

# *New Migrants Get Work Permits. Other Undocumented Immigrants Want Them, Too.*

Long-term undocumented immigrants — and their employers — are feeling left out by Biden administration policies allowing most who just crossed the border to work legally.



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**By Miriam Jordan and Lydia DePillis**

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Sam Sanchez, a Chicago restaurateur, was incensed when President Biden announced last September that his administration would extend work eligibility to nearly half a million Venezuelans, many of them migrants who had recently crossed the border illegally.

What about his undocumented employees like Ruben, a Mexican father of two U.S.-born children who has been in the United States since 1987, and Juan, another Mexican worker, who has trained dozens of new hires at Moe's Cantina?

“It’s offensive that my employees and other immigrants are being leapfrogged by new arrivals,” said Mr. Sanchez, who is on the board of the National Restaurant Association.

Having built lives and families since entering the country unlawfully many years ago, they have been waiting for Congress to give them a path to work legally. “For those of us here a long time trying to do everything right, it’s just not fair that we are forgotten,” said Juan, 53, whose last name was withheld out of concern about his immigration status.

Confronted with an influx of migrants making their way to Chicago, New York and other big cities, Mr. Biden has used executive power to allow several hundred thousand of them to live and work temporarily in the United States in an effort to make them less reliant on shelters and other assistance.

Now groups representing undocumented immigrants and their U.S.-citizen children — as well as their employers — are urging the president to deploy the same broad power to open channels for the more than eight million living in the United States who are barred from legal employment.

“If President Biden can grant work permits to new arrivals, he can do it for people picking our crops, emptying bedpans and cleaning hotel rooms for more than 10 years,” said Rebecca Shi, executive director of the American Business Immigration Coalition, whose 1,400 members include business associations and company executives.



Moe's Cantina is one of Mr. Sanchez's restaurants in Chicago. Jamie Kelter Davis for The New York Times

Business leaders have lobbied Republicans and Democrats on Capitol Hill for decades to overhaul the broken immigration system and address their labor needs. But the calls have gone nowhere in an increasingly polarized Congress.

At a rally in Chicago last month, demonstrators urged the Biden administration to allow undocumented immigrants to work legally. And in Las Vegas, Nevada's governor, a Republican, and the state's U.S. senators, both Democrats, joined employers, unions and immigrant advocates to send the same message.

The business coalition, in a letter to the president signed by more than 300 employers and trade associations, urged "immediate action" to extend work authorization to long-term undocumented people. In particular, Ms. Shi said, the

president should prioritize work permits for those without legal status: more than one million undocumented spouses of U.S. citizens, 800,000 parents of U.S.-citizen children and 300,000 farm workers.

About three quarters of the 10.5 million undocumented people in the United States as of 2021 were in the labor force, according to the Pew Research Center, an independent think tank. Roughly two million people out of the overall undocumented population have a temporary legal status that makes them eligible to work.

But a sweeping action by the president to allow millions more to work legally could prompt court challenges and political attacks from critics, even as some of those same critics have stymied or undermined the administration's efforts.

Mr. Biden's latest proposal — a bill this year to curb unlawful migration — was backed by top Republicans in Congress. But it collapsed after Republican leaders withdrew support, bowing to pressure from former President Donald J. Trump, their party's presumptive presidential nominee.

The surge in migration to the United States has left Mr. Biden with no easy options. The perception that he is favoring newcomers over longtime undocumented immigrants could hurt him among Latino voters, long a Democratic bloc that has begun to fragment, with an increasing number supporting Republican candidates.

Eduardo Gamarra, a professor at Florida International University who recently polled Latino voters, said that some of them who have settled in the United States may see themselves as having less in common with the new immigrants.

“When you try to say, ‘Why are you supporting these positions?’ they will tell you, one, ‘We don't like illegals,’ even though they might have been illegal themselves,” Dr. Gamarra said.

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Channels exist for foreigners to immigrate legally to the United States, but they are available primarily to those who have specialized skills or family already in the country.



A succession of international crises have pushed millions of people to try to enter the United States by crossing the southern border in places such as Eagle Pass, Texas. Cheney Orr for The New York Times

Meanwhile, international crises have pushed millions of people toward the U.S. border. Haiti, Venezuela, Cuba and Nicaragua have endured years of political and economic turbulence. Over the last year, President Biden has used humanitarian “parole” to allow about 390,000 people from those countries to come to the United States and receive work authorization, provided they have a financial sponsor.

Hundreds of thousands of other Venezuelans who have fled their country have received what is known as Temporary Protected Status, which has helped Venezuelans leave shelters as they receive work permits.

To better manage the flow of migrants, the Biden administration has promoted a smartphone app that since last year has granted parole to those who use it to schedule appointments at the border, creating another way for migrants to obtain work eligibility.

Margaret Stock, an immigration lawyer, said that the president has legal authority to authorize employment for others. “He may be reluctant, but Biden could grant parole and work permits to whoever he wanted,” she said.

A White House spokesman, Angelo Fernández Hernández, responded in general terms when asked about the push for work permits, saying that Congress had failed to consider the president’s 2021 proposal to reform immigration, and that, “the administration is constantly evaluating possible policy options.” Obtaining a work permit opens up a wider range of opportunities and raises immigrant wages by 10 percent on average, research shows.

Those who have lived unlawfully in the United States for decades typically work off the books, or present documents under a fake or stolen name to get hired, which is illegal. It has become more difficult to do that because about half of all states require employers to use an electronic system to detect irregularities.

Business owners like Mr. Sanchez who employ people without valid work documents have become increasingly vocal about the plight of their workers and their struggle filling jobs amid a labor shortage.

And although more seasonal guest worker visas have been issued in recent years for some sectors, like agriculture, employers say that granting work permits to longtime unauthorized immigrants would do more to address the problem.

“We have operations that want to grow,” said Matt Teagarden, chief executive of the Kansas Livestock Association. “Labor is a limiting factor.”

The billions of dollars that undocumented immigrants contribute to public coffers has heightened the sense that Mr. Biden's recent efforts for newcomers are unfair. According to an analysis of 2021 census data by the American Immigration Council, undocumented workers paid \$31 billion in federal, state and local taxes, including into the Social Security system from which they cannot draw retirement benefits.



“I wish the mayors were advocating as loudly for undocumented people who have been here all these years,” said Eréndira Rendón, whose parents are undocumented immigrants from Mexico. Jamie Kelter Davis for The New York Times

Eréndira Rendón, whose parents are undocumented Mexicans in their late 60s, has watched mayors press the White House to issue work permits to recently arrived migrants straining municipal resources.

Her mother jarred pickles and her father worked in a slaughterhouse. They put two children through college and bought a home. Because they cannot receive retirement benefits, they depend on their children to help them.

“I wish the mayors were advocating as loudly for undocumented people who have been here all these years,” said Ms. Rendón, 38, who works for a nonprofit in Chicago called the Resurrection Project that helps new migrants complete work permit applications.

For some immigrants, new migrants also create competition for jobs. Although research generally shows that immigrants do not depress wages overall, there can be short-term effects on similar workers.

The dynamic is palpable in New York City at the corners where immigrants hustle for work. Lucia Goyen, director of day laborer programs at Catholic Charities of the Archdiocese of New York, says newcomers will often accept just a few dollars an hour, lowering wages for everyone.

When new arrivals receive work permits, they are free to find a job in the formal economy that is still off limits to many who have been in the city far longer.

“There has been this frustration of, ‘I’ve been here 20-30 years, I have no access to a work permit, but this is a growing list of things that new migrants are getting handed to them,’” Ms. Goyen said.

**Miriam Jordan** reports from a grass roots perspective on immigrants and their impact on the demographics, society and economy of the United States. More about Miriam Jordan

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