CONTESTED GROUND:
IMMIGRATION IN THE UNITED STATES

By Michael Jones-Correa

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Acknowledgments

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Executive Summary

Although the United States is historically a country of immigrants, its demographic landscape has been altered in new and important ways as a result of the changing nature of immigration flows. In recent decades, immigration has come increasingly from Latin America and significant numbers of immigrants to the United States are unauthorized.

The increase in immigration from Latin America and its spread beyond traditional immigrant destinations to communities with little prior experience of migration have sparked anxiety among the American public. In response to concerns that much of the new immigration is unauthorized, negatively impacts the economy, and is changing the social fabric of society, policies with a strong enforcement focus have been the trend since the 1980s. These include expanded enforcement along the United States-Mexico border and the identification and removal of unauthorized immigrants in record numbers. Over the past decade, the total number of unauthorized migrants deported each year from the United States doubled.

The real challenge ... lies in ensuring a future for the new generation born to immigrant parents.

Meanwhile, efforts to agree on a comprehensive package of immigration policy reforms at the federal level have been unsuccessful. State and local governments have stepped into this void, with legislation at those levels proliferating: the number of immigration-related bills introduced at the state level quadrupled between 2005 and 2010 alone. Most of these bills have been designed to discourage illegal immigration, targeting immigrants' ability to work and meet the basic requirements of daily life without documentation of legal status. At the same time, several dozen localities, including many of the largest cities in the United States, have passed legislation to limit the role of local law enforcement in applying federal immigration laws within their jurisdictions, and have passed measures that support immigrants' ability to access public benefits and education.

While public and political debates center on the question of illegal immigration, the real challenge (beyond achieving significant reform of an antiquated and dysfunctional immigration system) lies in ensuring a future for the new generation born to immigrant parents. Almost one-quarter of children in the United States are immigrants or have at least one immigrant parent. Integration efforts must focus on them: intrinsic to the social fabric of America, their success is the nation's.

I. Introduction

The United States is in the midst of a sustained period of immigration that began in the 1960s. This has coincided with the nation's transition from a manufacturing to a service economy, a rise in wage inequality,[1] and the overall aging of the population as the baby-boomer generation approaches retirement.[2] Between 1960 and 2000, immigration (and immigrant fertility) not only added over 47 million people to the US population, but also brought about unprecedented ethnic and racial diversity, dramatically altering the demography of the country. The diversification of the migrant streams to the United States and the fact that a significant percentage of these flows are unauthorized have both contributed to the tenor of the immigration debate.

However much immigrants are debated or deported,

the demographic future of the country will be shaped

by their children.

This report outlines trends in recent immigration to the United States; the anxieties triggered by this immigration, complicated by the current economic downturn and demographic change; the policy response at the national and state levels; and the unexamined implications of the second generation — the children of immigrants — and their role in American society. As the report looks at the reasons for the current unease around US immigration, it points out that the fixation on state and federal enforcement as the primary response overlooks a central fact: however much immigrants are debated or deported, the demographic future of the country will be shaped by their children.

II. A Nation of Immigrants

The United States has a long history of immigration and is often described as a nation of immigrants. In 2010, nearly 40 million of the approximately 309 million residents of the United States were foreign born.[3] The United States currently grants legal permanent residence to more than 1 million immigrants every year — more than any other country in the world.[4] During the 1990s alone, over 14 million immigrants arrived to the United States;[5] another 13 million arrived between 2000 and 2010.[6] However, the United States has sometimes been ambivalent about immigration, and this ambivalence is often more pronounced as immigration flows peak, as is the case today.

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1   Marta Tienda and Faith Mitchell, eds., *Multiple Origins, Uncertain Destinies: Hispanics and the American Future* (Washington DC: National Academies Press, 2006); Frank Levy, *New Dollars and Dreams: American Incomes and Economic Change* (New York: Russell Sage Foundation, 1998); Sheldon Danziger and Peter Gottschalk, *Uneven Tides: Rising Inequality in America* (New York: Russell Sage Foundation, 1993).

2   Dowell Myers, *Immigrants and Boomers: Forging a New Social Contract for the Future of America* (New York: Russell Sage Foundation, 2007).

3   US Census Bureau, American Community Survey (ACS), "Selected Social Characteristics in the United States," http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_DP02&prodType=table.

4   Department of Homeland Security (DHS) Office of Immigration Statistics, *U.S. Legal Permanent Residents: 2011* (Washington, DC: DHS Office of Immigration Statistics, 2012), www.dhs.gov/xlibrary/assets/statistics/publications/lpr_fr_2011.pdf.

5   Doris Meissner, Deborah Meyers, Demetrios G. Papademetriou, and Marc Rosenblum, eds., *Immigration and America's Future* (Washington, DC: Migration Policy Institute, 2006), www.migrationpolicy.org/ITFIAF/finalreport.pdf.

6   US Census Bureau, "Community Population Survey — March 2010 Detailed Tables," 2010, www.census.gov/population/foreign/data/cps2010.html (see Table 2.1: Foreign Born Population by Age, Sex and Year of Entry).

Alongside this increase, there have been three other key changes in immigration patterns over the past four decades: a shift in the country of origin of immigrants to the United States, an increasing proportion of illegal immigration, and the geographic dispersal of immigrant settlement beyond traditional destinations. As illustrated in Figure 1, in 1970, soon after the passage of the landmark 1965 immigration act that would trigger dramatic changes in the composition of immigration to the United States, most of the immigration flows to the United States were still from Europe. Forty years later, arrivals from Europe make up about one in ten immigrants. Most now arrive from Latin America and Asia. More than half of all immigrants come from Latin America, 29 percent from Mexico alone. Arrivals from Asia make up 28 percent of recent immigrants.

Figure 1. Immigration to the United States, by Region of Origin, 1970 and 2010

1970

2010
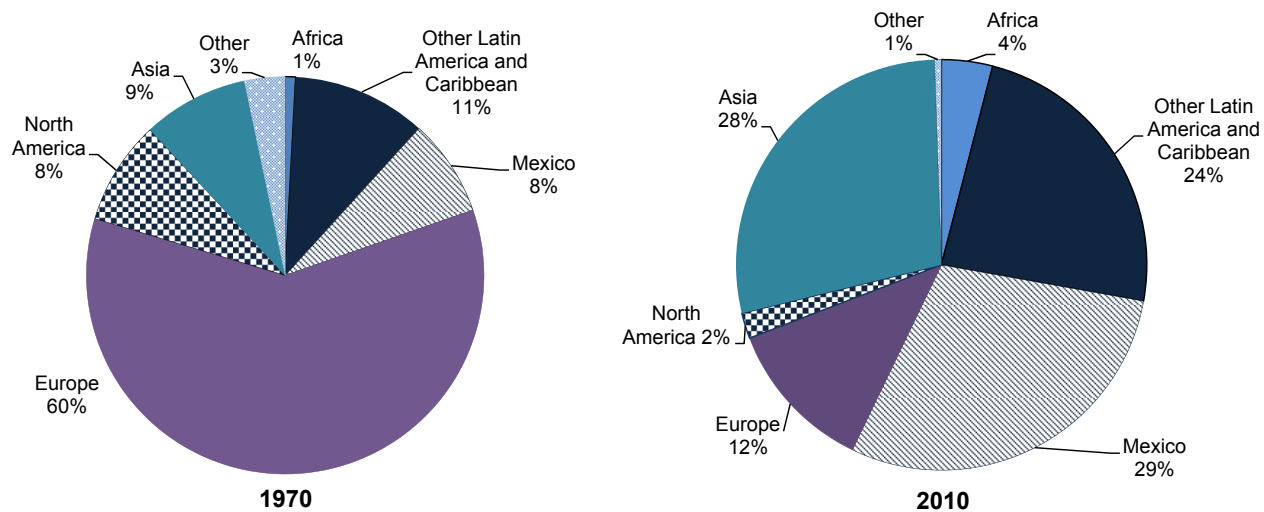
Sources: Adapted from Migration Policy Institute (MPI) Data Hub, "Ten Source Countries with the Largest Populations in the United States as Percentages of the Total Foreign-Born Population: 1970," www.migrationinformation.org/datahub/charts/10.70.shtml; MPI Data Hub, "Ten Source Countries with the Largest Populations in the United States as Percentages of the Total Foreign-Born Population: 2010," www.migrationinformation.org/datahub/charts/10.2010.shtml.

More immigrants are coming to the United States from more places than ever before, but in percentage terms, the United States is only now approximating the scale of immigration last reached a hundred years ago. Immigrants today make up about 13 percent of the US population but this is still below the peak reached during the last great wave of immigration (see Figure 2). Of the 39 million foreign-born residents in the United States, 17 million are naturalized citizens. That leaves 22 million who are not citizens, about half of whom are thought to lack the authorization to live or work in the United States.[7]

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7   Philip Martin and Elizabeth Midgley, *Population Bulletin Update: Immigration in America in 2010* (Washington, DC: Population Reference Bureau, 2010), www.prb.org/Publications/PopulationBulletins/2010/immigrationupdate1.aspx.

Figure 2. Foreign-Born Population in the United States, 1850-2009[8]
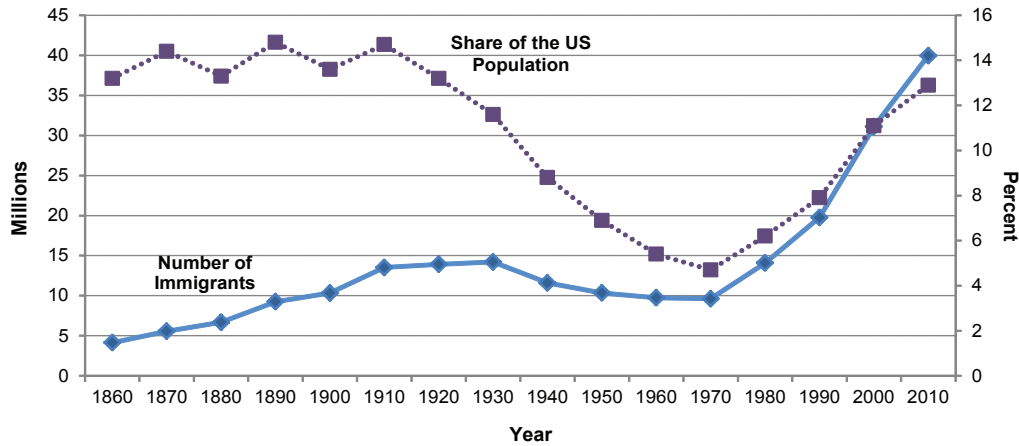
Source: MPI Data Hub, "Foreign-Born Population and Foreign Born as Percentage of the Total US Population, 1850-2009," www.migrationinformation.org/datahub/charts/final.fb.shtml.

Immigration has long been concentrated in certain states such as California, Texas, New York, and Florida. But the recent flows are increasingly dispersed, with immigrants gathering in metropolitan areas and smaller localities across the country — including places that had experienced little in the way of immigration over the last century.[9]
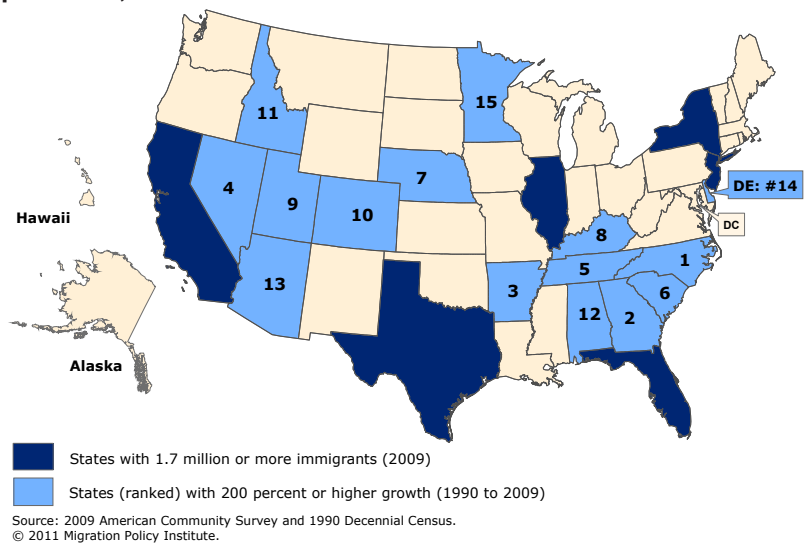
The map at right (Figure 3) illustrates how the states with the fastest-growing immigrant populations between 1990 and 2009 were those with little recent immigration experience.

The seven states experiencing the most rapid change over this period were North Carolina, Georgia, Arkansas, Nevada, Tennessee, South Carolina, and

Figure 3. States with the Largest and Fastest-Growing Immigrant Populations, 1990-2009

Source: 2009 American Community Survey and 1990 Decennial Census.
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Source: MPI Data Hub, "States with the Largest and Fastest-Growing Immigrant Populations," 2011, www.migrationinformation.org/DataHub/maps.cfm.

Nebraska. None of these had attracted significant numbers of immigrants before 1990. In each of them the immigrant population increased by at least 200 percent between 1990 and 2000. Immigration to these new receiving areas is overwhelmingly Latin American in origin, and in many Southern and Midwestern states, a significant portion of this migrant flow is unauthorized or "illegal." Arriving in smaller towns

8   Congressional Budget Office, *A Description of the Immigrant Population: An Update* (Washington, DC: Congressional Budget Office, 2011), www.cbo.gov/publication/41453.

9   Audrey Singer, Susan Hardwick, and Carole Brettell, *Twenty-first Century Suburban Gateways: Immigrant Incorporation in Suburban America* (Washington, DC: Brookings Institution, 2008); Mary Odem and Elaine Lacy, *Latino Immigrants and the Transformation of the US South* (Athens, GA: University of Georgia Press, 2009).

and cities to work in agriculture, construction, meat processing, furniture manufacturing, and other industries, Latino migrants have dramatically altered local populations, and in the South, introduced a new dynamic into historical black/white racial relations. In short, as early as 2000 and certainly by 2010, recent immigration to the United States had reshaped the demographics of almost every state, introducing new ethnic diversity, particularly from Latin America, and eliciting strong local reactions, which in turn sharpened the national debate on immigration.

III. Anxieties about Immigration

Together these four factors — the scale of immigration, its increasing ethnic diversity, the fact that a substantial portion of it is unauthorized, and its dispersal across the country over a short period of time — have triggered unease about immigrants and their role in American society. This unease has complicated attempts in Congress to pass comprehensive reform of the immigration system. The last successful effort to tackle major reform of the immigration system was in 1986 (major efforts in 2006 and 2007 foundered in Congress); then, as now, there was considerable disagreement about how to respond to the influx of immigrants, many of them entering the country illegally. On the one hand there is a sizeable business lobby that benefits from these labor flows, both skilled and unskilled, and would like to see them continue. This lobby is bolstered by immigrant advocates who would like unauthorized immigrants to have some kind of pathway to legalization, and by Hispanic voters who increasingly interpret anti-immigrant rhetoric as aimed not only at those without papers, but at all Hispanics. On the other hand are restrictionists, who argue that America's porous borders impact native-born employment and contribute to the erosion of American society and culture.

It would be a mistake to interpret the debate around immigration as solely about economics.[10] While immigration anxieties have been aggravated by the recession that began in 2008 and the lagging recovery, the correlation between anti-immigrant sentiment and the nation's economic performance has weakened overall since the mid-1990s. This is illustrated by Figure 4, which charts public opinion on restricting immigration against unemployment rates in the United States from 1987 to 2010. As the impact of immigration has been felt in localities around the United States, it became clear that immigration anxieties were more than just about economics.

> *It would be a mistake to interpret the debate around immigration as solely about economics.*

The greatest support for curtailing immigration (as indicated by the solid blue line) was seen in the early to mid-1990s. This period also saw the implementation of the North American Free Trade Agreement (NAFTA), which lowered trade barriers with Canada and Mexico but arguably increased pressures on American workers. Also during this time, then–governor Pete Wilson pushed for the passage of Proposition 187 in California, which passed by a wide margin and intended to withhold a wide range of government benefits from unauthorized immigrants in the state.[11] In 1996 Wilson and Pat Buchanan both ran for president on populist, anti-immigrant platforms. Meanwhile, Congress approved the 1996 welfare reform act, which included restrictions on federal benefits to both legal and unauthorized immigrants.

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10 Demetrios G. Papademetriou and Aaron Terrazas, "Immigrants in the United States and the Current Economic Crisis," *Migration Information Source*, April 1, 2009, www.migrationinformation.org/Feature/display.cfm?ID=723.

11 The California referendum Proposition 187 passed in November 1994, denying unauthorized immigrants access to public education, medical care, and a variety of other services. Immediately challenged in court, Proposition 187 was never implemented; its provisions were ruled unconstitutional. See Evelyn Nieves, "California Calls Off Effort to Carry Out Immigrant Measure," *New York Times,* July 30, 1999, www.nytimes.com/1999/07/30/us/california-calls-off-effort-to-carry-out-immigrant-measure.html?pagewanted=all&src=pm.

Figure 4. Views on Immigration Restriction vs. Unemployment in the United States, 1987-2010
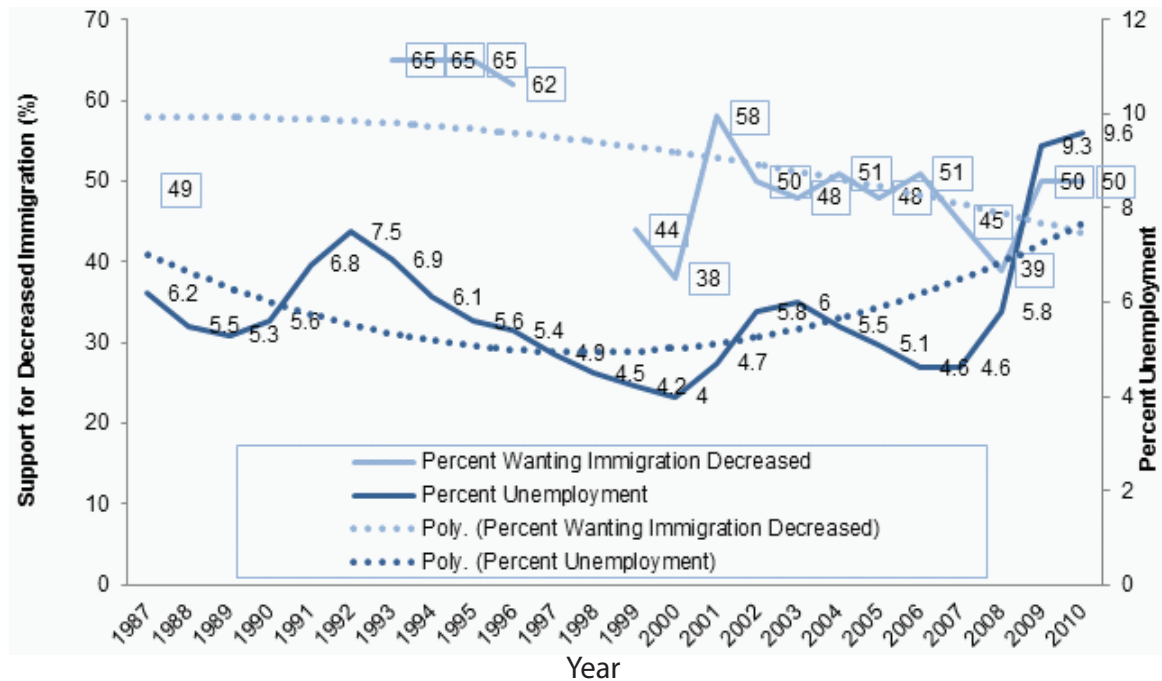
Note: Public opinion trend line indicates only years for which Gallup data are available.
Source: Gallup, "Immigration," 2011, www.gallup.com/poll/1660/immigration.aspx; Bureau of Economic Analysis, "Employment and Unemployment," (News releases, various months), www.bls.gov/bls/newsrels.htm#OEUS.

Public opinion favoring restrictions on immigration has trended downward since the mid-1990s (see the dotted blue line in Figure 4), even taking into account an upward spike in restrictionist sentiment following the 9/11 attacks in 2001 and again since the recession started in 2008. However, even when unemployment rates soared as high as 9.6 percent (see solid line), public opinion favoring immigration restrictions did not touch the highs reached in the mid-1990s, when the economy was expanding briskly and the unemployment rate was about half what it was in 2010.

If not just reflecting economic concerns, what explains anti-immigrant sentiment in the United States? Public opinion data reflect concerns that immigration is *changing* society, largely for the worse. Results from national surveys indicate that while a significant number of respondents believe that immigrants negatively affect the job opportunities of native-born Americans and make the economy worse off in general, most respondents believe, in addition, that immigrants increase crime rates, drive up tax burdens, and encourage the deterioration of social and moral values.[12] Significant percentages of the native born believe that recent immigrants are a negative influence on American society. This is compounded by the fact that American society is aging.[13] Today's elderly — who exercise disproportionate influence on the political system — came of age during a lull in immigration to the United States, before the effects of the 1965 immigration reform were felt. The America they recall from their youth was considerably more racially and ethnically homogenous. This generation is the most likely to feel threatened by the recent influx of immigrants.[14]

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12 Gallup, "Immigration," 2011, www.gallup.com/poll/1660/immigration.aspx.
13 See William Frey, "The Uneven Aging and 'Younging' of America: State and Metropolitan Trends in the 2010 Census" (State of Metropolitan America paper no. 35, Brookings Institution, 2011), www.brookings.edu/papers/2011/0628_census_age_frey.aspx. Frey notes that the population that is 45 years and over in the United States grew 18 times as fast as the population under 45 years between 2000 and 2010.
14 Christopher Parker and Matt Barreto, "Change We Can't Believe In: Exploring the Sources and Consequences of Tea Party Support" (paper presented at the 2011 APSA Meeting, Seattle, WA, September 1-4, 2011). See also: Reihan Salam, "Don't Call

Their concerns, however, are countered by existing evidence. For instance, one recent study indicates that there is no proof that immigrants crowd out US-born workers in the short or long run, and that over the long run immigration actually increases income per worker. The study found that immigration to the United States from 1990 to 2007 was associated with a 6.6 to 9.9 percent increase in real income per worker.[15] Similarly, there is evidence that higher proportions of the foreign born and new immigrants appear to *decrease*, not increase, robbery and homicide rates.[16] Countering concerns that English will be taken over by Spanish, all the data on language acquisition indicate that immigrants and their children learn English, and, indeed, that within a single generation the children of immigrants use English as their primary and often only language.[17]

Public opinion data reflect concerns that immigration is changing society, largely for the worse.

To point to research indicating that immigrants learn English; that immigration is not, as a whole, detrimental to the job prospects of the native born;[18] or that the presence of immigrants is correlated with a reduction in crime, not an increase,[19] does not necessarily make anxieties about immigration any less real to the people who have them. The anxieties of the native born may not be objectively borne out, but rather capture concerns about loss and dislocation, of once-familiar communities undergoing change. These concerns are illustrated by an oft-repeated story: older residents tell of walking into a neighborhood grocery store only to hear Spanish, not English being spoken, triggering feelings of displacement and anger. It is these anxieties among the native born that, real or not, fuel restrictionist immigration policy.

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    it Racism," op-ed, *The Daily,* August 19, 2011, www.thedaily.com/page/2011/08/19/081911-opinions-column-racism-salam-1-2/.

15 Giovanni Peri, "The Effect of Immigrants on US Employment and Productivity," *Federal Reserve Bank of San Francisco Economic Letter*, August 30, 2010, www.frbsf.org/publications/economics/letter/2010/el2010-26.html.

16 Tim Wadsworth "Is Immigration Responsible for the Crime Drop? An Assessment of the Influence of Immigration on Changes in Violent Crime between 1990 and 2000," *Social Science Quarterly* 9, no. 2 (2010): 531-53. See also Kristin F. Butcher and Anne Morrison Piehl, *Crime, Corrections, and California: What Does Immigration Have to Do with It?* (San Francisco: Public Policy Institute of California, 2008), www.ppic.org/main/publication.asp?i=776.

17 Alejandro Portes and Rubén Rumbaut, *Legacies: The Story of the Second Generation* (Berkeley, CA: University of California Press, 2001); Rubén Rumbaut and Alejandro Portes, *Ethnicities: Children of Immigrants in America* (Berkeley, CA: University of California Press, 2001). See also the results from the 2006 *Latino National Survey*, presented in Luis Fraga, John Garcia, Rodney Hero, Michael Jones-Correa, Valerie Martinez-Ebers, and Gary Segura, *Latinos in the New Millennium: An Almanac of Opinion, Behavior, and Policy Preferences* (New York: Cambridge University Press, 2012).

18 See also James P. Smith and Barry Edmonston, eds., *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (Washington, DC: National Academy Press, 1997); George J. Borjas, "Native Internal Migration and the Labor Market Impact of Immigration," *Journal of Human Resources* 41, no. 2 (2006): 221–58; David Card, "Immigrant Inflows, Native Outflows, and the Local Labor Market Impacts of Higher Immigration," *Journal of Labor Economics* 19, no. 1 (2001): 22–64; David Card, "How Immigration Affects US Cities" (discussion paper 11/07, Centre for Research and Analysis of Migration, University College London, 2007), www.econ.ucl.ac.uk/cream/pages/CDP/CDP_11_07.pdf; David Card "Immigration and Inequality," *American Economic Review*, *Papers and Proceedings* 99, no. 2 (2009): 1–21; David Card and Ethan Lewis, "The Diffusion of Mexican Immigrants during the 1990s: Explanations and Impacts," in *Mexican Immigration to the United States*, ed. George J. Borjas (Chicago: University of Chicago Press, 2007).

19 Graham C. Ousey and Charis E. Kubrin, "Exploring the Connection between Immigration and Violent Crime Rates in US Cities, 1980-2000," *Social Forces* 56, no. 3 (2009): 447-73; Ramiro Martinez Jr, "Coming to America: The Impact of the New Immigration on Crime," in *Immigration and Crime: Race, Ethnicity, and Violence*, eds. Ramiro Martinez Jr. and Abel Valenzuela Jr. (New York: New York University Press, 2006); and Kristin F. Butcher and Anne Morrison Piehl, "Cross-City Evidence on the Relationship Between Immigration and Crime," *Journal of Policy Analysis and Management* 17, no. 3 (1998): 457–93.

IV. Developments in Immigration Policy

A.   *Federal Enforcement*

Anxieties triggered by changing communities have been tugging national immigration policy in the United States in a more restrictive direction since the 1970s — though, remarkably enough, the emphasis on family reunification that has been at the center of US immigration policy since 1965 remains in place. However, other aspects of immigration, particularly around illegal migration, have been receiving increased scrutiny. Enforcement along the US-Mexico border has increased, as have removals of unauthorized immigrants residing in the United States, sometimes in partnership with local law enforcement agencies.

Figure 5. ICE Removals and Returns of Noncitizens, FY2000-10
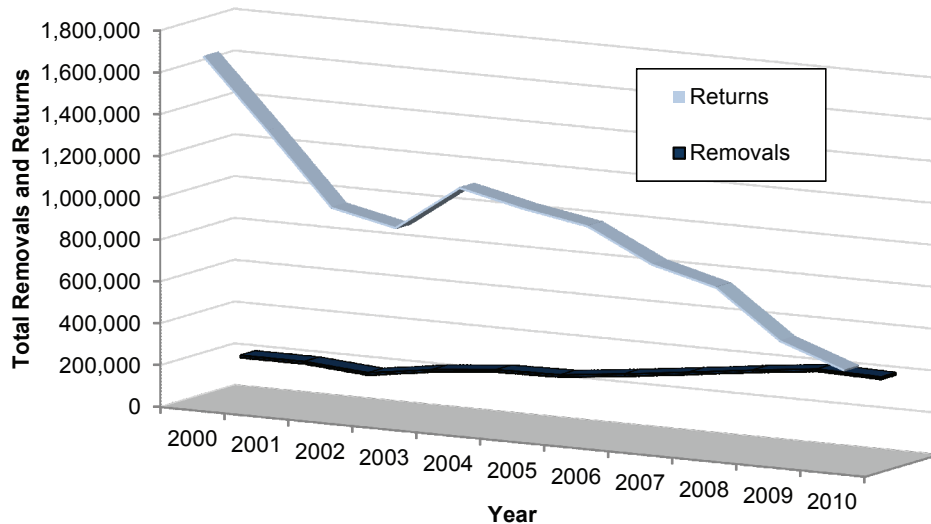
Source: Department of Homeland Security (DHS), "ENFORCE Alien Removal Module (EARM)," January, 2011; DHS, "Enforcement Integrated Database (EID)," December 2010.

Beginning in the 1980s, in a trend that accelerated dramatically after the September 11, 2001 terrorist attacks, the United States began to bolster the policing of its borders (particularly its border with Mexico) as well as its capacity to arrest and deport unauthorized immigrants already in the country. These efforts accelerated after 2003, when in response to the 9/11 attacks, the newly constituted Department of Homeland Security (DHS) expanded its immigration enforcement capabilities.[20] Detentions and returns at the border peaked in 2000 at 1.7 million, then declined steadily (see Figure 5) to just over 476,000 in 2010, the lowest number of apprehensions at the border since 1972.

As border detentions dropped, attention shifted to immigration enforcement in the interior of the country.[21] In the years following the passage of the 1986 *Immigration Reform and Control Act* (IRCA), worksite investigations focused principally on fining the employers of unauthorized workers. However, the popular backlash against the 2006 immigration marches, in which millions of Latinos and other immigrants turned out in major cities across the United States to call for comprehensive immigration reform and a path to legalization for the more than 11 million unauthorized residents living in the United States — and the failure of reform efforts in Congress in 2006 and 2007 — marked a significant shift in US immigration enforcement policy. Under the new worksite enforcement policy, workplace raids began targeting unauthorized workers, not the employers who had hired them. Following this shift, workplace arrests increased steadily, from 510 arrests in fiscal year (FY) 2002 to 6,287 arrests in FY 2008 (see Figure 6).
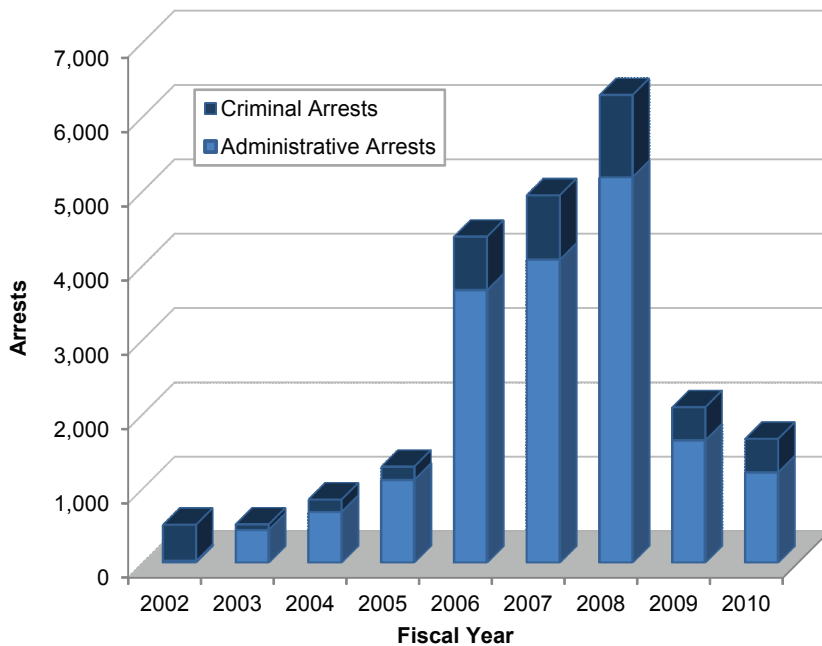
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20   Department of Homeland Security (DHS), "Fact Sheet: Secure Border Initiative," 2005, www.dhs.gov/xnews/releases/press_release_0794.shtm.

21   DHS, "Department of Homeland Security Unveils Comprehensive Immigration Enforcement Strategy for the Nation's Interior" (news release, April 20, 2006), www.ice.gov/pi/news/newsreleases/articles/060420washington_2.htm.

Figure 6. ICE Worksite Enforcement Arrests by Fiscal Year, 2002-10

Sources: 2002-08 data: DHS, Immigration and Customs Enforcement (ICE), "Fact Sheet: Worksite Enforcement Overview," 2009, www.ice.gov/news/library/factsheets/worksite.htm; 2009 data: Andorra Bruno, *Immigration-Related Worksite Enforcement Measures* (Washington, DC: Congressional Research Service, 2011), Table 3, www.fas.org/sgp/crs/homesec/R40002.pdf

Similarly, "fugitive operations teams" set up throughout the United States to track down, detain, and deport unauthorized immigrants who had failed to show up for deportation hearings or had other complications with the law (including criminal records) expanded substantially after 2003, when they were first instituted. Arrests of "fugitive" unauthorized immigrants increased from 1,900 in 2003 to over 34,000 arrests in 2008 (see Figure 7). These fugitive operations arrests, while not as high-profile as the Immigration and Customs Enforcement (ICE) workplace raids, affected many more individuals.

Figure 7. Fugitive Operations Team Arrests, 2003-08
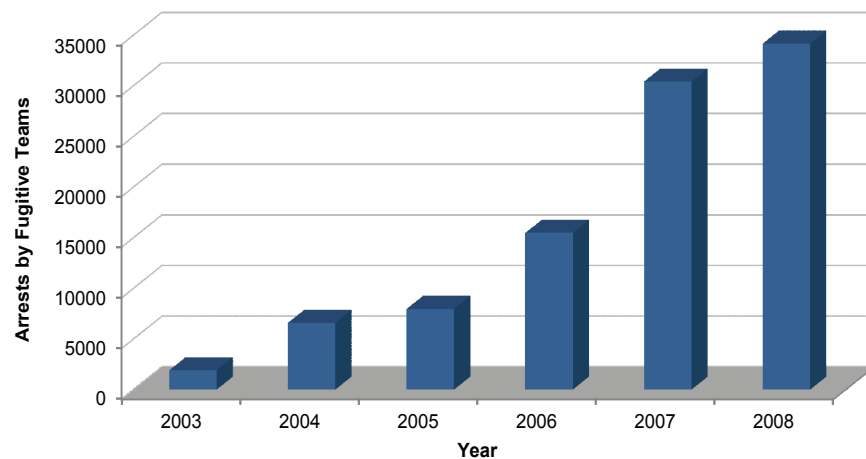
Source: DHS ICE, "Fact Sheet: ICE Fugitive Operations Program," 2011, www.ice.gov/news/library/factsheets/fugops.htm.

Such policies were pursued most vigorously under the Bush administration. Under the Obama administration there has been a shift, not in law, but in practice, as Obama has tried to keep his

promise to supporters, particularly Latino voters, that he would move away from punitive anti-immigrant policies. As a result, immigrant arrests carried out in the course of workplace enforcement (see Figure 6) declined significantly between FY2008 and FY2009, as the new administration indicated that it would redirect ICE resources to the criminal prosecution of employers hiring illegal workers, which it called the "root cause of illegal immigration."[22]

> *There has been a shift away from worksite enforcement toward the expansion of a variety of programs to apprehend unauthorized immigrants within the United States.*

On the other hand, Obama has tried to placate conservatives who have signaled that immigration enforcement is a precondition to any comprehensive immigration reform, presiding over a record number of removals.[23] The Obama administration has not shied away from several enforcement initiatives put into effect in the Bush years, in particular partnerships between DHS and local law enforcement agencies meant to better identify and deport unauthorized immigrants. [24] By the end of the Bush administration, 69 state and local police agencies had entered into agreements with DHS to cooperate on immigration enforcement.[25] Over 217,000 persons have been identified for deportation as the result of these agreements.[26] Under the Obama administration these arrangements have morphed into a broader program titled Secure Communities.[27] This program, now implemented in 48 states, is designed to target criminal aliens once in custody, aiding local law enforcement in their identification and removal.[28] Over 387,000 noncitizens were deported in 2010 alone — almost double the number in 2000 (see Figure 5).

Recent trends indicate a sharp drop in border apprehensions,[29] the result of a combination of increased policing at the US-Mexico border, a slowing economy in the United States, and growing opportunities in Mexico. As noted, there has been a shift away from worksite enforcement toward the expansion of a variety of programs to apprehend unauthorized immigrants within the United States. There are now almost as many unauthorized migrants arrested and deported through these programs as there are detained at the border.[30] Meanwhile, the dilemma of the millions residing in the country without documents remains unresolved and the United States is perhaps further away from a major overhaul of its immigration system than it ever was.

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22   Immigration and Customs Enforcement (ICE), "Fact Sheet: Worksite Enforcement Strategy," Department of Homeland Security, Washington, DC, 2009, www.ice.gov/news/library/factsheets/#Worksite%20Enforcement.
23   ICE, "Removal Statistics," www.ice.gov/removal-statistics/.
24   DHS, ICE, "Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act," 2011, www.ice.gov/pi/news/factsheets/section287g.htm.
25   Ibid.
26   Ibid.
27   ABC News, "DHS Task Force Criticizes Immigration Fingerprint Program," *ABC News Blogs*, September 16, 2011, http://abcnews.go.com/blogs/politics/2011/09/dhs-task-force-criticizes-immigration-fingerprint-program/. See also: Homeland Security Advisory Council, "Task Force on Secure Communities Findings and Recommendations," Department of Homeland Security, Washington, DC, 2011, www.dhs.gov/xlibrary/assets/hsac-task-force-on-secure-communities-findings-and-recommendations-report.pdf.
28   ICE, "Activated Jurisdictions," as of April 17, 2012, www.ice.gov/doclib/secure-communities/pdf/sc-activated.pdf.
29   DHS Office of Immigration Statistics, *Apprehensions by the U.S. Border Patrol: 2005-2010* (Washington, DC: DHS, 2011), www.dhs.gov/xlibrary/assets/statistics/publications/ois-apprehensions-fs-2005-2010.pdf.
30   DHS Office of Immigration Statistics, *Immigration Enforcement Actions: 2010* (Washington, DC: DHS, 2011), www.dhs.gov/xlibrary/assets/statistics/publications/enforcement-ar-2010.pdf.

B.   State and Local Responses

Even before the failure of federal immigration reform in Congress in 2006 and 2007, the responsibility for immigration policy had been shifting to states and localities.[31] The rapid pace of immigration, dispersed to new places and perceived through the lens of social anxiety, prompted a wide variety of legislation at the state and local levels.[32] States, localities, and communities in the United States have responded in various ways to the increased presence of immigrants, implementing radically different immigration policies,[33] ranging from relatively benign accommodation to outright hostility, presumably with very different outcomes for immigrant settlement and integration.

Figure 8. Immigration-Related Legislation Introduced and Enacted at the State Level, 2005-10
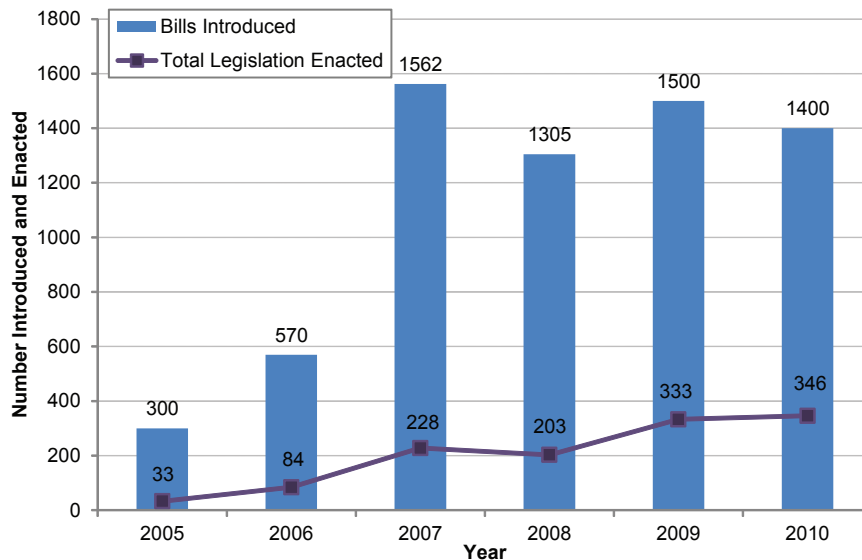
Source: National Conference of State Legislatures, "Immigrant Policy Project," www.ncsl.org/default.aspx?tabid=21857.

The number of bills introduced in state legislatures increased fourfold between 2005 and 2010, and the legislation enacted by the states increased ten times during this six-year period (see Figure 8). A majority of this legislation was designed to discourage illegal immigration. A number of states, most notably Arizona, Georgia, Indiana, Alabama, and South Carolina, have passed sweeping legislation targeting unauthorized immigrants. The *Legal Arizona Workers Act*, passed in 2007, requires all employers in the state to use the federal E-Verify program to check on the legal status of all employees. A ruling by the US Supreme Court in June 2011 upholding the Arizona employment verification law left the path clear for similar laws in Alabama, Georgia, Mississippi, South Carolina, and Utah to move forward.[34]

Arizona's disputed law SB 1070, curtailed in part by the Supreme Court in June 2012, has also been emulated by several other states. The law requires state and local police officers to attempt to determine the immigration status of any person stopped under state or local law if "reasonable suspicion" exists that the person is unlawfully present in the United States.[35] Alabama, Georgia, Indiana, and South Carolina have passed similar legislation, in some respects going even further. Alabama's

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31   For instance, the 1996 federal welfare reform act gave states the leeway to exclude permanent legal residents from federal programs, and states chose very different paths in addressing issues such as insurance coverage for the children of unauthorized immigrants, with some states choosing universal coverage (Massachusetts) and other states choosing dramatically reduced coverage (Texas).

32   Monica Varsanyi, "Neoliberalism and Nativism: Local Anti-Immigrant Policy Activism and an Emerging Politics of Scale," *International Journal of Urban and Regional Research* 35, no. 2 (2010): 295-311; Michael Olivas, "Immigration-Related State and Local Ordinances: Preemption, Prejudice, and the Proper Role for Enforcement," *University of Chicago Legal Forum* (2007): 27-56.

33   Monica Varsanyi, ed., *Taking Local Control: Immigration Policy Activism in US Cities and States* (Palo Alto, CA: Stanford University Press, 2010); Kyle Walker, "Local Policy Responses to Immigration in the United States," *CURA Reporter* 40, nos. 3-4 (2010): 27-34, www.cura.umn.edu/publications/catalog/reporter-40-3-4-2.

34   *Chamber of Commerce of the United States v. Whiting* (09-115), www.lawmemo.com/supreme/case/Chamber2/.

35   Randal C. Archibold, "US's Toughest Immigration Law Is Signed in Arizona," *New York Times*, April 23, 2010, www.nytimes.com/2010/04/24/us/politics/24immig.html?ref=us.

legislation, for instance, in addition to provisions on the role of local law enforcement and requirements for the use of E-Verify, also bars unauthorized immigrants from attending public colleges in Alabama, asks public schools to determine the citizenship and immigration status of all students and report their findings to state officials, and makes it a felony to transport an unauthorized immigrant.[36] Much of this legislation is now being challenged in the courts.[37]

On the other hand, some states are taking a more positive approach to immigration. Utah's state legislature, while supporting an expanded role by local enforcement and a requirement for all employers to use E-Verify, also issued a "compact" outlining the state's commitment to the inclusion of immigrants,[38] and until recently states such as Tennessee issued "driving certificates" to noncitizen residents.[39] Four states — Alaska, Montana, New Mexico, and Oregon — explicitly prohibit the use of state resources for the purpose of immigration enforcement.[40] Even as other states move to require employers in their states to check on employees' legal status, Illinois restricts employers' use of the federal government's E-Verify system.[41] Maryland in 2011 approved a measure that would allow some unauthorized immigrants to pay in-state tuition to state colleges and universities, joining ten other states,[42] while Illinois has proposed establishing a scholarship fund for the children of immigrants seeking to attend college.[43]

There is a similar differentiation of approaches at the local level, too. At least a dozen municipalities have passed local ordinances restricting unauthorized immigrants' access to housing and employment, though most of these have been successfully challenged in the courts.[44] At the same time, however, other municipalities have been working to foster immigrant integration into American society. For instance, two municipalities — San Francisco, CA, and New Haven, CT — have issued municipal identity cards to allow their residents, regardless of legal status, access to both public and private services, ranging from health care to banking.[45] Accommodation and adaptation has been taking place in states with new, fast-growing immigrant populations as well: in 2009 voters in Nashville, TN, rejected a proposal under a referendum election to prohibit the city's government

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36   Muzaffar Chishti and Claire Bergeron, "DHS Announces End to Controversial Post-9/11 Immigrant Registration and Track-ing Program," *Migration Information Source*, May 17, 2011, www.migrationinformation.org/USFocus/display.cfm?ID=840; Associated Press, "Alabama's Illegal Immigration Law Tougher Than Arizona's," June 10, 2011, http://blog.al.com/wire/2011/06/alabamas_illegal_immigration_l.html.

37   Kim Severson, "Parts of Georgia Immigration Law Blocked," *New York Times,* June 27, 2011, www.nytimes.com/2011/06/28/us/28georgia.html; Muzaffar Chishti and Claire Bergeron, "Supreme Court Upholds Legal Arizona Workers Act with Limited Implications for Other State Immigration Laws," *Migration Information Source*, June 15, 2011, www.migrationinformation.org/USFocus/print.cfm?ID=843; Howard Berkes, "Utah Immigration Law Goes into Ef-fect, But Court Quickly Blocks It," National Public Radio, May 10, 2011, www.npr.org/blogs/thetwo-way/2011/05/10/136177436/utah-immigration-law-goes-into-effect-but-court-hearing-looms.

38   *New York Times*, "The Utah Compact," editorial, December 4, 2010, www.nytimes.com/2010/12/05/opinion/05sun1.html. The Utah Compact has been taken up as a model by other states, see: www.pacompact.com/?page_id=10; Troy Graham, "Philadelphia Councilman Opens Hearing on Immigration," *Philadelphia Inquirer,* June 29, 2011, http://articles.philly.com/2011-06-29/news/29717400_1_immigration-public-hearing-latest-census.

39   See Tennessee Department of Safety and Homeland Security, "Tennessee Certificate for Driving (Class TD)," accessed April 30, 2012, www.tn.gov/safety/driverlicense/classtd.htm.

40   National Immigration Law Center, "Laws, Resolutions and Policies Instituted Across the US Limiting Enforcement of Immigration Laws by State and Local Authorities," 2008, www.nilc.org/document.html?id=320.

41   *Illinois Right to Privacy in the Workplace Act*, www.ilga.gov/legislation/95/SB/09500SB1878eng.htm.

42   Aaron Davis, "Md. Voters to Decide Immigrant Tuition Law," *Washington Post,* July 7, 2011, www.washingtonpost.com/local/dc-politics/md-voters-to-decide-immigrant-tuition-law/2011/07/07/gIQAfAsr2H_story.html; Alene Russell, "In-State Tuition for Unauthorized Immigrants: States' Rights and Educational Opportunity" (American Association of State Colleges and Universities policy brief, August 2007), www.aascu.org/uploadedFiles/AASCU/Content/Root/PolicyAndAdvocacy/Pol-icyPublications/in-state_tuition07%282%29.pdf.

43   Chishti and Bergeron, "Supreme Court Upholds Legal Arizona Workers Act."

44   See, for example, *Lozano v. City of Hazleton, 496 F. Supp. 2d 477* (M.D.Pa. 2007), which struck down an ordinance restricting the housing or employment of unauthorized aliens on preemption and Fourteenth Amendment grounds.

45   Junta for Progressive Action, Inc. and Unidad Latina en Acción, *A City to Model* (New Haven, CT: Junta for Progressive Action, Inc. and Unidad Latina en Acción, 2005), www.newhavenindependent.org/archives/2005/10/A_City_to_Model.pdf; Wyatt Buchanan, "S.F. Supervisors Approve ID Cards for Residents," *San Francisco Chronicle*, November 14, 2007, www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/11/14/BAB9TBP5H.DTL&tsp=1.

from using languages other than English. The initiative failed by a substantial margin.[46] Several dozen jurisdictions (such as Asheville, NC) in 23 states have enacted laws that seek to keep police and immigration enforcement separate to preserve immigrants' access to public life and civic participation.[47] These include some of the largest cities in the United States — such as New York City, Los Angeles, San Francisco, the District of Columbia, Chicago, Baltimore, Boston, Detroit, Minneapolis, St. Louis, Newark, Philadelphia, Austin, and Seattle — all of which have passed legislation limiting the role of local law enforcement in applying federal immigration laws[48] with the support of their police chiefs, who were increasingly concerned that local enforcement of immigration would "undermine [the] trust and cooperation" necessary for effective policing.[49]

C.   The Real Policy Challenge: The New Americans

Much of the current debate, and many of the policies proposed by states and localities around immigration, has been centered on the issue of illegal immigration. There are, at last estimate, about 11.5 million unauthorized residents in the United States,[50] out of slightly under 40 million immigrants in all; however, more than two out of every three foreign-born residents are *legal* residents. Over the past 20 years more than 1 million individuals have been granted legal permanent residency every year, including an average of more than 80,000 refugees who are settled across the country.[51] Every year from 2000 to 2010, an average of 670,000 of these legal permanent residents became naturalized US citizens.[52] Policy debates focusing on illegal immigration to the exclusion of other issues have obscured the fact that most immigrants — the large majority of whom have arrived in the United States through legal channels — remain in the country, eventually becoming citizens.

Much contemporary policy ignores the fact that the demographic changes taking place across the United States today are driven as much or more by the children of immigrants as by immigrants themselves.

46   Isabel Cowles, "English Only Measure Defeated in Nashville," *findingDulcinea*, January 23, 2009, www.findingdulcinea.com/news/Americas/2009/jan/English-Only-Measure-Defeated-in-Nashville.html.

47   Department of Justice, Office of the Inspector General, Audit Division, "Cooperation Of SCAAP Recipients in the Removal of Criminal Aliens From The United States"(redacted public version), January 2007, www.justice.gov/oig/reports/OJP/a0707/final.pdf; Lisa M Seghetti, Stephen R. Vina, and Karma Ester, *Enforcing Immigration Law: The Role of State and Local Law Enforcement* (Washington, DC: Congressional Research Service, 2006),http://trac.syr.edu/immigration/library/P1072.pdf; and National Immigration Law Center, "Laws, Resolutions and Policies Instituted across the US."

48   Josh Loftin, "Utah Immigration Law Joins Arizona Measure — In Court," Huffington Post, May 11, 2011, www.huffingtonpost.com/2011/05/11/utah-immigration-law-_n_860572.html.

49   International Association of Chiefs of Police (IACP), *Police Chiefs Guide to Immigration Issues* (Alexandria, VA: IACP, 2007), www.theiacp.org/Portals/0/pdfs/Publications/PoliceChiefsGuidetoImmigration.pdf. In 2009 the Police Foundation came out explicitly against local law enforcement cooperation with federal immigration agencies — see Police Foundation, *The Role of Local Police: Striking the Balance Between Immigration Enforcement and Civil Liberties* (Washington, DC: Police Foundation, 2009), www.policefoundation.org/strikingabalance/strikingabalance.html.

50   DHS Office of Immigration Statistics, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011* (Washington, DC: DHS Office of Immigration Statistics, 2012), www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.

51   DHS, *Yearbook of Immigration Statistics: 2010* (Washington, DC: DHS, 2011), www.dhs.gov/files/statistics/publications/LPR10.shtm; Department of State, Bureau of Population, Refugees, and Migration, "Worldwide Refugee Admissions Processing System (WRAPS), Fiscal Years 1980 to 2010," www.dhs.gov/files/statistics/publications/YrBk10RA.shtm.

52   DHS, *Yearbook of Immigration Statistics: 2010.*

More than this, much contemporary policy ignores the fact that the demographic changes taking place across the United States today are driven as much or more by the *children* of immigrants as by immigrants themselves. As illustrated in Figure 9, in 2000, 18.8 percent of all people under the age of 18 in the United States were either first- or second-generation immigrant children; by 2009, almost one out of every four people under 18, or 17.4 million youth, was an immigrant or the child of immigrants. The shift that has been taking place over time has been the increasing proportion of second-generation immigrants who are born in the United States and are US citizens: in 2009 second-generation children outnumbered first-generation children by more than six to one.[53] Many children of immigrants are at risk of falling behind educationally and economically, to the general detriment of all Americans.[54] The figures for Hispanics, the nation's largest minority group, are illuminating here: by age 26, 82 percent of all Hispanic high school completers have enrolled in college, but only 18 percent have completed a bachelor's degree, compared with 38 percent of their white peers. Hispanics are more likely to attend local two-year community colleges and trade schools than four-year universities.[55]

Figure 9. First- and Second-Generation Immigrant Children under Age 18 in the United States in 1990, 2000, and 2009
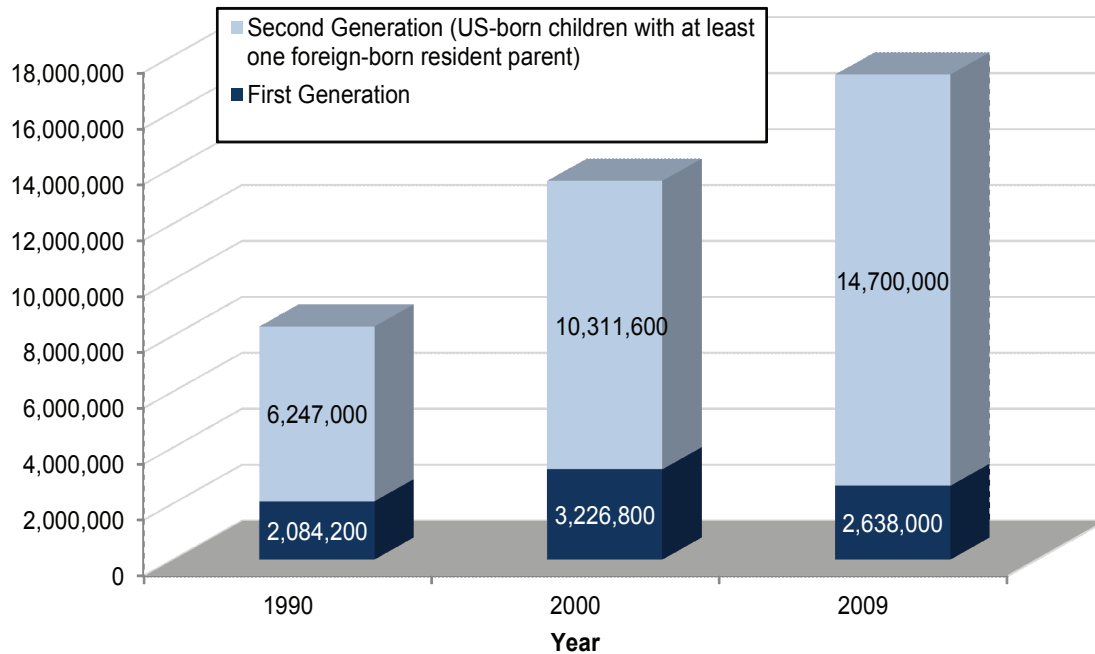
Source: Child Trends, "Immigrant Children," 2010, www.childtrendsdatabank.org/?q=node/333.[56]

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53 Child Trends, "Immigrant Children," www.childtrendsdatabank.org/?q=node/333.
54 Marta Tienda and Ron Haskins, "Immigrant Children: Introducing the Issue," *The Future of Children* 21, no. 2 (2011): 3-18, http://futureofchildren.org/futureofchildren/publications/docs/21_01_01.pdf; Min Zhao, "Growing Up American: The Challenge Confronting Immigrant Children and Children of Immigrants," *Annual Review of Sociology* 23 (1997): 63–95.
55 Pew Hispanic Center, "Fact Sheet: Hispanic College Enrollment: Less Intensive and Less Heavily Subsidized," January 2004, www.pewhispanic.org/files/factsheets/7.1.pdf.
56 Data for 1990 and 2000: Estimates for nonimmigrant children and immigrant children overall — Laura Beavers and Jean D'Amico, *Children in Immigrant Families: US and State-Level Findings from the 2000 Census* (Baltimore, MD: Annie E. Casey Foundation, 2005), www.prb.org/pdf05/ChildrenInImmigrant.pdf. Data for first- and second-generation immigrant children: Child Trends calculations of unpublished estimates from the Population Reference Bureau, analysis of US Census 1990, 5-Percent Public Use Microdata Sample (PUMS) Files and Population Reference Bureau, analysis of US Census 2000. Data for 2005-09: US Census Bureau, "Current Population Survey, Characteristics of the US Foreign-Born by Generation," www.census.gov/population/www/socdemo/foreign/; Urban Institute, "Children of Immigrants Data Tool," http://datatool.urban.org/charts/datatool/pages.cfm.

It might be tempting to believe — as suggested by recent state legislative actions — that the policy challenges posed by immigration in the United States are all about unauthorized immigrants. In fact, the central policy challenge is how to ease the integration of permanent foreign-born residents and their US-born children. Historically, the United States has relied on immigrants to integrate themselves, often with the help of voluntary agencies and locally supported venues such as public schools and libraries. Integration efforts at the national level have been almost nonexistent. The naturalization process in the United States, for instance, is financed by the fees immigrants pay to naturalize and has few resources to spare to support immigrant integration. Only a tiny fraction of the DHS budget — a few million dollars out of a $47 billion budget — is allocated to immigrant integration programs.[57] For all the public handwringing about immigration's impact on American culture and society, there is a curious absence of creative public policy framing a constructive response.

For all the public handwringing about immigration's impact on American culture and society, there is a curious absence of creative public policy framing a constructive response.

V. Conclusion

Even as a nation of immigrants, the United States has a long history of ambivalence toward immigration. Almost every wave of immigrants arriving to America — Chinese, Irish, German, Jewish, Italian, Japanese, to name a few — survived a period of sometimes intense, racialized, anti-immigrant sentiment from the native born before eventually, over generations, being accepted as American.[58]

In recent decades, the rapid pace of immigration and the dispersal of immigrants across the United States have exacerbated tensions between residents born in the United States and those born abroad, requiring adjustments from both the communities where immigrants settle and from the immigrants themselves. As immigration reaches every corner of the country it is now shaping communities that have had little historical experience with immigration and that have little preparation for large and rapid incoming flows, triggering a backlash. However, the fact is that most immigrants and their children are here to stay, and their presence will continue to shape the United States over the long run. This requires attention to the promise, and challenges, posed by the process of their integration into American society, workforce, and politics.

Historically, in the end immigrants *have* integrated into American society, although this can take generations. Every indication is that the course for current immigrants will be no different.[59] The United States offers an object lesson: countries confronting the challenge of immigrant integration are in it for the long haul.

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57 DHS, *FY 2012 Budget in Brief — US Department of Homeland Security* (Washington, DC: Department of Homeland Security), www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf.
58 The arrival of each new immigrant nationality has sparked its own reaction. For instance, the American, or Know-Nothing, Party began in the 1840s in response to large numbers of Catholic immigrants from Germany and Ireland who seemed so jarring to the then-overwhelmingly Protestant population. In 1882 Congress passed the *Chinese Exclusion Act*, and later in the century the millions of immigrants from Southern and Eastern Europe eventually led to the *Quota Act of 1921*, which restricted immigration based on nation of origin. See Desmond King, *Making Americans: Immigration, Race and the Origins of the Diverse Democracy* (Cambridge, MA: Harvard University Press, 2000); Peter Shrag, *Not Fit for Our Society: Immigration and Nativism in America* (Berkeley, CA: University of California Press, 2001); John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, NJ: Rutgers University Press, 1994 [1955]).
59 Richard Alba and Victor Nee, Remaking the American Mainstream: Assimilation and Contemporary Immigration (Cambridge, MA: Harvard University Press, 2003); Lawrence Fuchs, *The American Kaleidoscope: Race, Ethnicity and the Civic Culture* (Hanover, NH: Wesleyan University Press, 1991).

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About the Author

Michael Jones-Correa is Professor of Government at Cornell University. He is co-author of *Latinos in the New Millennium* (Cambridge, 2012) and *Latino Lives in America: Making It Home* (Temple, 2010), the author of *Between Two Nations: The Political Predicament of Latinos in New York City* (Cornell, 1998), the editor of *Governing American Cities: Inter-Ethnic Coalitions, Competition and Conflict* (Russell Sage Foundation, 2001), a co-principal investigator for the 2006 *Latino National Survey*, as well as the author of more than two dozen articles and chapters on immigration, race, ethnicity, and citizenship in the United States.

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