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Recent Shifts in the Volume, Nature, and Scope of State Immigration Policies in the United States

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Abstract

We conducted a comprehensive categorization of state-level immigration policies from 2005–2014 and described for this period the nature of growth in state-level legislative activity, the ideological directions of the policies pursued, the breadth of topic areas covered, and the influences of states' geographical location, political party orientation, and historical experiences with immigration. Our assessment shows that while all states actively participated in this area of policy expansion, there also is substantial state-level variation in the underlying principles of implementation. Furthermore, past and current experiences with immigration and political party control of state legislatures, rather than proximity to the U.S. border, shaped the respective policy agendas adopted by states.

Keywords: immigration legislation; federalism; immigration control; immigration integration; policy research.

Introduction

Immigration has been an important, and often contentious, area of policymaking in many parts of the world over the past few decades (Collett, 2015; Guiraudon & Lahav, 2007; Kubrin, Zatz, & Martinez, 2012; Menjivar & Kanstroom, 2014; Varsanyi, 2010). This is especially true in the United States where immigration has been highly politicized (Moses, 2009). During the last decade, national debates and federal lawmaking related to immigration have grown in America, and this has increasingly been accompanied by policy actions that take divergent directions across individual states. The recent state-level changes in immigration legislation in America have been recognized in the literature (e.g., Arnold, 2015; Chavez & Provine, 2009; Ciment & Radzilowski, 2015; Laglagaron, Rodriquez, Silver, & Thanasombat, 2008; Lopes, 2014; Ybarra, Sanchez, & Sanchez, 2016), but there has been relatively little systematic

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assessment of these shifts, especially for legislation related to crime, law enforcement, and related issues.

In this paper, we document and evaluate changes in the volume and nature of state immigration bills and resolutions enacted from 2005 to 2014. We focus initially on summarizing overall state differences in immigration policy expansion during this period, and the degree to which there was variation in the direction that the legislation took (i.e., restrictive, permissive, or neutral in granting rights and benefits to immigrants). We then assess changes in immigration policy within different domains, emphasizing shifts in legislation directed at enforcement of immigration law, crime and justice, and intersecting issues (i.e., education, employment, public benefits, and other issues). Finally, we explore possible heterogeneity in state immigration legislation by region, adjacency to a national border, history of immigrant population growth, and state political party dominance.

Federal and State Legislation on Immigration

In the United States, the boundary between federal and state control of immigration policy is actively debated. Although immigration legislation is a mandated federal domain (Rodriguez, 2008), the states have taken on an increasingly active role in legislation over the past 15 years (Varsanyi, 2010). Some scholars have emphasized shifts in “economic conditions, rates of immigration, demographics, party control [by a single political party], and political institutions” to explain the rise in state legislative activity (e.g., Boushey & Leudtke, 2011, p. 390). Others have noted the conspicuous timing of the recent growth in state involvement in immigration legislation, which can be traced to resolutions passed in the aftermath of the terrorist attacks of September 11, 2001 (9/11), suggesting that this event reignited historically rooted rhetoric that linked immigration issues to policy discussions about national security (Chacon, 2007; Welch, 2012). Immigration enforcement programs like the Criminal Alien Program (CAP), Secure Communities, and 287(g) have become increasingly important components of American immigration policy post-9/11, suggesting a blurring of the boundary between federal and state enforcement (Kubrin et al., 2012; Varsanyi, Lewis, Provine, & Decker, 2012).

Because of data limitations, however, the scope and nature of the expansion of contemporary state immigration policies rarely have been addressed systematically. While there have been noteworthy efforts to document state-level immigration policies (e.g., Arnold, 2015; Chavez & Provine, 2009; Ciment & Radzilowski, 2015; Laglagaron et al., 2008; Lopes, 2014; Ybarra et al., 2016), few databases are publicly accessible that provide a comprehensive view of state immigration legislation over an extended time period after 9/11. Since information about state immigration policy is scattered over the literature in

different fields, one may be well aware of highly publicized state policies like California's Proposition 187 and Arizona's S.B. 1070, but miss important legislation in the other 48 states and the District of Columbia. This paper offers a systematic assessment of state-level immigration legislation from 2005–2014 to help paint a much needed (and more accurate) picture of immigration policy activity nationally.

Methods

Data Sources

The National Conference of State Legislatures (NCSL) is the main source of raw data for our study. In 1992, the NCSL initiated the Immigration Policy Project to perform nonpartisan research on state immigration legislation. As part of the project, the NCSL published annual lists of immigration policies since 2005, which corresponds to the point at which state involvement in immigration legislation began to move from “a trickle” to “a flood” (Varsanyi, 2010, p. 3). We reviewed the NCSL's annual publications and supplemental reports from 2005–2014 to create a data set where each policy was coded by state, type of policy (bill or resolution), subject category, and ideological direction. In the event the NCSL's description did not provide sufficient information, other online sources (e.g., news articles, LexisNexis search) were used to complete the coding.¹ We also compared the NCSL lists to other state-level data sources to ensure the completeness of the data (i.e., searches via FindLaw and American Civil Liberties Union [ACLU]; review of reports published by the National Immigration Law Center [NILC] and the Catholic Legal Immigration Network, Inc. [CLINIC]).

Classification and Coding Scheme

Our coding and classification of state immigration policies extends prior efforts by distinguishing between bills and resolutions, applying more detailed counting rules, adopting a finer-grained coding system to denote the nature of the legislation (i.e., restrictive, permissive, and neutral), and using a broader approach to classifying legislation into topical domains.

Assessments of immigration policy often conflate bills and resolutions (e.g., Laglagaron et al., 2008), which may distort conclusions about state ideology because the two types of policy actions indicate different legislative intent. Bills have the force of law, whereas resolutions, with some exceptions, take the form of a “sentiment or intent of the legislature or a chamber” to indicate a view the

¹ We used two coders (the first author and a graduate student trained on the coding scheme) and computed intercoder agreement on a random set of 100 policies to ensure the quality of the data. The two coders agreed on 96.5% of the coding assignments (Kappa = 1.0 for type of policy; .81 for subject category; .85 for ideological direction). All disagreements were resolved via joint discussion.



body might have concerning a topical issue (NCSL, n.d.). These resolutions are symbolic in nature and most frequently do not contain an enforcement component. We therefore separately analyze bills and resolutions.

The counting rule applied to omnibus immigration policies is another important consideration. For instance, the NCSL Immigration Policy Project includes “omnibus” policies as an individual topic area, whereas other scholars divide these policies by their topics in respective clauses in those omnibus bills (e.g., Ybarra et al., 2016). Omnibus legislation causes ambiguity in the description of state level policies because they typically regulate multiple aspects of immigration policies. The total count of state-level policies may be inaccurate if an omnibus policy is counted as a single legislative act without examining the division of individual clauses or if individual clauses are included in the total count when nullified by the line-item veto process. Moreover, when those individual clauses are not categorized into their respective topic areas, this may result in a substantive misinterpretation of those policy areas. To avoid these potential traps, we code each clause in omnibus bills as a separate piece of legislation.

We also classify immigration bills and resolutions according to the specific subject or issue to which they are directed. Some scholars have argued that state immigration policies are best understood as those that control the inflow of new immigrants or those that integrate already-resident immigrants into communities (Boushey & Leudtke, 2011), but for our purposes a more intricate coding was needed. Following Laglagaron et al. (2008), we identified each policy as relevant to one of eighteen subjects: (1) enforcement of immigration law, disaggregated by relevance to federal cooperation, state enforcement of immigration law, prohibition of sanctuary cities, prohibition of state enforcement of immigration law, and other policy; (2) criminal justice and new offenses; (3) human trafficking; (4) firearm permits; (5) employment, including subcategories identifying policies about criminal penalties for hiring unauthorized workers, civil penalties and license revocation for hiring unauthorized workers, hiring practices of companies with state contracts, professional and commercial licenses, employment benefits, and other; (6) education, disaggregated by relevance to K-12 grades, higher education, adult education, and other policy; (7) public benefits eligibility; (8) housing; (9) health care; (10) identification; (11) language and other measures for immigrant integration; (12) family law; (13) regulation of immigrant service providers; (14) voting; (15) resolutions to the federal government; (16) requests for federal reimbursement; (17) task forces and studies; and (18) other miscellaneous topics. The first five of these are most directly relevant to crime and law enforcement, so we devote special attention to them. However, many other categories are connected to these concerns as well (e.g., education, public benefits eligibility, and housing), so we take a broad approach in the analysis.

Finally, we go beyond previous classification efforts of immigration legislation by coding each bill or resolution as restrictive, permissive, or neutral. Others have utilized the simpler dichotomy of permissive versus restrictive policies (Chavez & Provine, 2009; Lopes, 2014; Ybarra et al., 2016). This strategy may mask important patterns because it does not represent policies that are neutral in their effects on immigrant rights and benefits, such as state regulations on professional licenses for businesses serving immigrant communities (when the purpose is to clarify and not to limit or expand access to those businesses) or state efforts to clarify court procedures for cases involving immigrants. As these policies neither limit nor enhance immigrants' rights and opportunities, a separate category of neutral policies better describes their intention. Thus, we adopted the broader approach of coding the ideological direction of each bill and resolution in our database as restrictive, permissive, or neutral.

We defined *restrictive policies* as those that support or enforce restrictive immigration legislation and decrease access to state resources and services. Conversely, *permissive policies* are those that promote tolerance and integration of immigrants, support non-enforcement of federal immigration policies, and/or increase the availability of resources for immigrants (e.g., health care, education, public benefits, etc.). *Neutral policies* are those related to immigration, but which do not restrict or permit access to rights and benefits, do not address enforcement of immigration law, and are considered neutral in the impact that these policies have on the rights and benefits of immigrants.²

Results

State-level policy expansion

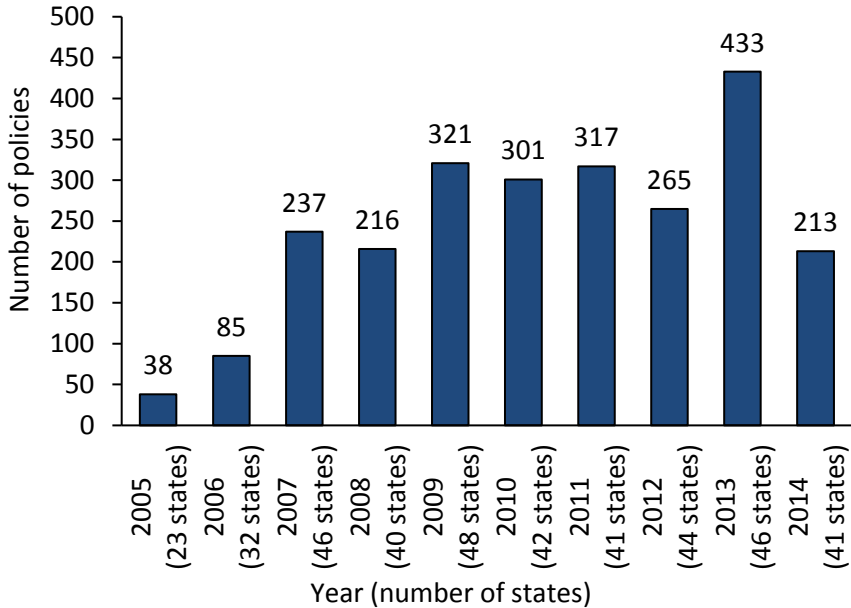
The data show a high level of state-level policy expansion after 2006, as depicted by Figure 1. State legislation activities were initially relatively low in 2005, but since 2007 the states have considerably expanded their legislative efforts, and a total of 2,426 policies were enacted in the ten-year period. In 2013 there was a large increase in state policies enacted after the Supreme Court issued its decision regarding Arizona's S.B. 1070 and the Obama Administration announced the establishment of Deferred Action for Childhood Arrivals (DACA) to defer immigration enforcement action against certain eligible unauthorized immigrants who entered the United States as children. Although the number of policies enacted in 2014 decreased, the number of states passing

² Each policy was coded only once in the data set with two exceptions: (1) if a policy contained multiple clauses that fell in more than one subject category (i.e., omnibus legislation), or (2) if the policy included both restrictive and permissive aspects. In these cases, the policy was coded for each clause or for each ideological direction. As pointed out by Ybarra et al. (2016), large multipart laws aimed at dealing with different aspects of the lives of immigrants indicate a greater intention of the state to regulate immigration. Our decision to code such legislation into multiple policies provides a more precise portrayal of state legislation.

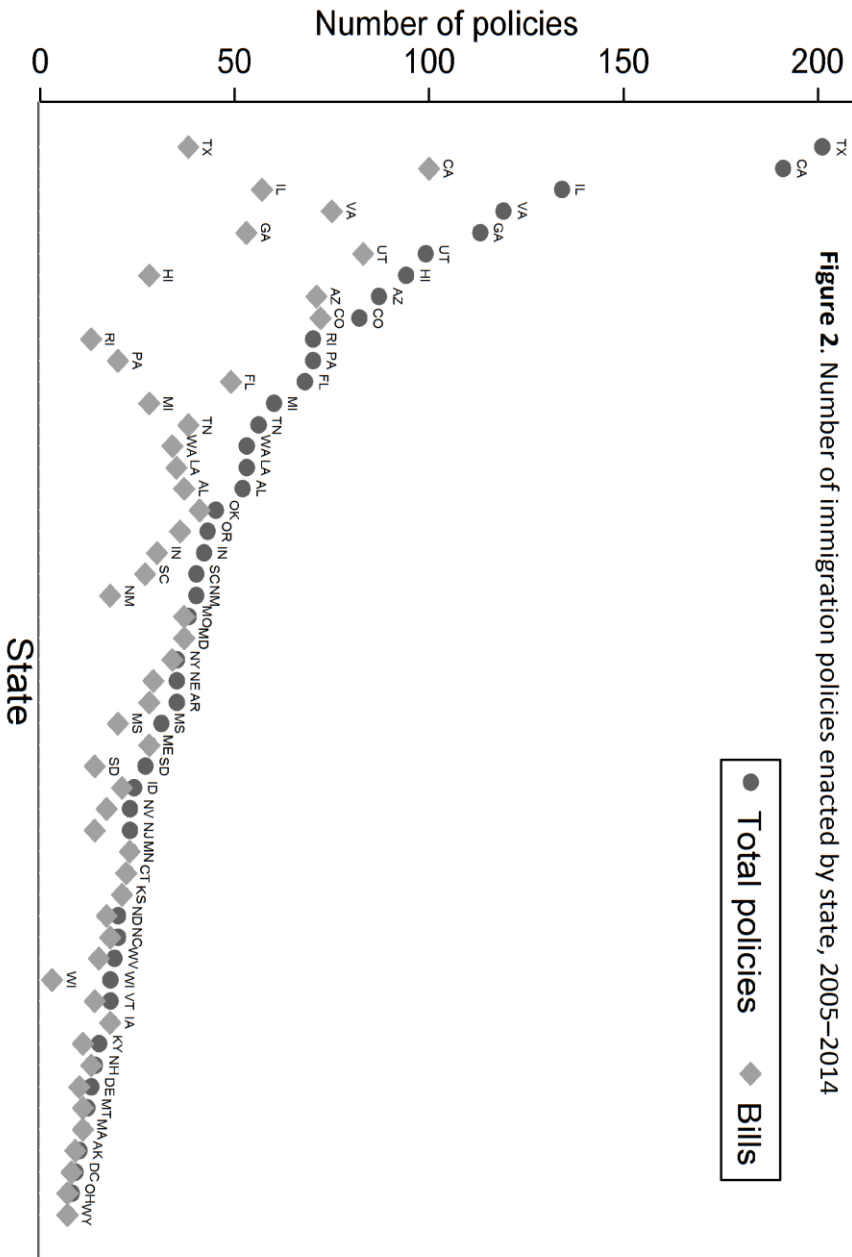


any immigration-related policies remained large ($n=41$), showing the continuing significance of immigration-related issues for the states.

Figure 1. Number of state immigration policies enacted by year, 2005–2014



The increase in immigration policies from 2005–2014 is not driven by just a few states. Instead, all states exhibited some form of involvement in this policy area at some point over the period (see Figure 2). Although states such as Texas and California were clearly more active than others, none of the states enacted more than 10% of total policies (e.g., Texas: 8.3% and California: 7.9%). The ranking of states depends on whether one is counting total policies (i.e., bills and resolutions) or just bills. Active states enacted a large number of resolutions in addition to bills, while bills were the dominant form of legislation in less active states.



(exceptions were the District of Columbia, and three states—Alaska, New York, and North Carolina—where very few resolutions were put forth). Bills, in contrast, were much more mixed in ideology. Taking Texas as an example, 53% of bills in Texas were restrictive, compared to 26% of bills that were permissive and 21% neutral. Texas would have appeared more permissive, had one examined all enacted policies (bills and resolutions combined). Given that bills have enforcement components and resolutions do not, Texas is more restrictive in the implementation of policies that are likely to impact the lives of immigrants.

Across states, the ideological directions of bills and resolutions are weakly correlated. The product-moment correlation between *% restrictive bill* and *% restrictive resolution* was $-.24$; the corresponding correlation between *% permissive bill* and *% permissive resolution* was even weaker ($r = -.10$). Therefore, a separate analysis is necessary for bills and resolutions.

Subjects of policies

Of the five categories that are most directly relevant to crime and law enforcement (see Table 2, categories 1-5), the most frequently occurring topic is enforcement of immigration law, in which 37 states enacted policies in this subject area during the period under review, and the policies were frequently restrictive. Federal cooperation (in which states direct local municipalities to cooperate with the federal government in the enforcement of immigration laws using measures such as signing Memorandums of Agreement [MOA]) was most common, followed by fewer but still ample numbers of states authorizing independent state enforcement of immigration laws. There were a smaller but still notable number of policies that prohibit state enforcement of immigration laws. In comparison, during the period studied, the states only infrequently enacted policies regarding sanctuary cities, as such policies are more often proposed or implemented at the substate, local level.

Many states (39) also have devoted considerable efforts to address aspects of the criminal justice system, including creating immigration-related criminal offenses (both misdemeanor and felony) and regulating criminal justice procedures. While states tend to be more restrictive than permissive in this policy area, their policies in the human trafficking arena are largely permissive, which emphasize providing services to immigrant victims of trafficking, increasing the penalties for the offense, and protecting the labor rights of immigrants. In the gun-control arena, states again tend to be more restrictive than permissive, and 20 states enacted policies to consider the issuance of firearm permits to immigrants depending on their immigration status. Finally, restrictive policies are also popular for employment legislation, but it was rare for states to use criminal penalties to regulate the hiring practice of employers. Instead, policies in the employment area mostly fall in the civil (e.g., application

Table 1. Ideological directions of immigration policies by state, 2005–2014

State	No. of total policies	Restrictive (–); Neutral (0); Permissive (+)								
		% of total policies			% of bills			% of resolutions		
		–	0	+	–	0	+	–	0	+
Texas (TX)	201	12	8	80	53	21	26	2	5	93
California (CA)	191	13	3	84	23	5	72	1	1	98
Illinois (IL)	134	14	10	76	28	16	56	4	5	91
Virginia (VA)	119	34	17	50	52	16	32	2	18	80
Georgia (GA)	113	31	6	63	62	13	25	3	0	97
Utah (UT)	99	48	16	35	55	14	30	13	25	63
Hawaii (HI)	94	10	7	83	32	11	57	0	6	94
Arizona (AZ)	87	62	10	28	68	13	20	38	0	63
Colorado (CO)	82	43	9	49	49	8	43	0	10	90
Rhode Island (RI)	70	3	11	86	15	31	54	0	7	93
Pennsylvania (PA)	70	11	1	87	40	5	55	0	0	100
Florida (FL)	68	28	21	51	37	27	37	5	5	89
Michigan (MI)	60	32	8	60	61	11	29	6	6	88
Tennessee (TN)	56	52	13	36	74	11	16	6	17	78
Washington (WA)	53	13	9	77	21	15	65	0	0	100
Louisiana (LA)	53	30	17	53	40	11	49	11	28	61
Alabama (AL)	52	40	27	33	43	38	19	33	0	67
Oklahoma (OK)	45	49	13	38	54	10	37	0	50	50
Oregon (OR)	43	40	12	49	44	14	42	14	0	86
Indiana (IN)	42	40	12	48	57	17	27	0	0	100
South Carolina (SC)	40	63	5	33	78	7	15	31	0	69
New Mexico (NM)	40	33	13	55	33	11	56	32	14	55
Missouri (MO)	38	42	5	53	43	5	51	0	0	100
Maryland (MD)	37	24	22	54	24	22	54	-	-	-
New York (NY)	35	26	17	57	24	18	59	100	0	0
Nebraska (NE)	35	57	14	29	69	14	17	0	17	83
Arkansas (AR)	35	40	17	43	46	14	39	14	29	57
Mississippi (MS)	31	48	10	42	75	15	10	0	0	100
Maine (ME)	28	39	11	50	39	11	50	-	-	-
South Dakota (SD)	27	33	11	56	43	14	43	23	8	69
Idaho (ID)	24	63	13	25	67	14	19	33	0	67
Nevada (NV)	23	22	35	43	29	35	35	0	33	67
New Jersey (NJ)	23	17	9	74	29	14	57	0	0	100
Minnesota (MN)	23	39	4	57	39	4	57	-	-	-
Connecticut (CT)	22	27	14	59	27	14	59	-	-	-
Kansas (KS)	21	62	5	33	62	5	33	-	-	-
North Dakota (ND)	20	35	15	50	35	18	47	33	0	67
N. Carolina (NC)	20	55	20	25	56	22	22	50	0	50
West Virginia (WV)	19	42	11	47	53	13	33	0	0	100
Wisconsin (WI)	18	11	6	83	67	33	0	0	0	100
Vermont (VT)	18	22	11	67	29	14	57	0	0	100
Iowa (IA)	18	44	11	44	44	11	44	-	-	-
Kentucky (KY)	15	20	20	60	27	27	45	0	0	100
N. Hampshire (NH)	14	57	29	14	62	23	15	0	100	0
Delaware (DE)	13	15	15	69	20	10	70	0	33	67
Montana (MT)	12	58	8	33	64	0	36	0	100	0
Massachusetts (MA)	11	18	0	82	18	0	82	-	-	-
Alaska (AK)	10	40	20	40	33	22	44	100	0	0
D. Columbia (DC)	9	11	22	67	0	25	75	100	0	0
Ohio (OH)	8	25	25	50	29	14	57	0	100	0
Wyoming (WY)	7	71	14	14	71	14	14	-	-	-



of fines for the employment of unauthorized immigrants), non-criminal domain. In total, immigration policies directly relevant to crime and law enforcement (categories 1-5, excluding employment-related policies in the civil domain) represented a steady 15-20% of state immigration policies enacted each year since 2007 except for 2013, when the states enacted a higher percentage of policies unrelated to crime and law enforcement (90%) following changes at the federal level after DACA.

Of the other categories in Table 2, states are more mixed in their ideological directions. A notable example, education, is a subject area where policies are more permissive than restrictive. Many states (31) are extending educational access to immigrants, even if their attitudes in other policy areas are restrictive. This has positive implications for the education of immigrants, both at the K-12 (51% of permissive education policies) and higher education levels (37% of permissive education policies). In other subject areas, such as public benefits eligibility, housing, and health care, permissive policies are similarly popular. Clearly, both types of policies, restrictive and permissive, are important for understanding the scope of state legislation in these important domains of life related to immigration.

Relation of state location, immigration patterns, and political party to policy ideology

To understand how state legislation is influenced by geographic location and experiences with immigration, we coded the region (i.e., West, South, Midwest, and Northeast) and whether a state shares a border with Mexico or Canada. Much of the national debate on immigration in America during this period has centered on conditions and policy actions in the Western, Southern, and Midwestern regions of the country, so it is instructive to consider regional differences. Additionally, we compare border and non-border states because the policy debate on immigration has focused largely on border states and particularly immigration to southern border states from Latin America, due to the large presence of immigrants and the economic and social conflicts in those areas (e.g., Berk, Schur, Chavez, & Frankel, 2000; Cornelius, 2005).

We also explored how immigration policy is shaped by the immigration population growth history of states, adopting a typology developed by Suro and Singer (2002) to determine whether a state is a traditional, newly emerging, or small immigrant state.³ Traditional states are those where the 1980 immigrant population exceeded the then national average of 6% (a total of 12 states, including California, New York, Texas, Florida, New Jersey, and Illinois, which are long established immigrant settlement areas and housed 71% of immigrants

³ Suro and Singer (2002) used the typology to study the pattern of Latino population growth, while we used it to study the growth of the immigrant population.

Table 2. State immigration policy topics and ideological directions, 2005–2014
Restrictive (–); Neutral (0); Permissive (+)

Subject category	No. of states	No. of Bills			No. of Resolutions				
		Total	–	0	+	Total	–	0	+
(1) Enforcement of immigration law	37	121	93	6	22	8	5	2	1
Federal cooperation	24	59	57	1	1	1	1	0	0
State enforcement of immig. law	18	37	28	2	7	0	0	0	0
Prohibit enforcement of immig. law	11	14	2	2	10	2	2	0	0
Prohibit sanctuary cities	3	3	2	0	1	0	0	0	0
Other	11	8	4	1	3	5	2	2	1
(2) Criminal justice & new offenses	39	105	66	9	30	0	0	0	0
(3) Human trafficking	37	93	2	14	77	6	0	0	6
(4) Firearm permits	20	38	24	11	3	0	0	0	0
(5) Employment	49	276	165	44	67	7	1	1	5
Criminal penalties	1	1	1	0	0	0	0	0	0
Civil penalties	6	10	8	0	2	0	0	0	0
State contracts	13	16	14	2	0	0	0	0	0
Professional/commercial licenses	31	87	39	18	30	0	0	0	0
Employment benefits	29	52	36	7	9	0	0	0	0
Other	38	110	67	17	26	7	1	1	5
(6) Education	39	131	32	14	85	8	0	0	8
K-12	28	65	10	8	47	5	0	0	5
Higher education	29	61	21	5	35	2	0	0	2
Adult education	2	2	1	0	1	1	0	0	1
Other	2	3	0	1	2	0	0	0	0
(7) Public benefits eligibility	39	135	60	9	66	3	1	2	0
(8) Housing	6	9	3	3	3	1	0	0	1
(9) Health care	36	112	41	13	58	1	0	1	0
(10) Identification	43	164	98	26	40	1	1	0	0
(11) Language measures for integration	31	75	10	4	61	10	0	0	10
(12) Family law	22	38	8	10	20	0	0	0	0
(13) Regulating immigrant service	21	34	20	8	6	1	0	1	0
(14) Voting	13	27	19	5	3	0	0	0	0
(15) Resolutions to federal government	29	0	0	0	0	115	24	5	86
(16) Federal reimbursement requests	9	6	4	2	0	7	2	2	3
(17) Task forces & studies	24	25	6	11	8	29	3	9	17
(18) Other miscellaneous topics	45	111	29	23	59	729	15	37	677

in the United States in 2010). New immigrant states are states with a small immigrant base population in 1980, but experienced a large growth of immigrant population from 1980 to 2010 (i.e., larger than the national average



growth rate of 175%).⁴ Small immigrant states, in contrast, had a small base and limited growth in their immigrant populations in the decades since 1980. Of the three types of states, new immigrant states face arguably the largest challenges in immigration because of an increasingly large demand in services combined with a relative lack of infrastructure to deal with immigration issues (Waters & Jimenez, 2005). As a result, these states' policy actions toward immigration may have been more restrictive during the period than those observed in traditional and small immigrant states.

Finally, we explored the role of state political party control on immigration legislation. State political party orientation is measured by the political affiliation of a state's governor and that of state legislature (whether Republicans or Democrats hold a majority in both chambers of a state legislature).⁵

Comparing states' adjacency to a national border, Table 3 shows that border states (Mexican or Canadian) are no more restrictive than non-border states. Border states (especially Canadian border) are actually somewhat more permissive in their immigration policies, but the difference is statistically significant only for Canadian-border states in some subject areas (i.e., all bills combined, criminal justice and new offenses, and employment), and there is no significant difference between Mexican and Canadian borders in any of the comparison conducted.

States' immigration patterns, however, show a larger impact on states' ideology in immigration policies. New immigrant states are considerably more restrictive than traditional states (see bills and resolutions in Panel A, and many of the subject areas in Panel B). New states also are more restrictive than states with low immigration (small immigrant states), although the difference is smaller and generally not statistically significant.

The Republican control of the states' legislatures is associated with more restrictive immigration policies enacted, as Table 3 Panel A and Table 3 Panel B show for all bills combined, and for several important subject areas (firearm permits, employment, and public benefits edibility). The party affiliation of the governors has a similar impact, but the effect size is much smaller, suggesting that the role played by state governors is less important than that of state legislatures.

⁴ Our conclusions are the same if we use immigration growth from 1990 to 2010 to define new immigration states.

⁵ For Nebraska's unicameral non-partisan senate we used the Nebraska Blue Book to identify party affiliations of Nebraska legislators (<http://nebraskaccess.ne.gov/bluebookbios.asp>). For the District of Columbia we examined the party affiliation of the Mayor and the Council. Due to space constraints, a more comprehensive assessment of factors related to state differences in immigration policy is not feasible in this paper. We highlight the utility expanding the analysis and suggest potentially fruitful directions for such research in the concluding section of the paper.

Table 3 - Panel A. Immigration policy ideological directions and state characteristics, 2005–2014

	Panel A	
	Bills (% restrictive)	Resolutions (% restrictive)
Mexican border states	43	6
Canadian border states	40	4
Other states	49	6
<i>Difference (Mexico – other)</i>	$43 - 49 = -6$	$6 - 6 = 0$
<i>Difference (Canada – other)</i>	$40 - 49 = -9$ **	$4 - 6 = -2$
Traditional states	29	2
New states	52	12
Small immigrant states	48	5
<i>Difference (new – traditional)</i>	$52 - 29 = 23$ ***	$12 - 2 = 10$ ***
<i>Difference (new – small)</i>	$52 - 48 = 4$	$12 - 5 = 7$ *
Republican governors	52	5
Democratic governors ^a	39	7
Other governors	25	0
<i>Difference (Republican – Democrat)</i>	$52 - 39 = 13$ ***	$5 - 7 = -2$
<i>Difference (Democrat – other)</i>	$39 - 25 = 14$	$7 - 0 = 7$
Republican legislature	57	6
Democratic legislature ^a	33	4
Split legislature	50	7
<i>Difference (Republican – Democrat)</i>	$57 - 33 = 24$ ***	$6 - 4 = 2$
<i>Difference (Split – Democrat)</i>	$50 - 33 = 17$ ***	$7 - 4 = 3$
South	50	6
Midwest	46	6
West	44	7
Northeast	31	1
<i>Difference (South – Northeast)</i>	$50 - 31 = 19$ ***	$6 - 1 = 5$ *
<i>Difference (Midwest – Northeast)</i>	$46 - 31 = 15$ **	$6 - 1 = 5$ *
<i>Difference (West – Northeast)</i>	$44 - 31 = 13$ **	$7 - 1 = 6$ **

Note: Chi-squared tests are used for significance tests of percentages; * $p < .05$; ** $p < .01$; *** $p < .001$

a The results are similar whether the District of Columbia is included in the analysis or not.

b Only bills are analyzed, because there are too few resolutions in the categories for the analysis, as indicated by Table 2.



Table 3 - Panel B. Immigration policy ideological directions and state characteristics, 2005–2014

	Panel B: Bills by subject ^b					
	Enforcement of Immigration law (% restrictive)	Criminal justice & new offenses (% restrictive)	Human trafficking (% restrictive)	Firearm permits (% restrictive)	Employment (% restrictive)	Public benefits eligibility (% restrictive)
Mexican border states	84	53	0	11	53	42
Canadian border states	71	45	0	0	48	49
Other states	77	70	3	30	66	43
<i>Difference (Mexico – other)</i>	84 – 77 = 7	53 – 70 = -17	0 – 3 = -3	11 – 30 = -19	53 – 66 = -13	42 – 43 = -1
<i>Difference (Canada – other)</i>	71 – 77 = -6	45 – 70 = -25 *	0 – 3 = -3	0 – 30 = -30	48 – 66 = -18 **	49 – 43 = 6
Traditional states	57	57	0	6	44	32
New states	82	65	4	33	64	51
Small immigrant states	80	60	0	25	63	46
<i>Difference (new – traditional)</i>	82 – 57 = 25 *	65 – 57 = 8	4 – 0 = 4	33 – 6 = 27 *	64 – 44 = 20 *	51 – 32 = 19 *
<i>Difference (new – small)</i>	82 – 80 = 2	65 – 60 = 5	4 – 0 = 4	33 – 25 = 8	64 – 63 = 1	51 – 46 = 5
Republican governors	79	64	2	29	62	49
Democratic governors ^a	75	63	3	15	57	40
Other governors	-	0	-	0	100	-
<i>Difference (Republican – Democrat)</i>	79 – 75 = 4	64 – 63 = 1	2 – 3 = -1	29 – 15 = 14	62 – 57 = 5	49 – 40 = 9
<i>Difference (Democrat – other)</i>	-	63 – 0 = 63	-	15 – 0 = 15	57 – 100 = -43	-
Republican legislature	82	66	2	46	68	55
Democratic legislature ^a	70	61	2	4	46	34
Split legislature	79	33	0	50	70	42
<i>Difference (Republican – Democrat)</i>	82 – 70 = 12	66 – 61 = 5	2 – 2 = 0	46 – 4 = 42 **	68 – 46 = 22***	55 – 34 = 21*
<i>Difference (Split – Democrat)</i>	79 – 70 = 9	33 – 61 = -28	0 – 2 = -2	50 – 4 = 46 *	70 – 46 = 24 *	42 – 34 = 8
South	78	74	3	19	65	44
Midwest	71	70	0	38	65	56
West	81	56	4	9	56	42
Northeast	70	44	0	33	40	25
<i>Difference (South – Northeast)</i>	78 – 70 = 8	74 – 44 = 30 *	3 – 0 = 3	19 – 33 = -14	65 – 40 = 25 *	44 – 25 = 19
<i>Difference (Midwest – Northeast)</i>	71 – 70 = 1	70 – 44 = 26	0 – 0 = 0	38 – 33 = 5	65 – 40 = 25 *	56 – 25 = 31 *
<i>Difference (West – Northeast)</i>	81 – 70 = 11	56 – 44 = 12	4 – 0 = 4	9 – 33 = -24	56 – 40 = 16	42 – 25 = 17

Note: Chi-squared tests are used for significance tests of percentages; * p < .05; ** p < .01; *** p < .001

a The results are similar whether the District of Columbia is included in the analysis or not.

b Only bills are analyzed, because there are too few resolutions in the categories for the analysis, as indicated by Table 2.

We also observed regional differences, as states in the South, Midwest, and West are more restrictive in their immigration policies than are states in the Northeast. These differences are not surprising given that many places in the South, Midwest, and West have been the fast growing immigrant-receiving areas in the decades since 1980. In an unreported logistic regression analysis we found that when all of the state characteristics were included simultaneously, the estimated effect of *new immigrant state* (vs. traditional state) remained substantial, as did the effect of *Republican state legislature control*, while the effects of other variables (region and adjacency to a national border) were negligible.

Conclusion

Creating and evaluating a comprehensive catalogue of state immigration policies after 9/11 highlights the complexity of this area of policy innovation. The ideological direction of policy implementation within states is not consistent across topic areas and appears to depend on different types of legislation (bills and resolutions) and multiple perspectives in the states' responses to different immigration related issues (crime and justice related, or policies in non-criminal domains). Furthermore, the states' political agendas are not predicted by the states' proximity to the U.S. border, but are more likely to reflect the states' immigration patterns (new, traditional, or small) and political parties' control of the state legislatures.

By examining the trend of state immigration policies over time, this study's findings suggest that state legislation is formed at least in part as a response to federal laws and are symptomatic of the multi-level government system. For example, the peak of state legislation in 2013 corresponded to the Supreme Court case involving Arizona's S.B. 1070 and the federal program, DACA. Additionally, the regional differences observed (consistent with the pattern of the development of new immigrant areas in many Southern, Midwestern, and Western states) point to the fact that new immigrant areas likely face greater challenges in integrating and serving immigrants, as these places do not have (or have less) prior experience to rely on, leading to an increase in the restrictive policies enacted in those areas. Therefore, future research should examine how closely immigration policy decisions made by the states are correlated with federal actions and with state-level experiences with the entry of immigrants.

Another component of these shifts in immigration policy is the ways in which such legislation will impact immigrants, as well as the native population, living within these various legal and political contexts of reception. For example, the enactment of restrictive law enforcement and employment policies in new immigrant destinations and states under Republican control are likely to create barriers for immigrants to integrate, limit their ability to contribute to the receiving community, and in some occasions force the move of immigrants from more restrictive to more permissive jurisdictions. There is some evidence



of these effects from research conducted in Maryland, Delaware, Virginia, North Carolina, and other states (e.g., Daamen & Doomernik, 2014; Dunn, Aragonés, & Shivers, 2005; Zúñiga & Hernández-León, 2005). One of the unmistakable and consistent themes throughout the results of this paper is the complexity of state immigration policies and the level of intricacy involved in understanding the volume, nature, and scope of this legislative area. For example, states may appear permissive in their actions towards certain aspects of immigrant adaptation (e.g., education); yet, investigation by topic area or legislative format (bill or resolution) highlights that a favorable appearance toward immigrants cannot necessarily be accepted at face value. The translation of these intricacies onto the individuals living in these states is likely complex and may be difficult to understand without knowledge of how various components of state policies interact with each other.

Hence, in future research, it is important to develop and compare classification procedures to clarify our understanding of the reception of immigrants in the United States in identified policy domains, and discern the trends and management of state-based immigration issues as the states continue their participation in this area of legislation. Our research takes an important step in doing so, while also laying an important foundation for future inquiry that builds on prior research (e.g., Ybarra et al., 2016) on the complex set of forces (e.g., trends in the authorized and unauthorized immigrant populations, the extent of labor market competition between immigrants and natives, and political party representation) that may be driving contemporary changes in state immigration policy legislation. Such investigations should prove especially useful for tracking the impact of recent social and political shifts in the United States on legislative activity directed at immigration issues.

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