

Legal Determinants of Foreign-Born Population Growth in the Metropolitan U.S.

Historically, legal components have greatly affected immigration and internal migration (see, for example, Isserman 1993). Towards the end of 2011, news media began documenting the out-migration of immigrants from states such as Alabama in lieu of anti-immigration legislation (See Constable 2011). For the first time in U.S. history, local, non-federal, legislation is altering immigration flows and settlement patterns. Anti-immigrant sentiment outside of traditional settlement areas has become increasingly noticeable (Hopkins 2010; Vallas et al. 2009). For various reasons (e.g., group threat, new contact, cultural clashing, etc.), immigrants in many new destinations are experiencing hostility in the form of proposed and passed legislation. The effects of such policies on destination formation, stagnation, or decline are not fully understood. As an initial response to this gap in the literature, my research aims to explore the associations between deportation, the enforcement of deportation policies, and foreign-born population growth in metropolitan areas from 1990 to 2009.

Parrado and Kandel (2008) note that contemporary legal policies strongly influence settlement patterns. Legal policy stems from a range of factors. For example, at least one study cited that percent Republican in an area is correlated with a push for restrictive immigration policies (Hopkins 2010). Restrictive immigration policies likely inhibit foreign-born settlement for a number of reasons. Restrictive policies include strict immigrant detection and deportation measures (e.g., Arizona's SB1070), labor laws and enforcement, social discrimination vis-à-vis English-only laws, etc. Namely, such policies represent a less-welcoming labor market and social environment. However, the existence of policies may not affect foreign-born in-and out-migration if weak enforcement practices are in place. In fact, it has been noted in qualitative research that perceptions of looser enforcement help the undocumented decide where to settle (McConnell 2008). In their description of decades of immigration and the experiences of newcomers, Rumbaut and Komaie (2010) purport that law often blocks the mobility of immigrants. Griffith (2008) previously found support for this upon interviewing immigrants who remarked their decision to settle in one of two areas was largely based upon known law enforcement measures.

A recent survey by the Pew Hispanic Center reported that 51% of Latino respondents (both native and foreign born) expressed at least "some" worry that a friend or family member would be deported (Pew 2010). Indeed, the anxiety associated with fear of deportation creates "unusual psychological hardship" for many immigrants (Cervantes et al. 2010). Deportation, or merely the fear of deportation, can affect the migration decisions of immigrants. In fact, Massey (1990) proposed modeling the probability of deportation as a cost associated with migration. According to this logic, if the probability, or cost, is too high, the immigrant is less likely to migrate. Literature has since attested to this linkage. While border enforcement arguably has little effect on Mexican immigration to the U.S. (Cornelius and Salehyan 2007; Davila et al. 2002), qualitative research has concluded via in-depth interviews that the prospect of deportation factors into many immigrants' settlement decisions (Garni and Miller 2008; Griffith 2008). Upon completing a large-scale international comparison of qualitative findings, Lyberaki (2008) conclude that enforced policies of exclusion do not deter overall national flows, but enforcement at the local level consistently alters the migration patterns of immigrants. In other words, local enforcement, or the lack thereof, factors into an immigrants choice of residence. Using a more quantitative approach, Hagan et al. (2008) found that 34% of a sample of deported El Salvadorans would not return due to such high risk (25% were uncertain). It is apparent that deportation, or the threat alone, influences the migration process for a number of immigrants both here and abroad.

Contrary to the above, Cornelius and Salehyan (2007) argue that "political restrictions on immigration are far outweighed by economic and family-related incentives to migrate" (p. 149). In a direct examination of local policy's effect on Hispanic immigration, O'Neil (2011) reported no

association between anti-immigrant policy and demographic change. Further, Davila et al. (2002) found that enforcement at both the border and interior produces only short-term effects. The above authors are in agreement with a number of scholars as they claim economic factors largely outweigh legal policy (Castles 2004; Koser 2010; Segal 2008). Unfortunately, research examining the linkages between deportation and migration is severely limited in both quantity and generalizability.

Largely due to data constraints and the difficulty associated with gathering such legal data there has been limited research in this vein. The research that does exist offers mixed results. It is unclear whether legal policy and enforcement of such policies influence foreign-born settlement patterns. It is also unclear if these factors have varying effects across ethnicities, especially given that the largest share of undocumented immigrants are Hispanic. Lastly, we do not know the effects, if any, of laws at varying levels. In other words, do local laws and law enforcement measures have a stronger deterrent effect on foreign-born in-migration than state-level policies?

Data and Methods

In part due to data restrictions, and also because metro areas provide reliable approximations of local markets (e.g., labor, housing, etc.), the analyses are restricted to metropolitan statistical areas (MSA). MSA boundaries fluctuate across decennial censuses. In order to remain consistent, metropolitan boundaries are defined as an aggregate of counties consistent with 2009 Office of Management and Budget (OMB) MSA definitions. Current MSA boundaries are applied to prior years using Geographical Information Systems (GIS) software. Definitions and technical GIS procedures follow the precedent of recent research conducted by a number of scholars, namely Hall et al. (2011).

The outcome variable of my analysis is the foreign-born population growth rate. The growth rate is defined as follows: 2009 population growth is expressed as the numerical change in foreign-born from 1990 to 2009 divided by the number of foreign-born residents in 1990. The dependent variable for change at 2000 is similarly calculated. This expression of population change as the outcome variable follows suit with previous migration research (see, for example, Cebula 2009).

The effects of anti-immigration policies are complicated to directly measure due to severe data limitations. Data on policies at the local and extra-local levels are not readily available for the entire time period of my study. However, there exist a number of reliable proxies for immigration policies. First, deportation rates at the metropolitan level can be found in the Statistical Yearbook of the Immigration and Naturalization Services/DHS Yearbook of Immigration Statistics. Second, the number of deportation proceedings at the state level per year since 1992 (1992 to be used in the analyses of 1990 data) are available through the Transactional Records Access Clearinghouse at Syracuse University (Available at: www.trac.syr.edu). The number of proceedings is standardized by the size of the foreign-born population in the state. To ascertain the broader context, state-level indicators are assigned as attributes to metro-level units of analysis. Third, it has been documented that the share of Republican voters in an area is significantly and positively correlated with anti-immigrant sentiment and support for restrictive legislation (Ramakrishnan and Wong 2010). Deportation rates and number of deportation proceedings (relative to the foreign-born population size) signify degrees of anti-immigration law enforcement. Enforcement is arguably a stronger deterrent of immigrant movers than the existence of laws sans enforcement, and thus a more appropriate variable to analyze when studying foreign-born population flows. Percent Republican voters will be cautiously treated as an indirect proxy for anti-immigrant sentiment and the ensuing desire for such policies. However, this political partisanship variable may be dropped upon further analyses in part due to Hawley's (2011) finding that political affiliation only predicts sentiment and tendency to vote for anti-immigrant legislation in areas with sizable immigrant populations. Static and change indicators for the above measures develop the key independent variables in this study.

In order to remain consistent with previous migration theory and analyses (see, for example, Kritz and Gurak 2001; Massey and Espinosa 1997; Massey et al. 1998; Parrado and Kandel 2011), a series of additional variables are held constant. These include: percent foreign-born, percent in poverty, workforce distribution, unemployment rate, percent Latino, percent Asian, percent black, and percent white. Controls for region are also included, in large part to help account for the documented implications of climate (Conway and Houtenville 2003). This series of variables strengthens the modeling approach by accounting for a range of social, demographic, and economic factors. The following table incorporates the key independent variables into my hypotheses:

Table 1. Expected direction of relationship amongst key independent variables and foreign-born growth

Independent Variable	Foreign-Born Growth Rate
Legal Factors	
<i>Deportation Rate</i>	-
<i>Deportation Proceedings</i>	-
<i>%Republican</i>	-

Descriptive Statistics

Metropolitan areas, as will be seen, experienced dramatic increases in foreign-born population over the twenty year period examined. In addition to immigrant population growth, these areas underwent a number of legal, social, economic, and demographic changes. Beyond tabular descriptives, thematic maps created using ArcGIS contribute to this presentation by allowing the reader to visualize the relationship between foreign-born population growth and deportation rates/enforcement.

Multilevel Models

In order to determine the factors contributing to new destination growth I will model metropolitan- and county-level change in foreign-born population (relative to native-born growth) as an outcome of the components outlined above. For each of the time points I will present a model regressing values from, and change since, the prior time point on foreign-born population change during this period. For example, the first model predicts 1990 to 2009 change using 1990 values and 1990-2009 change. Similar models predicting the change at 2000 follow.

The models will account for the nesting of counties within metropolitan areas by incorporating random intercepts. Given that counties vary within metros it is necessary to use a hierarchical structure that allows for this variance. Modeling these random effects is the only way to accurately capture the dynamic nature of foreign-born growth across the nation. These analyses are to be conducted using MLwiN software. The typical model will appear as follows:

$$y_{ij} = \beta_0 \alpha_j + \beta_1 x_{1ij} + \dots + \beta_k x_{kij} + (u_0 \alpha_j + u_1 x_{1ij} + \dots + u_k x_{kij} + e_{ij} \alpha_j)$$

Where, i=county, j=metro, k=number of observations

Conclusion

I expect to find that foreign-born population growth is negatively related to deportation rates and deportation enforcement, but this relationship will likely only account for a small portion of the

explained variance in growth rates. Unfortunately my analyses have a number of limitations. I am only accounting for one component of migration: the macro-level. Despite these limitations, my research should inform demographers and immigration scholars interested in how legal factors affect new destinations formation and foreign-born population change across the metropolitan U.S.

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