

# **IMMIGRATION TO THE U.S.A.: THE CASE OF MEXICANS IN CALIFORNIA**

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**MIGSYS**

**Immigrants, policies and migration systems:**

**An ethnographic comparative approach**

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**Immigrants, Policies and Migration Systems:  
An Ethnographic Comparative Approach  
(MIGSYS)**

**MEXICAN MIGRATION TO CALIFORNIA**

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## 1. Introductory Summary

In this report we explore “local” factors that shape Mexican migration to the state of California. This research is nested within the more generalized report on Mexican migration to the U.S. provided by Uma Segal.<sup>2</sup> Whereas most U.S.-based research examines the effects of federal policy on immigration to the U.S., and specifically undocumented migration from Mexico, few scholars have analyzed (1) the variable local implementation of federal policy, (2) state-level measures that directly affect migrants’ decisions and daily lives, and (3) local-municipal policies that may act as de facto forms of immigration control and regulation (for important exceptions see Zúñiga and Hernández León 2005; Light 2004; Varsanyi 2006).<sup>3</sup>

This report suggests that engaging a local perspective may prove crucial for concretely operationalizing how migrant decision-making and policy come together to shape migratory patterns. A local lens enables us to critically explore the relationship between the intended effects of federal immigration policy and its actual implementation at the local level. It also allows us to capture city and municipal level policies that may not be formally categorized as “immigration policy” but that, nonetheless, affect the quality and range of opportunities available to migrants in particular locations. In addition, the local perspective serves as an excellent complement to the extensive U.S. national-level research program headed by pioneers such as Douglas Massey and Wayne Cornelius. Finally, as we engage cross-country comparisons, a local perspective may prevent us from imputing generalized causes to similar cross-country outcomes when, in fact, different constellations of local implementation (or a similar local-national interaction dynamic) may be responsible (see also Favell 2003).

Because of its long history, the study of Mexican migration to California provides us with a strategic case for exploring the concrete workings of local policy and implementation as it intervenes in, compliments or counteracts pre-existing migration dynamics and federal immigration laws. In the pages that follow, we begin with a brief overview of theoretical trends in the literature on international migration. We subsequently provide a description of immigrant stocks and flows in California, with specific attention to Mexican migration. This is followed by a brief recounting of the long history of relations that connect California and Mexico and the policy that has shaped and been shaped by that history.

The bulk of the report, then, is dedicated to an exploration of local implementation of federal law, on the one hand, and the manner in which local policies and ordinances may play the role of de facto immigration regulation and control, on the other. We organize this section not by chronology but rather by areas of migrant life and policy implementation, including: employment, housing, access to social services and identity documents and local policing. We also make brief mention of the reforms currently pending in U.S. Congress.<sup>4</sup> We conclude by reiterating our case for implementing a localized perspective alongside national-level analysis in operationalizing the ethnographic and comparative project at hand.<sup>5</sup>

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<sup>2</sup> Our assigned task for this report was to focus specifically on Mexican migration to California. For this reason, readers will benefit from reading this nested report alongside the US-Mexico Report prepared by team member, Uma Segal.

<sup>3</sup> Please note that, due to the specifics of the U.S. context, throughout this paper “state” refers to the California state level (or other sub-national states), “federal” or “national” refers to the U.S. level, and “local” or “intrastate” refers to the city and municipal level.

<sup>4</sup> This latter policy intervention will prove timely for this project as we move to the interview phase.

<sup>5</sup> Please note that we have relied on scholarly sources when possible, but we have also drawn heavily on policy reports and journalistic sources, such as newspaper articles, for needed information. To date, few scholars have theorized the effects of local policy and its implementation, and such analysis has only just begun to inform larger immigration debates in the U.S. (for one such review, see Miriam Wells 2004). Instead, it is journalists and community-based organizations that have captured many of the phenomena that we explore in this report.

## 2. Theoretical Trends: Call for a Local Perspective

In the last 30 years we have witnessed substantial theorizing on the determinants of migration, ranging from increasingly sophisticated push-pull theories that move beyond strict neoclassical economic perspectives to more recent network theories (for a review and elaboration on these determinants, see Triandafyllidou and Blair). Much of this theorizing, and certainly the majority of network theory, has grown up in the empirical context of Mexico-US migration. In the years that followed IRCA (see below), scholars puzzled to understand why unauthorized migration from Mexico was growing drastically in the face of a relatively liberal legalization program, the institution of employer sanctions and enhanced border control (e.g., Cornelius, Massey, and Durand). The findings bring our attention to the exponential dynamics of network mechanisms as well as the unintended consequences of both border control and employer sanctions as *practiced* in the U.S.

Immigration scholars assert that with ongoing push and pull factors, restrictionist policy and inadequate provisions for legal migration *create* the undocumented population that such measures seek to control (see especially Cornelius 1998 and 2005, Zolberg 1999, Massey et al. 2002). Adherents to network theory assert that family reunification practices lead to exponential increases in the immigrant population, both authorized and unauthorized. As importantly, they show that networks often defy and even grow in sophistication in the face of restrictionist policy interventions (see Cornelius 1998). Finally, those focusing on the unintended consequences of restrictionist controls assert that employer sanctions (especially when sloppily instituted) only increase contracting practices and the proliferation of the false document trade, while increased border controls re-direct migration through dangerous corridors, spur the human smuggling industry (Cornelius 1998, Durand and Massey 2004, Massey, Durand and Malone 2002) and increase the duration of “temporary” stays (Reyes 2004).

Such theories have greatly enhanced our understanding of the dynamics of migration and the potential unintended consequences of policy intervention, and they have done so particularly on a macro and national level. But they have been less successful in aiding our understanding of the subjective processes of migrant decision-making. Certain policy measures may correlate with migration trends, but what are the mechanisms through which migrants come to understand their position and options? How do they anticipate the potential effects of policy, and to what degree does the particular implementation of policy affect migrants’ settlement experiences? How may implementation vary across localities with differing political legacies and opportunity structures for immigrants? And how may various localities develop reputations and realities of immigrant hospitality that make them more or less “livable” for immigrants?

These questions suggest that localities are imbued with their very own push-pull dynamics that may complement or contradict the larger national-level dynamics. They highlight the notion that somewhere in the *link* between policy implementation and decision-making rest migrants’ perceptions or experiences of the “livability” of a place – the degree to which a migrant can survive in a locality as well as the slate of opportunities encountered there. Greater attention to local implementation and local political struggles over housing, employment, healthcare, education, and daily movement (which may or may not be related to federal immigration policy) should thus enhance our understanding of the feasibility and desirability of settlement in high immigration locations, such as Los Angeles, California. And this, in turn, may prove imperative for accurately understanding how migrants make decisions about where to work and settle.

### 3. California at a Glance: Immigration Patterns, 1980-2005

**Immigration's significance.** California is an overwhelmingly popular destination for immigrants arriving in the United States. In 1920, California became one of the six highest immigrant receiving states in the U.S. Since 1980, it has consistently remained the state with the largest foreign-born population, and by the 1990s, it contained more than 30 percent of the U.S.'s total immigrant population.

Until 1990, over 70 percent of all immigrants were concentrated in just six receiving states – California, New York, Florida, Texas, New Jersey, and Illinois. For California, this concentration factor is even more significant as its share of the total foreign-born was more than twice that of New York, the state with the second highest share (figures drawn from Passel and Zimmerman 2001). While immigrants constitute 11 percent of the U.S. population, they currently account for a full 28 percent of California's population (Hill and Hayes 2003). And, the total stock of immigrants in California has grown rapidly over the last three decades; in raw numbers, the immigrant population in California increased five-fold, from 1.8 million in 1970 to 8.9 million in the year 2000 (PPIC 2002).<sup>6</sup>

The potential political impact of immigration on California is particularly evident when viewed geographically across the state. In a full 64 percent of California's 474 cities, foreign-born persons constitute more than 15 percent of the local population. In 34 percent of its cities (162 out of 474), immigrants account for at least 25 percent of the resident population (Ramakrishnan and Lewis 2005: 7). And foreign-born immigrants in Los Angeles constitute 40 percent of the local population. Many immigrants in California are *new immigrants* – that is, they arrived only within the last 10 years. In fact, eight percent of all Californians are estimated to be new immigrants (Hill and Hayden 2003). And within Los Angeles and Orange counties, some cities have populations in which 1 in 6 residents is a new immigrant (Flaming, Haydamack and Joassart 2005: 1, 29; Hill and Hayes 2003).

**Undocumented Migration.** Undocumented immigrants constitute a large portion of the immigrant population in California.<sup>7</sup> Johnson (2006) reports that, currently, 1 in 15 Californians is undocumented and that unauthorized immigration accounts for 12 percent of the state's annual population growth. As a proportion of the undocumented population across the U.S., in 2004, California was home to 2.4 of the 10.3 million undocumented migrants estimated to be in the country (Passel 2005).<sup>8</sup>

Even as undocumented immigration to California has dropped by nearly 25 percent (as a proportion of all undocumented migration), California still has over a million more undocumented resident immigrants than Texas, the next most popular destination for unauthorized immigrants to the U.S. Much of this migration, according to the PPIC, is due to a substantial increase in family-based undocumented migration following the Immigration Reform and Control Act (IRCA) in the late 1980s (Johnson 2006).

For Los Angeles, the figures are equally striking. An estimated 25 percent of immigrants living in the city of Los Angeles, and 23 percent of those living in Los Angeles county, are estimated

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<sup>6</sup> As Passel and Zimmerman note, California's share of the native born population has *also* increased steadily so that by 1990, California had a larger share of the native-born population than did any state since 1860 (that was New York) (2001: footnote on page 5).

<sup>7</sup> Note that undocumented migrants consist of persons who crossed the border without authorization as well as those who overstayed temporary visas. Scholars estimate that between 25-40% of undocumented migrants are visa overstayers (Passel 2005: 9, Massey et al. 2002b).

<sup>8</sup> The most recent estimate bumps the total U.S. undocumented population up to 11.1 million (Passel 2006).

to be undocumented (Flaming, Haydamack and Joassart 2005: 1, 29). While eight percent of all workers in California are undocumented (Hill and Hayes 2003), in L.A. County, 15 percent of workers are in the informal economy and 61 percent of those workers are undocumented (Johnson 2006).

**Change over time.** Although it appears that California will not lose its position as host to more of the foreign-born population than any other U.S. state in the near future, California, like the other top five receiving states, began experiencing a marked *reversal* in its *share* of the immigrant population in the 1990s (Passel and Zimmerman 2001).<sup>9</sup> Between 1990 and 1999, the share of the immigrant population in the top six receiving states dropped from 73 to 70 percent (2001: 8), and California's share dropped from a peak high of 35 percent in 1995 to 30 percent in 1990 (2001: 6).

Although the shift does not appear drastic by these numbers, the following growth rate figures, tabulated by Passel and Zimmerman, put the trend into perspective: California's foreign-born growth rate shifted from 103 percent in the 1970s to 80 percent in the 1980s, and to only 24 percent in the 1990s -- a time when the national average was 34 percent (2001: 8). Passel and Zimmerman assert that the decline in growth is the result of net out-migration of immigrants from California (and other traditional receiving states) to new destinations (see also Johnson 2000), as well as a marked decrease in international migration to these traditional localities in favor of the new destinations (see also Zúñiga and Hernández León 2005).<sup>10</sup> In terms of the latter, California experienced a significant drop, receiving 33 percent of incoming international migrants between 1990 and 1995 and only 22 percent by 1999 (2001: 10-13).

Unauthorized migration mimics the larger pattern of shifting migration destinations, with a major *redistribution* of undocumented migrants to new destination sites. Whereas, in 1990, 45 percent of all undocumented migrants lived in California, by 2004, this figure had dropped to only 24 percent. By contrast, non-traditional receiving states more than tripled their share of the undocumented population (from 12 percent in 1990 to 39 percent in 2004) (Passel 2005).

Leading scholars assert that the factors responsible for this dispersion of the immigrant population (authorized and unauthorized) include increased border control in traditional border-crossing sites, the effects of major recession in California in the early 1990s (see Massey, Durand, and Malone 2002), immigrant saturation in the traditional receiving states in general (see Light 2004), higher cost of living in these traditional sites, nativist sentiments and policies, and IRCA (which is believed to have redirected immigrant networks to new sites through increased mobility due to legalization and changed employer contracting practices) (on this point see Zúñiga and Hernández León 2005).

**National Origin.** Despite these recent shifts, the immigrant population in the U.S. remains concentrated geographically in California, and this concentration displays a further clumping of particular national origin groups. Data drawn from the 2000 census shows that 89 percent of California's immigrants are from Latin America and Asia alone (with 56 percent from Latin America and 33 percent from Asia). Among these foreign born populations, the leading

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<sup>9</sup> In raw numbers, immigration and especially undocumented immigration has continued to rise substantially in recent years, but the geographical distribution of that immigration has begun to shift. For an overview of shifts in immigration flows (authorized and unauthorized) to the U.S. in general, see Passel (2005 and 2006).

<sup>10</sup> It is important to note that the net outmigration of immigrants from California mimics a general trend of outmigration of the native born in the latter half of the 1990s (see both Passel and Zimmerman 2001 and Johnson 2000). The 1990s also saw significant net outmigration from Los Angeles to other cities in California (that is, there was also substantial *intra*-state migration in California) in the 1990s (Johnson 2000: 13).

sending country is Mexico, accounting for 3.4 million of the 8.6 million foreign born persons in California (or 39.5 percent) as of 2000 (U.S. Census Bureau).<sup>11</sup>

Mexicans are distantly trailed by immigrants from the Philippines (700,000), Vietnam (400,000), and El Salvador (400,000), who comprise the next largest national origin groups (PPIC 2004).<sup>12</sup> Estimates of California's population by *racial* category (including both foreign and native born) puts non-Hispanic whites at 45 percent, Hispanics at 35 percent, Asians at 12 percent and African Americans at just 6 percent (based on 2003 estimates, PPIC 2004).

**Mexican Immigrants in California.** Comprising close to 40 percent of the foreign born population in California, the Mexican-born population remains more than 6 times larger than the next biggest foreign-born population, reflecting a long and unique relationship between California and Mexico as a region. That said, both authorized and undocumented Mexican migrants are overrepresented in the net *out*migration of immigrants from California to other states in the U.S. In fact, almost all of the net movement of the foreign-born populations out of California in the 1990s is accounted for by Mexicans (Passel and Zimmerman 2001).

Overall, 6,026,500 people included in the 2000 census in California claimed Mexican heritage, which accounts for approximately 16.7 percent of California's current total population (note that this estimate may be low, as the reporting options for persons of Hispanic descent on the U.S. census are cumbersome and often confusing). Sixty-seven percent of those who claim Mexican heritage in California were born in Mexico (U.S. Census Bureau).

Figures on the **official immigration statuses** of particular national origin immigrants in specific states within the U.S. are difficult to obtain. The most specific data are provided by the United States Citizenship and Immigration Services (USCIS) (Department of Homeland Security), but these figures are often generalized (i.e. presented in large ranges) and may be unreliable with regard to unauthorized immigrants. To present a general view of Mexican immigration to California, we report these figures below. Perhaps as expected, these data suggest that Mexican immigrants are overrepresented in many of the trends described previously.

According to the USCIS, a total of 721,395 Mexican immigrants were admitted to California with **temporary authorization** in fiscal year 2004 (the latest year for which statistics are available) (USCIS). This constitutes 14 percent of those Mexican immigrants admitted to the U.S. with temporary authorization in fiscal year 2004 (Texas received the largest proportion at 24 percent of the total). From 1990 through 1999, an estimated 25 to 52 percent of all Mexican immigrants who obtained **lawful permanent resident (LPR) status** in the U.S. lived in California. This accounts for the highest numbers of Mexican immigrants to the U.S. who were able to adjust their status to permanent residence (USCIS). While one-fifth of all Mexican immigrants to the U.S. are **naturalized citizens**, 20 to 57.74 percent of persons born in Mexico who became naturalized citizens from 2000 through 2003 lived in California. This represents the highest proportion of naturalized Mexican immigrants living in any state in the U.S.

Strikingly, Mexican immigrants comprise 56 percent of the **undocumented** population in the U.S. as a whole. Of Mexican migrants who have been in the U.S. *for only the last ten years or*

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<sup>11</sup> See [http://factfinder.census.gov/servlet/QTTable?\\_bm=y&-geo\\_id=04000US06&-qr\\_name=ACS\\_C2SS\\_EST\\_G00\\_QT02&-ds\\_name=ACS\\_C2SS\\_EST\\_G00\\_](http://factfinder.census.gov/servlet/QTTable?_bm=y&-geo_id=04000US06&-qr_name=ACS_C2SS_EST_G00_QT02&-ds_name=ACS_C2SS_EST_G00_)

<sup>12</sup> These sending countries have remained relatively stable over the last 20 years, with one notable exception – an increase between 1990 and 2000 of immigrants from China and, *particularly*, India; whereas the latter was not even included in the top ten foreign born groups in the 1980s, in the 1990s India was the fifth ranked sending country for immigrants in California (Hills and Hayes 2003).

less, 80-85 percent are thought to be undocumented (Passel 2006). The figures for California mimic this larger trend, with Mexicans making up more than 50 percent of California's undocumented immigrant population.

Finally, in terms of their **living situation**, Mexican and Central American immigrants in California are more likely than other immigrants to have children under 18, to live in crowded rental housing (80 percent compared to 17 percent of all Californians), and to live in poverty (one-third live below the poverty line) (PPIC 2003). Two thirds of Mexican immigrants to California have reportedly completed less than a high school education (PPIC 2003).

#### **4. Brief Policy History: Mexican Migration to the U.S. and California**

Because of the historical concentration of immigrants in California and the state's crucial role in the larger U.S. economy,<sup>13</sup> California has been a consistent trendsetter in federal immigration policy and reform, and has influenced local policies in other U.S. states. Put differently, the politics and sentiments that have grown up in the California context over the years have come to weigh heavily in national level deliberations and reforms (see especially Massey, Durand, and Malone 2002; Calavita 1996). Factoring in no small way into these politics and sentiments are the particularly deep historical roots of *Mexican* migration to the U.S. and, specifically, to California. This section provides a brief historical overview of the relationship between state policy and Mexican immigration to the U.S. and California, beginning with the **Bracero Program** that is responsible for institutionalizing Mexican migration to the U.S. and California in particular.<sup>14</sup>

In 1942 U.S. President Franklin Roosevelt negotiated a "binational treaty for the temporary importation of Mexican farm workers" to appease U.S. employers alarmed by U.S. workers' migration to urban centers (Massey, Durand, and Malone 2002: 35). In 1942, the first Mexican citizens recruited into this program arrived in Stockton, California. These migrants were referred to as "*braceros*", or "farmhands" (Massey, Durand, and Malone 2002: 35).

The Bracero era lasted from 1942 until 1965. During that time, U.S. employers who experienced a perpetual labor shortage (and constantly lobbied for more visas) struggled against a backlash among U.S. citizens who, in the height of the McCarthy era, clamored for closing borders to Mexican immigration. In 1954, the INS apprehended and deported more than a million Mexican migrants (some of them U.S. citizens) in "Operation Wetback," and at the same time again doubled the number of visas available to bracero workers to 450,000 (Massey, Durand and Malone 2002: 37). Many undocumented Mexican migrants who were forcibly expelled immediately secured visas and returned to the U.S., while those who were unable to secure such visas returned following the INS attacks (Massey, Durand and Malone 2002: 37).

In 1965, after nearly 5 million Mexican migrants had entered the U.S. over the course of the Bracero program, civil rights activists lobbied to terminate it (Massey, Durand and Malone 2002: 39). They criticized the highly exploitative practices of participating U.S. employers and called for reforms of U.S. immigration policy to protect migrants' rights. Congress responded by passing the **Immigration and Nationality Act (INA)** to repeal the historic national

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<sup>13</sup> If California were a country, its economy would rank 6<sup>th</sup> largest in the world. California accounts for 13% (the largest share) of the U.S.'s total economic output, and the state's GSP (Gross State Product) has exceeded \$1 trillion since 1997 (PPIC 2004).

<sup>14</sup> Here we draw heavily on extensive work already carried out by Massey, Durand, and Malone in their 2002 text, *Beyond Smoke and Mirrors*.

origins quota system and replace it with a preference system (Massey, Durand and Malone 2002: 40).

During the next two decades, the U.S. Congress repeatedly restricted lawful Mexican immigration despite immigrants' and U.S. employers' historic support of the process (Massey, Durand and Malone 2002: 43, Calavita 1996: 287). The result was "an explosion" of unauthorized Mexican migration from 1965 through 1986. Massey and Singer (1995) estimate that during this period, 28 million Mexicans entered the U.S. without authorization, and that 81 percent of the estimated 5.7 million Mexican migrants who remained in the U.S. (rather than migrating in a circular fashion) were undocumented (Massey, Durand, and Malone 2002: 45).

In 1986, Senator Alan Simpson and Representative Peter Rodino "miraculously balanced the interests of growers, immigrants, Latinos, restrictionists, free traders, nativists, and employers to secure the passage of the **Immigration Reform and Control Act (IRCA)**" (Massey, Durand, and Malone 2002: 48). IRCA provided an amnesty for more than 2.3 million Mexicans (among 3 million immigrants total) while increasing the Border Patrol's budget and threatening sanctions against U.S. employers who knowingly hired unauthorized workers. Millions of Mexican migrants applied for residency and petitioned to immigrate their relatives from Mexico (Barkan 2003, Massey, Durand, and Malone 2002). By 1990, with many migrants having secured lawful immigration status and many more hoping to obtain it under IRCA, both legal and unauthorized Mexican migration to the U.S. increased dramatically (Cornelius 2005: 782).

With disproportionately large concentrations of Mexican immigrants (many being undocumented) settling in California cities (see above), and with California facing its **deepest recession** since the Great Depression, in the early 1990s nativist sentiment in California ran wild. California voters followed former Governor Pete Wilson in attempting to goad immigrants into "self deporting" (Cornelius 2005). In 1994, a majority of California voters passed **proposition 187** to bar unauthorized migrants from receiving social services, including public schooling and emergency health care, and required social services personnel to report clients they suspected of being undocumented to the California Attorney General and U.S. INS (Calavita 1996, Barkan 2003, Cornelius 2005, Massey, Durand, and Malone 2002). The American Civil Liberties Union (ACLU) successfully challenged the constitutionality of the proposition, and many of its provisions were prevented from taking effect.

Nonetheless, the California legislature implemented initiatives such as "**Operation Gatekeeper**" to enforce its southern border with Mexico and diminish unauthorized migration in the 1990s. This and related strategies—such as "Operation Blockade/Operation Hold the Line" in El Paso, Texas, "Operation Safeguard" in Nogales, Arizona, and "Operation Rio Grande" in southeastern Texas—militarized the U.S. border and began pushing unauthorized migrant flows through increasingly dangerous corridors, where thousands of prospective immigrants have lost their lives in the past decade (see especially Cornelius 2001 and 2005; Massey, Durand, and Malone 2002: 106-107).

In addition to these militaristic, so-called deterrence strategies, in 1996 the Clinton Administration successfully secured the passage of the **Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)**. Many of IIRIRA's provisions closely resemble those of proposition 187, which Calavita (1996) and Massey, Durand, and Malone (2002) argue are connected.

IIRIRA not only legislated stiffer penalties against smugglers, unauthorized migrants, and "visa overstayers," it also slated additional funds for border reinforcements and revoked

unauthorized migrants' eligibility to receive federally funded social services, even if migrants paid U.S. taxes. In addition, IIRIRA granted states the authority to deny public assistance to unauthorized immigrants and increased the income level required for a U.S. resident or citizen to sponsor an immigrant's relative through legal, family based immigration (Massey, Durand, and Malone 2002: 95-96).

In the same year, Congress passed the **Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)** of 1996 (also known as the "welfare reform"). PRWORA bars not only unauthorized migrants from seeking additional social services at the federal, state, and local levels that were not covered under IIRIRA, but also U.S. residents (i.e., authorized immigrants lacking U.S. citizenship).

Finally, on the eve of the **September 11 terrorist attacks** in 2001, Presidents George W. Bush and Mexico's President Vicente Fox were moving steadily towards a bilateral immigration accord that likely would have launched a guestworker program and a path to legalization for a large portion of the undocumented population living in the U.S. (Rosenblum 2002). But in a post-911 "homeland security" context, these negotiations were derailed. The aftermath of 9-11 has led to further militarization of the border and a rise in citizen-based militias bent on patrolling the border themselves. Various reform bills are now pending in congress, but in the interim, Californians must continue to live within and manage their current reality: ongoing tensions between a now entrenched employer dependence on cheap labor versus a highly reactionary, restrictionist portion of the electorate, a large undocumented population and high presence of mixed-status families, and overwhelming paperwork backlogs for immigration status adjustment.

September 11 and all of the immigration policies and interactions described above can be viewed as significant events in the history of the California-Mexico connection. In order to **concretely operationalize these events** so as to probe **how they may or may not affect Mexican migrant decision-making**, we now take a large step inward to the state and local context. In the following section we review the ways in which major policy (that of the last 10 years as well as the legacy of prior policy moments) was implemented and felt on a more localized level. The reader will note that events such as IRCA, Proposition 187, California's recession in the 1990s, PWRORA, IIRIRA, 911, and the militarization of the border are policy threads that run through all of the concrete areas of migrant life delineated below.

## **5. Recent California Policy and Migrants' Daily Lives**

In the following discussion we explore two elements of "the local" – namely local implementation of federal policy and "non-immigrant-specific" municipal policy that shape the living conditions and opportunities that immigrants find there. We focus on employment, access to social services and identification documents, housing availability and affordability and "policing" approaches (for information on the effects of border enforcement see *Theoretical Trends*, above). We close by touching briefly on the immigration bills currently pending in Congress and explore their potential implications for immigrants in California and for this project in general.

Note that while much of what is discussed here affects Mexican migrants of every immigration status, there often exists an even stronger effect for the **2.4 million undocumented migrants living in California**. The significance of this population is highlighted when one reconsiders the estimates put forward above – that in the U.S. as a whole, 80-85 of recent Mexican migrants (who arrived within the last 10 years) are thought to be undocumented. In this sense, any study of *recent* Mexican immigrants in California will necessarily capture a largely undocumented population.

## **(a) Employment**

Examining employment opportunities for Mexican immigrants to California since 1995 reveals several ways in which federal immigration policy, as implemented at the local level, interacts with non-immigration related local legislation to affect the quality of immigrants' experiences. Although Cornelius (2005) argues that the mixture of these policies has failed to deter immigration while concomitantly creating a significant social problem, little qualitative research has been conducted to examine this claim.

With the passage of the Immigration Reform and Control Act (**IRCA**) in 1996, U.S. employers for the first time in U.S. history faced the threat of legal **sanctions for knowingly hiring unauthorized immigrants** (Brownell 2005, Martin 2001, Cornelius 2005). While many immigrants from Mexico in particular received amnesty and thus authorization to live and work in the U.S., IRCA's benefits have long since expired. Rather than providing new opportunities to immigrate legally or regularize one's immigration status after entry, the 1996 immigration reforms (**IIRIRA**) made it increasingly difficult for many immigrants from Latin America to obtain the same benefits as those qualifying for IRCA in the 1980s. Since the mid-1990s, unauthorized migration from Mexico has been growing, while legal immigration is declining (see above, PPIC 2003 and 2004). This means that while employers continue to face sanctions, growing numbers of immigrants have declining access to work and residency authorization.

Although evidence suggests that actual government enforcement of these sanctions is negligible—as of the late 1990s only 2 percent of the INS' budget targeted worksite enforcement and as of 2003 an average of only 12 unauthorized migrants were apprehended at work per week across the entire U.S. (Cornelius 2005: 785)—the threat of sanctions has in fact substantially altered hiring and work practices in industries with the highest proportions of non-citizen Mexican immigrant workers in California. These industries include farming, farming services, restaurants and other food services, construction, cut and sew apparel manufacturing, private households (e.g., day care, and cleaning services), and landscaping services (Flaming, Haydamack, Joassart 2005: 30, Cornelius 2005, Martin 2001). Evading sanctions for knowingly hiring unauthorized migrants has assumed a variety of forms in each of these industries.

The most obvious form of evasion is failing to report workers altogether. This is common in private household employment and some landscaping services (Flaming, Haydamack, Joassart 2005; Hondagneu-Sotelo 2001). In industries where more careful record keeping is necessary, many employers have resorted to using **contractors** to hire workers. Contractors then become responsible for verifying work authorization and handling payment of workers (see below). In each case, the local and national government is less able to enforce health, safety, and wage and hour regulations to protect workers against exploitation by unscrupulous employers, but also to detect unauthorized workers in the first place.

In both cases, several federal and local policy events have helped to shape the employment practices and experiences of California employers and Mexican immigrants. They include:

- Formal local enforcement of federally mandated employer sanctions (agriculture): Immigration raids on California employers have been rare, except in instances where local communities have complained of other-immigration related problems (real or imagined) (see Johnston 2003; U.S. General Accounting Office 1997).

More important are Department of Labor (DOL) certification procedures for employers. As of 2001, employers in agriculture are required to apply for **H2A permits** from the Department of Labor. They must certify a need for immigrant workers (immigrant workers constitute 95 percent of the agricultural labor force in California, with 96 percent coming from Mexico and up to 50 percent being recent unauthorized Mexican immigrants (Martin 2001, Guzman and Mason 2005)). Employers are required to pay the “higher of three wages: the federal or state minimum, the prevailing wage, or the Adverse Effect Wage Rate (AEWR)” to prevent immigrant workers from depressing local wage rates (Martin 2001: 3). Finally, for out-of-area workers, employers are required by the DOL to provide free housing during employment.

As a result of these policies, California employers are lobbying to eliminate the DOL’s role in certifying the need for immigrant workers, eliminate the AEWR (which they argue is especially high given California’s above-average minimum wage and high dependency on immigrant labor), and substitute an allowance for provision of housing (Martin 2001). In addition, employers are increasingly relying on labor contractors and farm management companies to provide a workforce. This enables them to pass on reporting requirements of Social Security Numbers and work authorization to contractors, and avoid penalties for “knowingly hiring” unauthorized immigrant workers in the event of a raid. Currently, 50 to 75 percent of workers in California agriculture are hired through contractors or management services (Martin 2001: 2).

Significantly, the California legislature has until recently resisted passing legislation that would hold both employers and contractors responsible for safety, wage and hour violations of workers’ rights (see page 13, below). This means that when contractors neglected to pay workers, transported them in an unsafe manner, or denied them other employment rights, only the contractors could be held liable (see Guzman and Mason 2005). Often contractors disappeared in the midst of disputes, and many employers could not be legally held responsible (Martin 2003, see also Bonacich and Appelbaum 2000).

According to the California Institute for Rural Studies and Aguirre International, “42% of California farm workers earn less than \$10,000 a year, 33% earn between \$10,000 and \$14,999, 20% earn between \$15,000 and \$24,999, and 4% earn \$25,000 or more” (Guzman and Mason 2005: 2). They have high unemployment rates and “rank among the lowest paid” of the all the occupational groups in California (Guzman and Mason 2005). In addition, many California farm workers, the vast majority being recent Mexican immigrants, lack health insurance while facing especially hazardous working conditions. For the many who remain undocumented, they lack access to unemployment, social security income, and medical services altogether (The California Endowment in Guzman and Mason 2005).<sup>15</sup>

- Formal local enforcement of federally mandated employer sanctions (non-agricultural industries): Few large-scale crackdowns on employers outside of agriculture were conducted in California during the 1990s (prior to 1998). A significant exception is Operation Buttonhole, which was launched in March 1998 as a response to the discovery of slave-like conditions of workers in an El Monte factory in Southern California (Bonacich and Appelbaum 2000).

Under the auspices of **Operation Buttonhole**, the Immigration and Naturalization Service (INS) raided 75 garment factories in downtown Los Angeles in a period of three weeks. While over 85 percent of the workforce in this industry are immigrants, only 15

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<sup>15</sup> Available at [http://www.vividpicture.net/documents/20\\_Summary\\_Input\\_from\\_ROCWW.pdf](http://www.vividpicture.net/documents/20_Summary_Input_from_ROCWW.pdf)

percent of these are naturalized citizens. Mexican immigrants make up over half of all operators in the southern California factories (Bonacich and Appelbaum 2000: 168). INS agents deported over 300 workers from these factories in 1998 before expanding the purview of its raids in to “restaurants and other industries employing large numbers of immigrants” (Bonacich and Appelbaum 2000: 165). Although the DOL had been randomly inspecting factories in Los Angeles since January 1998, more than half of which were found to violate workers’ rights and employ unauthorized migrants, it stepped up its enforcement efforts in late March of the same year (Bonacich and Appelbaum 2000: 166).

Just weeks before the raids began, a referendum in California raised the minimum wage for the third time in two years. With a 35 percent increase in **wage rates** in just 18 months, Bonacich and Appelbaum (2000) found that increasing numbers of workers in the garment industry in particular, where many immigrant workers are concentrated, complained about declining working conditions and increasing pressures by employers to speed up production. The result of these combined policies was increasing insecurity among unauthorized workers in southern California. Fewer workers reported violations to the DOL and increasing numbers were forced to tolerate egregious violations of their civil rights.

Although employers potentially faced greater than usual threats of government crackdowns on their illegal hiring of unauthorized migrants, many had resorted to the practice of using **labor contractors** to build a low-wage labor force. Many of these contractors operate “underground” to avoid detection by the authorities. When violations are detected, contractors may disappear.

An important policy affecting immigrant workers has thus been the California legislature’s *repeated failure to pass a **joint liability law** until 2004*. If passed, this law would have held many employers responsible for relying on contractors who commit abuses against workers (e.g., withholding wages, forcing workers to live and sleep at factories by taking away their passports and locking them inside factories) and fraud. Before 2004, employers could not be held legally responsible for the legal transgressions of their contractors, and workers were often the ones who lost. As an example, Bonacich and Appelbaum (2000) report that as a result of these practices, in Los Angeles alone, workers in the garment industry were deprived of “\$72,620,000 in unpaid wages” each year (181). In addition to being deprived of these wages due, Bonacich and Appelbaum point out that most of these workers’ earnings are already about 19 percent below the state poverty line of \$8,840 per capita, per year (181).

According to Alejandra Domenzain of Sweatshop Watch (Douthit and Esquivel 2004, UC Davis Business Law Journal),<sup>16</sup> manufacturing employers in California are gross violators of health, safety, and wage regulations and often take advantage of undocumented workers who are afraid to report employers’ abuses. **AB633**, passed in 2004, holds employers increasingly liable for the transgressions of their contractors, but the Division of Labor Standards Enforcement’s (DLSE) ability to investigate claims against employers under AB633 is seriously hampered by many manufacturers’ and contractors’ unregistered business status and their ability to deny working together.

Further, the number of DLSE investigators is disproportionately small compared with the number of factories operating in California. In Los Angeles, “there are approximately eleven inspectors dedicated to the garment industry and there are about 5,000 shops in the

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<sup>16</sup> See <http://blj.ucdavis.edu/article/528/>

same area. So it is rare to be randomly inspected” (Domenzain in Douthit and Esquivel 2004).

- De facto enforcement of employer sanctions through the federal Social Security Administration (all industries): With the implementation of employer sanctions in the mid-1980s, many unauthorized migrants began purchasing social security numbers and false identification cards to seek work. When the U.S. Social Security Administration (SSA) subsequently began receiving “billions of dollars in employer contributions for workers with incorrectly filed Social Security Numbers (SSNs)”, it launched a “**no-match**” letter campaign to notify their employers (Mehta, Theodore, and Hincapié 2003; see also Martin 2001). Although in many instances these no-match letters were triggered by filing errors, many California employers assumed they were an indication that their workers lacked authorization (Mehta, Theodore, and Hincapié 2003). Without intending to be an immigration enforcement measure, the SSA’s no-match letter campaign nevertheless became a de facto enforcement policy.

According to a survey of 18 states, in which California employers were overrepresented, Mehta, Theodore, and Hincapié (2003) found that 34 percent of employers receiving such letters immediately fired the affected workers without allowing them a chance to make corrections. Meanwhile, twenty five percent of workers (across all industries) reported that their employers used the letters to fire them when they complained about wage and safety violations, and another twenty five percent reported that their employers did the same when they engaged in union organizing activities (Mehta, Theodore, and Hincapié 2003: i, 14; see also Martin 2001, Cornelius 2005; Bonacich and Appelbaum 2000).

A significant consequence of this policy is the increased volatility of employment for unauthorized migrants. As more recent immigrants from Mexico tend to be undocumented, this is a significant factor in determining their quality of life in California. Although several unions have actively been organizing to protect the rights of immigrant workers in California (see Waldinger et al. 1998, Johnston 2003, Martin 2000, Bonacich and Appelbaum 2000), the ways in which employer sanctions are being enforced in California enables many employers to retaliate against their employees for engaging in these efforts. The lack of California legislation to enforce protections of workers against employers who retaliate (see Mehta, Theodore, and Hincapié 2003) makes it increasingly difficult for non-citizen or resident immigrant workers to enforce many of their civil rights in California.

## **(b) Social Services**

In 1996, U.S. Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (**IIRIRA**) and Personal Responsibility and Work Opportunity Reconciliation Act (**PRWORA**) to limit immigrants’ access to federal and state funded social services. IIRIRA revoked unauthorized migrants’ eligibility to receive federally funded social services, including Social Security and educational benefits, and granted states the authority to deny public assistance to unauthorized immigrants (Massey, Durand, and Malone 2002: 95-96). PRWORA further barred U.S. residents and newly admitted immigrants to the U.S. from seeking services such as food stamps, Temporary Assistance for Needy Families (TANF), and Medicaid (immigrants arriving after 1996 could not seek Medicaid for 5 years).

Although in subsequent years Congress rolled back some of PRWORA’s restrictions on assistance to immigrants (MaCurdy and O’Brien-Strain 2001), it shifted responsibility for determining who qualifies for both state and federally funded social services to the state. As policy analysts at the Washington D.C.-based Urban Institute argue, while the federal

government still decides who may be admitted to the U.S., states are increasingly responsible for providing assistance to those people who the federal government admits (Zimmerman and Tumlin 1999). Given that many immigrants are concentrated in a handful of states, the ways in which these states either substitute for the loss of federally funded services or enforce restrictions on federal and state assistance becomes a local question.

California is regarded as the most generous state in terms of its actions toward substituting for lost public assistance to immigrants. Upon close inspection, however, it is evident that this is only true for 'qualified immigrants,' meaning that California has followed the spirit of PRWORA in further rolling back assistance available to undocumented immigrants, even as California legislators have attempted to substitute for services denied to 'qualified' immigrants (Zimmermann and Tumlin 1999). An important example was the decision to provide state-funded "add-ons" to Medicaid and S-CHIP insurance, emergency health care under Medicaid for undocumented immigrants, and access to food stamps, for immigrants arriving after 1996 (see Ku and Freilich 2001).

- Despite the California legislature's implementation of substitute measures to assist immigrants, in the aftermath of controversy over **proposition 187** in California, which would have required educators and health care professionals to report undocumented immigrants to federal authorities, many authorized, non-citizen immigrants in California stopped seeking Medicaid and related services. While authorized immigrants were safe from deportation, they nonetheless feared that receiving public assistance would dampen their eligibility for citizenship if they were deemed 'public charges' (Ku and Matani 2001, Ku and Freilich 2001). Many thus ceased to seek needed public assistance.
- According to Zimmerman and Fix (1999), the numbers of non-citizen adults and children, as well as non-English speaking immigrants applying for and receiving TANF, Medicaid, and General Relief in California is declining (see also Ku and Freilich 2001, Cornelius 2005, Chavez et al. 1997). As of 2000, "in Los Angeles, 40 percent of non-citizen children and 22 percent of citizen children in immigrant families were uninsured, compared to 6 percent of children in California's native citizen families" (Fix and Capp 2002). Among adults, 42 percent of immigrants are uninsured in Los Angeles, primarily as a result of restricted employment benefits that might otherwise provide health care.
- Although Los Angeles county officials have sought to raise the number of uninsured and low-income children eligible to receive medical care through the Healthy Families in California (the local version of the federal Child Health Insurance Program (CHIP)), their access to such families is limited by uninsured families' declining applications for Medicaid (referrals to alternative insurance programs are generally made by health care providers, who are seeing fewer uninsured immigrant patients).

On the other hand, **The Healthy Kids program** in Los Angeles, implemented in the late 1990s, "targets uninsured children through age 18 in families with incomes below 300 percent of the federal poverty level, who are ineligible for Medi-Cal or Healthy Families" (Hill, Courtot, Barreto, Wada, Castillo 2006). The program involves extensive community outreach, specialty medical care, and payment plans to help families subsidize costs. According to a study by Hill, Courtot, Barreto, Wada, and Castillo (2006), tens of thousands of children, many of them children of immigrants, are benefiting from the program in Los Angeles.

- The L.A. county Department of Health Services, which administers the public health system, launched a **Public Private Partnership** with private health clinics to treat uninsured and low-income immigrants in out-patient care units. These clinics receive

compensation from the county for providing such services. Unfortunately, while most immigrants in L.A. reported using public hospitals and related services for care, they are half as likely to seek and receive medical attention as their citizen counterparts (Ku and Freilich 2001).

The picture is somewhat different with regard to education. The California legislature provides access to education for all immigrants, even in public colleges and universities. Proposition 187, if it had passed, would have revoked this right and required state officials to report students they suspected of being undocumented to state and federal authorities, but this measure never went into effect. Debates over education have more recently focused on **tuition rates for immigrant students in higher education and bilingual education in California**. California policy is as follows:

- **Section 505 of IIRIRA** prohibits states from providing benefits based on residency that are not offered to citizens, but it allows states to determine benefits. In 2001, the California legislature enacted laws allowing undocumented students to receive in-state tuition rates for higher education “if the student attended a California High School for 3 or more years, graduated from a California High School or attained the equivalent to a High School diploma, registers as a student after the fall of the 2001–02 school year, and files an affidavit promising to become an LPR at the earliest possible opportunity” (National Immigration Law Center (NILC) 2006).
- The debate over bilingual education in California has been more contentious. In 1998, California voters passed **proposition 227** to effectively eliminate non-English instruction in California classrooms. Proposition 227 followed on the heels of 187, which would have prohibited undocumented children from obtaining a publicly funded education in California and required school teachers and officials to report children they suspected of being undocumented to state and federal authorities. Although 187 was ruled unconstitutional and never implemented, **proposition 209**, which eliminated affirmative action in California’s major public institutions, and proposition 227 were regarded as thinly veiled attempts to discriminate against immigrants (Orellana et al. 1999).

Proposition 227 in California eliminated programs that for decades had ensured that students receive instruction in a language they understand in addition to learning English (Orellana et al. 1999: 115). One third of all school children in California speak a language other than English at home (Cornelius 2005). While the initiative provides an opportunity for parents to request placement for their children in alternative programs and some funding to tutor parents in English so that they can assist their children with homework in English, many parents were never notified of these options (Cos 1999).

- In 2002, the federal government passed the **No Child Left Behind (NCLB)** initiative that holds schools responsible for the performance of limited English proficient (LEP) students, many of whom are children of Mexican immigrant parents in California. Schools that do not measurably improve the performance of LEP students in math, reading, and English face intervention and possible closure (Capps et al. 2005). NCLB also encourages pre-kindergarten enrollment for LEP students to better prepare them for primary and secondary education in English and includes outreach programs to parents that enable them to monitor their children’s progress. Finally, NCLB mandates that highly qualified teachers must head classrooms for all students (Capps et al. 2005).

Although Berk et al. (2000) and Passel and Zimmermann (2001) argue that the quality and accessibility of social services fails to determine where immigrants settle, as many migrants are heading for states with the least generous social service policies, little qualitative work has

been done to directly examine this issue. As Fix (1997) argued, local enforcement of federal policy paired with the implementation of local policies in California affect the opportunities and living conditions for immigrants. If living conditions become significantly downgraded and opportunities to work and maintain healthy families evaporate, the question of why immigrants would choose to settle in regions where their lives are so impoverished becomes a highly relevant question (see *Theoretical Trends*, above).

### (c) Identification Documents

Directly related to accessibility of employment and social services (as discussed above) is the issue of access to identification documents in general. In a society where so many routine activities require an official identification card, the lack of access to such documents creates a significant obstacle to California's large "undocumented" immigrant population. The ability to work, drive, obtain housing, register children for school, access healthcare, enter federal buildings, or simply borrow videos or books from local libraries and shops are all daily activities that are made difficult (if not illegal) without possession of the appropriate identification card.

True, this obstacle alone may not affect a migrant's decisions to move to and live within a particular locality. But state policies on access to identification documents, and the degree to which such policies are enforced on a day-to-day basis, certainly affect the "livability" of a place from the perspective of the migrant. And while these policies and practices may not be thought of explicitly as "immigration policy" (their enforcement often falling to non-immigration entities, such as agents at the Department of Motor Vehicles (DMV), local police officers, city employees, and social service providers) *in practice* such policies form a significant component of immigration management and control.

While the **events of 9-11** made the issue of access to identification documents a priority issue across the United States, in California 9-11 complicated what was already a significant issue. During California's overtly "**nativist turn**" in the **mid-1990s**, the issue of paper documents – and specifically access to state identification cards, driver's licenses and work authorization forms – became a central issue throughout the state. The politicization of the issue at *that* time did not center on security concerns but rather revolved around the issue of access to jobs and social services. Anti-immigrant activists asserted that by strangling access to official identity documents the state could effectively foreclose the predominately Mexican, undocumented population's ability to work in the U.S. and/or obtain social services, making immigration an untenable option. Now, in a post-911 context, support for restricting access to state-issued documents has returned in full-force.

But despite restrictionist policies on identification documents at the state level, those agencies and individuals whose job it is to manage the needs of a large undocumented population on a day-to-day basis often choose to take a more practical and instrumental stance towards enforcement. Thus the contradiction between formal restrictionist policy and lax enforcement in practice has led to a series of unintended consequences: the emergence of a booming counterfeit document industry, the acceptance of **foreign consular ID** cards for **access to US-based** services and vendors, and the use of **federal documents**, such as tax payer identification numbers, not in filing taxes but rather opening banking and housing-utility accounts. The documents that have taken center stage in California's debates are as follows:

- California State Driver's Licenses:

The implementation of "**lawful permanent presence**" restrictions on who can obtain a state driver's licenses within the U.S. is a perfect example of the potential mismatch between federal immigration policy and local implementation. It also reveals how non-

immigration-specific policies and players become the arbiters and enforcers of laws that may not be “immigration laws” per se, but that seriously affect the daily lives of immigrants living in the U.S.

Currently, individual states in the US can independently choose the qualifications and “breeder documents” required for someone to receive a driver’s license within the given state. As of 2005, only 25 U.S. states had “lawful permanent presence” requirements for obtaining a license (NILC 2005b). Yet state-issued licenses are used for the same official *federal* purposes, such as boarding a commercial airliner or entering federal buildings, even as their access requirements are locally controlled.

In 1992, California became one of the 25 states to formally adopt “lawful permanent resident” requirements. Until then, all residents could obtain a license for driving purposes so long as they passed tests and provided proof of name, age, sex and residential address (Seif 2003). But in 1992, during the initial build-up of nativist sentiments that culminated in Proposition 187, California **amended the Vehicle Code** so that the DMV would be authorized and required to collect and maintain a database of **social security numbers** for all applicants. In 1993, **Senate Bill 976** was passed requiring that all applicants also provide **proof of lawful residence** (even if temporary). And the DMV began contracting with the Social Security Administration (SSA) as well as SAVE (the immigration status **verification system** born out of IRCA) to verify the authenticity of all breeder documents.<sup>17</sup>

With pressure from a well-organized immigrants rights campaign, in 2003, then-Governor Gray Davis signed into law **Assembly Bill 60**, which would have reversed California’s lawful presence requirements. The Bill was backed by major labor unions, the Los Angeles Economic Development Corporation, the Los Angeles Area Chamber of Commerce, the Farm Bureau Federation, the Agricultural Council of California, as well as major city police departments and the State Franchise Tax Board (*California Connected* 2002). But with the shadow of **9-11** looming large, and security concerns and corollary anti-immigrant sentiments brewing, the **law was repealed** and became a major component of the recall campaign that put Arnold Schwarzenegger in office. Since then, federal legislation passed in 2005 in the form of the **REAL ID Act** reinforces the “lawful presence requirements” of the state of California and standardizes requirements across the United States so that individual states have little option to respond independently to the pragmatic reality of their particular locality’s demography and needs.<sup>18</sup>

One **practical effect** of restricting access to driver’s licenses is that undocumented migrants living and working in California must make the decision to drive illegally (and run the risk of apprehension and possible deportation or threat of car seizure). Alternatively, they must use other means of transportation in a state characterized by urban sprawl, “car culture” and poor public transportation, particularly in the central and southern region where the Mexicans immigrants are concentrated.

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<sup>17</sup> A breeder document is that which is used for proof of identity in applying for a driver’s license. The practical reality of verification systems is that they costs taxpayers an exorbitant amount each year, create agency backlogs, and have an error rate of up to 40 percent (Seif 2003: 4-5). This can be due to delays in immigration paper processing, misspellings of names, and incorrect entering of multiple surnames.

<sup>18</sup> The effects of the REAL ID Act will not be seen for several years, until it is implemented in 2008 (for details, see NILC 2005a). But it may serve to transform other state’s practices into something akin to California’s current situation and will certainly affect the decisions states make in terms of what forms of identification to offer and accept within their territorial jurisdiction. In fact, there are currently 66 bills pending in 24 states that address driver’s licenses (Tyler 2006).

One example from a recent ethnography highlights this dilemma: the undocumented father of two citizen children was pulled over and charged for driving without a license. Because the alternative would be a two hour commute to his job as a factory supervisor, he then attempted to apply for a license at the DMV using false breeder documents and was faced with criminal charges. Though he emerged from his court case with only three years probation, in the process he had risked jail and deportation, and he was still forced to pay over \$1000 to retrieve his impounded vehicle plus lawyer's fees and a fine. Now he must choose whether to violate his parole and continue driving without a license, thus facing even higher risks of deportation, add four hours in public transportation to his day, or quit his job (vignette drawn from Seif 2003).

As with many of the policies and practices described here, the variability of **implementation** also plays a crucial role in determining the outcome of such predicaments. Due to state law, the DMV remains tied to the state-required breeder documents and their verification. But the **police and sheriffs** of differing municipalities may take on their own department-wide understanding (not to mention individual discernment) in enforcement.

Some cities with a high immigrant population have successfully transformed themselves into what critics call "sanctuaries" for the undocumented. Such is the case of Maywood in Southeast Los Angeles, where the local population voted into office new city councilmembers that promptly dismantled their local police department's traffic division after police officers were accused of menacing and targeting unlicensed drivers in an intentional attack on the larger undocumented immigrant population living there (Becerra 2006). But Maywood's current lax enforcement may not be an exception. Lax enforcement of driver's license requirements by Los Angeles law enforcement officers is partially a form of non-compliance with a formal policy that proves cumbersome in practice. This is evidenced by the fact that both the LAPD and LASD (Police and Sheriff's departments) favored the county's acceptance of *foreign* consular identification cards as valid identification in 2003. Officers asserted that accepting the consular identification as proof of identity during routine traffic violations would "save the county money by reducing the time police must spend processing [taking to jail] undocumented immigrants who are stopped for minor offenses" (Board of Supervisors 2003).

In practice, both informal and formal policies adopted by law enforcement agencies in response to the practical realities of their districts play a role in the degree to which either federally (REAL ID) or state mandated (SB 976) license restrictions affect migrants' daily lives. Inherent in that daily life are decisions about where to work, what type of work to do (depending on the driving requirements of the job), where to send children to school, and where undocumented immigrants or 'mixed-status' families should settle.

- **Matrícula Consular**

Given the large undocumented population in California, one of the consequences of the state's "lawful presence" driver's license requirement, as combined with the indispensability of an official identification card for so many daily, routine, "doings," is that local businesses and agencies have begun to accept identification other than state (or even U.S.) issued documents.<sup>19</sup> Referring to the consular identification card (*matrícula consular*) issued by

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<sup>19</sup> They also have begun accepting federally-issued documents for purposes not originally intended; such is the case with *Taxpayer ID Numbers* such as the Individual Tax Identification Number (ITIN). The **ITIN was implemented by the IRS in 1996** in order to collect taxes from foreign residents, documented or otherwise. Since then 5,500,000 have been issued, but a much smaller number of tax returns have actually been filed. In addition to being used for tax purposes, in practice the document can be used as a primary or secondary form of government-issued "identity

the Mexican government, one woman explained: “It’s just that so many places ask for identification, and this is the only thing we have to say who we are” (Interview, PBS News Hour, 2004). **Following 911**, the need to prove not only “who you are” but also who you are *not* became extremely important as roundups of foreign-born immigrants terrorized local communities, including those of Mexican residents. **The Mexican government responded** to the pressing concern of its extraterritorial citizenry by setting up mobile consulates across the US and engaging in a press campaign to urge city police, mayors, state legislators and local banks to accept the *matrícula* as an official form of identification (Miller 2002, Dinerstein 2003, O’Neil 2003). In 2004, the Mexican Consulate of Los Angeles was distributing 4-500 *matrículas* per day.

Since the *matrícula* is not recognized on the federal level, **it is up to states** (and specifically municipalities and agencies within those states) to put forward formal policies concerning the ID card.<sup>20</sup> California, and specifically San Francisco and Los Angeles, have been leaders in their acceptance of the card. **The Los Angeles City Council voted 13-1** to accept the card in 2002, followed by the Los Angeles County Board of Supervisors in 2003, and both the Los Angeles Police and Sheriffs Departments (Miller 2002, Board of Supervisors 2003). In a survey conducted with police officers throughout the state of California, **62% of commanding officers** say that they currently accept the *matrícula* as an official and reliable form of identification (Ramakrishnan and Lewis 2005).

The usefulness of this ID card for migrants and the degree to which it shapes their decisions and actions depends entirely upon the **absence of access to other documentation and the tacit or formal acceptance** of the ID card by US entities. Mimicking the mismatch between municipal and state (or federal) policies, so too do different federal entities send conflicting messages to immigrants and the agencies with which they make contact. In a report to Congress under the USA Patriot Act (2002), the **US Treasury gave recommendations** to banks in which it made clear to banks that they *were not discouraged* from accepting the *matrícula* (Dinerstein 2003). Currently, around one hundred financial institutions accept the card (PBS News Hour 2004). But while the State Department and US Treasury have both publicly approved of the card, the FBI and Department of Homeland Security (DHS) openly disapprove on the basis of “security concerns” (PBS News Hour 2004).

Although the card does not change anyone’s immigration status, and indeed it is not a new invention, as local businesses and city or state agencies become receptive to it, the *matrícula* can certainly affect immigrants’ daily lives.<sup>21</sup> Acceptance by local banks allows undocumented migrants to open bank accounts, keep their savings in a safe place, pass on ATM cards to family members in Mexico or other states (thus bypassing expensive or unreliable money transfer services), and begin to establish credit. **The *matrícula* also gives immigrants access to public libraries and federal buildings; it can be used to register children for school, to obtain death certificates and marriage licenses and to report crimes**

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document” in opening bank accounts and/or applying for driver’s licenses (Dinerstein 2002). Six states currently accept the ITIN in lieu of a social security number in applying for a driver’s license (NILC 2005b). As past comprehensive reform acts, such as IRCA, and several of the current reform proposals favor rewarding undocumented workers that pay taxes, documents such as the ITIN may play a role in establishing eligibility for a sweeping adjustment of status.

<sup>20</sup> Currently 14 states have voted to recognize the ID card, though implementation is varied throughout different municipalities (Ramakrishnan and Lewis 2005).

<sup>21</sup> In fact, the *matrícula* was first created in the 1870s so that the Mexican government could keep track of and assist their nationals living abroad. The card now costs approximately \$29 US Dollars and contains the holder’s name, citizenship, birthplace and a US address. The cards are valid for 5 years and can be obtained at consulates upon presentation of official Mexican documents such as a birth certificate (Dinerstein 2003, O’Neil 2003).

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to local police officers. In ten U.S. states, the *matrícula* can even be used as a “breeder document” in order to obtain a state driver’s license (NILC 2005b).

While many scholars and analysts across the political spectrum see the emergence of the *matrícula* as a **symptom of inconsistent immigration policies**, or a mismatch between policy and practical reality, (Miller 2002, O’Neil 2003, Dinerstein 2003), few scholars have explored the effects of the *matrícula*, and its varied regional acceptance, on the quality of life and the decision-making of undocumented immigrants – its potential for reducing deportability, accessing local services, and entering the financial mainstream. Informal policies and enforcement in regard to both *matrículas* and driver’s licenses may well affect a migrant’s thinking about the “hospitality” of a locality and the quality of life, the slate of opportunities, or the “weight” of one’s undocumented status as experienced there.

- **False Documents**

Recent theorizing on migration dynamics explore the role of the “migration industry” – the private and specialized services that facilitate people’s international mobility and that grow in interaction with “the policies and restrictions that states impose on different types of international migration flows” (Hernández-León 2005: 9). One central component of the current migration industry in the U.S. is the production of fake papers. Recent raids of counterfeiting operations in California have turned up fake social security cards, resident-alien “green” cards, *matrículas*, Mexican driver’s licenses and birth certificates, Los Angeles County birth certificates, California licenses, automobile pink slips and proof of auto insurance (Gorman 2005, Berestein 2006—*both journalists*).

Most scholars agree that the fake ID businesses exploded following the **federal implementation of IRCA**, whose **employer sanction’s provisions** required job applicants to present employers with identification proving eligibility but *without* requiring that employers *verify* the authenticity of those documents (see, for example, Hernández-León 2005, Cornelius 2005, Martin 2001). As a result, through California’s thriving black market, immigrant workers obtain false identification documents for work authorization and driving privileges where official authorization has fallen short. In San Diego, Los Angeles, and San Francisco, for example, false social security and green cards can be bought together for about \$100 and driver’s licenses for between \$60 and \$250 depending on their quality (Gorman 2005). And thanks to immense advances in computer technology – laser printers, scanners, and specialized software – the documents are of better quality and reach a wider audience than ever before (Pistole 2003, Gorman 1005, Berestein 2006)

One might say that under the provisions of IRCA, false documents are the lifeblood of undocumented workers. The Social Security Administration, which places W-2 earnings reports with incorrect or fictitious Social Security Numbers in what is known as the “earning suspense file,” estimates that the file mushroomed in the 1990s with around \$189 billion worth of wages, 2.5 times that of the 1980s (Porter 2005). Analysts assert that a majority of these earnings stem from fraudulent social security numbers used by undocumented workers; the majority of mismatched W-2 forms is found to be from the high undocumented immigrant states of California, Texas and Illinois and is filed in industries such as food service, construction and farm operations (Porter 2005). As with the taxpayer ID numbers mentioned above, for many undocumented migrants, social security numbers have nothing to do with retirement but instead are “a tool needed to work on this side of the border” (quoting Porter 2005).

Immigration scholar Philip Martin asserts that false documents flourish in places like California because IRCA has created an **employer culture** in which any presentation of

“papers” lets employers off the hook. Another element in the growth of the trade, however, is the **enforcement** (or lack thereof) of **production and sales of documents**. Authorities believe that the problem exists at the national level with two national criminal organizations monopolizing the trade (Gorman 2005), but places such as Los Angeles’ MacArthur Park has consistently been an overt, local epicenter for the production and sale of false documents. Lack of crackdowns by local law enforcement may be a case of “no-policy is a policy.” **Two practices** of the LAPD combine to affect this production and trade: (1) the fake ID trade has simply not been seen as a high priority in an area plagued by other problems such as serious violent crime, gang activity and narcotics trade, (2) the LAPD, alongside major police departments across the states, have adopted measures that date back three decades banning or discouraging officers from enforcing immigration law and collaborating with agencies such as INS (now ICE; more on this issue to follow).

The **events of 9-11** have put pressure on local authorities to crackdown on false identification production and possession as well as to encourage **collaboration between local law enforcement agents and immigration authorities**, reversing widespread non-collaboration practices. The way that these two pressures will affect the false identification industry in California remains to be seen. But the last few years have witnessed an **upsurge in apprehension** of counterfeiters in the Los Angeles area – up from zero apprehensions in L.A.’s Rampart district in 2002 to over 120 in 2005 (Gorman 2005). **Criminalization of the possession** of false documents is a measure that California voters have toyed with since the 187 era but not enacted into law. The next few years may be important in observing the manner in which federal policy and local enforcement affect this element of the “migration industry” upon which undocumented migrants so heavily rely.

#### **(d) Policing and Immigration Control**

At the heart of the current nation-wide discussion on immigration reform, lies a contentious debate about the **appropriate relationship between local law enforcement officers and immigration control agents**. The majority of so-called homeland security and immigration bills currently pending in Congress contain components that call for explicit provisions surrounding this collaboration between enforcement entities (see NIF 2005 for an excellent review). If signed into law, bills such as the **CLEAR Act** (which requires law enforcement officers to enforce immigration law) would have *serious ramifications* for the relationship between local police and immigrant communities, particularly Latino communities. As described above, though, the effects of such laws will depend largely upon local implementation.

In fact the issue has long been contentious and practices have shifted over the years.<sup>22</sup> **Maintaining trust** between local law enforcement officers and immigrant communities has been an important goal in these localities. Opponents to collaboration between law enforcement and immigration agencies assert that fear surrounding immigration status should not interfere with an immigrant’s likelihood to report crimes against themselves or others, to aid local police by sharing information, or to serve as formal witnesses at criminal trials. In cities where many undocumented immigrants reside, police officers declare that collaboration with immigration agents (or the perception thereof) would signal the death of **crime detection and safety** (Rampart Independent Review Panel 2001, McDonald 2004-5, Ramakrishnan and Lewis 2005, Winton and Yi 2006, MacGreevy 2006).

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<sup>22</sup> For excellent theoretical considerations of the bureaucratic-administrative and juridical roots of this tension, see Wells 2004, for a history of collaboration between law enforcement and immigration entities see McDonald 2004-5.

Interestingly, the story of the shifting relationship between immigration and general law enforcement begins in, and now returns to, Southern California (McDonald 2004-5). In 1979, at the urging of Chief of Police Daryl Gates, the Los Angeles City Council issued **Special Order #40**, which prevents LAPD officers from questioning anyone about their immigration status or checking it with the INS. A recent review of the Order as described in the LAPD Manual found the written declaration to be less strict than its enactment in practice. **In practice**, the LAPD has adopted a strict policy of *not* asking individuals suspected of criminal offenses, crime victims, or witnesses, about their immigration status, of *not* notifying the INS of the arrest of an unauthorized resident, and *not* referring a person to the INS if they are the victim or witness of a crime, are involved in a family disturbance, minor traffic offense, or seeking medical treatment (Rampart Independent Review Panel 2001).<sup>23</sup> This general practice has since spread to major cities throughout the United States.

In the last decade there have been multiple federal efforts to reverse the dynamic created in that era. While the federal court order that invalidated Proposition 187 as unconstitutional declared that **state and local police did not have the authority** to enforce immigration law, the 1996 enactment of IIRIRA clearly advocated **information sharing** between agencies such as the IRS and INS in matters concerning undocumented residents (Dinerstein 2002). The USA Patriot Act, passed in 2002, further advocated collaboration between the FBI and local law enforcement. And, following 9-11, at General Ashcroft's urging, the Department of Justice concluded that state and local police, indeed, *do* have the authority to enforce immigration, both in its criminal and civil provisions (McDonald 2004-5).

In reaction to this, in 2002, the California Police Chiefs Association declared that it was "in the strong opinion of [CPCA] that in order for local and state law enforcement organizations to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals solely on a charge in their immigration status" (Ramakrishnan and Lewis 2005). Likewise, in response to the recently proposed CLEAR Act, the International Association of Chiefs of Police (IACP) joined city councils, police and sheriffs departments across the US in **re-affirming their independence and clearly opposing any measure to require their participation in immigration law enforcement** (Winton and Yi 2006).

A recent survey of police officers across the state of California found that police officers were, in general much more in touch with the **practical realities** of immigrant communities than were elected officials. It also found that they **generally are not concerned** with overt enforcement of immigration law; seventy percent of officers interviewed in high immigration cities declared that they would definitely *not report* undocumented immigrants to ICE (INS) and only 5% said they would actively crackdown on day-laborers (Ramakrishnan and Lewis 2005). That said, while most law enforcement officers do not meddle in overt immigration control, they do have a considerable **amount of independent discretion** and can enforce policies on issues of "public health, quality of life, and safety" that can make miserable the lives of immigrant street vendors, day laborers, families living in overcrowded housing conditions, or those that must drive without licenses (Rampart Independent Review Panel 2001, Ramakrishnan and Lewis 2005).<sup>24</sup> Were they to be encouraged or even *required* to participate in overt immigration control, the stakes of the game for undocumented immigrants would change considerably.

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<sup>23</sup> A major exception to this rule is California's attempt to crackdown on immigrant gang members.

<sup>24</sup> Some studies have shown how police officers in LA, San Francisco and Orange County use threats of deportation in chasing out street vendors to protect local businesses (see Wells 2004, Rampart Independent Review Panel 2001).

As the roots of the debate over this issue began in Southern California, so too have they now returned. The Police Departments of neighboring municipalities are currently at odds about whether they should collaborate with immigration agents or not. In Orange County and Costa Mesa, just across town from Los Angeles, the sheriffs and police departments have requested training from immigration authorities in understanding, collaborating with and enforcing immigration law (Winton and Yi 2006). As usual, California is a trend-setter in this request and may well influence similar moves by departments across the states. At the same time, bordering cities, such as Maywood, have declared that in the case of federal law requiring collaboration, they will openly defy the law on a citywide level (Becerra 2006). The next year will prove crucial in tracking both federal policies on the issue as well as local implementation and its effects on the large population of Mexican immigrants living and working in the U.S. – particularly the undocumented.<sup>25</sup>

### (e) Housing

Housing crises have been the center of very contentious debates that have been felt and addressed primarily at the local-municipal level in California. Although the extent of the crisis across decades is hotly debated, scholars largely agree that **overcrowding and affordability** are serious problems throughout California, and particularly in **high immigration cities** such as Los Angeles, Santa Anna, San Francisco and San Diego.

Myers and Park show that a **national-level** downturn in housing construction occurred in the 1990s (2002). This slowdown was more acute in California, and was reflected particularly in a concentrated **slowing of multi-family unit construction**. Given the concomitant rapid growth of the Latino community during that same decade, specifically the Mexican and Latin American immigrant population, this slowed construction was highly problematic. In the 1990s, the rate of over-crowding in California was more than **double the nationwide** rate.

In a 2005 survey of city planners and elected officials in the highest immigration cities, a sizeable minority stated that overcrowding continued to be a major problem in their city, a majority stated that they perceived access to and affordability of housing to be the number one pressing concern for immigrants, and yet only 13 percent stated that their city had a “proactive policy” to address this concern; less than 40 percent had an “affordable housing provision” that required new housing complexes to dedicate some portion of units to lower rents (Ramakrishnan and Lewis 2005).

The **mismatch between housing provision and demand** has led to much debate on the local level as individuals, and particularly immigrants, seek solutions to the reality they face. In Southern California’s Santa Ana, for example, where in the 1990s one-third of the entire city population had entered the U.S. during *that decade*, low-wage-earning immigrants “doubled-up” with other families and friends to make ends meet (Harwood and Myers 2002: 73 & 76). Harwood and Myers write that it was not unusual at that time for twenty people to share one small apartment or garage (2002: 78).

In **rural areas**, a similar problem has emerged, but with different forces at play. Whereas many agricultural workers previously engaged in a circular migratory pattern, returning to Mexico during the “off-season,” increased border control in the post-911 context has compelled many “unauthorized workers” (highly concentrated in agriculture jobs (see *Employment*

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<sup>25</sup> In fact, collaboration between various US agencies of all types *in general* will be an important focus of observation; the degree to which both the IRS and local law enforcement cooperate with immigration authorities will have serious effects on migrant destinies and decisions in the coming years.

section above) to increase the duration of their trips. Affordable housing has become a major problem for this population, especially in the “off-season” (Ramakrishnan and Lewis 2005).

The result of these housing crises in both contexts has been a growth in “**non-traditional**” housing arrangements – that is the growth of rural “colonias” and slums, severe overcrowding, and the conversion of garages and sheds into living spaces. Many of these temporary solutions and effects **defy local housing ordinances** and provoke outcry from longtime residents.

For the most part, these issues have been dealt with on a local level. Local residents, anti-immigrant groups and some elected officials have attempted to use **crackdowns on overcrowding, zoning laws** and a **slowing of construction** to effectively “force-out” the low-wage immigrant population. But as with many of the issues addressed in the preceding sections, the implementation of such measures varies widely between localities depending upon the demographics of a region, its political opportunity structure and the location and character of advocacy groups within it.

For example, in Orange county where police and sheriffs departments are currently requesting training from US immigration agents in enforcing immigration controls (see *Policing and Immigration Control* above), so too are local “advocacy” groups such as the nativist “Save Our State” organization working to bar undocumented residents from renting housing. As a parallel to employer sanctions, “Save Our State” is currently working to pass a local ordinance in San Bernardino that would penalize landlords for renting housing to immigrant residents that lack legal authorization (Powers 2006).

In this way, the politics of access to housing in California embody many of the issues raised in regard to identification documents and policing (above). Locally implemented policies and ordinances may, in their effect, play a significant role in immigration management and control. They may both complement and contradict federal level policy, as well as create de-facto immigration policy through practical measures where no such policy exists. In each of these regards, such policies and practices can directly affect the quality of life and range of options perceived by migrants as they make life decisions.<sup>26</sup>

## **(f) Pending Reforms**

The current moment in the US presents scholars with a tremendous opportunity to explore the relationship between policy and migrant decision-making. Qualitative research carried out over the next several years that addresses this relationship will likely capture migrant decisions made both in *anticipation* of reforms and, eventually, in response to *actual* reforms and their implementation.

Already, immigrants and non-immigrants alike have marched peacefully in the hundreds of thousands in California and other high immigration cities to express their displeasure the more draconian aspects of proposed bills and to demand a humane path to “legalization” for the huge undocumented population living in the U.S. (see Watanabe and Becerra 2006; Gorman, Miller, and Landsberg 2006). Yet the two main bills currently pending in Congress (one of which has passed the House and the other, the Senate) are almost entirely opposed. While the Senate bill provides a pathway to adjustment of status for the majority of the undocumented population, making it one of the most sweeping and comprehensive reform proposals ever passed by either house in Congress (NILC 2006c), the House bill contains no provision for

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<sup>26</sup> As Ivan Light points out (2004, 2006), the enforcement of local ordinances is not always advocated with a malicious anti-immigrant intent; often it is with the intent to remove visual blight or even as a human rights measure by advocates who declare certain living conditions to be an intolerable health hazard.

legalization and, in fact, would make unauthorized presence a felony. The next step will be a negotiation over each element of difference in order to arrive at a compromise bill in the coming months (see Uma Segal's report on Mexican migration to the U.S. here).

Many of the issues raised throughout this report resurface in the current debates in Congress. The more liberal Senate bill, for example, contains elements that speak directly to some of the loopholes discussed here. The bill calls for implementation of a mandatory and expanded identification verification system, it increases border enforcement, puts pressure on states and cities to enforce immigration law and/or collaborate with immigration control agents, broadens definitions of "smuggling" and document fraud, and bars from adjustment of status those persons who admit a document fraud offense (NILC 2006c). At the same time it provides a path to legalization for those individuals who have lived and worked in the U.S. since April of 2001, and the possibility for "re-entrance" and eventual legal provision for those individuals that have entered the U.S. between 2001 and 2004. The bill also expands the existing guestworker program, adding 200,000 annual visas for low-skilled workers.

All of these provisions, of course, would have major ramifications for a population well beyond those individuals whose presence in the U.S. is currently unauthorized. As just one example, "mixed status" families are common: as of 2004, 4.7 million children (only 1.6 million of whom are unauthorized themselves) had parents that are "unauthorized" (Passel 2005). And while the impact of this broader reform would be felt across the U.S., its effects will be concentrated in states such as California and the high-immigration localities within those states.

## **6. Recommendations for Studying Local Policies and Practice**

Scholars have produced a substantial research program in the last 30 years that has focused on push-pull and migrant network theories constructed around the Mexico-U.S. case. Mexican migration to the U.S. has not only been significant in terms of massive flow volume and settlement patterns that concentrate Mexican immigrants in a handful of U.S. states, with California historically being the most popular, but also in terms of the policy nexus designed to control and regulate Mexican immigration in particular.

Scholars including Douglas Massey and Wayne Cornelius have spearheaded efforts to understand the intentions and unintended consequences of such policies as IRCA, IIRIRA, PRWORA, and, to a lesser extent, some California initiatives designed to discourage new immigrant settlement. They have theorized the mismatch between the intentions and consequences of regional and federal level policies in controlling immigration, and enhanced our understanding of the role of migrant networks in helping migrants to overcome new border enforcement strategies and respond to many continuing "demand pulls" generated by U.S. employers.

Far less work, however, has emerged to systematically address the *ways in which certain localities produce their very own push-pull dynamics that may complement or contradict the larger national-level dynamics*. And yet fewer studies have attempted to concretely operationalize those local policy dynamics in order to understand how they may shape migrants' subjective decision-making processes. Based on the high concentrations of Mexican immigrants to destinations in California during the past several decades, and local actors' efforts to respond to the political, economic, and social changes corresponding with this growth, *we propose that the next phase of this project should pay careful attention to the local dynamics of the link between policy and migrant decision making*.

Making a strategic intervention in the already substantial literature on Mexico-to-U.S. migration could thus entail using a local perspective to explore how migrants come to understand their position and options, anticipate the potential effects of policy, and alter their plans in relation to these understandings. Further, it could entail examining how concentrations of immigrants in certain localities affect the implementation and actual practices of local actors in attempting, directly or indirectly, to regulate immigration and settlement patterns, as detailed throughout this report (see *Recent California Policy* section above).

We suggest that each report to inform this project incorporate a local lens to understand the role of local practices for producing patterns most often observed by scholars at the national level. This will allow the project as a whole to address the mistakes and gaps in the now well developed U.S.-based literature on international migration. Incorporating a local perspective would further prevent us from imputing generalized causes to similar cross-country outcomes when, in fact, different constellations of local implementation (or a similar local-national interaction dynamic) may be responsible for producing patterns observed across migratory systems.

To operationalize this particular study of the North American system, we propose examining two localities in California with large Mexican immigrant populations that have developed different public attitudes and practices toward immigrants. It would be important to interview migrants of varying immigration statuses, particularly those who have experienced policy change over time or who have, themselves, experienced slippage between statuses. We also highly recommend interviewing non-migrants, as well as actors who have sustained interactions with immigrants. These might include police officers, legal advocates for immigrants, and local officials. Such informants may be able to shed light on how local implementation of federal policies and additional local policies directly affect immigrants and the draw or push factors of particular locations.

In depth interviews will help to reveal the subjective decision making processes and pinpoint the link between policy in practice and migrants' reactions. Open-ended questions would enable informants to indicate which types of policies address their greatest concerns and decisions about migration and settlement. Which factors do they most often cite as being significant in their decisions to move or settle (without interviewer prompting)? Are their assessments of their ability to survive and thrive in particular communities significant in influencing their decisions, and if so, how? Do these assessments vary across immigration status or locale? To what degree and in what ways do the policies reviewed in these initial reports (their public media projection and/or their variable implementation across space and time) factor into the decisions migrants make?

In short, taking a local perspective seriously could prevent us from furthering the neglect of *local* push-pull dynamics that may partially be responsible for affecting migratory patterns observed at a more macro level. This kind of study would serve as a powerful complement to the extensive U.S. national-level research program developed during the past 30 years and thus make a timely and exciting contribution to the comparative study of international migration.

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