

Members by Design: How U.S. Immigration Policies
Shape Mass Public Beliefs About American Membership

A DISSERTATION
SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL
OF THE UNIVERSITY OF MINNESOTA
BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

Dara Strolovitch and Joe Soss

October 2011

Acknowledgements

I am very grateful to have people in my life who have supported this project and sustained my motivation and confidence to finish it. The dead-ends, bumps, distractions, and rough patches on the road to completing the dissertation were only bearable due to the smart, caring, interesting, and thoughtful people I met along the way. While (as many of my friends and family know) it is quite easy for me to focus on the negatives and the many ways I have fallen short, I have a much easier time thanking the people who believed in me and invested a great deal of time making sure I succeeded.

My interest in politics started at the Maxwell School of Citizenship and Public Affairs at Syracuse University. I thank Suzanne Mettler and Rogan Kersh for initially getting me interested in the politics of public policymaking, but more importantly, for encouraging me to pursue graduate education in political science. Len Lopoo provided me a great opportunity to see what social scientific research was all about and demonstrated how it is possible to be a talented researcher and attentive teacher.

The political science program at the University of Minnesota was a perfect place for me to continue my academic interests. My success in graduate school would not have ever been possible without the support and guidance I received from Dara Strolovitch from day one. After arriving at Minnesota and then dissertating remotely in Madison, Dara always took the time or found the time to help me, even when I needed to vent or had no clear picture of what question in which I was interested in answering (which was most of the time). No matter what issues or disconnected thoughts I brought, Dara encouraged me to focus on the bigger picture of why politics matter and how we should not only connect our work to debates over social justice and equality, but also have the

courage to challenge how mainstream society defines those concepts. Day-to-day, Dara helped me formulate, articulate, and then re-articulate this project in new and important ways. One of my favorite pieces of advice that Dara gave me was that you “gotta have your own hairdo.” As I try to distinguish myself and my work in the early stages of my career, I am fortunate to have Dara as a standard for originality and leadership in the discipline.

I also owe many thanks to Joe Soss, who has provided so much support and constructive feedback during the short amount of time I have known him. Even before arriving at Minnesota, his research influenced my interest in political science since my days at Syracuse. Joe has been a constant source of creative energy and inspiration. He has helped me think about politics in new and exciting ways, challenging me to think more deeply about not only my dissertation but about our place as scholars and advocates. Joe once told me: “There are a lot of political scientists out there. Be an interesting one.” Joe certainly lives by the words he preaches. He has taught me well that life would be a complete waste if we spent our time just studying politics.

I am also indebted to Scott Abernathy, Chris Federico, and Erika Lee who have been supportive committee members. I owe a lot of thanks to Scott who developed and expanded my interest in policy and bureaucratic politics, as well as partnered with me in a summer research project on the Americanized educational system in the Philippines. I was fortunate to have Scott as an advocate and another constant source of support throughout my time at Minnesota. I want to thank Chris, for always being available and patient with me after my barrage of emails asking methods-related questions. Beyond methods, Chris enhanced my graduate education through his impressive knowledge of

race and inequality across various social science disciplines including politics, psychology, political theory, and history. Finally, much thanks to Erika, who is the newest member of my committee. Erika is another scholar whose work has always influenced me outside of my graduate training in political science. I am grateful to her willingness to serve on my committee and I am fortunate to have her expertise in immigration reflected in this dissertation.

My Minnesota experience and education would not be complete without a group of people who have provided a strong support network. I want to give special thanks to Logan Dancey, Laura Baum, Chris Chapp, and Erica Owen. In addition, I want to thank David Forrest, Henriët Hendriks, Matt Hindman, Mark Hoffman, Moira Lynch, Cassie McMahon, Ryan Nagle, Kjersten Nelson, Anthony Pahnke, Libby Sharrow, and Geoff Sheagley. Thanks so much for a range of different things from providing a place to stay while I was in town, giving feedback on papers, to just being interesting and kind people with which to associate. I am simply a better person for having known you, and I am glad to know that our friendships can last even beyond graduate school.

Leaving all these great people in Minneapolis to live in Madison was hard to do, but I was fortunate to find a group of people who helped me stay focused, productive, and connected to politics. The move to Madison would not have been possible without the flexibility and support from Joanne Miller, Chris Federico, and Tim Johnson at Minnesota. The first couple of months away from Minnesota were challenging, but I was grateful to reconnect with Tim Smeeding at the Institute for Research on Poverty at the University of Wisconsin. As he did at the Maxwell School in Syracuse, Tim helped me find the resources that I needed for my research and introduced me to all sorts of

interesting and well-connected people in Wisconsin. The Wisconsin Children's Trust Fund further helped me dissertate remotely by providing me a "home away from home" where I had not only the space to write the dissertation, but another support network of people who kept me focused and sane. I owe special thanks to Mary Anne Snyder, Jennifer Jones, Jim Leonhardt, Michelle Hoppman, Katie Maguire-Jack, Cailin O'Connor, and Kelly Hook who made my time in Wisconsin so much fun and productive.

Aside from the long constellation of people who I met along the way, there are also people who have been constants. First and foremost, my parents – Tony and Felisa – have provided me absolutely everything for which I could ever ask, and then more. My dissertation and academic interests are strongly influenced by their stories and sacrifices they have made along their way from the Philippines to the United States. My success is a mere reflection of their hard work, perseverance, and love. I also want to thank Ivan and Liz Bogie, whose work ethic, focus, and caring attention to detail have always been qualities that I admired and tried to emulate. In addition, my siblings Edwin, Carolyn, and Kevin; siblings-in-law Jill Udani, Dan Yee, Lisa Udani, Paula Kadubeck, Jason Kadubeck, Aaron Bogie, and Jamie Bogie; and, long-time friends Rich Bacon, Cheryl Bacon, Joe Tiu, Shilpa Chatlani, Mike Sommer, Michelle Sommer, Adam Dabrowski, Sourav Guha, Jason Gergen, and the MWBL have provided much encouragement and numerous reminders to enjoy and celebrate life outside of academia. I also must send a special shout-out to Phyllis Bogie. Phyllis, I finally did it - I got my 'visa' done.

Last, but certainly not least, I want to give the most thanks to Andrea Bogie, who is perhaps the most considerate and devoted person who I have ever met. Andrea has always been there to provide encouragement, optimism, laughter, a plan of action, and perhaps the most important thing I needed to hear in frustrating and challenging times, the honest truth. There is just no way that I could have done this without you. The thing is, I am so lucky that you are in my life.

Abstract

To what extent and in what ways do public policies on the treatment of noncitizens in America shape mass public beliefs and perceptions about membership in a democratic republic? This dissertation uses an intersectional framework that redeploys the construction of target population theory to better capture the hierarchy of power relations which structure noncitizen membership in America. I depart from dominant works that commonly analyze noncitizen membership by identifying individual-level characteristics that promote integration; studying policy decisions as outputs of unique social contexts; and, using static binary distinctions of deservingness and undeservingness. Instead, I examine the ways in which U.S. immigration policies rearticulate racism and the relationships that race has with other axes of disadvantage involving ethnicity, class, gender, and citizenship. By using a unique dataset of state immigration policies between 1997 and 2010 and national public opinion studies, I investigate how four dominant policy designs that construct American membership send political messages about noncitizens as foreign entrants with criminal intents; as applicants who are required to prove their value in America; as cultural minorities who are deprived and needy; and, as embattled people who must contest and remain resilient against institutionalized inequalities.

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Chapter 1: Introduction

To what extent and in what ways do public policies on the treatment of noncitizens in America shape mass public beliefs and perceptions about membership in a democratic republic? A growing body of scholarship demonstrating policy feedback effects has suggested some of the ways in which policies influence publics to think of themselves as members of political communities (Mettler and Soss, 2004). Echoing other realms of American public policies, immigration policy has come to increasingly reflect social construction of noncitizens – a diverse demographic that includes undocumented immigrants, legal permanent residents, refugees, and asylum-seekers – as either deserving or undeserving of admission to the United States. Policymakers often contrast the “good kind” of noncitizens, who are diligent workers and respect the rules, with the “bad kind” of noncitizens, who allegedly cheat, impose economic burdens on taxpayers, and enter the country with criminal intentions. By making sweeping generalizations about the social behaviors of noncitizens, policymakers push noncitizens who are also undocumented, low-income, women, ethnic minorities, non-Christians, and LGBT members to the margins of the U.S. democracy. In contemporary U.S. immigration politics, political rhetoric about protecting the safety and well-being of U.S. citizens and upholding the laws upon which the American democracy operates serves to legitimize the punitive treatment of marginalized noncitizen members of historically disadvantaged groups in America.

While policy choices that affect noncitizens sustain and reinforce distinctions between “deserving” and “undeserving,” “member” and “other,” or “good” and “bad,” the current literature on U.S. immigration provides insufficient explanations of whether

and how the design of public policies targeting noncitizens might influence mass political beliefs and perceptions about American membership. Additionally, the popular practice of categorizing noncitizens into a binary choice between deservingness and undeservingness obscures the power relations that structure noncitizen membership in America. In an interdisciplinary literature review of economic, sociocultural, and political approaches to examining U.S. integration, Helen Marrow (2005) identified two major conceptual frameworks that scholars use to examine noncitizen membership in America: a human capital framework and a contexts-of-reception framework. Following, I discuss each tradition, giving particular attention to how scholars conceptualize policies to examine the American membership of noncitizens.

Human Capital

In a human capital framework, noncitizen membership is typically conceptualized as the individual-level characteristics that make noncitizens more likely to become integrated into American society. Most often employed by economists, a human capital framework is a popular framework used in an interdisciplinary literature on U.S. immigration (Marrow, 2005). Its popularity is attributed in part to how the framework symbolizes much of a storied American tradition rooted in individualism, work ethic, and self-sufficiency. If a person wants to become a member of the United States, then she must ultimately take responsibility to gain vital resources to achieve her goal.

As it helps to propagate a myth of American pride and perseverance, a human capital framework represents a dominant way that people think about American membership, which also suggests that few take seriously how immigration policies shape the meaning of membership. In a human capital framework, scholars conceptualize

public policy as having merely instrumental value. Social policies on employment, income support, education, and housing are assumed to only provide noncitizens the means to improve their social and economic well-being. Noncitizen integration into American society will also ultimately depend on the market, which will reward native-born and noncitizen workers differently based on their individual characteristics. As such, social inequalities are an unfortunate, yet inevitable market outcome as people compete to improve their well-being. Building from seminal works of George Borjas (1985), who claimed that the U.S. stock of immigrants is declining in “quality,” subsequent economic works that employed a human capital framework focused on examining whether noncitizens affect native income, employment, and government services (Bean and Stevens, 2003; Hamermesh and Bean, 1998). While Marrow (2005) found mixed evidence of immigrants showing a negative impact on the economy or having deficiencies in work qualities, dominant economic approaches employ the same assumption that noncitizens and natives alike are rationally pursuing the same goal of increasing their well-being and protecting their self-interests. Any differences in beliefs and perceptions about American membership between natives and the foreign-born are byproducts of their goal-seeking behaviors.

While mostly used by economists, a human capital framework is also employed by political scientists who are interested in the individual characteristics that prompt immigrant groups to politically participate either through naturalizing, voting, or financially contributing to campaigns. Similar to economic approaches that examine membership in a market setting, political models assume that immigrants behave rationally and make political choices that maximize their happiness and reflect their self-

interests. Individual characteristics such as age, education, and economic resources that increase electoral participation among U.S. citizens are also found to do so among immigrants. Civic skills are found to differ across race and ethnicity, as Cindy D. Kam, Elizabeth Zechmeister, and Jennifer R. Wilking (2008) found that differences in linguistic, educational, and general assimilation account for participatory differences across Mexican Americans and whites.

As political scientists employ human capital models that assume political participation is informed by rational individual decision-making, they also subject structural factors such as race, ethnicity, and citizenship status to proxies of individual-level behaviors. Louis DeSipio (1996a) found that recently naturalized immigrants continue to participate in electoral politics at lower rates compared to natives. In another work, DeSipio (1996a: 4) stated, “European ethnicity is overshadowed by class and education and rarely proves the most salient factor in political decision-making.” Scholars since, however, have recently questioned whether race and ethnicity factor into decisions to politically participate by finding that Mexican-Americans and Puerto Ricans are more likely to identify with the Democratic Party while Cuban Americans are more likely to identify with the Republican Party (Alvarez and Bedolla, 2003). Later work by Louis DiSipio, Natalie Masuoka, and Chris Stout (2006) established that national origin among Asian-Americans is an important predictor of voter registration propensity but not voter turnout. Other scholars found that Japanese respondents exhibited a higher likelihood of registering than Chinese and Southeast Asian respondents. Beyond electoral politics, Lisa Martinez (2005) determined that Latinos are less likely to protest relative to non-Latinos, but Latinos of Mexican and Puerto Rican descent were more likely to

protest than their Cuban counterparts. While the evidence suggests that race or ethnicity is not a salient factor in voting, human capital frameworks suggest that immigrants rely on their social identity to express themselves politically. Race, ethnicity, class, and gender are assumed to provide political information or cognitive shortcuts to make judgments about their own membership in a democratic polity.

In human capital frameworks, scholars also view race as a social cue that arouses negative sentiments toward immigration, which prompts U.S. citizens to express opinions and emotions based on negative racial and cultural stereotypes. When given informational cues about the racial group identity of noncitizens, Ted Brader, Nicholas Valentino, and Elizabeth Suhay (2008) found that citizens experience anxiety and negative emotions toward immigration which compel them to endorse immigration reductions. Latino immigrant cues triggered anxiety independently of the actual threat posed the group, yet reinforced and sensationalized the severity of the immigration problem.

By conceptualizing race and ethnicity as individual-level behaviors, these works productively identify larger structural factors that give rise to unequal and muted political voices as well as racial and ethnic disparities in political participation. Yet, they also treat social identities as givens in the policymaking process, which forecloses any attempts to understand how public policies construct social identities and also informs mass publics about what it means to be black, Asian, or Latina in America. As political scientists conceptualize social identities as primarily psychological determinants, they are likely to also conceptualize policies as “targets” at which citizens and noncitizens alike fire their attitudes, beliefs, and perceptions about American membership (Mettler and Soss, 2004).

Policies are thus needlessly shoehorned into a linear process which starts with citizens' internal belief systems and ends with policymakers dutifully following the dominant voices of the American public. Furthermore, any differences in attitudes or behaviors that arise in mass publics are attributed to their individual-level characteristics.

As scholars privilege individual factors in human capital frameworks, they also give less attention to how American membership is itself constructed through politics. Similar to social identities, membership is also treated as a given in the policymaking process. Scholars within the human capital research tradition have recently examined how national identity influences opinion formation. Jack Citrin and John Sides (2007) found that individual-level predictors such as cultural and national identity, economic interests, and knowledge of immigration issues are important predictors of attitudes. The authors also found that "symbolic" predispositions, such as preferences for cultural unity, had a stronger statistical effect than economic dissatisfaction. Deborah Schildkraut (2005) also found that individuals' beliefs about what it means to be an American, more than their self-interests, dictate their opinions about immigration policies. In these works, how membership is defined through policy is of less concern than whether noncitizens have similar "core American values" that U.S. citizens possess.

Schildkraut's work, though, is different than most works in the human capital tradition. In another work, Schildkraut (2007) productively moved public opinion studies of U.S. immigrants beyond only defining American membership in one way by finding that expressions of American identity fall along multiple dimensions involving liberalism, civic republicanism, ethnoculturalism, and incorporationism.¹ Schildkraut's

¹ Consistent with the long-standing literature on America's civic ideals and Rogers Smith's (1993) multiple traditions theory, Deborah Schildkraut (2007b: 599-600) defines these terms as follows. Liberalism is the

empirical evidence provided sound evidence to call into question Samuel Huntington's claim of an emerging "multicreedal" America where groups with different cultures espouse distinctive political values and principles rooted in their particular cultures (Huntington, 2004: 340). To the contrary, Schildkraut (2007: 608-609) found that foreign-born, black, Mexican, Latino, and Asian respondents were more likely than U.S.-born and whites to say that pursuing economic success through hard work should be an important boundary of Americanism. Furthermore, foreign-born and Mexicans – the latter group as Huntington's main concern – were also more likely than their white native-born counterparts to endorse active citizenship as a constitutive American norm.

Deborah Schildkraut's work productively challenges both the immigration literature and public opinion studies to explore the multiple dimensions within a social construct that is often assumed to comprise a singular and homogenous meaning. Yet, she conceptualized American membership as a target at which people direct their own internally-held beliefs and perceptions. As such, her work prompts more lines of research that examine how citizens' beliefs about national identity are formed, and, what ways the designs of public policies might take part in influencing different beliefs about American identity.

"belief of minimal government intervention in private life while promoting economic and political freedoms as well as equality of opportunity." Civic republicanism emphasizes "the responsibilities rather than the rights of citizenship." Ethnoculturalism maintains that "Americans are only white, English-speaking Protestants of northern European ancestry" (also cites Smith 1997). Finally, incorporationism expresses the idea that the United States is a nation of immigrants where abilities to assimilate and maintain difference are celebrated. as equality of opportunity." Civic republicanism emphasizes "the responsibilities rather than the rights of citizenship." Ethnoculturalism maintains that "Americans are only white, English-speaking Protestants of northern European ancestry" (also cites Smith 1997). Finally, incorporationism expresses the idea that the United States is a nation of immigrants where abilities to assimilate and maintain difference are celebrated.

Contexts-of-Reception

In a contexts-of-reception tradition, scholars compare immigrant integration across different places, institutional levels, and time periods. Studies that employ contextual approaches to examining U.S. immigration have recently increased, mostly due to critique human capital scholars' reliance on studying only individual-level characteristics. While providing an overview of contemporary U.S. immigration research, Helen Marrow stated: "Only using individual-level accounts comes at the expense of larger questions about how immigrants affect the U.S. polity and other established groups" (789). Much of Marrow's literature review is informed by her belief that scholars who use a contextual framework situate themselves in a better position to explain how other factors beyond the individual shape membership.

As human capital approaches evoke certain "American" beliefs about individualism and determination, contextual frameworks stir up other beliefs about how a person is a product of her social environment; this serves to give credit to a person's family, social network, neighborhood, and upbringing. The importance of place indeed fits with the experiences of noncitizens in America. Scholars who employ contextual frameworks assume that noncitizens' livelihoods depend on social structures involving institutions, group positioning in racial hierarchies, destination states, and neighborhoods rather than solely depending on their own skills and resources. Scholars also assume that the beliefs and perceptions of American membership will depend on the richness of social contexts that offer noncitizens supportive relationships and networks. Instead of conceptualizing members as individuals who act independently and care only about their

own well-being, scholars who employ contextual frameworks connect people to larger social structures that influence mass publics.

Unfortunately, current evidence flowing from contextual frameworks generally suggests that noncitizen membership is declining among newer immigrant groups and younger generations. Works from a contexts-of-reception tradition typically do a better job than works from a human capital tradition to conceptualize structural inequalities that arise from race and other ascriptive differences. These works suggest that structural inequalities associated with a race, ethnicity, income, educational attainment, and immigration status forestall opportunities to achieve American membership. For example, Alejandro Portes and Ruben Rumbaut (2001) found that second and later generations of immigrants experience harder times gaining education, income, and language skills due to declining economic opportunities and stagnant mobility. Their findings supported a “segmented assimilation theory,” which explains how children of newer immigrant groups, particularly Latinos and Asians, will not achieve the same upward mobility that earlier European immigrants experienced. Political scientists have also found evidence of segmented assimilation among Latin American immigrants. As opposed to whites and blacks, Karthick Ramakrishnan and Thomas Espenshade (2001) found declining voter turnout among newer-generation Latin-Americans and later-generation Latinos and among second- and third-generation Asian Americans. Additionally, Ramakrishnan and Espenshade (2001) have shown that voter turnout is attributed to the length of time Latino immigrants have spent in the United States.

Different than generational effects, scholars have also examined other structural factors related to the social environments that foster immigrant political socialization.

While immigrants continue to choose states such as California, New York, Texas, Illinois, and Florida as traditional destinations, Doug Massey and Chiara Capoferro (2008) found that the level of immigrant dispersion across the remaining 45 states has increased significantly. More recently, Karen Kaufman and Antonio Rodriguez (2011) found that new destination states offer new Latino immigrants weaker social networks, community or advocacy organizations that represent Latino interests, and a smaller critical mass of longer-tenured legal permanent residents, which all together contribute to fostering apolitical attitudes among new immigrants.

Theories of segmented assimilation and immigrant destinations are helpful to understand the structural factors that systematically contribute to the marginalization of immigrants in America. But, scholars who employ such theories still conceptualize policies as outputs of social and political systems. Similar to works in the human capital tradition, policies are assumed to only provide noncitizens with the resources necessary for incorporation and nothing more. As such, scholars put less attention on policy design than on the actual benefits and resources that are provided by policies.

As an example, economic threat or racial threat studies are illustrative of a contexts-of-reception framework in which policies play a marginal part in a story of noncitizen marginalization. Noncitizens generally fit into economic or racial threat theories about a large subordinate out-group posing a collective threat to usurp scarce social and political resources in an increasingly competitive labor market (Blalock 1967; Bobo and Tuan, 1995). While immigration policies help to bring newcomers into established communities, scholars do not assume that beliefs and perceptions of membership flow from the ways in which those immigration policies are designed.

Rather, their attitudes are directly related to perceived threats of outsiders taking over their ways of life. Scholars thus far, however, have provided mixed evidence to support such theories. By focusing on the contextual effects that European countries have on individual-level attitudes, Lincoln Quillian (1995: 606) determined that “economic conditions in a country and the size of the racial or immigrant group influence people’s views of group relations, and in so doing influence prejudicial attitudes.” In more recent works, scholars found mixed support for a threat hypothesis (Campbell, Wong, and Citrin, 2006; Alba, Rumbaut, and Marotz, 2005; Wells, 2004). For example, in a study on Propositions 187 and 227 in California, Andrea Campbell, Cara Wong, and Jack Citrin (2006) found that the racial/ethnic context affected whites’ votes only on Proposition 187.² Economic context had no influence on vote choice, and the effect of fiscal context was limited to Proposition 227. Other research has suggested that changes in the community structure foster negative sentiments. Daniel J. Hopkins (2008) found that hostile political reactions to neighboring immigrants are most likely when communities undergo sudden influxes of immigrants and when salient national “American cultural” rhetoric reinforces the threat.

While the economic and racial threat literature continues to grow, few scholars in the racial or economic threat literature take issue with how policies construct the meaning of threat and how they might take part in influencing how mass publics should cope with supposed “dilemmas” posed by noncitizens. In addition, these works cannot explain why Americans do not perceive certain subgroups of noncitizens as threats while others are

² In 1994, California citizens initiated ballot initiative referred to as Proposition 187, also known as Save Our State, to prohibit undocumented immigrants from accessing state health systems, public schools, and other social services. In 1998, California citizens initiated another ballot referred to as Proposition 227, which established the right of all public school children in California to be instructed in English. Critics of Proposition 227 argue that the ballot initiative inhibited, if not ended, bilingual education in California.

positive additions to American society. Generally, Americans have favored the immigration of highly-skilled and educated immigrants who work as doctors, lawyers, engineers, and professors. As economic and racial threat theories often group all noncitizens into a singular category of entrants, it is an open empirical question of how policies structure mass public attitudes toward certain noncitizen subgroups.

Other contexts-of-reception frameworks also conceptualize policies as “by-products” of political and social systems. Recently, U.S. immigration policy scholars have attended to the state contexts in which policies are made on behalf of noncitizen interests by harnessing the variation of state-level policies that were facilitated by the 1996 federal welfare and immigration reforms. Policies with more “restrictive” designs that limit noncitizens’ rights to access public benefits and claim legal residence have been attributed to states that are more ideologically conservative (Chavez and Provine, 2009; Ramakrishnan and Wong, 2007). Rodney Hero and Robert Preuhs (2007) also found that ideology has modest effects on state policymakers’ decisions to make immigrants eligible in state welfare programs. Liberal states were more likely to adopt inclusive welfare policies, but were not more likely to have higher cash benefit levels. Yet, states with more lenient welfare eligibility rules and larger noncitizen populations have smaller cash benefit levels. Their findings are consistent with comparative welfare state studies. For example, Will Kymlicka and Keith Banting (2006) who argued that broader welfare eligibility rules to affirm racial or ethnic interests “erode” actual benefit levels. Yet, Robert Preuhs (2007) found though that increases in Latino state legislators and incorporating them into significant party leadership positions offset the negative effects of Latino population size on welfare benefit levels.

Examining politics from an even larger lens than state politics, some scholars have focused on the historical and institutional forces shape how policymakers think about noncitizen membership. Historical-institutional approaches in political science put more emphasis on the development of political institutions, immigration policy alliances, and bureaucratic expertise. This approach contrasts with earlier path-dependent and “state-centered” works of scholars who argued that 19th and early 20th century U.S. immigration structured the subsequent development of American immigration policies (Kingdon, 1999; Lipset, 1979). Institutional rules, control over the rulemaking process, electoral realignments, and shifts in opportunity structures generally shape the political behaviors of policymakers. Daniel Tichenor (2002: 45) argues that patterns and transformations of national immigration control are better explained by analyzing the interlocking connections between changing governing institutions and the U.S. electoral system. Tichenor clearly showed that cross-cutting alliances formed by free-market conservatives gave way to usages of policy rationales and narratives that reflected neoliberal interests of narrowing civil rights and public assistance benefits offered and controlled by employers. The 1996 policy reforms, as argued by Tichenor (2002), “serve as a reminder of American liberalism’s inhospitality” to earlier ideals of social citizenship advocated by T.H. Marshall.³

Works of scholars who followed Tichenor’s study took seriously the role of institutional rules and structure, but focused more on the relationship between states and

³ Tichenor (2002) finds that sweeping Republican victories in the 1994 midterm elections afforded Republican Party leaders to tap popular restrictionist sentiments that were previously insulated from having any influence in the U.S. Congressional committee system. “The outcomes of 1996 immigration and welfare reforms were a triumph for free-market conservatives, who allied with pro-immigration liberals to sustain large-scale legal admissions and with anti-immigrant conservatives to rollback alien civil and social rights” (Tichenor 2002: 295).

the federal government. Immigration has prompted state policymakers to enact laws in domestic areas such as education, healthcare, state licenses, and child welfare which, until recently, had little to do with national entrances and exists. The ways in which American membership is defined has largely been influenced by the conflict over jurisdictional authority to govern the social relations of noncitizens in a federal system of government. Alexandra Filindra (2009) argued that immigration policy results from conflicting or collaborative interactions between the federal and state governments. When state and federal immigration objectives are aligned, states act as “backers of federal policy,” often using their legislative authority to strengthen federal immigration law. When preferences diverge, however, states become “powerful lobbyists who can use their legislative authority to keep immigration-related issues on the top of the federal agenda.”

While all of these works provide convincing evidence, state politics and historical-institutionalists conceptualize public policies mainly as outputs from the social and political contexts in which they are designed. For example, Tichenor’s conclusion contrasts with Anne Schneider and Helen Ingram (1993), and other works of scholars such as Nancy Fraser and Linda Gordon (1992), who argued that policymakers have historically constructed “ideal” forms of universal membership based on the interests of socially advantaged groups whose members are privileged due to their race, ethnicity, class, and gender. Whereas Tichenor ultimately concluded that the 1996 immigration and welfare reforms have given rise to a new generation of enfranchised immigrants who became politically active to reclaim their social rights, the work of Schneider and Ingram implied that such reforms were more about reconstructing the very definition of social rights and restructuring the scope of how, where, and the extent to which claimants could

gain their rights back. Paying attention to how actual policy designs jointly validate different social constructions of noncitizen subgroups and influence mass political behaviors of various target groups helps to provide more depth and complexity to historical-institutionalist frameworks like Tichenor (2002), whose main project is to resist putting policy elites and state structures at the center of political analyses.

Furthermore, by considering policies merely as outputs of states governments or jurisdictional conflicts, scholars also disconnect the vital roles that public policies play in a democracy that has devolved decisions to states and localities. To date, the literature on U.S. immigration policymaking among the American states has minimally examined how and why immigration policy designs influence mass public understanding of noncitizen membership in a democratic polity. In particular, U.S. immigration policy research in the state politics and federalism literatures has not yet considered how race and other forms of ascriptive difference influence policy outcomes beyond demographic forces that compel policymakers to make decisions.

In a promising line of contextual-based research that engages in making comparisons between different modes of incorporation, state-level policies that confer rights and privileges to noncitizens have primarily been understood as the political products of federalism, political alliances, downward economic mobility, and growing animosity toward foreign entrants. While scholars and students of U.S. immigration policy obtain more ways to compare across social structures, time periods, and institutions, they have minimal theoretical frameworks that allow them to explore how immigration policies shape mass politics.

Policy

Scholars who use a contexts-of-reception framework will continue to view it as an improvement over a human capital framework that is solely interested in explaining economic and political outcomes as functions of individual characteristics. Yet, a contexts-of-reception framework still conceptualizes the policymaking process as “citizen-centered.” At first glance, Helen Marrow’s (2005) critique of human capital frameworks seems to resemble Suzanne Mettler and Joe Soss’ (2004) analysis of citizen-centered approaches. As Mettler and Soss (2004) argued, citizen-centered approaches to explaining mass politics limit understandings of how policies shape politics, and more importantly, how policies further or thwart democratic purposes. A contextual framework still falls short of explaining how policies shape politics due to its reliance on using the individual as the unit of analysis. To this end, scholars treat public policies as a backdrop to politics happening to an individual in a certain place, time period, or institution.

A more fitting conceptual framework to explore noncitizen membership in America, though noticeably absent in Helen Marrow’s (2005) literature review, is Anne Schneider and Helen Ingram’s (1993) theory of the social construction of target populations. As opposed to scholars who use human capital and contexts-of-reception frameworks to explain noncitizen membership in America, Schneider and Ingram argued that policymakers will first think about who they want as policy recipients before designing policies to achieve policy outcomes and broader societal goals. How political elites design policies, the rationales they use to legitimate policy goals, and the policy tools they choose to achieve compliance will reflect the social construction and political power of the target population.

For example, groups such as the elderly have propensity to mobilize politically (Campbell, 2003). The elderly are also a group that the American public views as a more deserving group than an undeserving group. Policymakers tend to address the interests of the elderly by oversubscribing benefits and under-subscribing burdens. Policymakers also tend to design policies to build capacity and incorporate their perspectives while using rationales that connect the group to achieving important public purposes and societal goals.

In contrast to the elderly, felons are prohibited to mobilize politically and are also generally considered by the American public as an undeserving group (Uggen and Manza, 2006). In turn, policymakers choose policies that oversubscribe burdens in the forms of punitive sanctions and incarceration and under-subscribe benefits. Rationales that are typically employed by policymakers castigate felons for the danger they pose to honest Americans, while at the same time, elevate the sense of community and assured protection by vigilant public servants. For felons, coercive treatment and the use of force teach them that they are not wanted in the American polity, and even if they are wanted, their interests will only be met through the generosity of compassionate and forgiving citizens.

The theory of social construction of target populations is particularly useful when thinking about U.S. immigration politics. Schneider and Ingram (1993: 346) argued that understanding social constructions of target populations help to explain how and why “elected officials will support policy provisions that distribute benefits at odds with their apparent self-interest,” as determined by interest group pressures and their constituents’ opinions. Scholars who use a contexts-of-reception framework to study policymaking

assume that elected officials are ruled by “the electoral connection,” i.e, that everything they do – whether it is mobilizing voters or developing public policies – is aimed at winning elections (Rosenstone and Hansen, 1993; Mayhew, 1974). As intuitive as such arguments might be, however, such theories cannot account for the actions that legislators take on behalf of the 37.9 million noncitizens who are not eligible to vote in U.S. elections.

By drawing attention to how policies can shape the “values, symbols, stereotypes, and images that drive behavior in non-utilitarian directions” (Schneider and Ingram, 1995: 443), U.S. immigration scholars can productively depart from frameworks that assume people exclusively have rational or self-interested behaviors. For example, as of 2009, Latinos represent the fastest growing minority group in the United States (U.S. Census, 2009). In states such as California and Texas, Latino residents compose more than one-third of total state population (Pew Hispanic Center, 2011). Based on conventional political science wisdom, such an increasingly growing population that has also become more politically involved should induce political candidates and incumbent officials to reform immigration. However, examining the narratives that U.S. Members of Congress used to justify the restriction of social rights and legal residence in the 1996 federal welfare and immigration reforms reveals that immigrants were constructed as problems, criminals, and drains on public coffers (Newton, 2008). According to a social construction of target populations theory, elected officials have hesitated if not refused to advocate for reducing the punitiveness of immigration violations even though the laws affect a disproportionate number of Latinos, Asians, and Pacific-Islanders.

Schneider and Ingram's theory contributes another important aspect of contemporary U.S. immigration politics: policymakers *intentionally* construct illogical connections between target groups and important societal goals. Policy designs that serve democracy have logical connections to important public problems; represent interests of all targeted groups; and, empower people (Schneider and Ingram, 1993: 345). However, policymakers ascribe a group that does not enjoy privileged access to policy agenda makers and has a negative social construction among the public as non-members of a polity. For example, advocating for undocumented immigrants to acquire equal rights and similar privileges to access public assistance enjoyed by citizens are commonly labeled as "radical" policy proposals. Personal choices to live and work the United States without proper documentation are also characterized as "illegal" or "deviant" behaviors. A more fitting treatment of undocumented immigrants is to impose punishment policies such as deportation, felony charges, or punitive civil penalties.

Policymakers legitimize the use of punitive policy punishments to uphold egalitarian principles of equality and respect by labeling a target population as deviant or a menace to society. Political leaders often rationalize policy punishments as acts that demonstrate America's commitment to respecting the law and order. Such punitive policy choices have become more politically attractive as elected leaders attempt to demonstrate their governing abilities through the fight against criminal behaviors (Beckett and Godoy, 2008; Simon, 2007; Gottshalk, 2006). As more political leaders have stressed the importance of securing national borders and attaining ascriptive citizenship, policymakers have also generated a population of noncitizens who perpetually fall short of having the necessary documents to stay in the country. Constructing the illegal immigrant as a

constant dilemma that impacts the livelihood and opportunities of all Americans and their families generates significant political capital for policymakers to pursue other domestic policy goals related to taxes, healthcare, and labor. Furthermore, making value judgments about problem populations helps to divert public scrutiny as well as blame away from policymakers who have historically institutionalized inequalities over time.

Recently, U.S. immigration scholars have given more attention to the social construction of target populations. For example, Lina Newton's (2008) study demonstrated how the beliefs and perceptions of noncitizens play central roles in shaping the trajectory of immigration politics in America. Through a systematic narrative analysis of the various sets of symbols and images that policymakers employed in the 1986 Immigration Reform and Control Act (IRCA) and the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Newton showed that the success of the 1996 federal reforms revolved around how well policymakers constructed various groups as deserving of benefits and punishments. Newton's analysis actually found limitations to Schneider and Ingram's (1993) theoretical claims of the extent to which changes in social constructions can alter policy designs and outcomes. In their later work, Schneider and Ingram (2005: 8) argued: "changed social construction[s] of deservedness can precipitate change in policy and, alternatively, public policy can alter construction" (Newton, 2008: 134). After the legalization programs that were institutionalized by the IRCA in 1986, illegal immigrants should have been shielded from negative constructions by policymakers. However, policymakers in 1996 still portrayed legal immigrants as an undeserving target group. Consequently, policymakers lumped both legal and undocumented immigrants and their families into one social construction, thereby

“expanding” the size of a deviant population that is breaking laws and freeloading off of good-hearted American taxpayers.

While Newton (2008) contributed much understanding of how policymakers influenced U.S. immigration reforms and the scope of noncitizen membership in America, it is an open empirical question of whether social constructions of immigrants, refugees, and asylum-seekers in American politics are best captured by Anne Schneider and Helen Ingram’s typology (1993). Schneider and Ingram themselves acknowledge that other frameworks of social constructions and political power may exist. The two-by-two matrix that is often used by scholars to examine targeted policy choices in relation to a group’s social constructions and political power is based on how a “hypothetical elected official *might* array a variety of target populations within these dimensions” (Schneider and Ingram, 1993: 336; emphasis added). In their hypothetical framework of target populations, debates over inequality and American membership fall along traditional cleavages in politics. The interests of groups with few resources to access to government leaders and that are perceived in a negative light by a majority of Americans are often marginalized. Consequently, noncitizens are automatically and also needlessly pushed to deviant categories of social constructions.

The apparent marginalization of noncitizen interests in social construction of target populations theory does not mean that scholars should throw out the work of Schneider and Ingram. Rather, it suggests that their theory must be redeployed in such a way that better captures the power relations embedded in how American membership is designed through immigration policies. In response to previous critiques of their 1993

article, Schneider and Ingram (1995: 442) further reiterate the arbitrary boundaries of their original framework:

“Social constructions of target populations differ along many dimensions, varying from positive to negative, from strongly constructed to barely constructed, from heterogeneous to homogenous, from contended to virtually consensual, from rapidly changing to long stable.”

The authors point out that their typology served to point out theoretically interesting variations in social constructions of target groups (Schneider and Ingram, 1993: 331), implying that there are other social constructions that may have implications for politics. Despite their admission and encouragement to generate alternative frameworks to examine social constructions and target populations, few works in immigration politics and policy have attempted to explore and empirically test a new framework of social constructions.

An Intersectional Policy-Centered Approach to Examining American Membership

This dissertation’s main concern is rethinking construction of target population theory to better capture the hierarchy of power relations which structure noncitizen membership in America. In particular, intersectionality scholars examine how membership is constructed through politics, but explore such constructions by using different concepts of power and identity. Intersectionality refers to both a normative theoretical argument and approach to conducting empirical research that emphasizes the interaction of categories of difference involving (but not limited to) immigration status, race, ethnicity, class, and gender (Hancock, 2007: 63-4).

By accepting that categories of difference intersect with one another, rather than exist as mutually exclusive categories, intersectionality brings more attention to how U.S.

immigration policy scholars have thus far conceptualized the construction of noncitizen membership narrowly. U.S. immigration policy research has typically examined policy choices as the products of traditional fault lines in American politics involving politically powerful agenda setters and resource-rich states. However, as Dara Strolovitch (2007) argued, building political science theories that conceptualize power in terms of resources, size, and wealth will systematically marginalize the interests of persons who face intersectional forms of inequalities arising from race, ethnicity class, gender, and immigration status. Dara Strolovitch (2007) found that the representation of intersectionally marginalized group interests occurs by *resisting* incentives to support policy issues that affect all members universally, a majority of members, or only socially advantaged members. While primarily concerned with examining whether and in what ways advocacy organizations and interest groups represent the interests of socially marginalized groups, Dara Strolovitch's study illuminates current U.S. immigration works by providing an effective framework that distinguishes political actions taken on behalf of different noncitizen subgroups and effectively moves beyond constructing target groups based on how much political power noncitizens have and how they are perceived by mass publics.

In this dissertation, I argue that policymakers will reconstruct the relationships between race, ethnicity, class, gender, and immigration status to sustain four dominant prescribed goals of American membership: punishing foreign entrants with unknown origins and criminal intents (exclusionary policy prescriptions); maintaining the importance of a homogenous and unified nation (unidimensional policy prescriptions of inclusion); upholding cultural difference and special status rights (multicultural policy

prescriptions of inclusion); and, understanding that immigration status imposes cumulative and multiple disadvantages with race, ethnicity, gender, and class (cross-cutting policy prescriptions of inclusion). Through these distinct goals, policymakers will legitimize discriminatory actions against noncitizens by creating noncitizen membership in America into the following social dilemmas: upholding justice by punishing lawbreakers; requiring noncitizens to prove that they should receive admission into a homogenous and unified country; assisting needy and deprived cultural minorities; and, upholding states' rights as a fundamental political principle.

In Chapter 2, I describe the data and methods which I will employ when examining how an intersectional policy framework of noncitizen membership can be used to examine social phenomena. My study begins in 1997, the year after the U.S. Congress granted American state governments discretionary powers to adjust the eligibility rules that permit noncitizens to qualify for residency, employment, public assistance, and civil rights protections from civil, criminal, and felony charges. Based on a 12 percent nationally representative sample of all bills, resolutions, statutes, amendments, and executive orders, I assemble a new dataset of 1,580 state-level policies. Each policy is examined according to how policymakers construct noncitizen membership; the kinds of noncitizen subgroups targeted; and, the policy devices and tools used to ensure compliance. The qualitative data obtained from this discourse analysis are then combined with indicators of the social, economic, and political conditions of each state between 1996 and 2009. I build on Lina Newton's (2008) in-depth examination of politic elite rhetoric, which identified underlying social and economic conditions that influence immigration policymaking, to engage in an events

history analysis of state policy choices over time. In addition to the contextual determinants of state policy choices, this dissertation is also concerned with how public policies are correlated with mass political attitudes. I will examine the ways in which public policies can structure citizen and noncitizen beliefs about membership by empirically examining public opinion on immigration issues in the 2008 American National Elections Study (ANES) and the 2006 Latino National Survey (LNS).

In Chapter 3, I bring the research of Anne Schneider and Helen Ingram (1993) into conversation with the research of Dara Strolovitch (2007) to propose hypotheses and empirical expectations of how the design and rationales of immigration policies will influence mass public beliefs and perceptions of noncitizen membership in America. While employing an intersectional framework to examine target populations, I will argue that Anne Schneider and Helen Ingram's theoretical framework still is effective in illuminating how immigration policies are used to connect and disconnect noncitizen subgroups to societal goals that are deemed as important by political elites. In this chapter, I propose how the four dominant policy prescriptions of American membership will reflect distinct designs; tools that obligate noncitizens to comply with policy directives; socioeconomic and political conditions of states; and, political messages sent to mass publics.

With my theoretical framework and data in hand, I first empirically examine how exclusionary policy prescriptions shape mass public beliefs and perceptions of American membership. In Chapter 4, I will show how policymakers construct American membership in such ways that impugn noncitizens as security threats and future criminals. By the ways in which exclusionary policy prescriptions are designed and

legitimized, they also have mass political consequences. In contrast with popular sentiments that hail legal status as a means to “objectively” monitor the border without racist intentions, I will argue that exclusionary policy prescriptions preserve the status quo system that privileges white interests and marginalizes Mexicans, women, and migrant workers.

While popular discourse dominantly focuses on state policymakers’ decisions to impose punitive civil violations and criminal charges against noncitizens, minimal attention is given to more subtle ways in which restrictive goals operate through efforts to incorporate noncitizens into mainstream culture and institutions. In Chapter 5, I will examine how unidimensional policy prescriptions construct “exceptional” noncitizen members in America. Unidimensional policy prescriptions construct America as a unified and homogenous nation. To achieve this prescriptive goal for membership, policymakers use licensing standards, job qualifications, and eligibility rules for receiving residency, work programs, public assistance, and educational benefits. Through these tools to achieve compliance with policy goals, policymakers are able to impose strict behavioral requirements onto their policy targets. Based on the kinds of interests policymakers target, I will argue that policymakers have structured the rules to privilege the interests of socially advantaged noncitizens working in highly-skilled and specialty occupations. While such policies confer membership privileges to a small group of noncitizens, they also foster competition over highly-skilled labor, which has only served to reinforce civic disparities that manifest along race, class, and gender. To explore these issues, I use the 2006 Latino National Survey (LNS) to examine how Latino immigrants who favored a common unidimensional policy prescription – guest worker programs to gain lawful

status – think about different ideas of American identity. In sum, policies that ask noncitizens to “do more” in America subsequently lead them to view that they don’t have enough to become American members.

As shown in Chapter 5, immigration policies are preferred remedies to resolve America’s immigration dilemma. Even among “inclusive” or “pro-immigration” policies, policymakers prescribe the ways in which incorporation into American mainstream institutions and culture should take place to advance their own interests and political agendas. In Chapter 6, I examine how immigration policies that aim to affirm cultural differences perpetuate gender hierarchies among immigrant populations. I will argue that while policymakers act to affirm cultural differences of noncitizens in America, they also allow other forms of disadvantage to crystallize underneath a veil of American “multiculturalism.” To forward their own visions of a multicultural America, policymakers have largely constructed noncitizens as deprived persons who need additional assistance in a “nation of immigrants.” In effect, immigrants who stand to benefit from multicultural policy prescriptions are more likely than those who do not to think that they are part of a distinct cultural identity, they are also neither more likely to oppose gender roles nor support making equal rights and protections available to everyone. Yet, the persons who are most prepared to recognize the limits of multicultural prescriptions of inclusion are Latinas who participate on public assistance programs and regularly confront the patriarchal norms and gender hierarchies in America.

Finally, in Chapter 7, I will illuminate the institutional challenges involved in making cross-cutting policy prescriptions of inclusion and the prospects for socially disadvantaged noncitizens to achieve equality in America. I will argue that noncitizen

equality in America is reluctantly situated in a political movement that has framed “states’ rights” as a fundamental democratic belief and goal. As such, socially disadvantaged noncitizens such as undocumented immigrants, women, refugees, and asylum-seekers are precariously placed within the full jurisdictions of governing institutions that have historically aimed to escape accountability to federal standards of equality. In contrast with exclusionary policy prescriptions, I will show that policymakers design cross-cutting policy prescriptions to contest federal immigration authority by developing their own state-based programs and civil protections that uphold noncitizen confidentiality. Yet, cross-cutting policy prescriptions that operate in a federalist system of government that discourages governing institutions to resolve conflicts over civil rights further subjects socially disadvantaged noncitizens to state-based controls and institutes wide disparities in how noncitizen equality is addressed in America. I will conclude this chapter by examining the political messages that cross-cutting policy prescriptions send to Latino immigrants. Due to the ways in which cross-cutting policies are currently designed and situated in an American federalist system that preserves racial inequities, cross-cutting policy prescriptions send messages about contestation. In spite of Latino immigrants acknowledging that America is only for whites, native-born, and fluent English speakers, they still believe that they belong to a distinct Latino identity. Additionally, they express a resiliency in believing that they can get ahead in life by working hard and that everyone deserves to have equal rights and protections. Even though current cross-cutting policy prescriptions do not go far enough to ensure equality for the most disadvantaged noncitizens, cross-cutting policy prescriptions still evoke

strong “American” beliefs among a target population who most political elites and pundits assume are “un-American.”

Conclusion

This dissertation departs from dominant works that commonly analyze noncitizen membership by solely identifying individual-level characteristics that promote integration, studying policy decisions as outputs of unique social contexts without considering the political consequences of such policy choices on mass publics, and using static binary distinctions of deservingness and undeservingness. Rather, I examine the ways in which U.S. policymakers change the relationships between race, ethnicity, class, gender, and citizenship to sustain prescriptive goals of achieving membership in America. By using a unique dataset of state immigration policies between 1997 and 2010 and national public opinion studies, I will investigate the extent to which and the ways in which policy designs for different noncitizen subgroup interests influence mass public beliefs about American membership among U.S. citizens and noncitizens. In the next chapter, I will further describe the data and methods I will employ in my investigation.

Chapter 2: Data and Methods

In 1996, President Bill Clinton signed two bills that drastically changed the ways that public assistance is distributed and immigration is controlled in the United States. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) are known for giving state and local governments more discretion to make their own immigration and welfare policies. However, each federal reform uniquely contributes to building an administrative policy regime that governs the rights and privileges of noncitizens. For example, PRWORA transformed a federal entitlement program into block grants for which states applied. In exchange for accepting federal funds, states agreed to establish a five-year time limit on participation in federal means-tested programs. The federal government also permitted states to design their own time limits, sanctions, and health demonstration programs with the understanding that such administrative tools would impose strict behavioral requirements on welfare recipients who were required to obtain some form of employment within five years. In addition, PRWORA introduced a new classification system of “qualifications” for low-income foreign entrants who needed public assistance (Zimmerman and Tumlin, 1999). Policymakers imposed a multifaceted labyrinth of rules to limit the ways in which noncitizens attain American membership by dividing noncitizens into three separate categories of welfare eligibility: qualified immigrants, unqualified immigrants, and persons who are lawfully present in the United States (Broder, 2006). Qualified immigrants are considered legal permanent residents; refugees; asylum-seekers; persons granted withholding of deportation or withholding of removal; Cuban/Haitian entrants; persons paroled into the United States for at least one

year; and, battered spouses and children. While some states imposed harsh welfare restrictions on legal immigrants, such as California did with Proposition 187 in 1998, a majority of states (including California after 1998) restored or maintained social benefits to all qualified noncitizens (Zimmerman and Tumlin, 1999).

Lawfully present persons include qualified immigrants in addition to temporary immigrant workers, parolees, temporary residents, spouses or children of U.S. citizens, and asylum or withholding of deportation applicants who have been granted employment authorization (Broder, 2006). Federal agencies are also required to provide benefits and services to individuals who have been subjected to human trafficking. In order for human trafficking victims to receive assistance, they must assist in the investigation and prosecution of human traffickers.

Federal law defined unqualified immigrants as persons who are undocumented, overstayed an authorized period of stay, and persons who are permanently residing under the color of law (PRUCOL). PRUCOL aliens are documented entrants, but are not eligible to obtain citizenship or sponsor family members for citizenship. Unqualified immigrants were generally barred from receiving federal public benefits and consist mainly of working adults who are 18 to 46 years old (Pew Hispanic Study, 2006). In contrast to all states allowing qualified immigrants to participate in the same means-tested programs as citizen participants, few if any states provided unqualified immigrants access to state or federal public assistance programs.⁴

⁴ While all states restrict unqualified aliens from participating in federal means-test programs, states such as California, Washington, Illinois, Missouri, Massachusetts, Maine, and Nebraska offer the most available social safety nets that consist of general assistance, state health insurance plans, and pre-natal services (Zimmerman and Tumlin 1999). These types of state-level policies will be discussed in Chapter 7.

IIRIRA further reinforced the administrative practice of delineating between qualified and unqualified entrants. Under the law, federal officials increased border control officers, customs officers, and local police to investigate smuggling and unlawful employment practices. The most far-reaching aspect of IIRIRA was bestowing unilateral powers to any third party agent who was hired by the federal government to remove inadmissible agents. Furthermore, such agents were not subject to judicial oversight or state laws. The federal government used IIRIRA as an integral part of rejuvenating the U.S. economy by increasing the personnel and agencies used to process entries and exits of low-wage seasonal migrant workers. In addition, the federal government needed more administrative personnel and technological infrastructure to address the increasing rate of U.S. visitors and tourists as well as a growing demand of international students who applied and were admitted to U.S. colleges and universities during the 1990s. The federal government also increased its quota of H1-B visas that are used to recruit immigrants who work in highly skilled industries such as banking, medicine, law, engineering, and computer sciences (Freeman, 2006). IIRIRA established “selectively” porous borders that allowed employers, who conducted hiring initiatives without fear of federal sanctions against unlawful employment, to hand pick workers who were able-bodied or showed no signs of becoming public charges (Ngai, 2006). For the low-wage and low-skilled migrant worker, federal reforms presented multiple and intersecting challenges to earn an income. While IIRIRA allowed low-income and low-skilled noncitizens to enter the country, PRWORA neither guaranteed public assistance to noncitizens nor relieved any work behavioral requirements imposed on them. The consequence of designing federal reforms in these ways was to transform the American states into localized immigration

regulators. What is more, states that adopted “pro-immigrant policies” – that restored social benefits to legal immigrants during the five-year ban on federal means-test programs and that protected unqualified immigrants from discrimination, extortion, and trafficking – were steeped in the rhetoric of achieving self-sufficiency and a job. Such developments suggest that policy adoptions that occur in localities or regions within a nation serve as nation-building tools in a global competition over scarce resources and available labor (Zolberg, 2006; Lowi, 1998).

Following the 1996 reforms, American states have become important units of analysis for social scientific investigations of immigrant integration, welfare disparities among racially diverse populations, representation of noncitizen interests, and state-federal relationships in immigration policymaking. Lina Newton and Bryan Adams (2009) found an expansion of state immigration policy resulting from legislation that is not directly about, yet still related to immigration. Legislating in these new policy areas allows state legislators to develop de facto immigration policies without overstepping the federal jurisdictional authority to regulate immigration. However, few scholars have taken issue with how the proliferation of state policies has served to construct different ideas, beliefs, and perceptions of American membership.

Data

In the following chapter, I will set forth a set of hypotheses and empirical propositions that would help to fill a gap in understanding of how state-level policies about the treatment of noncitizens reflect different ideas of American membership and contextual determinants of immigration policymaking. To test my hypotheses and empirical propositions, I assembled a new dataset of state-level legislative bills pertaining

to noncitizens from 1997 to 2010. My dataset is a 12 percent nationally representative sample from a population of 13,000 legislative bills, resolutions, amendments, and executive orders from the fifty American states over time. Using the Lexis-Nexis State Capital Database, I generated a population from a comprehensive keyword search for bills that used words such as alien, noncitizen, immigrant, immigration, refuge, refugee, asylee, and asylum. After removing duplicate bills, I obtained a sample of 1,580 legislative bills, amendments, resolutions, and executive orders.⁵ I critically analyzed the discourse on each legislative bill and classify it under one of the four policy choices of membership construction: policy prescriptions of exclusion; unidimensional policy prescriptions of inclusion; multicultural policy prescriptions of inclusion; and, cross-cutting policy prescriptions of inclusion.⁶ Each legislative bill is also coded with one of 26 policy issue categories provided in Table 2.1.⁷ My classification of policies that compose each policy choice of membership construction is informed by a variety of resources: an interdisciplinary immigration politics and policy literature discussed in this chapter; policy briefs and informational materials produced by various pro- and anti-immigration advocacy and interest groups;⁸ and, contemporary stories from national and

⁵ I include bills that are also used for symbolic purposes (e.g. honoring a citizen who worked on behalf of the immigrant community; recognizing historical figures who were immigrants). While legislative studies typically exclude these bills due to the bills' non-substantive content, the symbolic meaning of how membership is portrayed in legislative acts is relevant here.

⁶ Only three percent of the legislative bills (60) were coded in two or three different categories. In such instances, policies were randomly assigned into one category.

⁷ I develop these policy categories from an exploratory discourse analysis of smaller sample consisting of 397 legislative bills between 1997 and 2007. I use a random sample of state legislative sessions to pre-test the policy categories. In my first attempt, I attain an 89% success rate in coding legislative bills into one of 25 policy categories. I then developed five new policy categories based on the policies that did not fit into the original typology. In a second attempt using a different random sample of state legislative sessions, I attain a 93% success rate. I then engaged in more in-depth readings of the remaining legislative bills to code them into one of the thirty policy categories.

⁸ These include: MALDEF; AALDEF; National Immigration Law Center; ACLU; Pew Hispanic Center

Table 2.1 State-Level Policies on the Treatment of Noncitizens, 1997 – 2010.

Code	Policies
p1	Penalize employers that hire undocumented/unauthorized aliens
p2	Secure American state borders and increase efforts to apprehend illegal entrants
p3	Penalize individuals who have fraudulent identification records
p4	Enforce punitive criminal sentences against illegal entrants
p5	Enforce security initiatives in response to terrorism/foreign threats
p6	Identification requirements for residence and/or occupations
p7	Child/dependent Support for children of families with lawful status
p8	Require legal immigration status for state education benefits
p9	Economic assistance given to only lawful immigrant worker
p10	Require legal immigration status for general social assistance
p11	Workers' compensation given to workers with legal immigration status
p12	Promote English-only fluency
p13	Require legal immigration status for TANF or workfare-based social assistance
p14	Provide resources to secure pathway to American citizenship
p15	Naturalized citizenship required for elections and election donations
p16	Ethnic recognition of disadvantaged subgroup
p17	Ethnic recognition of advantaged subgroup
p18	Promote/establish bilingual education programs and initiatives
p19	Promote/establish affirmative action hiring practices
p20	Promote/establish affirmative action health initiatives
p21	Promote/establish affirmative action initiatives for religion or cultural practices
p22	Educational benefits not contingent on legal immigration status
p23	Socioeconomic policy initiatives addressing intersections between race, ethnicity, class, gender, and citizenship status
p24	Legal protections and/or social benefits given to victims of human trafficking
p25	Workers' compensation given to undocumented migrants
p26	Establish legal protections to lessen penalties for unauthorized/undocumented migrants

local periodicals as well as immigration law blogs which pertain to the interests of undocumented immigrants, legal permanent residents, refugees, and asylum-seekers.⁹

One of the inherent assumptions of this dissertation is that an inclusive/restrictive binary framework is not sufficient to explain the variation of state-level policies about the

⁹ New York Times; Washington Post; Los Angeles Times; Chicago Tribune; Chicago Sun-Times; Minneapolis-St. Paul Star Tribune; the St. Louis Dispatch; and, the Immigration Professors' blog (<http://lawprofessors.typepad.com/immigration/>).

treatment of noncitizens in America. To validate this assumption, I conducted a statistical analysis of the latent structures that unite all “inclusive” policies and all “restrictive” policies. After conducting a confirmative factor analysis on all 1,580 state-level policies, I find that restrictive policies share a single and common dimension while inclusive policies do not. Rather, the results suggest that the variation of state-level policies is better explained by the four proposed policy prescriptions of membership construction.

The qualitative data obtained from this discourse analysis are then combined with indicators of the social, economic, and political conditions of each state between 1996 and 2009. From an analysis of the U.S. immigration literature, I extract several main contextual determinants of immigration policymaking and provide them in Table 2.2. I argue that these contextual determinants will have meaningful effects on policy decisions above and beyond traditional state policy indicators which involve racial minority demographic groups (Hero, 2000); citizen ideology (Berry, Ringquist, Fording, and Hanson, 1998); partisan control of state government (Alt and Lowry, 1994); and, policy diffusion effects across state jurisdictional lines (Berry and Berry, 1990). I will provide a full discussion of the contextual determinants of immigration policymaking in Chapter 3.

Table 2.2. Proposed Indicators for Repeated Events History Model of Policy Prescriptions of Membership, 1997 – 2010.

Indicator	
Temporary immigrant workers (per capita)	Contextual Determinant
Net farm income (per capita)	Contextual Determinant
Total tax revenue (per capita)	Contextual Determinant
LPRs, refugees, and naturalized (per capita)	Contextual Determinant
Employment (per capita)	Contextual Determinant
AFDC/TANF caseload (per capita)	Contextual Determinant
Poverty rate	Contextual Determinant
Crime rate per 100,000	Contextual Determinant
Mexican border state	Contextual Determinant
Medicaid recipients (per capita)	Contextual Determinant
Black population (per capita)	Control
Asian/Pacific Islander population (per capita)	Control
Latino population (per capita)	Control
Citizen ideology	Control
Legislative professionalization	Control
Republican controlled government	Control
Average state adoptions	Control

Data on federally authorized entrances and temporary immigrant workers and families are obtained from the Immigration Statistics website of the Department of Homeland Security. Tax data are obtained from the U.S. Census of state government finances. Net farm income of states is obtained from the Economic Research Services of the United States Department of Agriculture. State crime rates are obtained from the Uniform Crime Reports published by the Federal Bureau of Investigation. State citizen ideology scores are obtained from Richard Fording's citizen and government ideology dataset. Population demographics are obtained from Current Population Reports of the U.S. Census. State data on employment rates, poverty rates, public assistance participation, and partisan control of government are obtained from the State-level Dataset of Economic, Political, and Transfer-Program Information for 1980-2009, which is provided

by the Center on Poverty Research at the University of Kentucky. Republican partisan control of government is measured along a self-constructed weighted scale from 0 to 9 (i.e. the Democratic Party controlling the governor's office and both legislative chambers to the Republican Party controlling the governor's office and both legislative chambers).¹⁰ Finally, horizontal diffusion effects are measured by the average number of each enacted policy prescription of membership in neighboring states.

Methods

I will engage in a multi-method research investigation of the ways and the extent to which public policies on the treatment of noncitizens in America shape mass public beliefs and perceptions of American membership. Using the discourse on legislative bills, I critically analyze how policies are designed to achieve prescriptive goals of constructing American membership. On each enacted legislative bill, I analyze how policy benefits and burdens are distributed, giving particular attention to the tools that policymakers employ to achieve compliance with prescriptions for American membership. As part of this dataset of legislative discourse on American membership, I analyze and record the specific noncitizen subgroups that policymakers target when thinking of constructing American membership in particular ways.

I am also interested in examining which contextual determinants policymakers employ to legitimate their policy choices for the American public. Particular methodological approaches are used to examine state contextual determinants of immigration policymaking. In the U.S. immigration literature, scholars have used two main approaches to examine the relationship between state policy choices and state

¹⁰ I account for the Nebraska's state government that has a unicameral legislative body.

social, economic, and political conditions. One dominant approach is to conceptualize policy choices as having a linear relationship with the various contexts in which policy decisions are made. For example, Rodney Hero and Robert Preuhs (2007: 504) used a scale to measure the extent to which a state's policy choices include immigrants in social welfare programs. Higher scores represented more inclusive states while lower scores represented less inclusive. To examine the predictors of inclusive states, the authors used Ordinary Least Squares (OLS) regression, which assumes that immigrant inclusion increases or decreases linearly with regard to a state's social and economic conditions. States with relatively higher immigrant inclusion in their social welfare programs are also more liberal, educated, and have higher Temporary Assistance for Needy Families (TANF) caseloads / per 10,000 residents.

Another dominant approach is to conceptualize policy choices as separate and independent decisions. Karthick Ramakrishnan and Tom Wong (2007) used maximum likelihood estimation (MLE) to examine the conditions under which U.S. cities consider and pass either restrictionist or pro-immigrant ordinances. The authors' ordinal logit model conceptualized policy choices to fall along a continuum from restrictionist to explicitly pro-immigrant. The authors also used two separate binary logit models that assume a policy choice to first exist in a neutral state, from which a policy choice can turn either pro or con. When employing either ordinal or binary logit models, scholars find the coefficients that make the observed policy choices most probable.

In this dissertation, I will use a newer approach that is currently under-utilized in the immigration policy literature. A variance-corrected survival time analysis for repeated events conceptualizes policy choices as correlated events over time. Survival time

analyses – or, also known as event history models – account for observations that are correlated because they do not impose an independence assumption on to the occurrence of an event (Box-Steffensmeier and Jones, 2004). For example, event count models assume that the sixth policy prescription of exclusion enacted by the Virginia state legislature in 2010 is not dependent on the previous policies that the state legislature enacted in 2002, 2005, 2008, and 2009. Thus event count models are not able to distinguish differential effects of covariates on multiple events (Lindsey, 1998). As J.K. Lindsey (1998) argued, aggregating events on a single subject implicitly assumes that the intensity of events remains constant over the time period of examination.

Event history analyses are used to examine how discrete outcomes arise over time. In this dissertation, events are conceptualized as the occurrence of a policy choice of membership construction enacted into law. A policy choice enactment marks the occurrence of an event “failure.” As such, the “survival time” of a policy choice is the length of time leading up to enactment and the hazard rate is the rate at which a policy choice fails by a certain time t given that the policy choice had survived until t (Box-Steffensmeier and Jones, 2004). A variance-corrected approach for repeated state policy choices adjusts the variance of the parameter estimates by clustering on the state to account for the repeated nature of the data. Furthermore, such an approach allows for the enactment of policy choices of membership construction to be conditional on previous enacted policy choices, unlike previous methodological approaches to examining state policy choices.

Finally, this dissertation is also concerned with how public policies send political messages to mass publics about their own membership in a polity. I will examine the

ways in which public policies can structure citizen and noncitizen beliefs about membership by empirically examining public opinion on immigration issues in the 2008 American National Elections Study (ANES) and the 2006 Latino National Survey (LNS). The particular models and methods will be discussed in subsequent chapters in which those analyses are presented.

Conclusion

In this chapter, I discussed how the 1996 federal immigration and welfare reforms present a unique opportunity to examine how public policies about the treatment of noncitizens reflect different ideas of noncitizen membership in America and contextual determinants of policymaking. To test my hypotheses and empirical propositions, I assembled a new dataset of state-level legislative bills pertaining to noncitizens' eligibility rules for public assistance; requirements for employment, education, and residences; and, civil protections from criminal charges from 1997 to 2010. Also, in this chapter, I empirically confirmed that the variation of state-level policies is better explained by the four main policy choices of membership construction than a binary inclusion/restrictive framework.

In addition to having unique designs, policy prescriptions of membership are also choices that policymakers must legitimize for the American public and tools that structure mass political attitudes. In this chapter, I proposed methodological approaches specific to examining contextual determinants and how policies can structure mass public attitudes. Departing from previous state policy and politics studies on U.S. immigration, I will use a new statistical approach that conceptualizes policy choices as correlated events over time. To examine how policies structure mass public beliefs about membership, I

will use the 2008 ANES and 2006 LNS to examine the ways in which different kinds of policy prescriptions of membership structure U.S. citizens' and Latino immigrants' beliefs about American membership. Taken together, the ways in which policymakers design prescriptions for membership, legitimize their policy choices, and shape mass political beliefs provide substantive implications for how immigration is understood in America, which I will discuss in the following chapters.

Chapter 3: The Social Construction of Noncitizen Membership in America

In this chapter, I will develop a theoretical framework for explaining how and why the public policies on the treatment of noncitizens in the U.S. shape mass beliefs and perceptions of membership in a democratic polity. Building on the works of Anne Schneider and Helen Ingram (1993), I maintain that policymakers will think first about who they want as policy recipients before designing policy tools to achieve policy outcomes and broader societal goals. Rather than classify policy recipients by how much political power they possess and whether they are either positively or negatively received by society, I argue that policymakers reconstruct the relationships between race, ethnicity, class, gender, and immigration status to sustain four dominant prescribed goals of American membership: punishing foreign entrants with unknown origins and criminal intents (exclusionary policy prescriptions); maintaining the importance of a homogenous and unified nation (unidimensional policy prescriptions of inclusion); upholding cultural difference and special status rights (multicultural policy prescriptions of inclusion); and, understanding that immigration status imposes cumulative and multiple disadvantages with race, ethnicity, gender, and class (cross-cutting policy prescriptions of inclusion). Through these distinct goals, policymakers will legitimize discriminatory actions against noncitizens by creating noncitizen membership in America into social dilemmas ranging from upholding justice by punishing lawbreakers; requiring noncitizens to prove that they should receive admission into a homogenous and unified country; assisting needy and deprived cultural minorities; and, upholding states' rights as a fundamental political principle.

I will also argue that changing the interaction of power and social constructions will lead to different allocation of benefits and burdens, policy tools to ensure compliance, and rationales to legitimize policy choices than those proposed by Schneider and Ingram (1993). As such, policymakers' choices of membership construction will reflect their own beliefs and perceptions about the nature and causes of America's immigration "problem," which consequently will influence how mass publics will think about their own standing in democracy. This chapter is divided into three parts. First, I build on the work of Schneider and Ingram (1993) and Lina Newton (2008), a recent and important immigration policy work that uses a target population framework, to rearticulate the multiple dimensions of noncitizen membership in America which can be observed through four main policy choices of membership construction. I then discuss how policy choices of membership construction should reflect different benefit/burden allocations, tools for compliance, and policy choice rationales. Finally, I propose how policy choices of membership construction should influence mass public beliefs and perceptions of American membership.

Rearticulating Noncitizen Membership Beyond a Binary Choice Between Deservingness and Undeservingness

Scholars such as Lina Newton (2008) have found that entrenched narratives about the criminal behaviors of noncitizens and responsible employers who are overburdened by government regulations justified the punitive tone in immigration reform policies. In both 1986 and 1996, policymakers constructed stories that linked undocumented immigrants to criminal activities or inherently having deviant and incurable behaviors. Policymakers also portrayed the federal government as an abusive and unnecessary

overseer that enforces too many regulations on employers and thus constrains positive social and economic contributions that employers can provide to society (Newton, 2008: 69; 121). The positive depiction of employers as institutions that are trustworthy, law-abiding, yet victims of government regulation contrasted with the negative depiction of undocumented immigrants as inherently criminal. Policy tools in the two different time periods reflected government efforts to protect business interests and symbolically punish employers for hiring federally unauthorized immigrants.

Newton also illustrated how different narratives were employed by policymakers in 1996. Narratives that were not found in the 1986 Immigration Reform and Control Act (IRCA) legislative debates were more than simply alternative ways to socially construct target populations. They represented changing government structures and potentially “new spaces” where national forms of membership are evaluated and contested (Ong, 2003; Ong, 2005). By 1996, narratives that rationalized government protection of virtuous and hard-working immigrant workers on American family-owned farms and that portrayed racial minority and foreign-born job applicants as victims of employers and the federal government were seldom used by policymakers.¹¹ Policymakers shifted their attention to demonstrating their frustration with the failures of federal government to attend to local interests; raising the salience of a lawless and unguarded U.S. southern border; and, castigating immigrants for stealing rightful resources and benefits from U.S. taxpayers. Such narratives fit within a trend to which other scholars such as Linda

¹¹ Lina Newton (2008) finds a separate Anti-discrimination narrative that pertains specifically to employers. In my analysis, I group it with the Government-Off-Our-Backs Narrative. As Newton (2008: 85) admits, charges that the federal government is involved in discriminatory acts “rings oddly when the subject of concern is employers.” Newton finds that the second version of an anti-discrimination narrative is a clear attempt by anti-government regulation policymakers to find another way to avoid government oversight in hiring. As such, I consider that this second version fits more with narratives about anti-government regulation.

Bosniak (2004) point. That is, how U.S. policymakers have extended physical border control tactics into the country's interior through punitive sanctions in public assistance and streamlined cooperative state-federal partnerships in criminal justice tactics (Bosniak, 2004). Newton's study productively illustrated that policymakers have extended the meaning of American membership beyond a definition based on only territorial rights to new spaces in which policymakers evaluate the terms of membership based on equal rights to healthcare, jobs, public resources, and civil rights.

The ways in which policymakers rearticulated American membership in 1996 foreclosed other dimensions of inclusion. While Republicans in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) legislative debates were successful to erase traditional legal distinctions among immigrants by rhetorically expanding the population of "problem immigrants" to include both legal and illegal immigrants, there were remarkably few challenges offered by both Democrats and Republicans to counter the negative constructions of legal immigrants and the positive constructions of employers.¹² During the 1986 IRCA legislative debates on providing amnesty to undocumented immigrants currently in the United States, policymakers spoke about immigrants as hard working, law abiding, community members, and future American taxpayers. Both Republican and Democratic policymakers at that time engaged in acts that tied deserving portrayals of immigrants to policy solutions that called for increasing social and economic resources to grant legalization. However, by 1996, Newton (2008: 133) found few narratives that any partisan policymaker used to counter the negative construction of legal immigrants as freeloading welfare recipients who don't

¹² A counter-narrative, according to Newton (2008: 38), "offers an alternative reading of the same issue as well as an alternative solution of the problem that is put forth in the policy narrative which it challenges."

contribute anything to society. This negative portrayal of immigrants was further reinforced by positive constructions of employers as trustworthy, diligent, and law-abiding institutions that gave opportunity to those who had enough gumption to look for it. Positive constructions of employers, Newton found, were not accompanied by any counter-narratives, which served to put further blame on immigrants who were allegedly inept at respecting U.S. laws. As such, not only did policymakers find spaces to re-articulate American membership to represent nativist interests, but they also found ways to completely shut out other spaces that potentially allowed for the contestation of negative social constructions.

The findings of Lina Newton (2008) implied that using positive ascriptions of legality were insufficient to confer membership to a population that policymakers deemed a constant problem to the American public. Due to voting ineligibility and being negatively perceived by mass publics, policymakers enacted laws that treated immigrants as undeserving of social and political rights during congressional hearings and debates on IIRIRA. The strategic use of symbols and imagery to assign blame and punitive sanctions to immigrants differed from earlier hearings and debates on IRCA, in which policymakers advocated for conferring civil protections from criminal charges and some public assistance privileges to undocumented immigrants who already territorially present in the United States. Pro-immigrant policymakers portrayed undocumented immigrants as deserving American members who were diligent workers but were exploited by unregulated employers and unnecessary bureaucratic red tape. These positive social constructions subsequently led to federal policymakers granting amnesty and legal status to territorially present undocumented immigrants in the United States in

1986. Despite these earlier policy victories for immigrant communities, attaining positive ascriptions such as “legal resident” were not enough to shield undocumented immigrants from negative attacks by lawmakers during the 1996 IIRIRA debates and hearings. Newton’s findings implied that the 1996 federal immigration and welfare reforms influenced mass publics to think of illegal *and* legal immigrants as undeserving American members.

In addition, their “weak” political power, Newton further argued, prompted policymakers to treat immigrants broadly as a deviant or problem population. Immigrants generally received more policy burdens such as strict rules for public assistance or attaining civil protections from civil and criminal charges than policy benefits given by social assistance programs with open enrollment. Policymakers also used coercive policy tools to achieve compliance with immigrant populations and legitimized the need for such tools through claims of emphasizing justice. Furthermore, policymakers asserted that punitive measures are the only option when dealing with deviants. In order to get “them” to learn that either they don’t belong or that they must respect the rules of the host country if they choose to live there, policymakers declared that the social relations among immigrants are best ruled by force.

Yet, other immigration works argue that immigrants are not exclusively contained in a deviant category of target populations. Despite belonging to a group that has a negative social construction, socially advantaged immigrants who work in specialty occupations and have relatively higher levels of educational attainment receive relatively less policy burdens than undocumented immigrants and low-income migrant workers (Freeman, 2006; Joppke, 2003). Also, immigrant activists emphasize that immigrants are

members of U.S.-based racial minority groups to highlight how punitive policies directed at immigrants have negative and unintended consequences for all racial minorities who live in a country that historically discriminates against them. In response to Arizona's recent immigration law that imposed strict penalties on immigrants suspected of crossing the border illegally, immigration advocates increased the scope of conflict over membership to not only make the law about immigrants, but how the law affects the civil rights of all U.S.-born Latinos and Mexicans living or traveling to Arizona (S.B. 1070, 2010). Based on Anne Schneider and Helen Ingram's theory, socially advantaged immigrants and immigrants who belong to U.S.-based racial minority groups that have a growing presence in electoral politics could be considered contenders. Policymakers are expected to only assign benefits in such a way that are noticed by contenders. Policy burdens are merely symbolic gestures to assure contenders that powerful groups such as employers and government are held accountable, yet the burdens are not high enough to deter them from neglecting racial minority interests.

Anne Schneider and Helen Ingram (1993) presumably recognized that interests are stratified and are far from homogenous in a target population since the authors provide cultural elites as an example of "contenders." Cultural elites' values and perspectives are privileged over other group members due to leadership positions or socioeconomic status. Group leaders can only pursue a select number of interests due to time, money, and resources. As such, Schneider and Ingram's target population framework (1993) implicitly assumed that target population leaders and elites do and should speak on behalf of their membership.

Despite allowing for more variation of interests within a target population, Schneider and Ingram do not sufficiently conceptualize power as the different ways in which politics and policymaking marginalizes the interests of socially disadvantaged interests within target populations that are powerful but have a negative social construction. A target population's power is instead based on the number of votes it can generate, how much wealth it has, and its propensity to mobilize for action (Schneider and Ingram, 1993: 335). To ensure that policymakers perceive a target population as powerful, particularly if it is associated with negative perceptions among the public, Schneider and Ingram implied that target population leaders must first gain enough resources to appeal to voting majorities. An emphasis on appealing to majority sentiments often present political and organizational incentives that prompt leaders to reconstruct their target population's identity in such ways that downplay pervasive problems and deviant behaviors (Cohen, 1999). As part of a theoretical framework that conceptualizes power as resource-based, elites and leaders of target populations also participate in ensuring that they are recognized as emerging contenders by policymakers.

Other research in the U.S. immigration literature suggests that policymakers may also think of a subset of noncitizens as dependents, a target population that has weak political power but a positive social construction. As Schneider and Ingram (1993: 338) stated: "For dependent groups, such as children or mothers, officials want to appear to be aligned with their interests; but their lack of political power makes it difficult to direct resources toward them." As such, policies that are directed at dependents are largely symbolic gestures to acknowledge and understand their pain. Recently, scholars have given attention to child welfare policies that attempt to provide safety for children whose

parent was deported in immigration raids. After civil rights and child welfare advocacy groups highlighted highly questionable deportation practices of the Immigration and Customs Enforcement (ICE), federal policymakers forced ICE to minimize the separation of children from their families in workforce raids while limiting deportation proceedings to focus only on immigrants who have committed serious crimes (Finno and Bearzi, 2010). Yet, policymakers have not acted to provide additional resources to the parent, most often the mother, who is not in the custody of federal agents (Capps, et al., 2007). Randy Capps, Everett Henderson, John D. Kasarda, James H. Johnson Jr., Stephen J. Appold, Derrek L. Croney, Donald J. Hernandez, and Michael Fix (2007) also found that relatives, neighbors, friends, and community organizations typically take the responsibility of caring for immigrant children without parents.

Noncitizen women who experience violence and abuse can also fit into a target population of dependents. Immigrant and refugee women who are racial minorities and sexual minorities who leave their home countries to escape homophobic violence are more likely to experience higher rates of homicide. These fatal outcomes suggest that U.S. based social systems are intervening either too late or not at all in violent acts that might otherwise be preventable. Since the passage of the federal Victims of Trafficking and Violence Protection Act (VTVPA) of 2000 and the Violence Against Women Act (VAWA) of 2000, state policymakers have been inspired to protect the interests of abused women and girls in immigrant and refugee communities. However, as of 2007, only 27 states have enacted laws that specifically addressed violence against immigrant and refugee women and girls. Furthermore, a majority of state-level responses received

failing grades on the provision of immigration assistance, translation services, mental and health services to women and girls (Center for Women Policy Studies, 2007).

Dependent-targeted policies do little to allocate resources, unless dependents are willing to claim benefits through a process that proves that they are worthy. The VTVPA of 2000 created the U Nonimmigrant Visa Program, which victims of “substantial physical or mental abuse may apply for a U Visa if they are willing to assist law enforcement or other government officials in the investigation or prosecution of those crimes” (U.S. Department of Labor, 2011). If granted a U Visa, a woman may remain in the United States for up to four years and may eventually apply for permanent residency. However, women seeking protection are obligated to “ask a federal law enforcement agency or official to complete a certification form asserting that the U Visa petitioner ‘has been helpful, is being helpful, or is likely to be helpful’ in the investigation or prosecution of the criminal activity” (U.S. Department of Labor, 2011). The U Visa Program requires abused and battered immigrant and refugee women to demonstrate that they are “good girls” who can cooperate and behave well to help law enforcement agents catch criminals. What is more, conferring membership to them is only a means to capturing and punishing their offenders through tougher felonies. While appearing to represent the interests of the “poor, hungry, tired, and huddled masses yearning to breathe free,” policymakers capitalize on the misfortunes of the victimized to forward their criminal justice objectives.

By conceptualizing that a target population consisting of women and children in immigrant and refugee communities has a positive social construction, other inequalities that operate on multiple axes of disadvantage are concealed or are not even addressed.

The ways in which policy designs and rationales marginalize noncitizen women's and children's interests are assumed to flow from their weak political power. Although, a target population framework gives minimal attention to the ways in which electoral incentives to pursue public policies that affect everyone universally or a majority of society actually work to constrain how inequalities are addressed. As Dara Strolovitch (2007: 26) found:

“While marginalization occurs along multiple intersecting and overlapping axes such as gender *and* race *and* poverty, the *political response* to oppression and disadvantage in the United States, with few exceptions, has been to organize interest groups and to pursue public policies that are dedicated to addressing *single* axes of oppression – gender *or* race *or* poverty.”

The design of most immigration policies targeting women, mothers, and children reflect the assessment made by Strolovitch (2007). As the report from the Center for Women Policy Studies (2007) found, most state policies that addressed violence against immigrant and refugee women and girls as a problem of gender or immigration status or being a cultural minority. Other child welfare research on immigration suggested that motivations to understand the intersection between motherhood and cultural rights are sometimes discouraged, as some child welfare agencies view cultural differences in parenting styles as negligence (Olayo and Mendez, 2006; Zielewski, Malm, and Geen, 2006).

Policymakers prefer to design policies targeting immigrant families for improving men's and women's cultural integration into American society. Integration, though, is mainly fixed on attempting to resolve gendered roles within the family. Due to cultural or financial stressors on the family system, previously established gender roles change through women entering the workforce and men accepting additional childcare and

housework responsibilities (Coltrane, Parke, and Adams, 2004; Coltrane et al., 2004). However, while family stressors continue to motivate household decisions to enter the labor market, other researchers found that employment of wives and unemployment of men both contribute to domestic violence among Latino immigrant couples (Aldarondo, Kaufman, and Jasinski, 2002). Thus government actions that solely focus on providing economic opportunities to women may also further marginalize them through persistent gendered norms that foster violence.

While some states do enact cross-cutting policies that address intersectional disadvantages, government actions made on behalf of a target population of dependents demonstrate that policymakers mostly prefer to address the complexities of inequality on a single axis of disadvantage. Policymakers do not reach such decisions through rigorous analysis and rational decision-making, and their choices are far from the most optimal or best solution. To the contrary, their choices are only preferred remedies to treating social dilemmas involving a target population of dependents. Dependents' weak political power, according to a target population framework, enables policymakers, group leaders, or political elites to impose their values and preferred remedies onto dependents and also assert that their policy actions are legitimate and consistent with dominant values and mores of a polity. As such, saying that a target population has weak political power only serves to label public policies that do cut across multiple axes of social disadvantage as falling outside of the normal or traditional policymaking process.

The Multiple Dimensions of Noncitizen Membership in America

Currently, a target population framework is insufficient to explain the multiple ways in which social marginalization operate beyond binary distinction between the

politically weak and powerful as well as between negatively and positively constructed groups. Scholars of immigration and citizenship have defined American membership in a variety of ways. For example, some restrict membership to the naturalization of immigrants. Others have posited broader conceptualizations of membership as having to do with access to the welfare state (Marshall, 1950); the right to earn equal wages and vote (Manza and Uggen, 2002; Shklar, 1991); ethnic traits and language skills (Huntington, 1999); public affirmation of multicultural values (Kymlicka, 1996); and, affirmation of a person's intersectional membership in multiple ascriptive groups such as immigration status, race, class, and gender (Strolovitch, 2007; Ngai, 2006; Bosniak, 2006). In spite of this rich literature, current immigration policy works that employ a target population framework constrain the meaning of noncitizen membership within an inclusive/restrictive framework that employs a priori assumptions about the meanings of deservingness and political power. Few works in the U.S. immigration literature have taken the findings of Dara Strolovitch (2007) seriously enough to consider how different conceptualizations of deservingness and power can be expressed through a hierarchy of public policy choices that affect different noncitizen subgroup interests.

Examining the immigration politics literature through an intersectional lens that is used by Strolovitch (2007), Hancock (2007), and Cohen (1999), public policies about the treatment of noncitizens in America can construct meanings of deservingness through four main policy dimensions of membership: *unidimensional policy prescriptions of exclusion; unidimensional policy prescriptions of inclusion; multicultural policy prescriptions of inclusion; and, cross-cutting policy prescriptions of inclusion.* Unidimensional approaches to examining inclusion and exclusion view the terms of

membership as static and non-negotiable. Strict and “black and white” definitions of Americanism guide administrative personnel in deciding which individuals are considered American members, which simplifies the needs of socioeconomically disadvantaged individuals into a single dimension. For example, the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) allowed only low-income people who had citizenship or legal immigration status before August 1996 to qualify for Temporary Assistance to Needy Families (TANF), food stamps, children’s health insurance, and other state public assistance programs. The consequences of using strict membership criteria such as national identification and time of arrival are organizing forms of relief around a single axis of discrimination (Strolovitch, 2007). Strict criteria of proving American membership creates a permanent set of marginal groups whose needs are unmet by policy initiatives seeking to provide social benefits only to those who are able to prove legal national standing.

Even though the marginalization of noncitizen interests persists in the United States, restrictive and homogenous definitions of Americanism are deeply embedded in American culture. Bill Hing (2002) argued that America has two faces when it comes to race, ethnic background, and deciding who is an American. Hing stated:

“One is an all-embracing America on the matter of who is an American. This vision recognizes that the United States is a land of immigrants, and that in spite of exclusionary policies aimed at different groups throughout its history, the country is comprised of members of different shades and ethnic backgrounds. The other America is narrow in its view of who is an American. This second vision is Euro-centric, excluding those of Latin or Asian descent, and as we have seen recently, excluding those of Middle Eastern background” (pp. 15).

Hing referred to the process by which racial and ethnic minorities are restricted from American membership as “de-Americanization,” which closely resembles policymakers’ goals when designing policy prescriptions of exclusion. Determining the American

membership of racial and ethnic minorities extends beyond national borders and extends into the country's interior where state legislators collectively determine the scope of alien rights and privileges. "Boundary-regulating citizenship," Bosniak (2000) argued, "is not confined to the physical border; it operates deep inside the political community through the category of alienage." As other works found at the state-level, policies targeting immigration, refugee, and asylum-seekers have mainly taken restrictive and punitive tones (Chavez and Provine, 2007; Ramakrishnan and Wong, 2007). State-level policies such as raising criminal sentences and charges against noncitizens; racial profiling initiatives; and, partnerships between federal authorities and state agencies to apprehend unauthorized migrants draw more attention to the enforcement of laws that maintain the alien status of noncitizens within national boundaries (Schuck and Smith, 1985, Smith, 1997).

The restrictive tone of immigrant policies is also translated through unidimensional policy prescriptions of inclusion which aim to incorporate outsiders into mainstream society if they are able to meet eligibility rules and go through stigmatizing procedures to gain policy benefits. T.H. Marshall's (1950) *Citizenship and Social Class* serves as an influential work that establishes a framework of inclusive membership for societal outsiders. According to Marshall, public assistance has the potential to integrate members of marginalized groups by providing them the right to "share in the full social heritage and to live the life of a civilized being according to the standards prevailing in the society" (Marshall, 1950: 78). According to seminal theoretical works on civil society and justice, an emphasis on a single and unifying definition of Americanism is necessary to ensure social and economic justice. Through public assistance, Marshall argued,

governmental officials facilitate the cultural integration of foreigners into society. Identification standards and national boundaries create a sense of societal belonging that prompts policymakers, public personnel, and citizens alike to ensure that the needs of society's most disadvantaged members are met. Political leaders are also justified in establishing strict national boundaries in order to provide assistance to the poorest and most disadvantaged members of society (Walzer, 1984). Once immigrants live and work within a country, Michael Walzer (1984) claimed, justice requires that "every immigrant and every resident [be] a citizen too or at least a potential citizen." As justice is constructed locally to form a shared sense of belonging, immigrants must frame their needs and rights according to that society's norms and values. The rhetoric of attaining self-sufficiency through employment and political efficacy is often used by political leaders who personify what American membership means, typically centering on language that expresses a citizen has both the right to earn an income and the right to politically express herself through voting (Shklar, 1991). Legal status is also a means to distinguish oneself among other members of an immigrant group. More recently, Kara Cebulko (2009) found that attaining legal status is important to Latino immigrants who attempt to distance themselves from the negative portrayal that white Americans assign generally to Latino immigrants.

While unidimensional policy prescriptions create a shared sense of belonging which seems welcoming to the most disadvantaged, they also coincide with the work of members of the New Right movement who view "assistance" as means to monitor and impose behavioral requirements to cultivate "Americanism." According to New Right scholars, provision of rights and civil liberties by government is not the problem. Rather,

it is the issuance of government assistance without establishing any obligations to contribute to American society, particularly through working. Lawrence Mead (1986: 240) argued that American membership should “go beyond entitlement” and be structured to “obligate the dependent as others are obligated to support themselves.” Work requirements became the driving force behind transforming the welfare system in the 1990s. State legislators tightened unemployment benefits and instituted regulations that monitored the personal behaviors of the poor in order to teach people American virtues of initiative, self-reliance, and self-sufficiency (Kymlicka and Norman, 1994: 356; Mulgan, 1991: 43).

Critical race theorists and feminist scholars strongly criticized policies exclusively promoting Marshallian citizenship ideals (Crowley, 1998; Williams, 1991). By granting open and equal access to social assistance, as Marshall argued, government helps cultural outsiders to transcend economic class. Yet, once social rights are attained through a status given by the state, scholars criticized Marshall (1950) for assuming that merely attaining social rights that the majority enjoys will mitigate the negative effects of economic class in a capitalist society (Turner, 2001; Fraser and Gordon, 1992). As Nancy Fraser and Linda Gordon (1992) argued, “inclusive” laws to protect everyone typically remain silent on whether government should extend full citizenship rights to groups that society has historically and institutionally excluded on the basis of race, religion, or gender from dominant culture.

These works raised questions about whether the rhetoric of Marshallian citizenship which immersed itself in “rights-based talk” is willing and able to recognize immigrants, refugees, and asylum-seekers who have intersecting and overlapping

membership in various marginalized groups. Economic disparities transpire across racial lines in the United States. Cindy Kam, Elizabeth Zechmeister, and Jennifer Wilking (2008) found that race largely structures cultural disparities in language acquisition, educational attainment, and general assimilation, which account for participatory differences between Mexican Americans and whites. The authors also found that cultural and gender disparities in political participation are largely discounted by mainstream models of political participation which emphasize the acquisition of resources, opportunities, and motivations. These findings suggest that mainstream forms of integration advocated by policymakers, administrative personnel, and employers downplay ethnic and gender differences to universalize American members into a homogenous nation that has distinct and non-contestable lines of membership.

American membership can also embrace the idea of difference and welcome the ethnic diversity that immigrants, refugees, and asylum-seekers contribute to the United States. Multicultural policy prescriptions of inclusion construct membership in a particular way that accommodates that the cultural rights of immigrants, refugees, and asylum-seekers. Rather than differentiating such noncitizens by their immigration status or by legal and illegal distinctions, policymakers target noncitizens as ethnic minorities who are members of U.S.-based racial groups.¹³ Respecting cultural differences by no means makes multicultural policy prescriptions the “most” inclusive, but rather changes how marginalization of noncitizen interests will unfold. By granting membership to ethnic minorities, policymakers foster multicultural environments which, as Will

¹³ I use the term U.S.-based racial groups to recognize works of scholars who examine how racial discourses and race as a fundamental organizing principle of politics are structured differently in countries other than the United States (Bonilla-Silva 2005; Nobles 2000). For example, Melissa Nobles (2000) examines the differences and similarities between assumptions about race and citizenship in Brazil and the United States, which have informed each country’s census categorizations.

Kymlicka argued (1989: 166), recognize cultures as an “important good.” Hiring cultural minorities, recognizing the religious and linguistic practices of different cultures, supporting small businesses owned by ethnic minorities, and developing culturally-sensitive human services to target populations are some examples of the goods that multicultural environments produce in order to improve local commerce and service delivery to hard-to-reach populations. As Kathleen Garces-Foley (2007) found through an examination of ethno-racial divisions within Christian churches, multicultural institutions such as churches challenge its members to engaging with ethnic “others” and provide experiences that develop civic skills for living in an increasingly diverse country.

Multicultural policy prescriptions represent group-differentiated forms of integration which refute the practice of universalizing noncitizens into a civic vision of a cohesive and homogenous American people. Cultural pluralists and radical democratic theorists prominently took the lead in challenging the theoretical foundations of civil society and liberal virtue theories that emphasized a universal and unitary perspective of national membership. Iris Marion Young’s differentiated citizenship theory (1990), for example, contested scholars such as John Rawls and Michael Walzer who advocated for a theory of social justice which requires ethnic and cultural minorities to assimilate into mainstream society. Young (1990) asserted that a common culture consisting of socially and culturally diverse groups is established only by affirming – not just tolerating – one another in their differences. A society, as Young (1990) argued, must embrace difference rather than shun it if society is to respect the rights and dignity of a socially and culturally diverse collectivity.

While the work of Young helps scholars understand the extent to which traditional citizenship theories impose cultural assimilation on historically marginalized groups, Rogers Smith (1997) argued that Young does not explain whether a group's collective claim of respecting its difference is related to the extent to which a group member has agency in contesting her group's cultural norms and traditions. As other works have gone on to show after Smith (1997), marginal group members are susceptible to group elites such as newly elected officials, traditional leaders, and public intellectuals are given the role of policing the behaviors and image of their own descriptive group (Cohen, 1999; Okin, 1999; Shachar, 2001). More recently, Kathleen Moore (2007) examined Muslim Americans' pluralist practice of drawing on their own religious authorities from their home countries while accepting distinctly American dogmas. Even though Muslim Americans have legal residence or are naturalized citizens, they still struggle to be pluralists and to negotiate cultural rights and liberties in the United States. Such works challenged Kymlicka (1998) by providing deeper understandings of internal marginalization processes within ascriptive groups. Regardless of how important culture may be in providing a social good for people in society, Kymlicka (1998) does not give much attention to the intentional actions taken by policymakers to shape what it means to be a multicultural society. Similar to the argument posed by Sandra Levitsky (2008), making claims of the positive benefits of multiculturalism are in themselves constructions of preferred remedies to social crises that policymakers deem as important.

Policymakers choose to construct American membership to encompass the protection of ethnic pluralism. Levitsky (2008) fits with other works of scholars who argued that group-differentiated approaches to studying politics mostly assumes that

categories of difference are equally important and remain conceptually independent when explaining political phenomena (Hancock, 2007: 67). Ange-Marie Hancock (2007) suggested that political leaders mostly consider ethnic and gender interests, for example, to be mutually exclusive. This assumption of mutual exclusivity also informs scholarly works pertaining to immigration. For example, in an examination of how international migration impacts support for the welfare state in thirteen countries, Maureen Eger (2010) found that “immigration-generated diversity” has a negative effect on attitudes. Eger (2010), though, defined diversity only in terms of ethnicity rather than gender or class. Ethnic composition of a country operated independently from gender and class and also has a larger effect than other ascriptions. The notion that ethnicity operates independently from other ascriptions is reflected in other works such as Ryan Claassen (2004) who examine Hispanic ethnicity as an overarching and cohesive identity that is more important than other identities. While multicultural frameworks and policy prescriptions aim to recognize and protect cultural rights, they also say less about intersectional forms of marginalization which are experienced by women and linguistic and sexual minorities (Green, 1995; Okin, 1999; Shachar, 2001).

In contrast with unidimensional and multicultural policy prescriptions of inclusion, cross-cutting prescriptions aim to construct American membership through an understanding that immigrants, refugees, and asylum-seekers are members within other race, ethnic, class, and gendered groups. Cross-cutting prescriptions aim to bring evaluations of inclusion away from a binary choice between illegal and legal immigrants to consider the multiple ways in which immigration status compounds social disadvantages arising from other ascriptions such as race, ethnicity, class, and gender.

Viewing immigration status as a separate ascription from race contests scholarly works, particularly in economic-based human capital approaches to studying membership which assume Latinos, either as self-identified categorizations or demographic groups, serve as acceptable proxies. As such, immigration status is bound to a Latino identity, which further enables policymakers to racialize immigration policies.

Constructions of membership based on group-differentiated theories assume that policymakers should represent the interests of cultural minority groups equally in spite of structural inequalities both within a group and across minority and majority cultures. According to Young (1990), policymakers should recognize the linguistic rights of Hmong refugees equally with the linguistic rights of Latino immigrants. However, group-differentiated theories of inclusion can consequently empower policymakers to assume that ethnic interests are permanently fixed with particular U.S.-based racial groups. Due to largely political and economic incentives to represent constituencies based on sheer size, policymakers inevitably create an unequal distribution of multicultural programs and rights. While Asians represent the second fastest growing immigrant population in the United States, public funding to bilingual programs that support Hmong, Vietnamese, Tagalog, and Cambodian languages drastically lag behind programs that support Spanish. Political attention to the need for pan-Asian languages understandably differs by U.S. region, but contemporary immigration politics and sensationalized stories of illegal southern border crossings have unfairly racialized U.S. immigration policy and exclusively linked the issue to Latinos. What is more, regional differences in offering pan-Asian language programs illustrate how the representation of racial minority interests are unfortunately still influenced by how many racial minorities live and vote within a

constituency in spite of dominant structural and political inequalities preventing them from doing so.

Furthermore, unlike multicultural policy prescriptions, immigration status is neither subsumed within racial or ethnic categories, nor viewed as independent from gender and class. Sarah Song (2005: 486) found that feminist critiques of multiculturalism such as Susan Okin (1999) seemingly view cultures as unified wholes. For Okin (1999: 14), cultures are distinctly patriarchal, which fosters the concept of “internal minorities” such as women or religious minorities who are marginalized by dominant group norms. Even though Song (2005) acknowledged that group norms foster the subordination of internal minorities, she also argued that conceptions of monolithic and well-bounded cultures fail to capture a range of interactive dynamics that scrutinize both minority and majority cultural norms. These dynamics include mainstream societal gender norms supplementing sexist practices within cultural minority communities; partial excuses for patriarchal behavior among immigrants; legal toleration of sexist practices in immigrant communities which validates sexist norms in the majority culture; and, a deflection of mass public attention away from violence and patriarchal practices within majority cultures. Song (2005) suggested that while society must continue to foster multiculturalism and cultural accommodations, policymakers must design policies that assume minority cultures are neither monolithic entities nor give mass publics a false choice between multiculturalism and gender equality.

As such, cross-cutting policy prescriptions are assumed to directly target the interests of noncitizen members of historically disadvantaged groups. Policymakers and advocacy leaders who support universal policy designs and policies that target majority

interests accept inefficiencies, indirect routes of delivery, and trickle-down effects in providing social benefits and resources to marginal groups (Strolovitch, 2007). In contrast, an intersectional approach to examining membership aims to allow categories of difference to interact with one another in such a way that transcends how American membership is traditionally defined by policymakers. With more scholarly attention to ascriptive differences among a U.S. population that is growing in size and diversity, scholars have begun to “unbracket” foreigners and aliens in theoretical discussions of American membership. Linda Bosniak (2000; 2006), for example, observed that in most liberal democratic states a class of people who live and work in a society exist and are “neither accorded the status of citizen nor granted essential rights ordinarily associated with citizenship,” which includes voting rights, receipt of public assistance, and the right to remain in the country (Bosniak, 2000: 972). The class of individuals who are able to live and work within the United States yet do not receive full membership rights implicates the universality of social rights and the liberal foundation of citizenship theory.

While U.S. policymakers have enacted a variety of policies that aim to address multiple and cross-cutting forms of disadvantage, they have thus far done so in narrow ways. One of the most common approaches is to extend public benefits and/or civil rights protections from criminal charges to undocumented immigrants, migrant workers, and human trafficking victims. In other cases, policymakers in some American states have enacted laws to grant undocumented immigrants rights to claim unemployment and workers’ compensation. Policymakers also have restored benefits to low-income immigrants with lawful presence in the United States. Although such policy acts express

beliefs that repudiate defining Americanism narrowly, scholars have shown that the designs of such policy choices have still perpetuated marginalization. Nevertheless, given their limitations, these policy choices still represent a form of defining American membership that is theoretically distinct from the previous policy constructions of membership.

Bringing Anne Schneider and Helen Ingram (1993) into conversation with the works of Dara Strolovitch (2007) and other intersectionality scholars rearticulates how American membership and target populations are constructed through public policies. Consistent with the literature on the American membership of noncitizens I previously discussed, I formulate the following hypotheses:

H₁: Policymakers will construct the American membership of noncitizens in different ways, which can be observed through four distinct policy choices: unidimensional policy prescriptions of exclusion; unidimensional policy prescriptions of inclusion; multicultural policy prescriptions of inclusion; and, cross-cutting policy prescriptions of inclusion.

H₂: Policymakers will reconstruct relationships between race, class, gender, and immigration status to sustain the dominant prescribe goals of American membership.

Rethinking constructions of target populations along unidimensional, multicultural, and cross-cutting policy prescriptions of inclusion shifts discussions of membership away from frameworks needlessly based on a priori assumptions of deservingness and undeservingness to frameworks that incorporate policy choices of membership constructions which structure the meaning of deservingness in different ways.

Policy Benefits and Burdens

Thinking how target populations are created through a hierarchy of policy choices of membership constructions will lead to a different allocation of policy benefits and burdens than those proposed by Schneider and Ingram (1993). The only policy choices that are expected to be consistent with Schneider and Ingram (1993) are prescriptions of exclusion. Because policymakers intend to root out people with unknown origins or unauthorized territorial presence, they will oversubscribe policy burdens and under-subscribe policy benefits. In these policy designs, noncitizens are mainly treated as law breakers who deserve punishments.

More differences are expected for prescriptions of inclusion, which will allocate benefits and burdens according to how policymakers construct noncitizen membership in America. Unidimensional policy prescriptions will oversubscribe benefits to those persons who are able to meet eligibility standards. Due to their U.S. citizenship, most native-born residents already have the credentials that allow them to at least qualify for driver's licenses, recreational licenses, employment, education benefits, loans, and public assistance. For immigrants, refugees, and migrants on temporary visas, gaining eligibility for the same privileges is more arduous. Their applications must go through several more administrative channels to verify legality. Due to large monetary penalties for civil violations and felony charges associated with assisting undocumented immigrants or those with unlawful entry, government services and human resources personnel must treat noncitizens with skepticism and require them to provide additional proof of legality. Socioeconomic status within a noncitizen population will also play a part in distributing policy benefits and burdens. Immigrants who are highly-skilled immigrants, bilingual,

and well-educated such as physicians, pharmacists, engineers, and professors are more likely to meet eligibility standards to gain membership than those with undocumented status, low incomes, minimal educational attainment, or cultural and linguistic practices that are more distinct from American culture.

Policymakers are expected to allocate benefits and burdens differently in multicultural prescriptions than unidimensional prescriptions. Rather than policymakers distributing policy burdens according to national membership standards, they distribute burdens within U.S.-based racial groups. Multidimensional policy prescriptions of inclusion will allocate benefits and burdens within a U.S.-based racial group. By recognizing that cultural difference is an important societal goal in a country that historically has allegedly welcomed immigrants, policymakers will provide policy benefits to ethnic and cultural minorities in the forms of making government services available in multiple languages, ensuring that employment opportunities are not exclusively offered in English, funding bilingual education, and providing interpreters in court proceedings. Yet, focusing on affirming cultural differences brings attention away from the ways in which cultural differences intersect with class, gender, and immigration status. Noncitizen members who have low incomes, are women, and have undocumented status are expected to receive policy burdens. This is neither coincidental nor a lapse in service provision. Rather, multicultural policy prescriptions represent preferred remedies to solving the dilemma over American membership and intentionally mean to address inequalities exclusively on a single axis of disadvantage. In an era when outright racial prejudices are strongly rejected and egalitarian principles to equality are widely accepted (Soss et al., 2008), policymakers who use multicultural policy prescriptions are not only

interested in appeasing racial minority interests. They are also engaged in using policies to influence how mass publics think about and cope with ascriptive differences.

Cross-cutting policy prescriptions of inclusion are expected to usher policy benefits to noncitizens who experience multiple and intersectional social disadvantages. Policymakers will allocate benefits through a plethora of policies such as providing of in-state tuition to undocumented immigrant students; using public funding to provide public assistance, health care, or housing to low-income migrant workers or undocumented immigrants; supporting localities to become sanctuaries; waiving time of arrival requirements to receive welfare for legal permanent residents; providing persons involved in trafficking or seeking refuge from persecution with culturally- and gender-conscious health services; and, providing legal protections to all noncitizens accused of criminal charges or civil violations. With benefits directed at intersectionally marginalized noncitizens, policymakers direct policy burdens on the federal government by resisting to conform to national immigration regulations. By contesting federal rules that are already set in place, policymakers act to represent the interests of socially disadvantaged noncitizens. As Dara Strolovitch (2007) found, the representation of intersectionally marginalized group interests occurs by *resisting* incentives to support policy issues that affect all members universally, a majority of members, or only socially advantaged members.

Policy Tools for Compliance

Policy tools that are used to achieve compliance will also differ across policy choices of membership construction. Consistent with Anne Schneider and Helen Ingram (1993) and Lina Newton (2008), policymakers who choose exclusionary prescriptions

will mainly use coercive, intimidating, and forceful means to achieve societal goals and policy objectives. Through policy prescriptions of exclusion, policymakers will mainly use sanctions, incarceration, punitive penalties for civil violations, and procedures to initiate deportation. The numbers of deportations and incarcerations, while increasing in recent years, represent a small percentage of the carceral population in the United States. Nevertheless, policymakers still advocate for intentionally neglecting to recognize noncitizens as full members of society and also subjecting them to the authority of bureaucratic agents. As Schneider and Ingram (1993: 339) stated: “At best, [deviants] will be left free but denied information, discouraged from organizing, and subjected to the authority of others – including experts – rather than helped to form their own self-regulatory organizations.” Even though state and federal law enforcement agents might not physically arrest a majority of noncitizens in America, they still uphold punitive laws that constrain the meaning of American membership to a single axis of disadvantage involving legal status.

When also justifying the need for exclusionary policy prescriptions, policymakers will often say that they cannot defend the United States alone. Rather, they will call for the help of the federal government. Policymakers will evoke commitments to supporting the federal government, which is consistent with the work of Linda Bosniak (2006) who found that two paradigms – a separation model and convergence model – are inherent in policies about the equal treatment of noncitizens in America:

“[The separation model] supports a minimalist understanding of the scope of the government’s authority to regulate membership and urges a relatively strict separation between the membership domain and the domains of territorial personhood. The [convergence model] supports an expansive understanding of the legitimate sphere of membership regulation and argues that membership concerns

are rightfully part of the regulation of social relationship among all territorially present persons” (Bosniak, 2006: 75).

Such a cooperative agreement provides a means to resolve a “jurisdictional dispute” that concerns a question of whether “discriminatory treatment of [noncitizens] is to be understood as a legitimate exercise of government’s power to regulate membership or as an illegitimate violation of their rights as persons” (Bosniak, 2006: 74). When using policy prescriptions of exclusion, policymakers will implement tools that encourage federal involvement in state-level efforts to regulate the social relations among a population that is assumed to embody deviant behaviors.

In contrast, policymakers will not use civil penalties and criminal charges to attain goals expressed in unidimensional policy prescriptions. Rather, policymakers will use tools that foster uniformity in the behaviors among noncitizens and thus bestow policymakers the privilege of choosing which behaviors they would like noncitizens to exhibit. Policy tools such eligibility rules to gain residence and employment and verification procedures to prove identity, legal status, and U.S. citizen sponsorship are some of the ways in which policymakers achieve compliance with policy objectives. Different than the tools that policymakers use in exclusionary policy prescriptions, eligibility rules and verification procedures change the ways that restriction operates within “inclusive” policies. As policy offerings that present incentives that encourage every person to prove their value to American society, unidimensional policy prescriptions are likely to turn American membership into a survival of the socioeconomically fittest. Furthermore, an emphasis on eligibility rules and verification procedures also expands the scope of conflict over American membership to involve the federal government in state and local affairs involving noncitizens.

In multicultural policy prescriptions, policymakers utilize tools that affirm cultural differences and prioritize the interests of cultural minorities. Multicultural policy tools to achieve compliance are distinct from those that policymakers use in exclusionary and unidimensional prescriptions. When thinking of using multicultural policy prescriptions, policymakers implicitly desire to construct membership in such a way that achieves goals of racial and ethnic equality. In order to make noncitizens to comply with policy directives of achieve equality, policymakers use tools to construct noncitizens as people who lack resources and recognition in society. Different from their usages of exclusionary and unidimensional policy prescriptions, policymakers acknowledge that there are social disparities between citizens and noncitizens and seek to resolve them. Yet, it is important to note that policymakers only choose *one* out of many ways that social disparities can be resolved through policies. By privileging cultural difference above other forms of ascription that can be used to categorize noncitizens (i.e. race, class, and gender), policymakers actually construct “what it means to be different in America” through their preferred remedies to define multicultural membership.

When enacting cross-cutting policy prescriptions of inclusion, policymakers use tools to insulate their jurisdictional authority in order to resist federal immigration laws. Such tools will involve developing state-based programs, restoring public assistance or civil rights protections, and contesting the policy decisions made by federal leaders. In effect, policymakers also obligate socially disadvantaged noncitizens to contest federal immigration authorities. As I will further discuss in the following chapters, the ways in which policymakers obligate noncitizens to comply with cross-cutting policy prescription goals puts them in a precarious position in the United States. Without a federal authority

to ensure equality across localities and a high level of services and civil rights protections in states, noncitizen equality will widely differ across localities. Furthermore, autonomous state jurisdictions will reinforce a federalist system of government in which governing institutions have historically avoided resolving conflicts over civil rights (Frymer, Strolovitch, and Warren, 2006).

Policy Rationales

The different policy constructions of noncitizen membership also serve to illustrate how each has its own beliefs and perceptions about the nature and causes of social dilemmas in America. Murray Edelman (1975) argued that people have alternative and conflicting cognitive contextual determinants composed of value-judgments, emotions, and self-produced “facts” regarding political issues. These structures are evoked by government actions such as making public policy choices on behalf of noncitizen interests. More recent works have examined how state policy choices reflect behavioral assumptions about target populations. Joe Soss, Richard Fording, and Sanford Schram (2008) found that punitive sanctions used in setting welfare limits reflect policymakers’ assumptions about African-American welfare recipients as embodying poor work efforts, low motivation, socially irresponsible behaviors, and a reliance on welfare. In contrast with most state policy studies that assume policy choices are products of their socioeconomic and political environments, the findings of Soss et al. (2008) implied that public policies reflect cognitive structures of influence composed of policymakers’ value-judgments, beliefs, and perceptions of target populations. The works of Edelman (1975) and Soss et al. (2008) help to develop another hypothesis concerning the construction of noncitizen membership in America:

H₃: When thinking about how membership should be constructed for a target population, policymakers' choices will reflect different social contextual determinants of immigration policymaking.

Contemporary works of immigration scholars can inform a discussion of the contextual determinants which are reflected in immigration policy choices. Lina Newton (2008) distilled dominant narratives that make causal connections between policy solutions and specific target groups involved in immigration reform. However, the contribution of her work extends beyond a study of rhetorical strategies of distributing blame and diverting responsibility to identifying the underlying beliefs and perceptions that policymakers use to structure both the need for and solutions to immigration reform.

Policy prescriptions of exclusion should reflect contextual determinants related to upholding justice and legitimizing the use of force, as theorized by Schneider and Ingram (1993) and Newton (2008). A well-known contextual determinant that Newton discussed is based on the idea that undocumented immigrants possess inherent criminal behaviors. U.S. policymakers have created a causal connection between criminal activity and the undocumented immigrant population by framing them as either drug-traffickers or dealers and creating stories of how criminal activity naturally coexists with illegal dwellers in their personal relationships and the places they choose to live (Newton, 2008:116). Placing undocumented immigrants exclusively into narratives about drugs and crime bring more attention to alleged behavioral deficiencies. Even "positive" stories of undocumented immigrants coming to America for work are based on a notion that they have no choice but to break the law in order to "make it in America." Acting to support punitive measures to control the border from undocumented entrants, Governor Jan Brewer claimed that "strong information [was given] to us that they come as illegal

people wanting to come to work. Then they are accosted and they become subjects of the drug cartel” (Davenport, 2010). Exclusionary prescriptions are expected to reflect a belief that not only undocumented immigrants are engaged in crimes, but that deporting them would actually save them from lives riddled with drugs and oppression. A “win-win” story about how protected borders prevent crime and save lives has also created racial disparities in localized criminal justice initiatives to control immigration, as John Hagan and Alberto Palloni (1999) have found. Despite Latino immigrants having less involvement in crime than citizens, they are still more likely to be incarcerated than their citizen counterparts. In areas of the United States that are plagued by high crime rates, as the causal story goes, there are likely to be undocumented immigrants who are either enabling or contributing to a criminal climate. To this end, exclusionary policy prescriptions should reflect increasing criminal rates.

Policy rationales based on the “criminal alien” also raise the salience of a lawless and unguarded U.S. southern border. As Newton (2008: 188) stated: “This story line is linked to the criminal alien narrative because as the means for illegal immigration (criminals), the border is also a breeding ground for smugglers, drugs, violence, and generalized chaos...” Descriptions like the “illegal alien” or “illegal immigrant,” which are popular in both public and policy discourses, reflect the perception that U.S. borders have been breached by entrants who have not been properly screened by immigration authorities. They also reflect values of entitlement and belonging that are internal to a national community. Ayelet Shachar and Ran Hirschl (2007) found that birthright entitlements to U.S. citizenship still “dominate both our imagination and our laws in the allotment of political membership to a given state,” which has justified imposing

restrictions on national membership. The work of Ayelet Shachar and Ran Hirschl (2007) suggested that contextual determinants that give rise to understandings of immigration reform as a problem of an unprotected southern border will be reflected in policy prescriptions of exclusion.

Alternatively, there are other scholars who would suggest that exclusionary policy prescriptions are legitimized by social structures that do not involve justice-oriented approaches to preserve law and order. Fiscal burdens of state and local governments have also heightened tensions between low-income American and immigrant workers, both of whom typically work longer and untraditional hours for minimal and stagnant wages and depend on public assistance. Migrant workers and undocumented immigrants are typically perceived as rule-breakers who are willing to do anything to steal job prospects from native-born workers, despite other works that suggest otherwise (Borjas, Grogger, and Hanson, 2008; but, see Marrow, 2005).¹⁴ As such, policymakers are likely to evoke contextual determinants involving worsening economic conditions to advocate for the enactment of exclusionary policy prescriptions.

Also, because exclusionary policy prescriptions are designed to expand the role of the federal government in state-level issues concerning noncitizen interests, policymakers are likely to legitimize policy punishments for noncitizens by bringing attention to how justice is squandered by the separation between federal and state immigration jurisdictions. “Pathologies of federalism” refers to a narrative that calls for

¹⁴ This dominant narrative reflects the findings of economic research that examines immigration as a fiscal detriment to native economic interests (Borjas, Grogger, and Hanson, 2008). However, in an interdisciplinary review of immigrant incorporation in America, Helen Marrow (2005) finds that the economic impact of immigration on native workers is mixed at the national and local levels. Immigrant workers replace rather than displace U.S. native-born workers. Immigrants are sometimes preferred over native workers by employers, but mostly work in jobs that native workers are not willing to perform or have left for better job prospects (Waldinger, 1996; Waldinger, 1999; Waters, 1999; Cornelius, 1998; Tienda and Stier, 1998)

expanding the powers of local and state law enforcement agencies to assist in policing noncitizen behaviors (Newton, 2008). Policymakers believe that inefficiencies and frustrations arise from the separation between state and federal jurisdictional authority to control immigration. The federal government retains sole gatekeeping authority in deciding legal entrances, residences, refugee status, and naturalizations, but also relies mostly on states to provide social services, employment, and housing. Because local agents are not allowed to handle federal matters like immigration violations, state policymakers will argue that noncitizens are uninhibited from engaging in criminal activities such as housing undocumented family members, overstaying visas, avoiding deportation proceedings, and engaging in drug trafficking. The separation of jurisdictional authority also allegedly leads to crimes against noncitizens such as hate crimes, human trafficking, and housing or work discrimination. The perception of a gap in immigration law enforcement has fostered a belief that a sensible solution to the problem is to fill in for an absent federal gatekeeping authority. The works of Karthick Ramakrishnan and Paul Lewis (2008) and Gallya Lahav (2000) found that federal-state cooperative arrangements are more common as third-party and non-federal governmental actors (e.g. private businesses, airports, neighborhood groups, police precincts, and state/local governments) received more jurisdictional power to address immigration violations. These works suggest that policy prescriptions of exclusion will reflect beliefs about state-federal cooperative arrangements in fighting crime. As policymakers construct American membership through policy prescriptions of exclusion, they are expected to evoke the federal government's national gatekeeping authority. Particularly, policymakers will raise attention to the growing numbers of legal permanent residents,

refugees, and naturalized citizens in their state to marshal support for state and local law enforcement agents needed to police the behaviors of new admits.

Similar to exclusionary policy prescriptions, the U.S. immigration literature also suggests that unidimensional policy prescriptions will reflect various contextual determinants. Beliefs about a person's potential are often expressed through American narratives, one of which involves the institution of the American farm. Small family-owned farms serve as a cornerstone of the U.S. economy (Lowell and Suro, 2002). Newton (2008) discussed the political implications of how the small family farm serves as an icon in American political culture which perpetuates an "agrarian myth" in which agriculture has a special right to the concern and protection of government (Hofstadter, 1960). As Newton (2008: 73) argued, to mention the collapse of agriculture is to strike at a sacred American institution. Farms have also provided employment for many low-wage migrant workers who confront many social and economic obstacles due to their either undocumented or temporary status. With a depleting labor pool of farm workers and minimal resources to attract and retain citizens, family-owned farms and advocacy organizations representing farmworkers, harvesters, and growers have called for lenient immigration laws that provide civil rights protections for undocumented immigrants to live and work without fear of incarceration. When thinking about constructing membership that cuts across immigration status and other forms of ascription, Newton suggested that policymakers will justify their decisions by raising attention to the need for migrant labor, but not necessarily their rights as workers. The problems of American farms are seldom about racial discrimination or labor rights violations against an undocumented workforce, but rather the dire social and economic consequences of food

shortages. As Senator Diane Feinstein (D-CA), who has worked closely with farmworkers, said about the catastrophe that Republicans created by blocking a 2007 immigration bill that gave legal status to undocumented immigrants and created a guest worker program for agriculture: “The crisis is that crops will not be harvested” (Preston, 2007). The crisis of unharvested farms serves to draw public scrutiny away from more fundamental inequalities to which policymakers would rather not attend (Edelman, 1975).

Working is also another behavior that evokes American pride. In a similar way to perpetuating the agrarian myth and the need for migrant labor, U.S. policymakers also like to maintain a myth concerning America’s reputation of providing opportunity to the poor, hungry, and tired masses. In contrast to policymakers evoking beliefs about the unraveling of social order when enacting exclusionary policy prescriptions, policymakers can also draw attention to America’s reputation for fulfilling dreams of opportunity. Policymakers are expected to legitimize the enactment of unidimensional policy prescriptions of inclusion by drawing attention to bustling economic conditions. Per capita employment serves as an indicator of the health of the labor market, since it measures the extent to which willing and able working age persons actually have jobs. As per capita employment increases, policymakers are expected to rationalize the need for unidimensional policy prescriptions by evoking beliefs involving strong labor participation.

Recent works suggest that prescriptions for a unified and homogenous nation are justified through “zero sum narratives.” Lina Newton (2008: 108) found that federal policymakers engaged in zero sum narratives – causal stories that linked legal and illegal immigration with a drain on tax money, jobs, public services, and education – in

legislative debates and hearings on both the 1986 IRCA and 1996 IIRIRA. This narrative reflected the belief that the United States is a nation whose limited social and economic resources are being diverted away from American members who rightfully own them. Noncitizens, particularly undocumented immigrants, historically have served as scapegoats of the latest national crisis (Calavita, 1998). Declining state government revenues, increasing costs for services, and winnowing federal match funds over the last decade have prompted state and local leaders to cut social services at a time when those services are needed most needed. The increasing number of fiscally burdened state governments through the 1990s and early 2000s served as a backdrop to the Republican Party's platform of creating fiscally disciplined government budgets and "fair" tax breaks to hard-working American families which aimed to rupture the Democrats' monopoly over issues such as civil rights and racial equality (Edsall and Edsall, 1992). "Balanced-budget conservatism," as Sidney Plotkin and William Scheuerman (1994: 20) argued, "has become the central ideological prop in the long-term conservative attack on the public sector." One of the many symptoms of balanced-budget conservatism is "making a subtle semantic shift" from citizen to taxpayer as the central unit of civic life (Calavita, 1998: 295). The image of the taxpayer provided a means for policymakers to justify immigration restriction through a sense of American entitlement to social services and programs for which they funded. For example, Newt Gingrich declared on the House Floor in 1996 when advocating for increased policing of illegal immigrants among the American states: "Come to America for opportunity. Do not come to America to live off the law-abiding American taxpayer" (Tichenor, 2002). Such works suggest that

unidimensional policy prescriptions will reflect contextual determinants which revolve around keeping taxes low for U.S. citizens.

The perception that immigrants unfairly impose fiscal burdens on state governments coincides with another perception that immigrants are limiting the abilities of state governments to address rising welfare caseloads. Illustrating how zero-sum narratives apply to welfare usage, Lina Newton (2008:111) argued that zero-sum narratives were applied to justify policies that prioritized citizens over noncitizens for distinguishing between welfare dependents and self-sufficient contributors to society. Newton provided a variety of speeches of policymakers who highlight how immigrants who are receiving Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), and Medicaid are crowding out other recipients who are more deserving of those benefits due to their U.S. citizenship. Underlying these speeches is a belief that noncitizens are tapping into strained resources that are only reserved for U.S. citizens. Newton's narrative analysis suggested that the escalating number of people living impoverished lives and are dependent on government, compounded by an unmonitored and undisciplined welfare state, has recently legitimized policymakers' choices to weed out those individuals who should not receive public assistance. To this end, rising welfare caseloads serve as a contextual determinant that lead policymakers to believe that uncontrolled immigration is to blame.

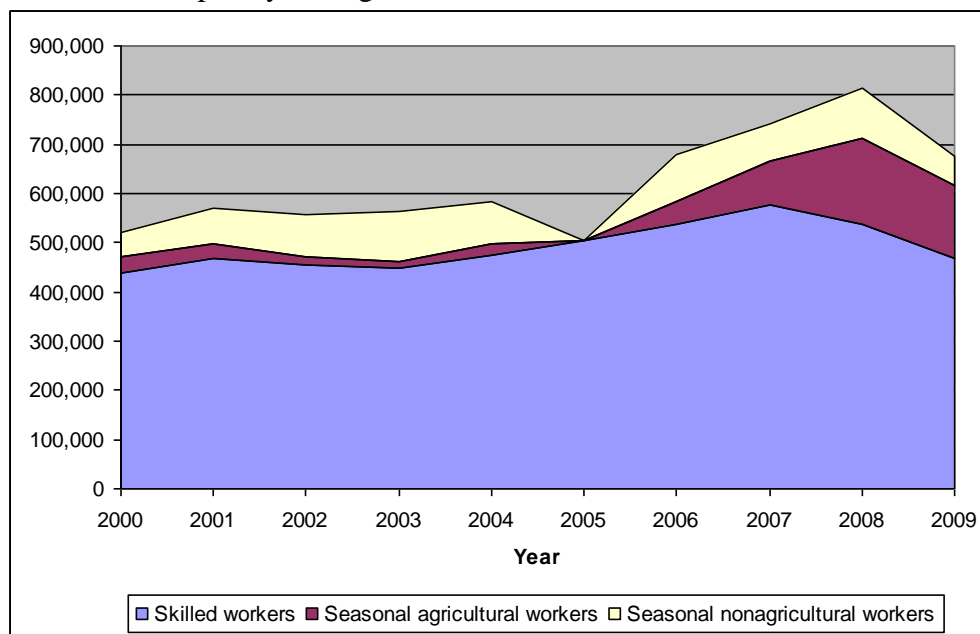
However, other works have suggested that welfare restrictions against noncitizens operate within "inclusive" welfare policies (Tumlin and Zimmerman, 1999). The federal government allows states to provide welfare to a select group of "qualified" immigrants who have lawful status and arrived after August 21, 1996, the date that federal welfare

reform was signed into law. When justifying the need to define Americanism as exclusive and homogenous, policymakers may rely on contextual determinants related to welfare. Policymakers can be expected to draw attention to rising welfare caseloads in order to legitimize the need for tougher welfare sanctions to discipline welfare participants. If noncitizens who are currently participating in welfare wish to remain in the program, so the logic goes, then they must learn and emulate the hard-working and self-sufficient skills of U.S. citizens.

Policymakers are also likely to utilize contextual determinants related to admitting only “exceptional” noncitizens to become part of a unified and homogenous American society. Starting with the 1986 IRCA, IIRIRA maintained “selectively” porous borders that privileged the interests of employers, who conducted hiring initiatives of undocumented workers without fear of heavy federal sanctions against unauthorized employment (Ngai, 2006). As employer interests received a vaulted status in the design of national immigration policies, the federal government also subsequently created more “nonimmigrant” admissions categories that provided specialty occupations (H1B visas), seasonal agricultural labor (H2A visas), and seasonal non-agricultural labor (H2B and H2R visas) to temporary workers and their families in order to ease the penalties against employers. Yet, temporary immigrant worker admissions have disproportionately favored noncitizens who work in skilled occupations, which are defined as occupations that require (A) the theoretical and practical application of a body of highly specialized knowledge, and (B) attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States (8

U.S.C. 1184(i)). As illustrated in Figure 3.1, skilled workers comprise a majority of the U.S. temporary immigrant workforce.

Figure 3.1. U.S. Temporary Immigrant Workforce, 2000 – 2009.



Given the trend between 2000 and 2009, a state’s temporary immigrant workforce population provides an adequate proxy for its high-skilled immigrant workforce. Furthermore, the consistent admission of skilled labor relative to other nonimmigrant categories reflects an unwavering American commitment to allow socially advantaged noncitizens into the country. As such, unidimensional policy prescriptions of inclusion are expected to reflect a preference for highly-skilled immigrants.

Multicultural policy prescriptions of inclusion should reflect contextual determinants related to cultural deprivation and social isolation. Policy choices of multicultural membership construction are expected to reflect contextual determinants that relate to a “crisis” involving cultural minorities such as refugees. Murray Edelman (1975: 43) argued that even though a crisis may be based on objective facts and claims, it is actually a “form of problematic categorization” that involves “arbitrary labeling.”

Public discourse on refugees is dominated by a sensationalized “refugee journey” story that entails social isolation, traumatic experiences, fears about the resettlers, and dependent on social welfare given by an “overly generous” host society (Marlowe, 2009; Malkki, 1995). Jay Marlowe (2009: 189) further argued that while such renderings do capture the hardship and adversity experienced in resettlement, they also prompt the host community to myopically view refugees only as traumatized and “the other,” which is a “potent combination that often fosters unfounded stereotypes and discriminatory practices.” When defining membership in a multicultural prescriptive way, policymakers are expected to evoke beliefs and perceptions about cultural minorities as resource deficient and impoverished.

Any changes in a poverty rate – or, the number of people classified as having incomes lower than 200 percent of an arbitrary federal threshold – are expected to be connected to the actions taken by policymakers. Despite such a dubious association, the rhetoric involving America’s tradition of helping the poor receives great leverage to mobilize preferred policy remedies to social dilemmas. Most often, policymakers often hail “increases” in poverty as means to justify the need for saving those who are in dire need. Based on the work of Marlowe (2009), and public discourse that has compartmentalized cultural minorities as socially isolated and deprived, multicultural policy prescriptions should reflect contextual determinants related to increasing poverty rates. Similarly, such policy choices should also be related to contextual determinants involving the labor market. In contrast with unidimensional policy prescriptions that are legitimized by healthy markets that exhibit high per capita employment, I expect

multicultural policy prescriptions will be legitimized by worsening labor markets that exhibit low per capita employment.

The beliefs and perceptions of cultural minorities as an impoverished group may also relate to other contextual determinants involving government dependency. Medicaid, the state-federal partnership that provides public health coverage for low-income families and children, has traditionally served as the main source of public assistance for immigrants and refugees. However, the 1996 federal welfare reforms made eligibility to Medicaid more difficult for newly arrived immigrants and refugees while completely barring undocumented immigrants. Emergency Medicaid still covers the emergency medical treatment of legal and undocumented immigrants and states are also allowed to extend coverage beyond federal minimum levels (Zimmerman and Tumlin, 1999). Despite these exceptions to federal Medicaid eligibility rules, the contextual determinants surrounding Medicaid recipients as low-income and uninsured victims serve to perpetuate the refugee journey story and impede equal treatment in America.

Alternatively, multicultural policy prescriptions may also reflect contextual determinants related to federal involvement in state-level noncitizen affairs. As policymakers continue to utilize dominant narratives of socially isolated cultural minorities, they also implicitly assume that cultural minorities are solely looking for opportunities that will increase their economic well-being. The presence of a small population of temporary immigrant workers presents opportunities for policymakers to marshal support for multicultural policy prescriptions. In contrast to exclusionary and unidimensional policy prescriptions, the enactment of multicultural policy prescriptions are likely to reflect low burdens on employers who are looking to provide work

opportunities to society. Additionally, the presence of a small population of temporary immigrant workers will also contribute to dominant stories of socially isolated noncitizens.

Lastly, cross-cutting policy prescriptions of inclusion are expected to reflect similar contextual determinants with other policy prescriptions of inclusion, but in different ways make membership about contesting traditional ascriptions of membership. The previous discussion of the causal connections between immigration, tax burdens, employment, public assistance, and social services illustrates how the beliefs and perceptions of membership in America are misinformed and manipulated. For example, Frank Bean and Gillian Stevens (2003) showed that immigrants do not use a disproportionate share of government services and pay enough taxes to outweigh the benefits they receive. Researchers agree, though, that the economic benefits of immigration which are attained through taxes on immigrant wages are largely accrued at the federal level while the costs of social service provision fall to the states (Morrow, 2005). Nonetheless, there is no empirical evidence immigrants are intentionally taking more than they deserve. The extent to which immigration does have a fiscal impact on government services and tax structures ultimately resides in the willingness of both elected officials and voters alike to develop effective strategies to address the needs of an increasingly diverse population. As such, while contextual determinants involving welfare caseloads, the need for migrant labor, poverty rates, tax burdens, and employment are expected to be reflected in unidimensional and multicultural policy prescriptions, they may also serve to reflect the need to resist constructing American membership with a priori assumptions of how difference is defined.

Policy Messages about Membership in U.S. Democracy

While contextual determinants help to influence policymakers' decisions, they are also likely to be simplified and distorted generalizations about what are the most important social problems, what causes them, what can be done to solve them, and how people should cope with them (Edelman, 1975: 131). It is for these reasons that contextual determinants typically fail to appropriately analyze or solve social problems since they are based on social cues rather than rigorous analysis. Nonetheless, contextual determinants still give meaning to political events and also serve in conjunction with policy designs and tools to influence mass public beliefs and perceptions about membership in America:

H₄: Policy choices of membership construction will shape how mass publics understand the social consequences and contributions of immigration as well their own American membership.

Policymakers' intent to regulate the behaviors of deviant target populations will reflect the belief and perception that noncitizens are untrustworthy and threatening, as Schneider and Ingram (1993) theorized. Policy prescriptions of exclusion will orient noncitizens' anger toward government while also prompting noncitizens to believe that their interests are their own personal responsibilities. Rather than receive a political message from government that they cannot rely on it to resolve their problems, noncitizens will instead get the message that they are on their own. What is more, they can only expect government to treat them with disrespect and, most of the time, ignore their interests.

Policy prescriptions of exclusion are also expected to influence the beliefs and perceptions of U.S. citizens. As exclusionary prescriptions are geared toward primarily

constructing noncitizens as a deviant population, U.S. citizens will favor policy punishments that lawmakers use to regulate “bad” behaviors and unwelcome territorial presence. American membership becomes an issue of “doing whatever it takes” to protect American interests, a mantra that has typically taken a punitive tone. With exclusionary policy prescriptions in mind, citizens will orient their beliefs about membership toward the importance of preserving safety and also expecting that guests should respect the laws of the host country. This should also mean that policy prescriptions of exclusion will also influence mass publics to support the need for a cooperative agreement between the federal and state governments to control immigration.

Due to the eligibility rules and verification procedures in unidimensional policy prescriptions of inclusion, mass publics will think about membership as a competition for admission. Applicants need to prove that they should become American members. Unidimensional policy prescriptions only serve to reinforce the importance of having lawful status *in addition* to having other characteristics such as a skilled occupation and high educational attainment that make an applicant “stand out.” By emphasizing the importance of such characteristics, policymakers further embed social inequalities that work against noncitizens who are Mexican, low-income, undocumented, and women, as the following chapters will show.

Multicultural policy prescriptions, as they construct what it means to be a cultural minority in America, will influence mass publics to think that honoring cultural difference is the most important form of difference to be recognized. Multicultural policy prescriptions are detrimental to representing the interests of socially disadvantaged noncitizens, since they prompt mass publics to *only* think about culture or think

multiculturalism and gender equality are mutually exclusive (Song, 2005). When taken together with the kinds of contextual determinants reflected in multicultural policy prescriptions, cultural minority interests are steeped in narratives about social isolation and acculturation, which is expected to feed back into citizens' and noncitizens' beliefs and perceptions about membership in America. While multicultural policy prescriptions will influence U.S. citizens to think about immigration as exclusively a cultural problem, they will influence noncitizens to think about themselves as socially isolated and still marginalized despite having their cultural interests represented.

Cross-cutting policy prescriptions are designed to obligate noncitizens to comply with directives that challenge federal immigration authority. These designs are expected to feed back into noncitizens' attitudes of living in a racist and sexist country. For noncitizens who are undocumented immigrants, women, refugees, and asylum-seekers, the racial and gender hierarchies that structure the scope of American membership are clearly legible. In contrast with other policy prescriptions of membership, the design of cross-cutting policy prescriptions is built with motives to contest dominant political orders. While they situate the interests of socially disadvantaged noncitizens in a precarious position in the U.S. democracy, cross-cutting policy prescriptions are also likely to foster a sense of contestation and resiliency.

There are different ways in which policy messages about American membership will manifest in mass public beliefs and perceptions. In one way, policies can serve as targets at which U.S. citizens direct their attitudes and beliefs. While conceptualizing policies in the ways that most scholars in the U.S. immigration do, a policy-centered approach can still illuminate current understandings of policies as political outputs. In

this regard, I expect that attitudes toward policy choices involving immigration will reflect structural inequalities occurring along race, ethnicity, class, and gender. For instance, exclusionary policy prescriptions typically serve as a target at which U.S. citizens express their views about American membership. As citizens express their opinions toward policy choices, their public support for punishing noncitizens will make clear the structural social factors that influence attitudes.

In another way, policy messages about American membership can manifest in noncitizens' attitudes toward American identity. Continuing the scholarship on the complex and conflicting components of American civic ideals (Smith 1993), Deborah Schildkraut (2007) found that immigrants express American identity across multiple dimensions: having a distinct cultural identity (incorporationalism); exhibiting the responsibilities rather than the rights of citizenship (civic republicanism); believing in minimal government intervention while promoting equal opportunity (liberalism); and believing America is only for whites, native-born, and English speakers (ethnoculturalism). To date, few U.S. immigration scholars or students take issue with whether and to what extent public policies in part shape the varied and contested dimensions of American identity. Yet, by incorporating Schildkraut's work (2007) into a redeployed framework of target population construction, U.S. immigration scholars and students can gain an understanding of how immigration policies contribute to shaping not only a vibrant American polity but also rampant civic disparities.

The policy prescriptions of membership construction are expected to influence noncitizens' beliefs about membership in different ways. Because exclusionary policy prescriptions prompt anger toward government and tell noncitizens that they can expect

to rely on no one in America to help them, exclusionary policy prescriptions are likely to encourage noncitizens to express negative attitudes toward civic republicanism, liberalism, and belonging to a distinct cultural group. Noncitizens are expected to express ethnocultural attitudes, since exclusionary policy prescriptions largely prompts them acknowledge racialized social order in America.

In contrast, unidimensional policy prescriptions emphasize the value of not only just working but possessing desirable labor skills and high levels of educational attainment. As these policy choices treat American membership as an admissions test, noncitizens are likely to express a belief that they belong in an otherwise a white, native-born world. Yet, because unidimensional policy prescriptions tell noncitizens that the bar for admissions is quite high, they are expected to cast doubt on the existence of American opportunity and thus oppose liberalism. Additionally, because policies construct membership as a competition for spots in an exclusive American society, noncitizens are also less likely to believe that they belong to a distinct cultural group.

Obligating noncitizens to comply with policy goals to respect cultural difference multicultural goals will influence noncitizens to think they belong to a distinct cultural group and support the existence of equal opportunity in America. What is more, affirming cultural differences should lead to disapproval of ethnoculturalism. While these policy choices foster seemingly “inclusive” sentiments, they also structure membership through one specific dimension – cultural difference. As cultural difference is also bounded to a political message involving personal deprivation, multicultural policy prescriptions are not likely to influence noncitizens to express beliefs of civic republicanism.

Finally, cross-cutting policy prescriptions send political messages about contesting dominant political orders in America. Such policy prescriptions are expected to evoke noncitizens' realistic understanding of their precarious position in the U.S. democracy. Noncitizens should have negative feelings toward civic republicanism while strongly acknowledging that structural inequalities in America have privileged and institutionalized white, native-born interests. Yet, noncitizens are also expected to express beliefs that contest their current status by still believing in equal opportunity and belonging to a distinct cultural group, *in spite* of dominant political forces that marginalize them due to their marginal status.

Conclusion

In this chapter, I developed a theoretical framework for explaining how and why the public policies on the treatment of noncitizens in the U.S. shape mass beliefs and perceptions of membership in a democratic polity. Building on the works of Anne Schneider and Helen Ingram (1993), I argued that policymakers will construct American membership through four main policy prescriptions: policy prescriptions of exclusion; unidimensional policy prescriptions of inclusion; multicultural policy prescriptions of inclusion; and, cross-cutting policy prescriptions of inclusion. Through these policy choices of membership construction, policymakers will evoke their own beliefs and perceptions about the nature and causes of America's immigration "problem." Consequently, policymakers will influence how mass publics will think about their own standing in democracy. In following chapters, I will investigate how policymakers will reconstruct the relationships between race, ethnicity, class, gender, and immigration status to sustain prescribed goals of American membership. I will also explore how such

policy prescriptions send political messages to mass publics, particularly in the ways in which noncitizens and citizens understand their own American identity. In the next chapter, I start my multi-method investigation with examining how exclusionary policy prescriptions structure noncitizen membership in America as a problem of breached borders and an invasion from entrants with criminal intents.

Chapter 4: Federal Absence Makes States Get Tougher?

“Arizona had no choice but to act in the absence of federal reform.”

- Governor Jan Brewer
(upon signing S.B. 1070, The 2010 Safe
Neighborhood Act)

In April of 2010, Arizona Governor Jan Brewer signed S.B. 1070, the “Support Our Law Enforcement and Safe Neighborhoods Act of 2010,” which empowered law enforcement agents to question a person if they suspect that the person entered the country illegally. Under this law, Arizona law enforcement agents needed a minimal amount of reasonable cause to question, stop, search, or detain a noncitizen who was suspected of trespassing. By using policy tools such as penalties and sanctions to achieve “safe” neighborhoods, policymakers framed America’s immigration dilemma as a problem of breached borders. Illegal entrants were trespassing, and Arizona needed to stay vigilant in order to keep its citizens safe. As a solution, Arizona policymakers enacted S.B. 1070 to “fill in” the federal immigration enforcement gaps. According to Governor Jan Brewer, unsafe and unprotected borders forced the hands of Arizona policymakers to do the job that the federal government could not do. Policy advocates of S.B. 1070 largely touted the punitive law as both an inevitable and innovative response to an idle national system of entrances and exits.

The politics of Arizona’s punitive treatment of its immigrant population are consistent with the findings of Lina Newton (2008), who showed that policymakers’ rhetoric about membership in democracy legitimized policy punishments for both undocumented and legal immigrants. While elite discourse has indeed focused on using

force against noncitizens, the practice of constructing American membership is limited neither to elite rhetoric nor certain parts of the United States. In many ways, Arizona's immigration law reached beyond state borders and influenced mass public beliefs about the crucial role that the criminal justice system plays in shaping American membership and preserving law and order. Currently, scholars in the U.S. immigration literature have given minimal attention to how the actual design of policies that establish sanctions, punitive civil violations, and criminal charges against noncitizens are associated with U.S. citizens' beliefs about exclusive membership in America.

This chapter examines the design of policy punishments directed at noncitizens, a target population that has mostly been constructed as deviants or menaces to society. Following, I discuss how exclusionary policy prescriptions punish noncitizens by imposing punitive tools of compliance which expand federal authority in state-level jurisdictions and reflect socioeconomic conditions which potentially can be used to construct noncitizens as economic burdens. I then discuss how exclusionary policy prescriptions are associated with U.S. citizens' attitudes about the dilemma of American membership as a matter of protecting law, order, and national admittances. While my findings further support the work of Lina Newton (2008), they also extend current understandings of U.S. immigration by demonstrating how policy punishments are correlated with mass public beliefs and perceptions of membership. The rhetoric of punishing noncitizens is neither confined to the halls of Congress nor the state border of Arizona. Rather, state policies about the outright exclusion of noncitizens from America are designed to fortify ascriptive hierarchies in America.

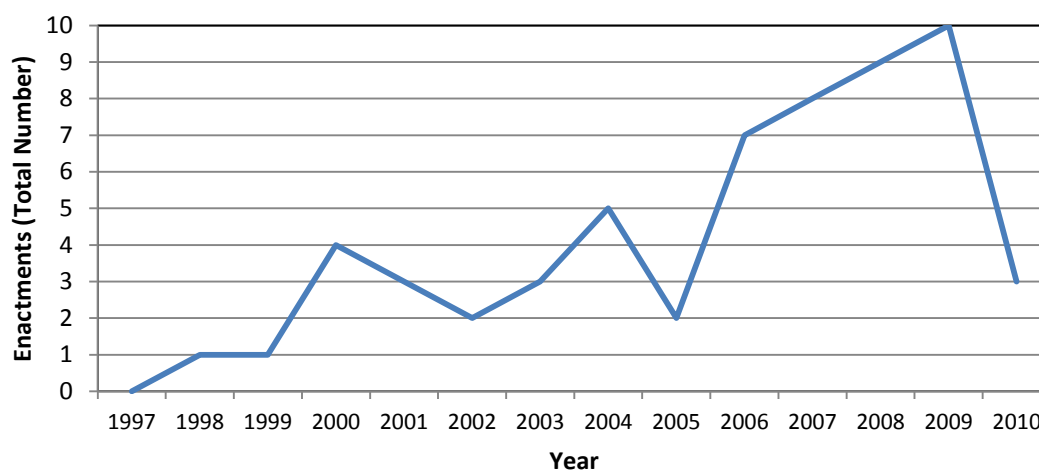
To explore these issues, I use this chapter to discuss my results from a critical and empirical analysis of policy prescriptions of exclusion enacted by state policymakers. I first provide an overview of where and how often policy prescriptions of exclusion were enacted between 1997 and 2010. I then move on to a critical analysis of the actual policy design and tools for compliance which policymakers use to control the scope of conflict over membership to revolve only around legal admissions into the country. Next, I harness the variation of state-level social, economic, and political conditions under which exclusionary policy prescriptions were enacted between 1997 and 2010. I then use recent public opinion surveys to show how the designs of exclusionary policy prescriptions have consequences for mass publics, particularly among Latinos and non-Latinos, and how they think about American membership. I will argue that exclusionary policy prescriptions that focus on decreasing immigration levels are associated with negative citizen attitudes about noncitizens and America's global position, which maintains racial and gender inequalities in the status quo immigration system of entrances and exits. While this chapter will show how policymakers have established exclusionary policy prescriptions as critical tools to achieve democratic goals for U.S. citizens, it also initiates an examination of how other policy choices of membership construction may explain differences in the beliefs and perceptions of American membership within a diverse U.S. noncitizen population.

Overview of policy prescriptions of exclusion, 1997 – 2010

Policy prescriptions of exclusion have proliferated across the American states after the 1996 federal welfare and immigration reforms. Consistent with Jorge Chavez and Doris Provine (2009), who found a restrictive tone in immigration policymaking

among the American states, I find that the number prescriptions of exclusion steadily increased since 1997. In Figure 4.1, I show the total number of policy prescriptions of exclusion enacted by year. The noticeable spike of policymaking activity resulted after 2005 before tailing off in 2010 may have been attributed to mass protests targeted at federal-level policymaking.¹⁵ Before 2005, there was an average of 2 policies per year. After 2005, the annual average jumped to over 7 policies, reaching a 14-year high of 10 policies in 2009.

Figure 4.1. Total Number of Exclusionary Policy Prescription Enactments.

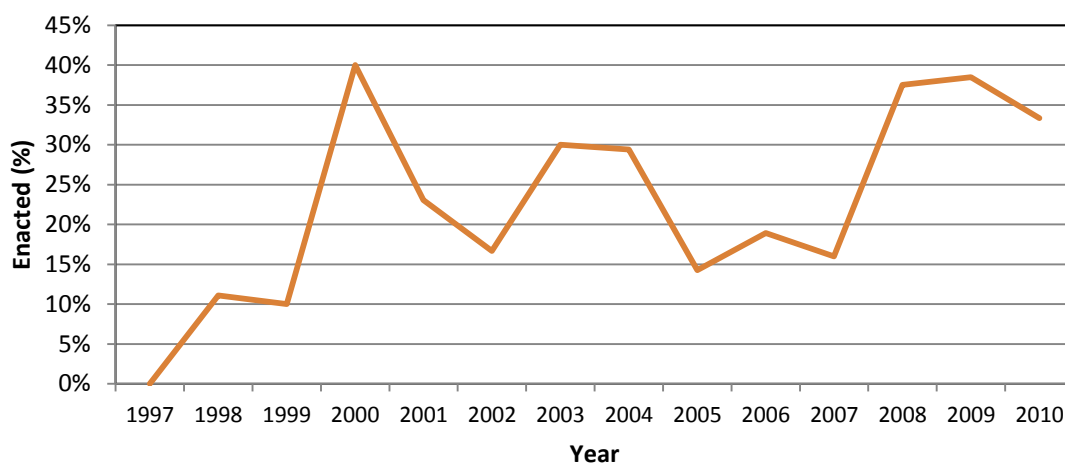


Examining the percentage of policies actually enacted into law, though, indicates a less steady trend. Figure 4.2 indicates that the rate of enactment varies widely between 1997 and 2010. In 2001, nearly 40 percent of policies were enacted into law, which was a 30 percentage point increase in one year. Despite only four policies being enacted in

¹⁵ In December of 2005, the U.S. House of Representatives passed H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act, which penalized all noncitizens who violated immigration laws or regulations by either living or working in the United States without authorized permission. Section 203 of H.R. 4437 made unlawful presence a civil rather than a criminal violation, thereby expanding the ways in which local, state, and federal governments sanctioned noncitizen behaviors. Under the law, noncitizens receiving civil offenses – which are similar to not paying bills, rent, or fulfilling contracts – would be imprisoned for more than a year and/or fined (NILC, 2005). The data show that state policymakers generally responded to the House resolution.

2000, they were enacted at a relatively higher rate than in most other years. The rate of enacting exclusionary policy prescriptions varied widely before the 2005 immigration protests, ranging from a low of zero percent in 1997 and reaching a 13-year high of 40 percent in 2000. After 2005, however, state policymaking activity not only exhibited historically larger numbers of restrictive prescriptions, but also rising rates of enactment. As shown in Figures 4.1 and 4.2, exclusionary policy prescriptions largely fell after 2009. This drop-off does not indicate that restrictive measures against noncitizens have decreased in America, but rather suggests that policymakers have rearticulated restrictive efforts in new political spaces and their prescriptive goals of defining American membership.

Figure 4.2. Percentage of Exclusionary Policy Prescriptions Enacted into Law.

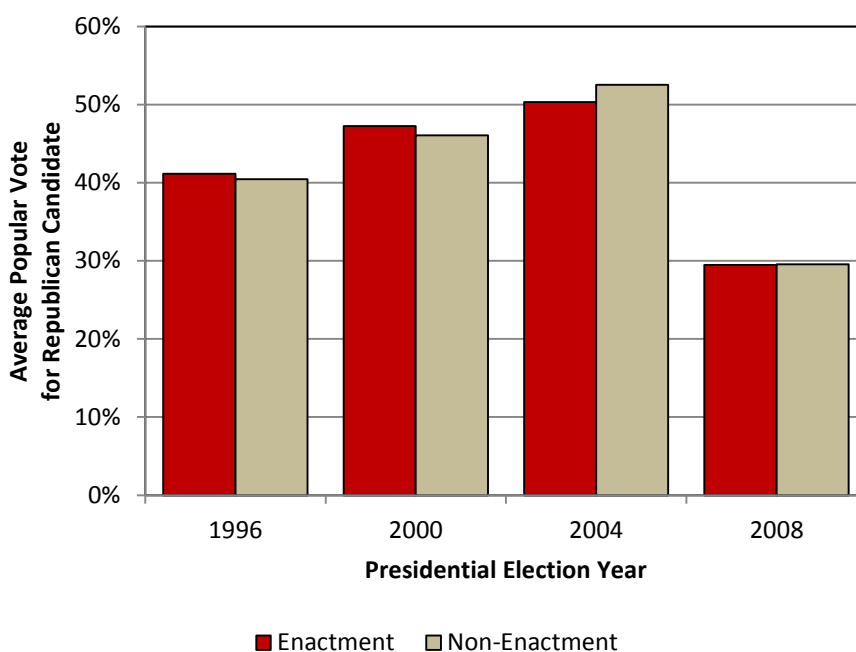


Some states were also more active in exclusionary policymaking than others. Between 1997 and 2010, 25 states enacted 58 policy prescriptions of exclusion. Over half of these states enacted more than one policy and nearly a third enacted more than three policies. States such as Illinois, Florida, and New York which have served as “traditional destinations” for immigrants enacted at least 4 policies per state. “Newer destination”

states such as Colorado, Tennessee, and Virginia enacted the most with at least five policies per state. The time in which a state enacted a policy also is also a significant demonstration of activity. Even though 12 states enacted only one policy per state, 75 percent of them enacted their policy since the 2005 House resolution.

A descriptive summary of state-level enactments of exclusionary policy prescriptions exhibits marginal differences in partisan electoral outcomes. Figure 4.3 illustrates the average popular vote for the Republican candidate across states in which policymakers enacted and did not enact exclusionary policy prescriptions following a presidential election.

Figure 4.3. Average Popular Vote for Republican Presidential Candidate in States that Enacted Exclusionary Policy Prescriptions following a Presidential Election.



In 1996 and 2000, exclusionary policy prescriptions were enacted in states with relatively more popular support for the Republican presidential candidate, providing some support for general claims about policy punishments against noncitizens arising more from

politically conservative states. Yet, there was only a 1 percent difference between enactment and non-enactment states in both years. Furthermore, there was less support for re-electing President George W. Bush in 2004 in enactment states than non-enactment states, which indicates that exclusionary policy prescriptions were enacted in relatively *less* conservative states. This is particularly interesting, since President Bush's approval ratings declined during his second term when he advocated for more open borders and at one time called for a guest worker program that granted a pathway to citizenship that prompted much public criticisms from both partisan opponents and supporters. The data suggest that public disapproval of President Bush translated into animosity toward illegal immigrants. The enactment of exclusionary policy prescriptions in less conservative states occurred only in President Bush's second term, as support for the Republican candidate did not differ between enactment and non-enactment states following the 2008 presidential election.

Differences in the rate of enacting policy prescriptions of exclusion are larger when comparing traditional and new destination states. Out of the total laws enacted between 1997 and 2010, approximately 36.2 percent of laws were enacted in new destination states. Twenty-five percent of laws were enacted in traditional destination states while new destination states such as Virginia and Tennessee exhibited the most repeated enactments over 14 years. While the distinction between traditional and new destination states highlights the regional differences in immigration policymaking, it is not able to explain variation within such categories. For example, the traditional destination states of Illinois and New York have each enacted more than four policies. Arizona, the new destination state that has received the most public attention, has enacted

only two policies, which pale in comparison to the levels of Virginia, Colorado, and Tennessee. What is more, there are still other states such as South Carolina and Michigan that do not fit into either destination category but exhibit comparable policymaking activity. Finding that electoral, partisan, and migration factors are minimally supported by the data, I move to a closer examination of how policymakers design state policy punishments against noncitizens.

Policy Design and Punitive Tools for Compliance

While exclusionary policy prescriptions indeed differ across states, an analysis of how these policies are designed provides more understanding of the U.S. democracy than descriptive overviews of where policies are enacted. Policy prescriptions of exclusion express a belief that national borders are vulnerable and an interest to root out persons with unknown origins or unauthorized admittance. Believing that they need to defend national borders and also protect their own residents, social programs, and public resources, state policymakers proclaim that they must rely on others rather than dealing with these responsibilities on their own. Thus state policymakers expand the scope of conflict over membership to involve the federal government (Schattschneider, 1960). Governor Jan Brewer proclaimed that “Arizona had no choice but to act in the absence of federal reform” (Condon, 2010). By fostering mass perceptions of borders as unsafe and unprotected from dangerous criminals, Governor Brewer alleged that the absence of federal immigration authorities forced the hands of Arizona policymakers to do the job that the federal government could not do. In the absence of a federal immigration regulator, state policymakers have stepped in to take on federal responsibilities to regulate American borders. Brewer’s public charges against the federal government are

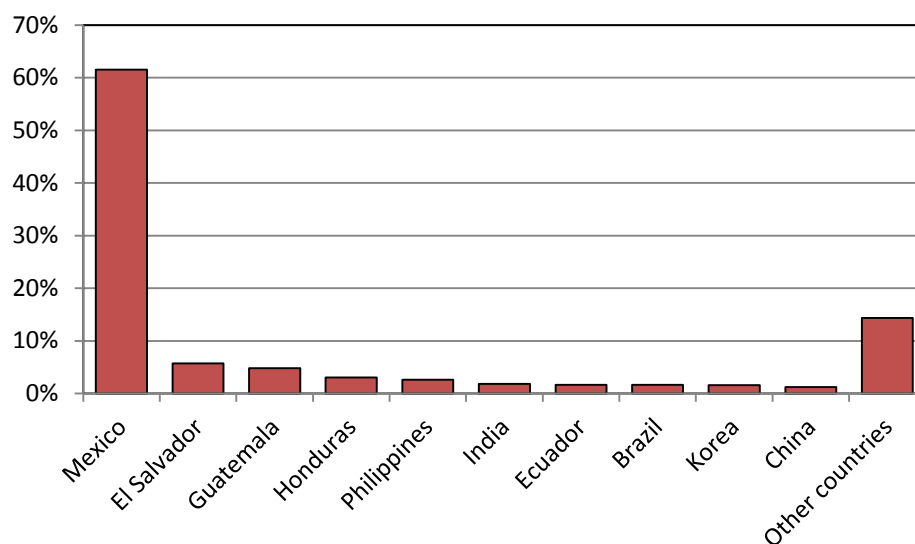
also consistent with her other executive decision that ordered state law enforcement officials to *work with*, not against, federal authorities. On the same day she signed S.B. 1070, Governor Brewer issued Executive Order 2010-09 requiring the Arizona Peace Officers Standards and Training Board to establish training to ensure law enforcement officials and agencies apply S.B. 1070 *consistent* with federal laws regulating immigration (National Conference of State Legislatures, 2010). As Governor Brewer proclaimed that the federal government was ill-equipped to respond to state needs, Arizona's Safe Neighborhood Act, while formulated as a state-level approach to immigration control, cemented the supremacy of federal government jurisdictional authority in immigration matters.

State policymakers have a variety of policy tools available to expand federal government authority in order to oversubscribe burdens onto noncitizens. One of the most common ways that policymakers maintain federal gatekeeping authority is layering the already existing collection of U.S. immigration laws with more state and local civil penalties and felony charges for having illegal presence in the United States. Arizona's immigration law fits into this category of policy tools that are generally built on suspicion and treat both legal and illegal immigrants mainly as guilty of trespassing on U.S. soil before they can prove their innocence. Of the 58 prescriptions of exclusion enacted between 1997 and 2010, thirty-nine percent supplemented the already existing deportation and incarceration rules for noncitizens who are charged with unauthorized entrance or unlawful presence in the United States. Verifying legal presence in the United States is a duty that strictly falls under federal jurisdiction, as state and local governments are not allowed to govern exits and entries. However, when motivated to exclude

noncitizens, state policymakers develop civil violations and criminal charges that are designed to assist federal authorities with regulating admittances and facilitating deportation proceedings. Twenty-six states that enacted exclusionary policy prescriptions between 1997 and 2010 provided necessary state resources and public personnel to conform rather than contest federal jurisdictional authority.

When used together, state and federal immigration laws create an intricate web of policies that impose burdens on those who try to navigate through the legal system to claim civil rights protection, if they are even available to them. As a considerable amount of time, resources, and expertise is needed to contest felony charges and civil violations, most legal representatives often find that the federal government trumps state and local authority in most noncitizen affairs. As such, the ways in which exclusionary policy prescriptions are designed disproportionately impose penalties on Mexican immigrants. According to Figure 4.4, the undocumented immigrant population as of 2010 comprised 6.6 million people (61.5 percent of all countries) who were born in Mexico. When thinking to exclude noncitizens from America, policymakers clearly have Mexicans in mind.

Figure 4.4. County of Birth of the Undocumented Immigrant Population as a Percentage of All Countries, 2010.



By invoking federal jurisdictional authority, however, policymakers only construct – rather than resolve – the supremacy of federal jurisdictional authority as indisputable. States have contested the federal government on immigration jurisdictional authority, as was the case with the 19 states in which policymakers refused to comply with the federal identification standards in the 2005 REAL ID Act.¹⁶ When enacting exclusionary policy prescriptions, though, policymakers express a preferred remedy to dealing with illegal immigration, which is to make immigration into a dilemma of ineffective and inefficient regulation of entries and exists. For example, in the 118th Session of the South Carolina legislature, policymakers enacted S.B. 1154, the “Omnibus Crime Reduction and Sentencing Reform Act of 2010,” which aimed to “preserve public safety, reduce crime, and use correctional resources most effectively.” Motivated to

¹⁶ Under the REAL ID Act passed in 2005 by the federal government, state-issued driver’s licenses and identification cards needed to meet federal standards or else federal authorities would deny entry or detain card holders in when entering airports and federal facilities (National Conference of State Legislatures, 2011). The extent to which state-level policy innovations of the REAL ID Act will be discussed in Chapters 5 and 7.

reduce recidivism, legislators called for a greater need to employ evidence-based practices for smarter use of correctional funding and improving public safety. In determining conditions of release, the law stated that South Carolina courts may consider the nature and circumstances of the offense charged and the accused's family ties, employment, health condition, financial resources, and record of conviction. The law also amended Section 17-15-30 of the 1976 South Carolina Code to require courts to consider "whether the accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to their status." While constructed as a "smarter" way to use state expenditures and improve public safety, noncitizens were required to prove their legal status in addition to demonstrating their social and economic stability. Only by obtaining information on individual social behaviors can policymakers be sure that a noncitizen will not pose a danger to society. Furthermore, the South Carolina amendment also shows how goals of justice actually can serve to maintain the incarceration of undocumented or legal immigrants who never applied for legal status because of their immigration category. Victims of human trafficking and immigrants admitted for humanitarian reasons are authorized entrants of the United States, but do not need to apply for legal status. Also in danger are nonimmigrants, such as temporary immigrant workers, who are allowed into the country, but seldom have authorized forms of identification or proof of employment. Not only must noncitizens demonstrate their social and economic stability, they also need to show proof of their legal status.

When membership is reduced to a binary between legality and illegality, policy prescriptions of exclusion – even when they are designed to “help” the incarcerated – work to perpetuate the outsider status of incarcerated noncitizens. Upon learning that an

inmate has unlawful presence in the United States, the courts are entitled to facilitate deportation proceedings. By increasing the penalties for not having legal status, policymakers further impose burdens on immigrant women. While men accounted for 62 percent of the undocumented population in the 18 to 34 age group, women accounted for 53 percent of the 45 and older age groups. “Family-based” preferences serve as the typical admissions category that a majority of immigrant women typically use to enter the United States. Yet, based on the admissions logs of the U.S. Department of State, the family immigration system has been fraught with backlogs that either force women to wait in their home countries or put them at further risk by remaining in the United States without legal status (Sreeharsha, 2010).

Simplifying membership into a binary choice between illegality and legality also elevates the importance of creating a stronger federal and centralized government to uphold justice for society. As Linda Bosniak (2006) found, border control tactics extend into the interior of the United States, innervating the social relations among all territorial present persons. Thirty-nine percent of the enacted policy prescriptions of exclusion intertwined immigration control tactics with preserving the peace in domestic affairs such as transportation, housing, commerce, and employment. By situating immigration in domestic affairs such as transportation that affect a larger segment of society, policymakers make immigration laws relevant in the lives of citizens and legal noncitizens. In 2006, for example, the Colorado legislature enacted a law that made the smuggling of humans a Class 3 Felony, the third highest form of penalty in Colorado. According to the law:

“a person commits smuggling of humans, if for the purpose of assisting another person to enter, remain in, or travel through the United States or the state of

Colorado in violation of immigration laws, he or she provides or agrees to provide transportation to that person in exchange for money or any other thing of value” (S.B. 206, 2006).

The Colorado law demonstrates how exclusionary policy prescriptions widen the scope of conflict over American membership through using modes of transportation. Policymakers expanded the issue of “keeping Colorado roads safe” to include the incarceration of human traffickers. The intertwining of immigration into domestic affairs such as transportation represents how states expand federal jurisdictional authority for controlling deviant populations. With the help of state and local governments like the ones in Colorado, the federal government has localized partners that extend the reach of national migration control mechanisms that have until recently only operated at the U.S. borders. Smuggling of human offenses may be tried in any county in Colorado where a person who is illegally present in the United States is found. However, while human smugglers are tried in Colorado, the people who were being transported are turned over to federal authorities and given few, if any, legal recourses and protections. In order to stay in the country, trafficked victims must take an oath to participate in litigation and identify their attackers, which is itself a mentally draining and potentially dangerous experience. Policymakers and law enforcement officials legitimize the trials and tribulations that trafficking victims often encounter and deem them necessary to catching offenders.

Because exclusionary policy prescriptions are directed specifically toward either punishing noncitizens or using them as a means to uphold justice, policymakers enact them to assure citizens that their interests are represented. Policymakers often use exclusionary policy prescriptions to provide a benefit to society by ensuring that rule

breakers are rightfully punished. One way to ensure public faith in exclusionary policy prescriptions is to streamline immigration duties between local, state, and federal government. States such as Tennessee (S.B. 3047, 2004) and Missouri (S.B. 626, 2007) enacted laws that enabled state highway patrol officers to make arrests based on immigration violations. In these states, policymakers create a myth that highway patrol officers, empowered with new federal duties, can better ensure that illegal immigrants are arrested and put in deportation proceedings. Thus punishing noncitizens fits within a popular-held belief that making government more efficient produces better outcomes for society.

Improving the efficiency of punishing noncitizens on behalf of citizen interests is also illustrated through exclusionary policy prescriptions that detain noncitizens for purposes of collecting foreign intelligence. A lower yet considerable number of state policies (8.6 percent) explicitly vowed to comply with federal immigration enforcement laws and assist with gathering information on people who are suspected of unauthorized entrance. In Missouri, policymakers required law enforcement and highway patrol officers to become familiar with federal immigration laws and procedures to relay foreign intelligence and information on noncitizens' immigration papers to federal authorities at the Department of Homeland Security (DHS) and the Central Intelligence Agency. Noncitizens, in this regard, are constructed as potential security threats or informants who have knowledge of secret plots against the United States.

Additionally, the process in which policymakers gather foreign intelligence also treats noncitizens as deviants. In Utah, county sheriffs are obligated to make a "reasonable effort" to determine the citizenship status of a person charged with driving

under the influence. County sheriffs were also entitled to confine persons suspected of illegal status for up to two days while verifying citizenship status with the DHS (S.B. 81, 2008; H.B. 64, 2009). Here, illegal entry gives law enforcement agents an additional reason to consider someone a safety threat. What is more, the law illustrates how policymakers can think of noncitizens who are traveling along a path toward social deviance. Before any more harm is done to the rest of society, policymakers are intent to punish noncitizens for their deviant behaviors. While citizens who receive a DUI might face obstacles to traveling to work or applying for jobs, noncitizens face similar hindrances in addition to entering deportation proceedings.

Collecting foreign intelligence and placing noncitizens into deviant populations also serve to protect the sanctity of American national identity. The same Utah laws required an “agency or political subdivision of the state to verify the lawful presence in the United States of an individual who has applied for a state or local public benefit” and also obligated “applicants for a state or local public benefit to certify the applicant's lawful presence in the United States, and provides penalties for making a false, fictitious, or fraudulent statement or representation in the certification.” For noncitizens, claiming public assistance is already a stigmatizing process that is meant to intimidate undocumented immigrants and other noncitizens who do not have proper legal status from claiming welfare benefits. Needing to comply with family income limits and attend programs to improve parental responsibilities, immigrants who are able to participate in welfare programs must also work with their immigration officer to ensure that they possess proper documentation. By making welfare programs a system of behavioral checks and legal status verifications, policymakers treat American membership as sacred.

Those who do not have proper proof are constructed as liars, cheats, and frauds. For instance, nearly fourteen percent of prescriptive exclusionary laws increased the criminal penalties for having fraudulent immigration papers and alien registration numbers.

Contextual Determinants of Exclusionary Policy Prescriptions

In Chapter 3, I developed several empirical propositions about the socioeconomic and political contexts in which policy prescriptions of exclusion are enacted. Due to the salience of protecting American borders, it is expected that exclusionary policy prescriptions will be associated with states that border Mexico. As further argued in this chapter, protecting American borders also involves expanding federal gatekeeping authority. Exclusionary policy prescriptions are expected to be associated with states that have increases in the per capita federal authorized entrant population. States with larger populations of noncitizens whose social relations are monitored by the federal government will likely pass policies that work with the federal government rather than against it. Political reasons for which exclusionary policy prescriptions have also expanded beyond traditional spaces involving the security of national borders and identity to other spaces involving the social relations among noncitizens. As exclusionary practices are designed to keep out foreign entrants with unknown origins, they are likely to be influenced by perceptions of increasing crime. Additionally, policymakers have linked declining economic conditions and rising tax burdens on U.S. citizens to increasing immigration. Worsening labor markets, which are measured by decreasing per capita employment, and commitments to keeping taxes low, which are measured by lower per capita taxes, are expected to be associated with exclusionary policy

prescriptions. However, states that have higher per capita net farm income and depend more on a migrant workforce should be less likely to enact exclusionary prescriptions.

By harnessing the variation in state-level social, economic, and political conditions, this dissertation is able to examine how policy choices made on behalf of noncitizens reflect particular contextual determinants of immigration policymaking between 1997 and 2010. My dependent variable consists of the 58 policy enactments from a total of 241 exclusionary policy prescriptions. As exclusionary policy prescriptions belong to the same underlying dimension, I inherently assume that policymakers will adopt the same kind of policy multiple times. To account for this, I employ a variance-corrected event history model for repeated events to examine state enactments of exclusionary policy prescriptions between 1997 and 2010. Following the literature on repeated events analysis (Box-Steffensmeier and Zorn, 2002; Kelly and Lim, 2000; and, Bowman, 1996), I use a conditional gap time model that assumes that an observation is not at risk for a later event until all prior events occurred (Prentice et al., 1981). A variance-corrected approach for repeated events which incorporates a conditional gap time model will allow the hazard rate to vary by the j th cluster (i.e. state) and k th failure by stratifying the data according to the k th event (i.e. failure order). Janet Box-Steffensmeier and Bradford Jones (2004) modeled the hazard rate as:

$$h_k(t) = h_{0k}(t) \exp^{\beta x_{kj}} .$$

A variance-corrected approach for repeated state policy choices adjusts the variance of the parameter estimates by clustering on the state to account for the repeated nature of the data. Furthermore, such an approach assumes that a state cannot be at risk for enacting the k th policy choice of membership construction until it enacts the $k - 1$

policy choice. This allows for the enactment of policy choices of membership construction to be conditional on previous enacted policy choices. A conditional model also allows each failure order (i.e. strata) to have its own baseline hazard rate, which contrasts from other statistical models that assume coefficients to have the same effect across all enacted policy choices of membership construction. While the hazard rate differs by strata, one set of coefficients is provided to show the overall effect of the covariates.

Using the proposed indicators in Chapter 2, the statistical model passes specification tests. Predicted values are statistically significant ($p < .05$) while the squared predicted values are not ($p < .201$). Even when controlling for the Cox proportional hazards assumption, the proposed statistical model is still correctly specified. Furthermore, the proposed model also passes collinearity tests, as the VIF for each indicator is well below the recommended threshold of 10. Table 4.1 provides the coefficients from the repeated events history model for repeated events.

The results provide minimal evidence for most of the hypothesized contextual determinants, with the exception of per capita employment, which indicates that policymakers justified their choices to exclude noncitizens by using rationales that did not directly deal with “preserving” justice or protecting borders. To the contrary, exclusionary policy prescriptions were enacted in worsening economic conditions. Compared to policymakers who serve in states with higher per capita employment, those in states with lower per capita employment were more likely to enact multiple exclusionary policy prescriptions over time ($p < .001$). Initially, these results seemingly contrast with an interdisciplinary literature in which scholars have found various

socioeconomic and political contexts in which policymakers legitimized the punishment of noncitizens. Yet, in most of these studies, scholars analyze policy choices in a single year. At best, they conceptualize policy choices as independent events over time. Rather than call the findings of a vast amount of research into question, these results indicate that issues related to employment served as a central theme in immigration policymaking between 1997 and 2010.

These results also indicate that exclusionary policy prescriptions act as a mechanism to regulate the labor market, which is consistent with research on welfare programs serve as social control (Soss, Fording, and Schram, 2008; Piven and Cloward, 1993). Research in the social control literature found that policymakers calibrate work enforcement mechanisms to local labor market conditions. As labor markets tighten (i.e. per capita employment increases in state), Joe Soss, Richard Fording, and Sanford Schram (2008) found that state policymakers adopted punitive time limits, family caps, and workfare rules to encourage welfare participants to become employed. In a similar fashion, policymakers relaxed immigration rules and increased noncitizen employment by adopting less exclusionary policy prescriptions as labor markets tighten over time between 1997 and 2010. By relaxing prescriptive goals of an exclusive American society, state policymakers reinforce the need for mechanisms that encourage work.

Table 4.1. Coefficients from Repeated Events History Model of Exclusionary Policy Prescriptions.

	Coefficient	R.S.E.
Temporary immigrant workers (per 100,000)	2.67	1.82
Net farm income (per capita)	0.001	0.001
Total tax revenue (per capita)	-0.0002	0.001
LPRs, refugees, and naturalized (per 100,000)	-0.435	0.547
Employment (per capita)	-22.09 ***	5.80
AFDC/TANF caseload (per capita)	59.08	61.96
Poverty rate	-0.134 **	0.049
Crime rate per 100,000	0.002	0.002
Mexican border state	-0.247	2.55
Medicaid recipients (per capita)	-19.16	12.5
Black population (per capita)	-0.288	3.97
Asian/Pacific Islander population (per capita)	-10.02	6.74
Latino population (per capita)	-5.09	15.7
Citizen ideology	0.037	0.020
Legislative professionalization	-0.386	0.528
Republican controlled government	-0.049	0.046
Average state adoptions	-0.208	0.492
Number of subjects	241	
Number of failures	58	
Log pseudolikelihood	-146.7786	
Wald chi-squared	241.38 ***	

* $p < .05$; ** $p < .01$; *** $p < .001$. Standard errors adjusted for 44 clusters. Repeated events model is stratified by risk set. In order to fulfill the proportional hazards assumption, the following “offending” indicators were multiplied by the natural logarithm of time: per capita employment; welfare caseload; and, poverty rate.

Mass Public Beliefs about American Membership

This chapter has thus far argued that policymakers’ intent to punish deviant populations is expressed through exclusionary policy prescriptions. Exclusionary policy prescriptions are designed to preserve justice, law, and order and are legitimized by drawing attention to worsening economic conditions in America. Policymakers also construct noncitizens as foreign entrants with unknown origins, who pose safety threats to U.S. citizens, and territorially present persons who cannot be trusted. These

constructions draw attention away from rampant social inequalities that noncitizens confront in America and focus interests to controlling the border, which perpetuates a political myth that U.S. borders are weak and need bolstering. With increased attention on the susceptibility of breached borders due to international trespassers, policymakers expand the scope of conflict over defining American membership to involve the federal authorities who make membership solely about controlling entrances and exits.

Through the ways that exclusionary policy prescriptions are designed and legitimized, they are also expected to be associated with mass political beliefs of membership in a democratic polity. As policymakers design policies to punish noncitizens for maintaining justice and safety for U.S. citizens and also legitimize their decisions by pointing to worsening economic conditions, mass publics are likely to support policies that punish noncitizens. Indeed, policymakers and citizens alike are inclined to believe that social justice is not possible without first defining clear and distinct boundaries of a national political community (Walzer, 1984). With declining social and economic conditions continuing to pose obstacles for all U.S. citizens, American mass publics have largely supported policymakers' punitive policy choices use force against noncitizens who "don't belong." In the United States, mass publics have made their desire to punish noncitizens clear. Table 4.2 illustrates the responses from five national surveys of public support for Arizona's 2010 immigration law. A majority of respondents supported the design of Arizona's immigration law. Sixty-one percent of Americans approved (compared to 34 percent who disapproved) of the practice of police stopping and arresting a person who is suspected of illegal entry. In the Rasmussen survey that targeted likely voters, more than double the percentage of respondents

avored passing an Arizona-style bill in their own state. Even when respondents are given information about how Arizona's immigration law could lead to police harassment, civil rights violations, and racial profiling, a majority still supported a law that is designed to either intimidate or physically remove noncitizens.

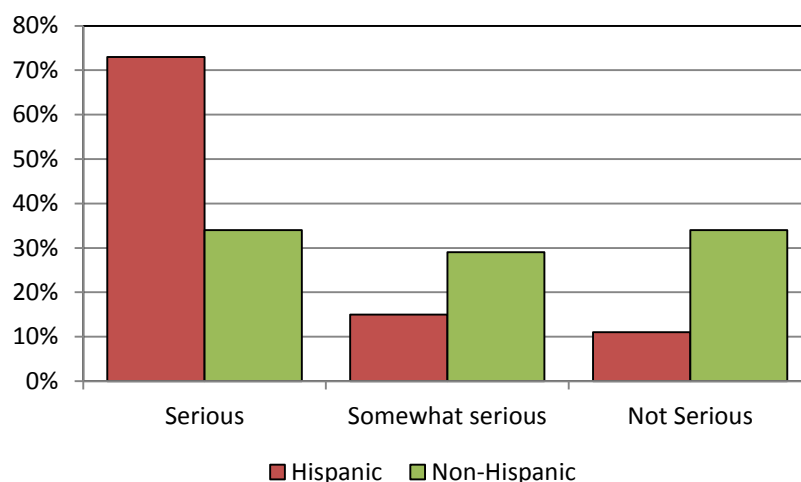
Race also structures American support for policy punishments against noncitizens. As persons who are systematically marginalized in a social system geared to preserving a hierarchy of interests in which the socially privileged prevail, racial minorities often understand the details, limits, and consequences of punitive laws that are alleged to uphold justice in society (Frymer, Strolovitch, and Warren, 2006). In a 2010 Associated Press (AP)/Univision survey, 32 percent of Latinos compared to 29 percent of whites understood the details and consequences of the Arizona law either very well or extremely well. Yet, more whites (36 percent) than Latinos (32 percent) said that they did not understand the Arizona law either not too well or not well at all. Differences in understanding of the Arizona law become even more pronounced after asking respondents how likely police will end up stopping and questioning Latinos who are U.S. citizens or legal immigrants. Sixty-two percent of Latinos, compared to only 46 percent of whites, stated either an extreme or very high likelihood. In contrast, more whites were skeptical, as 51 percent of Latinos (compared to 34 percent of whites) said that police would either be somewhat or not likely to stop citizens or legal immigrants.

Table 4.2. National Public Opinion Survey Responses on Arizona's Immigration Law.

Question	Source	Date	Approve/ In Favor	Disapprove/ Oppose
As you may know, last year the state of Arizona passed a law that requires police to verify the legal status of someone they have already stopped or arrested if they suspect that the person is in the country illegally. Do you approve or disapprove of Arizona's immigration law?	Pew Research Center	Feb. 23, 2011	61%	34%
Suppose the new Arizona immigration law was being considered for your state. Would you favor or oppose passage of that law in your state?	Rasmussen Reports	Sep. 22, 2010	62%	25%
Arizona's new immigration law requires immigrants to have proof of their immigration status and requires police officers to attempt to determine the immigration status of persons suspected to be illegal immigrants. Do you approve or disapprove this new law?	Economist/YouGov	Jul. 15, 2010	57%	32%
Here are some issues critics of the [Arizona immigration] law have raised. For each one, please tell me if you agree or disagree. The law could lead to harassment by police of legal citizens who may just look like illegal immigrants to a police officer.	Time/ABT SRBI	Jul. 14, 2010	54%	42%
A new law in Arizona would give police the power to ask people they've stopped to verify their residency status. Supporters say this will help crack down on illegal immigration. Opponents say it could violate civil rights and lead to racial profiling. On balance, do you support or oppose this law? Do you feel that way strongly or somewhat?	ABC News/Washington Post	Jun. 17, 2010	58%	41%

Latinos who disproportionately receive punishments from exclusionary policy prescriptions typically understood the negative consequences of Arizona's law while whites did not believe that the law poses any serious problem and question whether the law would lead to unequal treatment. As Figure 4.5 shows, 73 percent of Latinos, compared to 34 percent of whites, considered police stopping and questioning Hispanics who are U.S. citizens or legal immigrants as a serious problem. While whites were twice less likely to consider this scenario a serious problem, they were also three times *more likely* to consider the scenario as either not too serious or not serious at all.

Figure 4.5. Public Attitudes Toward Believing that Arizona's Immigration Law Poses Any Serious Problem and Whether Law Would Lead to Unequal Treatment.



Source: National Opinion Resource Center, 2010.

These public opinion survey results illustrate how much of American mass publics think of exclusionary policy prescriptions as neither unfortunate nor unnecessary. To the contrary, most Americans think of immigration policy punishments as legitimate exercises of force when dealing with all noncitizens who wish to enter the country. Exclusionary policy prescriptions contribute to these commonplace sentiments by fortifying the federal government's routine or logical role as national gatekeeper.

Generally, 48 percent of Americans believed that states should be permitted to set their own immigration rules while 34 percent believed that immigration rules should only be handled by the federal government (Economist/YouGov, 2010). A greater percentage of Americans who lived in states where policymakers enacted policies that expanded federal immigration power believed that the federal government should only enforce immigration rules. In New York, where state legislators enacted seven policies that increased the federal government's jurisdictional authority in immigration, 56 percent of New York State respondents believed that the federal government should regulate and reform immigration policy while only 38 percent believed that states should do so (Siena Research Institute, 2010).¹⁷

Americans prefer to have the federal government maintain or decrease immigration levels, which holds in place historic racial and gender hierarchies that govern the behaviors of marginal populations. Based on the 2008 American National Elections Survey (ANES), over 42 percent of respondents believed that immigration levels should remain the same and 43 percent believed that immigration levels should either decrease a little or a lot. When given the option to define American membership through admissions levels, Americans supported an immigration system that favors exits. While a significant share of respondents believed that immigration levels should remain the same, the status quo system reduced the U.S. unauthorized immigrant population by 8

¹⁷ The New York State legislature enacted the following laws: provisions to fund for the incarceration of illegal immigrants (A.B. 1302 in 2001); denying licenses/registration predicated upon suspected association with terrorist group (S.B. 6822 in 2006 and S.B. 5984 in 2007); and, increasing penalties for fraudulent immigration documents (S.B. 8376). Between 1997 and 2010, the New York State legislature also enacted 3 unidimensional policy prescriptions, 2 cross-cutting policy prescriptions, and zero multicultural policy prescriptions. As unidimensional policy prescriptions are also theoretically expected to influence mass publics to support the federal government's lone role as the immigration law enforcer, a majority of the policies enacted in New York emphasized the federal government's jurisdictional authority in immigration policies and reform.

percent between 2007 and 2009 (Passel and Cohn, 2008). Additionally, the number of persons obtaining legal permanent resident status declined by 20 percent from 2006 to 2007, and only increased by 5 percent in 2008 (U.S. Department of Homeland Security, 2010).

As exclusionary policy prescriptions help to foster mass public support for federal jurisdictional authority in immigration law enforcement, they also aid mass publics to orient the global position of America and the membership of noncitizens. Exclusionary policy prescriptions construct American membership as a dilemma over controlling levels of national exits and entrances. To further explore these phenomena, I examine how immigration policy choices reflect how mass publics understand immigration as a social dilemma in America in the 2008 American National Elections Survey (ANES). Through this approach, I conceptualize public policies mainly as targets at which U.S. citizens direct their attitudes and beliefs. By conceptualizing policies in the ways that most scholars of U.S. immigration do, I demonstrate how an intersectional policy-centered approach can still illuminate current understandings of policies as political outputs. Building from the human capital and contexts-of-reception research traditions, I test the following statistical model of individual attitudes toward controlling immigration levels:

Immigration Level Preference: Socio-economic Status + Financial Situation +
Nationalism + Political Attitudes + Immigrant
Stereotypes

Since the dependent variable is measured as a four point scale ranging from strongly disagree to strongly agree, I employ an ordinal logit model to identify the set of coefficients that make each categorical outcome most likely to arise.

Table 4.3 illustrates the results from an ordinal logit model of individual-level determinants of supporting different immigration levels. By examining the individual-level determinants of supporting decreased immigration levels in the 2008 ANES, the results indicate that respondents were more likely to disapprove of how the United States is handling its foreign relations. A one-unit increase in disapproval made respondents 1.46 times more likely to favor decreasing immigration levels ($p < .01$), indicating that respondents' restrictive immigration policy preferences reflected a dissatisfaction with America's global presence. However, their sentiments are not likely to express their dissatisfaction with America's unwillingness to intervene in international crises by admitting political refugees and asylum-seekers. The results also indicate that respondents were more likely to favor increasing public spending to protect U.S. borders. Respondents who supported increased spending levels were 1.34 times more likely than those who did not to favor decreasing immigration levels ($p < .001$).

The results also indicate that respondent attitudes toward policy preferences of decreasing immigration levels were also stratified across race, which fit with the research findings of Lisa Garcia Bedolla (2005). Respondents who did not self-identify as Latino were 1.68 times more likely to support decreases in immigration levels ($p < .01$). Even after controlling for other individual characteristics, a distinct difference between self-identified Latinos and non-Latinos remains, which provides further evidence to support the general trends in public opinion surveys discussed previously. While race stratifies Latino and non-Latino support for a federal system of exits, race does not simply just structure non-Latinos support for decreased immigration levels. Figure 4.6 compares differences in the predicted probabilities of support for decreases in immigration levels

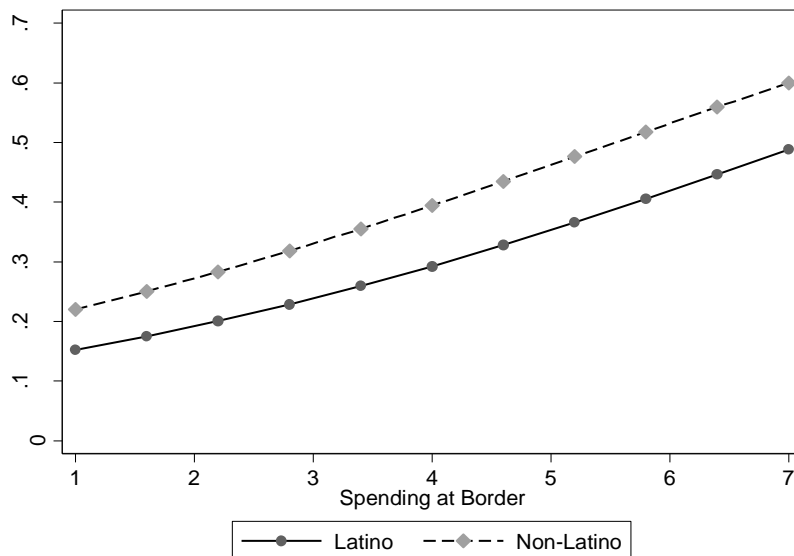
between Latinos and non-Latinos across increasing support for spending more at the U.S. borders. Across all border spending levels, non-Latinos are more likely to support decreases in immigration levels than Latinos. However, the differences are not as extreme as the U.S. immigration literature would suggest. As exclusionary policy prescriptions make American membership into a dilemma of controlling immigration levels, both Latinos and non-Latinos support increases in public spending at the U.S. border.

Table 4.3. Coefficients from an Ordinal Logit Model of Support for Decreasing Immigration Levels.

	Odds Ratio	Std. Err.
Educational attainment	0.846 ***	0.033
Income	1.01	0.010
Sex	1.17	0.128
Non-Latino	1.68 ***	0.232
Ideology	1.02	0.043
Party identification	1.02	0.034
Increase spending at border	1.34 ***	0.043
Country more secure	1.00	0.046
Intention to vote	0.981	0.020
Country on the right track	1.39	0.261
Disapprove handling of foreign relations	1.46 **	0.215
Better off year ago	0.961	0.056
Hispanics are unintelligent	1.18 ***	0.052
Asians are unintelligent	0.921 *	0.038
Number of observations	1262	
Correctly predicted (%)	43.1	
LR chi-squared	184.77 ***	

* $p < .05$; ** $p < .01$; *** $p < .001$. Based on 2008 ANES.

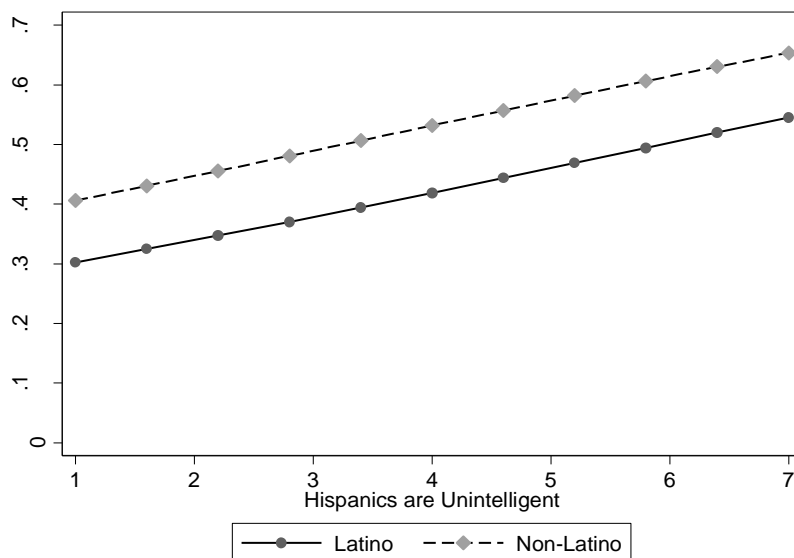
Figure 4.6. Predicted Probabilities of Decreasing Immigration Levels Across Support Levels for Border Spending.



Source: 2008 American National Elections Survey.

A similar pattern emerges when examining the extent to which Latinos believe in negative stereotypes of Hispanics, the main ascriptive category that policymakers and the public alike place Mexicans, Latin Americans, Puerto Ricans, Cubans, and Central Americans. Figure 4.7 compares differences in the predicted probabilities of support for decreases in immigration level between Latinos and non-Latinos across increasing beliefs that Hispanics are unintelligent. Non-Latinos exhibited a higher susceptibility to favor decreases in immigration levels than Latinos, regardless of their estimated level of Hispanic intelligence. As both groups believe that Hispanics are unintelligent, non-Latinos and Latinos were more likely to support decreasing immigration levels. These findings indicate that exclusionary policy prescriptions have the potential to perpetuate deviant stereotypes among people who typically belong to those negatively constructed groups.

Figure 4.7. Predicted Probabilities of Support for Decreasing Immigration Levels Across Beliefs that Hispanics are Unintelligent.



Source: 2008 American National Elections Survey.

Implications

Consistent with Anne Schneider and Helen Ingram's construction of target population theory (1993), I found that policymakers construct exclusionary policy prescriptions to punish noncitizens in the name of protecting the safety of U.S. citizens and upholding justice in America. As construction of target population theory provides more theoretical guidance than the other dominant research traditions in the U.S. immigration literature to understand how policymakers might use punishments to forward democratic purposes in America, this chapter demonstrated that state policymakers allege that their punitive approach to immigration control was out of a necessity to act on behalf of an absent federal regulator. When examining the designs of exclusionary policy prescriptions, I found that state policymakers expressed a need to take federal responsibilities to protect U.S. borders. Between 1997 and 2010, policymakers expanded the scope of conflict over noncitizen membership in America to increase federal

government involvement in state affairs. By adopting policy tools that are geared toward working with rather than against federal authorities, state policymakers cemented the supremacy of federal jurisdictional authority in immigration and thus further institutionalized racial and gender hierarchies within the architectural design of U.S. immigration control.

In this chapter, I discussed some of the ways in which policymakers' intentional refusal to represent the interests of socially disadvantaged noncitizens manifest in policy decisions. Policymakers often legitimize their decisions to regulate immigration by making enforcement "more efficient" in a federalist system of government or claiming that the best measure against illegal immigration is to make stops and seizures more objective. Such policy choices to make government more efficient or objective often reinforce the disadvantaged status of racial minorities. For example, subsequent laws to S.B. 1070 in Arizona expressed an interest in making Arizona's immigration laws more objective by "taking out" race in immigration law enforcement. H.B. 2162 amended S.B. 1070 to specify that law enforcement officials cannot consider race, color or national origin when implementing the provisions of the original law, except as permitted by the U.S. or Arizona Constitution. H.B. 2162 clarified the original law's language around reasonable suspicion by requiring state and local law enforcement to reasonably attempt to determine the immigration status of a person only while in the process of a lawful stop, detention or arrest (National Conference of State Legislatures, 2010). H.B. 2162 also lowered the fine for noncitizens who fail to complete or carry an alien registration document from \$500 to \$100 for the first offense. State leaders praised these amendments as forms of compassion to address public concerns of racial profiling. In the months after

passing H.B. 2162, policymakers drew attention to the fact that no immigrants were arrested under the S.B. 1070 or H.B. 2162 guidelines. However, they also disregarded any racial disparities resulting from the status quo law enforcement system. Local immigrant advocates and community leaders were quick to point out that the lack of arrests was partially attributed to an exodus of Mexican immigrants and that police officers were still likely to racially profile noncitizens. Researchers found that Type III car searches – which are based on consent only and are initiated by police officers using a high amount of discretion – are significantly more likely to target Hispanic drivers than drivers who are either white or in other racial minority groups (Engel, Calnon Cherkauskas, Smith, Lytle, and Moore, 2009).

This chapter also extends current immigration policy research of scholars who base their works on construction of target population theory. Previous studies have focused on comparing elite discourse at the federal level across two different time periods (Newton, 2008). By harnessing the variation of immigration policymaking across the American states as well as across time, I highlight new and different approaches that immigration policy scholars and students can employ to examine how policy choices are rationalized for mass publics. First, an analysis of how state-level immigration policies construct target populations moves scholarship beyond assessments of federal policymaking to focus on how American federalism contributes to the political construction of noncitizen membership. Secondly, a state-level analysis of social, political, and economic contexts in which policies are enacted provides a different way to examine how policymakers legitimize their choices. Based on the work of Lina Newton (2008), whose discourse analysis identified deeper social contextual determinants

underlying policymakers' rhetoric, I found that exclusionary policy prescriptions across time were not enacted in contexts that pertained to fighting crime or protecting borders. Rather, they were enacted in states with worsening economic conditions. My findings are consistent with works of other scholars who found a close knit relationship between punitive punishments used against noncitizens and the prospects of economic markets. Furthermore, my findings suggest that policymakers have relied on social structures that help make the connection between noncitizens and underperforming economic markets across time and different contexts.

I also extend current research on U.S. immigration policies by demonstrating how public support for exclusionary policy prescriptive goals reflects structural inequalities among the American electorate. In this chapter, I mainly examined mass public beliefs and perceptions about membership by using a framework which conceptualized public policies act as policy outputs. Even though exclusionary policy prescriptions were understood as targets rather than structures that influence beliefs and perceptions of mass publics, a policy-centered approach is still useful in highlighting how policies have organizing principles. Exclusionary policy prescriptions construct American membership in terms of controlling the number of exits and entrances. Expressions of support for decreasing immigration levels were largely informed by a dissatisfaction with America's global presence and an increased interest in fortifying U.S. borders. These results suggest that immigration control policies provide a way for U.S. citizens to express their attitudes about global politics. Based on their perceptions and beliefs about global affairs, U.S. citizens are likely to favor policy proposals that disconnect the United States from

international migration, which marginalizes the interests of political refugees and asylum-seekers who are looking to leave situations of violence and political persecution.

Support for exclusionary policy prescriptions also illuminated racial hierarchies among Americans. First, in states that have enacted policies that constructed the definition of American membership in restrictive terms, a majority of respondents believed that the federal government was the proper immigration regulator. Secondly, a majority of whites expressed support for law enforcement procedures that required police officers to stop and arrest a person if they suspect them of illegal entry. What is more, whites were skeptical of whether Arizona's 2010 immigration law would actually lead to arresting Latinos who are U.S. citizens. Such beliefs starkly contrasted with whites who overwhelmingly believed that Arizona's law would foster the infringement of civil rights.

Conclusion

The indisputability of federal authority is merely a preferred remedy for dealing with unauthorized immigration and is neither a final nor a fundamental rule of governance. Through exclusionary policy prescriptions, policymakers elevate the importance of regulating entrances and exits in spite of other axes of disadvantage that structure inequalities among noncitizens. To this end, the widely-used binary distinction between illegality and legality is not simply a way to distinguish between "desirable" and "undesirable" entrants. To the contrary, such a distinction reflects an unwillingness to acknowledge the various axes of disadvantage that operate in the lives of noncitizens. Between 1997 and 2010, state policymakers have structured policy punishments against noncitizens so that the interests and safety of U.S. citizens are preserved. As such, the ways in which policymakers design exclusionary policy prescriptions are associated with

mass publics thinking of noncitizens in a very narrow and demeaning sense. Primarily, mass publics believe that noncitizens are untrustworthy and are thus the rightful targets of law enforcement agents who should be empowered to use whatever means necessary to uphold the law, even if their tactics involve violating the civil liberties and human rights of noncitizens. This chapter examined how the limits of justice-oriented U.S. immigration laws are often highlighted by a racially stratified social system in America. Yet, this chapter only served as an initial step in a longer investigation of the ways in which immigration policies rearticulate race and race's relationship with other axes of disadvantage. In the next three chapters, I will focus on how policymakers design U.S. immigration policies in different ways that meet the interests of particular noncitizen subgroups but allow other ascriptive differences to crystallize around their efforts to be more "inclusive" in America.

Chapter 5: Exceptional Membership in America

In May of 2005, President George W. Bush signed into law the REAL ID Act, which imposed prescriptive federal standards for drivers' licenses in order to create a national identification card. What federal policymakers also did was widened the target population to include citizens and noncitizens in order to dampen any criticisms from opposing groups. Since everyone had to get a state-issued identification card renewed under new federal national standards, policymakers expected that everyone had to suffer equally. To further emphasize the positive benefits everyone would receive, policymakers in states such as Florida, Ohio, and Virginia acted to justify federal compliance by arguing that the law would protect residents from identity theft or denouncing cost evaluations of the law's large negative impact on taxpayers.

Still, the REAL ID Act received much public scrutiny, but mostly over how the federal mandate would create inconveniences for U.S. citizens during their travel plans or driver's license renewals. Nineteen states conformed to federal prerogatives while few took issue with the how the law would discriminate against noncitizens. The national identification card system that would allegedly inconvenience everyone actually imposed the most burdens on socially disadvantaged noncitizens who were undocumented but also on others who were legally admitted but are not required to have lawful status. The REAL ID Act required territorially present noncitizens to demonstrate either current proof of lawful immigration status or a U.S. passport for obtaining a national identification card. Asylum-seekers and temporary immigrant workers, who gained lawful presence due to their immigration status, seldom applied for passports simply because they did not need any further proof of national legal entrance (Friedland and

Moran, 2005). Additionally, national identification standards restricted other legally present persons, such as trafficking victims and other persons granted admission for humanitarian reasons, from continuing to reside in the United States and receiving legal protections and exemptions from federal immigration laws.

Currently, U.S. immigration scholars direct their interests in the REAL ID Act to examining differences in the local implementation of the law and exploring how it changed state and federal jurisdictional boundaries. While the national identification card system proposed in the REAL ID Act was unique in its design and communicated far-reaching intentions of a unitary and centralized federal government system, few works have considered how the REAL ID Act and related state policy innovations are part of a much longer trajectory of unidimensional policy prescriptions of inclusion which prescribe American membership as unified and homogenous.¹⁸ Even before 2005, state policymakers were active in expanding the jurisdictional authority of federal government to enforce national identity standards in employment, residence, educational benefits, and public assistance. By expanding the time period before and after the REAL ID Act of 2005, more empirical questions about how policies that prescribe America as unified and homogenous might reflect democratic principles and shape what noncitizens think about American membership come to bear.

This chapter examines such questions by exploring how policy prescriptions of inclusion shape beliefs and perceptions of noncitizen membership in America. In the previous chapter, I found that policymakers designed exclusionary policy prescriptions to intentionally make membership into a binary choice between illegality and legality.

¹⁸ For brevity, I will refer to unidimensional policy prescriptions of inclusion just as unidimensional policy prescriptions.

Through such designs, exclusionary policy prescriptions send political messages about noncitizens as potential security threats and destined criminals. Yet, these policy choices of exclusion cannot explain why some members of negatively constructed groups often take part in supporting policies that marginalize other socially disadvantaged noncitizens. To understand such social phenomena, I argue that immigration scholars and students must examine the ways in which in which policies that prescribe American membership as unified and homogenous also construct noncitizens who are granted admission as “exceptional,” or unusually good or outstanding. To this effect, attitudes about American membership within immigrant communities are more varied, as unidimensional policy prescriptions influence policy targets to favor only socially advantaged members.

This chapter will proceed as follows. First, I will discuss how unidimensional policy prescriptions are designed. Unlike exclusionary policy prescriptions, policymakers did not design unidimensional policy prescriptions with the intent to enforce safety or justice. Rather, their intent was to make noncitizens prove that they had what it takes to become an American member. Through laws designed to emphasize the importance of attaining lawful status, labor skills, and education, policymakers constructed socially advantaged noncitizens as exceptional members and socially disadvantaged noncitizens as typical failures. I will then discuss how widespread unidimensional policy prescriptions are in America. Due to how policymakers routinize immigration control tactics in bureaucratic tasks that affect a majority of U.S. citizens, unidimensional policy prescriptions are proposed and enacted in large numbers and in almost every state. After providing this overview, I will more closely examine the contextual determinants of immigration policies. Finally, I will use the 2008 Latino National Survey (LNS) to

examine how one of the more common unidimensional policy prescriptions – the enforcement a guest worker program that eventually leads to U.S. citizenship – influenced mass public opinions of American identity among Latino immigrants. By mostly designing American membership as a competition for admission and acceptance, I argue that unidimensional policy prescriptions send messages to Latinos about proving one's worth in America. Such a political message assists Latino immigrants in denying that true Americans are whites, native-born, and English-only speakers, but supporting civic republicanism. Yet, such policies and the political messages that are delivered through them also influence Latino immigrants to believe that not everyone should receive the same legal rights and protections and that they don't belong to a distinct Latino culture.

Constructing Exceptional American Members

Unidimensional prescriptions of inclusion reflect a desire to make the United States a unified and homogenous society in which policymakers expect that all noncitizens, no matter the circumstances, should willfully ascribe to their host country's stringent standards of membership. By defining American membership in these ways, policymakers construct a policy myth of inclusion: if people belong in America, then they should be able and willing to prove it. Typically, lawful status acts as the first threshold of acceptance in America. It is certainly not the only one, as this chapter will later explore. Receiving lawful status is also not an insignificant undertaking. One must be extremely patient as federal authorities are slow to reduce the backlogs of legal immigration applications (Sreeharsha, 2010). Would-be legal immigrants must generally wait several months or up to a year to finally hear back from the immigration board.

Noncitizens who decide to pursue lawful status also encounter many obstacles that involve financial constraints, language barriers, and outright discrimination. By attaining lawful status, however, noncitizens not only demonstrate a form of political activism (DiSipio, Masuoka, and Stout, 2006; DiSipio, 1996), but also their resilience from economic and political disincentives to achieve ascriptive membership.

Elevating the importance of compliance with laws that require lawful status in the United States expands the scope of conflict over membership to involve the federal government. For example, state policymakers typically require applicants for jobs, licenses, privately-owned businesses, or residency to submit some certified copy of their U.S. birth certificate, U.S. passport, an alien registration receipt card (i.e. green card), or an employment authorization card or proof of nonimmigrant classification issued by the U.S. Department of Homeland Security. The approval of these documents falls into jurisdiction of the federal government.

Tools of compliance employed by policymakers in unidimensional prescriptions of inclusion also provide a means for federal authorities to regulate immigration by “remote control” (Zolberg, 2007). To develop more effective and efficient deployments of federal agents to enforce immigration law, state policymakers have installed rules that set off “alarms” when they are broken by unauthorized noncitizens. The sale of firearms and the right to conceal and carry a firearm expand the political spaces in which the federal government can monitor and regulate the social behaviors among noncitizens. In 2004, the Virginia legislature passed H.B. 29, a law that allowed only Virginia residents who are citizens or legal permanent residents to conceal and carry weapons. In a similar kind of law targeting gun owners, the Illinois legislature passed H.B. 3991, a law in 2009

which gave the Department of State Police the authority to “deny an application for or revoke and seize a Firearm Owner’s Identification Card from an alien who is unlawfully present in the United States under the laws of the United States.” Such laws made noncitizen populations more legible to govern, prohibiting those persons with unknown origins and undocumented status from carrying a firearm hidden from common observation. To this end, unidimensional policy prescriptions of inclusion are similar to exclusionary policy prescriptions in the ways that guard the sanctity of American membership. Both policy choices establish that the privileges of U.S. citizens should not be available to everyone, even if those privileges are scaled back for only legal noncitizens.

Even though policymakers express their restrictive intentions through unidimensional and exclusionary policy prescriptions, they employ a different variety of policy tools to make noncitizens comply with prescriptive goals of membership. As Table 5.1 illustrates, policymakers used a total of 15 different policy tools to encourage noncitizens to comply with lawful status, which is nearly four times as many policy tools as they used to achieve compliance with exclusionary policy prescriptions.

Table 5.1. Tools of Compliance in Unidimensional Policy Prescriptions of Inclusion.

Policy Tools of Compliance	Percent of Total Enacted Policies
Licensing	25.75%
Job qualifications	17.37%
Public assistance: time stamp arrival for restriction	14.97%
Public assistance: conforming to PRWORA	13.77%
Custody qualifications/registry for child abduction	8.38%
Tax/surcharge for being in country	7.19%
Retract funding	2.99%
Education/educational benefits qualifications	1.80%
Donor/board qualifications	1.80%
Confidentiality	1.20%
Prevent political participation	1.20%
Swearing to allegiances/oaths	1.20%
Commemoratives	1.20%
Emphasize importance of American history	0.60%
English language acquisition	0.60%
Grand Total	100.00%

Out of the 167 enacted laws, state policymakers mostly used state licensing procedures. In just over a quarter of all unidimensional policy prescriptions, policymakers used licensing standards for driving, working in professional occupations, and using natural resources to achieve compliance with prescriptive goals of a unified and homogenous America. In contrast with compliance tools that use force or impose civil penalties or criminal charges, licensing boards institute application procedures that create the illusion of an inclusive process. What policymakers really want is to achieve uniformity in behaviors among a target population in order to reduce the risks of not achieving their stated policy goals of membership. As they control the procedures and rules for obtaining licenses, state leaders and administrative agents can dictate what set of

behaviors they would like their target population to possess. Licensing standards provide policymakers leverage when motivated to make a diverse population of noncitizens comply with directives aimed to achieve a unified and homogenous society.

Uniformity is also achieved through a plethora of policy tools. In a small number of laws, policymakers retracted social programs that were assumed to benefit undocumented immigrants. By narrowing the array of social programming available to all noncitizens, policymakers gain more control over pursuing their goal to prescribe America as homogenous and unified. In another set of laws, policymakers granted residence or state privileges to noncitizens only if they were willing to incur extra taxes or fees. In eight states, noncitizens were charged additional taxes or surcharges for claiming either residency, temporary status, or applying for recreational licenses. While these state laws arguably welcome noncitizens as residents or visitors, such policy tools literally make noncitizens pay for their time in America. Furthermore, in some lines of immigration research in the human capital tradition, taxes and surcharges are theoretically expected to dissuade noncitizens from “overusing” public resources above and beyond what is entitled to citizens. Lastly, policymakers achieved uniformity through obligating noncitizens to honor American culture, history, and customs. This is best demonstrated by laws that make noncitizens take loyalty oaths before their work in a state.

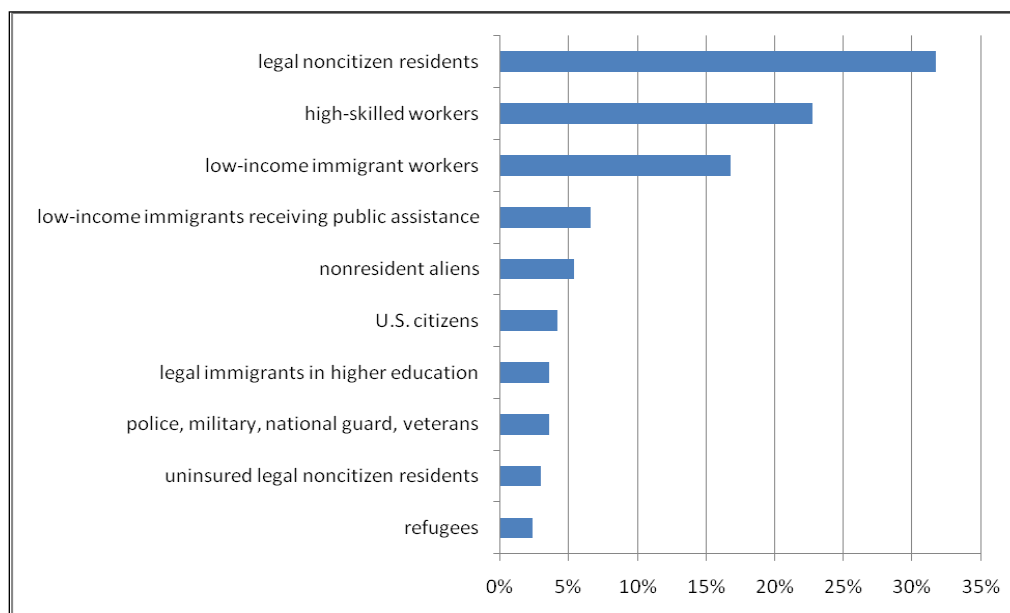
While not focused on achieving compliance through policy punishments, licensing standards only change the ways in which restriction operates, which is to make noncitizens apply for membership. Licensing standards impose more burdens on noncitizens who are required to follow the rules by which everyone else must abide *in*

addition to proving their legal status.¹⁹ Similar burdens are found in rules for job qualifications, public assistance, child custody, and educational benefits, which comprised half of the policy tools of compliance used in unidimensional policy prescriptions between 1997 and 2010. Whether applying for welfare, financial aid, or jobs, lawful status was another criterion that could be used to withhold social benefits from them.

As each of these policy tools exhibit, policymakers are not solely interested in encouraging lawful status among noncitizens. Figure 5.1 displays the types of subgroup interests that are targeted through unidimensional policy prescriptions. Indeed, policymakers designed most tools of compliance with lawful status in mind, as legal noncitizen residents are the highest targeted group in unidimensional policy prescriptions. But, policymakers are also influenced by other subgroup interests. When prescribing American membership as homogenous and unified, policymakers also design policies for highly-skilled immigrant workers; low-income immigrant workers; legal immigrants in higher education; low-income immigrants who participate in public assistance programs; nonresident aliens; and, refugees. Additionally, policymakers design immigration policies with the interests of U.S. citizens in mind as well as protecting the interests of those who served in the U.S. military or state law enforcement.

¹⁹ There are states that do not require legal immigration status to own a driver's license; they are discussed in a following chapter on cross-cutting policy prescriptions of inclusion.

Figure 5.1. Subgroup Interests Reflected in Unidimensional Policy Prescriptions.



By illustrating both the policy tools for compliance and which subgroups *within* a policy target population policymakers have in mind when making unidimensional policy prescriptions, one can gain an understanding of what policymakers envision a unified and homogenous America looks like. By incorporating national concerns over immigration control into state-level licensing procedures, for example, policymakers construct American membership as a privilege to which noncitizens must apply. The topic of immigration typically brings to mind images of persons falling into line, waiting to be examined by administrative agents at Ellis and Angel Islands. Even though the United States' system of immigration control has certainly changed and expanded beyond those historic ports of entry, the same application process remains, yet operates through different venues and nuanced procedures. Public bureaucracies such as the Department of Motor Vehicles (DMV) and Department of Natural Resources (DNR) that regulate licensing now teach noncitizens lessons about American membership. Similar to

traditional accounts of U.S. immigration, the process of acquiring membership presently teaches noncitizens that they must wait and see whether they have the personal qualities and skills which the government agents of the host country are seeking. Similar to those who traveled through national ports of entry before them, noncitizens today stand in line at the DMV, waiting for a government agent to call their number and test them on American rules and norms. As decisions are made behind closed doors, licensing procedures also add to the mystique of American membership by making noncitizens “take a number” and sit in waiting rooms while a decision is being made about whether their efforts were successful or in vain.

What is distinct about today’s processes of acquiring membership, though, is that licensing procedures involve a variety of mass publics in society, not just noncitizens. By incorporating procedures that verify whether a person has lawful immigration status into bureaucratic tasks that affect all members of a polity, policymakers change how mass publics think about noncitizen membership in America. Through unidimensional policy prescriptions, policymakers construct noncitizens as American members in a way that does not arise from constructing them as potential criminals and security threats. Licensing procedures and qualifications for public assistance, employment, and education rather reinforce an illusory process of incorporation by obligating everyone to legitimize their membership in America.

Yet, based on Figure 5.1, policy devices that are used to make noncitizens comply with goals to achieve a unified and homogenous America structure rules that only favor socially advantaged noncitizens who are highly-skilled, educated, and also have legal status. Furthermore, due to immigration rules that are integrated into unidimensional

policy prescriptions affecting wider target populations that include citizens, unidimensional policy prescriptions can perpetuate mass public beliefs that America only *desires* to admit socially advantaged noncitizens. In this regard, immigration rules that are integrated into policies that affect mass publics are also bound to issues that privilege the interests of socially advantaged persons.

By binding together rules that supposedly affect everyone and issues that privilege interests of socially advantaged noncitizens, policymakers construct another myth of U.S. immigration: national leaders will and should admit only “exceptional” or unusually talented entrants. It is important to note that exceptional qualities of American membership actually do not exist, and are merely a political construction. Qualities ascribed as exceptional are ones that policymakers privilege over others and that also fit within their prescriptions for American membership. In particular, working is a behavior that policymakers have emphasized during a post-welfare reform era. Between 1997 and 2010, seventeen percent of unidimensional policy prescriptions had policy tools that encouraged employment among noncitizens. Additionally, nearly a quarter of unidimensional policy prescriptions that encouraged employment also provided compensation to injured noncitizen workers who had lawful status. By rewarding noncitizens for having lawful status and working, policymakers use unidimensional policy prescriptions to foster an idea that American membership is a privilege that must be earned and is not an entitlement.

Based on the noncitizen subgroup targeted by policymakers, however, just having a job isn't enough. In addition to having employment, policymakers also favored noncitizens who can work in highly-skilled jobs. Immigration has historically served to

fill labor shortages in the United States, particularly in the healthcare field. According to the 2005 American Community Survey (ACS), 15 percent of all U.S. healthcare workers are foreign-born. One in four doctors (i.e. physicians and surgeons) were born abroad and 44 percent of foreign-born healthcare workers arrived in the United States in 1990 or later. As a significant share of healthcare workers have come from abroad, state policymakers have relied more on the federal government to help with resource shortages in their own states. States have used federal waivers to accept highly-skilled workers such as physicians and surgeons. As indicated in Figure 5.1, policymakers targeted the interests of highly-skilled immigrant workers in nearly 25 percent of unidimensional policy prescriptions. For example, the Tennessee legislature in 2004 empowered the state Commissioner of Health to waive the foreign residence requirement with respect to an immigrant who agrees to practice medicine in federally-designated under-served areas of Tennessee (S.B. 3047, 2004). The foreign residency requirement requires an exchange visitor to return to her home country for two years at the end of their exchange program. With federal approval, states such as Tennessee would be able to reinforce continuity of care in under-served counties. Federal approval is also needed to admit other highly-skilled immigrants for state employment. The Florida state legislature recently passed a law for foreign-trained professionals exiled from their home country who desire to be licensed as surveyors or mappers. The federal government permits Florida to allow exiled professionals to take the examination if they left their home country for political reasons, provided the “country is located in the Western Hemisphere and does not have diplomatic relations with the United States” (S.B. 1744, 2009).

Policies targeting highly-skilled and educated noncitizens are typically designed to allow beneficiaries to make decisions for themselves and also provide relatively more flexibility in the immigration rules such that policymakers decrease the likelihood that federal authorities would charge them with immigration violations. However, foreign-trained professionals in the sciences and law are certainly not excluded from stigmatizing procedures to verify their identity and training. Providing flexibility in their immigration status only serves as a means to forward American interests of improving health care for U.S. citizens. Foreign-trained professionals often must have their credentials assessed by independent professional associations. Such professional associations often deny the credentials of foreign-trained professionals (Bauder, 2005). In spite of their high level of educational attainment, they must either take more examinations or to be re-trained by U.S.-based educational institutions, which incurs more debt and delays any significant increases in their incomes. The stringent credentialing of noncitizen professionals privileges the rules, values, and norms of the host country, as noncitizens who are fortunate enough to be admitted to U.S.-based higher education institutions are likely to face significantly less obstacles than foreign-trained professionals.

Constructing Typical Failures

By the ways in which policymakers use unidimensional policy prescriptions to define American membership, they also hold in place social inequalities that extend beyond traditional binary ascriptions involving lawful and unlawful status to transpire across race, class, and gender. As unidimensional policy prescriptions emphasize the importance of legal status, they embolden a status quo immigration system that fosters disparities in global migration. Table 5.2 illustrates the legal permanent resident flow by

region and country of birth between fiscal years 2008 and 2010. Currently, North American and Asian immigration compose a majority of the legal permanent resident flow into the United States. North American immigration has remained stable across years, yet Mexican immigration has steadily decreased relative to other North American regions. In contrast, Asian immigration has steadily increased since 2008 while most other regions such as Africa, Europe, Canada, and South America experienced recent decreases in 2010. Nevertheless, no country other than Mexico exhibited consistent decreases in legal permanent resident flow between 2008 and 2010.

In addition to legality, the status quo U.S. immigration system also fosters gender hierarchies in America that marginalized noncitizen women. Rules on how to achieve legal permanent residence are likely to affect immigrant women more than men, as 54.8 percent of legal permanent residents are women. What is more, policymakers have designed lawful status in such ways that foster heteronormativity by prioritizing entrants who are married. There are four general avenues to claiming legal permanent status: family-sponsored immigration (i.e. family unification); employment-based immigration; diversity-based programs; and, political refuge and asylum. Since 2008, family-sponsored immigration has comprised nearly two-thirds of total legal permanent resident flow. The USCIS caps preferences for family-sponsored immigration at 226,000 per year. Forty-five percent of all family-sponsored immigrants are spouses and children of alien residents (Department of Homeland Security, 2010).

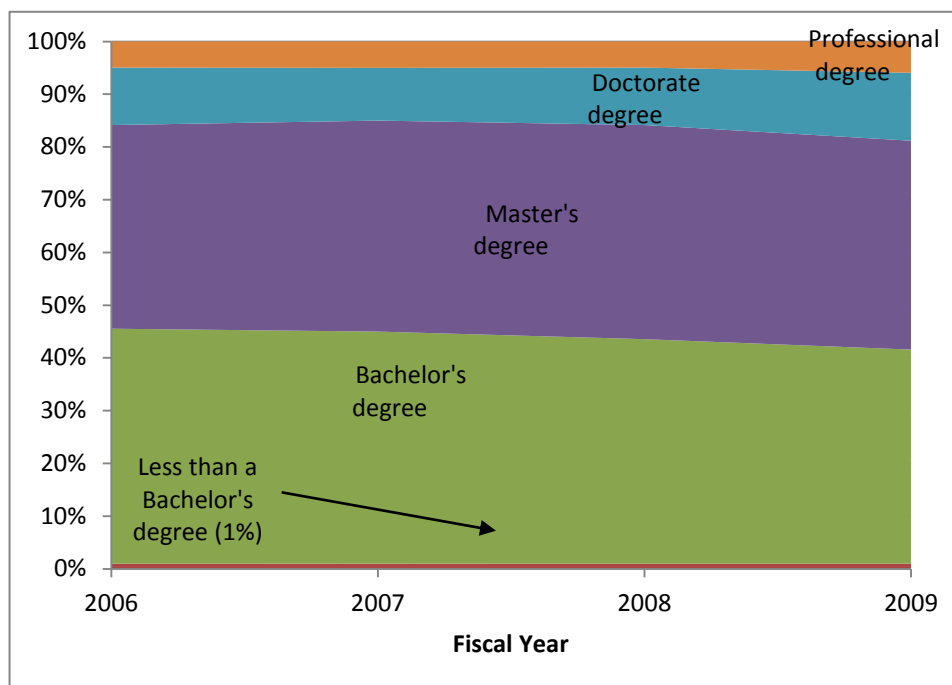
Table 5.2. Legal Permanent Resident Flow by Region and Country of Birth Between Fiscal Years 2008 and 2010.

Region	2010	2009	2008
Africa	9.7%	11.2%	9.6%
Asia	40.5%	36.5%	36.0%
Europe	8.5%	9.3%	9.4%
North America	35.2%	33.2%	35.5%
Canada	1.3%	1.4%	1.4%
Caribbean	13.4%	12.9%	12.4%
Central America	4.2%	4.2%	4.6%
Mexico	13.3%	14.6%	17.2%
Other	2.9%	0.0%	0.0%
Oceania	0.5%	0.5%	0.5%
South America	8.4%	9.1%	8.9%

Source: Department of Homeland Security (2010).

While these immigration rules do not specifically encourage marital behaviors and the formation of traditional two-parent families like current welfare laws do, there is no class of admission based on same-sex relationships. Recent legal scholarship has also found that current immigration laws work in conjunction with the 1996 federal Defense of Marriage Act (DOMA) to drastically restrict the possibility for same-sex binational couples to live together legally in the United States (Garland, 2009). As such, family-sponsored immigration preferences have also largely reflected dominant social American norms concerning the institution of marriage, as 57.3 percent of all legal permanent residents are married.

Figure 5.2 Cumulative Distribution of Educational Attainment Among H-1B Petitioners.



Source: U.S. Citizen and Immigration Services (2010).

Gender hierarchies, as well as other axes of disadvantage involving race and class, also manifest in policymakers' preferences to admit supposed "exceptional" immigrants. Section 213(i)(1) of the Immigration Nationality Act of 1952 created temporary immigration visas for noncitizens to perform services in specialty occupations, which was defined as "an occupation that requires (A) the theoretical and practical application of a body of highly specialized knowledge, and (B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States" (8 U.S.C. 1184(i)). By creating a temporary or "nonimmigrant" class of highly skilled workers, more popularly known as the H-1B Visa Program, policymakers have fostered a highly-skilled temporary immigrant workforce. As shown in Figure 5.2, current H-1B Petitioners typically have at least a Bachelor's

degree while an increasing percentage of petitioners have attained Master's or Doctorate degrees.

H-1B Petitioners are typically placed in occupations that offer higher-paying salaries. Table 5.3 provides the annual compensation reported by employers of H-1B workers approved for employment during Fiscal Year 2009. Reported median annual compensation was \$64,000, which increased 6.2 percent from previous years. One-half of employers expected to pay their H-1B workers between \$50,000 and \$86,000.

Table 5.3. Annual Compensation of All H-1B Beneficiaries by Major Occupation with At Least 1,000 Employers Responding.

Occupation	Total Reported	25th Percentile	Median	Mean	75th Percentile
Computer-related	88,544	\$60,000	\$68,000	\$74,000	\$87,000
Architecture, Engineering, and Surveying	25,066	\$59,000	\$72,000	\$75,000	\$87,000
Education	24,541	\$39,000	\$47,000	\$55,000	\$61,000
Administrative Specializations	20,890	\$43,000	\$57,000	\$65,000	\$80,000
Medicine and Health	16,935	\$48,000	\$60,000	\$89,000	\$115,000
Managers and Officials N.E.C.*	8,215	\$55,000	\$83,000	\$94,000	\$115,000
Life Sciences	6,424	\$40,000	\$47,000	\$56,000	\$65,000
Mathematics and Physical Sciences	5,609	\$52,000	\$70,000	\$74,000	\$90,000
Miscellaneous Professional, Technical, and Managerial	4,772	\$51,000	\$78,000	\$84,000	\$106,000
Social Sciences	4,408	\$45,000	\$65,000	\$75,000	\$95,000
Art	2,739	\$37,000	\$48,000	\$57,000	\$69,000
Law and Jurisprudence	1,395	\$47,000	\$92,000	\$116,000	\$160,000

Source: U.S. Citizenship and Immigration Services (2010). Notes: * indicates not elsewhere classified. The following occupational categories are excluded from this table: writing; entertainment and recreation; museum, library, and archival sciences; fashion models; and, religion and theology. Median annual compensation for these occupations ranged from a low of \$34,500 (religion and theology) to a high of \$102,000 for fashion models.

As the U.S. economy becomes increasingly based on skill level, immigration rules that affect legal status structure various social inequalities that all immigrant workers, regardless of skill-level. In a recent study of immigrant skills, Matthew Hall, Audrey Singer, Gordon F. De Jong, and Deborah Roempke Graefe (2011) compared the economic characteristics of low- and high-skilled immigrants and natives across metropolitan areas. Relative to low-skilled immigrant workers, high-skilled immigrant workers are employed at higher rates, have higher annual earnings, and are less likely to live beneath the federal poverty line (see Table 5.4). Low-skilled immigrant workers earn nearly three times less than high-skilled workers and are nearly four times likely to live beneath the poverty line. Table 5.4 also shows, however, that a skill-based economy has marginalized all low-skill workers and high-skilled immigrant workers. Compared to their native-born counterparts, low-skilled immigrant workers earn less, but are also employed at higher rates and are less likely to live in poverty. A skill-based economy has also preserved structural inequalities that prevent high-skilled immigrants from having equal earnings and employment compared to their native-born counterparts and also made them twice as likely to live below the poverty line.

Table 5.4. Economic Characteristics of Low- and High-Skilled Immigrants and Natives in the 100 Largest Metro Areas, 2006-2008.

	Employed (%)	Individual Earnings	Poverty (%)
<u>Low-Skilled Workers</u>			
Immigrant	66.9	\$24,598	22.9
Native	49.0	\$29,751	30.9
<u>High-Skilled Workers</u>			
Immigrant	80.2	\$71,121	6.2
Native	84.3	\$79,270	3

Source: Hall et al. (2011).

By defining a form of membership that privileges the interests of socially advantaged noncitizens, policymakers design laws that further embed structural inequalities that ensure a majority of noncitizens will fall short of expectations. As policymakers integrate immigration rules into laws that also affect native-born policy targets to comply with prescriptive membership goals, they also foster beliefs and perceptions of “non-compliant” noncitizens as failures. Furthermore, unidimensional policy prescriptions make their shortcomings both typical and completely normal.

For example, to stay in the United States, noncitizens on temporary immigrant visas, undocumented immigrants, and cultural minorities needed to engage in a stigmatizing process of verifying their identities. More often than not, noncitizens learn that they did not provide sufficient proof to earn a privilege that nearly all American members have. In some states, such as Missouri, policymakers made no effort to help socially disadvantaged noncitizens by refusing to offer a driver’s license exam in a noncitizen’s native language (H.B. 167). By designing policy choices to construct inclusion in a myopic manner, policymakers send a message to all noncitizens that they must first prove that they have the potential of demonstrating American qualities.

The 1996 federal welfare reform sent a message about non-compliance by imposing a multifaceted labyrinth of rules to limit the ways in which noncitizens attain American membership. Differentiating noncitizens as qualified, territorially present, and unqualified served to impose burdens disproportionately onto socially disadvantaged noncitizens. As the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) required state policymakers to verify the legal status of noncitizens, policymakers received more tools to “legitimately” discriminate against noncitizens. In

North Carolina's law that established its own innovation of the Temporary Assistance for Needy Families (TANF) Program called the "Work First Program," the law stated that the North Carolina Division of Social Services and electing counties may distinguish among potential groups of recipients on whatever basis necessary to enhance program purposes and to maximize federal revenues" (S.B. 352, 1997). Even though the law provided program assistance to legal immigrants on the same basis as citizens, North Carolina's TANF program allowed state personnel to legitimately bar a subset of low-income noncitizens from participating in welfare. Such a law reflects the logic of policies that prescribe America as unified and homogenous by enabling administrative agents to choose the policy targets that are most able to comply with federal rules on immigrant welfare benefits.

Unidimensional policy prescriptions also marginalized undocumented immigrants by only protecting the civil rights of persons who could prove lawful presence. For example, the Virginia state legislature prohibited the Virginia State Bar and the Legal Services Corporation of Virginia from using state funds to file lawsuits on behalf of aliens present in the United States in violation of the law (H.B. 29, 2004). As long as noncitizens could properly prove that they have legal immigration status and Virginia residency, policymakers permitted attorneys to represent noncitizens in court. In other states such as Arizona, policymakers took more drastic measures to ensure that noncitizens prove their legal status by requiring all noncitizen workers to swear allegiance to the United States and take oaths that they have legal status under penalty of law. Yet, applications for lawful status are generally backlogged at the USCIS and delayed conferrals of lawful status puts noncitizens at risk of entering deportation

proceedings. While most of these types of laws permit noncitizens to demonstrate an intent to attain lawful status, they still marginalize lawful noncitizens such as human trafficking victims and refugees who are not required to apply for lawful status due to their own immigration category.

Policy tools that stamped the time in which a noncitizen arrived in the United States were an effective means to foster beliefs of “non-compliant” noncitizens. PRWORA further divided welfare participants into “pre-enactment” and “post-enactment” immigrants who arrived either before or after August 21, 1996, the day the act was signed by President Bill Clinton. Provided that welfare participants could prove their legal status, only pre-enactment immigrants were eligible to participate in the Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, and food stamp programs. Such benefits are automatically denied to post-enactment immigrants as well as undocumented immigrants and temporary immigrants such as students and visitors. Additionally, post-enactment immigrants needed to wait 5 years before they could become eligible for means-tested programs.

Time restrictions to public assistance were found in a substantial portion of unidimensional policy prescriptions, comprising nearly 15 percent of enacted unidimensional policy prescriptions and 58 percent of just the policies that employ public assistance qualifications to control the scope of conflict over membership. When state policymakers define American membership by a noncitizen’s time in the country, they enable the federal government to control the time counter that determines noncitizens’ time of arrival. To ensure that their states do not incur federal penalties for providing benefits to unlawful entrants, policymakers in Maryland reiterated the denial of benefits

to unqualified entrants in 2001, which was the last year of the AFDC program. For other states such as Arizona, policymakers repeatedly enacted policies that established the time of arrival rule. Two of Arizona's laws limited cash assistance to only dependent children who entered the United States before 1996. The law did make an exception allowing Cuban and Haitian refugees to receive welfare. Welfare laws commonly make exceptions to the federal rule, deferring eligibility decisions to the federal government. While laws may seem inclusive in that they provide benefits to noncitizens who have escaped political persecution, they serve to legitimize local decisions to defer to federal immigration laws. In 1999, Arizona policymakers passed a law that granted an additional 6 months of general assistance to immigrants who were legally admitted for permanent residence (H.B. 2421, 1999). In addition to using time of arrival as a criterion for cash assistance, Arizona policymakers instituted a rule that required noncitizens to make a long-term time commitment to remain in the United States. Through welfare, states such as Arizona buttressed the architectural design of immigration laws which aimed to root out fiscal liabilities to the welfare state.

Time restrictions and other PRWORA rules placed disproportionate burdens onto low-income immigrants by reducing their healthcare coverage as well as creating greater economic hardship. In particular, low-income immigrant women were put further at risk. Nearly 10 percent of all women rely on Medicaid (Gold, 2003), and researchers expect that Medicaid is even more important for low-income women. As a majority of states conformed to PRWORA, Medicaid enrollment of immigrant women dropped while the uninsured rate of immigrant women increased significantly. Thus the interests of low-income immigrant women were marginalized in a system of public assistance which

required participants to not only have legal status, but also arrive in the United States at a particular time.

Rules that defined membership in terms of time are exclusive to neither welfare benefits nor a particular time period. Following 2001, states used time restrictions in various laws concerning unemployment, adoption, employment eligibility, state-sponsored health insurance, and student tuition. Immigrant workers in states such as Minnesota, New Jersey, North Carolina, and Utah are denied unemployment benefits during the time in which they were not lawfully present. This put unemployed immigrant workers who were granted temporary admission solely for employment at further risk. Since most temporary employment terms are based on informal agreements, unemployed immigrant workers receive no form of monetary assistance and are also considered unauthorized entrants.

The multifaceted system of immigration statuses also imposes burdens on immigrant children. Child custody laws often require child welfare advocates and agency personnel that represent the interests of children and families to consider U.S.-foreign relations when placing children. Laws typically state that custody is terminated unless the child is an unaccompanied, refugee minor and the situation regarding the child “involves international legal issues or compelling foreign policy issues.” Parental rights are often terminated when a child has been in the custody of the state for a lengthy period. Yet, children from countries that are declared as foreign enemies must continue to stay in the child protective system. Children are further marginalized in the CPS system that must consider whether a parent has lawful status. Child care providers were required to determine the credible risk of abduction of a child based on whether a petitioner or

respondent is undergoing a change in immigration or citizenship status that “would adversely affect the respondent’s ability to remain in the United States legally.” As such, policymakers causally connect legal status to having stable families. Yet, researchers have found that putting more emphasis on the importance of having legal status than other risk factors can also break apart families, putting children at further risk of re-entering and staying in the CPS system without a stable family.

In order to achieve their goal of constructing America as an exclusive society, policymakers ensure that mass publics perceive noncitizens who have low-incomes, undocumented status, are women, and are cultural minorities as not having what it takes to succeed in America. Yet, it is the rules that policymakers design that make socially disadvantaged persons fail rather than any behavioral deficiencies that they allegedly possess. In a system that obligates noncitizens to prove that they should become American members, policymakers privilege the interests of socially advantaged noncitizens who possess the qualities that policymakers consider as exceptional. As for socially disadvantaged noncitizens, the complex system of immigration statuses only serves to foster mass public perceptions of socially disadvantaged noncitizens as typical failures.

Unidimensional Policy Prescriptions in America

Because policymakers have routinized immigration controls in administrative tasks that affect nearly everyone in society, unidimensional policy prescriptions are proposed and enacted in large numbers. According to Table 5.5, policymakers proposed and enacted more unidimensional policy prescriptions than any other policy prescriptions of membership. Unidimensional policy prescriptions were also enacted in more states

between 1997 and 2010; twenty more states where exclusionary policy prescriptions were enacted and nearly three times as many states where multicultural policy prescriptions were enacted.

Table 5.5. Comparison of Policymaking Activity in Constructing Membership.

Policy Choice	Proposed (Total)	Enacted (Total)	Proposed (Annual Average)	Enacted (Annual Average)	Number of States Enacted
Exclusionary Policy Prescriptions	246	58	17.57	4.14	26
Unidimensional Policy Prescriptions	633	167	45.21	11.93	41
Multicultural Policy Prescriptions	280	55	20.00	3.93	17
Cross-Cutting Policy Prescriptions	480	118	34.29	8.43	37

Unidimensional and exclusionary policy prescriptions exhibit similar enactment patterns. Out of the states where exclusionary policy prescriptions were enacted, unidimensional policy prescriptions were enacted in twenty-two (84.6 percent) of them. As Figure 5.3 also shows, policymakers enacted the two policy choices of membership construction at similar rates annually between 1997 and 2010. After 2002, the enactment rate of each policy prescription generally tracked the other, with unidimensional policy prescriptions enacted at slightly higher rates. As the AFDC Program reached its sunset clause in 2001, many welfare participants were just beginning to transition off of welfare into the workforce where policymakers expected them to support themselves and their families. As policymakers increased the rate of enacting unidimensional policy

prescriptions by 40 percent from 2001 to 2004, low-income immigrants on welfare confronted significant obstacles to find stable work in a market that was driven to find hire highly-skilled workers.

Figure 5.3. Enactment Rate of Exclusionary and Unidimensional Policy Prescriptions.

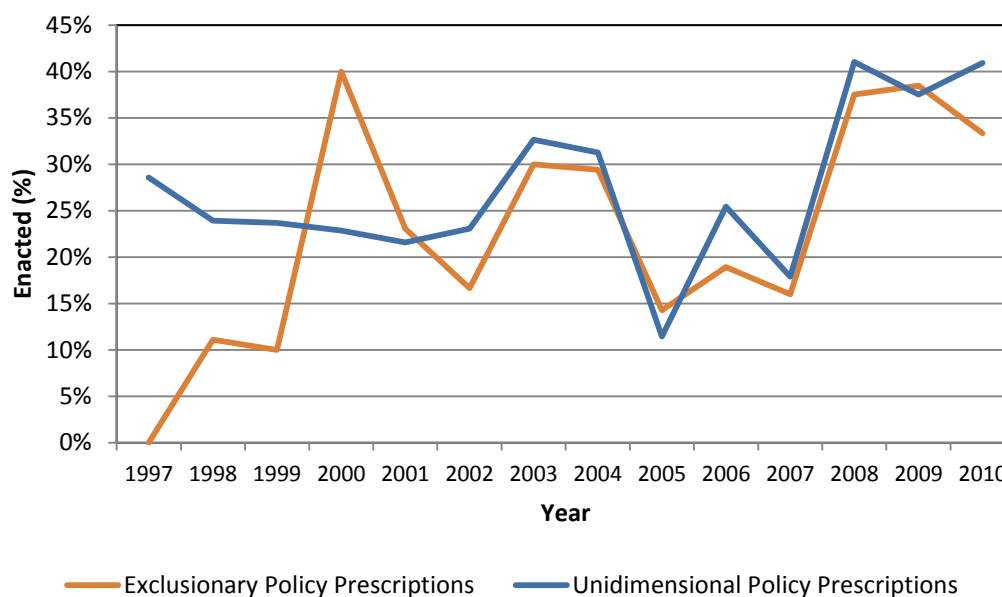
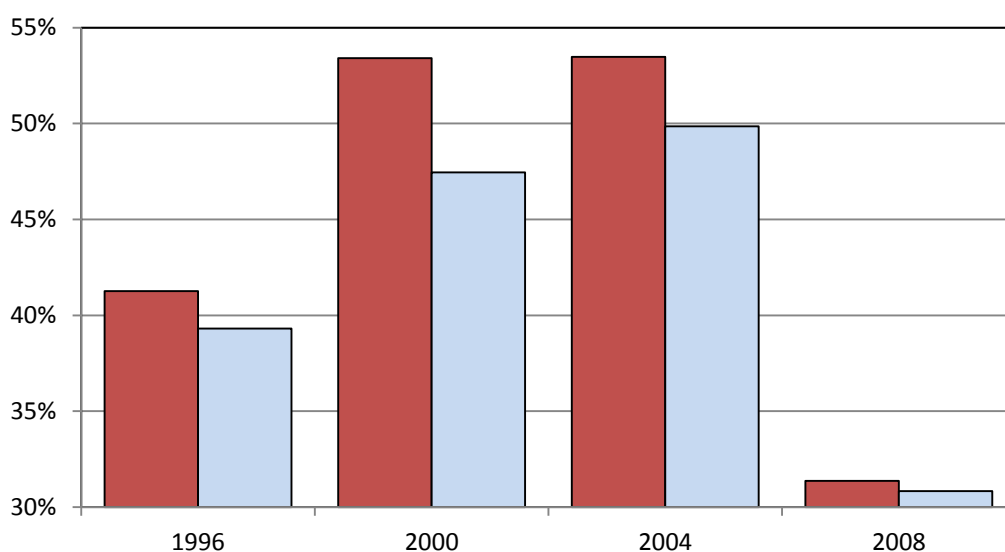


Figure 5.3 also illustrates that state policymakers conformed with federal jurisdictional authority over national identification, even before the REAL ID Act of 2005 created the plans for a national identification card. There was a dramatic increase in the enactment rate of both unidimensional and exclusionary policy prescriptions following 2005. However, both kinds of policy prescriptions were enacted at comparable levels before then. Policy plans maintaining a form of American membership were set in motion by state policymakers long before President Bush took office. They enacted laws that established national identity standards for noncitizens who were applying for work, licenses, schools, and public assistance.

More unidimensional policy prescriptions were also enacted in states that have large or growing foreign-born populations. A majority of policies (56 percent) were enacted in traditional and new destination states. However, there were marginal differences among these states. Policymakers in new destination states enacted slightly more policies than those in traditional destination states (30 percent vs. 26 percent), suggesting that such state distinctions are less important in explaining the variation among a majority of unidimensional policy prescription enactments.

Unidimensional policy prescription enactments were also likely to be enacted by policymakers who served in conservative states. As indicated in Figure 5.4, enactment states exhibited higher levels of support for the Republican candidate than non-enactment states in all presidential elections since 1996.

Figure 5.4. Average Popular Vote for Republican Presidential Candidate in States that Enacted Unidimensional Policy Prescriptions following a Presidential Election.



Following the 2000 and 2004 elections, enactment states exhibited the highest levels of support for the Republican candidate in the post-1996 federal reform era. Some scholars such as Alexandra Filindra (2009) would argue that these findings reflect a convergence

of federal and state interests to control illegal immigration. However, this chapter suggests a different interpretation and points to a schism in the Republican Party when it comes to immigration politics. In response to President Bush's advocacy for more open borders and a guest worker program that granted a pathway to citizenship, policymakers who served in conservative states enacted policies that reinforced a vision of America as a homogenous and unified society.

Contextual Determinants of Unidimensional Policy Prescriptions

By enacting unidimensional policy prescriptions, policymakers privilege the interests of noncitizens who are able to fit into the narrow depiction of an American member. Yet, they still must justify their policy choices of selective membership as legitimate, non-prejudicial, logical, and in the best interests of U.S. citizens. Policymakers are expected to rely on contextual determinants which evoke beliefs and perceptions about exceptional members and typical failures. One of the ways that they will talk about exceptional members is emphasizing the preservation of sacred American institutions. The American farm serves as a potent symbol of a noble profession in which self-reliant people stayed clear of corruption and remained close to God by working close to the land. Narratives surrounding the American farm provide a means for policymakers to create nostalgia for a simpler time when people were expected to pull themselves up by their bootstraps, for any special treatment would be demeaning to anyone who willfully received it. These same values are expected to translate to policies about the treatment of noncitizens who are commonly portrayed as people who come to the United States for opportunity. To justify the enactment of unidimensional policy prescriptions of inclusion, the beliefs and perceptions about the importance of the American farm to the

United States is likely to serve as a contextual determinant of immigration policymaking. Therefore, policymakers are expected to enact policy in states with larger per capita net farm income.

Other research has suggested that policymakers will emphasize the sacred American value of working. As such, state employment rates will likely serve as contextual determinants. As more jobs become available in a state (or, as unemployment rates decrease), policymakers have historically filled labor shortages with noncitizen workers. A likely contextual determinant that policymakers are expected to employ is their state's per capita employment, which indicates the extent to which able and willing working persons between the ages of 15 and 64 actually have jobs. Unidimensional policy prescriptions are expected to reflect "improving economic conditions," or in this case, higher per capita employment.

Aside from these theories offered in the U.S. immigration literature, previous chapters and sections of this chapter proposed that unidimensional policy prescriptions reflect increasing populations of highly-skilled immigrant workers. To legitimize policy prescriptions for the place of "exceptional" entrants in a homogenous and unified American society, policymakers are likely to draw upon contextual determinants that help evoke beliefs about a highly-skilled immigrant labor force. Data on the temporary immigrant worker population suggests that a state's temporary immigrant worker population is largely composed of high-skilled workers in specialty occupations. The class of temporary workers and families represents 49.6 percent of total short-term resident nonimmigrant admissions, which is 3 percent lower than previous years (USCIS

2009). As Figure 3.1 illustrated in Chapter 3, immigrants who work in specialty occupations have comprised a majority of temporary immigrant admissions.

A theory involving highly-skilled immigrant workers also incorporates scholarly works on vertical diffusion, as the design of unidimensional policy prescriptions also imply that state policymakers will rely on the federal government to ensure that their noncitizen workforce is not only lawful, but also highly-skilled. Prior to employing temporary immigrant workers, U.S. employers must file an application with the Department of Labor and then submit a petition to the USCIS. Approval of temporary worker admissions ultimately resides with the U.S. Department of State, which must verify a worker's application with U.S. Embassies and Customs and Border Protections (CBP). As such, temporary immigrant worker populations also serve as a proxy for the level of federal involvement in state jurisdictional affairs involving the verification of a legal workforce.

Given these theoretical expectations, I empirically examine the social, economic, and political contextual determinants reflected in unidimensional policy prescription enactments between 1997 and 2010. My dependent variable consists of the 161 policy enactments from a total of 612 unidimensional policy prescriptions. As unidimensional policy prescriptions belong to the same underlying dimension, I inherently assume that policymakers will adopt the same kind of policy multiple times. To account for this, I employ a variance-corrected event history model for repeated events to examine state enactments of unidimensional policy prescriptions between 1997 and 2010. Following the literature on repeated events analysis (Box-Steffensmeier and Zorn, 2002; Kelly and Lim, 2000; and, Bowman, 1996), I use a conditional gap time model that assumes that an

observation is not at risk for a later event until all prior events occurred (Prentice et al., 1981). A variance-corrected approach for repeated events which incorporates a conditional gap time model will allow the hazard rate to vary by the j th cluster (i.e. state) and k th failure by stratifying the data according to the k th event (i.e. failure order). Janet Box-Steffensmeier and Bradford Jones (2004) modeled the hazard rate as:

$$h_k(t) = h_{ok}(t) \exp^{\beta x_{kj}}.$$

A variance-corrected approach for repeated state policy choices adjusts the variance of the parameter estimates by clustering on the state to account for the repeated nature of the data. Furthermore, such an approach assumes that a state cannot be at risk for enacting the k th policy choice of membership construction until it enacts the $k - 1$ policy choice. This allows for the enactment of policy choices of membership construction to be conditional on previous enacted policy choices. A conditional model also allows each failure order (i.e. strata) to have its own baseline hazard rate, which contrasts from other statistical models that assume coefficients to have the same effect across all enacted policy choices of membership construction. While the hazard rate differs by strata, one set of coefficients is provided to show the overall effect of the covariates.

Using the proposed indicators in Chapter 2, the statistical model passed specification tests. Predicted values were statistically significant ($p < .05$) while the squared predicted values are not ($p < .236$). Even when controlling for the Cox proportional hazards assumption, the proposed statistical model was still correctly specified. Furthermore, the proposed model also passes collinearity tests, as the VIF for

each indicator is well below the recommended threshold of 10. Table 5.6 provides the coefficients from the event history model for repeated events.

These results support theoretical expectations related to unidimensional policy prescriptions reflecting contextual determinants involving a state's temporary immigrant workforce. A one-unit change a state's per capita temporary immigrant worker population is associated with a 1.62 increase in the likelihood that policymakers will enact multiple unidimensional policy prescriptions over time ($p < .05$). Compared to policymakers who serve in states with smaller temporary immigrant workforces, policymakers who serve in states with larger ones were more likely to enact multiple policy prescriptions over time.

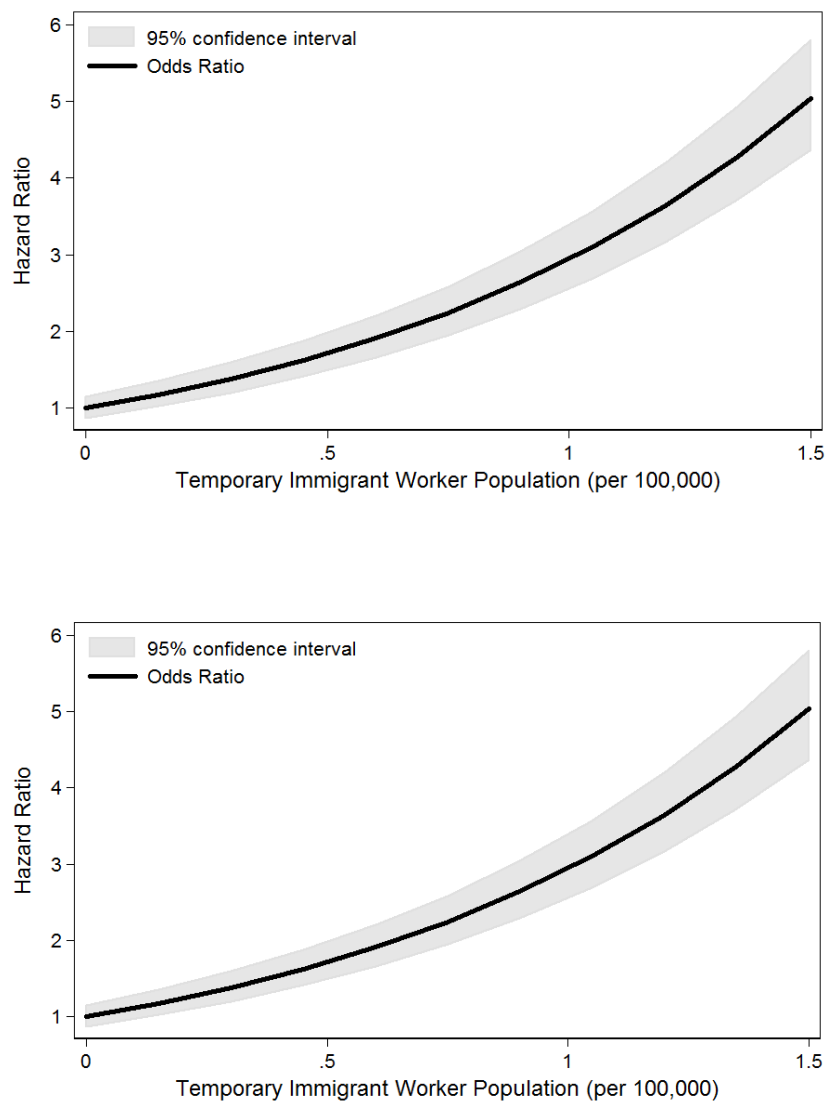
The effect from contextual determinants involving a state's temporary immigrant workforce is also distinct from others involving other noncitizen subgroups. As Figure 5.5 demonstrates, a change from the minimum to maximum value of this population makes policymakers in a state nearly five times more likely to enact more than one unidimensional policy prescription. In contrast, unidimensional policy prescription enactments are less likely to repeat in states with larger populations consisting of legal permanent residents, refugees, and naturalized citizens. Even though these contextual determinants relate to noncitizens as well as the extent to which the federal government is involved in state jurisdictional affairs in immigration, the subgroup that deal primarily with highly-skilled workers are found to be associated with multiple policy enactments over time.

Table 5.6. Coefficients from Repeated Events History Model of Unidimensional Policy Prescriptions.

	Coefficient	R.S.E.
Temporary immigrant workers (per 100,000)	1.62 *	0.72
Net farm income (per capita)	0.002 ***	0.0004
Total tax revenue (per capita)	0.0002	0.0003
LPRs, refugees, and naturalized (per 100,000)	-0.289 **	0.106
Employment (per capita)	-20.65 ***	2.19
AFDC/TANF caseload (per capita)	83.25	55.4
Poverty rate	-0.143 ***	0.030
Crime rate per 100,000	0.0005	0.0005
Mexican border state	1.82 **	0.642
Medicaid recipients (per capita)	-3.46	2.56
Black population (per capita)	-0.499	0.862
Asian/Pacific Islander population (per capita)	-1.23	0.808
Latino population (per capita)	-2.13	1.44
Citizen ideology	0.0157	0.007
Legislative professionalization	-0.320 ***	0.088
Republican controlled government	0.011	0.033
Average state adoptions	-0.361 *	0.169
Number of subjects	612	
Number of failures	161	
Log pseudolikelihood	-415.134	
Wald chi-squared	233.78 ***	

* $p < .05$; ** $p < .01$; *** $p < .001$. *‡ $p < .05$, one-tailed. Standard errors adjusted for 39 clusters. Repeated events model is stratified by risk set. In order to fulfill the proportional hazards assumption, the following “offending” indicators were multiplied by the natural logarithm of time: per capita employment; poverty rate; crime rate; per capita Medicaid recipients; per capita black population; per capita Latino population; and, legislative professionalization.

Figure 5.5. Change in the Hazard Ratio of Repeated Unidimensional Policy Prescriptions as a Function of Noncitizen Subgroups.



The results provide weaker evidence for theoretical expectations involving the sacred American cultural and economic significance of farms. The economic productivity of farms within a state serves as a contextual determinant when enacting unidimensional policy prescriptions. A one-unit change in per capita net farm income is associated with .002 change in the likelihood that a policy will be enacted again in a state ($p < .001$)

indicating that agricultural productivity has a weak effect on repeated enactments. A change from the minimum to maximum value of per capita net farm income is associated with only a 0.2 percent change in the hazard ratio.

Table 5.6 also provides coefficients of indicators that, while statistically significant, have effects occurring in the opposite direction than theoretically expected. State per capita employment has a negative effect on unidimensional policy prescriptions ($p < .001$), indicating a decreasing likelihood of repeated enactments over time. A change from the minimum to maximum value of state per capita employment is associated with more than a 90 percent decrease in hazard ratio. Proxies for contextual determinants used to construct noncitizens as poor were also found to be statistically significant predictors. In addition, multiple unidimensional policy prescription enactments over time were associated with a decreasing average of similar policy enactments in neighboring states, which is opposite of the expected effect described in policy diffusion works. While disconfirming the presence of horizontal diffusion, these results provide further evidence of the increased role that the federal government is given by state policymakers through unidimensional policy prescriptions.

Other results highlight factors involved when prescribing American membership as unified and homogenous. When controlling for policy enactments over time, I find that policymakers who serve in liberal states are more likely than policymakers in conservative ones to enact multiple unidimensional policy prescription over time ($p < .05$). However, the likelihood of enactment does not differ greatly, as a change from the minimum to maximum value of citizen ideology only amasses a 1.5 percent change in the likelihood of a repeated enactment. Nevertheless, this finding is consistent with works of

other scholars who find that immigration politics and policymaking do not fall neatly into traditional political cleavages (Tichenor, 2002). While popular discourse ascribes liberal states such as California, New York, and Illinois as traditional refuges that adopt “pro-immigrant” policies, these results indicate that such state policy choices are likely to favor only socially advantaged noncitizen interests rather than help all noncitizens.

More interestingly, the results indicate that unidimensional policy prescriptions reflect contextual determinants that involve securing America’s national borders. Compared to all other states, policymakers were more likely to enact multiple unidimensional policy prescriptions over time in states that bordered Mexico ($p < .01$). The U.S.-Mexico border was initially expected to provide social structures that assist policymakers to marshal support for exclusionary policy prescriptions. While the southern border commonly serves to evoke justice-oriented beliefs about upholding law and order in popular discourse, the results were not able to support a strong association between the border and exclusionary policy prescriptions. Yet, the results presented here indicate that unidimensional policy prescriptions, in part, reflect justice-oriented contextual determinants. Given these results, this association makes some sense in light of policymakers’ prescriptive goals of making America unified and homogenous.

Policy Messages of Exceptionalism

The policy messages embedded in the design of unidimensional policy prescriptions should manifest in mass publics’ beliefs and perceptions of American identity. Emphasizing the importance of proving one’s membership in America as well as having legal status, a job, and not participating on public assistance should also translate into different beliefs and perceptions among noncitizens in particular. In contemporary

U.S. politics, policymakers and pundits have racialized the issue of immigration by disproportionately talking about how the issue affects Latinos more than any other racial group, even though immigration policy has marginalized other racial and ethnic minorities such as Afro-Caribbeans, Asians and Pacific Islanders, Eastern Europeans, and Muslims in the United States. Public discourse on immigration is further racialized by images of brown-skin and dark-haired people who are portrayed as shady, and as criminals, drug dealers, and gang members who cross the U.S. southern border. Even among Latinos, some members perpetuate these negative sentiments by supporting an idea of American society which is based on individualism and improving one's standing in society through labor market participation.

As such, the design of unidimensional policy prescriptions and the political message that they send to mass publics should influence how Latinos think about their own American membership. To examine such phenomena, I use the 2006 Latino National Survey (LNS) to examine how immigration policies evoke beliefs and perceptions about their membership in America among Latino immigrants above and beyond traditional individual and institutional determinants of public attitudes.²⁰ Continuing the scholarship on the complex and conflicting components of American civic ideals (Smith, 1993), Deborah Schildkraut (2007) found that immigrants express American identity across multiple dimensions: having a distinct cultural identity (incorporationalism); exhibiting the responsibilities rather than the rights of citizenship (civic republicanism); believing in minimal government intervention while promoting equal opportunity (liberalism); and

²⁰ In the following proposed models, a majority of respondents are Latino immigrants due to the inclusion of a variable CITZSTAT measuring whether a respondent is has already applied, planning to apply, or definitely will not apply for citizenship. I recode this variable into a binary measure (1 = planning to apply or already applied; and, 0 = not planning to apply). Latino citizens are automatically excluded from the model, since the question does not apply to them.

believing America is only for whites, native-born, and English speakers (ethnoculturalism). A common type of policy that expresses the goals and rationales of unidimensional policy prescriptions is a guest worker program that provides noncitizens eventual legalized status in the United States.

I will argue that proxies for guest worker program support will evoke beliefs about American identity even after controlling for factors related to migration, socioeconomic status, and political attitudes as suggested by the U.S. immigration literature. I develop the following statistical models of the factors that are associated with each dimension of American identity:

$$\text{American identity dimension} = \text{Unidimensional Policy Prescriptions} + \text{Migration} \\ + \text{SES} + \text{Political Attitudes}$$

Beliefs on cultural identity and liberalism are measured by a four-point scale from strongly disagree to strongly agree. As such, I employ ordinal logit models. To measure respondents' affinity to a distinct cultural identity, the 2006 LNS asked respondents whether they think their self-identified ethnic group (e.g. Salvadorian, Mexican, Puerto Rican, Cuban, Dominican, Central American, and Hispanic) are part of a distinct Latino identity. I measure liberalism by using two separate measures: believing that everyone in America deserves equal rights and protections, regardless of political beliefs; and, believing that Latinos can get ahead in life by working hard.

To measure ethnoculturalism, I build a scale using three separate questions that ask respondents whether they think the following are not important, somewhat important, and very important to be fully American in the eyes of most Americans: to be white; to have been born in the United States; and, to speak English well. My ethnoculturalism

scale ranges from 3 to 9. To examine the determinants of ethnocultural attitudes, I employ an Ordinary Least Squares (OLS) regression model using the same set of predictors previously discussed.

Efforts were made to use the 2006 LNS questions to construct a scale that measured civic republicanism, which expresses the responsibilities rather than the rights of citizenship. I chose the following questions that asked respondents to state their level agreement on a four-point scale: whether government is run by a few big interests and not for the benefit of the people; people like me don't have a say in what government does; a person like me can't really understand when politics gets complicated; people are better off not contacting government; and, whether government should be trusted. My civic republicanism scale ranges from 5 to 20. The responses for each question were recorded so that higher scores express positive attitudes toward civic republicanism. I also employ an OLS regression model using the same set of theorized predictors.

As discussed in previous sections of this chapter, policymakers privilege the interests of socially advantaged noncitizens when constructing an America that is homogenous and unified. This sentiment, fostered by the design of guest worker programs, is expected to manifest in the various ways that Latinos think about their own American identity. First, supporters of programs that eventually confer lawful status to guest workers should believe that such programs give immigrants a chance to prove themselves in a nation where white and native-born interests are embedded in American institutions. As unidimensional policy prescriptions make American membership about proving one's self, Latinos who support guest worker programs are also expected to think that America is not only for whites, native-born, and English speakers. Motivated to

prove that they should become members, it is also expected that supporters will also express stronger civic republican beliefs. Third, unidimensional policy prescriptions establish a process in which rights and legal protections are given to those who can prove that they have lawful status. While the design of guest worker programs might influence Latinos to think that immigrants are given opportunities to prove themselves, they are also expected to encourage Latinos to think that not everyone deserves the same rights and protections. Lastly, unidimensional policy prescriptions are designed to communicate a message about how working isn't enough in today's world. Entrants must also show that they are willing to contribute to society by working in addition to having a high amount of skills and education. Latinos who support guest worker programs are expected to be less likely to think that Latino immigrants can get ahead only by working hard.

Tables 5.7 through 5.9 provide the results of statistical models of Latino immigrant attitudes toward having a distinct Latino identity, equal opportunity, liberalism, and ethnoculturalism in the 2006 Latino National Survey (LNS). In addition to support for guest worker programs that confer lawful status to immigrants, I include other types of unidimensional policy prescriptions. While policymakers generally design all guest worker programs in a similar manner, they differ by how they reward immigrants. One common guest worker program awards immigrants by permitting them to have only territorial presence, but not ascriptive legal permanent residence. I also include support for policies that advocate sealing off the border to stop illegal immigration. By using this measure, I aim to build upon the findings from Chapter 4 which explored exclusionary policy prescriptions. Finally, I also include a proxy for Latinos support for the status quo. This proxy is based on asking respondents to rate their level of support for the following

statement: “Most people who don’t get ahead should not blame the system; they have only themselves to blame.” Responses to this particular question are relevant to examinations of unidimensional policy prescriptions that foster beliefs surrounding individual achievement. Additionally, such responses also reflect respondents’ support for the current set of laws and norms that govern the social relations among mass publics. Strongly agreeing that people have only themselves to blame also reflects a strong sentiment to defend the status quo system.

After controlling for factors related to public assistance participation, migration, socioeconomic status, and political attitudes, the proxies for supporting unidimensional policy prescriptions amass statistically significant effects on Latino immigrant attitudes toward different dimensions of Americanism. As Table 5.7 shows, I find that relative to guest worker programs that only provide territorial presence, policies that advocate for sealing off U.S. borders, and supporting the status quo system, supporting guest worker programs that provide lawful status influence Latino immigrants to oppose the belief that America is only for whites, native-born residents, and English speakers ($p < .001$). Only guest worker programs that eventually lead to lawful status prompt Latino immigrants refute ethnocultural beliefs, which indicates that guest worker programs have an “inclusive” component to them such that Latino immigrants feel like they belong. Support for both kinds of guest worker program, though, was associated with an increase in civic republicanism attitudes. While the eventual attainment of lawful status was the difference in contributing to a denial of ethnoculturalism among Latino immigrants, it did not seem to make much difference in increasing attitudes toward civic republicanism. This suggests that guest worker programs, regardless of what is promised to citizens,

evoke beliefs about demonstrating responsible civic behaviors to prove one's membership.

Support for guest worker programs influenced Latino immigrants to be less likely to believe in American liberalism, but in different capacities. The results in Table 5.8 indicate that Latinos who supported guest worker programs were less likely than those who did not to believe that everyone should have equal rights and protections, which is consistent with the policy design. By emphasizing the importance of admitting exceptional entrants, unidimensional policy prescriptions send noncitizens political messages about American membership as a prized goal that involves demonstrating one's value to U.S. society. As guest worker programs make American membership into a competitive application process, supporters of such policy choices are likely to want to gain any sort of advantage over others. Yet, only supporters of guest worker programs that lead to eventual lawful status were more likely than those did not support such a program to oppose the belief that Latinos can get ahead in life by working hard. When the stakes of American membership are raised, unidimensional policy prescriptions influenced Latino immigrants to become more pessimistic about their livelihoods.

The results in Table 5.8 also indicate that Latino immigrants who supported the status quo system were more likely than those who did not to believe that Latinos could get ahead solely by working hard ($p < .05$). However, status quo supporters were also more likely to oppose beliefs about civic republicanism ($p < .001$). Taken together, these results illustrate how the status quo system is designed more to encourage work and not to foster civic participation among noncitizens. Furthermore, the results provide evidence to support theoretical expectations by indicating that unidimensional policy prescriptions

such as guest worker programs have targeted effects independent of one's expressed support for the status quo system.

Lastly, all policy prescriptions types had no effect on influencing Latino immigrants to think that they belong to a distinct Latino identity. This indicates that Latinos who supported policies that prescribed American membership in restrictive manners were no more likely than those who did not to think they belonged to a distinct cultural identity. When considering the multiple dimensions of American identity, these findings suggest that changes on one dimension are not necessarily associated with changes on another. Support for unidimensional policy prescriptions only evoked opposition to the idea of ethnoculturalism, which did not accompany any rises in ascribing to a distinct cultural identity, which makes sense in light of how policymakers use policy tools to encourage uniformity among a target population.

Table 5.7. Coefficients from Ordinary Least Squares Regression of Unidimensional and Exclusionary Policy Prescriptions on Latino Immigrant Attitudes Toward Ethnoculturalism and Civic Republicanism.

<u>POLICY</u>	ETHNO- CULTURALISM		CIVIC REPUBLICANISM	
	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>
Guest worker program, lawful status	-0.288 ***	0.080	0.349 * [†]	0.197
Guest worker program, territorial presence	-0.023	0.117	0.483 * [†]	0.286
Seal U.S. border	-0.341	0.379	0.529	0.934
System support	0.048	0.030	-0.455 ***	0.072
Participate public assistance	0.026	0.075	0.033	0.186
<u>MIGRATION</u>				
Arrival U.S.	0.005	0.004	0.024 *	0.010
Face obstacles naturalization	0.059	0.155	-0.179	0.401
Applying for citizenship	0.075	0.069	0.378 *	0.169
Transnational attachment	0.004	0.009	0.038	0.022
Crime victim	-0.051	0.148	0.039	0.356
<u>SOCIOECONOMIC</u>				
Sex	-0.070	0.070	-0.233	0.173
English proficiency	-0.020	0.051	0.140	0.124
Education	-0.074 ***	0.021	0.061	0.051
Parents' education	-0.078	0.041	-0.019	0.101
Kids in primary/secondary school	0.002	0.071	-0.018	0.176
Homeowner	-0.087	0.075	-0.134	0.187
Household income	0.066	0.068	0.093	0.166
Finances gotten worse	0.013	0.082	-0.460	0.202
Finances gotten better	-0.021	0.081	0.176	0.198
<u>POLITICAL</u>				
Political interest	0.064	0.045	0.404 ***	0.113
Party identification	0.006	0.064	0.037	0.153
Ideology	-0.097	0.055	0.120	0.132
_cons	-3.42	8.15	-62.99 ***	20.22
Observations	1811		1544	
R-Squared	0.0274		0.0675	

* p < .05; ** p < .01; *** p < .001. *[†] p < .05, one-tailed. Based on the 2006 LNS.

Table 5.8. Coefficients from Ordinal Logit Model of Unidimensional Policy Prescriptions on Latino Immigrant Attitudes of American Liberalism.

<u>POLICY</u>	<u>SAME RIGHTS/ PROTECTIONS</u>		<u>GET AHEAD/ HARD WORK</u>	
	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>
Guest worker program, lawful status	0.751 * [†]	0.116	0.693 *	0.104
Guest worker program, territorial presence	0.679 * [†]	0.148	0.824	0.190
Seal U.S. border	0.304 * [†]	0.184	0.582	0.386
System support	1.53 ***	0.084	1.14 *	0.066
Participate public assistance	1.24	0.188	1.11	0.165
<u>MIGRATION</u>				
Arrival U.S.	0.999	0.008	1.01	0.008
Face obstacles naturalization	0.698	0.239	0.931	0.301
Applying for citizenship	1.25	0.170	0.865	0.118
Transnational attachment	1.03	0.018	1.03	0.018
Crime victim	0.928	0.265	1.22	0.383
<u>SOCIOECONOMIC</u>				
Sex	0.943	0.130	0.703 *	0.099
English proficiency	0.998	0.101	1.07	0.106
Education	1.07	0.045	1.01	0.042
Parents' education	1.05	0.091	0.854 *	0.065
Kids in primary/secondary school	0.845	0.118	0.865	0.119
Homeowner	0.947	0.141	1.05	0.155
Household income	1.23	0.178	1.07	0.146
Finances gotten worse	1.29	0.208	1.02	0.161
Finances gotten better	1.32	0.215	1.16	0.188
<u>POLITICAL</u>				
Political interest	1.13	0.104	1.19	0.108
Party identification	1.12	0.142	1.08	0.138
Ideology	1.08	0.119	0.969	0.107
Observations	1770		1803	
Correctly Predicted (%)	83.1		83.9	
LR chi-squared	89.89 ***		40.93 **	

* p < .05; ** p < .01; *** p < .001. *[†] p < .05, one-tailed. Based on the 2006 LNS.

Table 5.9. Coefficients from Ordinal Logit Model of Unidimensional Policy Prescriptions on Latino Immigrant Attitudes of Cultural Identity.

<u>POLICY</u>	DISTINCT	
	<u>Coefficient</u>	<u>S.E.</u>
Guest worker program, lawful status	0.846	0.130
Guest worker program, territorial presence	1.02	0.241
Seal U.S. border	0.192	0.109
System support	0.977 **	0.057
Participate public assistance	1.46 *	0.228
<u>MIGRATION</u>		
Arrival U.S.	0.996	0.008
Face obstacles naturalization	1.26	0.368
Applying for citizenship	1.10	0.150
Transnational attachment	1.08 ***	0.019
Crime victim	0.840	0.233
<u>SOCIOECONOMIC</u>		
Sex	1.66 ***	0.230
English proficiency	1.07	0.108
Education	1.04	0.043
Parents' education	0.953	0.076
Kids in primary/secondary school	0.841	0.117
Homeowner	1.13	0.170
Household income	1.11	0.152
Finances gotten worse	1.56 **	0.265
Finances gotten better	1.05	0.161
<u>POLITICAL</u>		
Political interest	0.972	0.088
Party identification	1.20	0.151
Ideology	0.978	0.106
Observations	1795	
Correctly Predicted (%)	83.2	
LR chi-squared	62.02 ***	

* p < .05; ** p < .01; *** p < .001. Based on the 2006 LNS.

Implications

The ways in which policymakers design unidimensional policy prescriptions provides four main implications for research in the U.S. immigration literature, and more generally, the state policy and politics literature. First, my results bring scholarly attention to how immigration policies that attempt to make everyone the same actually lead to privileging the interests of socially advantaged noncitizens such as highly-skilled immigrant workers. Through unidimensional policy prescriptions, policymakers use tools that encourage uniformity in the behaviors among a target population in order to reduce the risks of not achieving their stated policy goals of membership. Yet, policymakers have set the procedures and rules for obtaining membership to target only the interests of highly-skilled immigrant workers. As policymakers target specific subgroup interests within a diverse noncitizen population, this chapter challenges dominant approaches in the U.S. immigration literature, which typically conceptualize noncitizens as a cohesive and singular group. By contesting the homogeneity of noncitizen interests, I also suggest that immigration policy works that are based on a traditional construction of target populations framework are insufficient to capture both the diversity and hierarchy of noncitizen interests.

Second, findings on policymakers targeting the interests of highly-skilled immigrants contribute to current state policy and politics research on vertical diffusion. Departing from earlier work on the extent to which state policymakers emulate their neighboring state policies, vertical diffusion research examines the conditions under which federal interventions influence policymaking at the state-level (Karch, 2010). To measure the effects of a federal intervention, scholars have typically used binary

measures to indicate when a federal intervention occurred. Scholars also assumed that once a state adopted a policy, the state no longer adopted any other policies like it. Consequently, state politics and policy scholars may overestimate the influence that the federal government has on state policymaking and underestimate policy adoption activity over time. As a group of policies that fall along a distinct dimension of constructing American membership, unidimensional policy prescriptions illustrate that policymakers indeed adopt multiple immigration policies to reach the same goal of defining America as unified and homogenous. The results from an analysis of the contextual determinants reflected in unidimensional policy prescriptions also suggest a varying degree of federal intervention. Because employers who are interested in hiring temporary immigrant workers must fill out a series of applications from multiple federal agencies, a state's per capita temporary immigrant population is a reasonable proxy for the level of federal involvement in state jurisdictions. As suggested by the empirical results, states with a low per capita temporary immigrant worker population were less likely than higher per capita states to enact multiple unidimensional policy prescriptions over time.

The targeting of highly-skilled immigrants also illuminates how state policymaking contributes to global hierarchies and institutional orders that shape international migration. By designing rules for their own noncitizen residents as well as potential residents and workers, state policymakers reinforce a federal immigration apparatus that is biased against Mexican migration and favors Asian migration. Furthermore, laws that emphasize the importance of attaining legal status as well as labor skills ensure that immigrant women will ascribe to gender hierarchies in America.

Federal policymakers have designed immigration laws to prioritize entrants who are married while refusing to create an admissions-based category for same-sex relationships.

Finally, this chapter has found that undimensional policy prescriptions contribute to variation of attitudes toward American identity among Latinos, particularly among Latino immigrants. Current immigration works have concentrated on examining civic participation disparities between Latin-American groups and whites (Kam, Zechmeister, and Wilking, 2008). My findings contribute to such studies, but suggest that the design of immigration policies can foster pessimism among Latino immigrants about their membership in America, which can influence their civic engagement. Latino immigrants who favored guest worker programs and sealing the border from illegal immigrants were more inclined to refute the idea that everyone should receive equal rights and protections in America. Also, Latino immigrants who specifically supported guest worker programs that provided eventual legalization were less likely to believe that they can get ahead in life by working or believe in civic republicanism. In contrast with dominant public opinion studies that attribute Latino civic disparities to individual characteristics or institutional barriers, this chapter has established how policies are designed to prescribe America as unified and homogenous can reinforce civic disparities *within* the Latino community.

Conclusion

Through unidimensional policy prescriptions, policymakers create an illusory process of incorporation that requires noncitizens to justify the reasons for which they should become American members. After identifying the kinds of noncitizen interests targeted by policymakers, such “inclusive” offers to confer American membership are

revealed to be quite restrictive. In an attempt to make all noncitizens comply with the same rules and regulations that U.S. citizens must abide by, I found that policymakers target only the interests of highly-skilled immigrant workers and thus marginalize the interests of low-skilled immigrant workers, women, and Mexicans. This chapter also found that the design features of unidimensional policy prescriptions influence attitudes toward their Americanism among Latino immigrants, a target population upon which policymakers have largely imposed restrictive ideas of American membership. In this chapter, I used the 2008 Latino National Survey (LNS) to examine how one of the more common unidimensional policy prescriptions – enforcing a guest worker program that eventually leads to U.S. citizenship – influences mass public opinions of American identity among Latinos. I found that unidimensional policy prescriptions send messages to Latino immigrants about proving one’s worth in America, which influence them to have conflicting beliefs about their own American membership. Latino immigrants who supported guest worker programs deflect charges of America as the exclusive home for whites, native-born, and English-only speakers and are likely to express beliefs of civic republicanism. However, along other dimensions of American identity, I found that supporters of guest worker programs also opposed the idea that everyone should receive the same legal rights and protections and did not believe that one can get ahead in life by working hard. While this chapter has demonstrated how immigration policy choices influenced Latino immigrants’ attitudes toward Americanism on multiple dimensions, the next chapter will discuss how other immigration policy choices that uphold cultural identity in part assist with reinforcing ascriptive hierarchies involving gender.

Chapter 6: The Specter of Difference

Continuing the scholarship on the complex and conflicting components of American civic ideals (Smith 1993), American politics scholars have recently turned their attention to a more recent tradition that involves the set of norms constituting incorporationism – the celebration of both assimilating and maintaining difference in a nation of immigrants (Schildkraut, 2007b; Schildkraut, 2005; Citrin, 2001). As Deborah Schildkraut (2007b: 600) argued:

“The boundaries that incorporationist norms place on group membership involve individual responsibilities to assimilate to American culture to some hard-to-define degree while also maintaining pride in one’s ethnic heritage and continuing to observe its traditions. It also places demands on people to value or even celebrate that living in the United States means that one will continually encounter, get along with, and learn from people from a multitude of backgrounds.”

Incorporationism expresses the same set of norms as in multiculturalism, which is defined as how national polities recognize the special status rights of its noncitizens and provide them with the power to “choose” between their respective cultures and the new country (Kymlicka, 1995). Yet, the recent works of incorporationalism take issue with the internal tensions within American’s celebration of cultural difference more than Will Kymlicka and other scholars. The norms constituting cultural difference involve more than providing immigrants and refugees freedom to choose between their own cultures and their host country. Accepting and celebrating difference also involves imposing expectations and responsibilities to assimilate to American culture. Schildkraut builds upon the earlier work of Jack Citrin (2001), who posited that many Americans do not view assimilation and diversity as mutually exclusive by finding that most Americans do not currently fall at these extremes.

While the works of Deborah Schildkraut and others raised important theoretical questions about American identity and found convincing empirical evidence that refutes a singular dimension of American identity, Schildkraut (2007b) did not fully address earlier work by Sarah Song (2005) and others who found that cultural celebrations and accommodations systematically work to the detriment of women in minority cultures. As Song (2005: 474) stated: “Mainstream legal and normative frameworks within which minority claims for accommodation are evaluated have themselves been informed by patriarchal norms, which in turn have offered support for gender hierarchies within minority cultures.” By continuing a literature of scholars whose conceptualization of cultures as internally varied and contested called Kymlicka’s view of culture into question (Behabib, 2002; Parekh, 2000; Shachar, 2001), Song actually helps to both sharpen and extend Schildkraut’s argument. Through her in-depth examination of U.S. legal cases, Song’s work brought to the fore how political acts to uphold cultural diversity inherently involve assimilating women of minority cultures to the patriarchal norms of the host country. Yet, the ways in which multiculturalism in America – or, more appropriately, elite-driven policy prescriptions to construct America as multicultural – reinforce gender inequality is a topic that is minimally explored in the growing literature on incorporationalism.

As scholars continue to examine incorporationalism as a part of America’s “multiple traditions,” they have minimally addressed how public policies might shape the varied and contested dimensions of American identity. In this chapter, I seek to fill this gap by showing how multicultural policy prescriptions of inclusion perpetuate gender hierarchies while honoring cultural differences among Latino immigrants. Consistent

with social constructivists' views of multiculturalism, I will argue that multicultural policy prescriptions are informed by patriarchal norms and structure inequalities that work against low-income immigrant women. To forward their own visions of a multicultural America, policymakers have largely constructed noncitizens as deprived persons who need additional assistance in a "nation of immigrants." In doing so, policymakers send political messages that focus on the importance of fixing cultural differences between citizens and immigrants. While constructing policies to get immigrants up to speed with citizens, policymakers also allow other inequalities to form and crystallize along other ascriptive dimensions involving race, gender, and class.

This chapter is organized as follows: I begin by providing a descriptive summary of multicultural policy prescriptions in the United States to argue that policies honoring difference are not likely to result from only "diverse" states; nor are they likely to arise from only liberal states. Such states are not any more or less likely to enact multicultural policy prescriptions than states with small noncitizen and racial minority populations or that have more ideologically conservative citizens. To gain a better understanding of why policymakers might enact multicultural policy prescriptions, one must examine how such policy choices are designed to make immigrants and refugees comply with multicultural prescriptions for inclusion. After analyzing policy designs and the contexts in which policymakers legitimize multicultural choices for the American public, I will then examine how multicultural policy prescriptions shape Latino immigrant beliefs about American identity by using the 2006 Latino National Survey (LNS). I will argue that the ways in which policymakers design and legitimize multicultural policy prescriptions send mass publics a political message of respecting differences to save the "deprived," which

can be observed through Latino immigrant attitudes toward their own American identity. While immigrants who stand to benefit from multicultural policy prescriptions are more likely than those who do not to think that they are part of a distinct cultural identity, they are also neither more or less likely to oppose traditional gender roles nor support making equal rights and protections available to everyone. The persons who are most prepared to recognize the limits of multicultural prescriptions of inclusion are Latinas who participate in public assistance programs and regularly confront the patriarchal norms and gender hierarchies in America.

Multicultural Policy Prescriptions: Outputs of “Diverse” States?

Through multicultural policy prescriptions, policymakers treat noncitizens as cultural minorities who are afforded special status rights that uphold their unique linguistic, religious, and other cultural practices. Based solely on legislative activity since the 1996 federal welfare and immigration reforms, policymakers have expressed a moderate interest in protecting and upholding cultural differences in America over treating noncitizens as potential security threats and criminals. As Figure 5.3 illustrated, policymakers proposed more multicultural policy prescriptions (280 vs. 246) and had a higher annual proposal rate (20 vs. 17.57) than exclusionary policy prescriptions. While marginally enacting less multicultural policy prescriptions (55 vs. 58) into law and in 9 fewer states, policymakers still exhibited similar annual enactment rates. Relative to other policy prescriptions of inclusion, policymakers expressed less interest in defining American membership as multicultural. Policymakers proposed and enacted both unidimensional and cross-cutting policy prescriptions in higher numbers, at higher annual rates, and in more states.

The small number of states in which multicultural policy prescriptions were enacted suggests that particular types of states are exclusively involved in protecting and upholding cultural difference. Some evidence indicates that multicultural policy prescriptions are driven by migration patterns. Out of the 55 multicultural policy prescriptions enacted by state policymakers, 54.5 percent were enacted in traditional immigrant destination states. In contrast, only 9 percent of multicultural policy prescriptions were enacted in new immigrant destination states. A sizeable proportion of enactment policies took place in states that experienced relatively lower migration between 1997 and 2010. Even though enactment rates differ widely between traditional and new destination states, over one-third of enactments still took place in states that were neither kind of destination state. If a select group of states are involved in enacting policies that uphold cultural diversity, then the evidence indicates that migration patterns are not a likely factor.

Furthermore, according to results in Figure 6.1, states in which policymakers enacted multicultural policy prescriptions did not exhibit consistently large populations of racial or ethnic minorities. In enactment states, per capita Asian/Pacific Islander populations were 18 percent larger than non-enactment states, but their per capita black populations were 8 percent smaller. While indicating some differentiation, these percentages are not high enough to say that only places where Asians and blacks live enact multicultural policy prescriptions. Larger differences are exhibited when examining state refugee and Latino populations. Per capita refugee populations and per capita Latino populations in enactment states were 30 percent and 50 percent (respectively) larger than non-enactment states. Nevertheless, when comparing only enactment states, multicultural

policy prescriptions were enacted in states with both low and high per capita refugee and Latino populations (see Figures 6.1 and 6.2). Indeed, states vary widely in racial and ethnic composition. Yet, these graphs do not indicate that multicultural policies are only the province of racially or ethnically “diverse” states.

Figure 6.1. Average per Capita Latino, Asian/Pacific Islander, and Black Populations in States that Enacted Multicultural Policy Prescription, 1997 – 2010.

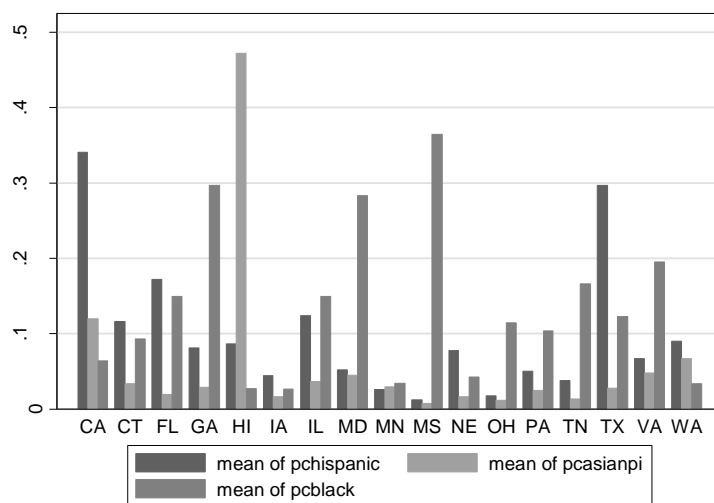
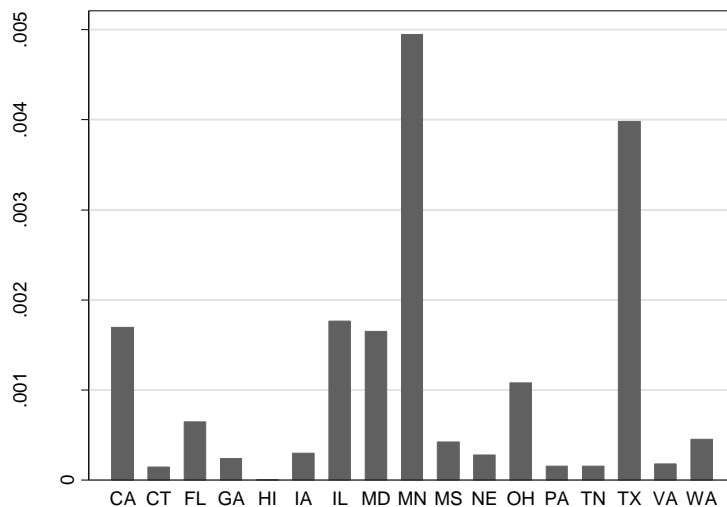
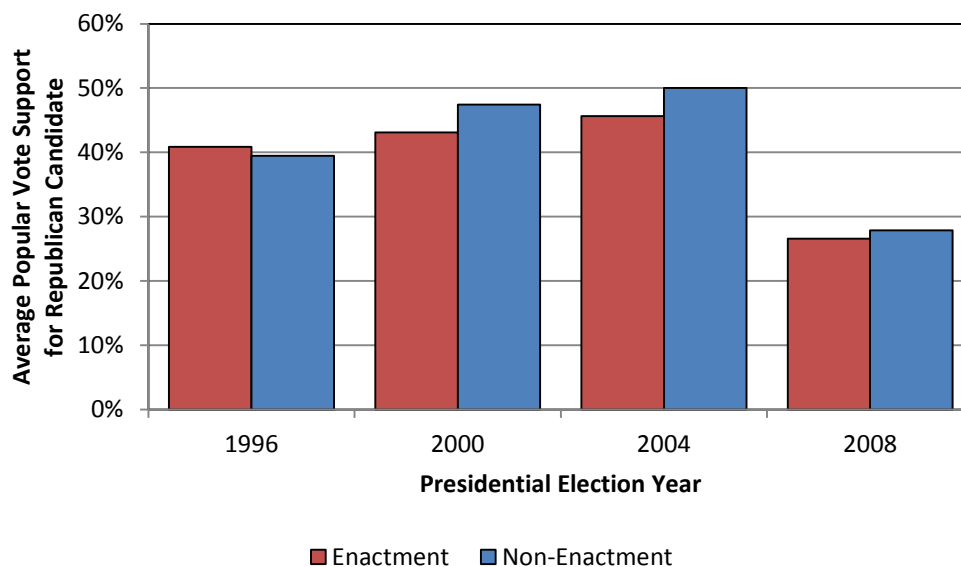


Figure 6.2. Average per Capita Refugee Population of States that Enacted Multicultural Policy Prescriptions, 1997 – 2010.



Other popular beliefs hold that protecting cultural minorities is mainly the province of only liberal states. However, enactment states were only slightly more liberal than non-enactment states. Based on citizen ideology scores between 1997 and 2010, non-enactment states scored a 55.78 while enactment states scored a 57.09. Figure 6.3 further illustrates that the partisan differences between enactment and non-enactment states were marginal at best. Following the 1996 presidential election, enactment states were slightly more conservative than non-enactment states. In subsequent years, partisan differences increased both in 2000 and 2004 before decreasing in 2008.

Figure 6.3. Average Popular Vote for Republican Presidential Candidate in States that Enacted Multicultural Policy Prescriptions Following a Presidential Election.



In sum, while multicultural policy prescriptions are meant to protect and uphold cultural differences in a supposed “nation of immigrants,” the previous descriptive summary statistics of policy enactments suggest otherwise. Furthermore, contrary to popular belief, multicultural policy prescriptions were neither extensions of a liberal

ideology nor exclusively the province of the Democratic Party. In order to gain more understanding of policymakers' motives, the ways in which multicultural policy prescriptions are designed need further investigation.

The Specter of Difference

Policies that aim to accommodate difference provide political capital to elected officials who are interested in demonstrating a commitment to civil rights and equality. Indeed, the practice of representation involves taking stances on important issues about which people care deeply and working on social dilemmas that affect people's livelihood. While representation inherently plays a crucial role in conferring membership, this section is concerned with showing how the practice of representing noncitizen interests involves constructing policy targets to fit within *policymakers'* visions of American membership. By no means do policymakers aim to intentionally mislead their constituents or forget to address their concerns. Policymakers purposefully construct target groups in ways that make policy recipients comply with societal goals that are deemed important by political elites (Schneider and Ingram, 1993).

One way to encourage noncitizens to comply with their vision of a multicultural America is commemorating ethnic groups for their success and accomplishments. Commemoratives typically depict immigrants and refugees as people who transform American communities into thriving places. Twenty-three percent of enacted multicultural policy prescriptions commemorated the social contributions of immigrants and refugees. As acts to recognize the cultural contributions of noncitizen groups, commemoratives also encourage mass publics to think about American membership as the product of upward mobility. For example, in 1998, the Maryland legislature honored

the centennial anniversary of the “special relationship” between the United States and the Republic of the Philippines. The resolution gave particular attention to the employment and education among Filipino immigrants in the United States:

“Filipino communities are vibrant and diverse with greater than 75 percent labor participation, the highest among all Asian Americans, including many Filipino immigrants who are highly skilled professionals including lawyers, doctors, and nurses...” In the resolution, policymakers brought attention to the 36 percent of Filipino-Americans who hold a Bachelor’s degree or higher, which they took as “evidence that Filipino communities value education, family, and hard work” (H.J.R. 9, 1998).

Another way that policymakers make noncitizens comply with multicultural prescriptions of American membership is recalling and rectifying past injustices. Recalling and rectifying past injustices comprised 12.7 percent of enacted multiculturalism policy prescriptions. For policymakers who are motivated by electoral incentives, resolving every injustice a racial or ethnic minority group confronted in the United States is both unrealistic and an ineffective use of time and resources. In order to send a message to the American public that resolving social injustices is neither impossible nor a waste of their time, policymakers construct noncitizens as resilient travelers who finally received recognition after withstanding years of oppression. For example, the California legislature recently enacted a law that called upon all post-secondary educational institutions to confer honorary degrees upon individuals whose studies at a post-secondary educational institution were disrupted by Executive Order 9066, which President Franklin D. Roosevelt issued to and ordered the incarceration of Japanese-Americans in internment camps during World War II. Assembly member Warren Furtani, who introduced the bill, stated:

“This law demonstrates our state’s commitment to addressing the ‘unfinished business’ for these former students...Time is running out for these individuals,

and while California's colleges and universities have had 60 years to act, few have chosen to extend honorary degrees to these former students" (A.B., 37, 2009).

By using commemoratives and resolving past social injustices to make noncitizens comply with an elite-driven idea of a multicultural America, policymakers construct a target group to exhibit distinct interests that need to be accommodated. While policymakers claim to protect the interests of racial or ethnic minorities, multicultural policy prescriptions serve only to change the ways in which restriction operates through inclusion. Embracing difference and respecting diversity are preferred remedies to construct noncitizen inclusion in America. For multicultural policy prescriptions, this means that ascriptive differences such as undocumented status, gender, and class are subsumed into other ascriptions involving ethnic heritage.

Policymakers' prescriptive policies to achieve multicultural goals enable other inequalities to form along other axes of disadvantage. In their attempts to portray a successful multicultural America, Maryland policymakers only recognized the interests of a socially privileged subgroup of Filipino-Americans in spite of the social dilemmas that confront a majority of Filipino-Americans who work low-wage occupations with minimal upward mobility. Prior research has also found that perceptions and experiences with workplace discrimination are important correlates of the health conditions among Filipino-Americans (Gee et al., 2006). Compared with Chinese and Vietnamese Americans, Filipino-Americans perceived a high level of discrimination, which were found to be similar to those of African Americans (Gee, Spencer, Chen, and Takeuchi, 2007). A survey of Filipino American workers also found that 81 percent said racism was a significant or very significant barrier to their upward mobility (Cabezas, Tam, Lowe,

Wong, and Turner, 1989). More recently, de Castro, Gee, and Takeuchi (2008) found that perceptions of racial discrimination in the workplace were associated with poor health among Filipino-American service, manual, and trade workers even after controlling for reports of everyday discrimination and general concerns about one's job. While Maryland policymakers attended to the impressive accomplishments of the highly skilled and well-educated, they also drew attention away from structural inequalities that foster economic and health disparities.

By recalling the injustices that Japanese-Americans experienced in the past, California policymakers demonstrated their current commitment to social justice issues. California legislators acknowledged the nation's past discriminatory actions against Japanese-Americans and also claimed that they were one of the few to seek a resolution. Yet, honorary degrees provided minimal utility for the former college students, demonstrating further how multicultural policy prescriptions were preferred remedies to represent the interests of Japanese-Americans. Upon talking about the "unfinished business" for Japanese-Americans, policymakers constructed the dilemma facing all Japanese-Americans as having incomplete educations that could be easily resolve by a symbolic gesture. Such a policy intervention is a quick fix to a well-known American injustice, and is certainly less complex and politically polarizing than pursuing other interventions that address Japanese-Americans' actual loss of income, productivity, and health.

In addition to inequalities that fall along ascriptive dimensions race and class, these policies also exemplify how multicultural policy prescriptions reinforce gender hierarchy in America. In both examples, policymakers acted to represent the interests of

Filipino-Americans and Japanese-Americans. Yet, the honored values of Filipino-Americans and the honorary degrees given to Japanese-Americans were used to incorporate policy targets into labor markets and educational institutions that have traditionally worked against women of color. Policymakers were not interested in structurally reforming social systems to better represent the interests of all racial or cultural minorities. To the contrary, policymakers aimed to only address the one axis of disadvantage that fit within their vision of American membership.

The ways in which policymakers differentiate noncitizen groups and elevate the importance of recognizing difference in contemporary immigration politics has also involved compartmentalizing policy targets exclusively as helpless, needy, and isolated groups in America, which further entrenches noncitizens into a complex web of structural inequalities. Recognizing cultural differences is a common practice in immigration policies that improve health and wellness, especially for refugees who have traumatic experiences when escaping political persecution (Ong, 1999). Based on how policymakers talk about noncitizens as cultural minorities, they seem to portray noncitizens who are taking a long and dangerous journey. The public discourse on refugees itself is dominated by sensationalized stories that entail social isolation, traumatic experiences, fears about the resettlers, and dependence on social welfare given by an “overly generous” host society (Marlowe, 2009; Malkki, 1995). Jay Marlowe (2009: 189) found that while such renderings do capture the hardship and adversity experienced in resettlement, they also prompt the host community to myopically view refugees only as traumatized and “the other,” which is a “potent combination that often fosters unfounded stereotypes and discriminatory practices.” As policymakers seek to

differentiate groups, they also are likely to construct them as deficient enough to warrant extra attention from government.

In addition, much of the discourse on multicultural policy prescriptions is steeped in paternalist values. The most common group of policy tools that make noncitizens comply with multicultural prescriptions expresses a need to correct linguistic asymmetries between immigrants and U.S. citizens. In 2000, the California legislature acted to regulate all legal noncitizen services offered by California-licensed attorneys (A.B. 1858, 2000). Each member of the State Bar was required to include in all advertisements seeking employment to provide services relating to immigration and naturalization and include a statement that he or she is a member of the State Bar and licensed to practice law in this state. Additionally, the law specified that attorneys and law firms offer those required statements in the same language as the advertisement. Attorneys could no longer selectively market some of their services in the native language of a target immigrant group. California legislators further reformed rules concerning legal assistance to immigrants by regulating the services offered by immigrant consultants or “notarios.” In California, immigration consultants must provide their services in their clients’ native language. Also, they are only allowed to provide non-legal advice such as translating answers to the questions on U.S. Citizenship and Immigration Services (USCIS) forms, obtaining copies of immigration documents, and submitting the forms to the USCIS. Only attorneys can represent noncitizens in legal matters, and they are sanctioned for working with immigration consultants where clients are given legal advice without direct attorney supervision.

Even though policymakers attempt to improve legal services to immigrants by emphasizing the linguistic rights of immigrant clients, they do little to resolve the gender and racial hierarchies implanted in legal services employment. Chicanas are less likely than white women to be viewed as professionals (Browne and Misra, 2003). Furthermore, Chicana attorneys are further marginalized by white masculine depictions of “good attorneys” who are seen as aggressive and confrontational (Pierce, 1995) and also by partners who assume Chicanas lack the “polish” associated with upper class values (Garcia-Lopez, 2008). In a recent work, Gladys Garcia-Lopez (2008) found that such patriarchal norms subject all Chicanas to secretarial slaves for notarios who happen to be mostly males. Garcia-Lopez also found that Latinas are given dead-end cases that would not result in clients obtaining visas. Despite Chicana attorneys’ higher educational attainment and legal training, they are given the tasks of performing non-legal duties while notarios handle the “more complicated” legal matters. The potential flipping of legal tasks between Chicana attorneys and male notarios puts Chicana women at risk of violating state bar rules.

Laws that seek to address language barriers in state public assistance programs also perpetuate patriarchal norms. Much like other state legislatures did when the AFDC Program expired in 2001, the Virginia legislature authorized the Department of Social Services to develop “a multi-lingual outreach campaign to inform qualified aliens and their children, who are United States citizens, of their eligibility for federal food stamps and ensure that they have access to benefits under the food stamp program” (H.B. 5012A, 2006). State policymakers asserted that the Department must administer the food stamp program “in a way that minimizes the procedural burden on qualified aliens and

addresses concerns about the impact of food stamp receipt on their immigration sponsors and status.” Such provisions were added to reduce the emotional distress associated with applying for and initially receiving food stamps (Heflin and Ziliak, 2008). In this regard, policymakers asserted that minimizing the language barrier provided the most effective means to help low-income noncitizens gain access to welfare. However, the law still prohibited the Department of Human Services from serving undocumented low-income immigrants, who were expected to encounter the language barriers and stressors to finding available public assistance programs in the state.

Resolving language barriers in public assistance laws further situated women as “intermediaries” of the state. In addition to the work behavioral requirements imposed on welfare participants, both the Assistance to Families with Dependent Children (AFDC) and Temporary Assistance to Needy Families (TANF) programs emphasized family formation and regulated social behaviors to encourage “good and responsible” motherhood and, more recently, fatherhood (Mead, 2010). What is more, the current TANF Program encourages heterosexual marriage and the formation of two-parent families (Geva, 2011). Building from these maternalism works, multilingual initiatives potentially impose a responsibility on immigrant women who are obligated to serve as communicators between their families and the government. As suggested by Geva (2011), bilingual initiatives make women the intermediaries between government and their poor husbands.

The practice of multicultural accommodation rearticulates ascriptive hierarchies involving race, class, and gender, which can be observed in other kinds of social policies. In Washington, the legislature appropriated money from the general fund to provide the

Institute for Public Policy at Washington State University to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the needs of immigrant students who are not proficient in English. The legislature required the study to identify best practices and measure the effectiveness of the programs, which would be measured as improving the educational outcomes of immigrant students relative to students who are U.S. citizens.

The actual report published by WSIPP further reveals how multicultural policy prescriptions typically focus on addressing only cultural or language differences between immigrants and citizens. The report emphasized the social obstacles that immigrants face in Washington State:

“Immigrant students face unique barriers to academic achievement, including language challenges, cultural differences, lack of familiarity with American public school systems, and high rates of poverty. These challenges are associated with poor academic outcomes, including low test scores and graduation rates” (Institute for Public Policy at Washington State University, 2007).

The report focused on how to improve and expand high school completion programs for an increasingly growing immigration population. In 2005, 20.1 percent of all K-12 students in the United States were children of immigrants, triple the same percentage of all K-12 immigrant students in 1965. As of 2007, the foreign-born population in Washington State grew by 90.7 percent and the percentage of K-12 students taking ESL courses also increased from 2 percent in 1985 and 1986 to about 8 percent in 2007.

Focusing on the disparities that existed only between citizens and immigrants rather than ones that were structured along race, class and gender worked to further distinguish immigrants as a deprived group who needed special attention from government. Furthermore, addressing cultural disparities between citizens and

immigrants only forecloses other policy solutions that address income and gender inequalities in educational outcomes. Even as immigrant youth are given resources to raise their educational performance closer to their native-born counterparts, their opportunities are constrained by cultural constructions of gender difference (Morley and Legg, 2009). Scholars have found strong social controls in the form of strict rules for daughters and lenient rules for boys, which have led to divergent educational pathways.

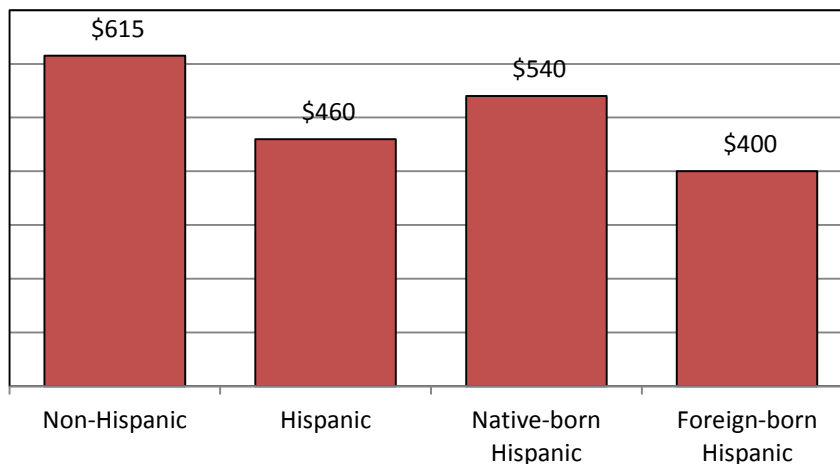
The second most common policy device used to prescribe multicultural membership is affirming cultural difference as a state priority. Out of the 55 enacted laws, 25 percent of them prioritized or affirmed immigrant cultural interests. When establishing the protection of cultural differences as a state priority, policymakers establish guidelines for social program eligibility or grant awards to organizations that specialize in serving noncitizen interests or communities. Yet, affirming cultural difference for primarily low-income populations constructs some multicultural initiatives as policies only for the poor and socially isolated. For example, the Minnesota state legislature enacted a law that provided seed money for state agencies and political subdivisions to construct or rehabilitate facilities for early childhood programs, with priority to centers in counties or municipalities with the highest percentage of children living in poverty. Due to their high per capita refugee population, the law also required the Department of Education Commissioner to prioritize grant proposals in which counties and municipalities would collaborate with child care providers, including all-day and school-age child care programs, special needs care, sick child care, nontraditional hour care, and programs that include services to refugee and immigrant families (H.B. 380, 2008). Through these grant guidelines, Minnesota prioritized applications that had

provided services to refugee and immigrant families who live in poverty. Similar to other policy tools that commemorated immigrants for overcoming adversity and finally making it in America, policies that prioritized cultural difference perpetuated a sensationalized story of deprivation. What is more, policymakers also causally connect the promotion of cultural differences as “legitimate” means to address deprivation, in spite of other inequalities that transpire across other ascriptive dimensions. As resources are ushered to socially disadvantaged noncitizens such as refugees, the grant rules also foster constructions of low-income and foreign-born women as bad mothers who cannot care for the children themselves and need additional assistance from government.

Other multicultural policy prescriptions that prioritized cultural difference were used to emphasize social norms such as working. The Iowa legislature recently enacted a law that required the Department of Workforce Development (DWD) to manage new Iowa centers that offer seamless “one-stop services to deal with the multiple issues related to immigration and employment” (H.B. 2522, 2010). Centers were designed to “support workers, businesses, and communities with information, referrals, job placement assistance, translation, language training, and resettlement, as well as technical and legal assistance on such issues as forms and documentation.” The Iowa law raises additional ways in which multiculturalism is conceptualized and designed through public policies. First, cultural issues such as language training and translation are situated with finding employment. Learning language skills would thus be intertwined with learning how to find and maintain a job. Secondly, addressing the needs of new Iowan immigrants is framed as a product that is received at a one-stop service center that exclusively specializes in employment matters. To affirm the special status of cultural interests, at

least in Iowa, policymakers believed that the most effective way was to develop services that make immigrants better workers.

Figure 6.4. Weekly Earnings for Adult Women in Full-Time Employment, 2007.



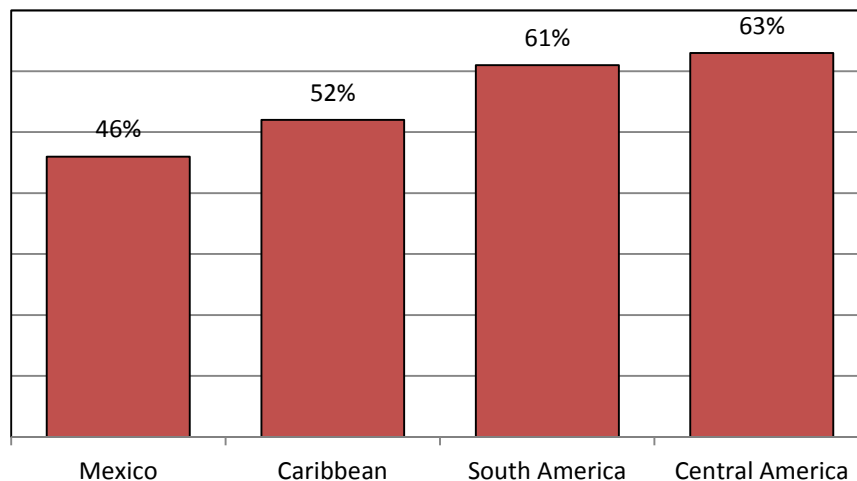
Source: Recreated table in Gonzales (2007). Pew Hispanic Center tabulations of the 2007 Current Population Survey (NBER MORG data file).

As multicultural policy prescriptions were used to build skills to find employment, they also serve to reinforce a gender income gap among wage-earners as well as gender segregation among women of color. Overall, scholars found that Latino women leave the labor market at a higher rate and experience higher rates of unemployment compared to Latino men (Kocher, 2008). While Iowa policymakers might have had intended to target women immigrants' interests in finding jobs, they also chose to minimally change the structural inequalities in the labor market which work against low-income Latino women. As illustrated in Figure 6.4, foreign-born Hispanic women work in jobs with lower weekly earnings compared to their native-born counterparts as well as Hispanic and non-Hispanic women overall. Even with the best intentions to represent the interests of immigrant women, policymakers will most likely place them in

low-earning jobs in labor markets that stratify women's earnings across race, immigration status, and citizenship.

In particular, Chicanas are less likely to be employed than other adult immigrant Hispanic women from the Caribbean, South America, and Central America. Figure 6.4 shows the employment rates of adult immigrant Hispanic women by country of birth in 2007. In addition to immigration status and citizenship, gender hierarchies also manifest among Latinas. Much of these disparities are attributed to occupational segregation. However, it is not simply about differences between men and women. Rather, the labor market structures inequalities among women of color.

Figure 6.5. Employment of Adult Immigrant Hispanic Women by Country of Birth, 2007.



Source: Recreated table in Gonzales (2007). Pew Hispanic Center tabulations of the 2007 Current Population Survey (NBER MORG data file).

The Iowa law also fosters gender segregation among women who have low-incomes, are immigrants, and are from Mexico. As shown in Table 6.1, both Hispanic and non-Hispanic women are likely to work in occupations that provide administrative support and perform sales. However, Hispanic women are more likely to have “blue collar” jobs in manufacturing, food preparation, production, and personal care. On the other hand,

non-Hispanic women are more likely to have white collar jobs in management, education, training, and libraries.

Table 6.1. Occupations in Which at Least 5% of Adult Hispanic Women Were Employed in 2007.

	Hispanic	Non-Hispanic
Office and administrative support occupations	20.7%	22.1%
Sales and related occupations	12.0%	11.8%
Building and grounds cleaning and maintenance occupations	9.9%	2.3%
Food preparation and serving-related occupations	8.5%	5.6%
Production occupations	8.1%	3.6%
Personal care and service occupations	6.5%	5.4%
Education, training, and library occupations	6.0%	9.8%
Management occupations	5.7%	9.2%

Source: Recreated table in Gonzales (2007). Pew Hispanic Center tabulations of the 2007 Current Population Survey (NBER MORG data file).

When looking at the same occupational categories across immigrant ethnic groups, labor market inequalities are further exhibited. In Table 6.2, more Chicanas are found in blue collar jobs, but they are also found in more white collar jobs compared to other ethnic groups. Not only does the labor market push all Hispanic women into lower-paying jobs with less upward mobility, it also prevents women from Central America, South America, and the Caribbean from attaining more jobs that offer higher incomes, pay increases, and career development. As some Chicanas are found at the two different ends of the spectrum of blue and white collar jobs, they also help to perpetuate a myth of women of color “making it” in America, despite data that suggest otherwise.

Table 6.2. Women as a Percentage of All Hispanics in Occupations in Which at Least 5% of Adult Hispanic Women Were Employed in 2007.

	Mexico	Central America	South America	Caribbean	Other
Office and administrative support occupations	14.9%	5.1%	5.5%	6.8%	1.3%
Sales and related occupations	22.8%	6.7%	6.3%	5.7%	0.7%
building and grounds cleaning and maintenance occupations	45.9%	19.5%	9.7%	6.4%	1.8%
Food preparation and serving-related occupations	42.3%	10.9%	6.1%	3.5%	1.5%
Production occupations	48.7%	14.4%	5.6%	6.0%	1.7%
Personal care and service occupations	28.2%	7.0%	8.4%	10.5%	0.8%
Education, training, and library occupations	13.9%	3.7%	5.2%	4.8%	0.8%
Management occupations	14.9%	5.1%	5.5%	6.8%	1.3%

Source: Recreated table in Gonzales (2007). Pew Hispanic Center tabulations of the 2007 Current Population Survey (NBER MORG data file).

Contextual Determinants of Multicultural Policy Prescriptions of Inclusion

As preferred remedies to America's immigration dilemma, multicultural policy prescriptions assert how government should resolve cultural disparities as well as how noncitizens should cope with them. In the previous section, I found that policymakers largely bound multicultural policy prescriptions of inclusion to beliefs and perceptions about personal deprivation and patriarchal norms between 1997 and 2010. When acting to legitimize these policy choices to mass publics, policymakers are also expected to draw upon specific socioeconomic and political contextual factors. For example, contextual factors that assist in the political construction of noncitizens as "underprivileged" or "poor" should serve to legitimize both the need and importance of multicultural policy prescriptions. As such, policymakers will likely evoke beliefs involving the number of people who are categorized as below the poverty line.

Policymakers also utilize these sensationalized accounts of noncitizens as deprived groups to legitimize the need for government assistance programs targeting noncitizens' cultural needs. Public assistance program participation will likely impact policy choices. Medicaid, the federal program that primarily assists low-income immigrants, refugees, and children, often fosters beliefs about chronic deprivation and traumatic migration stories. When prescribing American membership as multicultural, policymakers legitimize their policy choices by evoking beliefs surrounding their states' Medicaid population. A similar pattern is expected from a state's welfare caseload. Welfare often evokes beliefs about people who do not have stable jobs, strong two-parent family structures, and the personal motivation to support themselves. As policymakers seek to enact laws that affirm cultural differences and resolve cultural disparities, they will legitimize their decisions by states' rising caseloads of welfare participants.

Policymakers can also draw upon contextual factors involving the labor market. Since the 1996 federal welfare reform, a majority of state laws have emphasized the importance of attaining employment to achieve self-sufficient lives free from government assistance. As discussed in the previous section, policymakers preferred to remedy cultural disparities between noncitizens and citizens by encouraging working and establishing employment programs that helped immigrants find work. A state's per capita employment, which indicates the extent to which able and willing working persons between the ages of 15 and 64 actually have jobs, will likely influence the enactment of multicultural policy prescriptions. Low per capita employment can evoke beliefs about worsening economic conditions, which will serve to legitimize prescriptive policies for defining membership.

Given these theoretical expectations, I examine the socioeconomic and political contextual determinants of multicultural policy prescription enactments between 1997 and 2010. My dependent variable consists of the 54 policy enactments from a total of 267 multicultural policy prescriptions. As multicultural policy prescriptions belong to the same underlying dimension, I inherently assume that policymakers will adopt the same kind of policy multiple times. To account for this, I employ a variance-corrected event history model for repeated events to examine state enactments of multicultural policy prescriptions between 1997 and 2010. Following the literature on repeated events analysis (Box-Steffensmeier and Zorn, 2002; Kelly and Lim, 2000; and, Bowman, 1996), I use a conditional gap time model that assumes that an observation is not at risk for a later event until all prior events occurred (Prentice et al., 1981). A variance-corrected approach for repeated events which incorporates a conditional gap time model will allow the hazard rate to vary by the j th cluster (i.e. state) and k th failure by stratifying the data according to the k th event (i.e. failure order). Janet Box-Steffensmeier and Bradford Jones (2004) modeled the hazard rate as:

$$h_k(t) = h_{0k}(t) \exp^{\beta x_{kj}}.$$

A variance-corrected approach for repeated state policy choices adjusts the variance of the parameter estimates by clustering on the state to account for the repeated nature of the data. Furthermore, such an approach assumes that a state cannot be at risk for enacting the k th policy choice of membership construction until it enacts the $k - 1$ policy choice. This allows for the enactment of policy choices of membership construction to be conditional on previous enacted policy choices. A conditional model also allows each failure order (i.e. strata) to have its own baseline hazard rate, which

contrasts from other statistical models that assume coefficients to have the same effect across all enacted policy choices of membership construction. While the hazard rate differs by strata, one set of coefficients is provided to show the overall effect of the covariates.

Using the proposed indicators in Chapter 2, the statistical model passed specification tests. Predicted values were statistically significant ($p < .05$) while the squared predicted values are not ($p < .472$). Even when controlling for the Cox proportional hazards assumption, the proposed statistical model was still correctly specified.

As shown in Table 6.3, the results did not provide support for a majority of the proposed contextual determinants. There was not a statistically significant association between a state's welfare caseload and multiple policy prescriptions. Results pertaining to state Medicaid recipients and poverty rates provide mixed support at best. While both contextual determinants are statistically significant predictors at the $p < .01$ level, they also produced effects that occur in the opposite direction. The results indicate that the policy choices of prescribing American membership as multicultural will reflect declining rather than increasing Medicaid participation and poverty rates.

The results were consistent with theoretical expectations on per capita employment. Per capita employment had a statistically significant association with multicultural policy prescriptions ($p < .001$). Its effect also occurred in the expected direction. Compared to policymakers who serve in states with higher per capita employment, policymakers who serve in states with lower per capita employment were more likely to enact multiple policy prescriptions over time. This result indicates that

policymakers enact prescriptive visions for American membership in states with decreasing employment prospects for job-seekers. As economic conditions worsen, policymakers use this social dilemma as a political opportunity to promote the need for multicultural membership. As economic conditions improve, the results indicate that immigration policy serves as a mechanism to regulate the labor market. Tightening labor markets, which are measured by increasing state per capita employment, prompt policymakers to enact fewer policies that prescribe membership in America as multicultural over time. This result suggests that policymakers are less willing to recognize the cultural rights of noncitizens as tighter labor markets increase the need for work regulation (Piven and Cloward, 1993). Contrasting with previous findings pertaining to policymakers loosening the requirements for membership in exclusive and unidimensional policy prescriptions, tightening labor markets prompt state policymakers to retract cultural rights that could potentially assist in finding and holding jobs.

Table 6.3. Coefficients from Repeated Events History Model of Multicultural Policy Prescription Enactments.

	<u>Coefficients</u>	<u>S.E.</u>
Temporary immigrant workers (per 100,000)	-0.428	1.65
Net farm income (per capita)	0.0017 **	0.0006
Total tax revenue (per capita)	0.00041	0.0005
LPRs, refugees, and naturalized (per 100,000)	0.154	0.15
Employment (per capita)	-20.9 ***	4.68
AFDC/TANF caseload (per capita)	59.6	49.46
Poverty rate	-0.370 **	0.14
Crime rate per 100,000	-0.0007	0.0015
Mexican border state	4.32 **	1.37
Medicaid recipients (per capita)	-14.46 **	5.33
Black population (per capita)	8.98 *	3.54
Asian/Pacific Islander population (per capita)	1.21	2.20
Latino population (per capita)	-6.95 *	3.27
Citizen ideology	0.0049	0.029
Legislative professionalization	0.448	0.310
Republican controlled government	-0.068	0.098
Average state adoptions	-1.55 *	0.712
Number of subjects	267	
Number of failures	54	
Log pseudolikelihood	-109.1188	
Wald chi-squared	105.69 ***	

* p < .05; ** p < .01; *** p < .001.

The other results presented in Table 6.3 highlight other factors involved when policymakers legitimize multicultural policy prescriptions. The average number of multicultural policy prescriptions adopted in neighboring states, while producing a statistically significant effect, which argues against horizontal diffusion. However, policymakers were more likely to enact multiple policy prescriptions over time in states with higher per capita net farm income than states with lower per capita net farm income ($p < 01$). As discussed earlier in this dissertation, per capita net farm income serves as a proxy for the important social contributions of a traditional American institution that has

historically served as a potent symbol of a noble profession and self-reliant people. In Chapter 5, I found that policy decisions to prescribe American membership as an exclusive club reflected increasing per capita net farm income in a state. As Table 6.3 also shows, prescriptions for a multicultural America also reflect social factors that revolve around the important economic contributions of the American farm, and more importantly, the need for migrant labor. This makes some sense, given that a majority of farm workers emigrate from Mexico and need language assistance (Pew Hispanic Study, 2007).

The results also indicate that the Mexican border had a statistically significant effect on multiple policy enactments over time. It is reasonable to think that borders play an important role when constructing American membership as multicultural. Yet, one must consider that a majority of multicultural policy prescriptions between 1997 and 2010 were enacted in California. Out of the 55 enacted policies, twenty three of them were from California alone. While borders may evoke beliefs and perceptions that play a part in prescribing American membership, only one policy was enacted in another border state (Texas) and a majority of multicultural policy prescriptions were enacted in states that neither bordered Mexico nor formed the U.S. southern border.

When accounting for correlated events over time, multicultural policy prescriptions were enacted in states with particular racial demographics. Policymakers were more likely to enact multiple policy prescriptions over time in states with larger per capita black populations than smaller per capita black populations ($p < .05$). However, they were less likely to enact multiple prescriptions over time in states with larger per capita Latino populations than smaller per capita Latino populations ($p < .05$).

Additionally, per capita Asian and Pacific Islander populations failed to amass any statistically significant effects. When taken together, these results indicate that multicultural policy prescriptions are not associated with racial groups that are typically associated with U.S. immigration.

Political Messages of Difference Shaping American Identity

As shown in previous sections, multicultural policy prescriptions send mass publics a political message about how American membership is about respecting difference and resolving disparities between citizens and immigrants. What is more, policymakers further legitimize such prescriptions for membership by evoking beliefs and perceptions related to employment. By the ways in which policymakers talk about cultural difference exclusively as an issue of personal deprivation, they construct a policy myth that obligates immigrants to work toward fulfilling self-sufficient lives in order for their host country to recognize their special status rights. Such a policy myth is consistent with previous works of scholars who found that affirming cultural difference involves some expectations of assimilating into American culture (Schildkraut, 2007; Citrin, 2001).

The ways in which multicultural policy prescriptions define American membership and bind personal deprivation and difference together should manifest in Latino immigrant attitudes toward their own American identity. In Chapter 5, I found how exclusionary policy prescriptions and unidimensional policy prescriptions of inclusion influence immigrant attitudes toward their own American identity across the multiple dimensions of American identity. In the current analysis, I expect that Latinos who are affected by multicultural policy prescriptions will most likely think they belong

to a distinct Latino culture. As this chapter has shown, though, multicultural policy prescriptions are structured by patriarchal norms and thus should also sustain beliefs of traditional gender norms. Furthermore, the ways in which policymakers designed public assistance to resolve cultural disparities between citizens and immigrants has only reinforced inequalities across race, class, and, gender. As such, I expect that Latinas and immigrants who participate in public assistance programs are most likely to recognize how American membership is internally varied and work against socially disadvantaged immigrants.

To further examine such empirical propositions, I use the 2006 Latino National Survey (LNS) to investigate the extent to which multicultural policy prescriptions evoke beliefs along different dimensions of American identity. Continuing the scholarship on the complex and conflicting components of American civic ideals (Smith, 1993), Deborah Schildkraut (2007) found that immigrants express American identity across multiple dimensions: having a distinct cultural identity (incorporationalism); exhibiting the responsibilities rather than the rights of citizenship (civic republicanism); believing in minimal government intervention while promoting equal opportunity (liberalism); and believing America is only for whites, native-born, and English speakers (ethnoculturalism). I argue that proxies for multicultural policy prescriptions will evoke beliefs about American identity even after controlling for factors related to migration, socioeconomic status, and political attitudes as suggested by the U.S. immigration literature. As proxies for the effects of multicultural policy prescriptions, I use two different kinds of bilingual services offered in a respondent's community: whether public health services are provided in Spanish; and, whether legal services and law enforcement

are provided in Spanish. The proxy for participation in public assistance programs is also particularly relevant for the purposes of this chapter, as a majority of Latina immigrant respondents were also participating in public assistance. I develop the following statistical model of the factors that are associated with each dimension of American identity:

$$\text{American identity dimension} = \text{Multicultural Policy Prescriptions} + \text{Welfare Participation} + \text{Migration} + \text{SES} + \text{Political Attitudes}$$

Beliefs on cultural identity and liberalism are measured by a four-point scale from strongly disagree to strongly agree. As such, I employ ordinal logit models. To measure respondents' affinity to a distinct cultural identity, the 2006 LNS asked respondents whether they think their self-identified ethnic group (e.g. Salvadorian, Mexican, Puerto Rican, Cuban, Dominican, Central American, and Hispanic) are part of a distinct Latino identity. I measure liberalism by using two separate measures: believing that everyone in America deserves equal rights and protections, regardless of political beliefs; and, believing that Latinos can get ahead in life by working hard.

To measure ethnoculturalism, I build a scale using three separate questions that ask respondents whether they think the following are not important, somewhat important, and very important to be fully American in the eyes of most Americans: to be white; to have been born in the United States; and, to speak English well. My ethnoculturalism scale ranges from 3 to 9. To examine the determinants of ethnocultural attitudes, I employ an Ordinary Least Squares (OLS) regression model using the same set of predictors previously discussed.

Efforts were made to use the 2006 LNS questions to construct a scale that measured civic republicanism, which expresses the responsibilities rather than the rights of citizenship. I chose the following questions that asked respondents to state their level agreement on a four-point scale: whether government is run by a few big interests and not for the benefit of the people; people like me don't have a say in what government does; a person like me can't really understand when politics gets complicated; people are better off not contacting government; and, whether government should be trusted. My civic republicanism scale ranges from 5 to 20. The responses for each question were recorded so that higher scores express positive attitudes toward civic republicanism. I also employ an OLS regression model using the same set of theorized predictors.

Finally, I develop another scale that measures the extent to which respondents subscribe to gender hierarchies. I build this scale using three questions that ask respondents to express their agreement on a five-point scale with the following traditional gender roles: mothers should be more responsible for caring for their children than fathers; women should have easy access to birth control/contraception; and, men are better qualified to be political leaders than women. I recode and invert the response categories for the question that asks the extent to which respondents agree that women should have easy access to birth control/contraception. To this end, low scores on the scale represent weak subscription to gender hierarchies while high scores represent strong subscription to gender hierarchies. The gender hierarchy scale ranges from 3 to 15. To examine the determinants of support for gender hierarchies, I employ another OLS regression model using the same set of predictors previously discussed.

Table 6.4 provides the results of an ordinal logit analysis of Latino immigrant attitudes toward having a distinct Latino identity and each dimension of American liberalism. After controlling for factors relating to migration, socioeconomic status, and political attitudes, I found that multicultural policy prescriptions shape immigrant attitudes in particularly interesting ways. Multicultural policy prescriptions can foster immigrant beliefs that they belong to a distinct Latino culture. Immigrants who participated in public assistance programs are more likely than those who do not to think they belong to a distinct Latino culture ($p < .05$, one-tailed). They were also more likely to think that everyone is entitled to have the same rights and protections regardless of one's political beliefs ($p < .05$). In previous models that measured support for exclusionary and unidimensional policy prescriptions, I found no statistically significant relationship between public assistance participation and beliefs in a distinct Latino cultural identity.

Mixed support is found for multicultural policy prescriptions shaping attitudes toward cultural identity. Immigrants who live in communities that offer legal services and law enforcement in Spanish were 1.5 times more likely than those who do not receive such services in Spanish to think that they belong to a distinct Latino culture ($p < .001$). However, immigrants who live in communities that offer public health services in Spanish were *less* likely to think they belong to a distinct Latino culture ($p < .05$). Taken together, these results indicate that the kinds of social dilemmas matter for how multicultural policy prescriptions will shape immigrant attitudes toward their own American identity. In post-1996 federal immigration and welfare reform politics, the penalties for deportation have increased and policymakers have typically targeted Latino

communities disproportionately more than other immigrant communities. Having bilingual lawyers and law enforcement officers may elevate one's sense of their cultural identity and membership in America.

Whether distinct cultural identities or equal rights and protections serve as central components of American identity, the results show that multicultural policy prescriptions largely hold patriarchal norms in place. As shown in Table 6.5, immigrants who live in communities where public health services or legal and law enforcement services are provided in Spanish are no more or less likely than their counterparts to oppose gender hierarchies in America. The only persons who did oppose gender hierarchies are Latinas and public assistance program participants. Participating in a public assistance program brings about a $-.362$ change in supporting gender hierarchies ($p < .05$). Furthermore, self-identifying as a Latina brought about a $-.581$ change in supporting gender hierarchies ($p < .001$). These results indicate that those who are most affected by the patriarchal norms of America are also most likely to recognize the limits of "inclusive" forms of American membership. Furthermore, the results indicate that Latinas express skepticism about Latinos advancing in society while rampant racial and gender inequities exist to dampen their efforts. Compared to Latino men, Latinas were 40 percent less likely to believe that members of the Latino community can get ahead in America by working hard ($p < .01$).

Table 6.4. Coefficients from Ordinal Logit Model of Latino Immigrant Attitudes toward American Identity.

	DISTINCT		GET AHEAD WITH HARD WORK		SAME RIGHTS/ PROTECTIONS	
<u>POLICY</u>	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>
Public health services in Spanish	.706 *	0.124	1.24	0.2	1.00	0.171
Law services in Spanish	1.55 ***	0.212	1.09	0.16	1.17	0.164
Participate public assistance	1.27 * [†]	0.181	1.26	0.179	1.34 *	0.192
<u>MIGRATION</u>						
Arrival U.S.	0.997	0.008	1.01	0.008	1.00	0.008
Face obstacles naturalization	1.23	0.324	1.03	0.309	0.852	0.249
Applying for citizenship	1.10	0.139	0.893	0.114	1.27	0.163
Transnational attachment	1.06 ***	0.017	1.03	0.017	1.02	0.017
Crime victim	0.852	0.224	1.17	0.346	0.931	0.253
<u>SOCIOECONOMIC</u>						
Female	1.63 ***	0.211	.695 **	0.093	0.898	0.117
English proficiency	1.02	0.095	1.04	0.099	0.997	0.094
Education	1.02	0.039	0.997	0.039	1.06	0.041
Parents' education	0.928	0.069	.824 **	0.058	1.03	0.083
Kids in primary/secondary school	0.828	0.108	0.866	0.113	0.942	0.123
Homeowner	1.21	0.172	1.05	0.148	1.06	0.148
Household income	1.10	0.142	1.10	0.144	1.28	0.178
Finances gotten worse	1.53 **	0.241	1.06	0.167	1.06	0.157
Finances gotten better	0.904	0.143	1.11	0.179	1.15	0.176
<u>POLITICAL</u>						
Political interest	0.969	0.083	1.22 *	0.106	1.13	0.096
Party identification	1.23	0.145	1.07	0.135	1.10	0.133
Ideology	0.915	0.092	0.978	0.105	1.09	0.113
Observations	1968		1976		1904	
Correctly Predicted (%)	82.5		83.4		82.5	
LR chi-squared	59.81 ***		41.28 **		32.36 *	

* p < .05; ** p < .01; *** p < .001. *[†] p < .05, one-tailed. Based on the 2006 LNS. Coefficients are obtained from ordinal logit models.

Table 6.5. Coefficients from OLS Regression of Latino Immigrant Attitudes toward American Identity and Gender Roles.

<u>POLICY</u>	<u>ETHNOCULTURALISM</u>		<u>CIVIC REPUBLICANISM</u>		<u>GENDER ROLES</u>	
	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>
Social services provided in Spanish	-.135	0.091	0.140	0.229	.058	0.175
Law services provided in Spanish	.080	0.075	0.221	0.187	.089	0.144
Participate public assistance	.012	0.072	0.092	0.182	-0.362 *	0.140
<u>MIGRATION</u>						
Arrival U.S.	.004	0.004	-0.048	0.349	-0.007	0.008
Face obstacles naturalization	.067	0.145	0.024 *	0.010	-0.112	0.284
Applying for citizenship	.086	0.066	-0.180	0.384	0.207	0.128
Transnational attachment	0.007	0.008	0.347 *	0.165	0.012	0.016
Crime victim	-.041	0.144	0.033	0.021	-0.018	0.277
<u>SOCIOECONOMIC</u>						
Sex	-.093	0.068	-0.226	0.169	-0.581 ***	0.131
English proficiency	-.072	0.049	0.086	0.121	-0.152	0.094
Education	-0.072 ***	0.020	0.049	0.050	-0.243 ***	0.039
Parents' education	-0.051	0.040	0.044	0.099	-0.003	0.078
Kids in primary/secondary school	0.006	0.068	-0.128	0.172	0.070	0.132
Homeowner	-0.077	0.073	-0.114	0.183	-0.294	0.140
Household income	0.039	0.066	0.142	0.161	-0.217	0.126
Finances gotten worse	0.017	0.078	-0.412 *	0.197	.0234	0.151
Finances gotten better	-0.018	0.078	0.160	0.194	.103	0.151
<u>POLITICAL</u>						
Political interest	0.071	0.044	0.421 ***	0.110	-0.425 ***	0.085
Party identification	0.017	0.062	0.078	0.150	-0.195	0.119
Ideology	-0.105	0.054	0.059	0.129	-0.078	0.103
_cons	-1.99	7.97	-63.06 ***	20.06	22.70	15.38
Observations	1989		1633		1921	
R-Squared	0.0202		0.039		0.0758	

* p < .05; ** p < .01; *** p < .001. Based on 2006 LNS.

The evidence presented here would be further supported by examining attitudes toward gender hierarchies by Latino ethnic groups. If public assistance participants and Latinas are the most prepared to understand the limits of American membership, then we should also see consistently larger percentages of Latinas who participate in public assistance programs have lower gender hierarchy scores. Table 6.6 provides the distribution of Latinas who are participating in public assistance programs across the gender hierarchy scale. Lower quartile scores (i.e. Quartile 4) reflect lower support for gender hierarchy while higher quartile scores (i.e. Quartile 1) reflect higher support.

Table 6.6. Quartile Distribution of Attitudes Toward Gender Hierarchy Among Latina Ethnic Groups, 2007.

	<u>Quartile 4</u>	<u>Quartile 3</u>	<u>Quartile 2</u>	<u>Quartile 1</u>
Latino	33.9%	32.2%	27.1%	6.8%
Mexican	34.1%	35.4%	26.4%	4.0%
Cuban	41.4%	38.6%	14.3%	5.7%
Dominican	30.3%	42.4%	24.2%	3.0%
Puerto Rican	36.0%	37.0%	25.0%	2.0%
Salvadoran	30.0%	26.7%	36.7%	6.7%
Central American	43.5%	26.1%	26.1%	4.3%
Average	35.6%	34.1%	25.7%	4.7%

Source: 2006 LNS.

As discussed in previous sections, Chicanas often confront gendered norms that are held in place by social structures involving employment. A greater percentage of Chicanas have gender hierarchy scores in the bottom two quartiles than the top two quartiles (79.5 percent vs. 30.4 percent, respectively). Yet, the results provided in Figure 6.11 also show that the percentage of Chicanas who expressed low support for gender hierarchy are consistent with scores from women in other ethnic groups. All ethnic group categories showed higher percentages of women in the bottom two quartiles. On average,

nearly 70 percent of women expressed opinions toward gender hierarchy which fell into the bottom two quartiles, more than twice the percentage of women whose attitudes fell into the top two quartiles.

Implications

The excerpt from Emma Lazarus' sonnet *New Colossus* – “give me your tired, your poor, your huddled masses yearning to breathe free” – is often used to describe America's benevolence toward immigrants who seek better lives than the ones they left in their home countries. This symbolic image brings to bear a reminder of how political elites often capitalize on images of helping the socially disadvantaged for their own agendas, but do nothing to actually address structural inequalities that foster discrimination. As the statue of a woman escaping chains of oppression and carrying the torch of liberty greets newcomers at the shores of America, many women of color within the country are systematically deprived of equality.

This chapter has examined how policy acts of embracing cultural difference are not the outputs of racially or ethnically diverse states or ideologically liberal ones. To the contrary, they are preferred remedies to constructing noncitizen membership in America. Through multicultural policy prescriptions, policymakers portray noncitizens mainly as deficient and needy. Similar to exclusionary policy prescriptions, policymakers also employ social structures that can tie noncitizens to worsening economic conditions to legitimize multicultural policy prescriptions while refusing to reforming structural inequalities that work against socially disadvantaged noncitizens, particularly Latinas.

The findings of this chapter provide implications for political science research on American identity. Designing policies to protect and affirm difference has consequential

effects on how Latino immigrants are to think about not only their American identity but also gender equality. While culture and gender are surely not the only ascriptions that form a complex web of inequalities which govern the lives of socially disadvantaged people, my results suggest that particular dimensions of American identity can also reinforce ascriptive forms inequality. In this chapter, I found that policies affirming cultural difference also marginalized the interests of low-income noncitizen women, which contributes to current works of scholars who examine the “false choice” between multiculturalism and gender equality (Song, 2005). Extending this interesting and productive line of literature, I suggest that public policies play important roles in ensuring that mass publics perceive multiculturalism and gender equality as distinct and mutually exclusive choices. At least for now, a majority of Latino immigrants who stand to benefit from multicultural policy prescriptions “choose” to belong to a distinct cultural identity rather than oppose gendered norms.

The ones who are most likely to dismiss the false choice between multiculturalism and gender equality and to decipher the limits of inclusion in America are people who political elites intentionally push to the margins of the U.S. democracy. Latinas and Latino immigrants who participated in public assistance programs were both likely to believe that they belong to a distinct cultural group and strongly oppose gender hierarchies. This results stands in stark contrast to a long-standing tradition within political science which claim that the politically enlightened - the highly educated and politically informed – are best prepared in the U.S. democracy to recognize social injustices. The results in this chapter suggest the opposite. For understanding the intricate

ways in which inequality works in America, scholars should look to the ones who see them most legibly.

Conclusion

Rather than simple policy outputs of racially or ethnically diverse and liberal states, multicultural policy prescriptions obligate target populations to pursue and exhibit the social values that are deemed important by political elites. To forward their own visions of a multicultural America between 1997 and 2010, however, policymakers mainly constructed noncitizens as deprived persons who need additional assistance from government. In addition, policymakers have chosen to affirm cultural difference and resolve cultural disparities in such ways that foster social inequalities that take place along ascriptive dimensions involving race, gender, and class.

This chapter concentrated on how multicultural policy prescriptions marginalize low-income immigrant women. Rather than giving mass publics a “choice” between gender equality and multiculturalism, I found that multicultural policy prescriptions are informed by patriarchal norms and enable labor markets, educational institutions, and public assistance programs to maintain gender hierarchies. I also found that the choice between gender equality and multiculturalism is a false one, as efforts to protect cultural differences further embed the patriarchal norms of America. Such phenomena were not only found in how policies were designed and legitimized by policymakers, but they were observed when using the 2006 LNS to examine immigrant attitudes toward their own American identity. By sending a political message of respecting differences to save the deprived, multicultural policy prescriptions encouraged Latino immigrants to believe that they are part of a distinct cultural identity. However, they were also neither more likely to

oppose gender roles nor support making equal rights and protections available to everyone. The persons who were most prepared to recognize the limits of multicultural prescriptions of inclusion were Latinas who participate on public assistance programs and regularly confront the patriarchal norms and gender hierarchies in America. By assessing American membership from the vantage point of socially disadvantaged noncitizens, scholars and students of U.S. immigration can gain a fuller understanding of how policies and the ways in which they are design shape target populations' beliefs about their own membership in America. In order to better improve people's understanding of their own membership in a polity and also encourage them to recognize the internally varied and contested inegalitarian principles wrapped inside inclusive forms of membership, this chapter suggests that policymakers should design policies that cut-across traditional axes of disadvantage. I discuss this topic and the extent to which "cross-cutting" policies can foster well-rounded understandings of American membership in the following chapter.

Chapter 7: Precarious Positions in America – The Current Status of Addressing Intersectional Disadvantages in the American Federalist System of Immigration Control

As states have received more discretion to design targeted policies for their noncitizen populations, federal immigration and welfare reforms have integrated the rhetoric of “states’ rights” into U.S. immigration policymaking. By the ways in which American states serve as both local migration regulators and gatekeepers to social benefits such as public assistance and legal protections from civil or criminal charges, the scope of conflict over noncitizen membership in America has pivoted on state autonomy. In particular, as this chapter will argue, cross-cutting policy prescriptions of inclusion are designed as tools that contest or insulate local decision-making from federal authorities. In contrast with policy prescriptions that construct American membership either to make everyone the same or affirm only cultural difference, cross-cutting policy prescriptions aim to construct membership at the intersections of disadvantage. State policymakers have contested federal authority by restoring means-tested benefits to legal immigrants who arrived after the 1996 cut-off date. They have developed their own state-funded programs that allow undocumented immigrants to participate or claim unemployment or workers’ compensation. Due to the ambiguity, if not lack of national standards, state policymakers have also created their own versions of federal laws, particularly to the Violence Against Women Act (VAWA) of 2000 which obligated states to provide social services and legal protections to undocumented women who are involved in human trafficking.

Unfortunately, the critical roles that state policymakers play in conferring American membership to these socially disadvantaged noncitizens do not reflect an

American conscience that has successfully separated itself from a past scarred with racism and sexism. Rather, an American federalist system that has enabled state policymakers to make choices on behalf of noncitizen interests highlights the precarious position of socially disadvantaged noncitizens in a democratic republic. While policymakers have enacted laws that target low-income immigrants, undocumented immigrants, and women of color, few if any federal controls exist to maintain the level of resources and management necessary to ensure quality programming. State-funded programs for undocumented immigrants and restoration of benefits to low-income legal immigrants are susceptible to cuts made through partisan politics, and at the same time, can be insulated from any federal government oversight to encourage states to provide better and more services to marginal populations. In many ways, contemporary U.S. immigration policymaking largely reflects a federalist system of governance which has ensured that conflicts over civil rights remain unresolved and thus perpetuated social disadvantages along race, class, gender, and immigration status. While these examples of cross-cutting policy prescriptions of inclusion serve as socially disadvantaged noncitizens' best prospects for equal treatment in America, U.S. immigration scholars and students must give more attention to the ways in which American federalism serves to undermine any attempts to restore and preserve equality.

This chapter is mainly concerned with illuminating the institutional challenges involved in making cross-cutting policy prescriptions of inclusion and the prospects for socially disadvantaged noncitizens to achieve equality in America. I organize this chapter as follows: First, I will examine how federalism has influenced the ways in which policymakers design cross-cutting policy prescriptions. I will then trace legislative

activity of enacting cross-cutting policy prescription over time. I argue that the use of policy tools that protect state jurisdictional authority and funding have increased over time and only until recently have policymakers who serve in Democratic-controlled governments and liberal states been enacting cross-cutting policy prescriptions. Legislative developments such as these have situated socially disadvantaged noncitizens as a “democratically captured” group in U.S. American politics (Frymer, 1999). Additionally, multiple policy enactments are strongly associated with contextual determinants which are related to worsening economic conditions and used to construct people as poor. Finally, I further explore the extent to which noncitizens receive the political messages embedded within cross-cutting policy prescriptions by examining Latino immigrant attitudes toward American identity. I focus mainly on two policy choices –support for providing in-state tuition to undocumented immigrants and granting U.S. citizenship to undocumented immigrants. Due to the ways in which cross-cutting policies are currently designed and situated in an American federalist system that preserves racial inequities, cross-cutting policy prescriptions send messages about contestation. In one dimension, Latino immigrants acknowledge that America is only for whites, native-born residents, and fluent English speakers. Despite expressing this belief, they still believe that America is about belonging to a distinct cultural identity, that they can get ahead in life by working hard, and that everyone should receive equal rights and protections. While current cross-cutting policy prescriptions do not go far enough to ensure equality and close civic disparities among most disadvantaged noncitizens, they still strengthen the beliefs in American membership among a target population who a majority of political elites, pundits, and mass publics assume are “un-American.”

Immigration Policymaking and American Federalism

Politics of race and ethnicity scholars have long recognized the racial hierarchy embedded in the American federalist system of government. As argued by Anthony Marx (1998: 178), the abolition of slavery in the United States formally unified the nation-state yet crystallized race-relations around a set of institutional compromises. Before national leaders planted the roots of the American administrative state at the turn of the 20th Century, they sustained a racial hierarchy in order to resolve a national crisis in the presidential election between Rutherford B. Hayes and Samuel Tilden. By awarding the disputed votes to Hayes, Members of Congress agreed to reduce federal presence in the South; withdraw federal troops guarding officials of the remaining Republic governments in black-majority states of Louisiana and South Carolina; decrease federal funding for rivers and harbors construction; and, increase Democratic access to federal patronage (Vallely 2004: 49).

As national leaders prepared to implement federal laws that guaranteed African-Americans equal rights, they instead developed a system that did nothing but rearticulate racism in new ways. The Compromise of 1877 allowed southern political elites to resist implementing the 13th, 14th, and 15th Amendments that acted to eradicate formal white racial domination in the United States. As Julie Novkov (2008: 652) argued: “By 1896, the national groundwork for a different kind of racial state had been constructed, one that conceived of itself as a more modern, unified national state that bought national unity with the coin of significant freedom for the construction of different racial regimes across regions.” As the Supreme Court ruled on *Plessy v. Ferguson* in 1896, the separate-but-

equal doctrine would subsequently empower local political elites to resist implementing federal laws guaranteeing civil rights.

The racial hierarchies that were built into American federalism still manifest today. Through the Temporary Assistance for Needy Families (TANF) Program, which imposed time limits and work requirements as conditions for aid, policymakers encouraged states to experiment with designing rules that assimilate the poor into having jobs and forming families (Winston, 2002). As Soss et al. (2008) found, TANF reflects an approach to governing marginal populations that involve paternalist mechanisms intertwined with neoliberal principles to integrate marginal populations into mainstream behaviors and institutions. This new approach to poverty governance subjects the poorest African-Americans to a punitive system of social control, which fosters wide civic disparities between them and an emergent black professional class.

National disasters, such as the one witnessed in New Orleans in the aftermath of Hurricane Katrina, also reveal a resilient racial hierarchy deeply embedded in American federalism. Public reactions among whites to the events in New Orleans reflected a reluctance to think of the failed federal planning and responses as racist, which starkly contrasted with the reaction among African-Americans. While a majority of whites viewed any traces of racism as exceptional amidst America's supposed egalitarian and liberal creed, African-Americans largely viewed racism as typical and quite unexceptional in the United States (Frymer, Strolovitch, and Warren, 2006). These interpretations are not coincidental, but are rather produced by a longer tradition of American institutions purposefully avoiding national conflicts over civil rights and thus maintaining racial inequalities for African-Americans as well as other marginalized

groups in America. In the case of the Hurricane Katrina disaster, the lack of actions taken by state and federal government officials was enabled by a long-standing conservative movement that strategically mobilized a political agenda that ascribed states' rights as a "fundamental" political principle in American federalism. As Frymer, Strolovitch, and Warren (2006) further argued, the political rhetoric of states' rights has only empowered opponents of equality to frame discrimination in democratic and Constitutional beliefs.

Another contemporary dilemma that has pivoted around states' rights and autonomy is the growth of localized policies on the treatment of noncitizens. The 1996 federal immigration and welfare reforms devolved policy decisions about the treatment of noncitizens to the American states. As such, national leaders cemented the role of state immigration policymaking in American federalism, which has further complicated the ways in which ascriptive inequities manifest and are targeted by state policymakers.

Immigration politics fits within the dominant findings of an interdisciplinary race, ethnicity, and gender literature on American federalism where scholars have found that the lack of a federal overseer has produced a wide variation in the ways in which state policymakers represent the interests of marginal populations including African-Americans and members of the LGBT community. As federal reforms forced the hand of state policymakers to decide the extent to which they would provide public assistance and legal protections from civil and criminal charges, state-level immigration policies have fostered wide social disparities among a diverse noncitizen population.

Yet, a unique aspect of immigration politics from other policy domains is that advocates for noncitizen equality in America work to make clear divisions of jurisdictional authority between states and the federal government. Linda Bosniak (2006)

found that two paradigms – a separation model and convergence model – are inherent in policies about the equal treatment of noncitizens:

“[The separation model] supports a minimalist understanding of the scope of the government’s authority to regulate membership and urges a relatively strict separation between the membership domain and the domains of territorial personhood. The [convergence model] supports an expansive understanding of the legitimate sphere of membership regulation and argues that membership concerns are rightfully part of the regulation of social relationship among all territorially present persons” (Bosniak, 2006: 75).

Bosniak’s theory suggests that policymakers attempt to resolve a “jurisdictional dispute” that concerns a question of whether discriminatory treatment of noncitizens is to be understood as a legitimate exercise of government’s power to regulate national membership or as an illegitimate violation of their rights as persons (Bosniak, 2006: 74). As argued in Chapter 4, exclusionary policy prescriptions reflect a convergence model that aims to encourage federal involvement in state-level efforts to regulate the social relations among noncitizens. Cross-cutting policy prescriptions, on the other hand, reflect a separation model of noncitizen activism which resists the integration of policy tools that enforce national gatekeeping duties and that marshal social supports to noncitizens who live within the country.

By separating themselves from federal authority, state policymakers targeted a variety of socially disadvantaged noncitizens. Based on the subgroup interests that are targeted in cross-cutting policy prescriptions which are illustrated in Table 7.1, the interests of low-income legal immigrants and refugees comprised of nearly 60 percent of enacted cross-cutting policy prescriptions. Policymakers targeted the interests of undocumented immigrants, trafficked persons, and asylum-seekers in significantly less

policies, which suggest that the absence of a federal overseer also prompts policymakers to address certain noncitizen subgroup interests over others.

Table 7.1. Noncitizen Subgroup Interests Targeted in Cross-Cutting Policy Prescriptions.

Subgroup Interest	Percent of Total
Low-income immigrants	37.29%
Refugees	20.34%
Undocumented immigrants	10.17%
Legal noncitizen residents	9.32%
Trafficked persons	8.47%
Asylum-seekers	4.24%
Cultural minorities	3.39%
Noncitizens (general)	3.39%
Immigrant workers (general)	1.69%
Immigrant students (general)	0.85%
Immigrants formerly in military	0.85%
Grand Total	100.00%

Also important to building an understanding of the challenges that policymakers face when enacting cross-cutting policy prescriptions is how such policy choices are actually designed to achieve membership goals. In contrast with other policy prescriptions of American membership, policymakers design cross-cutting policy prescriptions mostly by either contesting or insulating their choices from federal authorities. In effect, policymakers also obligate socially disadvantaged noncitizens to comply with state laws that contest federal immigration rules. According to Table 7.2, policymakers use a variety of tools to gain compliance. A wide variety of cross-cutting policy tools such as correcting information asymmetries, licensing, affirming cultural difference, commemoratives, and recalling/repairing past injustices overlap with other policy prescriptions, particularly multicultural policy prescriptions. As opposed to other policy prescriptions of membership, policymakers do not appear to have a consistent

approach to obligate noncitizens to comply with cross-cutting prescriptions. They do, however, mostly use policy tools that shield state jurisdictions from federal interventions.

Table 7.2. Policy Tools Used in Cross-Cutting Policy Prescriptions.

Policy Tool	Percent of Total
State-funded programs/establish jurisdictions	25.42%
Restoration of benefits	16.95%
Confidentiality from federal government	10.17%
Access to state-based legal protections	7.63%
Resettlement	6.78%
Emergency	5.93%
Correcting information asymmetry	5.93%
Program qualifications	5.93%
Licensing	3.39%
Tax exemptions	3.39%
Study/commissions	2.54%
Divestitures	1.69%
Affirmation/priority cultural difference	1.69%
Job qualifications	0.85%
Commemoratives	0.85%
Recalling/repairing past injustices	0.85%
Grand Total	100.00%

Policymakers mostly pursue cross-cutting policy prescriptive goals by establishing their own state-funded programs or enacting laws that clarify the separation of federal and state jurisdictional authority in immigration policymaking. In slightly more than a quarter of all enacted cross-cutting policy prescriptions between 1997 and 2010 policymakers used state-based initiatives. Through these policy tools, policymakers asserted that while states and federal governments should continue to work together, states authorities are better prepared to target the needs of noncitizens. For example, when the state of Delaware adopted its own version of the Federal Trafficking Victims Protection Act of 2000 and 2003, policymakers stated:

“This Bill to combat the crime of human trafficking is based on a model statute drafted by federal Department of Justice prosecutors with direct experience in combating human trafficking. Although human trafficking is predominantly a federal crime, the federal Justice Department is encouraging states to adopt the model act because state law enforcement and social services agencies are more likely to encounter victims and unearth trafficking cases by virtue of their local expertise, greater numbers, and street-level presence” (H.B. 116, 2007)

In the Delaware law, policymakers expressed a logic of federalism which portrayed states as natural extensions of federal authority. According to this logic, federal law enforcement can only do so much, and must rely on states which have unique capacities to ensure that federal imperatives are implemented.

This same logic of federal-state partnerships was also expressed in local laws that established state-funded programs for refugees. In 2004, the Florida state legislature passed a law that re-created the Refugee Assistance Trust Fund within the Department of Children and Family Services without modification (S.B. 894, 2004). As the former Trust Fund was scheduled to be terminated pursuant to a constitutional mandate in 2004, legislators acted to carry forward its former balances and continue funding sources. In Florida, the Refugee Assistance Trust Fund provides financial support for medical assistance, case management, human services, and early and periodic screening of children specifically for refugee families. While most states utilize federal funding sources to meet the interests of its refugee and asylum populations, Florida acted to generate its own source that is separate from its federal funding sources.

While such laws exhibited policymakers’ efforts to marshal support for socially disadvantaged noncitizens such as persons involved in human trafficking and refugees, programs that are insulated from federal immigration authorities are neither held accountable to sustain social programming nor foster equal treatment of noncitizens

across the United States. This is observed most in state actions taken to combat international trafficking. In 2007, The Center for Women Policy Studies (CWPS) in Washington, D.C. published a report that graded each American state on the severity of punishments against traffickers and the quality of services offered to trafficked women and girls in five legal categories. States were assigned five letter grades, one for each of the following laws: whether states took enhanced measures to deter crimes of trafficking; provided victim protection and assistance; initiated statewide task forces; regulated international marriage brokers; and regulated travel service providers. Table 7.3 provides the CWPS' summary table of state grades. A majority of states received failing grades based on the quality of their state policy designs. States varied greatly in their efforts to provide victims protection and assistance. Yet, thirty-nine states received failing grades in this category, which meant that policymakers did not provide the following to women and girls: adequate access to safe and secure housing nor trauma-informed services; legal protections from intimidation, threats, and reprisals from traffickers; physical and mental health care provided by trauma-informed personnel; legal and immigration assistance; translation services; educational and job readiness programs; access to services; and a private right of action. Even though state policymakers expressed efforts to define American membership at the intersections of disadvantage, the lack of federal oversight and few local incentives to ensure a high quality of services inhibits any efforts to confront international trafficking.

Table 7.3. The Center for Women Policy Studies' Report Card on State Action to Combat International Trafficking.

	Criminalization Statutes	Victims Protection and Assistance	Statewide Task Forces	Regulating International Marriage Brokers	Regulating Travel Service Providers
ALABAMA	F	F	F	F	F
ALASKA	D+	F	F	F	C
ARIZONA	C+	F	F	F	F
ARKANSAS	B-	F	F	F	F
CALIFORNIA	B	B	A	F	F
COLORADO	D-	F	A-	F	F
CONNECTICUT	C	D	A	F	F
DELAWARE	F	F	F	F	F
FLORIDA	B	D	F	F	F
GEORGIA	B	F	F	F	F
HAWAII	F	F	A	C	A
IDAHO	C+	D-	A	F	F
ILLINOIS	B+	B	F	F	F
INDIANA	C+	B	F	F	F
IOWA	B+	C-	B	F	F
KANSAS	B-	F	F	F	F
KENTUCKY	F	F	F	F	F
LOUISIANA	B-	F	F	F	F
MAINE	F	F	A	F	F
MARYLAND	F	F	F	F	F
MASSACHUSETTS	F	F	F	F	F
MICHIGAN	B-	F	F	F	F
MINNESOTA	B	D	C+	F	F
MISSISSIPPI	B-	F	F	F	F
MISSOURI	C+	D	F	D+	A
MONTANA	F	F	F	F	F
NEBRASKA	B-	F	B	F	F
NEVADA	F	F	F	F	F
NEW HAMPSHIRE	F	F	F	F	F
NEW JERSEY	B+	D+	F	F	F
NEW MEXICO	F	F	F	F	F
NEW YORK	F	F	F	F	F
NORTH CAROLINA	B-	F	F	F	F
NORTH DAKOTA	F	F	F	F	F
OHIO	F	F	F	F	F
OKLAHOMA	F	F	F	F	F
OREGON	F	F	F	F	F
PENNSYLVANIA	B	F	F	F	F
RHODE ISLAND	F	F	F	F	F
SOUTH CAROLINA	C	F	F	F	F
SOUTH DAKOTA	F	F	F	F	F
TENNESSEE	F	F	F	F	F
TEXAS	B-	F	F	A	F
UTAH	F	F	F	F	F
VERMONT	F	F	F	F	F
VIRGINIA	F	F	F	F	F
WASHINGTON	B	C-	A	C	A
WEST VIRGINIA	F	F	F	F	F
WISCONSIN	F	F	F	F	F
WYOMING	F	F	F	F	F

Source: Center for Women Policy Studies (2007).

Similar challenges to represent the interests of socially disadvantaged persons arise when policymakers aim to protect jurisdictional authority over local immigration matters by expressing their opposition to federal decisions. In 2003, the California state legislature enacted two laws that expressed the state's concern over federal involvement in local affairs. In one measure, the legislature urged United States Attorney General John Ashcroft to suspend deportation proceedings against 275 South Korean immigrants (A.J.R. 6, 2003). The state legislature also expressed their support for accusations by others who stated that the South Korean immigrants were victims of "a corrupt former Immigration and Naturalization Service official and rogue immigration consultants." In another measure, California state legislators memorialized President George W. Bush and Congress to enact legislation to "reform the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to allow states to set appropriate residency requirements and tuition policies for undocumented students." Taken together, these measures demonstrate that acts of representing socially disadvantaged noncitizens closely resembled Linda Bosniak's separation model that conceptualizes state policymakers separating themselves from federal chains of immigration enforcement command.

By creating protective gaps in between federal and state jurisdictional authority in immigration, however, these examples of cross-cutting policy prescriptions are undermined by a system of government that inhibits federal interventions in local acts of violence. While expressing their opposition to Ashcroft's decision to deport the South Korean immigrants, policymakers also urged the United States Attorney General and Secretary of the Department of Homeland Security Tom Ridge to "implement measures to better police agents within the Immigration and Naturalization Service." Such a law

assumes that injustices only arise from federal agents in spite of other incidents involving police misconduct that occurred in the year before. In February 2002, three police officers in Downey, California shot Gonzalo Martinez to death after claiming Martinez made a “furtive” move when getting out of his car. Despite two eyewitnesses, including a police officer nearby, who denied that Martinez acted in a provocative manner, the Los Angeles County district attorney cleared the officers of any wrongdoing, which sparked large protests from the Latino community (Bukowski, 2011). Laws that stress federal abuses of power also bring attention away from a more pervasive problem involving the American federal system. Both states and federal government operate in a system of governance that has historically encouraged lawmakers to accept the status quo, which maintains a hierarchy of power relations involving law enforcement, other administrative agents, and people of color.

The status quo system is preserved even in policies that policymakers use to resisting federal laws that govern noncitizen rights and privileges. One of the more popular policy tools to make noncitizens comply with cross-cutting goals of membership is restoring social benefits or civil rights protections that were previously taken away by federal rules. The state of Washington was one of the first states to exercise its option granted under PRWORA to continue services to legal immigrants under TANF, Medicaid, and social services block grant programs. State legislators granted eligibility for these benefits for legal immigrants arriving *after* August 21, 1996, which federal policymakers attempted to dissuade state policymakers from doing (H.B. 2276, 1997). The law also stated that legal immigrants who lost benefits under the SSI program as a result of PRWORA rule changes were immediately eligible for benefits under the state's

general assistance-unemployable program. In order to meet the interests of low-income immigrants, Washington state policymakers acted to further insulate state services from federal rules. In the months that followed, California state policymakers adopted similar rules that restored food stamp benefits to legal immigrants who were 65 or older and to children. By establishing their own state-run Food Assistance Program, policymakers exempted noncitizens who arrived in the United States after the August 21, 1996 cut-off.

Such cross-cutting policy prescriptions demonstrate policymakers' willingness to act against dominant political incentives to provide social benefits to only a subset of "qualified" noncitizen recipients. Even in these instances, policymakers have no choice but to compliment a system of social control which imposes strict behavioral requirements on welfare participants. In addition to outright banning of undocumented immigrants from participating in means-tested programs, state policymakers are also subject to incurring steep fines if their welfare caseloads increase. In order to avoid financial penalties, state policymakers imposed even more punitive behavioral sanctions on welfare participants if they exceeded time limits on welfare participation and were not engaged in some form of employment. Even though such states allowed low-income immigrants who arrived after the federal cut-off date to participate in means-tested programs, they also subjected immigrant participants to a set of demeaning program requirements that largely assume that they have dysfunctional social behaviors as parents and more generally as members of the U.S. polity. Furthermore, as welfare programs operate entirely under state jurisdictions, the lack of a federal regulatory body only contributes to infringements on the civil rights of welfare participants.

Policy tools that grant confidentiality to undocumented immigrants also highlight the double-edged sword of addressing intersectional disadvantages among noncitizens in America. During the same year it restored benefits to low-income immigrants, Washington State policymakers enacted another law that required the state health care authority to report to the fiscal committees of the legislature the number of basic health plan enrollees who are illegal aliens but are not resident citizens, legal aliens, legal refugees, or legal asylum-seekers. Seeing this as seen a means to foster federal immigration raids in hospitals and local welfare offices, Governor Gary Locke line-item vetoed the rule. States like California adopted more formal rules in social programs that target low-income undocumented immigrants. As part of its state-based Medicaid program, “Medi-Cal,” California state legislators ordered that personal information provided on school lunch applications is confidential, with the exception of forwarding the information for use in health program enrollment upon the consent of the child’s parent or guardian (A.B. 429, 2001). The California law further clarified information pertaining to the lawful status of immigrants by prohibiting school districts to share the information with any other governmental agency, including the federal Immigration and Naturalization Service (INS) and the Social Security Administration (SSA).

Confidentiality was preserved through other ways that involved slowing down a federal apparatus geared toward deporting supposed unlawful entrants. In 2000, the Rhode Island legislature enacted a law that would provide noncitizens who are accused of criminal charges information about the consequences of admitting their undocumented status (S.B. 2770, 2001). Prior to accepting a plea of guilty or “nolo contendere” in a Rhode Island district or superior court, the legislature required that courts inform the

accused that if he or she is not a U.S. citizen, a plea of guilty or nolo contendere may lead to deportation, exclusion of admission to the United States, or denial of naturalization. Furthermore, the state required its courts to grant accused noncitizens additional time to consider their legal options.

The risks involved in preserving noncitizen confidentiality flow from the multifaceted set of immigration rules that seem to always permit exceptions to national prerogatives. By claiming that they are following a federal mandate to protect the national interest against foreign threats, federal immigration agents can legally gain access into personal files. Policy tools that aim to protect confidentiality are similar to others that seek to preserve access to legal protections from discrimination. In 2006, the state of New Jersey passed S.B. 362, which declared:

“that practices that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression... threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State.”

While S.B. 362 prevents various kinds of discriminatory practices, a common qualifier that is included in legislative bills that seek to provide social benefits and protections only to qualified immigrants is the following:

“provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between citizens and aliens when required by federal law or otherwise necessary to promote the national interest.”

In this example, New Jersey is only willing to prevent discriminatory acts against *some* state inhabitants, particularly those who have legal residency, and is also willing to discriminate against foreign entrants when it is necessary to protect the nation. Such language commonly found in state anti-discrimination and confidentiality laws that affect

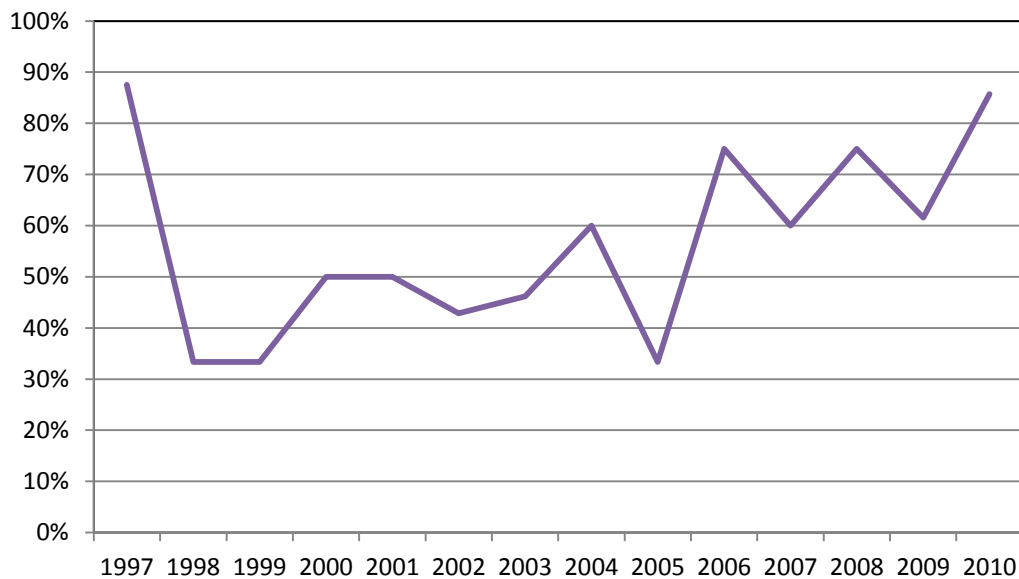
noncitizens expresses states' willingness to work with the federal government when it is deemed necessary to "legitimately" discriminate against noncitizens. Yet, the power of deeming a dilemma a national concern resides within state jurisdictions. In the New Jersey law, state policymakers did not defer decision-making to federal authorities. Rather, they expressed that they were only required by federal law to make legitimate distinctions between citizens and aliens and thus awarded themselves the power to decide when it is necessary to discriminate against noncitizens to promote the national interest.

Examining Cross-cutting Policy Prescriptions Over Time

By examining the enactment of cross-cutting policy prescriptions over time, the challenges of addressing intersectional disadvantages among noncitizens in America is further demonstrated. Figure 7.1 shows the policy tools that contested federal immigration authority (i.e. state programming, restoration, confidentiality, and access to state legal protections) as a percentage of cross-cutting policy prescriptions enacted in each year.

As soon as the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) went into effect in 1997, state policymakers used a majority of cross-cutting policy prescriptions to provide their own state jurisdictions with more authority to contest federal rules. In nearly 90 percent of enacted cross-cutting policy prescriptions, policymakers implemented policy tools that contested federal immigration authority. After a significant drop between 1998 and 2004, state policymakers more recently have renewed the practice of contesting federal policies through President Bush's unpopular second term and into President Obama's historic first term.

Figure 7.1. Policy Tools That Contest Federal Immigration Authority as a Percentage of Enacted Cross-Cutting Policy Prescriptions in Each Year.



A general rise in liberal ideology and Democratic Party control of state governments has accompanied the increasing use of policy tools that contest the federal government. Figure 7.2 provides the average citizen ideology in the states where cross-cutting policy prescriptions were enacted. Relative to the average citizen ideology between 1997 and 2010, cross-cutting policy prescriptions were enacted in states with a more ideologically liberal citizenry. Until recently, they were enacted in states where the government was controlled by the Republican Party. Figure 7.3 illustrates the average Republican Party control of state government in states where cross-cutting policy prescriptions were enacted. Since 1997, cross-cutting policy prescriptions have been enacted in state governments under less control by the Republican Party. Average scores from the last five years ranged from 1.95 to 4.15, indicating that the Democratic Party's control of government ranged from controlling the only lower chamber, both the

governor's office and lower chamber, to controlling only the governor's office. Figures 7.4 and 7.5 further confirm an association between cross-cutting policy prescriptions, liberal states, and Democratic Party control of state government. Policymakers in states with a more ideologically liberal citizenry and that serve in state governments under less control by the Republican Party tended to enact more cross-cutting policy prescriptions in a year.

As cross-cutting policy prescriptions become tied to liberal states and the Democratic Party, socially disadvantaged noncitizens are similar to other social groups such as African-Americans, members of the LGBT community, and the Christian right who are "electorally captured" in partisan politics (Frymer, 1999). Members of electorally captured groups are those who have no choice but to remain loyal to a particular party. In a post-Civil Rights Era, the Democratic Party has historically served as the assumed stewards of anti-discrimination initiatives and equal rights. However, because noncitizens cannot vote, they cannot threaten the Democratic Party with defection. Furthermore, Republican electoral victories in the mid-1990s prompted Democrats to uncomfortably compete over criminal justice and law and order issues, which have generally been staples of the Republican Party platform. As shown through the previous figures, Democrats have also incorporated another conservative platform issue – states' rights – into their political agendas, which further situate the interests of undocumented immigrants, women, refugees, and asylum-seekers at a precarious place in the American democracy. Current initiatives to combat discrimination and uphold equality for socially disadvantaged noncitizens in America are based on policies that seek to further insulate state governments from any federal standard of equality.

Figure 7.2. Average Citizen Ideology in States that Enacted Cross-Cutting Policy Prescriptions.

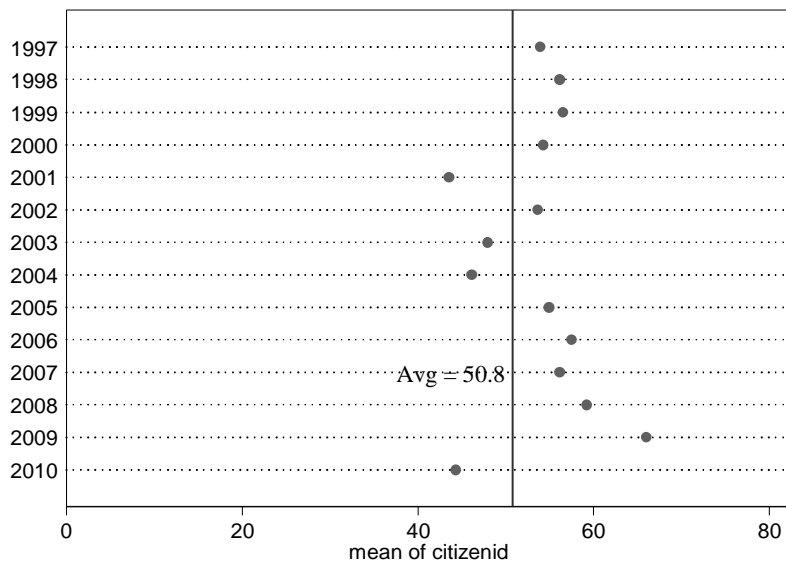
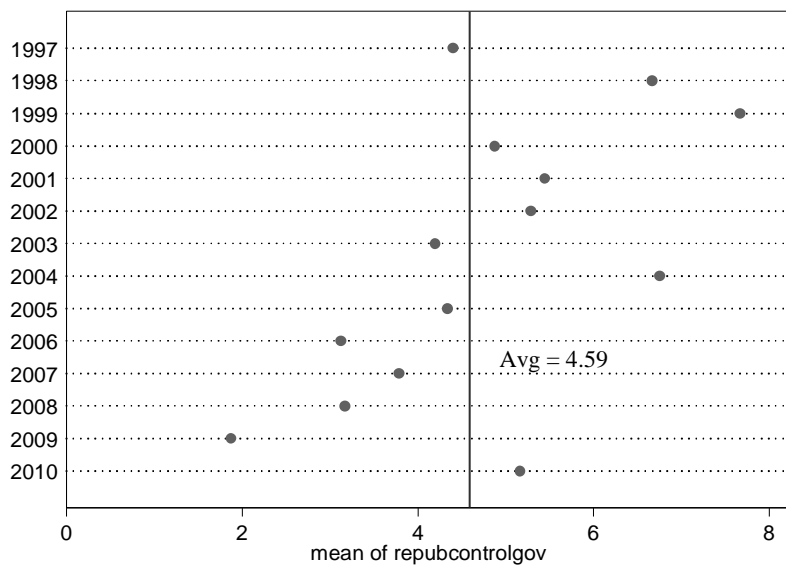


Figure 7.3. Average Republican Party Control of State Government in States that Enacted Cross-Cutting Policy Prescriptions.



Upon taking a more rigorous statistical approach to examining cross-cutting policy prescriptions as correlated events over time, an events history analysis further demonstrates the challenges confronting socially disadvantaged noncitizens in America. My dependent variable consists of the 110 policy enactments from a total of 388 cross-cutting policy prescriptions. As such policies belong to the same underlying dimension, I inherently assume that policymakers will adopt the same kind of policy multiple times. To account for this, I employ a variance-corrected event history model for repeated events to examine state enactments of cross-cutting policy prescriptions between 1997 and 2010. Following the literature on repeated events analysis (Box-Steffensmeier and Zorn, 2002; Kelly and Lim, 2000; and, Bowman, 1996), I use a conditional gap time model that assumes that an observation is not at risk for a later event until all prior events occurred (Prentice et al., 1981). A variance-corrected approach for repeated events which incorporates a conditional gap time model will allow the hazard rate to vary by the j th cluster (i.e. state) and k th failure by stratifying the data according to the k th event (i.e. failure order). Janet Box-Steffensmeier and Bradford Jones (2004) modeled the hazard rate as:

$$h_k(t) = h_{0k}(t) \exp^{\beta' x_{kj}}.$$

A variance-corrected approach for repeated state policy choices adjusts the variance of the parameter estimates by clustering on the state to account for the repeated nature of the data. Furthermore, such an approach assumes that a state cannot be at risk for enacting the k th policy choice of membership construction until it enacts the $k - 1$ policy choice. This allows for the enactment of policy choices of membership construction to be conditional on previous enacted policy choices. A conditional model

also allows each failure order (i.e. strata) to have its own baseline hazard rate, which contrasts from other statistical models that assume coefficients to have the same effect across all enacted policy choices of membership construction. While the hazard rate differs by strata, one set of coefficients is provided to show the overall effect of the covariates.

As theorized in Chapter 2, cross-cutting policy prescriptions are expected to reflect a resistance to employing contextual determinants that construct noncitizens in demeaning ways. In particular, multiple policy enactments over time are expected to be associated with decreasing poverty rates, welfare caseloads, Medicaid recipients, and tax burdens. As indicated in Table 7.4, the results only provide evidence to support theoretical expectations involving the poverty rate. A one-unit increase in the state poverty rate is associated with a -.580 change in the likelihood that policymakers will enact multiple cross-cutting policy prescriptions over time ($p < .001$), which translates into a 45 percent decrease in the likelihood of a repeated enactment. The results indicate that policies that construct American membership at the intersections of disadvantage were more likely enacted by policymakers in states with lower poverty rates than higher poverty rates. Although the results indicate that state policymakers are likely to employ social structures that are used to categorize people as poor, they also show that cross-cutting policy prescriptions are not associated with rises in poverty.

Figure 7.4. Average Citizen Ideology by Number of Cross-Cutting Policy Prescriptions Enacted in a Year, 1997 – 2010.

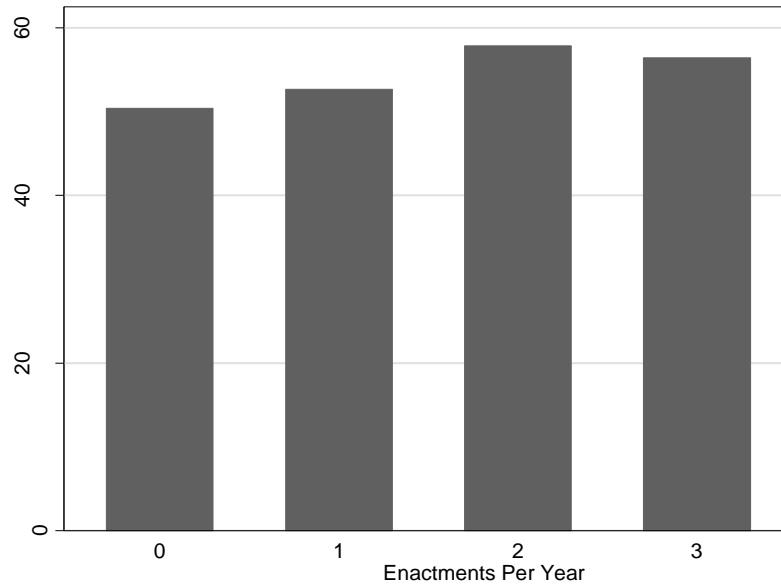
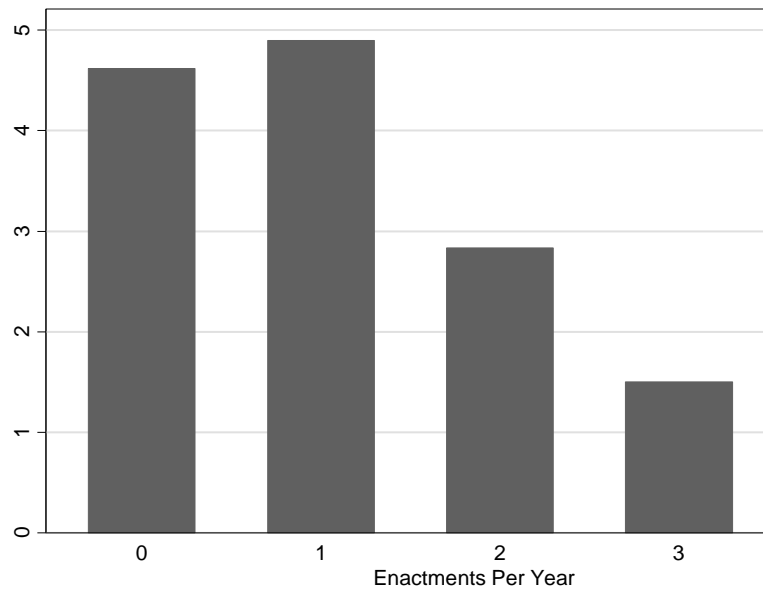


Figure 7.5. Average Republican Party Control by Number of Cross-Cutting Policy Prescriptions in a Year, 1997 – 2010.



Other results from the repeated events history analysis, however, provide some evidence that cross-cutting policy prescriptions can reflect other beliefs and perceptions that pertain to traditional American values and declining economic conditions. A one-unit change in a state's per capita net farm income was associated with a .0024 change in the likelihood that policymakers will enact multiple cross-cutting policy prescriptions over time ($p < .001$). Although a state's agricultural production can serve as a likely social structure that policymakers will employ to evoke beliefs about the importance of sustaining farms and its migrant workers, it provided a minimal effect on repeated enactments. The results provide stronger evidence to show that cross-cutting policy prescriptions were associated with lower per capita employment ($p < .001$), which is similar to multicultural policy prescriptions. While some evidence indicates that policymakers are less likely to employ social structures that categorize noncitizens as poor when enacting cross-cutting policy prescriptions, the overall results show that policymakers are also likely to draw upon social structures that are used to construct noncitizen as economic burdens and uphold long-standing American cultural beliefs to legitimize policy choices that better target the interests of socially disadvantaged noncitizens.

Table 7.4. Coefficients from Repeated Events History Model of Cross-Cutting Policy Prescriptions.

	Coefficient	R.S.E.
Temporary immigrant workers (per 100,000)	1.98	1.36
Net farm income (per capita)	0.002 ***	0.0003
Total tax revenue (per capita)	-0.0005	0.0003
LPRs, refugees, and naturalized (per 100,000)	-0.164	0.265
Employment (per capita)	-23.82 ***	2.59
AFDC/TANF caseload (per capita)	72.30	39.8
Poverty rate	-0.581 ***	0.075
Crime rate per 100,000	-0.0007	0.0007
Mexican border state	0.388	1.12
Medicaid recipients (per capita)	-1.50	3.34
Black population (per capita)	0.743	1.51
Asian/Pacific Islander population (per capita)	-19.69	12.54
Latino population (per capita)	0.912	4.96
Citizen ideology	0.0130	0.012
Legislative professionalization	-0.514	0.353
Republican controlled government	-0.068	0.047
Average state adoptions	-0.345 *	0.149
Number of subjects	388	
Number of failures	110	
Log pseudolikelihood	-243.92114	
Wald chi-squared	705.15 ***	

* $p < .05$; ** $p < .01$; *** $p < .001$. Standard errors adjusted for 46 clusters. Repeated events model is stratified by risk set. In order to fulfill the proportional hazards assumption, the following “offending” indicators were multiplied by the natural logarithm of time: per capita employment; crime rate; and, legislative professionalization.

Political Messages of Contestation, Resilience, and Equality in America

When thinking about constructing American membership at the intersections of social disadvantage arising from race, ethnicity, class, gender, and immigration status, policymakers generally contest federal immigration authority on issues involving public assistance, legal protections, and confidentiality. While policymakers aim to better target the interests of undocumented immigrants, women, refugees, and asylum-seekers, they also put them at further risk of marginalization by situating their civil rights within a

federalist system of government that has historically promoted institutions to avoid resolving conflicts over civil rights. By the ways in which policymakers embed politics of contestation within the structural design of cross-cutting policy prescriptions and advocate for governing structures that remain insulated from federal standards of equality, cross-cutting policy prescriptions are likely to send political messages about how noncitizens must contest an American society that is structured by governing institutions that were built to preserve white, native-born interests.

The extent to which such political messages are found among noncitizens can be empirically examined by using the 2006 LNS. I examined how support for cross-cutting policy prescriptions influences Latinos immigrants' attitudes toward their own American identity by focusing on support for two common cross-cutting policy prescriptions: immediate legalization of current undocumented immigrants and not charging higher tuition rates at state colleges and universities for undocumented immigrants attending college.²¹ Support for these cross-cutting policy prescriptions are measured by how policy choices influence Latino immigrants' American identity across the four dimensions discussed previously in this dissertation: belonging to a distinct Latino identity (incorporationalism); expressing the responsibility rather the rights of citizenship (civic republicanism); getting ahead by working hard while believing that everyone deserves equal rights and protections (liberalism); and, believing that full Americans are whites, native-born, and English speakers (ethnoculturalism).

I argue that proxies for cross-cutting policy prescriptions support will evoke beliefs about American identity even after controlling for factors related to migration,

²¹ In order to measure support for equal tuition rates for undocumented immigrants in colleges and universities, I recode the variable DREAMACT such that higher scores reflect strong opposition to charging higher rates.

socioeconomic status, and political attitudes as suggested by the U.S. immigration literature. I develop the following statistical models of the factors that are associated with each dimension of American identity:

$$\text{American identity dimension} = \text{Cross-Cutting Policy Prescriptions} + \text{Migration} + \text{SES} + \text{Political Attitudes}$$

Beliefs on cultural identity and liberalism are measured by a four-point scale from strongly disagree to strongly agree. As such, I employ ordinal logit models. To measure respondents' affinity to a distinct cultural identity, the 2006 LNS asked respondents whether they think their self-identified ethnic group (e.g. Salvadorian, Mexican, Puerto Rican, Cuban, Dominican, Central American, and Hispanic) are part of a distinct Latino identity. I measure liberalism by using two separate measures: believing that everyone in America deserves equal rights and protections, regardless of political beliefs; and, believing that Latinos can get ahead in life by working hard.

To measure ethnoculturalism, I build a scale using three separate questions that ask respondents whether they think the following are not important, somewhat important, and very important to be fully American in the eyes of most Americans: to be white; to have been born in the United States; and, to speak English well. My ethnoculturalism scale ranges from 3 to 9. To examine the determinants of ethnocultural attitudes, I employ an Ordinary Least Squares (OLS) regression model using the same set of predictors previously discussed.

Efforts were made to use the 2006 LNS questions to construct a scale that measured civic republicanism, which expresses the responsibilities rather than the rights of citizenship. I chose the following questions that asked respondents to state their level

agreement on a four-point scale: whether government is run by a few big interests and not for the benefit of the people; people like me don't have a say in what government does; a person like me can't really understand when politics gets complicated; people are better off not contacting government; and, whether government should be trusted. My civic republicanism scale ranges from 5 to 20. The responses for each question were recorded so that higher scores express positive attitudes toward civic republicanism. I also employ an OLS regression model using the same set of theorized predictors.

After controlling for factors relating to migration, socioeconomic status, and political attitudes, I found that support for cross-cutting policy prescriptions influences Latino immigrants' beliefs about their own American identity across multiple dimensions. Table 7.5 illustrates the results from statistical analyses of Latino immigrants' beliefs about ethnoculturalism and belonging to a distinct Latino culture. Coefficients for the model predicting ethnocultural attitudes are obtained through ordinary least squares (OLS) Regression and coefficients for the model predicting distinct Latino attitudes are obtained through an ordinal logit model. Support for immediate legalization of undocumented immigrants had a statistically significant effect on ethnocultural attitudes ($p < .05$). When thinking about policy choices that grant undocumented immigrants U.S. citizenship, this result indicates that Latino immigrants were also inclined to believe that being a full American means that a person is white, a native-born resident, and speaks English fluently. Yet, unlike previous findings on the support for other policy prescriptions of membership construction, support for cross-cutting policy prescriptions *also* influence Latino immigrants to think they belong to a distinct Latino identity. Support for immediate legalization made a Latino immigrant 1.25

times more likely to believe that they belong to a distinct Latino identity ($p < .05$, one-tailed). In addition, support for equal tuition had a similar positive effect, suggesting that educational policies for undocumented immigrants evoke beliefs about cultural identity more than ethnoculturalism ($p < .05$, one-tailed). When taken together, the results pertaining to Latino immigrant beliefs about ethnoculturalism and cultural identity provide empirical support for cross-cutting policy prescriptions sending messages about contesting a society that has preserved racial hierarchies. Cross-cutting policy prescriptions influence Latino immigrants to believe that they belong to a distinct cultural community *in spite* of acknowledging that formal white domination still exists in the U.S.

Table 7.5. Coefficients from Statistical Models of Latino Immigrant Attitudes Toward Ethnoculturalism and Cultural Identity.

<u>POLICY</u>	ETHNOCULTURALISM		DISTINCT	
	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>
Immediate legalization for undocumented immigrants	0.174 *	0.071	1.25 *†	0.171
No higher tuition for undocumented immigrants	0.011	0.043	1.16 *†	0.092
Participate public assistance	0.017	0.076	1.44 **	0.226
<u>MIGRATION</u>				
Arrival U.S.	-0.053	0.149	0.714	0.197
Face obstacles naturalization	0.003	0.004	0.997	0.008
Applying for citizenship	-0.004	0.152	1.42	0.397
Transnational attachment	0.055	0.069	1.11	0.151
Crime victim	0.008	0.009	1.09 ***	0.019
<u>SOCIOECONOMIC</u>				
Sex	-0.062	0.071	1.69 ***	0.236
English proficiency	-0.042	0.051	1.08 *	0.108
Education	-0.068	0.021	1.02	0.042
Parents' education	-0.086	0.042	0.970	0.078
Kids in primary/secondary school	-0.036	0.071	0.833	0.116
Homeowner	-0.090	0.076	1.09	0.165
Household income	0.038	0.068	1.14	0.159
Finances gotten worse	0.004	0.082	1.74 ***	0.300
Finances gotten better	-0.021	0.081	1.09	0.167
<u>POLITICAL</u>				
Political interest	0.052	0.046	0.930	0.085
Party identification	0.012	0.064	1.20	0.152
Ideology	-0.096	0.055	0.954	0.103
_cons	0.425	8.33		
Observations	1818		1803	
R-Squared	0.0226			
Correctly Predicted (%)			83.5	
LR chi-squared			67.38 ***	

* $p < .05$; ** $p < .01$; *** $p < .001$. *† $p < .05$, one-tailed. Based on 2006 LNS. Coefficients for model predicting ethnocultural attitudes are obtained through OLS regression while coefficients for model predicting cultural identity attitudes are obtained through ordinal logit regression.

Table 7.6 provides results from two more ordinal logit regression models predicting Latino attitudes toward separate dimensions of American liberalism and civic republicanism. Support for both cross-cutting policy prescriptions brought about a positive change in the likelihood that Latino immigrants believe that they can get ahead in life by working hard and that everyone should have equal rights and protections. These results contrast with previous results on support for other policy prescriptions of membership. Latino immigrants who supported multicultural policy prescriptions were no more or less likely than those who did not to express beliefs about American liberalism. Support for unidimensional policy prescriptions actually brought about a decrease in the likelihood that a Latino immigrant would express such a belief about working. Furthermore, support for exclusionary policy prescriptions and unidimensional policy prescriptions brought about a decrease in the likelihood that a Latino immigrant believed that everyone should receive equal rights and protections. Given the evidence presented in this chapter, I find a resiliency among Latino immigrants who express optimism about their economic progress and equality, which is particularly an encouraging finding given rampant discriminatory practices against Latinos in America.

Although finding that cross-cutting policy prescriptions can evoke a sense of resiliency among Latino immigrants who have received disrespectful treatment from political elites and U.S. citizen members of mainstream institutions, they were not successful in evoking all dimensions of American identity. Proponents of cross-cutting policy prescriptions were no more or less likely than opponents to express civic republicanism beliefs. In fact, the results can be interpreted such that cross-cutting policy prescriptions evoke negative sentiments about their responsibilities as members of the

U.S. polity. Supporting the immediate legalization of current undocumented immigrants brought about a $-.323$ change in the civic republicanism scale ($p < .05$, one-tailed test). While results pertaining to American liberalism and cultural identity illustrated an encouraging development in civic engagement among Latino immigrants, the results pertaining to civic republicanism demonstrate the failures of current attempts to address intersectional disadvantage in the Latino community. As the interests of socially disadvantaged noncitizens are situated in state jurisdictions where local policymakers have acted to contest federal immigration rules as well as national standards of equality, policymakers have unfortunately designed cross-cutting policy prescriptions of inclusion to squander the optimism and energy of Latino immigrants.

Table 7.6. Coefficients from Ordinal Logit Regression of Latino Immigrant Attitudes Toward Economic Liberalism and Equal Opportunity.

	GET AHEAD / HARD WORK		SAME RIGHTS/ PROTECTIONS		CIVIC REPUBLICANISM	
	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>	<u>Coefficient</u>	<u>S.E.</u>
<u>POLICY</u>						
Immediate legalization for undocumented immigrants	1.36 *	0.186	1.29 *†	0.175	-0.323	0.178
No higher tuition for undocumented immigrants	1.26 **	0.097	1.41 ***	0.103	-0.096	0.107
Participate public assistance	1.13	0.169	1.32 *†	0.200	0.053	0.189
<u>MIGRATION</u>						
Arrival U.S.	1.21	0.392	0.78	0.221	0.101	0.363
Face obstacles naturalization	1.01	0.008	1.00	0.008	0.027 **	0.010
Applying for citizenship	0.857	0.277	0.720	0.242	-0.427	0.405
Transnational attachment	0.855	0.116	1.25	0.168	0.344 *	0.171
Crime victim	1.04 *	0.018	1.03	0.018	0.036	0.022
<u>SOCIOECONOMIC</u>						
Sex	0.716 *	0.101	0.883	0.123	-0.193	0.175
English proficiency	1.05	0.104	1.04	0.104	0.131	0.125
Education	0.977	0.041	1.04	0.043	0.058	0.052
Parents' education	0.88	0.068	1.04	0.090	-0.025	0.103
Kids in primary/secondary school	0.873	0.12	0.887	0.122	-0.092	0.179
Homeowner	0.994	0.147	1.04	0.156	-0.155	0.190
Household income	1.15	0.162	1.27	0.189	0.092	0.169
Finances gotten worse	0.987	0.156	1.21	0.193	-0.469 *	0.204
Finances gotten better	1.12	0.183	1.24	0.199	0.238	0.201
<u>POLITICAL</u>						
Political interest	1.22 *	0.111	1.07	0.097	0.423 ***	0.115
Party identification	1.05	0.135	1.08	0.137	0.131	0.155
Ideology	0.966	0.107	1.13	0.123	0.095	0.133
_cons					-68.78 ***	20.95
Observations	1810		1761		1532	
R-Squared					0.0458	
Correctly Predicted (%)	84		83.1			
LR chi-squared	46.26 ***		53.82 ***			

* $p < .05$; ** $p < .01$; *** $p < .001$. *† $p < .05$, one-tailed. Based on 2006 LNS. Coefficients for model predicting civic republican attitudes are obtained through OLS regression while coefficients for model predicting American liberal dimensions are obtained through ordinal logit regressions.

Implications

The political consequences that cross-cutting policy prescriptions of inclusion pose for the U.S. democracy contribute to other scholarly works in American politics. Enacting cross-cutting policy prescriptions represent a political space in which policymakers have reframed democratic and liberal ideals into a matter of protecting “fundamental” political values involving states’ rights. While newly invigorated, the issue of states’ rights continues a legacy of other conservative political movement agenda items involving “fair” tax breaks to hard-working American families (Edsall and Edsall, 1992), balanced budgets (Plotkin and Scheuerman, 1994), and taxpayer rights (Calavita, 1998). As shown in this chapter, however, noncitizen equality as an issue of states’ rights is no longer the property of conservative or Republican Party platforms. The results presented in this chapter suggest that state policymakers who served in liberal states and in governments controlled by the Democratic Party were likely to become states’ rights advocates *through* making policies on the treatment of noncitizens in America. With states’ rights providing an issue for both U.S. political parties to pursue ideologically different goals, the interests of socially disadvantaged noncitizens are marginalized since their ineligible voting status dissipates the threat of defecting to another political party.

Cross-cutting policy prescriptions also illuminate new intricacies of American federalism, to which scholars are currently attending. Research scholarship such as Lisa Miller (2007) has revisited and further explored E.E. Schattschneider’s (1960: 10) seminal “scope of conflict” theory on social issues, which states: “the attempt to control the scope of conflict has a bearing on federal-state-local relations, for one way to restrict the scope of the conflict is to localize it, while one way to expand it is to nationalize it.”

As Miller (2007: 305) found by comparing interest group activity on crime issues across local, state and federal governments, “conflicts at the national level are not always broader in scope and localized conflicts are some times more representative and pluralistic than those at higher levels of government.” Immigration raises another set of conflicts that do not fit neatly into Schattschneider’s original thesis. In particular, policymakers design cross-cutting policy prescriptions of inclusion to contest federal rules on immigration. While cross-cutting policy prescriptions enacted between 1997 and 2010 do not go far enough to address intersectional disadvantages, as this chapter has demonstrated, their approach to membership contrasts from other prescriptions of membership which *expand* the role of the federal government in state jurisdictional affairs. Based on Linda Bosniak’s work that revisits Michael Walzer’s (1983) separate spheres of justice theory, state policymakers desire to insulate their jurisdictions from federal immigration authority. Their attempts to alleviate intersectional disadvantages among noncitizens, however, do not justify their intent to distance themselves from federal standards. While representing the interests of socially disadvantaged noncitizens, policymakers situate them in a “state of limbo” where rights and privileges are available yet are not guaranteed and different across localities. The findings of this chapter serve to not call Schattschneider’s seminal work into question, but rather suggest that U.S. immigration scholars have yet to fully utilize his theory to investigate the political consequences that state-federal jurisdictional relationships have on *which* noncitizen interests are represented and what political venue affords socially disadvantaged noncitizens the best opportunity to achieve equality.

While scholarly questions of whether and which local, state or federal venues can influence the representation of noncitizen interests indeed arise from this chapter, my results also generate other new research directions concerning how cross-cutting policy prescriptions influence Latino immigrants' attitudes toward American identity. When the multiple dimensions of American identity are taken together, the results indicated that Latino immigrants who supported cross-cutting policy prescriptions also expressed contestation and a resiliency in a country that they acknowledge is ruled by white, native-born interests. As U.S. institutions and its laws do well to perpetuate the multiple and inequalitarian principles of American civic ideals, Latino immigrants were not willing to accept those inequities as impossible barriers to overcome.

In contrast with other policy prescriptions of American membership, Latino immigrants who supported cross-cutting policy prescriptions were also most likely to express distinct values that political elites typically ascribe as "American." This is a particularly interesting finding in light of popular accusations of Latinos as "un-American." The most influential scholarly work that has informed this discourse is Samuel Huntington's (2004) "multicreedal" thesis. Huntington (2004: 340) stated: "a multicultural America will, in time, become a multicreedal America, with groups with different cultures espousing distinctive political values and principles rooted in their particular cultures." He went further to claim that "Mexican-Americans feel increasingly comfortable with their own culture and often contemptuous of American culture" (Huntington, 2004: 255). In this dissertation, I have argued that any contemptuous sentiments that would arise from Latino immigrants or other noncitizen groups are a product of how political elites construct American membership through immigration

policymaking rather than any alleged behavioral deficiencies. Policy choices aiming to assert a variety of restrictive visions of American membership ensured that Latino immigrants remained pessimistic and discouraged them from wanting to belong to a distinct cultural community. Between 1997 and 2010, a disproportionate number of U.S. immigration policies on the treatment of noncitizens have served to reinforce nativist sentiments and the undue power of “American” ethics and values.

While political elites and pundits continue to mobilize interests that elevate the importance of American behaviors and values, this chapter provides disparaging evidence to their cause. Similar to narratives involving the un-American Mexican, immigrant opponents often criticize policies that grant undocumented immigrants the same rights and privileges enjoyed by U.S. citizens. Such policy choices are also labeled as misplaced proposals and radical ideas to unravel a cohesive American culture. To the contrary, this chapter found that cross-cutting policy prescriptions play important roles in the U.S. democracy, as they actually evoked sentiments of working hard and believing in equal rights and protections among Latino immigrants. If, according to elite rhetoric, our country’s supposed goal is to fortify a sense of American values, then its political leaders should give more credence to policy choices that cut across and not bolster traditional ascriptions of American membership.

As cross-cutting policy prescriptions play important roles in fulfilling democratic purposes, American politics scholars and students should bring more attention to how policymakers, policy advocates, and community leaders can improve the design of policies that alleviate intersectional forms of marginalization. Cross-cutting policy prescriptions were not successful at evoking beliefs about the responsibilities rather than

the rights of citizenship. Even though some might argue that civic republicanism may not even pertain to Latino immigrants who technically have not elected to become U.S. citizens, citizenship responsibilities can extend beyond ascriptive definitions of citizenship to general membership in a democratic polity. As such, this chapter has found that current cross-cutting policy prescriptions do not go far enough to both ensure equal treatment of socially disadvantaged noncitizens in America and create an “intersectionally linked fate” between members of the Latino community (Strolovitch, 2007).

Conclusion

In this chapter, I discussed the institutional challenges involved in making cross-cutting policy prescriptions of inclusion and the prospects for socially disadvantaged noncitizens to achieve equality in America. Noncitizen equality in America is reluctantly situated in a political movement that has framed “states’ rights” as a fundamental democratic belief and goal, which has positioned socially disadvantaged noncitizens within the full jurisdictions of state governments that have historically aimed to avoid meeting federal standards of equality. In an attempt to address cross-cutting forms of disadvantage, policymakers obligate noncitizens to comply with state laws that contest federal immigration authority by developing state-based programs and civil protections that uphold noncitizen confidentiality and other legal protections. Due to the ways in which cross-cutting policies are currently designed and situated in an American federalist system that preserves racial inequities, cross-cutting policy prescriptions send messages about contesting and remaining resilient against institutionalized inequalities. In spite of Latino immigrants acknowledging that America is only for whites, native-born, and

fluent English speakers, they still believe that they belong to a distinct Latino identity. Additionally, they express a resiliency in believing that they can get ahead in life by working hard and that everyone deserves to have equal rights and protections. Yet, current cross-cutting policy prescriptions are not successful in evoking beliefs about civic responsibilities among Latino immigrants. Even though current cross-cutting policy prescriptions do not go far enough to ensure equality for the most disadvantaged noncitizens, cross-cutting policy prescriptions still evoke strong “American” beliefs among a target population who most political elites and pundits assume are “un-American.”

Chapter 8: Conclusion

This dissertation was mainly concerned with explaining how and in what ways public policies on the treatment of noncitizens in America influence mass public beliefs and perceptions about membership in a U.S. democratic republic. Deviating away from dominant immigration research traditions in American politics which assess policy as opinion targets, as outputs of political systems, and, tools that construct either deserving or undeserving populations, this dissertation used an intersectional framework of constructing target populations to establish a hierarchy of power relations in which noncitizen membership is prescribed by U.S. policymakers. Harnessing the variation of policies following the 1996 federal immigration and welfare reforms that further empowered state policymakers to design their own targeted policies for noncitizen residents and visitors, I assembled 1,580 state-level policies pertaining to noncitizens' eligibility rules for public assistance; requirements for employment, education, and residences; and, civil protections from criminal charges from 1997 and 2010. After conducting a statistical analysis of the latent structures underlying these policies, I found that public policies on the treatment of noncitizens in America is explained by four main policy prescriptions of membership: exclusionary policy prescriptions which aim to root out undesirable individuals who are assumed to not belong in the United States; unidimensional policy prescriptions of inclusion which uphold a homogenous and unified American society; multicultural policy prescriptions of inclusion which recognize noncitizens as cultural minorities; and, cross-cutting policy prescriptions of inclusion which recognize noncitizens are members of multiple ascriptive groups involving race, ethnicity, class, and gender.

As an intersectional framework of constructing target populations highlighted multiple dimensions of prescribing American membership beyond a simply inclusive/restrictive binary, this dissertation resulted in uncovering three main processes in which policies on the treatment of noncitizens influence mass public beliefs and perceptions about American membership. First, policymakers change the relationships between race, ethnicity, class, gender, and citizenship to remain consistent with and sustain prescriptive goals of American membership. This process builds upon the theoretical propositions of Anne Schneider and Helen Ingram (1993), who argued that policymakers will purposefully construct target groups in ways that make policy recipients comply with societal goals that are deemed important. Yet, an intersectional framework of constructing target populations brings more attention to how forwarding societal goals will reconfigure the extent to which inequalities will manifest along racial, ethnic, gendered, and citizenship lines.

When policymakers are intent to prescribe American membership as the need to exclude noncitizens with punitive civil violations, criminal charges, and force, they remain unwilling to acknowledge the various axes of disadvantage that operate in the lives of noncitizens. To maintain these goals that are expressed in exclusionary policy prescriptions, policymakers reduce American membership to a binary between legality and illegality and thus marginalize the interests of undocumented immigrants and persons admitted due to humanitarian reasons whose claims to lawful status exist on a contractual basis or other admissions categories that do not require them prove legal documentation. Exclusionary policy prescriptions that raise the penalties for not having legal status also marginalize women who are mostly admitted through family reunification categories, yet

must wait in their home countries or maintain an undocumented status due to the backlogs of applications.

Unidimensional policy prescriptions provide seemingly more inclusive means for noncitizen incorporation; yet, they only change the ways in which restriction operates. While not focused on establishing civil violations or policy punishments against noncitizens, policymakers obligate noncitizens to prove that they should receive admission into the United States. Following the 1996 federal immigration and welfare reforms, policymakers have raised the standards of American membership by requiring noncitizens to not only prove lawful status but also higher levels of educational attainment and longer terms of residency to qualify for state-issued licenses and employment. Despite their motives to prescribe American membership as homogenous and unified, policymakers have privileged the interests of only socially advantaged noncitizens such as highly-skilled immigrant workers and thus reinforce disparities in global migration and maintain gender hierarchies and stratification in the U.S. labor market.

Policymakers can also prescribe American membership as multicultural. As such, they also forward a belief that multiculturalism and gender equality are mutually exclusive. Through a range of policy tools from commemorating ethnic groups for their alleged successes in America, recalling and rectifying past social injustices, correcting information asymmetries arising from language barriers, to prioritizing culturally-sensitive social programming, I found that policymakers reinforce paternalist norms and do little to directly reform structural inequalities that work against low-income Latinas.

In contrast with unidimensional and multicultural policy prescriptions, cross-cutting policy prescriptions aim to construct American membership through an understanding that immigrants, refugees, and asylum-seekers are members within other racial, ethnic, class, and gendered groups. Yet, when prescribing a cross-cutting form of American membership, policymakers have mostly attempted to alleviate intersectional inequalities in order to shield their jurisdictional authority from federal oversight. Current initiatives to combat discrimination and uphold equality for socially disadvantaged noncitizens in America are based on policies that seek to further insulate state governments from conforming to any national standard of equality. As such, the extent to which policymakers even attempt to address intersectional inequalities varies across the United States.

Second, policymakers legitimize policy choices by employing contextual determinants that connect noncitizen subgroups to social problems. Contextual determinants, which are composed of value-judgments, emotions, and self-produced facts, are evoked by government actions (Edelman, 1975). When making public policy choices on behalf of noncitizen interests over time, this dissertation found that policy prescriptions of membership widely reflected social structures used to categorize persons as poor, indicate declining economic conditions, and establish the need for migrant labor. These results indicate that policymakers utilize a range of beliefs and values to legitimize their policy choices that both exclude and seemingly incorporate noncitizens into American mainstream society, which further challenges the strict binary framework used in dominant U.S. immigration research which aims to delineate between anti- and pro-immigrant political forces. While some contextual determinants spanned across policy

prescriptions of membership, others were specific to certain policy prescriptions. Unidimensional policy prescriptions reflected contextual determinants involving federal admissions to temporary immigrant workers while unidimensional and multicultural policy prescriptions reflected structures pertaining to defending the U.S.-Mexican border. Overall, unidimensional policy prescriptions reflected the most diverse contextual determinants and exclusionary policy prescriptions reflected the least. Even though these two kinds of policy prescriptions aim to enforce a strict standard of American membership, my findings suggest that exclusionary policy prescriptions exclusively reflected contextual determinants which policymakers employed to associate immigration with worsening economic conditions.

Third, policy prescriptions of American membership send political messages to mass publics which evoke beliefs and perceptions about inclusion and incorporation into mainstream society. Exclusionary policy prescriptions were found to send a message about noncitizens as being foreign entrants with criminal intents. As such, U.S. citizens believed that noncitizens are untrustworthy and thus are the rightful targets of law enforcement agents who should be empowered to use whatever means necessary to uphold the law, even if their tactics involve the violation of civil liberties and human rights of noncitizens. This political message is also received among noncitizens themselves, as exclusionary policy prescriptions evoke beliefs among Latino immigrants which support neither responsibilities of civic republicanism nor equal rights and protections.

In contrast, unidimensional policy prescriptions were found to send a message about noncitizens as applicants who are required to prove their value in America. As the

message focuses attention on proving one's individual worth, unidimensional policy prescriptions evoke beliefs among Latino immigrants which refute the idea that America is the exclusive home of whites, native-born residents, and English-only speakers, suggesting that unidimensional policy prescriptions prompt Latino immigrants to believe that they have a means to establish a place in an otherwise xenophobic country. Furthermore, unidimensional policy prescriptions also bring to the minds of Latino immigrants beliefs about upholding civic republicanism. Yet, along other dimensions of American identity, such policy prescriptions also prompted Latino immigrants to reject the idea of equal rights and protections and getting ahead in life by working hard.

Other policy prescriptions of inclusion were found to send a message that preserved a "false choice" between multicultural rights and gender equality. When prescribing American membership as multicultural, policymakers mainly constructed noncitizens as deprived persons who need additional assistance from government. By emphasizing the importance of cultural difference, policymakers also bring attention away from the extent to which alleviating cultural disparities also can reinforce gender hierarchies among noncitizen populations. Multicultural policy prescriptions encouraged Latino immigrants to believe that they are part of a distinct cultural identity. However, they were also neither more likely to oppose gender roles nor support making equal rights and protections available to everyone.

As opposed to policy prescriptions of inclusion which construct American membership either to make everyone the same or affirm only cultural difference, cross-cutting policy prescriptions aim to construct membership at the intersections of disadvantage. Policymakers design cross-cutting policy prescriptions mostly by either

contesting or insulating their choices from federal authorities. In effect, policymakers also obligate socially disadvantaged noncitizens to comply with state laws that contest federal immigration rules. To this end, cross-cutting policy prescriptions send a political message about the importance of contesting and remaining resilient against institutionalized inequalities arising from a federalist system of government that has historically promoted institutions from resolving conflicts over civil rights. Cross-cutting policy prescriptions influenced Latino immigrants to believe that they belong to a distinct cultural community *in spite* of acknowledging that formal white domination still exists in the U.S. Furthermore, I found that cross-cutting policy prescriptions evoke a resiliency among Latino immigrants who express optimism about their economic progress and equality.

Although finding that cross-cutting policy prescriptions can evoke a sense of resiliency among Latino immigrants who have received disrespectful treatment from political elites and U.S. citizen members of mainstream institutions, they were not successful in evoking all dimensions of American identity. Proponents of cross-cutting policy prescriptions were no more or less likely than opponents to express civic republicanism beliefs. In fact, the results can be interpreted such that cross-cutting policy prescriptions evoke negative sentiments about their responsibilities as members of the U.S. polity. While results pertaining to American liberalism and cultural identity illustrated an encouraging development in civic engagement among Latino immigrants, the results pertaining to civic republicanism demonstrate the failures of current attempts to address intersectional disadvantage in the Latino community. As the interests of socially disadvantaged noncitizens are situated in state jurisdictions where local

policymakers have acted to contest federal immigration rules as well as national standards of equality, policymakers have unfortunately designed cross-cutting policy prescriptions of inclusion to squander the optimism and energy of Latino immigrants.

When taking these findings together, this dissertation was able to demonstrate how discriminatory policies against noncitizens persist in an era when racial prejudice is strongly rejected and egalitarian principles are widely accepted by mass publics. Much like other social issues that affect marginal populations in the United States, contemporary immigration politics reflect the values of a post-Civil Rights era in which both policymakers and public alike deny white racial domination and denounce both the existence and practice of racial prejudice in policymaking. In a “post-racial” America, mass publics often express their beliefs by evoking the popular Martin Luther King Jr. mantra of “judging a man by the content of his character and not by the color of his skin.” Seeing past color or judging issues “objectively” by not considering race are expressed in U.S. citizens’ immigration attitudes. Responding to Arizona’s 2010 immigration law that permitted police to detain a person only suspected of unlawful entry, a majority of citizen respondents supported the law. Furthermore, 67 percent of respondents saw the law’s purpose as deterring illegal immigration while only 23 percent saw it as a problem of racial profiling. In spite of a majority of citizens thinking that the law was a response to guard national borders, Arizona’s law produced a significant rise in the arrest rate of Latinos (LaCayo, 2010). Rather than acknowledging that immigration policies often enable racist practices, a majority of Americans prefer to express their displeasure with noncitizens by supporting laws that require noncitizens to prove that they have legal status.

Yet, as this dissertation has shown, legal status neither is the only standard of membership used to judge noncitizens nor does it foster racism as an isolated form of disadvantage. The shift away from overt racial domination has opened up new political spaces in which national membership, ascriptive differences, and the marginalization of socially disadvantaged persons operate. In contemporary U.S. immigration politics, I found that policymakers legitimize discriminatory policies against noncitizens by constructing noncitizen membership into various social dilemmas. When geared toward using punitive civil violations and criminal charges to deter noncitizens from entering or staying in the United States, policymakers have asserted that they cannot defend the homeland alone and call for the help of a federal immigration regulator. By connecting the punitive treatment of noncitizens with goals of preserving law and order, policymakers can shape mass public beliefs and perceptions about the “legitimate” use of force against entrants with supposed criminal intents.

With the proliferation of state-level policy responses to an increasingly diverse and mobile noncitizen demographic, policymakers have also extended the ways in which restriction operates within seemingly inclusive policies and found political spaces where they can mobilize their prescriptive goals of American membership. Through prescribing American society as homogenous and unified, policymakers create another dilemma involving the “declining value” that noncitizens provide the U.S. economy. Constructing such a causal story not only perpetuates a hierarchy of noncitizen interests, but also contributes to a policy myth that people must have material value to be recognized as a member in America. For those who allegedly do not have “enough” value, policymakers construct their interests to fit within their vision of American membership. This

dissertation found that multicultural policy prescriptions largely constructed noncitizens as personally deprived such that they needed government assistance to become better people and parents. As such, the issue of cultural rights has become a means for political elites to mobilize neoliberal interests involving work, parenting, and healthcare.

In particular, noncitizen membership in America has invigorated the issue of states' rights. Through cross-cutting policy prescriptions, policymakers have positioned socially disadvantaged noncitizens in a precarious position in the U.S. democracy by subjecting notions of noncitizen equality within the full jurisdiction of state governments that have historically aimed to avoid national standards of equality. In contemporary U.S. immigration politics, this confrontation between federal and state governments continues, as policymakers have thrown the interests of socially disadvantage noncitizen into the fray. Yet, their actions are far from accidental. Constructing noncitizen membership as a dilemma over states' rights has provided a means for policymakers to insulate their autonomy in policymaking. To this end, current cross-cutting policy prescriptions have also created a political space in which policymakers use inclusive rhetoric revolving around the rights of political institutions to foster more violence and sustain complicated inequalities against socially disadvantaged noncitizens. Largely by design, the American membership of noncitizens in the United States remains an unresolved dilemma that policymakers can shape to fit within broader goals of preserving the values and traditions they hold so dear.

Bibliography

- Alba, Richard, Ruben Rumbaut, and Karen Marotz (2005). "A Distorted Nation: Perceptions of Racial/Ethnic Group Sizes and Attitudes Toward Immigrants and Other Minorities." *Social Forces* 84(2): 901-919.
- Aldarondo, E., Kaufman-Kantor, G. K., & Jasinski, J. L. (2002). Risk Marker Analysis for Wife Assault in Latino Families. *Violence Against Women: An International and Interdisciplinary Journal* 8: 429-454.
- Alt, James E., and Robert C Lowry (1994). "Divided Government, Fiscal Institutions, and Budget Deficits: Evidence from the States." *American Political Science Review* 88(4): 811-828.
- Alvarez, R.M. and L.García Bedolla. (2003). "The Foundations of Latino Voter Partisanship: Evidence from the 2000 Elections." *Journal of Politics* 65(1):31-49.
- The American National Election Studies (2009). "2008-2009 Panel Study." Stanford University and the University of Michigan.
- Assembly Bill 37 (2009). CALIFORNIA 2009-10 REGULAR SESSION.
- Assembly Bill 429 (2001). CALIFORNIA 2001-02 REGULAR SESSION.
- Assembly Bill 1302 (2001). NEW YORK 224TH ANNUAL LEGISLATIVE SESSION.
- Assembly Bill 1576 (1997). CALIFORNIA 1997-98 REGULAR SESSION.
- Assembly Bill 1858 (2000). CALIFORNIA 1999-00 REGULAR SESSION.
- Assembly Joint Resolution 6 (2003). CALIFORNIA 2003-04 REGULAR SESSION.
- Assembly Joint Resolution 9 (2003). CALIFORNIA 2003-04 REGULAR SESSION.
- Bauder, H. (2005) "Attitudes Towards Work: Ethnic Minorities and Immigrant Groups in Vancouver." *Journal of International Migration and Integration* 6(1): 125–151.
- Bean, Frank D. and Gillian Stevens (2003). *America's Newcomers and the Dynamics of*

- Diversity. Rose Series in Sociology.* New York: Russell Sage Foundation.
- Beckett, Katherine and Angelina Godoy (2008). "Power, Politics, and Penalty: Punitiveness as Backlash in American Democracies." *Studies in Law, Politics and Society* 45: 139-174.
- Benhabib, Seyla (2002) *The Claims of Culture: Equality and Diversity in the Global Era.* Princeton, NJ: Princeton University Press.
- Berry, Frances Stokes, and William D. Berry. (1990). "State Lottery Adoptions as Policy Innovations: An Event History Analysis." *American Political Science Review* 84:395-415.
- Berry, William D., Evan J. Ringquist, Richard C. Fording, and Russell L. Hanson. (1998). "Measuring Citizen and Government Ideology in the American States, 1960-1993." *American Journal of Political Science* 42:327-348.
- Blalock, Hubert M. 1965. *Toward a Theory of Minority Group Relations.* New York: Capricorn Books.
- Blume, John H., Theodore Eisenberg and Martin T. Wells (2004). "Explaining Death Row's Population and Racial Composition," *Journal of Empirical Legal Studies* 165-207.
- Bobo, Lawrence Bobo and Mia Tuan (2006). *Prejudice and Politics: Group Position, Public Opinion, and the Wisconsin Treaty Rights Dispute.* Cambridge: Harvard University Press.
- Bonilla-Silva, Eduardo (2005). *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States.* New York, NY: Rowman and Littlefield Publishers

- Borjas, George (1985). "Jobs and Employment for Hispanics." in *Hispanics in the United States: A New Social Agenda*, edited by P. Cafferty and W. McCready, Transaction Press, pp. 147-157.
- Borjas, George J., Jeffrey Grogger, and Gordon H. Hanson (2008). "Imperfect Substitution between Immigrants and Natives: A Reappraisal." NBER Working Papers 13887, National Bureau of Economic Research, Inc.
- Bosniak, Linda (2006). *The Citizen and the Alien: Dilemmas of Contemporary Membership*. Princeton, NJ: Princeton University Press.
- Bosniak, Linda (2000). "Universal Citizenship and the Problem of Alienage." 94 *Northwestern Law Review* 963
- Bowman, Michael Emerson (1996). "An Evaluation of Statistical Models for the Analysis of Recurrent Events Data." Ph.D. dissertation: Ohio State University.
- Box-Steffensmeier, Janet M., and Bradford S. Jones. 2004. *Event History Modeling: A Guide for Social Scientists*. Analytical Methods for Social Research Series. Cambridge University Press.
- Box-Steffensmeier and Christopher Zorn (2001). "Duration Models and Proportional Hazards in Political Science." *American Journal of Political Science* 45(4): 972-988.
- Brader, Ted, Nicholas Valentino, and Elizabeth Suhay (2008). "What Triggers Public Opposition to Immigration? Anxiety, Group Cues, and Immigration Threat." *American Journal of Political Science* 52(4): 959-78
- Broder, Tanya (2006). "Immigrant Eligibility for Public Benefits." National Immigration

Law Center. Reprinted with permission from *Immigration and Nationality Law Handbook* 759(2005-06 ed.).

Browne, Irene and Joya Misra (2003). "The Intersection of Gender and Race in Labor Markets." *Annual Review of Sociology* 29:487-513.

Bukowski, Diane (2011). "U.S. Mothers Seek U.N. Help." *The Michigan Citizen*.

Retrieved on July 25, 2011 at: <http://michigancitizen.com/us-mothers-seek-un-help-p742-1.htm>.

Cabezas, A., Tam, T.M., Lowe, B.M., Wong, A. and Turner, K. (1989). "Empirical Study of Barriers to Upward Mobility of Asian Americans in the San Francisco Bay Area." In G. Nomura, R. Endo, R. Leong and S. Sumida (Eds.), *Frontiers of Asian American Studies*. Pullman: Washington State University Press.

Calavita, Kitty (1998). "U.S. Immigration Policymaking: Contradictions, Myths, and Backlash." In *Regulation by Migration: International Experiences*. Eds. By Anita Böcker, Kees Groenendijk, Tetty Havinga, and Paul Minderhaud. Amsterdam, Netherlands: Het Spinhuis.

Campbell, Andrea L., Cara Wong and Jack Citrin. 2006. "'Racial Threat,' Partisan Climate, and Direct Democracy: Contextual Effects in Three California Initiatives." *Political Behavior* 28:129{150.

Capps, Randy, Everett Henderson, John D. Kasarda, James H. Johnson Jr., Stephen J. Appold, Derrek L. Croney, Donald J. Hernandez, and Michael Fix. 2007. *A Profile of Immigrants in Arkansas: Executive Summary*. Washington, DC: The Urban Institute.

Cebulko, Kara (2009). "Documented, Undocumented and Liminal Legality: The

- Incorporation of Children of Brazilian Immigrants in Young Adulthood.” Ph.D. dissertation, Indiana University.
- Center for Women Policy Studies (2007). “Report Card on State Action To Combat International Trafficking.” Washington DC: Center for Women Policy Studies.
- Citrin, Jack and John Sides (2007). “Immigration and the Imagined Community in Europe and the United States.” *Political Studies* 56:33-56.
- Chavez, Jorge and Doris M. Provine (2009). “Race and the Response of State Legislatures to Unauthorized Immigrants.” *Annals of the American Academy of Political and Social Science*.
- Claassen, Ryan (2004). “Political Opinion and Distinctiveness: The Case of Hispanic Ethnicity.” *Political Research Quarterly* 37(4): 609-620.
- Cohen, Cathy J. (1999). *Boundaries of Blackness: AIDS and the Breakdown of Black Politics*. Chicago, IL: University of Chicago Press.
- Coltrane, Scott, Ross D. Parke, and Michele Adams (2004). “Complexity of Father Involvement in Low-Income Mexican American Families.” *Family Relations* 53(2): 179-89.
- Condon, Stephanie (2010). “Jan Brewer: We Will Beat All Lawsuits Against Arizona Illegal Immigration Law.” Retrieved on August 5, 2010 at: http://www.cbsnews.com/8301-503544_162-20009831-503544.html
- Cornelius, Wayne (1998). “The Structural Embeddedness of Demand for Mexican Immigrant Labor: New Evidence from California.” In *Crossings: Mexican Immigration in Interdisciplinary Perspectives*. Ed. By Marcelo Suarez-Orozco, 113-44. Cambridge: Harvard University Press.

- Crowley, J. (1998). "The National Dimension of Citizenship in T.H. Marshall." *Citizenship Studies* 2(2): 165-79.
- Davenport, Paul (2010). "Arizona Governor: Most Illegal Immigrants Smuggle Drugs." Associated Press. Retrieved on October 25, 2010 at: <http://www.msnbc.msn.com/id/37940862/t/ariz-governor-most-illegal-immigrants-smuggling-drugs/#.TqQZ9d5yIgg>
- de Castro A.B., Gee G.C., and Takeuchi D.T. (2008). "Job-related Stress and Chronic Health Conditions among Filipino Immigrants." *Journal of Immigrant and Minority Health* 10(6): 551-558
- Department of Homeland Security (2010). "Yearbook of Immigration Statistics." Washington D.C.: The Office of Immigration Statistics.
- DeSipio, Louis (1996). *Counting on the Latino Vote: Latinos as a New Electorate*. Charlottesville, VA: The University Press of Virginia.
- DeSipio, Louis, Natalie Masuoka and Chris Stout (2008). "Asian American Immigrants as the New Electorate: Exploring Turnout and Registration of a Growing Community." *Asian American Policy Review*: 17.
- The Economist/YouGov Poll (2010). "The Economist/YouGov Poll: July 10-13, 2010." YouGov/Polimetrix.
- Edelman, Murray (1975). "Language, Myths, and Rhetoric." *Society* 12(5): 14-21.
- Edsall, Thomas Byrne and Mary D. Edsall (1992). *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics*. New York, NY: W.W. Norton and Company.
- Eger, Maureen (2010). "The Limits of Altruism: Demographic Change and Attitudes

- Towards the Welfare State.” Ph.D. Dissertation: University of Washington.
- Engel, Robin S., Jennifer Calnon Cherkaskas, Michael Smith, Dan Lytle, and Kristan Moore (2009). “Traffic Stop Data Analysis Study: Year 3 Final Report.” University of Cincinnati Policing Institute.
- Executive Order 22 (2006). State of Tennessee Government. Governor Phil Bredesen.
- Executive Order Brewer 2010-09 (2010). “Establishing Law Enforcement Training for Immigration Laws.” Governor Jan Brewer.
- Filindra, Alexandra (2009). “E Pluribus Unum ? Federalism, Immigration and the Role of the American States.” Ph.D. Dissertation. Rutgers, The State University of New Jersey.
- Finno, M. and Bearzi, M. (2010). “Child Welfare and Immigration in New Mexico: Challenges, Achievements and the Future.” *Journal of Public Child Welfare* 4(3): 306-324.
- Fraser, Nancy and Linda Gordon (1992). “Contract versus Charity: Why Is There No Social Citizenship in the United States?” *Socialist Review* 22 (July-Sept. 1992): 45-68.
- Freeman, Gary (2006). “Disaggregating Immigration Policy: The Politics of skilled labor recruitment in the United States. *Knowledge, Technology, and Policy* 19(3): 7-26.
- Friedland, Joan and Tyler Moran (2005). “Why the REAL ID Act’s Driver’s License Restrictions Are Really Anti-Immigrant.” National Immigration Law Center. Retrieved on June 22, 2011 at: http://www.nilc.org/immspbs/dls/real_id_conf_tp_050605.pdf.
- Frymer, Paul, Dara Z. Strolovitch, and Dorian T. Warren (2006). “New Orleans is Not

the Exception: Re-Politicizing the Study of Racial Inequality.” *Du Bois Review* 3(1): 37-57.

Frymer, Paul (1999). *Uneasy Alliances: Race and Party Competition in America*.

Princeton, NJ: Princeton University Press.

Garcia Bedolla, Lisa (2005). *Fluid Borders: Latino Power, Identity, and Politics in Los Angeles*. Berkeley, CA: University of California Press.

Garcia-Lopez, Gladys (2008). ““Nunca Te Toman En Cuenta [They Never Take You Into Account]” : The Challenges of Inclusion and Strategies for Success of Chicana Attorneys.” *Gender and Society* 22: 590-612.

Garces-Foley, Kathleen (2007). *Crossing the Ethnic Divide: The Multiethnic Church on a Mission*. New York, NY: Oxford University Press.

Garland, Cori (2009). “Say “I Do”: The Judicial Duty to Heighten Constitutional Scrutiny of Immigration Policies Affecting Same-Sex Binational Couples.” *Indiana Law Journal* 84: 689-712.

Gee, GC, Chen J, Spencer M, See S, Kuester O, Tran D, and Takeuchi D.T.

(2006). “Social Support as a Buffer for Perceived Unfair Treatment among Filipino Americans: Differences between San Francisco and Honolulu.” *American Journal of Public Health* 96(4):677-684.

Gee, G.C., M. Spencer, J. Chen, and D.T. Takeuchi (2007). “A Nationwide Study of Discrimination and Chronic Health Conditions among Asian Americans. *American Journal of Public Health* 97(7):1275-1282.

Geva, Dorit (2011). “Not Just Maternalism: Marriage and Fatherhood in American Welfare Policy.” *Social Politics* 18(1): 24-51.

- Gold, Rachel Benson (2003). "Immigrants and Medicaid after Welfare Reform." Guttmacher Report. Retrieved on September 2010 at:
<http://www.guttmacher.org/pubs/tgr/06/2/gr060206.html>
- Gonzales, Felisa (2007). "Hispanic Women in the United States, 2007." Washington, DC: Pew Hispanic Center.
- Gottschalk, Marie (2006). *The Prison and the Gallows*. New York, NY: Cambridge University Press.
- Green, Leslie (1995). "Internal Minorities and Their Rights." In *The Rights of Minority Cultures*, ed. Will Kymlicka. Oxford: Oxford University Press.
- Hagan, John and Alberto Palloni (1999). "Sociological Criminology and the Mythology of Hispanic Immigration and Crime." *Social Problems* 46(4): 617-632.
- Hall, Matthew, Audrey Singer, Gordon F. De Jong, and Deborah Roempke Graefe (2011). "The Geography of Immigrant Skills: Educational Profiles of Metropolitan Areas." Washington, DC: Brookings Institution.
- Hamermesh, D.S. and F.D. Bean (1998). *Help or Hindrance? The Economic Implications of Immigration for African-Americans*. New York, NY: Russell Sage.
- Hancock, Ange-Marie (2007). "When Multiplication Doesn't Equal Quick Addition: Examining Intersectionality as a Research Paradigm." *Perspectives on Politics* 5(1): 63-79.
- Heflin, Colleen, and James P. Ziliak (2008). "Food Insufficiency, Food Stamp Participation, and Mental Health." *Social Science Quarterly* 89(3): 706-727
- Hero, Rodney (2000). *Faces of Inequality: Social Diversity in American Politics*. New York: Oxford University Press.

- Hero, Rodney E. and Robert R. Preuhs. (2007). "Immigration and the Evolving American Welfare State: Examining Policies in the U.S. States." *American Journal of Political Science* 51 (3): 498–517.
- Hing, Bill Ong (2002). "Answering Challenges of the New Immigrant-Driven Diversity: Considering Integration Strategies." *Brandeis Law Journal* 40(4): 861–907.
- Hofstadter, Richard (1960). *The Age of Reform*. New York, NY: Vintage Books.
- H.B. 29 (2004). VIRGINIA 2002 SESSION.
- H.B. 64 (2009). UTAH 58TH LEGISLATURE -- 2009 GENERAL SESSION.
- H.B. 116 (2007). DELAWARE 144TH GENERAL ASSEMBLY.
- H.B. 167 (2011). MISSOURI 94TH GENERAL ASSEMBLY – 1ST REGULAR SESSION.
- H.B. 380 (2008). MINNESOTA 85TH REGULAR SESSION.
- H.B. 2087 (1998). ARIZONA 43RD LEGISLATURE -- SECOND REGULAR SESSION.
- H.B. 2162 (2010). ARIZONA 49TH LEGISLATURE - SECOND REGULAR SESSION.
- H.B. 2276 (1997). WASHINGTON 55TH FIRST REGULAR SESSION.
- H.B. 2421 (1999). ARIZONA 44TH LEGISLATURE - FIRST REGULAR SESSION.
- H.B. 2522 (2010). IOWA 83RD IOWA GENERAL ASSEMBLY -- SECOND SESSION.
- H.B. 3991 (2009). ILLINOIS 96TH GENERAL ASSEMBLY.
- H.B. 5012A (2006). VIRGINIA 2006 SPECIAL SESSION 1.
- H.J.R. 9 (1998). MARYLAND 1998 REGULAR SESSION.

- H.R. 4437 (2006). "The Border Protection, Antiterrorism, and Illegal Immigration Control Act." Section 203. U.S. House of Representatives.
- Huntington, Samuel (2004). "The Hispanic Challenge." *Foreign Policy*. March /April: 30-45.
- Huntington, Samuel (1999). *Who Are We?* New Haven, CT: Yale University Press.
- Institute for Public Policy at Washington State University (2007). "Immigrant Secondary Students in Washington State: Population Trends and High School Diploma Programs." Olympia, WA: Washington State Institute for Public Policy.
- Jones, Bradford (2011). "Event History Modeling: A Guide for Social Scientists." Retrieved on February 3, 2011 at:
<http://psfaculty.ucdavis.edu/bsjjones/eventhistory.html>.
- Jones, Bradford S., and Regina P. Branton. (2005). "Beyond Logit and Probit: Cox Duration Models of Single, Repeating, and Competing Events for State Policy Adoption." *State Politics and Policy Quarterly* 5:420-43.
- Kam, Cindy, Elizabeth J. Zechmeister, and Jennifer K. Wilking (2008). "From the Gap to the Chasm: Gender and Participation among Non-Hispanic Whites and Mexican-Americans." *Political Research Quarterly* 61(2):228-238.
- Karch, Andrew (2010). "Vertical Diffusion and the Policymaking Process: The Politics of Embryonic Stem Cell Research," *Political Research Quarterly*.
- Kaufman, Karen and Antonio Rodriguez (2011). "Local Context and Latino Political Socialization: Why Immigrant Destinations Matter." Retrieved on July 29, 2011:
<http://www.bsos.umd.edu/gvpt/apworkshop/kaufmann2010.pdf>
- Keck, Kristi (2010). "Will others follow Arizona's lead on immigration?" Retrieved on

April 25, 2010 at:

<http://www.cnn.com/2010/POLITICS/04/21/arizona.immigration.bill/index.html>

- Kelly, P. J. and L. Y. Lim (2000). "Survival analysis for recurrent event data: An Application to Childhood Infectious Diseases." *Statistics in Medicine* 19: 13–33.
- Kingdon, John (1999). *America the Unusual*. Bedford/St. Martins: Worth Publishers.
- Kymlicka, Will (1989). *Liberalism, Community, and Culture*. Oxford: Oxford University Press.
- Kymlicka, Will (1995). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
- Kymlicka, Will and Keith Banting (2006). "Immigration, Multiculturalism, and the Welfare State." *Ethics & International Affairs* 20(3): 281-304.
- Kymlicka, Will and Wayne Norman (1994). "Return of the Citizen: A Survey of Recent Work on Citizenship Theory." *Ethics* 104(2): 352-81.
- Latino National Survey (2006). "Latino National Survey." Ann Arbor: Inter-university Consortium for Political and Social Research.
- Lahav, Gallya (2000). "The Rise of Nonstate Actors in Migration Regulation in the United States and Europe: Changing the Gatekeepers or Bringing Back the State?" in *Immigration Research for a New Century*. Eds by Nancy Foner, Ruben G. Rumbaut, and Steven J. Gold. New York: Russell Sage Foundation.
- Levitsky, Sandra (2008). "What Rights?": The Construction of Political Claims to American Health Care Entitlements." *Law & Society Review* 42(3): 551-589.
- Ramakrishnan, S. Karthick, and Paul Lewis (2005). "Immigrants and Local Governance: The View From City Hall." San Francisco: Public Policy Institute of California.

- Lindsey, J.K. (1998). "Count and Time to Events." *Statistics in Medicine* 17:1745-1651.
- Lipset, Seymour Martin (1979). *The First New Nation: The United States in Historical and Comparative Perspective*. New York: W.W. Norton and Company.
- Lowell, B. Lindsay and Roberto Suro (2002). "The Improving Educational Profile of Latino Immigrants." A Pew Hispanic Center Report, Washington, D.C.
- Lowi, Theodore J. 1998. "Think Globally, Lose Locally." *Boston Review* Retrieved on March 21, 2010 at: <http://www.bostonreview.net/BR23.2/lowi.html>.
- Malkki, Liisa (1995). "Refugees and Exile: From "Refugee Studies" To the National Order of Things." *Annual Review of Anthropology* 24(1): 495-523.
- Manza, Jeff and Christopher Uggen (2006). *Locked Out: Felon Disenfranchisement and American Democracy*. New York: Oxford University Press.
- Marlowe, Jay (2009). "Conceptualising Refugee Lives and Trauma in Contested Landscapes." *Australasian Review of African Studies*, 30 (2):128-151.
- Marrow, Helen (2005). " "New Destinations and Immigrant Incorporation." *Perspectives on Politics* 3(4): 781-99.
- Marshall, T. (1950). *Citizenship and Social Class*. Cambridge: Cambridge University Press.
- Martinez, Lisa (2005). " "Yes We Can: Latino Participation in Unconventional Politics." *Social Forces* 84:135-55.
- Marx, Anthony. (1998). *Making race and nation: A comparison of the United States, South Africa, and Brazil*. New York, NY: Cambridge University Press.
- Maryland reiterated the denial of benefits to unqualified entrants in 2001
1998, the Maryland legislature

- Massey, Douglas S., and Chiara Capoferro (2008). "The Geographic Diversification of American Immigration." in *New Faces in New Places*, edited by Douglas S Massey. New York: Russell Sage Foundation.
- Mayhew, David (1974). *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Mead, Lawrence (2010). "Can We Put Poor Men to Work?" *Economic Affairs*. Oxford: Institute of Economic Affairs.
- Mead, Lawrence (2004). *Government Matters: Welfare Reform in Wisconsin*. Princeton, NJ: Princeton University Press.
- Mead, L. (1997). Citizenship and Social Policy: T.H. Marshall and Poverty. *Social Philosophy*.
- Mettler, Suzanne and Joe Soss (2004). "The Consequences of Public Policy for Democratic Citizenship: Bridging Policy Studies and Mass Politics." *Perspectives on Politics*. 2(1): 1-19.
- Miller, Lisa (2007). "The Representational Biases of Federalism: Scope and Bias in the Political Process, Revisited." *Perspectives on Politics* 5(2):305-321.
- Monger, Randall, and James Yankay (2010). "U.S. Legal Permanent Residents: 2010." Washington, D.C.: Office of Immigration Statistics, Department of Homeland Security.
- Moore, Kathleen (2007). "Muslims in the United States: Pluralism under Exceptional Circumstances." *The Annals of the American Academy of Political and Social Science* 612: 116-132.
- Mulgan, Geoff (1991). "Citizens and Responsibilities." Eds by Geoff Andrews,

- Citizenship*. London: Lawrence and Wishart.
- National Conference of State Legislatures (2011). "REAL ID State Legislation Database." Denver, CO. National Conference of State Legislatures.
- National Conference of State Legislatures (2010). "Arizona's Immigration Enforcement Laws." Retrieved on March 3, 2011 at: <http://www.ncsl.org/?tabid=20263>.
- National Immigration Law Center (2005). "Immigrants' Rights Update." Retrieved on May 29, 2011 at: <http://www.nilc.org/immlawpolicy/cir/cir002.htm>.
- National Opinion Resource Center (2010). "The Associated Press-Univision Poll." Chicago, IL: The University of Chicago.
- Newton, Lina (2008). *Illegal, Alien, or Immigrant: The Politics of Immigration Reform*. New York, NY: New York University Press.
- Newton, Lina and Brian E. Adams (2009). "State Immigration Policies: Innovation, Cooperation, or Conflict?" *Publius: The Journal of Federalism* 39(3): 408-31.
- Ngai, Mae (2003). *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton NJ: Princeton University Press.
- Novkov, Julie (2008). "Rethinking Race in American Politics." *Political Research Quarterly* 61(4): 649-659.
- Marx, Anthony. (1998). *Making race and nation: A comparison of the United States, South Africa, and Brazil*. New York, NY: Cambridge University Press.
- Nobles, Melissa (2000). *Shades of Citizenship: Race and Census in Modern Politics*. Palo Alto: Stanford University Press.
- Okin, Susan Moller. 1999. *Is Multiculturalism Bad for Women?* eds. Joshua Cohen,

- Matthew Howard, and Martha C. Nussbaum. Princeton, NJ: Princeton University Press.
- Olayo Mendez, J.A. (2006). "Latino Parenting Expectations and Styles: A Literature Review." *Protecting Children* 21(2): 53-61.
- Ong, Aihwa (2003). *Buddha is Hiding: Refugees, Citizenship, and the New America*. Berkeley: University of California Press.
- Ong, Aihwa (2006). *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty*. Durham: Duke University Press.
- Parekh, Bhikhu (2000). *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Cambridge, MA: Harvard University Press.
- Passel, Jeffrey and D'Vera Cohn (2008). "U.S. Population Projections: 2005-2050." Washington, DC: Pew Research Center.
- Pew Hispanic Center (2011). "Hispanics Account for More Than Half of Nation's Growth in Past Decade." Washington D.C.
- Pew Hispanic Center (2006). "A Statistical Portrait of Hispanics at Mid-Decade." Washington D.C.
- Pierce, Jennifer (1995). *Gender Trials: Emotional Lives in Contemporary Law Firms*. Berkeley, CA: University of California Press.
- Piven, Francis Fox and Richard Cloward (1993). *Regulating the Poor: The Functions of Public Welfare*. New York: Vintage Books.
- Plessy v. Ferguson*, 163 U.S. 537, 539 (1896).
- Plotkin, Sidney and William E. Scheuerman (1994). *Private Interest, Public Spending:*

- Balanced Budget Conservatism and the Fiscal Crisis*. Boston, MA: South End Press.
- Portes, Alejandro and Ruben Rumbaut (2001). *Legacies: The Story of the Immigrant Second Generation*. Berkeley: University of California Press.
- Prentice, R.L., B.J. Williams, and A.V. Peterson (1981). "On the Regression Analysis of Multivariate Failure Time Data." *Biometrika* 68:373-379.
- Preston, Julia (2007). "Farmer Call Crackdown on Illegal Workers Unfair." Retrieved on May 25, 2011 at: <http://www.nytimes.com/2007/08/11/us/11immig.html>
- Preuhs, Robert (2007). "Descriptive Representation as a Mechanism to Mitigate Policy Backlash: Latino Incorporation and Welfare Policy in the American States." *Political Research Quarterly* 60(2): 277-92.
- Quillian, Lincoln (1995). "Prejudice as a Response to Perceived Group Threat: Population Composition and Anti-Immigrant and Racial Prejudice in Europe." *American Sociological Review* 60: 586-611.
- Ramakrishnan, S. Karthick, and Thomas J. Espenshade (2001). "Immigrant Incorporation and Political Participation in the United States." *International Migration Review* 35:3.
- Ramakrishnan, Karthick and Tom Wong (2007). "Immigration policies go local: The Varying Responses of Local Governments to Undocumented Immigration." Unpublished manuscript.
- Rosenstone, Steve and John Mark Hansen (1993). *Mobilization, Participation, and Democracy in America*. New York: Macmillan Publishing Company.
- Schattschneider, E.E. (1960). *The Semisovereign People: A Realist's View of Democracy*

in America. New York, NY: Holt, Rinehart and Winston.

Schildkraut, Deborah (2007a). *Press ONE for English: Language Policy, Public Opinion, and American Identity*. Princeton: Princeton University Press.

Schildkraut, Deborah (2007b). "Defining American Identity in the Twenty-First Century: How Much "There" is There?" *Journal of Politics* 69(3): 597-615.

Schneider, Anne, and Helen Ingram (1993). "Social Construction of Target Populations: Implications for Politics and Policy." *American Political Science Review* 87(2): 334-347.

Schuck, Peter and Rogers Smith (1985). *Citizenship without Consent: Illegal Aliens in the American Polity*. New Haven: Yale University Press.

S.B. 81 (2008). UTAH 58TH LEGISLATURE -- 2008 GENERAL SESSION

S.B. 206 (2006). COLORADO 2ND REGULAR SESSION OF THE 65TH GENERAL ASSEMBLY.

S.B. 352 (1997). NORTH CAROLINA SESSION OF 1997.

S.B. 362 (2004). NEW JERSEY 212TH LEGISLATURE.

S.B. 626 (2007). MISSOURI 94TH GENERAL ASSEMBLY -- FIRST REGULAR SESSION.

S.B. 894 (2004). FLORIDA 106TH REGULAR SESSION.

S.B. 1070 (2010). "The Support Our Law Enforcement and Safe Neighborhood Act." ARIZONA 49TH LEGISLATURE - SECOND REGULAR SESSION.

S.B. 1154 (2010). "Omnibus Crime Reduction and Sentencing Reform Act of 2010." 118th Session of the South Carolina legislature.

S.B. 1744 (2009). FLORIDA 111TH REGULAR SESSION.

- S.B. 2770 (2001). RHODE ISLAND 1999-2000 LEGISLATIVE SESSION.
- S.B. 3047 (2004). TENNESSEE 103RD GENERAL ASSEMBLY.
- S.B. 5984 (2007). NEW YORK 230TH ANNUAL LEGISLATIVE SESSION.
- S.B. 6386 (2006). WASHINGTON SECOND SESSION OF THE 59TH REGULAR SESSION.
- S.B. 6822 (2006). NEW YORK 229TH ANNUAL LEGISLATIVE SESSION.
- S.B. 8376 (2008). NEW YORK 231ST ANNUAL LEGISLATIVE SESSION.
- Shachar, Ayelet (2001). *Multicultural Jurisdictions: Cultural Differences and Women's Rights*. Cambridge: Cambridge University Press.
- Shachar, Ayelet and Ran Hirschl. (2007). "Citizenship as Inherited Property." *Political Theory* 35(3): 253-287.
- Shklar, Judith (1991). *American Citizenship: The Quest for Inclusion*. Cambridge: Harvard University Press.
- Siena Research Institute (2010). "The Siena New York Polls." Siena College.
- Simon, Jonathan (2007). *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press.
- Smith, Rogers (1997). *Civic Ideals*. New Haven: Yale University Press.
- Song, Sarah (2005). "Majority Norms, Multiculturalism, and Gender Equality." *American Political Science Review* 99(4): 473-489.
- Soss, Joe, Richard C. Fording, and Sanford F. Schram. (2008). "The Color of Devolution: Race, Federalism, and the Politics of Social Control." *American Journal of Political Science* 52, 3 (July): 536-553.

- Sreeharsha, Kavitha (2010). "Reforming America's Immigration Laws." Washington D.C.: Immigration Policy Center.
- Strolovitch, Dara (2007). *Affirmative Advocacy*. Chicago, IL: University of Chicago Press.
- U.S. Citizen and Immigration Services (2010). "Characteristics of H-1B Specialty Occupation Workers: Fiscal Year 2009 Annual Report." Washington D.C.: Department of Homeland Security.
- Tichenor, Daniel (2002). *Dividing Lines: The Politics of Immigration Control in America*. Princeton: Princeton University Press.
- Tienda, Marta, and Haya Stier (1998). "Immigration and Native Minority Workers: Is There Bad News After All? In *Help or Hindrance*. Ed. By Daniel S. Hamermesh and Frank D. Bean. New York: Russell Sage.
- Turner, Bryan (2001). "The Erosion of Citizenship." *British Journal of Sociology* 52(2): 189-209.
- U.S. Census (2009). "2009 National Population Projections." U.S. Census Bureau.
- U.S. Citizenship and Immigration Services (2010). "Characteristics of H-1B Specialty Occupation Workers: Fiscal Year 2009 Annual Report." Washington D.C.: Department of Homeland Security.
- U.S. Department of Labor, (2011). "Department of Labor U Visa Process and Protocols: Question – Answer." Retrieved on July 2, 2011 at:
http://www.ilrc.org/files/documents/dol_u-visa_certification_protocols.pdf
- Vallely, Richard (2004). *The Two Reconstructions: The Struggle for Black Enfranchisement*. Chicago, IL: University of Chicago Press.

- The Violence against Women Act (2000). Public Law 106-386, 114 Stat. 1464 (2000).
- Waldinger, Roger (1996). *Still the promised city? African Americans and New Immigrants in Post-Industrial New York*. Cambridge: Harvard University Press.
- Waldinger, Roger (1999). "Network, Bureaucracy, and Exclusion: Recruitment and Selection in an Immigrant Metropolis. In *Immigration and Opportunity*. Eds. by Frank D. Bean and Stephanie Bell-Rose. New York: Russell Sage.
- Walzer, Michael (1984). *Spheres of Justice: A Defense of Pluralism and Equality*. New York, NY: Basic Books.
- Waters, Mary C. (1999). *Black Identities: West Indian Immigrant dreams and American Realities*. Cambridge: Harvard University Press.
- Williams, P.J. (1991). *The Alchemy of Race and Rights: Diary of a Law Professor*. Cambridge, MA: Harvard University Press.
- Winston, Pamela (2002). *Welfare Policymaking in the States: The Devil in Devolution*. Washington, DC: Georgetown University Press.
- Young, I. M. (1990). *Justice and the Politics of Difference*. Princeton University Press.
- Zielewski, Erica H., Karin Malm, and Rob Geen (2006). "Children Caring for Themselves and Child Neglect: When Do They Overlap? Washington D.C.: Urban Institute.
- Zimmerman, Wendy and Karen Tumlin (1999). "Patchwork Policies: State Assistance for Immigrants under Welfare Reform." Washington D.C.: The Urban Institute.
- Zolberg, Aristide (2006). *A Nation by Design*. Cambridge, MA: Harvard University Press.