human trafficking, and victims of certain serious crimes who have helped law enforcement. These individuals do not have a path to citizenship and are required to leave the country before their visa expires.</p>
<p><b>Temporary Protected Status</b></p>	<p>The United States government provides individuals who are nationals of specific countries, previously designated by the government, that have experienced natural disasters or armed conflicts a “temporary protected status”. This status provides these individuals from those specific countries legal protection and allows them to reside in the United States until the U.S. government determines that their home country is no longer under armed conflict or undergoing/recovering from natural disaster. This is also not a path to citizenship and individuals with TPS must re-register to maintain the status.</p>
<p><b>Deferred Action for Childhood Arrivals</b></p>	<p>This determination, upheld by the Department of Homeland Security and enacted through executive order by President Obama, provides undocumented individuals who were brought to the United States as children the ability to gain temporary protection from deportation. It also enables these individuals to gain work authorization to legally work, study, serve in the military, pay federal and state taxes, etc. There are specific limitations to attain this status, such as:</p> <ol style="list-style-type: none"> <li>1. Dreamers had to come to the United States unlawfully before they were 16 years old</li> <li>2. Had to be under the age of 31 as of June 15, 2012</li> <li>3. Were attending school or obtained a GED</li> <li>4. Were physically in the United States on June 15, 2012</li> <li>5. Have continuously resided in the United States since June 15, 2007</li> </ol> <p>This is not a permanent status and does not lead to citizenship. Starting in September 2017, the Trump Administration began to phase out this program.</p>
<p><b>Undocumented</b></p>	<p>These are individuals who entered the United States in one of two ways:</p> <ol style="list-style-type: none"> <li>1. With documents – they were nonimmigrants who came with a visa and were inspected at a port of entry but overstayed their visa or violated the terms of their nonimmigrant status.</li> <li>2. Without documents - individuals who entered the United States without the proper documentation and were not inspected at a port of entry.</li> </ol> <p>This is not a permanent status. Some undocumented migrants are able to attain a form of documented status, depending on the case.</p>

(Catholic Immigration Network Inc. 2-5)

As previously mentioned, the United States immigration system also differentiates between who can enter the country, how they enter the country, and who cannot enter the country. In this case, the way in which the law determines who can enter and how is based on family relationships. Family-based immigration means that immediate relatives of U.S. citizens and legal permanent residents (LPRs) are allowed to enter the country as legal permanent residents, or through the preference system which specifically has quota limitations, meaning that only a certain number of visas are allocated for any given year. Table 11 offers an explanation of who is considered to be an immediate relative. Table 12 explains who is able to immigrate to the U.S. under the preference system.

*Table 11: Family-Based Immigration – Immediate Relatives*

<b>IMMEDIATE RELATIVES</b>
1. Spouses of U.S. citizens
2. Unmarried minor (those under the age of 21) children of U.S. citizens
3. Parents of U.S. citizens who are at least 21 years old
<i>*This category does not have a cap or quota, there is no limit to the number of family members that are given legal status through the family-based system. This allows the individual to take a pathway to citizenship.</i>

(Catholic Immigration Network Inc. 10)

*Table 12: Family-Based Immigration – Preference System Requirements*

<b>PREFERENCE SYSTEM</b>
1. Adults unmarried children of U.S. citizens, over the age of 21
2. Married children of U.S. citizens
3. Siblings (brothers and sisters) of U.S. citizens over the age of 21
4. Spouses and unmarried children (minors under the age of 21 or adults over the age of 21) of LPRs ( <i>see table 4 for an explanation about legal permanent residents</i> )
<i>* The preference system does have a limited number of visas that it makes available every year.</i>

(Catholic Immigration Network Inc. 10)

Another way to enter the United States legally is through employment and diversity visas (diversity visas are explained in *Table 10: Subcategories of Non-Citizens*, under “nonimmigrants”). Employment-based visas are unique for those individuals with certain types of skills that the U.S. government deems are lacking in the country. INA specifically delineates the employment-based visa categories. It determines who is eligible for each of the categories and what the limitations are of each of the visa categories, if there are any. There are temporary nonimmigrant employment visas and permanent employment-based visas, each outlined in Table 13 and Table 14 below. Temporary nonimmigrant employment visas may or may not have quotas and all allow the individual receiving the visa to bring their spouse and unmarried children below the age of 21 with them. They are considered to be “derivative beneficiaries of the nonimmigrant visa” awarded to the first family member (Catholic Immigration Network Inc. 87-88). At the same time, permanent employment-based visas do have quota limitations of 140,000 per year, meaning that 140,000 visas are given to individuals who are eligible to receive them (Argueta 3). Just like the temporary nonimmigrant employment visas, these visas also allow the individual to bring his/her spouse and unmarried children under the age of 21 to the U.S.

*Table 13: Employment-Based Immigration – Temporary Nonimmigrant Employment Visas*

<b>TEMPORARY NONIMMIGRANT EMPLOYMENT VISAS</b>	
H-1B	Those eligible are high skilled individuals that have a bachelor’s degree or equivalent. Ex. Engineers, programmers, financial analysts, etc.
H-2A	Those eligible are individuals who are temporary agricultural workers. Ex. Work related to planting and harvesting crops.
H-2B	Those eligible are individuals who are part of non-agricultural seasonal work. Ex. Hospitality, construction, forestry, etc.

L-1A & L-1B	Those eligible are individuals who work for multinational corporations outside of the U.S. that need to do business within the U.S. Ex. Executive vice presidents and sales engineers etc.
O	Those eligible are individuals who are involved in the arts, education, business, athletics, entertainment, etc. Ex. Researchers.
R	Those eligible are individuals who are renowned due to their involvement in athletics, entertainment, or other such groups. Ex. Ballet dancers.
TN	Those eligible are individuals who have work outlined by the North American Free Trade Agreement (NAFTA). Ex. Architects, attorneys, etc.

(Catholic Immigration Network Inc. 87-88)

*Table 14: Employment-Based Immigration – Permanent Employment-Based Visas*

<b>PERMANENT EMPLOYMENT-BASED VISAS</b>	
<i>*These visas require additional documentation to prove that the individuals granted this status provide a necessary skill to the job market that is not being met by the local population. It may require individuals to have job offers, certifications, recommendations, and other documentation, among other requirements.</i>	
EB-1	“Those eligible are individuals who have risen to the top of their fields in the arts, education, business, athletics, entertainment, etc. These individuals must be extraordinary researchers, scholars, executives, etc.”
EB-2	“Those eligible are individuals who have advanced degrees and have risen within their field in the arts, science, or business.”
EB-3	“Those eligible are skilled individuals that hold a position that requires at least two years of training or experience, those that have university degrees, or individuals who hold unskilled positions that do not fall under temporary or seasonal.”
EB-4	“Those eligible are religious individuals, special immigrant juveniles, individuals employed by the U.S. Foreign Service, translators, previous U.S. government employees, and others.”
EB-5	“Those eligible are individuals who have the ability and plan to invest \$1 million in enterprises that will employ U.S. workers full-time.”

(Catholic Immigration Network Inc. 89-90)

Overall, INA is the organizing body that creates the framework that is the immigration system in the United States and is what different agencies follow in order to implement immigration law (Catholic Immigration Network Inc. 5-6). INA is supplemented by regulations created by agencies including the Department of Homeland Security (DHS), the Department of Justice (DOJ), and the Department of State (DOS), all

of which are responsible for implementing these immigration laws in different ways. These regulations are more detailed documents that expand on and explain 8 CFR. Furthermore, each agency is tasked with internally creating and sending out memoranda and other policy guidance that keeps their officers and other staff members to be up to date on changes to immigration law and how to implement immigration law in different scenarios. This guidance is agency specific. For example, the United States Citizenship and Immigration Services (USCIS) updates the Adjudicator's Field Manual and the Policy Manual while the Department of State updates and sends out the Foreign Affairs Manual (Catholic Immigration Network Inc. 6).

Court cases also play an important role in immigration law. Administrative courts and federal judicial courts within the DOJ make decisions about the ways in which immigration law is interpreted and understood in specific cases and scenarios. These court cases are very important because they interpret the law in such a way that can be used in other future cases and determines the ways in which these laws are carried out by each of these government agencies tasked with interpreting, implementing, and enforcing immigration law. These government bodies, such as the DHS, DOJ and DOS are required to adhere to these court cases, to the memoranda created internally within each of them, to 8 CFR, to INA, and to the Constitution of the United States, which is the ultimate "law of the land." For this reason, the immigration system is considered to be dynamic, rather than static; it changes day by day (Catholic Immigration Network Inc 6-7).

Legal status plays a different role in both of the participants' lives. In Anna's case, her husband was initially hired by a US company in 2000 to work in the United States under an H-1B visa. As seen in *Table 7: Employment-Based Immigration –*

*Temporary Nonimmigrant Employment Visas*, this allowed Anna and her children to come to the United States with her husband as derivative beneficiaries. However, this derivative beneficiary status did not give Anna work authorization for several years until her husband was hired indefinitely by his company. Her husband was then eligible for one of the permanent employment-based visas, seen in *Table 8: Employment-Based Immigration – Permanent Employment-Based Visas*. This allowed the whole family to eventually be eligible to apply for legal permanent resident (LPR) status, at which point Anna was given work authorization. This meant she could legally work in the United States. Eventually, the family applied for their US citizenship through naturalization.

Joyce's situation was slightly different because she married a US citizen. As we have learned, this made Joyce an immediate relative of a US citizen and put her automatically on a pathway to citizenship through naturalization. From Joyce's story, it does not appear legal status was a hindrance for her. However, the legal process for Anna prevented her from even thinking about finding work for many years in the United States because her family was not initially on a pathway to citizenship. For many people, their legal status proves a serious barrier to finding and holding onto work in the United States regardless of their credentials. This is even the case for individuals who are highly skilled, meaning they have the education and professional experience needed to fill jobs the local populations are not filling. It is important to note that Anna's and Joyce's unique experiences with the legal system do not reflect the difficult situations millions of migrants have with the legal system, whether they are low skilled, mid-skilled, or highly-skilled.

## *Credentials & The Workplace*

The fifth and final barrier regarding underemployment is seen in the workplace with the process to attain certifications or clearances to work within a specified field. Madeleine Sumption, a Migration Policy Institute scholar focusing on labor migration in Europe and North America, explains that every industry and occupation has different degrees of accepting previously earned and recognized qualifications. But what does “recognized” mean? In this instance, recognition of skills happens when an individual successfully convinces the right institution that the education earned abroad, the experience gained abroad, and the skills that spilled over from that education and experience will translate into the new market. In essence, do those qualifications fall in line with the standard set in that host society’s labor market? Do the employers understand how those skills fall in line with the national and career specific goals of that field? This reveals another barrier: the lack of understanding host country employers have of these foreign degrees (3).

My research on this barrier demonstrates that the experience is dependent on the industry and state licensing policies. In many states, the licensing requirements and policies do not include language that allows foreign-born and foreign-educated individuals to enter their field of work at levels appropriate to their credentials. Oftentimes, licensing policies require individuals to have obtained their diplomas and certifications from a recognized institution in the United States. This means that foreign-born and foreign-educated individuals with legal status and work authorization are unable to apply for their licenses because they do not meet these requirements. Chapter 6 will address what this looks like at the national level and state level.

## CHAPTER VI

### ADDRESSING MIGRANT UNDEREMPLOYMENT

#### **Nationwide Efforts**

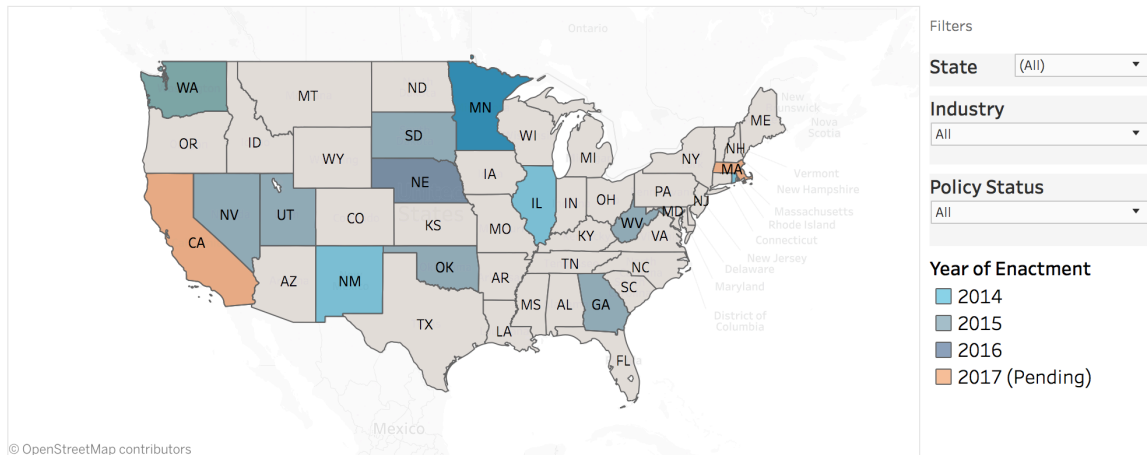
Several organizations have undertaken the task of understanding underemployment and providing resources and opportunities for underemployed migrants. They seek ways to help immigrants and refugees achieve their full potential. An example of these organizations is World Education Services (WES). WES was founded in 1974 and focuses on providing skilled immigrants and refugees with the necessary credential evaluations that can recognize their international skills. While this nonprofit is based out of New York, it serves the entire United States and also has offices in Canada. The services WES provides are far and wide, but begin with credential evaluations, and expand into workshops, webinars, and research on underemployment. WES publishes research reports, white papers, and news reports through their World Education News & Reviews website. On the ground, it provides immigrants with the necessary information regarding college, recognition of skills through licensing and certifications, and other services. WES serves several audiences, the main one being immigrants, but others include academic institutions, employers, and licensing boards (World Education Services).

Just like WES, IMPRINT Project's goal is to partner with businesses, government agencies, education institutions, and others to create and improve the existing services that can help migrants with work authorization and professional credentials to enter the labor force. IMPRINT is made up of a group of organizations around the country that



have joined forces for this purpose, as well as to provide research on ways in which migrants with professional credentials who are authorized to work can take part in the labor market of the state they reside in (IMPRINT Project, “About IMPRINT”). More specifically, IMPRINT has compiled data from the National Conference of State Legislatures on policies that are pending or have been enacted by state. These pending and enacted policies support professional migrants by reducing barriers to their incorporation in the workforce. Refer to the figure and table below, *Figure 2: Legislation Enacted to Support Professional Immigrants Nationwide* and *Table 15: IMPRINT – Policies By State*, to see a map of the states that have pending or enacted policies and a list of the 20 different policies that are either pending or have been enacted in 14 different states between the years 2014 – 2017.

*Figure 2: Legislation Enacted to Support Professional Immigrants Nationwide*



(IMPRINT Project, “Policies by State”)

*Table 15: IMPRINT – Policies By State*

STATE	YEAR	LAW	DESCRIPTION
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<b>California</b>	2017	A827 <i>(Pending)</i>	This bill would require the Department of Consumer Affairs to create a task force to study and write a report of its findings and recommendations regarding the licensing and workforce integration of foreign-trained professionals. The bill would require the task force to submit the report to the legislature no later than January 1, 2019.
<b>Georgia</b>	2015	H394	This bill related to licensing of nurses adds language to permit licensure of those who graduated from a nursing education program outside the United States that is determined by the Board of Nursing to be equivalent to and not less stringent than an approved nursing education program.
<b>Illinois</b>	2014	H4535	This bill relating to architect licensure allows an exception for applicants who have graduated from an architectural program outside the United States or its territories, and whose first language is not English, to not be required to submit certification of passage of the Test of English as a Foreign Language (TOEFL) or a test of spoken English, if the applicant earned an advanced degree from an accredited educational institution in the United States or its territories.
<b>Massachusetts</b>	2017	H3248 <i>(Pending)</i>	This bill would establish a special commission, including leaders of executive branch agencies, the state legislature, and licensing boards in health professions, to study and make recommendations on the licensing of foreign-trained medical professionals with the goal of expanding and improving medical services in rural and underserved areas. The commission is required issue a report containing legislative and regulatory recommendations within one year of the bill's enactment.
		H2474 <i>(Pending)</i>	This bill would establish the position of advanced dental therapist, to provide dental services (including fillings and non-surgical extractions) in underserved areas, under the supervision of a licensed dentist. The dental therapist must have received education that meets the standards of the Commission on Dental Education, and pass a clinical examination approved by the Board of Registration in Dentistry. Such a person would also be registered as a dental hygienist.

<b>Minnesota</b>	2014	S1340	This omnibus bill relating to human services establishes a foreign trained physician task force in order to develop strategies to integrate refugee and asylee physicians into the Minnesota health care delivery system and alleviate healthcare shortages in the state. The task force was assigned to explore existing barriers to licensure, alternative training and accreditation programs, and healthcare needs across the state, and report its findings and recommendations to the Commissioner of Health and the Minnesota Legislature. In its 2017 report, the task force recommended the establishment of either an international medical graduate integration license or “an amendment in the medical practice act to include an exemption for primary care in a rural or underserved area.”
	2015	H3	This omnibus state budget appropriations bill includes provisions for foreign-trained health care professionals. Specifically, \$200,000 in fiscal year 2016 is allocated from the workforce development fund for the foreign-trained health care professionals grant program modeled after a 2006 pilot program to encourage state licensure of foreign-trained health care professionals, including: physicians, with preference given to primary care physicians who commit to practicing for at least five years after licensure in underserved areas of the state; nurses; dentists; pharmacists; mental health professionals; and other allied health care professionals. The Commissioner of Employment and Economic Development must collaborate with health-related licensing boards and Minnesota workforce centers to award grants to foreign-trained health care professionals sufficient to cover the actual costs of taking a course to prepare health care professionals for required licensing examinations and the fee for the state licensing examinations.
		S5	This omnibus higher education appropriations bill appropriates \$35,000 in fiscal year 2016 and \$35,000 in fiscal year 2017 to implement a program to assist foreign-born students and groups underrepresented in nursing to succeed in post-secondary nursing programs.
		S1458	This omnibus bill relating to the health and human services budget established the International Medical Graduates Assistance Program, to address barriers to practice and facilitate pathways to assist immigrant international medical graduates to integrate into the Minnesota health care delivery system, particularly those willing to serve in rural or underserved communities of the state. Also see STAT Sec. 144. 1911: <a href="https://www.revisor.mn.gov/statutes/?id=144.1911">https://www.revisor.mn.gov/statutes/?id=144.1911</a>

	2016	H3142	<p>This bill relating to health includes licensing provisions. In order to receive a medical faculty license the applicant must be a graduate of an accredited graduate school in the United States, its territories, or Canada; have satisfactorily completed all required licensing exams; and present evidence satisfactory to the Minnesota Board of Medical Practice of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting body approved by the board. These requirements do not apply to permanent immigrants admitted to the United States as a person of exceptional ability in the sciences before October 1, 1991, and to applicants holding a valid license to practice medicine in another country and issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability in the field of science or as an outstanding professor or researcher, or a temporary nonimmigrant visa or status as a person of extraordinary ability in the field of science.</p>
<b>Nebraska</b>	2016	L947	<p>This bill allows a person who is lawfully present in the United States and work-authorized by the U.S. Department of Homeland Security (DHS), to obtain a professional or commercial license and practice his or her profession.</p>
<b>New Mexico</b>	2014	H12	<p>This resolution requests that the chancellor for health sciences at the University of New Mexico convene a task force made up of experts in health care professions to study the possibilities for creating community health specialist positions in the state, to address the shortage of health care professionals among underserved communities. These positions may be filled by individuals residing in New Mexico who have professional health care credentials from another jurisdiction, such as a foreign country, but do not have licensure or other authorization to apply their health care skills in the state. The task force is asked to present its recommendations to the legislative health and human services committee by November 1, 2014.</p>
<b>Nevada</b>	2015	A27	<p>Nevada allows the Superintendent of Public Instruction to license work-authorized immigrants as teachers if a demonstrated teacher shortage exists. NV A 27 removes the requirement that a school district demonstrate that a shortage of teachers exists in a particular subject area as a condition to licensure, and instead allows a person to be licensed if any shortage of teachers can be demonstrated and (1) the school district has not been able to employ a person possessing the skills, experience or abilities of the person to be licensed, and these skills are in need by the school district, and (2) the person is otherwise qualified to teach. The provisions of this bill apply to public and</p>

			charter schools.
<b>Oklahoma</b>	2015	S434	This bill, amending the Oklahoma Chiropractic Act, directs the Board of Chiropractic Examiners to issue chiropractic licenses to applicants who graduated from chiropractic schools, colleges or programs outside the United States that are accredited by an agency recognized by the U.S. Secretary of Education or approved by the Board, if the applicants have completed an educational program leading to a chiropractic degree from an institution authorized to operate by the government having jurisdiction in which it is domiciled. International applicants shall provide satisfactory evidence of meeting the requirements for permanent residence or temporary nonimmigrant status as set forth by U.S. Citizenship and Immigration Services.
<b>Rhode Island</b>	2014	S3125	This bill creates a special senate task force to study the evaluation and certification of foreign-trained professionals. The task force is ordered to report its findings and recommendations to the senate on or before March 4, 2015. Senate Resolution 799 passed on April 8, 2015 extends the reporting date of the task force from March 4, 2015 to May 27, 2015, and sets the commission to expire on July 1, 2015.
<b>South Dakota</b>	2015	H1045	This bill related to licensing of dentists and dental hygienists permits foreign-trained or any other graduates from a dental program or dental hygiene program not accredited by the American Dental Association Commission on Dental Accreditation to apply for a license to practice as a dentist or dental hygienist. The Board of Dentistry shall establish requirements to reasonably ensure that an applicant's training and education are sufficient for licensure.
<b>Utah</b>	2015	S131	This law authorizes the division to issue a license as an occupational therapist or as an occupational therapy assistant to an applicant who meets the requirements of receiving a license, and has been licensed in a state, district, or U.S. territory, or in a foreign country, where the education, experience, or examination requirements are not substantially equal to the requirements of this state, if the applicant passes an applicable examination.

<b>Washington</b>	2014	S6129	This bill establishes a cross-sector work group focused on the professional development of paraeducators, who are often immigrants and people of color, with a key recommendation focused on developing an articulated pathway for teacher preparation and certification.
	2017	H1293 <i>(Pending)</i>	This bill establishes common statewide employment standards, training, and career development for paraeducators who work in the state learning assistance program, the federal disadvantaged program, and English language learner programs.
<b>West Virginia</b>	2015	H2005	This bill related to educator certification establishes that a certificate to teach may be granted only to a person who is a U.S. citizen and meets other qualifications. However, a permit to teach in the public schools of this state may be granted to a person who is an exchange teacher from a foreign country or an alien person who meets the requirements to teach.

(IMPRINT Project, “Policies by State”)

Fourteen states have enacted or have pending policies; there is a total of 20 current policies. These policies show that there is recognition by government officials that migrants within our communities are underutilized and there are needs that can be met by these underutilized individuals. For example, several state policies mentioned the need to serve rural and underserved communities due to a lack of healthcare professionals in these regions. These states are looking to expand services by providing skilled foreign-born professionals with benefits if they are willing to serve in these rural and underserved communities. Other policies relate needing to address teacher shortages.

Table 16, below, shows six categories I identified from the policies. Each policy falls within a category and has a specific purpose. An important issue to note is that several policies address multiple categories and achieve multiple purposes. As mentioned, some policies look to serve rural and underserved regions, but many other policies call into action task forces and coalitions to determine what the need for underemployed professionals in that state is. They are also required to draw conclusions

on how to incorporate these individuals into the work force. Other policies are specific to creating or changing licensing requirements in order to reduce this category as a barrier to incorporation. Other policies specifically wanted to address the financial need that underemployed professional migrants face. This is yet another way in which these state governments understand that financial need is a barrier for many who want to relicense or attain certifications in order to be able to work in the industry they have their credentials in.

*Table 16: Categories within IMPRINT's Policies By State Map*

Category	Number of Policies
Policies that were specific to creating or changing licensing requirements or certification requirements of foreign-born individuals	10
Policies that were specifically meant to serve rural and/or underserved communities	9
Policies that created task forces or coalitions and were tasked with creating reports and recommendations	6
Policies that allocated funds to establish a new program, a grant, or a new position within an industry, etc.	4
Policies that specified legal status as a requirement	3
Policies that were specific to refugees and asylees	1

Table 17, below, breaks down the policies further by showing the industry of focus. From this information I infer that these industries have the highest shortage of professionally trained individuals and have the most demand for such individuals. Largely, the healthcare industry was the most prevalent in all twenty policies.

Table 17: Focus Industries Within IMPRINT’s Policies By State Map

Industry	Policies	Number of Policies
<b>Healthcare</b> - doctors/physicians, nurses, dentists, occupational therapists, chiropractors, pharmacists, mental health professionals, other allied health care professionals, and unspecified health professions.	Georgia Massachusetts Minnesota S1340 Minnesota H3 Minnesota S5 Minnesota S3 New Mexico Oklahoma South Dakota Utah	9
<b>Education</b>	Nevada Washington S6129 Washington H1293 West Virginia	4
<b>Not industry specific</b>	California Nebraska Rhode Island	3
<b>Architecture</b>	Illinois	1

### Efforts in Oregon

*Figure 2: Legislation Enacted or Pending to Support Professional Immigrants Nationwide* reveals that there currently are no policies that are going through the state legislature in Oregon to provide support for professional immigrants. However, organizations are making efforts to provide these skilled individuals with resources and opportunities to insert themselves into the state workforce at a more appropriate level. For example, the Portland-based Immigrant and Refugee Community Organization (IRCO) is concerned with providing immigrant and refugee communities with culturally sensitive and language-specific services and programs ranging from legal services, language programs, and community engagement services for children, youth, elders, and families (Immigrant and Refugee Community Organization, “Who We Are”).



IRCO provides two different programs that cater specifically to professional immigrants, professional refugees, and employers who are interested in hiring them. It's Career Point program provides occupational training in healthcare and technology, as well as vocational training in case management. Migrants who enter Career Point are provided with training and professional support while they learn to maneuver the workforce in Oregon. IRCO lays out the groundwork for professional migrants by providing individuals with resume, interview, job application, and job placement resources (Immigrant and Refugee Community Organization, "Career Point."). IRCO's second program for professional migrants is specific to individuals who were nurses in their home countries, and prepares them to attain their licenses to practice as nurses in the state of Oregon based on meeting the requirements of the Oregon State Board of Nursing. The requirements for the program include: need to have work authorization, need to be eligible for public benefits, need to have been educated in the nursing field, must have worked in nursing for at least six months in a country outside of the United States, needs to be proficient in English based on TOEFL or other nationally/internationally recognized measure, and needs to be able to meet the requirements of the Oregon State Board of Nursing (Immigrant and Refugee Community Organization, "Immigrant Nurse Credential Program").

Another organization that is implementing programs and making resources available is SE Works, which helps the unemployed community find employment. SE Works has determined that migrants face barriers when attempting to enter the workforce and created a program, Professional Immigrant Credential Program, to address this issue. Specifically, SE Works works with clients to create employment plans, provide job

training and additional education if needed, with licensing/recertification requirements, credential recognition, and provide training on different topics, such as on US culture and job retention, among others (SE Works & WorkForce Oregon).

## **IMPRINT Policy Map Takeaways**

### *Strengths*

First, the fact that legislative efforts have been implemented to incorporate this group of individuals in the labor force is important. This means there is recognition by state governments of a group of individuals living in these fourteen states that have a higher potential and are underutilized. As already seen, efforts have been put in place to incorporate underemployed immigrant professionals into the labor markets of fourteen different states. This has resulted in twenty different policies that sought to investigate what the need was in any given labor market, sought to implement programs, or sought to implement funding opportunities to allow these underemployed foreign-born workers to enter the state labor market. This means political leaders recognize the value immigrants bring with them at all levels, especially professionally.

Second, state governments recognize the local labor force is not keeping up with demand. Several states noted in their policies that there were labor shortages, especially in rural and underserved communities. These states are trying to solve this by providing foreign-born professionals the opportunities to get licenses and certifications to practice in their fields and solve a gap that is causing other social issues within the state. For example, the goal of Minnesota's S1340 from 2014 was to create a task force with recommendations on how to incorporate refugee and asylee physicians into the healthcare system of the state to meet the healthcare demand and alleviate the shortage of

physicians. The recommendations from S1340 specifically delineate the creation of an “international medical graduate integration license or an amendment in the medical practice act to include an exemption for primary care in a rural or underserved area” (IMPRINT Project, “Policies by State”). This policy was specifically seeking to reduce licensing and certification barriers for refugee and asylee physicians and allow them to practice.

One example of inclusive policy is Nebraska’s L947. This policy states,

This bill allows a person who is lawfully present in the United States and work authorized by the US Department of Homeland Security (DHS), to obtain a professional or commercial license and practice his or her profession (IMPRINT Project, “Policies by State”).

This is a great example of an inclusive policy. This piece of legislation ensures that all lawfully present and work authorized migrants are eligible to enter the workforce at a level appropriate with their credentials. However, this could also be seen as a negative. The following section will discuss the weaknesses of having such a general policy.

South Dakota’s H1045 is a good example of enacted policy that specifically delineates eligibility requirements while still maintaining a purpose of reducing barriers to underemployed in this specific industry. H1045 states,

This bill related to licensing of dentists and dental hygienists permits foreign-trained or any other graduates from a dental program or dental hygiene program not accredited by the American Dental Association Commission on Dental Accreditation to apply for a license to practice as a dentist or dental hygienist. The Board of Dentistry shall establish requirements to reasonably ensure that an applicant's training and education are sufficient for licensure (IMPRINT Project, “Policies by State”).

South Dakota's policy is a good example because it identifies the industry where this is applicable and takes each applicant on a case by case basis to ensure that the individual does in fact have the necessary credentials to practice as a dentist or dental hygienist in the state of South Dakota and is in accordance with requirements set by the Board of Dentistry. Having industry specific legislation is important because there is not one set of eligibility and admission criteria in order to practice in all industries. Each industry has specific needs and requirements of applicants. Having a case-by-case procedure where immigrant applicants submit appropriate documentation providing their credentials and background is a good approach to verify qualifications and where there might be gaps of knowledge regarding the workforce. I do not envision this approach as negative for those who may not pass the Board of Dentistry's requirements because further options and resources can be created to allow those individuals to fill the gaps in knowledge and reapply for licensure in the near future. In the least, this policy can be expanded to provide more resources and options for underemployed migrants in this field.

### *Weaknesses*

First, Nebraska's L947 is a very inclusive policy, however there are pitfalls to having too much flexibility. First, each industry has specific requirements to licensure. Does L947 allow for the reduction of barriers when immigrants are applying for licensure? In other words, what are the options if an immigrant does not fulfill the eligibility requirements for licensure for any given industry? This law does not cover

industry specific barriers. A more detailed industry-specific policy would better suit the needs of underemployed skilled immigrants.

Second, some of these states enacted policies to set up task forces or workgroups that would create a report and give recommendations on what to do to incorporate highly skilled immigrants into their labor forces. According to the IMPRINT Map, several of these states have not followed up these recommendations with further policies to integrate skilled immigrants, which leaves me wondering if they will continue with positive steps toward immigrant integration or not. Two examples of this are Rhode Island's 3125 and New Mexico's H12. According to the IMPRINT Policy Map, there have not been any subsequent policies, pending or otherwise, that were enacted as a response to the first RD S3125 of NM H12. At the moment, California's A827 and Massachusetts' H3248 are pending. Both of these policies sought to set up task forces or work groups but have yet to meet their deadlines for reports and recommendations. Advocates within these states need to keep the pressure on Congress, state representatives, and senators. It is necessary to hold elected officials accountable for follow through on these task forces.

Of all of the 14 states that have enacted or have pending policies, Minnesota has the most, having enacted 5 policies directly seeking to minimize barriers for underemployed migrants. MN's H3142 is an example of a detailed policy with clear and specific eligibility requirements. However, I view these requirements to be very limiting. H3142 dictates that,

This bill relating to health includes licensing provisions. In order to receive a medical faculty license the applicant must be a graduate of an accredited graduate school in the United States, its territories, or Canada; have satisfactorily completed all required licensing exams; and present evidence satisfactory to the

Minnesota Board of Medical Practice of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting body approved by the board (IMPRINT Project, “Policies by State”).

IMPRINT’s description further states,

These requirements do not apply to permanent residents who were admitted to the US based on exceptional professional skills/abilities in the sciences **before** October 1, 1991, and to applicants holding a valid license to practice medicine in another country and issued a permanent immigrant visa **after** October 1, 1991, as a person of extraordinary ability in the field of science or as an outstanding professor or researcher, or a temporary nonimmigrant visa or status as a person of extraordinary ability in the field of science (IMPRINT Project, “Policies by State”).

In other words, MN H3142 does continue to present barriers to underemployed yet highly skilled foreign-born workers. These barriers can come in the form of financial limitations, as well as legal status limitations by not including permanent residents (presumably this includes legal permanent residents, citizens, refugees/asylees, those with a permanent employment-based or family-based visa with work authorization). I view this as a negative because this policy limits the number of underemployed who can benefit from this law because it requires all of those seeking to practice to graduate from an accredited graduate school in the United States. This policy excludes any individual who might want to relicense without going through the financial burden of attending graduate school. I argue that any enacted policy needs to cast a wide net and be open to all work authorized underemployed foreign-born workers. Having said that, there should be specific requirements put in place that advocate for the migrant and with the goal of minimizing the potentiality for abuses.

A policy that is too general might leave room for interpretation when it is being implemented in everyday scenarios, which might leave the underemployed migrants in a

vulnerable position where they will be turned away or denied the ability to relicense. A policy that is too strict limits the number of underemployed migrants who can have access to resources to license and practice in their fields.

For perspective, the United States allocates 226,000 family-based visas per year (U.S. Citizenship and Immigration Services, “Visa Availability and Priority Dates”). The government also allocates 140,000 employment-based visas per year (Argueta 3). From an economic perspective, that is a total of 366,000 individuals admitted under either a family-based or employment-based visa that could potentially be incorporated into the workforce at a level appropriate to their credentials and have the ability to contribute in local, state, and federal taxes. Something to keep in mind is that not all of these individuals will be work authorized. Additionally, the total number of 366,000 does not include immediate relatives, a group of immigrants who do not have admission quotas (i.e. there is not a fixed number of visas given to immediate relatives), but might be highly skilled professionals. This means there is in fact the potential of 366,000+ individuals per year contributing to the economy over time. Chapter 3 explained that between 2009-2013, the country missed out on \$3 billion in state and local taxes and \$7.2 billion in federal taxes (Batalova, Fix, and Mittelstadt 20). This further echoes my argument that underemployed migrants could contribute more to the country and their state of residence at a higher level if more informed policies were adopted.

## CHAPTER VII

### RECOMMENDATIONS & CONCLUDING REMARKS

The IMPRINT Policy Map, discussed in Chapter 4, showed the initiative states have taken to incorporate underemployed foreign-born professionals into their state labor markets. The map also showed the lack of initiative in the state of Oregon to incorporate this same group of migrants. Chapter 3 touched on immigrant involvement in the country as a whole but also in Oregon, further highlighting that Oregon has seen migrants moving to the state for several decades. State data shows there is an expected population increase. Over the last two years, Oregon's population increased by 1.6%, though this increase is coupled with an aging population of baby boomers who are now starting to retire (Rynerson 2018). This demonstrates preemptive actions need to be taken to address future gaps in the labor force that can be filled or strengthened by highly skilled underemployed migrants.

The lack of initiative in Oregon prompts the question; in what way can a policy change to incorporate underemployed foreign-born professionals benefit the state of Oregon? The fourteen states that have enacted policies to try to address the underemployment of professional migrants have recognized that there is a need for professional migrants' skills and knowledge. In what ways can Oregon follow the path of these states to try to incorporate professional migrants?



## **Recommendations**

The following recommendations are offered as a step forward to reduce barriers to labor market incorporation of underemployed professional migrants in the state of Oregon.

First, political leaders in the state of Oregon should come together as a task force or workgroup comprised of a diverse group of community leaders. This group should not only involve government officials and industry leaders but it should include nonprofit leaders and grassroots activists in the state that work to advocate for the immigrant community. This is necessary to ensure fair, equitable, and inclusionary language is used in any potential piece of legislation. Further, those participating in the task group should come from all over the state, rather than just from big cities or the Portland metropolitan area. This group could make headway on legislation that would affect the workforce of the state. As such, leaders and advocates from around the state should be involved.

The goal of this workgroup is to assess the need for specific policies that incorporate skilled migrants. Any potential policies that come out of this need to have clear language that decreases barriers for underemployed immigrants who are living and working in the state. Oregon labor laws need to provide direct and clear language that allows underemployed migrants to enter the workforce at a level appropriate to their skill levels. The fourteen states who have enacted policies have already paved the way. For example, allowing for re-licensing opportunities and creating grant/funding opportunities to continue education or fund re-licensing requirements are two approaches that can be taken to reduce barriers overall. This can be industry specific or can be written in such a way that is accessible to immigrant professionals from different industries. For example,

Illinois' H4535 calls for changes in architecture licensing requirements to make exceptions for applications who have degrees in architecture from foreign countries. Nebraska's L947 is not specific to any field. In fact, this is a general policy that "allows a person who is lawfully present in the United States and work authorized by the U.S. Department of Homeland Security (DHS), to obtain a professional or commercial license and practice his or her profession" (IMPRINT Project, "Policies by State").

Second, any report resulting from the task force should identify labor market weaknesses. For example, what gaps exist in the labor market in Oregon that are not being fulfilled by the native-born population? How can we incorporate underemployed foreign-born professional migrants into efforts to address this weakness? Many of the policies in the IMPRINT Map identified that there is a need in rural and underserved communities for healthcare professionals. As a result of this need, steps were taken to fill the gaps in the labor market with skilled migrants who have the credentials to fill those positions but are simply lacking licenses to practice.

Third, specific demographic data is necessary to carry this out, such as labor market participation of immigrants and locals, among others. This information is not currently available but is necessary in order to get accurate data on underemployed professional migrants in Oregon. Communication with the U.S. Bureau of Labor Statistics and the Division of Local Area Unemployment Statistics on information regarding underemployed migrants did not prove to be fruitful. Specifically, I wanted to find out if they had the following information relating to the involvement of foreign-born workers in the U.S. and Oregon workforces who are highly skilled and earned their degrees abroad from a foreign academic institution:

- Educational attainment (B.A., M.A., PhD, +)
- Occupations in the U.S.
- Earnings
- Number of skilled foreign-born workers who work in “low skilled” positions
- Earning potential of those working in “low skilled” positions with the potential to work in more “high skilled” positions
- Number of individuals who work in jobs appropriate to their credentials earned abroad
- Information on unemployed foreign-born workers with any of the following degrees, B.A., M.A, PhD, and their reason for being unemployed

According to one economist from the U.S. Bureau of Labor Statistics and another economist from the Division of Local Area Unemployment Statistics, this demographic information is not available because neither the Community Population Survey (CPS) nor the American Community Survey (ACS) contain questions on where individuals earned their degrees. This is not measured in anyway at this time. Further probing of the economists on why this is the case proved unfruitful. Thus, future research is necessary and can provide information on how many professional immigrants in the state are underemployed and underutilized, their earning potential, and how this earning potential can benefit the state.

Finally, if policy implementation is successful, there is a necessity for follow up. A task force to make recommendations is not enough. Language within the original piece of legislation should be included that requires action after recommendations are made. Language in this policy should include an explanation of the expected next steps after the recommendations are made so that the original effort and momentum is not ignored or forgotten. For example, the policy could set up a pilot program, grant program, or other strategy to reduce barriers. This could also aid in determining the need that exists in the state in any given industry for more workers (i.e. more physicians, nurses, teachers, etc)

and will test the effectiveness of the implementation efforts of the pilot program. This is important to ensure that these opportunities are successful and available in the future. This is especially necessary if the current administration and future administrations take steps to change the immigration system from a family-based system to a skills-based system, or something in-between.

### **Concluding Remarks**

The political climate has created much discussion about how best to aid minority communities at all levels. More specifically, advocates of immigrant communities have been focused on providing resources from Know Your Rights presentations that teach migrants how they should act when confronted with Immigration and Customs Enforcement officials to local police, to referring them to immigration attorneys and DOJ accredited representatives for legal counsel and hopefully a more permanent legal status. On a policy level, the current administration has already made changes to immigration policy and has threatened to make further changes. Such is the case of shifting from a family-based immigration system to a skills-based immigration system. Many immigrant communities, like the immigrant community in Lane County, Oregon, view this as an attack on immigrant families in the state who already face legal status barriers under the family-based system. This is also true for those families separated by political borders but with hopes of being able to adjust status and reunite with their family members. Such a shift is a threat to the family unit, something previous administrations have tried to honor.

This political climate makes me wonder what pitfalls would come with a shift to a skills-based immigration system. In what ways would immigrant workers, whether those working in professions that require “low” skills, “mid” skills, or “high” skills, be

affected? The focus group of this project, underemployed foreign-born professionals, challenged me to think about the ways this group of individuals might be affected. The nature of the administration, making bold statements that are often lacking in direct implementation plans, has taught us as advocates of immigrant communities that a change may come at any moment and without warning. This leads me to my following question; in what ways can we prepare our community for potential policy changes? This is a question grassroots immigrant advocates are challenged with every day.

If foreign-born professionals with “high” skills are underemployed in our current system, in what ways will they be affected if there is a move towards a skills-based system? Will such a significant shift positively or negatively affect underemployed foreign-born professionals? Will they get the resources necessary to work in their field of practice, or will they continue with jobs that they are overqualified for? If the impacts are negative, what can we do to prepare our communities for that potential reality? At the moment, these are questions with impossible answers but, as this country has seen with the Muslim Ban and Deferred Action for Childhood Arrivals, significant policy changes can come without warning and we need to be prepared.

To conclude I affirm that many underemployed professional migrants are underutilized in this country. These are individuals that have the professional capacity to innovate more and contribute greatly, far more than they are at the present moment. Their underutilization within the labor force does not benefit anyone. Introducing them appropriately into our workforce in Oregon, an aging labor force, can only positively affect the state. Politics, as we know, are ever changing. As an immigrant and an advocate for the immigrant community, I believe we need to find ways to incorporate

skilled professional migrants who are underemployed. Planning for an uncertain future is necessary in order to alleviate the blow politics often deals to our immigrant community.

APPENDIX A  
MIGRANT INTERVIEW QUESTIONS

1. Where are you from?
2. When did you move to the United States?
3. Why did you move to the United States?
4. When and where did you receive your university degree?
5. What did you initially want to accomplish with your university degree?
6. Did you work in your home country?
  - a. If so, what position did you have?
  - b. Did you utilize the education and experience earned with your university degree in the position you had in your home country?
  - c. Were you satisfied with your position at that moment?
  - d. How qualified did you feel in the position that you held in your home country? Why?
  - e. Did you wish to enter another career?
7. Are you currently working?
  - a. If so, what position do you currently hold?
  - b. Are you utilizing the education and experience you earned with your degree in your current position?
  - c. Are you satisfied with your current position?
  - d. How qualified do you feel in the current position that you hold? Why?
  - e. Do you wish to enter another career?
8. How does the process of finding work in your home country compare to the process of finding work in the State of Oregon?
9. More generally, how does the labor market in your home country compare to the labor market in the State of Oregon?
  - a. What is your opinion of the way in which university degrees are viewed in your home country?
    - i. Are they valued? If so, how?
    - ii. Are they not valued? If not, how?
  - b. What is your opinion of the way in which university degrees are viewed in the United States (State of Oregon?) by employers?
    - i. Are they valued? If so, how?
    - ii. Are they not valued? If not, how?

10. What was your experience with transitioning and integrating into the labor market in your home country?
11. What has been your experience with transitioning and integrating into the labor market in the US?
12. What has been your experience migrating to the United States?
  - a. Have you been able to reach your goals and aspirations?
    - i. If so, how?
    - ii. If not, why?



## APPENDIX B

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