Selected Literature Review


In Chambersburg, a neighborhood in Trenton, New Jersey, an ethnic transition is under way. The district has historically been an Italian enclave, but is today experiencing an influx of new immigrants from Latin America. The transition from Italian to Latino has been infused with conflict that lingers just under the surface. To this tension has been added the activities of Immigration and Customs Enforcement, which has been conducting frequent immigration raids, banging on doors with deportation orders for individual Guatemalans in the wee hours of the morning. This article explores the implications of residency status in a post–PATRIOT Act United States and argues that it is fundamental to understanding ethnic relations both among migrants from different nations and between immigrants and non-immigrants. The author concludes that immigration enforcement intensifies ethnic divisions that may otherwise become blurred in the context of U.S. society.


This report discusses whether police should enforce immigration laws, and is divided into three parts. The first presents and discusses plans and proposals that have arisen at the local, state and federal levels in the interest of increasing the role of police in enforcing immigration laws. The second explains that although federal law and court decisions do not present a clear view on what the role of local police authority is in immigration enforcement, recent actions by the federal government have supported an expanded role for state and local police in immigration enforcement. The third part discusses what advocates can do to promote reasonable policing and maintain positive relationships between the police and immigrant communities.
Over the past year, Immigration and Customs Enforcement has intensified immigration enforcement activities by conducting several large-scale worksite raids across the country. From an in-depth study of three communities—Greeley, CO, Grand Island, NE and New Bedford, MA—this report details the impact of these worksite raids on the well-being of children. Research indicates that on average, the number of children affected by worksite raids is about half the number of adults arrested. In one site, two-thirds of the children were U.S. citizens and the vast majority of them were age 10 and younger. The report provides detailed recommendations to a variety of stakeholders to help mitigate the harmful effects of worksite raids on children.

This article is one of the earlier academic articles to outline some of the legal provisions mobilized in the aftermath of September 11, 2001, to delegate immigration enforcement powers to local police. It discusses a number of the risks associated with cooperative agreements between law enforcement agencies and the INS. Even some officers themselves are resistant to taking on immigration enforcement, fearful of becoming overburdened and of endangering relationships with immigrant and ethnic communities. The author also points out that police often lack the expertise to be able to verify an immigrant’s status, and commit civil rights violations as a result of employing racial profiling as their chief method. The article closes with a brief discussion of the devolution of power over welfare policies from federal to state levels. It identifies some of the effects this is having on immigrants, and the way that it has put “immigration policy” and “immigrant policy” at even greater odds.

This report examines localities that have seen an increase in the number of local housing ordinances targeting undocumented immigrants. The author highlights the demographic shifts in such localities and provides an overview of the legal and social consequences of the ordinances. As the debate has intensified, many local judges who have heard these cases have already decided that many of the proposed local ordinances conflict with current federal immigration laws and are also unconstitutional. The author argues that many of the areas where such ordinances have already been approved by local voters have also seen an increase in discrimination against Latinos despite the fact that some of these ordinances have not yet been enforced. The result has been a heightening of racial tensions within these communities, which affects not only undocumented immigrants but Latinos in general. The author highlights the importance of pursuing pre-existing local ordinances that enforce existing regulation on overcrowding, criminal activity, and the
misuse of public benefits. In this way the author suggests, the current antagonistic and divisive environment can be avoided without driving away local residents, perspective businesses, and potential investors while at the same time meeting the concerns of local residents that actually fall within the range of their local power.


This report studies the costs and benefits of immigration in the state of Arizona. It presents estimates of the fiscal costs associated with immigration, such as education, healthcare and law enforcement. The report also assesses the contributions of immigrants to the state’s economy as consumers and workers. In order to evaluate the costs and benefits associated with each group of immigrants, naturalized citizens and non-citizens, the report looked at each separately. The report ultimately found that immigrants’ financial benefits outweigh their costs.


Although the federal government is traditionally understood to enjoy exclusive authority over immigration, states and localities are increasingly asserting a role in this field. This development has sparked vigorous debate on the propriety of such involvement, but the author argues that this debate is predicated on a misunderstanding of the nature of federal exclusivity. Challenging the conventional wisdom that the Constitution precludes a meaningful role for state and local involvement in immigration—a structural preemption argument—this article argues that the Constitution allows immigration authority to be shared among levels of government. After establishing the rationale for this view of immigration authority, the article suggests that the constitutionality of state and local involvement should be assessed through the lens of traditional federalism values. A federalism lens does not necessarily validate any particular state and local regulation, but in lieu of the blunt tool of structural preemption, it is a far superior means for determining the proper allocation of immigration authority among levels of government, leading to a more nuanced assessment of the interests at stake.


The author argues that crime victims’ status as deportable aliens and the resulting possibility that they could at any time and by any person be reported to the authorities and deported, renders them vulnerable to abuse and exploitation by spouses, common criminals, corrupt government officials, border vigilantes, unscrupulous employers, and others. Unscrupulous employers often cheat unauthorized workers out of their wages and rely on fear of authorities and deportation resulting in many employees not reporting abuse. Similarly, undocumented women are reluctant to report criminal abuse to official authorities for the same reason. Undocumented immigrants are placed in a predicament in which they can turn the justice system only at high risk of being deported; many instead
decide to suffer in silence. Law enforcement sanctuary policies exemplify the limits of civil rights activism on the local level. The local sanctuary movement enables some unauthorized aliens to turn to law enforcement for protection against abuse in some localities. In most localities in the United States however, undocumented immigrants are still faced with the predicament that to report a crime is to risk deportation. Local sanctuary policies often are not well publicized or easy to access, and because they differ in neighboring jurisdictions, most undocumented immigrants even in sanctuary jurisdictions may not know that they are able to report a crime without risking deportation.


Lakoff and Ferguson argue that framing is at the center of the immigration debate and that the linguistic expressions used are anything but neutral. The paper analyzes the framing used in the recent national public debate on immigration and then suggests some alternative frames to highlight issues left out of the debate.

- MIRA. “Reframing the Immigration Debate: How the Massachusetts Immigrant and Refugee Advocacy Coalition Retooled its Communications Strategy.”

This report summarizes MIRA’s communications operations during the 2007 immigration raids in New Bedford, which focused on individuals rather than the policy concerning the immigration reform debate. For example, MIRA released pictures of children being separated from their parents and had members of the different immigrant communities relate their personal stories to the media. The report also outlines actions MIRA feels it should have taken from the onset of the immigration raids.


This study was prepared by the Offices of Research and Education Accountability, a state government agency in Tennessee, in order to assess the impact of undocumented immigrants on Tennessee state public policy. The report relies on national data and studies along with a survey of state agencies. It reiterates that immigrants are a net benefit to the economy and that undocumented immigrants are not eligible for most public benefits in Tennessee. The report suggests that the Tennessee General Assembly encourage the Federal government to take a stronger role in employment verification and other enforcement measures against undocumented immigrants.
In this article, Michael Olivas argues that the principle of federal preemption makes it unconstitutional for states to pass ordinances intended to regulate immigration. He cites Plyer v. Doe as an example, stating that although different state legislatures have attempted to overturn it, they have not been successful. Olivas also uses Kris Kobach’s argument that local police authorities have the authority to, and ought to, enforce all laws, even those affecting immigration and immigrants. Olivas argues that preemptory theory does not allow this and neither does Congress want to delegate immigration authority to state and local governments. Olivas concludes that nothing good can come from local and state level immigration-related proposals.


This article examines the question of whether local and state authorities have “inherent authority” to enforce federal immigration laws, or if they need legislative authorization (federal or state) to do so. Another question posed in the article is whether inherent authority is limited only to the immigration law enforcement that advances the “narrow anti-terrorism mission,” or if local authorities can expand their enforcement to all immigration laws. Some argue that local enforcement is necessary to “plug the holes” in the nation’s immigration system that garnered so much attention after September 11, 2001. Opponents counter that local enforcement will lead to less effective law enforcement as immigrant communities become distrustful of local police departments and less willing to report crimes or cooperate in criminal investigations. The author points to several problems within the inherent authority position—that state and local authorities have authority as sovereigns to enforce immigration laws. The non-uniformity intrinsic to the “inherent authority” position is a fatal flaw according the author because its position mandates creating a thousand borders—the result of allowing local authorities to decide for themselves whether to enforce immigration laws in their great diversity of state-level incarnations.


This article discusses how a growing number of legal proposals seek to shift the responsibility for enforcement of immigration laws to private parties—employers, landlords, and some commercial enterprises. Under these laws, private parties must ensure that they provide their goods and services only to those who are in the United States legally (or in the case of employers, that employees are also authorized to work). Private parties who fail to meet that responsibility face civil and criminal penalties. Legislative branches at all levels have conscripted private parties to join government authorities in enforcing immigration laws. The author argues that as enforcement
Responsibilities are spread to various private parties, confusion about the immigration law determinations these parties are obligated to make will be pervasive. Compounding the problem, few private entities are trained in the complexities of immigration law, making them prone to incorrect enforcement decisions – whether in good faith or discriminatorily in an effort to minimize legal liability.


This report seeks to advance our understanding of local government ordinances on issues related to unauthorized immigrant residents including day labor markets, housing, unlicensed businesses, and cooperation with federal immigration authorities. It also attempts to answer the question of why such ordinances are considered, passed, or fail to pass in some areas and not others. Some factors expected to explain the consideration and passage of restrictionist ordinances were demographic changes, labor market outcomes, and political factors.

The strongest explanation for restrictionist versus "pro-immigrant" proposals is the proportion of Republicans in the county. Controlling for demographic characteristics, Republican areas are twice as likely to propose restrictionist ordinances, and half as likely to propose "pro-immigrant" ones. Similar effects can be found for the actual passage of such legislation. Other factors such as the growth of the Hispanic population and the size of linguistically-isolated Spanish-speaking households, were not associated with a greater likelihood of proposing or passing restrictionist legislation. Thus, the authors find that demographic factors are not as important as political factors in accounting for local restrictions on unauthorized immigrants.


This article examines the effects of the use of racial profiling techniques in the local enforcement of immigration law in urban spaces. It is particularly concerned with immigration raids and how the manner in which they are carried out marks certain bodies as foreign to the nation – “suspect” on grounds of appearance and language rather than probable cause. The author uses the so-called “Chandler Roundup” of July 1997, as her case study, paying particular attention to the great number of those stopped and searched who were not undocumented immigrants at all. A number of points about immigration raids more generally are made based on this operation and the racial ethos that guided it. Romero shows the ways in which raids’ dependence on racial profiling serves to frighten, intimidate, and humiliate Latino people in general, relegating even Latino citizens to a second-class status. Further, they demean not only specific Latino people, but also “Mexicanness.” The effects include deterrence of Latinos from political participation, racialized identification of urban space, classification of immigrants as deserving and
undeserving by nationalities, and the prospect of driving a wedge that divides the Latino community on basis of citizenship status.


Evidence from census and other data shows that the incarceration rates among young immigrant men are consistently low. This holds especially true for Mexicans, Salvadorans, and Guatemalans who make up the bulk of the undocumented population in the United States. This report provides evidence that, in fact, those immigrants who are the least educated are also the ones who are less likely to be incarcerated. The authors discuss how the problem of crime in the United States is not caused or exacerbated by immigrants whether they are documented or undocumented. They proceed to argue that policy makers, the media, and the general public are under the misperception that the opposite is true and this severely limits the development of rational community and policy responses to creates more effective crime and immigration policies.


The author argues that states possess no power to regulate immigration and the federal government may not devolve by statute its own immigration authority. This power is exclusively a federal one and the state has no constitutional authority to regulate immigration. The article reviews the jurisprudence of state and federal anti-immigration discrimination law, and analyzes the approaches to federally-authorized, state-imposed discrimination against immigrants as well as analyzes their shortcomings. The author concludes that Congress’s 1996 effort to devolve its federal immigration power is constitutionally impermissible, and proposes that the post-1996 anti-immigration state welfare laws, like their pre-1996 counterparts, must be subjected to greater scrutiny.