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Essential and Invisible

The Urgent Case for Supporting Immigrant Essential Workers

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Introduction

Our country's reliance and dependence on essential workers has been a constant amid the uncertainty of the COVID-19 pandemic and economic crisis. While many people had the privilege to stay home and telework, millions of essential workers—including countless immigrant workers—continued to go to work while risking their health and the health of their families. Immigrant workers and workers of color—disproportionately represented among essential workers and in jobs paying low wages—have kept us fed, cared for us, and allowed us to meet our basic needs. Despite their central role, many essential workers lack the basic health and safety protections, job benefits, and family-sustaining wages that allow them to prosper and care for themselves and their families. The pandemic has underscored the mass devaluing of essential work and the contributions of immigrant workers. Our nation can only achieve an equitable economic recovery by implementing policies that improve the conditions and circumstance of low wage work *and* advance economic opportunity through a pathway to citizenship.

Immigrant Workers in Jobs Paying Low Wages

Over 55 million essential workers risked their health, and the health of their families, on the frontlines of our economy as grocery store clerks, domestic workers, and construction workers throughout the public health crisis.¹ Because of the poor quality of jobs in the low-wage sectors, many of these workers lack vital workplace protections, livable wages, or benefits like paid leave and paid sick days that are crucial to the economic security of them and their families. The COVID-19 pandemic exacerbated many of these barriers for essential workers, workers paid low wages, and workers of color.² For instance, lack of enforcement by the federal government and employers for workplace safety COVID-19 precautions endangered the health of millions of workers and their families.³ This is particularly concerning because:

- Approximately, 69 percent of all immigrant workers and 74 percent of all undocumented workers are employed in essential industries.⁴
- About 54 percent of immigrant essential workers are undocumented and working in farms and agriculture jobs supplying food to families.⁵

Aside from making up a large share of frontline essential occupations, immigrants are over-represented in sectors most immediately devastated by mass layoffs and who are especially critical to the economic growth of our country.⁶ For example, immigrants faced an unemployment rate of 12-14 percent in July 2020 compared to the national unemployment rate of 10 percent.⁷ Undocumented immigrants who remained employed in high-risk COVID-19 jobs were paid wages up to twice that of the poverty level — insufficient to meet bills and expenses.⁸

Essential workers are also less likely to have access to health care than nonessential workers, which underscores the potentially fatal implications for essential workers and their families of

continuing to work under dangerous conditions during the pandemic.⁹ In particular, immigrant workers are significantly less likely to be insured when compared to citizens—putting them at higher risk for health complications. Among the nonelderly population in 2018, only 9 percent of citizens were uninsured compared to 23 percent of lawfully present immigrants and 45 percent of undocumented immigrants.

While the challenges of low-wage work create enduring hardships for workers under any circumstances, such work during a pandemic created greater harm. In 2020, few – just 31 percent - of workers earning the lowest wages had access to paid sick leave, which forced them to go to work sick or lose income.¹⁰ The longstanding lack of sufficient labor standards and enforcement created egregious conditions during the pandemic. For example, meatpacking and poultry plants—whose workforces are primarily people of color and immigrants—had employees working in close proximity to one another without COVID-19 precautions (until much later). This left many at risk for contracting the virus and consequently facing life-threatening illness. In fact, COVID-19 infections “among meat- and poultry-processing workers more than tripled” in May 2020.¹¹ And the lack of sufficient labor standards and enforcement also led to a quadrupling of deaths among workers employed in meatpacking and poultry plants due to the coronavirus.¹²

Lack of Worker Protections

Employer retaliation is a common and harmful worker rights’ violation that can have detrimental consequences for immigrant workers.¹⁶ Immigrant workers, and in particular undocumented workers, often work in industries with significant labor standards violations and can face employer retaliation in the form of harassment and intimidation. This can include threats of reporting them to Immigration and Customs Enforcement (ICE) to force employees into cooperating with employer’s demands and not reporting workplace violations to labor

DACA and TPS Recipients and Families in Essential Occupations

People who have Deferred Action for Childhood Arrivals (DACA) status and those who are recipients of Temporary Protective Status (TPS) make up a significant share of the pandemic’s immigrant essential workers who were also dealing with the uncertainty of having their status in limbo. DACA was being litigated in the Supreme Court while many TPS holders faced losing their status. Yet they were a driving force in protecting the health and safety of their community.

Across the country, 202,500 DACA recipients are employed in health care, manufacturing, education, and agricultural industries.¹³ Over 131,000 TPS holders are also supporting the U.S. economic recovery in restaurants and food service establishments, grocery stores, and food-related wholesale trade.¹⁴

Over 256,000 U.S. born children have at least one parent who is a DACA recipient, and 273,000 U.S. born children have parents who are TPS holders.¹⁵

agencies.¹⁷ Although labor laws have aimed to address these illegal practices, they are still rampant in low-wage and essential work where immigrants are overrepresented.¹⁸ Recently, immigrant workers at a bakery in New York faced threats of deportation during a unionization effort after workers were being harassed and working without COVID-19 workplace precautions in place.¹⁹

During the pandemic, employers have ignored worker demands for COVID-19 workplace safety measures. Many employees have also faced employer retaliation.²⁰ Immigrant workers who cannot afford to lose their jobs continue to work in an environment with unfair labor practices, risking their health and safety. Employers often perpetuate this cycle during economic downturns. For instance, many workers earning low wages in the Great Recession saw high rates of minimum wage violations as the risk, and rate, of unemployment grew higher.²¹ With a history of living in poverty due to discriminatory policies based on status and income, immigrant families have always experienced greater economic insecurity. Nearly half of essential workers make less than \$15 an hour, which is largely insufficient to meet their basic expenses and ensure their wellbeing.²² Working parents in low-wage and high COVID-19 exposure jobs struggled to balance work outside of the home because of lack of affordable child care and/or the need to assist their children with online schooling.²³ Considering that immigrant and mixed-status households experience higher rates of food and financial insecurity, they risk falling deeper into poverty as the pandemic lengthens.²⁴

Immigrant Essential Workers and Their Families During COVID-19

Immigrant essential workers and their families were more likely than other groups to face severe implications from the COVID-19 pandemic with very little to no government assistance. The Trump Administration largely excluded undocumented immigrant workers from COVID relief legislation meant to address increased unemployment and economic insecurity. Moreover, continued chilling effects of the Trump public charge rule, which was implemented in February 2020 at the height of the pandemic, reduced access for immigrant families to public programs that help people meet their basic needs.²⁵

Due to systemic barriers and anti-immigrant policies, immigrant families disproportionately have low incomes and often lack barriers to accessing basic public programs, including health and nutrition services.²⁶ Although most children in immigrant families are U.S. citizens, their parents are often reluctant to seek critical services on their behalf. As a result of discriminatory policies that restrict and eliminate access to programs meant to alleviate poverty, immigrant parents face additional barriers to earning a living wage, remaining healthy, and providing for their children. Therefore, children in immigrant families are more likely to face poverty and associated hardship, which can have lifelong impacts on their health, development, and wellbeing.²⁷

Financial Instability and Food Insecurity

Prior to the COVID-19 pandemic, immigrant and mixed-status families faced disparate rates of financial instability and food insecurity. These inequities, alongside others, were exacerbated by the health crisis and forced many immigrant essential workers to figure out how to provide for their families while not getting evicted from their homes, meeting bill payments, and risking their health if they were employed. With meager federal and state COVID-19 relief, immigrant and mixed-status families are still struggling to navigate the consequences of the pandemic.²⁸

For example, mixed-status immigrant families that included tax filers without a Social Security number were excluded from early rounds of federal stimulus checks meant to alleviate financial burden such as rent, bills, and buying food for their families.²⁹ Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020, policymakers excluded approximately 5.1 million U.S. citizens and legal immigrants from federal stimulus payments of up to \$1,200 because one or both adults in the household filed taxes with an Individual Taxpayer Information Number (ITIN).³⁰ Later rounds of federal relief in December and March 2021 addressed this exclusion and expanded relief to more mixed-status families, but still left out undocumented children and 9.3 million unauthorized immigrants.³¹ Most recently, after more than a year since the beginning of the pandemic, the American Rescue Plan passed in March 2021 provided \$1,400 stimulus checks to 2.2 million children, including those in mixed-status families.³²

In addition to financial instability, immigrant and mixed-status families were limited in accessing food and income supports programs. Eligibility restrictions, fear, and confusion about anti-immigrant policies kept many immigrant workers from accessing federal health and nutrition programs including Medicaid and the Supplemental Nutrition Assistance Program (SNAP) meant to support families and alleviate poverty.³³

Notably, years before COVID-19 in 2016, a shocking 60 percent of undocumented migrant and seasonal workers were food insecure.³⁴ Among families with children, more than one in five infants with non-citizen parents were food insecure during the early months of the pandemic.³⁵ These rates have only worsened during the pandemic, particularly for immigrant workers of color.³⁶

One critical program created in response to the COVID-19 pandemic was Pandemic-EBT (P-EBT), a temporary school meal nutrition program that loaded benefits onto an EBT card for children who lost access to school meals due to COVID-related school closures.³⁷ Families could use the P-EBT card to purchase groceries at grocery stores. The program was able to serve immigrant and mixed status families because it was based on school-aged children's eligibility for free and reduced priced meals and did not have an immigration status requirement.³⁸ Immigrant families who received P-EBT reported feeling less stressed about meeting their expenses and feeding their children.

Essential Workers Must be Centered in Worker Justice and Immigration Policies

Many have rightfully praised the perseverance and tenacity of essential workers during the pandemic. However, our nation has not reciprocated with comprehensive policy efforts to combat the lasting implications of institutionalized racism and discrimination.

Essential workers, particularly immigrant workers, have been crucial to keeping the nation functioning while receiving little to no federal aid, despite being disproportionately affected by COVID and burdened with low pay, benefits, and worker protections. Given that immigrants make up 14 percent of the U.S. population and that a quarter of all U.S. children live in immigrant families, our nation simply cannot achieve a strong recovery without prioritizing the needs of immigrants and their families. In fact, research proves that a pathway to citizenship for immigrants would add \$1.7 trillion to the U.S. GDP over the next 10 years.³⁹

Immigrant workers, like all workers, deserve protections under the law and the opportunity to achieve economic stability. Workers need:

- Fair wages;
- Benefits, such as paid sick days and paid family and medical leave;
- Worker protection and enforcement of labor standards;
- Access to core public benefit programs—including health and nutrition services and income supports—to ensure family economic stability; and
- A pathway to citizenship for immigrant essential workers, Dreamers, and TPS holders.

As we strive to honor the contributions of essential immigrant workers and their families throughout the pandemic, we must center their needs by ensuring them access to the benefits and protections that are essential to an inclusive, economic recovery. Being able to take time off to recover if a worker gets sick or vaccinated or to take care of loved ones if they are sick or need to recover from the side effects of vaccinations, is the cornerstone of attaining economic security for working families and workers earning low wages.

A pathway to citizenship for essential workers and other immigrants can provide security and stability that leads to improved family outcomes and boost overall U.S. economic growth.⁴⁰ Children in particular benefit when their parents have increased access to better-quality jobs and when parents face less stress.⁴¹ For undocumented workers or workers with temporary work authorization, fear of family separation or deportation can cause high levels of stress and anxiety on top of financial constraints, which can harm parents and children.⁴² A pathway to citizenship for undocumented immigrants would increase wages and productivity not only for those eligible for legalization, but also for all American workers—creating hundreds of thousands of jobs, and

increasing tax revenue.⁴³ Policymakers must understand the urgency of building a fair and humane U.S. immigration system.

Conclusion

The U.S. economy continues to stay afloat thanks in large part to the tremendous contributions of essential and immigrant workers. However, this has come at a staggering cost to their livelihoods, economic security, and health—with far too many paying the ultimate price by succumbing to COVID-19. We should be ashamed as a nation that this has been the case.

An equitable and inclusive economic recovery must more broadly center the needs of immigrant workers and essential workers, as well as their families. Excluding essential workers based on their immigration status flies in the face of the recognition we have heaped on essential workers for their critical role in having kept the nation functioning through an unprecedented health crisis. Immigrant communities were already facing barriers that the pandemic significantly exacerbated, making them vulnerable to contracting COVID-19 and having to overcome job loss, financial instability, and food insecurity. As a result, immigrant communities have been disproportionately affected by the pandemic. Policymakers have an obligation to protect and support immigrants as the country works toward a full recovery.

Endnotes

¹Celine McNicholas and Margaret Poydock, *Who are Essential Workers? A comprehensive look at their wages, demographics, and unionization rates*, Economic Policy Institute, May 2020, <https://www.epi.org/blog/who-are-essential-workers-a-comprehensive-look-at-their-wages-demographics-and-unionization-rates/>.

²Adewale Maye, Asha Banerjee, and Cameron Johnson, *The Dual Crisis: How the COVID-19 Recession Deepens Racial and Economic Inequality Among Communities of Color*, Center for Law and Social Policy, November 2020, <https://www.clasp.org/publications/report/brief/dual-crisis-how-covid-19-recession-deepens-racial-and-economic-inequality>.

³David Michaels and Gregory R. Wagner, *Halting Workplace COVID-19 Transmission: An Urgent Proposal to Protect American Workers*, The Century Foundation, October 2020, <https://tcf.org/content/report/halting-workplace-covid-19-transmission-urgent-proposal-protect-american-workers/>.

⁴Donald Kerwin, Mike Nicholson, Daniela Alulema, and Robert Warren, *U.S. Foreign-Born Essential Workers By Status and State, and the Global Pandemic*, Center for Migration Studies, May 2020, <https://cmsny.org/publications/us-essential-workers/>.

⁵Ibid.

⁶Julia Gelatt, *Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable*, Migration Policy Institute, March 2020, <https://www.migrationpolicy.org/research/immigrant-workers-us-covid-19-response>.

⁷*COVID-19 and Its Effect on Immigrant Workers*, Boundless Immigration Inc., September 2020, <https://www.boundless.com/blog/coronavirus-immigrants-job-losses/>.

⁸*Immigrant Essential Workers are Crucial to America's COVID-19 Recovery*, FWD.us, December 2020, <https://www.fwd.us/news/immigrant-essential-workers/>.

⁹Winifred L. Boal, Jia Li, Sharon Silver, *Health Care Access Among Essential Critical Infrastructure Workers, 31 States, 2017-2018*, Public Health Supports, March 2021, <https://journals.sagepub.com/doi/full/10.1177/0033354921996688>.

¹⁰*National Compensation Survey: Employee Benefits in the United States, March 2020*, U.S. Bureau of Labor Statistics, <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

¹¹Ruqaiyah Yearby, *Meatpacking Plants Have Been Deadly COVID-19 Hot Spots – But Policies That Encourage Workers to Show Up Sick are Legal*, The Conversation, February 2021, <https://theconversation.com/meatpacking-plants-have-been-deadly-covid-19-hot-spots-but-policies-that-encourage-workers-to-show-up-sick-are-legal-152572>.

¹²Matthew R. Groenewold, PhD, Sherry L. Burrer, DVM, Faruque Ahmed, PhD, Amra Uzicanin, MD, Hannah Free, MPH, and Sara E. Luckhaupt, *Increases in Health-Related Workplace Absenteeism Among Workers in Essential Critical Infrastructure Occupations During COVID-19 Pandemic – United States, March-April 2020*, Centers for Disease Control and Prevention, July 2020, <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6927-H.pdf>.

¹³Nicole Prchal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, Center for American Progress, April 2020, <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

¹⁴Nicole Prchal Svajlenka and Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the the Coronavirus Crisis*, Center for American Progress, April 2020, <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>.

¹⁵Ibid; Robert Warren and Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Population from El Salvador, Honduras, and Haiti*, Center for Migration Studies, <https://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/>.

- ¹⁶Monica Campbell, *Farmworkers are Getting Coronavirus. They Face Retaliation for Demanding Safe Conditions*, The World, July 2020, <https://www.pri.org/stories/2020-07-29/sick-covid-19-farmworkers-face-retaliation-demanding-safe-conditions>.
- ¹⁷Tanay L. Goldman, *Labor Standards Enforcement Toolbox: Tool 5: Addressing and Preventing Retaliation and Immigration-Based Threats to Workers*, Center for Law and Social Policy, April 2019, https://www.clasp.org/sites/default/files/publications/2019/04/2019_addressingandpreventingretaliatio n.pdf.
- ¹⁸Tom Spiggle, *Why Workplace Abuse Plagues Undocumented Workers*, Forbes, August 2019, <https://www.forbes.com/sites/tomspiggle/2019/08/22/why-workplace-abuse-plagues-undocumented-workers/?sh=3d02802a49b2>.
- ¹⁹Jordan Williams, *Tate's Bake Shop Allegedly Threatened Undocumented Workers With Deportation if They Unionized*, The Hill, March 2021, <https://thehill.com/blogs/blog-briefing-room/news/542856-tates-bake-shop-threatened-undocumented-workers-with>.
- ²⁰Deborah Berkowitz and Shayla Thompson, *OSHA Must Protect COVID Whistleblowers Who File Retaliation Complaints*, National Employment Law Project, October 2020, <https://www.nelp.org/publication/osha-failed-protect-whistleblowers-filed-covid-retaliation-complaints/>.
- ²¹Janice Fine, Daniel Galvin, Jenn Round, and Hana Shepherd, *Maintaining Effective U.S. Labor Standards Enforcement Through the Coronavirus Recession*, Washington Center for Equitable Growth, September 2020, <https://equitablegrowth.org/research-paper/maintaining-effective-u-s-labor-standards-enforcement-through-the-coronavirus-recession/>.
- ²²Molly Kinder and Laura Stateler, *A Policy Manifesto for Paying, Protecting, and Empowering Essential Workers*, Brookings Institute, March 2021, <https://www.brookings.edu/research/a-policy-manifesto-for-paying-protecting-and-empowering-essential-workers/>.
- ²³Ruth Igielnik, *A Rising Share of Working Parents in the U.S. Say It's Been Difficult to Handle Child Care During the Pandemic*, Pew Research Center, January 2021, <https://www.pewresearch.org/fact-tank/2021/01/26/a-rising-share-of-working-parents-in-the-u-s-say-its-been-difficult-to-handle-child-care-during-the-pandemic/>.
- ²⁴Rocio Perez, *Pandemic EBT in California: Lessons and Opportunities to End Childhood Hunger*, California Association of Food Banks, March 2021, https://www.cafoodbanks.org/wp-content/uploads/2021/03/2021_CAFB_Pandemic-EBT_Report.pdf.
- ²⁵Juan Carlos Gomez and Vanessa Meraz, *Immigrant Families during the Pandemic: On the Frontlines but Left Behind*, Center for Law and Social Policy, February 2021, <https://www.clasp.org/publications/report/brief/immigrant-families-pandemic-frontlines>.
- ²⁶*Immigrant Eligibility for Public Programs During COVID-19*, Protecting Immigrant Families, March 2021, <https://protectingimmigrantfamilies.org/immigrant-eligibility-for-public-programs-during-covid-19/>.
- ²⁷Randy Capps, Michael Fix, Jason Ost, Jane Reardon-Anderson, and Jeffery S. Passel, *The Health and Well-being of Young Children of Immigrants*, Urban Institute, February 2005, <https://www.urban.org/sites/default/files/publication/51501/311139-The-Health-and-Well-Being-of-Young-Children-of-Immigrants.PDF>.
- ²⁸Randy Capps, Jeanne Batalova, and Julia Gelatt, *COVID-19 and Unemployment: Assessing the Early Fallout for Immigrants and Other U.S. Workers*, Migration Policy Institute, June 2020, <https://www.migrationpolicy.org/research/covid-19-unemployment-immigrants-other-us-workers>.
- ²⁹Sarah Ruiz-Grossman, *Undocumented Immigrants Won't Get Stimulus Checks – For Third Time Around*, Huffington Post, March 2021, https://www.huffpost.com/entry/undocumented-immigrants-no-stimulus-checks-coronavirus-again_n_6048025fc5b636ed3376acac.
- ³⁰Julia Gelatt, Randy Capps, and Michael Fix, *Nearly 3 Million U.S. Citizens and Legal Immigrants Initially Excluded under the CARES Act Are Covered under the December 2020 COVID-19 Stimulus*, Migration Policy Institute, January 2021, [https://www.migrationpolicy.org/news/cares-act-excluded-citizens-immigrants-now-covered#:~:text=The%20Migration%20Policy%20Institute%20\(MPI,or%20spouses%20of%20unauthorized%20immigrants](https://www.migrationpolicy.org/news/cares-act-excluded-citizens-immigrants-now-covered#:~:text=The%20Migration%20Policy%20Institute%20(MPI,or%20spouses%20of%20unauthorized%20immigrants).
- ³¹Ibid.

³² Kathryn Menefee, *How the American Rescue Plan Provides Critical Relief to Women and Families*, National Women's Law Center, March 2021, <https://nwlc.org/blog/how-the-american-rescue-plan-provides-critical-relief-to-women-and-families/>.

³³ *Addressing Barriers to Immigrant Food Access in California*, The Food for All Stakeholder Workgroup, March 2020, <https://nourishca.org/wp-content/uploads/2020/04/FinalFoodforAllStakeholderWorkgroupReport.pdf>.

³⁴ *Hunger and Poverty Among Immigrants*, Bread for the World, August 2016, <https://www.bread.org/sites/default/files/downloads/immigrants-fact-sheet-2016>.

³⁵ Lauren Bauer, *The COVID-19 Crisis Has Already Left Too Many Children Hungry in America*, Brookings Institute, May 2020, <https://www.brookings.edu/blog/up-front/2020/05/06/the-covid-19-crisis-has-already-left-too-many-children-hungry-in-america>.

³⁶ *COVID-19 Exacerbates Food Insecurity in Latino Children & Families*, Center for Primary Care, Harvard Medical School, July 2020, <https://info.primarycare.hms.harvard.edu/blog/covid-food-insecurity-latino>.

³⁷ State Guidance on Coronavirus P-EBT | USDA-FNS. Fns.usda.gov. <https://www.fns.usda.gov/snap/state-guidance-coronavirus-pandemic-ebt-pebt>. Published 2021. Accessed June 14, 2021.

³⁸ Pandemic EBT - Food Research & Action Center. Food Research & Action Center. <https://frac.org/pebt>. Published 2021. Accessed June 14, 2021.

³⁹ Giovanni Peri and Reem Zaiour, *Citizenship for Undocumented Immigrants Would Boost U.S. Economic Growth*, Center for American Progress, June 2021,

<https://www.americanprogress.org/issues/immigration/reports/2021/06/14/500433/citizenship-undocumented-immigrants-boost-u-s-economic-growth/>.

⁴⁰ Ibid.

⁴¹ Stephanie Schmitt, Hannah Matthews, and Olivia Golden, *Thriving Children, Successful Parents: A Two-Generation Approach to Policy*, Center for Law and Social Policy, July 2014,

<https://files.eric.ed.gov/fulltext/ED561729.pdf>.

⁴² Juan Carlos Gomez and Vanessa Meraz, *Immigrant Families during the Pandemic: On the Frontlines but Left Behind*, Center for Law and Social Policy, February 2021,

<https://www.clasp.org/publications/report/brief/immigrant-families-pandemic-frontlines>.

⁴³ Giovanni Peri and Reem Zaiour, *Citizenship for Undocumented Immigrants Would Boost U.S. Economic Growth*, Center for American Progress, June 2021,

<https://www.americanprogress.org/issues/immigration/reports/2021/06/14/500433/citizenship-undocumented-immigrants-boost-u-s-economic-growth/>.