TAKING LOCAL CONTROL

IMMIGRATION POLICY ACTIVISM IN
U.S. CITIES AND STATES

Monica W. Varsanyi, editor
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PREFACE

When the U.S. Congress failed in 2006 and again in 2007 to pass immigration reform legislation, the federal government and localities faced a surge of social service needs as large numbers of immigrants arrived in their jurisdictions. The federal law enforcement effort was designed to "send a message" to immigration violators, and it has been met with a strong pushback at the local level. As polls found that a large majority of Americans opposed denying public education to undocumented immigrants, local governments and schools, sometimes in defiance of state or federal policy, took action to ensure that students had access to education. The conflicts that emerged at the local level reflect the broader struggle over immigration policy in the United States.
3 Immigration and Local Governments: Inclusionary Local Policies in the Era of State Rescaling

PABLO A. MITNIK AND JESSICA HALPERN-FINNERTY

The acceleration of migration flows into rich countries is a central feature of the post-Fordist era. In Western Europe and the United States this has generated a new sociodemographic reality characterized by a high share of foreign-born in the population, in particular in traditional immigration cities; by the emergence of new settlement destinations; and by the rapid growth of the proportion of unauthorized immigrants (Mitnik, Halpern-Finnerty, and Vidal 2008, 2–5; Penninx et al. 2004a). Simultaneously, the state has been rescaled. National state functions have been shifted both upward, to supranational or international bodies, and downward, to subnational governments and local quasi-public institutions (Brenner 2004; Jessop 2002a, 2004; Moularct, Swyngedouw, and Wilson 1988; Swyngedouw 1997). Most crucially, cities and regions have been charged with the task of promoting economic growth, innovation, and international competitiveness (Jessop 2002b; Peck and Tickell 2002), thus becoming the nodes of “glocalization” strategies (Brenner 2003).

The downward shift of functions and powers has involved areas of government beyond the economic sphere, including immigration policy. Over the last three decades, European Union member states have increased their reliance on local governments for the monitoring and implementation of immigration policy (Lahav 1998). Likewise, in the United States there has been a devolution of some immigration powers to subnational governments (Varsanyi 2008a) and increasing attempts by the federal government to push state- and local-level agencies into participating in the policing of unauthorized immigrants. More importantly, both in Europe and in the United States, immigrants
have concentrated geographically in some cities and regions, prompting many local governments to use their increased autonomy and authority to develop policies directed specifically at immigrants or immigrants’ issues.

In any local jurisdiction, these immigrant-specific policies contribute to the constitution of what we may call a local mode of integration, in analogy to the notion of “national mode of integration” (Heckmann 1998; Heckmann and Schnapper 2003). However, these policies are not the only local policies that do so. Following Thomas Hammar’s understanding of national immigration policy (1985), Friedrich Heckmann and Dominique Schnapper have stressed that both special (that is, immigrant-specific) and general policies help determine the nature of a mode of integration.1 Along the same lines, Michael Alexander has argued that in studying local policies toward immigrants, researchers need to pay attention to all policies that are “initiated or largely determined by the local authority, and have significant impacts on the local migrate population, either through specific (migrant-targeted) or general (population- or area-based) measures” (2004, 59). Here we adopt a similar position. We focus on both immigrant-specific local policies and local policies that are not immigrant-specific but that centrally affect immigrants’ welfare, rights, and opportunities, and thus contribute to the constitution of differentiated local modes of integration.

In Western Europe, researchers have shown that specific and general local policies affecting immigrants in a variety of domains—policing, employment, political participation, housing, education, culture, and so forth—have varied greatly across cities, from very exclusionary to very inclusionary (Alexander 2003, 2007; Penninx et al. 2004b). In contrast, in the United States the bulk of the research in this area has been concerned with local policies that are immigrant-specific and mostly exclusionary, although some inclusionary immigrant-specific policies—almost all in the juridical and political domains—have also received attention (Almonte 2006–2007; Cuisin Villazor 2008; Ellis 2006; Esbenshade 2007; Harwood and Myers 2002; Hayduk 2004; Hopkins 2008; Lewis and Ramakrishnan 2007; Ridgley 2008; Varsanyi 2005, 2007, 2008b; Wells 2004; see also Provine and Seif, both in this volume).

In this chapter, we seek to change this state of affairs by documenting the existence, all over the country, of both immigrant-specific and non-immigrant-specific inclusionary local policies in many counties, cities, and other social service communities, improve their wages and living conditions, being taken advantage of by providing health care and other social services, contribute to an overall climate in which policies are not immigrant-specific.

The chapter is organized as follows: local governments’ efforts to accommodate immigrants, inclusive local immigration policies, and self-employment. Next we focus on one aspect of this, access to health care, and we follow institutional innovations or policies that support the social and political integration of immigrants.

THE ENFORCEMENT OF IMMIGRATION LAW

Under the widely predominant belief at the state and local levels that it is necessary to reinforce immigration law’s civil penalty structure to enforce immigration law’s civil penalty structure, that have entered into a formal agreement with the Department of Homeland Security (DHS) to do so (Segre et al. 2003–2004, 626–28; see also Sugimori and Yasui 2003–2004). In addition, state and local officials have been involved in the enforcement of the civil penalty structure, leading to the achievement of the public safety goals that are set by the federal government. For these and other reasons (see Segre et al. 2003–2004), many local governments have

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1. Indirect or general policies refer to “policies and measures resulting from general socio-structural principles of societal integration,” while direct or special policies refer to “intentionally and consciously devised policies and measures for the integration of immigrants” (Heckmann 1998, 2).
Immigration and Local Governments

The chapter is organized as follows. In the following section, we examine local governments' efforts to prevent the involvement of their personnel with the enforcement of civil immigration law. We then discuss a variety of inclusive local immigration policies aimed at regulating employment and self-employment. Next, we focus on local policies that boost immigrants' access to health care, and we follow this with a brief look at a few additional institutional innovations or policies that local governments have implemented to support the social and political integration of immigrants.

THE ENFORCEMENT OF IMMIGRATION LAW

Under the widely predominant interpretation of current federal law, agencies at the state and local levels lack statutory or constitutional authority to enforce immigration law's civil provisions, with the exception of those agencies that have entered into a formal agreement with the Department of Homeland Security (DHS) to do so (Seghetti, Viña, and Ester 2005; Smith, Sugimori, and Yasui 2003–2004, 626–28; see also Rodríguez, Chishti, and Nortman, this volume). In addition, state and local agencies and officials are not legally required to collaborate with Homeland Security’s Immigration and Customs Enforcement (ICE) in finding or arresting unauthorized immigrants, or even to report to ICE information about a person’s unauthorized presence in the country, unless that person has committed a crime. Nevertheless, city, county, and other local agencies and officials often play an important de facto role in the enforcement of the civil provisions of immigration law. This can lead to community mistrust, racial profiling, and civil rights violations (Smith, Sugimori, and Yasui 2003–2004, 624; Waslin 2003 and this volume). It also jeopardizes the achievement of these agencies’ primary goals, in particular, public safety (see, among others, King 2006; Waslin 2003).

For these and other reasons (see Mitnik, Halpern-Finnerty, and Vidal 2008, 7–8), many local governments have attempted to curtail any involvement of
their personnel with the enforcement of civil immigration law. Sixty-eight counties, cities, and other smaller local governments are known to currently limit cooperation explicitly, by which we mean that they have implemented an ordinance, resolution, executive order, or some other jurisdictional instrument to this effect. Sixty-five of these sixty-eight local governments prohibit the participation of the police and other government officials in, and the use of government resources for, the enforcement of civil immigration law; twenty-six prohibit the collection of information on immigration status or instruct officials not to collect such information; and fifteen ban information sharing, either directly or by embedding this prohibition in a broad privacy or confidentiality provision. Many local governments employ two or more of these strategies simultaneously. Based on the available information, the total number of foreign-born people living in at least one jurisdiction that limits cooperation is approximately 8.5 million, that is, about 27 percent of the total number of foreign-born living in the country.

The strategies observed today are the result of the co-evolution of the actions of the federal and local governments over the last three decades. Los Angeles was the first city to officially withdraw cooperation when, in 1979, the police chief issued the now-famous Special Order 40. This order, which remains in force, establishes that “officers shall not initiate police action with the objective of discovering the alien status of a person” and “shall not arrest nor book persons for” illegal entry. The chief of police of the District of Columbia followed suit in 1984 by issuing an emphatic General Order indicating that the Metropolitan Police Department “is not in the business of inquiring about the residency status of the people we serve and is not in the business of enforcing civil immigration laws” (underlined in the original). In the same year, a memo from the mayor to the heads of all departments and agencies prohibited making inquiries about immigration status unless “federal or District regulations and judicial decisions require that inquiries be made to determine eligibility for benefits.”

2. The National Immigration Law Center compiles a list of local governments with limited-cooperation policies (http://www.nilc.org/immlawpolicy/LocalLaw/index.htm). Taking the local governments in this list as of April 2008 as our point of departure, we analyzed the ordinances, executive orders, police directives, and so forth, used to limit cooperation, and produced a table indicating for each local government the legal instrument utilized, year of implementation, and the strategy employed. This table is available on request.


The city of Takoma Park, Maryland, or issued executive orders prohibiting or sharing executive orders preventing, or sharing with ICE a precedent for sending, ICE with the information on the records establishing that neither city police sources, would be employed in the by Rodriguez 2008, 600-605). The city bans on sharing information outlawed in 1996 by the Illegal Immigration Responsibility Act (IIRIRA) made agencies and officials from asking about immigration status, unless required by law. The local governments cannot prohibit information about people’s citizenship or government, but it does not necessarily mean nothing about prohibiting information disclosure of any information policies or officials may possess. To these local governments have enacted confidentiality provisions in a broad range of issues, including in late IIRIRA’s ban, ten cities provide embedding this prohibition in a broad IIRIRA and federal legislation relate at making it more difficult for local the federal government but also a significant element of civil immigration law. The government to sign a “memorandum by which officials or employees run the function of an immigration: preemption or detention of aliens. (6. The Welfare Reform Act, passed the year 1996.)

7. Access to some federally funded local information.
8. We have counted the county city of the
Immigration and Local Governments

The city of Takoma Park, Maryland, in 1985, and the cities of Chicago, San Francisco, and New York, in 1989, went further and passed ordinances or issued executive orders prohibiting city employees from gathering, keeping, or sharing with ICE’s precursor, the Immigration and Naturalization Service (INS), information on the immigration status of their residents, and establishing that neither city personnel and facilities, nor any other city resources, would be employed in the enforcement of civil immigration law (cf. Rodriguez 2008, 600–605).

City bans on sharing information with the federal government were outlawed in 1996 by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Many local governments responded by forbidding agencies and officials from collecting information about immigration status, unless required by law. This is legal. In effect, IIRIRA establishes that local governments cannot prohibit agencies or officials from exchanging information about people’s citizenship or immigration status with the federal government, but it does not require them to collect such information and says nothing about prohibiting its collection. Four cities and one county prohibit not only the collection of information about immigration status but also the disclosure of any information on that matter that local government agencies or officials may possess. To protect themselves from legal challenges, these local governments have embedded their prohibitions in broad privacy or confidentiality provisions banning the disclosure of information about a broad range of issues, including immigration status. In what seems to violate IIRIRA’s ban, ten cities prohibit information sharing outright, without embedding this prohibition in a broader confidentiality provision.

IIRIRA and federal legislation proposed in the last few years aim not only at making it more difficult for local governments to impede cooperation with the federal government but also at fully involving the former in the enforcement of civil immigration law. IIRIRA made it possible for any subnational government to sign a “memorandum of understanding” (MOU) with the DHS by which officials or employees of that government get authorized to carry out the function of an immigration officer “in relation to the investigation, apprehension or detention of aliens in the United States,” at their government’s

6. The Welfare Reform Act, passed the same year, also includes a provision to the same effect.
7. Access to some federally funded social programs mandates the collection of this information.
8. We have counted the county/city of San Francisco as a city.
expense. If a state or local agency signs such an agreement, ICE trains and certifies state and local officers as qualified to perform this enforcement function (Carafano and Keith 2006). Recently proposed legislation—for example, the Clear Law Enforcement for Criminal Alien Removal Act (H.R. 3137) and the Homeland Security Enhancement Act (S. 1362)—attempts to use carrots and sticks to induce the participation of local governments in immigration law enforcement allowed by IIRIRA; and to implement measures to increase the capacity of state and local police to arrest foreigners who violate immigration law (for details, see Mitnik, Halpern-Finnerty, and Vidal 2008; 12–13).

In general, local governments have not reacted positively to these ideas. Since 1996, law enforcement agencies in only two towns, eleven cities, and thirty-nine counties have signed MOUs with DHS.9 Moreover, many cities have passed resolutions and have actively lobbied against the more recently proposed legislation. Lastly, dozens of police agencies and several police associations have voiced their opposition to the proposed federal legislation.10

IMMIGRANTS AND WORK: THE LOCAL REGULATION OF EMPLOYMENT AND SELF-EMPLOYMENT

Immigrants fill many jobs in the United States: nearly one of every seven people in the civilian labor force in 2005 was an immigrant. Immigrants’ share in the low-wage workforce is even higher. In 2002 there were 8.6 million low-wage immigrant workers—one out of every five U.S. low-wage workers—and almost half of all immigrant workers were low-wage (Capps et al. 2003). Undocumented immigrants, most of whom are from Mexico and other Latin American countries, constituted an estimated 4.9 percent of the labor force in 2005 (Passel 2006).

Immigrants not only have a very high probability of holding low-wage jobs, but they also are very likely to be the subjects of a range of employment and labor law violations and to hold dangerous jobs (Bernhardt, McGrath, and DeFilippis 2007; Smith, Sugimori, and Yasui 2003–2004). In 2002, two million immigrants were paid less than the minimum wage (Capps et al. 2003). In addition, immigrants are overrepresented among the self-employed: they have been more likely than natives to be self-employed in every census from 1880 to 1990 (Beeler and Murray 2007). Immigrants’ low wages and their concomitant reduced access to health care, see families’ welfare. In 2001, 12 percent and fully 42 percent were low-wage far more likely than children with inadequate food, housing, and health.

Because immigrants, especially to be low-wage and highly vulnerable implementation of higher wage law from policies aimed at curtailing these policies are not directed on disproportionately. Moreover, wage related policies are often motivated migrant workers, and are supported ethnic organizations in addition.

We briefly discuss below some related labor markets.

Mandating Employment Standards

Local governments do not have the powers they have and constitutions and statutes frequently the authority of local government wage floors in particular—has been. As a result, several cities have overturned in court or banned by a cities have citywide minimum wage: Baltimore ($6.55/hour); the District ($9.36/hour); and Santa Fe. New Mexico law mandate wage floors higher than.

Studies of the economic effects Santa Fe—both cities with sanitation these cities’ wage laws have raising wages at the bottom of the ripple (Dube, Naidu, and Reich 2005; 2006; Reynis and Potter 2006; Reynis and Potter 2006; 2006). In the case of San Francisco:

10. For police agencies and police associations opposed to the local enforcement of civil immigration law, see the list compiled by the National Immigration Forum, at http://www.immigrationforum.org/Default.aspx?tabid=567.
such an agreement, ICE trains and court procedures to enforce this function. The proposed legislation—for example, the Reform and Immigration Act (H.R. 3137) and the Immigration Enforcement Act (S. 1342)—attempts to use carrots and sticks to encourage states and local governments in immigration law enforcement measures to increase the number of undocumented immigrants who are identified and arrested. 

Moreover, many cities, including those with more recently established police agencies and several police departments that have not yet been officially designated as immigration law enforcement agencies, have received mixed reactions to these ideas. For example, in New York City, eleven cities, and several police agencies have recently worked with the DHS to identify and arrest undocumented immigrants. However, these policies are not directed specifically at immigrants, but they benefit them disproportionately. Moreover, when enacted at the local level, these and other related policies are often motivated, at least in part, by concerns regarding immigrant workers, and are supported by coalitions that include immigrant and ethnic organizations in addition to unions and workers' rights advocates.

We briefly discuss below six ways in which local governments have regulated labor markets.

**Mandating Employment Standards**

Local governments do not have inherent sovereign powers (Dalmat 2005, 101). Whatever powers they have are delegated by the states they are in. As state constitutions and statutes frequently specify these powers in a very imprecise way, the authority of local governments to mandate employment standards—wage floors in particular—has been an important object of political struggles. As a result, several citywide minimum wage laws passed since 2002 were later overturned in court or banned by new state statutes. Nevertheless, today five cities have citywide minimum wage laws in force: Albuquerque ($7.15/hour); Baltimore ($6.55/hour); the District of Columbia ($7.55/hour); San Francisco ($9.36/hour); and Santa Fe, New Mexico ($10.30/hour). All but Baltimore’s law mandate wage floors higher than their federal and state counterparts.

Studies of the economic effects of minimum wages in San Francisco and Santa Fe—both cities with sizable immigrant populations—indicate that these cities’ wage laws have achieved their purpose of substantially boosting wages at the bottom of the labor market, with negligible negative effects (Dube, Naidu, and Reich 2005, 2006; Reich, Dube, and Vickery 2006; Potter 2006; Reynis and Potter 2006; Reynis, Segal, and Bleecker 2005; Dube et al. 2006). In the case of San Francisco, a study of the restaurant industry—which
employs a large proportion of immigrants—showed that the introduction of a citywide minimum wage greatly reduced the share of poverty-wage workers while having no effect on employment growth or store closures (Dube, Naidu, and Reich 2003, 2006; Reich, Dube, and Vickery 2006).

Citywide minimum wage laws frequently do more than just raise earnings. For instance, Baltimore’s law expands coverage to workers left out in federal and state legislation, while both Baltimore’s and San Francisco’s include stronger enforcement mechanisms and harsher penalties than their federal and state counterparts for noncompliant employers (Mitnik 2007, 3–5). Some of the enforcement mechanisms in San Francisco’s law are particularly effective in helping immigrants exercise their rights by, for example, granting the right to initiate civil action against noncompliant employers not only to affected individual workers and the city but also to any other person or entity acting on behalf of the public, including unions, community-based organizations, and immigrant worker centers.

In some cases, economic and political considerations have made it more desirable for local governments to mandate minimum wages in particular industries, types of establishments, or geographic areas rather than jurisdiction-wide (Mitnik 2007, 5). Three California cities (Berkeley, Emeryville, and Los Angeles) have passed and successfully upheld in court this type of “targeted” minimum wage law. In 2000 Berkeley established that large employers in the city’s Marina Zone had to pay a minimum wage equal to the city’s “living wage.” In 2005, Emeryville passed legislation regulating compensation for all employees in hotels with more than fifty guest rooms and, indirectly, regulating work conditions for room cleaners. Lastly, Los Angeles passed an ordinance in 2007, which was upheld by the California Supreme Court in 2008, regulating minimum compensation and other aspects of employment conditions for hotel employees in a corridor situated immediately adjacent to Los Angeles International Airport. In all three cities, a sizable proportion of benefited workers are immigrants.

Cities have also used their legislative powers to regulate aspects of employment relations other than minimum wages. Some of these are of great concern for immigrant workers. For instance, Baltimore and the District of Columbia mandate that employers pay overtime at 1.5 times the employee’s usual wage, and specify that employers must pay due wages to an employee who resigns, retires, or is fired. These are not secondary additions to these cities’ minimum wage provisions: noncompliance with the overtime provision and the lack of wage payment, especially after termination, are much more common violations in Baltimore.

The District of Columbia also requires employers to pay the purchase and creative clothing. San Francisco requires paid sick leave to their employees leave to care for their family or when they crime to steal a person’s wage. An antidiscrimination employment law covering based on national origin.

Mandating Hourly-Pay Standards for Employees

In order to reduce payroll costs for employers as “independent contractors” is covered by most employment and they would pay as employees. His labor jobs, misclassification is growing in particular “in the low-wage field of care, construction, delivery service, and law.” Misclassification in competition, firms that do not misclassify to the bottom, which often means to pay.

San Francisco has passed an ordinance effects of misclassification on workers’ status, partnership, or corporate personal services, etc., to pay an hourly contractual rate. This effectively extends the provisions to contractors, regardless of whether they are.

Regulating the Activities of Domestic Workers

Housecleaners and other domestication of whom are foreign born are domestic workers, including violations of the

showed that the introduction of broad-based minimum wage standards was more effective in promoting unionization and reducing poverty wages in Baltimore and San Francisco than in other jurisdictions, such as Berkeley, Emeryville, and Los Angeles, because of the high cost of living in the cities. 

The District of Columbia also requires employers to provide seating for those working in stores, shops, offices, or factories; to pay extra for split shifts; and to pay for the purchase and cleaning of mandatory uniforms and protective clothing. San Francisco, for its part, requires that all businesses provide paid sick leave to their employees and allow employees to use their paid sick leave to care for their family members. Kansas City, Missouri, has made it a crime to steal a person’s wage. Finally, New York City has a comprehensive antidiscrimination employment law that protects immigrants from discrimination based on national origin or citizenship status (Mitnik 2007, 7–9).

**Mandating Hourly-Pay Standards for Independent Contractors**

In order to reduce payroll costs, low-wage employers often misclassify their employees as “independent contractors.” These misclassified workers are not covered by most employment and labor laws, and they pay more taxes than they would pay as employees. Historically common in agriculture and day labor jobs, misclassification is now present in most sectors of the economy, but in particular “in the low-wage immigrant dominated sectors of home health care, construction, delivery services, and janitorial” (National Employment Law Project 2005). Misclassification not only affects misclassified workers. To compete, firms that do not misclassify their workers may be forced into a race to the bottom, which often means cutting wages and benefits.

San Francisco has passed an ordinance aimed at alleviating the negative effects of misclassification on workers. It mandates that any person, firm, proprietorship, partnership, or corporation that in any month obtains twenty or more hours of personal services, from the same or from different persons, has to pay an hourly contractual rate at least equal to the city’s minimum wage. This effectively extends the city’s minimum wage law to many independent contractors, regardless of whether they have been rightly or wrongly classified. It may also reduce employers’ incentives to misclassify their workers.

**Regulating the Activities of Domestic Employee Placement Agencies**

Housecleaners and other domestic or household employees, a large proportion of whom are foreign born, are often subject to exploitative working conditions, including violations of their most basic workers’ rights (Domestic

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Workers United and DataCenter 2006). Intermediary placement agencies frequently contribute, by commission or omission, to the generation of those exploitative working conditions. In 2003 New York City passed an ordinance aimed at ameliorating the problem. It mandates that employment agencies provide to each applicant and prospective employer a written statement indicating the employee’s rights and the employer’s obligations under state and federal law. It also requires that employment agencies provide each applicant with a detailed written statement of the job conditions for the recommended positions, and that agencies keep these statements on file for three years following placement, along with a written confirmation by employers that they have read and understood the statement of rights and obligations. Together, these measures reduce employers’ and agencies’ incentives to mislead employees with false promises or representations, and empower employees by making them aware of their rights and by generating evidence they can use against their employers or the placing agencies in the case of wrongdoing.

Using Proprietary Interests to Induce Changes in Employers’ Behaviors

So far we have focused on cities’ regulatory powers in a narrow sense, that is, their power to make the law in some domains. However, because cities are also “financial entities and market participants with expenses, assets, and incomes, as well as rights and responsibilities to their investors [that is, the citizenry]” (Wells 2002, 124), cities can also act as proprietors. When a city acts in this capacity it may commit itself, for instance, to only contracting with, giving financial aid to, and renting property to firms that pay a “living wage,” that is, a minimum wage specified by the city. The same principle also applies—with more limitations, given potentially preemptive federal statutes—to conditions other than wages.

Living wage ordinances have been passed and implemented in more than one hundred cities, and many other cities are discussing similar legislation. In 2005, the minimum wages required by already implemented living wage ordinances, which are frequently indexed to inflation, averaged more than $9 per hour (Fairris and Reich 2005). There are many disadvantaged

13. The statement, prepared by the city and distributed in both English and Spanish, describes laws regarding minimum wage, overtime and hours of work, record keeping, Social Security payments, unemployment insurance coverage, disability insurance coverage, and workers’ compensation.

14. The Association of Community Organizations for Reform Now (ACORN) keeps a list of local governments that have passed living wage ordinances and a list of living wage campaigns under way. See http://www.livingwagecampaign.org.

immigrants working for city services wages (for example, in services janitorial, landscaping, laundry p. Likewise, sometimes cities have p. hotels and restaurants, which hire low wages. Hence, although a relatively small fraction of workers are higher proportion of immigrants.

Living wage ordinances often wages, while a few cities have financial support for economic standards other than wages as well. M. er minimum wage if employers (few cities require all covered firms this in the next section). Several sick leave. Others allow retirement. The minimum compensation they are with the help of public money details, see Mitnik 2007, 15).

Cities have also used their power to organize (see Mitnik 2007, 12–14, and other forms of compensation (Mishel, Bernstein, and Allegretto 2007), employment and labor law violations). Immigrants benefit greatly from organize.

Supporting Worker Centers for Day

Many immigrants seek employment in informal hiring sites, either looking for day labor work. In States on any given day (Valenzuela overwhelmingly Latino and immigrant are mainly employed by hometown earnings are unlikely to exceed 50% employer abuse, wage theft, and worker day labor markets and the public be
Intermediary placement agencies frequently assist to the generation of those who New York City passed an ordinance mandates that employment agencies be employer a written statement indicating obligations under state and their agencies provide each applicant on conditions for the recommended statements on file for three years following confirmation by employers that they have rights and obligations. Together, agencies, incentives to mislead employees and empower employees by the generation evidence they can use agencies in the case of wrongdoing.

Incentives in Employers' Behaviors

Now, powers in a narrow sense, that is, komtlining. However, because cities are responsible for expenses, assets, and responsibilities to their investors [that is, the city] act as proprietors. When a city sells its insurance, to only contracting its property to firms that pay a “living wage” paid by the city. The same principle given to potentially preemptive federal tax if passed and implemented in more states are discussing similar legislation, already implemented living expenses to inflation, averaged more 00%. There are many disadvantaged between English and Spanish, department and hours of work, recordkeeping, disability coverage, disability insurance.

Supporting Worker Centers for Day Laborers

Many immigrants seek employment on the day labor market, often congregating daily at informal hiring sites. In 2004, close to 120,000 workers were either looking for day labor jobs or working as day laborers in the United States on any given day (Valenzuela et al. 2006, 4). The day labor workforce is overwhelmingly Latino and immigrant, mostly undocumented. Day laborers are mainly employed by homeowners, renters, or contractors. Their annual earnings are unlikely to exceed $15,000, and they are very often victims of employer abuse, wage theft, and workplace injuries. Lastly, rapid growth of day labor markets and the public health and safety concerns associated with
their operation in open-air hiring sites have generated tensions in many cities (Valenzuela et al. 2006; see also Valenzuela 2003).

In some cities, the creation of (day laborer) worker centers has been an effective response to the challenges of day labor markets (España 2002; Fine 2006; Valenzuela et al. 2006). Worker centers are community-based organizations that serve low-wage workers—in most cases, immigrants. Those working with day laborers provide a formal location for day labor markets—thus alleviating community tensions—and basic amenities for workers and employers. They also constitute a basic form of regulation of an otherwise exploitative labor market. Indeed, they “monitor the actions of employers, increase the transparency of the hiring process and provide an institutional foundation for holding employers accountable for workplace abuses.” In addition, “they organize and normalize the hiring of day laborers, monitor worker quality and provide opportunities for worker incorporation into the mainstream economy” (Valenzuela et al. 2006, 23). Several local governments have sponsored and provided funds to help set up or finance the operation of day labor worker centers. Of the sixty-three day labor worker centers identified in the 2006 National Day Labor Survey, ten were run by city government agencies, and many of the others (run by community or faith-based organizations) received some form of support from municipal governments (Valenzuela et al. 2006, 7).

IMMIGRANTS’ ACCESS TO HEALTH CARE

Over half of noncitizens lack health care coverage, compared to 15 percent of native-born citizens (Kaiser Commission 2004). There are several reasons for this disparity. First, immigrants are far less likely to have employer-based insurance; this is primarily the result of most immigrants being employed in low-wage jobs that do not offer health insurance. Second, many immigrants are ineligible for public programs like Medicaid or its state counterparts, and some are eligible but lack knowledge about how to access those programs or fear that applying for public assistance will affect their visa or citizenship procedures or cause them to be targeted by ICE. Only Emergency Medicaid, which covers the cost of emergency medical treatment, is offered to all immigrants who meet an income requirement, regardless of their immigration status. In 2004, twenty-five states offered some form of expanded coverage to immigrants ineligible for Medicaid and the State Children’s Health Insurance Program (SCHIP), but in most cases this expansion was targeted at very specific subpopulations (Kaiser Commission 2004, 2).

Local governments often bear the lion’s share of the costs of health care for uninsured residents. In the absence of health insurance, both financially and in terms of the quality of care, residents are less likely to have access to medical care, leading to more serious medical problems and higher costs for emergency room visits, as well as for preventative care. The costs of treating preventable diseases (Mohanty 2006, 4). Local governments, in this arena, however, is limited by the Employee Retirement Income Security Act of 1974 (ERISA), which prevents states and local governments from negotiating or mandating coverage rules that are not in compliance with the federal law. The preemption interpretation regarding how it applies to provision of health insurance. Local governments are not allowed to mandate coverage or to direct health plans, but the debate about novel plans that are not preempted by ERISA.

We discuss here a few policies that have been sponsored, or funded, and that people already eligible for health insurance and health care to those policies we discuss have supplemented them with targeted incentives to encourage immigrants’ access to health care.

Maximizing the Enrollment of People in Health Care Programs

Two successful examples of increasing the number of eligible people are Enrollment Moving (GEM) in central Texas. GEM was implemented in Citrus Valley Health Partners with the County Department of Health. GEM addressed both lack of knowledge about the consequences of enrollment and the potential conflicts of interest. It is hundreds of volunteers recruited from the communities to go door-to-door to talk with people about the enrollment process.
Local governments often bear the burden of this deficit in health care coverage, both financially and in terms of public health. Residents without insurance are less likely to have access to health care and to seek preventative care, leading to more serious health problems and a greater number of emergency room visits, as well as to the potential spread of communicable diseases (Mohanty 2006, 4). Local governments' power to effect change in this arena, however, is limited by the Employer Retirement Income Security Act of 1974 (ERISA), which prevents state and local regulation of employer benefits plans. The preemption clause of ERISA continues to be open to interpretation regarding how it applies to state and local regulation of businesses' provision of health insurance. In general, ERISA asserts that state and local governments are not allowed to mandate that private employers offer or pay for health insurance or to directly regulate private employer-sponsored health plans, but the debate about whether laws that indirectly affect or relate to these plans are preempted has not been resolved.

We discuss here a few policies that local governments have implemented, sponsored, or funded, and that aim at (1) maximizing the enrollment of people already eligible for health insurance, or (2) expanding access to health insurance and health care to those not eligible for existing programs. The policies we discuss have substantially benefited immigrants, and some of them were indeed motivated, at least in part, by the goal of improving immigrants' access to health care.

Maximizing the Enrollment of People Already Eligible for Health Care Programs

Two successful examples of (quasi-public) local policies aimed at maximizing the number of eligible people enrolled are Citrus Valley, California's Get Enrollment Moving (GEM) plan and the Indigent Care Collaboration (ICC) in central Texas. GEM was implemented in 2001 by the health care provider Citrus Valley Health Partners, with partial funding from the Los Angeles County Department of Health Services. It combats under-enrollment by addressing both lack of knowledge about health insurance options and fears about the consequences of enrolling in public programs. The foundation of GEM is hundreds of volunteer health educators, the promotoras de salud. Recruited from the communities targeted by the plan, the promotoras go door-to-door to talk with people about their health care options and to encourage enrollment by providing information about health care and identifying those
eligible for some type of coverage. GEM follows up on these efforts by providing application assistance with multilingual staff members at the central office. Since it began, GEM has been able to enroll nearly thirty thousand people in federal or California state public health programs. GEM reports that nearly 35 percent of those enrolled live in a family with at least one adult unauthorized immigrant (Petsod, Wang, and McGarvey 2006, 115).

ICC is an alliance of health care safety net providers that came together in Travis County, Texas, in 1997 and expanded to Williams and Hayes counties in 2000. Its goals are expanding access, improving quality, and increasing affordability of health care for the low-income and uninsured residents of central Texas. The coalition includes hospitals, health care networks, clinics, city and county health departments, nonprofit organizations, individual providers, and others. ICC uses a computation software called Mediicaider which can quick screen for an individual's eligibility for Medicaid, SCHIP, Supplemental Security Income, other federal and state programs for the low-income uninsured, local public programs, and charity care services. This allows ICC to direct each patient to the program for which he or she is eligible and that entails the most efficient use of local, state, and federal resources. As a result, ICC has been able to vastly improve access to health care in Austin and the surrounding region without significantly expanding care programs themselves. A large proportion of those benefited by the program are immigrants.

Expanding Access to Health Insurance and Health Care

We discuss here three approaches that local governments have used to expand access to health insurance and health care: San Francisco's unique health care program, which offers medical services to its uninsured residents; the use by local governments of their proprietary interests to induce firms to offer health insurance to their employees; and the provision of subsidized health care through public hospitals and clinics.

The approach of the city/county of San Francisco is by far the most ambitious and the one that should benefit immigrants the most. It aims at offering universal coverage with the Healthy San Francisco (HSF) program, which began on a pilot basis in July 2007 and today has a total enrollment of twenty-eight thousand (the program is being phased in over time). HSF offers primary care, hospitalization services, specialty care, and prescription drugs for uninsured residents of San Francisco regardless of employment, immigration status, or medical program (directly or through their employers) without significant individual contribution (the fee is zero for people with income below 200 percent of the federal poverty level).

Part of the program is financed through the fees that are charged to businesses and with the money collected from fees that do not meet an "employer ordinance" that created HSF. HSF is in two ways. First, the coverage is provided to San Francisco residents and therefore is not classified as an "employer ordinance" does not directly regulate, instead offering multiple health insurance plans. Second, the employer spending requirements specify who FSCO's employers, in particular.

As discussed in the previous section, acting as proprietors can pass a tax to do business only with firms that provide health care benefits. Typically, they do by demanding, instead, a higher premium. In this case, the employers in San Francisco who are eligible for the employer mandate (Reynolds and Kern 2008). A few employers provide health care benefits.

A third and straightforward way to provide health care to uninsured residents is through hospitals and clinics, partially funded by New York City public health system (HHC), which operates the HHC Options program for low- and moderate-income (Commission on the Public's Health 2007). HHC ensures immigrants receive health care services, by keeping this policy widely known within the community. The release in twelve languages as part of the HHC President Alan Aviles and New York Affairs Guillermo Linares stated that the release was not going to be shared with enforcement officials.
immigration status, or medical condition. Individuals can enroll in the program (directly or through their employer) for a sliding monthly fee, heavily subsidized for small and medium-sized businesses and for low-income individuals (the fee is zero for people from very low income households).

Part of the program is financed with public money, and the remainder is covered through the fees that enrolled individuals (or their employers) pay and with the money collected from those large and medium-sized employers that do not meet an “employer spending requirement” established by the ordinance that created HSF. HSF attempts to avoid conflicting with ERISA in two ways. First, the coverage provided by HSF is not portable outside of San Francisco and therefore is not technically health insurance. Second, the ordinance does not directly regulate employer spending on health insurance, instead offering multiple health spending options (one of which is HSF). Still, the employer spending requirement has been actively resisted by San Francisco’s employers, in particular the Golden Gate Restaurant Association.

As discussed in the previous section, cities and other local governments acting as proprietors can pass a living wage ordinance that commits them to do business only with firms that pay a living wage. The same principle is valid for health care benefits. To avoid potential conflicts with ERISA, cities typically avoid requiring health care benefits in their living wage legislation. They demand, instead, a higher living wage if those benefits are not offered (Reynolds and Kern 2003, 40). A few cities, however, require covered firms to provide health care benefits (Mitnik 2007, 18).

A third and straightforward way for local governments to address the problem of the uninsured is to directly provide health care through public hospitals and clinics, partially or fully subsidizing provision. For instance, the New York City public health system, the Health and Hospitals Corporation (HHC), operates the HHC Options program, which offers subsidized health care for low- and moderate-income individuals utilizing the public system (Commission on the Public’s Health System 2005; Ku and Papademetriou 2007). HHC ensures immigrants’ right to access health care, regardless of immigration status, by keeping information on this status confidential and making this policy widely known. In an open letter to immigrant New Yorkers released in twelve languages as part of a 2006 public awareness campaign, HHC President Alan Aviles and New York City Commissioner of Immigrant Affairs Guillermo Linares stated that information about immigration status was not going to be shared with anyone, including immigration and law enforcement officials.
OTHER INCLUSIONARY INSTITUTIONAL INNOVATIONS AND POLICIES

In this section we briefly refer to four institutional innovations or policies that local governments have implemented to support the social and political integration of immigrants: establishing a multipurpose agency aimed at serving the needs of immigrant residents; accepting *matrículas consulares* as valid forms of identification and promoting their acceptance by third parties; offering municipal identification cards; and allowing noncitizen residents to vote in local elections.

New York City has had, for some time now, a multipurpose agency charged with the exclusive task of dealing with immigrant issues.\(^{16}\) The New York Mayor’s Office of Immigrant Affairs (MOIA) declares as its goal the promotion of the full and active participation of immigrant New Yorkers in the civic, economic, and cultural life of the city.\(^{17}\) Founded in 1984 as the Office of Immigrant Affairs within the Department of City Planning, MOIA has been a separate agency since 1990. It works with three groups: immigrants, community-based organizations serving immigrants, and New York City agencies and officials. It helps immigrants identify city services they can receive and community-based organizations able to address their needs. It also helps immigrants get information regarding citizenship and change of legal status applications and procedures, and it offers them information regarding employment, housing, public schools, small business services, and the city’s privacy policies. MOIA works with nearly three hundred community-based organizations (Pecorella and Stonerash 2006, 14) to find city agencies that can assist them with resources or to which they can refer immigrants, and it arranges meetings with appropriate city officials to address community-specific concerns. Finally, MOIA educates city agencies about best practices for reaching immigrant communities, identifies community-based organizations serving specific immigrant communities for these agencies to contact, teams with city agencies to provide bulletins and advisories in multiple languages and to assist them in accessing translation services, and offers expertise to the mayor regarding issues important for immigrants. In addition, MOIA has an important symbolic value, highlighting the city’s stance regarding immigration and immigrants’ rights.

\(^{16}\) New York City is the only local government that has established an agency of this type. In 2004 Los Angeles took some steps toward creating an office of immigrant affairs (Mayor Hahn’s 2004 Executive Directive IC-2), but the project did not move forward.


Matrículas consulares are identification cards to Mexicans living abroad. IDs have existed for almost 140 years to accept them as a valid form of their documentation requirements for the events of September 11, 2001, banks and other financial institutions. valid identification with whom tax undocumented immigrants need to include their chances of being seen. *Consular* IDs were accepted as valid for cities, and 168 counties (Varsanyi 2005).

New Haven, Connecticut, has had New Haven became the first city to issue an identification card to all its residents. This institutional innovation was to help illegal immigrants to obtain documents within city limits. New Haven extends to all city services and provides ID cards to hospitals, banks, public libraries, and to improve public safety in two ways. First, the ID is expected to reduce the number of identification more likely to report.

Finally, some cities have taken measures to prevent and combat identity theft. Over a 150-year period, residents allowed to vote in local, state, and national elections in two states and federal territories (their right to vote in the first quarter of 1993). In more recent times, however, jurisdictions in Maryland have rescinded pressure on several other states and cities.

In addition, Chicago has allowed noncitizens to participate in local elections since 1988, as did New York (boards were dissolved), and there are other municipalities that have followed suit since 2005; Varsanyi 2005; Yang 2007.
Innovations and Policies

Innovations or policies need to support the social and political goals of the government agency aimed at solving the issue of immigration. The New York Mayor's Office of Immigrant Affairs (MOIA) was established in 2004 as the Office of Immigrant Affairs Planning (OIAP). MOIA has worked with three groups: immigrants, ex-immigrants, and New York City residents to identify services they can receive to address their needs. It also aims to improve the quality of life for residents through community-based organizations and services that are available in multiple languages and offer expertise to the community. In addition, MOIA has established an agency of this sort to create an office of immigrant affairs (OIA), but the project did not move forward.

Matriculas consulares are identity cards that the Mexican government issues to Mexicans living abroad who request them. Although these consular IDs have existed for almost 140 years, they are most recently used to identify individuals as good citizens in their home country. They have been accepted as official identification by many states since the events of September 11, 2001. These local governments have also urged banks and other financial institutions to accept the matriculas consulares as a valid form of identification with which to open accounts, with the goal of reducing undocumented immigrants' need to carry and store cash and thus also reducing their chances of being targets of crime. By the end of 2005, matriculas consulares were accepted as valid identification by 1,204 police agencies, 393 cities, and 168 counties (Varsanyi 2007, 306).

New Haven, Connecticut, has followed a different strategy. In June 2007, New Haven became the first city to offer a multipurpose municipal identification card to all its residents, regardless of age or immigration status. Although this institutional innovation is not specific to immigrants, it has helped illegal immigrants (Medina 2007). Recognized as official documentation within city limits, New Haven's ID allows immigrants easy access to all city services and provides them with legal documentation for use at hospitals, banks, public libraries, and stores. In addition, the ID is meant to improve public safety in two ways. First, immigrants can use it to open bank accounts. Second, the ID is expected to make immigrants who lack other proof of identification more likely to report crimes they may suffer or witness.

Finally, some cities have franchised or, more precisely, re-franchised immigrants. Over a 150-year period starting in 1776, noncitizens were allowed to vote in local, state, and, in some cases, federal elections in twenty-two states and federal territories. However, state by state, noncitizens lost their right to vote in the first quarter of the twentieth century (Raskin 1992-1993). In more recent times, however, Takoma Park and five other, smaller jurisdictions in Maryland have restored noncitizens' right to vote, while cities in several other states are considering similar legislation (Hayduk 2004). In addition, Chicago has allowed noncitizens to vote in local school board elections since 1988, as did New York between 1970 and 2003 (when school boards were dissolved), and there are campaigns under way to permit immigrants to participate in these elections in several other cities as well (Kini 2005; Varsanyi 2005; Yang 2006).
CONCLUDING REMARKS

Place matters greatly for the large number of immigrants, both authorized and unauthorized, living in the United States today. In part this is a result of the rescaling of the state and the concomitant intensification of geographical variation in immigrant-specific local policies and in "universal local policies" that centrally affect the welfare, rights, and opportunities of immigrants.

We have examined here inclusionary policies that are likely to be associated with significant differences in local modes of integration across the country. We have shown that many counties, cities, and other smaller jurisdictions have implemented policies that boost unauthorized immigrants' chances of remaining in the country, as well as other policies that grant important social, economic, and political rights to immigrants, improve their life chances, and promote their integration in various ways. The variety and potentially substantial effects on immigrants of the inclusionary local immigration policies we have discussed suggest that conducting systematic research on local modes of integration in the United States would be warranted. The theoretical, methodological, and policy payoffs of that research are likely to be large.

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net of immigrants, both authorized and illegal. In part this is a result of an increasing intensity of geographical policies and in universal local policies and opportunities of immigrants. States that are likely to be associated with immigration across the country, and other smaller jurisdictions, are likely to face less severe policies that grant important socio-economic benefits to immigrants. The variety of governmental policies on immigration is likely to be large. The present paper discusses the disadvantages that immigrants face and their potential impact on local governments.


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4 Partisanship, No Explaining Muni Affecting Undoc

S. KARTHICK RAMAKRISHNA

Though there is widespread recognition of its role in regulating the workplace, there is little systematic understanding of the policies while others do nothing at all. Part of the difficulty is that rarely get coverage in state or local newspapers like the *New York Times* or the *Los Angeles Times*. The idea of a national policy that would address the issue is not new, but the push for a comprehensive immigration reform bill has been gaining momentum in recent years.

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Cumber, Politics of Race. Immigration Institute Roundtable at UC Berkeley. Warren Institute on Race, Economics, and Equity.