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# Access Denied: Barriers for Unauthorized Immigrants Pursuing the American Dream

Kristin S. McMillen, OTD-S

Millions of immigrants from all around the world are living in the United States without legal authorization. Most have come in search of a better life for themselves or their children, with the belief that through enough hard work, they can achieve the “American Dream.” However, upon arrival, many unauthorized immigrants face cultural, economic, and political barriers that limit their opportunities for community participation and lead many individuals to live their lives in fear. This paper aims to: (a) explore the barriers encountered by unauthorized immigrants in the United States; (b) consider the occupational significance of these barriers; and (c) discuss potential solutions and the importance of advocacy for immigration reform that will lead to improved living and working conditions and occupational justice for all.

Keywords: Unauthorized immigrants, barriers, occupation, participation, justice

Many individuals from around the world who find themselves living in undesirable economic, political, or social conditions wish to come to the United States, viewing it as a land of opportunity, where the “American Dream” of happiness, success, and prosperity is available to all who are willing to work hard enough to achieve it (Samuel, 2012). This dream has prompted millions of people to seek residency in the United States over the last several decades; however, legal residency is not freely available for the taking. Nevertheless, millions of individuals have attempted to take matters into their own hands and have immigrated without the proper authorization (Bailliard, 2013; Warren & Warren, 2013).

Unauthorized immigrants are a large and diverse population that has come to the United States from all over the world. As of 2012, there were approximately 11.4 million unauthorized immigrants living in the United States (Baker & Rytina, 2013). Roughly 8.9 million individuals, or 78% of the total unauthorized immigrant population living in the U.S. originated from countries in North and Central America, while approximately 1.3 million came from Asia, 700,000 from South America, 300,000 from Europe, and 200,000 from other regions around the world. Seventy-three percent of unauthorized immigrants are between the ages of 18 and 44 years old, and 53% are male. Although they can be found living in all 50 states, California (2.82 million), Texas (1.83 million), Florida (730,000), and New York (580,000) are home to the largest populations of unauthorized immigrants (Baker & Rytina, 2013).

As many as 45% of the unauthorized immigrant population originally entered the United States through legal means, either by using Border Crossing cards, or tourist, student, or business visas, but then they remained beyond their legally approved length of stay. However, the remaining 55% or so of unauthorized immigrants crossed the U.S. borders from Mexico or Canada without ever having had legal authorization in the first place (Pew Research Center, 2006). For the many unauthorized immigrants who attempt entry through Mexico each year, the journey is particularly challenging. In addition to leaving their home country, family, and friends behind, many incur large financial expenses as they pay thousands of dollars to be smuggled across the border. These border-crossing attempts are often grueling, forcing immigrants to endure harsh conditions, with little food, water, or rest for days (Basu, 2014). They also face very real dangers of being kidnapped, held for ransom, sold into prostitution, abused by their smugglers, apprehended by authorities, or even losing their lives en route (Cave & Robles, 2014; Nazario, 2002). For those who are able to successfully enter the United States, the challenges continue, as they immerse themselves in a new language and culture, search for jobs and places to live, and are governed by unfamiliar laws that are typically not in their favor.

## Literature Review

To gain a better understanding of these and other bar-

riers faced by unauthorized immigrants pursuing the American Dream, a focused review of the literature was conducted, using CINAHL, Google, and Google Scholar databases and the following search terms: illegal, undocumented, immigrants, barriers, housing, employment, transportation, finances, healthcare, education.

The literature revealed that one of the greatest barriers that unauthorized immigrants face when trying to start a new life in the United States is their lack of legal documentation. Although most immigrants are able to show proof of their identity using passports and/or birth certificates from their country of origin, these documents alone will not grant them access to and participation in many aspects of American society. In fact, using a foreign passport or birth certificate instead of a U.S.-issued form of identification may actually raise suspicion about an immigrant's legal status. A driver's license or state identification card is the most commonly accepted proof of identification across the U.S. and is typically used when obtaining employment, renting an apartment, or opening a bank account or credit card (NumbersUSA, 2015). However, most unauthorized immigrants in the United States are not able to obtain a state-issued form of identification, given that only 12 states, Washington D.C., and Puerto Rico issue them without requiring proof of legal residency status (National Immigration Law Center, 2015).

Without proof of legal residency and authorization to work in the United States, immigrants face significant challenges in gaining employment. Upon being hired for a job, new employees are required to produce evidence of a social security number. Although some immigrants, such as those who were previously authorized to work and then overstayed their visas, may have a social security number of their own, most do not. As a result, many have turned to using fraudulent documents to apply for a social security number or use a number belonging to someone else (Gallegly, 2012; Vargas, 2011).

Many employers have been known to turn a blind eye to unauthorized immigrants' paperwork and legal status, but in return they have ended up exploiting their workers, with long hours, low pay, and little regard for their safety (Hall & Greenman, 2014). Yet, despite the challenge of proving legal eligibility for employment, as many as 8 million unauthorized immigrants were estimated to be contributing to the U.S. workforce as of 2010 (Passel & Cohn, 2011).

Another barrier that unauthorized immigrants

face when coming to the United States is a lack of access to transportation. Many cities do not have adequate public transit systems, leaving immigrants with no choice but to drive themselves to their jobs and other places around the community. However, those without a driver's license are at risk every time they drive, in that if they are pulled over, even for a minor traffic violation, they may be subject to arrest for driving without a license and subsequently faced with deportation. The risks associated with driving without a license lead many unauthorized immigrants to refrain from unnecessary travel, which can therefore limit their opportunities for community participation and access to education and healthcare (Bailliard, 2013; Waslin, 2013).

Many unauthorized immigrants also encounter financial barriers that can prevent them from achieving the life they had imagined. Low-paying jobs lead to many immigrants living in poverty and struggling to make ends meet, yet immigrants' legal status deems them ineligible for government assistance programs, including access to subsidized housing, childcare, food, and most healthcare (Holan, 2012). Even those who are better off financially may face challenges if they try to buy a home, as very few lenders are willing to provide home loans to immigrants without a social security number (Jordan, 2008).

Finances can also serve as barriers to accessing healthcare and higher education for unauthorized immigrants living in the United States. Although approximately 70% of the unauthorized population contributes to the U.S. workforce (Passel & Cohn, 2011), their low-wage jobs rarely provide them with health insurance. And among those who have the financial means to purchase their own insurance plans, their legal status prevents them from qualifying under the Affordable Care Act. Federal law does require that any individual who arrives at a hospital with an emergent medical condition be treated, regardless of legal status or health insurance coverage. However, most unauthorized immigrants do not have a regular healthcare provider, and when they do require services, they must pay entirely out of pocket (Sommers, 2013).

When it comes to pursuing a postsecondary education, unauthorized immigrants face a number of financial barriers that can limit their participation. Although they have rarely been denied access to attend college, unauthorized immigrants are viewed as international students by most states, and as a result, they face tuition rates that are three to seven times higher

than in-state residents. In addition, their unauthorized status deems immigrants ineligible for federal financial aid and many scholarships, making the cost of pursuing a college education prohibitive to almost all (Abrego & Gonzales, 2010). A handful of states do offer state-based financial aid to qualifying unauthorized immigrants, however, a lack of knowledge and assistance often prevents them from accessing these resources (Sheehy, 2014).

Although perhaps not as obvious as the other barriers faced by unauthorized immigrants, the stigma associated with limited English proficiency and being in the country illegally leads to discrimination, which, along with a constant fear of being discovered, prevents many individuals from participating in important occupations in and around their communities (Bailliard, 2013). Altogether, the barriers revealed in the literature portray a challenging life for the millions of unauthorized immigrants living in the United States.

## Discussion

Humans are occupational beings, and their participation in meaningful occupations directly affects their health, well-being, and quality of life (Stadnyk, Townsend, & Wilcock, 2010). Strict legal policies threatening deportation and limiting access to resources and community participation, along with unfavorable public perceptions of immigrants, have led many individuals living in the United States without legal authorization to experience discrimination, occupational deprivation, and occupational imbalance (Bailliard, 2013).

In certain communities with large unauthorized immigrant populations, law enforcement officials have been known to set up roadblocks, requiring driver's licenses and proof of immigration status from all who seek to pass (Bailliard, 2013; Waslin, 2013). This very real threat of being discovered has discouraged travel for many unauthorized immigrants, causing them to rethink which roads to take, the time of day in which it might be safest to travel, and the necessity of every trip outside their home. The constant and pervasive fear of being caught, separated from family, and deported has led many unauthorized immigrants to avoid community participation as much as possible, which can limit opportunities for leisure and recreation, and can potentially lead to social isolation, occupational imbalance, decreased mental and physical health, and a reduced quality of life (Backman, 2010; Bailliard, 2013; Stadnyk et al., 2010)

Discrimination from the general public can also lead to denied opportunities and reduced participation in meaningful occupations for unauthorized immigrants. A 2012 study by Latino Decisions and the National Hispanic Media Coalition found that the mainstream media routinely portrays negative stereotypes of unauthorized immigrants, and that Americans who are exposed to these stereotypes are more likely to hold unfavorable opinions of them (Barrreto, Segura, & Manzano, 2012). Moreover, the media's frequent use of the term "illegal immigrants" and/or "illegal aliens" to describe individuals living in the U.S. without proper authorization dehumanizes them while perpetuating the misconception that unauthorized immigrants are criminals.

In fact, research has shown that both unauthorized and legally authorized immigrants are less likely to engage in violent and non-violent criminal behavior than individuals born within the United States (American Immigration Council, 2015). And while it is true that entering the United States without legal documentation is a misdemeanor offense, nearly half of those unauthorized immigrants living in the United States first entered the country through legal means, and therefore did not commit a crime upon entering the country (Pew Reserach Center, 2006; Snider, 2014). Furthermore, the act of residing in the United States without legal authorization is only a civil offense, similar to speeding or running a red light. We do not refer to drivers who speed as "illegal drivers," nor do we refer to the most heinous criminals in our justice system as "illegal murderers." The media's continued use of the term "illegal" to describe unauthorized immigrants in the United States serves to strengthen negative public opinion while fostering hostile, anti-immigrant sentiments (Haque-Hausrath, 2008; Vargas, 2012).

### **Moving forward: Where do we go from here?**

Despite the negative stereotypes portrayed in the media, Americans' views towards immigration are not entirely unfavorable, though they tend to be split along partisan lines. Sixty-two percent of Democrats view immigrants as "strengthening the country through their hard work and talents," whereas 63% of Republicans view them as "burdening the country by taking jobs, housing, and healthcare" (Pew Research Center, 2015). And though as many as 83% of Americans support "stricter border control to try to reduce illegal immigration," few can agree upon what should be done for the millions of immigrants who are already residing here (ABC News/

Washington Post, 2013).

One solution that could improve the lives of many unauthorized immigrants, while also contributing to the growth of the U.S. economy, would be to provide those who are already residing here with at least temporary, if not permanent legal residency status. This small act could enable immigrants to obtain a driver's license and social security number, reduce overcrowded emergency rooms through expanding immigrants' access to health insurance plans, and provide immigrants with the financial assistance they need to gain a college education. While 72% of Americans are in favor of allowing unauthorized immigrants to legally reside in the United States provided they meet certain requirements (Pew Research Center, 2015), disagreements persist regarding whether immigrants should be eligible to apply for permanent residency or full citizenship, as well as regarding the timing and specific requirements for a potential pathway to legal status.

Whereas some Americans favor legal pathways for unauthorized immigrants only after the country's borders have been secured, others believe that pathways toward legal residency should be provided immediately. And still others believe that immigrants should have to pay fines, wait a required number of years, and/or prove that they are fluent in the English language before being granted legal status (Pew Research Center, 2013). Despite majority public support for some type of legal status, as many as 36% of Americans believe that providing a pathway to legal residency would reward those who have chosen to enter the United States through improper channels (Pew Research Center, 2015).

In recent years, Congress has debated a federal bill that would provide somewhat of a compromise for those concerned about rewarding unauthorized immigrants for their behaviors. If passed, the Development, Relief, and Education for Alien Minors Act, or "DREAM Act," would provide relief to the millions of unauthorized immigrant children whose parents brought them to the United States before the age of 16, without offering direct benefits to their parents. Several variations of the DREAM Act have been considered in Congress over the years, including the following version, which was brought before the U.S. Senate in 2011. Under the DREAM Act of 2011, unauthorized immigrants who entered the U.S. as children would have been granted a conditional path to legal status upon proving that they: (a) had resided in the U.S. for at least five consecutive years; (b) were 15 years of age or younger when first

brought to the U.S.; (c) had earned a high school diploma or GED in the U.S.; (d) had been admitted to a U.S. institution of higher education; (e) had been of good moral character since their arrival in the U.S., with no serious criminal convictions; and (f) were below the age of 35 on the date of the legislation's enactment. If, upon meeting the previous requirements, during the subsequent six-year period, they either completed two or more years in a bachelor's degree program, or served for two years in the U.S. military, they would be eligible to apply for permanent residency (DREAM Act of 2011).

A 2010 report by the Congressional Budget Office and the Joint Committee on Taxation estimated that passing the DREAM Act would reduce the federal deficit by approximately \$1.4 billion over a 10-year period and increase government revenues by \$2.3 million over the same period (Congressional Budget Office, 2010). However, despite being brought before Congress on multiple occasions, introduced before each of the 107th through 112th Congressional sessions, spanning from 2001 to 2011, the DREAM Act has failed to gain the bipartisan support it needs to pass in both the House of Representatives and the Senate (Library of Congress, n.d.)

As a result of the DREAM Act's continuing failure to pass, in 2012, the Obama administration created the Deferred Action for Childhood Arrivals (DACA) program, which offers unauthorized immigrant children who meet similar criteria to those included in the DREAM Act protection from deportation for a period of two years, subject to renewal, as well as employment authorization upon demonstration of its "economic necessity" (U.S. Department of Homeland Security, 2013). In the two years following DACA's inception, 55% of the 1.2 million unauthorized immigrants who had already met the criteria applied to the program, with approximately 25,000 of those applying for a two-year renewal (Batalova, Hooker, & Capps, 2014).

In November of 2014, President Obama announced, via executive action, that he was expanding the DACA program by eliminating the current cutoff date of June 2007 and extending eligibility to children who were brought into the United States by their parents any time prior to January 2010. He also announced that he was providing temporary work authorization and deferral from deportation for three years at a time, for the approximately 4 million unauthorized immigrants who are parents of U.S. citizens or legal permanent residents (Parlapiano, 2014).

The future of the implementation and impact of the expansion of DACA remains uncertain, as 26 states have mounted legal challenges seeking to block it (Dura & Hennessy-Fiske, 2015). If allowed to move forward, these expanded protections will provide immigrants with neither permanent residency nor a path to citizenship, and instead will serve only as a temporary fix until Congress reforms the nation's immigration system. However, the relief provided by these protections would offer millions of unauthorized immigrant youth and adults a chance to improve their lives through increased participation in employment and higher education, and through meaningful engagement within their communities without the constant fear of being discovered and deported.

## Conclusion

Millions of unauthorized immigrants living in the United States face very real barriers that prevent them from full participation in meaningful occupations. Legal policies, a lack of transportation, financial hurdles, cultural and linguistic differences, fear, and discrimination are just a few of the untold challenges that these individuals face on a daily basis. Instead of finding themselves living the "American Dream," many unauthorized immigrants have found themselves living in despair.

Although our current social, economic, and political institutions have resulted in the marginalization and dehumanization of many unauthorized immigrants (Provine & Doty, 2011; Vargas, 2012), the passing of the DREAM Act and/or other legislation providing a pathway toward legal status has the potential to re-humanize these individuals and help them to lead more healthy and fulfilling lives. Immigrants come to the United States hoping to assimilate and be productive, contributing members of society. Legislation that would expand access to opportunities and resources for unauthorized immigrants, and in doing so, would also improve their living conditions and eliminate the occupational deprivation that they face, should not be viewed as a partisan issue, but as an issue of occupational justice. With knowledge of the barriers and the decreased health, wellness, and quality of life that immigrants face, comes the responsibility to educate the public and advocate for immigration reform. The potential to improve the lives of millions of immigrants both today and for generations to come is in our hands; let us fight for the American Dream,

for occupational justice, and for a better tomorrow for all who are living here.

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