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Staying Put but Still in the Shadows

Undocumented Immigrants Remain
in the Country Despite Strict Laws

Leah Muse-Orlinoff February 2012



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Documenting the Undocumented Series

With this report, the Center for American Progress begins a new series that looks at the daily lives, struggles, and strategies of undocumented immigrants who must live through the assault of harsh laws designed to make their lives unbearable. Throughout 2012 we will release reports that lift the veil on our nation's undocumented, providing a window into the lives of the 11 million who live in the United States without papers and how our nation's immigration policies impact us all—documented or not.

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Introduction and summary

With more than 11 million unauthorized immigrants currently living in the country,¹ a consensus has emerged that the current immigration system is broken and badly needs mending. In the absence of federal legislation providing a coherent immigration policy, states have taken it upon themselves to enforce their way to a solution. Arizona, Georgia, and Alabama recently took matters into their own hands by passing laws designed to criminalize virtually all activity engaged in by undocumented immigrants. This patchwork of state and local laws is driven by a strategy known by immigration restrictionists as “attrition through enforcement.” The goal is to create a climate of fear and make life so difficult for immigrants that they will self-deport.

So have state anti-immigration bills led to an exodus of unauthorized migrants from the United States as restrictionists have promised?

To answer this question we review the current evidence, as well as findings from the University of California, San Diego’s Mexican Migration Field Research Project’s, or MMFRP, study of unauthorized immigrants in Oklahoma City. Oklahoma City passed anti-immigrant ordinances in 2007 and 2009, well before states such as Arizona, Georgia, or Alabama. Since the city’s unauthorized population has had more time to gather experiences under the immigration ordinances, the data from this population provides a unique lens into what actually happens to immigrant communities and families in the wake of restrictionist laws.

The MMFRP conducted surveys and interviews in Oklahoma City in 2009 and 2010. The interviews were part of a larger study of migrants from Tlacuitapa, Jalisco, a town in Central-Western Mexico with nearly 100 years of migration to the United States. Migrants from Tlacuitapa primarily settle in Union City, outside of San Francisco, California, and in Oklahoma City. Between January and March 2010, a binational team of researchers surveyed nearly all adults between 15 and 65 in Tlacuitapa and several hundred migrants from the town who live in the United States.

In February 2010, a team of MMFRP researchers conducted surveys and interviews with migrants from Tlacuitapa living in Oklahoma City. While no single community can represent the experiences of all undocumented Mexican immigrants, the community of migrants from Tlacuitapa living in Oklahoma exemplifies the most frequently observed patterns of migration and settlement from Mexico's longest-term communities of migration. The breadth of this data allows us to understand the choices made by unauthorized immigrants in the wake of punitive anti-immigrant measures.

Immigrants' reaction to anti-immigrant laws

Based on the experiences of immigrants in Oklahoma City, and in more recent cases such as Arizona after S.B. 1070, we find that:

1. **Most unauthorized immigrants make the decision to stay in the country despite attempts to drive them out.** The proliferation of state-level anti-immigrant laws has not changed the calculus for immigrants when it comes to choosing to stay here or return home.²
2. **At best, anti-immigrant laws simply drive immigrants from one area to another—say from one county to the next, or from one state to the next—rather than from the country.** At worst, they further isolate immigrants from the communities they live in and from local law enforcement, while driving families deeper into the shadows.

The reasons behind their decision to stay

So why aren't immigrants leaving the country in response to these laws? There are several reasons.

- Most undocumented immigrants have been in the country for 10 years or more, and the majority live in family units with children, meaning that they are well settled into American life, making it less likely that they would want to leave.
- The costs of a return trip also are too steep for most people.³

- Finally, the stark lack of opportunities in the migrants’ home countries—which pushed them to enter the United States outside of legal status in the first place—have not gone away, leaving them with little reason to believe that life would be better there than in the United States.

Many of these same reasons also explain why migration to the United States has slowed.

The Great Recession and increased border security have greatly decreased the number of people seeking to enter the country outside of legal status. Increased vigilance on the border has made it increasingly difficult to cross. And while it is still possible to enter illegally, it is vastly more expensive and risky than a decade ago. This increase in cost and danger, combined with the downturn in the U.S. economy, has caused the rate of clandestine migration to drop significantly. Even with this decline in immigration, however, the United States is still left with a large undocumented population.

And in addition to being ineffective, state efforts to drive undocumented immigrants out of the country are quite expensive. Arizona’s S.B. 1070 cost the state at least \$141 million in lost revenue from conference cancellations, while Georgia’s H.B. 87 is projected to cost the state between \$300 million and \$1 billion in lost agricultural revenue. Alabama’s law could be even more costly with one estimate as high as \$10.8 billion or 6.2 percent of the state’s GDP. ⁴

A better way forward

Above all, immigration policy should enable public safety officers and other officials to carry out their duties without creating fear or worry among immigrant communities that they are acting as immigration enforcement agents. As this report will show, policies of “attrition through enforcement” through anti-immigrant laws do not lead to large-scale resettlement. But they do complicate the relationships between local law enforcement officials, political leaders, and immigrant communities, to the detriment of all three.

Instead of burdensome state and local legislation, sensible policy solutions lie with the federal government and with Congress, which has the power to pass comprehensive immigration reform, bringing immigrants out of the shadows to vet them in a secure and orderly way rather than further criminalizing them.

In addition to being ineffective, state efforts to drive undocumented immigrants out of the country are quite expensive.

Among the many problems under the current immigration system, too few avenues for legal migration exist, especially for Mexican residents. Reforming the legal visa system will help diminish the impetus for clandestine migration in the first place. Revamping the cumbersome, slow, and backlogged system will curtail illegal entry and promote the complementary goals of economic growth and family unification.

Instead of unsuccessfully trying to drive unauthorized immigrants out of the country, we should work to integrate them, which will keep families together, improve community safety, and better the economy all at the same time.⁵

Unauthorized immigrants already in the country are not leaving

With fewer economic prospects in the United States following the Great Recession, and fewer migrants attempting to cross the border (see text box), one could assume that unauthorized immigrants in the United States will return to their home countries.

And yet the evidence shows the exact opposite: The unauthorized population has stayed stable in spite of the challenges. As of mid-2011 the estimated population of undocumented immigrants in the United States exceeded 11 million, of whom roughly 6.5 million are of Mexican origin.⁶

This figure represents a tremendous increase over the estimates of the undocumented population from 1990, when approximately 3.5 million undocumented migrants lived in the United States, and from 2000, when the unauthorized population was roughly 8.4 million. Even in the last few years, the undocumented population has stayed relatively steady, peaking at 12 million in 2008 but dropping to 11.2 million by 2010.⁷

In this section we explain why many of the same forces that decreased the rates of new undocumented migration have also kept unauthorized immigrants already living in the United States from leaving.

Fewer unauthorized immigrants are coming to the U.S.

Even as restrictionists continue to argue in favor of “attrition through enforcement” legislation that makes life extremely difficult for immigrants living in the country, immigration into the country has largely dried up.

The flow of unauthorized Mexican migration, which peaked in the early 2000s with over 500,000 annual illicit entries, had fallen to 150,000 per year by 2007, and has continued to stay low ever since.⁸ This precipitous drop in unauthorized Mexican migration arrived

through three forces: increased border enforcement and risk, rising costs of clandestine immigration, and reduced incentives to migrate.

Increased border enforcement and risk

Beginning in 1993 the federal government invested billions of dollars in border enforcement initiatives, which shifted clandestine migration out of urban areas and into the more difficult desert terrain. These programs increased personnel deployed to monitor the border, built and strengthened physical barriers, created virtual and remote monitoring systems, and imprisoned migrants who were apprehended on the border.⁹ As a result, by 2008 Border Patrol and other federal agents spent four times as many hours doing surveillance on the border as in 1992, while between 2004 and 2011 the number of Border Patrol agents more than doubled, from 10,000 to nearly 21,000.¹⁰

With urban areas effectively closed to easy border crossing, undocumented migrants were pushed into crossing through the remote deserts and mountains of eastern California, Arizona, and Texas.¹¹ Compared to urban zones, it takes longer and is far more dangerous to cross in these isolated areas.¹² Most estimates put the number of deaths from migrants attempting to cross the border at more than one per day.¹³

So while increased border security has not fully stopped determined migrants from entering the country, it has made it far more difficult for them to do so. As a result, individual migrants seriously weigh the dangers when deciding whether to cross the border.¹⁴

Rising costs of clandestine migration

Due to the federal government's efforts to deter clandestine migration through increased border enforcement, the likelihood that an unauthorized migrant will be apprehended while attempting to cross the border has increased from a roughly one-in-four chance (in the early 1980s) to just under a one-in-two chance (during the last decade).¹⁵ In fact, in many areas of the border today the Border Patrol believes that it is apprehending four out of five attempted entrants.¹⁶

It is still possible, however, for determined migrants to enter the United States without permission.¹⁷ Their success is due to the continued use of professional people smugglers, known as coyotes or polleros, who facilitate unauthorized migration. Coyotes guide migrants through the wilderness or arrange for them to be hidden in vehicles crossing through legal ports of entry. Between 1990 and 2010 close to 80 percent of clandestine migrants used coyotes to help them cross the U.S.-Mexico border.¹⁸

But while increasing border security led undocumented migrants to rely on smugglers, it has also increased the cost of hiring a coyote. Between 1990 and 2002 coyote costs rose 400 percent. Fees for assisting a border crossing currently range from \$2,000 to \$4,500 depending on the method and place of crossing.¹⁹ The money needed to make these trips—which often comes from contacts in the United States—is also less available now than in previous years as a result of the economic downturn.²⁰

As a result, fewer aspiring migrants are able to make the necessary plans to cross the border.²¹

Reduced incentives to migrate

Finally, rates of clandestine migration are tightly linked to U.S. labor force demand. The Great Recession significantly reduced the demand for immigrant labor.²² Between late 2007 and late 2008, unemployment among foreign-born Hispanic immigrants in the United States increased from 5.1 percent to 8 percent.²³ And during much of the Great Recession, unemployment rates in the Latino community were higher than the national level by three or more percentage points.²⁴

News of these job losses traveled swiftly across the border. By early 2009 potential migrants in the Mexican state of Yucatan were profoundly pessimistic about the labor market in the United States. They described it as worse than the previous year.²⁵ Learning that migrants in the United States were losing jobs caused many aspiring migrants to postpone their migration to the United States.²⁶

Family ties

As more migrants decide to stay in the United States—close to two-thirds of all undocumented immigrants have lived in the United States for 10 years or longer, according to recent estimates—they set down roots in the communities where they live,²⁷ establishing the first factor keeping migrants in the United States: the presence of family ties.

Profile of an undocumented family

Many undocumented immigrant households contain children and immigrants who have lived in the United States for at least a decade.

Roughly 45 percent of unauthorized immigrants live in households that consist of couples with children. This rate is far higher than native-born households (21 percent) or even legal immigrants (34 percent).

Close to two-thirds—63 percent—of all unauthorized immigrants have lived in the United States for 10 years or longer.

At least 9 million people live in mixed-status families, with at least one unauthorized adult and at least one citizen child.

This figure represents 54 percent of the 16.6 million people in families with at least one unauthorized immigrant.²⁸

Sources: Paul Taylor, Mark Hugo Lopez, Jeffrey Passel, and Seth Motel, "Unauthorized Immigrants: Length of Residency, Patterns of Parenthood" (Washington: Pew Hispanic Center, 2011) and Jeffrey S. Passel and Paul Taylor, "Unauthorized Immigrants and Their U.S.-Born Children" (Washington: Pew Hispanic Center, 2010).

One explanation for the increase in settlement is the decline in circular migration mentioned in the previous section. Male migrants who cannot regularly return to their home communities to see their families miss them, and so they arrange the families' clandestine migration to the United States.²⁹ Migrant families report feeling that it is better to be together even without status than be separated for an indefinite amount of time.

Family settlement also alters how undocumented migrants integrate into their communities. Families with children need access to services such as education.³⁰ Learning how to navigate these systems requires interacting with community members and service providers, and this generates relationships and a feeling of belonging.³¹

Migrants who live with their families are consequently deeply and broadly rooted in their communities in the United States. And the longer their children are enrolled in U.S. schools, the less likely they are to leave the United States.³²

In the end, increased border security has led to greater family settlement, which in turn has led to greater attachments to the United States and less reason to leave.

Risk of re-entry

Coupled with family ties in the United States, the second reason for immigrants remaining in the United States is the risk associated with re-entry after leaving.

Undocumented migrants living in the United States know better than anyone the risks and costs of clandestine entry. Many recall their own trips in excruciating detail, and thousands bear the memory of watching friends or loved ones succumb to extreme temperatures or the physical hardships of the journey. They are also acutely aware of the high costs associated with illegal border crossings.

The economic math of leaving the United States for a relatively short time simply does not add up for undocumented migrants. Not only would they lose their incomes while not working, they would also need to hire a people-smuggler and risk the arduous trip and the possibility of apprehension while trying to return to their homes in the United States.

So they stay.

In one Mexican migrant-sending community surveyed by the Mexican Migration Field Research Project at the Center for Comparative Immigration Studies at the University of California San Diego, the average amount of time migrants spent in the United States doubled between 1990 and 2010.³³ This community, comprised of migrants from the town of Tlacuitapa, in the central-western Mexican state of Jalisco, is based in Oklahoma City and the San Francisco Bay Area. Men from Tlacuitapa began migrating to the United States a century ago, creating a strong binational network of families and neighbors on both sides of the U.S.-Mexico border. Migrating to the United States for work was a way for people from Tlacuitapa to earn enough money to support their families, something that was increasingly difficult to do in the arid, jobless plains of the highlands of Jalisco.

As immigration policy changed in the United States, the flow of migrants from Tlacuitapa to the United States increased, first through the Bracero Program, which brought temporary agricultural workers to the United States during and after World War II, and later under the auspices of the Immigration Reform and

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Control Act of 1986, which granted legal status to roughly 3 million people,³⁴ through which many migrants from Tlacuitapa were able to legalize their presence in the United States.³⁵ Other people from Tlacuitapa, however, were not able to secure visas and green cards, but still sought economic opportunities afforded by migrating to California or Oklahoma. These undocumented migrants—as well as their documented counterparts—would typically spend several months a year working and saving money in the United States, go back to their hometown for a few months, and then return to the United States to work in construction, manufacturing, or agriculture.³⁶

This cyclical migration, typical of many Mexican migrant communities, was wrenching for families, and—in the context of expanding efforts to secure the border—increasingly risky and expensive. As a consequence, migrants from Tlacuitapa living in Oklahoma City and California have opted to bring their families to join them in the United States.³⁷

The majority of migrants from Tlacuitapa who live in the United States live with both extended and nuclear family members: Survey data from 2010 show that people from Tlacuitapa who live in Oklahoma and California have, on average, nine close family members living in the United States with them.³⁸ This pattern of family reunification and settlement decreases migrants' urgency to return to their hometowns, and contributes to their long-term settlement in the United States.³⁹

For migrants from Tlacuitapa and thousands of other communities in Mexico, over the last decade in particular, what were once circular migratory patterns—linked to seasonal cycles in the U. S. agricultural industry and hometown planting and harvesting obligations—have become unidirectional: Migrants come to the United States and settle.⁴⁰

Decreased economic opportunities at home

The third reason that migrants are not returning to their home countries is the Great Recession.

The Great Recession significantly and disproportionately hurt Hispanic and immigrant families in the United States.⁴¹ The Pew Hispanic Research Center reports that the median net worth of Hispanic households declined by two-thirds in only four years.⁴² In 2009 Hispanic families in the United States had a median

net worth of less than \$7,000, while in 2005 the group's median household worth exceeded \$18,000. This precipitous drop is greater than the declines experienced by white or African American families.

But migrants know that even if job opportunities in the United States have dwindled, the employment situation in their countries and communities of origin is much worse. Indeed, 90 percent of immigrants from Tlacuitapa who live in the United States characterized the state of the Mexican economy as bad in 2010, and a common Mexican refrain about the economic circumstances in the two countries notes that when the United States gets a cold, Mexico ends up with pneumonia. Even as Mexico's economy has improved in the past few years, it still lags far behind that of the United States.⁴³

Migrants in the United States are in constant contact with family members and friends in their hometowns. Immigrants from one community in Oaxaca, for example, reported calling their families in Mexico an average of once a week, and many families had even more frequent communication with their relatives back home. News of local and national economic issues circulates through these binational networks. Simultaneously, immigrants hear frequent updates on the state of their countries' economic well-being on Spanish-language news in the United States.⁴⁴

These reports are generally dire. In the small towns where many Mexican migrants in the United States come from, the job situation is no better than when they left. Subsistence agriculture does not create enough food or profit to support a family, much less to provide children with the materials or money they need to excel in school.⁴⁵ In Tlacuitapa, the profits hoped for by small-scale livestock farmers are greatly reduced by the rising cost of cattle feed and the low prices for the milk produced by dairy cows.⁴⁶ In a migrant-sending town in Yucatan, prolonged drought makes it nearly impossible to grow corn or other crops. For residents of small towns in western Oaxaca, jobs simply do not exist.⁴⁷

These challenges are the reasons why many migrants come to the United States in the first place. The need to find a job, earn a living, and support a family leads millions of Mexicans to migrate north, and these needs keep them firmly rooted in the U.S. towns and communities where they settle. Returning to Mexico means returning to the same bleak economic outlook as before, but with the added knowledge of what salaries in the United States mean for a family's upward mobility.

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As one migrant in the San Francisco Bay Area explained, “I could go back, life is cheaper there and I have my house, but what am I going to do to earn money? You still have your bills every month, and there is no work.”⁴⁸

Migrants such as the Iglesias family described in the text box below argue that it makes little economic sense to return to a place where few jobs exist or are likely to exist in the future. What jobs exist do not pay enough to support a family. Consequently, many migrants decide that it is more prudent to wait out the recession in the United States because experience and history suggest that when the U.S. labor market picks up again, migrant labor will again be in high demand. Instead of returning home, therefore, undocumented families—like American families in general—are reducing their expenses and working hard to maximize their earnings.

Yet unlike native-born American families, immigrants make these changes in the face of a sea of anti-immigrant state and local policies specifically aimed at making their lives so uncomfortable that they will leave the country. We next turn to the effects of these “self-deportation” policies on immigrant communities in the United States.

The Iglesias family

Isabel and Rodrigo Iglesias came to the United States from a small town in the eastern part of the Mexican state of Guerrero in 1992.⁴⁹ They entered the United States without authorization, crossing the U.S.-Mexico border in the steep, mountainous area known as “the devil’s backbone,” east of San Diego.⁵⁰ Rodrigo found regular employment as a gardener and handyman, and Isabel began cleaning houses.

Work dried up for Rodrigo when the economy started to decline in 2008. As money grew tighter they briefly considered returning to their hometown until the U.S. economy improved.⁵¹

But the prospect of having to cross the border again, coupled with the lack of work in their hometown, deterred them from returning to Mexico. They decided that staying in the United States made more sense for their family even if doing so meant having to live on next to nothing.⁵²

Attrition through enforcement does not work

Even as the flow of migration from Mexico has dropped off, the United States has witnessed an increasingly vocal debate over its broken immigration system.

In some areas, local and state legislators argue that because the federal government has not enacted a comprehensive reform of the nation's immigration system, it is incumbent upon them to discourage undocumented immigrants from living or working in their communities. A patchwork of immigration policies has thus emerged in localities such as Hazelton, Pennsylvania, and Farmer's Branch, Texas, and in states such as Arizona, Georgia, South Carolina, and Alabama.⁵³

Statutes like these reflect lawmakers' efforts to create "attrition through enforcement:" to make life so unbearable for undocumented immigrants that they "self-deport" back to their homelands.

Some of these laws mandate that police and other municipal employees carry out their job responsibilities regardless of individuals' immigration status. Others require police to check the immigration status of anyone they take into custody.⁵⁴ The most restrictive create penalties for providing assistance to undocumented migrants, including anyone who gives an unauthorized migrant a ride. Alabama has gone as far as to pass legislation requiring public schools to check the immigration status of their students and students' parents, though this provision was temporarily enjoined by the 11th Circuit Appeals Court.⁵⁵

State laws are costly and deliver collateral damage

State-level anti-immigrant laws do accomplish one of their intended objectives: making immigrant communities feel targeted by local lawmakers and law enforcement officials. But this toxic objective comes with a steep price.

Farmer's Branch, Texas, for example, will need around \$5 million in legal fees to defend its ordinances, while Arizona's S.B. 1070 cost the

state approximately \$141 million in conference cancellations and lost tourist revenue.⁵⁶

Officials from Prince William County, Virginia estimated that the county spent \$1.3 million to start its anti-illegal immigrant initiative, and was spending more than \$700,000 every year to continue it despite the fact that undocumented immigrants accounted for only 2.2 percent of everyone arrested in Prince William County in 2009.⁵⁷

It is important to note that one reason why policies of attrition through enforcement fail to force undocumented migrants to leave is the sheer unenforceability of the legislation. The experiences of migrants in Oklahoma,⁵⁸ Arizona,⁵⁹ and California indicate that it is possible to get around state efforts to compel employers to use E-Verify or otherwise validate the legal status of their employees.⁶⁰

As a result of these laws, migrants generally follow one of two paths:

1. They stay where they are and go deeper underground, either living in the shadows and avoiding encounters with government personnel, or continuing to work when anti-immigration laws prove ineffective or difficult to enforce.
2. They move away from areas with strict anti-immigration laws and resettle elsewhere in the United States, typically in a neighboring city, county, or state.

These paths deserve closer examination.

Migrants feel targeted but remain where they are

The Mexican Migration Field Research Project's work with Mexican immigrants in Oklahoma shows that many undocumented immigrants choose to remain in their U.S. communities even after anti-immigrant legislation is passed.

The Oklahoma case study

Migrants have adopted a strategy of staying put and trying to stay out of sight in jurisdictions that have passed anti-immigrant legislation. This was the reaction of Mexican immigrants in Oklahoma, for example, after the state passed laws in 2007 and 2009 designed to make life increasingly difficult for undocumented migrants.⁶¹

The Chavez family, described in the text box on p. 18, typifies the response of Oklahoma's undocumented community. As long as they are able to continue working, the family intends to remain in Oklahoma—even if state lawmakers want them gone and even if they have to live in constant fear of coming into contact with law enforcement officials.

The combined effect of the 2007 and 2009 resolutions was to create a distinctly anti-migrant environment—a fact that the immigrant communities in Oklahoma City readily understood.⁶² Indeed, documented and undocumented Mexican immigrants in Oklahoma report feeling targeted by state legislators' efforts to restrict employment and services for unauthorized migrants.⁶³

Word of these new policies spread fast within the tight-knit community of migrants from Tlacuitapa who live in Oklahoma City. Family members and neighbors discussed the new laws at church, work, and informal or celebratory gatherings. News of the laws even circulated in Tlacuitapa itself, as documented migrants arrived in their hometown for the annual town festival in January 2010.

It was in the context of this annual gathering that researchers from the Mexican Migration Field Research Project began collecting data on migrants and nonmigrants from Tlacuitapa. Close to three dozen researchers from Mexico and the United States interviewed hundreds of people in Tlacuitapa and the communities in the United States where migrants from the town settle, including Oklahoma City. The researchers analyzed data from these interviews to see how changes in border enforcement policy and changing economic circumstances were affecting migration and settlement patterns for people from Tlacuitapa. Chief among the topics included in the project was the effect of Oklahoma's anti-immigrant policies on the quality of life for immigrants from Tlacuitapa living in and around Oklahoma City.

As the community celebrated the beginning of a new year, the researchers asked whether migrants from Tlacuitapa living in Oklahoma were deciding that the state's increasingly restrictive policies were complicating life so much that it would

be better to give up the low cost of living and relatively plentiful work in order to live somewhere more welcoming to immigrants.

Life was certainly not easy for them after the laws were passed. Although migrants from Tlacuitapa in Oklahoma City were not subject to the daily humiliation or fear caused by police roadblocks and checkpoints (an anti-immigrant technique routinely used in communities like Escondido, California and Phoenix, Arizona,⁶⁴) they were nevertheless nervous about their interactions with law enforcement officials. One man from Tlacuitapa described his unease by saying that the new policies would make him unlikely to report a crime to the police: “[I] don’t have the trust necessary to talk to them ... [I’m] afraid that they’re going to come after [me], because if [I] report a crime, they’ll end up arresting [me] because [I’m] illegal.”⁶⁵

Another migrant from Tlacuitapa explained that Oklahoma’s politicians wanted to “make it difficult for a Mexican migrant [to live] here in Oklahoma.”⁶⁶ This interpretation is not too far off the mark: Even though Oklahoma’s laws do not explicitly target Mexicans, they are clearly aimed at making life exceedingly intolerable for undocumented migrants.⁶⁷

Yet evidence from the MMFRP survey of Mexican immigrants in Oklahoma in 2010 suggests that the state’s efforts to dislodge its undocumented population through legislative action have not worked. In fact, the number of migrants from Tlacuitapa who live in Oklahoma actually increased in the three years after H.B. 1804, one of the state’s most specifically anti-migrant laws, was passed.⁶⁸

Like the Chavezes, many migrants are choosing to stay in Oklahoma and other locales with anti-immigration legislation. But they are attempting to stay as far away from contact with government officials as possible.⁶⁹

As in Arizona, Oklahoma’s “attrition through enforcement” policies included stringent workplace verification policies. Use of E-Verify, a federal program that validates employees’ authorization to work legally in the United States, was mandated for all state contractors.⁷⁰ Oklahoma House Bill 1804 prohibited all employers from hiring undocumented workers or retaining undocumented workers while firing documented employees.⁷¹

These policies are difficult or impossible to enforce, however. Employers’ access to and use of E-Verify is limited and the results can be inaccurate.⁷² At the same time, the number of law enforcement officials tasked with implementing employment-

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related aspects of the state anti-immigrant legislation is insufficient to adequately or universally enforce the policies.

Moreover, there are financial incentives, and in some cases social pressures, to retain undocumented employees. For instance, a prosperous Mexican entrepreneur in Oklahoma City continues to employ undocumented workers from his hometown, and dismisses the state laws as essentially irrelevant to his hiring practices: In his words, “I’ll be honest. Things haven’t changed much on my part.”⁷³

Indeed, few migrants from Oklahoma City indicated that the state laws had affected their employment. Their unease about the new legislation stemmed much more from the risk of being pulled over while driving than from the chance of a workplace raid.⁷⁴

Given the structural challenges of enforcing Oklahoma’s laws aimed at reducing employment opportunities for undocumented immigrants, it is unsurprising that no undocumented immigrants interviewed in 2010 had lost their jobs or been denied employment because of the new state legislation. As a result, the exodus sought by state legislators did not materialize.⁷⁵

A similar situation appears to be occurring in Arizona. Reports indicate that over 80 percent of undocumented migrants remained in Arizona following the 2007 passage of strict E-Verify requirements for businesses operating in the state. The Public Policy Institute of California estimates that many of those caught by E-Verify simply moved off the books and into the cash economy.⁷⁶

Migrants feel targeted and resettle elsewhere in the United States

Just as Oklahoma City provides an example in which enough time has elapsed to see the results of an anti-immigrant bill, Prince William County, Virginia, or PWC—located just 30 miles outside of Washington, D.C.—provides another clear example of resettlement patterns under anti-immigrant legislation.

PWC passed a stringent anti-migrant law in 2007 in response to a growing Hispanic immigrant community.⁷⁷ Under the ordinance, PWC law enforcement officials were required to check the immigration status of individuals stopped for traffic violations or detained for any reason if there was “probable cause” to believe that the person is in the United States without authorization.⁷⁸

The legislation also sought to prevent county services from being made available to unauthorized migrants. Even though undocumented migrants comprised only a small proportion of users of these services and certain public services such as education and emergency health care could not be denied on the basis of immigration status, the sentiment was clear: Unauthorized immigrants were not welcome in the county.

How did the undocumented population in PWC react?

According to multiple reports, many in the county's sizeable Latino and immigrant community left the jurisdiction for more hospitable counties in Virginia and Maryland. This change was felt by the community in multiple ways—sales dropped at local Hispanic businesses, for example, and school officials saw a drop in English language enrollments. Meanwhile, neighboring public schools in Fairfax, Arlington, and Alexandria all saw upticks in their enrollment of Hispanic students.⁷⁹ The exodus included not only unauthorized immigrants, but also many Latinos with legal status, who left either because they lived in mixed-status families or because they felt targeted simply because of the color of their skin.⁸⁰ But there is no indication that the Prince William legislation persuaded undocumented migrants to leave the United States.⁸¹

After Arizona passed S.B. 1070 in 2010, several other states followed suit, including Georgia and Alabama. The legislation passed by these states—all of which are the “new destinations” for Hispanic migrant communities—includes stringent controls on undocumented migrants' access to public services, requires law enforcement to check immigration status, and, in the case of Alabama, creates legal penalties for individuals who provide material assistance to unauthorized migrants.⁸²

These initiatives heightened the sensation among migrants residing in the Southeast of being political targets. But they also contributed to the feeling of migrants across the country of being unwelcome.

Shortly after the Alabama legislation was passed, a Spanish-language radio commentator in California wryly warned his listeners to avoid Alabama, where the law now makes it “illegal to even drink water if you don't have papers.” Indeed, with provisions in Alabama's law that abrogate all contracts with undocumented immigrants, water utilities are already demanding proof of legal status to continue to receive water—a basic human right.⁸³

It is too early to tell how many immigrants will leave Georgia or Alabama because of their anti-immigration laws. But early reports suggest that unauthorized migrant

workers that generally move up the East Coast on a migration circuit are skipping those states for more hospitable locations.⁸⁴

And as in Prince William County, some immigrants in Alabama have left the state for neighboring ones such as Florida and Tennessee. Still, there is little evidence that the migrants are returning back to Mexico.⁸⁵ Official statistics from the Mexican government make it clear that whether from Arizona, Georgia, Alabama, or anywhere else, “The return of the Mexican population living outside of the country has not occurred on a massive scale.”⁸⁶

It is important to note that even when immigrants do leave a state or locality, the lack of available workers leaves a significant economic burden. The dearth of migrant laborers in Georgia, for example, is estimated to cost the state between \$300 million and \$1 billion in 2011 alone. One analysis out of the University of Alabama projects losses to the state’s economy of up to \$10.8 billion from the law, while many farmers report that their workforce has dwindled since H.B. 56 went into effect.⁸⁷

Nevertheless, the experiences of PWC, Arizona, and Alabama suggest that even if these migrants leave an individual state, they are unlikely to return to their countries of origin for many of the reasons detailed in this report, including the poor home economies and family ties in this country.

The Chavez family

The members of the Chavez family—a husband in his 40s and his common-law wife in her late 30s—are undocumented immigrants who live in Oklahoma City. The Oklahoma state legislature passed bills in 2007 and 2009 aimed at making life as difficult as possible for undocumented immigrants such as the Chavezes.⁸⁸

In early 2010 the Chavezes thought about joining their relatives in California’s Bay Area, where the political environment is much less hostile for undocumented migrants. But work was scarce in California and plentiful in Oklahoma.

Even though politicians were vehement about making it impossible for unauthorized migrants to work in Oklahoma, no one the Chavezes

knew had been laid off. So they cautiously decided to remain in Oklahoma, though they try very hard to avoid all interactions with law enforcement and public officials.⁸⁹

The Chavez and previously mentioned Iglesias families, like millions of other undocumented migrants in the United States, have decided to remain in this country despite economic hardships and political efforts to get them to self-deport. As of mid-2010, an estimated 11.2 million undocumented immigrants were living in the United States.⁹⁰ Like these families, most have resided in the United States for over a decade, and most live in family units.⁹¹

Recommendations and conclusion

We need a more workable immigration policy

As this report has argued, current state efforts to drive out undocumented immigrants through harsh legislation are ineffective. Whether in Oklahoma, Arizona, Alabama, or anywhere in between, the data show that immigrants without status do not leave the country in the face of harsh legislation. At best, these laws push immigrants into neighboring counties or states, but with an unauthorized population that is long settled, lives in families, and knows all too well the risks associated with re-entering the country—not to mention the lack of opportunities at home—the calculus is clear.

At worst, state and local anti-immigrant ordinances push immigrants further underground, harming community safety—as immigrants are less likely to call the police or report a crime—and community cohesion. They also cost significant amounts of money, both in terms of the costs to train law enforcement on the new provisions and to defend the law, as well as the cost in lost economic output from fewer workers and consumers.

Only a federal solution will ensure that migrants are treated equitably across the United States. Instead of burdensome legislation, sensible policy solutions lie with the federal government and with Congress, which has the power to pass comprehensive immigration reform, bringing immigrants out of the shadows, rather than further criminalizing them.

Congress should:

- Establish smart enforcement policies and safeguards on both the border and in the workplace
- Resolve the status of those illegally present in the United States
- Create legal channels of immigration that are flexible, serve the U.S. interest, and curtail illegal immigration

- Protect U.S. workers from globalization's destabilizing effects
- Foster an inclusive American identity through integration programs⁹²

In December 2011 the Supreme Court agreed to review the legality of state anti-immigrant laws in *Arizona v. U.S.*, throwing into even greater focus the question of federal versus state immigration policy. If the court rules in favor of Arizona and its anti-immigration ordinance S.B. 1070, the stage will be set for a divided nation, where some states have welcoming immigration laws, and some have the opposite. Different state and local policies create a “patchwork” of political contexts for undocumented migrants, and harm the cohesion of the nation. States must not be allowed to unfairly target migrants on their own terms.

Regardless of how the court ultimately rules, though, we can be sure that unauthorized immigrants will simply not leave the country just because states decide to target them. The choice, then, is ultimately between costly and detrimental legislation that cannot possibly succeed, or real and durable solutions. A balanced approach will create a more equitable and cohesive American society and economy in the decades ahead.

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About the author

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Endnotes

- 1 Jeffrey Passel and D'Vera Cohn, "Unauthorized Immigrant Population: National and State Trends, 2010" (Washington: Pew Hispanic Center, 2011).
- 2 See David Scott Fitzgerald, Rafael Alarcón, and Leah Muse-Orlinoff, *Recession Without Borders: Mexican Migrants Confront the Economic Downturn* (San Diego: Center for Comparative Immigration Studies at the University of California, San Diego, 2010). We focus primarily on Mexico in this paper both because of our sample data and because the country accounts for almost 60 percent of all unauthorized immigrants in the United States. See also Passel and Cohn, "Unauthorized Immigrant Population"; The Oklahoma Taxpayer and Citizen Protection Act of 2007, H.B. 1804, available at http://web-server1.lsb.state.ok.us/2007-08bills/HB/HB1804_ENR.RTF; House Bill 2550, available at: <http://e-lobbyist.com/gaits/view/116241>.
- 3 Paul Taylor and others, "Unauthorized Immigrants: Length of Residency, Patterns of Parenthood" (Washington: Pew Hispanic Center, 2011).
- 4 Marshall Fitz and Angela Maria Kelley, "Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona's S.B. 1070" (Washington: Center for American Progress, 2010); Tom Baxter, "How Georgia's Anti-Immigration Law Could Hurt the State's (and the Nation's) Economy" (Washington: Center for American Progress, 2011); Samuel Addy, "A Cost-Benefit Analysis of the New Alabama Immigration Law," (Tuscaloosa: Center for Business and Economic Research, University of Alabama, 2012), available at: <http://cber.cba.ua.edu/New%20AL%20Immigration%20Law%20-%20Costs%20and%20Benefits.pdf>.
- 5 Marshall Fitz and Angela Maria Kelley, "Principles for Immigration Reform" (Washington: Center for American Progress, 2009).
- 6 Jeffrey Passel and D'Vera Cohn, "Unauthorized Flows Down Since Mid-Decade" (Washington: Pew Hispanic Center, 2010), available at <http://pewhispanic.org/files/reports/126.pdf>. Aspiring migrants are aware that it is still possible to enter the United States despite the intensification of border enforcement, provided that one has enough money to hire an effective people-smuggler. There is also reason to believe that once the American economy recovers, unauthorized migrants will again seek to enter the United States in larger numbers.
- 7 Ibid.
- 8 Passel and Cohn, "Unauthorized Immigration Flows."
- 9 The first phase of this border build-up focused on four urban centers: Operation Hold the Line in El Paso (1993), Operation Gatekeeper in San Diego (1994), Operation Safeguard in Tucson (1994), and Operation Rio Grande in Yuma (1997). Blas Nuñez-Neto: "Border Security: The Role of the U.S. Border Patrol," CRS Report for Congress, November 20, 2008; Marshall Fitz, "Safer than Ever" (Washington: Center for American Progress, 2011).
- 10 Fitz, "Safer Than Ever"; Randal C. Archibold and Marc Lacey, "Obama Requests Money for Border Security," *New York Times*, June 22, 2010.
- 11 Fitz, "Safer Than Ever"; Jonathan Hicken, Jason Fischbein, and Jackie Lisle, "U.S. Border Enforcement: The Limits of Physical and Remote Deterrence of Unauthorized Migration." In David FitzGerald and others, *Recession Without Borders*.
- 12 Kristin Parks, and others, "Strategies for Success: Border Crossing in an Era of Heightened Security." In Wayne Cornelius and others, eds., *Migration from the Mexican Mixteca: A Transnational Community in Oaxaca and California* (La Jolla: Center for Comparative Immigration Studies, 2009).
- 13 Temperatures in the Sonoran desert can reach 120 degrees Fahrenheit during the summer but tumble to freezing at night during the fall and winter months. In mountainous areas climatic conditions are equally severe, and migrants are exposed to additional risks such as wildfires, snowstorms, and flash flooding. In both the mountains and the desert, migrants frequently encounter venomous animals like rattlesnakes and scorpions. Isolated crossing points also make it easier for roving bandits and organized crime syndicates to prey on migrants attempting to cross. Maria Hemenez, "Humanitarian Crisis: Migrant Deaths at the U.S.-Mexico Border" (New York: American Civil Liberties Union, 2009); David Spener, *Clandestine Crossings: Migrants and Coyotes on the Texas-Mexico Border* (Ithaca, NY: Cornell University Press, 2009). Between 2004 and 2010, 2,675 bodies were recovered by the Mexican Secretary of Foreign Relations. Secretaría de Relaciones Exteriores de México, "Migrantes mexicanos fallecidos en la frontera sur de EUA en su intento por internarse sin documentos, 2004-2010" (2010). The total number of deaths along the border is likely substantially higher, as not all migrants who perish while attempting to cross are located. See: Jessica Sisco, and Jonathan Hicken, "Is U.S. Border Enforcement Working?" In Wayne Cornelius and others, eds., *Four Generations of Norteños: New Research from the Cradle of Mexican Migration* (La Jolla: Center for Comparative Immigration Studies, 2009).
- 14 Migrants and their families are deeply aware of the most significant risks encountered during clandestine migration, especially dehydration and physical exhaustion. Hicken and others, "U.S. Border Enforcement."
- 15 The U.S. Immigration and Customs Enforcement Agency, or ICE, typically returns migrants apprehended while trying to cross to the closest Mexican metropolitan area. Once back in Mexico, aspiring migrants nearly always regroup and start planning for their next attempt to cross the border.
- 16 Fitz, "Safer Than Ever."
- 17 Even after apprehension (or multiple apprehensions,) data from the University of California San Diego's Mexican Migration Field Research Project, or MMFRP, project suggests that only 3 percent of migrants give up trying to enter the United States, while 97 percent are ultimately successful. Hicken and others, "U.S. Border Enforcement."
- 18 Leah Muse-Orlinoff, Wayne Cornelius, and David FitzGerald, "Does U.S. Border Enforcement Deter Clandestine Migration? Report to the Fundación BBVA on findings from the Mexican Migration Field Research Project" (La Jolla: Center for Comparative Immigration Studies, University of California San Diego, 2010).
- 19 Since it takes longer and is more expensive to cross through remote desert or mountainous areas, coyotes have raised the price of their assistance for clandestine crossings. Prices have also risen in accordance with the increased probability of apprehension by Border Patrol agents. Many coyotes even build in multiple failed attempts into their fees, allowing migrants multiple chances to successfully cross the border. Bribilia Cota Cabrera and others, "San Miguel Tlacotepec as a Community of Emigration." In Cornelius and others, *Migration from the Mexican Mixteca*.
- 20 Scott Borger and Leah Muse-Orlinoff, "Economic Crisis vs. Border Enforcement: What Matters Most to Prospective Migrants?" In Wayne Cornelius and others, eds., *Mexican Migration and the U.S. Economic Crisis: A Transnational Perspective* (La Jolla: Center for Comparative Immigration Studies, 2010).
- 21 Muse-Orlinoff and others, "Does U.S. Border Enforcement?"; José Cabrera Hernández and others "Coping With Hard Times in El Norte." In David FitzGerald and others, *Recession Without Borders*.

- 22 Passel and Cohn, "U.S. Unauthorized Immigration Flows."
- 23 Rakesh Kochhar, "After the Great Recession: Foreign born gain jobs; native born lose jobs" (Washington: Pew Research Center, 2010), available at <http://pewresearch.org/pubs/1784/great-recession-foreign-born-gain-jobs-native-born-lose-jobs>.
- 24 U.S. Bureau of Labor Statistics, The Employment Situation – December, 2007 (Department of Labor, 2008), available at http://www.bls.gov/news.release/archives/empst_01042008.pdf; U.S. Bureau of Labor Statistics, The Employment Situation – December 2009 (Department of Labor, 2010), available at http://www.bls.gov/news.release/archives/empst_01082010.pdf.
- 25 Arturo Aguilar and others, "Coping with La Crisis." In Cornelius and others, *Mexican Migration and the U.S. Economic Crisis*.
- 26 Borger and Muse-Orlinoff, "Economic Crisis vs. Border Enforcement."
- 27 Michael Hoefer, Nancy Rytina, and Bryan C. Baker, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2010," (Washington: Department of Homeland Security, 2011), available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2010.pdf.
- 28 Paul Taylor, Mark Hugo Lopez, Jeffrey Passel, and Seth Motel, "Unauthorized Immigrants: Length of Residency, Patterns of Parenthood" (Washington: Pew Hispanic Center, 2011).
- 29 Pierrette Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Immigration* (Berkeley: University of California Press, 1994).
- 30 Helen Marrow, *New Destination Dreaming: Immigration, Race, and Legal Status in the American Rural South* (Palo Alto: Stanford University Press, 2011).
- 31 Jennifer Hirsch, *A Courtship After Marriage: Sexuality and Love in Mexican Transnational Families* (Berkeley: University of California Press, 2003).
- 32 Clare Appleby, Nancy Moreno, and Arielle Smith, "Setting Down Roots: Tlaxotepense Settlement in the United States." In Cornelius and others, *Migration from the Mexican Mixteca*. Note that this is true for both documented and undocumented migrants.
- 33 Hicken and others, "U.S. Border Enforcement"; Passel, "The Size and Characteristics of the Unauthorized Migrant Population."
- 34 Rafael Alarcón Acosta, "Labor migration from Mexico and free trade: lessons from a transnational community." Working Paper (Berkeley: University of California, Berkeley Chicano/Latino Policy Project, 1994); Wayne A. Cornelius, "Their Bags Are Packed in Tlaxitapa : A Mexican town with a long history of sending workers to California is largely unfazed by Proposition 187," *Los Angeles Times*, February 20, 1995.
- 35 Ibid.
- 36 Justin Jarvis and others, "The Dynamics of Migration: Who Migrates? Who Stays? Who Settles Abroad?" In Wayne Cornelius and others, *Four Generations of Norteños*.
- 37 Leah Muse-Orlinoff, "Families in Transition: Migration and Gender Dynamics in Sending and Receiving Communities." In *Four Generations of Norteños*.
- 38 Veronica Puentes, Richard Hong, and Erica Valencia. "Deciding to Migrate." In *Recession Without Borders*.
- 39 Appleby, Moreno, and Smith, "Setting Down Roots."
- 40 Wayne A. Cornelius, "Impacts of Border Enforcement on Unauthorized Mexican Migration to the United States" (Washington: Social Science Research Council, 2006), available at <http://borderbattles.ssrc.org/Cornelius/printable.html>.
- 41 Rafael Alarcón Acosta and others, "La crisis financiera en Estados Unidos y su impacto en la migración mexicana," *Migraciones Internacionales* 16 (15) (2008): 11-18.
- 42 Paul Taylor, Richard Fry, and Rakesh Kochhar, "Wealth Gaps Rise to Record Highs Between Whites, Blacks, Hispanics" (Washington: Pew Research Center, 2011), available at <http://www.pewsocialtrends.org/2011/07/26/wealth-gaps-rise-to-record-highs-between-whites-blacks-hispanics/>.
- 43 On Mexico's economy, see: "The World Bank Databank for Mexico," available at <http://data.worldbank.org/country/mexico>.
- 44 Leah Muse-Orlinoff and others, "Long-Distance Lives: International Migrant Networks and Technology in the United States and Mexico." In *Migration from the Mexican Mixteca*.
- 45 Adam Sawyer and others, "Going to School, Going to El Norte: Migration's Impact on Tlaxotepense Education." In *Migration from the Mexican Mixteca*.
- 46 Jacob Blanc and others, "Making Do With Less: Current Economic Strategies in a Traditional Migrant-Sending Community." In *Recession Without Borders*.
- 47 Leah Muse-Orlinoff and Pedro Lewin Fischer, "Introduction." In *Mexican Migration and the U.S. Economic Crisis*.
- 48 Personal interview with author, 63-year-old Mexican migrant woman, pseudonym Isabel Rendon, conducted in San Francisco, California, Jan 12, 2011.
- 49 Names have been changed.
- 50 The "devil's backbone" or "espino del diablo" is near Tecate, about halfway between San Diego and Mexicali.
- 51 Personal interviews with author, between January 15 and June 15, 2009. San Diego, California.
- 52 Ibid.
- 53 On Hazelton and Farmer's Branch, see Gebe Martinez, "Unconstitutional and Costly: the High Price of Local Immigration Enforcement" (Washington: Center for American Progress, 2011), available at http://www.americanprogress.org/issues/2011/01/pdf/cost_of_enforcement.pdf. On Arizona, see: Arizona S.B. 1070, available at <http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>; On Georgia, see: Baxter, "How Georgia's Anti-Immigration." On Alabama, see: Law Tom Baxter, Alabama's Immigration Disaster: The Harsh Law in the Land Harms the State's Economy and Society. (Washington: Center for American Progress, 2012).
- 54 This initiative, known as the 287(g) program, complicates relationships between many local law enforcement and immigrant communities because unauthorized immigrants who fear that they or their family members will be deported are reluctant to report crimes or to cooperate with police.
- 55 Arizona, Alabama, and Georgia have been at the forefront of the movement by state governments to enact immigration reform; Arizona led the way with S.B.1070 in 2010, and Georgia and Alabama each passed increasingly ardent anti-immigrant policies in 2011. However, such initiatives have also emerged at the municipal level: governments in Prince William County, Virginia, the city of Escondido, outside of San Diego, California, and Hazleton, Pennsylvania all passed strict anti-immigrant policies.
- 56 Martinez, "Unconstitutional and Costly"; Fitz and Kelley, "Stop the Conference."
- 57 Martinez, "Unconstitutional and Costly." Martinez also observes that most of the unauthorized migrants arrested in Prince William had committed only "misdemeanor crimes and traffic violations."

- 58 Angela Garcia and others, "Pressure from the Inside: The Subnational Politics of Immigration." In Fitzgerald and others, *Recession Without Borders*.
- 59 Arizona's mandate only covers licensed businesses, and not independent contracts, thus the Public Policy Institute of California points out that "One way to avoid E-Verify is to enter into independent contractor arrangements instead of formal wage and salary employment." Magnus Lofstrom, Sarah Bohn, and Steven Raphael, "Lessons from the 2007 Legal Arizona Workers Act" (San Francisco: Public Policy Institute of California, 2011), 24-25.
- 60 Micah Gell-Redman and others, "Inhabiting Two Worlds: Tunkaseños in the Transnational Labor Market." In Cornelius and others, *Mexican Migration and the U.S. Economic Crisis*.
- 61 In 2007 the state legislature, passed H.B. 1804 and S.B. 820 limiting public services and access to college scholarships for undocumented migrants. In 2009, the state passed H.B. 2250 which assessed fees on wire transfers. This policy targeted immigrant communities, who routinely use such services to remit money to their relatives in their communities of origin. Garcia and others, "Pressure from the Inside."
- 62 Ibid.
- 63 Ibid.
- 64 See, for example, "ACLU Says Escondido Checkpoints Target Immigrants," *Associated Press*, April 22, 2009, available at <http://www.kpbs.org/news/2009/apr/22/aclu-says-escondido-checkpoints-target-immigrants/>; and Southern Poverty Law Center, "Racial Profiling by Law Enforcement is Constant Threat," available at <http://www.splcenter.org/publications/under-siege-life-low-income-latinos-south/2-racial-profiling>.
- 65 See footnote 61.
- 66 Garcia and others, "Pressure from the Inside."
- 67 Ibid.
- 68 Ibid.
- 69 Ed Pilkington, "The grim reality of life under Alabama's brutal immigration law," *The Guardian*, October 14, 2011, available at <http://www.guardian.co.uk/world/2011/oct/14/alabama-immigration-law-families-trapped?newsfeed=true>.
- 70 On E-Verify, see Philip E. Wolgin, "Seen and (Mostly) Unseen: The True Costs of E-Verify" (Washington: Center for American Progress, 2011).
- 71 "The Oklahoma Taxpayer and Citizen Protection Act of 2007, H.B. 1804," available at http://webserver1.lsb.state.ok.us/2007-08bills/HB/HB1804_ENR.RTF.
- 72 Wolgin, "Seen and (Mostly) Unseen."
- 73 Garcia and others, "Pressure from Inside," p. 50.
- 74 Ibid.
- 75 A Public Policy Institute of California report analyzing Arizona's 2007 Legal Arizona Workforce Act, or LAWA, which mandated the use of E-Verify for all Arizona employers, found that 83 percent of immigrants remained in the state, with only a small percentage leaving for elsewhere (again, generally to neighboring states.) In contrast to PWC, whose ordinance directly targeted migrants themselves, LAWA targeted employers and work authorization, leading to a far lower rate of attrition. But the presence of LAWA, along with S.B. 1070, passed in April of 2010, affected travel to and from Arizona. Legal migrants living in California who previously drove through Arizona on trips to the Yucatan Peninsula in southeast Mexico now avoid the state altogether because they fear police hassle. Lofstrom, Bohn, and Raphael, "Lessons from the 2007 Legal Arizona Workers Act."
- 76 Ibid.
- 77 Martinez, "Unconstitutional and Costly."
- 78 Ibid. Following expensive legal battles, this provision was determined to be unenforceable and likely to increase crime rates.
- 79 Tara Bahrapour, "Number of Illegal Immigrants in U.S. Drops, Report Says," *Washington Post*, September 1, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/01/AR2010090106940.html>; "Exodus after Virginia Illegal Immigrant Crackdown: Prince William County is seeing some Hispanics leave amid new policy," *Associated Press*, May 26, 2008, available at http://www.msnbc.msn.com/id/24830648/ns/us_news-life/t/exodus-after-va-illegal-immigrant-crackdown/#.TolJbnKfuul; Amy Gardner, "N.Va. Hit With Cost of School Migration," *Washington Post*, April 28, 2008, available at: <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/27/AR2008042702432.html>.
- 80 See footnote. 75.
- 81 See, for example: "As new immigration law in Alabama takes effect, construction and farm workers flee," *Associated Press*, October 5, 2011, available at http://www.washingtonpost.com/national/as-new-immigration-law-in-alabama-takes-effect-construction-and-farm-workers-flee/2011/10/05/gIQAK8VNOL_story.html?sub=AR; Ed Pilkington, "The grim reality of life under Alabama's brutal immigration law"; Arturo Puuc, Interview with author, San Francisco, California, February 7, 2011; Andres Portero-Rivera, Interview with author, San Francisco, California, November 11, 2010.
- 82 Baxter, "How Georgia's Anti-Immigration Law Could Hurt the State's (and the Nation's) Economy"; Julia Preston, "In Alabama, a harsh bill for residents here illegally," *New York Times*, June 3, 2011, available at <http://www.nytimes.com/2011/06/04/us/04immig.html>.
- 83 KRZZ 93.3 (La Raza, San Francisco), September 18, 2011, 6:35 p.m.; Ashley Portero, "Alabama Immigration Law: Prove Citizenship or Lose Clean Water Supply," *International Business Times*, October 10, 2011, available at <http://www.ibtimes.com/articles/228331/20111010/alabama-immigration-law-cuts-off-water-supply-to-immigrants.htm>.
- 84 Baxter, "How Georgia's Anti-Immigration Law Could Hurt the State's (and the Nation's) Economy"
- 85 John Lantigua, "More immigrants fleeing to Florida," *Palm Beach Post*, November 5, 2011, available at <http://www.palmbeachpost.com/news/state/more-immigrants-fleeing-to-florida-1952670.html>; Ralph De La Cruz, "For Florida, Alabama's Immigration Enforcement Has Unintended Consequences," Florida Center for Investigative Reporting, November 9, 2011, available at: <http://fcir.org/2011/11/09/for-florida-alabamas-immigration-enforcement-has-unintended-consequences/>; Chris Parsons, "Now even LEGAL immigrants are fleeing Alabama over new immigration law that's so tough it's hurting the economy," *Daily Mail Online*, October 6, 2011, available at: <http://www.dailymail.co.uk/news/article-2045936/Now-LEGAL-immigrants-fleeing-Alabama-new-immigration-law-thats-tough-hurting-economy.html>.
- 86 Instituto Nacional De Estadística Y Geografía, "Migración Internacional A Partir De La Enoe Al Segundo Trimestre De 2011," Boletín De Prensa 372 (11) (September 19, 2011): 1. Translated by the Center for American Progress.
- 87 Baxter, "How Georgia's Anti-Immigration Law Could Hurt the State's (and the Nation's) Economy"; Samuel Addy, "A Cost-Benefit Analysis"; On farmers lacking workers, see, for example: American Civil Liberties Union, "Broken Lives, Empty Fields: One Alabama Farmer's Story," available at: <http://www.aclu.org/immigrants-rights/broken-lives-empty-fields-one-alabama-farmers-story> and Kim Chandler, "State Sen. Billy Beasley files bill to repeal Alabama immigration law," *The Birmingham News*, October 7, 2011, available at http://blog.al.com/spotnews/2011/10/state_sen_billy_beasley_files.html.

- 88 "The Oklahoma Taxpayer and Citizen Protection Act of 2007, H.B. 1804," available at http://webserver1.lsb.state.ok.us/2007-08bills/HB/HB1804_ENR.RTE; "House Bill 2550," available at <http://e-lobbyist.com/gaits/view/116241>.
- 89 Interviews conducted by MMFRP participants, February 2010, Oklahoma City, Oklahoma.
- 90 Passel and Cohn, "Unauthorized Immigration Flows Are Down Sharply."
- 91 Jeffrey S. Passel, "Unauthorized Migrants: Numbers and Characteristics. Background prepared for Task Force on Immigration and America's Future" (Washington: Pew Hispanic Center, 2005), available at <http://pewhispanic.org/files/reports/46.pdf>; Jeffrey S. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey" (Washington: Pew Hispanic Center, 2006), available at <http://pewhispanic.org/files/reports/61.pdf>.
- 92 Fitz and Kelley, "Principles for Immigration Reform."

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