Immigration Enforcement and the “Chilling Effect” on Latino Medicaid Enrollment

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Francisco I. Padraza (Corresponding Author)  
School of Public Health &  
Robert Wood Johnson Scholars in Health Policy Research  
University of Michigan  
1415 Washington Heights, Ann Arbor 48109  
Email: pedeaza@umich.edu  
Phone:206-920-1480

and

Ling Zhu (Co-PI)  
Department of Political Science  
PGH Hall 436, University of Houston,  
Houston, Texas 77204-3011  
Email: lzhn4@central.uh.edu  
Phone:713-743-2649
With the spring deadline for enrolling in a health care plan under the Patient Protection and Affordable Care Act (ACA) approaching, President Obama urged Latinos to sign up. In an interview on Univision, the most-watched television network among Hispanics, the President attached special urgency for Latino enrollment, stating that “one out of four of the uninsured are Latino.”

Countering urgency on health care, two days before the interview, Janet Murguía, President of the largest Latino advocacy organization, the National Council of La Raza (NCLR), expressed frustration with record-level deportations under the Obama administration. “For us, this president has been the deporter-in-chief.”

To this point, Jose Diaz-Balart, the Univision anchor conducting the interview, explained a pressing concern among Latinos is that ACA enrollment procedures will be used to identify undocumented persons for removal. In response, President Obama described himself constrained on deportations until Congress passes a new law. As for enrolling in health care, he assures Latinos that no information is passed to immigration authorities through the ACA.

The journalists and President Obama were discussing a dynamic that scholars of social insurance program participation refer to as the “chilling effect.” The “chilling effect” argument says that measures restricting immigrant access to public welfare and social insurance programs unintendedly reduce participation among eligible persons (Fix and Zimmermann, 1999; Fix and Zimmerman, 2001; Fix, 2009). The mechanism is fear of deportation, which extends to familial and household connections (Vargas, N.d.; Watson, 2010; Fix and Zimmerman, 2001). For example, children who are eligible for Medicaid – the federal program that provides health coverage to some low-income people, families and children, pregnant women, the elderly and people with disabilities – may have a parent, sibling or other household member who is not eligible for public program benefits.

Applications for means-tested benefits like Medicaid require detailed client information, including vital statistics, family size,
income and social security number to confirm qualification. Immigrants reason that sharing this information exposes unauthorized migrants in their family or household to scrutiny by immigration authorities. They conclude that benefits do not outweigh the risk of inquiries into their immigration status, and are certainly not worth the burden of family separation because of detention or removal. The result is a “chilling effect;” they do not apply for benefits, despite an eligible beneficiary in the household.

What is provocative about the claim and evidence that researchers present affirming a “chilling effect,” is the lament by Jacob Hacker (2006, 175) that “[f]ar too many Americans don’t take advantage of insurance programs for people like them.” Empirical research on the “chilling effect” hypothesis comes primarily from economists who focus on two different chilling sources. One is changes in eligibility rules (Kandula et al., 2004; Kaushal, 2005) like the five-year bar on immigrant access set by the 1996 Personal Responsibility and Work Opportunity Act (PRWORA), and application procedures (Sommers, 2010), like the requirement that all individuals provide proof of citizenship as mandated by the 2005 Deficit Reduction Act. Tara Watson proposes and finds evidence of a “chilling effect” from an alternative source, immigration enforcement in the 1990s (Watson, 2010). In both cases, changes to welfare program policy and immigration enforcement, eligible people are deterred from participating. These quantitative empirical gains in the literature bring critical perspective to the policy and research debates about health care that are typically dominated by concerns about moral hazard and crowd-out.

However, existing research remains unlinked to a compelling theoretical framework. Despite overwhelming evidence of the disproportionate impact of immigration enforcement on Latinos (U.S. Immigrations and Customs Enforcement, 2013, MALDEF, 2014), there is little theoretical progress in sorting expectations for heterogenous “chilling effects” by race and ethnicity. Moreover, while studies that look at immigration enforcement’s impact on the provision of welfare benefits speak to the spill over effects across policy area, they offer no theoretical orientation for identifying “interpretive effects” or cues from additional or alternative areas that may factor into social insurance program participation. We know that
perceived immigration policy threats induce Latinos to learn about government (Pantoja and Segura, 2003), to naturalize and vote (Pantoja, Ramírez and Segura, 2001), and shift campaign dynamics that render immigration cues more salient for Latinos than economic cues (Collingwood, Barreto and Garcia-Rios, 2014). The dynamics of such empowering policy feedback are absent from “chilling effect” research. Finally, the impact of the most recent and unprecedented surge in interior immigration – a development that has topped the Latino issue agenda for nearly a decade – remains uninvestigated.

We address the theoretical gap and provide a critical empirical update in the literature. We meet the first burden by rooting the “chilling effect” hypothesis in a framework of “mass feedback effects” (Pierson, 1993). Framing policy change as more than an output, but rather a force that carries civic lessons (Soss, 1999) with the potential to change group identities (Schneider and Ingram, 1993) and mobilize (Campbell, 2003) or demobilize social groups (Campbell, 2007; Soss, 2002), provides a useful guide for the next generation of “chilling effect” research. We meet the second task with an empirical evaluation of the relationship between Secure Communities, a federal immigration enforcement program that leverages local police resources, and Latino Medicaid enrollment from 2009-2012. Although our analysis has important implications for enrollment under the ACA, the focus is on the four years immediately preceding its rollout during which over one million interior deportations occurred, the vast majority involving Latinos. The surge in interior deportations during President Obama’s first term is driven largely by Secure Communities, hereafter sComm, the core initiative that has transformed the process, scope, efficiency and intensity of immigration enforcement in America (Cox and Miles, 2013; Golash-Boza, 2012; Koulish, 2010; Pedroza, 2013). The implementation of sComm is an opportunity for critical insight on the “chilling effect” hypothesis through the lens of policy change and mass feedback effects.

Our primary argument here is that Latinos stand at the confluence of multiple policy streams. Latinos are complex policy targets of concentrated and diametric social construction. By concentrated we refer to the consequence of increasing connections between criminal, carceral, immigration, electoral and social service bureaucracies, each with rules, procedures
and stereotype-driven practices in which Latinos are heavily implicated and to which they respond. By diametric we refer to the conflicting citizenship lessons, both negative and positive that Latinos absorb from each of these various policy areas, individually and collectively. As Rodney Hero (1992, 190) explains, Latinos are socio-economically and politically located in the second-tier of American pluralism, and policies signal that Latinos are marginal or suspect in the polity. Ironically, it is precisely as the most common targets of one hundred years of immigration policy that Latino political efficacy and power has been forged. Latino demographic ascendance is rooted in post-war immigration policy that privileged migration from Latin America. Their now decisive role in electoral outcomes at the local, state and national level is the result of being mobilized by the anti-Latino rhetoric that has been central to immigration debates for decades.

Below we motivate our effort to unpack our argument and analysis with the question: Is contemporary interior immigration enforcement generating a “chilling effect” on Medicaid use among Latinos? In the first section we theorize the “chilling effect” as a subclass of “mass feedback effects,” which we expand to include a narrative of contemporary Latino politics. In the second section we introduce the details of Secure Communities and explain how it fits in the broader development of America’s new immigration enforcement regime. The section after that describes our data, measures and methods. In addition to complimenting existing findings on the “chilling effect” of immigration enforcement, we present analyses that show patterns of heterogenous “chilling effects,” both in terms of nativity and immigrant-generation, and across race/ethnicity and immigration status. The final section summarizes and concludes with thoughts about future research directions.

The chilling effect as mass feedback effect

To be clear from the outset this investigation is not about health care expansion under the ACA. It is about understanding the “chilling effect” hypothesis which anticipates that individuals who qualify for a public program do not participate. Whether the source is
changes in eligibility rules, application procedures or immigration enforcement, deterrence from benefits to which one is entitled is a response to public policy.

The idea that policy feeds back into politics is not new. [Pierson (1993)] outlines a range of “policy feedback” effects that include the creation or activation of new social groups and their capacity to engage government, the evolution of state capacity, and the transformation of incentive structures and resource distribution that influence the political agency of elites and ordinary people. What is especially powerful about “policy feedback” as a framework for understanding political behavior is that it offers language for sorting out the mechanisms that underpin feedback. As currently interpreted, the analysis of policies that induce immigrants to stay away from social welfare programs is about shifting incentives. While there is a recognition in the “chilling effect” literature that immigration enforcement is not neutral, but statements about how that non-neutrality works and who it impacts more or less are rare. However, as [Pierson (1993)] explains, the story of policy feedback is much more complex.

An example of that complexity is the notion of resource distribution beyond material resources. In the political participation literature those with more resources are anticipated to be most active in politics ([Rosenstone and Hansen (1993)]), and as a result, policy makers are anticipated to be most responsive to those with greater resources. This conception of resources overlooks the psychological and cognitive effects of policy that “[f]or the electorate,” ([Pierson (1993), xx]) contends, “may produce cues that help them develop political identities, goals and strategies.” If knowledge is power, then one of the most important resources that policy offers is information. What [Soss (2002)] refers to as policy’s “educative effects” create information asymmetries in the electorate that empower some actors with a different understanding of policy, and therefore, a keener sense of available responses and their expected outcome. The bigger point here is that these possibilities provide the conceptual groundwork from which to theorize heterogeneous “chilling effects.”

Research on the “chilling effect” of immigration enforcement and Medicaid take is also an opportunity to expand and elaborate on the policy feedback framework. In their study of the transformation of mass publics, ([Soss and Schram (2007)]) point out that policy feedback
has paid attention to elites and policy targets, but much less to the broad publics. Here we suggest that another area that remains understudied is cross-policy feedback effects. That is, the reach that policy has on actors, whether through the shift in resources, transformation of group identities, or information gains, need not be constrained to a particular policy area.

In one clear example, [Weaver and Lerman (2010)] investigate the impact of the “carceral state” on political participation and attitudes about the government. They argue that the development of the criminal justice system in the United States has produced a “custodial population” whose interface with government is increasingly with police, prison and judicial authorities. Rather than the empowering effect that exchanges with other points of the state might foster, [Weaver and Lerman (2010)] 829 find that “experience with incarceration and other punitive interventions depress political engagement.” Their study establishes an important cross-policy link, in this case, between several bureaucracies that compose the “carceral state” and the electoral system. They find that trust in government is diminished, suggesting broader and deeper implications of the policies associated with the criminal justice system. Moreover, consistent with what we know about groups most likely to experience negative interactions with police authorities and be incarcerated, [Weaver and Lerman (2010)] emphasize the disproportionate impact of the carceral state on African Americans.

We contend that the development of a new immigration regime has the “educative” ingredients that [Soss (2002)] points out in policy, and that [Weaver and Lerman (2010)] describe for the carceral state with respect to African Americans. Except that in the case of the new immigration regime, we anticipate that Hispanics are disproportionately impacted. For Hispanics, immigration policy and the development of a new system of enforcement that focuses on the interior of the country in unprecedented ways is especially salient. To put it in the words of Douglas [Arnold (1990)], immigration is a policy that is “visible,” has high “traceability” to certain policymakers, and targets a group that has a distinct pattern of “proximity,” that facilitates widespread communication with others who are affected. Unlike the “custodial population” that experiences uniformly negative effects from the “carceral state,” we integrate insight from research that documents the mobilizing influence of immi-
migration policy for Latinos. To elaborate and justify this claim we turn next to a discussion of the perception and reality of immigration policy implementation.

**Updating the “chilling effect” hypothesis: Latinos and the new immigration enforcement regime**

Numerous reports suggest that Latinos lag in health care coverage. For instance, a study by the Hispanic Trends Project of the Pew Research Center finds that 28 percent of Hispanic citizens and Legal Permanent Residents (LPR) are uninsured, compared to 17 percent of the US adult population (Livingston, 2009). This figure increases to 60 percent for Hispanics who are not citizens or LPR. As a result, about 2 in 5 of the non-citizens and LPR rely on “safety-net” providers like community clinics and health centers (Livingston, 2009). In general, the relative youth of Hispanics contributes to a relatively healthy status profile. However, according to Passel and Cohn (2009) the undocumented and their children represent about 17 percent of the 46 million Americans who lack health insurance.

As alluded to above, one explanation for the patterns of under-insured among Hispanics is the “chilling effect.” For instance, the findings by (Kandula et al., 2004) uncover a steeper drop in Medicaid enrollment among eligible immigrants after 1996 – the year PRWORA was enacted – than observed among the US-born. Similarly, a study by (Kaushal, 2005) indicates that PRWORA increased the proportion of uninsured among low-educated, foreign-born, unmarried women relative to US-born counterparts, and registered a larger impact on the children of immigrants compared to those with US-born parents. Political pressure for a provision to confirm the citizenship status of applicants for means-tested programs found a victory in the 2005 Deficit Reduction Act (DRA). According to Sommers (2010), the DRA effectively screened out non-citizen adults and non-citizen children, but did not impact Medicaid participation among citizens. Perhaps a more proximate chilling source is immigration enforcement. This intuition is followed in a study by Watson (2010), who

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4Despite successfully targeting non-citizens for exclusion from Medicaid, the DRA’s administrative costs for ensuring eligible clients’ compliance with the citizenship proof documents is greater than the savings that correspond with covering non-citizens.
finds even accounting for the 1996 welfare reform, Watson finds that interior deportations under Immigration and Naturalization Services (INS) – the agency charged with enforcing immigration laws prior to the organizational restructuring that occurred following the 9/11 attacks – systematically reduced Medicaid participation among children of non-citizens.

A closer look at immigration enforcement in the United States reveals that much has changed since the days of the INS. Despite the passage of nearly three decades since the last major immigration reform, the 1986 Immigration Reform and Control Act, the bureaucratic arm of immigration enforcement has expanded in several important ways that represent the rise of a new immigration regime in America (Cox and Miles, 2013). Unlike the old regime, operating as the Immigration and Naturalization Services, national security plays a more prominent role in the mission of the new regime, now operating as Immigration and Customs Enforcement under the auspices of the Department of Homeland Security (Koulish, 2010).

A major feature of the new enforcement regime is the unprecedented focus on enforcement within the borders of the United States, a remarkable shift away from the once principal pre-occupation with preventing entrance at ports and the U.S./Mexico border (Golash-Boza, 2012). Another feature is the systematic coordination between federal authorities and local law enforcement officials that serves to expand the scope of enforcement reach.

The key component of the new immigration regime is Secure Communities, hereafter sComm (Pedroza, 2013), the program responsible for record interior deportations since 2008 (Preston, 2012). The way sComm works begins with local law enforcement authorities (LEA) and routine jailing processes. In the course of booking a person into custody, LEA collect fingerprints and other identifying information, which are then electronically shared and cross-referenced against databases managed by the Federal Bureau of Investigation. This has been standard practice for many years. The “backbone” of sComm supplements that procedure by forwarding all fingerprints to the Department of Homeland Security to be checked against a database of individual immigration status (Cox and Miles, 2013). If federal immigration authorities are alerted to a match by their computer system, they decide whether to notify the LEA and request a detainer. Detainers are requests to keep a person for up to forty-eight
hours, and (Cox and Miles 2013: 94-96) view this as the fundamental point of discretion in the process. Through sComm’s information sharing and coordination processes immigration authorities have funneled millions of individuals to immigration detention centers, immigration court proceedings, prisons and even removal from the country.

Figure 1 illustrates the share of interior immigration enforcement since 2006 relative to operations at ports of entry and the US borders with Mexico and Canada. The data indicate a general decline in the total number of removals. Much of the decline is attributable to the economic downturn, which reduces in-migration considerably (Massey, Durand and Malone 2003; Massey et al. 2005), thus, leaving fewer bodies for Border Patrol officials to apprehend and deport. The chart also shows that about forty percent of total removals are attributable to interior enforcement operations, the bulk of which can be credited to Secure Communities. This pattern suggests that enforcement is now much more proximate to the day-to-day lives of those who are subject to, and sensitive to, immigration laws.

Proponents of restrictive immigration policy insist that Latinos who are authorized to reside in the United States should not feel threatened by interior immigration enforcement (Jacobson 2008). However, survey evidence consistently indicates that among Latinos immigration enforcement is an issue that cuts across nativity and immigration status. Latino Decisions, a polling firm specializing in Hispanic voting behavior and public opinion, reports that the consensus view within the Latino community is that Latinos absorb the brunt of restrictive interior immigration policies (Manzano 2011). Following the passage of the controversial SB 1070 legislation in Arizona, which included a provision mandating local police officers to inquire about immigration status during routine traffic stops, a full 72% of Latino voters in Arizona – those who proponents of SB 1070 insist should not worry about immigration enforcement – believe that police will primarily target people who are Hispanic when

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5 What is unclear is the extent to which local officials have the option to exercise their own discretion, for example, by detaining a person for more than the requested forty-eight hours, which may or may not exceed the detention time that corresponds to the charge that brought the person into custody originally.

6 An earlier and more controversial attempt to coordinate federal and local efforts is the 287(g) program. In the 287(g) program, LEA are cross-deputized and the terms of their immigration enforcement powers are detailed in Memorandums of Agreement (MOA) between Immigration and Customs Enforcement and local governments. MOA’s are written pursuant to Section 287(g) of the 1986 Immigration Reform and Control Act. The 287(g) program was abandoned, in part, because it was controversial, but also because it was very labor intensive, thus costly.
deciding who to question (Barreto and Segura 2010). Furthermore, these perceptions are grounded in reality. The overwhelming share of alien removals from the United States are of persons from Latin American origin, about 4 in 5 of whom are from Mexico (Simanski and Sapp 2012). Despite assurances from proponents of aggressive interior immigration enforcement, Latinos, in general, perceive immigration enforcement targets their community. Thus, the criteria by Arnold (1990) that policy be visible, traceable and proximate to a social group as conditions for “potential preferences” of constituents to enter legislators’ decision calculus is more than satisfied in the case of immigration and Hispanics.

What is especially concerning and relevant to the “chilling effect” hypothesis is that these immigration policy trends may not be unrelated to participation in social welfare programs in the minds of Latinos. Survey evidence strongly suggests immigration enforcement “chills” use of government services. In the year before the surge in interior immigration enforcement, the Pew Hispanic Center fielded a survey of Latinos in which 22% say that “as a result of increased public attention to immigration issues they are less likely to use government
Importantly, this figure does not vary by nativity, meaning that the perception is held in equal proportion by immigrant and US-born Latinos. Moreover, these concerns from Latinos were expressed prior to the rollout of sComm and the accompanying surge in interior enforcement. That such a sizeable share of Latinos are signaling that the immigration debate alone deters them from using government services, whatever that represents in their mind, begs the question of whether actual immigration enforcement deters people from interfacing with the government and public bureaucrats.

It is not clear from the Pew Hispanic Center’s report or from the survey wording which government services people have in mind when answering the question. They may be thinking about local police. In this case, the benefits of using police services are weighed against the costs of harassment by police officials, detention, and any scrutiny of their immigration status or someone who they care about. This is a concern that local police chiefs cite as a drawback to coordinating with federal authorities to enforce immigration laws because it potentially scares people away from reporting crimes and cooperating with local police who conduct investigations. The Pew Hispanic Center survey may also have primed considerations about how the use of government welfare and social services, like those that are part of Medicaid, potentially undermines efforts to adjust immigration status. The requirements to provide detailed personal information may leave eligible Medicaid beneficiaries reluctant to draw on public relief programs for fear that this will, again, bring undue attention from immigration authorities to individual applicants or other members of their household. On both counts there is historical and contemporary legal precedence that justifies each concern, separately and in concert.

Diametric policy feedback and the “chilling effect” on Latino Medicaid use?

The modern American welfare state cannot be understood without an appreciation for the boundaries of social citizenship that fall along racial and nativity lines. For example, the legacy of wholesale exclusion of Blacks from relief programs during the New Deal era echoes in

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7 This figure is almost double the 12% of Latinos who attribute more trouble in getting or keeping a job to the immigration debate, and more than the 15% who say they have had more trouble finding or keeping housing (17).
today’s persistent disparities between Blacks and Whites as students, workers, homeowners, and heirs to intergenerational transfers of wealth and health (Katznelson, 2005). Moreover, a misperception that most welfare recipients are Black and the stereotype that Blacks lack commitment to the work ethic are central to explaining why White Americans hate welfare (Gilens, 2000). At the same time, the complexity of welfare politics, including why some eligible individuals do or do not participate in programs, requires attention to dynamics beyond the deep Black-White racial divide in the nation.

One of the most prominent social divisions in America that distinguishes the more from less “deserving” person is nativity and citizenship status. Ordinary people and policy makers invoke nativity and citizenship as distinctions that define the boundary of our social obligations. We may be a nation that welcomes immigrants, so the reasoning goes, but we must secure the welfare of our own before we can effectively help the less fortunate of other nations. This argument has proven longevity and remarkable compatibility with racial and ethnic stereotypes of Latinos (Jacobson, 2008; Chavez, 2008). As we show below, immigration policy also contains conflicting policy feedback, simultaneously signaling a negative Latino image and crafting positive Latino political agency.

The social construction of immigrants as less deserving can be traced to laws regulating entry into the US, like the clause excluding those “likely to become a public charge.” Consuls charged with applying the clause in the early 1900s used it to exclude Mexican immigrants, (Daniels, 2005, 61-62), thus spreading through bureaucratic practice the stereotype of Hispanics as paupers and lazy. In fact, (Fox, 2013, 153) reports that public charge data from the US Bureau of Immigration, 1908-1930, indicate “Mexicans were deported at a higher rate than any other group,” and that “the sheer number of Mexicans deported for this cause between 1906 1932 was higher than any other single nationality group (emphasis in the original). Equally consequential, public charge laws also emphasized the exclusion of criminals, a classification that legislators increasingly associated with immigrants from Mexico and Mexican Americans in the decades of legislative debates that finally produced
the 1924 Johnson-Reed Act \cite{Ngai2004,GonzalezN.d.}. As it pertains to making claims on the welfare state, the idea of “Americans first” and the practice of excluding immigrants, non-citizens and those of suspect status from relief programs go at least as far back as the Progressive era.

According to Fox \cite[124-125]{Fox2013}, in the years prior and following the Great Depression, social workers coordinated with Immigration Services to reduce use of relief programs. However, interagency cooperation and immigration enforcement drives occurred primarily in the Southwest where most immigrants were of Mexican heritage. As Fox summarizes, from the Progressive Era to the New Deal, poor European immigrants, especially those settling in the North, could access a world of relief marked by inclusion. For Mexican and Mexican-Americans, exclusion from relief was made worse only by expulsion from the nation as result of coordinated efforts between charity workers and immigration officials (emphasis in the original). Still, Fox \cite[151]{Fox2013} cites one relief agency reluctant to cooperate with immigration officials “‘on the ground that many deserving aliens would be afraid to ask for help.’” Thus, nearly one hundred years ago, the notion that immigration enforcement might have a “chilling effect” on relief program use was recognized by bureaucrats agitating for the exclusion of Mexicans and by advocates for inclusive implementation of relief benefits.

To be sure, Immigration Services conducted operations independent of social workers. Workplace raids and mass roundups of people suspected to be in violation of immigration laws did lead to deportations. Though, as one official cited by Fox \cite[149150]{Fox2013} proclaims, in many cases the fear of subsequent raids, rather than enforcement operations, per se, was the real driver of Mexican repatriation. Like their counterparts today, officials then recognized that limited resources rendered impossible the strategy of removing all unauthorized persons living in the country. Hence, the central insight and finding by Fox is that social workers were pivotal in the implementation of welfare provisions and immigration enforcement in the early 1900s. In major north cities like Chicago and New York, Fox uncovers

\footnote{In addition to introducing national quotas as the first comprehensive regulation of immigration into the United States, Ngai \cite{Ngai2004} credits the Johnson-Reed Act for the introduction of the concept of \textit{illegal alien}.}

\footnote{One strategy used by officials in the Midwest was to deny eligible immigrants, primarily those from Mexico, access to relief, and then give them the choice of staying or being deported \cite[xx]{Fox2013}.}
evidence that immigrants from Europe found personal champions in social workers. They were directed towards alternative sources of relief, advised on civic matters including naturalization and voter registration, and shielded from inquiries made by immigration authorities. By contrast, in the Southwest they were propagators of the idea of a “Mexican dependency problem,” which in turn was often supplemented with arguments that Mexicans were prone to criminality. Both stereotypes were sufficient to justify and mobilize Immigration Services to act.

A more recent effort to codify the cooperation between local public bureaucrats and federal immigration authorities is California’s now infamous Proposition 187 from 1994. Dubbed by proponents as the “save our state” initiative, the initiative aimed to restrict undocumented immigrants from accessing social services and public benefits. More controversial, the measure also mandated public workers identify and report persons who they suspected of being “undocumented” to officials. As Jacobson (2008, 47) explains, the legacy of the Proposition 187 campaign is not the law itself – it was never implemented – rather that proponents of the initiative justified their position largely through rhetoric that reconceptualized “a discrete act of violating immigration law” as “a criminal tendency in Mexicans.” As Pantoja, Ramírez and Segura (2001, 736) point out, in practice, “the correlates that would raise suspicions or “identify” undocumented persons – and cause them to be denied services – would, inevitably, be language and ethnic appearance.” In this regard the policy signal of Proposition 187 communicated to Latinos and the general public that Latinos were to blame for California’s downward economic slide, they were undeserving because of their criminal deviance and suspect position outside of the bona-fide political body. Given the construction of undocumented immigrants, and Latinos by association, as marginal, one might anticipate immigration policy like Proposition 187 to have a negative feedback pattern on Hispanic political agency and participation.

To the contrary, the ballot initiative received broad support from White voters, but Latinos and to a lesser extent African Americans mobilized against the measure (Alvarez and Butterfield, 2000; Tolbert and Hero, 1996). Viewed by non-Hispanic whites as a reasonable
solution to California’s economic woes, Hispanics saw the measure as scapegoating their community. In a very influential study, Pantoja, Ramírez and Segura (2001) find that rather than disempowering Latinos, the Proposition 187 campaign mobilized Latinos to naturalize and turnout in elections at record-levels. What is especially compelling about their analysis is that naturalization and turnout rates among California’s Latinos exceeded that of their counterparts in Texas and Florida where there was no comparable policy threat. Moreover, Latino push back in California, again in the form of naturalization and turnout, was greatest among immigrants who naturalized during the Proposition 187 campaign. In a companion study, Pantoja and Segura (2003) find parallel patterns in political sophistication, suggesting as Pierson (1993) anticipated, and Soss (2002) finds for welfare clients, that policy has “educative effects.” In this case, Pantoja and Segura (2003) reason that anxiety induced by the campaign on Proposition 187 motivated Latinos to search for relevant information, and in the course of that search they learned about the general working and structure of American government. Underscoring these findings, Barreto, Ramírez and Woods (2005) compare the participation rates of Latinos who naturalized from 1994 to 1996, the time period corresponding to the Proposition 187 campaign and subsequent fallout, with those who naturalized as part of the 1986 IRCA, the last major immigration policy reform passed by Congress. They found that it was the naturalization cohort of the mid-1990s that is driving the participation surge in the California Latino electorate.

While federal courts stopped enactment of Proposition 187 by deciding it unconstitutional, the rhetorical momentum from the campaign found a national outlet in two subsequent national legislative proposals, one in 1999 and the other in 2005. The first, President Clinton’s major welfare reform initiative would pass, but the other would not. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) did not include provisions for local bureaucrats to cooperate with immigration officials; however, it did “single out immigrants (usually but not always presumed to be Latino) for some of the toughest policy changes passed under PRWORA” (Soss, Fording and Schram 2011, 124). In general, PRWORA reinforced citizenship-based privilege by barring legal immigrants who
arrived after the law passed from accessing Medicaid benefits for five years or until attaining
citizenship.\footnote{The federal bar also excluded legal immigrants from Medicaid, Food Stamps and Supplemental Security Income. These exclusions were effectively reversed by allowances at the state level.} Although the federal 5-year residency rule remains in place, numerous states exercised the option to legislate immigrants back into the fold within their respective jurisdictions. Thus, PRWORA left states to make critical policy decisions about whether to include immigrants in state-funded welfare programs like Medicaid \cite{KeyFacts2013}. The result is that today, immigrants’ welfare eligibility varies substantially across states. Some states are more inclusive than others of newcomers and their children, so it remains more accurate to talk about fifty different Medicaid programs than a single nation-wide program.

Immigration restrictionists viewed the formal exclusion of immigrants through PRWORA as inadequate. So long as immigration continued and undocumented immigrants currently residing in the United States found support through religious, humanitarian or social justice organizations, then there existed a “welfare magnet” incentive for that undermined the intent of IRCA and PRWORA. Representative Sensenbrenner of Wisconsin proposed a solution in the form of the Border Protection, Anti-terrorism and Illegal Immigration Control Act, or H.R. 4437. The two key provisions of the legislation was to formally criminalize undocumented status, rather than a civil offense as presently treated by authorities. Second, H.R. 4437 proposed that those giving legal aid, social welfare or sanctuary to undocumented immigrants would also be criminalized. Once again the expected policy feedback effects for Latinos, given the construction of undocumented immigrants as marginal, and Latino association with undocumented immigrants, might be assumed to be negative.

However, in the spring of 2006 immigrants and immigrant advocates, the vast majority of whom were Latinos, poured out into the streets of America in unprecedented numbers. The spring immigration rallies that started in a handful of cities rapidly grew to protests of over 100,000 people in Chicago on March 10, and culminating on May 1 with over 260 cities across the country and over 1 million people participating \cite{VossBloemraad2011}. Not a single politician or social scientist predicted the 2006 groundswell of activism. After the rallies, we learned that Spanish-language media was a key tool used by community organizers.
coordinate their efforts with counterparts across the country, and to mobilize the Latino masses to participate. Ramírez (2005) explains that the role of Spanish-language media in the 2006 rallies originates in politics and economics from the early 1990s. As the share of the Latino population grew in the 1980s and 1990s, a corresponding demand for non-English media underpinned the rise of Spanish-language television and radio programming. The political mobilization from ramped up border enforcement and Proposition 187 discussed above spurred the demand for political participation. Radio announcements, for example, carried detailed information about naturalization drives, election days and other resources for political participation.

In summary, we see historical and contemporary evidence of the diametric pattern in the social construction of Latinos. Latinos have been the primary focus of immigration and immigrant-relevant policy for over one hundred years. From the Progressive Era days when social workers coordinated with Immigration Services to deport Mexican nationals, to the spate of English-only laws in the 1980s, to renewed prospects of immigration and welfare bureaucracy coordination in California’s Proposition 187, and the copy-cat proposals in Arizona, Washington, Oregon, and Florida that followed shortly, to the 2005 H.R. 4437 that mobilized historical turnout in peaceful demonstrations all across America. Like the TANF clients studied by Soss (2002) and Campbell (2003), we might reasonably expect that the weight of these policies that are perceived to attack Latinos generates a negative feedback effect because they consistently communicate to Latinos that they are marginal members of the polity. Unlike the policy benefits that create positive political identities, like the soldiers and the G.I. bill (Mettler, 2005), or Social Security and senior citizens (Campbell, 2003), there is no policy for Latinos that we can point to as a driver of group mobilization.

If we are willing to expand the notion of resources beyond the material, like those that create incentive for clients to protect their programs from budget cuts, then there is room to bring the Latino experience into the fold. Perhaps it is an identity as a legitimate member of the polity, although not formal, that drives increased political agency among some Latinos. The barrage of policy signals that stereotype Latinos as suspect and undeserving has not
translated into negative policy feedback because they want to protect what they perceive as a legitimate membership. That legitimacy may stem from contributions to the economy, which are made as laborers, consumers, and taxpayers, including those without formal permission to work and reside in the United States. Alternatively, a sense of legitimacy could stem from a broader understanding of social, economic and political forces that connect the United States to Latin American countries. As Juan Gonzalez (2011, 311) quips, “America, after all, never did end at the Rio Grande.” This study is not about identifying or analyzing the source of member legitimacy among Latinos. The point is that, whatever the source of member legitimacy, if it is a resource that one draws upon to construct a positive self, then it is worth protecting. The surge in naturalization rates and voter turnout among Latinos following policy perceived to attach immigrants, and by extensions Latinos, may simply be an effort to hold the line against forces perceived as eroding the tenuous position that Latinos hold as political members. As political behavior studies note, the outcome of these threatening policy environments was more politically informed and active Latino electorate. It is as concentrated and diametric policy targets of social construction that Latinos represent an interesting case study of policy feedback.

With these arguments in mind, we are now equipped to make at least three statements about “chilling effects” and the new immigration enforcement regime. Recall that from the perspective of immigrants in general, even immigrants who know they are eligible for welfare relief, the benefits from public assistance may be outweighed by costs associated with any scrutiny of their lives. At stake is jeopardizing efforts to adjust their immigration status or that of loved ones (ie. from legal permanent resident to citizen). Among those who do satisfy Medicaid means-test requirements, in the event of an “unscheduled” encounter with immigration authorities, there is also the worry of interrupting wages from lost working days that enter into the calculation. As such, we anticipate

H1: Immigrant Medicaid participation is lower in states with broader and more intense sComm enforcement.

But this statement is not all together new to the literature. Wee introduce two expec-
tations for heterogeneous “chilling effects.” The first is that proximity to others who are subject to the “chilling effect” should translate into a greater dampening of Medicaid participation. While a “chilling effect” is anticipated for people who are immigrants themselves or connected to immigrants, what we mean here is that the degree of connection is also of consequence. Formally stated:

H2: Those with greater proximity to the immigrant experience should be less likely to enroll in Medicaid, or “chilled” by immigration enforcement.

However, the diametric nature of immigration policy feedback suggests that some Latinos will be mobilized to engage politics as formal participants. Taking a cue from the electoral participation literature we anticipate that the “chilling effect” is moderated among those who are naturalized immigrants. Of course, not all naturalized Americans are of Hispanic heritage, so the appropriate comparison here is between Latinos and non-Latinos who are naturalized. Motivations for naturalization vary, ranging from access to a particular set of jobs, rights to hold business licenses, the qualification to hold a US passport, and protection from deportation or harassment by those who perceive you to be undocumented. The recent history of Latino surges in naturalization and electoral participation suggest that the act is driven by a set of factors that may be less relevant to other groups. In addition, the lessons imparted by the process of naturalization may differ by race and ethnicity, including a more informed perspective of what immigration enforcement implies for their day-to-day lives. This brings us to a second hypothesis:

H3: The “chilling effect” of immigration enforcement is more pronounced among non-Hispanic naturalized immigrants than naturalized Latinos.

This set of hypothesis and theoretical arguments that motivate them push the literature towards a richer and broader understanding of a “chilling effect” than presently articulated in the welfare literature. It represents a theoretical improvement because it roots the “chilling effect” in a framework that provides a rich set of language for expanding a “chilling effect” research agenda. Specifically, it offers an opportunity to elaborate on the cross-policy scope
of feedback effects. The interpretive mechanism through which lessons from citizen-state interaction are imparted to reach individuals who perceive their group as target of state activity need not be constrained to a single policy arena. In this case, the seemingly unrelated developments in immigration enforcement have “educative effects” and lessons that are applicable to social welfare program participation.

Empirically, in what follows, we move beyond analysis anchored exclusively to the importance of eligibility rules and public charge laws, which are only suggestive of a link to actual enforcement operations. We join Watson (2010) on the conceptual grounds she initially tilled by analyzing the most proximate trigger of a “chilling effect,” immigration enforcement itself. Specifically, we update Watson’s study by evaluating the “chilling effect” of immigration enforcement in its 21st century form. As noted earlier, sComm is a radical expansion in the way federal authorities enforce immigration laws. Unlike the Criminal Alien Program or workplace raids conducted by INS from the 1980s through the early 2000s (the data comprising Watson’s measure of enforcement), sComm is much broader in scope, leverages local resources and personnel more efficiently, and exploits technology such that undocumented immigrants subject to removal can be identified in near real time. By linking criminal and immigration systems (Cox and Miles 2013), sComm goes beyond the cooperative practices between local bureaucrats and federal authorities that (Fox, 2013) documents from the early 1900s. In the next section we describe our data, measures and methods for evaluating the relationship between sComm enforcement and the propensity for individuals to participate in Medicaid.

Data, Measures and Methods

To evaluate these propositions we use the Current Population Survey, Annual Social and Economic Supplement (CPS-ASEC) from 2009 to 2012, a large survey conducted by the U.S. Census every March. The outcome of interest in this study is take-up in Medicaid.

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11Detailed information about the CPS-ASEC is available at [http://www.census.gov/hhes/www/income/method/guidance/background.html](http://www.census.gov/hhes/www/income/method/guidance/background.html). Major features of the ASEC include: a) conducted by interviewers via computer-assisted telephone interviews (CATI) or computer-assisted personal interviews (CAPI); b) provide a more comprehensive coverage of potential income sources
measured as an indicator of whether an individual reported participation in Medicaid in the prior twelve months. The units of analysis are individuals.

A major challenge in conducting our analysis is restricting the comparison to those who are “at risk” or eligible for Medicaid benefits. Eligibility is structured by rules but is ultimately determined by bureaucrats who implement those rules and exercise some discretion, however limited, about the fit between the applicant’s, information, circumstances and state provisions. Administrative data on individual program beneficiaries might allow us to cross-validate self-reported measures of benefit receipt from the CPS, but no data source exists that documents the specific reasons why Medicaid participants were rejected or why those who are eligible do not apply. Our data coding strategy for identifying the set of program eligible individuals begins by assuming that individuals who report receiving program benefits are actually eligible to receive such benefits. Next, we construct a customized state-by-state eligibility rules matrix for Medicaid for 2009-2012. We estimate presumed eligibility among those not reporting Medicaid participation using individual-level income, asset, household size, labor market attachment, immigration status, length of residency and our custom state-level rules matrix for Medicaid. Next, taking a cue from the research designs by economists (Watson 2010, Kandula et al. 2004, Kaushal 2005, Sommers 2010), we restrict the analysis below to unmarried women with at least one child.

Secure Communities: the New Immigration Enforcement Regime in America

The next major data need in this investigation is an indicator of immigration enforcement. In the wake of the 9/11 terrorist attacks, the US immigration enforcement regime consolidated under the Department of Homeland Security (DHS). The organizational restructuring suggests that matters of national security now eclipse other commitments to immigrant integration that, at least in name, the previous Immigration and Naturalization Services valued.

One of the major initiatives of the new immigration enforcement regime increases coordina-
tion between federal and subnational governments. Using technology advances to enhance inter-operability sComm is perfecting real-time data sharing across jurisdictions and agencies, and coordinating detention and removal operations. We use metrics provided by ICE that detail sComm performance. Specifically, ICE publishes interoperability reports that include the date that a jurisdiction activated sComm, the number of submissions of biometric information to federal authorities, the number of matches between a person in local custody and name on the DHS immigration database, and the number of removals. Each of these metrics is further reported according to the priority of level of immigration offenders. We contend that higher levels of detention and deportation of aliens signal to Latinos who live where such enforcement occurs that the government views Hispanics as suspect, and this political signal dampens Hispanic public benefit use.

One of the features of sComm is the creation and use of a new immigration violator typology. Consistent with ICE’s stated goals to focus and target serious criminals, sComm distinguishes three types of unauthorized migrants. The highest priority, or “Level 1” (L1) immigrants, are those “who have been charged or convicted of an aggravated felony at the time of the IDENT match.” Next, “Level 2” (L2) immigrants “includes aliens convicted of any felony or three or more offenses punishable by less than one year, commonly referred to as ‘misdemeanors.’” Finally, “Level 3” (L3) immigrants are “aliens convicted of offenses punishable by less than one year.” In the interoperability reports from which we cull our data, Levels 2 and 3 are collapsed into a single “low priority” category.

We build on the measurement strategy introduced by Pedroza (2013, 52) to distinguish targeted versus universal enforcement. “Targeted enforcement refers to locations reporting
higher than average shares of top priority removals, while universal enforcement refers to places reporting much lower (i.e., less than half the national average) shares of such removals.” Our modification begins with the inverse of Pedroza’s measure, or the ratio of low priority removals (L2 and L3) to total removals in a state. We call this the reach of sComm enforcement. Next, we include a term that captures the intensity of sComm enforcement as a function of submission volume and foreign-born population. We reason that individuals who live in states where sComm submits a higher number of fingerprints to federal authorities are exposed to a more intense immigration enforcement environment. However, although sComm piggybacks on an existing procedure whereby fingerprints from all arrests—regardless of nativity, immigration status or ethnicity—are submitted to federal authorities, the metrics reported by ICE pertain only to the foreign-born. Since the foreign-born are not uniformly distributed across states, we use the ratio of total submissions to the foreign-born population in a state. We then calculate as our intensity component the square root of submissions to foreign-born population, a form that provides a distribution approaching the normal. In plain words, the function of the intensity component is to weight or give a probability to the risk that a low-priority immigrant is ensnared by sComm in the state where they live. Our measure of overall sComm enforcement in a state is:

\[
\text{Immigration Enforcement} = \frac{\text{L2 & L3 Removals}}{\text{Total Removals}} \times \sqrt{\frac{\text{Matches}}{\text{Submissions}} \times \frac{\text{State Foreign Born}}{\%}}
\]

It is crucial to account for reach and intensity because exposure to the sComm program should be different for an immigrant who lives in California than one who resides in Louisiana. Combining the two components fully acknowledges frameworks that specify the “interpretive effects” of bureaucratic encounters [Lipsky 1980; Soss 1999], and approaches that conceptualize public policy as a force that constructs social identities [Schneider and Ingram 1993]. As vehicles that impart civic lessons about “political standing, membership and efficacy,” [Weaver and Lerman 2010, 819], public policy can target broadly or a more
narrowly, with more or less ardor, and convey either positive or negative messages.

Where we depart from the existing literature is by underscoring that the social construction effects and cognitive lessons of public policy and bureaucratic encounters are also imparted at the group level. An individual need not have interfaced personally with sComm in order to modify their decision to take-up TANF benefits. Furthermore, we contend that the cognitive effects of sComm enforcement vary considerably in its reach and intensity geographically, but it carries a negative valence for Hispanics, in general, relative to other racial and ethnic groups in America. However, that negative valence might be countered by the citizenship lessons that Hispanics pick up from experiencing the naturalization process.

The inaugural activation of sComm was in Harris County, TX in late October 2008. The roll out of sComm over the next six months included jurisdictions in a few states: Arizona, California, Massachusetts, North Carolina, Pennsylvania and the rest of Texas. Analysis by Cox and Miles (2013, 121) indicates that the pattern of sComm diffusion across the country is not associated with high crime areas or areas with the highest levels of immigration violators, the areas announced by Department of Homeland Security officials as the priorities of focus for sComm resources. Instead, sComm activation spread systematically first to areas with the largest Hispanic populations. Three years from its first implementation, the Secure Communities program is now active in every state and county in the country. Figure 2 illustrates that sComm was activated earliest along the US-Mexico border and the eastern corridor, and last in the midwest and northeast.

Although sComm metrics are provided at the county level, in this investigation we use enforcement at the state level. We do this for three reasons. First, our analysis is fit for the purpose of evaluating participation in a social welfare program whose structure is determined largely, though not exclusively, at the state level. Second, at the county-level is uncertainty regarding the extent to which metrics represent individuals who actually reside within the county attributed enforcement. We have no way to determine from the raw data how many submissions, matches, and removals involve individuals who routinely cross county lines as part of their daily work commute, completing household related errands like shuttling kids
Figure 2: This figure shows the variation in sComm activation across the United States. Jurisdictions in Arizona, Massachusetts, North Carolina, Pennsylvania, and Texas were the first to activate the program. States in the midwest and northeast were the last to activate sComm in late 2012 and early 2013.

to soccer practice, or visiting friends or family who live in nearby locales. Finally, we assume people are generally less aware of crossing county lines, than crossing state lines.

We have data for individual Medicaid take-up from 2009-2012, which is collected every March by the US Census Bureau. We merge ICE Interoperability Reports for state-level sComm metrics to the individual-level data that best correspond to each CPS years (ie. represents enforcement metrics that most closely precede the time of interview for the CPS ASEC but not after)\textsuperscript{15}. This allows respondents who live in the same state, but who are interviewed at different times to be associated with different levels of sComm enforcement.

\textsuperscript{15}We use interoperability reports for sComm metrics as of: November 2009, February 2011, January 2012, and January 2013.
Our overall measure of sComm immigration enforcement is illustrated in Figure 3 with separate maps for years 2009 through 2012. The maps show two features of sComm enforcement over those years. First, states in gray color have yet to activate sComm. Consistent with Figure 2, the southwest initiates the sComm program, along with a handful of states along the eastern corridor. Second, some states register greater enforcement in the early years of the sComm program, but in our measure are eclipsed by other states in later years. Arizona and North Carolina standout in the debut year of sComm, whereas Louisiana, Mississippi, and Alabama are at the highest end of our measure by 2012. The south, in general, scores the highest once sComm is activated in the region.

Although the rollout of sComm patterns on the geographic distribution of the country’s Hispanic population (Cox and Miles 2013), based on our measure of immigration enforcement we anticipate new destination states to have the greatest “chilling effect” on Medicaid participation. In our analysis below, we evaluate the relationship between sComm enforcement and the propensity for Medicaid take-up only in states where the program is activated.
Table 1: Distribution of sComm enforcement merged to US Census Bureau Current Population Surveys Annual Social Economic Supplement, 2009-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>N</th>
<th>Mean</th>
<th>SD</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>1780</td>
<td>0.177</td>
<td>0.095</td>
<td>0.096</td>
<td>0.444</td>
</tr>
<tr>
<td>2010</td>
<td>4765</td>
<td>0.345</td>
<td>0.135</td>
<td>0.047</td>
<td>0.047</td>
</tr>
<tr>
<td>2011</td>
<td>5364</td>
<td>0.512</td>
<td>0.217</td>
<td>0.112</td>
<td>1.065</td>
</tr>
<tr>
<td>2012</td>
<td>5472</td>
<td>0.688</td>
<td>0.312</td>
<td>0.239</td>
<td>1.59</td>
</tr>
</tbody>
</table>

Based on the merged data, we report the descriptive statistics for sComm enforcement in Table 1. In 2009 when only a handful of states activated sComm, we have fewer CPS observations. By 2012 we have over 38,000 cases to include in the analysis.

Modeling Strategy

We estimate the likelihood of an individual’s Medicaid use, \( Pr(y_{i=1}) \), as a function of socio-economic characteristics and state-level contexts where they reside. We include state fixed-effects and year fixed-effects, so our analysis is comparing the variation within states, or the “chilling effect” that comes from changes in immigration enforcement measured within a state. We account for state-level policy configurations from 2008 to 2012 that include \textit{Welfare Inclusion} and \textit{Immigrant Policy}. We use the IWScale by \textcite{Hero and Preuhs 2007} which measures the overall level of immigrant inclusion that states permitted by 1998, two years after the federal government enacted welfare reform. We borrow the state-level measure of immigrant policy from \textcite{Monogan 2013}, modified to isolate the strength and tone by state-year.\footnote{We thank James Monogan for his generosity in sharing the data and willingness to modify his original dataset to include state-year measures of strength and tone for our analysis.}

The CPS provides no information that allows us to identify whether an individual lives in a mixed-status household. However, we do have information on the nativity status, citizenship, and race and ethnic group membership. Although we are unable to identify whether an individual is unauthorized or undocumented, we do know if they are foreign-born and a citizen, or foreign-born and a noncitizen. In a reduced form of our model we
look at the interaction between immigration enforcement and nativity. The coefficient that interacts nativity with enforcement along with the “main effects” of enforcement and nativity, represents the differential impact of enforcement on immigrants relative to US born persons. The model below evaluates H1.

\[
Pr(\text{Medicaid take - up}_i = 1) = \logit^{-1}(\alpha_i + \beta^{s\text{Comm Enforcement}}_i + \beta^{\text{Immigrant}}_i \\
\quad \quad \quad \quad \quad \quad \quad \quad \beta^{\text{Immigrant} \times s\text{Comm Enforcement}}_i + \\
\quad \quad \quad \quad \quad \quad \quad \quad \beta^{\text{State Welfare Inclusion}}_i + \beta^{\text{State Immigrant Policy}}_i + \\
\quad \quad \quad \quad \quad \quad \quad \quad \beta^{\text{State Public Sentiment Immigrants}}_i + \beta^{\text{State Immigrant Population}}_i + \\
\quad \quad \quad \quad \quad \quad \quad \quad \beta^{\text{Family Income}}_i + \beta^{\text{Education}}_i + \beta^{\text{Female}}_i + \\
\quad \quad \quad \quad \quad \quad \quad \quad \beta^{\text{Unemployed}}_i + \beta^{\text{Married}}_i + \beta^{\text{Homeowner}}_i + \\
\quad \quad \quad \quad \quad \quad \quad \quad \beta^{\text{Year}}_i + \beta^{\text{State}}_i, i = 1, \ldots n
\]

To evaluate the expectation that the “chilling effect” has heterogenous effects we propose another reduced for model to evaluate H2. In this second model the focus is on evaluating the importance of proximity to the immigration experience. There are several ways that this might be conceptualized, including time since arrival for immigrants, or the extent of cultural adaption since arrival (ie. English language proficiency, or composition of social network and degree of non-ethnic connections). We opt for a fairly straightforward, and common indicator of closeness to the immigrant experience that is also available in the CPS-ASEC. We use an indicator of how many parents an individual has who are foreign born, which takes on values of 0, 1 or 2. The expectation is that the “chilling effect,” on average is greater for those with two immigrant parents relative to those with only one foreign born parent or those with both parents born in the United States.
\[
Pr(\text{Medicaid take} - up_i = 1) = \logit^{-1}(\alpha_i + \beta_{\text{Comm Enforcement}} + \beta_{\text{Immigrant Parent}} \\
\beta_{\text{Immigrant Parent} \times \text{Comm Enforcement}} + \beta_{\text{State Welfare Inclusion}} + \beta_{\text{State Immigrant Policy}} + \\
\beta_{\text{State Public Sentiment Immigrants}} + \beta_{\text{State Immigrant Population}} + \\
\beta_{\text{Family Income}} + \beta_{\text{Education}} + \beta_{\text{Female}} + \\
\beta_{\text{Unemployed}} + \beta_{\text{Married}} + \beta_{\text{Homeowner}} + \beta_{\text{Year}} + \beta_{\text{State}} + i = 1, \ldots n
\]

To assess the heterogeneous “chilling effect” of enforcement across race/ethnicity and immigration status we specify an interaction term that is the product of \(s\text{Comm enforcement}\) and indicators of race, ethnicity and nativity. Thus, a set of three key variables – immigration enforcement, group indicators, and their interaction – are included as covariates in a logistic regression model presented below:

\[
Pr(\text{Medicaid take} - up_i = 1) = \logit^{-1}(\alpha_i + \beta_{\text{Comm Enforcement}} + \\
\beta_{\text{Latino US born}} + \beta_{\text{Latino Naturalized Citizen}} + \beta_{\text{Latino Non-Citizen}} + \\
\beta_{\text{White Naturalized Citizen}} + \beta_{\text{White Non-Citizen}} + \beta_{\text{Black US born}} + \\
\beta_{\text{Latino US born} \times \text{Comm Enforcement}} + \\
\beta_{\text{Latino Naturalized} \times \text{Comm Enforcement}} + \\
\beta_{\text{Latino Non-citizen} \times \text{Comm Enforcement}} + \\
\beta_{\text{White Naturalized} \times \text{Comm Enforcement}} + \\
\beta_{\text{White Non-citizen} \times \text{Comm Enforcement}} + \\
\beta_{\text{Black US born} \times \text{Comm Enforcement}} + \\
\beta_{\text{State Welfare Inclusion}} + \beta_{\text{State Immigrant Policy}} + \\
\beta_{\text{State Public Sentiment Immigrants}} + \beta_{\text{State Immigrant Population}} + \\
\beta_{\text{Family Income}} + \beta_{\text{Education}} + \beta_{\text{Female}} + \\
\beta_{\text{Unemployed}} + \beta_{\text{Married}} + \beta_{\text{Homeowner}} + \beta_{\text{Year}} + \beta_{\text{State}} + i = 1, \ldots n
\]
where $y_i$ is Medicaid use among each presumed eligible individual $i$, a value of 1 indicating self-reported coverage in the previous twelve months, and 0 otherwise.

In our statistical model $\beta^{sComm\ Enforcement}_i$ is the coefficient representing the effect of $sComm$. This coefficient is interacted multiplicatively with a set of six group-based indicators, all of which are compared relative to the omitted baseline category, non-Hispanic Whites born in the United States. Therefore, when the value for each of the included group indicators is set to zero, the coefficient, $\beta^{sComm\ Enforcement}_i$, is interpreted as the relationship between enforcement and propensity to participate in Medicaid among non-Hispanic US-born whites. In our analysis, we choose White U.S.-born citizen and Black U.S. born citizen as comparison groups. We anticipate no relationship between enforcement and Medicaid participation for US born Whites, US born Blacks, or US born Hispanics. By contrast, we theorize that non-Citizen Hispanics will be less likely to use Medicaid where enforcement levels are high. Evidence in support of this expectation will be a negative value for the coefficient, $\beta^{Latino\ Non-citizen\ X\ sComm\ Enforcement}_i$. Evidence of a “chilling effect” for US born individuals, whether African Americans, Hispanic or non-Hispanic Whites undermines our theoretical argument that immigration enforcement disproportionately targets Hispanic immigrants. We also include White non-citizen as a comparison group to access whether the chilling effect of immigration enforcement is muted or moderated for those Hispanics who are naturalized.

We include demographic controls to account for confounders related to socioeconomic status, sex, and survey year. The binary nature of our outcome of interest is best modeled with logistic regression. We use Stata 12 and the user package gllamm to estimate a random intercepts model. We turn next to the results.

**Findings**

Evidence in support of H1 and H2 is shown in Table 2 and Table 3, respectively. Looking first at the general expectation of a “chilling effect” on the foreign born, the coefficient, $\beta^{sComm\ Enforcement}_i = -0.08$, and is not statistically discernible from zero at $p < .05$. This
finding indicates that US born, unmarried women with at least one child do not meaningfully alter their participation in Medicaid in response to sComm enforcement. This is consistent with expectations. The model estimates indicate that immigrants ($\beta_{\text{Immigrants}} = -0.50$) are less likely to participate in Medicaid relative to their US born counterparts, conditional on sComm enforcement set at its lowest level. Recall that the group level indicators are interacted with our measure of sComm enforcement. Therefore, the group indicator coefficients must always be interpreted with the value of enforcement in mind. Turning to the interaction terms we find that the propensity to participate in Medicaid among immigrants is very sensitive to the level of sComm enforcement, as $\beta_{s\text{Comm} \times \text{Immigrant}} = -1.11$. Similarly, the results in

Table 3 indicate that third-plus generation unmarried women with at least one child (ie. those without immigrant parents) are not any more or less likely to enroll in Medicaid, conditional on enforcement set to its lowest value on our scale. However, the effect of enforcement does appear to be statistically distinct depending on whether a person does have immigrant parents $\beta_{s\text{Comm} \times \text{Immigrant Parents}} = -0.36$.

For a more intuitive understanding of the model’s estimates described above and the key findings from these first two models, we plot the predicted probability of participating in Medicaid by nativity and immigrant parents born. Figure 4 shows the anticipated difference by nativity that original articulations of the “chilling effect.”

In Figure 4 the x-axis on each panel represents the full range of values for our sComm enforcement measure, and the y-axis represents the probability that an individual reports using Medicaid benefits in the 12 months prior to being interviewed in the CPS-ASEC. We include 95% confidence bands for each in-sample predicted probability trace. The right panel shows that immigration enforcement has a salient chilling effect on immigrants, reducing

32
Table 2: The association between Secure Communities enforcement (scomm20a) on Latino Medicaid enrollment: Random Intercept Logistic Regressions (Estimated Using in12, Omitted Baseline Group: Non-Latino White Citizen)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>sComm Enforcement</td>
<td>-0.08</td>
<td>(0.14)</td>
</tr>
<tr>
<td>Immigrant</td>
<td>-0.50***</td>
<td>(0.14)</td>
</tr>
<tr>
<td>sComm Enforcement X Immigrant</td>
<td>-1.11***</td>
<td>(0.29)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.20***</td>
<td>(0.05)</td>
</tr>
<tr>
<td>Black</td>
<td>0.32***</td>
<td>(0.05)</td>
</tr>
<tr>
<td>Family income</td>
<td>0.08***</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Education</td>
<td>-0.12***</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>0.02</td>
<td>(0.07)</td>
</tr>
<tr>
<td>Home owner</td>
<td>-0.72***</td>
<td>(0.04)</td>
</tr>
<tr>
<td>Immigrant parents</td>
<td>-0.03</td>
<td>(0.03)</td>
</tr>
<tr>
<td>State Unemployment rate</td>
<td>0.05***</td>
<td>(0.01)</td>
</tr>
<tr>
<td>State immigrant pop</td>
<td>-0.03**</td>
<td>(0.00)</td>
</tr>
<tr>
<td>State immigrant policy</td>
<td>-0.05**</td>
<td>(0.02)</td>
</tr>
<tr>
<td>State public immigrant sentiment</td>
<td>0.15***</td>
<td>(0.03)</td>
</tr>
<tr>
<td>State immigrant welfare inclusion</td>
<td>0.22***</td>
<td></td>
</tr>
</tbody>
</table>

N = 17381

Standard errors in parentheses
* p < .10, ** p < .05, *** p < .01

Figure 4: ICE Secure Communities Program Enforcement Activity and Medicaid Enrollment
Table 3: The association between Secure Communities enforcement (scomm20a) on Latino Medicaid enrollment: Random Intercept Logistic Regressions (Estimated Using \( \text{in12} \), Omitted Baseline Group: Non-Latino White Citizen)

<table>
<thead>
<tr>
<th></th>
<th>Coefficient</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>sComm Enforcement</td>
<td>-0.19</td>
<td>(0.14)</td>
</tr>
<tr>
<td>Immigrant parents</td>
<td>0.11**</td>
<td>(0.05)</td>
</tr>
<tr>
<td>sComm Enforcement X Immigrant parents</td>
<td>-0.36***</td>
<td>(0.10)</td>
</tr>
<tr>
<td>Naturalized citizen</td>
<td>-0.62****</td>
<td>(0.13)</td>
</tr>
<tr>
<td>Non-citizen</td>
<td>-1.01****</td>
<td>(0.08)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.21***</td>
<td>(0.05)</td>
</tr>
<tr>
<td>Black</td>
<td>0.32***</td>
<td>(0.05)</td>
</tr>
<tr>
<td>Family income</td>
<td>0.08***</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Education</td>
<td>-0.12***</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>0.02</td>
<td>(0.07)</td>
</tr>
<tr>
<td>Home owner</td>
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<td>(0.04)</td>
</tr>
<tr>
<td>State Unemployment rate</td>
<td>0.04*</td>
<td>(0.02)</td>
</tr>
<tr>
<td>State immigrant pop</td>
<td>-0.03***</td>
<td>(0.01)</td>
</tr>
<tr>
<td>State immigrant policy</td>
<td>-0.12***</td>
<td>(0.04)</td>
</tr>
<tr>
<td>State public immigrant sentiment</td>
<td>0.18***</td>
<td>(0.04)</td>
</tr>
<tr>
<td>State immigrant welfare inclusion</td>
<td>0.22***</td>
<td>(0.04)</td>
</tr>
</tbody>
</table>

N = 17381

Standard errors in parentheses
* \( p < .10 \), ** \( p < .05 \), *** \( p < .01 \)
take-up by about forty points, from 60% to 20%. By contrast, the US born who are presumed eligible for Medicaid are not influenced by sComm reach and intensity. Of course, this model does not take into consideration whether the individual is naturalized or a non-citizen. For that analysis, we turn to the results in Figure 5, also organized to show the full range of sComm enforcement along the x-axis and the probability of Medicaid take-up on the y-axis. In this case, even accounting for immigration status (i.e., whether one is naturalized or a non-citizen) and race and ethnicity, an individual’s proximity to other immigrants as measured by their number of foreign born parents increases their sensitivity to immigration enforcement. Importantly, we find no effect for enforcement among those who have no immigrant parents.

Figure 5: ICE Secure Communities Program Enforcement Activity and Medicaid Enrollment

The results of our full model are shown in Table 4. The coefficient, $\beta_{sComm \text{ Enforcement}_i} = -0.11$, and is not statistically discernible from zero at $p < .05$. Recall that the group level indicators are interacted with our measure of sComm enforcement. Therefore, the group indicator coefficients must always be interpreted with the value of enforcement in mind. This finding indicates non-Hispanic Whites do not meaningfully alter their participation in TANF in response to sComm enforcement. The model estimates indicate that Latinos who are US-born ($\beta_{Latino \ US \ born \times sComm_i} = .44$) are more likely to participate in Medicaid relative to US-born non-Hispanic Whites, conditional on sComm enforcement set at its lowest level. By contrast, Latino non-citizens ($\beta_{Latino \ Non-Citizens \times sComm_i} = -0.44$) who reside in a state where sComm reach and intensity is set to its lowest value are less likely to take-up Medicaid.
Here again, the complexity of these results is nicely captured using predicted probability traces, as shown in Figure 6. This time we show results from the model that includes a richer set of group-level indicators for race, ethnicity and immigration status.

Figure 6: ICE Secure Communities Program Enforcement Activity and Medicaid Enrollment

We organize each panel so that the x-axis, again, represents the full range of values for our
Table 4: The association between Secure Communities enforcement on Latino Medicaid enrollment: Random Intercept Logistic Regressions (Estimated Using in12, Omitted Baseline Group: Non-Latino White Citizen)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Standard Error</th>
</tr>
</thead>
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<tr>
<td>sComm Enforcement</td>
<td>-0.11</td>
<td>(0.13)</td>
</tr>
<tr>
<td>Latino US born</td>
<td>0.44***</td>
<td>(0.09)</td>
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<tr>
<td>Latino Naturalized</td>
<td>0.20</td>
<td>(0.33)</td>
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<tr>
<td>Latino Non-citizen</td>
<td>-0.44***</td>
<td>(0.15)</td>
</tr>
<tr>
<td>White Naturalized</td>
<td>1.17</td>
<td>(0.86)</td>
</tr>
<tr>
<td>White Non-citizen</td>
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<tr>
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<td>0.41***</td>
<td>(0.09)</td>
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<tr>
<td>Latino US Born X sComm</td>
<td>-0.31</td>
<td>(0.19)</td>
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<tr>
<td>Latino Naturalized X sComm</td>
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<td>(0.80)</td>
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<td>Latino Non-citizen X sComm</td>
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<td>(0.36)</td>
</tr>
<tr>
<td>White Naturalized X sComm</td>
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</tr>
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<td>White Non-citizen X sComm</td>
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<td>(1.02)</td>
</tr>
<tr>
<td>Black US born X sComm</td>
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<td>(0.14)</td>
</tr>
<tr>
<td>Family income</td>
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<td>(0.00)</td>
</tr>
<tr>
<td>Education</td>
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<td>(0.00)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>0.06</td>
<td>(0.06)</td>
</tr>
<tr>
<td>Home owner</td>
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<td>(0.03)</td>
</tr>
<tr>
<td>State Unemployment rate</td>
<td>0.01</td>
<td>(0.01)</td>
</tr>
<tr>
<td>State immigrant pop</td>
<td>-0.02***</td>
<td>(0.01)</td>
</tr>
<tr>
<td>State immigrant policy</td>
<td>-0.15***</td>
<td>(0.03)</td>
</tr>
<tr>
<td>State public immigrant sentiment</td>
<td>0.16***</td>
<td>(0.03)</td>
</tr>
<tr>
<td>State immigrant welfare inclusion</td>
<td>0.24***</td>
<td>(0.03)</td>
</tr>
</tbody>
</table>

N = 20601

Standard errors in parentheses
* p < .10, ** p < .05, *** p < .01
sComm enforcement measure, and the y-axis represents the probability of Medicaid take-up. The panels in the left column are in-sample predicted probabilities that show immigration enforcement does not have a statistically significant chilling effect on US-born Latinos, US-born Whites or US-born Blacks. However, the far right column indicates that there is a “chilling effect” for non-citizens, both Latinos and non-Hispanic whites. (We do not have sufficient sample-size to reliably estimate an indicator for Black non-citizens). For Latino US-born citizens, the probability of Medicaid take-up drops approximately 60 points, from a predicted 70% take-up to 10% take-up. A similar drop is observed for White non-citizens, though our confidence in the estimates is not sufficient to rule out a null effect.

Finally, in the middle column we note that White naturalized citizen take-up in Medicaid is “chilled” with broader reach and greater intensity of sComm enforcement relative to US born whites. However, Latino naturalized citizens are not different than US born whites, a result that is somewhat counterintuitive, if one only takes into consideration the negative feedback of immigration enforcement on mass behavior. When we conceptualize Latinos as concentrated and diametric policy targets of social construction, then these results make more sense. One explanation for Latino naturalized citizens not being “chilled” is that they are on trajectory of positive feedback effects, such that no matter the level of immigration enforcement they are aware of their right to use social insurance programs like Medicaid.

**Evaluative Discussion**

In this study we set ourselves two tasks for improving the study of the “chilling effect” hypothesis, or the argument that changes to eligibility rules and immigration enforcement deter otherwise eligible individuals from participating in Medicaid. First was to link the “chilling effect” hypothesis to a theoretical framework that might orient future research. Our solution is to conceptualize various “chilling” sources as examples of policy feedback. By connecting the “chilling effect” hypothesis to the rich literature on policy feedback our study provides a bridge for concepts like “interpretive effects,” “policy visibility,” and “policy target prox-
imity,” to inform future research in the area. We also build on the policy feedback literature by focusing attention on a case of cross-policy feedback. Scholars discuss the potential spill-over effects of interfacing with government in one policy area for other areas (Soss 1999, Campbell 2007). To this discussion we add Latinos. Latinos are an interesting group for studying cross-policy feedback because their experience is somewhat counterintuitive. On the one hand, they have been the subject of coercive immigration policy targeting for over one hundred years, and this targeting has become more concentrated with the bureaucratic inter-connections across criminal, immigration, police, and social welfare bureaucracies. On the other, this targeting has not always or necessarily necessarily translated into alienating or depressing political participation.

Our second task was to update the empirical literature on the “chilling effect” to account for the incredible transformation of America’s immigration enforcement regime in the last ten years. Our investigation confirms the “chilling effect” evidence found in earlier studies, and expands upon that base of knowledge with findings on heterogenous “chilling effects.” Specifically, we find that proximity to immigrants in the form of immigrant generation moderates the sensitivity to sComm enforcement. Medicaid take-up among those with immigrant parents is more likely to be “chilled” by immigration enforcement, and those with two immigrant parents are even more sensitive. This is a new finding in the literature. Also new is the analysis that breaks out the chilling effect by race, ethnic and immigration status. In this vein, we find heterogeneous “chilling effects,” but a more complex configuration of patterns than might be anticipated by the first generation of “chilling effects” studies. It turns out that non-Citizens, regardless of ethnicity seem equally sensitive to immigration enforcement, but that naturalization for Latinos may serve as an experience that buffers the “chilling effect.”

We fully acknowledge that questions of causality remain open as our research design is not experimental, nor does it leverage the full extent of statistical techniques designed to identify causal relationships. We are also limited by the data in our ability to measure concepts like stigma, a very important factor in the politics of social insurance programs,
especially those like Medicaid which are means-tested. However, the analysis reported here certainly warrants further investigation. Below we discuss several implications and future research directions.

For practical policy purposes, we think officials responsible for the implementation of the ACA should take careful note of the concerns expressed in President Obama’s interview on Univision. While the President’s effort to reach out is important, we also need to account for Latino views on immigration. Specifically, Latinos hold both Democrats and Republicans responsible for the absence of comprehensive immigration reform. While Republicans are the focus of Latino blame for the push to enact more restrictive measures, they have not let the Democrats and President Obama off the hook. Indeed, the pressure that generated the Deferred Action for Childhood Arrivals (DACA) by the so-called DREAMers and their advocates was aimed directly at President Obama. As the anecdote in the introduction indicates, Latino elites credite the record-level of deportations in President Obama’s first term to the President himself. They call him the “Deporter-in-Chief” because the belief that he could take unilateral action to stay removals until reform is passed is widespread among the Latino community. Perhaps, in the interest of ACA expansion, a different messenger should be used for outreach to Latinos. Or, at the very least, consider inviting Latino elites, whether politicians or celebrities, to accompany President Obama. The use of Spanish-language media may not be enough.

A related policy implication from our findings is that any reminder of one’s immigration status may be sufficient to cue a “chilling effect.” The DRA of 2005 that required citizenship status be proven in the course of applying for benefits might be revisited. Analysis by Sommers (2010) indicates that it not worth the administrative costs to enforce the rule. But if we are going to check and confirm citizenship, then perhaps we can include a change in application procedures that assures immigrants that information relevant to the application is not shared with immigration authorities.

Finally, we note two economic implications from our findings. First, for individuals and households there is a growing connection between health and financial well-being. Empirical
studies show illness and injury predicts medical debt (Gurewich et al., 2004) and personal bankruptcy (Himmelstein et al., 2005), a pattern that expansion of health care expansion can remedy, but only if people enroll. As the Oregon Medicaid study revealed, households with Medicaid coverage were better off financially as well. Second, another economic implication of this investigation, and research on “chilling effect” more generally, is that a subset of the population that is especially healthy is excluded from the pool of insured. While the central pre-occupation in health care debates is about crowd-out and moral hazard, the irony of immigrant exclusions is that they define by policy a less healthy, and thus more expensive, insurance pool than is available from the population. Moreover, as epidemiologists caution, when people do not receive care the costs extend beyond individuals and households to populations. A related irony is that supporters of provisions to exclude immigrants and the undocumented in particular from Medicaid, probably are supporters of lowering the costs of Medicaid. This is precisely the dilemma facing the “baby boomer generation,” that Myers (2007) argues would benefit handsomely from forging a new social contract with immigrants, but who seems resigned to support policies that are suboptimal for all parties. As a healthy share of the workforce and a growing share of the youth population in America, Latino enrollment in any health care plans is crucial to cost containment and population health.

From a theoretical perspective the nation-wide implementation of sComm presents a ripe policy for future research on policy feedback. Here we have primarily leveraged the variation within a state. However, sComm enforcement is part of a broader transformation in America’s immigration regime. Immigration law has always been a “gray zone” in terms of the rights and liberties that immigrants hold once they are detained. To that we might consider the implications that stem from the nuts and bolts of how sComm works to expand information sharing capacity across enforcement agencies located at different levels of government. The sharing of records across agencies is something that was once resisted, but is now unquestioned. Through ICE the surveillance state has expanded. Another expansion of legal scope is the authority that ICE was given to create designations of immigrants based on “priority” levels for removal. The policy rationale is to reduce concerns that ICE is universally
targeting immigrant-proximate communities, and to also demonstrate good stewardship of scarce resources. In the implementation of Secure Communities, DHS and ICE contribute to a broader social project that is about creating what García-Castanon (2013) calls *multi-tiered membership*. That is, when it comes to membership in the polity, we are not simply either citizens or non-citizens. There exist an entire set of membership gradients, some that have nothing to do with immigrants (ie. felony disenfranchisement, person-status assigned to corporations), but some that do (ie. naturalized citizen, permanent resident, various visa holder categories, undocumented, and now L1, L2 and L3 priority levels of immigration law violators). Both the surveillance and the license to create new classifications of members in society are examples of what Pierson (1993) describes as policy feedback that shifts state capacity. Each remains unexamined in the “chilling effect” literature and policy feedback research in general.

To put a fine point on the potential importance of sComm, consider its feature of permanency. Unlike the tragic moments of immigration enforcement from yesteryear, the new immigration regime has an element of permanency that previous removal projects did not. The Chinese Exclusion Acts that empowered local authorities in California, for example, the “Decade of Betrayal” when Mexican nationals and Mexican Americans were summarily deported during the Great Depression, even the terrible episode of Japanese-American internment during World War 2, and the deportation of Mexicans and Mexican Americans as part of Operation Wetback during the 1950s, and the successor operations responsible for workplace raids since the 1970s that continue to the present, are all instances of punctuated immigration enforcement. By contrast, ICE and the Secure Communities program, in particular, represent much more permanent fixtures in immigration enforcement because they are so tightly integrated with local law enforcement agencies. We have turned a corner in the use of local resources by federal authorities to expand the reach of immigration enforcement that is unlikely to be undone.
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