



THE AS LOCATED PHOTOS CHARLES REX ARBOGAST

Life as an Undocumented Immigrant

How Restrictive Local Immigration Policies Affect Daily Life

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Introduction and summary

What happens to undocumented immigrants after the passage of anti-immigrant state laws such as Arizona’s S.B. 1070 and Alabama’s H.B. 56 or restrictive local ordinances such as those in Prince William County, Virginia, or Fremont, Nebraska? What is life like for unauthorized immigrants in these areas, and how do they mitigate the harshness of these ordinances? On the flip side, what happens to the larger communities—documented and not, immigrant and not—and how do these laws impact the ability of law enforcement professionals to keep our communities safe?

Many studies have focused on the fiscal and economic ramifications of anti-immigrant legislation,¹ but little work has been done on the harmful effects these laws have on everyday life in our communities.² That is the focus of this report.

This report presents one of the first studies of immigrants’ responses to local restrictions and enforcement. We demonstrate that exclusionary policies and ramped-up federal enforcement inhibit immigrant incorporation into their communities. Immigrants react to legal threats and hostile reception by going underground: They hold negative perceptions of local law enforcement, associate routine activities such as driving and walking with anxiety and the risk of deportation, and develop strategies of avoidance and fitting in to mitigate the discovery of their unauthorized status.

These avoidance strategies can lead to several problems for larger communities:

- Immigrants who do not interact with police limit the efficacy of policing measures.
- Immigrants who are reluctant to accompany their children to school are a barrier to effective education.
- Immigrants who are afraid to leave their houses foster less vibrant and civically unengaged neighborhoods for immigrants and nonimmigrants alike.

These anxieties affect documented and undocumented immigrants alike. According to a 2009 Pew Hispanic Center report, 53 percent of undocumented immigrants live in mixed-status families, where one or more family member is undocumented.³ Because

authorized immigrants fear that their friends and loved ones could be deported when in contact with officials, many ultimately use the same strategies of avoidance.

Compounding state and local action is a perception among immigrants that local law enforcement is working hand-in-hand with immigration officials. Over the past decade, the increase in enforcement at the federal level has meant that local police and the immigration bureaucracy are closer than ever before. Some of these collaborations—such as the agreement between Immigration and Customs Enforcement and the City of Escondido,⁴ or the Border Patrol mandate allowing action up to 100 miles into the country, which enables agents to conduct routine searches for unauthorized migrants in the area without probable cause or warrants⁵—bring a physical presence of immigration agents onto the streets in places like North County near San Diego, California.

Other forms of immigration enforcement—particularly the Secure Communities program—do not explicitly put immigration officers into local communities but nevertheless complicate the everyday lives of undocumented immigrants and make them equally fearful about interacting with local police.

The Secure Communities program checks the immigration status of immigrants booked into county jails in participating jurisdictions. The government justifies Secure Communities as a way of ensuring that dangerous criminals are prioritized for removal from the country.⁶ In May 2009 San Diego County became the first jurisdiction in the state of California to join the Secure Communities program.⁷

In theory, since the program checks anyone who is booked in a participating county jail, it should not allow for discrimination based on race or racial profiling. But in practice, Secure Communities can become a vehicle for pretextual arrest, whereby people who look “foreign” are detained for minor traffic violations, charged, and run through the Secure Communities databases. Recent studies find that the majority of people Secure Communities catches in studied jurisdictions are young male Hispanics, and more often than not, they were picked up for only minor traffic offenses such as driving without a taillight.⁸

Immigrants understand the dangers associated with federal enforcement programs, as with restrictive local ordinances. If not reformed, these programs threaten to drive a wedge between community members and the police, undermining the intergroup trust critical to community safety. While the government has announced that they will be exercising wider prosecutorial discretion to

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ensure that low-priority cases—such as individuals with American family members or people who have been in the country for a long time—are not targeted for removal, it has also stated that it will deploy Secure Communities in every police jurisdiction across the country by 2013.⁹

Drawing on empirical interview data from the Mexican Migration Field Research Project, or MMFRP, from the Center for Comparative Immigration Studies at the University of California, San Diego, this study examines life for undocumented immigrants in North County, California, near San Diego. Since 2005 MMFRP has worked with three immigrant-sending communities in Mexico, tracking the migrants as they leave Mexico and come to the United States. The study's long-term nature, as well as its independence from government authorities, gives it a distinct advantage in receiving robust responses from migrants, particularly from the unauthorized.

This advantage is particularly useful for researchers in places like San Diego's North County, where anti-immigrant measures have been building for the past few years. Starting in 2004 cities within the county began instituting a series of measures targeting immigrants, from driver's license checks at roadblocks and ordinances that prohibit landlords from renting to undocumented immigrants, to anti-day-labor policies and E-Verify requirements.¹⁰

The everyday lives of undocumented immigrants in North County are filled with anxieties and contradictions. On the one hand, most of the surveyed migrants feared interactions with the police and felt unduly persecuted. On the other hand, they view actions such as reporting crimes as a responsibility of community members, as most Americans do—even if it means having to contact law enforcement officials. Immigrants in North County go to great lengths to avoid contact with officials, including:

- **Altering their appearance:** Immigrants recounted their attempts to blend in as much as possible by, for example, changing into clean clothes at the end of the day in order not to call attention to themselves.
- **Using surrogates:** Survey respondents spoke of their inclination to ask a documented friend or family member to report a crime on their behalf, to pick up their children, or to buy groceries—all to cope with the need to stay anonymous while still being responsible citizens.
- **Changing their behavior:** Immigrants in the survey felt anxious even about walking in public places or taking their children to school, fearing contact with

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the authorities. These immigrants reported, for example, changing their body language to appear calm and less anxious to avoid drawing suspicion.

Debating whether to contact the police or to have a friend contact the police instead pervade the everyday lives of North County's immigrant residents.

While groups pushing for a strategy of “attrition through enforcement”—whereby legislators make life as difficult and miserable as possible in an effort to make unauthorized immigrants self-deport from the country—might approve of these findings, when unauthorized immigrants fear interacting with law enforcement, it makes us all less safe—whether we are documented or not.

Law enforcement groups in particular such as the Police Foundation and Police Executive Research Forum have argued that, in the words of Hubert Williams, president of the Police Foundation, “The effectiveness of local police is heavily dependent upon the nature of the relationship they have with the general public and the degree to which the police and community are able to work collaboratively to resolve crime problems.” Driving a portion of the population underground only breaks this collaboration apart.¹¹

We make four recommendations in this paper to help ensure public safety and to work to integrate rather than alienate all members of American society regardless of their legal status:

- On the local level, law enforcement should do more to reach out to immigrants and educate them about their role in community safety. It is important that local police departments make their interactions with immigration officials transparent to both immigrants and the general public.
- Local leaders and elected officials should reject the passage of restrictive laws and instead try to integrate immigrants into their communities.
- On the federal level, Congress must pass comprehensive immigration reform that will couple stricter border controls with a pathway to legalization to bring all undocumented immigrants out of the shadows.
- The federal government can do more to delineate the proper usage of the Secure Communities program and to implement prosecutorial discretion. Focusing the government's resources on the worst of the worst, rather than on family members, parents, and DREAM Act-eligible students, is sound fiscal and moral policy.¹²

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Methodology and project background

MMFRP researchers traveled to San Miguel Tlacotepec, an immigrant-sending village in the Mixteca region of the state of Oaxaca, Mexico, in January 2011. Tlacotepec is a rural municipality of approximately 3,000 inhabitants, and it has sent migrants to the United States since the 1970s. Surveying occurred during Tlacotepec's annual festivities, a time when many migrants return home.

To capture the immigration experiences of migrants in the United States, researchers also identified migrant respondents in major U.S. destinations through snowball sampling with multiple points of entry.¹³ This approach to data collection works to capture the immigration experiences of the entire adult populations of these sending communities. There is no sampling and no sampling error.¹⁴

Researchers collected a broad range of survey data—from migration histories and remittance behavior to perceptions of local U.S. law enforcement and experiences with interior enforcement actions. Researchers administered a total of 851 surveys with Tlacotepenses, 319 of which were with people who either currently lived in or had previously migrated to the United States.

The fieldwork also included in-depth qualitative interviews to complement and expand upon the data collected in surveys. Researchers recorded more than 30 interviews with migrants exclusively on the topic of restrictions in their U.S. receiving communities. The majority of Tlacotepenses settle within the cities of Escondido, Vista, and Oceanside in San Diego's North County. These locales, home to 63 percent of the immigrant sample (202 individuals), have enacted a series of restrictive immigration ordinances. As more recent arrivals, Tlacotepenses are mostly unauthorized and therefore are more vulnerable to restrictionist initiatives and federal interior enforcement in their immediate receiving locales. Sixty-eight percent of immigrants in the North County sample are unauthorized.

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