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The Unending Floods: Disaster Recovery and Immigration Policy

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Introduction

As Hurricane Harvey grew in strength and moved towards the Texas coast in August 2017, an immigration storm brewed as well. As the hurricane hit, federal and state policymakers were adopting immigration decisions that would reshape the way immigrants are treated in the state of Texas. In addition to the physical and temporal proximity of the storm to these immigration policy decisions, the natural disaster and immigration policy were intertwined in other ways. Immigration status considerations magnified the hurricane's impact on certain communities. At the same time, full recovery after Harvey, for all Texas communities, depends on immigrants and is impeded by new restrictive state and federal immigration policies.

I. The Timeline—Convergence of Natural Disaster and Harsh Immigration Policies

Texas began preparing for Harvey—first as a tropical storm and then as an ever-intensifying hurricane—on August 23, 2017, just days before Harvey made landfall in the state.¹ Texas Governor Greg Abbott preemptively declared 30 counties to be disaster areas.² Two days later, the Governor asked the federal government to recognize the state as a disaster zone, and the Federal Emergency Management Agency (FEMA) agreed to the

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1. Allison Ehrlich, *Harvey Timeline*, CORPUS CHRISTI CALLER-TIMES (Sept. 2, 2017), <http://www.caller.com/story/weather/hurricanes/2017/09/02/harvey-timeline-see-how-storm-developed-and-marched-across-texas-and-louisiana/625563001/> [https://perma.cc/97NN-ADDY].

2. *Id.*

designation.³ By August 29, 2017, southeast Texas, including the Houston area, had experienced devastating floods.⁴ In the wake of Harvey's eastern movement, counties in Eastern Texas also saw flooding.⁵

The hurricane caused immense emotional, physical, and economic pain. The death toll reached 88, according to preliminary figures from the Texas Department of State Health Services.⁶ The storm directly affected 13 million people.⁷ Houston and the rest of the Texas Gulf coast faced particularly serious damage.⁸ The storm destroyed 30,000–40,000 homes in the Houston area alone.⁹

On August 29, President Donald Trump visited Texas to see the impact of the hurricane and stopped in Austin and Corpus Christi.¹⁰ Rumors swirled that he would announce an end to the Deferred Action for Childhood Arrivals (DACA) program while in Texas or upon his return to Washington, D.C.¹¹ DACA is a program that provided work authorization and protection from deportation for certain undocumented young people present in the United States since childhood.¹² The program covered 800,000 youth, including 126,000 immigrant young people living in Texas.¹³ The end of DACA had been predicted long before meteorologists took note of the tropical wave that became Harvey. Texas Attorney General Ken Paxton, in fact, had set an arbitrary September 5, 2017 deadline months earlier. In a letter to U.S. Attorney General Jeff Sessions, Paxton threatened legal action if the

3. *Id.*

4. *Id.*

5. *Id.*

6. Giulia Afiune, *State Says Harvey's Death Toll Has Reached 88*, TEX. TRIB. (Oct. 13, 2017), <https://www.texastribune.org/2017/10/13/harveys-death-toll-reaches-93-people/> [https://perma.cc/P4ME-VRSX].

7. J.J. Gallagher, *Hurricane Harvey Wreaks Historic Devastation: By the Numbers*, ABC NEWS (Sept. 2, 2017), <http://abc13.com/news/hurricane-harvey-wreaks-historic-devastation-by-the-numbers-2360255/> [https://perma.cc/455K-M56E].

8. *Id.*

9. *Id.*

10. Patrick Svitek, *Trump Visits Corpus Christi, Austin to See Harvey Recovery*, TEX. TRIB. (Aug. 29, 2017), <https://www.texastribune.org/2017/08/29/trump-visit-corpus-christi-austin-see-harvey-recovery/> [https://perma.cc/Y4DB-MQGV].

11. Julie Turkewitz, *Battered by Harvey, Immigrants in Houston Brace for a DACA Decision*, N.Y. TIMES (Sept. 4, 2017), <https://www.nytimes.com/2017/09/04/us/daca-trump-hurricane-harvey.html> [https://perma.cc/ZD97-E8JB].

12. Jens Manuel Krogstad, *DACA Has Shielded Nearly 790,000 Young Unauthorized Immigrants from Deportation*, PEW RES. CTR. (Sept. 1, 2017), <http://www.pewresearch.org/fact-tank/2017/09/01/unauthorized-immigrants-covered-by-daca-face-uncertain-future/> [https://perma.cc/NH48-KJ3G].

13. *Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake, and Case Status*, U.S. CITIZENSHIP & IMMIGR. SERV. (Jan. 31, 2018), https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_FY18_Q1_Data_plus_Jan_18.pdf [https://perma.cc/SP8R-VWTF] (reporting through the first quarter of the 2018 Fiscal Year 2018).

administration failed to terminate DACA.¹⁴ The ultimatum fit well with President Trump's own plans. On the campaign trail, he had pledged to "immediately terminate" both DACA and another Obama-administration program, the Deferred Action for Parents of Americans (DAPA).¹⁵ DAPA would have allowed certain immigrant parents of U.S. citizen and permanent resident children to receive temporary protection against deportation and work authorization.¹⁶ The state of Texas had led a federal lawsuit against the DAPA program and as a result, the program was never implemented.¹⁷ Texas Attorney General Paxton's letter demanding an end to DACA claimed that the result in the unconnected DAPA litigation required the President to end the DACA program as well.¹⁸

Many observers pointed out that an announcement ending the DACA program, during President Trump's visit to Texas or in the immediate aftermath of a massive natural disaster hitting a state with a large number of DACA recipients, would be viewed as particularly heartless.¹⁹ President Trump only waited a week after his visit to Texas to eliminate the DACA program.²⁰

On September 5, 2017, with much of Texas still underwater, Attorney General Sessions declared the end of the DACA program.²¹ For many, the hurricane made one more landfall with this announcement. No evacuation routes existed for DACA-holders, who had few avenues available to obtain legal immigration status outside of DACA. Litigation has offered temporary and uncertain relief for current DACA holders.²² However, the necessary

14. Letter from Ken Paxton, Att'y Gen. of Tex., et al. to Jeff Sessions, Att'y Gen. of the U.S. (June 29, 2017) [<https://perma.cc/8UPN-W49W>].

15. Josh Gerstein, *Trump Administration Signals No Immediate Reversal on Dreamer Program*, POLITICO (Jan. 23, 2017), <https://www.politico.com/blogs/under-the-radar/2017/01/dreamers-applications-under-trump-administration-234046> [<https://perma.cc/BUA7-3LN2>].

16. Aria Bendix, *Trump Rolls Back DAPA*, ATLANTIC (June 16, 2017), <https://www.theatlantic.com/news/archive/2017/06/trump-rolls-back-dapa-program/530571/> [<https://perma.cc/5L6P-8RRQ>].

17. *Texas v. United States*, 809 F.3d 134, 146 (5th Cir. 2015), *aff'd*, 136 S. Ct. 2271 (2016).

18. Letter from Ken Paxton to Jeff Sessions, *supra* note 14.

19. Taylor Goldenstein, *In Austin for Harvey Briefing, Trump Gets Earful on Immigration*, AUS. AM.-STATESMAN (Aug. 29, 2017), <http://www.mystatesman.com/news/local/austin-for-harvey-briefing-trump-gets-earful-immigration/HmnQifryKq2P8hcmLZnEjN/> [<https://perma.cc/MD5J-Q3G9>].

20. See Michael D. Shear & Julie Hirschfeld Davis, *Trump Moves to End DACA and Calls on Congress to Act*, N.Y. TIMES (Sept. 5, 2017), <https://www.nytimes.com/2017/09/05/us/politics/trump-daca-dreamers-immigration.html> [<https://perma.cc/X9NR-DH4W>] (noting President Trump ordered an end to DACA on Tuesday, August 29, 2017).

21. Jeff Sessions, Att'y Gen. of the U.S., Remarks on DACA (Sept. 5, 2017) [<https://perma.cc/FS5E-2XTG>].

22. *Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction*, U.S. CITIZENSHIP & IMMIGR. SERV. (Feb. 14, 2018), <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction> [<https://perma.cc/9YSC-LV27>].

legislative solution has remained elusive since the announcement, despite broad bipartisan and popular support for the so-called DREAMers who benefited from DACA.²³

Texas's own anti-immigrant legislation, Senate Bill 4 (SB4), was also slated to go into effect on September 1, 2017, shortly after Hurricane Harvey hit.²⁴ SB4 had passed through the Texas legislature in the spring of 2017, despite massive opposition.²⁵ The state law signed up all of Texas's law enforcement to work for federal immigration authorities.²⁶ It prohibited towns and counties from having policies that limit officers' inquiries into immigration status and required local authorities to detain immigrants at the request of federal immigration authorities.²⁷ Shortly after enactment of the legislation, a number of civil rights organizations and local governments challenged the law, including the City of Houston.²⁸ On August 30, 2017, a federal district court stayed most of the law's provisions,²⁹ although the United States Court of Appeals for the Fifth Circuit subsequently allowed the law's main provisions to go into effect during litigation on the merits.³⁰ As the litigation has continued forward, the anti-immigrant message from the Texas statehouse and Governor's office has been clear and damaging in its own right.

II. Texas's Immigrant Communities

Texas, and particularly the hurricane-affected areas, have large and vibrant immigrant communities. "As of 2015, 4.7 million immigrants (foreign-born individuals) comprised 17 percent of the population" of Texas.³¹ The Houston area has the largest immigrant community in Texas

23. Jonathan Blitzer, *The Senate Fails to Act on DACA, and the Immigration Debate Moves to the Right*, NEW YORKER (Feb. 17, 2018), <https://www.newyorker.com/news/news-desk/the-senate-fails-to-act-on-daca-and-the-immigration-debate-moves-to-the-right> [https://perma.cc/6HCB-8N76]; Muzaffar Chishti & Jessica Bolter, *Trump Administration Rescinds DACA, Fueling Renewed Push in Congress and the Courts to Protect DREAMers*, MIGRATION POLICY INST. (Sept. 15, 2017), <https://www.migrationpolicy.org/article/trump-administration-rescinds-daca-fueling-renewed-push-congress-and-courts-protect-dreamers>, [https://perma.cc/5F88-KRT3].

24. S.B. 4, 85th Leg., Reg. Sess. (Tex. 2017).

25. *Id.*

26. *Id.*

27. *Id.*

28. Dan Solomon, *As Senate Bill 4 Is Halted, Opponents of the Sanctuary City Law Celebrate*, TEX. MONTHLY (Aug. 31, 2017), <https://www.texasmonthly.com/the-daily-post/senate-bill-4-halted-opponents-sanctuary-city-law-celebrate/> [https://perma.cc/S3G3-UHNA].

29. *City of El Cenizo v. Texas*, 264 F.Supp.3d 744, 755–56 (W.D. Tex. 2017).

30. *City of El Cenizo v. Texas*, No. 17-50762, 2018 WL 2121427, at *1 (5th Cir. May 8, 2018).

31. *Immigrants in Texas*, AM. IMMIGR. COUNCIL (Oct. 4, 2017), <https://www.americanimmigrationcouncil.org/research/immigrants-in-texas%20> [https://perma.cc/UJ57-ZXAD] [hereinafter AIC].

and is home to almost a million and a half immigrants.³² Its immigrant population ranks fifth in size among major metropolitan cities in the United States.³³

Many of these immigrants have naturalized to become American citizens or otherwise have permanent immigration status in the United States. However, there is also a substantial segment of the immigrant population in Texas with much less stability: “1.7 million undocumented immigrants comprised 35 percent of the immigrant population [in Texas] and 6.1 percent of the total state population in 2014.”³⁴ In terms of numbers of undocumented immigrants, Houston ranks third in the country for metropolitan areas.³⁵

Many other immigrants in Texas live with precarious forms of immigration status that have protected them from deportation for years but that do not grant them any path to permanent status. As noted above, over 126,000 immigrant young people in Texas have participated in the DACA program. In Houston alone, 60,000 youth may have enjoyed DACA protection.³⁶

In addition, almost 45,000 Texas residents originally from Honduras and El Salvador hold Temporary Protected Status (TPS), including several thousand TPS holders in Houston.³⁷ TPS is available to nationals of countries impacted by civil strife or natural disaster where the federal government designates a particular country under the program.³⁸ Once the government designates a country for TPS, citizens of that country already living in the United States can apply for work authorization and protection against deportation.³⁹ The program does not grant any right to achieve permanent resident status, much less citizenship.⁴⁰

32. CTR. FOR PUB. POL’Y PRIORITIES, IMMIGRANTS DRIVE THE HOUSTON ECONOMY 1 (2017), https://forabettertexas.org/images/EO_2017_ImmigrantsDrive_Houston_FactSheet.pdf [<https://perma.cc/8XD9-PHT8>] [hereinafter IMMIGRANTS DRIVE HOUSTON ECONOMY].

33. RANDY CAPPS ET AL., MIGRATION POL’Y INST., A PROFILE OF IMMIGRANTS IN HOUSTON, THE NATION’S MOST DIVERSE METROPOLITAN AREA 1 (2015) <https://www.migrationpolicy.org/research/profile-immigrants-houston-nations-most-diverse-metropolitan-area> [<https://perma.cc/HYN3-3FN3>].

34. AIC, *supra* note 31.

35. Jeffrey S. Passel & D’Vera Cohn, *20 Metro Areas Are Home to Six-in-Ten Unauthorized Immigrants in U.S.*, PEW RES. CTR. (Feb. 9, 2017), <http://www.pewresearch.org/fact-tank/2017/02/09/us-metro-areas-unauthorized-immigrants/> [<https://perma.cc/GT6G-AF34>].

36. CAPPS ET AL., *supra* note 33, at 2; *see also*, Monica Rhor, *As DACA Deadline Looms, Churches Open Doors*, HOUST. CHRON. (Feb. 25, 2018), <https://www.houstonchronicle.com/news/houston-texas/houston/article/As-DACA-deadline-looms-churches-open-doors-12707863.php> [<https://perma.cc/PXR8-LYE8>].

37. CAP IMMIGRATION TEAM, CTR. FOR AM. PROGRESS, TPS HOLDERS IN TEXAS 1 (2017) [<https://perma.cc/C8ED-GPF4>] [hereinafter TPS HOLDERS].

38. *Id.*

39. *What Is TPS*, U.S. CITIZENSHIP AND IMMIGR. SERV. (Feb. 2, 2018), <https://www.uscis.gov/humanitarian/temporary-protected-status> [<https://perma.cc/XRC8-LEKF>].

40. *Id.*

Finally, mixed-status families are very prevalent in Texas and in Houston specifically. Approximately “one-third of all Texas children (nearly 2.4 million) live with one or more parents who is an immigrant.”⁴¹ And a substantial number of U.S. citizen children in Texas live with at least one undocumented family member (one million children in total), often a parent.⁴²

III. The Hurricane’s Impact on Immigrant Communities

When Hurricane Harvey hit Texas, the impact on this vast and diverse immigrant population was particularly devastating. During the storm and in its immediate aftermath, many in the immigrant community were fearful to evacuate or approach shelters.⁴³ Federal authorities contributed to immigrants’ understandable fear of triggering detention and deportation by coming forward. The authorities indicated that most immigration checkpoints would remain open during the storm.⁴⁴ They offered a limited commitment to pause certain enforcement actions at evacuation and assistance centers but insisted that “laws [would] not be suspended.”⁴⁵ In the context of a presidency that had aggressively focused on detention and deportation as a “rule of law” issue, this statement did little to assuage immigrants’ concerns that enforcement actions could take place even in the context of the storm.⁴⁶ With the administration’s emphasis on detention and deportation in mind, uniformed DHS officials helping with hurricane recovery efforts led to additional fear and unwillingness on the part of immigrants to seek out help.⁴⁷

Similarly, assertions by state and local officials that they would not inquire into immigration status when providing assistance were not fully effective in encouraging immigrants to come forward. The acrimonious state-

41. CTR. FOR PUB. POLICY PRIORITIES, IMMIGRANTS DRIVE THE TEXAS ECONOMY 2 (2017), [https://perma.cc/GB2A-7284] [hereinafter IMMIGRANTS DRIVE TEXAS ECONOMY].

42. AIC, *supra* note 31. Approximately “834,000 children in Texas live with one or more undocumented parents.” IMMIGRANTS DRIVE TEXAS ECONOMY, *supra* note 41, at 2.

43. Maria Sacchetti, *For Houston’s Many Undocumented Immigrants, Storm Is Just the Latest Challenge*, WASH. POST (Aug. 28, 2017), https://www.washingtonpost.com/local/immigration/for-houstons-many-undocumented-immigrants-storm-is-just-the-latest-challenge/2017/08/28/210f5466-8c1d-11e7-84c0-02cc069f2c37_story.html?utmterm=.03c0991017bb [https://perma.cc/HY7N-RQLF].

44. *Border Patrol Checkpoint Operations During Hurricane Harvey*, U.S. CUSTOMS & BORDER PROTECTION (Aug. 25, 2017), <https://www.cbp.gov/newsroom/speeches-and-statements/border-patrol-checkpoint-operations-during-hurricane-harvey> [https://perma.cc/2TUR-KDRZ].

45. *Joint Statement from ICE and CBP Regarding Hurricane Harvey*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT (Aug. 25, 2017), <https://www.ice.gov/news/releases/joint-statement-ice-and-cbp-regarding-hurricane-harvey> [https://perma.cc/F8NZ-XAT7].

46. Sacchetti, *supra* note 43.

47. Adrian Florido, *Houston’s Undocumented Residents Left Destitute and Fearful in Harvey’s Wake*, NPR (Sep. 7, 2017), <https://www.npr.org/2017/09/07/549132417/houston-s-undocumented-immigrants-left-destitute-and-fearful-in-harvey-s-wake> [https://perma.cc/Y9WZ-62S8].

level debate over SB4 and the knowledge that the new law mandated closer collaboration between local authorities and federal immigration enforcement agents led some immigrants to doubt local shelters and assistance as well.⁴⁸ The reluctance of immigrants to seek out help undoubtedly affected U.S. citizens and individuals with permanent immigration status, since many feared that interactions with the authorities might result in their mixed status families being torn apart through immigration enforcement actions.

Immigration status has also affected many immigrant families in their ability to recover from the losses they suffered in the hurricane. Many workers were temporarily out of work during the storm or lost their jobs permanently when businesses were destroyed. Undocumented workers likely suffered the brunt of this harm because of the informality of their work arrangements.⁴⁹ In addition, federal benefits available to compensate victims of natural disasters for wage losses are not available to undocumented immigrants.⁵⁰ Federal emergency housing assistance and other related programs are unavailable to undocumented immigrants and to immigrants with DACA or other non-permanent status.⁵¹ Already-vulnerable immigrant families thus encountered a situation where they would face hurdles to recovery beyond those experienced by other hurricane victims.

IV. The Role of Immigrants in Disaster Recovery

In the aftermath of Hurricane Harvey, communities near and far turned to recovery—the hard process of assessing the damage and making plans to rebuild. The immigration policies implemented at the state and federal level over the last year make that recovery process more difficult for several reasons.

First, immigrant labor is crucial to the physical reconstruction process, but restrictive immigration policies make that labor supply scarce. Immigrant labor was critical to Louisiana's recovery from Hurricane Katrina. A study found that 25% of the recovery workers were undocumented immigrants and 45% of the construction workers were Latino, about half of whom were undocumented.⁵² The workers were not recent immigrants; almost 90% of the undocumented workers were already living in the United States, and 41%

48. *Id.*

49. Aamer Madhani, *Harvey Wreaks Havoc on Houston's Undocumented Immigrants*, USA TODAY (Sept. 4, 2017), <https://www.usatoday.com/story/news/2017/09/04/harvey-wreaks-havoc-houstons-undocumented-immigrants/629578001/> [<https://perma.cc/SVU3-UHQZ>].

50. FED. EMERGENCY MGMT. AGENCY, DISASTER UNEMPLOYMENT ASSISTANCE: FACT SHEET 2 (2017) [<https://perma.cc/FDE2-K3P8>].

51. FED. EMERGENCY MGMT. AGENCY, INDIVIDUALS AND HOUSEHOLDS PROGRAM UNIFIED GUIDANCE 11–13 (2016) [<https://perma.cc/3ZBX-GDUF>].

52. LAUREL E. FLETCHER ET AL., BOALT HALL SCH. OF L. INT'L HUM. RTS. L. CLINIC ET AL., REBUILDING AFTER KATRINA: A POPULATION-BASED STUDY OF LABOR AND HUMAN RIGHTS IN NEW ORLEANS 12 (June 2006) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1448373 [<https://perma.cc/ZRC4-X3JV>].

were living in Texas before relocating to New Orleans to assist in the cleanup.⁵³

Current immigration policies have meant that immigrant labor is not as available for recovery after Hurricane Harvey. As soon as rebuilding work began, employers complained that they could not find enough labor to fill the shortage. A Houston CEO of a specialty contractor tied the anti-immigration policies—the ending of DACA and Texas’s SB4—to worker unavailability.⁵⁴

Immigrants make up more than 20% of the Texas labor force and almost 30% of workers in Houston.⁵⁵ Of these immigrant workers, undocumented individuals form almost 9% of the Texas workforce.⁵⁶ More than a quarter of a million of Texas’s construction workers are undocumented, and one third of them live in the Houston area.⁵⁷

As workers are deported through aggressive enforcement of federal immigration law and local/federal collaboration mandated by SB4, fewer workers will be available. The end of DACA alone will remove the almost 130,000 current Texas DACA holders from the formal workforce, if the termination goes fully into effect.⁵⁸ The general anti-immigrant environment in Texas will likely lead some immigrant workers who could have assisted with hurricane recovery, with or without immigration status, to choose employment in less hostile states.⁵⁹

Second, a strong economy and tax base are critical to recovery because of the cost of cleanup and reconstruction.⁶⁰ Yet federal and state initiatives stripping away DACA and other status from immigrants while focusing on detention and deportation hurt the economy.

In addition to contributing labor, immigrant workers boost local economies with spending on basic necessities and housing while also paying taxes. “Texans in immigrant-led households had \$89.6 billion in spending

53. *Id.* at 14.

54. Leah Binkovitz, *For Houston’s Immigrants, Fear and Uncertainty Are the New Rules*, HOUS. CHRONICLE (Sept. 18, 2017), <http://www.houstonchronicle.com/local/gray-matters/article/For-Houston-s-immigrants-fear-and-uncertainty-12206066.php> [<https://perma.cc/9NHK-ALPL>].

55. AIC, *supra* note 31; IMMIGRANTS DRIVE HOUSTON ECONOMY, *supra* note 32, at 1.

56. AIC, *supra* note 31.

57. Roxanna Asgarian, *In Order to Rebuild, Houston Needs Its Undocumented Workforce*, HOUSTONIA (Sept. 7, 2017, 3:00 PM), <https://www.houstoniamag.com/articles/2017/9/7/in-order-to-rebuild-houston-needs-its-undocumented-workforce> [<https://perma.cc/6VAA-JHS4>].

58. Shear & Davis, *supra* note 20.

59. Bob Davis, *The Thorny Economics of Illegal Immigration*, WALL ST. J. (Feb. 9, 2016) <https://www.wsj.com/articles/the-thorny-economics-of-illegal-immigration-1454984443> [<https://perma.cc/35WP-FCH8>] (noting departure of immigrant workers from Arizona after the adoption of anti-immigrant legislation in that state).

60. Mark Zandi et al., *Restarting the Economy*, in REBUILDING URBAN PLACES AFTER DISASTER 103, 115 (Eugenie L. Birch ed., 2006).

power (after-tax income) in 2014.⁶¹ Every year, undocumented immigrants in Texas pay about \$1.5 billion in state and local taxes.⁶²

Shrinking the pool of economically contributing immigrants, through enforcement actions and the cancellation of DACA, causes the economy and recovery efforts to suffer.⁶³ Estimates suggest that just ending DACA, if the termination takes effect, will cost Texas billions in annual GDP losses.⁶⁴ Specifically, for example, the libertarian CATO Institute predicts that the termination of DACA will result in an \$18+ billion economic loss in Texas.⁶⁵

Finally and importantly, communities with strong social capital are more successful at rebuilding after a natural disaster.⁶⁶ Immigrants have the potential to offer that social capital for recovery in the wake of Hurricane Harvey, but immigration policy decisions have weakened communities just as they need to be strengthened.

Immigrants, including DACA holders and those in other tentative statuses, have strong investments in their communities and wish to offer support. One DACA holder, Alonso Guillen of Lufkin, Texas, lost his life in the floodwaters as he searched for people in need of assistance.⁶⁷ Jesus Contreras, a Houston paramedic, served his community during the crisis even as news broke that the Trump administration was considering ending the DACA program.⁶⁸ DACA holders volunteered and delivered food to those in need and are notable among those rebuilding Houston.⁶⁹

61. AIC, *supra* note 31, at 4.

62. LISA CHRISTENSEN GEE ET AL., INST. ON TAX'N & ECON. POL'Y UNDOCUMENTED IMMIGRANTS' STATE & LOCAL TAX CONTRIBUTIONS 10 (Mar. 2017), <https://itep.org/wp-content/uploads/ITEP-2017-Undocumented-Immigrants-State-and-Local-Contributions.pdf> [<https://perma.cc/V76P-2GYV>].

63. The Cato Institute has noted that the adoption of strict immigration laws in Arizona contributed to economic decline in the state. Alex Nowrasteh, *Immigration Is Good for Texas' Economy*, CATO INST. (Dec. 7, 2013), <https://www.cato.org/publications/commentary/immigration-good-texas-economy> [<https://perma.cc/3HYY-29L8>].

64. Nicole Prechal Svajlenka et al., *A New Threat to DACA Could Cost States Billions of Dollars*, CTR. FOR AM. PROGRESS (July 21, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/07/21/436419/new-threat-daca-cost-states-billions-dollars/> [<https://perma.cc/RW6J-LH62>].

65. Ike Brannon, *The Economic and Budgetary Cost of Repealing DACA at the State Level*, CATO INST. (Aug. 31, 2017), <https://www.cato.org/blog/economic-budgetary-cost-repealing-daca-state-level> [<https://perma.cc/25AV-T4FJ>].

66. DANIEL ALDRICH, BUILDING RESILIENCE: SOCIAL CAPITAL IN POST-DISASTER RECOVERY 2 (2012).

67. Michael Hall, *The Searcher*, TEX. MONTHLY (Sept. 5, 2017), <https://www.texasmonthly.com/articles/the-searcher-daca/> [<https://perma.cc/32L8-C2R3>].

68. Daniel Arkin, *First Harvey, Now DACA in Peril: Houston-area 'Dreamers' Face Another Storm*, NBC (Sept. 1, 2017), <https://www.nbcnews.com/storyline/hurricane-harvey/first-harvey-now-daca-peril-houston-area-dreamers-face-another-n798256> [<https://perma.cc/2MJN-BGFK>].

69. E.g., Charlotte Alter, *They Helped Their Neighbors After Harvey. Now Their Immigration Status Is at Risk*, TIME (Sept. 6, 2017), <http://time.com/4928206/harvey-daca-houston/> [<https://perma.cc/ZY2Z-CVRG>].

Recent state and federal immigration policy decisions destroy the social fabric of Texas communities. The termination of DACA serves as a slap in the face to young people who had offered their energy and commitment to helping their communities. DACA holders have indicated that they are unsure about buying homes or pursuing a college education, thus diminishing the social capacity of their communities.⁷⁰ Other immigration policy measures separate families through detention and deportation and marginalize immigrants who are increasingly stigmatized and afraid, leading to instability that harms rebuilding efforts.

V. The Brewing Storm: TPS

In the months after the storm, policymakers ignored the reality that the state of Texas, and particularly affected areas, must rely on immigrants in the recovery effort. Rather than acknowledging the value of immigrants in the post-Hurricane Harvey period, new immigration policy decisions further marginalized and targeted immigrant communities, making it difficult, if not impossible, for them to participate effectively in reconstruction. The latest development is the federal government's decision to wind down TPS designations for large groups of immigrants present in Texas.

As noted above, thousands of immigrants in Houston hold TPS. Most of these TPS holders are Salvadoran and Honduran citizens who have lived in the United States for decades.⁷¹ TPS was granted to citizens of Nicaragua and Honduras and then to citizens of El Salvador who were living in the United States in 1999 and 2001, respectively, after the countries were devastated by Hurricane Mitch and a series of earthquakes.⁷² Since then, every administration has continued TPS for these countries, recognizing that these nations' economies remain weak and that violence has spiked in recent years.⁷³

The current administration terminated TPS for Nicaraguans in November 2017 and then set its sights on taking away work authorization and protections against deportation for Salvadoran and Honduran TPS

70. E.g., Laura Isensee, *This Houston Student Had A College Plan, Then Harvey Came, and Trump Rescinded DACA*, HOUSTON PUB. MEDIA (Nov. 1, 2017), <https://www.houstonpublicmedia.org/articles/news/2017/10/30/245278/this-houston-student-had-a-college-plan-then-harvey-came-and-trump-rescinded-daca/> [<https://perma.cc/LJF4-QBCX>].

71. TPS HOLDERS, *supra* note 37.

72. *U.S. to End Protected Status for Nicaraguan Immigrants in 2019*, REUTERS (Nov. 6, 2017), <https://www.reuters.com/article/us-usa-immigration-protections/u-s-to-end-protected-status-for-nicaraguan-immigrants-in-2019-idUSKBN1D704X> [<https://perma.cc/2Q2X-773N>]; Miriam Jordan, *Trump Administration Says That Nearly 200,000 Salvadorans Must Leave*, N.Y. TIMES (Jan. 8, 2018), <https://www.nytimes.com/2018/01/08/us/salvadorans-tps-end.html> [<https://perma.cc/M4FY-JBY8>].

73. Extension of the Designation of El Salvador for Temporary Protected Status, 81 Fed. Reg. 44645, 44645–66 (July 8, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/html/2016-15802.htm> [<https://perma.cc/T4S9-UCQQ>].

holders.⁷⁴ On January 8, 2018, the Secretary of the Department of Homeland Security announced that it would no longer designate El Salvador for Temporary Protected Status and would end TPS status for Salvadorans in September 2019.⁷⁵ The administration also withdrew protections for Hondurans.⁷⁶

Immigrants from Honduras and El Salvador with TPS play an important role in the economy of Texas. Over 20% work in construction, and 13,000 are homeowners with mortgages.⁷⁷ They contribute billions to the Texas economy and have long-term ties to Texas communities. Given the number of TPS holders in Texas, Harvey recovery could grind to a halt upon termination of this important program for Salvadorans and Hondurans.

VI. The Road Ahead

The state of Texas and the federal government appear bent on stripping immigration protections from long-time residents. The loss of DACA and TPS will render 200,000 Texans legally unemployable at a time when their contributions are most needed. SB4 further hampers recovery efforts by placing an already vulnerable community of workers at greater risk of detention and deportation.

Rather than investing in Texas's future and human capital, the state and federal governments are pushing for construction of a wall. It would be wiser to rebuild protections for immigrants who will in turn rebuild Houston.

74. Jordan, *supra* note 72.

75. *Id.*

76. Press Release, U.S. Dep't of Homeland Sec., Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for Honduras (May 4, 2018) <https://www.dhs.gov/news/2018/05/04/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected> [<https://perma.cc/2K9E-2KRA>].

77. TPS HOLDERS, *supra* note 37, at 2.