

Undocumented in Wisconsin: DACA and Driver's Licenses for All



“Welcome one another, just as Christ has welcomed you, to the glory of God” (Romans 15:7).

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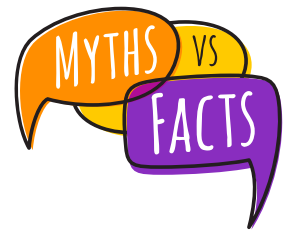
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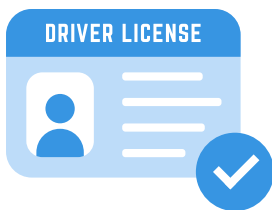
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ELCA Social Message on Migration

In the ELCA's social message on immigration, we find our connection to our immigrant neighbor: "recalling that our families were once the 'stranger'—and remembering our Lord's call to love our neighbor as ourselves—can expand our moral imagination, enable us to see the new 'stranger' as our neighbor, and open us to welcome today's newcomers" (3). Many Christian churches in the United States and around the world acknowledge the call to care for immigrants. This social statement also acknowledges the unique connection of Lutherans in the United States to immigration as it states, "following World War II, when one out of every six Lutherans in the world was a refugee or displaced person, Lutherans, with the participation of 6,000 congregations, resettled some 57,000 refugees in the United States" (3). This history is important to highlight because recognizing Lutherans' connection to immigration can inspire empathy with the current population of immigrants, advocacy and service. Another takeaway from this social message is that "in times of economic downturns especially—as happened in the early 1990s—this strain becomes more pervasive and leads to laws that unduly restrict immigration and threaten the well-being of newcomers" (1).

While this social message was written in the 1990s, it highlights the common problem of scapegoating migrants that has continued to be a problem in the present moment. However, as this document will explore, immigration is often a crucial component to a strong economy and has been throughout the whole history of the United States and Wisconsin.

Timeline of Immigration Events in U.S. History

18th/ 19th Century

1790: *Naturalization Act of 1790:* First time Congress defined eligibility for citizenship by naturalization (i.e. allowing foreigners to become citizens). Limited to “free white persons”.

1849: *Formation of the “Know-Nothing” Party:* the first anti-immigrant political party in the U.S. as a backlash towards German and Irish immigrants arriving in the U.S.

1866: *Civil Rights Act of 1866:* 14th Amendment established birthright citizenship for people of different races; maintained exceptions to exclude certain indigenous peoples.

1882: *Chinese Exclusion Act:* Barred Chinese immigrants from U.S. entry.

1921: *Emergency Quota Act of 1921:* established cap on the number of immigrant admissions, including roughly 358,000 immigrants from Eastern Hemisphere (exempting immediate relatives).

1924: *Immigration Act of 1924:* Limited the number of immigrants through nationality quotas and bars all immigration from Asia (excluding the Philippines, a U.S. colony at the time). Awarded 82% of world quota to immigrants from Northern and Western European countries.

1942: *Bracero Program begins:* Mexico and the U.S. establish guest worker programs until 1964 that saw more than 4.6 million workers.

1952: *McCarran-Walter Act:* Multi-faceted legislation that increased number of European immigrant quotas outside Northern and Western Europe, set a minimum quota of a hundred visas for immigrants from every country.

1965: *Immigration and Nationality Act:* ended national quota system and replaced it with preference system for immigrants from the Eastern Hemisphere.

1986: *Simpson-Mazzoli Act:* amnesty for 3 million undocumented immigrants who had lived continuously in the country since January 1, 1982; and penalties for employers who willingly hired undocumented immigrants.

20th Century

21st

Century

2002: The Department of Homeland Security is Established which incorporated over 22 federal agencies including the Immigration and Naturalization Service (INS) which oversaw immigration in the U.S.

2006: *Act 126* passes in Wisconsin, barring immigrants without documented status from obtaining a driver's license in the state.

2012: Deferred Action for Childhood Arrivals Begins

2021: District Court of Southern Texas rules the DACA final rule unconstitutional: maintains the current stay for individuals already in the program but does not allow for new applicants

History of Migration in Wisconsin

Following the moral importance in discussing immigration and a general timeline, let's look at the background of immigration in Wisconsin. Since the beginning of the state, there have always been immigrant communities. Germans, Scandinavians, and other Europeans were some of the earliest. Groups like Irish Catholics and others followed. It is important to note many nationalities of people coming to the United States faced opposition and xenophobic fearmongering to their entry. Assumption about their ability to be law-abiding citizens or assimilate into American culture affected many communities, demonstrating that some modern attitudes, while unique to the current moment in many ways, also have commonalities with the fears and concerns of past generations. Moreover, migration has brought positive changes to the country—new cultural expressions of diversity and economic benefits for the existing population such as greater tax bases and increased labor.

Mexicans in Wisconsin

Given the large portion of Mexican DACA recipients in Wisconsin and across the country, the presence of Mexicans can be seen as a case study of how immigration is experienced in the state. It also is crucial to note how the current wave of anti-immigrant sentiment often centers on anti-Latino sentiment and anti-Mexican sentiment. DACA recipients and other migrant groups that struggle for more permanent solutions to their precarious nature such as a pathway to citizenship thus inherit the historical challenges and patterns carried through to the present day. Since the 1800s, there have been Mexican Americans in Wisconsin and that number only increased with the turn of the century. Many Mexicans came as migrant workers to do farm labor and return home during the winter.

However, many also began to establish themselves in communities more permanently in what were called colonias which included boarding homes. Mexicans were often barred from receiving citizenship in the early 20th century due to racialized policies that excluded people of Latino descent.

This also affected housing which required many Mexicans in Wisconsin to rely on their place of occupation or the help of charities to provide shelter to them and their families.

Bracero Program

The 1942 Mexican Farm Labor Agreement (also known as the Bracero Program) was a series of guest worker programs between the U.S. and Mexico. Between 1942 and the end of the program in 1964, there were more than 4.6 million workers that came from Mexico to the U.S. under this program. Many became farm workers in states like Wisconsin (including helping with the cherry harvest in Door County). These workers often encountered substandard working conditions and a number of individuals fled to cities such as Milwaukee to join higher paying jobs such as becoming railroad workers. This history helped shape migrant communities in Wisconsin.

After the end of the Bracero program, a shift in talking about migrants in Wisconsin and across the country occurred. A binary of “illegal” vs “legal” began to take shape that affects our politics today. The ability for individuals to have documentation has in discourse moved from being a matter of federal policy and more of one of personal responsibility. The legal system around immigration has shaped and changed overtime in who is policed, incarcerated, and ultimately deemed worthy of legal status. One can look to the world order created after WWII in what specific criteria defines one’s ability to obtain asylum for example. Other reasons for human movement such as economic opportunity can often be frowned upon especially when discussing the national identity of the person seeking to migrate. It often results in migrants needing to justify their existence in the United States or in a state like Wisconsin rather than migration being perceived as a natural human process that has existed throughout all of history.

Wisconsin Migrants Today

300,000 immigrants reside in Wisconsin.

Immigrant share of population: 5.1%.

Immigrant taxes paid: \$3.1B total (\$1.1B state and local taxes paid).

Immigrant spending power: \$8.5B.

Top Countries of Origin for Immigrants in Wisconsin:

Country	Percentage
Mexico	28.7
India	8
Laos	4.3
China	4.1
Philippines	3.8

Top Occupations with Highest Share of Immigrant Workers:

#1 Packers and packagers
#2 Agricultural workers
#3 Physicians
#4 Software Developers
#5 Janitors and building cleaners

Undocumented Immigrants in Wisconsin

Estimated number: 76,941

\$2.1B Undocumented household income

\$1.8B Total spending power

State & Local Taxes Paid \$103.4M

Federal Taxes Paid \$128.5M

*Share of immigrant population that is
undocumented: 25.4%*

*Share of population that is undocumented:
1.3%*

*Share of workforce that is undocumented:
1.8%*

DACA Recipients in Wisconsin

Number of active DACA recipients: 5,790

Number of people with DACA granted: 8,276

Refugees in Wisconsin

Number of likely refugees: 29,462

Refugee household income: \$1.1B

State and local taxes paid: \$112.0M

Federal taxes paid: \$187.4M

Deferred Action for Childhood Arrivals

Background

Deferred Action for Childhood Arrivals (DACA) is a federal policy created by the Department of Homeland Security in 2012 that allows certain individuals brought to the United States as children may request consideration of deferred action for a period of two years, subject to renewal. 578,680 DACA recipients are in the U.S. On September 13, 2023, the U.S. District Court for the Southern District of Texas issued a ruling that ended the DACA program for new applicants. However, existing recipients can continue to keep their status and reapply.

Criteria for DACA:

- Brought to the U.S. as children before 2012.
- Undergo extensive biennial background check.
- Currently enrolled in school, obtained high school diploma/GED or honorably discharged veteran of the U.S. Coast Guard or armed forces
- Pay \$495 every two years.
- Register for US military draft.
- Have Work Authorization, Social Security cards, and Driver Licenses
- Pay Federal & State taxes.

DACA in Wisconsin

- According to the Migration Policy Institute as of March 2023, there are 5,790 DACA recipients.
- In 2021, DACA recipients contributed \$44.6M in Federal taxes, \$30.7M in local & state taxes, and yield \$223.9M in spending power.

Wisconsin Legislative Efforts for DACA

- DACA recipients would pay in-state tuition for the Wisconsin System
- Tax credit for recipients of deferred action under the Deferred Action for Childhood Arrivals program
- Eligibility to receive occupational credentials for recipients of deferred action under the Deferred Action for Childhood Arrivals program.
- Appointment of DACA recipients as law enforcement officers

Myths and Facts Regarding DACA

The Deferred Action for Childhood Arrivals program was put into place in 2012 by the federal government to defer action of deportation for some individuals who were brought over to the United States as children. The legal limbo the federal government has created for these individuals has led to much confusion about the program so here are some helpful facts to debunk common misconceptions.

Myth #1: DACA is just another way to bypass the rule of law and encourages illegal migration.

FACT: As stated in the above summary, to qualify for DACA, individuals in the program had to be brought to the United States as children meaning that they did not have agency in deciding to come here. Individuals have testified in the Wisconsin legislature that they too are worried about people breaking our immigration laws and that they simply want to continue contributing to the U.S.'s economy—the only country they have truly known. On Sept. 13, 2023, the U.S. District Court for the Southern District of Texas ruled that the DACA program could not take new applicants but kept the status quo for current participants in the program. While they do not have citizenship, they are authorized to remain in the U.S. under the DACA program provided they meet strict requirements including a federal background check every two years and little to no criminal record. In other words, these are highly vetted individuals.

Myth #2: DACA recipients are stealing jobs from hard working Americans.

FACT: DACA recipients are given work authorization but like many states, Wisconsin is facing a labor shortage. Industries such as the police force have had record low job fillings in recent years. The current legislative effort to allow them to be police officers and another bill to grant them occupational licensing would allow for more economic prosperity for Wisconsin. To reiterate, this is a finite group of individuals willing to collaborate with citizens of the U.S. not lawbreakers seeking to one-up others.

Myth #3: This is solely a federal policy issue and there is not a need for state legislation regarding DACA recipients.

FACT: While immigration policies are heavily dependent on the federal government, we know that this issue affects local communities here which is why there is a bipartisan effort to bring several bills to Wisconsin's legislature. These bills deal with issues that Wisconsin has control over: whether or not DACA recipients get occupational licensing, the ability to receive a tax credit (to help reduce the burden of the \$495 dollars they have to pay every two years to maintain their status), the ability to be police officers, and their ability to pay in-state tuition. Other states have legislated on these issues and Wisconsin is falling behind.

Myth #4: DACA recipients are a drain on our welfare state/do not contribute positively to our economy.

FACT: While immigration policies are heavily dependent on the federal government, we know that this issue affects local communities here which is why there is a bipartisan effort to bring several bills to Wisconsin's legislature. These bills deal with issues that Wisconsin has control over: whether or not DACA recipients get occupational licensing, the ability to receive a tax credit (to help reduce the burden of the \$495 dollars they have to pay every 2 years to maintain their status), the ability to be police officers, and their ability to pay in-state tuition. Other states have legislated on these issues and Wisconsin is falling behind.

Myth #5: There aren't any reasons for conservatives to support legislation around DACA in Wisconsin.

FACT: There is a reason these legislative efforts are bipartisan and it's because strong conservatives see their values in them. A strong economy that removes bureaucratic red tape is one of the impotences behind this legislation. DACA recipients have to prove themselves to keep their status by graduating high school, receiving a GED, or serving in our armed forces. Their federal background checks make them quality candidates for employers that are desperate to fill Wisconsin's labor force. Their contribution to the economy without burdening our social safety net means that there is a win-win for Wisconsin's conservative community. These are patriotic individuals ready to work and Wisconsin can become an attractive state for this talent.

Driver's Licenses for All

The Lutheran Office for Public Policy in Wisconsin (LOPPW) has a long history of advocating for driver's licenses for all.

Background: Real ID and Driver's Licenses in Wisconsin

In 2005, Congress passed the Real ID Act after the 9/11 Commission recommended that the federal government set standards for identification. It set minimum security standards for state issued driver's licenses and ID cards for certain purposes. These purposes are accessing a nuclear facility, boarding federally regulated aircraft, and accessing certain federal facilities.

A New Wisconsin Law

The Real ID Act did not require states to stop issuing driver's licenses to undocumented Wisconsinites, but some state lawmakers decided in response to restrict this right.

Since 2007, under Act 126, Wisconsin has required that people provide proof of citizenship or authorized presence to apply for or renew a driver's license. State issued driver's licenses fall under the constitutional authority of the 10th Amendment. 19 states plus Puerto Rico and Washington D.C. have enacted legislation granting driver's licenses regardless of immigration status. According to the Migration Policy Institute, there are 70,000 residents that lack permanent legal status in Wisconsin. However, they also estimated that around 67,000 undocumented immigrants would be eligible for driver's licenses if access was granted.

Benefits of Expanding Driver's Licenses

Safer Roads

- Licensed drivers are statistically more likely to remain on the scene of a crash than unlicensed drivers. Having a form of identification in the form of a driver's license increases trust between undocumented immigrants and authorities.
- Officers and other authorities would have an easier time in cases of emergency in identifying individuals.
- This proposal would allow employers and employees to have better coordination regarding travel to and from work. Especially in rural areas, where public transportation is limited but local economies rely on immigrant labor, having driver's licenses for undocumented people would open more opportunities for them and their families.

Boost State Revenue

- Kids forward estimates that Wisconsin could see \$2.9M in additional state revenue as individuals register their vehicles. Moreover, wheel taxes by local municipalities could also bring in needed revenue.
- If granted licenses, more undocumented people could obtain car insurance. By having more insured drivers, the cost of premiums could be reduced for all drivers due to less hit and runs. Kids Forward estimates insurance premiums could decrease by \$17 annually.

Other Benefits

- Driver's licenses would not give the right to vote, change their immigration status, or give them access to public benefits. However, it would make it easier to open a bank account, get a credit card, obtain a library card, and pick up a child from childcare.

Study Questions

1. What attitudes/beliefs have prevented progress for immigrant rights in Wisconsin and the U.S. more broadly?
2. What changes would you like to see for immigration reform on the state level? On the federal level?
3. How does scripture influence our views of immigrants? What stories can we draw upon to find wisdom in discussing issues of immigration?
4. Activity: In a small group, reflect on what your family's history is related to immigration. Do you come from a family of immigrants? How many generations has your family been in this country to the best of your knowledge? Imagine what the lives of your ancestors may have been like if they were immigrants.
5. After reading this guide, what other questions do you have about immigration?

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