

# **THE IMMIGRANT POLICY CONTEXT IN ILLINOIS: AN OVERVIEW, POLICY ANALYSIS FRAMEWORK AND IMPLICATIONS FOR ILLINOIS CHILDREN<sup>1</sup>**

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*This paper presents an overview of the current immigration policy context in Illinois and offers an evidence-based framework designed to support policymakers drafting immigrant policies: the Policy Inclusion Effects (PIE) Framework. Our central argument is that policies targeting specific immigrant groups have both direct effects on the targeted group and spillover effects on broader immigrant and ethnic communities. Spillover effects can be most pronounced among children. A full accounting of policy impact must take both direct and spillover effects into account.*

In the absence of comprehensive federal immigration policy, state and municipal policymakers have had to step in, generating an unprecedented amount of immigrant-focused legislation in recent years. Each state has set its own integration parameters for growing immigrant populations, creating 50 immigration policy contexts affecting the educational, economic and life prospects for millions of American children. These differences are present across immigrant groups and policy areas, defining a broad array of opportunities for immigrants and their children. In this paper, we ask how Illinois is faring in this diverse policy climate. We examine the makeup of the immigrant network in the state and the policies that lawmakers have enacted since 1990; we then present a policy analysis framework to guide future decisions in this area.

Throughout the paper, we discuss policies in general, but we focus in particular on the effects on children. Illinois is among the first states expected to reach a tipping point of minority-majority children by 2020, underscoring the importance of understanding the impact of immigrant policy on Illinois' children (Eltagouri, 2016). This demographic shift is greatly due to the growing number of second-generation immigrants: U.S-born children of immigrant parents (Pew Research Center, 2013). Second-generation immigrants grow up between two worlds; hearing messages about being American, and learning lessons about being immigrant. They often reside in *mixed status households*, where not all family members are U.S. citizens. We argue that to understand the true impact of policies targeting immigrants, decision makers must consider this

kind of connection within immigrant communities and families. Additionally, we argue that assessing the effects of policies targeting immigrants requires attention to people beyond the population that a policy explicitly targets. In sum, due to the robust immigrant network in Illinois, and emerging second generations, the future of Illinois is linked to immigrants. This paper presents the current landscape and offers an evidence-based framework designed to support policymakers drafting immigrant policies while addressing native-born needs.

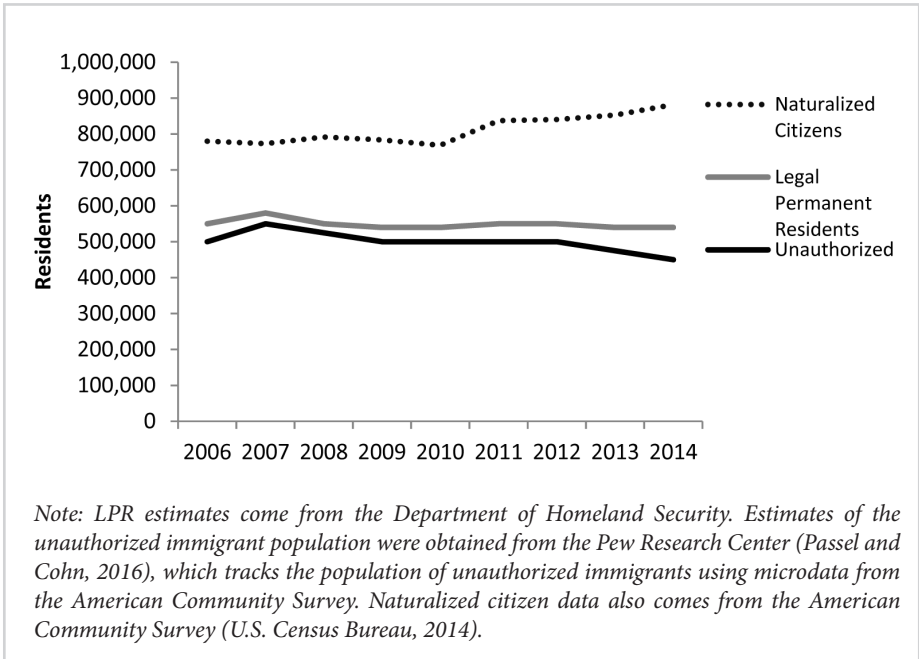
## **THE POPULATION OF IMMIGRANTS IN ILLINOIS**

Illinois hosts the sixth-largest immigrant population in the United States and ranks 11th in terms of the share of state residents who are foreign-born (Lopez and Radford, 2017). Illinois' network of 1.8 million immigrants falls into several legal categories that are central to state policies. Primarily, these are foreign-born naturalized citizens, authorized legal permanent residents (green card holders) and unauthorized immigrants.<sup>2</sup> State policies are segmented across these various legal categories, yielding differences in privileges and burdens across immigrant networks.

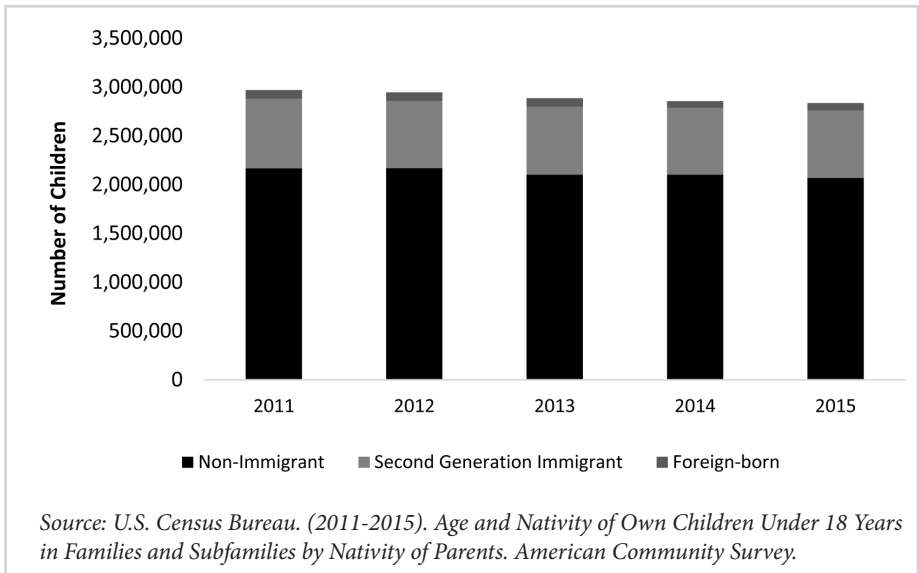
Today, roughly half (882,000 people) of the foreign-born residents of Illinois are naturalized citizens (U.S. Census Bureau, 2014). Of those who are not naturalized citizens, 540,000 people are legal permanent residents (LPRs) (Department of Homeland Security, 2014); this population has remained relatively stable over the past decade. In contrast, Illinois has seen a decline in the number of unauthorized immigrant residents. According to the most recent estimates from the Pew Research Center, which tracks the population of unauthorized immigrants using microdata from the American Community Survey, Illinois is home to roughly 450,000 unauthorized immigrants. Their numbers have declined by 22% in the state since the peak in 2007 (Passel and Cohn, 2016). In fact, Illinois is one of only seven states that has seen a statistically significant decline in the population of unauthorized residents since 2009.

It is important to note that the 1.8 million foreign-born people in an array of legal categories are not the only residents who make up the Illinois immigrant network. In fact, the fastest growing sector of the immigrant network is second-generation immigrants, or native-born children of foreign-born parents. These children add approximately 692,000 people to Illinois' immigrant network (U.S. Census Bureau, 2015). When policy decisions target immigrant groups –

**FIGURE 1**  
 Illinois Immigration Trends (2006-2014)



**FIGURE 2**  
 Illinois Children by Household Immigration Status



providing or restricting benefits, adding or taking away burdens – these native-born children are affected. Figure 2 displays the population of Illinois children, broken down by the immigration status of their household. The majority of children in our state are native-born and live in non-immigrant households, but a large and relatively steady proportion are second-generation children of foreign-born parents. Most of these parents are naturalized citizens or LPRs.

## **IMMIGRANT POLICIES IN ILLINOIS**

Illinois residents in all of these categories are affected by state-level policy decisions. Though immigration policy is often constructed as a federal responsibility in the media and public debates, states have a significant amount of discretion in the privileges granted to immigrants within their boundaries. States exert their role in shaping immigrant lives by responding to federal immigration actions and by structuring the integration of immigrants within their jurisdictions. Policy observers frequently group state immigrant policies into the broad categories of *restrictive* or *inclusive*. Restrictive policies bar immigrants of certain statuses from privileges such as holding a housing rental agreement, receiving job training or receiving income support; inclusive policies grant access to such programs.

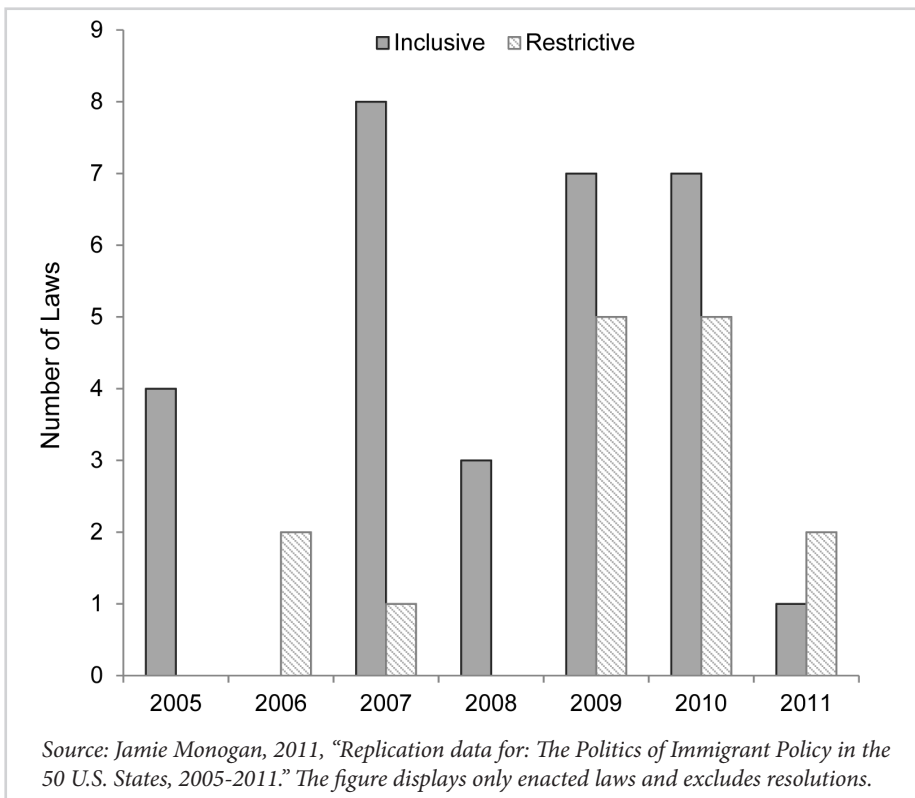
When individual policies are aggregated to evaluate policy environments, states are almost evenly distributed among the restrictive-inclusive spectrum. Illinois largely fosters an inclusive policy environment. For example, a recent RAND report examining the distribution of the most commonly enacted state-level policies targeting unauthorized immigrants classifies Illinois' policy climate as among the most inclusive in the nation (Karoly and Perez-Arce, 2016). Although Illinois is more inclusive than several other high-immigrant states, the current policy context remains mixed for immigrants in the state. Monogan (2011) collected data on state immigrant laws enacted between 2005 and 2011, coding them as either inclusive or restrictive. Figure 3 shows the breakdown of the 45 laws targeting immigrant groups enacted in Illinois during this time span, as coded by Monogan. Of these, 30 were inclusive and 15 were restrictive.

Figure 3 also shows a spike in inclusive policymaking in 2007. Illinois has historically been welcoming towards immigrants; however, the last decade has seen an unprecedented level of pro-immigrant activity across many states, Illinois included. The shift in local policy has been attributed, in part, to a nationwide movement, *La Primavera de los Inmigrantes* (the Spring of the Immigrants) in 2006 (Flores-Gonzales and Guiterrez, 2010, pp. 1-36).

Demonstrations were orchestrated in response to the federal Sensenbrenner Bill (H.R. 4437), also known as the “Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005” (National Conference of State Legislatures, 2017.) In Illinois, advocates organized marches, voter registration and mobilization of immigrants, shaping the state immigrant policy context. While the Sensenbrenner Bill did not see a Senate vote, a portion of H.R. 4437 language passed through the Real ID Act (H.R. 418) of 2005. The Real ID Act establishes proof of legal presence or citizenship as a requirement for a driver’s license, making unauthorized immigrants ineligible. According to Senior Policy Council Fred Tsao of Illinois Coalition for Refugee Rights, the passage of Real ID intensified immigrant rights groups’ efforts to establish driving privileges for unauthorized immigrants. Passing driving privileges for unauthorized immigrants was a 14-year effort culminating in an inclusive state policy: the 2014 Temporary Visitor Driver License (2017). As this example illustrates,

### FIGURE 3

Enacted Legislation Targeting Immigrants in Illinois, 2005-2011

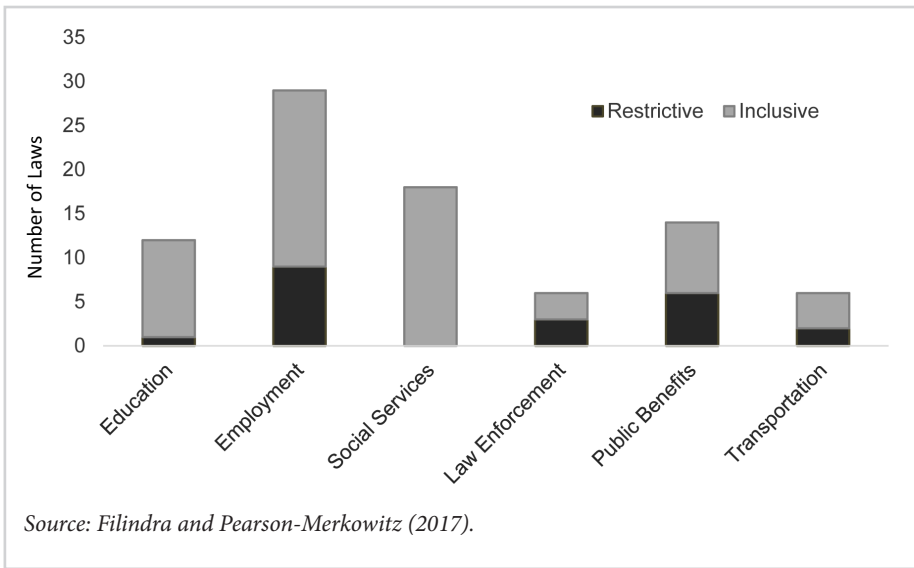


while Illinois is an inclusive state on balance, years of political conflict and effort lie beneath each state immigrant law.

In a newly released major data collection effort, Filindra and Pearson-Merkowitz (2017) have amassed data on all state-level laws that target immigrant groups in the U.S. from 1990 to 2015. An analysis of these data provides a more nuanced look at inclusivity in Illinois.<sup>3</sup> Figure 4 displays our analysis of the 85 laws passed during this period that target immigrants. A quarter of these laws (21) were restrictive, and three quarters (64) were inclusive.

**FIGURE 4**

Inclusivity of Illinois Immigration Policy, by Policy Domain (1990-2015)



Roughly one-third of the inclusive laws between 1990 and 2015 were related to funding for immigrant-related programs. One example is SB 1446, which allocated \$15 million for an English as a Second Language (ESL) program available to authorized immigrants. But policies in other domains were more mixed. For example, labor policies range from H 624, which prohibits unauthorized immigrants from receiving training for skills in critical demand, to SB 2064, allowing foreign medical practitioners to work under certain conditions.

It is important to issue two caveats here. First, these analyses are offered to demonstrate patterns that have emerged over several years in the state; readers

should note that neither of the published academic data sources we draw upon in this section include the most recently enacted laws, leaving out important legislative action. For example, the landmark Trust Act, SB 0031, was signed into law in August 2017. The Trust Act provides protection of immigrant communities by establishing parameters for the detention of immigrants solely on the basis of immigration status. SB 0031 stipulates that without judicial warrant or probable cause of criminal activity, government officials will not be allowed to make immigration arrests in state-funded designated locations, including schools and health institutions. This law has dramatic consequences for immigrant communities, which we revisit in greater detail later in the paper. But it is not included in the counts in Figures 4 and 5.

This important piece of legislation brings us to our second caveat. Counting legislative actions is a common analytic practice, but it provides only a rough proxy for the policy contexts in which people live. Aggregating policies via tallies and other techniques can sometimes mislead analysts about the nature of the policy context if, for example, numerous inconsequential policies are interpreted as outweighing a single policy with great meaning in the lives of a state's residents (Soss et al., 2006). Therefore, we report these tallies to provide a broad-brush overview of Illinois' legislative history in immigration policy, but we caution readers to pay close attention to the specific impact of laws and interpret these counts with caution.

Furthermore, even within the policies we coded as inclusive – those that made one immigrant group eligible for a public benefit – other groups were sometimes excluded. Eligibility differences across immigrant groups are particularly complex when it comes to public benefits, a policy area that is essential to child development and welfare in the state. State benefit programs in Illinois vary widely in inclusiveness (Trusts, 2014).

On the inclusive side of this spectrum are Women, Infants and Children (WIC) and All Kids, children's medical coverage. Both of these programs are available to all immigrants regardless of legal status. Food assistance and Medicaid, however, are only available to a subset of legal permanent residents (LPRs). LPRs are not eligible for several forms of federal assistance until they have been in the country for at least five years. Some states take steps to fill this gap. In Illinois, state food assistance is available to LPRs within the federal five-year ban enacted in 1996 if Illinois applicants are under 19 years of age, have a disability or have 40 work credits. Unless they meet those criteria, these residents must wait for five years before becoming eligible for food assistance

in Illinois. Aid to the Aged, Blind and Disabled (AABD) and Medicaid<sup>4</sup> are available to LPRs within their five-year ban only for U.S. military applicants and U.S. military family member applicants. (Although H 399 extended AABD eligibility marginally to refugees and asylees.) Illinois General Assistance is available to LPRs after the five-year ban<sup>5</sup> (Illinois Legal Aid Online, 2017). So, while some LPR families are eligible for some services, the coverage is far from universal and unauthorized immigrants are eligible for far fewer benefits.

What does this patchwork of inclusive and restrictive policy mean for Illinois immigrant residents? We turn now to a new policy analysis framework that that can be applied to assess the impact of state-level immigration policies, especially in cases where eligibility is complex and members of different immigrant groups coexist in families and densely networked communities.

## **THE POLICY INCLUSION EFFECTS (PIE) FRAMEWORK**

Individuals do not operate in a vacuum – they live within family and social networks. These social networks shape attitudes and behaviors, which is important to remember when thinking through the consequences of immigration policy. Because families share resources and networks, the impact of state immigrant policies is not limited to members of the group of immigrants targeted in the legislation. The effects spill over within communities, peer networks and families. People embedded within immigrant networks, regardless of legal category, often benefit or are harmed indirectly by immigrant policies (Karoly and Perez-Arce, 2016).

Reviewing literature on policy effects from across the social sciences, Condon et al., (2016) present a framework that policy analysts and community leaders can employ to think through the broad effects of inclusive and restrictive policy designs: the Policy Inclusion Effects (PIE) Framework. Scholars across several academic disciplines have identified ways in which inclusive and restrictive policies can affect immigrant communities. The PIE Framework is a two-by-two matrix that organizes these various policy implications along two dimensions. The first dimension is order – direct or spillover. Policy analysts interested in assessing the effects of a policy targeting one group of immigrants must consider that the policy will affect the target group directly, but effects are also likely to spill over in families, communities and between children in school.

This phenomenon of spillover is especially important to consider given that 90% of immigrant households in Illinois are mixed status families (Tsao, 2014), and



as we demonstrated in Figure 2, most children living in immigrant households in the state are native-born (second-generation). This large group of children can be affected by policies targeting narrow groups of immigrants. For example, native-born children are less likely to obtain Medicaid coverage if their parents are not U.S. citizens (Watson, 2014). Effects can also spill over to children of native-born parents in high-immigrant ethnic groups and communities. For instance, states with E-verify labor laws intended to prevent unauthorized immigrants from working see a reduction in the number of employed Latino immigrants *and* of low-education U.S. citizens of Latino descent (Raphael and Ronconi, 2009). In the short term, the spillover of E-verify laws on U.S. children in immigrant households limits their parents' employment prospects and the financial resources available to that child. In the long term, E-verify laws may reduce employment prospects and educational attainment for these children.

Sometimes this spillover occurs because of what economists call chilling effects – a drop in use of a benefit or program among eligible people after restrictions are put in place on another immigrant group (e.g., Watson, 2014). Chilling effects stem from confusion about eligibility when people across immigrant networks are eligible and non-eligible. Eligible persons may obtain public benefits despite residing in a mixed-status household, yet U.S. citizens and eligible permanent residents refrain from public benefit program participation partially out of fear that participation in these programs could adversely affect the legal status of non-eligible family members. Chilling effects suggest that policy exclusion of immigrants creates confusion and sends a powerful message to the larger immigrant network. Taking all of this together, it becomes clear that immigrant policies have a *direct impact* on the policy target and a *spillover effect* on people in proximity to policy targets, spanning across legal categories in high immigrant communities; children are particularly vulnerable to these effects in their important developmental years.

The second dimension of the framework is resource type. Policies provide both material and symbolic resources. *Material resources* pertain to access (or lack of access) to tangible means, which contribute to the total pool of resources available for a household or community. Resource sharing multiplies across networks where co-ethnic, high-immigrant households share material resources with other families within their network. The second type of resource is *symbolic*: the messages policies send about immigrants. Symbolic resources manifest in feelings of inclusion or exclusion, social identities, and the way the wider community views a group. While symbolic resources may not be

physically obvious, they influence decisions such as whether to become a naturalized citizen (Van Hook et al., 2006) and educational aspirations (Filindra et al., 2011). Anti-immigrant rhetoric that can surround policy debates has also been shown to affect immigrant political behavior (Pantoja et al., 2001) and shape racial identity (Junn, 2007). Both material and symbolic resources can spill over beyond a target population, touching the lives of people embedded within the larger immigrant networks.

The PIE framework (Figure 5) can be employed to think through the spillover and symbolic effects of policies targeting immigrants who might otherwise be overlooked. For example, consider a hypothetical child: Leo. Leo is a U.S.-born toddler, so Medicaid restrictions on recently arriving LPRs have little immediately apparent effect on him. However, he is less likely to have Medicaid because his mother is not a U.S. citizen (Watson, 2014). Leo's mother is a recently arrived LPR who is directly excluded from a material benefit, healthcare coverage (top left quadrant). Being barred from access to Medicaid carries a symbolic effect of exclusion (top right quadrant). Subsequently, Leo experiences a material and symbolic spillover effect. Leo is less likely to have healthcare benefits even though he is eligible (bottom left quadrant). Also, as Leo matures he will realize his mother and other co-ethnic people do not have the same privileges as others (bottom right quadrant); this may shape his own ethnic identity.

The PIE framework has been applied to show that the effects of restrictive immigration policies go far beyond direct material effects, especially in the case of educational attainment. When states restrict the safety net of public benefits to recently arrived LPRs, children in the excluded category are less likely to graduate high school, but so are low-income children in high immigrant ethnic groups more broadly (Condon et al., 2016). The educational attainment of immigrant and native-born youth are intertwined in American states. In instances where financial stress is high, youth may decide to enter the labor force early rather than persist in education. Additionally, when some youth in a school drop out, peers are more likely to follow suit. Academic performance is influenced by peer performance especially among same-race students (Hoxby, 2000). Feelings of inclusion also play an important role in educational persistence. In other words, if a portion of youth faces obstacles in their educational trajectory, co-ethnic peers will perceive similar challenges. The impact of immigrant policies across youth within immigrant networks suggests that educational attainment trends spill over, affecting youth inside and outside the immigrant policy target.

The application of the PIE Framework by Condon et al., (2016) focused on the inclusion or exclusion of LPRs in state income-support programs during the five-year federal ban on Temporary Aid to Needy Families (TANF) eligibility. The authors found that Latino youth were nine points more likely to graduate high school in states that extended support, even holding state, family and individual factors constant through a quasi-experimental design. To put this in context, this is nearly a quarter of the size of the Latino-white attainment gap. A resident with a high school diploma will contribute considerably more in state and local taxes over their work lifetime compared with a person who

**FIGURE 5**  
The Policy Inclusion Effects (PIE) Framework

		RESOURCE TYPE	
		MATERIAL	SYMBOLIC
ORDER	DIRECT	Material benefits and burdens experienced by the target population	Social and political identities in the target population
			Feelings of membership and sense of inclusion in the target population
		The status and social construction of the target population in the minds of others	
	SPILLOVER	Material resources within families	Identities, feelings of membership and sense of inclusion among family members of targeted individuals
		Material resources in school peer networks (youth only)	Identities, feelings of membership and sense of inclusion among youth in school peer networks of targeted individuals (youth only)
		Material resources held collectively within communities with high numbers of target population members	Identities, feelings of membership and sense of inclusion among others who identify with the target population (e.g., co-ethnic individuals)
		Program participation among eligible individuals (chilling effects)	The status and social construction of the wider, co-ethnic group in the minds of others

*Source: Condon et al., 2016.*

does not graduate high school. A 9% increase in the graduation rate among high-immigrant ethnic groups would generate a sizable increase in state revenue over time. As this example demonstrates, properly accounting for the economic impact of this kind of policy decision between exclusion and restriction means accounting for the effects on the educational attainment of the co-ethnic peers and family members, not just the recently arrived LPRs who were directly targeted in these policies.

## **APPLICATION: THE ILLINOIS TRUST ACT**

In addition to public-benefit eligibility, the PIE Framework can be applied to laws across policy areas. Here we apply the framework to recently enacted law-enforcement policy: the Trust Act (SB 0031). Recall that the Trust Act holds that officials cannot make immigration arrests in state-funded schools, health institutions, and other designated state-funded locations without judicial warrant or probable cause of criminal activity. At first glance, the Trust Act appears to affect the approximately 450,000 (Passel and Cohn, 2016) unauthorized immigrants susceptible to immigration-related detainment; however, effects of the Trust Act will spill over, particularly on children, affecting a far greater number of Illinois residents.

### **DIRECT EFFECTS**

Illinois is home to an estimated 450,000 unauthorized immigrants who will experience material and symbolic benefits from the Trust Act. A reduced risk of detention or deportation is a *material benefit* since detention and deportation place significant financial burden on immigrant households. While removal orders undoubtedly strain financial resources, detainment or arrest are also economic stressors. In interviews with immigrant families, Dreby (2012) found that even short-term family structural changes (such as having a parent detained for a short period of time) make families susceptible to debt. In the Dreby (2012) study, families disclosed they were dealing with debt years after their family member's detention or arrest. In addition to these direct material effects, the Trust Act also provides a symbolic benefit of inclusion for unauthorized families in Illinois. Francis Velez, a Latino community leader in Illinois commented, "The Trust Act will give me and my community peace of mind that we can go about our lives without fearing that an interaction with police will lead to a deportation" (Kowalski, 2017).

## SPILLOVER EFFECTS

The Policy Inclusion Evaluation framework suggests that the Trust Act's effects may also spread beyond the direct policy target population. We can expect to see a spillover effect, particularly among children in immigrant households. Native-born children are not directly affected by The Trust Act, but they are affected via spillover. Research shows that immigration enforcement correlates with school attendance of foreign-born *and* native-born children of immigrant parents (Baczynski, 2013).

Beyond protecting school attendance of children in immigrant households, the Trust Act will likely positively affect children's mental health. In a study of native-born children with unauthorized mothers, the enactment of Deferred Action for Childhood Arrivals (DACA), a federal temporary deportation parole, had a dramatic impact on the mental health of children. Native-born children experienced more than a 50% reduction in anxiety disorder diagnoses when their mothers became eligible for DACA (Hainmueller et al., 2017). Such symbolic spillover effects are significant, and they can extend even beyond households with directly affected parents. Children are perceptive to policy contexts surrounding them, even when their parents are authorized immigrants. In interviews with children in immigrant households, Dreby (2012) found children feared their parents could be "taken away" despite their parents holding legal permanent-resident status. To these children, having an *immigrant* family member implied a risk of deportation. Some of these children also expressed that they would not want their peers to know their parents were immigrants, hinting at the symbolic association around an immigrant identity. In Illinois, 174,000 unauthorized immigrants have at least one native-born, U.S.-citizen child in their household (Migration Policy Institute, 2014). Further, nearly 692,000 children in Illinois have an immigrant parent, and could be broadly affected by the symbolic messages communicated by the Trust Act.

In short, by adopting the Trust Act, Illinois is sending a message of inclusion that will be felt and heard well beyond the intended policy target. Directly, it will benefit 450,000 unauthorized immigrants in material and symbolic ways. They will benefit from a reduced risk of financial strain due to detention and deportation of family members. An additional 692,000 children may experience spillover effects through protection of academic attendance and a reduction of anxiety. This analysis demonstrates the importance of extending impact analysis beyond the direct policy target to include the social networks surrounding it.

Collectively, SB 0031 will reach not just unauthorized immigrants but also children within the immigrant network, reaching 1.1 million Illinois residents. This estimate does not include family members beyond offspring, community members, or co-ethnic youth who are not themselves members of immigrant households, but who attend school alongside other children who are. As Illinois takes up future decisions about immigrant policy, this framework can be employed to avoid underestimating the impact on Illinois residents.

## **CONCLUSION**

Our aim has been to provide an overview of the immigration policy landscape in Illinois and to present a framework for thinking through decisions moving forward. In presenting the estimates above, we have painted with a broad brush. On one hand, certainly not every member of these groups will be affected by the policies discussed. But, on the other hand, these estimates leave out symbolic effects on co-ethnic Illinois residents who are not closely networked with affected immigrants. It is important to note that we expect some of the largest effects of inclusive or restrictive policy decisions among children, and there is good reason to believe educational attainment in broad ethnic and high-immigrant groups will be driven up, or down, by the decisions made about immigrant policies moving forward.

Immigrant networks are interlaced and sensitive to repercussions of policies addressing segments of their community. State policymakers should consider using the PIE method of policy analysis when designing and assessing policy that will affect immigrants, considering both material and symbolic resources that are provided directly to the target population, and that spill over within families, schools and communities. Policy decisions about immigrants have overflowing impacts, molding opportunities for broad immigrant networks in Illinois. We offer a bridge for thinking about the connections between narrow immigrant policy targets and broad immigrant policy implications. When policymakers make decisions about immigrants, they unintentionally make decisions about the integration of their children, spouses, siblings and peers. Policies pluck strings on the immigrant network, rippling material and symbolic effects across generations, and on the health of the state economy. When policy is created to more positively affect immigrant communities, the benefits extend to the U.S. citizens nurtured by immigrant networks. In the words of Latino and Asian farmworker immigrants: *Isang Bagsak*. “We rise together or fall together as one.”

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<sup>2</sup> A smaller number of the foreign-born residents in the state are refugees, asylees or lawful temporary residents.

<sup>3</sup> Data were used for this analysis by permission of the database authors. This database was developed with financial support from the Pew Charitable Trusts and the Russell Sage Foundation. The analyses and view expressed herein are those of the authors and do not represent the views of the funding organizations.

<sup>4</sup> By federal mandate, emergency Medicaid is offered to all people.

<sup>5</sup> Certain LPRs are eligible within the five-year ban including U.S. veterans honorably discharged or on active duty, or their spouse or unmarried dependents; Lawful Permanent Residents who entered the U.S. before August 22, 1996; refugees, asylees, parolees, conditional entrants and those whose deportation is being withheld; members of certain Indian tribes and American Indians born in Canada; Amerasians and close family members admitted beginning March 20, 1988; Cuban or Haitian nationals admitted before April 21, 1980; Hmong or Highland Laotian tribe members legally residing in the U.S. who assisted U.S. personnel during the Vietnam era; abused spouses, widows or children of a U.S. citizen or Lawful Permanent Resident; and victims of human trafficking. The applicability criteria of this example display the complexity and historical-geographical contingency of immigrant law.

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