



**AMERICAN
GOVERNMENT**

Section C

How Do States React to Federal Action on Immigration?

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Abstract

This research examines the agency states and local governments hold over immigration-related legislation, despite the issue being a federal responsibility. Over time, states have created legislation to address their own needs in response to growing immigrant populations, border security, and immigrant rights. Similarly, Miriam Wells in *The Grassroots Configuration of U.S. Immigration Policy* recognizes the contradictory nature reforming immigration holds as states experience the burden of increased immigration, but the federal government has the authority to enforce and create immigration policy. Immigration has been a salient and contentious issue in the history of the United States and while Congress has attempted to create comprehensive immigration reform, states have created legislation where the policy failed to represent them. In an effort to answer how states have reacted to federal actions on immigration, this research employs a quantitative approach to determine if states are proposing and enacting laws at a significant level. The study's findings reveal states with a high population of unauthorized immigrants are creating legislation at a significantly high level and border states are not.

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1. Introduction

“Are we a nation that tolerates the hypocrisy of a system where workers who pick our fruit and make our beds never have a chance to get right with the law? Or are we a nation that gives them a chance to make amends, take responsibility, and give their kids a better future?” (Obama, 2014). Former President Barack Obama made these remarks during his speech on immigration. The speech comes a year and a half after the House of Representatives had failed to vote on the Border Security, Economic Opportunity and Immigration Modernization Act of 2013. Since then, there have been other attempts to reform immigration, but each have failed to become law. Again, and again, attempts to reform immigration have failed and concern over the growing immigrant population have increased. There have been outcries for immigration reform, but it tends to have different meanings. On one hand, this means, “a policy that would grant amnesty for undocumented migrants, including the right to become citizens sometime in the future. On the other hand, it could also mean that a policy to restrict legalization to only a portion of the undocumented migrant population or to a relative few, arguing that it may be time to reduce immigration” (Rodriguez, 2013). With 11 million undocumented immigrants living in the United States, the issue of immigration becomes salient in a period where no major reform has passed to address the growing concerns. When the federal government continuously fails to pass immigration reform, who then faces the repercussions of uncontrolled immigration? States and local governments do. Considering this, my research question aims to answer; how do state governments react to federal actions on immigration?

Before delving into states’ response to federal actions, it is important to acknowledge the federal government’s responsibility to enforce immigration law. When looking at the Constitution of the United States, we see Congress is entrusted “To Establish an uniform Rule of Naturalization” (U.S. Const. art. I, § 8). From

here, the federal government obtains its authority over who can earn the pathway to citizenship and when. Now, having this in mind, it is easy to see why comprehensive immigration reform is expected to derive from the federal level. While it is a federal responsibility, the state and local communities experience the ramifications of uncontrolled immigration and find it their obligation to control it.

It is no new phenomenon that states create immigration-related legislation to control immigration and immigrants. This can be demonstrated with Pennsylvania’s Illegal Immigration Relief Act of 2006 that passed in Hazelton, which was legislation that banned landlords from renting to undocumented immigrants and employers from hiring them. This local government sent a clear message on their stance on immigrants by enacting legislation restricting immigrant rights. Again, this legislation came during a time where immigration relief was being discussed on the federal level. While the two may not be correlated, Hazelton ensured their concerns on immigration were met on the local level. Now, my research intends to discover if states are creating immigration-related legislation at a significantly high level in response to federal actions.

This research paper is divided into six parts following the introduction. In the first section, the literature review will cover themes in regard to state and local legislation on immigrants and immigration and their relationship to the federal government. Next, I will present my hypotheses used to answer my research question. After, I analyze a few case studies, comparing the three last major immigration bills in the 21st century and state legislation enacted in those respective years. Then, the methodology used in this research will be explained in more detail along with the discussion of the results. Lastly, the paper will end with concluding remarks.

2. Literature Review

The following literature review examines three recurring themes of research and scholarship on immigration policies and perspectives on a state and

national level. The first category examines national policy that has failed to address growing concerns on immigration. The second category examines state governments taking initiative to respond to growing immigration issues by implementing their own policies. In the third category, the literature goes more into detail on how states and local governments are filling the void in representation that national policy has failed to do. Finally, in the fourth category of the literature review, the scholarly work discusses public opinion on undocumented immigrants and immigration policy.

2.1 Failed Efforts to Reform Immigration at the Federal Level

This section provides a literature analyses on national immigration policies, dating back to the 1940s. The purpose of reviewing this research is to provide readers with the knowledge of attempts to reform immigration on a national level. Scholars can point out the failures of these policies and how. In fact, these policies created more problems. In order to understand states' reactions to national policy, it is important to have a broad understanding of the history of immigration reform.

Beginning with one of the earliest attempts to reform immigration, the United States has the termination of the Bracero program, a temporary worker program with Mexico in 1947. The end of this program brought attention to the issue of growing anti-immigrant sentiment. Since then, attempts to reform immigration have carried the same message. Charles B. Keeley (1979) points out several attempts to curtail increasing migration to the United States with "the termination of the Bracero program, the requirement for labor certification beginning in 1965, and the imposition of a ceiling on the Western Hemisphere in fiscal 1969. These all gave rise to illegal migration to the United States from Mexico in particular, but also from other Latin American and Caribbean nations" (259-260). In another attempt to deter migration to the United States, Douglas S. Massey (2013) assesses the effects of turning to restrictionist policies following the passage of the Immigration and Naturalization Act (INA) of 1965 and concludes that the policies were not successful. He notes

that after 1965, "the United States largely transformed a well-established and circular flow of legal migrants into an equally well-established and circular flow of illegal migrants" (11). Later in his research, Massey explains the increasing immigrant population in the United States created a hostile environment where resentment towards immigrants rose.

The emergence of immigration policy continued into the late 1980s with the Immigration Reform and Control Act (IRCA) of 1986, being legislation that set restrictions on hiring unauthorized workers and established penalties for those who did not adhere to this law. After witnessing the implications of this law, Ray Marshall (2007), former Secretary of Labor, analyzed IRCA in *Getting Immigration Right* and concluded the legislation failed to accomplish the goals it outlined to achieve. Marshall blamed the failure of ICRA on the inability to create a secure work authorization system, even noting that the Labor Department created a system where a federal agency would be responsible for verifying a worker's eligibility. This system was ultimately rejected and instead ICRA gave employers the responsibility to verify worker's authorization, but employers did not enforce this. The reasoning behind this employer behavior, Marshall explains lies in "the relationship between [employers] and undocumented immigrants...once institutionalized, these bonds are very hard to break and tend to exclude natives from the process" (30). Other scholars also recognize IRCA as a failed immigration policy to slow down migration to the United States. If at all, they argued that it increased the flow of immigrants to the country. Like previous attempts at reform, Michael T. Light and Dimeji Togunde (2008) discussed the increased Mexican resentment after the passage of IRCA in *The Mexican Immigration Debate: Assimilation and Public Policy*. Light and Dimeji recognized the anti-immigrant sentiment grew with the influx of Mexican immigrants and noted the public will continue to harbor mixed feelings toward Mexican immigration "while politicians will exacerbate and contribute to 'immigration paranoia'... [and] continue to be a stumbling block to a comprehensive immigration policy reform" (291). Both

argued that using anti-immigrant rhetoric to gain a following will only hinder the process of achieving comprehensive immigration reform.

Only a decade later, the federal government tackled the issue of immigration again with the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. In *Out-of-Control Immigration*, James Goldsborough (2000) discussed the federal government's inability to control and regulate immigration patterns. He described the IIRIRA as "toothless as previous laws" since it failed to adopt any recommendations made by the Labor Commission (97). The Judiciary Committee decided to separate illegal and legal immigration into two separate bills and kept the skills-based immigration at high levels instead of making cuts like the Labor Commission had recommended. Also, Goldsborough warned that if Congress did not take control of the overabundance and continued increase of immigrants, "the field will be clear for the unreasonable solutions advanced by politicians such as Pete Wilson and Patrick Buchanan and discriminatory initiatives like [California] Proposition 187" (101). Proposition 187 was passed in a landslide victory and denied unauthorized immigrants from receiving several social services. This idea provides an interesting perspective on who holds responsibility on immigration matters if the federal government is not successful.

Lastly, to provide a different take on immigration reform, Kait L. Griffith and Tamara L. Lee (2012) argued the importance of viewing immigration advocacy as labor advocacy as many undocumented immigrants suffer from unfair and cruel workplace conditions. They defend this line of thinking by stating, "the close relationship between immigration law and labor issues is apparent given how immigration law, at various historical moments, has acknowledged perceived labor market needs, directly incorporated workplace protections for employees, and focused on the workplace as a primary site for immigration enforcement" (80). Griffith and Lee implied that understanding how labor policy relates to immigration policy would create

effective legislation that addresses all sides to the immigration debate.

Overall, this research on past immigration policies provides a general sense of how efforts to reform immigration have failed and contributed to the increasing consequences of uncontrolled immigration. The research above also uniquely correlates unsuccessful immigration reform with growing anti-immigrant sentiment. This rising sentiment could lead to restrictive policies, like Goldsborough (2000) explains that states have done and will continue to do so if uncontrolled immigration goes unresolved. The concept of states taking on the federal responsibility to control immigration is expanded in the next section.

2.2 State Governments' Response to Immigration

For several years now, comprehensive immigration reform has been contested by pro-immigrant and anti-immigrant activists. Those who identify as pro-immigrant want to see expansionist policies, where a pathway to citizenship is created for undocumented immigrants living in the United States. Opponents to this idea want to see more restrictionist policies, where stricter border control is attained and criminalizing the status of an undocumented immigrant is possible. While both sides have opposing views, they both can agree that the federal government has failed to resolve the issues that the large unauthorized immigrant population have created. In this section, I examine literature that details various ways that states have reacted to a growing immigrant population and national policy.

The need for immigration reform becomes much more relevant on the state and local level as they directly deal with issues of illegal immigration. In 1994, Texas, California, Florida, and Arizona have sued the federal government over unauthorized immigrant costs as the influx of immigrants took a toll on their social services and public resources (Jorgensen, 1997). These border states felt it was essential to demand compensation from the federal government as they had the largest immigrant population at the time. In *Undocumented No More: The Power of State Citizenship*, Peter L. Markowitz (2014) discusses how immigrant advocates could use state

power to implement policy the federal government has failed to pass. He does not disregard the fact that restrictionists, being opposed to granting amnesty for undocumented immigrants, have aggressively used state power to further their agenda. He uses the example of Arizona's SB 1070, allowing police officers to demand paperwork proving citizenship if they have suspicions that they are undocumented, to show the magnitude of state power. Markowitz adds state governments have the power to portray immigrants in a negative light even when laws like SB 1070 are struck down by the courts. Similarly, in *the Grassroots Reconfiguration of U.S. Immigration Policy*, Miriam Wells (2006) states, "although in theory the authority to make and enforce immigration policy is generally reserved to the federal level, in practice the status and treatment of unauthorized immigrants are significantly dependent on the political-economic features of local communities and the concerns and strategies of local actors" (1312). She acknowledges the federal government's responsibility to legislate over immigration matters but points out that states feel the effects of uncontrolled immigration.

Issues like affordable education for undocumented students has sparked debate within states, leading them to create legislation centered on in-state tuition eligibility. Again, the failure of the federal government to enact comprehensive immigration reform has led states to take immigration policy into their own hands, "In 2008, 1,305 pieces of immigration-related legislation were introduced in 41 state legislatures with 206 bills receiving approval; in 2007, 1,562 pieces of immigration-related legislation were introduced in 50 state legislatures with 240 of these proposals becoming law" (Reich, Gary, Barth, 420). In *Divided We Stand: Constitutionalizing Executive Immigration Reform Through Subfederal Regulation*, Bianca Figueroa-Santana (2015) praises states and local governments for the implementation of President Obama's Deferred Action for Childhood Arrivals (DACA). She emphasizes that the states' ability to enforce DACA at the subfederal level disproves the idea that immigration policy is only under the federal government's responsibility. Una Newton and Brian E. Adams (2009) suggest a majority

of states create legislation on immigration matters with the intention to cooperate with the federal government not challenge their authority. In contrast, states like Arizona, Oklahoma, Georgia, and Colorado have adopted laws that promote cooperation with federal authorities. While other states have created laws like in-state-tuition for undocumented students, they were not enacted with the intention to challenge the federal government. Newton and Adams suggest states taking authority over immigration issues is a positive situation because "it allows states to deal with problems that they face without recourse to a national policy that may not be desired by other states" (410). Opponents of state and local involvement argue state governments run the risk of creating discriminatory legislation against undocumented immigrants.

Opponents to the expanding state power like, Gabriel J. Chin and Marc L. Miller (2011) argue state autonomy over immigration criminal proceedings is unconstitutional as that authority is exclusively reserved for the federal government. Chin and Miller discuss the unconstitutionality of the mirror-image theory, "a theory [that] proposes that states can carry out federal immigration policy by enacting and enforcing state laws that mirror federal statutes" (253). They further explain the theory is widely-accepted, allowing for states to continue to create legislation that allows for the regulation of immigration policy. Adoption of the mirror-image theory concerns Chin and Miller because it is giving states the power to supersede federal law and independently create laws "inconsistent with immigration jurisprudence, law, and policy" (257). In addition, other research believes state and local government should enforce federal immigration policy in the name of national security. One scholar, Daniel Booth (2006) argues, "with a limited force of approximately 2,000 federal agents, the federal government is unable to enforce federal immigration law effectively across the entire country" (1065). He uses the Clear Enforcement for Criminal Alien Removal Act (CLEAR) and Homeland Security Enhancement Act (HSEA) as favorable legislation that would require state and local authorities to cooperate with federal agents in

enforcing immigration laws. An opposing stance on state and federal cooperation, comes from Congresswoman Nancy Pelosi (D-CA) on the 287(g) amendment to the IIRIRA, which would allow state and local police officers to arrest unauthorized individuals who hold pending deportation orders. She stated, “Congress should ‘allow our state and local law enforcement officials to protect and serve within communities rather [than] to increase the fear’” (2017, 20).

To conclude, this section provides an insight on how states have reacted to federal government actions on immigration. I see states taking responsibility over immigration matters, specifically in how it affects their state directly. It is important to note that states that experience the burden of uncontrolled immigration are leading the way in reforming immigration policy.

2.3 Who Controls Immigration

This section goes more in depth on states engaging in political activism on immigration, proving there is a void in representation on the federal level.

In *Who Polices Immigration?* Amada Armenta (2017) brilliantly points out early on in her research that “states and local governments continue to pass laws that regulate the lives of immigrants, blurring the boundaries between controlling immigrants and controlling immigration” (16). Armenta intentionally brings attention to the fact that states are directly affecting the lives of immigrants through legislation only to indirectly deal with immigration, a federal responsibility. Later in her research, she discusses how states and local governments blamed the federal government for ineffectively enforcing immigration. These communities reacted by adopting “legislation to signal their displeasure or disapproval over the presence of unauthorized immigrants within their boundaries” (33). Given this, an increase in immigration-related legislation can be attributed to the lack of representation felt by the states on the federal level. In *Overcriminalizing Immigration*, Jennifer Chacón (2012) argues states attempt to fix immigration matters by using criminal provisions. She notes, “states interested in

controlling migration policy are increasingly using the criminal law as a tool to address the issue of migration, despite the fact that these laws are unlikely to have any positive public safety or security effects” (628). Interestingly enough, Chacón calls attention to the diminishing agency federal government holds over immigration law as current lawmakers are challenging their authority. This notion has led to a “preemption jurisprudence that is more accepting of subfederal immigration regulations, including regulations that are not completely harmonious with federal regulation” (620-21). To further prove this point, Chacón points to the increasing immigration-related legislation on state and local levels that forces courts to question the extent of the federal government’s responsibility on immigration law (624).

Now, focusing on local governments taking initiative on immigration law, Michal Kohout (2009) in *Immigration Politics in California’s Inland Empire* calls attention to California’s Inland Empire and their response to national policies. Specifically, Kohout discusses Coachella Valley’s response to H.R. 4437, also known as the Sensenbrenner Bill. Their government decided to pass legislation making Coachella Valley a sanctuary city, and therefore local authorities did not have to comply with the federal government in enforcing federal immigration laws (126). During the city council debate on this piece of legislation, councilors argued the Sensenbrenner Bill would promote racial profiling and residents argued it would hurt the local economy with the labor shortages, divide families, and lead to more discrimination (126-27). Another example of local governments seizing authority over immigration would be the San Bernardino case, in which a hate group called Save Our Souls (SOS) proposed legislation restricting immigrant rights. Restrictions included banning the use of tax dollars to create day-laborer facilities, conducted all business in English, ascribe penalties to landlords who rent to unauthorized immigrants and so on (127). Although the legislation was not new in nature, Hazelton in Pennsylvania had proposed similar laws, the story was covered nationally, and the media described it as “a

direct challenge to the federal government's jurisdiction over immigration enforcement" (127).

In sum, states and local governments have created immigration-related legislation to address their concerns as they feel are not being answered on the federal level. Some states and local communities in particular have created immigration laws directly responding to unfavorable immigration policies.

2.4 Public Opinion on Immigrants and Immigration Policies

In this section of the paper, public opinion on immigrants and immigration policies are taken into consideration when discussing states' response to national policies. Public opinion tends to influence public policy and therefore, this literature attempts to analyze the extent of said influence. The factors prompting states to react to national policy are explained in more detail below.

In *Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy*, the scholars discussed public opinion drastically changing in 1996 as awareness and information on immigration issues increased. They further explain the public connected Hispanics to illegal immigration, perpetuating negative stereotypes, which pushed the creation of restrictionist policy. Peter Burns and James G. Gimpel (2000) challenged the idea that anti-immigrant stems from economic factors alone, and find, "even when economic conditions improve, one cannot count on natives to give immigrants a warm welcome...polls during economic good times show that the public is not very enthusiastic about the prospect of increasing immigration... the effect of economic hardship is to activate prejudices that are latent, adding fuel to the fire of preexisting views" (224). Such scholarly work demonstrates the saliency of geography in the creation of public opinion on immigration policy. Border states regard immigration reform as a major national issue that needs to be addressed. In contrast, non-border states tend to be indifferent about the issue except in times when national media coverage on immigration is in full effect. The

research shows that "higher volumes of news coverage of immigration lead to a more dramatic shift of opinion among non-border state residents when compared to border state residents" (Dunaway, Abrajano, and Branton 2007, 375). Border states already have higher volumes of news coverage on immigration and are directly affected by the issue, so their residents have already developed an opinion. Marisa Abrajano and Lydia Lundgren (2014) found public opinion on immigration was greatly affected by the passage of 1965 Immigration and Nationality Act, the Immigration Reform and Control Act of 1986, Illegal Immigration and Immigrant Responsibility Act of 1996, and HR 4437, which were legislation intended to criminalize illegal presence in the United States, create stricter border security, and use an employment verification process to name a few of the provisions. Their findings demonstrated "increased attention toward immigration policy carry long-lasting effects for the American public...most of this political attention (and media coverage) has been negative in nature, it has led Whites to harbor more negative sentiments toward immigrants' roles in society and increase spending on border security, but for Latinos, this attention seems to have had a mobilizing effect over time and stronger feelings of affect toward their own ethnic group" (93).

Michael Rivera (2014) in *Immigration, Public Opinion, and State Policy Responsiveness* examines the causalities behind the rise of anti-immigrant legislation in states. He finds that public sentiment is a huge driving force behind enacting state laws on immigration. He finds, "in states where the issue of immigration is most prominent in the minds of residents, politicians pay particular attention to public sentiment. On the other hand, when residents do not pay close attention to immigration, public opinion is largely ignored" and "in states where there is a clear legislative majority, the majority party is only responsive to the public opinion of their voters" (92). Jennifer Merolla, S. Karthick Ramakrishnan, and Chris Haynes (2013) conducted research on the effects of using the words "undocumented," "illegal," or "unauthorized" when referring to immigrants to see if it would influence the

way the public perceives immigrants. Also, these scholars wanted to see if framing immigration policy in a certain manner in the media would influence public opinion on the legislation. They found “Americans had far more restrictive preferences when the policy was termed as an amnesty rather than an opportunity to eventually become legal citizens...whether or not amnesty becomes more or less prominent in media coverage will have a substantial effect on whether or not Americans support immigrant legalization” (800). In response to the effect of how immigrants are framed, a possible explanation the authors offered is that “illegal immigrants” is often used in media coverage and therefore the public is not in tune with the use of “undocumented” or “unauthorized”. Francine Segovia and Renatta Defever (2010) conducted research on public opinion of immigrants and immigration and the changes since 1997. They collected data using the Roper Center’s iPoll Databank and found that the public continues to have mixed feelings on immigration but has increasingly negative perceptions of the federal government’s ability to create legislation to reform immigration. Their findings show that in 2006, “27 percent of Americans thought that U.S. immigration policy needed rebuilding. A year later, perhaps as a reflection of the heated immigration policy debates in Congress after the introduction of the Sensenbrenner bill, 49 percent of Americans thought that this should occur” (391). Segovia and Defever also found that the public did not believe that President Clinton and President Bush were effective in legislating immigration policy. In fact, President Bush received the lowest approval rating among any public officials on dealing with immigration issues.

Overall, this literature depicts public opinion as a significant role in creating immigration policy and is especially salient on state and local levels. The literature emphasizes the importance of wording when discussing immigrants or immigration in the media, as it can influence the perception of the audience. It is also imperative to acknowledge residents of some states hold immigration matters on a higher standard than others, e.g. residents of border states. Having this information,

it is easier to infer certain characteristics of states will influence different responses in regard to national immigration policy.

3. Hypothesis

With the introduction of previous failed attempts to reform immigration on the federal level, it is understandable to see why state and local governments found it necessary to intervene. According to the literature review, states and local communities that disapprove of national immigration policies are creating their own immigrant-related legislation in response. There have been efforts to restrict and contract immigrant rights on the state and local level at an alarmingly higher rate than at the federal level. To test my research question on the states’ response to federal government actions, it was appropriate to test states that are likely to create immigration-related legislation against their counterparts. Therefore, I would test whether all states are reacting in the same manner.

Taking this information into consideration, the following hypotheses are made:

H1: There is a difference between states with a high population of undocumented immigrants and states with a low population of undocumented immigrants on proposing or enacting immigration-related legislation in response to the federal government’s actions on immigration.

Conversely, the null hypothesis states: There is *not* a difference between states with a high population of undocumented immigrants and states with a low population of undocumented immigrants on proposing or enacting immigration-related legislation in response to the federal government’s actions on immigration.

H2: There is a difference between traditional border states and non-border states on proposing and enacting immigration-related legislation in response to the federal government's actions on immigration.

Conversely, the null hypothesis states: There is *not* a difference between border states and non-border states on proposing or enacting immigration-related legislation in response to the federal government's actions on immigration.

4. Case Studies

In this section, the last three major immigration reforms will be discussed along with states' response. The section will cover the Comprehensive Immigration Reform Act of 2006 (S.2611), the Border Security, Economic Opportunity and Immigration Modernization Act of 2013 (S.744), and the Development, Relief and Education for Alien Minors Act of 2017 (S.1615 or more commonly known as the DREAM Act). The purpose of this section is to help the reader understand why the author chose their methodology discussed in the next section.

4.1 Comprehensive Immigration Reform Act of 2006 and the State of Colorado

To begin, the Comprehensive Immigration Reform Act was passed by the Senate in 2006 but never passed in the House of Representatives. Some of the key provisions of the bill included: new border enforcement mechanisms, increased funding for the State Criminal Alien Assistance Program (SCAAP), a new temporary guest worker program, and earned pathways to citizenship (National Conference of State Legislatures). That year alone, 84 state immigrant-related bills were signed into law, which was more than double the amount in 2005. Colorado was selected for this case study because this state passed the most laws out of all the states, totaling 17 enacted pieces of legislation according

to the National Conference of State Legislatures. Colorado passed five laws restricting unauthorized immigrants from employment opportunities. One law in particular, HB 1343 requires contractors to verify their employees' legal status in order to enter in a contracting agreement with state agencies and prohibits the agencies from engaging in business if the contractor knowingly hires undocumented immigrants (National Conference of State Legislatures). Another law, HB 1015 required employers to withhold 4.63% from the wages of an employee that does not have a social security card, a validated taxpayer ID number, or an IRS-issued taxpayer ID for unauthorized individuals (National Conference of State Legislatures). Concerning law enforcement, Colorado passed a law, SB 90, forbidding state or local government from creating laws that obstruct local authorities from cooperating with federal immigration enforcement officers (National Conference of State Legislatures).

Comparing the restrictive laws against the Comprehensive Immigration Reform Act, I see Colorado's actions as a form of retaliation. Their creation of HB 1343 openly challenges the idea of a temporary guest worker program since Colorado wants to limit the opportunities for undocumented individuals. Also, HB 1015 opposes the idea of expanding employment opportunities for undocumented folks and could be a sign of protest against the proposed increase in funding for SCAAP. Again, I see deliberate actions taken by Colorado in response to the proposed national policy. The legislation enacted on the state level sends a clear message to the federal government that they disapprove of their attempts to enforce immigration law.

4.2 Border Security, Economic Opportunity and Immigration Modernization Act of 2013 and the State of California

S.744 was legislation intended to increase funding for border security, including an increase in enforcement personnel, creation of a visa program to provide relief for undocumented students and agricultural workers, and an E-verify employment eligibility verification

program (American Immigration Council). According to American Immigration Council, the bill was passed by the Senate on June 27, 2013, but was never passed by the House of Representatives and therefore died in the 113th Congress. In the same year, 184 immigration-related legislation was enacted on the state level, compared to 156 enacted in 2012 (National Conference of State Legislatures). In this particular case study, I will be analyzing the state of California in relation to the bill proposed in 2013. California was the leading legislative force in expanding immigrant rights that year. While S.744 had progressive provisions, California's state legislature enacted legislation where they sensed that there was a void in representation. California directly addressed the federal government's actions in their legislation, A85, prompting state efforts to review funding for Medi-Cal services for undocumented immigrants if federal immigration reform failed to include financial support for public health services (National Conference of State Legislatures). According to the National Conference of State Legislatures, California enacted S666, providing protections for undocumented employees from employers who threaten to reveal their status and license revocation for those who break this law. This law challenged the federal government's E-verify employment verification program as California expanded employment opportunity and security for undocumented individuals. Most notably, the state enacted A60, allowing undocumented individuals to apply for a Driver's License/California Identification card despite not being eligible for a Social Security Number (National Conference of State Legislatures).

4.3 Development, Relief, and Education for Alien Minors Act of 2017 and the State of Texas

The DREAM Act of 2017 intended to provide a pathway to citizenship for undocumented students, Temporary Protected Status (TPS) recipients, and any undocumented folks who meet certain eligibility criteria (National Immigration Law Center). Reviewing the legislation related to immigration and immigrants, the National Conference of State Legislatures reported 206

immigration-related laws were enacted in 2017, compared to the 98 laws passed in 2016. In this case study, I will be examining the legislation passed in Texas to have a better understanding of measures they took to respond to the federal government. Texas was chosen because it was one of the most active states in 2017, along with California and Illinois (National Conference of State Legislatures). The National Conference of State Legislature reported Texas enacted 61 laws and resolutions. Similar to Colorado in 2003, Texas adopted a law, S 4, banning policies that prohibit local institutions from cooperating with the federal immigration officers in detaining undocumented individuals (National Conference of State Legislatures). With TX S 4, the state is condemning the protection of sanctuary cities occurring across the country and sending a clear message on their stance on undocumented immigrants. It is important to note that just alone in 2017, 37 states and the District of Columbia proposed 120 pieces of legislation that promoted sanctuary policies (National Conference of State Legislatures). Although Texas did not enact any other laws restricting immigrant rights last year, it was one of only four states that opposed sanctuary policies according to the National Conference of State Legislatures. Meanwhile, the DREAM Act can be classified as an attempt to expand immigrant rights and provide a solution for the large population of undocumented immigrants living in the United States. Texas's stance on sanctuary policies sends a clear message to the federal government that they are failing to enforce immigration law.

5. Methodology

The methodology used for this thesis employs a quantitative approach. To test my hypothesis against my research question, it seemed appropriate to measure state factors in relation to proposed and enacted immigration-related legislation. To simplify the approach, the variables were organized into four groups. Below, you will see four tests being performed on two different state

factor categories and two types of legislation status. I applied an independent samples t-test to compare the means of proposed legislation between states with a high population of undocumented immigrants and states with a low population of undocumented immigrants to determine whether the difference is statistically significant. To test whether the mean of proposed legislation in border states and non-border states is statistically significant, I employed the independent samples t-test again. Lastly, the same independent samples t-test was applied to both groups mentioned, but this time in regard to the enacted legislation. In addition to the t-tests, I compiled the legislation into bar graphs for a better sense of what the variables look like.

To test this relationship, I collected the number of immigration-related legislation proposed and enacted in 28 states. The 28 states were selected based on the state factors I was measuring: low and high population of undocumented immigrants and border and non-border. Utilizing the Pew Research Center, I obtained the estimated unauthorized immigrant population by state from the year 2014. From that data, I selected the top ten states with the highest undocumented population and the bottom ten states with the lowest undocumented immigrant population. As such, states with the highest population are as follows in order: California, Texas, Florida, New York, New Jersey, Illinois, Georgia, North Carolina, Arizona, and Virginia. States with the lowest population are as follows in order: Mississippi, New Hampshire, Alaska, Wyoming, South Dakota, Maine, West Virginia, North Dakota, Montana, and Vermont. Table 1 shows the population total from each of these states. The border states selected were California, Arizona, New Mexico, and Texas because they border Mexico. According to the Pew Research Center, there were 5.6 million undocumented immigrants from Mexico in 2016, making up half of the undocumented population. Therefore, I wanted to compare legislation from these states to legislation in states that do not particularly deal with an influx of immigrants due to proximity. To select non-border states, I used a list randomizer (random.org), listed the 50 states excluding the border states, and chose the top four. The randomizer

generated the states: Colorado, South Carolina, Oregon, and Michigan.

Table 1: Unauthorized Immigrant Population in the US, 2014

California	2,350,000
Texas	1,650,000
Florida	850,000
New York	775,000
New Jersey	500,000
Illinois	450,000
Georgia	375,000
North Carolina	350,000
Arizona	325,000
Virginia	300,000
Mississippi	25,000
New Hampshire	10,000
Alaska	10,000
Wyoming	5,000
South Dakota	5,000
Maine	<5,000
West Virginia	<5,000
North Dakota	<5,000
Montana	<5,000
Vermont	<5,000

To gather the legislation needed for my tests, I used the Immigration Enactments Database from the National Conference of State Legislatures. This database includes immigration legislation from the years 2008 to 2017. The legislation is categorized by 12 topics including Voting, Education, Employment, Health, Public Benefits and so on. For the purposes of my test I selected 'All Topics'. The database allows you to select the status of the legislation, i.e. 'Adopted', 'Enacted', 'Pending', and so on. For my test on proposed legislation I selected the option 'All' to include all the prospective legislation introduced in state legislatures. For my test on enacted legislation, I selected the option 'Enacted'. Lastly, I

chose to view legislation from the past nine years, given there have been three major attempts to reform immigration in the past as noted in the case studies.

To further validate my findings, I conducted the same t-test to all four different groups but took outliers into consideration. The purpose of these additional tests is to make sure that an extreme value in the dataset is not throwing off the analysis and estimates. In order to do this, I determined the outliers and removed them from the dataset to conduct the additional testing. The outliers were selected using interquartile range method. Using the bar graphs, you can see the outliers by observing what the variables look like.

In this quantitative research, the independent variables are the 28 states mentioned earlier. The dependent variable is the legislation enacted and proposed by the state legislatures. In this approach, I am examining the effect the state factors play into the amount of legislation proposed and enacted. Before performing an independent samples t-test, I organized the data by states and legislation and then transferred the information to IBM SPSS Statistics (SPSS), statistical software utilized for research by means of hypothesis testing. With SPSS, I conducted an independent samples t-test between the state factors, i.e. immigrant population and proximity to Mexico, and enacted and proposed legislation in the 28 states. In the next section, this paper will reveal the results and provide an analysis to answer the research question: how have states reacted to the federal government's actions on immigration reform?

6. Results

In this section of the paper, I present the quantitative findings and the analyses as it corresponds to my research question and hypothesis. Again, my methodology was attempting to prove my hypotheses correct. I hypothesized state factors such as high unauthorized immigrant population and bordering Mexico will increase a state's likelihood to create immigration-related legislation. Using an independent

samples t-test, I confirmed my first hypothesis in that states with high populations of undocumented immigrants are proposing and enacting legislation at a significantly higher level than states with low populations of undocumented immigrants. Using the same independent samples t-test, I could *not* confirm my second hypothesis in that border states are proposing and enacting legislation at a significantly higher level than non-border states. Although one of my hypotheses was not proven true with my test, both results convey different but significant interpretations in regard to my research question. This is explained in more detail later in this section. Next, I will present bar graphs that provide a visual comparison between state factors and amount of legislation per state. After, I will go into more specifics regarding the results of the independent samples t-test for the four different groups.

The bar graphs were employed to provide a mathematical representation of the data used in this study. For simplicity purposes, the graphs combined both enacted and proposed immigration-related legislation into clustered bar charts. The first chart represents the states with a high population of immigrants on the x-axis and the amount of proposed and enacted legislation on the y-axis. The second chart compares states with a low population of undocumented immigrants and their proposed and enacted legislation. The third chart compares border states on their enacted and proposed legislation. Finally, the fourth graph represents the non-border states on the x-axis and the numerical values of the legislation proposed and enacted can be seen on the y-axis.

Chart 1: Bar Graph (x-axis: State; y-axis: proposed and enacted legislation)

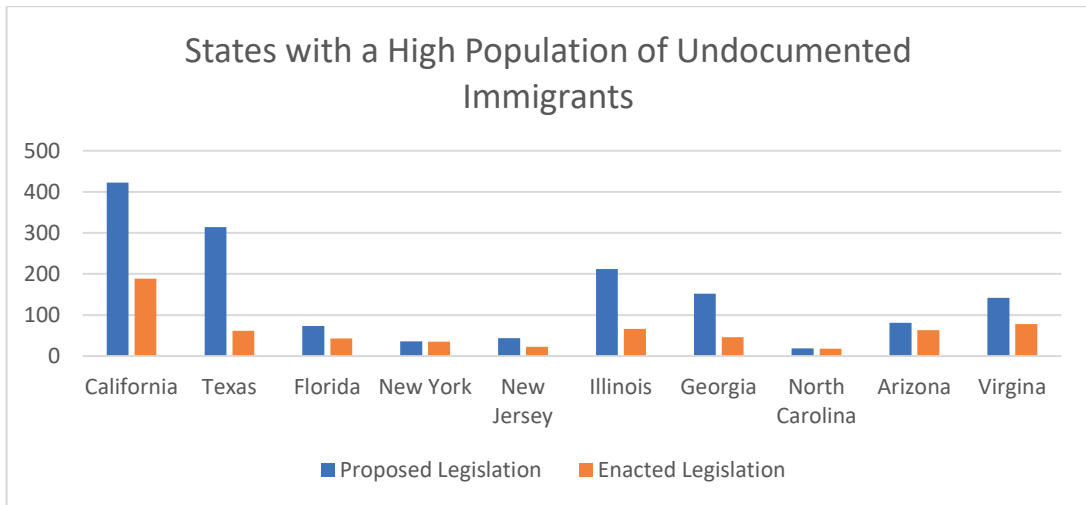


Chart 2: Bar graph (x-axis: State; y-axis: proposed and enacted legislation)

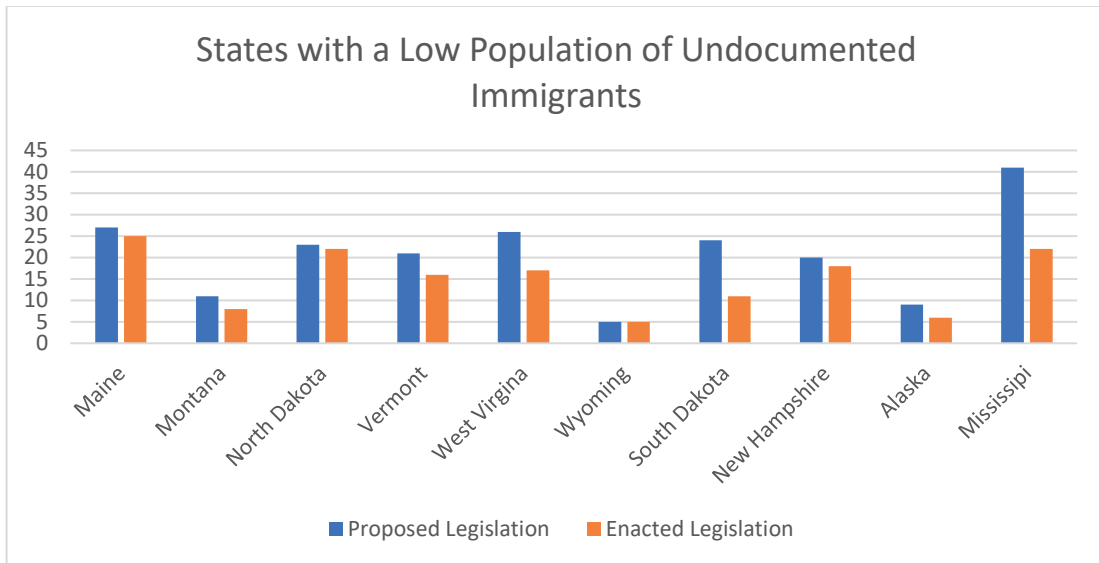


Chart 3: Bar graph (x-axis: State; y-axis: proposed and enacted legislation)

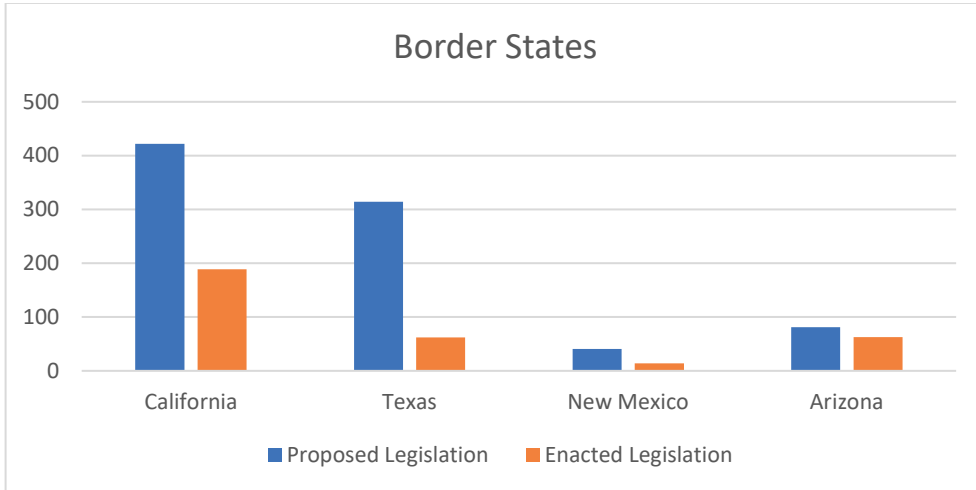


Chart 4: Bar graph (x-axis: State; y-axis: proposed and enacted legislation)

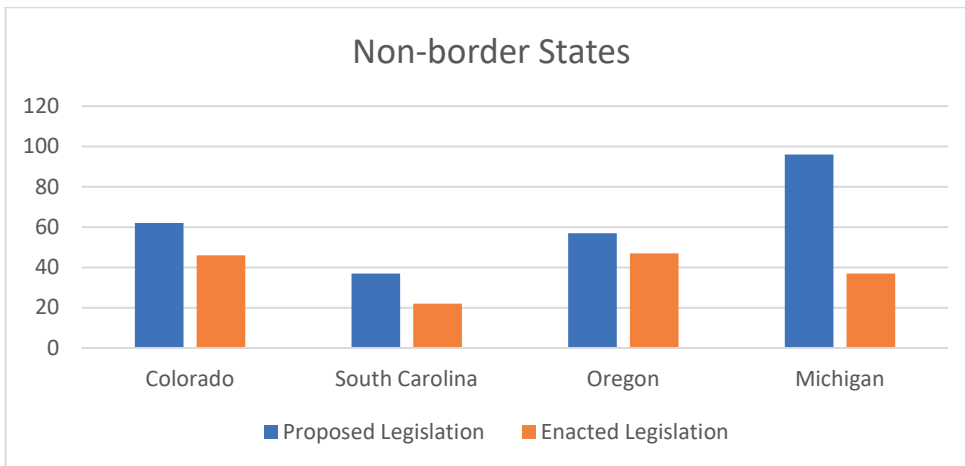


Table 2. Proposed Immigration-Related Legislation			
High Population States	Proposed Legislation	Low Population States	Proposed Legislation
California	422	Mississippi	41
Texas	314	New Hampshire	20
Florida	73	Alaska	9
New York	36	Wyoming	5
New Jersey	44	South Dakota	24
Illinois	212	Maine	27
Georgia	152	West Virginia	26
North Carolina	19	North Dakota	23
Arizona	81	Montana	11
Virginia	142	Vermont	21

Next, I collected the proposed legislation by ten states with the highest population of unauthorized immigrants and ten states with the lowest populations of unauthorized immigrants. The data gathered from the 20 states can be seen in Table 2. After conducting the t-test on SPSS, I found the t-value for the relationship between undocumented immigrant population and proposed legislation is 3.076. More importantly, the significance value is .007. These results can be viewed in Table 3. The independent samples t-test measured the difference in means between the two groups of states in proposing legislation on immigration-related issues. To deem a relationship significant the significance value must be less than .05, anything above .05 is not considered

significant. This value dictates the probability that a relationship between two variables is due to chance. Therefore, there is a .7% chance that the difference between states with a high population of immigrants and states with a low population of immigrants on proposing legislation was random. This, then indicates the relationship is significant. I can note that states with a high undocumented population have a statistically significantly higher mean score on proposing legislation (149.0) than states with a low population (20.70). These values can be seen in Table 4 below.

Table 3. T-Test for States with a <i>High</i> Population of Immigrants and States with a <i>Low</i> Population of Immigrants (Proposed)	
T value	Value 3.076
Significance Value	.007

Table 4. Descriptive Statistics for States with a *High* Population of Immigrants and States with a *Low* Population of Immigrants (Proposed)

Variable	Mean	Standard Deviation
High Population	149.50	132.024
Low Population	20.70	10.404

I conducted the same independent samples t-test with the exception of measuring the significance in difference of means in *enacted* immigration-related legislation, instead of proposed, between the same high population and low population states. Table 5 shows the enacted legislation from each of the 20 states. After performing the test on SPSS, I found the t-value for this relationship is 3.049, and the significance value is .007. These values can be seen in Table 6. Again. Since the significance value is less than .05, the relationship is significant. To interpret the data, I find there is a .7% chance that the

difference between high population states and low population states on enacting legislation was random. Therefore, states with a high population of undocumented immigrants have a statistically significant higher mean score on enacting legislation (62.30) than states with a low population (15.00). These values can be seen in Table 7.

Table 5. Enacted Immigration-Related Legislation

High Population States	Enacted Legislation	Low Population States	Enacted Legislation
California	189	Mississippi	22
Texas	62	New Hampshire	18
Florida	43	Alaska	6
New York	35	Wyoming	5
New Jersey	23	South Dakota	11
Illinois	66	Maine	25
Georgia	46	West Virginia	17
North Carolina	18	North Dakota	22
Arizona	63	Montana	8
Virginia	78	Vermont	16

Table 6. T-Test for States with a <i>High</i> Population of Immigrants and States with a <i>Low</i> Population of Immigrants (Enacted)	
	Value
T value	3.049
Significance Value	.007

Table 7. Descriptive Statistics for States with a <i>High</i> Population of Immigrants and States with a <i>Low</i> Population of Immigrants (Enacted)		
Variable	Mean	Standard Deviation
High Population	62.20	48.53
Low Population	15.00	71.134

Next, I conducted an independent samples t-test to measure the effect of being a border and non-border state on legislation proposed in the last nine years. I tested four border states against four non-border states. Table 8 shows the proposed legislation for each of the 8 states in this test. With SPSS, I calculated the t-value to be 1.638 and the significance value to be .153. These values can be seen in Table 9. Unlike the previous tests, I note that the significance value is less than .05, and therefore I know the relationship is not significant. Interpreting this data, I determined that there is a 15.3% chance that the difference between border states and non-border states

on proposing immigration-related legislation is random. From this, I infer that the state factor of bordering Mexico does not affect the amount of immigration-related legislation proposed. Descriptive statistics can be seen in Table 10.

Table 8. Proposed Immigration-Related Legislation			
Border States	Proposed Legislation	Non-Border States	Proposed Legislation
California	422	Colorado	62
Texas	314	South Carolina	37
New Mexico	41	Oregon	57
Arizona	81	Michigan	63

Table 9. T-Test for Border States and Non-border States (Proposed)	
	Value
T value	1.638
Significance Value	.153

Table 10. Descriptive Statistics for Border States and Non-border States (Proposed)		
Variable	Mean	Standard Deviation
Border	214.50	183.38
Non-border	63.00	24.51

In addition to conducting a t-test on proposed legislation, I performed the same test on enacted legislation from border and non-border states. To stay consistent with the data, the same non-border states were used from the list randomizer described earlier. Table 11 shows the enacted legislation for each of the each of the eight states in this test. Our findings were quite similar to those of the proposed legislation tests. Using SPSS, the t-value was calculated to be 1.161 and the significance value to be .290. Table 12 reflects these values. Like the previous test, the significance value is

less than .05, and again, any value less than .05 is considered not significant. Therefore, I can infer the relationship between the state factor and enacted immigration legislation is not significant. Interpreting the significance value, I confirm there is a 29% chance that the difference between border states and non-border states on enacting legislation was random. Similarly, I note that the state factor of being a border state does not affect the amount of immigration-related legislation enacted. Descriptive statistics can be seen in Table 13.

Table 11. Enacted Immigration-Related Legislation			
Border States	Enacted Legislation	Non-Border States	Enacted Legislation
California	189	Colorado	46
Texas	62	South Carolina	22
New Mexico	14	Oregon	47
Arizona	63	Michigan	37

Table 12. T-Test for Border States and Non-border States (Enacted)	
T value	Value 1.161
Significance Value	.290

Table 13. Descriptive Statistics for Border States and Non-border States (Enacted)		
Variable	Mean	Standard Deviation
Border	82.00	74.91
Non-border	38.00	11.58

Lastly, to confirm the validity of the tests performed, I took into consideration the possibility of outliers. First, to determine if there were any outliers in the data set, an interquartile range (*IQR*) method was utilized. To find the *IQR*, first you order the dataset and then find the median. From there, you have two set of numbers, the lower and upper range and from those two groups you find the median in each. The median in the lower range is denoted as Q_1 and the median in the upper range is denoted as Q_3 . Next you subtract Q_1 from Q_3 to calculate the *IQR*. Then, I use the following formulas to determine a number is an outlier:

$$\begin{aligned} &\text{if it is greater than,} \\ &Q_3 + 1.5(IQR), \\ &\text{or lower than,} \\ &Q_1 - 1.5(IQR). \end{aligned}$$

This is best explained with an example. To demonstrate, the dataset for enacted legislation in states with a high population of undocumented immigrants will be used. Again, the data can be referenced in Table 5. Once the data was put in order Q_1 was determined to be 35 and Q_3 was calculated to be 66. With this information, the *IQR* is calculated to be 31. The following steps walk you through the process of determining whether the

dataset has any outliers. The same formulas stated earlier are used with the corresponding values:

$$\begin{aligned} &\text{the number is an outlier if it is greater than,} \\ &Q_3 + 1.5(IQR) \\ &= 66 + 1.5(31) \\ &= 112.5 \end{aligned}$$

$$\begin{aligned} &\text{the number is an outlier if it less than,} \\ &Q_1 - 1.5(IQR) \\ &= 35 - 1.5(31) \\ &= -11.5 \end{aligned}$$

Referencing our data in Table 5, I note that the value 189 for the state of California is greater than 112.5, therefore deeming it an outlier. I also note there are no values less than -11.5, and therefore confirm there are no outliers in the lower quartile range. In the final part of this section, I perform an independent samples t-test to measure the effect of a high and low population of undocumented immigrants on enacting legislation but modify the dataset to remove the California outlier.

Continuing the search for outliers, the previous interquartile range method was applied to the rest of the datasets in this study. In total seven outlier tests were applied to proposed legislation in states with a high unauthorized population, proposed legislation in states with a low unauthorized population, enacted legislation

in states with a low unauthorized population, proposed legislation in border states, enacted legislation in border states, proposed legislation in non-border states, and enacted legislation in non-border states. Although some values came close to being an outlier, the seven datasets did not produce any outliers according to the interquartile method. From this, I can infer that three independent samples t-test were not skewed, due to any values in the dataset. Therefore, these further validate the findings.

Lastly, another independent samples t-test was performed to determine whether an outlier skewed the results and analysis. I performed the test on the state factor of unauthorized population and enacted legislation, as per the example stated above. I excluded the value of California's 189 pieces of legislation to determine whether it changed the outcome of the test.

Using SPSS, the t-value was calculated to be 4.820 and the significance value was .000. These values can be seen in Table 14. Interpreting the results, I find there is a 0% chance that the difference between states with a high population of undocumented immigrants and states with a low population of undocumented immigrants in enacting immigration-related legislation is random. Therefore, I determine the relationship between the state factors and enacted legislation is significant. In this case, with the exclusion of the outlier, states with a high unauthorized population have statistically significant high mean score in enacting legislation (48.22) than states with a low unauthorized population (15.00). To reiterate, this last t-test proves the validity of the previous tests performed because it still resulted in a significant relationship among the variables despite the exclusion of the outlier.

Table 14. T-test for States with a High Population of Immigrants and States with a Low Population of Immigrants (Enacted – Outlier)

	Value
T value	4.280
Significance Value	.000

In sum, my results garnered key findings that provided an answer to my research question; how have states reacted to the federal government's actions on immigration reform? With the independent samples t-tests performed, I can conclude certain state factors hold a heavy influence over whether immigration-related legislation is proposed or enacted. I found states with a high undocumented population are creating and enacting legislation on immigrants and immigration at a significantly higher level than other states. Since I did

not find a significant relationship between being a border state or a non-border state and legislation proposed or enacted, I deduce this factor does not hold the same leverage as having an unauthorized population. Although there is no significant relationship, I can assume these states are still creating immigration-related legislation without encompassing any direct effects of a growing immigrant population. The states bordering Mexico experience the effect of a higher population of undocumented immigrants since individuals who cross

the border tend to reside in the nearby states. Non-border states do not immediately experience this responsibility but are still creating immigration-related legislation. In combination with the case studies, these tests prove states are increasingly creating legislation to address their concerns on the national level, in regard to immigration.

7. Conclusion

Immigration reform has always been a divisive issue, making it difficult for a consensus to be reached on the federal level. With every immigration bill failing to enact into law, the burden of a growing undocumented immigrant populations still falls on the shoulders of the state and local communities. This thesis aimed to answer; how do states react to the federal government's actions on immigration?

My scholarly research led me to literature detailing the agency states hold over immigration and immigrants, despite the issue being a federal responsibility. States like Texas, California, Florida, and Arizona sued the federal government over the toll public resources and social services had taken on with the growing immigrant population (Jorgensen 1997). Other scholars point to the danger in allowing states to wield this power by pointing to Arizona's SB 1070 that allows police officers to demand citizenship documentation under suspicions of unauthorized status (Markowitz 2014). An opposing viewpoint explained state power on immigration-related legislation allows states to create policy according to issues they face rather than adopt federal laws they do not agree with (Newton and Adams 2009). Lastly, some literature points fingers at the federal government for not having the resources and personnel to effectively carry out immigration enforcement laws (Booth 2006).

Before I carried out my methodology, I felt it was appropriate to examine case studies involving the past three major immigration bills proposed at the federal level in relation to state enacted laws on immigration and immigrants. The purpose of this analysis was to provide

background information on why it was necessary to test the significance of state legislation. Comparing the Comprehensive Immigration Reform Act of 2006 to legislation enacted by Colorado, I find the state deliberately challenged the provisions set in the national policy. Colorado restricted immigrants' employment opportunities the same year the federal government tried to expand them with a temporary guest worker program. In 2013, a bipartisan bill was passed in the Senate attempting to increase border security and personnel whilst providing immigration relief to individuals who met certain criteria. Interestingly enough, California enacted a law specifically designed to address certain provisions proposed in federal immigration reform. If an immigration bill were to pass providing a path to amnesty but failed to include financial funds for public health services for undocumented immigrants, California would review their funding for Medi-Cal to reconcile that disparity. Lastly, the DREAM Act of 2017 is intended to provide a pathway to citizenship for several different groups of undocumented individuals, including undocumented students and TPS recipients. Given the divisive nature of immigration reform and the current political climate with an Administration adamantly opposed to amnesty, it was only natural for states to enact their own legislation on the issue. For example, Texas banned sanctuary policies while another 37 states and the District of Columbia enacted several policies supporting sanctuary cities. Again, these case studies provided a foundation for the methodology used to test state responses on federal actions regarding immigration.

Using the literature review, I hypothesized certain state factors influence states to create more immigration-related legislation in response to policies made on the federal level. Specifically, I examined proposed and enacted legislation in both high and low undocumented populations in states and border and non-border states. To test the significance of proposed and enacted legislation, an independent samples test was conducted. My findings revealed states with a high unauthorized population size do propose and enact legislation at a significantly higher rate. For my second set of tests, I

found being a border or non-border state does not affect whether a state creates immigration-related legislation or not. While the relationship was found to not be significant, the test proves being a border state does not cause more legislation to be proposed or enacted. Further implying, these states are enacting legislation regardless of proximity to the border. To further validate my findings, I conducted another t-test excluding an outlier in the dataset for enacted legislation for high unauthorized populations. The test was significant proving the data in the first test did not skew the results.

Immigration has been solely the responsibility of the federal government to address, but this understanding has been challenged now more recently than ever before. As seen in this paper, if the federal government continues to fail to address states' concerns in immigration reform, states will increasingly create legislation to fill that void in representation. Although states do not have any jurisdiction in reforming immigration, they do have control over policies affecting immigrant lives. Some states, intentionally or unintentionally, create laws intended to affect the social or economic lives of undocumented immigrants but indirectly address immigration. In this study, analyzing state legislation on immigration-related issues reveals certain states (e.g. high unauthorized population) are addressing immigration at a significantly higher level than other states. Taking this into consideration, states are responding to federal actions with their own immigration-related legislation.

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