

The Impact of State-Level Immigration Enforcement on Deportees' Human Rights and Migratory Plans

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The recent recession appears to have brought about a heightened sense of animosity toward undocumented immigrants. The charged climate is due, perhaps, to the belief that undocumented immigration is “out of control” and raises the competition for scarce jobs between immigrants and natives. This hostility was originally manifested in the adoption of employment verification (*i.e.* E-Verify) systems by some states as a means to curtail the hiring of unauthorized workers.¹ By 2010, more than a dozen states required that public agencies/public contract recipients use E-Verify to determine employment eligibility for new hires, and four states had enacted E-verify mandates for all employers (Rosenblum 2011). This trend has continued over time, with five additional states enacting E-Verify mandates in 2011. Moreover, six of the states mandating the use of an employment verification system have gone further and approved statutes that authorize state and local police to check the immigration status of individuals they have probable cause to arrest.² In some instances, these laws go even further, as in the case of Alabama, where it was required that public school officials check the immigration status of students.

At the same time, reports of abuses against immigrants are on the rise (Diaz and Kuhner 2007, Fernandez 2011). According to the United Nations, the Organization of American States Special Rapporteurs, the Mexican Human Rights Commission, and numerous NGOs, human rights violations have ranged from verbal and physical abuse to failure to return personal belongings or inform migrants of their rights (United Nations 2002, Organization of American States 2003). For instance, the Arizona humanitarian aid organization *No More Deaths* issued two reports: “Crossing the Line” and “A Culture of Cruelty”, in which they document more than 30,000 incidents of human rights abuses against undocumented immigrants in short-term detention between fall 2008 and spring 2011 (visit: <http://nomoredeaths.org>). Nearly 13,000 people were interviewed in the Mexican border towns of Naco, Nogales and Agua Prieta for the report.

¹ E-Verify is an electronically-based program, free to the employer and administered by the United States government that compares information from an employee's employment eligibility verify form (I-9) to data from U.S. government records. If the information matches, that employee is considered eligible to work in the United States. If there is a mismatch, E-Verify alerts the employer and the employee is allowed to work while the problem is resolved.

² Arizona was the first state to pass immigration enforcement laws in April 2010. Five states quickly followed, enacting similar laws in 2011: AL HB56 in June 2011, GA HB87 in May 2011, IN SB590 in May 2011, SC S20 in June 2011 and UT's package (H116, H466, H469 and H497) in March 2011. In 2012, additional states have introduced alike omnibus enforcement bills: Kansas (H2576), Mississippi (H488 and S2090), Missouri (S590), Rhode Island (H7313) and West Virginia (S64). Bills in Mississippi and West Virginia have failed. For more information, visit: <http://www.ncsl.org/issues-research/immig/omnibus-immigration-legislation.aspx>

These two events make one wonder about the role of a progressively hostile environment toward undocumented immigrants on the growing number of abuse reports against them. Similarly, one might also question the effectiveness of such policies in deterring undocumented immigrants from returning to the United States in the foreseeable future. With this project, we will address the following two interrelated aims using quantitative methods:

1. Learn about the *determinants* of any mistreatment of apprehended immigrants. What has been the impact of the climate created by the passage of increasingly tougher immigration measures at the state level on the treatment that undocumented immigrants receive during the apprehension and detention process? Has the increased hostility translated into more violations of the human rights of those apprehended and deported by the immigration authorities? And, if so, what are some of the most common types of abuses? Who is more likely to be subject to the various types of mistreatments?
2. Learn about the *implications* of mistreatment of apprehended immigrants. One might suspect that mistreated deported individuals are less likely to return to the United States in the near future –perhaps the motivation for these underlying practices. But, is there evidence that these practices deter deportees from trying to cross back into the United States?

The analysis will combine data from: (a) The *Encuesta Sobre Migración en la Frontera Norte de México* (EMIF), and (b) state-level data on the enactment dates of E-Verify mandates and alike state-level statutes on immigration enforcement. Using a difference-in-difference or quasi-experimental approach, we will first explore the impact that the passage of state-level immigration enforcement measures has on different types of abuses being reported by this population by comparing the likelihood of reporting a human right violation by migrants apprehended in *treated* vs. *control* states *pre-* vs. *post-*passage of tougher measures. *Treatment* states are states mandating the use of immigration enforcement measures, whereas *control* states are states that have not mandated the use of the aforementioned measures. Subsequently, we will explore the *implications* of different types of human rights violations reported by immigrants during the apprehension/detention process on their self-reported intent to return to the United States in the foreseeable future. In both parts of the analysis described above, we will take into account a variety of individual level characteristics affecting the examined outcomes, including demographic descriptors (*e.g.* gender, race, age, educational attainment, English proficiency and speaking an indigenous language, among other ones), migration-related characteristics and history (*e.g.* number of times they have crossed before, number of times they have been deported, duration of their last migration spell, documentation used in their last crossing, whether they had family or friends in the United States, etc.). Similarly, we will include state and year identifiers, as well as state-level time trends, to help capture regional and macroeconomic factors affecting migration decisions (*e.g.* well-established migration networks in poorer states, economy-wide shocks or business cycles), as well as time-varying economic conditions at the state level.

Overall, the analysis will provide us with a better understanding of some of the adverse and possibly unintended consequences of an increasingly hostile environment toward undocumented immigrants and, in turn, of the effectiveness of current immigration policy with regards to

curbing repetitive illegal crossings –the main component of apprehensions. Given the shared border with the United States and the importance of Mexico-U.S. migration for both countries, the findings should prove of interest to academics and policy-makers on both sides of the border as they search for the most humane and effective immigration policies.

References

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