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Lizzy Ghedi-Ehrlich [00:00:08] When members of Congress propose a new bill, they have a pretty good idea of what it will do and how it will play out in the real world. But sometimes, new policies can have vast and unforeseen consequences years down the line. In 1996 for example, President Bill Clinton signed a sweeping bill into law to curtail undocumented immigration. But it wasn't until years later, that some of its impacts would be felt, far from America's border states. In this week's episode, the final show in our three part mini series on undocumented immigration in America, we're going to take a look at some of the consequences of this law and what immigration enforcement looks like today. How and why did the landscape of immigration enforcement change? And what does this new system mean for immigrants and their communities? Hi, I'm Lizzy Ghedi-Ehrlich and this is the Scholars Strategy Network's No Jargon. Each week, we discuss an American policy problem with one of the nation's top researchers without jargon. This week I spoke to Yalidy Matos. She's an assistant professor of political science and Latino and Caribbean studies at Rutgers University. Here's our conversation. Yalidy, thank you so much for joining us today.

Yalidy Matos [00:01:13] Thank you. Thank you for having me.

Lizzy Ghedi-Ehrlich [00:01:16] So immigration enforcement isn't just about southern border crossings. Where else is immigration law enforcement activity happening right now?

Yalidy Matos [00:01:23] Yeah, that's absolutely right. Post 9/11, we've just seen immigration enforcement happen within the interior of the US. You have places like North Carolina, Utah, Indiana, Alabama, Colorado. It really is just happening everywhere. And not just states with large immigrant populations. But we've also seen states like Alabama that have very low immigrant population pass immigration at the state level -- immigration laws at the state level.

Lizzy Ghedi-Ehrlich [00:01:52] And so speaking of those state level immigration laws, can you tell us about memorandums of agreement?

Yalidy Matos [00:01:57] Yes, absolutely. So memorandums of agreements come from a program called 287-G and 287-G is the section in the Immigration and Nationality Act of 1952. Now in 1996, as you mentioned, Bill Clinton passed the Illegal Immigration Reform Immigrant Responsibility Act and Section 133 of that law amended the Immigration and Nationality Act of 1952, making it so that states were able to conduct local law enforcement when it comes to immigration, memorandums of agreement which states signed on to work with the federal government to enforce immigration at the local level. So police officers for example, are given the ability to stop anyone they deem reasonably suspicious of being in the country undocumented and ask for their papers. So it's -- this particular law is commonly known as "Show me your papers." So that's what memorandums of agreements do. Localities sign on to them and the federal government gives them incentives and then police officers really are doing the enforcement at the local level.

Lizzy Ghedi-Ehrlich [00:03:11] How is that all coordinated? How do federal, state, and local law enforcement agencies coordinate working together?

Yalidy Matos [00:03:18] Well that's precisely what the memorandum of agreement are. So for the 287-G program in particular, there are three different ways that it can be done. So some states, some localities sign onto a task force model which means that these particular deputized officers are able to question and arrest those they believe are in the country undocumented. The jail enforcement model, which is a second model, basically allows these officers to place immigration detainers, which just basically means they -- they hold the individual up until ICE is able to come and pick them up or they have to let ICE know if they're letting the person go. And then there's hybrid models which includes both of these.

Lizzy Ghedi-Ehrlich [00:04:04] And tell us one time just because now we've said the term ICE, can you, can you spell out what that agency is?

Yalidy Matos [00:04:09] Yes yes. That's the Immigration and Customs Enforcement.

Lizzy Ghedi-Ehrlich [00:04:12] You brought up an interesting point in the task force model. It authorizes local law enforcement to simply approach a person they suspect of being an undocumented immigrant. Do we know what guidelines there are in place for why a law enforcement officer would target a particular person under the task force model?

Yalidy Matos [00:04:33] Right. Yes. So actually under both models deputized officers are able to stop anyone they deem sort of reasonably suspicious of being in the country undocumented. With both models really, part of the critique of the 287-G programs and programs like these are the fact that it can lead to racial profiling because we don't really know what it means to look like if you're undocumented in the country and so a lot of the times when officers do make stops they are because of other such as traffic stops, not putting on your signal when you're turning right. So those kinds of stops are often how it starts and then usually depending on what that person looks like or not, the officer will ask for license and registration, right? Which is then when you can tell if somebody has a U.S. license or not or if they just don't have it on with them. Then they're able to make the decision about taking them into the local jail.

Lizzy Ghedi-Ehrlich [00:05:30] And what precipitated the creation of these types of federal-local partnerships that we're seeing taking off now?

Yalidy Matos [00:05:37] That's really part of the sort of irony because the 1996 law that Clinton signed really is the catalyst or the foundation for these kinds of laws but really we didn't see these federal-local partnerships up until post 9/11 and it wasn't until 2002 where we saw Florida become the first state to sign a memorandum of agreement. So really post 9/11, we just had a very different environment. If we remember there is a lot of conversation about the southern border and national security. So states started to sign on into the memorandum of agreements.

Lizzy Ghedi-Ehrlich [00:06:14] And so there's another type of state and federal partnership that you've written about called Secure Communities. Can you tell me more about that?

Yalidy Matos [00:06:21] So jurisdictions that are operating under Secure Communities are in very close partnerships with the Immigration and Customs -- Customs Enforcement agents or ICE agents and they can actually run federal immigration checks on any and every individual that's booked into a local jail. So what happens is if somebody is booked into a local jail, their fingerprints are run and those are then put in correlation with the

Federal Bureau of Investigation, the FBI, and the Department of Homeland Security. And then when there are matches between the FBI and the Department of Homeland Security for undocumented immigrants, then ICE is able to sort of start the removal process.

Lizzy Ghedi-Ehrlich [00:07:03] And so it's a step above even the sort of jail model that you'd previously discussed. It's not that a specific officer will suspect someone being of a documented and refer them to ICE. It's that if you are jailed in a community that has a Secure Communities program in place, you're going to have that background check happen?

Yalidy Matos [00:07:23] Yes. Your fingerprints will automatically be sent to the FBI which will then cross match with the Department of Homeland Security.

Lizzy Ghedi-Ehrlich [00:07:31] And both of these programs -- Secure Communities and memorandums of agreement -- have been in place across different administrations, not just this current administration and political parties as well?

Yalidy Matos [00:07:41] Yes, the Secure Communities started in October of 2008 and it started off as a pilot program in Texas and North Carolina and then it was heavily expanded by the Obama administration. So when it started in 2008, there were 14 jurisdictions --14 Secure Communities jurisdictions. And by October of 2011, which is under the Obama administration, there were approximately sixteen hundred jurisdictions across 44 states.

Lizzy Ghedi-Ehrlich [00:08:12] And is that why we hear about the increases in deportations under the Obama administration, do you think?

Yalidy Matos [00:08:18] Yes. So the Secure Communities in particular has a lot to do with the increased deportation under the Obama administration which did come under critique for Secure Communities, leading him to actually get rid of Secure Communities back in 2014. But our current administration and current president did reinstate Secure Communities.

Lizzy Ghedi-Ehrlich [00:08:40] So, we have spoken about federal-local partnerships but those are different between this -- some different state-level policies that have been enacted around immigration reform. Can you talk about the differences?

Yalidy Matos [00:08:52] Yeah absolutely. So the way that I see it is that there's really two different things happening. Like you mentioned, there's the federal-local law partnerships that are happening and that really is sort of mitigated by the federal government. Now, aside from that there are also state-level immigration laws. So really, if you think about for example, the 1996 Illegal Immigration Reform Act -- Responsibility Act, it's basically that at the state level. So in 2010, you had Arizona passed the first law which is known as SB-1070 and after that you have five states pass similar copycat laws and they're not -- they're often not copycat in that they're the same. Some of them have more provisions and others and those states include Alabama, South Carolina, Georgia, Utah, and Indiana. And really those are distinct because now at the state level there are a set of different rules that the state is following on top of the federal immigration legislation. And for example, in these states the Show Me Your Papers provision, it's at the state level, not just a 287-G locality and not just a Secure Communities jurisdiction. All of the local officers in that state have to sort of follow SB-1070 in Arizona for example, or HB-56 in Alabama.

Lizzy Ghedi-Ehrlich [00:10:16] And that's an interesting set of states because very few of them are actual southern border states.

Yalidy Matos [00:10:21] Exactly and this is really where we see sort of the geography of local immigration enforcement, where we see it really move from the southern and Southwest border into U.S. southern states like Alabama, like South Carolina, and more recently though we did see Texas pass SB-4, which is better known as sort of an anti-sanctuary provision.

Lizzy Ghedi-Ehrlich [00:10:47] And do you think that those state level laws are in response to immigration trends within those states or is there something else that's driving state legislatures to enact those laws and state governors to sign them into law?

Yalidy Matos [00:11:00] Yeah, that's a great question. So for example, if we take Alabama -- Alabama has about 3.5 to 4% immigrant population. And that's just the immigrant population in its entirety, not just undocumented immigrants. And so with that very low percentage of the immigrant population, it's very difficult to think about Alabama passing a state level legislation. I think part of it is just being maybe proactive about the sort of percentage growth of immigrant populations in places like Alabama and South Carolina. A lot of times we see for example, the meatpacking industry bring a lot of immigrants into states like Arkansas. So maybe it's a little bit more of a proactive measure.

Lizzy Ghedi-Ehrlich [00:11:43] So Yalidy, now that we've gotten a sense of what these programs look like and how they function, I want to turn our attention to the individual people who are affected. Can you tell us what these partnerships have meant for immigrant communities and the states where they live?

Yalidy Matos [00:11:57] Really for the -- for the people living in these communities it often means living in fear. It often means moving around, making arrangements for their children. If they were to -- especially if their children are U.S.-born, making arrangements with other family members with other neighbors in terms of what will happen to those children, who will take care of them. Sometimes it means keeping their children out of school. This particular ICE raid that happened for example, in their community. Oftentimes children are kept out of school. In terms of really the criminal justice system for example, it means that a lot of these individuals are not reporting crimes especially when it comes to employer violations or women in particular not reporting abuse often in fear of then being re-victimized and deported. In the extreme case, it can often lead to self-deportation, which really seems that at least in part is the strategy of ICE raids and programs like the one we've spoken about before. So to give you an example of that, just recently there ICE raided about 100 7/11 stores across the country and again, this is an example of the fact that immigration reform has really moved outside of the southern border because there were -- some of the states that ICE raided stores in were California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Missouri, North Carolina, Oregon, Pennsylvania. So they they raided about 100 7/11 stores and only made 21 arrests, which really doesn't align as -- as much as we think. So part of it really is a fear factor in particular communities that then can lead certain people to sort of move around or even just sign voluntary deportations once they have been apprehended.

Lizzy Ghedi-Ehrlich [00:13:50] There's been a lot of conversation about sanctuary cities and other localities that are doing the opposite of what we've talked about, stating that they're not going to cooperate with ICE. Now we may not know this yet, so feel free to defer but you had mentioned moving around a lot as a consequence of these type of laws.

Do do we know or does there seem to have been any trends leading towards immigrants or undocumented immigrants in particular, moving out of communities that have made commitments to engage with ICE into communities that have made commitments to not engage with ICE?

Yalidy Matos [00:14:25] That's a really good question. I don't think that we have that kind of data just yet. But what I will say is that this particular population, whether it's immigrants or undocumented immigrants, they move to where the jobs are. And so oftentimes we find that sanctuary cities are cities like L.A. or New York City for example, where there aren't a lot of jobs. There isn't data to suggest that they are moving to sanctuary cities but I would also think economically it might not be the most viable option.

Lizzy Ghedi-Ehrlich [00:14:55] That makes sense. And we've heard talking points or at least the administration's that, you know, they're using this enforcement of these laws and deportation only to target violent criminals. Have we -- Has that been borne out?

Yalidy Matos [00:15:09] Not really. I mean, I think they are doing that but they're also really apprehending and removing all kinds of different undocumented immigrants, not just violent offenders. And we can see that from the Secure Communities statistics. For example, in 2011 which was during the Obama presidency, you have 26 percent of all Secure Communities deportations that were Level 1 convictions and what that means is that these were what they call criminal aliens, right? So undocumented immigrants who had a criminal conviction attached to them. And then there is Level 2 convictions which is minor criminal offenses and at that time in 2011 there was 19 percent of those. However, there are 29 percent of individuals who were convicted of Level 3. Oftentimes, there is no criminal convictions. So you just have a large percentage of immigrants being removed and deported without any criminal convictions. Just recently there is something called Operation Cross Check which is raids done by ICE in the Austin-San Antonio area and across the country. But if you look at new stories for example, you'll read a lot about the Austin-San Antonio area where there's about 51 arrests and more than half of those people detained had no previous criminal convictions.

Lizzy Ghedi-Ehrlich [00:16:35] Do we see any policy benefit of the federal-local partnerships with immigration enforcement that you can think of?

Yalidy Matos [00:16:43] I think if the federal-local level agreements were geared more towards inviting trust into the system it might be a different case. So one of the things that I -- one of the negative things that I see as coming out of the immigration enforcement policies really is that it leads to a lack of trust and faith in local law enforcement. So local law enforcement is then viewed as yet another institution that people cannot trust, rather than an institution that's there to serve the people or protect the people. Oftentimes, it's been seen as an institution that isn't serving them or protecting them, leaving folks even more vulnerable than they were before. So that's really one of the drawbacks and probably one of the things that I would say is a reason why not to have these federal-local law enforcements.

Lizzy Ghedi-Ehrlich [00:17:33] And so if you were face to face with local officials or maybe the 2018 candidates who were considering these kinds of immigration enforcement policies and messaging about them and thinking of different ways to enforce them were they elected, what would you say then specifically about that trust issue? How might you correct for it?

Yalidy Matos [00:17:52] Sort of an example would be sanctuary cities or the sort of rhetoric of sanctuary cities, you know, building up that trust where citizens of that locality or that city or that state really do trust that their local law enforcement are doing their best to serve and protect them. But really when it comes to for example 2018 candidates, one of the things that really needs to be considered is comprehensive immigration reform, you know, and really one that considers the put the push and pull factors of immigration, right? So what is happening in the home country that pushes people out economically and how maybe the U.S. can mitigate that and then what's pulling people to their destination countries, in this case the United States right? We know that most people don't want to immigrate. They don't want to leave their home country. But the conditions especially economic and social is really what pushes people out. So a comprehensive immigration reform that really considers that sort of mitigates the push-pull factors is one of the biggest thing that I think 2018 candidates need to consider.

Lizzy Ghedi-Ehrlich [00:18:56] Thank you so much Yalidy.

Yalidy Matos [00:18:58] You're welcome.

Lizzy Ghedi-Ehrlich [00:18:59] And thank you everyone for listening. No Jargon is the podcast for the Scholars Strategy Network, a nationwide association of over 900 researchers in 46 states. The producers of our show are Shira Roscoe and Dominik Doemer. Our sound engineer is JM Baez. If you like the show, please subscribe and rate us on Apple Podcasts or wherever you get your shows. You can give us feedback on Twitter @nojargonpodcast or at our email address, which is nojargon@scholars.org. For more on what you heard on this week's episode, check out our show notes at scholars.org/nojargon. Dr. Meadows. Thank you so much. Thank you so much. Thank you for having me.