

# Presidential Address: "A Thousand Petty Fortresses": Administrative Burden in U.S. Immigration Policies and Its Consequences

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## Abstract

*Contradictory elements in U.S. immigration policy, reflecting a long-time struggle between inclusionary and exclusionary views, have resulted in federal legislation filled with compromises and tradeoffs that, at state and sub-state levels, play out in unclear interpretations and uneven, highly discretionary administration and enforcement of immigration law and policy. This research describes a tool of discretionary administration—administrative burden—that is increasingly used in enforcing immigration law and policies at state and sub-state levels and presents a theoretical frame for more fully investigating and addressing its consequences. The application and implications of administrative burden are explored empirically and qualitatively in a case study analysis of an enforcement-oriented policy change in Texas that denied access to birth certificates for some citizen-children born to Mexican immigrants. To better understand the potential consequences of this and related policies, interviews with immigrant parents and longitudinal data from a survey of children of immigrants are analyzed to assess both short-term and later outcomes of children who are denied economic assistance and other benefits under policies that impose barriers to their integration into society. The study findings point to serious, adverse consequences for citizen children of state and sub-state immigration policies that create administrative burden and perpetuate racial discrimination, while simultaneously diminishing the transparency, fairness, and effectiveness of public administration. © 2018 by the Association for Public Policy Analysis and Management.*

## INTRODUCTION

*When law ends, discretion begins, and the exercise of discretion may mean either beneficence or tyranny, either justice or injustice, either reasonableness or unreasonableness*  
(Anizman, 1975, preface).

In 1994, the Pew Research Center began asking the public whether they think immigrants<sup>1</sup> in the United States “strengthen our country because of their hard work and talents,” or whether they “are a burden on our country because they take our jobs, housing and health care.” Although respondent views have generally turned more positive, with the March 2016 poll finding that 59 percent of the public agrees immigrants strengthen the country (compared to 31 percent in 1994), the poll results also expose stark partisan and racial divides in public perspectives on immigration. Among Republicans and those leaning Republican, only 35 percent agreed in 2016 that immigrants strengthen the country, while 59 percent saw them as a burden. Furthermore, a 2013 Pew survey reported that nearly half (49 percent) of whites perceived immigrants as “a threat to American values.” These divisions have erupted in fervid public discussion since the 2016 national election, reflecting a long-running struggle between “inclusionary and exclusionary strands” of thinking in immigration policy that has resulted in federal legislation “filled with compromises, tradeoffs and ironies” (Baker, 1990, p. 3).

At state and sub-state levels, where immigration policy is likewise formulated and implemented, these tensions are sometimes aggravated and play out in unclear interpretations and uneven, highly discretionary administration and enforcement of immigration law. In some instances, confusion or conflict arise around very basic questions, such as whether provisions enacted under federal immigration law are voluntary or mandatory, as in the implementation of the Secure Communities programs that required cooperation among federal, state, and local law enforcement agencies in deportation efforts.<sup>2</sup> In other circumstances, events like 9/11 and the Great Recession stir new calls for stricter enforcement that disproportionately target particular immigrant groups. Indeed, the Trump administration embarked on its first effort to revamp immigration policy with an executive order that suspended entry into the United States for 90 days of people from seven specific countries. Furthermore, there has been a profusion of state laws, resolutions, and administrative provisions in recent years that address legal and unauthorized immigrants, migrant and seasonal workers, and refugees. Texas, for example, passed the most stringent legislation among the states (Senate Bill 4), requiring state and local cooperation with federal enforcement and imposing strong penalties (jail time and fines) for local officials who fail to comply (Svitek, 2017). Still, a lack of resources for implementing federal and state immigration policies, along with contradictions between (and within) them and local policies,<sup>3</sup> will likely continue to provoke problems of unequal treatment and enforcement under the law.

These enduring challenges in the enactment, administration, and enforcement of immigration law and policy are of grave concern for fair and effective public administration in and of themselves. However, the long history of racial restriction and intent to discriminate based on race that has shaped U.S. immigration law and

<sup>1</sup> U.S. federal agencies such as the Census Bureau and Homeland Security define an immigrant as a “lawful permanent resident.” A broader alternative offered in the literature (as a shared U.S.-European Union definition) that I use here describes an immigrant as “a non-native person who has moved across a border, either documented or undocumented, into a country for purposes of taking up residence in that country for an indefinite period of time” (Lynn & Malinowska, 2018).

<sup>2</sup> Secure Communities was an immigration enforcement program administered by U.S. Immigration and Customs Enforcement (ICE) from 2008 to 2014 and replaced by the Priority Enforcement Program (PEP) in July 2015.

<sup>3</sup> The Texas Major Cities Chiefs, including the cities of Austin, Arlington, Dallas, Fort Worth, Houston, San Antonio, and the Texas Police Chiefs Association, officially opposed the passage of Senate Bill 4, and its full implementation was held back by the courts as of the time of this writing. (See <http://www.mysanantonio.com/opinion/commentary/article/Texas-police-chief-oppose-sanctuary-cities-bill-11109144.php>).

policy, as enacted and implemented at federal, state, and local levels, elevates concern for the potentially pernicious implications of discretionary and uneven implementation and treatment of immigrants and their families under the law (Elster, 1992). Wide variation (over time, geography and political jurisdiction) in implementation and enforcement of policies and programs has also contributed to a climate of fear and mistrust that leads some immigrants, especially those who are “Americans in waiting” or in mixed-status families, to avoid all interactions with public authorities, programs, and services (Motomura, 2006). In effect, we have erected “a thousand petty fortresses”<sup>4</sup> to equality of treatment and opportunity for immigrants in the United States, which, in turn, has serious repercussions for the well-being of immigrant families and their children (including both U.S. citizen and non-citizen family members).

One of the central objectives of this research is to identify, within the context of a conceptual frame based in public administration, some of the sources of uneven and highly discretionary administration and enforcement of immigration law and policies, particularly as they are implemented at state and sub-state levels, and to consider their consequences. The literature addressing immigration policy and its effects is widely dispersed across economics, law, political science, sociology, demography, social work, health policy, and other disciplines, but there has been comparatively less attention to these issues in public administration. In addition, public administration scholars recently exploring new veins of research on immigration governance and policy enforcement have been hindered by slow and difficult access to data from public entities (Bauer, Holt, & Johnston, 2017; Pedraza & Calderon, 2017; Vinopal & Pedroza, 2017; Zuniga, 2017).

In the context of the current immigration policy landscape, this paper is largely concerned with policies and provisions that affect access to benefits and services for children and families. In fact, a primary motivation for this research investigation came from news of a controversial case in Texas, in which a state government agency, the Texas Department of State Health Services (DSHS), was sued for denying birth certificates to children born to immigrants on U.S. soil, a foundational document that provides access to important benefits and rights of citizenship (George, 2015). Of the approximately 17 million children in the United States who have at least one foreign-born parent, nearly 87 percent are U.S.-born citizens (Gelatt & Koball, 2014). Thus, it is important to understand the impetus for, implementation, and consequences of a policy that effectively violated a constitutional right for this subgroup of U.S.-citizen children, in a state with the third largest fraction of immigrants and the second largest number of unauthorized immigrants. Indeed, the case analysis in this study adds to a growing body of research on the (presumably) unintended consequences of policies aimed at addressing unauthorized immigration for the well-being of children of immigrants (Gelatt, Berstein, & Koball, 2015; Gelatt et al., 2017).

As there is a lack of existing data and reporting on immigration policy implementation and enforcement over time that challenges empirical inquiry, especially at sub-state levels, this study combines multiple sources of quantitative and qualitative data to explore these issues. The case study analysis undertaken in Texas draws on original data collected from state documents (and linked to Bureau of Census and other publicly available data), as well as interviews with immigrants and organizations working with them to illuminate an example of uneven immigration policy

<sup>4</sup> Michael Walzer (1983) first used this term, “a thousand petty fortresses,” in *Spheres of Justice: A Defense of Pluralism and Equality* in making the argument that in the absence of immigration controls and protection by the nation-state, local communities would create their own barriers to immigrants’ entry and integration.

implementation and enforcement and its human consequences. In addition, in order to better understand the potential longer-term consequences of these policies (that we are not yet able to observe), longitudinal data from a survey of children of immigrants are analyzed to assess the long-term outcomes of children who grew up in similar circumstances. The study findings point to serious, adverse consequences of state and sub-state immigration policies that myopically and disjointedly create administrative burden and other barriers to the integration and well-being of children of immigrants and perpetuate racial discrimination, while simultaneously diminishing the transparency, fairness, and effectiveness of public administration.

## BACKGROUND AND THEORETICAL FRAMING

### Immigration Policy History in Brief

Immigration policy has traditionally been a federal responsibility, although its execution has long been colored with racial and political contention. The first naturalization statute in 1790 applied only to “free white persons” (until 1870, when it was opened to blacks following the Civil War). In the early 1900s, the “science” of eugenics—based on the belief that there are objective, measureable differences between the races—had a significant influence on immigration policy, with the intent of restricting entry for “racially inferior” or “unassimilable” groups (Motomura, 2006). The 1924 National Origins Act, which regulated and capped the number of immigrants admitted to the United States by nationality groups (based on their representation in past U.S. census numbers), distinguished individuals of European descent from those not deemed to be white. And, while the 1952 (McCarran-Walter) Immigration and Nationality Act eliminated lingering racial barriers to naturalization, it preserved the discriminatory national origins system for immigrant admissions. It became law over President Truman’s veto, who decried that it “discriminated deliberately and intentionally against many of the peoples of the world” and violated our founding doctrine that “all men are created equal.”<sup>5</sup> It was not until 1965 that amendments to the McCarran-Walter Act abolished the national origins system and replaced it with an alternative selection system (for those outside the Western hemisphere) that established preferences based on family relation to citizens and permanent residents, worker education and skill levels, and refugees. The numbers of immigrants of Asian, Latino, and African descent subsequently rose significantly relative to those from Europe (Greico et al., 2012).

Four core objectives of the Immigration and Naturalization Act (INA)—reunifying families, meeting the skills needs of U.S. employers, aiding refugees, and supporting diversity—have continued to govern U.S. immigration policy that limits the number of immigrants who can enter legally each year, although the current presidential administration has proposed significant changes to this framework. A complicated preference system determines the numbers and types of visas (permanent or temporary) available each year for the various categories (e.g., family, employment, refugee, diversity) and the country-specific ceilings for admissions. Gaining lawful permanent residence status (i.e., a green card) is key to getting on a path to citizenship, but it is not a realistic option for those who enter the United States unauthorized. While there are many unauthorized immigrants who could qualify for a green card (having a close relative who is a U.S. citizen), this would require

<sup>5</sup> See the record, “182. Veto of Bill To Revise the Laws Relating to Immigration, Naturalization, and Nationality” at the Harry S. Truman library, <https://trumanlibrary.org/publicpapers/viewpapers.php?pid=2389>.

leaving the United States to obtain an immigrant visa abroad and could take years, given the three- to ten-year re-entry bars established in 1996 (American Immigration Council, 2016). Not surprisingly, the demand for legal entry far exceeds the supply of slots, including for family members and workers, and as no country can receive more than 7 percent of the visas available each year (irrespective of the sources of demand), the wait for legal entry can be decades-long for those seeking to immigrate from some countries (e.g., Mexico, the Philippines) (Griego, 2014; U.S. Citizenship and Immigration Services).<sup>6</sup> In addition, the numerical limits for refugees (and the arduous process for establishing refugee status) leave many seeking humanitarian protection without legal options for entry. Those coming from countries with higher recent levels of immigration (e.g., Mexico, China, the Philippines, India, etc.) are also not eligible for diversity visas.

The imbalance in demand for legal entry into the United States and available slots is reflected in the flow (and ebb) of unauthorized immigrants (Warren, 2016). Both legal and illegal immigration has increased since the early 1980s, and in response, federal reforms (in 1986 and 1990) sought to strengthen enforcement, while also increasing opportunities for legal entry. In 1996, growing public concerns about security and immigrant use of social programs spurred the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which stepped up efforts to deter illegal immigration with increased border patrols, penalties for alien smuggling and document fraud, and intensified exclusion and deportation activities and procedures, among other measures that placed escalating demands on state and local government resources. At the same time, highly responsive to economic factors, gross inflows of unauthorized immigrants continued to rise through the first five years of the 21st century, before falling dramatically and then stabilizing following the Great Recession (National Academies of Sciences, Engineering, and Medicine, 2016).

In the last decade, states have also begun to respond more assertively to these trends in unauthorized immigration with their own legislation and other policy actions to address the local consequences of immigration. While supporting the broad goals of federal reforms and recognizing the federal government's jurisdiction over immigration policy, the National Conference of State Legislatures (NCSL) points to the direct implications of federal policy for states in implementing required programs and providing court-mandated services and raises concerns about unfunded mandates for enforcement and federal encroachment on areas of existing state authority (NCSL, 2009). Accordingly, states are exercising their authority and discretion to develop and implement policies that place greater restrictions on unauthorized immigrants, as well as some that are aimed at supporting their economic and social integration into communities. Drawing on information compiled by the NCSL since 2005, Karoly and Perez-Arce (2016, p. 4) reported a "tenfold increase" in the number of state-level immigration-related laws and resolutions, encompassing a wide range of policy actions, from omnibus legislation increasing restrictions on unauthorized immigrants to more targeted actions, such as denying (or allowing) the issue of driver's licenses or requiring employer participation in electronic verification systems that determine whether prospective employees are legally authorized to work in the United States. Interestingly, their summary of state immigration policies shows a similar number of states implementing restrictive versus unrestrictive policies, as well as many implementing mixed policies, including populous states, such as Florida and Texas, with high numbers of unauthorized immigrants.

<sup>6</sup> See <https://www.uscis.gov/tools/glossary/country-limit>.



## ADMINISTRATIVE BURDEN AS A TOOL OF IMMIGRATION POLICY

Although public rhetoric around immigration policy often centers on concerns for national and economic security, the potential impacts of immigration (legal and unauthorized) span a range of public and private domains, including the labor market and state economic activity, public education, law enforcement and the criminal justice system, health care and social welfare systems, and state and local government taxes and expenditures (Karoly & Perez-Arce, 2016). As federal law establishes the parameters for legal entry, state policy and legislative actions have been directed primarily toward tempering or managing the effects (positive and negative) of unauthorized immigration, spanning each of the above domains. One of the predominant “tools” embedded in or employed in enacting these policies has been described in the literature as “administrative burden”—that is, interactions with government that impose (or lessen) burdens on individuals and organizations (Burden et al., 2012; Moynihan, Herd, & Harvey, 2015). In the context of immigration policy, Elster (1992, p. 123) describes these as “proxy” policies (citing head taxes and literacy tests that created administrative burden in past policies), for which the secondary effect—exclusion, or keeping out “certain classes of undesirables”—is actually the primary (if unstated) goal. This study adopts a broader conceptualization of administrative burden—beyond onerous encounters with government that are initiated by individuals seeking services or public assistance, for example, registering to vote or applying for medical assistance or citizenship—to expand the investigation of its consequences, not only for those engaged in a specific interaction with the government, but also for those outside the scope of a given encounter or the policy intent of government action.

In the 10 years from 2006 to 2015, an average of more than 40 states enacted *new* immigration-related laws and resolutions *each* year, with the total number of laws and resolutions enacted averaging about 300 per year (Karoly & Perez-Arce, 2016; NCSL, 2015).<sup>7</sup> Karoly and Perez-Arce’s work on summarizing these state legislative actions shows a number of possible ways to categorize their many provisions, such as by whether they are more or less restrictive toward immigrants, the immigrant subgroups or other stakeholders affected, and domains and types of expected effects. This research, by applying the “lens” of administrative burden, aims to shed a clearer light on how the legislative and policy actions—as implemented and in how they interact in implementation—affect the scope allowed for discretionary action (or “street-level” policymaking), and the resulting implications for the fairness, efficiency, and effectiveness of public policy and administration. A lack of resources for implementing and enforcing the many provisions under these laws is just one of a number of factors that may make the actual implementation and enforcement of immigration policies highly dependent on the discretion of a variety of actors or stakeholders involved (Motomura, 2006). Figure 1, adapted from Heinrich (2016) and Kahn, Katz, and Gutek (1976), illustrates four quadrants or categories of administrative burden with encounters or interactions stemming from some of the most common provisions of recent legislative and policy actions directed toward immigrants, including examples (in *italics*) specific to the case study presented here.

The first (upper left) quadrant of Figure 1 depicts interactions within and between government organizations, including across levels of government (federal-state, state-local), that create administrative burden (commonly known in the literature as “red tape”). For example, U.S. Immigration and Customs Enforcement (ICE)

<sup>7</sup> The number of laws and resolutions introduced was on average about five times the number passed in a given year.

<p><b>1) Intra-organizational/inter-governmental encounters, e.g.:</b></p> <ul style="list-style-type: none"> <li>● State requires local law enforcement authorities to attempt to determine immigration status of persons during a lawful stop, detention, or arrest</li> <li>● State prohibits state or local government policies that limit cooperation with federal government in enforcing federal immigration laws (e.g., anti-sanctuary city policies)</li> <li>● <i>Texas State DSHS requires local registrar offices to participate in surveys and on-site visits for policy enforcement</i></li> </ul>	<p><b>2) Extra-governmental→ government encounters, e.g.:</b></p> <ul style="list-style-type: none"> <li>● Immigrants are asked to provide identification to access services available to the public at workforce development centers</li> <li>● Applicants for rental housing are required to present documentation that varies by immigration status and state or local jurisdiction</li> <li>● <i>Mexican immigrants seeking birth certificates for U.S.-born children at local registrar offices face more stringent documentation requirements</i></li> </ul>
<p><b>3) Government→ extra-governmental encounters, e.g.:</b></p> <ul style="list-style-type: none"> <li>● State requires employers to use the voluntary online employment verification system of the U.S. Citizenship and Immigration Services</li> <li>● State makes it unlawful for unauthorized immigrants to apply for or renew driver's and/or professional, business or commercial licenses</li> <li>● <i>Texas State DSHS policy change denies the Mexican matricula card as an acceptable form of identification at local registrar offices</i></li> </ul>	<p><b>4) Extra-governmental→extra-governmental encounters, e.g.:</b></p> <ul style="list-style-type: none"> <li>● Immigrants are misinformed about the implications of accessing public benefits for their ability to apply for legal status or citizenship</li> <li>● Fear of enforcement authorities deters immigrant parents from applying for benefits for their citizen children or accessing services</li> <li>● <i>Prevalence of customs and immigration enforcement and road checkpoints discourages travel for basic needs such as health care</i></li> </ul>

**Figure 1.** Characterizing Administrative Burden in U.S. Immigration Policy.

(in the Department of Homeland Security) is the law enforcement agency primarily responsible for immigration enforcement within the United States,<sup>8</sup> and the NCSL maintains that state involvement in enforcement of civil immigration policy (and cooperation with ICE) should be at the discretion of the states, as states do not have “inherent authority” to enforce federal law (per the IIRIRA of 1996) (NCSL, 2015). Beginning in 2002, ICE arranged (voluntary) contracts with state and local authorities for what is commonly known as the 287(g) program, which permits state and local authorities to perform immigration enforcement functions under federal supervision, including interrogating and arresting noncitizens and transferring them to ICE custody for possible deportation. By 2010, the 287(g) program was operating in 72 jurisdictions (in 23 states). However, criticisms emerged that the program is

<sup>8</sup> The primary difference between ICE and Customs and Border Patrol (CBP) is that CBP is responsible for enforcing immigration laws at and near the borders, while ICE is responsible for enforcing immigration laws within the remaining areas of the United States.

unclear and inconsistent regarding how local officials are allowed to use their authority, and that a lack of federal oversight contributes to considerable variation in who is targeted (e.g., felons vs. traffic offenders) and the program costs for detaining and removing individuals (shared between federal, state, and local authorities) (Capps et al., 2011; Kostandini, Mykerezi, & Escalante, 2013).<sup>9</sup> Indeed, investigations show that the intergovernmental burdens imposed in implementing programs such as 287(g) can stretch up as well as downstream, as local communities that pursue low-priority/level cases also impose additional detention costs on federal and state taxpayers (Capps et al., 2011; Pham & Van, 2010). As 287(g) programs began scaling down after 2010, some states pushed through their own legislative efforts, including state omnibus laws, that not only stipulate the role of state and local law enforcement officers in enforcing immigration laws, but also require actions (and generate burdens) in the other three quadrants shown in Figure 1 (Karoly & Perez-Arce, 2016).

The second and third quadrants of Figure 1 provide examples of encounters with government in implementing immigration policy that beget administrative burden in two other distinct ways: those where the interactions are initiated by an actor outside of government (quadrant two), and those that are directed from the government toward actors or organizations outside of government (quadrant three). For instance, research shows that immigrants and refugees searching for employment opportunities are deterred from utilizing publicly-funded workforce development services, even though the federal program does not require those using its services to be legally work-authorized, by requirements that they present legal identification when entering a public building to access services (see quadrant two) (Montes & Choitz, 2016). In addition, 23 states have passed legislation or introduced policies that *require* employers (public and private) to use the U.S. Citizenship and Immigration Services' voluntary online employment verification system to confirm that prospective employees are authorized to work, with the intent to prevent them from hiring unauthorized immigrants (see quadrant three). Many of these state laws also impose financial penalties on firms that fail to comply with "E-Verify." Another way that states constrain the employment opportunities of unauthorized immigrants is by prohibiting them from applying for or renewing driver's licenses and professional, business, or commercial licenses. There is also evidence of many unintended (or less intentional) consequences that generate burdens on those not directly targeted by these policies, such as more unlicensed and uninsured drivers on the road, reduced employment of *authorized* workers, and poorer educational outcomes for U.S. citizen children with an unauthorized immigrant parent (Amuedo-Dorantes & Lopez, 2015; Capps et al., 2011; Gelatt et al., 2017; Karoly & Perez-Arce, 2016; Pham & Van, 2010).

It is also important to point out that not all policy and legislative actions recently directed toward immigrants intend to create "ordeal mechanisms"<sup>10</sup> that thwart their integration into society; some instead aim to alleviate administrative burden. Both Illinois and California, for example, limit (rather than require) the use of E-Verify by employers, and California has made considerable efforts to translate outreach materials and information about publicly available services and to explain that parents can still apply for benefits for their children when the parents are ineligible (Gelatt & Koball, 2014). And even though Texas tends toward more re-

<sup>9</sup> Federal appropriations for 287(g) programs do not include downstream costs for detaining or removing people or processing them through immigration courts.

<sup>10</sup> The Economist (2015, p. 54) used the term "ordeal mechanisms" to describe encounters with government that are intentionally constructed to be burdensome in order to deter applications for program benefits from the less needy.



strictive policies and a heavy enforcement “hand,” Texas led other states (including California, Illinois, New York, and others) in passing legislation to remove legal status as a factor determining access to in-state tuition benefits. Texas is also one of 17 states (as of 2015) that have extended eligibility for publicly-funded prenatal care to low-income, unauthorized immigrants, on the premise that they are caring for the unborn, “presumptive citizen” child (Károly & Perez-Arce, 2016). At the same time, as described in detail below, Texas started imposing documentation requirements on parents applying for birth certificates, unevenly enforced, that created substantial barriers to non-citizen parents attempting to secure birth certificates for their children born in the United States, specifically those from Mexico.

The fourth (bottom right) and final quadrant of Figure 1 describes extra-organizational encounters (fully outside of government) that create administrative burden. For example, it is well-documented that the growth of immigration enforcement programs has contributed to a general climate of fear and mistrust, leading some immigrants (authorized as well as unauthorized) to avoid interactions with government programs and services. In the literature, this is known as the “chilling effect,” where factors that deter immigrant access to public programs and services unintentionally reduce participation among eligible persons (Fix & Zimmerman, 2001; Kaushal, 2005; Watson, 2014). In her empirical analysis of children’s Medicaid participation, Watson (2014) clearly distinguishes between the types of administrative burden that fall in quadrant two (i.e., obtaining information about program eligibility, difficulties with completing English application forms, and other application requirements that create barriers to program access) and the general policy and social environment that affects access and participation, regardless of eligibility. In addition, one does not need to experience an enforcement encounter (as characterized in quadrant three of Figure 1) to be deterred by awareness of government document requirements, checkpoints, and law enforcement patrols (and experiences with them communicated by “word-of-mouth”), which research shows reduce immigrants’ willingness to travel for or otherwise access health care and other social services (Heyman, Nunez, & Talavera, 2009).<sup>11</sup> Watson (2014) finds substantive and statistically significant reductions in children’s Medicaid participation attributable to the enforcement climate, including for children born in the United States to longstanding noncitizen residents.

Alternatively, there are also many examples of extra-organizational encounters or activities that take place outside of government to lessen burdens on (and even empower) immigrants. As Williams (2015) explains, unlike many other countries, the U.S. federal government leaves the integration of immigrants to state and local governments and the communities where they reside. Nonprofit organizations such as Proyecto Juan Diego in Brownsville, Texas, for example, provide a range of services to immigrant families to support their integration, including English as a Second Language, citizenship and GED classes, tutoring assistance for school-age children, and health and lifestyle education programs (e.g., diabetes self-management). Collaborations between local authorities and community-based organizations are also critical to more broadly cultivating trust and cultural awareness that promotes public safety and well-being. Through her national survey of local police department practices (both “welcoming” and unwelcoming), Williams (2015) identified collaborative efforts with food banks, neighborhood associations, and immigrant groups that fostered the development of after-school and summer programs for immigrant children, activities addressing building code enforcement and health and safety

<sup>11</sup> Even lawful (non-citizen) immigrants have no absolute guarantee that they will be allowed to stay in the United States (Motomura, 2006).

concerns of immigrant tenants, and programs to assist immigrants' access to food assistance and nutrition education. And interestingly, Padraza and Zhu (2016) posit and investigate the potential for "empowering" policy feedback effects of a "chilling" enforcement climate, in which perceived threats induce immigrants to learn about government and the naturalization process and to mobilize and increase their civic engagement (Pantoja & Segura, 2003).

### **The Exercise of Discretion in Immigration Policy Implementation: Benevolent or Tyrannical?**

As described above, the exercise of discretion in the enactment and administration of immigration laws and policies has potential to shape immigrants' encounters and environment in both positive and negative ways. Accordingly, there are competing views regarding the extent to which discretionary decisionmaking should be allowed—for example, to adapt the general rules of law to individual or local circumstances—versus when it should be curbed, for example, when it is deployed with "arbitrary might and coercion" and poses a threat to individual justice and fairness (Davis, 1969; Pratt, 1999, p. 202). In practice, discretion permeates implementation of the law but is also constrained by it, and it is precisely because the exercise of discretion in immigration policy can lead to a range of outcomes along the spectrum from humanizing to harmful that it is important to scrutinize its use.

In some "gray" areas of immigration policy, such as the ongoing wrangle over federal and state versus local authority for immigration enforcement, the exercise of discretion has been highly visible and challenged in the public arena. For example, on January 25, 2017, the Trump administration released an executive order aimed at punishing local governments, in particular, "sanctuary cities" that fail to comply with federal authorities and turn in illegal immigrants for deportation, by withholding federal funds from them except as mandated by law. While federal officials frequently rely on local authorities to help enforce federal immigration laws, local authorities are not required to detain illegal immigrants at their request, and federal courts have confirmed that complying with such requests is voluntary. In April 2017, San Francisco sued and won an injunction blocking the full extent of federal financial punishments called for by the Trump administration. And even though Texas Senate Bill 4 has been signed into law with stiff penalties for local government entities and college campuses that refuse to comply, the city of Dallas, along with other Texas cities, has gone to court to try to limit their responsibilities for cooperating (Dinan, 2017). A county sheriff in Houston argued that it is not only a drain on resources, but also "a violation of due process rights [that] leads to racial profiling, the separation of families and a mistrust of deputies" (Dart, 2017).

In many other cases, however, the exercise of discretion in policy implementation is less visible—and often times, intentionally so (Elster, 1992)—and in part because of that, potentially more pernicious. This research examines in-depth a veiled case of state and sub-state policy discretion that began with a "proxy" policy change effected by the Texas DSHS in June 2008, which disallowed use of a specific form of personal identification commonly used by Mexican immigrants, generating administrative burdens of all types shown in Figure 1. The policy change was not immediately enforced, but when steps were taken to implement it, they were opaque in intent, highly discretionary, and uneven in the administrative burdens they created for public and private entities and the people they serve in Texas. Although, on the face of it, a small change in document requirements narrowly targeted to a specific immigrant group may appear "petty" in terms of its scope or "teeth" for shaping the implementation of immigration policy, the research presented here shows that its consequences were dire both for the individuals it affected and for a just and

principled public administration. The case analysis presented below traces the origins and impetus for this policy action, describes the administrative burdens it created, and draws out the implications of its execution for fair and effective practice of public administration, as well as for the well-being of citizen children of immigrants and their family members.

## CASE STUDY OF ADMINISTRATIVE BURDEN IN IMMIGRATION POLICY

The arresting *Texas Tribune* headline that spurred this investigation ran: “Texas Violates 14th Amendment in Denying Birth Certificates” (George, 2015). In the case presented before a federal district judge on October 16, 2015, Texas families who had been denied a birth certificate for their U.S.-born children were asking for an emergency order to force the Texas DSHS to remove recently erected barriers to issuing birth certificates for their citizen children—that is, new identification requirements for children of non-citizens that raised the bar for proof “higher than any other state in the nation” (George, 2015)—a type of administrative burden illustrated in quadrant two of Figure 1. The 14th Amendment to the U.S. Constitution specifies that, “No State shall make or enforce any law which shall abridge the privileges or immunities of a citizen of the United States,” and this includes giving them access to the foundational document that they require to share in the benefits of citizenship. The amicus curiae brief filed in this case argued that in a parent’s encounter with the Texas DSHS to secure a birth certificate for a U.S.-born child, a child-citizen’s right to a birth certificate was being made contingent on the immigration status of the child’s parent, rather than on whether the child was born in the United States, as required by law. Fully understanding the intent and effects of this Texas DSHS policy, both as conceived and *as implemented*, requires digging into policy history (and documents stored in the DSHS warehouse), as well as getting into the field to interview the individuals and organizations who have experienced its repercussions.

### The Mexican Matrícula Consular ID Controversy

Since 1871, Mexican consulates have issued an identification card, widely known as the matrícula consular identification (ID) (or simply, the matrícula), to Mexican citizens living abroad. The card certifies that the individual holder is a Mexican citizen and provides his/her birthplace and a U.S. address when relevant, and it has always been issued without regard to immigration status (and correspondingly provides no information on immigration status). The matrícula has long been used legally by Mexicans living in the United States, especially by those who are less likely to have passports, green cards, or other forms of identification for travel.<sup>12</sup> Because they are relatively inexpensive and are valid for five years, they are particularly helpful to the low-income and undocumented. In addition, the Mexican government increased the matrícula’s security features over time, making them sufficiently strong to satisfy U.S. banks and open access to the formal banking sector. In fact, in July 2002 the U.S. Treasury Department issued guidance to banks, explicitly stating that the new USA Patriot Act (signed into law in October 2001) did not prohibit banks from using the matrícula to verify identification (O’Neill, 2003). Along with the ability to access lower-cost, more secure financial services, the matrícula provides a means for undocumented Mexican immigrants to identify themselves to local law enforcement, to open accounts for utilities and insurance, to enter public buildings,

<sup>12</sup> The 1963 Vienna Convention on Consular Relations, which Mexico and the United States signed, provides the legal basis for issuing the identity card.

to register children for school, and in some states, to obtain driver's licenses and business licenses. Local law enforcement officials cite a number of reasons for supporting acceptance of the *matrícula*, including helping immigrants to avoid holding large amounts of cash that make them vulnerable to robbery and home invasions; encouraging people to report crimes and come forward as witnesses; maintaining more accurate police records, and reducing expenses associated with identifying undocumented immigrants in conjunction with minor charges (O'Neill, 2003).

Critics of institutional acceptance of the Mexican *matrícula* card in the United States make a number of counter-claims (Dinerstein, 2003). They argue that the *matrícula* shields criminal activity because police in jurisdictions where it is accepted are less likely to run background checks on individuals detained for minor infractions. Furthermore, they suggest that acceptance of the *matrícula* opens the door to terrorists by setting a precedent for allowing similar cards presented by illegal aliens from other countries, a concern that became more vocalized after the 9/11 terrorist attacks. And interestingly, those arguing against the *matrícula*'s use in the United States chide the fact that it improves the quality of life of the undocumented, as it ostensibly makes it easier for them to reside in the United States illegally.

The State of Texas first signaled its position on the *matrícula* in June 2008, when the Texas DSHS wrote a letter to the Mexican consulate in Austin stating that the *matrícula* card was not a "secure" form of identification and that it would not be accepted for people obtaining birth certificates for their newborns. This policy change is at the center of the denial of access to birth certificates (to children born in the United States to mothers of Mexican origin) that followed, although as this research shows (and has been argued in a legal case brought against the state), it was not immediately and uniformly enforced. Moreover, this policy was established despite the fact that in 2006, the Mexican government had created a centralized database of *matrícula* consular information and added a number of new security features, including visual security features, a bi-dimensional bar code, optical character recognition and invisible security features (i.e., security marks that can only be read through a special decoder). These security features made the *matrícula* comparable (in terms of security) to U.S. state-issued driver licenses,<sup>13</sup> yet the Texas DSHS moved forward with initial steps in implementing this policy, spelling it out for the first time in 2010 in the (Vital Statistics Unit [VSU]) local registrar handbook.

### Case Study Data Sources

This section briefly describes the data sources used in the mixed-methods, case study analysis that follows. In the investigation of Texas DSHS policy actions that stipulated and enforced more stringent document requirements for Mexican immigrants, a Freedom of Information Act request was filed with the State of Texas to obtain copies of local registrar on-site surveys that have been administered in local jurisdictions each year since 2010. The survey instrument is completed during an on-site visit by a DSHS VSU field representative and includes detailed questions about the volume of birth and death registrations; how they are recorded; the office's functions and resource management; application processes; issuance of certificates; and other duties. Most of these questions pertain to process and procedures (e.g., Do you have a process for filing amendments to records filed only in a local registrar's office? Do you have a procedure for tracking the date records are received?). Data from two pages of the survey—the section with basic information about the local

<sup>13</sup> See <http://www.migrationpolicy.org>.

registrar and registrations and the section on applications (see Appendix A)<sup>14</sup>—were copied from every survey conducted between 2010 and 2016 and stored at the DSHS warehouse. These data, from a total of 572 surveys, were entered into a database and used to trace out the implementation of the policy change on acceptable documents for identification, as well as the intra-governmental administrative burden placed on local registrars through on-site visits and surveys.

To characterize the counties in which the local registrars are located (metro area, MSA, rural/urban, border/non-border, health services region) and place the implementation of this policy change in context, publicly available data from the State of Texas were downloaded and merged with the local registrar data (<https://www.dshs.texas.gov/regions/default.shtm>), along with the number of registrars per county obtained from a list of local registrars at this link: <https://www.dshs.texas.gov/vs/field/localremotedistrict.shtm>, and data on Texas births located here: <http://soupfin.tdh.state.tx.us/birth05.htm>. In addition, publicly available data from the 2010 Census data were downloaded to bring in Texas county-level population measures, and the 2016 county-by-county national election results for Texas were also merged with these other data. And to explore the relationship of this policy action to the implementation of other sub-state policies targeting immigrants, a measure of the intensity of interior immigration policy enforcement at the metropolitan statistical area level<sup>15</sup> was linked to these data as well.

Data were also collected in interviews with immigrant parents to understand their experiences in attempting to meet important needs of their children, such as obtaining birth certificates, food and financial assistance, health care, child care and education, in the wake of the burdens created by the DSHS policy change. Sample selection for the interviews was purposive: the goal was to interview families who may have been affected by this specific state policy action that changed the types of documentation (identification) accepted by local registrars for obtaining birth certificates as well as by increasingly stringent immigration enforcement policies. To identify (undocumented) parents of immigrant children for participation in the interviews and to assure their safety during the interview process, assistance was sought from local community-based organizations and the Texas Civil Rights Project (TCRP) in identifying interviewees and arranging private space for holding the interviews. Efrén Olivares, the legal director of the TCRP's South Texas Office and a lead lawyer in a lawsuit brought against the Texas DSHS on behalf of some of the immigrant families affected by the DSHS policy change investigated here, was interviewed and was also instrumental in making connections with other interviewees. In addition, interviews were conducted with senior staff in social service organizations in Health Services Region 11 (the southernmost border region of Texas). A total of 10 interviews were conducted, nine in person and one by telephone. Respondents were assured that their identities would be protected, and thus, unless otherwise agreed, no interviewees are named, and care was taken not to include any other identifying information in this paper. The IRB-approved interview protocols are available upon request.

### **State and Sub-State Discretion in Implementing Policy on Identification Requirements**

The primary policy tool for enforcing the new identification requirements for Mexicans in Texas (beginning in 2010) was the DSHS local registrar on-site

<sup>14</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

<sup>15</sup> This measure was constructed and shared by Catalina Amuedo-Dorantes and Mary Lopez (San Diego State University).



survey (described above), a physical survey of a registrar office and its policies and procedures by a VSU representative. There are a total of 459 local registrars in Texas, and VSU training materials indicate that the DSHS tries to survey each local registrar at least once in five years, which at least appears consistent with the approximately 82 surveys per year conducted (on average) by the DSHS over this period (2010 to 2016).

The analysis of the local registrar data also shows, however, that some registrar offices were visited almost every year (i.e., subject to more intra-governmental administrative burden), and a county with multiple local registrars in its jurisdiction might be surveyed as many as a dozen times in this period, 2010 to 2016. Officially, local registrars are identified as higher “risk” for needing an on-site survey if there are more than two local registrars in a county and if they process more than 10,000 records a year; 100 to 10,000 is considered “moderate risk.”<sup>16</sup> While on-site, VSU representatives inquire about (or observe) whether identification is required in the application process, and specifically ask, “What types of documentation do you NOT accept?”

While reviewing the types of ID accepted by local registrars was one of multiple objectives of the on-site reviews, the data and documentation collected from the Texas DSHS suggest an increasing focus of the state on IDs over time that also correlates with rising local immigration enforcement pressures in Texas.<sup>17</sup> The index constructed by Amuedo-Dorantes and Lopez (2015)<sup>18</sup> to capture the intensity of interior immigration policy enforcement at the metropolitan statistical area level indicates no enforcement activity in Texas before 2008 (in terms of E-Verify mandates, omnibus immigration laws, 287(g) agreements and Secure Communities programs), followed by a surge of enforcement efforts that continued through 2013 (the latest year of their index measure). Karoly and Perez-Arce (2016) likewise found that most of the 2013 immigration-oriented legislative activity in the United States (a high-volume year in the intensive 2010 to 2014 period) was attributable to Texas. The interior enforcement index is only available for counties in metropolitan areas, but it can be seen in Table 1 that by 2013, these immigration enforcement policies were uniform across the metropolitan areas.

Analysis of the local registrar on-site survey data also shows that VSU field representatives were increasingly focused in their reviews on identifying whether local registrars were complying with the policy to refuse the matrícula card as an acceptable form of identification. In 2010, the fraction of on-site surveys conducted that explicitly indicated that the matrícula was not (or should not be) accepted was 23 percent; this rose to about one-third by 2014, and then to half in 2015 and 57 percent in 2016; see Figures 2a through d. Furthermore, of the local registrar on-site surveys that raised *any* issues about documents for identification, 87 percent of them concerned the matrícula card by 2016, compared to under 40 percent in 2010.

To further investigate the policy implementation empirically, regression analyses were undertaken to examine the factors associated with (metropolitan area)

<sup>16</sup> Source: Acing Your VSU Local Registrar Site Visit, <http://dshs.texas.gov/vs/conference/2014-Texas-Vital-Statistics-Annual-Conference/Presentations/Acing-your-VSU-Local-Registrar-Site-Visit.pdf>.

<sup>17</sup> While a foreign passport has always been an acceptable form of ID, in 2012, Texas added the requirement that it have a visa. By definition, anyone who is undocumented will not have a visa; they can apply and get a passport from the Mexican consulate, but if they have entered the United States illegally, it is not possible for them to get a visa.

<sup>18</sup> The weighted index measures the intensity of interior immigration enforcement at the MSA level, taking into account omnibus immigration legislation, E-Verify policies, state and county 287(g) programs and participation in the Secure Communities program (and measuring the fraction of months the programs and policies were in place in a given year).

**Table 1.** Immigration policy interior enforcement index.

	<i>N</i>	Mean	Standard deviation	Minimum	Maximum
Interior enforcement index 2008	152	0.063	0.137	0.000	0.403
Interior enforcement index 2009	152	0.460	0.456	0.000	1.448
Interior enforcement index 2010	152	0.926	0.376	0.000	1.665
Interior enforcement index 2011	152	1.016	0.249	0.000	1.401
Interior enforcement index 2012	152	0.984	0.081	0.583	1.000
Interior enforcement index 2013	152	1.000	0.000	1.000	1.000

counties<sup>19</sup> being selected for an on-site survey, using the number of times registrars (in a given county) were surveyed over the period 2010 to 2016 as the dependent variable (ranging from 1 to 22 times). As expected, given DSHS-stated policy, the number of local registrars located in a county and the number of records processed annually (measured using county-level birth rates as a proxy) were important, statistically significant predictors of the number of on-site survey visits a county received (see Table 2). Controls for health services region 11 (border area)<sup>20</sup> and county-level population measures, that is, median income (logged value) for the population of Mexican origin in 2010 and a measure of the change in the percent of the population that was Hispanic from 2010 to 2016, were also included; other potentially relevant population measures (e.g., the percent of foreign-born Mexicans, percent of Mexicans that were noncitizens or percent of Mexicans that did not speak any English in the home in 2010) were too highly correlated with the health services region (and border county) measures to simultaneously include in the model.

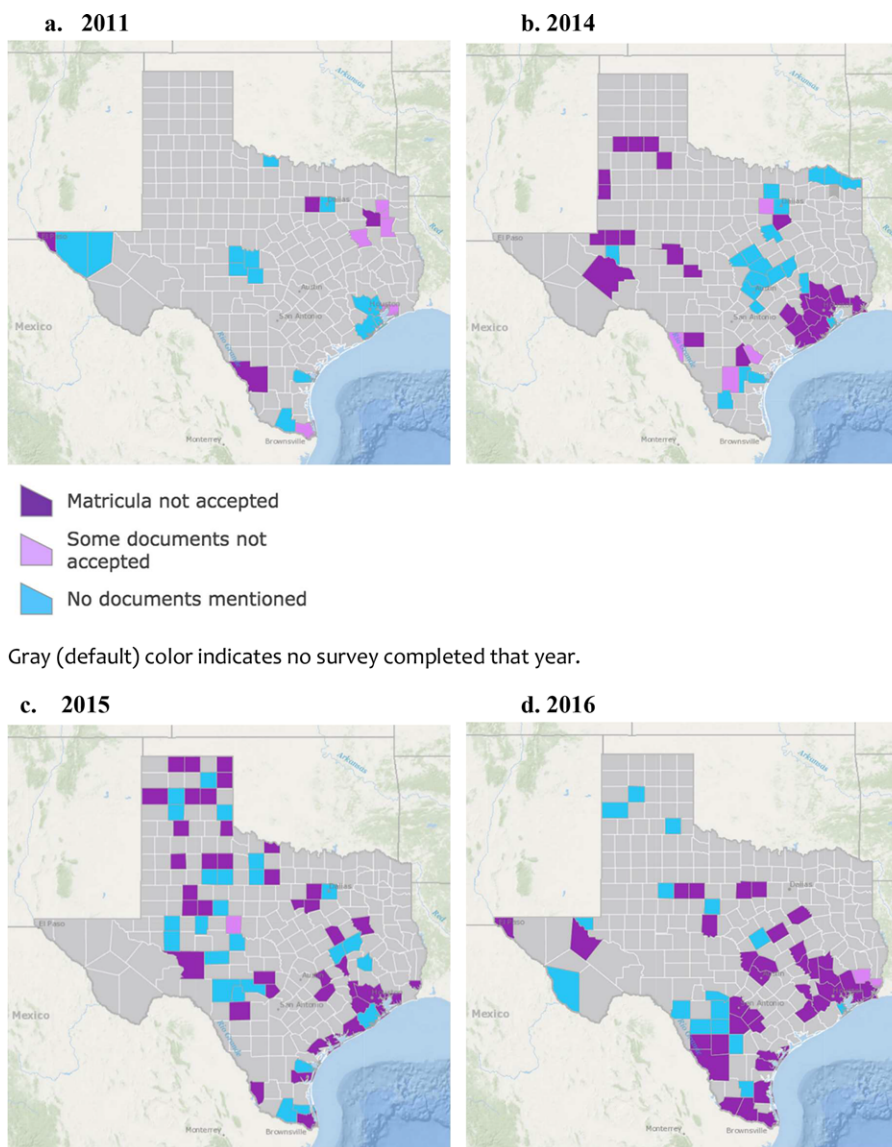
Two key variables of interest included in this model are the interior immigration policy enforcement index and a measure of the percentage-point differential between Democratic and Republican votes in each county in the 2016 national election.<sup>21</sup> A positive relationship between immigration policy interior enforcement and the number of local registrar on-site surveys conducted in a given county over this period (2010 to 2016) was hypothesized (controlling for the number of registrars and records processed), under the assumption that the DSHS was targeting the on-site surveys at least in part to reinforce its policy on the *matrícula*.<sup>22</sup> Alternatively, a negative relationship was hypothesized between the magnitude of the 2016 voting margins (between Democratic and Republican votes) and the number of local registrar on-site surveys conducted, assuming that if the state intended to produce a “chilling effect” that discouraged visits to local registrar offices among individuals more likely to vote Democratic, it would focus on counties that were more at risk of

<sup>19</sup> This analysis is restricted to local registrars in metropolitan statistical areas for which the index measuring the intensity of interior immigration policy enforcement was available ( $n = 136$ ).

<sup>20</sup> The border county indicator is too highly correlated with the health service region indicators to simultaneously include in the model.

<sup>21</sup> When including the interior enforcement index measure, our analysis is limited to counties in metropolitan statistical areas, but when we also estimate the same model without this measure, the results for the other variables do not change substantively.

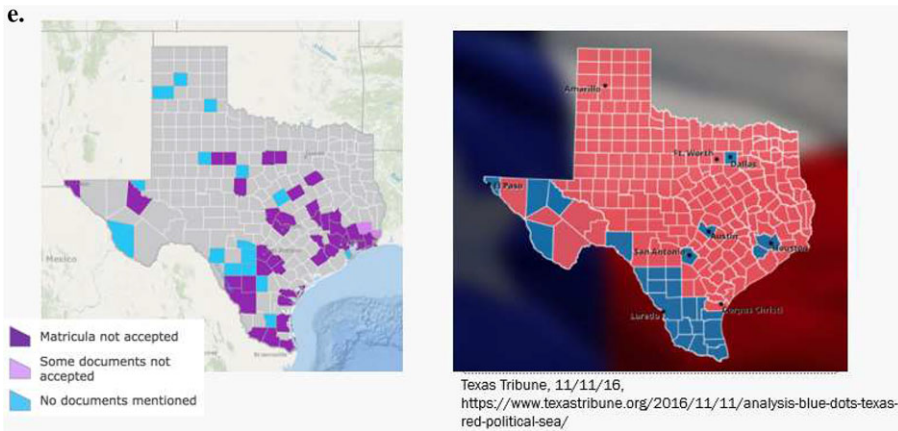
<sup>22</sup> Given that variation in the interior immigration policy enforcement measure across counties rapidly declines as enforcement legislation and policies take off during the period of this investigation, models were (separately) estimated using the 2008, 2009, and 2010 measures, coinciding with the timing of Texas DSHS policy declaration to stop accepting the *matrícula* (2008) and up to the time when the on-site surveys were initiated (2010). For brevity, the results with the 2008 enforcement index measure are presented, as those with the 2009 and 2010 measures were very similar.



**Figure 2.** (a–d) Enforcement of Matrícula Policy Through Texas DSHS Local Registrar On-Site Surveys. (e) Enforcement of Matrícula Policy in 2016 and 2016 National Election Outcomes by County, Texas.

“turning blue.” On average, about 65 percent of the votes in Texas counties went for Republicans (32 percent for Democrats), with the vote differentials ranging from a low of 0.5 percent to a high of 91.6 percent.

The results in Table 2 confirm both hypotheses. Using the 2008 interior enforcement index measure, a 0.1-point increase in the enforcement index (2008 mean = 0.06, standard deviation = 0.137) would lead to about 0.465 more on-site surveys over this period. As shown in Table 1, the rate of interior enforcement increases markedly over the period that the surveys were conducted (from 0.06 to 1.00), suggesting that this is an effect of considerable substantive significance. The



**Figure 2.** *Continued.*

**Table 2.** Factors predicting the frequency of DSHS on-site local registrar surveys (in Texas counties).

Predictors	Coefficient	Standard error	<i>p</i> -value
Interior enforcement index 2008	<b>4.647</b>	1.196	0.001
Percentage-point differential in Dem. versus Repub. votes, Nov. 2016 election	<b>−1.373</b>	0.697	0.050
Texas Health Services Region 11	<b>1.287</b>	0.452	0.005
Change in Hispanic pop. 2010 to 2016	<b>1.095</b>	0.465	0.020
Log of median family income 2010, Mexican origin pop.	0.257	0.913	0.779
Metro county	<b>7.484</b>	1.616	0.000
Number of registrars in county	<b>1.046</b>	0.038	0.000
Birth rate in county, 2010	<b>0.222</b>	0.044	0.000
Constant	−9.768	9.501	0.306
<i>R</i> (or pseudo <i>R</i> )-squared, <i>N</i>	$R^2 = 94.8\%$ , $N = 136$		

Notes: Statistically significant predictors ( $\alpha = 0.05$ ) are in boldface.

relationship between Democratic-Republican voting margins and the targeting of local registrar surveys is also strong; for each percentage point differential (increase) in the margins, 1.37 fewer surveys would be conducted. Or stated differently, the closer the vote in a given county, the more likely local registrars in the county would be selected for a policy enforcement visit by the Texas DSHS. In addition, local registrars in DSHS Health Services region number 11, which has the highest fraction of counties bordering Mexico (60 percent; see the map in Figure B1),<sup>23</sup> were visited on-site about one and a third times more than the other seven major regions. And counties with larger increases in the percentage of the Hispanic population between 2010 and 2016 were also more likely to be visited by the DSHS (about one more survey for each 1 percentage point increase in the Hispanic population). Nearly all of the variation in the frequency of local registrar on-site surveys is explained by this

<sup>23</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

**Table 3.** Factors predicting the probability that the (Mexican) matrícula ID card is denied at local registrars (in Texas counties).

Predictors	Odds Ratio	p-value	95% confidence interval	
Interior enforcement index 2008	12.744	0.303	0.100	1622.253
%-point differential in Dem. vs. Repub. votes, Nov. 2016 election	0.228	0.355	0.010	5.228
Log of median family income 2010, Mexican origin pop.	<b>0.005</b>	0.004	0.000	0.177
Change in Hispanic pop. 2010 to 2016	4.445	0.114	0.699	28.245
Number of registrars in county	<b>0.864</b>	0.043	0.749	0.996
Birth rate in county, 2010	1.069	0.427	0.907	1.258
Texas Health Services Region 11	3.020	0.197	0.563	16.204
Year 2011	0.943	0.932	0.247	3.610
Year 2012	2.434	0.282	0.482	12.282
Year 2013	<b>13.543</b>	0.007	2.012	91.178
Year 2014	1.966	0.383	0.430	8.992
Year 2015	<b>5.854</b>	0.008	1.571	21.811
Year 2016	<b>15.027</b>	0.000	4.484	50.360
R (or pseudo R)-squared, N	Pseudo R-squared = 31.0%, N = 135			

Notes: Statistically significant predictors ( $\alpha = 0.05$ ) are in boldface.

model, with the number of local registrars and county-level birth rates accounting for about three-fourths of the explained variation. Metro areas were also significantly more likely to be surveyed on-site (seven more surveys than non-metro areas on average).

The enforcement of the 2008 DSHS ID policy change, hence, was clearly targeting jurisdictions with growing Hispanic populations and closely following other enforcement actions intended to address unauthorized immigration, thereby ratcheting up administrative burdens for these local registrar offices (Figure 1, quadrant three) and immigrant families they serve (quadrant two). The findings showing the relationship between election margins and the targeting of local registrar surveys suggest that enforcement of the DSHS policy change regarding the matrícula consular card may not only have been a proxy policy for immigration enforcement, but also a proxy policy to discourage voter registration and voter participation in more highly contested counties (see Figure 2e.).

At the same time, local registrar officials continued to assert their “prerogative,” as Pharr registrar Maritza Gutierrez described it, in deciding whether or not to accept the matrícula (along with other forms of identification) in issuing birth certificates (Weissert & Robbins, 2015). This further contributed to widely varying access to birth certificates for U.S.-born children (whose parents relied on the matrícula ID) both over time and geography within the state. As Efrén Olivares (2016) of the Texas Civil Rights Project (TCRP) explained: “You have different individuals that are at these windows of the offices (registrars), and some of them are very nice and go out of their way to help families, and some of them do the opposite. So, depending on what city you go to, you will see different requirements.” As further described below, varying access could also be present within families.

To further explore the local level variation in implementation of the DSHS ID policy over time, another regression model was estimated using the same variables (along with year indicators) to predict (over the 2010 to 2016 period) the probability that a local registrar ever denoted the “matrícula” in response to the question: “What types of documentation do you NOT accept?” The results (see Table 3) show



the progression over time of the (increased) likelihood that the matrícula card was *not* accepted at the local registrars, particularly beginning in 2013, a year of fervent enforcement-oriented immigration legislation in Texas. In 2013 the odds that the matrícula card was not accepted at the local registrars was more than 12 times (or 1250 percent higher) than in 2010 (the reference year and first year that on-site surveys were conducted); by 2016, the odds of local registrars *not* accepting the matrícula were more than 1,400 percent higher than in 2010. Being in a metro area perfectly predicted the probability that a local registrar reported declining the matrícula, so this variable was not retained in the model.<sup>24</sup>

In summary, what these analyses show is how a seemingly trivial state government administrative policy—that imposes an administrative burden by denying acceptance of an ID card (the matrícula) carried by a distinctive population subgroup (based on ethnic origin)—could evidently (and illegally) restrict access to birth certificates, a civil right for U.S. citizen children, and deny them essential services. Moreover, whether or not the policy is enforced varies both over time and geography; in fact, one has to look at some of the hand-written comments on the local registrar on-site surveys to fully understand how policy implementation varies *within* counties as well. Its narrow racial/ethnic targeting of Mexicans, who presently have one of the longest waits of all immigrant groups seeking legal entry into the United States, is also reflective of the continuing discriminatory elements of our immigration policies as implemented. And, more generally, the resulting lack of transparency in how immigration policy in Texas (and other states) is implemented is also problematic for policy effectiveness and accountability. For example, as noted earlier, Texas provides publicly-funded prenatal care to low-income, unauthorized immigrants on the premise that they are caring for the unborn, “presumptive citizen,” so it seems contradictory that upon the birth of these children, the state would pursue a policy that capriciously denies some of them access to their birth certificates and the benefits that come with citizen status. This study turns now to examine some of the consequences of this policy experienced by children and families.

## CONSEQUENCES OF ADMINISTRATIVE BURDEN IN IMMIGRATION POLICY FOR CHILDREN AND FAMILIES

Estimating how many citizen children in Texas were denied birth certificates due to refusal of the matrícula card and for how long is nearly impossible with existing data, even if one could get access to them. In preparation for trial in its suit against the State of Texas, the TCRP sought data from the state on the number of children born, the number of birth certificates issued, receipt of Medicaid and other information that would be indicative of undocumented status. However, as the extraction of data from the local registrar surveys showed, information on birth certificates issued by local registrars was sometimes incomplete or missing. As Efrén Olivares explained in an interview, “it is very hard to get the number of birth certificates issued and compare them to the number of children born. When you are born in Texas, you are registered in the city where you are born, and that city has its own database of births. The city registrar sends that information, that is, the baby was born, to the State, and it is entered into the state database, which is a separate statewide database.” The city and state databases “don’t talk to each other.” He continued, “If I need a copy of a child’s birth certificate, I can get it either in that city, or anywhere else in

<sup>24</sup> Removing the enforcement index variable allowed for the inclusion of counties outside of metropolitan statistical areas; the results (available upon request) affirmed the strongly increasing odds of enforcement of the matrícula ID policy over time.

the state. If I go to the city where the child is born, and the city can pull it up from their own local database, they can issue it [the birth certificate] and the State never finds out that the child got a birth certificate. The state database only has the birth registered, not the issuance of the birth certificate to the child.” Thus, in order to attempt a comparison of children born to birth certificates issued, the TCRP would have had to sue each local registrar to release their data (in addition to their lawsuit against the state), and even then, data quality was likely to be a formidable barrier to estimating the number of children denied birth certificates due to these changes in ID requirements.

### Immediate Hardships for Families

In light of these challenges, this study draws on information submitted in a lawsuit and on interviews with families affected by the DSHS policy change in ID requirements and with individuals in organizations attempting to help them in order to illustrate some of the immediate consequences and hardships experienced by children and their families. The complaint filed by the TCRP against the Texas DSHS Vital Statistics Unit (Case 1:15-cv-00446, filed 5/26/15) included four plaintiffs who were later joined by several dozen others to bring suit on behalf of their U.S. citizen children born in Texas (residents of the border counties in Health Services Region 11). The core issue in the complaint, which drives the consequences for these families, is that the denial of the birth certificate leaves both the mother and child “with no official proof of the parent-child relationship” (p. 5). In describing the context in which the denials occurred, the case evidence illustrates administrative burden in practice. For example, one mother, who had no problem getting a birth certificate for her child born in 2012, was told in February 2015 that the same documents she presented previously—the *matrícula*, her passport, hospital papers and the child’s social security card—were insufficient because the *matrícula* was not an acceptable form of ID. She returned with other forms of identification and was still rejected. Another mother likewise brought her child’s hospital records, social security number, the *matrícula* and an expired Mexican voter ID card to a local registrar office in 2015 and was not only denied the birth certificate, but she was also told that she could get into trouble for asking for the child’s birth certificate and would be reported to ICE. In an interview, Efrén Olivares indicated that “Many are just told ‘no,’ and then they go home. They never push back.” This last example highlights the gravity of this problem for mothers and children—mothers have no way to demonstrate they are the legal caregiver of the child and no official proof of the child’s U.S. citizenship, which makes them vulnerable to separation and hinders mothers in providing for their children’s basic needs.

The legal complaint in this case documents some of the major problems that these mothers have faced (in the absence of a birth certificate for their children), including: being prevented from enrolling a child in day care; inability to access necessary medical care and public health insurance available to low-income children; lack of documentation required for enrolling in the public school system, and constraints on traveling with one’s child. Parents enrolling their children in the Medicaid program in Texas are required to present a birth certificate, and although some Medicaid officials were more lenient (e.g., giving parents an extra three to six months to get the document), others weren’t even willing to check the state database to attempt to confirm the birth in Texas. Efrén Olivares also elaborated on travel-related barriers to accessing to medical services:

Children that need more sophisticated care than they can get on the border need to travel to Houston or San Antonio and cross a checkpoint. Border patrol will ask if you are a U.S. citizen and may or may not ask for documentation. But if you don’t speak English,

or you look a different way, they are going to start asking questions . . . at the end of the day, it is at the discretion of the border patrol official. I have heard both things, of people who get through without a problem and people who get stopped. You don't know who is going to be at the checkpoint that day, the person stopping you. Now there is something that you can get called humanitarian parole, and that is a special provision from border patrol and ICE to travel, but that can take weeks or months, and it is at their discretion. If your child need emergency care, it is a huge problem. Only those who have a stronger network of supports, family or otherwise, can have a chance at overcoming this.

Two of our clients got stopped twice by border patrol, and they asked "who is the child, is that really your child? Where are your documents?," and they couldn't prove that legally the child was theirs and that their child was a U.S. citizen. They were at risk of being deported any day, and two things could happen: either they got separated, i.e., mom goes back and the child gets to stay here with someone else, and there the family is separated for who knows how long, maybe permanently; or they both get deported, and the child, back in \_\_\_\_\_ without a U.S. birth certificate, how is that U.S. citizen ever going to be able to make it back to his home country?

An undocumented mother of Mexican origin who came to the United States in 2007 and was denied access to birth certificates for several of her children born here was not able to enroll her children in public school without their birth certificates. In addition, her youngest child requires a major, life-saving surgery, and without a copy of the child's birth certificate, she was afraid to travel. An appointment was arranged in San Antonio, but she was "worried that someone would report me for being undocumented . . . They're supposed to give me another appointment, but I'm worried that I'll get deported." She added that in the current enforcement climate, they are particularly fearful: "My husband thinks that it's best for us to stay at home and go to work only. It's not safe for us to go shopping in case someone arrests or deports us. We're especially worried about our three youngest, as they are disabled. Our fear is that they'll send us back. How would we get them their medication?" (N. Interview, January 2017). This is a particularly poignant example of administrative burden shown in the fourth quadrant of Figure 1, that is, fear of enforcement consequences (the "chilling effect") making it difficult for parents to meet the most basic needs of their children for health care and household provisions.

Several of the mothers interviewed for this research were in mixed-status families,<sup>25</sup> with some of their children U.S. born and some foreign-born, and they were specifically asked about the benefits that being a (documented) U.S. citizen brings to their children (that their non-citizen children lack) for their healthy development. Two centrally important benefits for (low-income) citizen children that were consistently mentioned in the interviews are access to Medicaid and the Women, Infants and Children (WIC) program, the latter of which provides supplemental foods, health care referrals, and nutrition support for children (at nutritional risk) up to age five. One mother described her inability to get these benefits for her citizen children: "They didn't want to give them Medicaid or any other kind of assistance for the same reason they didn't want to enroll my kids in school—because they didn't have their birth certificates." (H. interview, September 2017). The mothers also recounted that their non-citizen children who did not have access to WIC or Medicaid were less likely to get routine medical care. For example, in contrast to her one child who is a U.S. citizen, a Mexican mother of three stated that "there have been no visits to the dentist and no regular checkups at the doctor, like physicals" for her non-citizen children. She appreciated the routine doctor visits for her youngest

<sup>25</sup> An estimated six million citizen children are living in a "mixed citizenship status" family with at least one non-citizen parent (Nicholson, 2017).

(citizen) child, because “They would take blood samples, weigh and measure her. I liked that I could tell that she was doing okay.” She also expressed stress associated with trying to stretch the food supplements received through WIC (e.g., cereal, milk) across the three children: “. . . they’re always asking for food. Sometimes I want to buy them some ice cream or some bread, or even some chicken so that they can eat, but sometimes there isn’t any” (M. Interview, September 2016).

Research by Currie and Gruber (1996), Joyce and Racine (2003), and Lurie (2009) is consistent with the mothers’ reports of increased access to regular health care through Medicaid eligibility for their children; in their analysis of federal Medicaid expansions, these studies find increased utilization of medical care (doctor visits) and vaccinations, as well as reduced childhood and infant mortality. And although the research findings on WIC are mixed, the preponderance of evidence suggests that WIC improves children’s outcomes. Lee and Mackey-Bilaver (2007) found that children participating in WIC were about 36 percent less likely to be diagnosed with “failure to thrive” and 74 percent less likely to be diagnosed with nutritional deficiencies than children who had not participated, and Currie and Rossin-Slater’s review (2015) identified WIC as among the most effective social programs in improving early-life conditions for children. Recent research (Vargas & Pirog, 2016) using data from the Fragile Families study also shows, however, that that risk of deportation constrains WIC participation in mixed-status families, particularly among those of Mexican-origin. Bustamante et al. (2012) likewise found that undocumented immigrants from Mexico are much less likely to have a physician visit and a usual source of care compared to documented immigrants from Mexico.

### **Potential Longer-Term Consequences of Administrative Burden for Children of Immigrants**

The growing body of research on the effects of early access to public benefits such as Medicaid and other supports for children (e.g., early education) also suggests the potential for longer-term adverse effects on children of immigrants who are precluded from enrolling in day care or preschool and from accessing essential medical care. For example, research to date shows that the availability of public health insurance at birth for children leads to higher reading scores, increased schooling, and improved labor market outcomes (Brown, Kowalski, & Lurie, 2015; Cohodes et al., 2014; Levine & Schanzenbach, 2009). One of the most vocal researchers on the importance of “investing as early as possible, from birth through age five, in disadvantaged families” is Nobel Laureate James Heckman, whose research with colleagues suggests that even when starting at age three or four years, long-term benefits are likely to be missed (García et al., 2016).

There are very few special purpose surveys that have collected longitudinal data on immigrant children, and in larger-scale research data collections, such as the Survey of Income and Program Participation and National Longitudinal Survey of Youth, questions about immigrant status have typically been limited to specific modules or have limited sub-sample sizes. In their review of data available for studying immigrant families, Gelatt, Berstein, and Koball (2015) find mostly “point-in-time snapshots” of immigrant families that make it difficult to ascertain their eligibility for public benefits and to track their well-being over time. They also point out that the assembly of data on public policies toward immigrants has focused primarily on state policies, even though counties and cities vary widely in the extent to which they use local funding in welcoming or enforcement-oriented activities. There are numerous challenges to capturing accurate data at the sub-state level, such as ensuring consistent, up-to-date measures and definitions across diverse local

contexts where information can quickly become outdated (Kaiser Commission on Medicaid and the Uninsured, 2009).

The last set of analyses presented in this paper draws on data from the Children of Immigrants Longitudinal Study (CILS) to explore whether receipt of public or other economic assistance in the early years of an immigrant child's life (and in the families' first year in the United States) makes a difference in children's outcomes later in adolescence and into early adulthood. The CILS was designed to study the adaptation process of children with at least one foreign-born parent (or children born abroad who came to the United States at an early age) and was first administered in 1992 with 8th- and 9th-grade immigrant children (of 77 different nationalities) in the Miami/Ft. Lauderdale and San Diego metropolitan areas ( $n = 5,262$ ). Although the CILS data collection was clearly undertaken in a different time and policy environment than we face today—as well as in distinct, immigrant-dense metropolitan areas—it similarly followed a surge in legal and illegal immigration in the early 1980s and subsequent (1986 and 1990) federal reforms that sought to increase immigration enforcement. Data were collected on children and family demographics, language use, self-identities, academic attainment and more. A parent survey that was linked to the children's data asked about types of economic and public assistance received, health insurance, contact with agencies and whether such contacts helped them, help received from relatives and friends, and discrimination experienced. Two follow-up surveys—the first conducted around the time of the children's graduation from high school (1995) and the second when the sample of immigrant children averaged 24 years of age (2001 to 2003)—allow for the examination of their outcomes and patterns of adaptation in late childhood and early adulthood, including health, educational attainment, employment and occupational status, income, civil status, political participation, delinquency, and incarceration.<sup>26</sup> To the extent that children of immigrants lacked access to benefits or supports for their health and education (similar to the accounts provided in interviews with Texas immigrant parents in this study), it is hypothesized that the results will show negative associations with their longer-term well-being.

In estimating how receipt of (or lack of access to) public benefits and other early supports is related to children's longer-term outcomes, it is important to adjust for factors that influence who gets access to these benefits/supports (i.e., selection into "treatment"). Propensity score (nearest neighbor) matching methods were used to construct a comparison group of children of immigrants (in the CILS) who did not receive these benefits/supports in their early childhood but were observationally similar to those who were "treated," using characteristics of the children present at birth (i.e., pre-treatment). Treatment in this analysis is defined as any receipt of public or private economic assistance during the first year in the United States by the child or his/her family. The variables used in the first-stage of the matching analysis to generate predicted probabilities of children's receipt of public or private benefits/supports were informed by Borjas' (2011) research.<sup>27</sup> To causally identify the effects of receipt of public or private economic assistance on children's outcomes, one would have to satisfy the assumption that after controlling for these variables, the potential outcomes are independent of treatment status. Given the limitations of the CILS data for measuring child and family characteristics at the time of the

<sup>26</sup> These data were publicly released in 2006 and are available from the Inter-university Consortium for Political and Social Research (ICPSR 20520), [www.icpsr.umich.edu](http://www.icpsr.umich.edu).

<sup>27</sup> The first-stage model variables include: child is born in the United States; indicators for the country or region of birth of the child's mother (reference category = Cuba); whether the mother arrived in the United States after 1980; the mother's highest level of education (reference category = greater than a high school education), and the number of older siblings (and the square of this measure).



**Table 4.** Estimated longer-term outcomes of children of immigrants who received early economic assistance (Children of Immigrants Longitudinal Study).

Treatment measure:	Received economic assistance, first year			
Outcomes (dependent variables)	N	Coefficient	SE	p-value
Percentage of Stanford math score	749	<b>7.988</b>	3.662	0.029
Total Stanford math score	758	<b>14.308</b>	2.484	0.000
Percentage of Stanford reading score	773	5.895	4.971	0.236
Total Stanford reading score	773	5.298	6.638	0.425
GPA eighth/ninth grade	845	<b>0.158</b>	0.054	0.004
GPA in 1995	845	0.023	0.127	0.854
H.S. dropout in 1995	755	<b>-0.020</b>	0.010	0.045
No post-H.S. education (2003)	641	-0.007	0.034	0.849
Incarcerated in past five years (2003)	628	<b>-0.039</b>	0.019	0.042

*Notes:* The coefficients reported in Table 4 represent the estimated effects of receiving early economic assistance for each of the outcome variables shown in the first column, with respective sample sizes shown in the second column. Statistically significant effects ( $\alpha = 0.05$ ) are in boldface. The average treatment effects were estimated using propensity score matching (nearest neighbor matching with replacement); see Appendix C for additional details. All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

child's birth, no causal claims are made in this analysis. In addition, the sample for this analysis is restricted to children whose mothers entered the United States within five years of their birth, that is, at a time when early economic assistance could still potentially affect the child's early development (Currie & Rossin-Slater, 2015). The analysis sample is also limited to children who have a parent survey (that includes reports on assistance received), and for the later outcomes, to children who complete the surveys in the second and third waves of the CILS; thus, sample sizes vary in these analyses. (See Appendix C<sup>28</sup> for the first-stage estimation and balancing test results.)

In terms of the children's outcomes, the analysis presented here focuses primarily on their education outcomes in eighth or ninth grade (grade point average/GPA, test scores) and at the time of high school graduation (GPA, dropout), as well as a few early adulthood outcomes (continuing education and incarceration). The results of these analyses, shown in Table 4, are interpreted only as indicative of an *association* between receipt of public or private economic assistance in the first year after immigration and children's longer-term outcomes. The findings suggest that children of immigrants in families that received such assistance have (statistically) significantly higher GPAs (0.158 points higher) and (Stanford) math test scores (8 percentiles higher) in eighth or ninth grade, and that they are less likely (-2 percent) to drop out of high school. They are also significantly less likely to have experienced incarceration (-4 percentage points) as of the third wave of the survey (at the average age of 24 years).

Although this analysis of children of immigrants (in the CILS) is from a different time period and place and should not be interpreted as causal, the findings are consistent with the reports from (unauthorized) immigrant parents of hardships experienced by their children without access to documentation of their citizenship status, essential for accessing health care and nutrition assistance and enrolling in

<sup>28</sup> All appendices are available at the end of this article as it appears in JPAM online. Go to the publisher's website and use the search engine to locate the article at <http://onlinelibrary.wiley.com>.

day care and elementary school. They are also in accord with the research findings of Filindra, Blanding, and Coll (2011), who link the generosity of public welfare for immigrants to higher high school graduation rates of children of immigrants (compared with children of U.S. natives), and with those of Amuedo-Dorantes and Lopez (2015), who relate intensified immigration enforcement to increased grade repetition and higher rates of school dropout among a national sample of Hispanic children of (likely) unauthorized immigrants (using Current Population Survey data from 1995 to 2010). Together, these findings suggest that the negative consequences of the Texas DSHS policy change (regarding the matrícula ID), which created administrative burdens that left children without recognition of their citizenship status (a basic civil right) or parent-child relationship, could persist into adolescence and early adulthood.

## CONCLUSION

The Trump administration, as of this writing, continues to advance a plan to build a massive wall along the U.S.-Mexico border and increase control over border crossings. What the public is less likely to see, however, is the significance of the many barriers or “petty fortresses” that we have already created through the implementation and enforcement of immigration law and other state and sub-state policies to the economic and social integration of immigrants and the well-being of their U.S.-born children. The case study presented here is just one illustration of such a barrier and the “proxy” policy that was used to impose it; it shows how a seemingly obscure, unevenly enforced state health services department policy change (in identification documents accepted at local registrar offices) led to dire consequences for the citizen children of a particular immigrant subgroup (Mexicans). The analysis of the CILS data further suggests the potential for long-lasting negative effects on these children; many of their parents are already members of what has been described as the “long-term illegal underclass” in the United States (The Economist, 2017), and these added barriers risk their permanent marginalization in society.

These research findings should also stir attention in the fields of public administration and political science to concerns about how the imposition of administrative burden and other highly discretionary actions in the implementation of immigration policy can diminish the transparent and effective execution of public policy and administration, as well as our commitment to equality of opportunity under the law. Scholars have long been attentive to problems of “bureaucratic disempowerment” and the resulting distributive consequences, where fiscal and programmatic retrenchment occurs through abstruse actions by public authorities on the front lines of policy implementation (Lipsky, 1984). Administrative burden, as shown in this case study, can be a tool of bureaucratic disempowerment, although as conceptualized here, it also operates outside the confines of the bureaucracy, with potentially broader and more obscure consequences. For instance, there has been considerably more public attention in Texas to concerns about potential infringements on citizens’ 2nd Amendment rights to bear arms in the implementation of the 2015 “open carry” legislation than to the denial of birth certificates for U.S.-born children under the 14th Amendment (less conspicuously implemented) during this same period. The empirical link between the state’s administration of local registrar on-site surveys to enforce the ID policy change (and the denial of this right) and 2016 national election voting margins in Texas raises another troubling concern about the impetus and implementation of this “proxy” policy. Recent court determinations that Texas’ 2011 voter ID law has unduly burdened Latino and black voters in the state are further suggestive of the state’s proclivity to discriminate based on race and national origin.

In July 2016, the State of Texas agreed to settle the lawsuit brought against it and expand the types of documents parents without legal immigration status can present to obtain birth certificates for their U.S.-born children. Although the state will continue to refuse the *matrícula*, it agreed to accept the Mexican voter registration card, which Mexican nationals in Texas can obtain from their local consulate, as well as other supporting documents. The presiding judge imposed a nine-month monitoring period to oversee the state's compliance with the agreement, and the state agreed to send posters and documents to local registrar offices about the new policy. But the state can't force those entities to post them, and local offices can obstruct these actions. As this research showed, local authorities frequently do exercise discretion in deciding whether to comply with state directives. It would be a herculean task to monitor or check all 459 Texas local registrars for compliance and notify the state (for referral to a local attorney) of violations.

Organizations like the TCRP, in extra-governmental encounters, may continue to play a critical role in demanding fairer and more effective public administration and policy implementation. However, in July 2017, the Texas Access to Justice Foundation, a 501(c)(3) organization closely affiliated with the Texas Supreme Court—whose board is appointed by the Supreme Court justices (all Republicans) and the State Bar of Texas—abruptly cut off all of the funding it had been providing to the TCRP. This funding, which had been provided for nearly three decades, constituted more than 40 percent of the civil rights nonprofit's budget. Actions such as this underscore the importance of making public sector reforms to reduce administrative burdens and their harmful consequences (in immigration policy and other social welfare policies, including voter ID policies) a high priority at federal, state, and local levels of government. Currently, however, emboldened and encouraged by the Trump administration, more states are moving in the other direction. North Carolina, for example, followed the Texas “playbook” in passing the “Protect North Carolina Workers Act” (HB318) in 2015, which prohibits adoption of sanctuary city ordinances, requires E-Verify compliance in certain governmental contracts, and denies consular documents—specifically calling out the *matrícula*—for purposes of official identification.<sup>29</sup>

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<sup>29</sup> Currently, only three states—California (as of January 2017), Nevada, and Illinois—have passed legislation that explicitly allows *matrícula* cards as satisfactory evidence of official identification.

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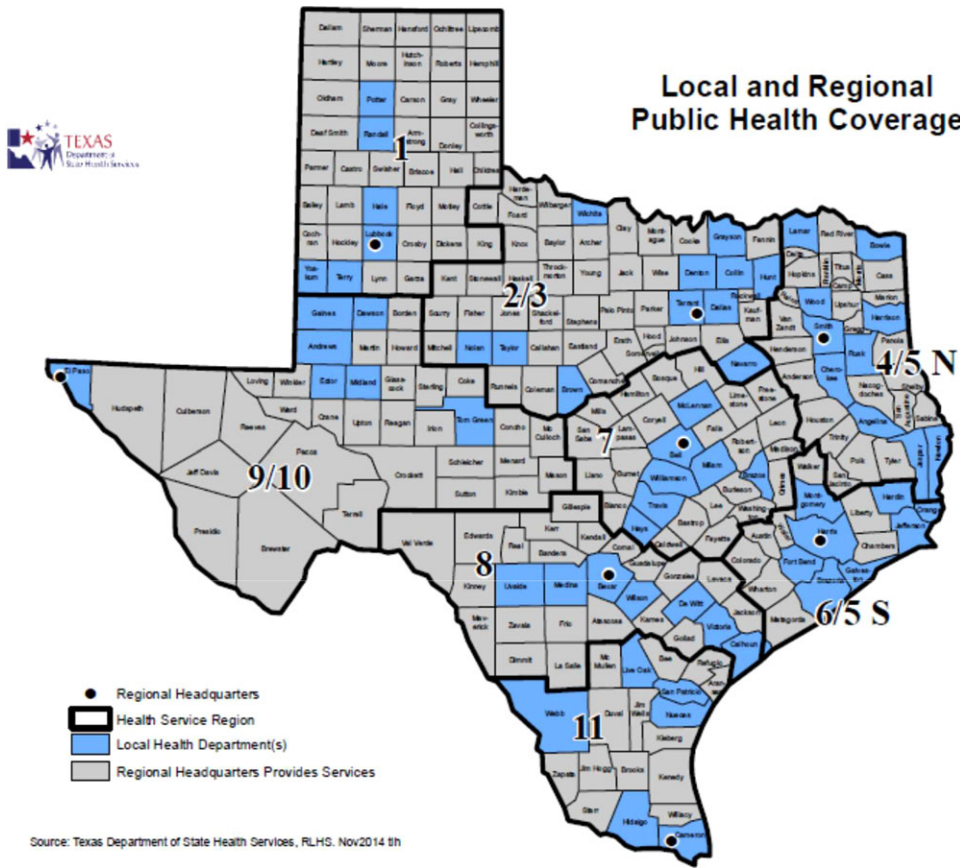
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APPENDIX A

LOCAL REGISTRAR ONSITE SURVEY									
The statutes that govern local registrar duties/responsibilities can be found in <i>Chapters 191–195 of the Texas Health and Safety Code</i> and <i>Chapter 181 of the Texas Administrative Code</i> .									
DATE OF SURVEY				COUNTY/CITY/DISTRICT/ PRECINCT					
Title of Local Registrar		<input type="checkbox"/> County/District Clerk		<input type="checkbox"/> City Secretary		<input type="checkbox"/> Justice of the Peace			
Name of Local Registrar									
Name of Deputy Registrar [HSC 191.022]									
Physical Address									
Mailing Address									
Phone				Fax					
Email									
Contact During Survey				Job Title					
Contact Phone				Contact Email					
REGISTRATIONS									
*Number of Registrations Filed in the Previous Year				*Number of Institutions That File Records					
Birth Certificates				Hospitals/Birth Centers		/			
Death Certificates				Number of Funeral Homes					
Marriage Licenses				Midwives					
CERTIFICATE COPIES AND TRAINING									
Number of Certificate Copies Issues in the Previous Year									
Birth (Local)		Birth (Remote)(If Applicable)		Death		Marriage (if Applicable)			
*Indicate vital records training you or your staff have received in regards to local registration duties									
Vital Statistics Annual Conference				Year		Number of Staff			
Vital Statistics Regional Conference				Year		Number of Staff			
Master Registrar Certification Course				Year		Number of Staff			
Acknowledgment of Paternity Certification				Year		Number of Staff			
TER Online Training				Year		Number of Staff			
Other (Explain):				Year		Number of Staff			
SOFTWARE ASSESSMENT									
Using TER To Register:		Births (home births) <input type="checkbox"/> Yes <input type="checkbox"/> No		Deaths <input type="checkbox"/> Yes <input type="checkbox"/> No					
If you answered "No," explain									
*Do you use software to prepare and issue marriage licenses?						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
*If "Yes," please list the software									
*Can it import/export data?						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
Does your office participate in the "Twogether in Texas" program?						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A			
APPLICATION [25 TAC 181.28(E)]									
* Do you require an application for all issuances of vital records?						<input type="checkbox"/> Yes <input type="checkbox"/> No			
-Please provide samples of applications. (The sample(s) should not contain any confidential information.)									
* Does your application include:									
Applicant's relationship to registrant						<input type="checkbox"/> Yes <input type="checkbox"/> No			
Purpose for obtaining the record						<input type="checkbox"/> Yes <input type="checkbox"/> No			
Warning statement						<input type="checkbox"/> Yes <input type="checkbox"/> No			
* Do you require and document identification/qualified applicant criteria on all applicants? [25 TAC 181.1]						<input type="checkbox"/> Yes <input type="checkbox"/> No			
-Demonstrate by matching log with IDs and applications									
*What types of documentation do you NOT accept?									
Explain?									
Do you keep a log for the security paper?						<input type="checkbox"/> Yes <input type="checkbox"/> No			
Do you record voids in the log?						<input type="checkbox"/> Yes <input type="checkbox"/> No			
Do you reconcile the amount of security paper used/voided with the log at the beginning and at the end of each day?						<input type="checkbox"/> Yes <input type="checkbox"/> No			

**Figure A1.** Local Registrar On-Site Survey.

APPENDIX B



**Figure B1.** Map of Texas Health Service Regions.

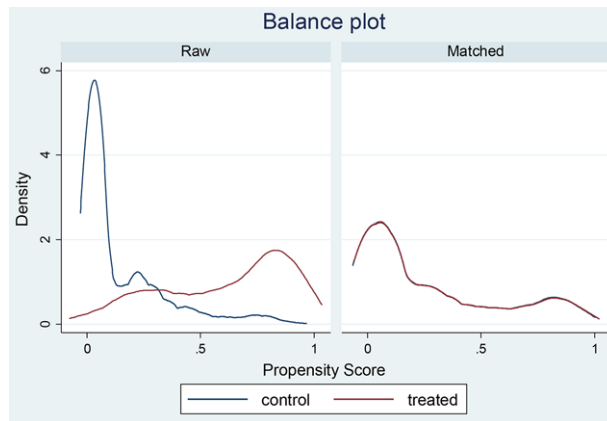
## APPENDIX C

### Additional Details on Propensity Score Matching Analysis

**Table C1.** First-stage (probit) models predicting receipt of economic assistance in first year among children of immigrants (in CILS).

Predictor variables: first-stage models	Received economic assistance in first year in United States		
	Coefficient	Standard Error	<i>p</i> -value
Child born in the United States	−0070	0.033	0.032
Mother born in the United States	n.a.	n.a.	n.a.
Mother born in Mexico	<b>−0287</b>	<b>0.047</b>	<b>0.000</b>
Mother born in Central America	<b>−0387</b>	<b>0.045</b>	<b>0.000</b>
Mother born in Asian refugee nation	<b>0.348</b>	<b>0.040</b>	<b>0.000</b>
Mother born in Philippines	<b>−0326</b>	<b>0.039</b>	<b>0.000</b>
Mother born in Europe or USSR	−0099	0.096	0.301
Mother born in South America	<b>−0334</b>	<b>0.034</b>	<b>0.000</b>
Mother arrived 1965 to 1979	<b>0.092</b>	<b>0.033</b>	<b>0.005</b>
Mother arrived 1980 or after	0.037	0.046	0.426
Mother education—elementary	0.072	0.049	0.140
Mother education—middle school	0.015	0.037	0.683
Mother education—some H.S.	0.001	0.030	0.975
Mother completed high school	<b>0.043</b>	<b>0.014</b>	<b>0.003</b>
Number of children in family	<b>−0004</b>	<b>0.002</b>	<b>0.051</b>
Number of children-squared	<b>0.331</b>	<b>0.041</b>	<b>0.000</b>
Constant	0.436	0.029	
$R^2$ and $N$	$R^2 = 43.1\%$ , $N = 866$		

*Notes:* The first-stage model predicting receipt of economic assistance in the first year in the United States excludes children whose mothers did not arrive within the first five years of their birth. Statistically significant predictors ( $\alpha = 0.05$ ) are in boldface. Reference (omitted) categories of variables: mothers born in Cuba; mothers arrived before 1965; mothers with greater than a high school education.



*Notes:* Propensity score matching method is nearest neighbor matching with replacement. Results were not highly sensitive to the number of neighbors specified (between two and five neighbors); balancing plot above is shown for the specification with two neighbors. Estimation excludes children whose mothers did not arrive within the first five years of their birth.

**Figure C1.** Balance Plot for Matching Estimation of Longer-Term Outcomes of Children of Immigrants.  
Treatment: Received economic assistance (public or private) in first year.