

This article was downloaded by: [Erasmus University]

On: 09 January 2012, At: 04:59

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal of Ethnic and Migration Studies

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/cjms20>

Borders Behind the Border: An Exploration of State-Level Differences in Migration Control and their Effects on US Migration Patterns

Arjen Leerkes^a, Mark Leach^b & James Bachmeier^c

^a Sociology, Erasmus University, Rotterdam

^b Department of Agricultural Economics and Rural Sociology, Penn State University

^c Population Research Institute, Penn State University

Available online: 19 Dec 2011

To cite this article: Arjen Leerkes, Mark Leach & James Bachmeier (2012): Borders Behind the Border: An Exploration of State-Level Differences in Migration Control and their Effects on US Migration Patterns, *Journal of Ethnic and Migration Studies*, 38:1, 111-129

To link to this article: <http://dx.doi.org/10.1080/1369183X.2012.640023>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.tandfonline.com/page/terms-and-conditions>

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae, and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Borders Behind the Border: An Exploration of State-Level Differences in Migration Control and their Effects on US Migration Patterns

Arjen Leerkes, Mark Leach and James Bachmeier

Governments at various levels of administration increasingly try to exclude unauthorised migrants from labour markets and public provisions, and apprehend and deport unauthorised migrants who have settled in the territory. This article demonstrates that such policies and practices of ‘internal border control’ can be approximated empirically; it is shown that, since 2005 in particular, internal border control has become more prevalent in the United States, especially in Southern states. Furthermore, evidence is presented for a negative bivariate relationship between the degree of internal border control and the estimated rate of growth of unauthorised residence; states with the highest degree of interior control tended to experience the largest decreases in the size of the unauthorised population. We introduce four plausible interpretations of this bivariate relationship, and suggest various avenues for further research. The results are based on a primary analysis of three indicators of internal control (employer participation in E-Verify, restrictive state laws, county and city involvement in the 287g Program) and a secondary analysis of unauthorised population estimates.

Keywords: Illegal Immigration; Unauthorised Migrants; Migration Control; Policy Effects; Displacement; US Migration Patterns

Arjen Leerkes is Assistant Professor of Sociology at Erasmus University Rotterdam. Correspondence to: Dr A. Leerkes, Dept of Sociology, Erasmus University Rotterdam, Postbus 1738, 3000 DR Rotterdam, The Netherlands. E-mail: leerkes@fsw.eur.nl. Mark Leach is Assistant Professor of Rural Sociology and Demography in the Department of Agricultural Economics and Rural Sociology at Penn State University. E-mail: mal41@psu.edu. James Bachmeier is Post-Doctoral Research Associate in the Population Research Institute at Penn State University. E-mail: jdb46@psu.edu.

Introduction

Governments in prosperous countries are increasingly regulating and selectively restricting international migration (Cornelius *et al.* 2004; Düvell 2006). The official selection of migrants is enforced not only at territorial borders but also, increasingly, by internal border control, i.e. by migration control *within* territories (Broeders and Engbersen 2007; Engbersen and Broeders 2009; Guiraudon and Lahav 2007; Lahav and Guiraudon 2000). In Europe, for example, German law stipulates that every public agency has to report information about unauthorised migrants to the Foreigners' Office, which is obligated to initiate an expulsion process (Cyrus and Vogel 2006). In the Netherlands, access to social security numbers and the formal labour market has been linked to legal status since 1991, and unauthorised migrants have been excluded from welfare, social housing, education and (most) health care since 1998 (Van der Leun 2003). Two main types of internal border control can be distinguished: (1) local, state and federal governmental efforts to exclude unauthorised migrants from labour markets and public provisions (welfare, education, public housing, health care) and (2) efforts to *apprehend* and *deport* migrants who do not, or no longer, have legal stay in the territory (cf. Leerkes 2009).

The United States, the case on which this study focuses, is especially interesting as it represents a quasi-experimental setting with respect to interior border control. Since 2005, in particular, a substantial number of states have created restrictive policies to curb unauthorised residence within their jurisdictions, while it has been noted that others have not, at least not to the same extent (see also Rodriguez 2008; Varsanyi 2010). Likewise, the Federal Government has initiated a number of restrictive programmes that have been 'embraced' to differing degrees in different states (Capps *et al.* 2011). Moreover, compared to other immigration countries, there are interesting opportunities to research the consequences of internal border control for patterns of unauthorised residence: state-level estimates of the unauthorised population are available from 1990 onwards (see Fortuny *et al.* 2007; Passel and Cohn 2009, 2010; on the lack of systematic country and sub-country estimates in the European Union see Triandafyllidou 2010).

It can be hypothesised that the more migrants are subjected to internal controls, the more they will be inclined to explore residence opportunities elsewhere in the US (Light 2006), or perhaps abandon international migration altogether (cf. Todaro and Maruszko 1987). Thus, research on the following two questions is warranted:

- Is there evidence that increases in internal control have decreased the (growth of the) unauthorised population, both in individual states and in the US as a whole?
- Is there evidence that the concentrated increase in internal border control in relatively restrictive states has increased the presence of unauthorised migrants in more permissive states?

This article presents the first round of results of our attempts to answer these questions. We show that state-level differences in internal border control can be

approximated empirically; and it turns out to be possible to empirically distinguish restrictive and more permissive states. Furthermore, we show that the geographically concentrated increases in internal control over time are likely to have affected the distribution of the unauthorised population across US states.

The two research questions are highly relevant, both scientifically and socially. Migration patterns are usually explained by economic variables, social networks and/or international differences in civil liberties and political stability, but relatively little is known about the effects of immigration policy (cf. Massey *et al.* 2005). This is especially true for policies of internal border control. With the exception of a recent study that explores the effects of the Legal Arizona Workers Act (Lofstrom *et al.* 2011), we are not aware of similar research so far; researchers interested in policy effects have mainly looked at the consequences of restrictive *admission* policies—does a more selective granting of residence permits discourage asylum migration or family reunification? (Leerkes and Kulu 2011; Neumayer 2004)—or have examined the effects of *external* border control, especially at the US–Mexican border (Cornelius and Salehyan 2007; Espenshade 1994; Massey *et al.* 2002). We believe, however, that there may be important lessons from the research on greater US border enforcement which apply to the consequences of internal control. Importantly, this work does not find that increased external border enforcement in the 1990s discouraged unauthorised entry, *per se*. Rather, a concentrated build-up of enforcement at traditional entry points in San Diego, California and El Paso, Texas served only to redirect migrants to alternative crossing points along the border, especially in Arizona (Cornelius 2001; Massey *et al.* 2002). Likewise, we suspect that piecemeal internal controls implemented by local and state governments and agencies may result in the geographic redistribution of the unauthorised population rather than deterring unauthorised entry into the United States. Massey *et al.* (2002) and Light (2003, 2006) suggest as much in pointing to California’s Proposition 187 and the targeted enforcement of municipal housing policies in Los Angeles, respectively, as contributing both to Mexican immigrants leaving California for other states and to ‘deflecting’ (Light 2006) new arrivals toward new destination regions in the 1990s. Here we offer the first empirical assessment of whether such claims might be valid and warrant further investigation.

Exploring the demographic effects of internal border control also will help researchers and policy-makers to assess any social costs that may arise. For example, a significant consequence of greater border enforcement in San Diego and El Paso has been a dramatic rise in migrant deaths due to exposure in the Arizona desert (Cornelius 2001; Eschbach *et al.* 1999). While greater mortality may not be an issue with internal control, the increased social exclusion of unauthorised migrants may lead to a larger marginalised population in the United States in which unemployment, homelessness, drug use and (petty) crime may become more of a problem (Engbersen *et al.* 2007; Leerkes 2009; Leerkes and Broeders 2010). Not all migrants who are subjected to these controls are willing or able to relocate to more permissive places, or return to, or stay in, their countries of origin. Such effects are

harder to justify if internal border control would be an ineffective instrument of migration control.

Data and Method

Internal border control can be conceptualised as a latent variable, which has to be measured indirectly on the basis of a number of manifest indicators. The following indicators were used:

1. The percentage of firms in a state that, in a given year, were enrolled in *E-Verify*, a Federal programme that allows employers to electronically verify the work eligibility of new hires by checking identification credentials against databases at the Social Security Administration (SSA) and the Department of Homeland Security (DHS).¹ Measured years were 2003 up to and including 2009 (the number of participating employers was negligible in the years before 2003, because the programme was still in a pilot phase). As of September 2008, all Federal agencies as well as their contractors and subcontractors are required to use *E-Verify* for all new hires. In addition, since 2007, several states have mandated *E-Verify* usage by state and local public agencies and, in a few cases, all employers, public and private. Information on the *total* number of firms by state by year, i.e. the denominator that is necessary to calculate the percentage mentioned, was obtained from the US Census Bureau, Statistics of US Businesses.²
2. Whether or not, in a given year, there were any state laws in force that intend to restrict unauthorised migrants' access to (a) drivers' licences, (b) the labour market and/or (c) public benefits, health care or education. For example, Florida's HB 7079, passed in 2006, requires proof of the legal immigrant status, or proof of pending adjustment to legal immigrant status, of drivers' licence applicants. Arizona's Legal Workers Act, passed in 2007, revokes or suspends the licences of businesses that 'knowingly hire' unauthorised migrants and mandates the use of *E-Verify* when engaging new employees. Louisiana's SB 753, passed in 2006, allows any state agency or department to conduct an investigation of a contractor's hiring policies if the employment of unauthorised immigrants is suspected. Colorado's HB 1023 restricts public benefits from adults who are not US citizens or Legal Permanent Residents; applicants for retirement, welfare, health care, disability, public or assisted housing, post-secondary education and food assistance must show a valid ID before receiving benefits. Measured years were 2005 up to and including 2009. Information about these state laws was obtained from the National Conference of State Legislatures, which has published overviews of such laws since 2005 (NCSL 2006, 2007, 2008, 2009, 2010), when legislative activity by states began to take place on a notable scale.
3. The percentage of counties in a state in a given year involved in the *287g Program*, under which the Federal Government enters into agreements with state and local law enforcement agencies, permitting the latter to contribute to the apprehension

and identification of unauthorised migrants. It was also measured whether any state-level organisations or cities had signed such agreements. Measured years were 2002—the year in which the first agreement was signed—up to and including 2009. Relevant information about the agreements has been made public by the US Immigration and Customs Enforcement.³

A factor score was calculated on the basis of these indicators (the results are discussed in the next section). Subsequently, scores for states for 2009 were used to cluster them in terms of their degree of internal control. Three clusters were distinguished using a K-Means Cluster Analysis (Lloyd 1982): states with relatively high levels of control (actually one state: Arizona); states with moderate levels of control; and relatively permissive states. It should be mentioned that, although we are confident that the indicators will capture most of the state-level variation in internal border control, we do not claim that the indicators used are perfect or complete. For example, a few relevant state laws were enacted before 2005, but these have not been included here because there is no systematic overview of these ‘early’ laws for all states.⁴ Likewise, although a systemic overview is presently lacking, there seems to be substantial variation in the degree to which local police check immigration status and contact federal authorities when encountering possible unauthorised migrants. Decker *et al.* (2009) report that this variation is partly the result of *local laws*, which have also been omitted here (unless these laws relate to the 287g or *E-Verify* programmes). Such local laws also address the access of unauthorised migrants to housing and the labour market. Yet, the omission of certain elements of internal border control does not necessarily bias our findings much. This would mostly be the case if their inclusion had led to a different classification of states with respect to their relative degree of internal border control. For example, policy effects could be underestimated if a number of states classified as relatively permissive are in fact much *more* restrictive, and have witnessed a disproportional decrease in the growth of the unauthorised population. Substantial misclassification does not seem likely. For example, if local police co-operate intensively with federal authorities there will be an elevated chance that their cities and counties will have signed a 287g agreement and, even if not, the chances are that the factors contributing to such a restrictive stance will have led to other restrictive laws and policies that have been included here.

State-level legislation with regards to migration control is legally controversial and some state laws included in our database may eventually have been blocked by federal courts. The National Conference of State Legislatures does not report whether restrictive laws, or certain aspects of these laws, have been rolled back by federal judges. Yet, intervention by the courts is unlikely to have biased our results much. The court decisions that we are aware of mostly took place in 2011, i.e. after the period of study. Furthermore, courts have certainly not blocked laws unequivocally. For example, several provisions of Arizona’s controversial SB 1070—the law that requires the police to attempt to determine a person’s immigration status in the course of a ‘lawful stop, detention or arrest’—were *not* put on hold by a federal court

in July 2001 and, in 2011, the Supreme Court upheld the Arizona law that revokes or suspends the licences of businesses that 'knowingly hire' unauthorised migrants.⁵

The Pew Hispanic Center and the Urban Institute publish estimates of the unauthorised population by state with some regularity. Available years are 1990, 2000 and 2004 (Fortuny *et al.* 2007), 2008 (Passel and Cohn 2009) and 2005 and 2009 (Passel and Cohn 2010). The estimates for 1990 and 2000 are based on the Census 1990 and 2000 5-Percent Public-Use Microdata Sample (PUMS), while the centre's estimates for 2004, 2005, 2008 and 2009 are based on the Current Population Survey (CPS). All estimates make use of the 'residual method'. For this method, a demographic estimate of the legal foreign-born population is subtracted from the total foreign-born population. The remainder, or residual, is used to estimate the unauthorised population.

For this article we have only used the estimates for 2000–09, the period when internal control increased the most. Estimates for the missing years were obtained by linear interpolation. After classifying states according to their degree of internal control, trends in the size of an unauthorised foreign-born population were compared between clusters.

The Pew Hispanic Center has not published separate figures for eight states—Alaska, Maine, Montana, North Dakota, South Dakota, Vermont, West Virginia and Wyoming—because too few unauthorised migrants live there to be able to obtain reliable estimates.⁶ The empirical analyses that follow pertain to the other 42 states.

Results

Designating Cluster Membership According to Degree of Internal Control

Our first objective is simply to describe the development of state-level differences in restrictions on unauthorised immigrants during the past decade. We first employ a factor analysis on our state–year data to measure the relative degree of internal control each state exhibited in each year between 2002 and 2009. The first factor accounts for almost half of the total variation across the seven variables (eigenvalue equal to 3.0) while subsequent factors each account for no more than 16 per cent of the total. In addition, the relatively large factor loadings on the first factor indicate that all the variables included in the analysis are strongly associated with one another (Table 1). Several of the variables appear to be particularly strong in differentiating states across the eight years. The rate of *E-Verify* enrolment, legal restrictions on labour market access, and whether or not a relationship exists between federal immigration enforcement and county law enforcement agencies (287g) have relatively high factor loadings of 0.86, 0.72 and 0.68 respectively. These results together suggest that the seven variables included in the analysis form a cohesive measure of what we refer to here as internal border control. Given positive loadings for all variables, a larger factor score is interpreted as a more restrictive environment for unauthorised immigrants for a state in a particular year. To simplify the discussion, we enlist cluster

Table 1. Factor pattern of internal border control (2002–09). Eigenvalue factor: 3.0

	Factor 1
<i>Social exclusion</i>	
% Employers in <i>E-Verify</i> (log)	0.86
State laws reducing access to IDs	0.59
State laws reducing access to the labour market	0.72
State laws reducing access to public benefits, health care or education	0.63
<i>Territorial exclusion</i>	
% Counties in 287g (log)	0.68
State-level organisations in 287g	0.52
Cities in 287g	0.54

analysis to categorise states according to the relative degree of internal control exhibited in 2009.

The map in Figure 1 shows the 2009 state internal control scores and illustrates three clusters with different shades of grey. We label the three categories of internal control as *highly restrictive*, *moderately restrictive* and *relatively permissive*. By 2009, Arizona exhibited the most restrictive environment towards unauthorised immigrants. Of the 42 states that we include in our analysis, Arizona's factor score of 4.9 is more than 60 per cent higher than the next most restrictive states of Georgia (3.0) and Virginia (3.0). Because its score is so much greater than any other state, Arizona comprises its own category—*highly restrictive*—in terms of internal border control.

The scores for moderately restrictive states range from 1.5 (Oregon) to 3.0 (Georgia and Virginia), and the scores of relatively permissive states fall below 1.4 (Massachusetts). The North–South divide between relatively permissive and moderately restrictive states is striking. The geographic pattern is reminiscent of maps that describe recent US presidential election results in terms of more-politically liberal Northern and coastal blue states and more conservative Southern and Mid-Western red states (for example, see Newman 2010). The pattern bolsters previous work which shows that more conservative states have been quicker to implement restrictive measures directed at unauthorised immigrants (Ramakrishnan and Wong 2010). There are several exceptions to this rule though. The more conservative states of Kentucky (0.3), Alabama (0.7), and Louisiana (0.9) exhibit relatively lower degrees of internal control, while Oregon (1.5), which tends to be more socially liberal, falls in the moderately restrictive category (albeit on the lower end of the range of scores for this group), suggesting that internal control is more complicated than simply due to political leanings.

Note also that the degree of internal control in 2009 does not align with the geographic distributions of the total foreign-born population or the unauthorised immigrant population in the United States. Four states with large legal and unauthorised immigrant populations—California (0.6), New York (0.3), New Jersey (1.0) and Illinois (0.4)—exhibit relatively lower internal control (see Passel and Cohn 2009, Passel and Cohn 2010). By contrast, Florida (4.7) and Texas (3.2), which also

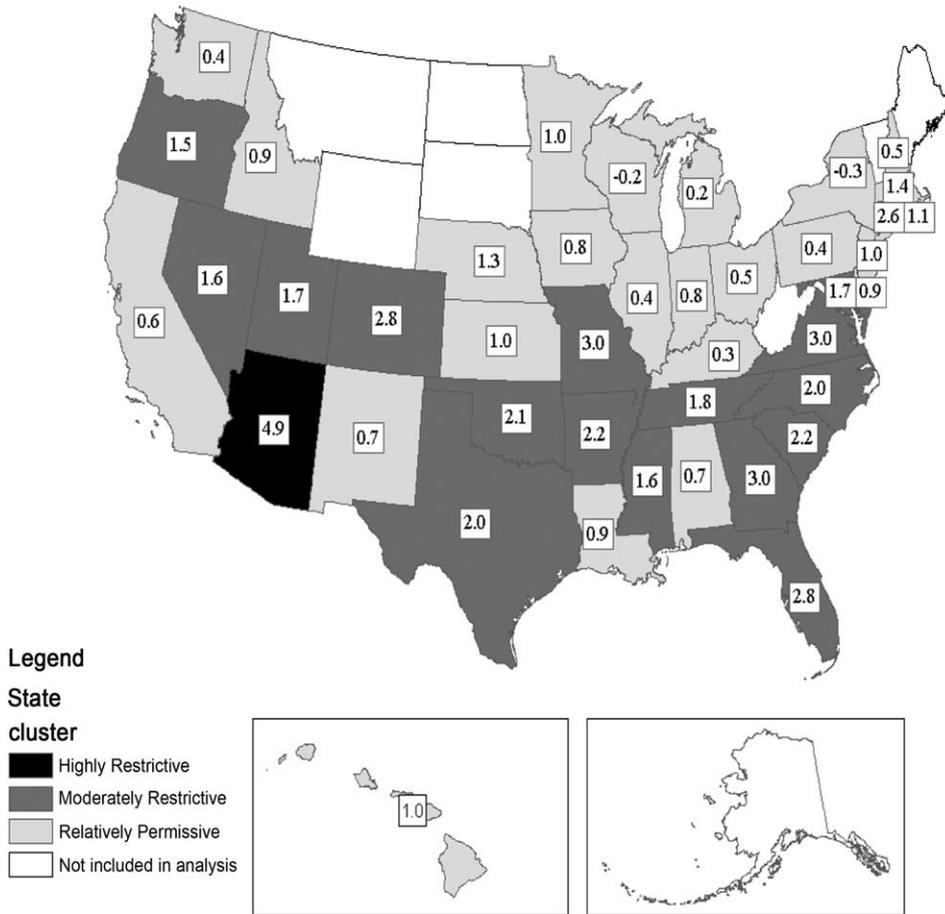


Figure 1. Relative degree of internal border control and cluster membership, United States, 2009

have large immigrant populations, exhibit relatively greater internal control. Internal control thus does not appear to be a response to immigration in general or a significant presence of unauthorised residents, which certainly exist in California and New York. Rather, many of the darker-shaded states in the map both have little to no experience with immigration historically and have witnessed rapid growth in unauthorised immigration since 1990 (Massey and Capoferro 2008; Passel and Cohn 2009). This is especially true of Arizona, North Carolina and Georgia. We discuss in greater detail below the possibility that internal control may be a reaction to change in a state’s unauthorised population.

Based solely on our map, of course, we cannot conjecture with any certainty about underlying political and demographic forces that may have led to greater internal control in certain states. What is clear from the factor analysis and map is that, as of 2009, there is currently significant state-level variation in governmental efforts to

control unauthorised populations. We next delve into the ways in which states have become relatively more restrictive to different degrees since 2003.

A Brief Description of the Differential Development in Internal Border Control Since 2003

Table 2 shows descriptive statistics by cluster and year for our state-level variables. We also include the mean factor score for each cluster. Our first observation is that, in 2003 and 2004, the degree of internal control appears to have been relatively low in all states, including Arizona.

In 2005, however, Arizona began to distinguish itself from other states. It was the first state, according to our data, to explicitly restrict unauthorised workers' access to jobs and one of only a few states to establish a relationship with US Immigration and Customs Enforcement (ICE) at the state level. As a result, its internal control score became positive while the mean scores for all other states remained negative.

Arizona further distinguished itself from other states in 2007 by being the first to mandate that all employers use *E-Verify* to ensure a worker's eligibility to be legally employed in the United States. Evidence of this mandate appears in an increase in the percentage of employers enrolled to more than 1 per cent in 2007 and subsequently balloons to almost a quarter of employers in 2008. The percentage of Arizona counties that established a relationship with ICE also grew from zero to 6 per cent in 2007. As a result, Arizona's internal control score increased to more than 2.

Differences in internal control also began to emerge among other states in 2007. More states began to restrict access to drivers' licences and identification cards and reduced access to public benefits (the mean proportion of states with such restrictions increased to 0.71 and 0.59, respectively, among moderately restrictive states). Reflecting these changes, moderately restrictive states had a mean internal control score of 1, while the mean score among relatively permissive states remained below zero. It is notable that even relatively permissive states had become more restrictive to some degree by 2007, as reflected in a factor score close to zero.

In 2008 and 2009, Arizona continued to implement greater restrictions directed at unauthorised immigrants, mostly through continued enrolment in *E-Verify* and more county-level and city-level relationships with ICE. As a result, Arizona's 2009 factor score is close to 5, whereas moderately restrictive states average a little above 2 and relatively permissive state scores remain below 1. Again illustrating the general prevalence of state and local-level internal control by 2009, the mean factor score for relatively permissive states had risen to 0.68, which is greater than the degree of internal control that Arizona exhibited only four years earlier, in 2005. This may be a forecast of future trends in the United States to internally control unauthorised immigrants.

Table 2. Development of internal border control by cluster membership, 2003–2009

	2003	2004	2005	2006	2007	2008	2009
Highly restrictive (Arizona)							
Factor score	-0.69	-0.68	0.51	1.13	2.17	4.85	4.93
% Employers enrolled in <i>E-Verify</i>	0.00	0.02	0.11	0.27	1.16	24.39	28.16
State laws reducing access to IDs (1 = yes) ^a	0.00	0.00	0.00	0.00	0.00	0.00	0.00
State laws reducing access to labour market (1 = yes)	0.00	0.00	1.00	1.00	1.00	1.00	1.00
State laws reducing access to benefits or services	0.00	0.00	0.00	1.00	1.00	1.00	1.00
% Counties in 287g	0.00	0.00	0.00	0.00	6.67	26.67	26.67
State agencies in 287g	0.00	0.00	1.00	1.00	1.00	1.00	1.00
Cities in 287g	0.00	0.00	0.00	0.00	0.00	1.00	1.00
Moderately restrictive (N = 17)							
Mean factor score	-0.66	-0.65	-0.53	-0.17	0.99	1.75	2.21
Mean % employers enrolled in <i>E-Verify</i>	0.00	0.01	0.07	0.23	0.49	1.45	3.25
Proportion states with laws reducing access to IDs (1 = yes) ^a	0.00	0.00	0.12	0.29	0.71	0.71	0.76
Proportion states with laws reducing access to labour market (1 = yes)	0.00	0.00	0.00	0.24	0.59	0.82	0.88
Proportion states with laws reducing access to benefits or services	0.00	0.00	0.06	0.12	0.47	0.53	0.71
Mean % counties in 287g	0.00	0.00	0.00	0.06	1.70	2.74	2.97
Proportion states with state agencies in 287g	0.06	0.06	0.06	0.06	0.24	0.35	0.35
Proportion states with cities in 287g	0.00	0.00	0.00	0.00	0.18	0.35	0.35
Relatively permissive (N = 24)							
Mean factor score	-0.67	-0.68	-0.60	-0.39	-0.03	0.26	0.68
Mean % employers enrolled in <i>E-Verify</i>	0.00	0.01	0.06	0.18	0.29	0.90	1.74
Proportion states with laws reducing access to IDs (1 = yes) ^a	0.00	0.00	0.00	0.04	0.25	0.33	0.42
Proportion states with laws reducing access to labour market (1 = yes)	0.00	0.00	0.00	0.08	0.13	0.13	0.17
Proportion states with laws reducing access to benefits or services	0.00	0.00	0.00	0.13	0.25	0.25	0.38
Mean % counties in 287g	0.00	0.00	0.19	0.33	0.92	1.03	1.23
Proportion states with state agencies in 287g	0.04	0.04	0.04	0.04	0.13	0.17	0.25
Proportion states with cities in 287g	0.00	0.00	0.00	0.00	0.04	0.04	0.04

^aArizona has required that a person establish that (s)he is lawfully present in the US to obtain a drivers' licence or ID card since 1996. This policy, however, is not reflected in the data that we obtained from the Immigration Policy Project of the NCSL. We do not correct this measurement error for Arizona, leaving the indicator equal to zero, because we do not know whether the same error exists for other states. Correcting the error only for Arizona would simply further distinguish it from the other states in terms of its factor scores and would have no bearing on our conclusions.

The Relationship between Internal Border Control and Illegal Residence

Next we examine patterns of unauthorised migration from 2000 to 2009 using the residual estimates reported by the Pew Hispanic Center. Figure 2 charts unauthorised population developments over the decade in the 24 relatively permissive states, the

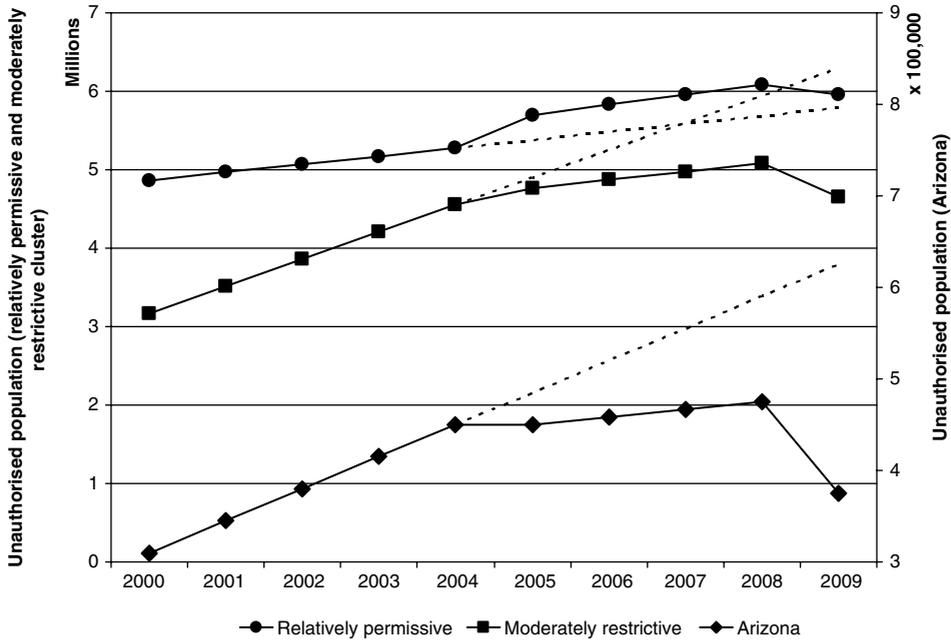


Figure 2. Developments in the estimated unauthorised population by cluster membership (2000–09)

17 moderately restrictive states, and Arizona, respectively. Estimates are shown for the two multi-state clusters using the left-hand axis of the figure, while those in Arizona are reported on the right-hand axis.

From 2000 to 2004—i.e. largely prior to an emergence of internal border control as described above—the estimated number of unauthorised immigrants grew by 25 per cent from 8.3 to 10.4 million nationwide. Almost 80 per cent of this growth was concentrated in what would become the moderately restrictive states and the most restrictive state—Arizona. The unauthorised population in Arizona climbed from 300,000 to 460,000, a 53 per cent increase, and the rate of growth in the soon-to-be moderately restrictive states was 44 per cent. By comparison, more-permissive states experienced a more modest growth rate of 8 per cent at the beginning of the decade. The differential growth rates early in the decade resulted in a smaller share of the unauthorised population residing in relatively permissive states, falling from 58 per cent in 2000 to 53 per cent by 2004.

The population trends changed considerably in the years between 2004 and 2008, a period when substantial state-level differences in internal control arose. The overall growth rate in the national unauthorised population slowed from 25 to 13 per cent. Whereas Arizona and the moderately restrictive states accounted for 80 per cent of unauthorised population growth in the period 2000–04, they contributed only 40 per cent of the growth between 2004 and 2008. The trends in Figure 2 illustrate that population growth in Arizona, rapidly becoming the most restrictive state in this

period, slowed to the greatest degree. The trends also show a slower growth rate in moderately restrictive states. By contrast, growth of the unauthorised populations in relatively permissive states actually *increased*.

Then, during the first year of the recession, between 2008 and 2009, the nation's unauthorised population is estimated to have decreased by 650,000. As the trend lines show, the vast majority of the decline occurred in Arizona and the moderately restrictive states. Consequently, by 2009, the distribution of the unauthorised population across permissive and moderately restrictive states and Arizona is considerably different to what we might have expected if trends observed from 2000 to 2004 had continued up to 2009 (the scenario is illustrated by the dotted lines in Figure 2). If trends had continued unchanged, Arizona and the moderately restrictive states would be expected to have almost seven million unauthorised residents or about 54 per cent of the national total. Owing to the reversal of trends after 2004, however, Arizona and the moderately restrictive states accounted for 46 per cent of the total, which is not too different from the situation in 2000, when 42 per cent of all unauthorised residents lived in these states.

Yet the changing population trends after 2004 do not simply reflect a reversal of migration flows back into 'traditional' destination states (California, Florida, Texas and New York). According to the Pew estimates, neither Florida or Texas—both moderately restrictive states—nor California, a relatively permissive state, observed increased growth rates after 2005. New York, however, did: in that relatively permissive state, the unauthorised population is estimated to have increased from 675,000 to 800,000 (in 2000 this figure was 715,000). Other relatively permissive Northern states, especially Illinois and Iowa, also seem to have witnessed increased growth rates, as did relatively permissive states located close to Arizona and the moderately restrictive states in the South. Of these, Alabama, Louisiana and New Mexico stand out. All in all, the recent changes in the spatial distribution of the unauthorised population do not seem to have reversed the trend of a more dispersed unauthorised population. This was examined by calculating indexes of dissimilarity for different years. While, in 2000, 31 per cent of the estimated unauthorised population would have to be relocated to other states in order to obtain a spatial distribution that matches the legal population, in 2004 this figure was 27 per cent and, in 2009, 24 per cent.

Finally, though Figure 2 provides evidence consistent with a hypothesis stressing the effectiveness of states' internal enforcement policies, presenting results for state clusters masks the strength of the empirical association between internal control and unauthorised-population change in the latter half of the decade. This is demonstrated in Figure 3, which plots the 2008–09 changes in unauthorised population size (indexed to 100 in 2008) with the internal border control factor score. In 17 states the unauthorised population *increased* during the first year of the recession. The largest relative gains occurred in relatively permissive states, and the 11 permissive states experiencing increases in unauthorised migration between 2008 and 2009 are among those with the lowest internal enforcement scores. Overall Figure 3 suggests

a relatively strong negative linear association between the degree of internal border enforcement in a state and the rate of growth in the unauthorised population during the first year of the recession ($r = -0.346$).

Conclusion and Discussion

A growing number of administrations at different levels of government are developing policies of internal border control in an effort to reduce unauthorised residence. This article has demonstrated that internal border control can be approximated empirically, taking the case of the United States as an example. The analyses show that policies and practices of internal border control have indeed become more common in the United States, especially since 2005. They also show that internal border control tends to be spatially concentrated in Southern states.

We have presented empirical evidence indicating a negative bivariate relationship between internal border control and the degree of illegal residence. It is found that the degree to which states experienced a decline in (the growth of) the estimated local unauthorised population in the period 2005–09 is associated with the degree of internal border control in these states.

In what follows, we will formulate five interpretations of this bivariate relationship. The interpretations should be taken as hypotheses that warrant further research. It should also be emphasised that the interpretations are not mutually exclusive.

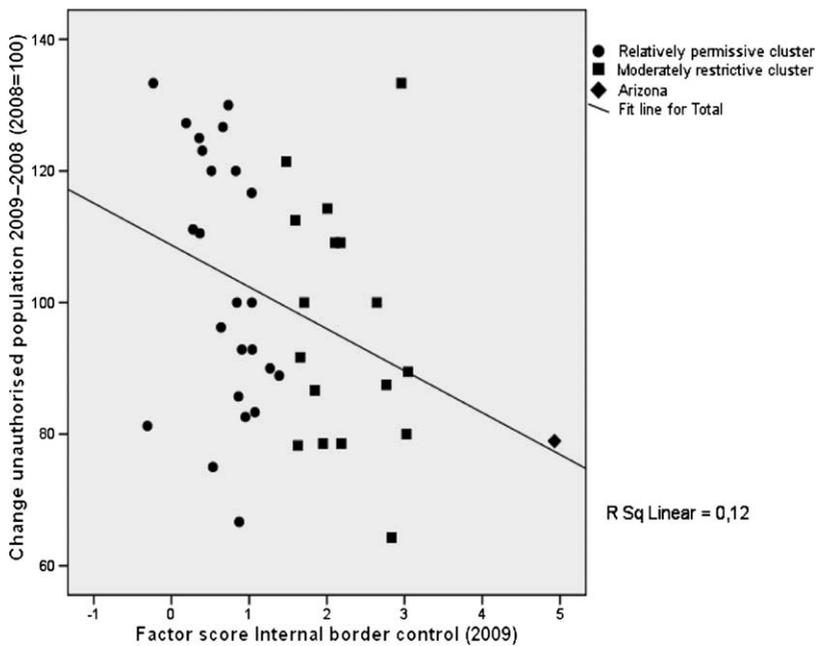


Figure 3. Internal border control and changes in the unauthorised population between 2009 and 2008

According to the first interpretation, the geographically concentrated increases in internal control have brought about a *displacement effect*. A substantial number of unauthorised migrants who lived in relatively restrictive states, or new arrivals who would have settled there had practices of internal control not increased, appear to have opted for the more permissive states. At least we find that, for every year since 2005, there were—according to population estimates—fewer unauthorised migrants in relatively restrictive states than would have been expected on the basis of a linear extrapolation of the trends for the period 2000–04. By 2008 there were 975,000 fewer unauthorised migrants than expected in Arizona and the cluster of moderately restrictive states. By contrast, the estimated number of unauthorised migrants in relatively permissive states was *higher* than expected had previous trends continued. By 2008 there were 400,000 more unauthorised migrants in the latter cluster than expected under the assumption that the trend for 2000–04 would have continued.

The second interpretation holds that the geographically concentrated increases in internal control have had an *overall deterrent effect*. It can be observed that, for every year since 2006—i.e. before the onset of the fiscal crisis in September 2008—the estimated *total* number of unauthorised migrants in the US appears to be lower than one might have expected on the basis of the trends for the years 2000–04. By 2008 there were 575,000 fewer unauthorised migrants nationally than would have been expected under this assumption.

A third interpretation might be that greater internal restrictions have a *legalisation effect*. It is possible that unauthorised immigrants in more restrictive places more often sought out and took advantage of ways to regularise their status, if only temporarily. If so, this would disproportionately slow the growth of the unauthorised population in those places. While the numerical limits for legal permanent residency ('green cards') have not risen, the number of non-immigrant admissions into the country, mostly via temporary visas, has increased substantially. For example, statistics published by the US Department of Homeland Security (2005, 2009) show that the number of temporary work visas issued each year to Mexican seasonal workers (and their dependents) increased from 90,000 in 2005 to 178,000 in 2009.

According to the fourth interpretation the geographically concentrated increases in internal control may have *selectively affected the validity of the population estimates*. It may be that the unauthorised population in restrictive states has increasingly gone 'underground', and is more and more reluctant to participate in the Census surveys, which underlie the estimates of the unauthorised population. Although the Pew Hispanic Center does take into account a certain amount of undercount of unauthorised migrants in population surveys, it does not seem to correct for local and temporal variation in the degree to which unauthorised migrants may be undercounted depending on actual local levels of internal control.

According to the fifth interpretation, the observed bivariate relationship is a *spurious correlation*, as the decline in the unauthorised population may be largely due to economic and/or social factors. Apart from the 2008 fiscal crisis, there had been an earlier slowdown in the construction industry (Kochhar 2008). This sector, which is

known to be important for unauthorised workers, was booming in Arizona and other Southern states in the years before 2007. Although we did not conduct multivariate analyses, we did explore the relevant employment figures for Arizona and the two clusters, using data from the Current Population Survey. It turns out that Arizona and the states in the moderately restrictive cluster were indeed disproportionately affected by a decrease of labour market opportunities for low-skilled workers in connection to the slowdown of the construction sector in the two years before the 2009 recession. Between 2006 and 2008 the employment rate among low-skilled foreign-born workers in Arizona decreased from 64 to 56 per cent and, on average, from 74 to 71 per cent in the moderately restrictive cluster. At the same time, in relatively permissive states, this rate decreased only marginally from 68 to 67 per cent. These segmented and spatially differentiated economic developments may well explain, at least partially, the slowdown of the growth of the unauthorised population in relatively restrictive states in the years before the onset of the financial crisis (cf. Cornelius *et al.* 2009).

Yet, it is unlikely that economic factors that are independent from relevant policy factors are the only cause of the differential developments in the unauthorised population according to the degree of internal control. For example, it is difficult to explain why the estimated unauthorised population kept growing after 2008 in a substantial number of mostly relatively permissive states. Low-skilled workers in Arizona saw their work opportunities decrease less than comparable workers in other states: between 2008 and 2009 the employment rate among low-skilled foreign-born workers stabilised in Arizona at around 56 per cent, while it fell from 67 to 60 per cent in the relatively permissive cluster. Lofstrom *et al.* (2011), who examined the effects of the Legal Arizona Workers Act, reach similar conclusions.

Several avenues for further research are indicated. Firstly, researchers should try to control for the effects of confounding variables that are likely to have influenced the level of the unauthorised population in the period 2000–09. In so doing, researchers should realise that a neat statistical disentanglement of policy effects and labour market effects will be complicated by the complex interrelation between the two. Internal border control could have an indirect effect on migration patterns to the extent that it manages to decrease labour market opportunities for unauthorised workers. At the same time, economic developments may have an indirect effect on migration patterns, to the extent that economic slow-down fuels negative sentiments toward unauthorised immigrants which, in turn, may contribute to restrictive policies. Social network effects should also be part of the equation. Here, complex interrelations can be expected as well. For example, it may be that the presence of established migrant communities in a state mitigates the impact of restrictive policies, as unauthorised newcomers may find some protection in ethnic enclaves. Yet, it may also be that migrant communities amplify policy effects, to the extent that established migrants ‘warn’ potential newcomers and advise them to postpone their migration project or settle elsewhere. To estimate the effects of these factors, the period 1990–2000 can be used in addition to the period 2000–09. For this purpose, it would be

helpful if state-level estimates of the unauthorised population were calculated for more years, especially those in the period 1990–2000.

Furthermore, future research should try to identify the precise causal mechanisms that may explain the negative relation between internal border control and illegal residence. Internal border control can be expected to have consequences for migration patterns because of *deterrence* (migrants may avoid states where their personal well-being will be threatened the most, or will ‘leave’ these states nominally, i.e. as unauthorised migrants, to the extent that opportunities for legal residence are available). However, other mechanisms may also be important, such as *expulsion* (more migrants may have been deported from relatively restrictive states) or *legal authority* (established residents may be less inclined to employ unauthorised migrants or to ‘enable’ illegal residence in other ways, if they think that restrictive laws are, as laws, legitimate—cf. Weber 1947). Interviews with migrants are also indicated for this reason. For example, it may turn out that migrants avoid restrictive states not only because of the *instrumental aspects* of internal border control—for example because migrants believe that these policies reduce access to labour markets—but also because of eventual *expressive* or *symbolic* aspects (cf. Calavita 1996); perhaps migrants see these policies as signals of a general negative social attitude about immigrants and unauthorised residence. There may be statistical techniques for distinguishing between such effects, but interviews are probably a more direct way to obtain insight in such mechanisms.

Future research should also investigate the consequences of state-level differences in internal border control for *legal* migration. Many immigrant families in the US are mixed-status households that consist of a blend of ‘legal’ and ‘illegal’ household members. In the Mexican case in which family migration tends to occur in stages, male household members often migrate first without authorisation, while spouses and children wait to follow until legal means become available. In addition, US-born children are citizens and therefore legal residents by definition, and unauthorised immigrants often marry US natives. Internal control could impact legal migration not only via the legalisation effect mentioned above, but also by pressing mixed-status households to relocate as a whole to more-permissive localities, both in the interest of an unauthorised household member or members, and in the indirect interest of the legal household members who have affective ties with them. At the same time, legal immigrants tend to be more settled and have stronger attachments to place, which may out-weigh the negative implications of internal control for unauthorised household members. So it is unclear how internal control may affect the internal migration of the legal immigrant population.

Finally, further research is needed on the unintended effects of internal border control. It is clear that not all migrants who are subjected to internal controls are willing or able to leave—even in Arizona, most unauthorised migrants appear to have stayed. In these cases, internal border control can be expected to contribute to a further differentiation of *de facto* citizenship. As practices of internal border control spread, legal status will increasingly become a dimension of social inequality with

far-reaching implications for most aspects of social life, such as employment, income, health, crime, housing and detention.

In the absence of proper statistical controls, and of further checks on the validity of the estimates of the unauthorised population under increasingly restrictive policy conditions, we cannot make causal claims about the effects of the geographically concentrated increases in internal border control on migration patterns. Yet, all in all, the preliminary results do suggest that internal border control is not a completely ineffective instrument of migration control. This is especially true from the perspective of the more-restrictive states, which witnessed the strongest declines in (the growth of) the unauthorised population. Yet, these effects seem to have been realised, at least in part, because migrants perceived better residence alternatives elsewhere in the US, where levels of internal control are lower. From the perspective of the US as a whole, the efficacy of internal border control seems to be more debatable because of the eventual displacement effect.

Acknowledgement

This study was subsidised by a VENI grant from the Netherlands Organisation for Scientific Research.

Notes

- [1] We thank the US Citizenship and Immigration Services, Department of Homeland Security, for sharing the annual state-level counts with us.
- [2] The most recent year for which these census data are available so far is 2008. We used data for 2008 as the denominator for 2009.
- [3] See <http://www.ice.gov/news/library/factsheets/287g.htm>, visited October 2010.
- [4] For example, Arizona excluded unauthorised migrants from drivers' licences in 1996. California's Proposition 187, which intended to create a citizenship screening system in order to prohibit unauthorised migrants from using health care, public education and other social services in the state of California, dates from 1994. However, the California law was found to be largely unconstitutional by a Federal Judge in 1997.
- [5] 'Supreme Court upholds Arizona law punishing companies that hire illegal immigrants', *Washington Post*, 26 May 2011.
- [6] There is no estimate for New Hampshire for 1990, but that year lies outside the period on which this article focuses.

References

- Broeders, D. and Engbersen, G. (2007) 'The fight against illegal migration: identification policies and immigrants' counterstrategies', *American Behavioral Scientist*, 50(12): 1592–609.
- Calavita, K. (1996) 'The new politics of immigration: "balanced-budget conservatism" and the symbolism of Proposition 187', *Social Problems*, 43(3): 284–305.
- Capps, R., Rosenblum, M.R., Rodríguez, C. and Chishti, M. (2011) *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*. Washington, DC: Migration Policy Institute.

- Cornelius, W.A. (2001) 'Death at the border: efficacy and unintended consequences of US immigration control policy', *Population and Development Review*, 27(4): 661–85.
- Cornelius, W.A. and Salehyan, I. (2007) 'Does border enforcement deter unauthorised immigration? The case of Mexican migration to the United States of America', *Regulation and Governance*, 1(2): 139–53.
- Cornelius, W.A., Fitzgerald, D., Fischer, P. and Muse-Orlinoff, L. (eds) (2009) *Mexican Migration and the US Economic Crisis: A Transnational Perspective*. La Jolla, CA: Center for Comparative Immigration Studies.
- Cornelius, W.A., Tsuda, T., Martin, P. and Hollifield, J. (eds) (2004) *Controlling Immigration: A Global Perspective*. Stanford: Stanford University Press.
- Cyrus, N. and Vogel, D. (2006) 'Managing access to the German labour market: how Polish (im)migrants relate to German opportunities and restrictions', in Düvell, F. (ed.) *Illegal Immigration in Europe. Beyond Control?* Basingstoke: Palgrave Macmillan, 75–105.
- Decker, S., Lewis, P.G., Provine, D.M. and Varsanyi, M.W. (2009) 'On the frontier of local law enforcement: local police and federal immigration law', in McDonald, W. (ed.) *Immigration, Crime, and Justice. Sociology of Crime, Law, and Deviance. Volume 13*. Bingley: Emerald/JAI Press, 261–76.
- Düvell, F. (ed.) (2006) *Illegal Immigration in Europe. Beyond Control?* Basingstoke: Palgrave Macmillan.
- Engbersen, G. and Broeders, D. (2009) 'The state versus the alien: immigration control and strategies of irregular immigrants', *West European Politics*, 32(5): 867–85.
- Engbersen, G., van der Leun, J. and de Boom, J. (2007) *The Fragmentation of Migration and Crime*. Chicago: Chicago University Press Crime and Justice Series.
- Eschbach, K., Hagan, J., Rodriguez, N., Hernandez-Leon, R. and Bailey, S. (1999) 'Death at the border', *International Migration Review*, 33(2): 430–54.
- Espenshade, T. (1994) 'Does the threat of border apprehension deter undocumented US immigration?', *Population and Development Review*, 20(4): 871–92.
- Fortuny, K., Capps, R. and Passel, J. (2007) *The Characteristics of Unauthorised Immigrants in California, Los Angeles County, and the United States*. Washington DC: Pew Hispanic Center.
- Guiraudon, V. and Lahav, G. (2007) *Immigration Policy in Europe. The Politics of Control*. London: Routledge.
- Kochhar, R. (2008) *Latino Labour Report, 2008: Construction Reverses Job Growth for Latinos*. Washington, DC: Pew Hispanic Center.
- Lahav, G. and Guiraudon, V. (2000) 'Comparative perspectives on border control: away from the border and outside the state', in Andreas, P. and Snyder, T. (eds) *The Wall Around the West. State Borders and Immigration Controls in North America and Europe*. Lanham: Rowman and Littlefield, 55–77.
- Leerkes, A. (2009) *Illegal Residence and Public Safety in the Netherlands*. Amsterdam: Amsterdam University Press.
- Leerkes, A. and Broeders, D. (2010) 'A case of mixed motives?: formal and informal functions of administrative immigration detention', *British Journal of Criminology*, 50(5): 830–50.
- Leerkes, A. and Kulu, I. (2011) 'Playing hard(er) to get: the state, international couples and the income requirement', *European Journal of Migration and Law*, 13(1): 95–121.
- Light, I. (2003) 'Immigration and housing shortage in Los Angeles, 1970–2000', in Reitz, J.G. (ed.) *Host Societies and the Reception of Immigrants*. La Jolla, CA: University of California, San Diego, Center for Comparative Immigration Studies, 403–28.
- Light, I. (2006) *Deflecting Immigration: Networks, Markets, and Regulation in Los Angeles*. New York: Russell Sage Foundation.
- Lloyd, S. (1982) 'Least squares quantization in PCM', *IEEE Trans. Information Theory*, 28(2): 129–37.

- Lofstrom, M., Bohn, S. and Raphael, S. (2011) *Lessons from the 2007 Legal Arizona Workers Act*. San Francisco: Public Policy Institute of California.
- Massey, D.S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A. and Taylor, J.E. (2005) *Worlds in Motion: Understanding International Migration at the End of the Millennium*. Oxford: Clarendon Press.
- Massey, D.S., Durand, J. and Malone, N. (2002) *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York: Russell Sage Foundation.
- Massey, D.S. and Capoferro, C. (2008) 'The geographic diversification of American immigration', in Massey, D.S. (ed.) *New Faces in New Places: The Changing Geography of American Immigration*. New York: Russell Sage Foundation, 25–50.
- Neumayer, E. (2004) 'Asylum destination choice', *European Union Politics*, 5(2): 155–80.
- Newman, M. (2010) 'Maps of the 2008 US presidential election results'. Accessed online 5 November 2010 at <http://www-personal.umich.edu/~mejn/election/2008/>.
- NCSL (2006) *A Review of State Immigration Legislation in 2005*. Washington DC: National Conference of State Legislatures.
- NCSL (2007) *2006 State Legislation Related to Immigration: Enacted and Vetoed*. Washington DC: National Conference of State Legislatures.
- NCSL (2008) *2007 Enacted State Legislation Related to Immigrants and Immigration. Revised 31 January, 2008*. Washington DC: National Conference of State Legislatures.
- NCSL (2009) *State Laws Related to Immigrants and Immigration in 2008. Revised 27 January 2009*. Washington DC: National Conference of State Legislatures.
- NCSL (2010) *2009 State Laws Related to Immigrants and Immigration. January 1–31 December*. Washington DC: National Conference of State Legislatures.
- Passel, J. and Cohn, D. (2009) *A Portrait of Unauthorized Immigrants in the United States*. Washington DC: Pew Hispanic Center.
- Passel, J. and Cohn, D. (2010) *US Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade*. Washington DC: Pew Hispanic Center.
- Ramakrishnan, S. and Wong, T. (2010) 'Partisanship, not Spanish: explaining municipal ordinances affecting undocumented immigrants', in Varsanyi, M. (ed.) *Taking Local Control. Immigration Policy Activism in US Cities and States*. Stanford: Stanford University Press, 73–96.
- Rodriguez, C. (2008) 'The significance of the local in immigration regulation', *Michigan Law Review*, 106(4): 567–642.
- Todaro, M. and Maruszko, L. (1987) 'Illegal migration and US immigration reform: a conceptual framework', *Population and Development Review*, 13(1): 101–14.
- Triandafyllidou, A. (ed.) (2010) *Irregular Migration in Europe. Myths and Realities*. Abingdon: Ashgate.
- US Department of Homeland Security (2005) *2005 Yearbook of Immigration Statistics*. Accessed 29 August 2011 from <http://www.dhs.gov/files/statistics/publications/yearbook.shtm>.
- US Department of Homeland Security (2009) *2009 Yearbook of Immigration Statistics*. Accessed 29 August 2011 from <http://www.dhs.gov/files/statistics/publications/yearbook.shtm>.
- Van der Leun, J. (2003) *Looking for Loopholes: Processes of Incorporation of Illegal Immigrants in the Netherlands*. Amsterdam, Amsterdam University Press.
- Varsanyi, M. (ed.) (2010) *Taking Local Control. Immigration Policy Activism in US Cities and States*. Stanford: Stanford University Press.
- Weber, M. (1947) *The Theory of Social and Economic Organization*. London: W. Hodge.