Josefina, her due date fast approaching, flared with frustration as she recounted a recent struggle to get to a prenatal checkup. Her index finger pressed into the floral tablecloth on the kitchen table, tracing a hard pattern in the fabric as she spoke. “Immigration laws are everywhere in this city,” she explained. It was late September 2013 and Josefina’s second-floor apartment was hot, the air barely moving despite an old box fan that hummed and rattled, propped up in the living room window. The problem was that her partner, Arturo, had planned to leave work early the day of her appointment to drive Josefina to the clinic, but he had received a text from a friend: the Escondido Police Department was setting up a daytime checkpoint near their apartment complex. Speaking for a moment on the phone, the couple decided that missing Josefina’s checkup was better than risking an interaction with the police, who had developed a deep collaboration with federal immigration enforcement. “This city comes after those of us without papers, without a license,” Josefina said.

struggle illustrates, the role of state and local immigration law is especially forceful. This force is strange, because observers have long assumed that federal migration policy sets uniform conditions for immigrants across the country. Since the late nineteenth century, the federal government has consolidated its authority over immigration (Hirota 2017; Motomura 2014; Zolberg 2006). The bureaucratic, technological, and legal apparatus that developed to enforce this control has also become mighty. From legal ports of entry and land and maritime borders to street corners across the United States, the federal government has the ultimate say in who can enter the country, the terms under which they remain, and how those escaping this authority—by entering without authorization or overstaying visas—are detected and deported. Nonetheless, some of the fiercest battles over immigration in the United States are playing out at the state and local level—in places like Escondido, California, and in the lives of immigrants like Josefina and Arturo.

States and localities are rushing to legislate on immigration during a time of remarkably restrictive national-level immigration policy. Beginning in earnest in the 1990s with the Clinton administration, the US government has steadily militarized the southern border, increased interior immigration enforcement, limited access to social benefits according to legal status, and orchestrated skyrocketing levels of formal deportations (see Goodman forthcoming). By the time Donald Trump was elected president in 2016, following a campaign steeped in virulent anti-immigrant and nativist rhetoric, the groundwork to crack down on undocumented immigrants had already been laid, with systems in place that hinged on collaboration between the federal government, states, and localities (see chapter 4). Within this hostile national context, sub-national immigration measures work to amplify or buffer the federal approach, deeply penetrating the lives of undocumented immigrants and the families and communities that surround them.

Addressing issues from education and housing to employment and policing, the focus of state and local immigration laws varies widely, as does their objective to restrict or accommodate immigrants. These
measures can be symbolic, serving to broadcast a political agenda or orientation, or substantive, involving resource allocation or institutional change (Pritchard and Berkowitz 1993; Tushnet and Yackle 1997). The resulting jumble of immigration laws, policies, and practices has formed a “multi-jurisdictional patchwork” of sociolegal contexts across the country (Varsanyi et al. 2012). As a result, immigrants’ experiences within the United States, unfolding in receiving locales, depend to a great extent on where, exactly, they live (see Marrow 2011; Mollenkopf and Pastor 2016; Provine et al. 2016).

From this perspective, state and local immigration measures also fundamentally shape how immigrants—particularly those who are undocumented—integrate into the contemporary United States. What happens in the lives of immigrants who are targeted by these subnational laws? Do measures that provide protection and access to services promote trust for undocumented communities and a sense of belonging? Do more restrictive laws produce fear, causing the undocumented to avoid authorities and disengage from the broader society? There is general consensus that integration remains the dominant empirical pattern among immigrant groups in the United States (Waters and Gerstein Pineau 2015), but surprisingly little work directly studies the effects of state and local immigration measures on undocumented immigrants on the ground.¹ Comparative approaches that contrast the outcomes of restrictions and accommodations are especially scarce, yet they are critical to developing an understanding of the full range of consequences emerging from subnational immigration law.

This book compares the effects of diverse laws and policies that are rooted in immigrants’ immediate destinations from the perspective of undocumented Mexicans, those who are most consistently targeted by such contemporary measures and who bear the brunt of increasingly denigrating perceptions of migrant “illegality” (Chávez 2013; De Genova 2005; García Hernández 2014; Martos 2010).² Immigration status is a fully social and legal construction, not a trait intrinsic to individuals (Ngai 2004). Categories of documented, undocumented,
and quasi-documented immigrants emerge from laws that restrict the movement of some people while permitting others to cross national boundaries (Calavita 1998; De Genova 2002, 2004). The immigration status that results matters in many critical ways, not the least of which is its influence on immigrants’ access to rights and benefits within their receiving locales (Massey and Bartley 2005). Exclusion from such social goods is a penalty that contributes to systematic disadvantage and negative long-term consequences for undocumented immigrants and their families (De Genova 2002; Dreby 2015; Gonzáles 2011, 2015; Jones-Correa and de Graauw 2013; Waters and Gerstein Pineau 2015). “Illegality” so strongly shapes the life chances and future prospects of undocumented immigrants that it functions as a “new axis of stratification,” reinforcing existing forms of social inequality (Menjívar 2006b; Menjívar and Abrego 2012). The ramifications of unauthorized immigration status are also evident in immigrants’ identities and sense of self, as illegality becomes a primary defining characteristic—a “master status”—that determines social position (Gonzáles 2015).

Drawing from these insights as I began to research this book, I hypothesized that accommodating state and local immigration laws would work to facilitate undocumented immigrants’ integration, while restrictive measures would obstruct it. This straightforward premise embraces what sociologist Robert Merton called the “manifest functions” of purposive action, assuming that the laws in question work as intended to control behavior (1936, 1968). As I got deeper into collecting and analyzing the data for this study, however, it became evident that the effects of subnational immigration measures were not nearly so clear-cut. Rather than illustrating the consequences that played out in my original conceptual blueprint—a linear process where the presence of restrictions or accommodations led to specific effects, like social inclusion and exclusion—the reality on the ground that I sorted through was complex and messy. It revealed, in Merton’s terms, the “unrecognized and unanticipated consequences” of state and local immigration measures on undocumented communities (1936, 1968).
Contrary to some of the received wisdom, in this book I argue that sub-national immigration measures—both restrictive and accommodating—result in both expected outcomes and some that are unexpected and counterintuitive. The expected outcome of restrictive state and local laws is to exclude undocumented immigrants from their immediate destinations by cutting off access to social rights and supports, making their lives incrementally more difficult. In several ways, this study does demonstrate such an effect. Anti-immigrant measures inject threat deep into the everyday lives of undocumented Mexicans and their families, increasing the uncertainty and anxiety already associated with holding undocumented status in the United States. I show the consequences of this menace in the shifts in these immigrants’ physical navigation of restrictive destinations, their studied avoidance of local police, and the lessons they teach their children about mitigating risk.

At the same time, this book also argues against popular depictions of undocumented immigrants being pushed underground, their perception of threat so strong that they avoid engaging in public life or moving about restrictive locales altogether. In these accounts, immigrants seem to be “living in the shadows,” passively stowed away in their homes with the curtains shut tight and the front door battened down (see, e.g., Yee 2017). In an even more extreme form, the threat of deportation can seem to prompt a complete loss of freedom of movement, a “radical immobilization” like that experienced by undocumented immigrants who seek sanctuary in houses of worship to avoid removal (De Genova and Peutz 2010:36). But broad-brush portrayals of undocumented Mexicans as hunted people in hiding are not near to being a full representation of everyday undocumented life, even in restrictive destinations. Such a rendering better reflects initial reactions immediately after new clampdowns—sweeps, raids, and checkpoints; the enactment of hostile federal, state, or local immigration legislation; or the election of candidates running on anti-immigrant platforms. If undocumented residents are pushed to the shadows, it is not for long. After the shock wears off and rumors racing across immigrant communities quiet down, people necessarily return to their routines.
The unexpected outcomes of subnational restrictions are intimately related to the innovative ways in which immigrants respond and adapt to increased threat within their destinations. When receiving locales form restrictive immigration measures, they do not erase undocumented residents from the community. Indeed, I demonstrate in chapter 3 that undocumented Mexicans remain settled even as states and cities enact anti-immigrant legislation. Instead of pushing these immigrants out, such laws create conditions for an increase in efforts to subvert the public gaze (see Brayne 2014; Stuart 2016). Undocumented Mexicans subject to legal restrictions within their destinations adopt novel behaviors, consume and display particular material things, and cultivate alternative outlooks as they attempt to mask “illegality”—their Mexican traits and often rural origins—and pass as nonthreatening, nonsuspicious US-born Americans. Reflecting great agency, such efforts make up what I call legal passing in this book. Sustained over time and under pressure, legal passing results in transformative alterations to the self that unexpectedly deepen aspects of sociocultural assimilation. Legal passing is a way to navigate restrictive destinations, but as it subordinates immigrants to make them more like the native born, it reveals and advances the coercive power of restrictive subnational immigration law.

These conclusions contribute place-based findings to a body of work that shows how subnational law—and its enforcement—can push immigrants to absorb and respond to its force in ways that reaffirm normative, hegemonic conceptualizations of American life. For example, Cecilia Menjívar and Sarah Lakhani conclude that immigrants who are undergoing the process of legalization or naturalization fundamentally change their approaches to intimate family relations, civic engagement, and even their mind-sets in order to fit the US model of a legally “deserving immigrant” (2016). Their study shows the state’s remarkably broad influence on individuals, which extends beyond formal or bureaucratic control. Leisy Abrego’s work on the effects of a state-level bill
intended to increase access to higher education for undocumented immigrant youth points in a similar direction (2008). Her analysis demonstrates that this accommodating law, situated in a harsh national immigration framework, provided undocumented students with a socially acceptable identity that, at the same time, reified the deeply rooted principle of meritocracy in the United States.

Studies focused on native-born racial and ethnic minorities offer interesting parallel findings. Elijah Anderson shows that young black men in cities seek to avoid police suspicion by distancing themselves from stereotypical “urban” and “gangster” behavior and appearances (1990). This approach, while protective, also likely buttresses the perception that particular “conservative dress” equates to criminal innocence (1990:197). Similarly, Forrest Stuart and Ava Benezra study how African American youth, reacting to intense street-level criminalization, shun outward displays of toughness, which may draw police attention. Instead, they perform emotional sensitivity and present heterosexual relationships to communicate their innocence to law enforcement on the street (2017). Such a response is also primarily protective, but it also works to reinforce dominant expressions of gender and heteronormative sexuality. This scholarship highlights how law and law enforcement powerfully contribute to the reproduction of power and inequality within existing socioracial structures.

Accommodating state and local measures also have consequences that are both expected and unexpected. Regarding expected outcomes, these kinds of laws seek to include undocumented residents within the social fabric of destinations by providing access to rights and supports, making their lives more secure and stable. Undoubtedly, this study offers evidence of such an effect. Substantive legal accommodations provide stability in undocumented residents’ everyday routines and a sense of community belonging—one that does not hinge on legal passing or an uncoupling from native origin and ethnic traits. These consequences are especially critical when juxtaposed with the federal
immigration framework, which has become more intensely focused on interior and border enforcement. As compared to restrictive destinations, the integrative outcomes of accommodating locales that I describe in this book are evident in undocumented Mexicans’ ease of physical navigation, deeper willingness to interact with local police, and place-based sense of belonging.

The unexpected aspects of accommodating laws are fundamentally shaped by the federal government’s control over the mechanisms of deportation. Even the most vigorous and thorough subnational accommodations cannot fully alleviate the threat of deportation emanating from the policy at the federal level. While many states and localities now firmly occupy different areas of the immigration policy-making arena, the federal government retains the power to detect, detain, and deport undocumented immigrants. Thus the integrative effects of accommodations are muted by the hostile approach to immigration at the federal level, whereas the exclusionary outcomes of restrictions are amplified by it. More particularly, in terms of unexpected outcomes, accommodations that distance local police from federal immigration enforcement do not unequivocally forge trust and persuade undocumented residents to report crime. Even in accommodating receiving locales, long-simmering tensions between police and minorities often combine with a fear of gang retribution, counterbalancing immigrant-friendly legislation advanced by state and local government.

These conclusions challenge and update contemporary understandings of assimilation by centering the analysis framework squarely on place—the inherently local experience of adaptation. Immigrants do not come to an undifferentiated United States, but rather to specific places such as Siler City, North Carolina, and Los Angeles, California—particular towns, cities, and suburbs with distinct political, social, and legal dynamics (Foner 2005). Given the growing effort by subnational governments to develop laws on immigration and control immigrants within their borders, these dynamics are especially important for undocumented residents. “Illegality” is a burden born by undocu-
mented immigrants throughout the United States, but the ways in which this burden is experienced vary greatly by place (see Andrews 2018; García and Schmalzbauer 2017; Licona and Maldonado 2013; Marrow 2011; Prieto 2018). My aim in this book is to bring assimilation theory into critical dialogue with the particularities of local immigration law and legal status. In the contemporary United States, understanding immigrant adaptation at the state and local level depends on observing the ways in which newcomers, including the undocumented, are restricted or accommodated by subnational laws within their immediate destinations.

**THE UNEVEN BURDEN OF “ILLEGALITY”: PLACE, LAW, AND ASSIMILATION**

Social scientists use assimilation theory to explain the process by which immigrants and natives of the host society come to resemble one another. Much like immigrants, these theories have adapted and changed over time. Emerging in the first half of the twentieth century, the classic model of assimilation proposed a straight path to an inevitable convergence: immigrants incrementally become more similar to the native born (Gordon 1964; Park 1928; Thomas and Znaniecki 1919; Warner and Srole 1945). Cultural change featured prominently in these foundational studies. Thomas and Znaniecki outlined how Polish immigrant communities maintained social cohesion even as cultural identities shifted in the context of Chicago’s majority-minority relations (1919). For Park and Burgess, assimilation was defined as a process that fuses people and groups into “a common cultural life” (1921:735). In Gordon’s typology of assimilation, acculturation—when immigrants undergo a “change of cultural patterns to those of the host society”—was a necessary first step in a larger assimilation process (1978:169).

Early assimilation scholars often emphasized normative conformity to a white, English-speaking, and Protestant American cultural core. For example, Warner and Srole’s assimilation model centered on immigrants
Chapter 1

shedding inferior Old World traits to become like the “old American white population” (1945). At the dawn of World War I, this way of thinking about assimilation was influential within the Americanization movement, represented by state- and industry-imposed efforts to discipline the “loyalties and languages” of European immigrants (Alba and Nee 1997:827; Glazer 1993; Korman 1965:396). This normative Anglo-conformity within the assimilation canon is deeply problematic. Linking social mobility and belonging to the forced abandonment of cultural norms and practices hinges on value-laden and often racist presumptions of ethnic superiority and inferiority (Alba and Nee 1997, 2003; Glazer 1993; Kazal 1997; Rumbaut 1999:173).

By the late twentieth century, classic approaches to assimilation also fell short in explaining the trajectories of immigrants, especially from Latin America, the Caribbean, and Asia, who entered after a series of racist national origins quotas were lifted in 1965. The adaptation of these immigrants has not matched the classic framework’s prediction of “straight-line,” uniform upward assimilation into the mainstream (Gans 1992b; Kazal 1995; Waters 1990). As the ethnic constitution of the United States shifted, defining the nation’s social core—a critical aspect of assimilation theory—also became far more complex (Alba and Nee 2003; García and Schmalzbauer 2017).

Most contemporary reexaminations of assimilation reject the idea of a monolithic, superior, and unchanging Anglo mainstream (Alba and Nee 2003; Jiménez 2017). They also account for more varied outcomes, conceiving of assimilation not as a linear and inevitable progression but rather as an uneven, “bumpy line” process involving structural factors and individual-level variables (Gans 1992a). Finally, revised assimilation theories move away from analyzing cultural adaptation to focus on socioeconomic change (Bloemraad, Korteweg, and Yurdakul 2008:163; Gans 1999:1304–6), a shift accelerated by the quantitative turn in the social sciences. Segmented assimilation theory, for instance, posits different assimilatory directions—downward, stagnant, or upward—that are determined by racial discrimination, the receiving co-ethnic community, and
inner-city residence (Portes and Zhou 1993; Zhou 1997). The ethnic disadvantage theory focuses on explaining downward trajectories, analyzing the role of institutional and structural discrimination in the reproduction of disadvantage for ethno-racial minorities (Feagin 2006:285–89; Gans 1992b). Others attribute the socioeconomic struggles of some contemporary immigrants to trends such as global economic restructuring, which leads to a lack of the steady, middle-class work to which many aspire (Bonacich and Appelbaum 2000:288–89; see also Wilson 1997).

The reappraisal of assimilation theory has led to a blossoming of terms to describe the concept, including integration, incorporation, and acculturation (Waters and Gerstein Pineau 2015). The details of how and where these terms are used vary. European-based scholars typically favor integration because it is less associated with the US immigrant experience and European histories of coercive assimilation (Favell 2001; FitzGerald and Cook-Martín 2014). In US public policy and media outlets, those who view the diversity embedded in immigrant communities as a threat generally use the term assimilation to emphasize the need for immigrants to shed sociocultural differences and conform to the idealized myth of the melting pot. Integration is usually the term of choice for those who see immigrants—and the diversity they necessarily bring—as a strength to embrace rather than an identity to discard. Throughout this book, I use both of these terms to refer to “the decline of an ethnic distinction and its corollary social and cultural differences” (Alba and Nee 2003:11). However, to underscore differences in meaning—as well as to reflect the diverging intent behind subnational immigration laws—I associate assimilation specifically with the experiences of undocumented Mexicans in destinations seeking to exclude and expel immigrants, and integration with the experiences of their counterparts in locales that strive to welcome and support these newcomers.

Despite these important revisions to how we think about immigrant adaptation over time, two interlocking conditions facing immigrant America today are often overlooked: documentation status and place—specifically, the immigration laws within immigrants’ immediate
destinations. Documentation status is important because it impacts an array of spheres of life, from labor force participation, wages, and education (Gonzáles 2015; Massey, Durand, and Malone 2002; Uriarte et al. 2003) to health, identity, family, and religion (Joseph 2011, 2015; Massey and Sánchez 2010; Menjívar 2006a). Emerging scholarship does link “illegality” with inequality, arguing that it contributes to long-term disadvantage for both immigrants and their families (De Genova 2002; Dreby 2015; Gonzáles 2011, 2015; Jones-Correa and de Graauw 2013; Menjívar 2006b; Menjívar and Abrego 2012; Waters and Gerstein Pineau 2015). But the role of documentation status in the integration or assimilation process itself—particularly as it relates to immigration laws embedded in specific states, localities, and contexts of reception—remains unclear (Waters and Gerstein Pineau 2015:228).

Immigrants’ adaptation is intimately linked to place. For immigrants from rural origins, connecting to the natural environments of their receiving locales contributes to their sense of belonging (García and Schmalzbauer 2017; Hondagneu-Sotelo 2014, 2017a, 2017b; Schmalzbauer 2014). Exposure to intensive urban technology, on the other hand, can force immigrants from rural sending communities to undergo “bodily incorporation,” or a resocialization to “perform the movements required by host society institutions” (Brown 2017:14). Within urban destinations, a robust chorus of nonprofit organizations can also advance integration policies (de Graauw 2016), and co-ethnic communities can ease entry into the labor market and otherwise propel immigrants’ adaptation (García and Schmalzbauer 2017; Portes and Zhou 1993; Zhou 1997). Yet the ways that particular destinations wield local immigration law, and the importance of this for the assimilation or integration of undocumented residents, is still uncertain. When this question is considered, it is typically at the national level. But taking the nation-state as the unquestioned natural unit of analysis in studies of immigrant adaptation is unnecessarily limiting (Favell 2008; FitzGerald 2012; Wimmer and Glick Schiller 2002), especially given the significant variation in immigration law across the United States.
SUBNATIONAL IMMIGRATION LAW: HOW DID WE GET HERE?

States and localities have long played an important role in immigration law. Indeed, for approximately the first hundred years of American history, subnational jurisdictions largely formulated their own immigration policy, predating the enactment of federal immigration legislation (Neuman 1993). These measures were often selective by design, intended to recruit immigrants of preferred race and ethnicity, such as northwestern Europeans, and repel less desirable newcomers, such as Asians (Zolberg 2006). Control of immigration policy making did not shift to the federal government until a series of Supreme Court rulings in the late nineteenth century articulated the plenary power doctrine, declaring the regulation of immigration a federal competency (Motomura 2014). Ever since, states, counties, and municipalities have taken advantage of openings within the federal system that allow for different levels of government to respond to immigration in different ways (Filindra 2009).

In the United States, contemporary immigration is ruled by a federalist system that establishes a jurisdictional division of power (Gulasekaram and Ramakrishnan 2015; Motomura 2014). The federal government controls immigration policy, or the selection of who can enter the territory and the terms under which they can stay, whereas states and localities can form immigrant policy, or the regulation of immigrants’ everyday lives and social integration within their receiving communities (Hammars 1989). This division of power parallels immigration enforcement and the policing of immigrants. The federal government controls civil provisions of immigration law, such as entry without inspection, overstaying visas, and apprehending and deporting undocumented immigrants. States and local authorities, on the other hand, enforce criminal provisions of immigration law, such as bans on human smuggling.

The distribution of immigration-related tasks between federal and subnational jurisdictions is not as tidy as it may appear on paper,
however. As I show in chapter 3, the motivation for some state and local laws is “attrition through enforcement,” or using legislation to create an environment so hostile that it pushes targeted immigrants to “self-deport.” In chapter 4, I detail how states and localities are increasingly forced to decide whether police will support or reject federal immigration enforcement efforts. In these areas and others, subnational jurisdictions come close to mimicking the federal competency of immigration regulation, aiming to influence who stays and who departs, and working to help expel or protect immigrants. Given this significant blurring, I refer to both federal and subnational legislation centered on immigrants as immigration measures (rather than immigration and immigrant measures) throughout this book.

State and local immigration laws have grown at a rapid clip since the 1990s. Because this legislation originates from a large number of cities, counties, and states and because it changes over time, following subnational immigration measures is complicated. As of this writing, there is no resource that comprehensively tracks immigration legislation at the state and local levels. Since 2005, the National Conference of State Legislatures (NCSL) has followed enacted laws and adopted resolutions related to immigration and immigrants across all US states and territories. Within this scope, there was over a tenfold increase in the enactment of immigration legislation in the states between 2005 and 2017 (see figure 1). In the first half of 2017 alone, state legislatures passed 133 immigration laws, almost double the 70 passed in 2016 (NCSL 2017). There is no similar database of local-level immigration laws at the town, city, and county levels. Nonetheless, scholars estimate that between July 2006 and July 2007, towns and counties actively considered 118 immigration enforcement proposals. Between 2000 and 2010, an estimated 107 US towns, cities, and counties approved restrictive immigration enforcement measures (Chishti and Bergeron 2014).

Though keeping track of subnational immigration laws across the country and over time is difficult, understanding the intent behind these legislative efforts is usually straightforward. Most state and local
immigration measures fall within one of two buckets: restrictive or accommodating. Both categories center on the rights and benefits available to undocumented immigrant populations. Restrictive measures try to reduce these rights and benefits to make the lives of targeted immigrant residents increasingly difficult. States and cities with accommodating immigration measures, on the other hand, seek to expand rights and benefits to immigrants—including the undocumented—with the goal of further integrating them into the social fabric. Not surprisingly, this mix of laws creates a complex and muddled mix of distinct sociolegal environments that shift dramatically depending on state, city, and county lines (see Varsanyi et al. 2012).

Restrictions at the state and local levels emerged in force after the federal Immigration Reform and Control Act (IRCA) of 1986, as jurisdictions mostly along the southwest border of the United States reacted to the legislation’s failure to halt undocumented immigration. California’s notorious Proposition 187 of 1994, for example, curtailed undocumented immigrants’ access to a variety of publicly funded social services, setting the tone for many laws that followed (Varsanyi 2010:1–2). Today’s restrictive subnational initiatives focus squarely on undocumented immigrants, curtailing their access to employment, housing,
education, identification/driver's licenses, and health and social services. Some measures also attempt to carve out a role for police departments in the enforcement of federal immigration law. A subset of these laws includes “immigration policing through the backdoor,” or the intentional restriction of undocumented immigrants in an indirect manner (Varsanyi 2008a). Jurisdictions might deploy public space ordinances to intimidate migrant day laborers, for example, or develop anti-crowding measures to constrain undocumented immigrants’ housing options. Restrictive immigration laws of all stripes target despised immigrant groups—Latinos generally, and Mexican-origin migrants in particular (see Chávez 2013). Legal scholar Sofía Martos calls these policies “coded codes” to capture the intent of facially neutral measures that, in practice, are intended for immigrants of particular ethnicity and national origin (2010).

Though restrictions receive the lion’s share of media and scholarly attention, some states and localities legislate on immigration in a far more accommodating manner. These laws, which welcome immigrants regardless of documentation status, are rooted in the sanctuary movement of the 1980s (Freeland 2010; Ridgley 2008). During that period, religious activists pushed places of worship to provide safe haven for people fleeing violence and civil war in Guatemala and El Salvador (Coutin 1993), much of which was exacerbated by US intervention. The influence of this sanctuary movement is apparent in contemporary state and local legislation, some of which extends the concept of “sanctuary” to today’s undocumented residents by limiting or forbidding the use of police, resources, or information for federal immigration enforcement purposes.

Like immigration restrictions, legal accommodations put into place by states and localities also include a range of measures (Mitnik, Halpern-Finnerty, and Vidal 2008). Common instances include extending in-state college tuition, social services, official identification, and driver’s licenses to the undocumented, as well as subsidizing their health care, banning discrimination based on immigration status, limiting the
use of E-Verify, and creating and funding government offices to coordinate integration efforts and legal representation. Some measures also involve local law enforcement—for example, by prohibiting police inquiries into immigration status or curbing their collaboration with federal agencies responsible for deportation. As with subnational restrictions, state and local accommodating laws often implicitly target Latinos—and Mexicans in particular—in their attempts to establish themselves as welcoming destinations for all immigrant residents, including those who are undocumented.

Of course, across the spectrum of subnational immigration measures, there is significant variation even within the restrictive and accommodating buckets. For example, a city that passes a robust sanctuary ordinance to protect undocumented residents from deportation (see chapter 4) is reasonably considered more accommodating than one that issues symbolic resolutions calling for comprehensive immigration reform. Along the same lines, given that undocumented immigrants themselves are not a monolithic group, subnational restrictions and accommodations can have differing effects within the immigrant population. An ordinance that demands proof of citizenship for students to enroll in public school (see chapter 3) is likely to affect immigrant families more than an undocumented adult without children, for instance.

The substantial rise of subnational immigration measures has not gone unnoticed by scholars, the media, or politicians. However, we know very little about how these state and local laws unfold for immigrant communities on the ground. Instead, as I describe below, much of the analysis centers on normative questions, the motivations for how and why states and localities legislate on immigration, and the frontline workers who confronting such measures on the job. The experiences of undocumented immigrants—the intended targets of these laws, policies, and practices—are curiously left unexplored. This book serves to fill this gap, centering not on what the law is but rather with what the law does to the immigrants who sit squarely in its crosshairs (see Silbey 1989:21; Trubek 1984).