

The Rise of Anti-immigrant Policies: An Analysis of Three State Laws and Implications for Social Work

Susanna Jones
Long Island University, Brooklyn, NY

Rich Furman
University of Washington Tacoma

Melody Loya
West Texas A & M University

Alissa R. Ackerman
University of Washington Tacoma

Nalini Negi
University of Maryland

Doug Epps
University of Washington Tacoma

Gladys Mondragon
Tacoma Community House

Abstract

This article examines United States immigration policy in three states: Arizona, Alabama, and Indiana. All three states have varying rates of Latino immigration and a complex set of socioeconomic and cultural factors; yet nonetheless, all have participated in the criminalization of undocumented immigrants through state-level legislative action. First, this article explores Latino migration to the United States and its relationship to the forces of globalization. Second, we discuss the consequences and impacts of racialized and decentralized immigration policy. Third, we detail the history and background of each state law and its economic and social costs. Lastly, we conclude with implications of these policies on the lives of undocumented immigrants, social welfare policy, social work and transnational practice, and social work education.

Key words: undocumented immigrants, criminalization of immigrants, anti-immigrant legislation, Arizona SB 1070, Alabama HB 56, Indiana SB 590

In the United States, a recent flurry of enforcement-only, “self-deportation” immigration policy has had a profound influence on social work practice with immigrant clients. These policies severely limit and restrict social work practice with these vulnerable clients and may further complicate already conflicting views some

social workers hold about the ethical quagmires confronted while serving undocumented immigrants (Park & Bhuyan, 2012). While policy impacts the lives, experiences and psychosocial well-being of both documented and undocumented immigrants, the U.S. federal government's unwillingness to shape a coherent national immigration policy (Nevins, 2010) has left states to become the dominant policy influence on the lives of immigrants. This has proven to be detrimental to the lives of many immigrants, but especially challenging for undocumented Latinos (Marquez & Schraufnagel, 2013). In this paper, we examine three state-level immigration policies in the United States. All three state-driven policies target undocumented immigrants, perpetuate anti-immigrant rhetoric and have profound negative impact on the lives of immigrants and their families. Furthermore, these three policies highlight the tensions and complexities of how immigration policies are developed and by whom, which are issues relevant for countries throughout the world as they grapple with new immigrants. Lastly, the global backlash against immigrants must be challenged and remedied. Immigrants are the human face of globalization and the time has come for nations to honour and support immigrants through the development of transformative policies rooted in social, political, and economic justice.

Undocumented immigrants are a ubiquitous topic in the public media (Fryberg et al., 2011), in national security debates (Mittelstadt, Speaker, Meissner, & Chisti, 2011), and in electoral campaigns on local, state, and federal levels (Kay & Mayer, 2010; Mathema, 2013). Anti-immigrant rhetoric strikes a chord with those who fear a current or future relationship between immigration and crime (Provine & Doty, 2011; Simon, 1998) and terrorism (Sekhon, 2003; Sinnar, 2003; Tumlin, 2004), thereby justifying restrictionist policy development that disproportionately affects Latino immigrants in the United States (Marquez & Schraufnagel, 2013), along with immigrants from around the globe. The lack of policy response from the federal government continues despite various polls that indicate immigration policy is one of the most important issues to the American public (Ibrahim, 2005). As a result, many states have enacted their own policies on immigration (Furman, Langer, Sanchez, & Negi, 2007). In fact, in 2009 alone, 46 states proposed 1,500 pieces of immigration-related legislation, 333 of which became law. This is a dramatic increase from 2005, when 300 bills addressing immigration were introduced and 50 became law (Immigration Policy Center, 2011).

Little is known, however, about how such localized and decentralized immigration policies impact social work practice. While some authors explore state immigration policies (Aman & Rehrig, 2011; Filindra & Kovacs, 2012; Marquez & Schraufnagel, 2013), few adopt a comparative approach to the newest laws and procedures, or explore how these policies impact undocumented Latino immigrants and the social workers who serve them. An understanding of immigration policy will equip social work practitioners and students with the information necessary to help mitigate the pragmatic, moral, and ethical quagmires that arise as a result of restrictionist immigration policies. A statement by the National Association of Social Workers [NASW] (2010) framed the issues succinctly when it observed, "When social workers are used as enforcers of exclusionary government policies to the

extent of ‘turning in’ violators, valid questions may be raised about the extent a social worker may meet both legal and ethical obligations” (Introduction, para. 1).

The purpose of this article is to compare immigration policies in three states in the United States: Arizona, Alabama, and Indiana. Each state has varying rates of Latino immigration; each has its own complex set of socioeconomic factors and historical patterns of immigration. The states chosen for discussion each restrict and criminalize, to one degree or another, undocumented immigrants. Arizona, for instance, passed 12 liberalizing immigration laws and 27 restricting immigration between 2008 and 2012 laws. Alabama passed 3 liberalizing and 20 restricting immigration laws, while Indiana passed 7 liberalizing and 5 restrictive laws (Marquez & Schraufnagel, 2013). During the same period, 2008–2012, California passed the largest number of liberalizing laws while Arizona passed the largest number of restrictive laws (Marquez & Schraufnagel, 2013). All in all, states vary in their policy development toward undocumented immigrants. Some states have increased or extended access to education and public benefits, while others have tightened the reins and restricted access to resources and benefits.

This article begins with a brief discussion of the sociohistorical context of Latino migration to the United States. Latinos are the fastest growing minority in the United States (Pew Hispanic Center, 2011), making this focused attention urgent. We, therefore, discuss the forces of globalization within the context of transnational global neoliberalism. Second, we examine the consequences of the increasing decentralization and racialization of immigration law and policy in three states: Arizona, Alabama, and Indiana. Finally, we discuss implications for Latino migrants, social welfare policy, social work practice, and education.

Migration of Undocumented Latinos in the United States and the Forces of Globalization

Due to generally high rates of immigration, age, and fertility rates, Latinos are the largest and fastest growing minority group in the United States (Pew Hispanic Center, 2011). According to the 2010 Census, individuals of Hispanic or Latino origin make up 16.3% of the U.S. population, compared to 13% in 2000 (U.S. Census Bureau, 2011). Moreover, people of Hispanic origin constitute more than half of the total population growth between 2000 and 2010 (Ennis, Rios-Vargas, & Albert, 2011). More specifically, people of Mexican origin account for three quarters of the growth of the Hispanic population from 2000 to 2010, followed by Puerto Ricans and Cubans (Ennis et al., 2011). People of Mexican origin continue to be the largest numeric and proportional Hispanic group in the United States (Ennis et al., 2011). Until the 1980s, the vast majority of Latinos, mostly Mexicans and Mexican Americans, lived in California and the southwest with pockets of Cubans, Puerto Ricans, and Dominicans living on the east coast. New patterns of migration show a significant expansion of Latinos in states which previously had few, thereby changing the sociocultural landscape of the United States and raising questions about the role and place of newcomers in new geographic spaces (Ennis et al., 2011 Zuniga & Hernandez-Leon, 2006).

Despite their growing presence, Latino immigrants and migration patterns are often misunderstood. Popular discourse decontextualizes Latino immigration experiences and the history of Latinos in the United States. It also decontextualizes the role of U.S. social, economic, and international fiscal policies, which have impacted conditions and forces leading to migration. An exploration of the antecedents to Latino migration demonstrates that the United States is not merely a passive, neutral host but serves as the key determining factor for Latino immigrants and their countries of origin. The U.S. economy has historically been dependent on immigrant workers. For instance, from 1942–1964, the United States developed a controversial agreement with Mexico, referred to as the Bracero Program, that imported Mexican and Central American citizens to assume temporary agricultural work in the United States. During its 22-year lifespan more than 4.5 million Mexican citizens were hired for agricultural work (Medina, 2009). Additionally, from the 1950s to the 1980s, the United States actively supported the training and development of paramilitary groups in Central America as a means of combating the revolutionary movements' rise to power (LaFaber, 1991). The “scorched earth” policies of Guatemala's, Nicaragua's, and El Salvador's governments led to significant waves of migrants fleeing repression (Garcia, 2006). The emergence of youth gangs, for instance, in both Los Angeles and El Salvador during this period can be traced in part to U.S. transnational policies (Zilberg, 2011).

Neoliberal policies and globalization have also significantly impacted migratory forces. Actions of “transnational corporations, international currency speculators and large institutional investors” (Fraser, 2007, p. 18) affect the lives of people around the globe. Immigration can only be rightfully understood by viewing it in this context of transnational global neoliberalism where immigrants are economically forced from one geographic space to another through forces well beyond their control. “Like the Braceros of the past, every year America imports thousands of ‘guest workers’ who come to fill temporary agricultural and hospitality jobs. These temporary workers often face wretched working conditions, extreme overtime and inadequate pay” (Medina, 2009, p. 15). It is equally important to recognize

the growing salience of supranational and international organizations, both governmental and non-governmental, and of transnational public opinion, which flows with supreme disregard for borders through global mass media and cybertechnology. The result is a new sense of vulnerability to transnational forces (Fraser, p. 18).

While the multidimensional impact of these forces are subject to debate (Eichengreen, 2004; Munck, 2004), large pockets of the urban and rural poor throughout Latin America have become poorer and have been largely excluded from the global economy (Inter-American Development Bank, 1997). In fact, Latinos represent 16.3% of the overall U.S. population, and account for 23.1% of the nation's children (Lopez & Velasco, 2011), yet over 6,000,000 Latino children are living in poverty in the United States, more than from any other group.

Moreover, to solely discuss Latino presence in the United States as a byproduct of economic forces is reductionist and historically inaccurate. Prior to the Treaty of Guadalupe Hidalgo in 1848, much of what is currently the western part of the United States was Mexican territory (Takaki, 1993). In fact, many Mexican families have a long history of living in areas in which they are perceived as *outsiders* when in fact they are *insiders*. Revisionist history of conceptualizing Mexicans as intruders in their historic homelands often leads to dehumanization and resultant policies that further promulgate the status of non-citizen.

A newer dynamic, which has fueled nativist sentiment, is the presence of Latinos in states not traditionally seen as a gateway for Latino migration. Both Indiana and Alabama exemplify this more recent demographic change. Arizona, conversely, has a longstanding history and large presence of Latinos. Arizona has also been a leading force in anti-immigrant policy development, most notoriously with the passage of SB 1070.

Key Components of State Immigration Law: Federalism and Racism

Immigration policy in the United States has traditionally been thought of as federal-level jurisdiction (Filindra & Kovacs, 2012), despite historical antecedents of state and local involvement in such matters (Rodriguez, 2008). Here the distinction between immigration policy and immigrant policy is crucial. *Immigration policy* refers to issues related to the entry and exit, regulation, and management of the foreign-born who come to the United States and has typically been the purview of the federal government (Newton, 2012). *Immigrant policy*, in contrast, refers to “policies [that] guide settlement and integration,” which has more traditionally fallen to state and local governments (Newton, 2012, p. 116). Debates within the fields of legal theory, political science, and sociology, to name a few, are raging about immigration federalism. Despite the Supreme Court ruling in the late 19th century about their exclusive responsibility and power regarding immigration, we witness a dramatic spate of state and local legislative action. Controversy surrounds this federal–state tension. At the center of immigration federalism are the debates about whether or not federal exclusivity shall remain in place given the changing nature of our society (Newton, 2012). A plethora of scholarship has emerged whereby proponents of state action in immigration matters (Rodriguez, 2008; Schuck, 2007; Skerry, 1995; Spiro, 1994, 2004) argue that the time has come to allow states rights, while opponents (Olivas, 2007; Wishnie, 2001) of state action want to uphold federal authority in all immigration matters. Further, “proponents of crackdown measures claim to be compensating for the federal government failures, and opponents excoriate state and local officials for exceeding the bounds of their regulatory authority” (Rodriguez, 2008, p. 570). In this context, Section 287(g) of the federal Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made visible the tensions and complexities of immigration federalism and “opened the door for the devolution of immigration law enforcement responsibilities to state and local authorities” (Creek & Yoder, 2012, p. 676). Section 287(g) is a voluntary agreement that allows state, county, or local law enforcement to assist the federal government (i.e., Immigration and Customs Enforcement) in identifying

undocumented immigrants. Additional, state-level policies often impede social rights and social work practice by restricting access to public benefits, issuance of driver's licenses, creation of employer regulations, and access to education, to name a few.

The contested backdrop of who should be responsible for immigration policymaking offers a more nuanced understanding of the state laws explored in this paper. More concretely, since 2007 states have passed more than 146 immigration laws. That number has more than tripled since 2005 when all 50 states cumulatively passed fewer than 40 immigration laws (Marquez & Schraufnagel, 2013). Many state-level immigration policies are restrictive and punitive, while other policies are liberal and provide benefits to both documented and undocumented immigrants. Marquez and Schraufnagel studied state-level immigration policy from 2008 to 2012 to identify what factors influenced the passage of restrictive state laws or liberal state laws. They state, "the most consistent predictor of a restrictive state posture is the growth of the Hispanic population in each state during the last census period" (p. 347). Furthermore, much of state-level immigration law criminalizes and scrutinizes non-citizens, particularly undocumented immigrants. According to federal law, crossing the border without documentation is a civil, not criminal offense, falling within the same category as being late on income taxes. However, many of the restrictive policies push boundaries by redefining criminality. This move toward criminalizing immigration through state law has been contested by the federal government, leading the Obama administration to file suit against several states.

The federal government has attempted to respond to the immigrant question and yet continuously gets derailed by partisan battles. In 2001, for instance, the U.S. Congress introduced the Development, Relief, and Education for Alien Minors (DREAM) Act and numerous other pieces of immigrant-related legislation. Again in 2005, Congress tried to pass the Secure America and Orderly Immigration Act and made additional attempts in 2006 and 2007. None of these efforts succeeded. President Obama did take action in 2012 by issuing an order to protect immigrants who would have been eligible for relief under the DREAM Act. During the same year, 2012, the U.S. Supreme Court ruled against sections of Arizona's infamous SB 1070. Interestingly, however, the Supreme Court did not strike down the provision of the law that authorizes state and local law enforcement to investigate the immigration status of individuals who have been lawfully stopped. The results will shape the lives of immigrants for many years to come. In the interim, state policies have profound impact on the lives of documented and undocumented immigrants alike.

Racism

In order to fully analyze immigration policy, be it federal or state-level policy, race must be incorporated. U.S. immigration policy is subsumed by the politics of race that has long plagued American history (Dobkin, 2009). The work of King and Smith (2005) has been central, as they viewed American politics as an evolution of two competing racial institutional orders: white supremacist order and transformative egalitarian orders, both of which shape and reproduce systems of racial hierarchy that are as old as the republic. Dobkin (2009) stated, "I argue that this racial order

has been transformed from the segregationist slavery order to a federal bureaucracy racial order that is all but too visible in its effect and application to immigrants, who are persons primarily of color” (p. 26). Further, immigration policy attempts to create a common “American” identity, which is about whiteness (Marouf, 2012). Nowhere is this more evident than in the passage of SB 1070 and HB 2281 in 2010 in Arizona, both of which exemplify laws of exclusion. SB 1070 is detailed below; HB 2281 banned ethnic studies programs for K–12 education.

The conjoining of these two provisions creates a much sharper knife with which the state can incise the channels for institutionalized racism to systematically sequester, undereducate, miseducate, and bankrupt entire populations of children, particularly children who come from homes where standard English is not the mother tongue (Stevens & Stovall, 2010, p. 296).

Additionally, granting states the authority over immigration matters can be viewed as both suspect and dangerous, as race and ethnicity have shaped state-level immigration policy with deleterious effects on minority groups (Olivas, 2007; Wishnie, 2001). Marquez and Schraufnagel (2013) noted “any new policies concerning immigration, at the state level, will disproportionately affect Hispanics, with latent implications for ethnic relations, civil rights abuse, and federalism” (p. 348).

Moreover, state policymaking around immigration produces conflict between motivations and assumptions. A myriad of forces generate and imbue these conflicts, such as workforce supply and demand (Marquez & Schraufnagel, 2013) and the historical relationship of specific states’ patterns of immigration (Boushey & Luedtke, 2011). Given that Hispanics make up more than half of all recent immigrants, Marquez and Schraufnagel (2013) stated, “We think that much of the anti-immigration legislation being passed by the states is in fact veiled attacks on people of Latin American origin” (p. 350). In fact, their research found that

a restrictive state immigration posture is not immediately tied to politics or even economics. Democratic party control of state government nor state wealth (or unionization) is linked to our Restrictive Score. Instead, the influx of immigrants from south of the U.S. border is driving restriction, tempered only by state legislative professionalism (p. 363).

Next, this paper will examine three restrictive state laws, namely Arizona SB 1070, Alabama HB 56, and Indiana SB 590.

The Case of Arizona

Arizona’s SB 1070, Support Our Law Enforcement and Safe Neighborhoods Act, is considered to be the first of the more restrictive policies. The law grants law enforcement officials authority to determine immigration status. Historically, law enforcement personnel have been reticent to investigate legal status due to jurisdiction issues. However, that has not stopped Arizona from redefining and reshaping the nation’s view and response to immigration.

History and Background

Arizona has a long-standing history of Latino residents that dates back to its origins. Mexico lost half of its land to the United States through two acts: the 1848 Treaty of Guadalupe Hidalgo (which ended the Mexican-American war), and the 1853 Gadsden Purchase. The lost land included Arizona, which had been home to many Indigenous peoples. At the turn of the 20th century, indigenous populations comprised 1.5% of the total U.S. population (U.S. Department of the Interior, 2014). Arizona has the third largest Native American population (234,891), preceded by California (281,374) and Oklahoma (471,738).

Arizona witnessed a shift in demographics after the California Gold Rush of 1849 when 50,000 Whites migrated and accounted for 80% of Arizona's population, outnumbering Mexicans, who accounted for 16%. Whites were the "immigrants" and Mexicans were the "natives"; nevertheless native Mexicans became the "other." Since then, the Latino population has been gaining ground and growing in number. In 2000, for example, Latinos made up 25% of Arizona's population and by 2010 that number grew to 30% (Ennis et al., 2011). To date, the number continues to rise. According to the U.S. Census Bureau (2014), 30.2% of Arizona's population is Latino, making it the state with the third largest percentage of Latinos in the country. According to Passel and Cohn (2009), the number of undocumented immigrants in Arizona was 500,000 in 2008. This represents a 500% increase over a ten-year period. Fears about the immigrant "other" are numerous, including that this large population of immigrants has contributed to a disproportionate amount of crime (Walker, Spohn, & Delone, 2011); and more recent fears that violence from the Mexican drug wars would spill over into Arizona have fueled considerable nativist sentiment.

Arizona has long been viewed as the historical battleground on the issue of undocumented immigration. In 2004, Arizona passed Proposition 200, one provision of which required public employees to check the legal status of individuals prior to the receipt of public benefits. Failure to report violations of immigration law under Proposition 200 was considered a misdemeanor. Various local and national anti-immigration groups collaborated on gathering signatures for the bill as well as garnering public support. Proposition 200, despite its controversy, paved the way for future anti-immigration efforts throughout the United States and represents widespread xenophobia. Clear evidence of xenophobia is SB 1070. Lacayo (2011) described the ideology and political history of this law as being developed and promoted by national anti-immigration efforts, not just local ones. The law, she claimed, was developed by law professor and Kansas Secretary of State Kris Kobach, who has long-standing ties with anti-immigration organizations.

Policy

On April 19, 2012, the Arizona Legislature approved SB 1070. On April 23, 2010, Arizona's Governor, Jan Brewer, signed SB 1070 into law. Republican Senator Russell Pearce was the main sponsor of the bill. As originally written, the law covered six areas. First, SB 1070 expanded the enforcement of immigration

issues from federal-only authorities, Immigration and Customs Enforcement, to state and local authorities. Law enforcement played a larger role in investigating immigration status, reporting status to the federal government, arresting non-citizens and facilitating the removal of non-citizens into the hands of federal authorities. Local law enforcement were granted the power to determine the status of an individual who is lawfully stopped, arrested, or detained. Second, SB 1070 required that all state residents 18 years of age and older carry specific forms of identification. The following forms of identification were deemed legitimate: a valid Arizona driver's license; a valid Arizona non-operating identification license; a tribal enrollment card or tribal identification card; and a valid federal, state or local government-issued identification that required proof of legal status before being issued. Failure to comply would result in fines and/or imprisonment. The third component of SB 1070 criminalized the act of picking up passengers for work. This section sought penalties for both those hiring and/or transporting a worker. SB 1070 made it a crime to impede traffic as a result of securing or applying for work; and further, it also made it a crime to impede traffic to hire an individual for work. Any undocumented worker who used a public space to seek employment was violating SB 1070. Unlawfully transporting or harbouring unlawful aliens was a fourth component of SB 1070. Employer sanctions were a fifth area addressed by the bill; and lastly, the power to arrest without a warrant, which was previously permissible for law enforcement, was extended to Peace Officers (National Conference of State Legislatures [NCSL], 2012). Until SB 1070, no state had been able to pass a law penalizing immigrants for entering a state boundary. Several states—California in 2007, Colorado in 2008, and Texas in 2009—had attempted to criminalize state trespassing, yet no measures passed.

On June 25, 2012, the U.S. Supreme Court ruled in *Arizona v. United States*. The court challenge, filed by the U.S. Department of Justice, argued that federal law preempts state law in four provisions of SB 1070. The first provision was Section 2B, often referred to as the “show me your papers” provision. The Supreme Court upheld this provision. The second ruling, which makes the failure to apply for or carry federally issued alien registration papers a state crime, was struck down. Third, the provision which makes it unlawful for an unauthorized immigrant to “solicit, apply for or perform work” was also struck down. Lastly, Section 6, “Authorizing the warrantless arrest of a person where there is probable cause to believe the person to have committed a public offense that makes the person removable from the United States” was also struck down (NCSL, 2012; Wessler, 2012).

On September 5, 2012, Judge Susan Bolton, U.S. District Court in Phoenix, Arizona, ruled that it was legal for authorities to verify the status of people they lawfully stop and suspect are in the state illegally. This decision was consistent with the June 2012 ruling by the Supreme Court referenced previously. Judge Bolton went further, ordering the state to stop enforcing another provision of SB 1070, which made it illegal to transport, harbour, or shield an undocumented immigrant (Santos, 2012).

Economic and Social Costs

The social, political, economic, and psychological impacts of SB 1070 is significant. Shortly after the passage of the law, a coalition of civil rights organizations, including labour unions and hundreds of performers and entertainers, organized a state boycott. The coalition called for the boycott of special events, conferences, and conventions. Estimates were that by the end of 2011 Arizona would lose over \$750 million in direct revenue and over \$17 million in taxes (Fitz & Kelley, 2010). Additionally, police departments worried that the costs of training and implementation of the law could cost millions of dollars (Lacayo, 2011). While it might be assumed that legal costs would place considerable burden upon taxpayers, this has not been the case. The majority of the over \$2 million spent in legal costs to defend the law from various legal challenges has been contributed by private citizens to a state fund established by Governor Jan Brewer (Rough, 2011).

One major implication of SB 1070 would be the dramatic consequences of removing the undocumented population in Arizona. Hinojosa-Ojeda and Fitz (2011) estimated that if all undocumented immigrants were removed, total employment would decrease by 17.2 percent (over half a million jobs); Arizona's economy would decrease by \$48.8 billion; and state tax revenues would decrease by 10.1 percent. Removing undocumented immigrants from Arizona would have dire consequences for all.

The Case of Alabama

History and Background

Compared to Arizona, the context for immigration policy in Alabama is vastly different. The history of racial segregation in Alabama and the violent responses of white citizens against civil rights activists is evidence of a long history of racism and oppression. Historically, Alabama has had a very low percentage of Latinos residing in the state. However, along with Arkansas, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, and Tennessee, Alabama doubled the number of Latino residents between 2000 and 2010 (Ennis et al., 2011). Alabama showed the second fastest rate of growth of the Hispanic population at 145 percent, increasing from 76,000 to 186,000 (Ennis et al.). In Shelby, Alabama, alone the number of Hispanic residents increased by 297% from 2000 to 2010 (Ennis et al.). It has been estimated that the number of undocumented immigrants in Alabama grew from 25,000 in 2000 to 120,000 in 2010 (Sarlin, 2013). Many of the undocumented immigrants sought jobs in agriculture, meatpacking, and construction. This arrival of Latinos in Alabama has meant the introduction and passage of what many refer to as the harshest anti-immigrant bill, HB 56. No doubt, Arizona's SB 1070 paved the way and set the stage for the introduction of HB 56; this bill, however, took liberty and pushed the boundaries of punitive immigration policy into uncharted territory described below.

HB 56 (2011) passed with widespread support by both the Alabama House and the Senate on June 11, 2011. The law consists of various provisions designed to

criminalize many aspects of the lives of undocumented immigrants. For instance, the law gives police officials the authority to demand a person's "papers" or immigration documentation during routine traffic stops or when the person is simply "suspected" of being undocumented.

HB 56 is the law most notoriously steeped in nativist ideology. Some commentators have suggested that Alabama's immigration laws are connected to the state's not-too-distant history of segregation (Rushing, 2011; Sarlin, 2013). Proponents of the law, such as the conservative think tank, the Alabama Policy Institute (2011), have stressed the importance of the rule of law and national security in the development of the policy. They have stressed that the law merely seeks to enforce already existing laws regarding the legal status of those without proper documentation, and that it asserts the need for secure borders and preserves jobs for citizens.

Policy

In addition to authorizing law enforcement officials to determine a person's immigration status, HB 56 also prohibits landlords from renting to undocumented immigrants, effectively requiring landlords to serve as de facto immigration officials. Section 30 makes it a felony for an "alien not lawfully present in the United States...[to] enter into or attempt to enter into a business transaction with the state" (HB 56, 2011, p. 56). HB 56 lists some transactions but omits others. For instance, business transactions may or may not include services such as the use of a parking meter or a public recreational facility. This section of the law makes being in the United States, which was an administrative infraction, a crime. Criminalizing the very process of engaging with the institutions that are normally considered necessary for health and welfare has led to many being deprived of numerous key services. For instance, Waslin (2011) reported that Alabama requires residents to show legal residency for continued use of water service. This law criminalizes living in one's home for some immigrants. Immigrants who own mobile homes would be committing a Class C felony by paying their registration fees to the state, given that even this level of interaction would constitute a criminal act.

Further, HB 56 makes it illegal for an employer to hire undocumented persons. The law states that it is a discriminatory practice to deny employment to legal residents as a result of the employment of undocumented workers. Other provisions make it illegal to transport undocumented immigrants or for undocumented immigrants to apply for work. Undocumented immigrants under HB 56 cannot receive public benefits at the state or local level, which includes attending public colleges and universities.

The vague and broad nature of several provisions of HB 56 greatly threatens access to social work and other human services. Section 28, for instance, requires elementary and secondary schools to document the immigration status of incoming students and their parents and to provide this information to the state. While proponents of the law state the intent is not to deter or restrict school attendance by undocumented students or children of undocumented parents, the effects have proven

otherwise. On the first day the new law went into effect, 2,000 Latino children, or 7% of Latino students in the state, did not show up for school (Jonsson, 2011). While school officials promised that immigration data would be used for “statistics” and only shared in aggregate, the policy has created anxiety and fear. Furthermore, the lack of specificity of many of the provisions makes implementation difficult and has led many business leaders and government officials to call for a revision of the law. For instance, Huntsville and Madison County attorneys have directed their county officials to resist checking the immigration status in government business transactions (Lawson, 2011).

Economic and Social Costs

Roughly seven months after HB 56 passed, the state legislature realized that the law had unintended negative consequences. For example, in their eagerness to arrest and remove undocumented immigrants, legislators wrote into the law a provision that allowed citizens to file legal action against individual officers who were not fulfilling their enforcement duties of arresting undocumented immigrants (Sarlin, 2013). Moreover, Alabama is a state with a high dependence on agriculture; and after the passage of HB 56, Latinos fled the state or were simply afraid to leave their own homes (Sarlin, 2013). According to an editorial in *The Washington Post* (2011), “in the farmers’ view, the law is depriving them of steady, experienced labour—and threatening to deal a lethal blow to crops throughout the state” (para. 1). Simultaneously with state legislative actions that weakened the law, the Obama administration, along with the Justice Department, churches, and civil rights groups, sought legal recourse to prevent either all or part of the law from being implemented. Sarlin (2013) stated:

In an effective act of surrender, Alabama settled its various lawsuits in October 2013 and coughed up \$350,000 to cover their opponents’ legal bills. The ruling that forced their hand created precedents that will foil similar laws even faster should they arise (para. 32).

Despite some of the provisions continuing, including employer verification of employee legal status and law officials verifying legal status upon a lawful stop, the exodus of Latinos from the state was short-lived. Fear and alienation among Latinos in Alabama continues.

The Case of Indiana

History and Background

Like its red sister-states, Arizona and Alabama, Indiana passed copycat anti-immigrant legislation in an attempt to rid the state of undocumented immigrants. SB 590, signed into law in May, 2011, was initially designed to mimic Arizona SB 1070 but in the end was less restrictive than either SB 1070 or HB 56. However, SB 590 was a result of both the racialization of the state and the lack of federal oversight in immigration matters. Republican lawmakers argued that a stronger immigration law was essential (Bradner, 2011). The number of Latinos in Indiana rose from 3.5% in 2000 to 6% in 2010 (Ennis et al., 2011). The numerous provisions of SB 590 include,

for example: English language requirements within government functions; production of data on costs of undocumented immigrants; law enforcement verification of immigration status and sanctioning of businesses who employ undocumented workers; and prohibition of sanctuary cities, college aid, and other public benefits to undocumented immigrants.

As in Alabama, the impetus for Indiana's new immigration law was Arizona's SB 1070. Republican Senator Mike Delph, the sponsor of SB 590, stated that the law was only meant to target undocumented immigrants; but through the legislative process, many of the provisions designed to address enforcement of illegal immigration at the federal and state level were stripped (Associated Press, 2011). The bill went through significant revisions prior to being signed into law by Governor Mitch Daniels in May, 2011. Like the laws presented above, this bill, as initially written, would have compelled law enforcement officials to check for proof of legal immigration status on any individual stopped for reasonable suspicion, which includes the mere belief that the person is undocumented. In addition, the bill required most government documents and transactions be conducted solely in English. If SB 590 had passed in its original form, the state would have had to shut down their Spanish language portal and print all state forms and ballots in English only (Hispanically Speaking News, 2011). The law further requires officials from the Indiana Department of Corrections to verify the immigration status of criminal offenders. SB 590 contains statutory language designed to outlaw sanctuary cities and prohibit undocumented immigrants from receiving any state welfare benefits or college tuition aid.

Many of the original provisions of SB 590 were stripped from the bill prior to enactment, leaving Indiana with a watered-down version of what was intended. Nevertheless, those in opposition to the bill state that it is unconstitutional, excessively costly to operate, and will lead to racial profiling (American Civil Liberties Union [ACLU], 2011). In fact, law officials expressed concerns about the bill, as it mandates enforcement without providing adequate funding. One local sheriff expressed the belief that immigration policy should remain at the federal level, leaving local officials to combat local crime (McCarthy, 2011).

Since its passage, U.S. District Judge Sarah Evans Barker has blocked two sections of SB 590. Specifically, Section 18 and Section 19 of SB 590 were enjoined, and a preliminary injunction was granted. Section 18 made consular identification cards illegal, and Judge Evans contended this would interfere with federal foreign policy. Section 19 allowed local law enforcement officers to arrest an individual when a federal official questioned his or her immigration status, despite a finding that the individual was in the United States legally. Judge Evans found that Section 19 violated the due process clause and search and seizure rights granted by the U.S. Constitution.

Economic and Social Costs

According to the Immigration Policy Center (2013), Indiana would lose over \$2.8 billion in economic activity, \$1.3 billion in gross state product, and over 16,000

jobs with the removal of all undocumented immigrants in the state. Furthermore, in 2007 immigrants throughout the state paid an estimated \$2.1 billion in federal, state, and local taxes of which \$902 million was paid by undocumented immigrants (Immigration Policy Center, 2013). These numbers do not begin to account for the social, emotional, and psychological cost of implementation. Though SB 590 does not appear to be as stringent as the laws in Arizona or Alabama, residents of Indiana still fear the potential ramifications of its enactment.

Discussion

The nature of the policies developed in Arizona, Alabama, and Indiana have important implications for social policy, practice, and education. Although there are slight differences among these three laws, the collective impact on the lives of immigrants and the further marginalization of undocumented immigrants throughout the United States is profound. Struggles over who belongs and who does not and over how we as a nation treat immigrants are embedded in these legal battles, with national and international significance. What is more, the social work profession has historically and contemporarily held disparate views about undocumented immigrants. The work of Park & Bhuyan (2012) has detailed the degree to which social work practitioners mirror national trends in the way they view and perceive undocumented immigrants. Some invoke the law and construct undocumented immigrants as outsiders and therefore undeserving, while others view undocumented immigrants as the victims of sociopolitical and economic policies and conversely construct them as deserving. Either way, the social work profession needs to foster a space and place for these divergent views to be expressed. As Park & Bhuyan (2012) stated, “What is necessary, in our view, is not the push for a singular directive or professional unanimity but a more radical move: a call for explicit discussions of open disagreement” (p. 36). We hope this article will facilitate a step in this direction.

Immigrants come to the United States from various countries and for myriad reasons, yet it appears that the major impetus for the onslaught of anti-immigrant state legislation is the immigration of Latinos (Johnson, 2009; Marquez & Schraufnagel, 2013). This appears to be paradoxical, given that both Alabama and Indiana have relatively small percentages of Latinos in comparison to Arizona. Yet, each state has experienced a rapid and proportional rise of documented and undocumented Latinos during the last decade and has been influenced by anti-immigration rhetoric and action. While the intent may be to criminalize undocumented immigrants, unintended consequences exist for documented immigrants of all nationalities, and in particular for native Latinos, who often feel targeted and profiled by such laws.

Proponents of the laws in each of the three states have all noted that they had a duty and obligation to act because the U.S. Congress had failed to implement comprehensive immigration reform (Nevins, 2010). Federal law does not criminalize the act of being in the United States illegally, but states have created a new “normal” of criminalizing undocumented immigrants. Furthermore, the rise of involvement by for-profit prison corporations in the detention of undocumented persons raises grave

ethical concerns. According to the Detention Watch Network (2011), detaining undocumented immigrants has become a growth industry for the for-profit private corporations. In 2009, 49% of detained immigrants were held in non-government, privately operated detention centers (Detention Watch Network, 2011).

With the exponential increases in government expenditures on immigration enforcement since 2001, private industry accurately views immigration detention as a growth industry, and corporations have therefore devoted their resources to lobbying for those policies and programs that will increase their opportunities to do business with the federal government. Among the five corporations with Immigration and Customs Enforcement contracts for which official federal lobbying records are currently available, the total expenditure on lobbying for 1999–2009 was \$20,432,000 (Detention Watch Network, 2011, para. 11).

The consequences for communities and the economic costs range from state to state; and the long-term consequences, both intended and unintended, remain unknown. What is known to date is two-fold: First, the federal courts are finding that various aspects of these laws are unconstitutional. In all three states, legal challenges have effectively stymied the most retrograde sections of the laws. Second, the immigrants' rights movement that emerged in spring 2006—in part as a reaction to federal legislation, HR 4437, known as the Sensenbrenner Bill—has had a profound, positive, and lasting impact on immigrant's rights. Protest movements have garnered strength over the past several years and have thrust immigrant violations and abuses to center stage. Further, it has called national attention to the need for comprehensive federal immigration reform.

Challenges Presented to Immigrant Clients and Social Workers

The consequences for the profession of social work are also striking. The rise of anti-immigrant policies as well as nativist sentiment pose serious challenges both to the social work profession as a whole, and to individual social workers (Boehme, 2011; Jones, 2012). On one hand, ethical obligations to clients underscore the importance of social justice training in social work education and practice (Woodside & McClam, 2006). On the other hand, punitive anti-immigrant social policies pose a serious threat and a significant dilemma for social workers' social justice orientation. Such policies often require social workers to collaborate with the state through the punitive action of restricting social services and, at worst, identifying and thereby criminalizing undocumented persons (Furman et al., 2007).

The practical reality of social work with this population is similarly stark. The prevalence of high social service need juxtaposed with scarce resources and access barriers may be highly detrimental to the well-being of undocumented migrants. Indeed, undocumented immigrants' health and well-being suffer greatly (Gonzales, Suarez-Orozco, & Dedios-Sanguinetti, 2013). Furthermore, undocumented children suffer notable barriers, such as persistent poverty, overcrowded housing conditions, lack of healthcare, and food insecurity (Gonzales et al., 2013)

The needs of the “1.5 generation” (children who migrated at young ages and have lived a substantial part of their lives in the United States) are equally complex. The inclusion–exclusion tension or dilemma is fraught for this group. “As they grow older, family responsibilities increase, while legal options decrease....While friends begin driving, taking their first jobs, and receiving financial aid for college, undocumented youth are legally excluded from these important rites of passage” (Gonzales et al., 2013, p. 1177). Overall, undocumented immigrants across the life span face mental, emotional, and psychological challenges that include trauma, acculturation difficulties, anxiety, discrimination, fear, depression, and substance abuse (Gonzales et al., 2013). Therefore, policy restricting social services to undocumented people has potential long-term negative consequences for all Americans. In the meantime, existing grassroots services for undocumented immigrants often operate on shoestring budgets, forcing clients to navigate through complex systems of increasingly resistant bureaucracy to meet their basic needs. The lack of Spanish-speaking social work providers is yet another challenge when working with this population. Without social work providers who are able to communicate with monolingual Spanish speakers, the social welfare needs of clients may often go unmet.

Nativist ideals and anti-immigrant sentiment promulgated by the policies explored in this article may hinder new social workers and social work students from specializing in practice with Latinos. This may, in turn, inhibit agencies’ ability to begin to acclimate and adjust services to meet the reality of increasing numbers of Latinos, regardless of their immigration documentation status. Active recruitment and retention of Spanish-speaking social service providers is one such essential component. Recruitment efforts can encompass financial compensation for multilingual ability. However, efforts by social work agencies cannot stop at recruitment alone, as the retention of Spanish-speaking providers is equally important. Spanish-speaking providers may experience more antecedents to attrition due to increased caseloads and fewer available resources. Human service agencies can minimize attrition through active support and clinical supervision of Spanish-speaking providers. For example, clinical debriefings on difficult cases, as well as venues to vent feelings of frustration, joy, or burnout can be used to provide psychosocial support to the social service provider.

Transnational Social Work Policy and Practice: Making Connections Between the Macro and the Micro

It is vital not to underestimate the importance of policy in shaping the agenda and funding patterns of social work organizations. It is especially important to understand the interconnected and complex relationship between social policy and social work practice when serving undocumented immigrants. Federal policy, as well as the profession of social work, must begin to address undocumented immigration as part and parcel of the phenomena of transnational migration and globalization. Policies and practices that begin to conceptualize the realities of transnational social work are needed, both on a micro and macro level (Negi & Furman, 2010); these include, for example, teaching social work students advocacy and activist skills. As

frontline workers who interface with immigrant clients daily, we are well situated to help organize and mobilize immigrant groups for just, equitable, and dignified immigration policies. Further, cross-border (Mexico–U.S.) collaboration between social service providers with the common goal of ensuring social welfare might be an interesting resource for policy makers to explore. Mexican and U.S. health are reported as being tied together (Poole, 1996). Infectious diseases such as tuberculosis, a lack of immunizations for children, obesity, and diabetes are just a few of the health issues that transcend the U.S.–Mexico border (U.S.-México Border Health Commission, 2013). Mass migrations to and from Mexico and the United States have led to the interdependence of social welfare issues. The quality of immigrants’ lives invariably affects the well-being of individuals and families both in country of origin and in country of residence, as these are often interdependent. Social policy can then perhaps facilitate the many existing collaborations between social service providers in the United States and in Mexico to provide a coordinated effort that would ensure the well-being of Mexican migrants and Americans. A coordinated effort benefits everyone by assuring basic human rights and promoting core social work values. Social work should be at the forefront of this movement, leading the conversation, engaging in advocacy, and shaping policy.

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Author Note

Susanna Jones, Department of Social Work, Long Island University, Brooklyn, NY; Rich Furman, Department of Social Work, University of Washington Tacoma; Melody Loya, Department of Criminal Justice, Psychology, Sociology and Social Work, West Texas A & M University; Alissa R. Ackerman, Criminal Justice, Social Work Program, University of Washington Tacoma; Nalini Negi, School of Social Work, University of Maryland; Doug Epps, Office of Undergraduate Education, University of Washington Tacoma; Gladys Mondragon, Tacoma Community House.

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Correspondence concerning this article should be addressed to Susanna Jones, Long Island University, 1 University Plaza, Brooklyn, NY 11201, USA. Email: Susanna.jones@liu.edu