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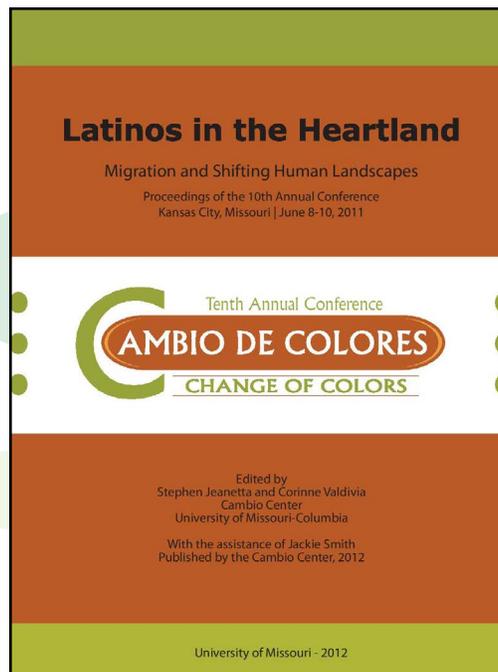
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## Immigration Enforcement in America's Heartland

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## ► Immigration Enforcement in America's Heartland

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### Abstract

America's Heartland is now home to surging immigrant populations that buoy state and local communities. Rather than explore how to integrate foreign-born newcomers, state and local leaders (e.g., legislators, law enforcement agencies) accelerated immigration enforcement experiments after the collapse of comprehensive immigration reform during 2006-2007. Immigration control advocates in the Heartland have joined or led efforts to repel unauthorized immigrants. Efforts include restrictive laws and increased arrests and deportations. This paper discusses how restrictive policies and programs foster a culture of fear in immigrant communities, even as they fail resolutely, to achieve their central goal of reducing the number of immigrants, including the unauthorized, in new communities.

### Restrictive Immigration Experiments in the Heartland

Uncertain about whether and how to integrate foreign-born newcomers, state and local leaders accelerated immigration enforcement experiments after the collapse of comprehensive immigration reform during 2006-2007. State legislators debated and enacted immigration-related laws at a rapid pace. Legislative activity across Heartland states follows national trends, with a spike in immigration-related laws in 2007 and sustained passage of new laws since then. Although state legislatures have approved immigrant integration measures as well as restrictive policies, the latter receive the lion's share of public attention and scrutiny. Figure 1 represents a tally of restrictive laws passed in the Heartland between 2005 and 2010.

Individual laws cover at least one among a diverse range of topics intended to repel unauthorized immigrants, such as: 1) employment verification requirements; 2) licensure and identification; 3) public program eligibility; 4) state and local law enforcement of immigration violations; 5) admission, resident tuition rates, and financial aid for higher education; and 6) English language requirements for public agencies. The restrictive measures include laws with single as well as multiple provisions, including 'omnibus' laws that cover a range of topics. This paper includes laws with largely symbolic provisions that prove redundant with existing practice and/or federal law.

Heartland states have not uniformly passed restrictive immigration-related laws. A subset of states including Arkansas, Kansas, and Missouri, consistently passed restrictive laws. In addition, Nebraska passed six restrictive measures in 2010, more than any other Heartland state in a single year. Figure 2 identifies the number of restrictive laws passed in each state since 2005. Figure 2 captures a tally of individual laws rather than the relative importance or reach of specific laws. Of course, a given law does not necessarily carry the same policy-relevant weight as the next. Some laws receive limited attention while others make headlines. Some address narrow concerns for a specific issue and others attempt to cover more ground. Moreover, state entities implement each law in a shifting policy context, time, and place. Oklahoma's House Bill 1804 (HB 1804 passed in 2007) represents the most comprehensive existing immigration law in the Heartland. Its provisions encompass and predate most of the restrictive legislative activity enacted in other Heartland states and elsewhere in the country.

Figure 1: Restrictive Immigration-Related Laws in the Heartland

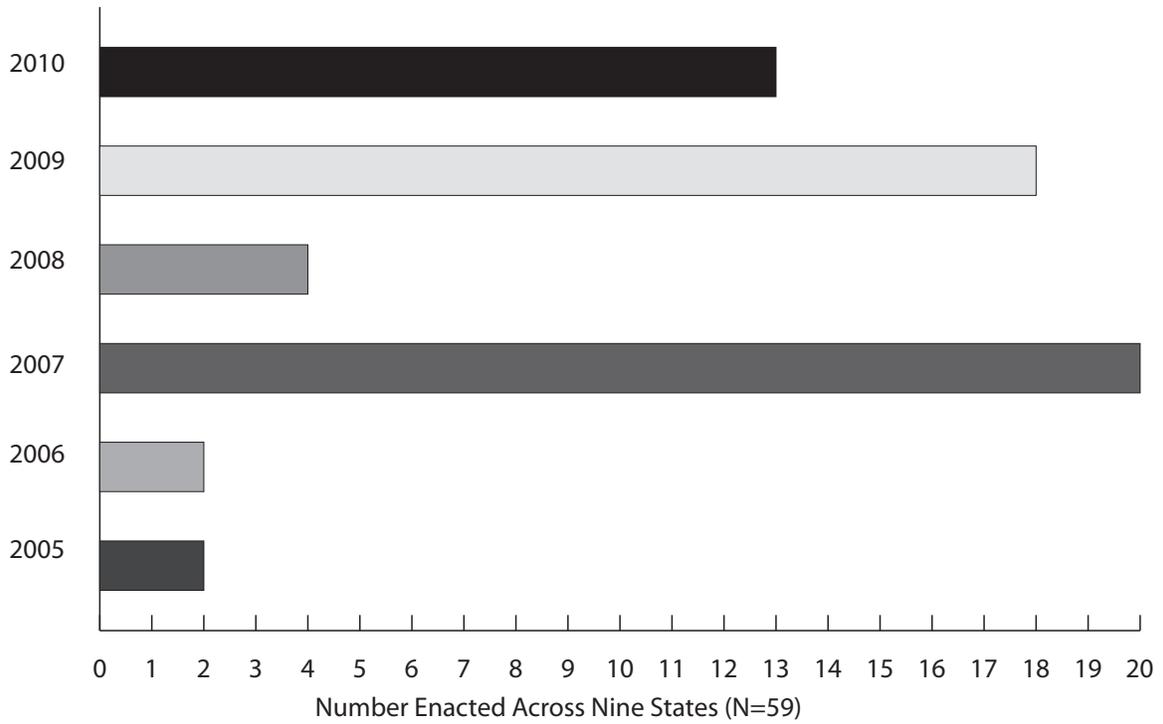
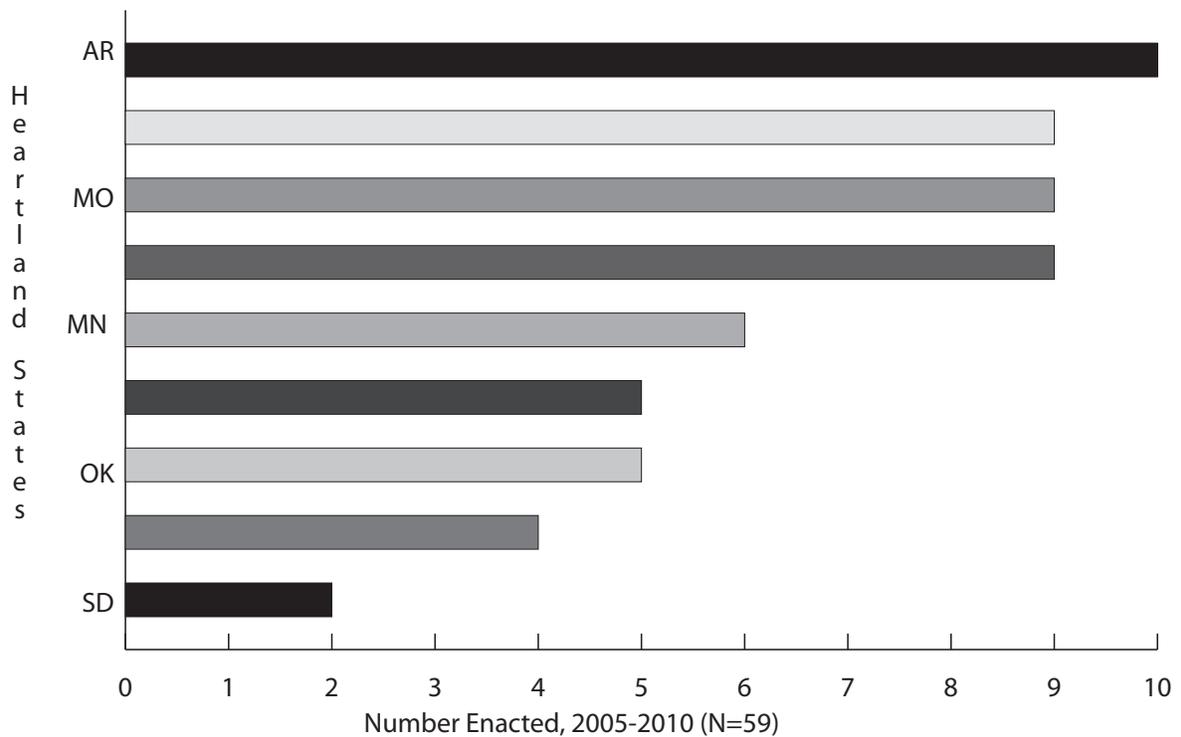


Figure 2: Restrictive Immigration-Related Laws in the Heartland



In addition to legislative activity, state and local law enforcement agencies (LEA's) have increasingly signed agreements with the Department of Homeland Security to investigate immigration violations alongside federal Immigration and Customs Enforcement (ICE) agents. Six LEA's across three Heartland states have signed such agreements, known commonly as 287(g) agreements (Table 1). Unlike nearly half of all other 287(g) agreements nationwide, none of the six Heartland LEA's confined their agreements to a "jail model", whereby investigations of suspected immigrant detainees formally commence behind bars. Three "task force model" agreements allow trained officers to investigate immigration violations in the field, and the others incorporate jail and task force components. 287(g) agreements in the Heartland represent a fraction of all 69 agreements across 24 states.

The following sections focus on high profile measures in two states that encompass the most prevalent and relevant restrictive immigration policies and programs in the Heartland between 2005 and 2010 regarding 287(g) agreements and restrictive legislative bills.

### Culture of Fear in Heartland Communities

Two neighboring states, Arkansas and Oklahoma, began experimenting with restrictive policies and/or programs in 2007. Key leaders in both states acted amidst a climate of heightened uncertainty regarding immigration reform, choosing to attempt to repel unauthorized immigrants. The examples below recapture the voices of community members on the front lines of local experiments, especially the intended target of such initiatives, being unauthorized immigrants.

Table 1: 287 (g) Agreements in the Heartland

Source: [www.ice.gov](http://www.ice.gov)

State	Law Enforcement Agency	Support Type	Dates Signed
AR	Benton County Sheriff's Office	JAIL AND TASK FORCE	9/26/2007
AR	City of Springdale Police Dept.	TASK FORCE	9/26/2007
AR	Rogers Police Dept.	TASK FORCE	9/25/2007
AR	Washington County Sheriff's Office	JAIL AND TASK FORCE	9/26/2007
MO	Missouri State Highway Patrol	TASK FORCE	6/25/2007
OK	Tulsa County Sheriff's Office	JAIL AND TASK FORCE	8/6/2007

#### *Northwest Arkansas:*

In 2007, the local immigration debate in Northwest Arkansas remained mired in discussions of crime. The former Mayor of Rogers framed his opposition to unauthorized immigration by referring to crime. "I'm totally against blanket amnesty because it rewards the perpetrator," he said after local leaders in two northwest Arkansas counties coordinated the implementation of four independent, overlapping 287(g) agreements. Womack added, "And I don't think it is reasonable to assume that we can load up twenty-million illegal people and fly them out of the country today. I'll be the first to tell you, if they've got any criminal activity going on whatsoever, if they've been stealing identities or gangbanging or doing drive-by shootings, they have to be dealt with swiftly and effectively. After all, another function of my job is to protect the public peace, health, safety, and welfare of the people that I'm charged with representing," (Rosen, 2009, p197).

His words echo a sentiment captured in a community survey of the area, that captured the following response, "There is nothing wrong with immigrants, as we all are from immigrants (the majority anyway), but illegal is a whole other issue" (Fitzpatrick and Myrstol, 2010, p30). Such opinions prevailed in Northwest Arkansas in 2007 and helped usher new 287(g) programs.

The passage of the 287(g) programs initially enjoyed support because local law enforcement voiced their intention to target serious immigrant criminals (Capps, 2009). However, within months of implementation, the 287(g) agreements resulted in hundreds of arrests (Sherman, 2008). Stunned at the types of infractions (i.e., nonviolent crimes, misdemeanors, traffic violations) that triggered detention, local community leaders witnessed the onset of a culture of fear in immigrant neighborhoods. A recent study describes how immigrant families in Northwest Arkansas struggled following arrest by local officers, especially the drastic changes in children's behavior (Chaudry et al., 2010).

The experience of an unauthorized immigrant mother of two reveals the unintended consequences of implementing untargeted 287(g) programs. After years of abuse, she decided to leave her violent boyfriend, a citizen of the United States. However, he preemptively turned her into local police after learning of the local 287(g) agreement between federal authorities and local officers. The mother pleaded with the officers, "But I'm the one who's been attacked. I didn't attack (him). The police told me, mocking me, 'I'm really sorry. He was smarter than you and he won ... You're the one under arrest.'" In their eyes, her plea came too late. Rather than benefiting from the Violence Against Women Act (VAWA) and the protections it confers upon victims of crime, the mother found herself facing imminent deportation.

In the case above, an untargeted implementation of a 287(g) program trumped a mother's claims to remain in the country. A recent report found that such programs often resulted in untargeted arrests. Years after initial implementation, and following federal revisions to 287(g) agreements, the programs in Northwest Arkansas failed to charge more than a fraction of immigrant detainees (13 percent) with the most serious crime, identified as "Level 1" crimes by the Department of Homeland Security (Capps et al., 2011). Oklahoma's 287(g) program coupled with a statewide law designed to repel immigrants have had similar consequences.

#### *Oklahoma:*

Immigration-related policies and programs in Oklahoma resemble those enacted in Arkansas. In fiscal year 2010, compared to Northwest Arkansas, the lone 287(g) program in Oklahoma reported the same portion (13%) of immigrant detainees charged with the most serious crimes (Capps et al., 2011). In addition, between 2005 and 2010, the Arkansas Legislature enacted 10 piecemeal bills intended to repel unauthorized immigration, more than any other Heartland state. Oklahoma's Legislature managed to implement a similarly wide range of restrictive provisions when it passed single law (HB 1804) in 2007. As a result, immigrant communities in Oklahoma also reported the ascendance of a culture of fear, much like neighboring communities in Arkansas (Koralek, Pedroza, and Capps, 2009).

Oklahoma offers an opportunity to study how immigrant communities withstand restrictive experiments. After all, restrictive policies intend to net and repel as many unauthorized immigrants as possible, including non-criminal immigrants. Proponents of such measures imagine that doing so will propel a mass exodus of immigrants. However, net migration statistics reveal that Heartland states remain a strong magnet for immigrant and Latino populations, as highlighted in Table 2. Oklahoma is no exception,

New research examines Oklahoma education, birth, and population statistics but detects no convincing evidence of a mass exodus, with one possible exception among unattached Latinos (Pedroza, forthcoming). After failing to repel immigrants, entrepreneurs experienced an unintended consequence of Oklahoma's restrictive experiments. After HB 1804 passed, an immigrant business owner reported huge losses when people feared leaving their homes. He recalled, "Our business opened shortly before 1804 was signed. We invested our dreams and finances into it. Nevertheless, the uncertainty it created and the fear it instilled kept a lot of our main clients away," (Miret, 2007). Rather than implementing efforts to attract and integrate newcomers, Oklahoma leaders chose to err on the side of creating a culture of fear, which appears to have driven immigrants under the radar rather than out of the state.

**Table 2: Net Migration in the Heartland, 2007-2009 (in thousands)**

Source: Author's calculations using American Community Survey (ACS, 2011) mobility data, single year estimates (2005-2009)

Population	Year	AR	IA	KS	MN	MO	NE	ND	OK	SD
Immigrants	2007	6.7	5.6	8.0	18.5	9.8	2.7	0.6	12.9	0.4
	2008	4.5	7.4	3.7	14.5	8.1	4.4	1.6	7.7	1.0
	2009	4.8	5.8	8.9	14.6	11.4	9.9	0.2	10.5	1.0
Latino	2007	3.5	3.6	5.0	3.6	7.9	-0.7	0.5	12.9	0.4
	2008	4.3	4.9	2.7	4.5	6.2	0.4	0.0	8.6	0.6
	2009	4.4	3.0	5.4	1.3	1.5	6.4	1.0	8.6	0.5

## Conclusion

Efforts to repel unauthorized immigrants and intensify immigration enforcement gained renewed notoriety after the collapse of immigration reform in 2006-2007. This paper described legislative efforts across Heartland states as well as 287(g) agreements between federal and local law enforcement to investigate immigration violations. The unintended consequences of such measures include: 1) the untargeted arrest and deportation of immigrants; and 2) the advent of immigrants who choose to remain in the United States under the radar. The implications of such consequences may deepen if Heartland states succeed in following the footsteps of Arizona's Senate Bill 1070, which would expand local law enforcement's role in immigration enforcement. Three Heartland states, Minnesota, Missouri and South Dakota considered similar measures last year. Another three states, Iowa, Kansas and Nebraska, have failed since then. As of April 2011, only Oklahoma had made active efforts to amplify enforcement experiments in the Heartland.

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