

# HOW CAN CALIFORNIA SUPPORT UNDOCUMENTED HOME CARE WORKERS?

**Home care workers deliver critical services and supports that enable older adults and people with disabilities to live and thrive in their communities.**

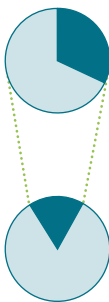
As a result of low wages and challenging jobs, the home care sector relies heavily on immigrants. In fact, despite immigrants making up about 14% of the total U.S. population, they make up 32% of home care workers.<sup>1</sup> California relies on immigrants even more heavily, with immigrants making up 47% of home care workers, despite making up 27% of the state's population.<sup>2</sup> And these numbers are likely an undercount, as it is difficult to accurately capture the number of undocumented immigrants working in the private-pay market.



## IN THE U.S.

**32%**  
of all home Care  
workers are  
Immigrants

...while only 14% of  
the total population  
are Immigrants



## IN CALIFORNIA

**47%**  
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1. Budiman, 2020. "Key Findings About US Immigrants." Pew Research Center. <https://www.pewresearch.org/short-reads/2020/08/20/key-findings-about-u-s-immigrants/>; PHI. "Workforce Data Center." Last modified September 2023. <https://phinational.org/policy-research/workforce-data-center/>.

2. PHI, 2023; Mejia, Perez, & Johnson, 2024. "Immigrants in California." Public Policy Institute of California. <https://www.ppic.org/wp-content/uploads/jtf-immigrants-in-california.pdf>.

By 2030, California's direct care workforce shortage could be as large as 3.2 million.<sup>3</sup> As the workforce shortage grows, it is imperative to examine how to better utilize and support undocumented workers in this sector.

Private individuals sometimes employ undocumented immigrants “off the books,” but this provides opportunities for exploitation. The Medicaid system has largely been unable to tap into this key labor pool due to federal regulations. In California, despite Medicaid long-term care expanding to cover undocumented residents, undocumented family members are still unable to be paid through Medicaid for caring for their loved ones (as other families are able to do through the In-Home Services and Supports, or IHSS, program).



## **While most immigration reform must be conducted at the federal level, there are certain opportunities for states like California to legally contract with undocumented workers.**

For example, the Opportunity for All Campaign argues that federal law only prohibits federal entities and private employers—not state entities—from employing individuals without federal work authorization.<sup>4</sup> The campaign is hoping to first implement this theory with the University of California system (a state entity) by providing public school employment opportunities to undocumented students.<sup>5</sup> Implementation within the University of California system could create opportunities for undocumented workers in other state-run sectors, such as home care.

3. Hunt, Yeh, & Fix, 2023. "California's Direct Care Workforce: Who They Are, the Work They Do, and Why It Matters." University of California, San Francisco. <https://www.chcf.org/wp-content/uploads/2022/12/CaliforniaDirectCareWorkforce.pdf>.

4. Jordan, 2022. "Students, Legal Scholars Push California Universities to Hire Undocumented Students." *The New York Times*. <https://www.nytimes.com/2022/10/19/us/daca-dreamers-university-of-california.html>.

5. Murphy-Marcos, 2023. "Regents punt on plan to allow undocumented students to work at UC campuses." UC Berkeley Labor Center. <https://laborcenter.berkeley.edu/regents-punt-on-plan-to-allow-undocumented-students-to-work-at-uc-campuses/>.

## **Actions that California can take include:**



### **Establish a State-Based Long-Term Care Social Insurance Program**

A state-based long-term care social insurance program could permit undocumented workers to both work in, and benefit from, the program. The program should ensure quality jobs for all care workers and incentivize receiving services from high-road providers (including from immigrant-owned worker cooperatives).

### **Renew and Increase Funding of the SEED Initiative to Support Worker-Owned Businesses and Cooperatives**

Undocumented and other immigrant workers can access jobs with dignity in the home care industry through worker-owned cooperatives. The SEED Demonstration Project supported worker-owned businesses and cooperatives—including in home care—through grants, training, and technical assistance.<sup>6</sup> Renewing and increasing this imperative support would boost the chances for success for home care cooperatives.



### **Continue Funding for Home Care Training Programs**

The state used temporary federal American Rescue Plan Act funds to offer paid training opportunities to more than 500,000 home care workers across the state through the IHSS Career Pathways Program and California Grows (CalGrows).<sup>7</sup> These training programs allow workers to build their skills while compensating them for their time. However, the funding for both of these programs expires in 2024.<sup>8</sup> The continuation of CalGrows could especially support immigrant workers (including undocumented workers) who experience barriers to accessing other workforce development programs.

6. California Grants Portal. "Social Entrepreneurs for Economic Development (SEED) Grant 2.0." Accessed December 29, 2023 at <https://www.grants.ca.gov/grants/social-entrepreneurs-for-economic-development-seed-grant-2-0/>.

7. CalGrows. Accessed January 22, 2024 at <https://www.calgrows.org/#eligibility>; CA Department of Social Services. "IHSS Career Pathways Program." Accessed January 22, 2024 at <https://www.cdss.ca.gov/inforesources/cdss-programs/ihss/ihss-career-pathways-program>.

8. State of California Department of Health Care Services, 2022. "Semi-Annual Reporting on HCBS Spending Plan Narratives for Federal Fiscal Year 2022–2023, Quarter 1." <https://www.dhcs.ca.gov/provgovpart/Documents/Revised-DHCS-HCBS-Spending-Plan-Narrative-Q1.pdf>; Dieppa, 2023. "Unlocking the Future of Homecare: California's IHSS Career Pathways Program and PHI's Contributions." PHI. <https://www.phinational.org/unlocking-the-future-of-homecare-californias-ihss-career-pathways-program-and-phis-contributions/>; California Department of Aging. "Growing a Resilient and Outstanding Workforce in the Home and Community: California GROWS." <https://www.aging.ca.gov/download.ashx?IE0rcNUV0zZ7xs1%2fCXHKLw%3d%3d>.



## Allow the Usage of Any Government ID for the Home Care Registry

Home care workers are required to register with the CA Home Care Registry before working for any home care agency in the state. The registry requires individuals to provide a U.S. government-issued ID in order to register. The registry would be accessible to more immigrant workers if any government ID, including a passport issued by another government or consular ID, could be used to register.

## Explore How the Medicaid In-Home Support Services (IHSS) Program Can Employ Undocumented Workers

Building on momentum from an unsuccessful bill in the State Assembly,<sup>9</sup> policymakers should explore how IHSS can employ undocumented workers. Given the complexity of this issue, policy makers should further explore whether IHSS workers could be considered state employees or employees of another public entity (as they currently are for collective bargaining purposes) and whether the IHSS Residual (IHSS-R) program that historically uses state-only funds could be utilized, among other topics.



## Work with Federal Partners to Create Pathways for Immigration Reform

While there are some actions that can support undocumented immigrants at the state level, state actors should continue to work with federal partners to create pathways for federal immigration reform. Examples of such reform could include a caregiver visa, bridge visa, pathway to legalization for undocumented care workers, and/or the State Sponsored Visa Pilot Program Act.<sup>10</sup>

9. California Assembly Bill 1387. <https://legiscan.com/CA/text/AB1387/id/2707959>.

10. Espinoza, 2023. "Bridging the Gap: Enhancing Support for Immigrant Direct Care Workers." PHI. <https://www.phinational.org/immigrants-can-help-bridge-the-gap-in-direct-care/>; Yekrangi & Associates. "Do I Need a Bridge Visa?" Accessed on January 4, 2024 at: <https://www.yeklaw.com/blog/2021/september/do-i-need-a-bridge-visa/#:~:text=A%20%22Bridge%20Visa%22%20is%20a,of%20visa%20to%20another%20type>; Immigration National Forum, 2020. "Bill Summary: The State Sponsored Visa Pilot Program Act." <https://immigrationforum.org/article/bill-summary-the-state-sponsored-visa-pilot-program-act/>.