

THE RISE OF ANTI-IMMIGRANT SENTIMENTS IN THE U.S.: ARIZONA AND ALABAMA, EMBLEMATIC CASES

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Introduction

The new millennium has brought some unexpected circumstances that have led to the rise of anti-foreign/anti-immigrant sentiments all over the world, especially in the main immigrant-receiving countries like the United States. The 9/11 terrorist attacks perpetrated by foreign organized extremist Muslims were a determining factor for attitudes about immigration. At the end of the century's first decade, global recession brought with it a substantive hike in unemployment rates, fostering the rise of anti-immigrant sentiments and, in some places, a sharp immigration policy backlash.

The severe economic recession, exacerbated by domestic pressure, has encouraged federal and state governments to implement a series of much more restrictive measures in their migratory policy than in the preceding period. The rise of anti-immigrant actions, xenophobic pressures, and discriminatory attitudes are often aggravated in times of economic crisis. In order to understand these attitudes, I present the main legal frameworks that the U.S. government and Congress have approved to manage their undocumented migrant flow from the 1980s until the Obama administration and the recent "Gang of Eight" congressional proposal to reform their broken immigration system.

One of the main factors in this situation has been the growing number of foreign residents and undocumented migrants in the U.S. during the last decade. This has made society more aware of who the immigrants are and how they are constituted as a group, because society perceives irregular immigrants negatively and pressures policy-makers to adopt highly restrictive measures to control the flow. Language, physical appearance, and certain customs that are inherent characteristics and values of certain ethnic groups, embedded in a specific place, have become more visible and evident because of their continued growth and have contributed to fostering anti-immigrant attitudes, especially in some states. I explain how restrictionists have reacted and tried to influence Congress and government

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to establish a more restrictive immigration policy. Finally, I describe the increasing role the states have played in controlling irregular migration, filling the void the federal government has left due to its resistance to approving immigration reform. I explain how Arizona and Alabama have become emblematic cases because of their anti-immigrant movement and the harsh measures proposed, approved, and in some cases implemented there during recent years.

U.S. Government and Congressional Concerns About How to Manage the Undocumented Migrant Flow since the 1980s

For the last 30 years, the United States has experienced high levels of unauthorized immigration,¹ which has become the main concern in immigration policy-making. The passage of the *1986 Immigration Reform and Control Act* (IRCA), signed into law by President Reagan, reflected that concern and marked a turning point in strengthening enforcement in their migration policy, making the hiring of unauthorized immigrants unlawful for the first time in U.S. history. In addition, it called for bolstering border enforcement and provided for legalizing the migratory status of approximately 2.7 million of the unauthorized immigrant population at that time (2.3 million of whom were Mexicans) via two programs, one for long-term residents and another for seasonal agricultural workers.² IRCA's legal-status provision combined with employer sanctions—which have been poorly enforced since then—, new funding for border enforcement, as well as encouraging the H2-A and H2-B programs for temporary agricultural and non-agricultural foreign workers, respectively, all policies intended to solve the problem of “illegal immigration,” not only did not solve it, but also did not stop it from continuing to grow.³

The 1990s economic boom attracted legal and unauthorized foreign workers to the U.S. labor market, mainly from Mexico and Central America, people who were looking for what their parents and ancestors have looked for and done in the past: the “American Dream,” meaning better job opportunities, due to the great gap

¹ Undocumented, unauthorized, or illegal aliens are those foreigners who are unlawfully present in U.S. territory. Most of them entered without inspection or have overstayed their non-immigrant visas. All aliens who have not been inspected or admitted to the United States are inadmissible; therefore, they are removable aliens.

² It established a legalization program for around 1.6 million individuals who had been living in the United States for more than five years, granting them temporary and then permanent legal status. An additional 1.1 million aliens who had worked in agriculture were given legal status as special agricultural workers (Verea 2003).

³ Illegal inflows fell in the years immediately after IRCA before beginning to rise again in 1990. Apprehensions along the U.S.-Mexico border fell from 1.6 million in 1986 to about 853 000 in 1989. One plausible explanation is that more family members crossed illegally to join legalization beneficiaries in the United States, and this increased flow replaced the cyclical migration.

in salaries between U.S. and other migrant sending countries. The Clinton administration (1993-2001) implemented a migration policy based on stepped-up border enforcement targeting the reduction of the flow of unauthorized immigration, due to its important growth. It is true that President Clinton pushed for amnesty for thousands of immigrants left in legal limbo by a technical screw-up involving IRCA and offered a path to citizenship for hundreds of thousands of Central Americans, but Republicans blocked that effort. Since that time, some attempts have also been made to establish harsher measures, such as barring undocumented immigrants from public schools and limiting legal immigrants' access to health and welfare services, as with Proposition 187 in California in 1994, which Republicans embraced after their Latino support dropped markedly in the 1996 election (Weiner 2013).

The *Illegal Immigrant Reform and Immigrant Responsibility Act of 1996* (IIRIRA) was very tough on unauthorized immigrants. It required people living without authorization in the United States to return home and wait for from three to ten years before they were eligible to adjust their status and reenter the United States. IIRIRA also increased funding for border and interior enforcement; launched an employment verification program that was the precursor to E-Verify;⁴ and made unauthorized immigrants ineligible for federal grants and loans for post-secondary education, among other measures (Orrenius and Zavodny 2012). But one of the toughest implications has been that the law requires the government to lock up immigrants, including legal permanent residents and asylum seekers, without the right to due process. Therefore, since IIRIRA passed, there has been a dramatic increase in number of people subject to mandatory detention, rising from 70 000 detained annually during the 1990s to about 400 000 today. The U.S. now maintains a sprawling network of detention facilities, comprised of more than 250 federal, state, and private prisons and county jails, at an annual cost of US\$1.7 billion to taxpayers. The expansion of the detention system has been accompanied by increasing levels of abuse, ranging from substandard living conditions to over 120 immigrant deaths since 2003 (Le 2011).

The 2001 terrorist attacks presented an opportunity to the Bush administration (2001-2009) to redefine national security priorities, which became intertwined with the establishment of a more restrictive immigration policy and much harsher measures than had been in place before. We saw the birth of a new generation of innovative systems like sophisticated databases to detect immigrants' origin and location, which has helped to reshape immigration enforcement at the federal, state, and local levels. In order to be more effective in enforcing this immigration policy, the Bush administration established programs to share much more infor-

⁴ The E-verify system is an electronic government database that checks whether new hires are eligible to work in the U.S.

mation collection; expanded their immigrant detention policies, much more than what was already in place; and fostered growing state and local involvement in immigration enforcement and policymaking (Verea 2008). So, during the last decade, immigration policy proposals outside the ambit of national security became downgraded amid the intense focus on border security.

Since the terrorist attacks, border management has aimed both to gain operational control over the southern border and to control the flow of people by using highly sophisticated screening mechanisms before their arrival to U.S. territory. This significant securitization process has indeed led to fewer border crossers going through traditional ports of entry, and more of them using much more dangerous crossing points. This has increased the number of border deaths, fostered an important proliferation of migrant traffickers, who charge much more than before, and, unfortunately, brought to an end the traditional circular Mexico-U.S. migration process.

During the second half of the last decade, in the debate about what to do and how to manage illegal immigration, different sectors of society expressed their opinions and explored different policy options. One example was the Comprehensive Immigration Reform (CIR) bill, introduced by Senators Edward Kennedy (D-Mass.) and John McCain (R-Ariz.) in 2005. It included a regularization program creating paths to citizenship, establishing guest worker programs, increasing the number of visas to meet labor market demands, and, of course, reinforcing the border and establishing highly technical mechanisms to apprehend and deport migrants, the more the better. While the 2006 bill proposed to legalize the status of those who had lived in the United States for at least several years and could demonstrate a strong employment history, a 2007 bill called for legalization of the status of those living in the United States at the time of the bill's passage only after certain enforcement "triggers" were satisfied. Unlike IRCA, the 2006 and 2007 bills included major changes to the legal immigration system to manage future permanent and temporary employment-based immigration to the United States (Chishti, Bergeron, and Hipsman 2013). It is true that President Bush pushed for immigration reform, trying to convince Republicans of its importance, but his efforts were not enough. Congress debated about the prospect of a reform, but conservatives constantly warned of the dangers posed by illegal immigration, pushing for an enforcement-only approach (Mittelstadt 2011). Restrictionists started to swing even more to the right and against any possible immigration reform. Along with several pro-labor Democrats, Republicans opposed the legislation, which failed in Congress twice, in 2006 and 2007.⁵

The main reasons for its failure were immersed in the heightened national perception of the government's inability to detect unauthorized immigrants under the new dimension of national security. The two internal factors that influenced

⁵ The 2006 bill died in the House after being passed in the Senate. The 2007 bill died in the Senate.

the failure were the lack of an adequate communications infrastructure and an insufficient networking strategy. Also, the inability of business and labor to agree on a plan for temporary guest workers was another important factor. But perhaps the most important element was the ever-expanding and more powerful immigration backlash movement that drowns out the voice of the pro-immigration groups. The anti-immigrant forces mobilized their advocates and the pro-reformers did not (Center for International Policy 2009).

The Obama Administration and Congress's "Gang of Eight" Approach To Undocumented Immigration Management

After several years of a frozen immigration reform debate, in his 2008 campaign, President Obama promised a comprehensive immigration reform (CIR), perhaps to win the Latino vote. During his first year as president, he called immigration reform a priority, but acknowledged that there was too much on his plate to get it done soon (Weiner 2013). By early 2010, Obama faced pressure from immigration advocates to move forward. He pushed for a comprehensive reform, and Senators Chuck Schumer (D/N.Y.) and Lindsey Graham (R/S.C.) collaborated in this sense. But after a harsh fight over health care and in the face of a tough midterm election, unsurprisingly, the push went nowhere. President Obama acknowledged that "there may not be an appetite for immigration reform in 2010" (Weiner 2013).

Since the White-House-supported Dream Act has not been approved by Congress,⁶ at the end of his first term, President Obama implemented the Deferred Action for Childhood Arrivals (DACA) program,⁷ designed to grant a two-year reprieve from deportation to some qualified unauthorized immigrants, which was highly criticized by Republicans. The debate on immigration emerged again during the last months of his re-election campaign. President Obama's executive action definitely played an important role in persuading Latinos to vote for him, while Republican

⁶ Dreamers are unauthorized youth who seek legal status and a path to U.S. citizenship, which the DREAM Act would provide (*Migration News* 2013).

⁷ The Deferred Action for Childhood Arrivals program ordered by President Obama allows unauthorized foreigners (15 to 31 years of age), who arrived in the U.S. before age 16, and have been in the U.S. at least five years, to pay US\$465 for a two-year work permit. Those eligible for DACA must be in school, have graduated from high school, or been honorably discharged from the U.S. Armed Forces. Over 368 000 applications were filed between mid-August and mid-December 2012. During the same period, U.S. Citizenship and Immigration Services reported that over 103 000 unauthorized youth had been granted protection from removal. Mexicans filed almost 70 percent of the DACA applications. About 27 percent of DACA applications were filed in California, followed by 15 percent in Texas and 6 percent in New York. Analysts estimate that fewer than 10 percent of DACA applicants have college degrees. Fewer than half of the unauthorized youth who might otherwise qualify for DACA did not graduate from high school.

candidate Mitt Romney persisted in his re-enforcement policy (Bergeron and Hipsman 2012). It is important to mention that Mitt Romney was pushed by Republican Party activists to be tough on illegal immigration to win the nomination. His promise to encourage unauthorized foreigners to “self-deport” won him Republican supporters against primary opponents that included Texas Governor Rick Perry and Senator Rick Santorum (R-Pa.). After he won the Republican nomination, Romney was unable to move toward the center of the political spectrum on immigration for the general election, thus alienating Latino voters. Simultaneously, the Republican Party platform criticized the Obama administration not because DACA was implemented via executive action rather than through legislative channels, but for creating a backdoor amnesty program unrecognized in law. The criticisms were about the president not having the authority to ignore a constitutional comprehensive federal law, and that he put the federal government in the position of helping individuals violate federal law and avoid the sanctions that Congress had established (Spakovsky 2011).

Other important measures implemented by the Obama administration were the use of 287(g),⁸ the expansion of Secure Communities,⁹ and, in terms of work-site enforcement, supposedly efforts targeting employers who hire unauthorized immigrants. But what the White House has really done is to deport unauthorized immigrants from their work places, prioritizing the deportation of “criminal illegals.” In fact, during his first term, Obama deported more undocumented aliens than President George W. Bush did in both his terms,¹⁰ setting a record of 429 247 in 2011 —it has been estimated that approximately 410 000 foreigners were deported in 2012—, giving Obama the record for the highest number of removals of any president (Preston 2013). During Bush’s first term (2001-2004), 572 000 migrants were deported, and 1 048 000 during his second term (2005-2008).¹¹ Probably, some of those deported may attempt to return when the U.S. economy improves, because they left family members behind in different states.

Traditionally, electoral concerns push lawmakers to support or reject an immi-

⁸ The use of 287(g) enables states and localities to enter into agreements with the federal government through which state and local law enforcement officers are authorized to enforce certain aspects of immigration law. The Obama administration has scaled back in recent years.

⁹ Under the Secure Communities program, Immigration and Customs Enforcement (ICE) agents detain and deport unauthorized immigrants who have committed only minor offenses and who previously would never have come to the attention of immigration authorities. It is a separate immigration enforcement program that allows the federal government to electronically and remotely screen the immigration status of individuals in state and local prisons who have been arrested for criminal offenses (Orrenius and Zavodny 2012).

¹⁰ Obama has deported 1.4 million illegal immigrants since the beginning of his administration: that is 1.5 times more immigrants than Bush deported in both his terms, according to official figures from the Department of Homeland Security (South Atlantic News Agency 2011; *The Washington Post* 2012).

¹¹ Therefore, during his first term, (2009-2012), Obama deported as many as Bush did in eight years, approximately 1 540 000 immigrants (ICE 2012; *The Washington Post* 2012).

gration reform. The influence of business and labor interests are crucial for the immigration debate. The 2012 elections showed Republicans that they can no longer rely almost entirely on non-Latino voters to win. They also showed that President Obama experienced no backlash over *DACA*, even though it was highly criticized. After he won the elections, Obama called immigration reform his major “long-term” priority for his second term. During the first months of 2013, the immigration reform issue moved into the national debate and in his first State of the Union, he urged Congress to enact immigration reform.

Meanwhile, in Congress a bipartisan group of eight senators, “The Gang of Eight,” four Democrats and four Republicans,¹² unveiled separate proposals for an overhaul of the nation’s immigration laws, including a legalization program for unauthorized immigrants; the continuation of immigration enforcement; and a broad reform of the legal immigration system. It seems that the “The Gang of Eight” are working on a legalization process for the nearly 11 million undocumented aliens living in the U.S. in 2013, proposing a 10-year wait to get a Green Card and 3 more years to apply for citizenship (Associated Press 2013). They are also proposing that unauthorized immigrants would have to register with the federal government, pay a fine and taxes owed, and pass a background check to receive probationary legal status enabling them to live and work legally in the United States. Individuals with probationary status who pay additional fines, learn English and civics, and demonstrate a history of past work and current employment would ultimately be eligible to apply for lawful permanent residence (LPR).

Some other proposals include having the registration process take place while border security continues to be ramped up. Border security would include an increased number of border patrol agents, the deployment of surveillance equipment, and an end to an entry-exit system that tracks visitors. Reducing visa backlogs is another proposal, especially for family- and employer-sponsored immigrants, and awarding additional visas for those with post-graduate studies in science, engineering, and math at a U.S. university, while reducing those for family reunification. It is interesting that they are considering the possibility of adapting the allocation of visas to labor needs, specifically in agriculture, and a kind of a “guest worker program” for low-skilled workers in case of labor shortages. It will be important to define when and how the country enters into a labor shortage, to import foreign labor.

Simultaneously, President Obama announced a similar proposal: increased border security, a pathway to citizenship for many of the nation’s unauthorized immigrants, mandatory employment verification, and reforms to the current immi-

¹² The four Republican senators are Marco Rubio from Florida, John McCain and Jeff Flake from Arizona, and Lindsey Graham from South Carolina. The four Democratic senators are Dick Durbin from Illinois, Robert Menendez from New Jersey, Chuck Schumer from New York, and Michael Bennet from Colorado.

gration system. The White House proposal would require eligible provisional-legal-status immigrants to wait until current legal immigration backlogs have been cleared before they could apply for LPR status. Also the Obama program would create new criminal penalties aimed at transnational criminal organizations and employers who knowingly hire unauthorized workers, and would create a new visa category for employees of federal science and technology laboratories. Finally, the president's plan would offer an "expedited opportunity to earn their citizenship" for unauthorized migrants who were brought to the United States as children and who attended college or served honorably in the armed forces for two years (Chishti, Bergeron, and Hipsman 2013).

I believe that it is very important that the immigration debate is back again after six years of silence, whether what is being considered is a comprehensive or a piece-meal reform. This may be a more practical way of resolving the issue on a fast track. In order to achieve all these goals, it is important to mention that several obstacles are in the way; the most critical is legalization of status with a path to citizenship. It is believed that the major obstacle to an immigration reform in the Republican-controlled House is a legalization program for the estimated 11 million unauthorized foreigners that would include a path to U.S. citizenship. Even though the Republican Party is aware of its need for Latino support in the next elections, their platform opposes any form of amnesty for people who intentionally violate immigration law, and they believe amnesty to be a reward that encourages more law-breaking.

The Growth of Anti-immigrant Sentiments And Actions in the U.S. during the Last Decade

a) Increased Unauthorized Immigrant Flows and Reinforcement of the Border during the Last Decade

The United States absorbs 20 percent of the world's migrant population: about one million immigrants and permanent residents were admitted in 2010, 140 000 of them Mexican; and 620 000 immigrants were granted citizenship, 67 000 of them Mexicans. Even though they are insufficient to cover labor market demand, the system allows hiring more foreign temporary workers than any other country in the world.

Immigration and fertility are the factors that have increased the number of Latinos in the United States. The 2010 census counted 50.5 million Hispanics,¹³ who represented 16 percent of the total U.S. population (308 million), and accounted for most of the nation's growth (43 percent, or 35.3 million in 2000) over the last

¹³ The 2010 census registered 40.2 million foreign-born, of whom 14.9 million (37 percent) were naturalized citizens; 31.7 million were legal permanent residents (LPR); 1.5 million, temporary legal residents (TLR); and 11.2 million, undocumented aliens.

decade. The number of people of Mexican origin living in the U.S. rose to 31.8 million, representing two-thirds of the Hispanic population and 12.5 percent of the U.S. population.¹⁴ Mexicans are the largest group of legal permanent residents, accounting for 3.9 million out of 12 million (González Barrera et al. 2013). Of all those of Mexican descent, 11.7 million are foreign-born (37 percent) (Pew Hispanic Center 2011), which represented 55 percent of Latin Americans and 4 percent of the U.S. population of 311.6 million in 2011.

The United States accounts for the highest number of unauthorized immigrants in the world: nearly 11 million undocumented people lived there in 2013.¹⁵ Of the around 12 million Mexicans who reside in the U.S., by far the largest group of immigrants in the country, 6.1 million (55 percent) are unauthorized. In 2011, 143 000 Mexicans were granted LPR out of 694 193 (14 percent), and 94 000 of approximately one million became U.S. citizens. Clearly, these data suggest that increasing ethno-racial diversity could be perceived by restrictionists as a threat to society, and thus the imperative need to significantly diminish these flows.

Taking into account this important number of unauthorized immigrants living in different states and faced with high unemployment since 2008 due to the most severe economic downturn since the Great Depression, the government has been establishing a much more restrictive immigration policy. While the immigration-related security measures implemented are intended to minimize risk and facilitate lawful travel, these measures have been key in criminalizing undocumented aliens and thus significantly enhancing exclusion, clear discrimination, exploitation, and repression, angrily denied or ignored by anti-immigrant activists. Unfortunately, undocumented migrants have tolerated this increased discrimination because they fear returning to their homes, where they believe would face a worse situation. An economic crisis affects undocumented migrants far more than legal residents because they are more likely to be fired from their jobs. They respond more quickly to fluctuations in the economy, because they tend to meet employers' demand not satisfied by legal workers (Papademetriou and Terrazas 2009, 18-20).

Restrictionists believe the southern border is still very porous and that it is essential to keep building an impenetrable fence there, no matter how expensive or effective it would be, since most of them consider government has not been tough enough to stop undocumented flows despite the high federal expenditures on its enforcement-only policy. To give an idea of how the budget increases year by year, between fiscal years 2005 and 2011, the budget of Customs and Border

¹⁴ Of all those of Mexican descent, 20 percent are U.S. citizens, and 63 percent arrived to the U.S. in 1990 or later (Pew Hispanic Center 2011).

¹⁵ The undocumented population has been traditionally calculated by subtracting the number of legal residents from the total number of foreign-born people living in the U.S.

Protection (CBP), which is responsible for border management, more than doubled, rising from about US\$1.5 billion to roughly US\$3.6 billion (Department of Homeland Security 2011). During this same six-year period, the number of border patrol agents nearly doubled from 11 156 to 21 500 with the support of an important number of National Guard troops.¹⁶ The border patrol made nearly 364 768 apprehensions nationwide in fiscal year 2012, down 50 percent since FY 2008 and 78 percent from the FY 2000, a boom year.¹⁷

It could be said that the main reasons for this sharp decline have been the remarkable heightened border reinforcement that has not only raised the cost of migration but also sharpened the growing dangers associated with illegal border crossings, a rise in deportations, the anti-immigrant environment in some states, and, as said long ago, the decline in birth rates and better economic conditions in Mexico. The net migration flow from Mexico to the U.S. has stopped and may have reversed. In 2000, there were 4.6 million undocumented migrants, a number that peaked at 7 million in 2007, and has dropped since then to 6.5 million in 2010 (Passel 2011).¹⁸ During the five-year period from 2005 to 2010, a total of 1.4 million Mexicans immigrated to the United States. Meantime, the number of Mexicans and their children who moved from the U.S. to Mexico during the same period rose to 1.4 million. The trend within this latest period suggests that return flow to Mexico probably exceeded the inflow from Mexico during the past year or two. According to the Pew Hispanic Center, the standstill appears to be the result of many factors, including the weakened U.S. job and housing construction markets, heightened border enforcement, a rise in deportations, the growing dangers associated with illegal border crossings, the long-term decline in Mexico's birth rates, and better economic conditions in Mexico (Passel, Cohn, and Gonzalez-Barrera 2012). I will add that at the peak of the economic crisis, the establishment of more restrictive measures like E-Verify for employers, making it harder to hire unauthorized immigrants, combined with immigrants' fear of losing their jobs and the fact that they have children born in the U.S. and families with deeper and deeper roots, probably had the effect of prompting emigration to other states with less anti-immigrant attitudes and fewer local laws limiting illegal immigrants' rights, or staying where they were because it is costly and risky to re-enter the U.S. later. The increase/decrease in flows has traditionally been tied to push-pull factors that also respond

¹⁶ In 1992, only 5 000 border patrol officers were watching the border at different points.

¹⁷ In fiscal year 2012, the U.S. Customs and Border Protection (CBP) prevented nearly 145 000 inadmissible individuals from entering U.S. territory, down from 215 600 in FY 2011 (Department of Homeland Security 2012).

¹⁸ Even if it does not, it has already secured a place in the record books. The U.S. today has more immigrants from Mexico alone (12.0 million) than any other country has from all countries of the world. The next largest sending country, China (including Hong Kong and Taiwan), accounts for just 5 percent of the nation's current stock of about 40 million immigrants (Passel, Cohn, and Gonzalez-Barrera 2012).

to economic cycles. So, it is possible that the Mexican immigration wave will resume as the U.S. economy recovers.

b) Reactions about the Growth of Unauthorized Immigrant Flows and Presence

During the first decade of the twenty-first century, migratory flows increased significantly in several states. This generated an upsurge in the diversity of ethnic groups in certain places. Because of the rapid growth of the number of migrants, extremely aggressive movements opposing their entry for different reasons, mainly because they are foreigners, emerged. The growth of ethnic diversity has become more evident and visible and in some cases has been perceived as a threat to society, mainly for economic reasons, but also because most of them are non-white foreigners. Some sectors repeatedly emphasize an important anti-immigrant rhetoric and evoke precisely the importance of maintaining a collective social identity.

The growing presence of “non-white” Latinos, especially Mexicans, is more visible in some southern states, where rejection is even higher. These states have experienced rapid population growth of immigrants, mainly Mexicans, “the brown wave,” who have influenced cultural changes, causing friction among residents. People have asked themselves how to deal with the entry of old and new unauthorized flows of migrants such as those who cross the southern border. These attitudes have sparked the proliferation of extremist restrictionist, principally ultra-conservative members of caucuses in the Republican Party, whose weight has been magnified by the media.

In general, the restrictionists believe that their societies already have enough migrants and that they need to limit immigration anywhere from modestly to significantly.¹⁹ This trend is opposite to the position of the expansionists, who agree with a flexible, open-door policy and that migratory flows must be limited through moderate, periodic increases.²⁰ Both stances have influenced public opinion, congresses, and governments.

In terms of immigration reinforcement, restrictionists believe their southern border is still porous and that it is essential to keep building an impenetrable fence along the border with Mexico, no matter how expensive or effective it would be, since most of them consider federal government has not been “tough enough” to stop undocumented flows, despite the highly technical securitization process and the high expenditures they have made on their “enforcement-only policy.”

¹⁹ For more information about principled and pragmatic restrictionists and expansionists, see Vereva (2012).

²⁰ Principled expansionists believe this policy is favorable for both sending and receiving countries, and that government should not limit migration. In contrast, pragmatic expansionists think that this policy benefits them and is not bad for their societies. The main proponents of this kind of policy are generally businessmen in the destination country who need labor that is cheaper than local labor; ethnic groups or legal foreign residents who want to reunite with their relatives; and unions that want to strengthen their organizations, as well as civic organizations, among others (Schuck 1998a, 4).

Definitely, restrictionists have influenced public opinion. Their principal arguments are that immigrants, mainly undocumented, displace local workers; that they are willing to work for much lower, sub-standard wages; and that they absorb scarce resources from social welfare programs (education and health services) to the detriment of nationals and in a greater proportion than the taxes they pay. They are also concerned about linguistic unity, religious tolerance, and/or cultural coherence, and are troubled about the introduction of foreign customs and values (Verea 1999, 98). Lately, they have been perceived as a threat to job security and domestic security, invaders, violent people, and potential criminals (Bordeau 2010, 21), among other arguments. The fact is that unscrupulous employers still hire them for much lower wages than locals, without sanctions being applied to most of them, to the benefit of their businesses. The civil offense of “illegal” entry is far more often sanctioned by the administrative process of deportation than an employer’s criminal offense of hiring undocumented people (Gilbert and Kolnick 2012).

It is important to note that these attitudes mainly toward unauthorized immigration vary immensely from state to state, and even in different counties or cities within a state. They reflect the diversity of opinion on this controversial issue, perceived as a problem and not as a very old bilateral phenomenon that includes push-pull factors, among others

Amplified by the media, which often raises awareness of cultural and ethnic diversity, neo-nativist and xenophobic groups with restrictionist principles have shown their anti-immigrant feelings as diversity increases.²¹ They are aimed especially toward “non-white migrants,” such as Latinos, “the brown wave,” according to the neo-nativist ideologist Samuel Huntington, with a racial profiling bias.

In general, conservative WASPES tend to sometimes stereotype, categorize, and discriminate against “non-white” foreigners, and, unfortunately, no matter what their “migration status” is. The growing presence of “non-white” Latinos, “the brown wave” especially Mexicans, is more visible in some southern states, where rejection is even higher. The obsession with “illegal status” has fed anti-immigrant senti-

²¹ Nativism is a U.S. American school of thought that seeks to keep the believer’s nation predominantly white, of European origin and preferably Protestant (WASPES), a clearly racist attitude. Nationalists are usually people who feel a special loyalty to their country and perceive their traditions and culture as more important than those of any other nation. Cultural differences are exacerbated by nationalists and often lead to a belief in the superiority of one culture over another (Solomos and Schuster 2000). Nativists think that national citizens should be granted more rights than foreigners, and thus they contribute to the formation of xenophobic thinking. They usually perceive immigrants as potentially problematic, socially and culturally different, and a threat to the nation (Delaet 2000, 24). Xenophobia, as its name implies, expresses a phobia or fear of foreigners, the “otherness,” the “stranger,” in a given community. Often irrational, it can give rise to acute feelings of hatred. In general, xenophobia emerges when a group of people of foreign origin living in a city or community is increasingly visible, sparking rejection because the nationals wish to differentiate themselves from them. Over the years, there have been movements or anti-immigrant xenophobia as a rejection of the growing flow of migrants in a particular place (Verea 2012).

ment to unimaginable levels, without really trying to relate labor market demand to the availability of visas through the current impractical immigration system, which precisely leads to hiring unauthorized foreigners.

These anti-immigrant, and in some border states and localities “anti-Mexican,” feelings have been expressed through brutal, violent attacks, especially on unauthorized immigrants, who are more visible and generally occupy low-skilled jobs that locals refuse to do. A significant change in the last decade has been the role of the mass media that have played an important role in creating an increasingly hostile rhetoric and even “hate speech” against immigrants all over the country. Several radio and television programs and Internet sources have broadcast a number of anti-immigrant messages, characterizing migrants as “criminals and invaders” and a threat to society. On the other hand, a very new phenomenon has developed: highly organized extremist, civilian, nativist “hate groups” have emerged to assist in the detection and deportation of undocumented migrants, mainly Mexicans, spreading the idea of the southern border as a war zone.²² They have had an important influence over public opinion and certainly helped to create an atmosphere that seems to justify stricter immigration policies. They are convinced that undocumented immigrants are an economic burden for their communities, a danger to the social order, would-be terrorists, and violent criminals, who have no problem stealing and attacking U.S. citizens, and are undeserving of social, political, and economic rights (Bordeau 2010, 21).

Another trend-shaping force is the politically influential Tea Party movement.²³ Its intolerant ultra-conservative activists and council members, who have supported punitive initiatives, focus on the need for local immigration regulation in light of the federal government’s willful abdication of its responsibilities. Many of its exponents are known for their virulent attacks, mostly on undocumented immigrants. They champion restrictive/punitive immigration policies including criminalization and deportation and have targeted influential politicians urging officials to protect their communities from undocumented immigration and its effects.

It is important to mention that rising anti-immigrant sentiments do not reflect the views of most U.S. Americans. Thousands of immigrant rights supporters and civic organization activists have fought against racist, nativist, and xenophobic attitudes and try to ensure that the benefits that immigration has brought to their economy and culture be recognized.

²² The politically influential border “vigilante groups” like the Minutemen Project have been devoted to monitoring the U.S.-Mexico border and have helped socially construct undocumented immigrants as a threat to U.S. American identity, a view shared by several groups operating in states along the Mexican border, mainly Arizona. These groups include the Poverty Law Center, Ranch Rescue, Border Guardians, and Mothers against Illegal Aliens, among others (Solop and Wonders 2012).

²³ A radical populist nationwide conservative movement, mainly among Republicans, who propose to enhance local political power.

The Increasing Role of the States vs. Federal Government: The Cases of Arizona and Alabama

Different actors have emerged very actively in dealing with the immigration issue, due to the fact that in recent years, the government and Congress have failed to approve a comprehensive immigration reform so longed-for by immigrants and their families. This vacuum has been filled by restrictionists at the local level. It has stimulated greater intervention by the states on the immigration issue, like in the case of Arizona and Alabama, which have become emblematic of the U.S. anti-immigrant movement.

Conservative—but also liberal—legislators and assemblies have stepped up to meet constituents' demands for strong action on immigration. The result has been a harsh debate or even the approval of many cruel state initiatives that have built mistrust and hatred among communities. Table 1 shows that the National Conference of State Legislatures (NCSL) acknowledged that from 2005 through 2012, state legislatures across the U.S. introduced 8 292 bills, 1 905 of which were adopted as laws or resolutions (National Conference of State Legislatures 2012).

TABLE 1
STATE IMMIGRANT-RELATED LEGISLATION (2005-2012)

<i>Year</i>	<i>Bills Introduced</i>	<i>Bills Passed Legislatures</i>	<i>Vetoed</i>	<i>Enacted</i>	<i>Resolutions</i>	<i>Total Laws and Resolutions</i>
2005	300	45	6	39	0	39
2006	570	90	6	84	12	96
2007	1 562	252	12	240	50	290
2008	1 305	209	3	206	64	270
2009	1 500*	373	20	222	131	353
2010	1 400*	356	10	208	138	346
2011	1 607	318	15	197	109	306
2012**	948	206	3	111	92	203
2005-2012	8 292	1 852	75	1 307	598	1 905

* Estimates.

**As of June 30, 2012.

SOURCE: National Conference of State Legislatures (2012).

Virtually every state legislature have been discussing for a decade—and in some cases, have passed—very aggressive control measures against the presence of undocumented migrants, leading to a significant increase in anti-immigration feelings and attitudes. Nationwide, there are more state laws seeking to restrict immigrant rights than to expand them. Even though positive initiatives exist for the education or integration of immigrants, the majority of recent state-level bills can be classified as punitive/restrictive. Although the punitive initiatives differ from one state to another, Arizona is one of the most “prolific” and Alabama one of the most aggressive states, perhaps because they have experienced rapid population growth of immigrants, mainly Mexicans, which has influenced cultural changes, causing friction and tensions among residents, reflected in growing anti-immigrant feelings.

Arizona is the country’s sixth-largest state, sharing the longest border with Mexico (322 miles), with a population of 6.5 million, 14.7 percent foreign-born, an increase of 24.5 percent during the last decade, according to the 2010 census. The Latino population has grown from 16.2 percent of the state’s total inhabitants in 1980 to 30 percent in 2010 (1.92 million, 90 percent of Mexican origin). The size of Arizona’s undocumented immigrant population has dropped significantly in recent years and is now near its lowest level in a decade. A report released by the Department of Homeland Security, based on 2010 census data, estimated there were 360 000 undocumented immigrants in Arizona as of January 2011. That is down 110 000 from a year earlier (González 2012).²⁴ It also is down 200 000 from the peak in 2008, when an estimated 560 000 illegal immigrants lived in Arizona. The factors behind this exodus have been the lack of jobs during the recession, tighter border enforcement, tough immigration laws, and anti-immigrant attitudes and actions. This data suggest that the main corridor for undocumented aliens along the U.S.-Mexican border may not be through Arizona. In fact, Border Patrol apprehensions, an indicator of the number of illegal immigrants crossing the border, are also down in Arizona, falling 41 percent last year compared to 2011. This border state used to be the most active crossing point for unauthorized aliens along U.S.-Mexico border, but now Texas is taking its place (see Table 2).

In response, Arizona’s restrictionists took action during the last decade, and approved restrictions on access to social services by residents without legal status; imposed stricter identification requirements to prevent non-citizen voting in 2004; changed the state Constitution after a successful 2006 citizen’s initiative to make English the state’s official language; and also adopted an anti-smuggling law criminalizing undocumented migrants with the same sentences as the smugglers,

²⁴ Arizona now ranks ninth out of the 10 states with the largest undocumented populations. California, with an estimated 2.8 million undocumented immigrants, has the largest number, followed by Texas, with 1.8 million, and Florida, with 740 000. Illinois ranks fifth with 550 000 (Gonzalez 2012).

among many other punitive initiatives. But, in 2010, Arizona passed the more sweeping and politically polarizing, highly anti-immigrant law, the well-known SB1070, establishing a key precedent. The law requires enforcement personnel to check the immigration status of people whom they suspect to be in the country illegally. It has been declared unconstitutional and suspended by federal courts because of its potential for encouraging racial profiling and the fact that it pre-empts federal law.²⁵ Since the law was passed, it has been weakened bit by bit. Federal courts suspended four of the law's most contentious provisions. In late June 2012, the U.S. Supreme Court reached a landmark decision, rejecting much of Arizona's immigration law, but allowing one key provision to stand: the Court ruled that federal law did not preempt the state's instruction to its police to check the immigration status of people they detain. This sets an important precedent.

TABLE 2
APPREHENSIONS IN THE SOUTHERN BORDER STATES (2012)

<i>Enforcement Actions</i>	<i>Arizona</i>	<i>Texas</i>	<i>New Mexico</i>	<i>California</i>
Apprehensions	124 631	172 335	5 661	54 246
Drug Seizures	1.1M pounds	1.7M pounds	43.4K pounds	285.6K pounds
Currency Seizures	US\$5.6M	US\$12.5M	US\$715K	US\$15.9M
Inadmissible	6 011	27 392	489	28 167

SOURCE: Department of Homeland Security (2012).

The Court found that several other important provisions of the law conflicted with federal laws. Among them are the provisions that made it a state crime for immigrants not to register with the federal government or to seek or hold jobs without proper documents, and that made possible warrantless arrests of some people suspected of being deportable. The decision was a partial victory for the Obama administration, which had sued to block several provisions in the law. The ruling was, correspondingly, a partial rebuke for state officials who had argued that they were entitled to supplement federal efforts to address illegal immigration.

Recently, a coalition of Democratic state senators and representatives has introduced a bill in each house of the Arizona legislature to repeal Senate Bill 1070.

²⁵ This initiative also penalizes those who provide transportation and shelter to illegal immigrants and requires businesses with more than five employees to use the immigration check program "E-verify," the use of which has quadrupled in the last two years (McKenzie 2011).

Sen. Steve Gallardo (D-Phoenix) and Rep. Sally Ann Gonzales (D-Tucson) have stated that SB1070 essentially legitimized racial profiling against people of color. Both are aware that the law has also hurt tourism in the state.

Unfortunately, after SB1070 passed in 2010, several copycat bills were introduced in state legislatures across the country; five passed, in Alabama, Georgia, Indiana, South Carolina, and Utah. The ACLU and a coalition of civil rights organizations have filed lawsuits against those statutes in all six states.

The case of Alabama is also very illustrative. Driven by a robust economy during the first seven years of the last decade and the possibility of finding jobs and economic prospects that were becoming scarcer in the more crowded, expensive western states, some southern states experienced very sharp increases in Latino settlement. This was the case of Alabama, with a population of 4.8 million, which had the second highest Latino growth rate in the nation (145 percent from 2000 to 2010) during the last decade. The changing demographic face of the South, affected by this rapid growth in some states and especially in Alabama, has triggered a sudden culture clash and a sharp increase in racial frictions. Even though the undocumented population is estimated at only 4 percent of the state (approximately 160 000), tensions have risen significantly.

Like Arizona, Alabama's law calls for police to detain suspects on a reasonable suspicion that they are in the country illegally. But Alabama went further, making it a crime for undocumented migrants to conduct any business, whether private or with government agencies. It also required schools to collect information on the immigration status of enrolling students and their parents. Alabama's controversial immigration law, known as HB56, passed in 2011 and was amended slightly by a second bill, known as HB658, last year. As originally passed, the law criminalized many aspects of an undocumented immigrant's life and gave broad powers to state law enforcement to detain anyone in the country unlawfully.²⁶

The Alabama HB658 Act, which went into effect in September 2011, is the toughest in the country. It requires law enforcement to detain any "suspected immigrant" to be questioned by a police officer for being in the country illegally unless the person can provide identification showing that they are in the country legally. It also prohibits illegal immigrants from using public resources, hence barring them from obtaining any assistance for education. This has affected not only authorized children and youngsters, but also those who have U.S. citizenship from smoothly accessing public education. In many cases, their parents are unauthorized,

²⁶ Section 5 of HB658 requires the state to compile and post on a public Web site the names and other information clearly identifying certain immigrants when they are detained on any state charge, no matter how minor, and appear in state court. The plaintiffs in this case and even those charged with minor traffic violations would fall within this requirement and be unconstitutionally added to the "black list" (American Civil Liberties Union 2013).

and it is safer for them to prevent their children from accessing public education for fear of being deported. SB56 also bars businesses from taking tax deductions on wages paid to unauthorized immigrants; makes it a crime to knowingly rent housing to an illegal immigrant; prohibits unauthorized immigrants from enrolling in a public college after high school; and obliges schools to publish the immigration status of all students. It also mandates that employers use the federal E-verify system and prohibits business owners from “knowingly” employing illegal immigrants, setting tough penalties for those who do. All this makes for a highly hostile environment.

Even though some provisions of the law are being upheld in court, it has had severe consequences for the economy. A recent cost-benefit analysis has stated that the law has cost the state economy up to a huge US\$10.8 billion annually.²⁷ A federal court in Atlanta said it would wait until the United States Supreme Court decided the constitutionality of Arizona’s strict immigration law before ruling on similar laws in Georgia and Alabama. Meanwhile several growers, business leaders, and even some politicians who originally supported the law have called for its redefinition and retooling, pointing to labor shortages particularly in agriculture, which depends on migrant workers, who have emigrated to other states to avoid this rigid situation that affects their minimum human rights.

States where this type of legislation is popular include those located in politically conservative regions of the country, such as the South, and where immigrant settlement is still considered a recent phenomenon. These state initiatives and local ordinances proposed by restrictionist and neo-nativist groups have had an important influence on public opinion and certainly helped to create an atmosphere that seems to justify stricter immigration policies.

It is important to mention that the system permits states and localities to have a meaningful political voice, even in a sphere traditionally reserved for the federal government. But the states and local authorities have gone beyond that, and this new enhanced role that they are now playing also suggests that constituents may be expecting their state authorities to introduce more bills modeled on Arizona’s and Alabama’s emblematic SB1070 and SB56. The urgent need for federal immigration reform is evident.

²⁷ The study determined that the estimated 40 000 to 80 000 unauthorized immigrant workers fleeing the state has resulted in 70 000 to 140 000 jobs lost and a US\$2.3-to-US\$10.8-billion reduction in Alabama’s GDP annually. Also, the law is estimated to cost Alabama US\$56.7 million to US\$264.5 million in reduced state income and sale tax collections, as well as US\$20 million to US\$93.1 million in local sales tax collections (Addy 2012; Dwoskin 2012).

Final Remarks

The topic is inevitably divisive and sometimes causes a heated debate, which has increasingly included “hate-speak” in different states, especially Arizona and Alabama. The bills and ordinances approved have been instrumental in spreading the disruptive immigration debate to local communities and reaching out to conservative and nativist sentiments. Even though the power to set immigration policy is a federal responsibility and comes under federal jurisdiction, local lawmakers have been able to create their own legislation, developing policy measures to solve “the problem,” not recognizing that it is a very old, bilateral “labor market phenomenon.”

Meanwhile, conservatives are pushing for reinforcing the border and not creating paths for legalization of the status of millions of irregular immigrants and do not seem aware of the fact that many of them have been working for ages in many states, contributing to their economic development. It has rarely been recognized that it is precisely this illegality that creates unauthorized, cheap labor, which in turn brings enormous benefits to society and the economy through migrants’ hard work, investments, taxes, and spending.

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