



Joint Submission to the Special Rapporteur on the human rights of migrants

**Revisiting migrants' contributions from a human rights-based approach: facilitating and
hindering factors**

Submitted by:

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(consultative status with the Economic and Social Council)

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About Us

- The [James H. Binger Center for New Americans](#) protects and advances the rights of noncitizens in the United States through advocacy, litigation, and community education. In collaboration with clients, partners, faculty, and students we use the institutions of law and higher education to help foster an inclusive community that treats everyone, including non-citizens with dignity and agency.
- The [Human Rights Center](#) is dedicated to advancing human rights research, teaching, and advocacy with partners across sectors and at the local, national, and international levels. The Center has a long-standing engagement in the area of the human rights of non-citizens and holds consultative status with the UN Economic and Social Council.

We are learning and advocacy centers housed at the University of Minnesota Law School (USA) and have prepared this submission based on our collective experience with legal representation, research, and advocacy in migration and human rights. We maintain strong partnerships with clients seeking to obtain or maintain immigration status in the United States, legal service providers, legal advocacy organizations, and community partners comprising of and serving migrants living in Minnesota.

Summary

We urge the Special Rapporteur to give special attention in this thematic report to the critical role of sub-national actors.

To support work of the Special Rapporteur, this submission systematizes numerous examples to demonstrate how sub-national governments (states, counties, and cities) can, do, and should take measure to respect and guarantee the rights of migrants and mitigate the harms caused by barriers created at the national level.

Drawing from the example of our U.S. state of Minnesota, we have organized these assessments around 8 priority areas:

1. integration programs;
2. public safety;
3. economic opportunity;
4. housing;
5. civic and social engagements;
6. healthcare;
7. education; and
8. access to justice and legal representation.

For each area we: (A) describe how the gaps and barriers created at the federal level harm migrants and the broader local communities; (B) present and assess innovative and promising responses from state and local governments faced with the fallout of these policies; and (C) summarize further recommendations surfacing from advocates and service providers.

This submission was prepared by Sarah Brenes, Executive Director of the James H. Binger Center for New Americans, and Amanda Lyons, Executive Director of the Human Rights Center. As learning centers, we are grateful for the integral contributions of students Asha Opal and Muyleng Yi.

Introduction and Background

On the role of subnational authorities – states, counties, cities

As public authorities, subnational governments have human rights responsibilities, including to migrants.¹ State and local actors and decision-makers are on the frontline of trying to address the wider public impact of denying rights and access to essential services to migrants.

In the United States, federal immigration policy is highly centralized. As the previous mandate-holder documented in his Human Rights Council Report on regularization mechanisms and programs,² failure on the part of governments to regularize the legal status of migrants generates downstream impacts affecting the full range of human rights and with negative impacts on the broader communities.

In response to problematic approaches at the federal level in the U.S., many states have sought ways to address gaps in migrants' ability to live with dignity and security - both out of a duty and commitment to migrant residents, but also in response to the pragmatic assessment of real costs and benefits to the state as a whole.

The U.S. Supreme Court has overruled many attempts by U.S. states to regulate immigration, but states do have authority over numerous areas with significant impact on the rights of immigrants and their ability to contribute to society, including: public safety, the education system, access to public healthcare, budget allocation to support immigrants, access to justice, employment, and other public benefits. As described in more detail below, states are expanding rights and protections to those without lawful immigration status, establishing offices focused on incorporating immigrant perspectives in policy decisions, and funding support to overcome the legal and social barriers to accessing employment and essential services.

Methodology

Minnesota is a dynamic and useful case study to consider the links between rights protections, the factors facilitating or hindering migrants' contributions, and the role of subnational actors. For this submission we draw on several important initiatives that have contributed to collective and rights-based assessments and documentation of the factors that hinder and facilitate migrant contributions in Minnesota. These include for example:

¹ Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States Parties to the Covenant, para. 4; ICCPR art. 50; ICESCR art. 28.

² Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, A/HRC/53/26 (20 April 2023).

- (1) In 2014, The Advocates for Human Rights’ released, “[Moving from Exclusion to Belonging](#)”, a groundbreaking report centered on the human rights of refugees and immigrants in Minnesota. The report draws on nearly 200 individual interviews and more than 25 community conversations throughout Minnesota. With reference to state, federal, and international human rights law, the report’s findings and recommendations identified what was working to promote integration and success, what was failing, and what gaps existed in public policy.
- (2) In 2022, the Minneapolis Regional Chamber, in partnership with the St. Paul Area Chamber, City of Minneapolis, and City of St. Paul, released “[The Journey to Belonging in the Twin Cities](#).” The report is a comprehensive roadmap to making the Twin Cities a more welcoming place for immigrants and refugees.
- (3) A particularly important source of collective analysis informing this report is the **Minnesota New Arrival Response Convening (MN-NAR)**, which was first launched in August 2023. The James H. Binger Center for New Americans, Minneapolis Office of Immigrant and Refugee Affairs, and Saint Paul Immigrant and Refugee Program joined with immigration legal service providers to explore how to work together to better respond to the influx of newly arriving immigrants to Minnesota. The context for this convening process is that community organizations and nonprofits in MN have long provided services for immigrants, engaging the community, and highlighting migrants’ contributions. In response to increasingly restrictive federal policies since 2017, state and local governments have taken on more direct roles to cultivate safe and welcoming practices. Influxes of migrants from the southern border and the informal resettlement of refugees from Afghanistan have strained existing systems in Minnesota, but also served to build bridges between providers focused on serving refugees and those primarily serving immigrants seeking to formalize their status in the U.S. The MN-NAR Convening Process is a promising and ongoing dialogue on which we are drawing with this submission. The driving question of the process is: How do we come together as state and local governments, nonprofits, and community organizations, offering a multitude of services, to make Minnesota more welcoming when the federal government has significantly increased restrictions?

Below we summarize assessments in each of the 8 priority areas identified.

1. INTEGRATION PROGRAMS

A. Federal barriers:

The U.S. federal government integration programs that exist primarily focus on refugees who are pre-designated for resettlement in the United States. Refugees who seek verification upon or following their entry into the United States are not afforded integration assistance while their asylum application is pending (which can take years or even decades) and are subject to a waiting period for work authorization. Like undocumented immigrants, asylum-seekers are ineligible for most of the “social safety net” services available to refugees through integration programs.

By and large, federal laws generally aim to restrict access to social safety net programs, which deter immigrants from successfully integrating.³ In 1996, the United States Congress passed a [Welfare Reform Bill](#) that created significant restrictions on immigrant access to public benefits and required assurances from sponsors to provide financial support for new immigrants. It also increased penalties and consequences for those who accessed federal benefits, even unknowingly. The law created the concept of “qualified” and “not qualified” alien to determine eligibility for public benefits. Generally, qualified aliens are non-citizens who have been permitted to reside permanently in the United States, including approved asylees, refugees, and lawful permanent residents. Subsequent laws have included victims of crimes, violence, or human trafficking into the “qualified” category. “Non-qualified aliens” then for purposes of accessing public benefits include undocumented and temporary immigrants. The federal government has maintained these restrictions, and under the Trump Administration passed regulations to increase penalties for undue access of public benefits.⁴

B. Efforts at the state and local level:

- Ensuring access to Minnesota state and county social safety net programs regardless of immigration status.⁵
- Minnesota State: [Refugee resettlement program overviews / Minnesota Department of Human Services \(mn.gov\)](#)
- County: [Office of Multicultural Services | Hennepin County](#)
- City: [Immigrant & Refugee Affairs - City of Minneapolis \(minneapolismn.gov\)](#)
- [MN-Public-Benefits-Screening-Chart-9.5.2022.pdf \(american.edu\)](#)
- [Minnesota Laws on English-Language Learning and involvement of parents in progress for student progress](#)⁶.

[Individual states](#) within the U.S. have asserted the authority to provide more expansive eligibility for immigrant residents to access state-level benefit programs aimed at helping families with limited income and resources.⁷ For example, Minnesota has provided health insurance and general cash assistance to low-income asylum seekers and immigrants with temporary status in the United States. These individuals are not eligible for counterpart federal benefits unless and until their status becomes more permanent.

The Refugee Resettlement Program of the Minnesota Department of Human Services was created to support the effective resettlement of people with refugee status in Minnesota, ensure accessibility to mainstream programs, distribute federal dollars to local agencies for supplemental services, and provide education and information about refugees in Minnesota. The

³ See “[Welfare Reform and the Devolution of Immigrant Policy](#),” The Urban Institute, Oct 1997

⁴ Beiri, J. and Essey, W. “[The Public-Charge Final Rule Is Far from the Last Word](#)”, Migration Policy Institute, Sept 2022.

⁵ For more, see Egbert, A. “[Migration Patterns of Public Assistance Recipients](#)”, Minnesota State Demographic Center, Jan 2015.

⁶ 2014 English Learners and World Language Proficiency: [Laws of Minnesota 2014, chapter 272, article 1](#)

⁷ See “[Eligibility of Noncitizens for Healthcare and Cash Assistance Programs](#),” Minnesota House Research, Nov 2019

MN DHS coordinates with local resettlement agencies to assist those arriving with refugees through cooperative agreements with the U.S. Department of State and the nine affiliated national resettlement agencies.⁸ While these agencies receive some private funding, the majority come from grants from the federal government, limiting their capacity to serve migrants who have not yet regularized their status in the U.S. These agencies provide support for resolving immediate needs, finding employment, support during the initial period of employment and career improvement, long-term guidance and coaching to meet academic or career goals, adjusting to life in America through free classes on how to use public transit, how to help children prepare for college and many other topics, and low-cost legal help and status change applications for permanent residency and citizenship.

In 2000, Hennepin County⁹ established an [Office of Multi-Cultural Services](#) (OMS).¹⁰ The OMS responds to the increased need in the county for culture- and language-specific services and provides refugees and immigrants with a central point of access for county services. The office assists immigrants and refugees to apply for government benefits, find housing solutions, explore and pursue employment opportunities, address immigration status concerns, enroll in English language and citizenship classes, register for school, cope with culture shocks, and generally connect to existing community resources. Hennepin County continued to step forward to welcome newcomers in the most recent influx of arriving asylum seekers. The county has a “shelter all” policy¹¹ that it applies “across the board that no child should sleep outside, irrespective of country of origin or whatever brings you to that point of crisis.”¹² In 2024, the county more than doubled its budget from \$9.5M to \$22.5M to meet the shelter demand.

Likewise, the city of Saint Paul has an immigrant and refugee program¹³ with the mission of (1) “facilitating the successful integration of immigrants and refugees into Saint Paul’s civic, economic, and cultural life;” (2) “advocating on behalf of immigrant and refugee communities in Saint Paul to ensure justice and equity for all City residents;” and (3) “promoting a City-wide culture that **understands and values the benefits, including economic benefits, which all members of our society receive when immigrants and refugee communities are successfully integrated into our civic, economic, and cultural life.**” In 2018 the city of Minneapolis created the Office of Immigration and Refugee Affairs¹⁴ to support immigrant and refugee residents in various aspects including advocacy, housing, citizenship, policy, communication, promotion of values, economic advancement, and strategy. These have been important initiatives to address the “non-take-up” of rights and systemic approaches to address the barriers that keep people from accessing the services designed for or available to them.

⁸ [“Local Resettlement Agencies,”](#) Minnesota Department of Human Services

⁹ With nearly 1.3 million residents, including 14% foreign-born, it is the most populous and diverse county in the state. [DataUSA](#) (2021); Also see: [Profile of Foreign Born Population in Minnesota](#), Vera Institute (2017); [Immigrants in the Minneapolis Metropolitan Area](#), George Mason Institute for Immigration Research (2018);

¹⁰ [DataUSA](#) (2021); Also see: [Profile of Foreign Born Population in Minnesota](#), Vera Institute (2017); [Immigrants in the Minneapolis Metropolitan Area](#), George Mason Institute for Immigration Research (2018);

¹¹ For more on the “shelter all” policy, see Hennepin County, [Help for homelessness.](#)

¹² [“Minnesota orgs look to find housing as number of asylum seeking families reaches all-time high”](#), CBS News, 19 January, 2024

¹³ [Welcoming Saint Paul: Immigrant and Refugee Program.](#)

¹⁴ See [Immigration and Refugee Affairs.](#)

Welcome Centers

A particularly important model deserving of more study is the figure of a “welcome center.” Starting in the early 2000s, “welcome centers” for incoming migrant populations started to emerge across the United States. These physical spaces seek to create a welcoming environment for people to receive needed services that aid in their transition to new communities. Welcome centers are created and run either local government agencies or by civil society community organizations. Welcome centers may provide social services (housing, nutrition, education, youth programs, etc.), navigation services (English language learning, benefit program applications, obtaining a driver’s license, etc.), and/or financial assistance (rental assistance, small business loans, etc.) with a focus on celebrating and embracing origin-country culture.

In the MN-NAR Convening process, stakeholders have identified the welcome center model as a potentially powerful and fitting response to address and mitigate the gap and barriers generated by the federal government. Diverging from other models, current debates are suggesting a preference for the creation of a collaborative entity that is supported by state and local government, non-profit organizations, for-profit organizations, community organizations, and faith communities.

The MN-NAR Convening process has brought to light the emphasis on addressing needs related to social services. However, of the existing welcome centers in the states few offer education about the legal process and legal services

Maximizing capacity of these important hubs to provide a broad range legal service and education would improve the likelihood that immigrants can regularize their immigration status in the United States - a root cause directly impacting their ability to take up rights and services available to them, hindering in this way the community at large.

C. Further recommendations:

- Expand federal funding for resettlement services that are offered regardless of immigration status.
- Expand federal eligibility rule for public benefit to immigrants.
- Shorten the wait period for work authorization for those seeking immigration benefits.

II. PUBLIC SAFETY

A. Federal barrier:

Irregular immigration status and the fear of law enforcement officers and being deported often keeps immigrants from reporting crimes or cooperating with investigations or prosecutions. At the federal level, the 2005 Violence Against Women Act (VAWA) creates paths for undocumented victims of violent crimes and human trafficking to access legal status if they report and comply with law enforcement efforts to investigate and prosecute those crimes. While

this has encouraged more reporting among immigrants, language and cultural barriers continue to keep some immigrant victims from taking advantage of this possibility.

Driver's licenses in the U.S. are issued by each state. Driver's licenses also serve as the primary form of government-issued identification used in the United States. In 2005, the U.S. Congress passed the Real ID Act setting uniform standards for state-issued driver's licenses, including the requirement of proving lawful immigration status. In addition to the manifold negative impacts on individuals from not being able to secure a driver's license, this barrier creates a public safety concern because it inevitably leads to drivers on the road who have not gone through the training and examination process for safe driving practices.

B. Efforts at the state and local levels:

- [Hennepin County Attorney's Office \(HCAO\) U visa and T visa policy - Jan 2024](#)
- [Minnesota Driver's License for All Act – March 2023](#)

In January 2024, the Hennepin County Attorney's Office implemented a new policy to reduce barriers for undocumented crime victims to report crimes.¹⁵ The policy includes trauma-informed and victim-centered approaches that address the “non-take up” of public safety tools that are intended to be available to all residents, regardless of immigration status. Enhanced response systems and improved access to language and culturally specific resources are important elements of the policy.

To address a barrier long identified as a priority, in March 2023, Minnesota passed a [Driver's License For All Bill](#) that went into effect on October 1, 2023. Undocumented immigrants in Minnesota, including recipients of Deferred Action for Childhood Arrivals, are allowed to apply for driver's licenses without the need to prove immigration status. Currently 19 U.S. states have removed the immigration document requirement for securing a driver's license.¹⁶

C. Further recommendations:

- States should pass sanctuary bills like the [North Star Act – Sanctuary State](#).
- Increase state funding for cultural competency training in police departments that are led and/or informed by immigrant community members.
- State and local governments should provide education about how law enforcement can be a resource and how interactions may result in immigration consequences.

¹⁵ [Hennepin County Attorney's Office \(HCAO\) U visa and T visa policy - Jan 2024](#)

¹⁶ National Council of State Legislatures, Brief: States Offering Driver's Licenses to Immigrants (March 13, 2023).

III. ECONOMIC OPPORTUNITY

A. Federal barrier:

Federal restrictions on employment authorization limit the ability for immigrants to achieve self-sufficiency and increase their vulnerability to labor violations. In addition, limited opportunity due to language proficiency, limited access to education, and training, hinder upward movement in the labor force. Immigrants with foreign professional credentials face additional barriers to practicing their profession, oftentimes when there is a shortage in the workforce and high demand for services (ie. medicine).

B. Efforts at the state and local level:

- [Minnesota workers compensation laws that protect undocumented workers](#)
- [Minnesota Wage Theft Prevention Act](#)
- [Minnesota State Office of New Americans](#) is housed the Department of Employment and Economic Development
- [2023 Minnesota Human Services and Financing Bill included funding for legal and social services for new Americans](#)
- [Minnesota IMG Residency Preparation Program \(BRIIDGE\)](#)

Minnesota provides certain protection for undocumented workers such as wage protections which guarantee the entitlement to minimum wages and overtime pay under the Wage Theft Prevention Act, discrimination protections which prohibit discrimination based on immigration status, worker's compensation if they are injured while performing work, safe working conditions, and protection against retaliation. The Minnesota Department of Labor and Industry is in charge of enforcing labor law, investigating claims of labor law violations, conducting audits, and imposing penalties to employers for non-compliance. However, Minnesota is also one of states that imposes requirements on employers to verify immigration status to confirm the eligibility of employment of new employees.

In 2023, Minnesota authorized [permanent funding for the Office of New Americans](#). The office has spearheaded efforts to help immigrants navigate barriers to securing employment. As part of that effort, the Minnesota legislature also passed a bill that included funding for legal and social services for immigrants. For immigrants in the state who obtained medical degrees outside the U.S., Minnesota has a program that includes inpatient and outpatient training opportunities as well as community and classroom based components to prepare participants to eventually practice medicine in the U.S.

C. Further recommendations:

- Loosen licensing requirements for immigrant by accepting foreign credentials.
- Increase minimum wage.
- Combat discrimination in the workplace.
- Expand access to employment authorization.

IV. HOUSING

A. Federal barrier:

Restrictions on access to public benefits for immigrants includes limitations on accessing affordable housing.¹⁷ Under federal law, residents in public housing programs must declare that they are U.S. citizens, U.S. nationals, or have eligible immigration status. The lack of access to affordable housing resulting from these barriers forces many immigrants to live in substandard housing, may lead to housing infractions and eviction, and makes them vulnerable to exploitation by landlords and others.

B. Efforts at the state and local level:

- [2023 Landlord-Tenant Laws](#) in Minnesota provide greater protections for renters, regardless of immigration status.
- Office of the Minnesota Attorney General, [Landlords and Tenants: Rights and Responsibilities](#) (updated 2024)

Housing rights advocates are lauding new landlord-tenant laws passed in 2023 make a series of advances to tenant protections related to the eviction process, renter transparency, and emergencies.¹⁸ Effective January 1, 2024, landlords in Minnesota cannot file an eviction action in court for non-payment of rent unless they first give the tenant a detailed written notice of an intention to file 14 days before filing. [Minn. Stat. § 50B.321, subd. 1a. (2023) amended by 2023 Minn. Sess. Law Serv. Ch. 52 (S.F. 2909).

Although access to affordable housing is an issue statewide in Minnesota, it is particularly acute in rural areas.¹⁹ Many immigrants are drawn to rural communities, in many cases due to the abundance of low-skill jobs in meatpacking. These jobs often price workers out of traditional “affordable housing.” Often, wages are just high enough to put people above the income threshold to qualify for “affordable housing” but are not enough for most workers to secure housing large enough to accommodate intergenerational families. This often leads meatpacking employees to live outside of the town where the plant is.

C. Further recommendations:

- Change state and local zoning laws to make it easier to build affordable rental housing in higher-income neighborhoods with high-achieving

¹⁷ “Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of the Department of Housing and Urban Development (HUD) from making financial assistance available to persons who are other than United States citizens, nationals, or certain categories of eligible noncitizens either applying to or residing in specified Section 214 covered programs. Section 214 was implemented by a final “Noncitizens Rule” entitled, Restrictions on Assistance to Noncitizens which was published in the Federal Register, on Monday, March 20, 1995 (60 FR 14816-4861).” [Model of Notice of Section 214 Requirements](#).

¹⁸ Sahan Journal, Fresh rights for Minnesota renters: Here’s a guide.

¹⁹ The Center for Rural Policy Development (CRPD) has documented the rural Minnesota housing crisis and notes a distinct lack of affordable and market-rate housing available in rural areas. Gehlen, E., et. al, “Building Community, Embracing Difference: Immigrants, Refugees, and Local Government Outreach in Rural Minnesota,” University of Minnesota Capstone Report, May 2021, Page 34. For comparative analysis of urban areas, also see: [key_housing_issues_facing_immigrant_communities_in_the_twin_cities.pdf](#) (mnbudgetproject.org).

schools, either by expanding the area zoned for multi-family building or by making it easier to waive zoning for affordable housing development.

- Provide more financial resources to community organizations that already offer housing services.
- Encourage housing authorities and building contractors to build more houses and apartments to accommodate larger household sizes to immigrant communities.²⁰
- Loosen the creditworthiness requirement and residence/job history requirements.
- Promote and fund education and cultural training for property owners and property management agencies.
- Assess “[affirmatively furthering fair housing](#)” standard and how it [impacts immigrant communities](#).

V. CIVIC AND SOCIAL ENGAGEMENT

A. Federal barrier:

Political representation is a key step for achieving reforms that advancing the rights of immigrants. In general, both the federal governments and most states require U.S. citizenship to vote and hold political office. Though civic engagement is not restricted by legal status, studies have shown that undocumented immigrants less likely to participate in civic organizations, including community and ethnic organizations, relative to documented immigrants.²¹

B. Efforts at the state and local level:

During the 2023 legislative session, [Minnesota lawmakers of color](#) played a pivotal role in passing numerous pieces of legislation that will benefit immigrants living in the state. This legislature has been recognized as the [most diverse legislature in the state’s history](#). There have also been deliberate efforts to appoint legislators of color to chair influential committees, rather than assigning these roles by seniority as usual. These roles are critical to visibility in representation but also in state funding since they direct large investments of the state’s resources.²²

Impacted immigrant community members also played a key role in the advocacy and rights-advancing successes. For example, the state legislature passed a law to protect workers’ safety in warehouses for Amazon and other companies, where many East African immigrants work. One of the workers commented that her engagement in the advocacy helped her show her community that they have rights in this country. “You don’t have to live in America for 10 years to have

²⁰ See additional recommendations in “[Key Housing Issues Facing Immigrant Communities in the Twin Cities](#),” Minnesota Budget Project, et. al (2017), pp. 16-28

²¹ Lai, T. (2021). [Legal Exclusion, Civic Exclusion: How Legal Status Stratifies Latino Immigrants’ Civic Engagement](#). *International Migration Review*, 55(1), 195-226.

²² Id.

rights,” she said. “You can live here for 30 days and have rights.”²³ In another example, immigrant students advocated for schools to be required to offer an ethnic studies class.

Notwithstanding gains at the state level, immigrant and refugee representation within local governments and other institutions has been a challenge. The [Gateways to Growth](#) initiative showed efforts to promote representation at the municipal level by having honorary positions; creating inclusive committees, commissions, and boards; and having additional roles in areas of need, such as schools and hospitals.²⁴

Cities also create opportunities for cultural sharing and encounters for people from diverse backgrounds such as multicultural festivals, discussion groups, sports, youth groups, and integrated neighborhoods. The [Cultural Destination Areas](#) in St. Paul and the [Cultural Districts in Minneapolis were](#) part of community-building initiatives to “drive economic vitality and increase awareness of immigrant and refugee cultures and contributions.”²⁵

Importantly, the “[The Journey to Belonging in the Twin Cities](#)” report documented frustration in immigrant communities with “over-engagement” without seeing that input reflected final outcomes. Often, there is a focus on consultation but this is not matched with the political will and financial investment to take action on suggested initiatives..²⁶

C. Further recommendations:

- Funding for local government civic engagement awareness programs to diversify representation on local school boards, city government and state roles.
- Remove immigration restrictions on eligibility to run for state office. (Under current law, you must be an eligible voter [ie. U.S. citizen] to run for state office (precludes undocumented people) M.S.A. § 204B.04, M.S.A. § 204B.06.
- Increase funding for language interpretation services in city, county and state level offices.

VI. HEALTHCARE

A. Federal barrier:

The United States does not have a universal healthcare insurance system. Rather, healthcare coverage is secured through a variety of means, including insurance covered fully or partially by an employer; private insurance paid by the individual, or several types of subsidized coverage or insurance for low-income individuals.

²³ “[From ethnic studies to healthcare, Minnesota lawmakers of color played pivotal roles in advancing policy](#),” MPR News, 1 June 2023

²⁴ Gehlen, E., et. al, “[Building Community, Embracing Difference: Immigrants, Refugees, and Local Government Outreach in Rural Minnesota](#),” University of Minnesota Capstone Report, May 2021

²⁵ [The Journey to Belonging in the Twin Cities](#), Minneapolis Chamber of Commerce, St. Paul Area Chamber, City of Minneapolis, City of St. Paul (2022)

²⁶ “[The Journey to Belonging in the Twin Cities](#),” at 15.

Uninsured individuals must pay for healthcare out-of-pocket. Many immigrants are in lower-paying jobs that do not provide healthcare insurance. It is estimated that half of all undocumented immigrant adults and almost 1 in 5 immigrants with legal status are uninsured, compared to less than 1 in 10 citizens being uninsured.²⁷ Medicaid is the federally funded health insurance program for low-income individuals, but many immigrants are ineligible.

B. Efforts at the local and state level:

- [2023 Minnesota Care Expansion](#): Starting in 2025, Minnesota will cover individuals who have incomes at or below 200 percent of the federal poverty level who are undocumented.
- The [Minnesota Insulin Safety Net Program](#) (2020).
- The Minnesota Department of Health’s [Minnesota Immigrant and Refugee Health Network \(MIRHN\)](#).

In 2023, Minnesota expanded its state-funded health insurance program to remove immigration status as a requirement for eligibility.²⁸ With the passage of this law, more undocumented immigrants will be able to see primary care providers for routine checkups, vaccinations, and preventative care – with benefits to them and the broader community.

The Minnesota Refugee Health Program has been established to promote and enhance the health and well-being of refugees by conducting health assessment, treatment, and referral for all new refugee arrivals to the state; educate, provide leadership, and guidance to health care professionals concerning refugee health; and offer technical assistance, education, resources to local, state, and community partners.

C. Further recommendations:

- Promote training on trauma-informed care delivery and basic health information in multiple languages and formats.
- Identify and share information about culturally and linguistically competent care providers and healthcare navigators.
- States can create pathways for equivalence or foreign earned credentials to permit educated professionals from other countries to be licensed in the healthcare industry.

VII. EDUCATION

A. Federal barrier:

Education in the United States is primarily a state and local responsibility. In 1982, the U.S. Supreme Court case *Plyler v. Doe* ruled that undocumented students have a constitutional right to receive a free, public K-12 education. However, there is no right to higher education and

²⁷ Pillai, D., et. al. “[Health and Health Care Experiences of Immigrants: The 2023 KFF/LA Times Survey of Immigrants](#),” KFF/LA Times, 17 Sept 2023

²⁸ [MinnesotaCare expands eligibility to Minnesotans with undocumented status](#), Minnesota Public Radio News, 5 June 2023. See also [2023 Minnesota Care Expansion](#).

undocumented migrants are barred from receiving federal financial aid to finance their college education.

B. Efforts at the state and local level:

- Minnesota passed [Higher education finance and policy bill](#) that provides [tuition-free college program](#) for students from low-income families, regardless of immigration status.
- [Minnesota Prosperity “Dream” Act](#) allows immigrants without documentation and DACA recipients access to in-state tuition.

On a state level, Minnesota and the state’s University of Minnesota have several policies in place to assist undocumented and non-citizen students. These policies have an impact on many Minnesotans; there are approximately 12,000 first generation immigrant students in higher education in MN and 26,000 second-generation immigrant students.²⁹ The Minnesota Dream Act provides eligible undocumented students with access to in-state tuition and some private and state financial aid. Undocumented students who meet the program requirements are eligible to receive Minnesota State Grants, Postsecondary Childcare Grants, tuition reciprocity, state work study jobs, state SELF student loans, Minnesota Teacher Candidate Grants, and PIPELINE Program: Dual Training grants.³⁰

While these programs help alleviate the challenges faced by Minnesota’s undocumented students, they are limited. To be eligible for the Dream Act provisions, students must have attended a Minnesota high school for at least 3 years; graduated or received a GED from a Minnesota school; comply with Selective Service requirements; and provide documentation to show that they have applied for lawful immigration status if a federal process exists. This excludes non-DACA undocumented students who have not or cannot apply for lawful immigration status and excludes all non-DACA students from work-study opportunities.

C. Further recommendations:

- Open state work-study options to all undocumented students could help alleviate the immense financial pressure that many undocumented students face and could help improve both the percentage of undocumented Minnesotans who seek higher education and the rate at which they graduate.
- Increase representation of immigrants on local school boards.
- Revise State law: **Minnesota Administrative Rule 3535.0110 “Equal Opportunity in Schools”** so that it does not require proof of intent to segregate and does not exempt charter schools and open enrollment policies.
- Enhance school curriculum including mental health sessions for refugee students.

²⁹ Higher Ed Immigration Portal, Minnesota State Data, <https://www.higheredimmigrationportal.org/state/minnesota/>

³⁰ Minn. Off. Higher Educ., Minnesota Dream Act Fact Sheet 1.

VIII. ACCESS TO JUSTICE AND LEGAL REPRESENTATION

A. Federal barrier:

While immigrants have the right to be represented in immigration court, there is no guarantee or federal funding for legal representation, as is the case in criminal proceedings. While immigration is an administrative proceeding, the consequences of deportation can be just as dire. Access to legal representation, including language interpretation, and supportive services can significantly improve the likelihood that an individual can win their case and their ability to remain in the United States.

B. Efforts at the state and local level:

- [Nonprofits use grant to represent immigration defendants](#) | MPR News
- [Immigration Legal Defense & Wrap Around Services](#) | Ramsey County
- [City of St. Paul New American Loan Program](#)
- [Minnesota law extending guardianship protections to age 21](#)
- [Minnesota misdemeanor sentencing law](#)

In response to failed efforts to secure federal funding, Minnesota's largest urban counties, Hennepin County and Ramsey County, along with the city of Saint Paul, made funding available for legal representation to their residents who are in removal proceedings. In 2019, Ramsey County released a total fund of \$250,000 for the collaboration with immigration legal service providers to provide legal representation to Ramsey County residents who are in removal proceedings and earn less than 200% of poverty guidelines. In addition, the Ramsey County Board of Commissioners approved another \$100,000 specifically for wraparound services to support refugee and immigrant families who are experiencing or have loved ones going through removal proceedings. In 2020, Ramsey County awarded a total of \$40,000 in grants for services that support immigrant and refugee families and/or families of immigrants and refugees from Oct. 1, 2020, to Dec. 31, 2020. Applicants were able to apply for up to \$5,000 dollars.

Some financial loans are also available for immigrants holding lawful permanent status in obtaining citizenship. The City of Saint Paul in collaboration with Affinity Plus Federal Credit Union created the New American Loan Program. The program provides no-interest loans to residents to pay for fees related to applications for naturalization or other immigration benefits from the United States Citizenship and Immigration Service (USCIS). This program will also support efforts to ensure all residents have access to financial services, resources, and education.

In 2022, Minnesota aligned with [15 other states](#) to increase the age from 18 to 21 for guardianship proceedings. State alignment with federal definition of a child for SIJS purposes allows young adults to access protection and retain the ability to choose whether to remain in the United States or return to their country of origin once they are adults and conditions are safe to do so.

Minnesota Legislation passed a new law in 2023 that reduces the maximum sentence for a gross misdemeanor from one year to 364 days in prison in which a one-day change has made a huge

impact on immigrants in the criminal justice system from being subject to automatic deportation under federal laws.

C. Further recommendations:

- Establish federal and state funding for [universal legal representation](#) for those facing removal proceedings.
- End detention for individuals in administrative immigration proceedings.

CONCLUSION

Guaranteeing the human rights of all migrants is an obligation of the state, but it also serves the instrumental purpose of maximizing the contributions of migrants toward broader societal aims. As stated in the Key Messages of the UN System on Migration: migrants whose rights are protected are “better able to contribute to their host and origin societies - both economically and socially - than those who are exploited and marginalized.”³¹

Failing to respect and protect the human rights of migrants affects individuals and families, and it also creates unnecessary costs and burdens on communities and missed opportunities for societies to fully benefit from the diverse contributions of all residents. Local governments are on the frontline of efforts to advance and realize the rights of migrants and to mitigating the harms from failures at the national and international levels.

Although there are many challenges and setbacks, we are proud of the examples from Minnesota that illustrate rights-based approach to maximizing migrants’ contributions, as set out in an earlier report from this mandate – not a conception: a **“positive narrative in which social and cultural abundance is valued and respect for people’s rights is seen as improving everyone’s situation.”**³²

We urge the Special Rapporteur to highlight the critical role and responsibilities of local governments to guarantee the full range of human rights to all residents in their state. National policy violating and undermining the rights of migrants is not an excuse or license for subnational authorities to fail to take.

³¹ Annex 3: Key Messages of the UN System on Migration, [Migration and Human Rights: Improving Human Rights-Based Governance of International Migration](#) (OHCHR, 2013).

³² Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, A/HRC/53/26 (20 April 2023).