

FRACTURED IMMIGRATION FEDERALISM: HOW DISSONANT IMMIGRATION ENFORCEMENT POLICIES AFFECT UNDOCUMENTED IMMIGRANTS

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Fractured Immigration Federalism: How Dissonant Immigration Enforcement Policies Affect Undocumented Immigrants

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Abstract

As Congress remains gridlocked on the issue of comprehensive immigration reform, immigration policy debates, particularly with respect to interior immigration enforcement, are increasingly taking place at state and local levels. Scholarship on immigration federalism has thus far focused mostly on the relationship between the federal government and localities. However, states are increasingly passing laws that either tighten cooperation with U.S. Immigration and Customs Enforcement (ICE) or that delimit when and under what conditions local law enforcement officials can do the work of immigration enforcement (i.e., so-called sanctuary policies). Simultaneously, cities within these states are doing just the opposite. In this study, we examine how these ambiguities in interior immigration enforcement policies at state and local levels affect the trust that undocumented immigrants have in the efficacy of sanctuary policies. Moreover, we examine how these ambiguities affect the day-to-day behaviors of undocumented immigrants. Using California as a case, we embedded an experiment in a survey ($n = 521$) drawn from a probability-based sample of undocumented immigrants. We find that when cities want to opt out of

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statewide sanctuary laws, this undermines the trust that undocumented immigrants have in the efficacy of sanctuary policies. We also find that “opting out” has negative implications for the day-to-day behaviors of undocumented immigrants that are similar to the chilling effects that result when local law enforcement officials do the work of federal immigration enforcement.

Introduction

As Congress remains gridlocked on the issue of comprehensive immigration reform, immigration policy debates, particularly with respect to interior immigration enforcement, are increasingly taking place at state and local levels. For example, according to the National Conference of State Legislatures (NCLS), lawmakers in forty-four states enacted 175 laws and 222 resolutions related to immigration in 2018 (NCSL 2019).¹ According to data from U.S. Immigration and Customs Enforcement (ICE), at the beginning of 2017, there were at least 608 counties that attempted to delimit the conditions under which local law enforcement agencies worked with ICE on federal immigration enforcement (Wong 2017). And although there is currently no definitive count, there are an estimated fifty-five sanctuary cities across the United States (Gonzalez O’Brien, Collingwood, and El-Khatib 2019).

As regulating immigration falls within the plenary powers of the federal government, and against the backdrop of the proliferation of state and local policies related to immigration, scholarship on immigration federalism has thus far focused mostly on the relationship between the federal government and localities. However, states are increasingly passing laws or implementing policies that do one thing on immigration, while cities within these states are passing ordinances or implementing policies that do the opposite. For example, in 2017, Texas passed Senate Bill 4 (SB 4), which tightened cooperation with federal immigration enforcement officials and created penalties, including jail time and removal from office, for local officials who did not participate in federal immigration enforcement, among other provisions.² Before SB 4 went into effect, several cities and counties in Texas, including the City of Houston after a 10-6 vote by its City Council, sued the State of Texas in order to block the implementation of the law. At the other end of the spectrum, California passed Senate Bill 54 (SB 54), also in 2017, which states, “California law enforcement agencies shall not [...] Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.”³ However, shortly after its passage, the City of Huntington Beach, after a 6-1 vote by its City Council, sued the State of California to opt out of SB 54.

The dissonance that the new landscape of immigration federalism has created begs the question of how these policy ambiguities affect the trust that undocumented

¹This also includes the District of Columbia and Puerto Rico. See here: <http://www.ncsl.org/research/immigration/report-on-state-immigration-laws.aspx>.

²For section-by-section summary of SB 4, see here: <https://www.aila.org/infonet/aila-summary-and-section-by-section-analysis>.

³For text of SB 54, see here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54.

immigrants have in the efficacy of sanctuary policies, as well as how undocumented immigrants navigate these policy ambiguities in their day-to-day behaviors. We argue that this dissonance, particularly when it comes to interior immigration enforcement, increases the uncertainty that undocumented immigrants have about whether their interactions with public officials, including law enforcement, might have immigration-related consequences. Because of this uncertainty, and the generalized concerns it can engender, undocumented immigrants may become less trusting of public institutions, and may also be less likely to engage in a broad range of day-to-day behaviors. Using California as a case, we embedded an experiment in a survey ($n = 521$) drawn from a probability-based sample of undocumented immigrants to test our hypotheses. This study is the third in the Undocumented in America project based at the U.S. Immigration Policy Center (USIPC) at UC San Diego. We find that when a state passes a sanctuary law, but a city within that state attempts to opt out of that law, this undermines the trust that undocumented immigrants have in the efficacy of sanctuary policies. We also find that “opting out” has negative implications for the day-to-day behaviors of undocumented immigrants that are similar to the chilling effects that result when local law enforcement officials do the work of federal immigration enforcement (for example, see Wong et al. 2019a).

We begin by examining the existing literature on immigration federalism. We then discuss the case of SB 54 in California and efforts by cities in California to opt out of the law. We then derive a set of hypotheses about how the trust that undocumented immigrants have in the efficacy of sanctuary policies, as well as their day-to-day behaviors, might be affected by the dissonance created by ambiguities in interior immigration enforcement policies at state and local levels. We then describe the survey vehicle used to test our hypotheses and our survey experiment. We then discuss the findings of the survey experiment and the implications of the results.

Literature Review

The literature on immigration federalism frames and informs this investigation. There is a strong and growing literature on the determinants of state-level immigration-related legislation, as well as the determinants of local immigration-related ordinances and policies, which include sanctuary city ordinances and 287(g) agreements.⁴ Much less, however, has been written about the policy dissonance that increasingly characterizes the landscape of immigration federalism, that is, state-level legislation that does one thing on immigration, while cities within these states have ordinances or policies that do the opposite, among other possible combinations. Consequently, we know even less about the impact that this policy dissonance has on the day-to-day behaviors and attitudes of undocumented immigrants.

⁴287(g) agreements authorize police officers and sheriffs to enforce federal immigration laws, including identifying, apprehending, and detaining undocumented immigrants.

Immigration Federalism

Prior to the passage of the first federal immigration laws toward the end of the 19th century, state governments played significant roles on matters related to immigration and to immigrants (Law 2014; Gulasekaram and Ramakrishnan 2015). Whereas the federal government has since gained supremacy over immigration-related matters, a new equilibrium has emerged in recent years wherein states and localities are increasingly passing immigration-related laws and ordinances, not to determine who we let into the country and how many,⁵ but to address issues related to immigrant incorporation, interior immigration enforcement, and other related issues. Indeed, although Congress sets the terms under which immigrants are admitted into the U.S., immigrants most immediately impact the communities in which they live and work, which gives states and localities a major stake in their societal and economic incorporation (Boushey and Luedtke 2011), and has led some states to challenge federal supremacy in immigration matters (Newton 2012).

The inability of Congress to pass comprehensive immigration reform—for example, the last large-scale legalization of undocumented immigrants (Immigration Reform and Control Act of 1986) and the last major changes to admissions policies (Immigration Act of 1990) occurred three decades ago (Wong 2017)—has created space for states and localities to propose, adopt, and implement immigration-related laws and ordinances.⁶ Indeed, research on American federalism more generally suggests that states tend to strategically move on legislation in order to push Congress into action (for example, see Krane 2007; for immigration, see Filindra and Kovács 2012). Moreover, as Wells (2004) notes, the “multi-layered, ambiguous, and contradictory structure” of immigration policies in the U.S. has created openings for local actors (p. 1308). In addition to these broader narratives, a rich literature has emerged on the determinants of state and local immigration-related laws and ordinances.

The Determinants of State and Local Immigration-Related Laws and Ordinances

Research on immigration federalism dovetails with research on the conditions under which states and localities introduce, pass, and adopt immigration-related laws or ordinances. When it comes to state-level legislation, research has shown a relationship between the passage of restrictive immigration-related legislation and economic anxiety (Bach 1978; Ybarra, Sanchez, and Sanchez 2015; c.f., Newman et al. 2012), racial and ethnic anxieties related to demographic change (Newman et al. 2012; Ybarra, Sanchez, and Sanchez 2015; Boushey and Luedtke 2011; Avery, Fine, and Márquez 2017), and partisan politics (Monogan 2013). When it comes to immigration-related policies at the sub-state level, research has shown that the partisan composition of local electorates are strong predictors of whether cities adopt restrictive or welcoming policies towards immigrants (Ramakrishnan and Wong 2010; Steil and Vasi 2014)

⁵Indeed, this remains one of the plenary powers of the federal government.

⁶We describe what these immigration-related laws and ordinances are as they relate to interior immigration enforcement in more detail elsewhere (see Wong et al. 2019a).

and that demographic changes within communities significantly increases the likelihood that cities consider anti-immigrant proposals (Hopkins 2010; Walker and Leitner 2011; Steil and Vasi 2014).⁷ Cities with more highly educated populations (Walker and Leitner 2011) and cities with more immigrant-serving organizations (Steil and Vasi 2014) are also significantly more likely to adopt welcoming policies towards immigrants. Moreover, when it comes to explaining variation in local law enforcement cooperation with federal immigration enforcement officials, research shows that partisanship and demographic change explain the adoption of 287(g) agreements at the county level (Wong 2012), having a Hispanic/Latino police chief decreases police entanglement on matters of federal immigration enforcement (Lewis et al. 2013), and that the personal attitudes that sheriffs have towards immigrants is significantly related to policies such as checking the immigration status of people who are stopped for traffic violations or who are arrested for non-violent crimes (Farris and Holman 2017).

The Dissonance of Immigration Federalism

Varsanyi et al. (2012) describe the landscape of state and local immigration-related laws and ordinances as a multilayered jurisdictional patchwork. When it comes to interior immigration enforcement, they write, “Because federal rules do not require coordination between the various and overlapping policy-making bodies [e.g., state and local governments], the issue of immigration enforcement has significant potential for cross-jurisdictional conflict and overlap” (p. 139). As the authors note, this has two important implications for interior immigration enforcement: these conflicts can create uncertainty about which policies prevail and can also constrain efforts by one level of jurisdiction to move in the opposite policy direction from another level. For our purposes, the uncertainty that matters is the uncertainty that undocumented immigrants have about whether their interactions with local law enforcement officials will have immigration consequences, such as being detained in immigration detention or even deported. As Wong et al. (2019b) write, “to the extent that interactions with local law enforcement officials can potentially lead to deportation, police officers and sheriffs become indistinguishable from immigration enforcement officials” (p. 4). Indeed, the blurring of lines between local law enforcement officials and federal immigration enforcement is a consequence of increased interior immigration enforcement (Varsanyi et al. 2012; Provine et al. 2016; Wong et al. 2019b; Abrego 2015). Moreover, there is also evidence that the blurring of lines between local law enforcement officials and federal immigration enforcement negatively affects attitudes toward policing (Menjívar et al. 2018; Armenta and Alvarez 2017; Becerra 2016; Wong et al. 2019b). The potential constraining effects of the dissonance of immigration federalism is also important for our purposes, as efforts by one jurisdiction to delimit when and under what conditions local law enforcement officials can do the work of immigration enforcement might very well be undermined by attempts by other overlapping

⁷According to Hopkins (2010), “Shifting from a community with no change in its share of immigrants to one with an eight percentage point increase, we should expect the probability of considering an anti-immigrant proposal to double, from .34 to .66” (p. 55).

jurisdictions to “opt out.”⁸

California: State- and City-Level Dissonance

Since November 2016, California has introduced at least thirty-five bills opposing the Trump administration’s immigration policies (Colbern and Ramakrishnan 2018). Perhaps the most prominent of these is the California Values Act (SB 54). SB 54 was first introduced in December 2016, was signed by Governor Jerry Brown in October 2017, and went into effect January 2018. As a matter of interior immigration enforcement, SB 54 prohibits, with some exceptions, “state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.”⁹ Importantly, for our purposes, SB 54 makes clear that California is concerned about the blurring of lines between local law enforcement officials and federal immigration enforcement. For example, SB 54 states, “Entangling state and local agencies with federal immigration enforcement programs [...] blurs the lines of accountability between local, state, and federal governments.”¹⁰ Moreover, SB 54 directly addresses the issue of trust. For example, Section 3(b) states, “A relationship of trust between California’s immigration community and state and local agencies is central to the public safety of the people of California.” Then, Section 3(c) states, “This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school.”

The implementation of the California Values Act has led to resistance by cities and counties within the state. For example, by April 2018, at least fourteen cities and two counties have passed resolutions or ordinances opposing SB 54 (Sanchez 2018). This caught the attention of President Trump, who tweeted, “There is a Revolution going on in California. Sooo many Sanctuary areas want OUT of this ridiculous, crime infested & breeding concept...” In May 2018, the president then invited more than a dozen California politicians to the White House for a roundtable discussion about (and in opposition to) SB 54.¹¹ More substantively, Huntington

⁸Although the case of California is one of a state passing sanctuary legislation and a city within that state attempting to “opt out,” this also suggests that sanctuary city policies that emerged in response to the passage of restrictive state-level legislation (for example, see Shahshahani and Pont 2018) may not fully mitigate the uncertainty, vulnerability, and distrust that undocumented immigrants have as long as the restrictive state-level legislation remains on the books.

⁹See text of SB 54 here: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54. Section 2 of SB 54 articulates the discretion that local law enforcement agencies have to work with ICE on federal immigration enforcement, for example, if a person has been convicted of a serious or violent felony punishable by imprisonment in a state prison, as well as convictions for crimes such as assault, battery, possession of an unlawful deadly weapon, and gang-related offenses, among a host of other convictions as articulated in the law.

¹⁰Section 3(d) of SB 54.

¹¹This was dubbed the “California Sanctuary State Roundtable.” For text of President Trump’s remarks during the roundtable, see here: <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-california-sanctuary-state-roundtable/>.

Beach, a city in California, sued the state in order to “opt out” of SB 54. Huntington Beach argued that SB 54 unconstitutionally interfered with its rights as a charter city.¹² In September 2018, an Orange County Superior Court Judge ruled in favor of Huntington Beach, meaning local law enforcement officials in the city can work with ICE on federal immigration enforcement and not be subject to the conditions outlined in the California Values Act.

The case of SB 54, in particular, what the law does, what it says about why the law is necessary, and the fact that the City of Huntington Beach has opted out, thus provides an important laboratory to test hypotheses about the dissonance of immigration federalism.

Hypotheses

Altogether, we argue that the dissonance of immigration federalism, particularly when it comes to interior immigration enforcement, increases the uncertainty that undocumented immigrants have about whether their interactions with public officials, including law enforcement, might have immigration-related consequences. Because of this uncertainty, and the generalized concerns it can engender, undocumented immigrants may become less trusting of public institutions and may also be less likely to engage in a broad range of day-to-day behaviors.

Regarding trust, we hypothesize that undocumented immigrants who learn that cities in California want to opt out of SB 54 will be significantly less likely to trust that California’s laws can keep them and their families safe (H_1), keep their communities safe (H_2), and protect the confidentiality of witnesses to crimes even if they are undocumented (H_3). Moreover, we hypothesize that respondents who learn that cities in California want to opt out of SB 54 will be significantly less likely to trust that California’s laws can protect the rights of all people, including undocumented immigrants, equally (H_4) and protect undocumented immigrants from abuse or discrimination (H_5). These trust items are adapted from Wong et al. (2019b). We also note here that our expectation is that undocumented immigrants who learn that cities in California want to opt out of SB 54 will have less confidence in the ability of California’s laws to protect them no matter where they are in the state. In other words, undocumented immigrants, be they in Northern California, the Central Valley, or Southern California, will have less confidence in California’s laws when they learn that any city in California wants to opt out.

Moreover, we have a set of behavioral expectations. We examine the chilling effects of interior immigration enforcement in more detail elsewhere (see Wong et al. 2019a). In brief, previous research shows that when local law enforcement officials work with ICE on federal immigration enforcement, undocumented immigrants are significantly less likely to engage in a broad range of day-to-day behaviors, including reporting crimes to the police (for example, see Wong et al., 2019a; see also Menjivar et al. 2018), being less likely to participate in public events where the police may be present (Wong et al. 2019a), decreased use of, and access to, public health services (Asch,

¹²Huntington Beach is one of 121 charter cities in California.

Leake, and Gelberg 1995; Beniflah et al., 2013; Berk et al. 2000; Fenton, Catalano, and Hargreaves 1996; Hardy et al., 2012; Wang and Kaushal 2018; White et al., 2014a; White et al., 2014b), decreased school attendance (Capps et al., 2007; Chaudry et al., 2010) and diminished academic performance (Amuedo-Dorantes and Lopez, 2015), and locking undocumented workers into exploitative workplace conditions (Gleeson 2010; Harrison and Lloyd 2011). We hypothesize that undocumented immigrants who learn that cities in California want to opt out of SB 54 will be significantly less likely to report crimes that they witnessed to the police (H_6), report crimes that they were victims of to the police (H_7), use public services (e.g., go to City Hall) that requires them to disclose their personal contact information (H_8), do business (e.g., open a bank account, get a loan) that requires them to disclose their personal contact information (H_9), participate in public events where police may be present (H_{10}), place their children in after-school or day-care programs (H_{11}), look for new jobs (H_{12}), and report wage theft by their employers (H_{13}). These behavioral items are adapted from Wong et al. (2019a). Although our expectation is that learning that some cities in California want to opt out of SB 54 will have behavioral chilling effects in the same direction as local law enforcement cooperation with ICE, we expect the magnitude of the effects to be comparatively less acute.

Data and Method

To test our hypotheses, we embedded an experiment in a probability-based sample of undocumented immigrants in San Diego. The survey vehicle used in this study is the Undocumented in America project based out of the U.S. Immigration Policy Center (USIPC) at UC San Diego.

Through a partnership between the USIPC and the Mexican Consulate in San Diego (the Consulate), Wong created a sample frame of undocumented Mexican nationals in San Diego County. The sample frame is comprised of individuals who receive consular services unique to those living in the U.S. without authorization. Consulates provide a broad range of services to their nationals abroad. The sample frame, which includes approximately 73,000 people, accounts for nearly the entire universe of undocumented Mexican nationals who currently live in San Diego County. The Center for Migration Studies (CMS), for example, estimates that there are currently 82,406 undocumented immigrants who were born in Mexico who live in San Diego County (CMS 2016). Working with staff at the Consulate, Wong assigned random ID numbers to each record and then cut the sample frame into random draws of approximately 5,000 records for each survey module in the Undocumented in America project. Call sheets with limited information about each respondent—the random ID number assigned to each record, first name, and phone number—are then printed out. Phone numbers are manually dialed by enumerators trained by Wong. Phone numbers are dialed once with no additional follow up. After each paper call sheet is completed, it is immediately reviewed and then destroyed. All surveys are conducted in Spanish, unless the respondent prefers to speak in English. In this study, 92.8 percent of surveys were conducted in Spanish. This study is IRB approved (UCSD

IRB 180131).

This study represents the third in the Undocumented in America series. The survey was fielded between August 2018 and December 2018 and includes 521 respondents. In the survey, we embedded an experiment to better understand how the dissonance created by ambiguities in interior immigration enforcement policies at state and local levels affects the trust that undocumented immigrants have in the efficacy of sanctuary policies, as well as the day-to-day behaviors of undocumented immigrants. In the experiment, respondents were randomly assigned to one of two groups. In one group ($n = 266$ respondents), questions were prefaced with a brief description of the California Values Act using language taken directly from the law (see below for exact text). In the second group ($n = 255$ respondents), questions were prefaced with the same brief description of the California Values Act, but with additional language explaining that some cities in California want to opt out of the law. Respondents were then asked a series of questions about their trust in the efficacy of sanctuary policies. More specifically, respondents were asked about their trust that California’s SB 54 could: keep them and their families safe; keep their communities safe; protect the rights of all people, including undocumented immigrants, equally; protect the confidentiality of witnesses to crimes even if they were undocumented; and protect undocumented immigrants from abuse or discrimination. Respondents were also asked a series of questions about their day-to-day behaviors. More specifically, respondents were asked about their likelihood of: reporting a crime that they witnessed to the police; reporting a crime that they were a victim of to the police; using public services that requires them to disclose their personal contact information; doing business that requires them to disclose their personal contact information; participating in public events where police may be present; placing their children in after-school or day-care programs (among those with children); looking for a new job; and reporting wage theft by their employer.

The table below provides the exact text. An experiment such as this is superior to analyzing observational survey data (i.e., survey data that is not based on an experimental design) because asking respondents about one scenario is insufficient for determining how their attitudes or behaviors may or may not change based on the second scenario; asking respondents about one scenario and then the second scenario would likely produce biased results because responses related to the first scenario would likely influence responses to the second scenario (e.g., “I said I would be more trusting in the first scenario, so maybe I should say I would be less trusting in the second scenario”); random assignment to one of the two groups balances the two groups across the broad range of demographic and other covariates, observed and unobserved, such as age, gender, and class, that need to be controlled for in observational analysis; and random assignment to one of the two groups means that differences in responses can be casually attributed to the variation in the two scenarios (i.e., the treatment effect that results after respondents are told that some cities in California want to opt out of the California Values Act).

Table 1

<p>California recently passed a law called the California Values Act. One part of the law says that California law enforcement agencies "shall not use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes." For example, local police should NOT "inquire into an individual's immigration status" or "perform the functions of an immigration officer."</p>	<p>California recently passed a law called the California Values Act. One part of the law says that California law enforcement agencies "shall not use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes." For example, local police should NOT "inquire into an individual's immigration status" or "perform the functions of an immigration officer."</p> <p>But some cities in California want to opt out of the California Values Act. This would mean that the law enforcement agencies in these cities would be able to work more closely together with ICE on immigration enforcement, despite what the California Values Act says.</p>
<p>With this in mind, how much trust do you have that California's laws can?</p> <ul style="list-style-type: none"> - Keep you and your family safe? - Keep your community safe? - Protect the confidentiality of witnesses to crimes even if they were undocumented? - Protect the rights of all people, including undocumented immigrants, equally? - Protect undocumented immigrants from abuse or discrimination? 	
<p>Now that you've heard more about the California Values Act/and that some cities want to opt out, how likely are you to do the following?</p> <ul style="list-style-type: none"> - Report a crime that you witnessed to the police? - Report a crime that you were a victim of to the police? - Use public services (e.g., go to City Hall) that required you to give your personal contact information? - Do business (e.g., open a bank account, get a loan) that required you to give your personal contact information? - Participate in public events where police may be present? - Place your children in an after-school or day-care program? - Look for a new job? - Report wage theft to your employer? 	

Results

When respondents are told about the California Values Act, but that some cities in California want to opt out, they become significantly less trusting in the efficacy of California's statewide sanctuary policies. More specifically, when respondents are told about the California Values Act, 48.5 percent trust "a great deal" or "a lot" that California's laws can keep them and their families safe. When respondents are told about the California Values Act, but that some cities in California want to opt out, 13.9 percent trust "a great deal" or "a lot" that California's laws can keep them and their families safe. Otherwise put, the trust that respondents have in the efficacy of California's statewide sanctuary policies, as measured by trust that these policies can keep them and their families safe, decreases by 34.5 percent when respondents learn that some cities in California want to opt out. This result is statistically significant ($p < .001$). Similarly, the trust that undocumented immigrants have in the efficacy of California's statewide sanctuary policies, as measured by trust that these policies can keep their communities safe, decreases by 32.5 percent when respondents learn that some cities in California want to opt out. This result is also statistically significant ($p < .001$).

Although the effects are more modest, the data also show that undocumented immigrants are significantly less trusting that California's statewide sanctuary policies can protect their rights, protect their confidentiality, and protect them from abuse or discrimination when respondents are told about the California Values Act, but that some cities in California want to opt out. When respondents are told that some cities in California want to opt out of the California Values Act, they are 14.4 percent less likely to trust "a great deal" or "a lot" that California's laws can protect the rights of all people, including undocumented immigrants, equally. This result is statistically significant ($p < .001$). Moreover, when respondents are told that some cities in California want to opt out of the California Values Act, they are 23.2 percent less likely to trust "a great deal" or "a lot" that California's laws can protect the confidentiality of witnesses to crimes even if they are undocumented. This result is also statistically significant ($p < .001$). Last, when respondents are told that some cities in California want to opt out of the California Values Act, they are 12.0 percent less likely to trust "a great deal" or "a lot" that California's laws can protect undocumented immigrants from abuse or discrimination. This result is also statistically significant ($p < .001$).

Table 2

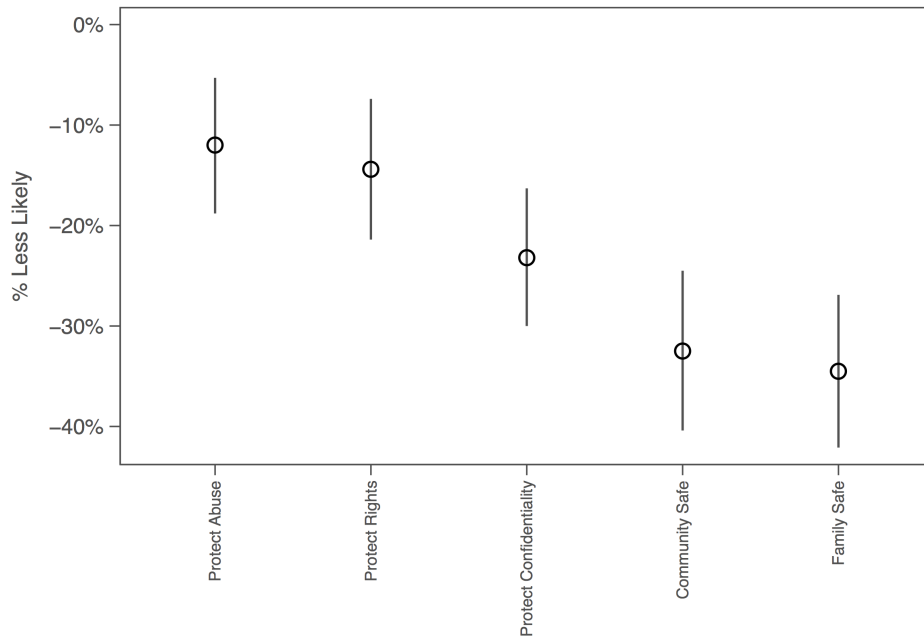
	SB 54 (<i>n</i> =266)	Opt Out (<i>n</i> =255)	Diff.	<i>p</i> value
Keep you and your family safe	48.5%	13.9%	-34.5%	<.001
Keep your community safe	52.5%	20.0%	-32.5%	<.001
Protect the rights of all people, including undocumented immigrants, equally?	27.6%	13.2%	-14.4%	<.001
Protect the confidentiality of witnesses to crimes even if they were undocumented?	31.9%	8.7%	-23.2%	<.001
Protect undocumented immigrants from abuse or discrimination?	23.7%	11.7%	-12.0%	<.001

Table 2 summarizes the results.¹³ Figure 1 graphically depicts the results. Two sample t-tests are used to calculate average treatment effects (ATE) and 95 percent confidence intervals. In the figure, trust items are sorted along the x-axis by effect size.

When respondents are told about the California Values Act, but that some cities in California want to opt out, they also become significantly less likely to engage in a broad range of day-to-day behaviors. When respondents are told about the California Values Act, 77.8 percent are “very likely” or “likely” to report crimes that they witness to the police. When respondents are told about the California Values Act, but that

¹³We note here that “opting out” results in similarly negative effects on trust that we observe when local law enforcement officials do the work of federal immigration enforcement, although the magnitude of the effects are more modest. For example, in a previous survey experiment (Wong et al. 2019b), the authors find that when local law enforcement officials work with ICE on federal immigration enforcement, they are 34.8 percent less likely to trust that police officers and sheriffs would keep them and their families safe, compared to our 34.5 percent opting out effect; 34.8 percent less likely to trust that police officers and sheriffs would keep their communities safe, compared to our 32.5 percent opting out effect; 28.5 percent less likely to trust that police officers and sheriffs would protect the rights of all people, including undocumented immigrants, equally, compared to our 14.4 percent opting out effect; 29.2 percent less likely to trust that police officers and sheriffs would protect the confidentiality of witnesses to crimes even if they were undocumented, compared to our 23.2 percent opting out effect; and 26.1 percent less likely to trust that police officers and sheriffs would protect undocumented immigrants from abuse or discrimination, compared to our 12.0 percent opting out effect.

Figure 1



some cities in California want to opt out, 39.9 percent are “very likely” or “likely” to report crimes that they witness to the police. Otherwise put, respondents are 37.9 percent less likely to report crimes that they witness to the police when they learn that some cities in California want to opt out of the California Values Act. This result is statistically significant ($p < .001$). Moreover, respondents are 33.6 percent less likely to report crimes that they are victims of to the police when they learn that some cities in California want to opt out of the California Values Act. This result is also statistically significant ($p < .001$).

The data show similar negative effects when it comes to day-to-day behaviors that require undocumented immigrants to disclose their personal contact information. When respondents are told about the California Values Act, 57.4 percent are “very likely” or “likely” to use public services (e.g., go to City Hall) that requires them to disclose their personal contact information. When respondents are told about the California Values Act, but that some cities in California want to opt out, this percentage decreases to 31.3 percent. Otherwise put, respondents are 26.1 percent less likely to use public services (e.g., go to City Hall) that requires them to disclose their personal contact information when they learn that some cities in California want to opt out of the California Values Act. This result is statistically significant ($p < .001$). Moreover, respondents are 24.9 percent less likely to do business (e.g., open a bank account, get a loan) that requires them to disclose their personal contact information when they learn that some cities in California want to opt out of the California Values

Act. This result is also statistically significant ($p < .001$).

Moreover, 39.6 percent of respondents are less likely to participate in public events where police may be present when they learn that some cities in California want to opt out of the California Values Act; among those with children, 22.8 percent are less likely to place their children in an after-school or day-care program when they learn that some cities in California want to opt out of the California Values Act; 23.9 percent of respondents are less likely to look for a new job when they learn that some cities in California want to opt out of the California Values Act; and 30.1 percent are less likely to report wage theft by their employer when they learn that some cities in California want to opt out of the California Values Act.

Because the language of the California Values Act emphasizes that law enforcement agencies in California shall not “investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes,” these behavioral effects are similar in direction, though lesser in magnitude, to the chilling effects that result when local law enforcement officials do the work of federal immigration enforcement (see Wong et al. 2019a).

Table 3 summarizes the results. Figure 2 graphically depicts the results. Two sample t-tests are used to calculate average treatment effects (ATE) and 95 percent confidence intervals. In the figure, behavioral items are sorted along the x-axis by effect size.

Figure 2

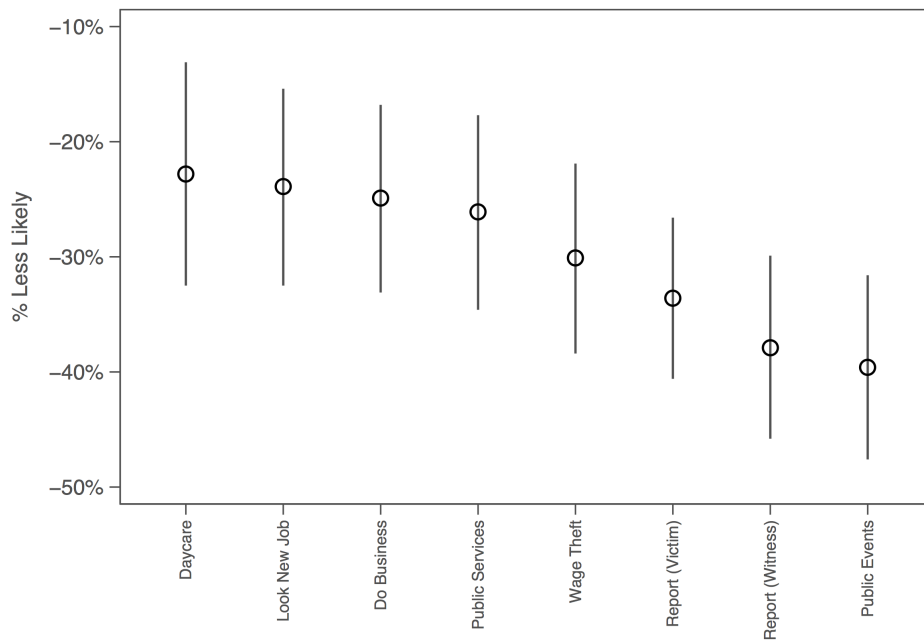


Table 3

	SB 54 (<i>n</i> =266)	Opt Out (<i>n</i> =255)	Diff.	<i>p</i> value
Report a crime that you witnessed to the police	77.8%	39.9%	-37.9%	<.001
Report a crime that you were victim of to the police	91.2%	57.6%	-33.6%	<.001
Use public services (e.g. go to City Hall) that require you to give your personal contact information	57.4%	31.3%	-26.1%	<.001
Do business (e.g. open a bank account, get a loan) that required you to give your personal contact information	75.9%	51.0%	-24.9%	<.001
Participate in public events where the police may be present	73.7%	34.2%	-39.6%	<.001
Place your children in after-school or daycare program	53.2%	30.4%	-22.8%	<.001
Look for a new job	60.5%	36.5%	-23.9%	<.001
Report wage theft by your employer	76.1%	45.9%	-30.1%	<.001

Multivariate Results

The differences-in-means make clear that when respondents are told about the California Values Act, but that some cities in California want to opt out, this decreases the trust they have in the efficacy of California’s statewide sanctuary policies and also has negative implications for their day-to-day behaviors that are similar to the chilling effects that result when local law enforcement officials do the work of federal immigration enforcement. But do the results hold when accounting for other factors? In particular, do the results hold when accounting for factors that might decrease trust and affect behavior independent of whether some cities in California want to opt out of the California Values Act? Here, we estimate a series of logistic regression models that estimate the effect of the “opting out” condition while also accounting for the generalized anxieties that respondents have about immigration enforcement, as measured by how frequently respondents think about being detained in an immigration detention facility, being deported from the U.S., a family member being detained in an immigration detention facility, and a family member being deported from the U.S. For those with children, we also account for how frequently respondents think about “Being separated from my children because of deportation” and “Not being able to see my children grow up because of deportation.” These are dichotomous variables equal to one if respondents think about these items “about once a day” or more (i.e., “a few times a day”; “about once an hour”; and “a few times an hour”) and zero otherwise. Because of collinearity, how frequently respondents think about being detained in an immigration detention facility and being deported from the U.S. are collapsed into one variable. Also because of collinearity, how frequently respondents think about a family member being detained in an immigration detention facility and a family member being deported from the U.S. are collapsed into one variable. Moreover, for those with children, how frequently respondents think about being separated from their children because of deportation and not being able to see their children grow up because of deportation are collapsed into one variable. We note here that we are limited in the time that we have and are thus limited in the number of items we can include in each questionnaire. We also estimate models (see Appendix 1) that control for whether respondents have children, whether respondents have immediate family members, meaning a parent, spouse, or sibling, who are U.S. citizens, and whether respondents “strongly agree” or “agree” that they know what their rights are if ICE shows up at their door (these are items that are asked across all of the surveys in the Undocumented in America series).

Table 4 reports the multivariate results for the trust items. Model 1 examines the likelihood that respondents trust “a great deal” or “a lot” that California’s laws can keep them and their families safe. Model 2 examines the likelihood that respondents trust “a great deal” or “a lot” that California’s laws can keep their communities safe. Model 3 examines the likelihood that respondents trust “a great deal” or “a lot” that that California’s laws can protect the rights of all people, including undocumented immigrants, equally. Model 4 examines the likelihood that respondents trust “a great deal” or “a lot” that California’s laws can protect the confidentiality of witnesses to crimes even if they are undocumented. Model 5 examines the likelihood that respon-

dents trust “a great deal” or “a lot” that California’s laws can protect undocumented immigrants from abuse or discrimination. Models A11 to A15 in Appendix 2 repeat these steps while estimating the effect of how frequently respondents think about being separated from their children because of deportation and not being able to see their children grow up because of deportation (this sub-sets the analysis to only those with children).

As the table shows, the effects of the opting out condition remain statistically significant across all of the trust items analyzed (see Models 1 to 5). The effects of generalized concerns about immigration enforcement are mixed. Respondents who think about being detained in an immigration detention facility or being deported from the U.S. “about once a day” or more are significantly less likely to trust “a great deal” or “a lot” that California’s laws can keep them and their families safe ($p = .052$), protect the rights of all people, including undocumented immigrants, equally ($p = .002$), and protect undocumented immigrants from abuse or discrimination ($p = .027$). However, this does not affect the trust that respondents have that California’s laws can keep their communities safe or protect the confidentiality of witnesses to crimes even if they are undocumented.

Table 5 reports the multivariate results for the behavioral items. Model 6 examines the likelihood that respondents report crimes that they witness to the police. Model 7 examines the likelihood that respondents report crimes that they are victims of to the police. Model 8 examines the likelihood that respondents use public services (e.g., go to City Hall) that requires them to disclose their personal contact information. Model 9 examines the likelihood that respondents do business (e.g., open a bank account, get a loan) that requires them to disclose their personal contact information. Model 10 examines the likelihood that respondents participate in public events where police may be present. Model 11 examines the likelihood of placing children in after-school or day-care programs among respondents with children. Model 12 examines the likelihood of looking for a new job. Model 13 examines the likelihood of reporting wage theft by their employer. Models A16 to A23 in Appendix 3 repeat these steps while estimating the effect of how frequently respondents think about being separated from their children because of deportation and not being able to see their children grow up because of deportation (again, this sub-sets the analysis to only those with children).

Table 4

	Model 1 Keep Them and Family Safe	Model 2 Keep Communities Safe	Model 3 Protect Rights	Model 4 Protect Confidentiality	Model 5 Protect Abuse or Discrimination
Treatment	-1.886*** (.233)	-1.575*** (.209)	-1.000*** (.249)	-1.608*** (.272)	-.897*** (.260)
Generalized Concerns About Immigration Enforcement-Individual	-.504* (.259)	-.448 (.245)	-.829** (.272)	-.293 (.282)	-.634* (.287)
Generalized Concerns About Immigration Enforcement-Family	.211 (.249)	.119 (.232)	-.094 (.267)	-.259 (.267)	.041 (.282)
Constant	-.186 (.218)	.369 (.212)	-.377 (.224)	-.401 (.233)	-.789*** (.241)
Observations	491	493	488	483	481

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Table 5

	Model 6	Model 7	Model 8	Model 9	Model 10	Model 11	Model 12	Model 13
	Report Crime Witness	Report Crime Victim	Public Services	Do Business	Public Events	After School or Day-care	Look for New Job	Report Wage Theft
Treatment	-1.676*** (.203)	-2.018*** (.256)	-1.131*** (.192)	-1.154*** (.198)	-1.709*** (.199)	-.976*** (.221)	-1.001*** (.189)	-1.350*** (.199)
Generalized Concerns About Immigration Enforcement-Individual	-.584* (.249)	-.168 (.277)	-.396 (.233)	-.373 (.244)	-.344 (.245)	-.529 (.279)	-.531* (.231)	-.231 (.244)
Generalized Concerns About Immigration Enforcement-Family	.028 (.232)	-.064 (.265)	.241 (.221)	.000 (.228)	-.188 (.230)	-.137 (.260)	.235 (.219)	.101 (.232)
Constant	1.643*** (.239)	2.474*** (.298)	.438* (.207)	1.422*** (.231)	1.383*** (.229)	.604* (.243)	.652** (.207)	1.259*** (.227)
Observations	494	494	490	490	494	378	490	483

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

As the table shows, the effects of the opting out condition remain statistically significant across all of the behavioral items analyzed (see Models 6 to 13). Generalized concerns about immigration enforcement, whether measured by concerns about being detained in an immigration detention facility or being deported from the U.S., or concerns about family members being detained in an immigration detention facility or being deported from the U.S., are mostly statistically insignificant. This should not be interpreted to mean that generalized concerns about immigration enforcement do not affect the day-to-day behaviors of undocumented immigrants. Indeed, in the bivariate context, the percentage who report being “very likely” or “likely” is slightly to significantly lower for all of the behavioral items analyzed among respondents who think about being detained in an immigration detention facility or being deported from the U.S. “about once a day” or more. This could suggest that despite generalized concerns about immigration enforcement, undocumented immigrants still have to go about their day-to-day lives. However, the statistical insignificance of generalized concerns about immigration enforcement when accounting for the treatment language might also suggest that information about immigration policies, particularly as they relate to immigration enforcement, might have outsized effects on the behavior of undocumented immigrants in light of the current climate surrounding immigration.

Discussion and Conclusion

In this study, we use a survey experiment to examine how the dissonance created by ambiguities in interior immigration enforcement policies at state and local levels affect the trust that undocumented immigrants have in the efficacy of sanctuary policies, as well as how these ambiguities affect the day-to-day behaviors of undocumented immigrants. Using California as a case, we find that when a state passes a sanctuary law, but a city within that state attempts to opt out of that law, this undermines the trust that undocumented immigrants have in the efficacy of sanctuary policies. We also find that “opting out” has negative implications for the day-to-day behaviors of undocumented immigrants that are similar to the chilling effects that result when local law enforcement officials do the work of federal immigration enforcement. Our results are robust when accounting for generalized concerns about immigration enforcement, as measured by how frequently respondents think about being detained in an immigration detention facility, being deported from the U.S., a family member being detained in an immigration detention facility, and a family member being deported from the U.S. The results are also robust when accounting for how frequently respondents with children think about “Being separated from my children because of deportation” and “Not being able to see my children grow up because of deportation.”

Ours is the first study that we are aware of that systematically examines how ambiguities in interior immigration enforcement policies at state and local levels affect the trust that undocumented immigrants have in the efficacy of sanctuary policies, as well as how these ambiguities affect the day-to-day behaviors of undocumented immigrants. As states are increasingly passing laws or implementing policies that do one thing on immigration, while cities within these states are passing laws or

implementing policies that do the opposite, more research will be needed to better understand the causes and consequences of the dissonance that defines the new landscape of immigration federalism. Until then, our results provide evidence to suggest that when states and localities work at cross purposes on immigration, this has the effect of decreasing the trust that undocumented immigrants have in the efficacy of sanctuary policies and also has negative implications for their day-to-day behaviors.

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Appendix 1

	A1 Keep Them and Families Safe	A2 Keep Communities Safe	A3 Protect Rights	A4 Protect Confidentiality	A5 Protect Abuse or Discrimination	A6 Keep Them and Families Safe	A7 Keep Communities Safe	A8 Protect Rights	A9 Protect Confidentiality	A10 Protect Abuse or Discrimination
Treatment	-1.979*** (.239)	-1.611*** (.212)	-1.048*** (.254)	-1.619*** (.274)	-.956*** (.265)	-1.780*** (.260)	-1.413*** (.232)	-.989*** (.290)	-1.563*** (.306)	-.941** (.302)
Generalized Concerns About Immigration Enforcement-Individual	-.419 (.269)	-.437 (.256)	-.753** (.284)	-.294 (.291)	-.512 (.299)	.142 (.347)	.119 (.329)	-.555 (.367)	-.176 (.373)	.148 (.404)
Generalized Concerns About Immigration Enforcement-Family	.235 (.251)	.127 (.236)	-.091 (.270)	-.229 (.269)	.036 (.285)	-.019 (.289)	.173 (.275)	.034 (.328)	-.415 (.311)	.117 (.343)
Generalized Concerns -Separated from Children						-.269 (.359)	-.854** (.338)	-.521 (.374)	-.038 (.392)	-.959* (.398)
Children	-.076 (.289)	.282 (.279)	-.103 (.309)	.058 (.321)	.057 (.332)					
USC	-.103 (.232)	-.189 (.218)	-.267 (.258)	-.045 (.255)	.023 (.265)	-.106 (.255)	-.262 (.241)	-.246 (.293)	-.068 (.286)	-.024 (.300)
Know Rights	.233 (.228)	.189 (.216)	.522 (.245)	.119 (.251)	.396 (.258)	.094 (.252)	-.007 (.239)	.567* (.276)	-.031 (.283)	.433 (.290)
Constant	-.186 (.218)	.155 (.345)	-.429 (.380)	-.465 (.392)	-1.048*** (.258)	.054 (.333)	.688* (.323)	-.418 (.356)	-.309 (.366)	-.804* (.373)
Observations	482	485	480	475	473	394	397	392	388	386

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Appendix 2

	A11 Keep Them and Family Safe	A12 Keep Communities Safe	A13 Protect Rights	A14 Protect Confidentiality	A15 Protect Abuse or Discrimination
Treatment	-1.720*** (.255)	-1.402*** (.230)	-.980*** (.249)	-1.549*** (.305)	-.914*** (.298)
Generalized Concerns About Immigration Enforcement-Individual	.136 (.341)	.160 (.325)	-.531 (.363)	-.167 (.368)	.138 (.401)
Generalized Concerns About Immigration Enforcement-Family	-.075 (.285)	.143 (.273)	-.049 (.324)	-.435 (.309)	.051 (.340)
Generalized Concerns- Separated From Children	-.307 (.353)	-.820* (.333)	-.566 (.371)	-.029 (.389)	-1.033** (.395)
Constant	.093 (.272)	.536* (.265)	-.229 (.279)	-.363 (.298)	-.566* (.395)
Observations	398	400	395	391	389

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Appendix 3

	A16	A17	A18	A19	A20	A21	A22	A23
	Report Crime Witness	Report Crime Victim	Public Services	Do Business	Public Events	After School or Day-care	Look for New Job	Report Wage Theft
Treatment	-1.679*** (.229)	-1.951*** (.285)	-1.200*** (.217)	-1.188*** (.220)	-1.657*** (.225)	-1.015*** (.224)	-1.058*** (.213)	-1.397*** (.225)
Generalized Concerns About Immigration Enforcement-Individual	-.196 (.329)	.655 (.377)	-.097 (.307)	.060 (.321)	.262 (.329)	-.333 (.318)	-.471 (.305)	.151 (.324)
Generalized Concerns About Immigration Enforcement-Family	.069 (.280)	-.172 (.333)	.259 (.264)	-.086 (.273)	-.139 (.278)	-.025 (.268)	.252 (.262)	.106 (.280)
Generalized Concerns- Separated From Children	-.703* (.349)	-1.550*** (.449)	-.524 (.321)	-.542 (.345)	-.924** (.348)	-.425 (.338)	-.343 (.319)	-.637 (.345)
Constant	1.925*** (.310)	3.219*** (.426)	.678** (.265)	1.547*** (.295)	1.735*** (.301)	.738** (.283)	.938*** (.265)	1.498*** (.294)
Observations	401	401	397	397	401	374	399	394

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$



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