

# IMMIGRATION IN KENTUCKY

## *A Preliminary Description*



**RESEARCH REPORT NO. 305**

**LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY**

**March 2002**



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IN KENTUCKY**  
*A Preliminary Description*

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Research Report No. 305

LEGISLATIVE RESEARCH COMMISSION

March 2002

This report was prepared by the Legislative Research Commission and printed with state funds.

This report is available in alternative forms on request



## **FOREWORD**

The 2000 General Assembly directed Legislative Research Commission staff to study the effect of immigration on the Commonwealth's public and private sectors. The Legislature directed staff to explore several topics related to the phenomenon of immigration in the state. This report presents the results of that review.

The report is prepared for use in the 2002 legislative session. However, it does not represent the end of LRC staff's work on this important issue. Because needed census data will not be available until sometime in 2002, staff will revisit the issue again to update work presented in this report.

This report is the result of the dedicated effort of LRC staff. Our appreciation also is expressed to the many people from the public and private sector who provided information, insights, and data for this report.

Robert Sherman  
Director

Frankfort, Kentucky  
March 2002



## **ACKNOWLEDGMENTS**

This study represented a significant effort and would have been much more difficult to complete without the cooperation and assistance of many people in both the public and private sectors.

First, staff would like to thank those who agreed to be interviewed for this report, including officials with local health departments, law enforcement agencies, businesses and industries, farms and farm organizations, and the many public and private entities who work with immigration issues. Staff also would like to acknowledge the help received from the Department for Public Health, the Cabinet for Health Services, the Cabinet for Families and Children, Administrative Office of the Courts, the Workforce Development Cabinet, Department of Revenue, and the University of Louisville.

Finally, other current and former LRC staff also contributed to this report. Those include Ginny Wilson, Ph.D., Mike Clark, Ph.D., Biff Baker, Adanna Hydes, DeeAnn Mansfield, Erica Warren and Susan Spoonamore.



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## EXECUTIVE SUMMARY

The 2000 General Assembly adopted HCR 53, directing Legislative Research Commission staff to study the effect of immigration on the Commonwealth's public and private sectors. This report presents the conclusions from that study. In general, it is clear that like the rest of the U.S., Kentucky experienced a significant increase in immigration during the last decade. However, compared to surrounding states and the nation as a whole, immigrants comprise a much smaller share of total population. Approximately 2.5 percent of Kentucky residents are legal immigrants, compared to ten percent in the U.S. Anecdotal information indicates that the number of undocumented immigrants, particularly from countries in Latin America, increased substantially during the latter half of the decade. Unfortunately, reliable data that would allow assessment of such changes are not available.

Review of available data and research, and interviews with employers, public agencies, and groups that represent immigrants, yielded the following summary conclusions.

- Kentucky's legal immigrant population has tripled since 1990, but remains relatively small at 2.5 percent of total population.
- Legal immigrants are younger, on average, than native state citizens.
- Legal immigrants from countries in Latin America comprised eleven percent of the total legal immigrants in the state in the 1990s. In addition, legal immigrants to Kentucky in the last decade were increasingly from Vietnam, China, India, Cuba and Bosnia.
- There is little reliable data on the number of undocumented immigrants, but the Immigration and Naturalization Service (INS) estimated there were about 6,000 undocumented immigrants in Kentucky in 1996. INS acknowledged that this estimate is likely low.
- Over a third of legal immigrants in the southeast region, which includes Kentucky, worked in lower paying jobs that require little education; however, a significant share of legal immigrants to the southeast were also highly educated professionals.
- Like employers throughout the U.S., Kentucky employers report using an increasing number of immigrant workers, because of an inability to hire native workers at the offered wage. Several interviewed employers and farmers said the availability of immigrant workers was key to their ability to continue in business. Reviewed research does not support the conclusion that immigrant workers reduce the employment or wages of native workers.
- Kentucky has experienced an influx from Latin countries of seasonal and permanent migrant farm workers who are primarily involved in tobacco production. It appears

that as they remain in the state longer, some immigrant farm workers move to other occupations, such as factory and service work.

- Kentucky has fewer students in the state education system with limited English proficiency than the national average; however, school officials report that the requirement to offer instruction to an increasing number of non-English speaking students is having an impact on school budgets.
- Local health departments and emergency medical service agencies also report increasing use by immigrant patients and some resulting budget impacts.
- Law enforcement agencies and court officials report increasing need to expand language capabilities to better communicate with non-English speaking victims, perpetrators, and witnesses. No reliable information exists regarding the effect of increased immigration on crime rates.
- Private social service groups, including churches, have developed programs to assist new immigrant residents in the state.

## **Legal Developments and Population Figures**

Immigration law developments in 2001 can be divided into two categories—pre-terrorist attack and post-terrorist attack. The entire nature of the immigration debate has changed since the September 11, 2001, acts of terror. There is now less discussion of liberalizing immigration requirements and much greater attention regarding assuring that immigrants are involved in legitimate activities.

In Kentucky, the immigrant population has more than tripled since 1990. In 2000, the number of legal immigrants in Kentucky was estimated at 111,000, or approximately 2.5 percent of the state's population. Even though Kentucky ranks among the lowest states in the proportion of immigrants to total state population, the state ranked third highest among all states in immigration increases in the 1990s.

The average age of new legal immigrants entering the U.S. declined to just under 30, which is substantially lower than the current average age of Kentuckians, at 37. The rapid increase in immigrants is bringing more young adults into the southeast region, which includes Kentucky. Vietnamese immigrants had the highest growth rate of new legal immigrants to the state in the 1990s. Collectively, legal immigrants from Latin America comprised about eleven percent of total new legal immigrants to the state in the last decade. Data on the number of undocumented immigrants to Kentucky is unreliable and inconclusive. The Immigration and Naturalization Service estimated that there were 6,000 undocumented immigrants in Kentucky in 1996 but acknowledged that the number could be much higher.

Data show that the average income for legal immigrants in the southeast was higher than the average income of native-born citizens. Also, legal immigrants in the region were

better educated than native-born citizens. For instance, in 2001, of the 8,898 licensed physicians in Kentucky, at least sixteen percent are foreign-born. It also appears that the less educated immigrants in the southeast region are coming from Latin American countries such as Mexico and El Salvador. This is most likely due to the fact that it is less costly for immigrants from countries near U.S. land borders to travel to the country than immigrants who must enter by air or sea. Thus, it is more economically viable for low skill immigrants from Latin American countries to move to jobs in the U.S. than it is for low skill immigrants from other continents.

## **Immigrant Employment Trends**

According to the 2000 Current Population Survey (CPS) approximately twenty-two percent of legal immigrants in the southeast region had occupations that traditionally pay higher wages, while an estimated thirty-five percent of legal immigrants worked in lower wage jobs that require little education. Very few immigrants recorded in the CPS worked in the agriculture sector, although anecdotal reports indicate that undocumented immigrants, who are not measured by the CPS, comprise a significant share of farm workers in some areas of the state. Legal and undocumented immigrants living and working in Kentucky provide several forms of tax revenue to state and local governments. The Commonwealth collects an estimated \$30 million in state sales and excise taxes from noncitizens.

According to the INS, new legal immigrants entering the U.S. and moving to Kentucky during the 1990s reported a variety of occupations. At the same time, a large percentage was not in the traditional labor market because they were students, homemakers, retired, or unemployed. The southeast region's unemployment rate for native-born and naturalized citizens was slightly higher than the national rate in 2000. In terms of the effect on the labor force, immigration does not appear to adversely affect the employment or wages of native-born workers but primarily decreases the wages of the foreign-born population.

Businesses and industries in Kentucky appear to mirror a nationwide phenomenon, that immigrants and refugees are filling jobs that have not attracted sufficient native born applicants. Immigrants are working in a variety of occupations in Kentucky, from professional positions to day-labor jobs. Employers interviewed for this report said they are pleased with immigrant workers, citing a strong work ethic, dependability, and low absenteeism. But employers also reported having to contend with some legal issues that do not arise when they employ citizen workers. Employers, association representatives, refugee center directors, and government officials all agreed that there are undocumented immigrants among the noncitizen workforce in the state, but none can provide a reliable estimate of how many. Employment agencies are becoming a popular avenue for businesses to hire immigrant workers because they take responsibility for checking documentation and offer needed translation services.

Because of a relatively low supply of harvesting labor for agricultural production, Kentucky has experienced an influx of seasonal and permanent migrants, primarily Hispanics, to help with farm work. Congress authorized the H-2A program to allow farmers to hire nonimmigrant aliens on a temporary basis. In FY 2001, about 3,000 immigrant farm laborers came to the state legally under the federal H-2A program (mostly to work tobacco production). An unknown number of other noncitizen agriculture workers in the state are likely undocumented. Despite legalization allowed under 1986 legislation, it is estimated that, nationally, over a third of agricultural workers were in the U.S. illegally. The number of undocumented farm workers in Kentucky is unknown. However, according to state officials and farm operators, many farmers would have difficulty continuing operation without the noncitizen migrant workers.

### **Education Issues**

The increase in immigration to Kentucky is affecting the state's elementary and secondary school system. Educators say their biggest concern is the lack of funding for services and materials geared toward students of limited-English proficiency. At less than one-half of one percent of enrollment, Kentucky's overall number of English language learners of limited-English proficiency is far below the national average. Nevertheless, school districts have to make adjustments to meet the needs of such students. Spanish is the most prevalent idiom spoken by limited-English students, but school districts have to accommodate several languages. Plus, most limited-English students need other services such as tutoring. Conversely, the increasing number of immigrants to the state has had only a small impact on postsecondary institutions to date.

### **Effects on Social Service and Law Enforcement Agencies**

Increasing immigration in Kentucky is also affecting social service agencies, health departments, law enforcement agencies, and the courts. Public entities such as those are attempting to serve the new populations in various ways. Health department officials report serving more immigrants, but the number is not known because they do not collect citizenship data. Health department officials interviewed said increasing immigrant patient loads are affecting their operating budgets. In addition, police agencies are witnessing changes taking place in their communities, but it is unknown if there has been an effect on crime rates. Some law enforcement agency officials expressed concerns about immigrant victimization. All agencies say they are having to communicate with more non-English speaking people in a wider variety of settings. In response, many public agencies are expanding their language capabilities through hiring interpreters and language training for employees. Private social and advocacy groups, including religious organizations, are also developing programs to assist the new immigrant population through language training, housing assistance, referrals, and other social services.

## INTRODUCTION

The face of Kentucky is changing.

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**During the 1990s  
Kentucky had an  
increase in immigrants.**

Historically, white and African-American citizens made up the large majority of the state's population. But as the 20<sup>th</sup> century came to an end and the 21<sup>st</sup> century began, Kentucky became more cosmopolitan. While native-born citizens continue to be far in the majority, new groups of people who have immigrated from the far reaches of the world are settling throughout the state from Ashland to Paducah and from Covington to Somerset.

For years, immigrants have attended state universities, moved to Kentucky as a part of business location decisions, practiced medicine, and assimilated into society in the Commonwealth. But today, it is also not unusual to see grocery stores that sell mainly Latin American foods and to notice an increasing number of immigrant farm, factory, and service workers. In addition, there has been a rise in church-run organizations teaching English classes for immigrants, as well as signs in businesses, factories, and public agencies written in Spanish, and the advent of Spanish newspapers and radio programs.

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**A General Assembly  
resolution directed a  
study of immigration.**

Immigration is making its presence known in Kentucky as in other states in the South and the rest of the U.S. To better understand these changes, the 2000 General Assembly adopted HCR 53, directing Legislative Research Commission staff to study the effect of immigration on the Commonwealth's public and private sectors. The resolution noted that immigration will be an increasing feature of population growth in the U.S., and that Kentucky also has experienced growth in the number of immigrants within its borders. The resolution pointed out and the resulting research has confirmed that immigrants are a growing part of the Kentucky labor force and are often found in difficult to fill occupations, including physicians in rural parts of the state, agriculture workers on tobacco and horse farms, and employees in service industries.

The resolution directed staff to explore the following topics.

- The number of immigrants in Kentucky, their countries of origin, and their demographic profiles;
- The location of immigrants within the state;
- The duration of residence of immigrants in the state;

- Services immigrants are likely to need, the cost of the services, and the governmental and other organizations that bear the cost;
- State and federal benefits for which immigrant households are eligible; indirect costs and benefits from immigration;
- Employment patterns of immigrants in Kentucky and their effect on the availability of labor in those sections in which they are employed; and
- The level of spending by immigrants and its impact on the local and state economy.

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**This report attempts to address immigration, not race or ethnicity.**

This resulting report attempts to examine nationality and immigration, not race or ethnicity. However, there were times when interviewees used ethnic terms, particularly “Hispanic” to signify immigrants from Latin America, primarily Mexico, or even South American countries. Other times, they used the term “immigrant” to denote a noncitizen, regardless of legal or nonlegal immigration status.

It is understood that a major interest in the policy debate on immigration centers on undocumented immigrants. There is a general perception that there are large numbers of undocumented immigrants in Kentucky. Unfortunately, figures on this group are extremely sparse, so little statistical description is presented regarding undocumented immigrants. The major points regarding undocumented immigrants are based on the comments of agency officials interviewed for the report.

During the course of this study, LRC staff found that there appear to be three main noncitizen groups in Kentucky. First, there are legal immigrants, many of whom are educated professionals, such as doctors, holding down well-paying jobs. The legal immigrants have generally integrated well into communities across the state. Another broad group is comprised of refugees who settle in the state legally and have a supporting social service network to help them become acclimated to the state and the U.S. Refugees, for the most part, need the assistance of the U.S. government to bring them from their native country. Third, there are undocumented and temporary workers, many from countries in Latin America, who are able to cross the U.S. border at a relatively low cost. Many of these immigrants are filling low-skill jobs but are earning wages high enough, compared to what they could earn at home, to make the trek to Kentucky worthwhile. It appears that the initial wave of immigration from countries in Latin America to this state came when migrant workers entered the state to work in tobacco fields in central and western Kentucky and horse farms in the Bluegrass

Region. Since that time, many have settled permanently in the state and have left the farms to work in other jobs, such as the service industry and construction.

There are two major limitations regarding this report. First, the data from the 2000 Census that will allow detailed descriptions of the characteristics and location of legal immigrants in Kentucky will not be released until the summer of 2002. At that time it will be possible to update this report to provide a much more reliable profile of legal immigrants in Kentucky.

Second, because undocumented immigrants often resist interactions with representatives of government agencies, no state or federal agency has been able to produce reliable statistics regarding the number and characteristics of undocumented immigrants in Kentucky. While it is clear that the number of residents in Kentucky from countries in Latin America increased significantly during the 1990s, it is not possible to report what percentage of this group is comprised of citizens, legal immigrants, temporary workers allowed under specific federal programs, or undocumented immigrants. Many of those interviewed reported that significant numbers of undocumented immigrants are living and working in this state.

### **Impact of September 11 Attacks**

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#### **September 11 terrorist attacks have affected immigration debate.**

Staff research on this report began well before the events of September 11, 2001, when terrorists commandeered passenger planes and crashed into the World Trade Center in New York, the Pentagon in Washington, and into a rural area in Pennsylvania. The terrorist attacks also may have served to weaken an economy already showing signs of slowing down. Both of these events, coupled with the anthrax scare, have affected immigration and the immigration debate.

An article in the October 15, 2001, edition of the *Washington Post*, "Attacks Alter Politics, Shift Focus of Immigration Debate," indicates that "according to those involved with the issue, the basic image of immigrants has changed, with the image of those who hate the United States and are willing to wreak destruction on its citizens displacing, at least temporarily, the picture of hard-working men and woman in pursuit of the American dream."

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#### **There is less discussion of amnesty and liberalization of immigration policy.**

The Post article points out the tenor and tone of Congressional debate in Washington has shifted from talk of amnesty and liberalization of immigration policy, particularly regarding

immigrants from Latin American countries, to more strident discussion about toughening rules regarding how those from other countries will be allowed to migrate to the U.S.

### **Scope and Methodology**

Data for this report came from several sources. Staff examined reports such as the U.S. Census Bureau's 2000 Current Population Study (CPS), data from the U.S. Immigration and Naturalization Service (INS) reports, U.S. General Accounting Office reports, U.S. Department of Education and Kentucky Department of Education statistical data, journal articles and other studies on immigration issues, farm reports and statistical surveys, and press reports.

The CPS surveys approximately 1,500 people from each state annually. Reliable estimates of the characteristics of immigrants are not available at the state level due to inadequate sample size, therefore regional demographic analysis is provided using the following states to represent the southeast region: Kentucky, Tennessee, Ohio, Indiana, Virginia, West Virginia, Missouri, Alabama, Mississippi, and Arkansas. These states were chosen because they are either contiguous to Kentucky or were thought to have similar immigrant populations. In addition, eight years of data collected by the INS on new legal immigrants as they enter the U.S. was analyzed to provide demographic information on new legal immigrants moving to Kentucky during the 1990s.

In the absence of up-to-date census and other types of data regarding this issue, staff relied on anecdotal information from entities affected by immigration, such as employers, farm operations, local health departments, and law enforcement agencies. Staff contacted health departments at random, but in distinct regions of the state. Staff contacted state and local law enforcement agencies in various parts of the state. LRC staff interviewed educators and education advocates, personnel with businesses and industries, employment agencies, refugee centers, religious organizations, business associations, federal and state agencies, farm operators, and experts in the field of agriculture.

## Organization of the Report

The organization of the report is as follows.

**Chapter 1** presents a discussion of some of the legal issues related to immigration, particularly in the aftermath of the September 11, 2001, terrorist attacks. The chapter also presents available data regarding the legal and undocumented immigrants living in the U.S., Kentucky, and the southeast.

**Chapter 2** describes immigrant employment trends in the state, presents the perspectives of employers who use immigrant and refugee labor, and addresses the use of immigrant labor on Kentucky farms.

**Chapter 3** summarizes ways in which the state's elementary, secondary, and postsecondary schools are affected by the increase in the number of non-English speaking students.

**Chapter 4** discusses immigrant use of social services, including health departments. The chapter also addresses some law enforcement and court issues and describes what some private entities are doing to address the needs of immigrants in the state.

### Some Common Immigration Terms

U.S. immigration law, with its multiple rules, regulations and exceptions, is extremely complicated. Definitions of the many terms related to the law reflect the complexity.

This report uses some common immigration terms drawn from National Conference of State Legislatures listings, a glossary available at the Immigration and Naturalization Service (INS) Web site, the *Triennial Comprehensive Report on Immigration*, and the National Association of Hispanic Journalists.

#### **Immigrant**

For purposes of this report, immigrants are persons admitted to the U.S. for permanent residence, who either have immigrant visas issued overseas or adjust their status in the United States to permanent residence. Included as immigrants are persons entering this country for the first time with immigrant visas, persons adjusting their status from temporary nonimmigrant categories to permanent resident status, and refugees or asylees who have fulfilled their residency requirements and are becoming permanent residents.

The INS does not define "immigrant"; rather it uses the term "permanent resident alien." Generally, an **alien** is a word used by the U.S. government to describe a foreign-born person who is not a citizen by naturalization or parentage.

In most cases, immigrants become eligible for U.S. citizenship after five years of residence in this country. All immigrants are authorized to work in the U.S.

Three categories of migrants are legally admitted into the United States: (1) immigrants

who receive legal permanent resident status; (2) refugees and asylees (most of whom later adjust to immigrant status); and (3) nonimmigrants, or aliens who are admitted for the specific purpose of performing a particular kind of work or meeting a particular skill need.

**Undocumented Immigrant**

Also known as an “illegal alien” or “undocumented worker,” an undocumented immigrant is someone who enters or lives in the United States without official authorization, either by entering illegally or by violating the terms of his or her admission. Entering the U.S. illegally can include arriving without INS inspection, fraudulent entry, overstaying the authorized period of admission or working without authorization.

**Lawful Permanent Resident (LPR)**

An LPR is an immigrant who has been lawfully accorded the privilege of residing permanently in the United States. Lawful permanent residents are granted admission into the U.S. on the basis of family relation or job skill. Those granted asylum may adjust to LPR status after one year of continuous residence. Generally, lawful permanent residents are those individuals who have “green cards” and are permitted to apply for naturalization after five years of U.S. residence.

**Refugees and Asylees**

Refugees and asylees are persons who demonstrate that they are unwilling or unable to return to their countries of nationality because they face persecution or a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group or political opinion. Generally, asylees are already in the U.S. or at a port-of-entry, and refugees are outside the United States.

**Naturalization**

This is the process by which a foreign-born individual becomes a citizen of the United States. To naturalize, immigrants must be at least 18 years old; have been lawful permanent residents of the U.S. for five years (three years if married to a U.S. citizen); demonstrate a basic knowledge of English, American government and history; and have good moral character.

**Hispanic**

The INS does not define “Hispanic.” The U.S. government created the term and first used it in the 1980 census. While mindful that some native Mexicans prefer to be called “Mexican,” and some immigrants from Central America prefer the term “Latino,” this report uses the term “Hispanic” because state health and law enforcement agencies continue to use the term and it has general usage among the populace.

## CHAPTER 1

### IMMIGRATION LAW AND KENTUCKY'S IMMIGRANT POPULATION

Immigration law has changed considerably over the last decade, and the current policy debate indicates significant additional change in the future. While the policy debate continues, it is clear that the number of immigrants living in Kentucky has increased over the past decade. The total number of immigrants living in Kentucky has more than tripled over the last ten years. In particular, Kentucky experienced an increase in new immigrants from Latin America and Asia during the 1990s. Yet the total number of immigrants in Kentucky still represents a very small percentage of the total state population. As the number of immigrants in Kentucky increases, however, it is important to understand how their presence may be affecting the state's economy.

#### Immigration Law

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**U.S. lawmakers have struggled for years over fundamental concepts of immigration.**

The U.S. Congress has passed considerable immigration legislation since 1952, the year that marked the first major overhaul of the nation's immigration laws. Since that time, lawmakers have struggled with fundamental concepts about immigration. The United States is, of course, a "nation of immigrants," in the sense that most "natives" of this country trace their origins to a different continent.

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**There is disagreement about whether immigrants have a positive or negative impact on the economy.**

Different groups disagree on whether noncitizens in this country generate more costs or more benefits. One organization, the Federation for American Immigration Reform (FAIR), advocates severely tightening U.S. immigration laws, calling for a moratorium on all immigration except for spouses and children of current U.S. citizens. FAIR claims that legal and illegal immigrants together cost the U.S. \$65 billion in 1996, in public benefits, education, and criminal justice costs. A group that has advocated what some would call pro-immigration measures is the American Immigration Lawyers Association (AILA), a member of the American Bar Association. AILA claims that immigrants earn \$240 billion a year, pay \$90 billion a year in taxes, and collect only \$5 billion a year in welfare.

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**Immigration legislation reflects divided U.S. views on immigration.**

Immigration legislation has reflected the divided nature of American views regarding immigration. Immigration law demonstrates the ongoing tension between the impulse to tighten U.S. borders and the desire to allow more immigrants in, usually to reunite families or to augment the American workforce.

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**Amnesty discussion preceded September 11 attack.**

Immigration law developments in 2001 can be divided into two categories: those occurring before September 11, and those occurring after. Prior to September 11, there was serious discussion of allowing freer immigration to the U.S. In fact, there was significant support for granting amnesty (essentially, legal residency—a “green card”) to millions of Mexican illegal aliens who arrived in this country before February 6, 1996. Some objected to the proposal, arguing that it would reward illegals for breaking the law and would be unfair to candidates for legal residency who have followed the rules and waited their turn, often for years. Others, on the other hand, announced their refusal to support any amnesty program that applied only to Mexicans and not to any other nationals.

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**Senate passed a limited amnesty measure on September 6, 2001**

The Senate, on September 6, 2001, unanimously passed a limited amnesty measure. HR 1885 would amend Section 245(i) of the Immigration and Naturalization Act, 8 U.S.C. 1255(i). The latter provision, part of the LIFE Act, applies to certain illegal aliens seeking to adjust to permanent resident status without leaving the United States. HR 1885, passed by the Senate as the Section 245(i) Extension Act of 2001, would extend the filing deadline for qualifying alien children and spouses and employees to April 30, 2002 (from April 30, 2001).

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**Tenor of amnesty debate changed after September 11 attacks.**

The measure is now in the House of Representatives. However, the entire nature of the immigration debate has changed since the terrorist attacks of September 11, 2001. Labor shortages are less a focus of public debate in the wake of both the terrorist attacks and the economic downturn. Making it easier for illegal aliens to stay in this country has far less support than it recently did.

On the other hand, a great deal of terrorism-related legislation has been proposed since September 11. (For a complete list, see <http://thomas.loc.gov/home/terrorleg.htm>.) The only immigration-related bill that has actually passed so far is Pub.L. 107-45 (S. 1424). This bill amends the Immigration and Naturalization Act (INA) to provide permanent authority for the admission of “S” visa nonimmigrants. “S” visas (so-called because they are provided in § 101(a)(15)(S) of INA) are issued to persons who possess critical, reliable information concerning a criminal or terrorist organization

or enterprise and who are willing to supply such information to the authorities.

## Kentucky's Immigrant Population

This section describes legal immigrants living in the United States, Kentucky, and the southeast region in 2000. Data is from the Census Bureau's 2000 Current Population Survey (CPS). In addition, data from the Immigration and Naturalization Service (INS) is used to describe new legal immigrants entering the country and moving to Kentucky during the 1990s. The data show that legal immigrants in Kentucky:

- have almost tripled since 1990;
- still represent a very small percentage of the total Kentucky population.

In addition, legal immigrants in the southeast region:

- had higher median incomes than native born citizens living in the same area in 2000;
- had lower rates of poverty than native born citizens living in the southeast region in 2000;
- were more highly educated than native born citizens living in the southeast region in 2000;
- since 1990, have been primarily from countries in Asia;
- primarily appear to have been residents of the U.S. for more than a decade.

To undertake an analysis of the immigrant population, it was first necessary to define the term "immigrant." The U.S. Immigration and Naturalization Service (INS) uses four categories to refer to foreign nationals coming into the United States: legal immigrants, long-term visitors, short-term visitors, and illegal immigrants.

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**Description is of legal immigrants because of lack of data about undocumented immigrants.**

This analysis focuses primarily on legal immigrants and long-term visitors for two reasons. First, these two groups comprise the majority of foreign born aliens legally residing in the United States. Most are relatives of U.S. citizens or permanent residents, or are students. Second, while it is possible that illegal immigrants account for a large portion of the total noncitizens in Kentucky, it is virtually impossible to obtain reliable data on this population. Their illegal entry into the U.S. makes them reluctant to provide responses to surveys normally used to make official population estimates, such as the CPS.

LRC staff compiled information for this report from the 2000 Current Population Survey (CPS) using data from the following states: Kentucky, Tennessee, Ohio, Indiana, Virginia, West Virginia, Missouri, Alabama, Mississippi, and Arkansas (hereafter referred to as the southeast region.) The CPS surveys approximately 1,500 people from each of these states; therefore, to produce reliable estimates of the characteristics of immigrants, several states' data were combined to provide a sufficient sample size. The states mentioned above were chosen because they are either contiguous to Kentucky or are thought to have a similar population of immigrants.

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**Categories of citizens:**

- 1. Citizen**
- 2. Naturalized citizen**
- 3. Citizen by birth**
- 4. Noncitizen.**

Data from the CPS includes age, income, poverty level, educational attainment, and occupation. In addition, the CPS collects information on citizenship status by asking whether each member of the household is a U.S. citizen, a citizen through the naturalization process, a citizen due to birth on U.S. soil, or a noncitizen. While children of immigrants born in the United States are, by law, considered native born citizens, for the purpose of this study they will be included as part of the immigrant population. By using the CPS, it is possible to provide a regional description of the legal immigrant population in the U.S. and the southeast for 2000.

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**More detailed data on legal immigrants will be available in late 2002.**

The 2000 Census of Population and Housing could not be used for state level analysis because state-level data on immigrants will not be released until the summer of 2002. At that time, it will be possible to present a more complete analysis of legal immigrants in Kentucky. In addition to the CPS data, information collected by the INS on new immigrants entering the U.S. and moving to Kentucky in the 1990s was also used. Data provided by the INS indicates the age, occupation and birth country for each of the approximately seven million new legal immigrants entering the country from 1990 through 1998.

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**The INS collects data on legal immigrants as they enter the U.S. but does not track them after entry.**

While the INS collects data on legal immigrants as they enter the country, it does not follow-up on the status of these legal immigrants at any future date. Specifically, no additional information is collected regarding how long immigrants reside in the country or whether they have exited the country. Nor does the data reflect whether the immigrants receive citizenship status at a later date. Still, the data does allow some insights into the characteristics of the immigrant population coming to the U.S. during the last decade. This is the only available information that allows a description of the demographic characteristics of this subset of the population at the state level.

## Number of Legal Immigrants in Kentucky

The number of immigrants entering the United States has increased substantially over the last decade, making it a determining factor in population growth. According to the INS, more than 1.2 million legal and illegal immigrants settle in the U.S. each year. This increase accounts for two-thirds of the population growth in the United States between 1990 and 2000. In Kentucky, the population of immigrants has more than tripled since 1990. Much of this increase in immigration can be attributed to the Immigration Act of 1990, which more than doubled the number of visas available to persons who qualify for employment-based immigration. In addition, over 2.5 million persons gained lawful permanent residence in the United States as a direct result of the Immigration Reform and Control Act of 1986 (IRCA). These new laws brought about changes in the preference system governing legal immigration and increased the number of immigrants allowed to enter the United States.

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**Kentucky had approximately 111,000 legal immigrants in 2000.**

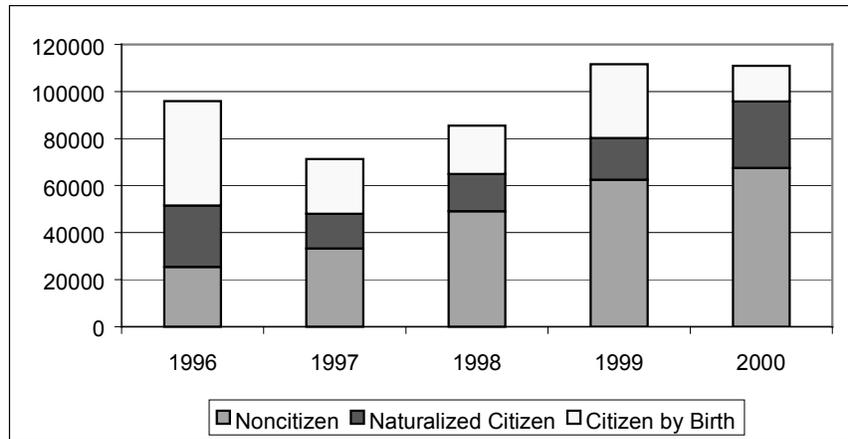
In 2000, the number of legal immigrants in Kentucky was estimated to be 111,000, or approximately 2.5 percent of the total Kentucky population.<sup>1</sup> (Figure 1.A) According to a study by the C.E. & S Foundation and the University of Louisville, in 2000, Kentucky ranked among the lowest states in terms of proportion of immigrants in the total state population. In fact, as of 2000, just one out of every 40 residents in Kentucky was foreign born compared to one out of ten for the U.S. as a whole.<sup>2</sup> In contrast, Kentucky ranked third highest among all states in the rate of growth of new immigration during the 1990s, placing it well ahead of states that traditionally have both high growth rates and large populations of immigrants, such as Texas, California, and New York. It is important to note that Kentucky's growth in its immigrant population can be attributed to two sources. While new immigrants to the United States who move to Kentucky are part of the growth, migration of immigrants already living in the U.S. who move to Kentucky are the state's biggest source of growth. For example, in 1997, new immigrants to the U.S. accounted for approximately ten percent of Kentucky's immigrant population growth, while secondary migration was responsible for the remainder.

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<sup>1</sup> Census Bureau's 2000 Current Population Survey.

<sup>2</sup> Kentucky ranks 37<sup>th</sup> out of the 50 states and Washington DC., A. Izyumov. et.al. *Immigration to the Louisville Metropolitan Area: Trends and Characteristics*, A C.E.&S. Foundation Report, April 2000.

**Figure 1.A**  
**Total Number of Legal Noncitizens, Naturalized Citizens, and Citizens by Birth in Kentucky, 1996-2000**



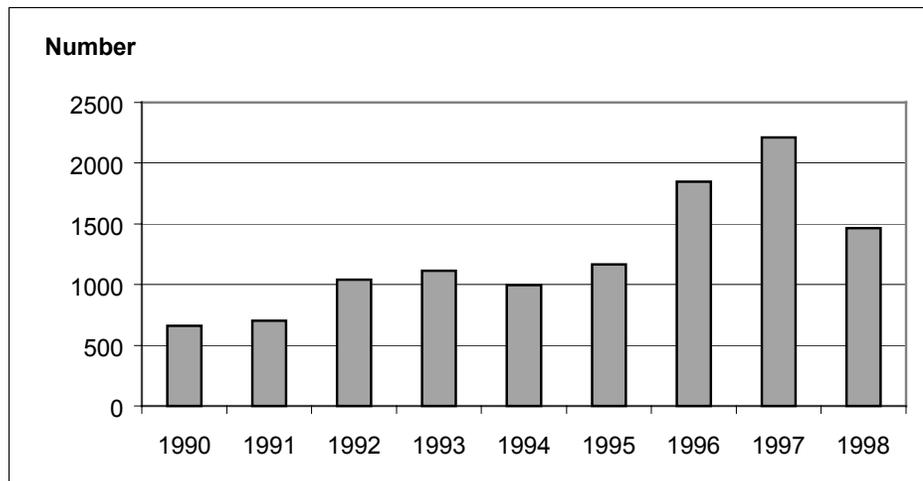
Source: Data compiled by LRC staff from the Census Bureau's Current Population Survey, 1996-2000.

While there was a substantial increase in immigration through the late 90s, overall the number of new immigrants began declining after 1997 because most of the persons eligible to adjust to permanent residence status under the IRCA legalization provision had already done so.<sup>3</sup> The number of new immigrants to Kentucky in the 1990s appears to follow this trend by showing a decline after 1997. (Figure 1.B)

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<sup>3</sup> *The Triennial Comprehensive Report on Immigration, Immigration and Naturalization Service, May 1999.*

**Figure 1.B**  
**Total New Legal Immigrants to Kentucky,**  
**1990-1998**



Source: Immigration and Naturalization Service

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**Legal immigrants seem to settle, primarily, in more densely populated areas.**

Overall, legal immigrants to Kentucky during the 1990s have followed the national pattern of locating in more densely populated areas. According to the above-mentioned study, over half of all new legal immigrants to Kentucky in the last decade moved to either Jefferson or Fayette counties.

#### **Age Distribution of New Legal Immigrants**

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**Legal immigrants tend to be younger than native-born citizens.**

According to the INS, the age of immigrants is an indicator of potential for successful assimilation. A younger immigrant population translates into economic benefits because immigrants tend to stay in the workforce longer.<sup>4</sup> An influx of younger immigrants helps decrease the average age of both the foreign born and general population. According to the INS, the average age of new legal immigrants entering the U.S. during the 1990s declined to just under 30, which is substantially lower than the average age of current residents in Kentucky which, in 2000, was estimated to be 37. The majority of new legal immigrants falls into the age category of 20-59, which is the age group most likely to be in the labor force.

Overall, the total immigrant population at the national level, with the exception of naturalized citizens, tends to be slightly younger than native born citizens. Nationally, and at the regional level, naturalized citizens are significantly older than both native born

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<sup>4</sup> *The Triennial Comprehensive Report on Immigration*, Immigration and Naturalization Service, May 1999

citizens and other immigrants. This could be a result of the immigration process being lengthy, therefore eliminating many young immigrants from this category and raising the overall average age.

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**In the Southeast, citizens by birth and naturalized citizens were older than native-born citizens.**

Along with the U.S., the southeast region's native-born citizen population is aging. The rapid increase in immigrants is bringing more young adults to the southeast. In 2000, the age distribution of legal immigrants in the southeast region was similar to that in the rest of the U.S. Legal noncitizens were slightly younger than native born citizens, and naturalized citizens appeared to be much older. One important difference appears to be the average age of citizens due to birth nationally and in the southeast region.<sup>5</sup> While nationally, citizens by birth are younger than native born citizens, in the southeast region they appear to be significantly older. This points to the fact that this group not only represents the children from immigrants in the nineties, but also represents children from immigrants who may have been in the United States for decades. One explanation for the higher than average age could be the fact that the states analyzed in the southeast do not serve as major ports of entry for incoming immigrants. Therefore, they do not have large populations of immigrants. New immigrants are typically younger and are more likely to have children after entering the U.S. These immigrants are most likely giving birth in the state where they enter the U.S., such as California and Texas. The citizens by birth in the southeast region may be children from immigrants who entered the U.S. many years ago and who have possibly migrated to the southeast region as they aged. According to the INS, secondary migration of foreign-born residents already in the U.S. was found to be very common. In 1975-80, 2.5 million, or fifteen percent of the total number of foreign-born persons, moved from state to state. This lack of births to immigrants in the southeast region and influx of secondary migration could be raising the average age of immigrants in this category.

### **Birth Country of Legal Immigrants**

Before 1990, legal immigrants in the southeast were generally from Europe, specifically Germany and the United Kingdom. By 2000, the birth countries of legal immigrants in the southeast region looked somewhat different, with those from Latin America and Asia comprising sixty percent. (Figure 1.C)

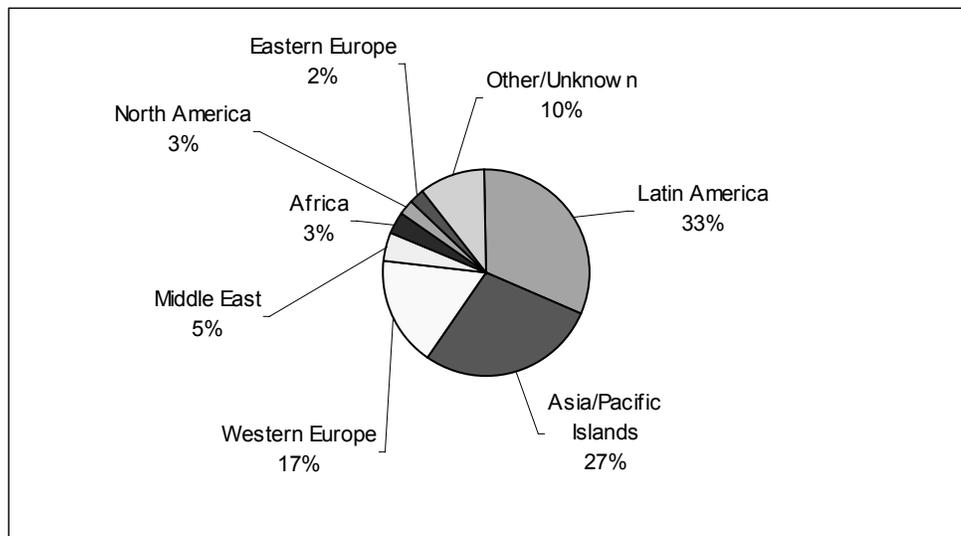
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<sup>5</sup> The term "citizen by birth" refers to a child born in the U.S. of immigrant parents.

**Immigrants from Vietnam were the fastest growing group of new legal immigrants to Kentucky in the 1990s.**

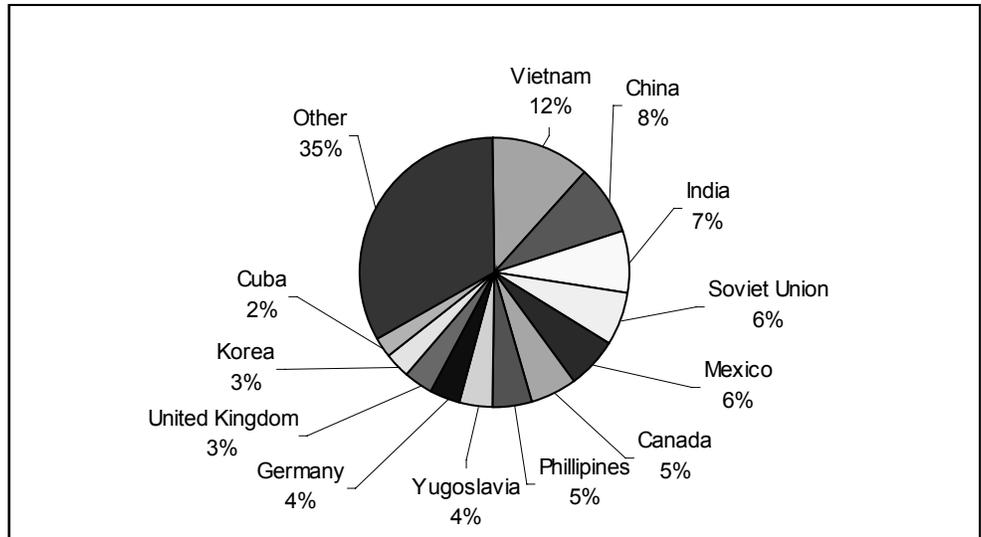
Examination of the birth countries of new legal immigrants to Kentucky in the 1990s indicates that the countries that supply legal immigrants to the state have also been changing. According to the INS, since 1990, Kentucky has had a larger share of legal immigrants coming from Asia and Eastern Europe. These groups had the highest growth rate, at forty-nine percent, for new legal immigrants to Kentucky from 1990-98. Of the top twelve countries of birth for legal immigrants to Kentucky, those born in Vietnam represented the largest percentage of new immigrants in the 1990s. While Germany still sends a substantial number of immigrants, refugees from countries like Vietnam, Bosnia, China, and Cuba have changed the ethnic composition of Kentucky's legal immigrant population. (Figure 1.D) When combined, legal immigrants from Latin America comprised approximately eleven percent of the total new immigrants to Kentucky in the 1990s. Fifty-nine percent of these new immigrants from countries in Latin America came from Mexico and Cuba after 1996. For the U.S. as a whole, the largest group of new legal immigrants was from Mexico.

**Figure 1.C**  
**Areas of Origin for Legal Immigrants in the Southeast Region, 2000**



Source: Compiled by LRC staff from the U.S. Census Bureau's 2000 Current Population Survey

**Figure 1.D**  
**Legal Immigrants to Kentucky, 1990-1998**  
**Top 12 Countries of Birth**



Source: A. Izyumov et.al. *Immigration to the Louisville Metropolitan Area: Trends and Characteristics*, April 2001.

Legal immigration from North America and Western Europe showed very little change during the 1990s, while areas experiencing some sort of homeland turbulence showed significant change. For example, Kentucky saw very few immigrants entering the country from Cuba and Bosnia in the early 90s, but showed a substantial number of refugees from these countries entering the country and moving to Kentucky in the later part of the decade. Although immigration from Vietnam remained fairly stable throughout the 90s, there was a slight increase in legal immigration from that country in the early part of the decade. This is attributed to immigration of a large number of Amerasians, children of Americans who had been stationed in Vietnam<sup>6</sup>. Immigration from all countries showed increases in the late 1990s, leading to an overall increase in the total number of new legal immigrants entering the country and moving to Kentucky.

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**Secondary migration of immigrants is a significant factor for Kentucky.**

It is important to note that these new immigrants only represent incoming legal immigrants to the United States during the 1990s. Part of the growth in Kentucky's immigrant population can also be attributed to the movement of immigrants already in the United States to Kentucky. For example, during the 1990s, Kentucky experienced an increase of forty-eight percent in its population of

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<sup>6</sup> Parents and children of Amerasians are also covered by the Amerasian Immigration Act.

immigrants from countries in Latin America. While some of this growth may have been in the native born citizen category, it is likely that much of it was from legal and illegal immigrants moving from other areas in the U.S., as well as from an increase in nonimmigrant temporary agricultural workers admitted under the federal H-2A program.

### **Illegal Immigrants**

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**Kentucky had an estimated 6,000 undocumented immigrants in 1996.**

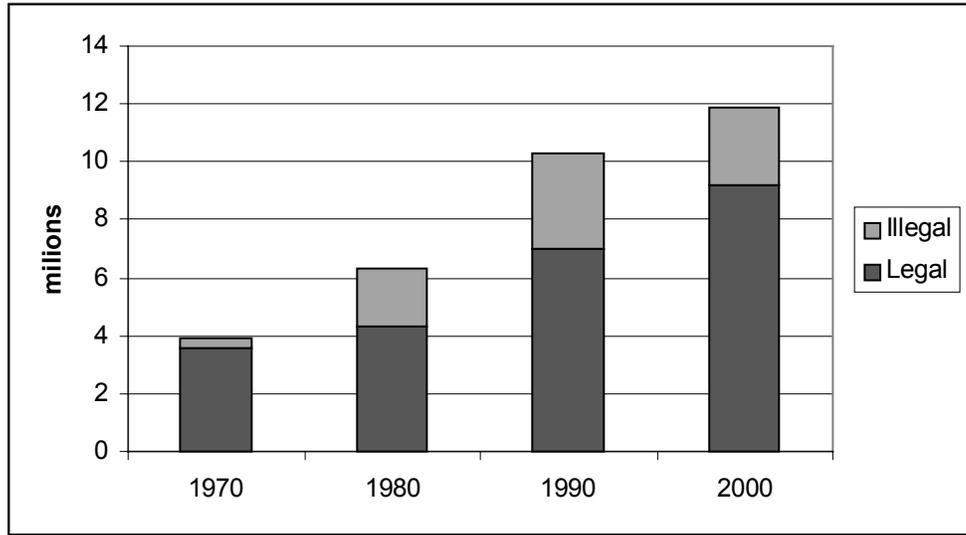
One route to becoming an illegal, or undocumented, immigrant in the United States is to enter the country as a student or visitor and stay beyond the designated period of admission. This type of “overstay” constitutes approximately forty percent of the illegal immigrant population.<sup>7</sup> The remainder of the population enters across land borders. This part of the illegal population includes persons from every country but primarily consists of residents of Mexico and other Central American countries. The top five source countries of illegal immigrants are Mexico, El Salvador, Guatemala, Canada and Haiti, all of which are geographically close to the U.S. Estimates of the number of illegal immigrants in this country vary widely. Most sources seem to agree that there are at least five million, and some put the number as high as twelve million. The INS estimated that there were approximately five million illegal immigrants living in the United States in 1996.<sup>8</sup> In addition, the INS estimated that Kentucky had 6,000 undocumented, or illegal, immigrants as of 1996 but notes that the number may be much higher. It is important to realize that, were information available on illegal immigrants, the description presented in this section could be substantially different. This may account for the fact that many employers and officials of government agencies interviewed for this report focused their comments on undocumented immigrants from countries in Latin America. Between 1970 and 2000, the number of legal and illegal immigrants in the U.S. more than doubled. (Figure 1.E)

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<sup>7</sup> *The Triennial Comprehensive Report on Immigration, Immigration and Naturalization Service, May 1999.*

<sup>8</sup> *The Triennial Comprehensive Report on Immigration, Immigration and Naturalization Service, May 1999.*

**Figure 1.E**  
**Legal and Illegal U.S. Immigration from 1970-2000**



Source: T. L Guthrie & V.A. Richardson , “A Brief History and Analysis of Immigration/Migration of Foreign-Born Persons to Allen County, Indiana.” Prepared for the Indiana Economic Development Council, Inc. and the Indiana University International Resource Center. July 2000.

### **Income and Poverty Rates**

When legal immigrants first arrive in the U.S. they earn significantly less than native-born citizens do. However, with each year of added residence, this wage gap narrows by nearly one percent. As a result, the wage of a typical immigrant who has been in the U.S. for 30 or 40 years eventually surpasses the average native wage.<sup>9</sup> Part of this narrowing of the wage gap could also be attributed to the immigrant getting older and, as a result, earning more due to more work experience. Legal immigrants in the southeast region had higher average annual incomes than native-born citizens in the southeast in 2000. This could be a result of highly educated legal immigrants in the southeast region, as well as a larger portion of legal immigrants who have lived in the U.S. for more than a decade.

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**The average income for legal immigrants in the Southeast was higher than the average income of native-born citizens.**

According to the 2000 CPS, while the average annual income of native born citizens in the southeast region fell below that of the national average for native born citizens, legal immigrants in the southeast appeared to have higher incomes than legal immigrants nationally. Overall, the average income for immigrants in the

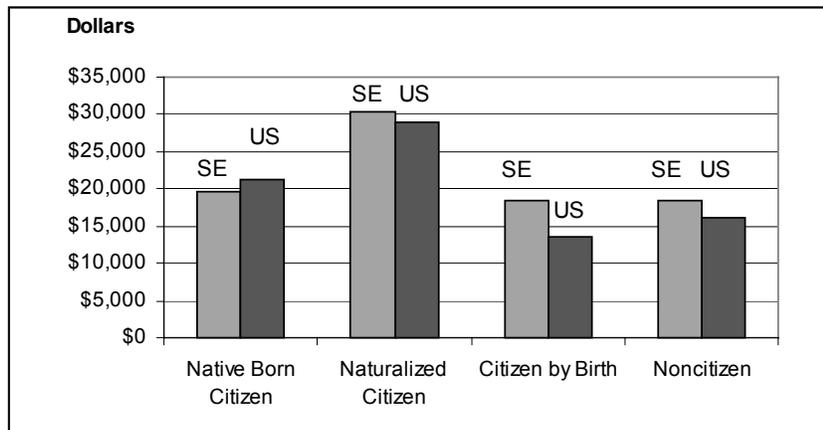
<sup>9</sup> A. Izyumov, et.al. *Attracting Immigrants to an Urban Area*, A C.E.&S Foundation Report, March 2000.

southeast region was approximately \$21,500, while the average income of native born citizens in the southeast was slightly lower, at approximately \$19,500. When broken down by type of immigrant, naturalized citizens in the southeast region had, by far, the highest incomes. Their average incomes in 2000 were over \$10,000 more per year than noncitizens, citizens by birth, and native born citizens. (Figure 1.F)

According to the 2000 CPS, the percent of immigrants living below the poverty level in the southeast region was slightly lower than the percent of native born citizens living in the southeast in poverty. Again, there are distinct differences when immigrants are broken down by type. Naturalized citizens and citizens by birth had significantly lower levels of poverty than that of native born citizens and legal noncitizens. It also appears that there was a lower percentage of immigrants living in poverty in the southeast region than there were at the national level. (Figure 1.G)

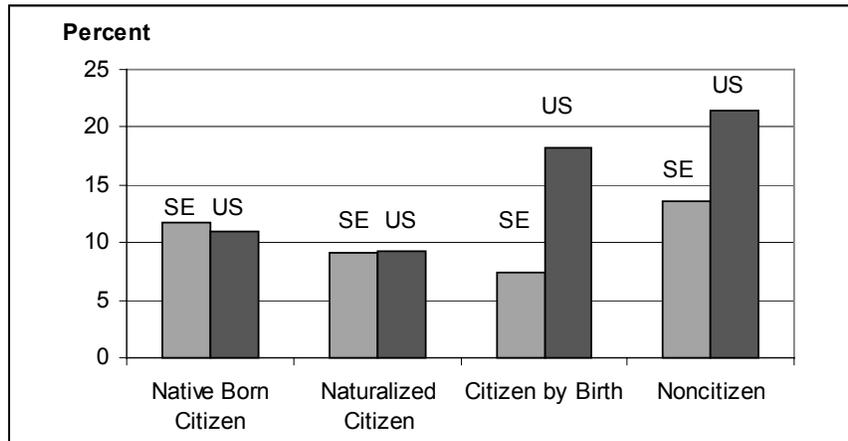
Naturalized citizens and citizens by birth in the southeast region have many similarities. While both hold citizenship status, the primary difference between the two groups is the length of time that they have held that status. Since both groups have higher than average ages, most citizens by birth in the southeast region have held citizenship status longer than naturalized citizens in the southeast. In addition, their above average incomes and lower incidence of poverty, coupled with their higher than average ages indicate that a majority of these immigrants in the southeast region may have entered the U.S. more than a decade ago.

**Figure 1.F**  
**Median Personal Income by Citizenship Category Southeast Region and the U.S., 2000**



Source: Compiled by LRC staff from U.S. Census Bureau's 1990 Census of Population and Housing, Public Use Microdata.

**Figure 1.G**  
**Percent of Population Below Poverty Level by**  
**Citizenship Category, Southeast Region and U.S., 2000**



Source: Compiled by LRC staff from U.S. Census Bureau's 2000 Current Population Survey.

### Educational Attainment

Since 1990 there has been a decline in the average level of educational attainment for legal immigrants. This is attributed to two factors. Both the increase in immigrants from Latin American countries and the move from accepting a certain number of immigrants from individual countries to giving preference to immigrants with family ties in the U.S. led to an increase in the number of legal immigrants nationally who have not earned a high school diploma.<sup>10</sup> In 2000, 40 percent of legal noncitizens in the U.S. had not earned a high school diploma. In addition, almost a quarter of all naturalized citizens and citizens by birth did not have a high school diploma.

**Legal immigrants in the Southeast were better educated than native-born citizens.**

The southeast region looks somewhat different. In this area, well-educated legal immigrants are raising the average education levels of the overall population. Legal immigrants in the southeast region appear to be slightly better educated than immigrants nationally in 2000. At the same time, native-born citizens in the southeast region were less educated than native-born citizens nationally. Although approximately 20 percent of legal noncitizens and citizens by birth had not earned a high school diploma, only fourteen percent of naturalized citizens had not graduated from high school. Conversely, higher percentages of legal noncitizens and naturalized citizens in the southeast region had completed a

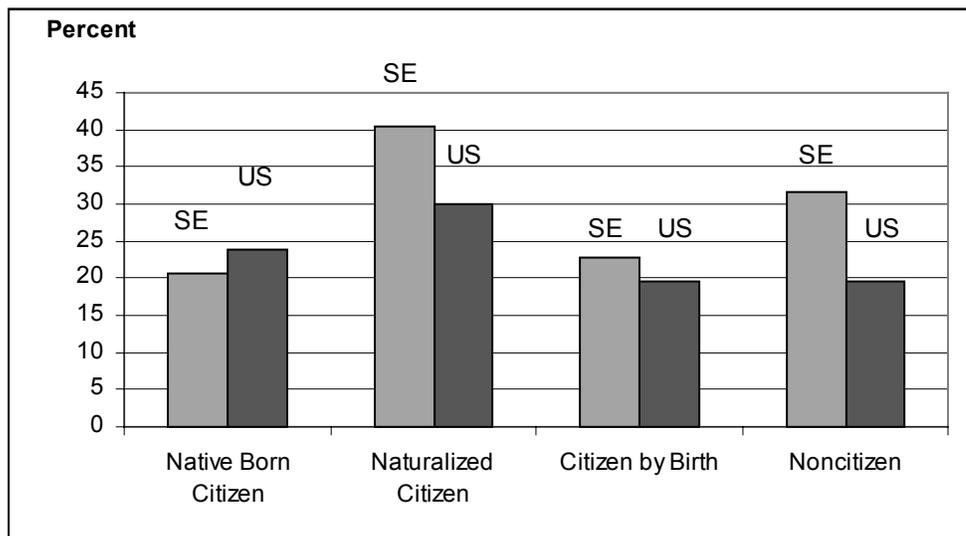
<sup>10</sup> A. Izyumov et.al. *Attracting Immigrants to an Urban Area*, A C.E.&S. Foundation Report, March 2000.

bachelor’s degree or beyond. In addition, legal immigrants in the southeast region are slightly better educated than native born citizens living in Kentucky. The low levels of poverty and higher average incomes for some immigrants may be attributed to the educational attainment of immigrants in the southeast region. (Figures 1.H and 1.I)

**The Southeast is attracting both highly educated immigrants and those with little education.**

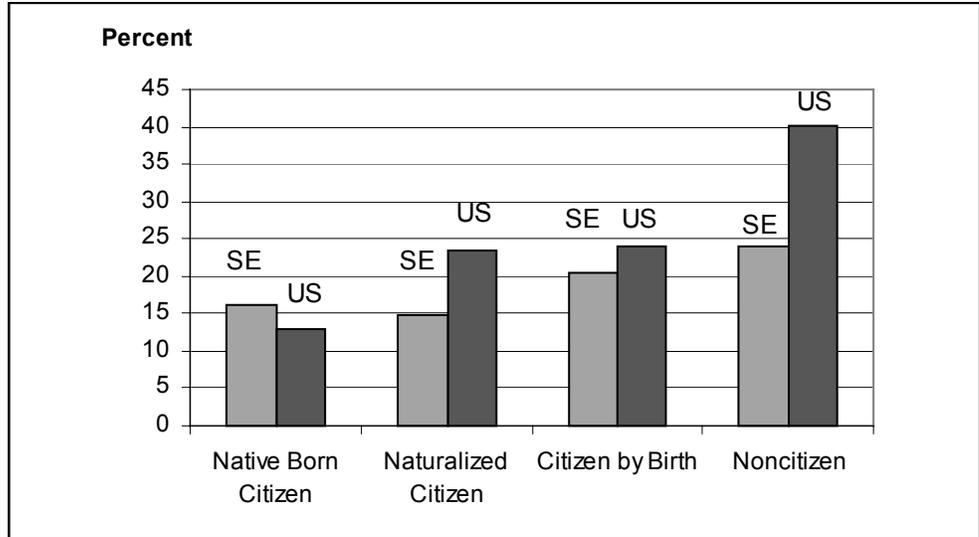
Immigrant groups moving to the southeast region have very different educational profiles. The 2000 CPS data indicates that the southeast region is drawing two distinct types of immigrants, those with low educational levels and those with high education levels. When broken down by source country, it appears that the less educated immigrants in the southeast are coming from Mexico and El Salvador while the more highly educated are coming from India, China, Iran, Russia and Italy. It is logical that lower skill immigrants would be more likely to come from countries near U.S. land borders because the costs of traveling to the U.S. by land are less than traveling by air or sea. Thus, it is more economically viable for low-skill immigrants from Latin American countries to move to jobs in the U.S. than it is for low-skill immigrants from other continents. Overall, the data on the educational level of immigrants may be an indication that the southeast has drawn a larger proportion of immigrants in professional fields. For instance, according to the Physician’s Licensing Board, in 2001 sixteen percent of Kentucky’s 8,898 licensed physicians are foreign born.

**Figure 1.H  
Percent of Adult Population without a High School Diploma by Citizenship Category, Southeast Region and U.S., 2000**



Source: Compiled by LRC staff from U. S. Census Bureau’s 2000 Current Population Survey

**Figure 1.I**  
**Percent of Adult Population Having a Bachelor's Degree or Beyond by Citizenship Category, Southeast Region and U.S., 2000**



Source: Compiled by LRC staff from U.S. Census Bureau's 2000 Current Population Survey.

## CHAPTER 2

### IMMIGRANT EMPLOYMENT TRENDS

This chapter addresses the effect of immigration on the earnings and employment of native born citizens. The overall conclusion of recent research has been that the impact of immigration on the U.S. labor market has been rather small. In addition, some employers in Kentucky indicate that they rely on immigrant labor to fill certain jobs that have recently been difficult to fill. A discussion of the tax revenue generated by immigrants, as well as an estimation of the state sales and excise tax revenue collected from immigrants is also presented.

#### Immigrant Tax Payments

Immigrants residing in Kentucky provide several forms of tax revenue to the state. While it is difficult to estimate the amount of all taxes paid by immigrants, there are two forms of Kentucky state taxes that it is relatively impossible to avoid: the sales tax and the excise tax. While it is likely that the amount of total taxes paid by the various groups of immigrants is not substantially different from the amount paid by natives with the same income, it is possible for some immigrants, like other citizens, to avoid particular taxes.<sup>11</sup> Anyone who works for cash can avoid paying income tax (although it is illegal to do so). To the extent that immigrants work in jobs that pay cash they may pay less income taxes. In addition, programs like the federal H-2A agricultural worker program do not require participating employers to deduct taxes from immigrants' pay. It is also possible to avoid paying motor vehicle taxes by not registering vehicles or by having them registered in another state. Immigrants may be more concentrated in groups who have cars registered elsewhere. While immigrants cannot avoid paying some property taxes, calculations for property tax are not included. There is no data available on property ownership by immigrants, which is likely to be different than the ownership rate of citizens.

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**Kentucky collects an estimated \$30 million in state sales and excise tax from immigrants.**

By using results from a previous tax study conducted by LRC staff, it is possible to obtain a partial estimate of two categories of taxes

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<sup>11</sup> *Behavioral Characteristics of Immigrants*, Chapter 5: "Effects of Immigrants upon the Public Coeffers."

paid by legal immigrants residing in Kentucky.<sup>12</sup> The estimate is made only for sales and excise tax and therefore only represents a small portion of the total taxes that might be paid by immigrants. The analysis indicates that Kentucky does gain some tax revenue from its immigrant population. It is estimated that Kentucky collects over \$30 million in state sales (\$26 million) and excise (\$4.6 million) tax revenue from its legal immigrant population. It is important to note that this estimate assumes that the spending patterns of immigrants are similar to those of native-born Kentucky residents. It is possible that immigrants spend a smaller percentage of their income on items subject to the state sales and excise taxes because they may be sending a substantial portion of the income to relatives in their home countries. If that is the case, the actual amount of tax revenue generated by immigrants could be less. In addition, the estimate is made only for legal immigrants and therefore underestimates the amount Kentucky actually collects in state sales and excise tax revenue from its total legal and illegal immigrant population.

### Immigrant Labor Pool

In 2000, immigrants comprised 12.8 percent of the total U.S. labor force.<sup>13</sup> Over time, many of these immigrants have acquired the skills and human capital relevant to the U.S. labor market. In addition, some believe that legal immigrants are among the most able and motivated workers from their home country populations.<sup>14</sup>

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**Legal immigrants in the southeast region worked primarily as professionals and managers in 2000; few worked in agriculture.**

The occupations of legal immigrants in the southeast region seem to be consistent with their levels of educational attainment.<sup>15</sup> According to the 2000 Current Population Study (CPS), there are two major categories of legal noncitizens—those highly educated and those with little education. The occupations of legal immigrants reflect this difference. Approximately twenty-two percent of legal immigrants had occupations that traditionally pay higher wages, while an estimated thirty-five percent of legal immigrants worked in lower wage jobs that required less

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<sup>12</sup> A staff economist memorandum to members of the Health and Welfare Committee regarding comparison of state and local tax burdens and government benefits for low-income families, Program Review and Investigations Committee, Legislative Research Commission, Frankfort, KY, 2001.

<sup>13</sup> S.A. Camarota, *Immigrants in the United States — 2000*, Center for Immigration Studies, January 2001.

<sup>14</sup> A. Izyumov, et.al. *Attracting Immigrants to an Urban Area*, A.C.E.&S. Foundation Report, March 2000.

<sup>15</sup> The southeast region is defined as Kentucky, Tennessee, Ohio, Indiana, Virginia, West Virginia, Missouri, Alabama, Mississippi, and Arkansas.

education. In 2000, a large portion of immigrants in the southeast region were professionals and managers. In addition, a large group of legal noncitizens in the southeast region also appeared to be working in the service sector and in manufacturing. There were very few legal immigrants in the southeast working in the agricultural industry. Again, it is important to remember that these numbers reflect only the population counted by the CPS. It is possible that there was a group of noncitizens, particularly illegal immigrants, working in the agricultural industry who were not measured by the CPS.

Nationally, legal noncitizens appeared to be more concentrated in service sector jobs such as household service and personal care. Naturalized citizens across the U.S. were similar to naturalized citizens in the southeast region, working primarily in managerial and professional occupations. Approximately half of all citizens by birth, both regionally and nationally, were not in the labor force at all. Again, while by law citizens by birth are considered native born citizens, they are included as immigrants for this analysis. (Table 2.1)

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**Most new immigrants to Kentucky in the 1990s were not planning to enter the labor force because they were students, homemakers, and retirees.**

According to the INS, new legal immigrants entering the U.S. and moving to Kentucky during the 1990s reported a variety of occupations from service workers, laborers, and precision production workers to physicians and executives. While many of these legal immigrants might have joined the Kentucky workforce, it appears that a large percentage were not working in the traditional labor market. Fifty-three percent of incoming legal immigrants reported being students, homemakers, retired, or unemployed. According to the 1999-2000 annual report of the Institute for International Education, 4,201 foreign students attended post-secondary schools in Kentucky, with sixty-one percent attending the University of Kentucky, the University of Louisville, and Murray State University. Of those reporting more traditional occupations, most appeared to be laborers, service professionals, and executives or administrators. (Table 2.2)

When the occupations of Kentucky's immigrants are broken down by birth country for Kentucky's top ten source countries, it is apparent that these countries are very different from each other in terms of types of workers they provide. Following the categories set out by the "Immigration to Louisville Metropolitan Area: Trends and Characteristics" study, there are three distinctions: those with a large percentage of professionals; those dominated by the blue-collar workers; and those with a large share of migrants who are not working.

**Table 2.1**  
**Major Occupations of Workforce for Southeast Region and U.S. by**  
**Citizenship Category, 2000**

Occupation	Immigrants							
	Native Born Citizens		Naturalized Citizens		Citizens by Birth		Noncitizens*	
	U.S.	SE.	U.S.	SE	U.S.	SE	U.S.	SE
Executive & Managerial	10.87	9.74	10.10	11.59	7.22	7.68	5.12	7.37
Professional Specialty	11.08	10.17	11.78	18.82	7.55	7.13	7.77	14.68
Technical and Related Support	2.37	2.32	2.35	1.90	1.44	1.77	1.73	5.12
Sales	8.37	7.88	7.12	9.08	6.25	8.61	5.60	5.26
Administrative Support & Clerical	10.45	9.46	7.33	5.61	8.97	4.73	4.67	5.47
Private Household	.32	.32	.72	0	.14	.26	1.77	.44
Protective Service	1.34	1.15	.64	.35	1.0	.53	.44	0
Other Service	7.18	7.14	8.74	9.75	5.66	4.68	12.74	12.12
Precision Production	7.65	7.91	6.49	5.99	4.36	.40	9.48	8.01
Machine Operators	3.66	5.06	4.68	4.19	2.48	2.72	7.50	7.90
Transportation & Material Moving	2.95	3.44	2.06	.86	1.86	1.54	2.91	1.56
Handlers & Equipment Cleaners	2.59	3.04	2.33	2.80	2.34	1.36	5.09	5.03
Agriculture	1.50	1.30	1.39	0	.87	1.39	4.65	1.94
Not in Labor Force	29.65	31.07	34.27	29.07	49.87	57.20	30.53	25.11
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Compiled by LRC staff from U.S. Census Bureau's 1990 Census of Population and Housing, Public Use Microdata.

\*This does not include illegal immigrants

**Table 2.2**  
**Self-Reported Occupations for**  
**New Legal Immigrants to Kentucky, 1990-98**

Occupation	Percent of New Immigrants
Student	29%
Homemaker	13%
Unemployed/Retired	11%
Not Reported	9%
Operators, Laborers	6%
Service	5%
Executive/Administrative	4%
Precision Production	3%
Physicians	3%
Farmer, Forestry	2%
Other Occupations	15%

Source: Compiled by LRC staff from data from the Immigration and Naturalization Service

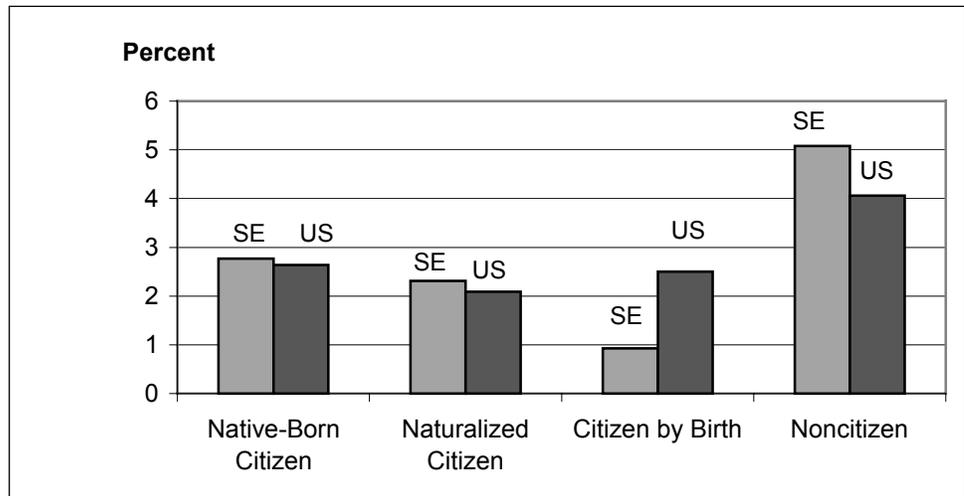
**India, China, Canada, Philippines supplied the most immigrants in professional occupations.**

During the 1990s, India, China, Canada and the Philippines provided the largest share of immigrant professionals, with a large number planning to work in the health and science fields. Countries that provided a large proportion of the blue-collar worker category were Cuba, Germany, Mexico, Vietnam, and Bosnia, with most of those people reporting occupations in the service, production, laborer, or farming professions. Korea was the only country that had a large share of its immigrants reporting no plans to enter the workforce.

**Unemployment**

The southeast region’s unemployment rate for native-born citizens and naturalized citizens was slightly higher than the national rate in 2000. This seems consistent with the overall higher unemployment rate in the southeast compared to the nation in 2000. (Figure 2.A) The unemployment rate for citizens by birth was significantly less in the southeast region. This could be the result of an older population of citizens by birth in the southeast and their lower rate of participation in the labor force.

**Figure 2.A**  
**Percent of Population Unemployed by Citizenship**  
**Category, Southeast Region and U.S., 2000**



Source: Compiled by LRC staff from U.S. Census Bureau’s 1990 Census of Population and Housing, Public Use Microdata.

## Immigration Effects in the Labor Force

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**Immigration does not appear to adversely affect the employment or wages of native-born workers.**

Although there is an assumption by some that the increase in immigration over the past decade has led to a decrease in available jobs for native-born workers and that immigrants depress the earnings of native-born workers by increasing the labor pool or holding down wages, empirical evidence on the existence and magnitude of these effects seems to point to the conclusion that immigration has not significantly reduced wages or increased unemployment for native-born workers.

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**Immigration primarily decreases the wages of the foreign-born population.**

Freidberg and Hunt examined recent theoretical and empirical research on immigration impacts on the labor market and concluded that, if there is an effect, it appears to be small, with little or no reduction in native employment.<sup>16</sup> Based on an analysis of wage and employment data from the 1980 and 1990 Census, Pedace estimated that the impact of immigration on wages and unemployment of native-born citizens is varied, depending on race, ethnicity, and the level of education of the native worker.<sup>17</sup> While this study does point to some possible effects of immigration on employment and wages, the effects appeared to be small. For those native workers with lower levels of education, immigration tended to raise wages for blacks but reduced the wages for whites and Hispanics. For those with at least a high school education, immigration appeared to increase the wages of whites and blacks, but significantly decreased wages for Hispanics. Finally, the study concluded that immigration only decreased employment for whites. It is possible that the effect of immigration on wages and employment varies during periods of expansion and labor shortage versus periods of recession and high unemployment. Overall, the conclusion was that at the national level, the impact of immigration on the earnings and employment of U.S. workers is relatively small. The greatest employment impact from immigration has been to decrease the wages of the foreign-born population already in the U.S.<sup>18</sup>

By analyzing unemployment rates for the most common occupations of incoming legal immigrants, it is possible to hypothesize about the potential effects this increase in workers

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<sup>16</sup> R.M. Freidberg & J. Hunt, "The impact of immigrants on host country wages, employment and growth," *Journal of Economic Perspectives*, 9:2 (1995) pp. 23-44.

<sup>17</sup> R. Pedace, "The impact of immigration on the labor market for native-born workers: Incorporating the dynamic of internal migration," *Eastern Economic Journal* 24:4 (1998) pp. 449-462.

<sup>18</sup> *The Triennial Comprehensive Report on Immigration*, Immigration and Naturalization Service, May 1999.

might have on Kentucky's native workers. While there are no current data on the occupations of legal immigrants living in Kentucky, the INS does collect information on the intended occupations of new immigrants to Kentucky. For those occupations in which the majority of new legal immigrants are planning to work—service occupations, executive and administrative positions, precision production, farming, and operators and laborers—three have unemployment rates that have been at or below the state average for the last year. The average or lower than average unemployment figures for service, executive and administrative, and precision production workers suggests that there have not been problems with employment opportunities due to immigration for native born workers in those categories for this period. Conversely, there appear to be higher than average levels of unemployment in the agricultural and laborer occupations. This seems unusual because Kentucky farmers report an inability to find a sufficient number of agricultural workers. One explanation could be that the high unemployment in these occupations is a result of lower wages due to immigration. The lower wages could leave these jobs unattractive to native born citizens living in Kentucky, causing them to remain unemployed rather than work for the lower wages.

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**Kentucky's small immigrant population should have little effect on the labor pool.**

Another way to examine how immigration may be affecting the Kentucky workforce is to look at the projected growth rates for the occupations that ranked high among incoming legal immigrant workers. The Kentucky Workforce Development Cabinet has projected occupational growth through 2006. According to this report, the average growth rate for all employment from 1996 to 2006 will be 15.2 percent. It is important to remember that these projections were made in 1996 and changes in the economy since then may alter actual growth. By examining the projected growth rates for those occupations reported by a large percentage of new legal immigrants, it is possible to hypothesize how this increase in immigrants might affect the labor force in future years. It is important to remember that there are relatively few immigrants living in Kentucky so their effect on the labor pool should be small.

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**Workforce Development Cabinet projects above average growth in service industry, executive and administrative, and medical jobs.**

The Workforce Development Cabinet estimates that service industry jobs, as well as executive and administrative positions and medical positions are expected to experience above average growth over the next few years. High growth would result in an increased demand for workers in these fields and immigrants working in these occupations could possibly help to meet this demand. For example, the number of doctors in Kentucky is expected to

increase by 22.8 percent by 2006. With this above-average growth, Kentucky could experience a demand for physicians that cannot be met with native-born physicians alone. Currently in Kentucky, at least sixteen percent of the licensed physicians are foreign born.

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**Workforce Development Cabinet projects below average growth in precision production and operators and laborers.**

On the other hand, positions in the precision production and operators and laborers fields will most likely experience below average growth. Low growth could place the native workforce in competition with an increasing number of immigrants and could lead to the displacement of some native workers in these fields. Finally, positions in the agricultural area are projected to actually decrease overall. The decrease could result in a number of displaced workers in Kentucky since agriculture is an area where, reportedly, many jobs are held by immigrants. However, interviews with local farmers indicate that there is an extreme shortage of native-born agricultural workers and that the immigrant labor pool is crucial in filling the gap in the Kentucky workforce. Again, the absence of native-born workers may be explained by lower wages in these occupations and the overall lower level of unemployment. It is possible that there are more job opportunities in occupations with higher wages so native-born citizens may be choosing to avoid agricultural work.

### **Employers' Experiences**

Businesses and industries in Kentucky appear to mirror nationwide patterns by employing immigrants and refugees to help augment the labor pool needed for U.S. jobs. Noncitizens are working in a variety of occupations in Kentucky, from professional positions to day-labor jobs. Employers say they are pleased with the noncitizen workers, although there are some legal and language issues with which they must contend.

### **Employment of Noncitizens**

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**Jobs that noncitizen workers fill in the state are varied.**

To get a sense of the jobs that noncitizens are filling in the state, LRC staff contacted a variety of businesses and industries based on suggestions from organizations and associations involved in refugee and immigrant issues. The companies contacted do not represent the state's entire population of employers but should reflect those with higher concentrations of immigrant employees. The firms employed from 52 to 738 workers. They are located in central Kentucky, Louisville, northeastern Kentucky, and the Bowling Green area, and are involved in meat-processing, floral

production, furniture manufacturing, tobacco re-drying, production and press operations, heavy manufacturing, custom manufacturing, and janitorial services.

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**Companies are employing immigrants, refugees, and asylees from various countries.**

The companies interviewed are employing three types of noncitizen workers—legal immigrants, refugees and asylees. Also, some may be unknowingly employing undocumented workers. The employers reported hiring refugees and asylees through refugee centers, religious organizations, and other nonprofit groups working with the U.S. government. They are hiring immigrants through employment agencies or directly on their own. Employers reported hiring noncitizens from many countries, including those in Central and South America, Europe, and Asia. They said the most frequently hired immigrants were from Mexico. Employers said the most frequently hired refugees hired were from Bosnia, Vietnam, and Russia.

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**Factories using noncitizen workers are labor-intensive.**

The factories included in LRC staff interviews are labor-intensive. The jobs filled by noncitizens were mostly production line positions, processing, janitorial and other manual labor. However, some of the employers reported promoting refugees and immigrants into supervisory positions, usually because of their English proficiency.

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**Employers say they offer the same beginning wages to all qualified workers.**

Employers interviewed reported that immigrants and refugees comprise between fifteen and seventy-five percent of their employee workforce. Beginning wages range from \$6.00 to \$8.50 an hour. Overall average wages range from \$6.00 to \$12.00 an hour. The employers stressed they offer the same beginning wages to all qualified workers, regardless of citizenship or immigrant status.

All the employers said that once they start hiring immigrants from a specific country, word of mouth is an effective recruiter. Several employers noted that this is especially true with immigrants from countries in Latin America, particularly those from Mexico. None of the employers reported retaining consultants before deciding to hire noncitizens. However, half of the employers interviewed used refugee/religious organizations as a recruiting contact. Five employers said they used employment agencies at some time.

### **Reasons for Hiring Noncitizen Workers**

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**Noncitizens are hired because enough citizen workers not available.**

Employers interviewed said they hire noncitizen workers because there are not enough applicants among U.S. citizens to fill their

work demands at the wages they offer. With a supply of workers not readily available, they have turned to recruiting and hiring immigrants and refugees. Some employers noted that it was a matter of “survival” for their companies.

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**Employers say hiring noncitizens has not taken jobs from U.S. citizens.**

Employers commented generally that the unemployment rate has been so low for the past few years that in their opinion hiring immigrants and refugees has not taken jobs from U.S. citizens. However, one employer said that he has noticed a slight increase in citizens applying for low-skill jobs in the past few months due to the change in the economy.

All employers interviewed said hiring immigrants and refugees has been positive for their businesses and has been profitable. They believe noncitizen workers have not only contributed to their businesses but to the economy as a whole. The employers withhold income and social security taxes, just as they would for any worker. Employers said the use of immigrant workers enables them to keep their businesses going and that the majority of wages paid to noncitizens are cycled back into the economy. They did admit, however, that some of the immigrant workers send a portion of their earnings back to their home country.

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**Employers praise work ethic, dependability, and productivity of noncitizen workers.**

For the most part, employers praised the work ethic, dependability, and productivity of immigrant and refugee employees. All employers gave similar reasons for hiring noncitizen workers, such as work ethic, lack of absenteeism and dependability, commitment to the job, and productivity.

These employers also said there are negatives to hiring immigrants and refugees, primarily language barriers and communication problems. Two employers mentioned the lack of proper legal identification as a barrier. The employers also cited transportation problems. Many noncitizen workers do not drive or do not have a car, they said. In some cases, immigrants car-pool, but if the vehicle breaks down, all the riders are affected. An official with the janitorial company said management often has to provide transportation to work locations because of the nature of the company’s business.

### **Legal Documents and Employers’ Responsibilities**

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**Employers are required to adhere to certain documentation requirements.**

In exchange for dependable immigrant workers, employers have to deal with more legal issues than they do when hiring citizens. The Immigration Act of 1990 requires employers to complete Form I-9

for everyone hired in the United States after November 6, 1986. The form, which requires certain types of identification, was developed to verify that persons are eligible to work. Employers are responsible for assuring the form is completed. They must retain the form for three years after the person begins work, or one year after the person is terminated, whichever is later. This is true for all employees, not just immigrants. Further, the INS, the Department of Labor and the Office of Special Counsel for Immigration Related Unfair Employment Practices have the right to inspect the document given a three-day notice.<sup>19</sup>

The employers said immigrants do not always have the “alien registration receipt card” (often called the “green card”) when they first arrive in America. They said they must accept the identification presented as long as it meets the Form I-9 requirements and looks reasonably authentic.

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**Refugee centers provide appropriate documents to employers.**

Three employers said the refugee centers in their areas bring appropriate documents when they hire through them. They said that the refugee centers provide the I-94 arrival/departure record stamped as “employment authorized” for refugees initially coming to America.

**Employer Responsibilities Cause Concerns**

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**Several employers expressed concerns about the screening process for noncitizen employees.**

Several employers expressed concerns about the responsibilities linked to the screening process for noncitizen employees. All the employers said they must check the documents for reasonable authenticity; however, at the same time they cannot discriminate. (The Immigration and Naturalization Act and Title VII of the Civil Rights Act of 1964 deal with discrimination issues.) They all said they cannot set different standards for refugees and immigrants than for other employees or other groups of immigrants. The employers said they believe the screening process puts them in a difficult position. They have to accept the documents if they appear authentic. The law only requires them to look for visual reasonableness.

The interviewed employers unanimously said they do not hire an employee if it is obvious his or her documents are forged. However, four employers admitted that after employing immigrants they had discovered some forged documents. If

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<sup>19</sup> *Handbook for Employers*, Instructions for Completing Form I-9 (Employment Eligibility Verification Form), U.S. Department of Justice, Immigration and Naturalization Service.

forgeries are discovered, employers said they must immediately terminate the employee. The federal government has issued new documents that are not forged as easily as the older cards, according to the employers.

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**Company involvement in community issues that affect noncitizen employees varied.**

Unknowingly hiring undocumented workers proved problematic for one employer interviewed. The employer detailed how his company went through a full-blown INS investigation. He said the probe was an “education process.” Eighty of the company’s 150 employees had forged documents. However, after a two-year investigation, the company was cleared of wrongdoing. The company has since changed its hiring practices and now uses an employment agency.

One employer said he checks the work history of immigrants and refugees if they have been in the United States awhile. Another employer said his company runs a drug screen and a crime check every couple of years. A spokesperson for the janitorial service said it also does a crime check and accepts only certification by seal from the law agency. Because company employees clean banks and other office buildings, the drug and crime screening are required of all employees, not just immigrants.

**Hiring Bilinguals and Training Immigrants/Refugees**

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**Having bilingual staff cited as important when hiring immigrant workers.**

All employers interviewed believed it is vital to have bilingual employees on staff. One employer said his company hired three bilingual supervisors at an extra cost of \$100,000 per year. Another employer said his company has Bosnian, Vietnamese, and Russian interpreters. All employers had at least one staff member who was bilingual and able to help in translating employment forms. Some of the companies translate company documents such as safety regulations and insurance documents. One employer said the company’s policy manual and safety regulations are written in English, Spanish, and Bosnian. One company has all its safety forms, training tapes, and orientation in Spanish, which is the language of all its immigrant employees. Some employers said they had not translated documents but have interpreters instead.

Most of the companies did not specifically offer diversity training. Employers commented that it is best to hire bilingual persons when you first start hiring immigrants or refugees. They said this opened the door for them to hire other immigrants/refugees who are not bilingual. The bilingual employees help in training, translating, and diversity issues.

### **Cultural and Community Issues**

Company involvement in community issues that affect noncitizen employees varied. Although admitting there are cultural differences in the community and the private lives of immigrants and refugees, most employers thought the workplace is not the place to address them. They said that they do not treat immigrants and refugees any differently from any other employee.

But some employers are assisting the immigrants and refugees by supporting community ties. One employer said that English is taught as a second language at no charge, with classes held several times a week. One company assists in helping the refugees with contacts for water and phone hookups when they first come to Kentucky. Foreign workers must have TB and other medical tests when they first arrive in America. Most employers allow time off with pay when the workers go to obtain necessary documents for the workplace.

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**Employers are aware that some noncitizen workers want to return to their native countries.**

The employers were cognizant of the fact that some immigrants and refugees occasionally want to return to their native countries. This was not a problem with any of these employers. Some companies are shut down certain times of year and the employees are encouraged to use this time to go to their homeland. Several employers said they work on a point system. Under a point system, employees accumulate points for each absence. They said immigrant employees are generally able to abide by that system. The janitorial company was the only employer that could not hold jobs open because of the nature of its work. However, the company gives a job to the immigrant when he or she returns if there is an opening and if their previous work record is good.

### **Employment Agencies Used to Hire Noncitizens**

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**Employers hire immigrants through employment agencies.**

Employment agencies are becoming a popular avenue for businesses to use in hiring immigrants. They provide special relief for employers who hire temporary immigrant employees. The employment agency acts as a buffer for some of the problems of the employer. Staffs of the employment agency translate documents and paperwork. Sometimes a bilingual person is sent to help the business. For temporary employees, the agency pays payroll taxes and workers' compensation. The employer pays the agency an amount greater than the employee's salary to compensate for this service. Further, employment agencies work

with a lot of nonprofit organizations. Many of the nonprofit organizations refer immigrants for jobs.

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**Employment agency reported immigrants hear about employment opportunities through “word of mouth.”**

Employment agency officials said they originally placed ads, but today most of the immigrants come to their offices through “word of mouth.” One agency official in the Lexington area said the agency placed a couple of men and the news spread. He said the immigrants bring friends, family members, and other relatives to the agency to apply for jobs. Immigrants make up eighty-five percent of the agency’s applicants. The agency official said that the average beginning wage for immigrants going through the agency is \$7.25-7.50 an hour.

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**Employment agencies report that the majority of immigrant population in central Kentucky is Hispanic.**

The Lexington agency official said that the majority of the immigrant population that comes to his agency is Hispanic. He further said that this pattern seems to represent the majority of all the immigrants in the Lexington and central Kentucky area. (That observation is consistent with population trends in 2000 in the southeast region, where the largest proportion of legal immigrants were from Latin American countries.) A Shelbyville employment agency official said her firm also places a number of Hispanic immigrants. She noted further that there are at least five to six temporary employment agencies in the Shelbyville area that are placing Hispanics in the workforce on a daily basis.

### **Perspectives of Associations**

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**It was estimated that immigrants make up 80-90 percent of the thoroughbred farm workers.**

Immigrant laborers have become an integral part of the thoroughbred industry workforce. An official of the Kentucky Thoroughbred Association estimated that immigrants currently make up 80-90 percent of thoroughbred farm workers. He said they are mostly Hispanic, and that 85-90 percent are men. The market area for jobs includes Fayette, Woodford, Scott, Bourbon, Madison, Jessamine, and Harrison counties. He estimated that 75-80 percent of the farms in these areas hire immigrants and that there are approximately 460-500 farms with an average of 13 employees per farm. If these estimates are accurate, there may be over 5,000 immigrants working on the thoroughbred farms. This does not include tobacco farms.

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**Official says employers need workers and immigrants come seeking work.**

The official said that the employers need workers and the immigrants come to central Kentucky seeking work. He said that word of mouth from one farm to another is the way the workers find out about jobs. He said employers say that the immigrants are hard workers, learn quickly, and are trustworthy. The major

complaints are the language barrier and that the worker will change jobs for a slight increase in pay. He said the industry is now competing with the manufacturing plants that pay more. The farms, according to the official, provide health insurance through the association. Some farms provide housing and others give a housing allowance.

Meanwhile, a spokesperson for the Commonwealth's largest alliance of employers said that many of the companies that hire noncitizens are now using employment agencies and placement services. An official with another association said that he believes the economic impact of migrant workers and immigrants has been substantial in the past few years. He said he thinks it is a positive economic impact for the state.

### **Refugee Centers and Charitable Organizations**

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**Refugee centers and charity organizations work with the federal government in placing refugees and asylees.**

Refugee centers and charity organizations work with the federal government in placing refugees and asylees. The organizations receive the I-94 document issued by the INS that shows that the refugee is "legal to work." It has a specific alien number on it and is stamped "employment authorization." The I-94 document makes the refugee eligible to obtain a social security number. Once the documents are in hand, the refugee can go to work. The refugee usually does not have the Alien Registration card at the time he or she goes to work.

In addition, an "affidavit of relationship" document permits refugees to send for relatives. The affidavit states that the person will be economically responsible for relatives when they arrive in the U.S. Cuban citizens are selected to come to the U.S. as refugees through a lottery selection of applicants.

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**Employment agencies encounter forged documents.**

One organization official said his organization received 595 refugees in the last fiscal year, and out of that number, 400 were employable. Further, he said, that out of that number, 156 came to America through the Cuban/Haitian program, and almost all of those were Cubans. He said refugees go to work mainly in factories, restaurants, and hotels at entry-level jobs. The average wage was \$7.57 last quarter and \$7.50 for the last fiscal year.

## Illegal Immigrants Working in Kentucky Jobs

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**It is a consensus among employers, associations, refugee centers, and government officials that there are undocumented immigrants in Kentucky.**

Ever present is the reality that some noncitizen workers are undocumented. Staff of the Office of International and Cultural Affairs in Louisville stated that undocumented immigrants in that city work primarily in hotels, restaurants, garden industries, and nurseries. From interviews with employment agencies, businesses, refugee centers, and other associations this assertion appeared to be a consensus. In addition, the farming and agricultural industry also is mentioned often, along with businesses, such as warehouses, that used unskilled laborers. Further, it was a consensus among interviewees that the U. S. Census Bureau has not accurately accounted for a large percentage of the illegal immigrants.

An official of the Kentucky Revenue Cabinet reported that the Cabinet has “cracked down” on farmers. Evidence of several W-2 forms for noncitizen workers without a matching tax return has led the Revenue Cabinet complete additional reviews. The official said that most of the businesses/employers are doing things correctly. However, one incidence was reported in which the names of a group of workers were identical to the current Mexican soccer team.

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**IRS and the Kentucky Revenue Cabinet are identifying some bogus Social Security numbers.**

Another official of the Revenue Cabinet reported that the Cabinet does a validity check intended to identify anyone using a bogus Social Security number. However, it would not pick up a Social Security number that legally belongs to someone else. Further, the Cabinet receives a fraud checklist from the IRS, but it is not broken down by citizen or noncitizen classification. It was mentioned that many American citizens also attempt to defraud the government.

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**The enactment of KRS 514.160 shifted some of the responsibility for identity theft to immigrants rather than the employer.**

According to an official in the Office of the Attorney General, KRS 514.160, which deals with theft of identity, has shifted some of the responsibility of illegal Social Security numbers from the employer to the individual. It is now against the law to knowingly possess or use any identifying information belonging to another person. This includes using a Social Security number that belongs to someone else. The official commented that identity theft has become common. While the law applies to all individuals, it has a direct bearing on the use of fraudulent identity information by illegal immigrants. He said the agency recently discovered four immigrants using the same Social Security number.

Like some employers, officials with the employment agencies also have received forged documents from immigrants. The Lexington

agency official said he has become very knowledgeable about legal issues that accompany immigrants because of the number that pass through the agency. He said there are a few ways to identify illegal documents. He said, for example, some documents have side photos while others have front photos. Also, some Social Security numbers may duplicate another person's Social Security number. He said, for example, the agency has had the same Social Security number presented by different immigrants. Further, he said that some perspective immigrant workers come with social security numbers that begin with 999, which is not a valid number. If agency staff think a registration card is false, the official said they call the INS. He estimated that 80-90 percent of the Hispanic population in the central Kentucky area do not have legal documents.

### **Kentucky's Agricultural Labor Market and Immigrant Workers**

Like many industries, agriculture has experienced a number of recent changes. The Commonwealth's agricultural sector has not been immune to these changes, and has followed the prevalent national trends, albeit at a different pace compared to other U.S. regions. Three overarching trends affecting agriculture include the increasing use of machinery, the consolidation of farms into larger production units, and the diversification of farm income. In essence, the result of these trends has been to change the demand for and the supply of labor on farms in Kentucky.

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**Kentucky farmers have decreased their reliance on labor.**

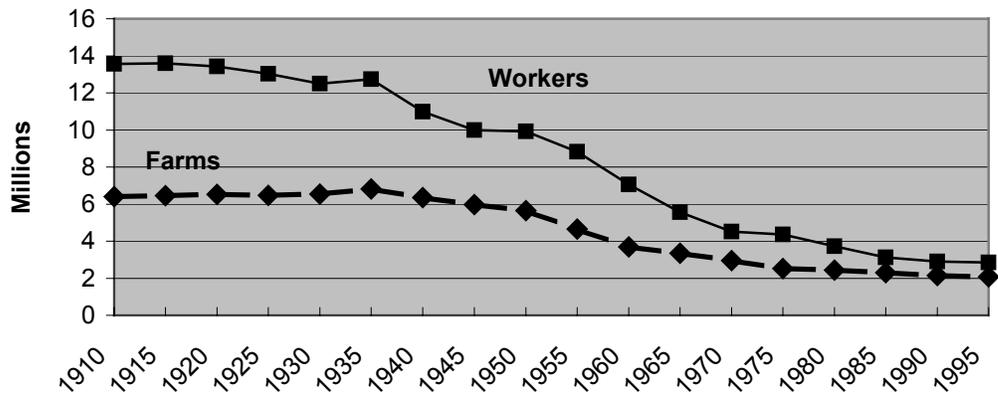
By utilizing machinery, Kentucky farmers have decreased their reliance on labor. Moreover, even as farms have increased in size, other practices, such as the adoption of no-till planting and the use of chemicals, have led to declines in the amount of labor used. Also, as the 1990s brought about unprecedented economic growth in the U.S. and the Commonwealth, thereby increasing the opportunity costs for staying on the farm, and as farms continued to experience lower and more variable returns, more farmers and their spouses sought off-farm work, leading to a decline in the use of family and other unpaid labor.

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**Numbers of farms and workers stabilized in the 1980s.**

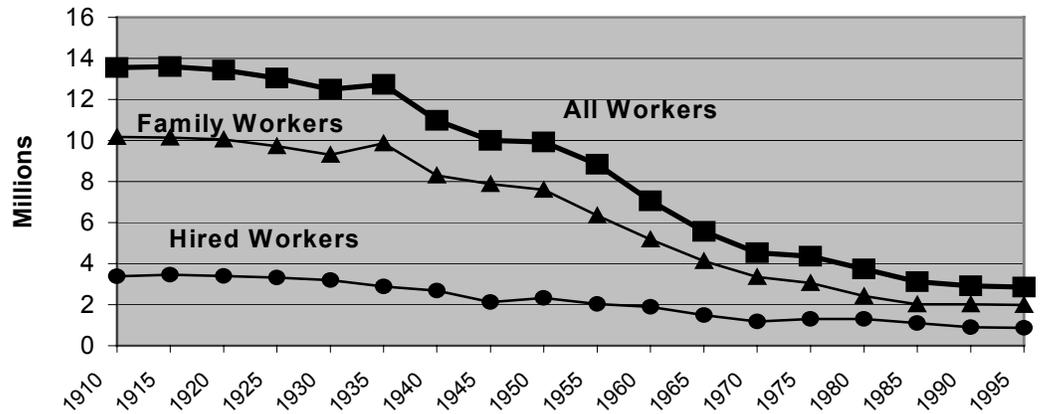
Figures 2.B and 2.C illustrate how these trends have affected U.S. agriculture. In the last century, the number of farms and workers declined, followed by a more stable period beginning in 1980. Moreover, the changes that have taken place have led to family workers becoming a relatively less important segment of the farm labor force.

**Figure 2.B**  
**Number of U.S. Farms and Farm Workers**



Source: U.S. Department of Agriculture, Farm Labor Charts.

**Figure 2.C**  
**Categories of U. S. Farm Workers**



Source: U.S. Department of Agriculture, Farm Labor Charts.

**Tobacco is the single most important crop in Kentucky.**

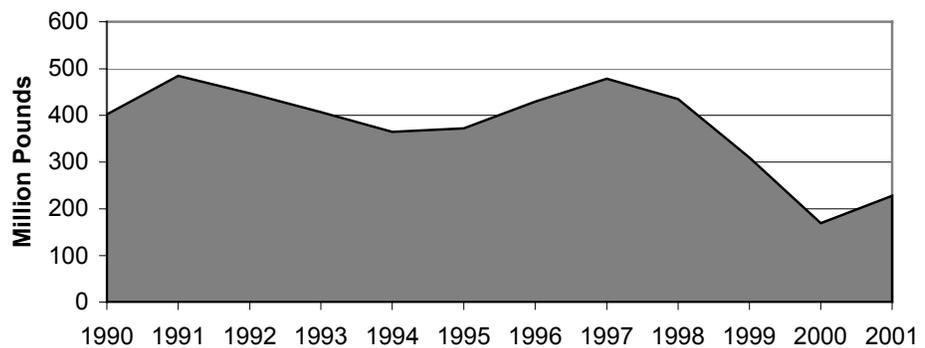
Kentucky's agricultural sector, while somewhat similar to other Southern states, is unique compared to other U.S. regions, in that historically it has been more concentrated in the production of tobacco. Production of other crops and livestock take place within the Commonwealth, but tobacco has been the single most important agricultural enterprise in Kentucky, as well as the crop that requires more labor per acre than any other.

**Despite changes, tobacco remains a labor intensive crop.**

Over the past two decades, a number of changes in Kentucky's tobacco production have taken place. In terms of production practices, by the late 1980's baling of tobacco was almost completely adopted and the use of the float system for plant

production was widely, if not universally adopted. Despite these labor saving advances, the production of tobacco, especially harvesting activities, is still very labor intensive. The production of tobacco is also heavily influenced by the federal tobacco production controls and price supports. Figure 2.D illustrates that since 1990 Kentucky farmers have experienced historically high quota levels and the largest annual reduction since the inception of the quota system, which has resulted in significant swings in the demand for hired labor during the decade.

**Figure 2.D**  
**Kentucky Burley Basic Quota**



Source: Kentucky Agricultural Statistics Service, *Kentucky Agricultural Statistics*, various years.

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**With low supply of farm labor, state has experienced influx of immigrant workers.**

The combination of these factors has led to fewer but larger farms, less family and unpaid labor, relatively fewer hired workers, and significant year-to-year swings in the demand for agricultural labor. Coupled with the demand changes have been shifts in the supply of labor to perform agricultural work. In fact, because of the relatively low supply of tobacco harvesting labor during this decade, Kentucky experienced an influx of seasonal and permanent immigrant agricultural workers.

The preceding section broadly addressed the initial question of how changes in agriculture and the economy have led to changes in the demand and supply of agricultural labor. In the following sections, information on agricultural workers in Kentucky is provided. Because of data limitations, it was not possible to reliably describe the number and type of farm workers, or their demographic characteristics. Therefore, this analysis consisted of reviewing the relevant data and research, conducting interviews with farmers and others involved in agriculture, and interviewing officials with the Kentucky Department for Employment Services and Kentucky Department of Agriculture.

### Farm Labor Data Sources

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**There is no complete source of data on farm labor.**

Presently, there is no single data source that provides the information necessary to understand the issues related to changes in the supply, demand, wages, earnings, benefits, and characteristics of farm workers at the national or state level. In reviewing the research in this area, staff found five major sources of farm labor data:<sup>20</sup>

- Current Population Survey (CPS)
- Farm Labor Survey (FLS)
- Census of Agriculture (COA)
- Regional Economic Information System (REIS)
- National Agricultural Worker's Survey (NAWS)

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**The CPS contains household information.**

The CPS is conducted monthly by the Census Bureau for the Bureau of Labor Statistics and covers approximately 47,000 households in the U.S. The survey provides detailed labor force, employment, unemployment, and demographic characteristics of the U.S. population; however, it is not designed to collect information on farm workers. Although every state has farm workers included in the sample, the sample size is not sufficient to allow reliable estimates at the state-level. Moreover, documentation associated with the CPS indicates that the survey design may lead to an undercount among farm workers.

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**FLS presents regional farm estimates.**

Another source of data on farm labor is the Farm Labor Survey. This quarterly survey is conducted by the United States Department of Agriculture's National Agricultural Statistical Service (NASS) and unlike the CPS, which is a household survey, the FLS is an establishment survey of 14,500 U.S. farms. The FLS, which provides estimates of the number of hired farm workers, the percentage who are immigrant, average weekly hours worked, and wage rates, does not have a sufficient sample size to generate estimates at the state level; however, the survey does contain regional estimates.

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**Approximately 11 percent of U.S. hired farm workers are immigrants.**

Kentucky is included in the FLS survey as part of the Appalachian II region, along with Tennessee and West Virginia. According to the most recent survey (July 2001), hired farm labor in the

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<sup>20</sup> The BLS also conducts a mail survey measuring occupational employment and wage rates for wage and salary workers in nonfarm establishments, by industry. Because the survey does not cover farms, only establishments engaged in performing farm services, this survey can not be used to estimate the number of farm workers in Kentucky.

Appalachian II region normally peaks at around 39,000, with 21,000 expected to be employed 150 days or more, and 18,000 expected to be employed 149 days or less. The FLS data, while not sufficient for state level estimates, does provide national estimates. The 2000 FLS reported that approximately three million workers were employed on U.S. farms: Seventy percent (2.1 million) were self-employed farm operators and unpaid workers, and thirty percent (890,000) were hired workers. The survey estimated that 11.5 percent of the U.S. hired workers were immigrants, and that eighty percent of the hired workers were employed on farms hiring three or more workers.

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**Census of Agriculture (COA) is the most comprehensive source for data on farm labor.**

The Census of Agriculture is a NASS mail survey sent to U.S. farms and ranches. The most recent Census (1997) is dated; however, it represents the most comprehensive source of agricultural data available at the county or state level. Most of the farm labor data from the COA is related to hired labor expenses, and the number of persons working fewer than 150 days, or more than 150 days, on the farm.

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**COA indicates there were over 33,000 Kentucky farms with hired labor expenses.**

According to the 1997 COA, there were over 33,000 Kentucky farms with hired labor expenses, and total hired farm labor expenses were over \$209 million. One interesting piece of information from the 1997 COA is that eighty-one percent (27,079) of the farms that recorded hired labor expenses, had expenses that totaled less than \$5,000. Moreover, of these 33,000 farms, fifty-five percent were classified as tobacco farms. Similar to all Kentucky farms, eighty-four percent of these tobacco farms had less than \$5,000 in hired farm labor expenses in 1997.

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**1997 COA notes there were almost 154,000 farm workers.**

In terms of the number of hired workers, the 1997 COA indicated there were 153,602 workers on Kentucky farms. Of these workers, ninety percent worked less than 150 days, and similar to the FLS data, eighty-five percent of these workers, worked on farms with three or more workers. According to the COA, Kentucky had 14,600 workers who worked more than 150 days, an estimate that is comparable to that provided by the FLS.

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**Approximately 10 percent of farm workers are hired labor.**

The REIS database published by the U.S. Department of Commerce Bureau of Economic Analysis, also captures farm employment. According to the REIS, Kentucky had 114,737 farm jobs in 1999, the last year for which data were available. Of the total farm jobs, 98,579 were composed of farm proprietors, thereby indicating Kentucky had 16,158 farm jobs in 1999.

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**National Agricultural Workers Survey (NAWS) provides demographic information.**

The National Agricultural Workers Survey (NAWS), established to meet conditions of the 1986 immigration reform law (IRCA), has been conducted every year since 1989. The survey was designed to provide information to help analysts understand how changes in immigration laws in 1986 affected the agricultural labor market and is often cited as the best source of demographic information on seasonal farm workers; however, the survey only covers crop workers, thus livestock workers are excluded.

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**Department of Labor survey is limited by small sample size.**

The U.S. Department of Labor conducts the survey in three cycles each year to capture the seasonal aspects of farm work. The annual data are collected from personal interviews with about 3,600 randomly selected field workers in crops at their work sites in an effort to avoid undercounting this hard to find population. To date, over 25,000 seasonal crop workers have been interviewed. Similar to the CPS and the FLS, the NAWS is limited by a small sample size so state-level estimates are not possible. The detailed demographic and employment information of crop workers collected from the NAWS includes:

- Legal Status
- Literacy and Education
- Family Composition
- Income, Assets, and use of government programs, and
- Employment history, earnings, and job characteristics

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**NAWS report shows a number of changes have taken place since 1989.**

Findings from the annual NAWS indicate that a number of changes have taken place since 1989. Following the passage of IRCA, a very large group of undocumented farm workers was granted legal status, with the vast majority becoming legal permanent residents. In 1987 and 1988, 1.3 million formerly undocumented farm workers in the U.S. applied for, and 1.1 million received, legal status under the special agricultural worker provisions (SAW). Most of these individuals spent two to four years as temporary residents, and then the vast majority obtained legal permanent resident (LPR) status. This group of more than one million workers had an important impact on the estimated 2.5 million-worker farm labor market. Moreover, making the SAW workers legal residents made them eligible for welfare and other public assistance programs.

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**Many may have left farm workforce as a result of 1986 legislation.**

Data from the NAWS from 1989-1998 indicate that while those with temporary pending status declined due to IRCA, there was less than an equivalent increase in LPR status among farm workers. This suggests that many who obtained LPR left the agricultural workforce. In 1989, over one-third of agricultural

workers were IRCA legalized. In 1998 that proportion had declined to sixteen percent.

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**Data do not indicate why immigrant workers left farm workforce.**

Data from the NAWS do not indicate why so many of the newly legalized workers left agriculture during this period. One possible explanation includes easy availability of other jobs in a strong economy. NAWS data show that during the peak harvest season only sixty percent of farm workers are employed at farm work. Also, relative wages and earnings for farm workers have fallen, making other jobs more attractive.

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**As legalized workers left farms, new undocumented workers entered agriculture workforce.**

As these workers departed agriculture, a very large group of undocumented workers entered. Undocumented workers constituted seven percent of farm workers in 1989, and grew steadily to fifty-two percent by 1998. A premise behind IRCA was that the legalization of SAW's would help to slow down the rate of undocumented workers in U.S. agriculture. The data from the NAWS indicate that this did happen initially, as the number of undocumented workers was less than ten percent in 1989. However, as these newly legalized workers moved into other occupations, new entrants from abroad increased, reflected in undocumented workers composing fifty-two percent of the U.S. crop workers in 1998. In essence, despite the large legalization program, the tendency for new entrants to enter agriculture every year from abroad has not slowed, leading to a five-fold increase in the percentage of undocumented workers on U.S. crop farms.

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**It is impossible to determine the number of undocumented agriculture workers.**

It is impossible to know exactly how many immigrant agricultural workers there are because many farmers hire undocumented workers who float from job-to-job and state to state and because the number of employed farm workers varies widely by season. While estimates exist for hired farm workers, unpaid farm workers, and farm operators, there is no sufficient method to account for the fact that a number of workers will fall into more than one of these categories during a year. Also, it is important to note that with the total number of jobs in Kentucky exceeding 2.3 million, the hired agricultural labor force is a small part of the total labor force.

### **NAWS Estimates**

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**National Agricultural Workers' Survey may contain some answers.**

The NAWS can help answer some, but not all, of the questions concerning the agricultural labor force. As previously stated, the survey sample size is not sufficient to allow reliable estimates of the number of immigrants working on Kentucky farms. Estimates from the FLS, the COA, and the REIS databases indicate that the

number of Kentucky farm workers could range between 15,000-39,000.

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**NAWS estimates 81 percent of hired farm workers are foreign born.**

Besides the total number of farm workers, many would like to know the percentage of these workers who are immigrants, and the percentage who are undocumented. Again, the available information leads to a range of estimates. The most recent NAWS indicated that eighty-one percent of all farm workers were foreign-born (seventy-seven percent were Mexican-born), and that fifty-two percent were undocumented. The USDA reports that estimates of the percentage of undocumented workers in the total hired farm labor force range from twenty-five to seventy-five percent.

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**A typical farm worker in U.S. is a 31-year-old Mexican male.**

Data from the NAWS and the CPS can give a profile of hired farm workers in the U.S. Typically, the profile of US farm workers has not changed much during the 1990s. According to the 1998 NAWS, a typical farm worker in the U.S. has these characteristics:

- is a Mexican born male
- has ten years of experience in farm work, although there has been a large group of new arrivals
- is thirty-one years old
- has completed six years of education or less
- is equally likely to be undocumented or a legal U.S. citizen
- is equally likely to be married or single
- lives away from his family
- earns \$277 per week
- is employed as a farm worker for twenty-four weeks during the year
- has just one job during the year
- seventy-five percent earn less than \$10,000 per year and sixty-one percent have poverty-level incomes
- fifty-six percent migrate either within the U.S. or abroad
- twenty percent have received unemployment insurance benefits in the last year
- ten percent have received WIC, Medicaid, or food stamp benefits

### **Past and Present Temporary Worker Programs**

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**Kentucky farm operators also have opportunity to use temporary foreign agriculture workers.**

Besides operator, family, domestic, and immigrant workers, Kentucky farmers also have the option of using temporary foreign agricultural workers. Over time, employment opportunities in the U.S. have continually drawn Mexican immigrants—both those entering legally and those entering illegally.

The first Mexican farm worker program was comprised of the exceptions to the Immigration Act of 1917, which permitted Mexicans to enter the U.S. temporarily to fill certain jobs. Two other examples from the Twentieth century include the U.S.-Mexico Bracero Program and the H-2 Program. The Bracero Program, initially created to fill wartime shortages, started in 1942 with an agreement between the U.S. and Mexico to bring in temporary workers for agriculture and the railroads.

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**The H-2 Program succeeded World War II era Bracero Program.**

The H-2 Program, originating in 1952, succeeded the Bracero Program, and was authorized by Congress to provide a legal means for agricultural employers to recruit and hire temporary foreign workers when U.S. workers are not available. H-2 temporary foreign workers are nonimmigrant aliens granted temporary authorization to work in the U.S. and represents the major program through which U.S. farmers can legally secure temporary foreign farm workers.

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**H-2A Program came into existence in 1986.**

The H-2 Program was initiated when the U.S. Sugar Corp. was in need of low wage labor to cut sugar cane. In 1986, the H-2 Program was split into the H-2A (agricultural) and H-2B (nonagricultural) programs. The U.S. Department of Labor's (DOL) Employment and Training Administration administers and enforces the program, with the INS handling entrance and work visas.

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**H-2A Program allows farm employers to hire workers for less than 11 months.**

The H-2A Program allows U.S. agricultural employers to hire foreign workers on a temporary basis—less than eleven months. These workers are not eligible to remain in the U.S. beyond their specified period of employment. To participate in the H-2A Program, the Kentucky agricultural employer must file an Application for Alien Employment Certification with the DOL Region III Office and the Kentucky Department of Employment Services (DES).

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**A farm operator must meet several requirements to hire H-2A workers.**

Besides filing for certification, several requirements must be met for a farm operator to hire an H-2A worker. The farmer must certify to the DOL that domestic workers are not available and that there will not be an adverse effect on the farmer's local economy if the alien is hired. To prove domestic workers are not available, the farmer must advertise locally, requesting farm workers from the domestic labor force. To help ensure that displacement of domestic workers does not occur, the DES must attempt to recruit U.S. workers for the positions before the foreign workers can be employed.

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**The H-2A contract carries several stipulations.**

The farmer and the H-2A worker enter into a contract that stipulates such things as:

- beginning and ending date of employment
- hours per day and days per week the worker is expected to work
- transportation expenses, housing and meals provided
- days not required to work
- crop worked and rate for each crop
- rate of pay for each job

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**H-2A guarantees minimum hours and wages, and adequate housing.**

The employer must guarantee the worker seventy-five percent of the contract hours and must provide adequate housing for the H-2A workers. DES inspects the employer-provided housing to ensure that it meets standards set by the OSHA and perform field checks after the workers arrive. Under the H-2A Program, employers must pay the higher of: 1) the state or federal minimum wage; 2) the local prevailing wage for the particular job in a local geographical area, based on surveys of the prior years wages conducted by state employment agencies; or 3) the Adverse Effect Wage Rate (AEWR), which is the regional average hourly wage for field and livestock workers determined by the USDA surveys. The stated purpose of the AEWR, which has risen from \$5.68 per hour in 1997 to \$6.60 per hour in 2001, is to prevent U.S. farm labor standards from being adversely affected by the hiring of temporary foreign workers.

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**Under H-2A, a farmer must pay immigrant worker's transportation to and from the country of origin.**

The farmer must pay for the immigrant's transportation to the farm and back to the country of origin and must provide workers' compensation insurance for the foreign workers. If the worker pays to get to the farm, the farmer must reimburse the worker when fifty percent of the contract is complete. In addition, if the worker does not complete the contract, the employer is not obligated to pay to get the worker home. The farmer must keep a record of all hours worked and must keep a record of any worker who is terminated and why. One problem cited by the DES is that when an H-2A worker's time is up, transportation home is provided, but no one checks to see if they actually go back or not. In staff interviews with farmers in the program however, employers indicated their workers make sure they re-enter Mexico, because they want to be able to come back and work next year under the program.

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**Tobacco farmers are replacing sugar cane growers in H-2A usage.**

Initially the program was expected to expand from about 20,000 a year in the mid 80's to 200,000 or more after IRCA sanctions took full effect in 1989. The number increased to 27,000 in 1989, but fell as the Florida sugarcane harvest, which employed about one-

half of these workers was mechanized and there was no significant growth of H-2A elsewhere. In the mid 1990s, several ex DOL employees established firms to help farmers obtain H-2A workers, starting in North Carolina for tobacco and vegetables. As a result, tobacco farmers replaced sugarcane farmers as the employer of half the H-2A workers.

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**H-2A Program has continued to grow.**

Recent data indicate that the program has continued to grow, with 6,300 employers participating and DOL approval of 48,000 jobs in FY 2000.<sup>21</sup> Moreover, there appears to be little difficulty in getting approval, as more than ninety-five percent of the employer applications for H2-A workers are approved. Presently, more than half of the H-2A jobs certified in the U.S. are tobacco related, with about one-half of those in North Carolina.

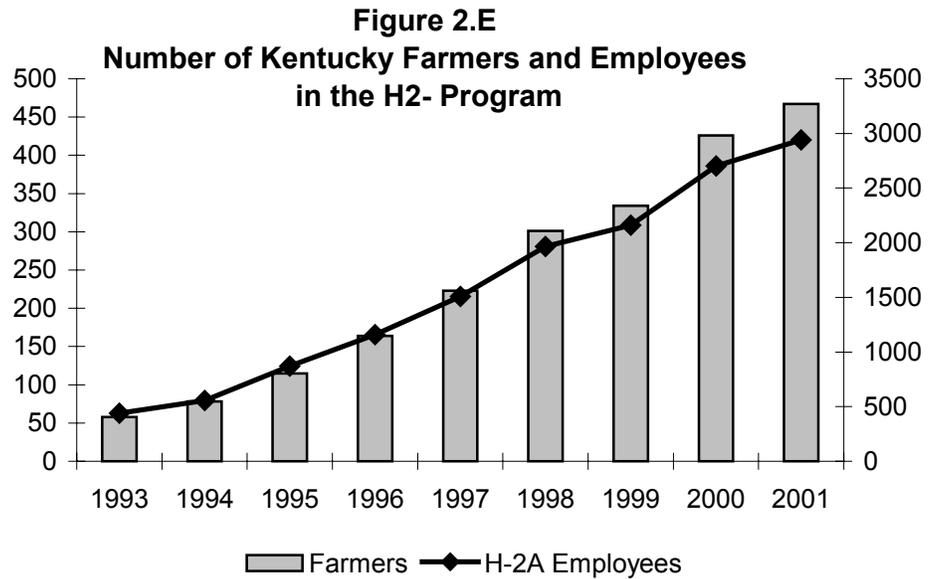
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**Kentucky tobacco and other farmers are increasingly taking advantage of H-2A, and now have the fourth highest usage of H-2A workers.**

Kentucky tobacco, and other, farmers have increasingly taken advantage of the H-2A Program. (Figure 2.E) The most recent estimates indicate that 467 Kentucky farmers were approved to bring in almost 3,000 H-2A workers in FY 2001, which established Kentucky as the fourth largest state in terms of importing H-2A workers. In interviews with tobacco farmers who are now involved with the H-2A Program, several issues were raised. Each interviewee noted that in the early 1990s, it became more difficult to find domestic help to harvest the tobacco crop. An improving economy further exacerbated the situation. In essence, farmers suggested that the H-2A workers help them fill jobs that domestic workers simply do not want in such robust economic times.

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<sup>21</sup> There is no limit on the number of H-2A workers who can be admitted and the number of farm jobs certified as needing to be filled.



Source: Kentucky Department of Employment Services.

**Kentucky’s farmers also saw impact of 1986 IRCA legislation.**

Reports by Kentucky tobacco farmers were similar to data reflected in the NAWS. IRCA allowed a large number of agricultural workers to become legal, and as a result they became more mobile. In the early 90s, as farmers in Kentucky were having difficulty finding harvesting laborers, some of these newly legal immigrants started to move into the state, as did undocumented workers. The farmers interviewed had similar experiences, moving from domestic day workers to recently arrived immigrants, to H-2A workers. This information corresponds to data that indicate that the older farm workers get, the greater the tendency to seek off-farm work. Data on those legalized under the SAW program in 1987-88 indicate that the median age was twenty-eight, which means that most SAW’s may have left the hand harvest labor force by now, and as indicated by the NAWS, many of their replacements are undocumented younger workers.

**Construction, manufacturing have lured former immigrant farm workers.**

In general, the interviews indicated that initial immigrants to the state flowed to regions readily accessible by bus and the interstate and to those areas where tobacco quotas are highest. As time passed, there have been changes to this initial pattern of dispersion. These early arrivals have moved more and more into off-farm employment. It was reported that they sought work in the construction sector, in manufacturing plants, poultry plants, and various service industries.

In essence, two major changes have taken place during the past decade. First, as the number of domestic farm workers started to

decline, a number of farm workers were being legalized by IRCA and came to Kentucky looking for work. As these initial workers began reaching an age where they are not as physically able to do harvesting tasks, many moved to off-farm work. They may have also been attracted by the fact that off-farm employment is often more stable. As these initial immigrants tended to diminish in number, and perhaps, as Kentucky became a less attractive draw due to low quotas, the supply of farm workers fell. As a result, farmers said they faced a choice of employing undocumented workers or moving to a more stable harvesting workforce by utilizing H-2A workers.

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**Size of tobacco farms is a factor in how labor is obtained.**

Kentucky tobacco production is characterized by a large number of small producers. Two-thirds of Kentucky producers (28,000) produce less than four acres, followed by 11,850 producers, who produce between 4-17 acres. The largest 2,100 producers—the top five percent—grow between 17-250 acres. During the farm interviews and in interviews with DES and KDA personnel, it was suggested that tobacco farmers could be classified into three different categories: small, medium, and large producers. Each of these types of producers utilizes different types of labor to harvest their crops. Small producers still often provide their own labor, supplemented with other family or unpaid labor, and to a small extent, hired day-laborers. It was suggested that medium-sized producers were utilizing their own labor, along with family and unpaid labor, and to a greater extent day workers—said to be mostly undocumented. In fact, it seems mid-size producers are getting squeezed due to a number of factors. First, they may not be large enough to effectively spread the cost of housing and transportation for H-2A workers, and second, they may be concerned with their liability associated with hiring undocumented workers. For large producers, it appears many have secured enough legal workers, or they have utilized workers through the H-2A Program, or they may be using undocumented farm workers.

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**Day workers and domestic or unpaid family labor may meet labor needs of mid-size producers.**

To get an idea of the labor requirements associated with these farms, one can examine Burley Tobacco Budgets published by the University of Kentucky. While these budgets are dated, harvesting techniques haven't changed much, so they are still applicable. For small producers (four acres or less), the harvesting labor requirement would be 220 hours or less, which is equivalent to five workers working forty-five hours for one week. Mid-size producers would have a labor requirement between 220-990 hours, which would range from five workers for one week up to five workers for one month. Based on this information, it would appear that for the majority of producers, day workers and domestic or

unpaid family labor would probably meet labor needs. This analysis conforms to the information provided in the 1997 COA on hired farm labor, indicating that a large number of producers have minimal hired farm labor expenses. On the other hand, the top five percent of producers have substantial harvest labor requirements, requiring a more stable and larger labor force; thus the reason for the increasing popularity of the H-2A Program.

### **Farmers' Concerns**

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**Farmers say they have few options in harvesting their tobacco crop.**

Farmers indicated they had only a few options for harvesting their tobacco crop. For small producers, they can utilize operator and family labor and supplement these sources with domestic hired labor, or immigrant hired labor consisting of day workers, of which most are assumed to be illegal. For those producers with more substantial operations, they indicated they had to choose among SAW's, undocumented workers, and H-2A workers.

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**Large producers say they must rely on H-2A workers or quit the business.**

The large tobacco farmers staff interviewed indicated they have to depend on H-2A workers or they would have to quit. Also, they indicated that using H-2A workers is likely to be unprofitable for small and medium producers due to housing and transportation costs. Because of this, within the last few years, Central Kentucky farmers indicated that large work crews consisting of immigrants have come into the area. Moreover, farmers indicated that many still use undocumented workers, but farmers are not comfortable with it, and the choice is either to raise the crop or not raise it. The concern expressed by those interviewed was that while illegal workers or crews may be cheaper for the farmer compared to H-2A, hiring them does have risks.

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**Producers indicate they like the H-2A workers; mention their work ethic.**

Farmers indicated they like immigrant and H-2A workers because they are good workers, were quick learners, and dependable. Many of the farmers interviewed indicated that their workers have worked in tobacco before, in Mexico. These farmers also indicated their immigrant workers come up for the harvest season, stay until the crop is stripped, and then go south to find work.

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**Farmers say the cost of using H-2A workers is getting high.**

On the negative side, the H-2A farmers interviewed indicated that the cost of the H-2A workers was getting high, and for some, getting through the language barrier was difficult sometimes. Farmers who utilized immigrant labor indicated they felt like they faced a double edge sword. On one hand, they are required to ask for documentation to fill out the I-9 forms, on the other, they can not discriminate in their hiring practices. Most of these farmers

indicated they felt unqualified to ascertain the quality of identification documents presented to them.

From the information reviewed it is clear that even with the costs associated with language difficulties and documentation issues associated with hiring immigrant farm workers, Kentucky farm owners feel they must have access to that labor force as long as native workers are not available to fill the jobs.



## CHAPTER 3

### EDUCATION ISSUES

The increase in immigrants in Kentucky is affecting the state's elementary and secondary school system. Educators say their biggest concern is the lack of funding for services and materials geared toward students of limited-English proficiency. Kentucky's overall number of English language learners of limited-English proficiency is far below the national average, nevertheless school districts have had to make adjustments to meet the challenge. Spanish is the most prevalent idiom spoken by limited-English students, but school districts have to accommodate several languages. Most of the limited-English students need other services such as tutoring also.

#### Educating Immigrant Children

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**Immigrant student increase challenging state elementary, secondary schools.**

Kentucky elementary and secondary schools in some regions of the state are faced with significant challenges in addressing the needs of immigrant students, according to state and local educators and education advocates. Because most of the students have limited proficiency in English, school administrators, teachers, and staff are challenged to communicate adequately with the students and their parents or guardians. Some communities have difficulty finding individuals within the community who speak the language the child and parents speak to even begin the process of offering educational services. In addition, schools in regions heavily impacted by immigration do not have sufficient materials to assist non- or limited-English speaking students in progressing to English-based instruction.

Some districts, including Jefferson, Warren, Boone, and Fayette counties have found responding to the diversity of native languages and cultures represented in immigrant populations difficult. Some regions have had problems finding translators who can help them communicate with parents and students. Others have found that simple translation of documents sometimes is insufficient to establish effective communication with students and their parents and, in the worse case, unintentionally offend the immigrant family.

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**Lack of funding for immigrant student services cited as a frequent concern.**

The most frequent concern expressed by elementary and secondary schools was the lack of funding specifically targeted for providing services, materials, English-as-a-Second-Language training for teachers, and for additional instructional assistants in schools affected by the increase in the number of non-native English-speaking students. Although schools do receive additional funding to assist the students from federal programs and through Seeking Education Excellence in Kentucky (SEEK) funding sources when those students qualify under free or reduced lunch programs, many school districts do not believe the amount of funding available for these programs is sufficient. One school official interviewed noted that when a young student comes to a school speaking virtually no English and speaking a language the school has not addressed before, it is critical to the school and the student that money be available to hire aides or to at least acquire materials that help that student transition into the new cultural and educational setting as quickly as possible. That official noted that budgetary procedures usually do not work fast enough to provide an adequate response.

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**Many schools believe funding is insufficient to meet needs.**

Other officials have noted that teachers and school officials need training to understand that many of these students go through a cultural swinging door on a daily basis, being required to function in an English-based, American school culture during the day and returning to what may be a traditional non-English, non-American culture home environment. Although many school officials indicate the newly arrived students and parents want the child to obtain a good “American” education, they also frequently do not want to lose their native language or culture in the process. Teachers, counselors, and administrators who have not had training in methods for teaching English-as-a-Second-Language students and diversity awareness training may not understand the additional challenges these students face in attempting to succeed in Kentucky schools.

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**School officials also cite need for cultural training.**

## State School Language Services

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**Limited English students include immigrants and those born in U.S. of immigrant parents.**

All three levels of Kentucky public education—elementary, secondary, and postsecondary—are providing services to an increasing number of students who are English language learners (ELL) or limited-English proficient (LEP).<sup>22</sup> While many ELL/LEP students are immigrants, others actually are children who were born in the United States of immigrant parents. Unfortunately, the data collected about ELL/LEP students do not

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<sup>22</sup> While many programs still use the term limited English proficient (LEP), the more current terminology is English language learners (ELL).

reflect the students' citizenship status. A U.S. Supreme Court decision issued in 1982 stated that "undocumented children are 'basically indistinguishable' from legally resident alien children and that exclusion of undocumented children from public education would create a 'subclass of illiterates for no valid reason.'" [*Plyler v. Doe*, 457 U.S. 202 (1982)]

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**The exact number of noncitizen students in the state cannot be determined from existing data.**

The Kentucky Department of Education (KDE) and several advocacy groups supporting ELL/LEP students' right to access public education have interpreted this decision as prohibiting the state or school districts from determining the exact number of nonresident students in Kentucky. The absence of data on citizenship of noncitizen English speakers makes determining the exact number of immigrant children in Kentucky's public schools very difficult. KDE does track numbers of students eligible for, or receiving, services from programs such as LEP, ELL, and English-As-a-Second-Language (ESL) to estimate the number of immigrant students enrolled in Kentucky public schools.

But because of the confusion in using various terms to describe these students, KDE relies primarily on federal forms the agency collects from school districts in estimating the number of non-English speaking students who require additional services in Kentucky's public schools. In addition, the number of ELL/LEP students being served may not be accurate because of duplicated counts, which arise from counting ELL/LEP students in all of the programs through which they receive assistance. As a result of receiving multiple services, some ELL/LEP students may be counted more than once.

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**Some districts in state have seen significant increases in ELL/LEP enrollments.**

Kentucky elementary and secondary schools in some regions of the state have seen significant increases in enrollment of ELL/LEP students. But the actual number of ELL/LEP students in Kentucky is still rather small compared with the number of these students nationally and in other states. From the perspective of many schools in several regions in the state, however, the increased number of ELL/LEP students has created a need for additional resources. Needed resources include funding to pay for additional staff, staff training, and appropriate instructional materials.

### **Limited English-Proficient Students**

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**Kentucky's overall number of ELL/LEP students is far below national average.**

The National Clearinghouse for Bilingual Education (NCBE) reports that total U.S. enrollment of ELL/LEP students in kindergarten through 12<sup>th</sup> grade is estimated to be about 8.9 percent of the total student population. Kentucky's overall number

**Kentucky has fewer limited English proficiency students than surrounding states.**

of ELL/LEP students and the percentage of all students in ELL programs in Kentucky schools are far below the national average. Furthermore, the percentage of ELL/LEP students found in student populations in states bordering Kentucky is much higher than the percentage in Kentucky, although the number of ELL/LEP students in Kentucky’s student population has increased by 208.7 percent in the last decade. For the 1999-2000 school year, ELL/LEP students represent less than one-half of one percent of Kentucky’s total students. The number has risen for the 2001 school year, rising to 5,917, a seventy-nine percent increase.<sup>23</sup> Table 3.1 shows Kentucky has fewer LEP students than some border states. (Totals for West Virginia were not available.)

**Table 3.1  
K-12 Limited English Proficiency Enrollment Trends  
For US, Kentucky, and Surrounding States, 1999-2000**

	Total Enrollment 1989-90	Total Enrollment 1999-00	Growth from 1989-90	LEP Enrollment 1989-90	LEP Enrollment 1999-00	Growth from 1989-90	LEP / Total
<b>United States</b>	40,608,842	46,139,064	13.6%	2,030,451	4,148,997	104.3%	8.9%
<b>Kentucky *</b>	701,854	734,959	4.7%	1,074	3,315	208.7%	.45%
<b>Indiana</b>	952,247	1,080,006	13.4%	4,001	9,195	129.8%	.85%
<b>Tennessee</b>	818,957	1,047,966	28.0%	4,000	7,413	85.3%	.70%
<b>Ohio</b>	1,979,889	2,059,571	4.0%	8,526	12,391	45.3%	.60%
<b>Missouri **</b>	909,400	996,800	9.6%	2,844	6,748	137.3%	.67%

\* Data from 1990-1991 school year was not available from Kentucky. Data comparisons from 1989-1990 through 1996-1997. Data from the Kentucky Department of Education indicate a total LEP enrollment of 4,409 students which would make LEP students about 6.2 percent of the total number of students enrolled in Kentucky public schools. Source: *Survey of State’s Limited English Proficient Students and Available Educational Programs and Services*, Form OMB No. 1885-0543, submitted by Kentucky Department of Education, School Year 1998-1999.

\*\* Data from Missouri ends with 1996-1997 school year. Data comparisons from 1990-1991 through 1996-1997.

Source: *Survey of State’s Limited English Proficient Students and Available Educational Programs and Services*, U.S. Department of Education, Form OMB No. 1885-0543, as reported by NCBE at [www.ncbe.gwu.edu/projects/state-data](http://www.ncbe.gwu.edu/projects/state-data) on January 2, 2001.

**Languages Spoken by LEP Students**

**Spanish is prevalent language spoken by ELL/LEP students.**

As shown in Table 3.2, by far the most prevalent language native to Kentucky’s ELL/LEP students is Spanish, perhaps reflecting the increasing numbers of students from countries in Latin America. Other common languages are Bosnian, Vietnamese, and Japanese. However, the students speak many different languages. Some

<sup>23</sup> Comparative data for the surrounding states for the 2000-01 school year are not available.

school districts, those in Jefferson and Warren Counties in particular, report an increasing number of students who are native speakers of various Eastern European languages, including Bosnian, Serbo-Croatian, Croatian, Russian, Ukrainian, and Polish.

**Table 3.2**  
**Most Frequently Spoken Languages of**  
**Kentucky's ELL/LEP Students**

Language Spoken	Number of Students Statewide K-12 1999-2000	Number of Students Statewide K-12 2000-2001
Spanish	1,740	2,408
Bosnian	388	571
Vietnamese	364	330
Japanese	242	280
Arabic	166	184
Serbo-Croatian	161	NA
Mandarin	126	142
Cantonese	122	99
Korean	121	144
Russian	117	101

Source: Kentucky Department of Education

**ELL/LEP students  
found throughout state.**

Although in the past ELL/LEP students tended to reside in the urban areas of Kentucky, ELL/LEP students can be found now in virtually every region of the state. For the 1999-2000 school year, 89 of the 175 school districts have some ELL/LEP students enrolled. Table 3.3 shows those districts with fifty or more ELL/LEP students.

**Table 3.3**  
**Districts With 50 or More**  
**LEP Students**

DISTRICT	ELL/LEP STUDENTS
Jefferson County	1,880
Fayette County	635
Bowling Green Independent	392
Boone County	281
Warren County	192
Kenton County	97
Hardin County	94
Mayfield Independent	70
Shelby County	67

Source: Kentucky Department of Education, Division of Professional Development, English as a Second Language Survey

**Some districts also have  
significant numbers of  
ELL/LEP students  
needing other services  
such as tutoring.**

Further, some districts have significant numbers of ELL/LEP students who need particular services, such as tutoring or remediation work. Districts with fifty percent or more increases in

the percentage of ELL/LEP students who need services in the 1997-1998 to 1998-1999 school years are shown in Table 3.4.

**Table 3.4  
Districts With 50 Percent or More  
Increases of Students Needing Services**

DISTRICTS	1997-1998 TOTAL # ELL STUDENTS ENROLLED IN SERVICES	1998-1999 TOTAL # ELL STUDENTS ENROLLED IN SERVICES	PERCENTAGE INCREASE
Monroe County	2	7	250%
Lincoln County	8	27	237%
Eminence Independent	5	15	200%
Warren County	94	192	104%
Boone County	139	281	102%
Owen County	6	12	100%
Jefferson County	1,067	1,880	76%
Murray Independent	7	12	71%
Shelby County	39	67	71%
Mayfield Independent	43	70	62%
Glasgow Independent	31	49	58%

Source: Kentucky Department of Education, Division of Professional Development, English as a Second Language Survey

**Only about a fourth of ELL/LEP students get instruction that incorporates native language.**

Comparing Tables 3.3 and 3.4, one can see that virtually all of the ELL/LEP students also need additional services. Also, some districts have experienced significant increases of students needing English instruction. Even though their overall numbers are low, they still must find ways to get English instruction to students needing it. That can be difficult in small districts and sometimes requires the assistance of interpreters. According to Department of Education English as a Second Language Survey, only about a quarter of the state’s ELL/LEP students receive instruction that incorporates their native language.

**Programs Providing Service to ELL/LEP Students**

The state Department of Education receives funding for English language instruction from a variety of federal sources, some under the umbrella of federal acts such as Title VI. Migrant education funding comes to the state, as well as money for the education of refugee children.

## Title VI

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**School systems get \$4 million in federal Title VI funds.**

Schools receive funds for instructional services to students with limited English proficiency under the auspices of Title VI of the Civil Rights Act of 1964. The funds made available to schools through this program are used to supplement salaries or benefits for both certified and classified employees who perform functions within an approved Title VI plan or for professional services, such as auditing, legal, or financial services, required by the Title VI program. The funds also can be used to purchase or lease equipment, books, periodicals, or study guides used in the Title VI program, including computers. However, the funds cannot be used to purchase textbooks.

KDE allocated \$4,078,534 in Title VI funding to school districts during FY 2000-2001.

## Title VII

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**Title VII funding totals about \$95,000.**

Title VII of the Bilingual Education Act of 1968 is a federally funded program that assists schools serving limited-English proficient students by funding professional development and research activities. The program has provided funding to train teachers to better assess and respond to the needs of ELL/LEP students and grants for innovative instructional projects. Revisions to the programs proposed prior to 2001 would have required schools and districts receiving funds to submit baseline data with grant proposals and annual reports on progress in helping ELL/LEP students meet high academic standards. However, that proposal failed. Under the failed proposal, the Title VII program could have provided Kentucky with additional funds to assist school districts that have had a measurable increase in the numbers of ELL/LEP students enrolled in their public schools hire new teachers or train existing ones to teach ELL/LEP students. Kentucky was cited as one state in need of additional funding in U.S. Department of Education rationale for the program. The program also would have provided funds for foreign language instruction to all students in elementary schools.

KDE received about \$95,000 in funding from this program. The funding has been used to provide professional development for teachers and administrators, tuition assistance to teachers seeking ELL/LEP certification, and district resources.

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**Districts receive over \$125,000 in Title I funding.**

**Title I**

Title I of the Elementary and Secondary Education Act is a federally-funded program designed to help the neediest schools and students reach high academic standards. The program provides supplemental funding for instructional services in content areas. Funds may be used to hire staff who will team-teach with regular classroom teachers and provide additional assistance to students who have special academic needs, including those with limited English proficiency. Title I teachers also may provide identified students with assistance outside the classroom, in learning or computer labs or the library, for short periods of time, supplementing or assisting identified students in understanding classroom activities or developing basic skills. Students with limited-English proficiency would be among the students eligible for assistance from teachers, other instructional personnel, and support staff paid with Title I funds.

KDE allocated \$125,291,736 in Title I funding to school districts throughout the state during Fiscal Year 2000-2001.

**Migrant Education**

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**Migrant education program targets students who move from one area to another in state.**

The federally-funded “migrant education” program has a slightly different focus than many programs designed to educate students with limited-English proficiency. This program provides funding for supplementary education for children ages three through twenty-one who are identified by a lifestyle of their parents or guardians and which requires the students to move from one area or state to another as their parents search for temporary or seasonal work. Once identified, students remain eligible for funding or assistance for thirty-six months even if an eligible student’s family does not undertake a qualifying move during that period. Kentucky’s migrant education program consists of eighteen regional projects and six local school district projects. Although many students targeted by the migrant education program are limited-English proficient students, not all fall into that category. Therefore, not all funds expended from migrant education projects are directed at addressing the instructional needs of ELL students.

KDE allocated \$10,098,196 of federal funds targeted for migrant education in Fiscal Year 2000-2001.

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**State also gets emergency immigrant education and refugee education funding for its school districts.**

### **Emergency Immigrant Education Program**

Kentucky has received a grant from the federal Emergency Immigrant Education Program administered by the U.S. Department of Education totaling \$437,909 for Fiscal Year 2001. Statewide, the number of students eligible for the use of these funds totaled 2,525 in Fiscal Year 2000, 2,313 in Fiscal Year 1999, and 1,642 in Fiscal Year 1998.

### **Refugee Education Program**

Kentucky has received a total of \$250,000 for Fiscal Year 2001 in funds from the Refugee Education Program administered by the U.S. Department of Health and Human Services. In 1999, the statewide total of students eligible for services provided through these funds was 2,025. The funds are specifically directed to schools and non-profit organizations that provide English language training to children and adults. School districts receiving funds from the program for FY 2001 were as follows.

Jefferson County — \$160,678  
Warren County — \$30,459  
Bowling Green Independent — \$26,292  
Fayette County — \$6,092  
Hardin County — \$5,000  
Jessamine County — \$5,000  
Pulaski County — \$5,000  
Scott County — \$5,000

## **Obligations to Educate Immigrant Children**

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**Several federal, Kentucky laws require the state to educate immigrant children.**

Kentucky is required to provide educational services to immigrant children of compulsory school age because of several federal and state laws. The laws provide immigrant children the right to an education regardless if those children or their parents are citizens of the United States or Kentucky.

### **Federal Law**

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**Federal actions in 1964, 1974, and 1994 take precedence.**

Title VI of the Civil Rights Act of 1964 and Section 204(c) of the Equal Education Opportunities Act of 1974 obligate schools to provide equal educational opportunities to children and youth with limited English proficiency (LEP). In 1994, Congress also reauthorized Title VII, Section 3501: Bilingual Education,

Language Enhancement, and Language Acquisition Programs which requires delivery of services to immigrant and non-English speaking children under the Improving America's Schools Act. That act defined the following types of students as those who would be eligible for services:

- Individuals not born in the United States or whose native language is not English; or
- A Native American or Native Alaskan or a native of outlying United States territories who comes from an environment where a language other than English has had a significant impact on English proficiency; or
- Individuals who are migratory, whose native language is not English, and who come from an environment where English is not the dominant language; and
- Individuals who have sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny the individual opportunity to learn successfully in classrooms or to participate fully in society.

These federal laws further require schools to provide ELL/LEP students with educational opportunities to meet the same standards for academic performance expected for all children. Schools also are required to provide the same range of course offerings and content to ELL or LEP students as are provided to other students.

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**Nation's high court also has ruled on immigrant student issue.**

The U.S. Supreme Court has clarified the rights of limited English proficiency students in two rulings. One ruling found that state and local governments are obligated to provide access to free public education even for undocumented, or "illegal," aliens within their jurisdiction in compliance with the Fifth Amendment Equal Protection Clause and the Fourteenth Amendment of the U.S. Constitution. The high court also has ruled that programs offered to students with limited English speaking ability cannot be limited to the same services offered to native English speakers. Schools who accept federal funding are required under this law to provide special assistance to ELL/LEP students to ensure they are able to learn effectively.

### **Kentucky Law**

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**State court rulings, Constitution, General Assembly action can be cited in immigrant education issue.**

In 1989, the Kentucky Supreme Court declared that Kentucky's constitutional mandate for provision of common schools (Kentucky Constitution, Section 183) required the state to provide a free education that is substantially uniform and offers equal opportunities to all Kentucky children. Furthermore, the Court

declared that an adequate education developed seven capacities, including “communication skills necessary to function in a complex, changing civilization.” In addition, Section 187 of the Kentucky Constitution states that no distinction shall be made on the basis of race or color in distribution of school funds. The court-ordered requirements for Kentucky’s educational system were enacted into law in 1990.

KRS 157.195 further declares that all students of the Commonwealth have a right to an “appropriate and quality education in the public schools” and requires all school personnel to “take the necessary action to help each student complete elementary and secondary school with the capacities to transition successfully to adult life.” KRS 158.645(1) includes “communication skills necessary to function in a complex and changing civilization” as one of the capacities required of students in the public education systems.

### **Post-Secondary Educational Institutions**

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**Postsecondary institutions have seen little impact.**

To a large degree, the increasing number of immigrants in the state has not affected Kentucky’s postsecondary educational institutions yet. The Kentucky Community and Technical College System (KCTCS) has worked with employers and employment agencies to provide English language instruction to adult immigrants who do not speak English. These institutions also have assisted the U.K. Agricultural Extension Service in offering special work-based training programs for non-English speaking workers in Kentucky to ensure these workers understand how to operate equipment safely and how to use personal protective equipment effectively. However, Kentucky’s colleges and universities have not seen large numbers of limited English speaking Kentucky residents enroll in their institutions or demand special services or assistance.

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**Kentucky’s colleges, universities actively recruit international students.**

Kentucky’s colleges and universities do have active recruitment programs for international students, particularly for graduate and professional programs. International students come from many different countries and speak dozens of different languages. However, Kentucky’s postsecondary educational institutions generally require international students to either demonstrate fluency in English prior to admission or will admit those students provisionally until the student can acquire sufficient English language skills through English-as-Second-Language instruction. Kentucky’s universities offer international students assistance with cultural and personal issues through special centers and may offer

those students tutoring or other academic assistance through programs funded with federal, institutional, or endowment grants.

Census data indicate that some of these individuals, perhaps a significant number, plan to remain in Kentucky after receiving their postsecondary degrees. Some programs, particularly medical training programs, have encouraged international students to remain in Kentucky and serve communities that have insufficient numbers of medical service providers. Forgiveness of student financial aid is one incentive used to encourage these individuals to work in communities in Eastern Kentucky and other medically under-served sectors of the state.

To date, students who have immigrated to Kentucky and gone through Kentucky's public education system have not arrived in large numbers in Kentucky's postsecondary educational institutions. Many of the students who have immigrated with their families to Kentucky have yet to graduate from high school. As a result, the effects of this population and the degree to which they will go onto postsecondary education have not yet been determined.

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**Official predicts  
immigrant students will  
need few extra services.**

However, one official from Western Kentucky University (WKU), located in the heart of one of the regions most heavily impacted by newly arrived immigrants, indicated that WKU anticipates this potential student population will need few special services from the university when they do arrive on campus. In Bowling Green and Warren County, most of the immigrant families have children who currently are enrolled in elementary and middle schools, giving these students several years of study in an English-based system before they are old enough to enroll in postsecondary education. With this extensive educational period, WKU officials believe immigrant children from the area will be virtually indistinguishable at the postsecondary level from native-born students from a learning and language skill perspective. Nonetheless, WKU officials are taking an active role in helping develop community assistance programs for and understanding of the newly arrived groups, giving WKU officials a vantage point from which they can anticipate special needs for this group of potential students. WKU officials also are evaluating how they can best educate immigrant parents regarding the benefits and opportunities of postsecondary education, an option that may not have been available or financially feasible in their home countries.

## CHAPTER 4

### EFFECTS ON SOCIAL SERVICE AND LAW ENFORCEMENT AGENCIES

The increase in immigration to Kentucky is affecting social service agencies, health departments, law enforcement agencies, and the courts. Public entities such as those are attempting to serve the new populations in various ways. Health department officials believe they are serving more immigrants, but the number is not known because they do not collect citizenship data. Law enforcement agencies also report changes taking place in their communities, but it is unknown if there has been any effect on crime rates. One thing is certain, various agencies say they have to communicate with more non-English speaking people. Many public agencies are offering language training, principally Spanish. Similar to public agencies, private groups are also attempting to assist the new immigrant population.

#### Immigrants and Social Services

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**1996 federal legislation changed immigrants' eligibility for federal programs.**

Many of the provisions of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 significantly changed the nation's welfare system. They also changed immigrants' eligibility for certain assistance programs. The sweeping legislation restricted immigrants' eligibility for means-tested public benefits, particularly Medicaid. Subsequent amendments in the Budget Act of 1997 modified some of the revisions in the 1996 legislation, but left most intact.

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**Less than one percent of legal immigrants reported receiving assistance.**

One frequent concern among citizens is that legal immigrants to the U.S. are a burden on taxpayers because it is believed they are heavy users of welfare services. But, according to the Census Bureau's Current Population Survey, less than one percent of legal immigrants in the southeast region indicated that they received any form of public assistance in 2000.

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**Undocumented immigrants are eligible for few forms of assistance.**

While legal immigrants are eligible for the majority of the public assistance programs, undocumented immigrants are limited in the programs that they can access. According to the National Conference of State Legislatures, states can determine immigrants'

eligibility for certain federal benefits for non-citizen residents as of August 22, 1996 (for new immigrants, after a five-year residency in the U.S.) States also have the option to provide or bar state-funded programs to immigrants.

The Urban Institute explored the issue in a July 2001 paper: “When comparing across all families, we see that non-citizen families were more likely than citizens to receive welfare in 1994, before enactment of federal welfare reform (8.7 versus 6.5 percent). Both groups were almost equally likely to receive benefits in 1999, following welfare reform implementation (4.9 versus 4.8 percent).” But the authors go on to say that if they restrict their analysis to poor families with children, non-citizen families used fewer benefits than citizens both before and after welfare reform.<sup>24</sup>

Table 4.1 shows the breakdown of welfare services available in Kentucky to noncitizens who entered the U.S. before August 22, 1996 and after that date. The table (far right column) also shows that undocumented immigrants are able to receive some welfare benefits in Kentucky, such as school lunch and breakfast, emergency Medicaid, and immunizations.

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**Legal immigrants use services less often than native citizens.**

According to a recent study, legal immigrants do not frequently appear to utilize welfare services such as medical care and food programs.<sup>25</sup> In fact, data suggest that, on average, legal immigrants use fewer such services than natives because immigrants tend to be younger males, a group that tends to use fewer social services than others. In Kentucky, the majority of new legal immigrants in the 1990s fell within the 20-59 year age group. In addition, the average income and level of educational attainment appear to be higher for Kentucky’s immigrant population, as compared to its native-born residents, resulting in fewer numbers of welfare recipients. Note that these data refer to those immigrants that hold legal status. Include undocumented immigrants in the analysis, and the estimate of noncitizens using some welfare services, particularly public health programs, could substantially increase.

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**Immigrants from certain countries are more likely to receive assistance.**

The country of origin appears to be a factor in the utilization of welfare services, as does length of time in the US. As shown in Table 4-2, in the United States, immigrants from Mexico, Vietnam, China, Cuba, and Korea are much more likely to receive some type

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<sup>24</sup> Michael Fix, Wendy Zimmermann, Jeffrey S. Passel. “The Integration of Immigrant Families in the United States,” *Urban Institute* (2001), p. 29.

<sup>25</sup> G.J. Borjas, *Heaven’s Door: Immigrant Policy and the American Economy*, (Princeton, N.J., 1999), p. 263.

of assistance and are more likely to remain on assistance for an extended period. On the other hand, immigrants from India, Ireland, and Germany utilize welfare services less frequently than even native-born citizens. It is likely that these national differences are attributable to differences in average age and education, although analysis of data from the 2000 census will allow more accurate assessment of explanatory factors.

**Table 4.1**  
**Selected State Services Available in Kentucky,**  
**by Immigrant Status**

<b>Programs</b>	<b>Qualified Immigrants Entering the US before 8/22/96</b>	<b>Qualified Immigrants Entering the US after 8/22/96</b>	<b>Non-Qualified (Undocumented) Immigrants</b>
<b>Cash Assistance</b>			
Kentucky Transitional Assistance	Yes	5 years ban unless exempt	No
Supplemental Security Income	Yes	No, unless exempt. 7-year limit from entry	No
<b>Food Assistance</b>			
Food Stamps	Yes, if under 18, over 65 or exempt	No, unless exempt. 7-year limit from entry	No
School Lunch and Breakfast	Yes	Yes	Yes
WIC	Yes	Yes	Yes
<b>Social Services</b>			
Adoption Assistance	Yes	Yes	Yes
Family Preservation	Yes	Yes	Yes
Domestic Violence and Abuse	Yes	Yes	Yes
Child Support Enforcement	Yes	Yes	Yes
Low Income Home Energy Assistance Program	Yes	No, unless exempt	No, unless exempt
<b>Health Care Assistance</b>			
Medicaid	Yes	No, unless exempt	No
KCHIP	Yes	No, unless exempt	No
Emergency Medicaid	Yes	Yes	Yes
Maternal and Child Health Programs	Yes	Yes	Yes
Immunization Initiatives	Yes	Yes	Yes
Other Public Health Programs	Yes	Yes	Yes

**Qualified Immigrant**  
Includes immigrants who are lawfully admitted for permanent residence in the U.S. under the Immigration and Nationality Act, and certain refugees, asylees, and individuals whose deportation has been withheld. It also includes certain immigrants who have been paroled into the U.S. or who have been granted conditional entry.

**Exempt Immigrants**  
Includes 3 groups: Certain noncitizens admitted for humanitarian reasons for 5 years; veterans (immigrants on active duty in the Armed Forces, their spouses, and unmarried dependent children); and lawful permanent residents who can be credited with 40 qualifying quarters of work and who did not receive any federal means-tested benefits during any of those quarters after 12/31/96.

**Medicaid and KCHIP Use**

In Kentucky, there are three main medical assistance programs that immigrants can access: Medicaid, the Kentucky Children’s Health

Insurance Program (KCHIP), and public health department services. Prior to 1996, any qualified immigrant entering the United States who met the eligibility requirements in effect at that time was able to receive Medicaid services. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act changed some of the eligibility requirements for the program. Currently, qualified aliens who have entered the U.S. after August 22, 1996, are ineligible for Medicaid for the first five years of residency. Emergency services, however, are available for all immigrants, both legal and undocumented. KCHIP is a joint federal and state funded program that provides health coverage to uninsured, low-income children. Currently, children age 1 through 18 in families whose incomes are two hundred percent or less of the federal poverty level can enroll in KCHIP.

**Table 4.2**  
**Percentage of Families Receiving Some Form of Assistance**  
**By Country of Origin in 1998**

Country of Birth	Percent of Households Receiving Assistance	Percent of Households Receiving Assistance after Ten Years in U.S.
United States	9.7%	7.8%
India	5.6%	5.6%
Ireland	5.8%	5.6%
Germany	7.8%	7.8%
Japan	9.7%	8.6%
Canada	9.9%	11.7%
Philippines	13.4%	13.2%
Korea	17.3%	22.3%
China	17.5%	19.4%
Vietnam	28.7%	22.8%
Cuba	30.7%	28.6%
Mexico	34.1%	33.6%

Source: Immigration to the Louisville Metropolitan Area: Trends and Characteristics, April 2001.

**Noncitizens represent less than 1 percent of Kentucky’s Medicaid population.**

According to the Cabinet for Families and Children, there are currently over 500,000 Kentucky residents enrolled in the state’s Medicaid and KCHIP programs.<sup>26</sup> Of these, approximately 4,500 are non-citizens. These non-citizens represent less than 1 percent of Kentucky’s total Medicaid and KCHIP populations. Table 4.3 shows the age and gender of the citizen and noncitizen groups enrolled in the programs in July of 2001. The proportion of males to females enrolled in both programs seems to be similar for

<sup>26</sup> The data reported only includes KAMES cases, excluding SDX and PA62 cases because citizenship status is not collected for these cases. In addition, the S and X cases in the KAMES data are also excluded because citizenship status is not collected.

citizens and non-citizens. In addition, while the average age of KCHIP recipients seems to be similar between the two groups, the non-citizens enrolled in Medicaid appear to be slightly older than the native citizens, possibly indicating fewer immigrant children enrolled in Medicaid.

Overall, the average per member per month cost for noncitizens enrolled in Medicaid and KCHIP in fiscal year 2001 was approximately \$440, slightly lower than the average per member per month cost for citizens at approximately \$490. The data provided by Health Services on actual utilization by these two groups indicates that the citizens using Medicaid services are much older than the noncitizens using the services. This could explain the higher cost associated with citizen utilization since the per member per month cost of elderly people is typically higher than the cost for younger users. The total cost to the state for noncitizens enrolled in these Medicaid and KCHIP programs during fiscal year 2001 was approximately \$7.9 million, or less than one percent of the total cost of these two programs for that same time period.

According to data provided by the Cabinet for Families and Children, there appear to be three areas in the state with larger clustering of non-citizens who are participating in the Medicaid and KCHIP programs. Fayette, Jefferson, and Warren Counties account for eighty-two percent of the noncitizens enrolled in these two programs.

**Table 4.3**  
**Gender and Age for Kentucky’s Medicaid**  
**and KCHIP Program Recipients,**  
**by Citizenship Status**

		Percent Female	Percent Male	Average Age
<b>KCHIP</b>	<b>Non-citizens</b>	45.6	54.4	11.5
	<b>Citizens</b>	49.1	50.9	10.6
<b>Medicaid</b>	<b>Non-citizens</b>	59.7	40.3	24.0
	<b>Citizens</b>	58.3	41.7	20.9

Source: Cabinet for Families and Children

## Health Departments

**Health departments offer a range of services to adults and children, plus other activities.**

Kentucky’s health departments offer a range of health services for adults and children, in addition to environmental and consumer protection programs. Table 4.4 shows services mandated of Kentucky health departments. According to the *Department for Public Health 2000 Annual Report*, health departments offer seven core services required by statute or regulation, and preventive services for specific populations to be funded by appropriations of state funds. Departments also can offer local option services at their discretion, but these must be supported with local funds.

Health departments can serve diverse individuals—urban and rural, young and old, wealthy and indigent, and representatives of many races. In addition, the facilities play a major role in providing health care services for the underinsured and can be a primary health service provider of last resort for uninsured adults.

### Access by Immigrant Groups

**Department officials say they are seeing more noncitizen patients.**

Officials with six health departments and districts interviewed for this report said that they are seeing more indigent immigrant patients, especially immigrants from Latin America. The increased number of Hispanic patients appears to mirror growth in this ethnic group that the state experienced in the 1990s, beginning first with migrant farm laborers. Those interviewed said they started to see increasing numbers by the mid-1990s.

**Table 4.4  
Mandated Services  
Required of All Public Health Departments**

Seven Core Services Required by Statute or Regulation	Preventive Services for Specific Populations from Appropriated Funds
Enforcement of Public Health Regulations Surveillance of Public Health Communicable Disease Control Public Health Education Public Health Policy Families and Children Risk Reduction Disaster Preparedness	Family Planning Prenatal Care Well Child Care Women, Infants and Children (WIC) Adult Preventive Services Chronic Disease Monitoring and Support

Source: Kentucky Department for Public Health 2000 Annual Report

The health officials agreed that immigrants, particularly undocumented immigrants, might view health departments as less

threatening than other government agencies because of their anonymous nature. Officials said immigrants become aware that services are available at health departments through word-of-mouth. Sometimes a health department will experience an increase in immigrants patients once the word gets out, according to one director.

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**Proof of citizenship is not a requirement for receiving services.**

Health departments do not require proof of citizenship from their patients, although some evidence of citizenship is required for certain services. Even though health departments do not record citizenship, they record ethnicity, such as white, black, Hispanic, American Indian, and Oriental. The number of Hispanic patients obtaining services has been on the rise at individual health departments. Health department officials interviewed believe the number of undocumented individuals among their Hispanic patients is over ninety percent.

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**Hispanic patient growth documented at two health departments.**

Table 4.5 presents data from two departments that have experienced increased use by immigrants, mainly Hispanic patients. As an example, Fayette County's unduplicated visits (only recorded once, but can consist of one or more visits) by Hispanics has grown from 4.8 percent of total visits in FY 1999 to 9.8 percent of total visits in FY 2001. The number of visits by Oriental patients grew more modestly, from 2.5 percent in FY 1999 to 3.9 percent in FY 2001. Total patient load has decreased during the period. The North Central District (Henry, Shelby, Spencer, Trimble counties) also experienced growth in the number of Hispanic patients. Total patient load in that district has grown, albeit somewhat modestly. In both cases, because only ethnicity is noted, it is unclear what percentage of patients is made up of immigrants.

**Table 4.5**  
**Health Department Unduplicated Patient Counts**  
**North Central Health District                      Lexington-Fayette District**

Gender	Ethnicity	North Central Health District				Lexington-Fayette District			
		FY 1998*	FY 2000	FY 2001	% Change 1998-'01	FY 1999	FY 2000	FY 2001	% Change 1999-01
Female	White	5,836	5,661	5,644	- 3 %	11,926	10,598	9,010	- 25 %
	Black	422	399	407	- 4	5,946	5,609	5,031	- 15
	Hispanic	235	438	528	+ 125	833	1,040	1,572	+ 89
	Amer. Indian	2	3	4	+ 100	63	75	56	- 11
	Oriental	6	9	8	+ 33	437	515	580	+ 33
Male	White	3,072	2,948	2,986	- 3	6,705	5,530	4,746	- 29
	Black	207	204	203	- 2	3,573	3,105	2,754	- 23
	Hispanic	171	294	327	+ 91	655	668	901	+ 38
	Amer. Indian	3	2	1	- 67	52	29	40	- 23
	Oriental	6	13	7	+ 16	346	425	412	+ 19
<b>Total</b>		<b>9,960</b>	<b>9,971</b>	<b>10,115</b>	<b>+ 2</b>	<b>30,536</b>	<b>27,594</b>	<b>25,102</b>	<b>- 18</b>

\*FY 1999 data unavailable.

Source: North Central and Lexington-Fayette County health departments.

**Statewide percentage in FY 2001 is much lower than departments presented.**

Although not indicated on the table, the percentage of Hispanic patients has doubled for both agencies in the years cited. In FY 2001, the number of Hispanic patients was 8.4 percent of the total in the North Central District and 9.8 percent of the total in the Lexington-Fayette District. But, according to the Department for Public Health, there were 697,443 unduplicated visits at all state health departments and districts in FY 2001. Hispanic patients made up only 1.5 percent of that total; Oriental patients accounted for less than one percent. But, it should be emphasized once again that these data do not reflect citizenship.

**Some departments create a “pseudo number” for patients with no Social Security card.**

Some departments report asking for a Social Security number from patients seeking services. Others simply assign a case number. (Possession of a Social Security number does not indicate citizenship because legal immigrants can obtain such a number.) At departments that ask for a Social Security number, patients without such a number receive a department-created “pseudo number” that consists of a combination of one’s initials and birth date. The pseudo number is used as an identifier for subsequent visits.

While not conclusive, a health department’s assignment of a pseudo number may indicate that the patient is not a citizen. For example, one central Kentucky health district’s prenatal program showed 156 patients being served during a particular period of time. A total of 47 (thirty percent) of those had pseudo numbers

assigned, with 42 of 95 (forty-four percent) registered in the largest of the four counties in the district. Pseudo numbers would give an underestimate of the percentage of patients who are undocumented because some undocumented immigrants may have used bogus social security numbers that have gone unidentified.

### **Impact on Health Department Budgets**

Health departments accept three primary pay categories—Medicaid, private pay, and project pay (linked to a particular program or grant). Officials interviewed indicated that immigrants are either required to pay modest amounts for services (based on a sliding scale tied to income) or are unable to pay. But because of some federal funding streams, departments must render services regardless of ability to pay, according to one official. Another official indicated that he does not “individualize” by ethnic group, but realizes that some immigrants fall into the category of people who do not have the ability to pay for some services.

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**Officials say increasing numbers of noncitizen patients has affected their budgets.**

Some health department officials indicated that they believe the increasing numbers of immigrant patients who are unable to pay is having an impact on their budgets. One director said two services were affected the most in FY 2001—prenatal care and family planning. She said that extending services to immigrant patients in those programs cost one department in her district about \$170,000. Another director said her agency does not see many immigrants, but estimated the department spends \$30,000-\$50,000 annually on services for immigrants who are unable to pay. The budget impact is exacerbated by the fact that sometimes needed medical services are more complicated. Plus, language barriers further complicate matters.

Health department officials indicated that the majority of their immigrant patients consist of women and children, which is in line with general patient usage. In many cases, immigrant women are in prenatal care, or women and children are participating in the federal Woman, Infants and Children (WIC), or children are in need of immunizations.

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**Federal requirements mandate language accessibility for federally-funded programs.**

### **Health Department Language and Cultural Issues**

Some health departments apparently have little choice in having to provide interpreter services for their limited English proficient (LEP) patients who access federally-funded services. In August

2000, a federal executive order required federal agencies to improve the language accessibility of their programs. The order was in line with obligations set out in Title VI of the U.S. Civil Rights Act of 1964. Under the order, federal agencies “must take reasonable steps to provide meaningful access to their programs and activities, taking into account a variety of considerations,” the President said at that time. In his remarks, the President said factors to be considered in compliance “are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP persons come in contact with the program, the nature and importance of the service provided by the program, and the available resources.” The order affects health and social service providers receiving federal funding, including state, county, and city health departments.

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**Limited English proficiency among immigrant patients complicates service delivery.**

Although the health department officials interviewed varied regarding some problem areas, they all agreed that limited English proficiency and cultural issues complicate their ability to deliver services to immigrants and are costly as well. Experts say communication difficulties can complicate healthcare delivery. Health agencies need qualified interpreters to help communicate with patients who do not speak English. Interpreters must be able to describe complex medical problems and treatments. Translations must be unbiased and precise, with no omissions or substitutions.

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**Departments have to obtain interpreters.**

Health departments in the state with significant numbers of non-English speaking patients are having to contract with interpreters, hire them outright (either as full-time interpreters or employees who split their time between interpreting and other duties), or find interpreters by other means such as community volunteers or from the local school system. The most common language needed is Spanish, although other languages also are becoming more common, such as Vietnamese and Bosnian.

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**Departments are acquiring interpreter services in a variety of ways.**

Health departments are acquiring interpreter services in a variety of ways. One director said she sometimes pays an interpreter, but has used other means, such as asking the patient to bring an English-speaking family member or acquaintance. Another director said she has used community volunteers but is hoping to hire someone who is bilingual.

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**Using interpreter cumbersome in context of health service delivery.**

A health district director expressed a common problem, that using an interpreter is cumbersome because the staff person first speaks to the interpreter who translates for the patient. The patient’s response then goes through translation as well. She said there is an additional cost in the time it takes for her staff to treat someone

who requires an interpreter. The process takes up more time than with a regular patient, she said. The director said it costs her department about \$60,000 a year to pay for interpreters.

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**Departments also must be attuned to cultural issues.**

In addition to language, the health officials also indicated that department staff must also be aware of cultural differences. One clinician said prenatal care and general preventive care are not observed among some cultures, and child-rearing practices differ. A director noted that in instances where an immigrant husband and wife visit a department, it is customary to speak first with the husband.

In addition to providing interpreters, health departments have also printed signs in languages such as Spanish and have posted placards containing phrases that assist the nonEnglish-speaking patient.

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**Agency assists in formation of coalition.**

Finally, smaller health departments appear limited in outreach efforts geared toward immigrant communities, although larger departments seemingly have the resources to do more. For example, the Fayette County Health Department periodically takes part in health clinics in a Lexington neighborhood that has many Hispanic residents. In another instance, representatives of the FIVCO department in Ashland assisted in the formation of a coalition to assist Hispanics.

## Housing Issues

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**Low-income immigrants face the same housing problems as low-income citizens.**

This study does not address housing issues directly, although an extensive October 2001 Kentucky Housing Corporation (KHC) report discusses such matters. Migrant Hispanic workers face the same housing affordability problems as many low-income households, according to the report, prepared by the University of Louisville's Urban Studies Institute.<sup>27</sup>

The KHC report indicates the migrant Hispanic population "likely represents a small portion of the total Hispanic population in the state." Regardless, there are housing problems among the population, the KHC study points out. The study cites a Housing Assistance Council housing survey of the migrant stream in the eastern part of the U.S. That study found eighty-three percent of Kentucky housing units occupied by this population were overcrowded. Of the 203 units surveyed, 67 were employer-owned

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<sup>27</sup> Kentucky Housing Corporation, *Kentucky Housing Needs Assessment, Phase I*, 2001, p. xxii.

and 136 were in the private rental market. Nearly two-fifths of the private market units were “severely inadequate” and fifty-five percent of the employer-owned units—the highest of the ten states in the study—were “severely inadequate,” according to the KHC study.<sup>28</sup> The report points out that providing more affordable housing units for low-income households in general will go a long way toward resolving the housing needs of special groups such as Hispanic migrant workers.<sup>29</sup>

### Immigration and Crime Rates

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**Data is not available about the effect of immigration on crime rates.**

Because law enforcement personnel in the state do not collect citizenship information, it is unclear whether there is any relationship between increasing numbers of immigrants and crime rates. But some studies have dealt with the issue and may be relevant.

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**Various studies have examined the issue of immigration and crime.**

One examination of the subject of immigration and crime in the United States is found in *The Immigration Debate: Studies on the Economic, Demographic, and Fiscal Effects of Immigration*.<sup>30</sup> The authors point out that “the perception remains that immigrants are a significant cause of American crime problems.” The authors note that immigration may increase crime rates because it brings more people into the country, and unless the process is counterbalanced with emigration, “the absolute volume of crime will very likely increase.” But the authors conclude in their study that “overall, we did not find consistent evidence in macro- or micro-data that immigrants are much more likely than citizens of similar ages and gender to be involved in crime.”

An article in the 1999 edition of the journal *Social Problems* pointed out there is a public perception linking immigration to crime. But the authors said their research of Hispanic immigrants showed those immigrants “are disproportionately young males who regardless of citizenship are at greater risk of criminal

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<sup>28</sup> *Ibid.*, p. 116-117.

<sup>29</sup> *Ibid.*, p. xxii.

<sup>30</sup> John Hagan and Alberto Palloni, “Immigration and Crime in the United States,” *The Immigration Debate: Studies on the Economic, Demographic, and Fiscal Effects of Immigration*, *The National Academy of Sciences*, 1998 (book on line) <http://books.nap.edu/catalog/5985.html> (November 2001), pp. 367-387.

involvement.”<sup>31</sup> Thus, it may not be the immigration that is related to crime, but the characteristics of those most likely to immigrate.

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**GAO study in Nebraska and Iowa found crime had increased, but rate was below statewide levels.**

In another study, the U.S. General Accounting Office (GAO) examined the impact that immigrants were having in meatpacking areas of Nebraska and Iowa. This area was selected for study because of the high concentration of immigrant labor. In its review, the GAO found “the level of serious crime increased from 1986 to 1995 in fourteen of the nineteen counties with large meatpacking workforces for which crime data were available. Despite these increases, crime in eleven of the nineteen counties was below statewide levels.” The GAO report pointed out that law enforcement officers attributed portions of the increase in crime to the meatpacking plant workers; however, statistics on individuals who commit crimes were not tracked by place of employment.<sup>32</sup>

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**Available crime data for selected areas of state is inconclusive.**

It is difficult to measure any relationship between immigration and crime in Kentucky at this point because the data are incomplete and somewhat dated. For example, an examination of the *Crime in Kentucky* publications for the years 1995-1998 showed that serious crime (murder, rape, robbery, assault, burglary, larceny, auto theft, arson) has actually decreased for the state overall and in particular areas chosen for review because of their apparent increase in immigration. Table 4.6 shows cities and counties where increasing numbers of immigrants, primarily those from countries in Latin America, are said to be settling and working. The serious crime rate declined in larger metropolitan areas, such as Louisville/Jefferson County, Lexington/Fayette County, and Warren and Kenton counties. Rates were mixed in counties affected by poultry plants said to employ large numbers of immigrants. Serious crime rates declined in Henderson and Webster counties but were increasing in 1998 in Clinton County. Serious crime rates rose in Shelby County, but declined in Woodford. Both counties were experiencing the impact of increasing numbers of immigrants. But at the same time, the total population has been increasing in those counties. Also, summary data can mask trends for particular groups. It could be that declining crime rates for citizens (who are likely to be older) might mask any increases for immigrants (who are more likely to be younger males). Because Kentucky seemingly began experiencing its visible immigration increase in the mid-1990s, it may be better

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<sup>31</sup> John Hagan and Alberto Palloni, “Sociological Criminology and the Mythology of Hispanic Immigration and Crime,” *Social Problems* 46 (1999), pp. 617-632.

<sup>32</sup> “Changes in Nebraska’s and Iowa’s Counties With Large Meatpacking Plant Workforces,” *U.S. General Accounting Office*, February 1998.

to revisit this area of inquiry later when data are available for 1999, 2000, and 2001.

Separate data provided by Lexington police showed that of the 62,868 traffic citations that officers issued in the city in 1999, only 496 were received by Hispanic drivers. Data were incomplete for 2000. In 2001, of the 33,596 issued as of August 31, a total of 1,243 were received by Hispanic drivers, or 3.6 percent of the total. That percentage parallels the percentage of Hispanics in Lexington-Fayette County, which currently stands at 3.3 percent, according to census data.

**Table 4.6**  
**Serious Crime Rates in Counties**  
**With Reported Higher Concentrations**  
**of Immigrants**

County	1995	1996	1997	1998
<b>Clinton</b>	59	45	50	69
<b>Fayette</b>	17,388	16,703	16,405	14,748
<b>Henderson</b>	2,393	2,278	2,197	1,992
<b>Jefferson</b>	36,742	39,683	32,716	35,781
<b>Kenton</b>	5,530	5,686	6,019	5,851
<b>Shelby</b>	773	681	649	765
<b>Warren</b>	4,128	4,299	4,387	3,762
<b>Webster</b>	58	104	98	79
<b>Woodford</b>	533	565	448	306
<b>State Total</b>	<b>127,621</b>	<b>130,892</b>	<b>125,366</b>	<b>123,914</b>

Source: Yearly editions of *Crime in Kentucky*.

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**Offenses noted may be product of socio-economic forces, one official says.**

Most of the direct immigrant contact that local law enforcement officers report having is with immigrants from countries in Latin America. Law enforcement officers interviewed said the Hispanic immigrants generally are committing offenses such as assaults, DUI, driving without a license, failure to have insurance, public alcohol intoxication, disorderly conduct, domestic violence and some drug activity. According to one law enforcement official, such offenses may be more of a product of the socio-economic group (young males who are less educated and are low wage earners). The officer said “socio-economics bridges cultures,” thus “depressed areas tend to have the same problems ....”

Many of those interviewed said public intoxication is a common problem encountered but may be a cultural issue because public intoxication was said to be more acceptable in some Latin

American countries. Various police agencies have attempted to educate immigrants that certain activities are unacceptable in this country. One police chief observed that certain immigrant groups who have been in the U.S. longer “have learned the system” and have become accustomed to what is lawful and what is not.

### **Prison System and Jails**

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**Noncitizen  
incarceration rate in  
prison system very low.**

The incarceration rate for immigrants in the state penal system is very low. The state Department of Corrections had forty-six confirmed noncitizens incarcerated in its facilities (including local jails) in FY 2000. The average daily inmate population in Department of Corrections facilities in FY 2000 was about 14,500. It is not clear what the impact of immigration is on local jails.

Generally, jails do not request citizenship information when booking inmates. One detention center director said jails are unable to verify citizenship during routine booking procedures.

A number of jails participate in the State Criminal Alien Assistance Program (SCAAP), administered by the U.S. Department of Justice (DOJ). Under SCAAP, the Department of Justice pays correctional facilities some of the costs associated with incarcerating undocumented criminal aliens accused and convicted of state and local offenses. The minimum incarceration time is 72 hours. SCAAP payments are determined by a fixed formula.

### **Immigrant Victimization**

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**Officials concerned  
about immigrants being  
victimized.**

A 1998 National Institute of Justice study indicated that a third of survey respondents believed immigrants faced greater hardships when reporting crimes to police or appearing in court, including language barriers, cultural differences and ignorance of the justice system.<sup>33</sup>

According to law enforcement officials interviewed, some immigrants may be unwilling to report crimes. One officer said he assumes that a lot of crimes are not reported in the Hispanic community because victims are afraid of being reported to the Immigration and Naturalization Service.

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<sup>33</sup> Robert C. Davis and Edna Erez, “Immigration Populations as Victims: Toward a Multicultural Criminal Justice System,” *National Institute of Justice Research in Brief* (1998), p. 2.

A police chief in a smaller town with a nearby factory that reportedly employs a large number of workers from countries in Latin America said the immigrants in his community were being victimized by unscrupulous landlords. “I worry far more about the Hispanics being victimized than being perpetrators,” he said.

In Lexington in the late 1990s, immigrant residents were becoming victims of armed robbery. Officials said they distributed brochures in the immigrant community suggesting safety measures.

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**Domestic violence is also a concern for law enforcement officers.**

Also troubling for local law enforcement officers is the prevalence of domestic violence among some immigrant groups, but the reason may be based in socio-economics rather than ethnicity. For example, domestic violence is higher among families below the poverty level, according to the U.S. Department of Justice.<sup>34</sup> Domestic violence was the largest category of immigrant victimization reported in the 1998 National Institute of Justice study. That study noted that the prevalence of domestic violence in one sample might have stemmed from culture but also from priorities of victim service offices and outreach efforts.

**Local Law Enforcement-INS Relationship**

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**INS has presence in Kentucky.**

The U.S. Immigration and Naturalization Service, an agency of the U.S. Department of Justice, is responsible for enforcing laws regulating the admission of foreign-born persons into the U.S. The agency also administers various immigration programs, including the naturalization of qualified applicants for U.S. citizenship. A suboffice of the INS New Orleans district is located in Louisville. The agency has agents who work throughout the state.

INS enforces immigration laws and regulations related to:

- Border control
- Port-of-entry inspections
- Detention and removal of criminal aliens
- Worksite enforcement
- Apprehension of illegal aliens and workers
- Deportations and exclusions
- Denial of benefits to ineligible applicants
- Document fraud

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<sup>34</sup> U.S. Department of Justice, Office of Justice Programs.  
<http://www.jp.usdoj.gov/bjs/pub/ascii/vbi.tst> (November 1994)

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**Law officers report INS resources are limited.**

Even though INS has a presence in Kentucky, some law enforcement officials interviewed indicated the agency does not get involved in local individual cases because of limited resources.

One officer said his agency has assisted the INS in some raids, but generally there is very little association with the federal agency. A law enforcement instructor asserted that local agencies “don’t have a relationship with the INS.”

Those comments were in line with observations in the GAO study cited earlier. In that study, Nebraska and Iowa officers expressed frustration about their attempts to work with the INS to investigate suspected illegal aliens.

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**One police chief relates how INS assisted in training.**

On the other hand, a central Kentucky police chief indicated the federal agency trained officers with his department on how to recognize falsified immigration documents. Also with INS’s assistance, the local agency has been able to certify a detective with the department in immigration document recognition, the chief said.

### **Immigrant Driver’s License Issue**

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**Transportation Cabinet tightens immigrant driver’s license procedures.**

A driver’s license is a prerequisite to obtaining many services or gaining legitimacy in this country, such as getting a job, cashing a check or finding a place to live. It serves as a form of legal identification. During the course of this review, different officials noted driver’s license-related problems. Law enforcement personnel pointed out how they have cited certain immigrants for driving without a license.

The state Transportation Cabinet is attempting to address another driver’s license-related problem. The cabinet has undertaken measures to strengthen the document review procedures before a driver’s license is issued to noncitizen drivers. The new procedures came in the wake of a problem that the Jefferson County Circuit Clerk said his office was having regarding noncitizens with B-1 and B-2 tourist visas applying for Kentucky driver’s licenses. Some noncitizens have used counterfeit documents to obtain driver’s licenses. The Jefferson County Circuit Clerk’s Office issued more than 245,000 licenses and personal identification cards in 2000.

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**Jefferson clerk had cited problem of trying to authenticate immigrant documents.**

The clerk indicated that his deputies are faced with trying to authenticate diverse documents in different languages. He said his

office has been able to alert the Kentucky State Police to counterfeit documents, which has led to some arrests.

But effective November 5, 2001, the state Division of Driver's Licensing will require its hearing officers to authenticate and verify INS documents that noncitizens present when applying for a Kentucky driver's license. A noncitizen seeking a driver's license will be required to fill out an application form at the hearing office. Once approved, the applicant will be notified within 30 calendar days to return to the hearing office and collect a document verification form. Previously, there was no 30-day waiting period and noncitizens could receive a license on the same day.

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**Some advocates urge issuance of licenses to undocumented immigrants.**

Other states have debated whether undocumented immigrants should receive a driver's license. Some advocates in this state are recommending that the state issue driver's licenses to undocumented immigrants, regardless of whether they have a Social Security number. (KRS 186.412 requires one to have a Social Security number when applying for a driver's license. Noncitizens can obtain a license by presenting certain valid immigration documents, such as a visa card.) Advocates pointed out that the number of immigrants is increasing in the state and that many of them are undocumented. Yet they may be driving with fraudulent licenses, or some have licenses from other states.

Advocates argue that issuing undocumented immigrants a driver's license would provide a means to track them and hold them accountable. "If you can get them a driver's license, you can commit them to an identity," said one advocate. With the license requirement also would come the requirement to carry insurance.

### **Local Law Enforcement Language Training**

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**Language training is crosscutting issue.**

One of the cross-cutting issues found in this report is that law enforcement, court, and social service agencies are attempting to address language barriers by hiring bilingual employees, undertaking language training, or contracting with interpreters and translators. The language training and interpreter contracting carries both direct and indirect costs.

In its review, the GAO found that Nebraska and Iowa police forces had undertaken actions to help them better respond to increasing immigrant populations. Those included "expanding the police forces (in part, using federal grant resources for community policing) initiating language training for police officers, hiring

translators to assist in interviews, and hiring bilingual police officers.”

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**Language instruction varies across state from short-term classes to lengthy instruction.**

Language instruction varies from classes that continue for a period of time and include immersion into the culture, to short-term instruction that involves giving officers some basic phrases and commands. The predominant language being taught to law enforcement officers in Kentucky is Spanish because of the number of immigrants coming into the state from countries in Latin America. In addition, many local and state authorities carry pocket-size Spanish phrase booklets.

Police officials interviewed for this report pointed out that language classes are needed for officers to communicate with those with limited English proficiency and for their own protection by being able to understand what others are saying.

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**Lexington offers immersion training for its officers.**

The Lexington-Fayette Urban County Division of Police has extensive language instruction to help officers communicate with non English-speaking immigrants. According to the head of the Bureau of Training with Lexington police department, in the mid-1990s that city began seeing an increase in the number of immigrants from Latin America who had first appeared in the area as migrant laborers but seemed to be settling permanently. Such changes in appearance as new grocery stores geared to Spanish-speaking customers were indicative of a permanent population, he said. In other instances, city dispatch personnel were getting calls from Spanish-speaking persons or were having to communicate with Spanish-speaking individuals during police calls. These observations were in line with other cities.

Lexington currently has an “immersion” language program that sends officers to Mexico to supplement and build upon classroom instruction offered at the department. Lexington uses forfeited drug money to fund its program. The language classes are voluntary.

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**Louisville also offers training in basic and advanced Spanish.**

Louisville’s Division of Police does not offer the immersion language training, but does have classes in both basic and advanced Spanish and has offered other language instruction such as Vietnamese, according to the commander of the Community Development Unit, which is responsible for most of the law enforcement agency’s training. Louisville offers two types of classes—basic, which deals with key words and phrases, and advanced instruction, which uses basic as a foundation for more comprehensive instruction. Louisville has incorporated some of its Spanish instruction into its mandated 40-hour training curriculum.

The cost of language training is paid out of the unit's budgeted funds.

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**Department for  
Criminal Justice  
Training teaching  
Spanish to cadet corps.**

The state Department for Criminal Justice Training offers a significant amount of Spanish training as a part of its Police Corps program. Funded by the U.S. Department of Justice, the Police Corps program pays for recruits' college education with the provision that they go into law enforcement for at least four years.

There are other varying degrees of training statewide. The Kentucky State Police offers Spanish instruction in key words, phrases and the like to its current cadet class. Bowling Green police have been learning Spanish with the assistance of Western Kentucky University. The Bowling Green police chief said officers in his department need the language instruction as well as cultural instruction.

Published reports also have detailed language instruction in other parts of the state. In Northern Kentucky, a Boone County Sheriff's Department spokesman was quoted as saying, "it is important for us to be able to communicate with all members of the community." Ashland city police were expected to receive basic Spanish training.

**Police Emphasize Cultural Sensitivity and  
Community Policing**

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**Culture, community  
policing also cited in  
attempt to acquaint  
officers with new  
residents.**

In addition to language, law enforcement officers also have received instruction in cultural issues. The past president of the Kentucky Police Chiefs Association pointed out that officers need to be aware of cultural differences, even for something as subtle as eye contact. She pointed out that in many cultures it is a sign of respect to look down when being addressed, but law enforcement officers may mistake that for being evasive.

Related to the cultural issue, some police departments are emphasizing the concept of "community policing," or the idea of putting officers in daily direct contact with people in their assigned areas. Also, some departments have printed safety materials in Spanish and other languages for distribution in areas with high concentrations of immigrants. The Bowling Green department attempts to attract immigrant residents to a program that helps acquaint regular citizens with police operations.

**Impact on the Court System**

**Court system attempts to put consistency in interpreter services.**

It is not clear to what extent the growing number of immigrants in the state has affected the court system. The Administrative Office of the Courts (AOC) is attempting to put some consistency statewide in interpreter services and is beginning the process of certifying court interpreters. KRS 30A.400-30A.435 sets out the requirements for using interpreters in Kentucky courts for persons who cannot communicate in English, for hearing-impaired persons, or for those with another type of limitation that prevents understanding the nature of proceedings. In addition, a 1995 Administrative Order signed by the Chief Justice of the Kentucky Supreme Court sets out in greater detail the standards for appointment, qualifications, and duties related to interpreters.

**Greater need for interpreters seen in larger metro areas.**

Currently, state courts' need for and access to interpreters varies. There is a greater need in larger cities such as Lexington and Louisville. In those cities, courts have lists of interpreters from which to request services, according to the AOC professional services supervisor. Other parts of the state, such as those with factories employing numbers of immigrants, also have need for interpreters for those appearing in the court. Courts can use freelance interpreters, phone access "language lines," or interpreters affiliated with organizations such as universities or social agencies.

According to the AOC, the cost of providing court interpreters has tripled since FY 97 and doubled since FY 99, as shown in Table 4.7. The cost of spoken interpretation would amount to an estimated 98-99 percent of the total. Fees are negotiated locally.

**Table 4.7  
Administrative Office of the Courts  
Expenditures on Interpreters**

	<b>Expenditures</b>	<b>Growth Rate</b>
<b>FY 97</b>	\$193,237	
<b>FY 98</b>	\$230,987	19.54%
<b>FY 99</b>	\$283,627	22.79%
<b>FY 00</b>	\$484,857	70.95%
<b>FY 01</b>	\$633,929	30.75%

Source: Administrative Office of the Court

Note: Hearing-impaired interpreter costs are included, but would amount to a minor part.

## Emergency Services Impact

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**Other agencies such as ambulance services also are affected.**

Like law enforcement agencies, ambulance services and fire departments have initiated changes to communicate with individuals who have limited English proficiency. According to a published report, an Ashland firefighter gave an example of responding to a house fire where a child might have been inside. If firefighters are unable to communicate with the family outside the structure, a life could be lost. Another published report noted that Louisville area county police joined firefighters and emergency medical services agencies in basic Spanish classes.

In addition to language barriers, ambulance services sometimes are unable to recover costs associated with transporting indigent patients. According to the president of the Kentucky Ambulance Providers Association, hospitals can recover some costs related to indigent care, but ambulance services cannot.

## Public, Private Organizations

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**Private, public-private agencies respond to immigrant population growth.**

Until a few years ago, Kentucky was inexperienced in immigration issues, but like other states in the southeast and the rest of the nation, is learning to address a “new population.” Just as public agencies are responding to these immigrants—primarily from south of the U.S. border, but other nationalities as well—private entities are reacting. It appears that private or private/public organizations and groups are focusing mostly on immigrants in the state who are from countries in Latin America, and it also seems that most of the activities are taking place in central Kentucky.

## Hispanic, Migrant Coalitions Offer Assistance

Founded in 1994, the Migrant Network Coalition is composed of over 150 people from central Kentucky representing over 45 agencies, both public and private. The coalition is based in Lexington. According to the former chair of the organization, founders wanted to focus on the needs of migrant workers in Kentucky, those working on tobacco farms in the region, and on the thoroughbred horse farms. Organization goals include encouraging networking to heighten awareness about existing services available to migrant farm workers, to avoid duplication of services and determine what additional services are needed, and to provide assistance in identifying funding sources for new services. The organization maintains a migrant resource directory, listing

agencies or organizations and services offered. The directory is written in English and Spanish.

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**Coalitions formed in state to assist immigrants, mainly Hispanics.**

Another organization, the Hispanic Initiative Network, is made up of four social service agencies helping Hispanic immigrants become acquainted with the Lexington area. The four agencies are FIRST-LINK of the Bluegrass, where the coalition is located, Operation Read, Catholic Social Service Bureau, and the Hispanic Association of Lexington. A grant from the United Way of the Bluegrass, the Lexington-Fayette County Urban County Government, and the thoroughbred industry provided the funding. The organization is funded for three years. According to a news account, the coalition has provided English classes to more than 150 people, employment assistance to 350 people and bilingual information to almost 600 people. FIRST LINK's executive director said the Hispanic Initiative Network strives to act as a "source for social service linkages" in Lexington-Fayette County and will be expanding its services to surrounding counties. "Our main job is referral," she said.

**Other Organizations Offer Assistance**

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**Consortium is geared toward Hispanic immigrants.**

The Kentucky Consortium for Hispanics and Latinos is a relatively new endeavor that aims to be more of a "movement" rather than an organization, according to one of its co-coordinators. The co-coordinator described the consortium as an "information-sharing group with the intent to include the entire state to address a common issue," the Hispanic and Latino population. The consortium is expected to have representation in each of Kentucky's congressional districts. Consortium representatives publish a periodic newsletter addressing issues pertinent to the immigrant group.

Interest groups have formed similar coalitions in other parts of the state. In the Ashland area, a group formed the Hispanic-Latino Community Coalition to address the needs of new residents to that area. The coalition sponsored a health and information fair in August 2001, according to published reports.

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**Health center set up to aid migrant workers.**

In addition, a health center established at Eastern Kentucky University provides medical care to migrant workers, including immigrant workers. The clinic, called Bluegrass Farmworkers Health Center, has bilingual health care workers and local medical professionals delivering medical services, according to published reports. A two-year renewable \$600,000 grant from the U.S.

Health Resources and Services Administration funded the center, which has outlets on the campus at ECU and in a large immigrant neighborhood in Lexington.

### **City Agencies Geared Toward Immigrants**

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#### **Louisville, Lexington agencies established to assist noncitizens settling in those cities.**

Louisville and Lexington have formed city agencies to assist immigrants settling in those cities. The Louisville Office of International and Cultural Affairs works to assist international newcomers to Louisville, whether they are new residents, such as immigrants and refugees, or only temporarily in the community as students or visitors, according to the agency's Web site. The office acts as a clearinghouse for information of interest to the international community and advocates for improvement in access to community resources and services by non-English speaking persons, the site indicates. The office has four focus areas—business and economic development; community social services and education; public events highlighting diversity; and an advisory council that advises the office.

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#### **Louisville agency offers Web-based “language bank.”**

The Office for International and Cultural Affairs has created a Web-based “community language bank” as a resource for Louisville's agencies and institutions. The bank serves as a database of interpreters and translators as well as the languages they speak.

Meanwhile, Lexington's Immigration Services Office has a two-fold purpose—to provide direct services to the immigrant population in the city and to offer cultural competency and training to the community at large, according to the director. The office is located at the Cardinal Valley Center in the Cardinal Valley neighborhood, a part of the city that has experienced a growing population of immigrants from Latin countries.

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#### **Lexington office renders service in Hispanic community.**

He described the office as “store-front,” offering “quick-fix” answers to immigrants' questions or referrals to the appropriate agencies. There is no paid staff, but two interns from the University of Kentucky and Transylvania University offer assistance. People often seek help on employment matters, education, orientation, landlord-tenant problems, language problems, and food and clothing.

## Religious Organizations Offer Assistance

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### Churches in state proactive in delivering services to immigrants.

Churches appear to be among the most active private groups extending services to immigrants, particularly Hispanics and Latinos. For example, the Migrant Network Coalition lists fifteen churches or church organizations as offering services. Some carry the title, “Amigos Ministry” or “Hispanic Ministry.” Services include Spanish worship services, language classes, meals, social gatherings, and recreation. But others offer more. For example, the Catholic Hispanic Ministry in Lexington provides emergency housing and transportation to appointments when necessary. Further, the Catholic Social Services offers limited financial assistance with rent, deposits, utilities, food, and clothing to anyone in need. Different faiths are involved in the outreach effort. For example, according to published reports the Elkhorn Baptist Association created the first migrant service in Georgetown in the early 1990s to address the influx of workers from countries in Latin America. The association has helped churches in central Kentucky create weekly programs where volunteers teach migrants English and lead a Bible service in Spanish. The Kentucky Council of Churches does not offer direct services to immigrants, but does advocacy work, according to the executive director.

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### Church programs exist throughout state.

Church outreach programs exist in other parts of the state as well. The Catholic diocese in Owensboro created a Hispanic ministry in 1997 to serve thirty-two western Kentucky counties. The director of the Hispanic ministry for the diocese, said its work with migrants is “mostly spiritual,” but also involves social services. For example, he explained that an immigrant may need to visit a doctor but has no one to translate for him. The diocese has priests and nuns who speak Spanish. The diocese offers other services, such as helping with immigration matters and housing assistance. Also, according to published reports churches in the Ashland area have embarked on outreach missions to the growing Spanish-speaking population.

Centro Latino, also affiliated with the Owensboro Catholic diocese, offers temporary housing for Hispanic workers in that area, plus transportation, translation services, and the like. The director said the organized effort began in 1993 when Hispanics began moving to the area. “We found a house where eight Hispanics were sleeping on the floor,” she described. Currently, services are offered to farm workers in that area and workers in the chicken processing plants.

### Refugee Assistance Organizations

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#### **Organizations assist refugees settling in U.S.**

There are also organizations that aid refugees who come to the U.S. as victims of trauma, who may have lost their homes and families because of war, persecution, or civil strife. Kentucky Refugee Ministries is the refugee resettlement office in the state for two national church-based programs—the Episcopal Migration Ministries and the Church World Service. According to its Web site, the refugee ministry program assists refugees with apartments and furnishings, helps enroll children in school, gets families medical treatment, and secures employment for family members able to work.

The Refugee International Center for Assistance Society in Bowling Green provides all types of services for all local refugees, immigrants, native Americans, and limited English proficient internationals. The program helps with job placement and English as a second language. The organization mainly helps refugees adjust to this country, but offers assistance to other immigrants, such as referrals to social services or language classes, according to the center's director.

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