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Directed Study
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The Relationship of Public Attitudes Toward Immigration with Sanctuary Policy Choices

Abstract

In a period experiencing the highest levels of global migration since the World War II era, public anxiety over immigration has soared, particularly in the developed world (Papademetriou & Banulescu-Bogdan 2016). The United States has not remained immune from this anxiety or global trend. The United States public may expect elected officials to create, implement, and enforce immigration policy that reflects its preferences and values. This paper asks if public opinion on immigration is reflected in jurisdictions' sanctuary policy choices. It begins by sharing the current political context of the immigration debate, local/federal law enforcement collaboration policies, and public perceptions of immigration. Then, using sanctuary rankings designed by the Immigrant Legal Resource Center (ILRC) and 2016 Cooperative Congressional Election Study (CCES) survey responses on attitudes towards immigrants, the paper asks if public opinion correlates with sanctuary policy choices at the state level. Initial findings suggest that local law enforcement practices do reflect public attitudes towards immigration.

Key words: sanctuary · immigration policy · attitudes towards immigrants · Immigration and Customs Enforcement · local/federal law enforcement collaboration

Introduction

In a period experiencing the highest levels of global migration since the World War II era, public anxiety over immigration has soared, particularly in the developed world (Papademetriou & Banulescu-Bogdan 2016). The United States has not remained immune from this anxiety or global trend. Although debates over immigration have spiked at other moments in U.S. history, we are situated in a period of tense and volatile debate (Brader, Valentino & Suhay 2008). Some journalists and scholars note the connection between the ascendancy of xenophobic rhetoric and the rise of right-wing populist leaders such as Donald Trump and Viktor Orban, as well as complementary political movements such as *Forza Nuova* of Italy (Bonikowski 2016).

The United States public may expect its elected officials to create, implement, and enforce immigration policy and practices that reflect its preferences and values. While some theory emphasizes the correlation between constituent preferences and public policy in representative democracies (Birch 1971; Dahl 1971; Pitkin 1967) as well as the influence of constituent opinion on policy choices (Miller & Stokes 1963; Shapiro 2011), others refute this assurance (Burstein 2006). The role of social media in politics is a more recent concern, and suggests an impact on public policy choices made by elected officials (Barberá et. al 2014).

It is in this context that this paper will ask if county-level policies related to local law enforcement and federal immigration authority collaboration reflect public opinion on immigrants. Does public opinion on immigration help explain the law enforcement practices and policies chosen by municipal governments? My hypothesis is that local law enforcement practices do reflect public attitudes towards immigration and that as more Cooperative Congressional Election Study (CCES) YouGov survey respondents rank immigration as an important issue (*imm_imp_issue*), state sanctuary levels (*ilrctotal*) will decrease. In other words, where there are higher rates of CCES responses indicating that immigration is negative, there will be a lower aggregate ILRC total and fewer sanctuary policies.

I begin by sharing the current political context of the immigration debate, local/federal law enforcement collaboration policy, and public perceptions of immigration. I then ask if the public opinion in counties which have implemented sanctuary policies reflects pro-immigrant attitudes using statistical regression. My initial results confirm that law enforcement practices reflect public attitudes on immigration. Yet nothing new appears to be statistically significant or predictive of policy choices in this data. I conclude with a discussion of limitations of the study as well as areas for further research.

Literature Review

Immigration and sanctuary policy

With the adoption of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) passed by the U.S. Congress in 1996, the contours of federal immigration law shifted considerably. In addition to sweeping changes regarding border patrol practices, applications for residence, and the provision of state benefits, the IIRIRA invited state and local law enforcement agencies to participate in immigration enforcement efforts in ways unimagined since at least the late 19th century.

A number of jurisdictions adopted restrictionist policies such as mechanisms for local and federal law enforcement to share immigration status information, communicate targets, and access high-tech data-sharing and monitoring systems (Olivo 2014). Many of these policies were reinforced in the wake of the September 11, 2001 attacks and reorganization of Immigration and Nationalization Services into the newly-created Department of Homeland Security. The motivation for such collaboration flourished in a political and cultural environment of the Bush Administration's War on Terror.

Yet immigrant communities, community-based agencies, activists, academics, and some government entities including police departments argue that collaboration between local law enforcement and federal immigration authorities adversely impacts both immigrant communities and the larger society (Rocha, Knoll, and Wrinkle 2015; Waslin 2010). They contend that public health and safety, school attendance, parental involvement in school communities, and the enjoyment of personal freedoms have suffered, while anti-terrorism aims have not been efficiently served (Wexler 2017).

As a result, a growing number of jurisdictions have begun to pursue welcoming policies and/or instituted practices to protect immigrant newcomers (Immigrant Legal Resource Center 2018). One type of protective policy designed to limit local/federal law enforcement collaboration efforts has become popularly known as “sanctuary” (Gulasekaram and Ramakrishnan 2015; González, Collingwood, and El-Khatib 2017). Although federal statute does not define sanctuary, the Office of the Inspector General of the U.S. Department of Justice refers to the practice as one in which “jurisdictions...may have state laws, local ordinances, or departmental policies limiting the role of local law enforcement agencies and officers in the enforcement of immigration laws” (U.S. Department of Justice, Office of the Inspector General 2007). Sanctuary terminology is primarily borrowed from the Sanctuary Movement of the 1980s, but stretches back into antiquity (Bau 1985; Begaj 2008).

Although popular perception is that sanctuary policies are linked only with large cities or cosmopolitan enclaves abutting universities, high-tech industries, or other liberal bastions, the reality is that the appropriate contours of local/federal law enforcement collaboration are under discussion in local law enforcement agencies across the country. Although “sanctuary” is a buzzword most commonly associated with metropolitan areas, important discussions around local approaches to law enforcement collaboration practices are also underway in suburban, small town, and rural jurisdictions.

Characteristics of pro- and anti-sanctuary jurisdictions

A variety of factors may predict a jurisdiction’s choice of local law enforcement relationship with federal immigration authorities. On the pro-sanctuary front, the “cosmopolitan thesis” suggests that highly educated city-dwellers will oppose local/federal law enforcement collaboration on immigration. Jurisdictions with a high percentage of foreign-born or first-generation immigrants, particularly those from Latin America, are also likely to utilize local sanctuary policies and practices (Castellas & Wallace 2018). In addition, Democratic and progressive party affiliation, foreign-born population, and higher levels of educational attainment help explain support of sanctuary policy (Castellas & Wallace 2018). Some research has found that a city welcoming policy, a Latino/a police chief, and heavier Democratic voter partisanship are linked with less federal enforcement collaboration with local police (Lewis, Provine, Varsanyi & Decker 2012). Recent research maintains that concerns over the perception of immigrants as economic threats do not drive public attitudes towards sanctuary policy as much as previously assumed (Casellas & Wallace 2017). Instead, this research has found that awareness and acknowledgment of racial privilege more accurately predict attitudes and support for municipal policies that restrict enforcement collaboration (Casellas & Wallace 2018).

Research on anti-sanctuary policy choice underscores geography and regionalism, finding that exclusionary policies are associated with the Southern United States and jurisdictions outside of central cities (Walker and Leiner 2011). Strength of Republican partisanship is likewise predictive due to the public anti-immigration stance of the Republican Party, observed, for instance, in the charged immigration debate in Arizona (Wallace 2014). An important precursor to restrictionist policies is rapid growth in the foreign-born demographic. Research suggests that localities undergoing an acceleration of growth of

immigration, coupled with high percentages of owner-occupied housing, may be more inclined towards exclusionary immigration policies (Walker and Leiner 2011). The size and growth of the foreign-born Latin American population, as well as the proximity of the jurisdiction to the U.S./Mexico border, also appears to negatively impact public opinion on immigrants (Hopkins 2010; Rocha et al. 2011). In spite of a substantial body of research that debunks notions of immigrants' responsibility for increased crime, politicians frequently use this narrative on the campaign trail. In keeping with the perceived linkage, we might expect that attitudes towards sanctuary policy would be animated by the public's concerns and experience regarding growth in local crime. Yet research suggests that attitudes are unrelated to county crime rates but instead to the public's observations of accelerated population growth of the Latino/Latina community within the county where they reside (Abrajano and Hajnal 2015; Collingwood & O'Brien 2018).

Is sanctuary policy reflective of constituent policy preferences?

For many years, political scientists assumed that public opinion was reflected in the individual policy choices of their elected officials (Brace 2018). Moreover, when data was parsed, it was usually done so with an eye to national elections and trends, leaving state and local attitudes and policy correlations underattended. With the increase in advanced polling methods and the technology that facilitates its use, however, analysts have become increasingly able to evaluate this assumption by parsing data at both the national and subnational levels. Yet a limited amount is still known at the U.S. Congressional, state legislative, and municipal levels about the public's policy preferences (Tausanovitch & Warshaw 2013). Recent research has questioned the simple correlation between public opinion and policy choices at the local level, suggesting that political institutions have inconsistent effects on policy choices (Tausanovitch & Warshaw 2014). Other research has identified a more optimistic pattern, finding significant variation in local fiscal policy and budgeting choices that can be explained by voter policy preferences (Palus 2010; Einstein & Kogan 2016).

Does policy-making on immigration follow the same trends as other policy issues such as budgeting? Some research suggests that well-placed and financed organizations may exert an out-sized influence on a municipality's sanctuary policy choices (Collingwood, El-Khatib & O'Brien 2018). Others imagine that polarized public opinion does. Given the relatively recent emergence of the discussion of sanctuary policy, little research has been conducted on public perceptions of the policy itself. Recent scholarship using data collected in October 2016, immediately prior to Trump's election as president, found that individuals who recognize White privilege are significantly more likely to oppose local law enforcement and federal immigration enforcement collaboration (Casellas & Wallace 2018). This research is in keeping with findings on the impact of foreign-born individuals on public fears of the immigrant other. Today there is an opportunity to analyze public opinion to determine if it is predictive of sanctuary policy at subfederal levels, particularly as state governments have become the primary generators of immigration legislation and counties of policy decisions on immigration law enforcement (Reich 2017).

Methodology

First, I review the type and proportion of sanctuary policies employed in counties, states and regions based on analysis by the Immigrant Legal Resource Center (ILRC). I then turn to an examination of public attitudes towards immigrants by analyzing responses to the 2016 Cooperative Congressional Election Study (CCES) YouGov survey. I look at responses to two pro-immigrant and two anti-immigrant questions to determine if respondents who identify immigration as an important issue lean pro- or anti- immigrant. I next analyze the responses of those who rank immigration as an important issue and ask if public opinion correlates with sanctuary policy choices at the state level. I control for key demographic factors such as immigration status differences, percentage of Hispanic population, family income, and political party affiliation. Finally, I examine any predictive relationships between public attitudes and sanctuary policy choices.

Immigrant Legal Resource Center Data

In January 2018, the Immigrant Legal Resource Center (ILRC) published its report, “The Rise of Sanctuary: Getting Local Officers Out of the Business of Deportations in the Trump Era,” providing an opportunity to analyze the range of sanctuary policies.

Combining information from ICE meetings with local jails with previous data, ILRC researchers forward a standardized system to classify county-level immigration enforcement policies along a sanctuary scale. ILRC analyzes seven common practices through which local law enforcement entities engage with federal immigration enforcement actors to design this “spectrum of engagement.” For each practice local enforcement has adopted, ILRC assigns one point. It then aggregates the practices to assign a total score. ILRC identifies those jurisdictions at the low end of the spectrum to have adopted a relatively high level of collaboration with ICE, while those at the high end of the spectrum a relatively low level. Significantly, ILRC bases its assignment of points on the articulated policy practice of the local jurisdiction and notes that there may be gaps between stated official practice and reality.

The ILRC includes the following sanctuary policies in its analysis (the following section comes from the Immigrant Legal Resources Center report “The Rise of Sanctuary” 2018):

- No 287(g) agreement with Immigration and Customs Enforcement (ICE);
- No contract with ICE to detain immigrants in county detention facilities;
- Restriction or refusal to hold individuals after their release date on the basis of ICE detainers (“ICE holds”);
- Policy against notifying ICE of release dates and times or other information about inmate status (“ICE alerts”);
- Prohibition against ICE in jails or requirement of detainee consent before ICE is allowed to interrogate;
- Prohibition against asking about immigration status;

- General prohibition on providing assistance and resources to ICE to enforce civil immigration laws.

The ILRC report includes data on seven variables in 2,938 United States counties. A total of eight categories include the seven practices listed above and the aggregate called “ILRC Total.” The ILRC includes identifying information and commentary on 17 additional categories (e.g. state, county, local jail name, ICE comments, ILRC analysis, FIPS, etc.).

Figure 1 demonstrates the aggregate ranking along the sanctuary spectrum for 2,938 counties nationwide. The higher a county ranks along the scale, the relatively higher its sanctuary status, and the lower its level of collaboration between local and federal law enforcement. The mean of sanctuary nationwide is 2.4. The graph indicates that fewer than 1% of counties rank at zero and approximately 4.8% at a one out of the possible seven practices the report measures. The majority of counties, or over 70%, have adopted two out of the possible seven practices. Approximately 17% of counties have adopted three out of the possible seven and roughly 2.9% use four of the seven. A mere 1.7% of counties have adopted five of the seven, and fewer than 1% use six out of seven. Approximately 2.2% of counties utilize all seven of the seven policies. Currently, the vast majority (92.6%) of counties lie between one to three on the spectrum and therefore allow collaboration between local and federal law enforcement authorities.

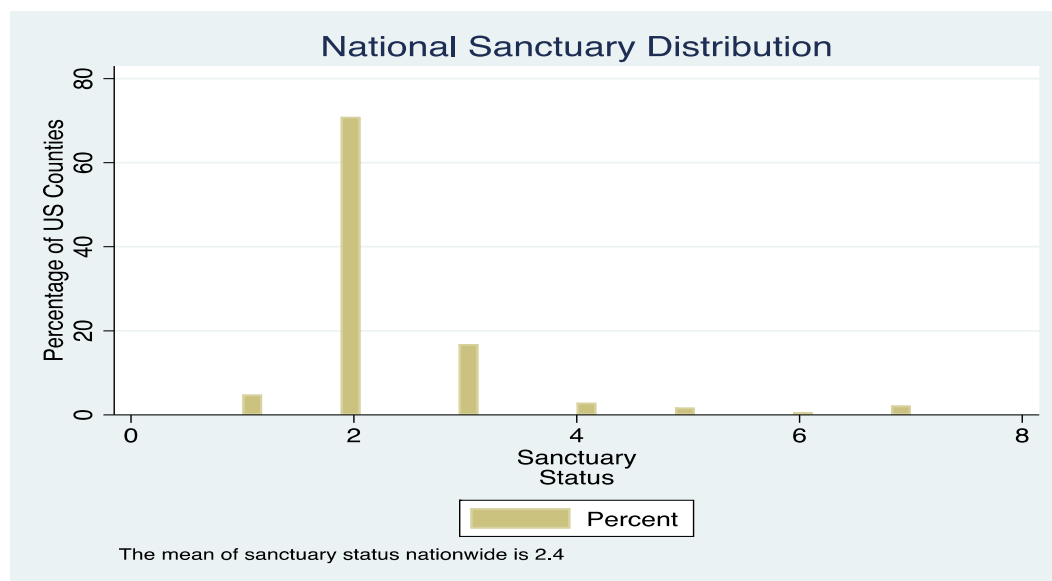


Figure 1: Distribution of counties’ sanctuary policies nationwide

Figure 2 provides an overview of the mean of each of the seven sanctuary practices nationwide. Nearly all counties (98% and 94%, respectively) have official policies prohibiting 287(g) agreements and contracts to detain immigrants in county detention facilities. Only approximately 25% prohibit ICE holds and far fewer –6%--prohibit ICE alerts. Roughly 4% restrict ICE access to inmates in jails, prohibit local law enforcement from asking for immigration status, or assert a general prohibition on providing assistance and resources

to ICE to enforce civil immigration laws. Here again we observe a dramatic decline in anti-sanctuary policy after the first two categories.

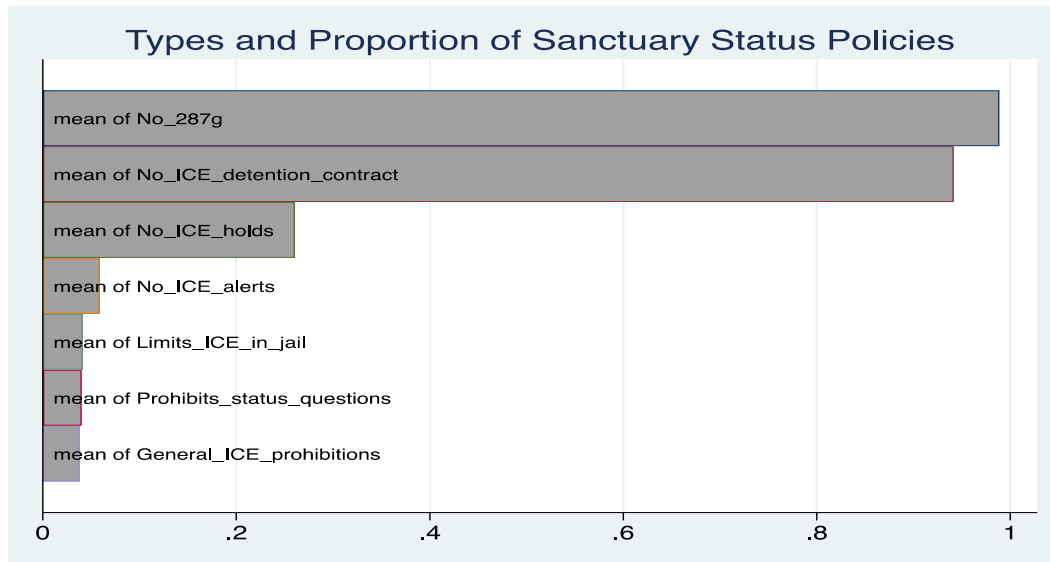


Figure 2: Types and proportion of sanctuary policies nationwide

Figure 3 demonstrates the degree of sanctuary by U.S. regions, based on the U.S. Census regional categories. Figures 4 and 5 reveal the level of sanctuary variability within regions and states. This variability is important and will be discussed as a limitation below.

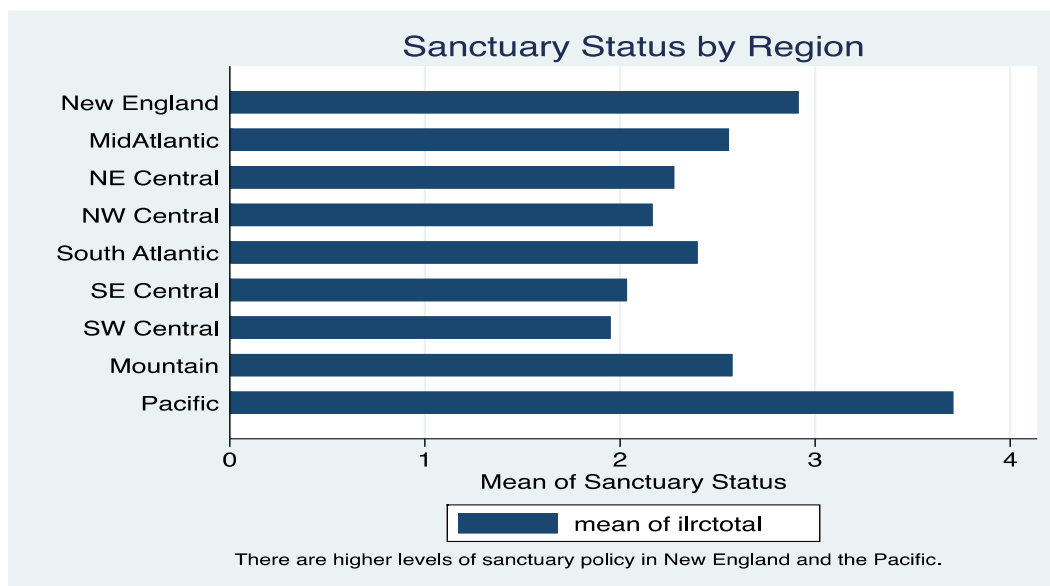


Figure 3: The distribution of sanctuary policies by region

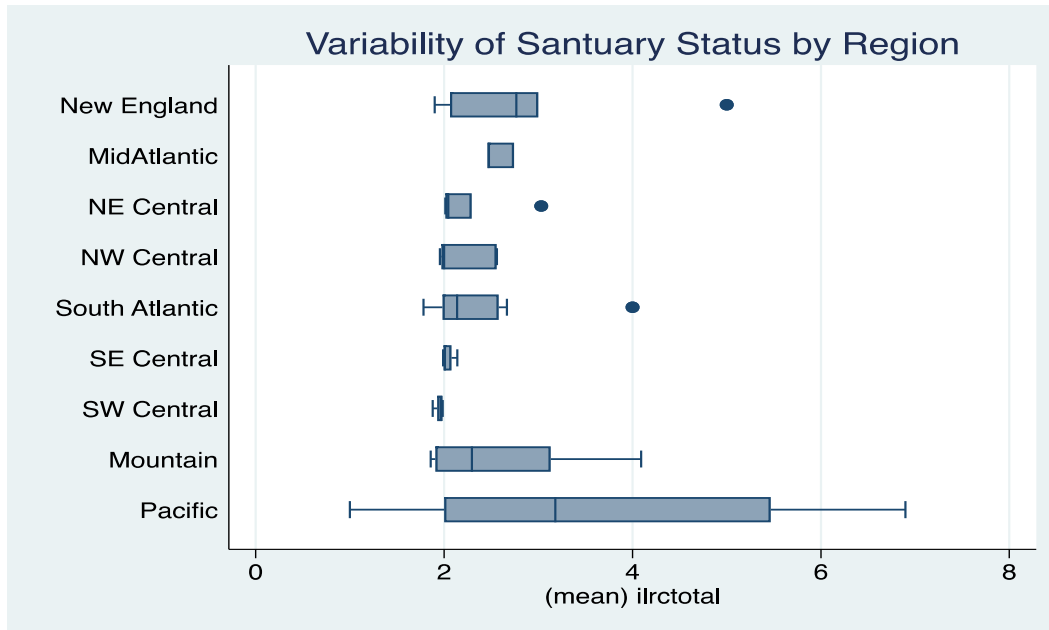


Figure 4: Variability of sanctuary status by region

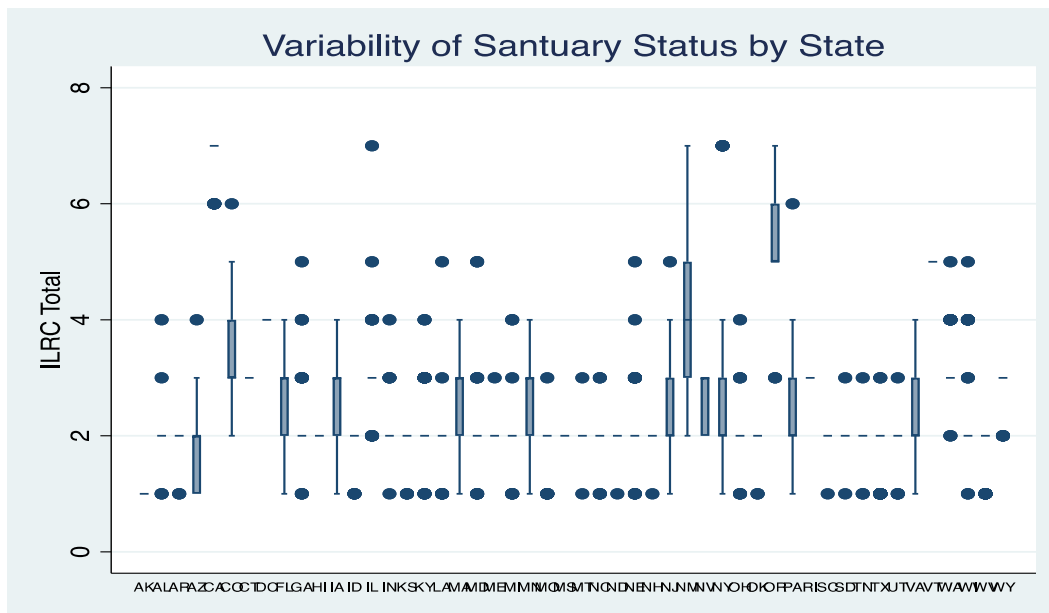


Figure 5: Variability of sanctuary status by state

Cooperative Congressional Election Study Data

In the United States, polling seeks to collect the public's attitudes towards immigration. The Cooperative Congressional Election Study (CCES) is a YouGov poll drawing on over 50,000 respondents. The survey is conducted in two waves during election years and a single wave in non-election years. The election year timing is designed to allow researchers to analyze the impacts of campaigns and election results on respondents (CCES website). Note that I used a 20% sample of the full survey due to the capacity of my computing tools.

One question included on the YouGov poll surveyed respondents on issues of importance to them, ranging from the fiscal to the social. The question reads, “How important are each of these issues to you?” and includes “immigration” as a choice from 1 (very high) to 5 (no importance at all). I wanted to look at the responses to this question and compare it to the kinds of local/federal law enforcement policies implemented by decision-makers. Do those who rank immigration as of very high or high importance live in jurisdictions with particularly pro-or anti-immigrant policies? But before looking at this question, I wanted to understand if those individuals who rank immigration as of very high or high importance tend to lean either anti-or pro-immigrant. In other words, when respondents identify immigration as an important topic, is it due to their concerns that immigration is a problem for the country, or is it out of a desire for comprehensive immigration reform, a more equitable immigration system, or a commitment to immigrant rights?

Figure 6 indicates that of those individuals responding to the question of the importance of immigration, higher percentages of them indicate that immigration is an important or very important issue than not. In fact, the mean is nearly 4, or important.

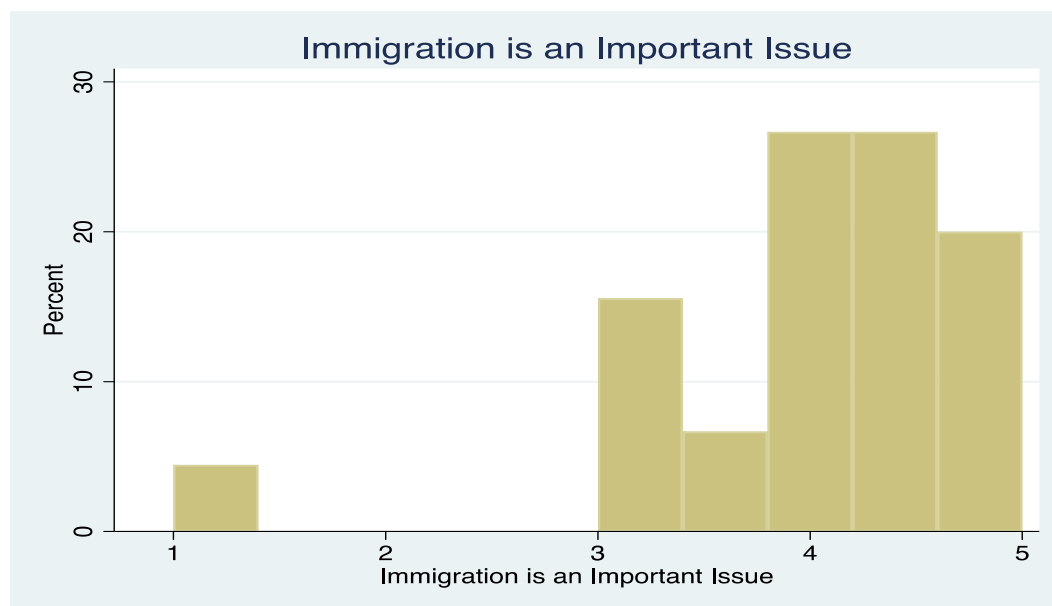


Figure 6: Responses to “Immigration is an important issue”

Figures 7, 8, 9 and 10 examine the relationships between “immigration is an important issue” and respondents’ support for or opposition to immigrants. In Figures 7 and 8, support for immigrants is tested by examining the responses to two questions: do you think that the U.S. should grant legal status to a) all illegal (sic) immigrants who have held jobs and paid taxes for at least 3 years, and not been convicted of any felony crimes and b) people who were brought to the U.S. illegally as children, but who have graduated from a U.S. high school? In Figures 9 and 10, opposition to immigrants is tested by observing the responses to two other questions: should the U.S. identify and deport illegal (sic) immigrants; and should the U.S. increase the number of border patrol agents at the U.S./Mexico border? These tables

indicate that those respondents who identify immigration as an important issue in the CCES poll lean anti-immigrant and perceive immigration as negative for the U.S. We would therefore expect jurisdictions in which respondents rank immigration as an important issue to adopt restrictionist immigration policies, including those that permit collaboration between local and federal law enforcement on immigration.

Figure 7: Grant Status to Illegal Immigrants Who Have Held Jobs

immigration is important issue	grant status to illegal immigrants who have held jobs		Total
	Yes	No	
No Importance at All	3	3	6
Very Low Importance	9	2	11
Somewhat Low Importance	28	16	44
Somewhat High Importance	47	29	76
Very High Importance	35	83	118
Total	122	133	255

Figure 8: Grant Status to Dreamers

immigration is important issue	grant status to Dreamers		Total
	Yes	No	
No Importance at All	4	2	6
Very Low Importance	6	5	11
Somewhat Low Importance	29	15	44
Somewhat High Importance	35	41	76
Very High Importance	32	86	118
Total	106	149	255

Figure 9: Identify and Deport Immigrants

immigration is important issue	identify and deport illegal immigrants		Total
	Yes	No	
No Importance at All	0	6	6
Very Low Importance	4	7	11
Somewhat Low Importance	9	35	44
Somewhat High Importance	30	46	76
Very High Importance	86	32	118
Total	129	126	255

Figure 10: Increase Border Patrol at U.S./Mexico Border

immigration is important issue	increase border patrol		Total
	Yes	No	
No Importance at All	1	5	6
Very Low Importance	5	6	11
Somewhat Low Importance	17	27	44
Somewhat High Importance	35	41	76
Very High Importance	89	29	118
Total	147	108	255

Figure 11 looks at the relationship between sanctuary policy and responses to the question “immigration is an important issue.” The graph shows an inverse relationship between sanctuary policy, or the lack of collaboration between local/federal law enforcement, and responses that immigration is an important issue.

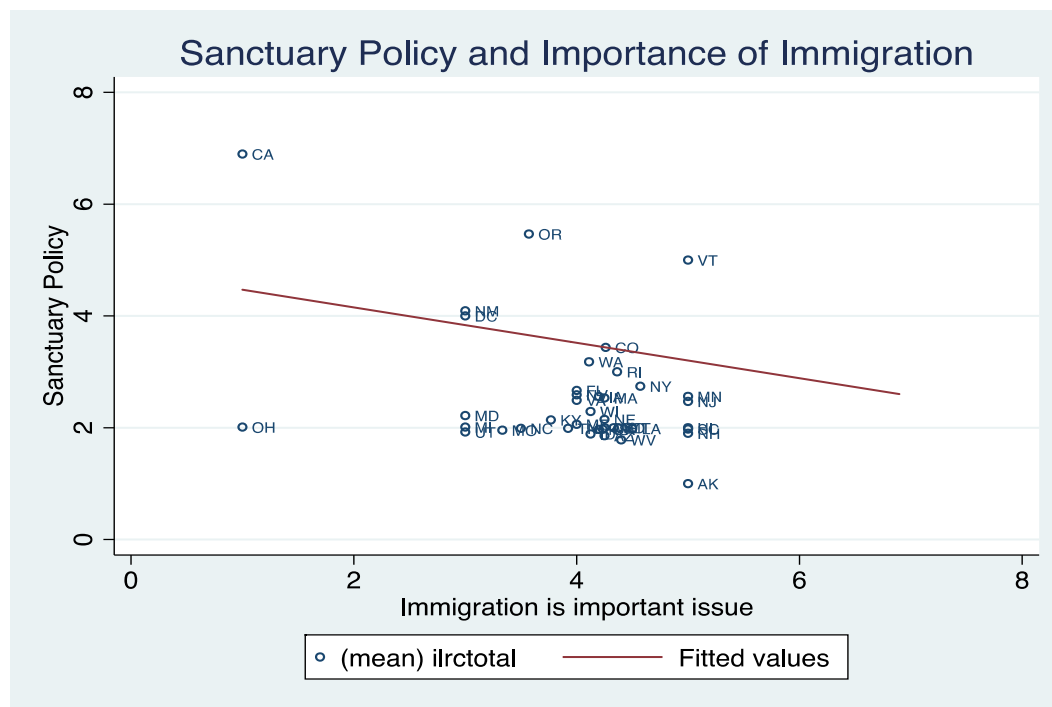


Figure 11: Sanctuary Policy and Importance of Immigration at State Level

Through a regression analysis shown in Table 1, I examined the relationship between sanctuary policy and the perception that immigration is an important issue. Initially sanctuary policy had a statistically significant relationship with the perception, but this effect is eventually eaten up by income, Hispanic identity, immigration and party affiliation.

Table 1: Perception that immigration is an important issue

	Model 1	Model 2	Model 3	Model 4
	b/se	b/se	b/se	b/se
Sanctuary	-0.316* (0.12)	-0.297* (0.13)	-0.280* (0.13)	-0.008 (0.15)
Family income		-0.002 (0.01)	-0.002 (0.01)	0.013 (0.01)
Hispanic		-1.087 (3.05)	-1.267 (3.07)	-2.764 (2.80)
Immigration status			-0.191 (0.23)	-0.022 (0.26)
Party				0.388 (0.30)
Constant	4.785*** (0.34)	6.942 (6.02)	8.091 (6.19)	8.543 (5.59)
R-sqr	0.150	0.157	0.174	0.123
DF	38	36	35	32

* p<0.05, ** p<0.01, *** p<0.001

Limitations and Future Research

The hypothesis that as more respondents rank immigration as an important issue (*imm_imp_issue*), state sanctuary levels (*ilrctotal*) decrease is validated by the research.

A critical element of this work is attention to the unit of the analysis. Because sanctuary policies operate on the county or county-equivalent level, the most accurate level at which to analyze attitudes towards immigration would likewise be drawn from the county level. Yet the CCES data, while representative at the national level, is less reliability representative at the state and county levels. As we have seen above, significant variability in perception may occur at the state and regional levels, particularly in cases of large urban centers situated in more diverse states or regions, and skew our interpretations.

One future area of research may be a consideration of statewide policies—both accommodating and restrictive-- focused on immigrant communities. At the state level, do policies mirror the perspectives of the majority of state residents? How do the differences between urban and rural constituents get worked out at the state level? How does the composition of the state house influence the outcomes? And what is the role of changing immigration patterns to more rural and suburban jurisdictions on policy choices and public attitudes of immigrants?

A second area of future research could include analysis of data to observe changes in immigration perceptions over time under distinct national leadership. Does the anti-immigrant rhetoric utilized by Trump and other prominent Republicans stoke antipathy of

immigrants? If that is the case, do localities modify law enforcement policy and practice to reflect popular opinion?

Another area of future study might be scrutiny of the ways policy-makers gather, interpret and weigh constituent attitudes on policy focused on immigrants. While constituents certainly hold opinions, policy-makers may be unaware of the specificity, motivations, range and scope. There is a possibility that elected officials are unaware of the policy leanings of their constituents, particularly if the issue is not a hot button one for the area. Yet in the lead-up to the 2016 presidential elections, substantial debate was afforded to the immigration issue, with rural, small town, suburban, and city-dwellers in the conversation. Furthermore, research suggests that well-organized, well-positioned, and assertive voices may be heard by policymakers out of proportion to their representative size (Gilens 2005). Perhaps, too, a shift towards away from centrist politicians to those on the further right and left flanks of their parties may move policy choices to the extremes. Yet this trend appears to reflect national politics more so than state or local. Can policy be reflective of constituent attitude if only a portion of that attitude is understood by law makers?

The national debate over immigration is certain to remain with us over the coming years. Close attention to public attitudes towards immigrants, as well as accommodating and restrictionist legislation and policies, will help municipalities make informed policy choices to promote the health and well-being of their locales.

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