

The Household Financial Losses Triggered by an Immigration Arrest, and How State and Local Government Can Most Effectively Protect Their Constituents

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Executive Summary

Through a survey of 125 long-term resident households in Pima County, Arizona, this study finds that an immigration arrest costs each household an average of more than \$24,000. These costs accumulate through the value of assets seized and not recovered, out-of-pocket costs for hiring an attorney, immigration bond, and other expenses involved in supporting an immediate family member as they navigate the immigration court system. But they also include lost income due to disruptions to employment resulting from the arrest, and a physical inability to work while in detention, appearing in court, and immediately following deportation. In this article, we discuss how, when measured at the scale of the household, these financial costs fail to discriminate according to immigration or citizenship status, and accumulate to affect issues of poverty, education, housing security, health and development, and generational wealth inequality — all matters of sustained interest to state and local government. In the second half of the article, we draw on our research findings to evaluate various policies that states, counties, and municipalities can implement to mitigate these financial burdens while promoting the overall well-being of their constituents. Policies considered include:

- The “Immigrant Welcoming City” paradigm
- The limitation of routine cooperation and custody transfer between local and federal law enforcement
- Expanding access to permissible forms of identification
- Universal representation for immigration defendants
- The cultivation of community bond funds
- The promotion of worker-owned cooperatives

Although these kinds of state or local initiatives cannot replace meaningful federal action on immigration reform, they can do much to provide relief and promote economic security for established immigrant and mixed-status families living in the United States, while contributing to overall community well-being and economic vitality.

Keywords

immigration, policing, economic dispossession, financial geography, wealth inequality

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Introduction

Scholars have projected that an immigration arrest has significant impacts on household and family finances. Warren and Kerwin (2017), for example, use data from the American Community Survey to estimate that the deportation of an immediate family member causes an average income decline of more than \$19,000 (or about 47 percent) among noncitizen and mixed-status households in the United States (see also Preston 2020). In another study involving interviews with 85 families distributed across the country, Chaudry et al. (2010) found that household income declined in the range of 40 to 90 percent within six months after the detention or deportation of a parent.

Drawing on primary data collected from 125 households affected by immigration policing in Pima County, Arizona, this article affirms the above findings, but also identifies additional ways that an immigration arrest triggers novel patterns of financial loss for US households due to the value of assets seized at the moment of arrest; the cost of hiring an attorney to fight one's case; the cost of bonding a loved one out of detention (which frequently also includes the accumulation of considerable household debt); disruptions to employment; and various additional costs. Examining the strategies that households use to absorb these financial losses, we observe how these losses come to disseminate among preexisting family and community networks, triggering measurable downstream impacts that fail to discriminate according to US citizenship status. These impacts involve issues of poverty, employment, education, housing security, health and development, and generational wealth inequality — all matters that are of sustained interest to state and local government. In the article's second half, we draw on our data to discuss and evaluate various policies and practices that state and local governments can implement to address these matters, while promoting the overall well-being of their constituents. For, as De Trinidad Young et al. (2018) observe, "While federal policy continues to determine *who can be* an immigrant, it is state [and local] laws, regulations, and court rulings that shape *what it means* to be an immigrant — particularly a noncitizen — in each state in the United States" (225; see also Suro 2015). Policies considered below include the "Immigrant Welcoming City" paradigm, the limitation of routine cooperation and custody transfer between local and federal law enforcement,

universal representation for defendants in US immigration court, the establishment of community bond funds, expanding permissible forms of identification (ID), and the promotion of worker-owned cooperatives. Applying our research, we show how each of these measures can do a great deal to reduce household financial losses, promote family unity, and improve outcomes generally for US households and communities.

Research Design

The objective of this research was to develop as comprehensive a perspective as possible on the range and volume of financial losses that a household confronts when an immediate family member is detained or arrested by US immigration authorities.

For our purpose, a "household" was defined as all persons residing in the same domicile at the time of arrest. A total of 125 interviews were completed in Pima County, Arizona, which includes the City of Tucson, between December 2016 and June 2018. These 125 households contained 519 individuals — 299 adults and 220 minors. Sixty-two percent of household members were reported as having US citizenship, while an additional 11 percent were reported as having some other lawful visa status. Eighty percent of households contained both undocumented individuals and at least one lawful permanent resident or a US citizen — a finding that tracks with nationwide studies of mixed-status households. For example, Taylor et al. (2011) estimate that among the 11.2 million undocumented immigrants then present in the United States, 80 percent lived in a mixed-status household. Meanwhile, in a recent survey of deportees undertaken in Nogales, Mexico (the closest border city for much of Pima County), Kerwin, Alulema, and Nicholson (2018) found that 78 percent had at least one US citizen child, while 42 percent had a US citizen spouse.

Our aim with this research was to capture the financial costs that accumulate to established US resident households, as opposed to recent first-time border crossers. Therefore, to participate in the study, households were required to have registered a domicile in Pima County for at least 12 months at the time of a loved one's arrest. Among our sample, however, the average length of residency in Pima County was 16.4 years. These findings reveal that when measured at the scale of the household, a majority of those affected by the financial losses

discussed in this article are US citizens and/or long-term members of their community, sharing intimate dimensions of their everyday lives with immediate family members throughout a range of citizenship and immigration legal statuses.

Pima County was selected as a research site because it includes the full range of enforcement agencies involved in immigration policing in the United States: that is, state and local law enforcement (who, under Arizona's SB1070, are required to cooperate with federal immigration authorities at all times during the course of their routine work; for more, see Boyce, Launius, and Aguirre 2019); Immigration and Customs Enforcement (ICE), the agency tasked with enforcing immigration law in the country's "interior"; and, due to Pima County's location adjacent to and within 100 linear miles of the US–Mexico border, the US Customs and Border Patrol (CBP). At the time of interview, the 125 households included in our sample reported having experienced a total of 231 immigration arrests. Because the research team began undertaking interviews in December 2016, an overwhelming majority of these interviews ($n = 118$) took place after Donald Trump assumed the presidency of the United States. Arrests spanned the years 1993 to 2018, however, with 86 percent taking place after 2006. The financial losses described below were calculated using a subset of 140 reported arrests undertaken between 2006 and 2018, whose consequences (such as an ensuing legal case) had arrived at some kind of formal conclusion at the time of the research interview. The year 2006 was chosen as a significant marker in time because during that year, important changes were introduced to the US immigration enforcement apparatus. These changes included a concerted effort by ICE to enroll state and local law enforcement in federal immigration enforcement through programs like 287(g) and "Secure Communities"; a near doubling of the size of CBP (CBP 2020); and an expansion of targeted worksite raids and home arrests through programs like Operation "Return to Sender."

Between fiscal years (FYs) 2006 and 2020, a total of 14,371 removal cases were filed against residents of Pima County in US immigration court (TRAC 2020). As Kocher (2020) discusses, the number of initial filings provides a useful measure of the intensity of immigration enforcement, given that this figure captures the *initiation* of an enforcement process, rather than its conclusion (as reflected, for example, by deportation

numbers). As a metric of enforcement activity, however, this figure remains imperfect, because it fails to capture the arrest or deportation of those individuals who accept voluntary removal or who already have an existing order of removal (and who therefore, generally, are not granted an opportunity to mount a legal defense). During the period described, annual removal cases in Pima County peaked during the period 2009–2010, when SB1070, among other anti-immigrant laws, was passed and implemented. Cases then declined throughout Barack Obama's second term, before increasing moderately to an average of 421 new cases per year during the first three full fiscal years under the Trump administration.

Research subjects were recruited for the present study using a snowball sampling method, with initial recruitment at one of four separate sites that provide regular services to noncitizens and undocumented persons. Subjects were then asked to complete a 110-question survey instrument that covered a range of topics. These topics included demographic information on all household members (including age, gender, immigration history, and citizenship status); general financial information (including information about employment, income, debt, accumulated assets, and financial support provided to extended family or others living outside of the household, such as international remittances); the facts and circumstances for every immigration arrest involving an immediate household member; the legal trajectory and outcome of the resulting immigration case; the financial costs that the household absorbed as a direct result of the immigration arrest and subsequent legal proceedings; impacts on employment that were either a direct or indirect result of the arrest; strategies that the household adopted as a means to navigate and absorb these financial losses; and the impacts of these strategies on individual household members, routine practices, family dynamics, and short and long-term household decision making.

In total, 46 percent of households reported experiencing more than one arrest throughout time. This finding is explained by two distinct patterns. First, many law enforcement encounters resulted in the arrest of more than one family member, such as during a traffic stop when multiple household members are traveling together in the same vehicle and are subject to immigration enforcement. Second, many individuals were also arrested more than once, either because of developments

in their immigration case, because of changes in executive policy that altered the US government's evaluation of their level of priority for enforcement action, or because they unlawfully returned to their home and family in the United States after having been deported from the country. Among the 140 arrests included in our sample, 54 percent ($n = 75$) resulted in removal from the United States. Forty-four percent ($n = 61$) resulted in some kind of legal relief allowing an individual to lawfully remain in the country. Four percent ($n = 6$) ended in release from custody without any additional legal action, because the arrested individual was found already to possess permission to remain in the country (this figure includes three individuals who were found to be US citizens). Our research, then, captures not only individuals who were ultimately deported from the country but also a significant proportion who, following an immigration arrest, were ultimately allowed to remain in the country, but nevertheless had to undergo a range of administrative and legal procedures to obtain this end.

The section below summarizes our findings regarding the financial losses that resulted from these arrests, including the various categories of loss captured within our survey instrument and the average value of these costs when encountered.

Research Findings: The Financial Losses Resulting from an Immigration Arrest

Our research finds that each immigration arrest results in an average of \$24,151 in accumulated and permanent financial losses to each affected household. Of this amount, \$4,907 involves either assets seized and not recovered, or money paid out of pocket to cover an immediate cost that was a direct result of an arrest. This figure includes bond money that was not returned at the conclusion of a case, as well as the interest paid to service debt related to paying an immigration bond. It does not include the value of a bond if this was ultimately returned. An average of \$4,242 of the total volume reported above reflects household income lost as the direct result of an arrest because a person was physically unable to work, due to being held in detention, having to report to ICE or attend court, or immediately after having been deported from the United States. This second category also includes wages lost by other household members due to the need to provide support to an

arrested individual, whether this involves visiting that person in detention, meeting with an attorney, or providing that individual with transportation to or accompanying them to court or an ICE check-in. Finally, an average of \$15,129 of the volume reported above results from other disruptions to employment that occurred as a direct result of an immigration arrest. These costs are measured as distinct from wages lost due to a physical inability to work, and instead include things like the loss of a job and long-term unemployment or underemployment once an individual has left US custody — as well as an inability to obtain a job at a similar wage or salary as the employment they'd had prior to their arrest. Sixty-seven percent ($n = 95$) of arrests were reported to have caused disruption to employment of this kind. Table 1 provides a breakdown of the various categories of financial loss reported, the proportion of households reporting this loss, and the average value of the loss for each household reporting it.

For many families, these financial losses continue to accumulate throughout time. Of those financial losses caused by impacts on employment and associated income, an average of \$6,298 occurred during the first year following arrest. For some families, this figure was much higher, with losses as high as \$48,000 reported in the first 12 months after a loved one was apprehended (7 percent of households [$n = 10$] reported losses in excess of \$30,000). It is probably more useful, however, to think of an immigration arrest as a threshold inaugurating a process that unfolds throughout an extended period of time, rather than as a singular event marked by an initial encounter with law enforcement, or by the outcome of deportation or relief at the conclusion of a person's removal case. To give just one indication of the potential timeframe involved, as of May 2018, the projected wait time for scheduling a hearing in US immigration court in Tucson, Arizona, was 554 days (TRAC 2018). Under both the Obama and Trump administrations, this case backlog and its attendant wait times continued to grow. Depending on the specifics of a person's legal case, multiple hearings will need to be scheduled, implying that the adjudication of most removal cases will require many years to complete. Meanwhile, when an immigration arrest eventually results in deportation, effects on household income can accumulate indefinitely, because the family is prevented from ever returning to whatever employment conditions had existed prior

Table 1. Total Average Financial Losses According to Category of Loss, Proportion of Cases Reporting This Loss, and Average Value of Loss per Reporting Case.

Category of cost	Proportion of cases reporting	Average cost (per reporting case)
Value of assets seized and money paid out of pocket		
Assets seized and not recovered	13%	\$5,038.41
Cost of recovery for assets seized and recovered	21%	\$707.24
Money sent to support a detained person	29%	\$843.85
Visiting a person in detention (cost of travel for all visits)	18%	\$676.73
Immigration bond (not returned)	15%	\$5,238.09
Hiring a smuggler to return to the United States	35%	\$2,384.69
Amount sent to support family member who has left the United States	29%	\$1,369.56
Cost of hiring an attorney	32%	\$3,781.89
Fees paid to the US government	20%	\$1,842.50
Fees paid for private ankle bracelet monitoring	1%	\$10,650.00
<i>Total average</i>		\$4,907.59
Value of lost income due to inability to work		
Wages lost while visiting a person in detention	7%	\$1,688.00
Wages lost while attending court hearing	20%	\$713.61
Wages lost while reporting to ICE	4%	\$710.00
Wages lost while in detention	58%	\$6,833.55
<i>Total average</i>		\$4,242.35
Value of lost long-term income opportunity		
Income lost due to disruptions to employment	67%	\$22,296.80
<i>Total average</i>		\$15,129.97

to arrest and/or removal. Indeed, even though their case had reached a conclusion, at the moment of interview 17 percent of families ($n = 24$) were continuing to experience reduced household income. It follows that the losses we are able to report reflect only a portion of the total that some households will ultimately absorb, and the findings we discuss should therefore be read as conservative. Table 2 breaks down average financial losses among our sample of 140 arrests, according to whether the category of financial loss is associated with the fact of arrest itself, the logistics associated with a person's decision to fight their immigration legal case, or the fact of deportation (an outcome that axiomatically signifies that a person's legal case has run its course).

Despite their accumulation throughout time, many of the financial losses considered above are initially experienced by the household as an acute emergency. Arising unexpectedly, the logistics and costs of supporting a loved one who has been arrested must be managed, while also maintaining routine household expenses in the absence of a previously existing primary income

stream. Although these financial losses are experienced most acutely at the scale of the immediate household, they also disseminate among an entire community through networks and practices of instrumental support. These include 67 percent of households ($n = 84$) that on average borrowed \$2,810 from friends, coworkers, faith communities, employers, extended family, and collective institutions. Eighty-two percent of households ($n = 102$) also reported receiving contributions of various kinds of material support, including monetary donations (with an average value of \$1,767), fundraising efforts, or the use of strategies such as the consolidation of multiple households to reduce expenses like rent and bills. Thus, it is not just the individual household that becomes affected by an immigration arrest, but many others in the community to whom that household is connected through relationships of solidarity and affection. Cumulatively, as discussed below, the scope and scale of these financial losses affect a number of other areas of people's lives and, as such, ought to be of sustained interest to state and local government. It is to these issues that the article now turns.

Table 2. Categories of Financial Cost According to whether They Accumulate Due to the Facts of Arrest or the Facts of Removal, or Are Based on a Person's Decision to Fight Their Legal Case (Averages Based on a Total Sample of 140 Cases Completed between 2006 and 2018).

Category of cost	Average cost
Costs associated with the fact of arrest	
Cost of recovering confiscated property	\$146.50
Value of property not recovered	\$647.80
<i>Total</i>	\$794.30
Costs associated with fighting a legal case	
Money sent to detained family member	\$247.13
Money spent for visitation of detained family member	\$125.68
Wages lost to visitation of detained family member	\$120.57
Bond money not recovered	\$785.71
Income lost attending court	\$142.72
Income lost reporting to ICE	\$25.36
Attorney's fees	\$1,215.61
Government fees	\$338.93
Fees for ankle bracelet monitoring	\$152.14
Lost wages due to detention	\$3,953.70
Lost income due to long-term disruption to employment	\$4,751.35
<i>Total</i>	\$11,858.90
Costs associated with deportation	
Fees for voluntary departure	\$25.00
Money spent to return to United States	\$831.79
Money sent to support deported individual	\$391.30
Lost income due to long-term disruption to employment	\$11,033.12
<i>Total</i>	\$12,281.21

Research Findings: The Implications of Financial Losses for Family and Community Well-Being

As a result of disruptions to employment resulting from an immigration arrest, median annual household income among our sample declined to \$22,500 (a value that amounts to 93 percent of — or only slightly less than — the total average financial losses triggered by an immigration arrest, as reported above). This median annual income, reported post apprehension, amounts to roughly 86 percent of the federal poverty level (calculated as \$26,200 based on the average household size within our sample of 4.152 persons) — or 37 percent of the median 2018 income for a family of four in Pima County (Pima County 2019).

Cumulatively, the total reported financial loss among households participating in our sample was \$5,586,504. In 2019 alone, 1,916 cases were heard in immigration court in Tucson, Arizona. If we apply our research

findings to this total, this would result in a total loss of money in just one area of the country in just one year of more than \$46,000,000. Nationwide, this figure jumps to more than \$2.9 billion, based solely on the 122,898 new removal cases that were filed by the US government in FY 2019 (and without including those persons apprehended who accepted voluntary removal, or who were already subject to a previously existing order of removal; see TRAC 2020). These figures translate not only to less money circulating within a local and regional economy, but also to revenue losses for state and local government associated with income and sales tax.

Our research finds that the repercussions of these financial losses, and of the strategies that families use to absorb them, end up affecting many other aspects of peoples' lives, among multiple generations within the same household. These include outcomes related to education, health, housing security, and generational wealth inequality, each of which we will consider in turn.

Employment and Education

To deal with the impacts to household income and employment described above, 51 percent of households ($n = 64$) reported shifting responsibilities for wage earning and employment. Forty percent of the time this involved an already-employed person seeking additional hours at work. Sixteen percent involved already-employed persons seeking a second or third job. Forty-four percent of the time, this involved an individual who was not previously employed seeking employment. In 68 percent of these latter cases, it was a previously non-employed spouse who sought out employment. In 32 percent of cases ($n = 9$), it was a member of a younger generation (described as an *hijo* or *hija*) whose lives were interrupted by a need to seek employment. In eight of these nine cases that involved an adult or a teenage child, their pursuit of employment resulted in their dropping out of school or taking time away from the pursuit of a higher degree. This outcome reflects just one of the many ways that exposure to immigration policing can affect the educational performance and accomplishment of young adults and children (see also Abrego 2006; Abrego and Gonzales 2010; Martinez 2014; Kerwin, Alulema, and Nicholson 2018; López and Matos 2018).

Health and Development

Ninety-two percent of households ($n = 115$) reported that an immediate member of the family experienced some kind of negative physical or mental health outcome as a direct result of their own or a loved one's immigration arrest. For just more than half of these households ($n = 58$), the stress involved with managing the acute financial hardship triggered by the arrest was explicitly mentioned as a factor either causing or aggravating these negative health outcomes. Reported symptoms included anxiety, insomnia, panic attacks, stomach pain, loss of appetite, chronic nausea, and depression. In at least six cases, negative health outcomes were reported as being the result of a sudden inability to afford necessary medical care and medication, aggravating chronic conditions like diabetes and hypertension. In one case, a family reported no longer being able to afford a scheduled medical operation for their child (the father of this child was in fact initially stopped by Arizona Highway Patrol and then transferred to CBP custody while transporting the child from Tucson to Phoenix for this surgical operation).

The arrest of a parent is also likely to carry significant developmental implications for children. Research has long established a general correlation between poverty and negative health and developmental outcomes (Case, Lubotsky, and Paxson 2002; Levine and Zimmerman 2010; Zilanawala and Pilkauskas 2012; Gelatt et al. 2017) — a relationship that is likely to be exacerbated by the acute and long-term financial distress triggered by an immigration arrest. This includes conditions like food insecurity, because an arrest can reduce the ability of parents to provide their children with appropriate food and nutrition, while also diminishing their willingness to access public services to which these children might be entitled, like the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Children's Health Insurance Program; and Medicaid (see Koball et al. 2015; Potochnick, Chen, and Perreira 2017). In our study, 35 percent of households ($n = 44$) reported that an immigration arrest resulted in an inability or unwillingness to continue routine household activities, like driving a motor vehicle, engaging in leisure activity, or going out in public. When we consider also the pronounced psychological trauma and emotional distress that frequently accompany forced separation from a parent or loved one (Hagan, Leal, and Rodriguez 2015; Capps et al. 2016; Novak, Geronimus, and Martinez-Cardoso 2017; Kerwin, Alulema, and Nicholson 2018), we can better appreciate how the health and developmental repercussions of an immigration arrest are likely to carry lifelong consequences for children (see also Brabeck and Xu 2010; Chaudry et al. 2010; Dreby 2012; Yoshikawa 2012; Zayas et al. 2015; Patler and Golash-Boza 2017; Lopez 2019).

Housing Security

Twenty-five percent of households ($n = 30$) reported that the financial losses triggered by an immigration arrest affected the stability of their housing. Thirty-nine percent of these latter cases involved foreclosure or eviction, while the other 61 percent reported purposefully downgrading their housing by finding a cheaper home or apartment, consolidating households with another family to save money on rent and utilities, or abandoning plans to purchase a home or move into a higher quality home. These outcomes not only are detrimental to the stability of family life and the home

Table 3. Debt and Loss of Accumulated Savings.

Category	Proportion of households reporting	Average value
Financial savings	41.60%	\$2,842
Vehicles	32.80%	\$2,687
Jewelry, appliances, tools, and clothing	19.20%	\$764
Real property	2.40%	\$11,320
Debt	73.60%	\$3,604

environment, but also likely affect the housing market broadly throughout a community. Rugh and Hall (2016), for example, find a statistically meaningful correlation between the intensification of immigration policing in counties that adopted a 287(g) agreement (agreements that allow local law enforcement to routinely cooperate with federal immigration officials) and rates of foreclosure specifically affecting census blocks with a large proportion of Latinx residents. A similar correlation was not found among census blocks with large numbers of African American, Asian American, American Indian, and “white, non-Hispanic” residents. Speculating on these findings, these authors suggest not only that the nationwide spread of 287(g) and intensification of deportation leading up to 2008 might have contributed to the global financial crisis that began in the US housing market, but also that this relationship may also “partly explain the relatively prolonged slump in housing markets in metropolitan regions with high levels of enforcement like Phoenix and Atlanta” (*ibid.*, 1069; see also Patler 2015; Gelatt et al. 2017).

Wealth Inequality

The loss of a family home is not the only way that the absorbing of acute financial loss led to the dispossession of accumulated wealth. As observed in Table 3, another strategy used to absorb these financial losses involved the liquidation of accumulated assets, such as monetary savings, vehicles, appliances, and real property. Indeed, 42 percent of households liquidated the entirety of their financial savings, while 44 percent of households sold off some other kind of asset, including vehicles, appliances, jewelry, and tools used for employment. Seventy-three percent ($n = 92$) of families also took on long-term debt. As already discussed, in many cases (88 percent), this involved borrowing from friends, coworkers, employers, and extended family. But in almost 12 percent of cases, this involved borrowing from a

formal institution like a payday lender or a bail bond company, at an average value of \$9,226, with interest rates as high as 30 percent per month.

The loss of accumulated wealth and assets, along with the cumulative assumption of considerable debt, all point to how the intensification of immigration policing can exacerbate not just striations of income and poverty, but also preexisting measures of wealth inequality among US households. Given that some 94 percent of immigration arrests in the United States target persons of Latin American origin (DHS 2019), these outcomes compound a significant generational wealth and equity gap that articulates according to race and nationality, with long-term implications for the health and vitality of US neighborhoods and communities. Fortunately, recent years have witnessed a proliferation of what Suro (2015) calls “immigration federalism” — or efforts by state and local government to shape how federal immigration laws and policy affect the everyday lives of their constituents. With this in mind, there is much that state and local officials can do to mitigate those outcomes described above. The next section of this article considers a host of such policy initiatives that either are presently being implemented or could be implemented in communities throughout the United States, and it draws on additional data from our research to consider their impact and efficacy.

Actions That Cities and States Can Take to Mitigate the Financial and Economic Impacts of Exposure to Immigration Policing for US Households and Communities

Two paradigms have largely defined the efforts of municipalities to accommodate and support immigrant and non-citizen communities in the United States. The first is the “Immigrant Welcoming City” paradigm, in which

jurisdictions enact policies aiming to amplify the contribution of “New Americans” to economic revitalization through the incubation of small businesses, support of home ownership and property investment, and facilitation of civic engagement — all aimed at cultivating neighborhood revitalization and increasing municipal tax revenues (Welcoming Economies Global Network and Fiscal Policy Institute 2016). The Immigrant Welcoming City paradigm has become especially popular in the US postindustrial rust belt, including cities like Cleveland, Dayton, Detroit, and St. Louis — municipalities long saddled by population loss, capital flight, and highly uneven economic relations with their surrounding suburbs (Hesson 2015; Tobocman 2016; Welcoming Economies Global Network and Fiscal Policy Institute 2016). Studies often cited to support the Welcoming City paradigm show that immigrants, while only 16 percent of the labor force, comprise 28 percent of shop owners within major urban commercial districts (Dysegard Kallick 2015), and that 13 percent of refugees in 2015 were small business owners — generating \$4.6 billion in annual income (New American Economy 2017).

A second but often separately conceived policy paradigm is the “Sanctuary City,” an approach that has simultaneously grown and become a touchstone for debate during the Trump administration (Ngai 2017; Paik 2017; Villazor and Gulasekaram 2018). Although there is no legal or technical definition of a Sanctuary City, the intention behind this label is to reduce routine cooperation between municipal authorities and federal immigration officials, so as to reduce the vulnerability of noncitizens to an immigration arrest. Although the Immigrant Welcoming paradigm tends to focus on lawful immigrants, and has been promoted as a way to transition the immigration debate away from a focus on policing and toward a more affirmative agenda associated with promoting integration and participation in local communities, our research draws attention to why these two approaches ought to be considered together — because the financial and economic harm generated by the intensification of immigration policing is likely to undermine the economic gains toward revitalization and neighborhood stability that recent immigrants are otherwise likely to contribute. This is particularly the case for cities like Detroit, Toledo, or Buffalo, where, regardless of the presence or absence of a formal 287(g) agreement, large numbers of federal immigration agents patrol neighborhood streets and engage in informal

collaboration with local law enforcement, due to their location within the 100-mile US border zone. Our research from southern Arizona finds that fully 21 percent ($n = 49$) of arrests of long-term residents were initiated directly by CBP through a checkpoint or roving patrol stop, while 38 percent ($n = 88$) resulted in custody transfer from local law enforcement to CBP rather than to ICE — patterns of arrest that are also commonplace in other communities along the southern and northern US borders (see Miller 2014; Boyce 2018; Boyce and Miller forthcoming).

Reducing Contact between Local and State Law Enforcement and Federal Immigration Officials

Most significantly, our research highlights why the debate around local or state immigration policy ought not to hinge on questions of legal status. This is for two reasons. First, many noncitizens live in families whose members share a variety of immigration and citizenship status. Therefore, when we consider the consequences of an immigration arrest at the scale of the household, such distinctions of legal or citizenship status become less meaningful. Just as important is our finding that there was no statistically meaningful difference in the average lost income and out-of-pocket expenses reported based on whether an arrested noncitizen was ultimately deported from the United States, or was successful in obtaining some kind of legal relief. As observed in Table 2, this is likely because many of the categories of loss reported, such as those resulting from immigration detention, accumulate prior to the ultimate determination of a person’s immigration legal case — and correlate to their determination to fight this case and/or their belief in the likelihood of success. These findings are important, because they suggest a need to focus on immigration policing *itself* as a source of family separation and financial harm, rather than only those government actions taken once a person’s deportability has been legally established.

Within our sample of 231 total immigration arrests, 56 percent ($n = 130$) were first initiated by a third-party law enforcement agency, including 32 percent ($n = 73$) by municipal police (with the remaining arrests initiated by county sheriff’s deputies and state highway patrol). Advocates of sanctuary policies have explored many different ways that municipal and state governments can reduce their constituents’ exposure to

immigration policing. These include protecting local data while limiting information sharing with federal immigration authorities. For example, the law enforcement use and sharing of access to databases like COPLINK (which systematically logs and integrates information on arrests, complaints, and citations) are entirely voluntary. Similarly, local jurisdictions also have discretion over whether to use proprietary surveillance platforms that automatically feed data to ICE, such as software designed by Palantir or Vigilant Solution's license plate readers. Mijente (2018) provides a useful guide to many of these companies and their proprietary technology platforms. States, cities, and counties can furthermore elect to deny ICE agents access to jails and prisons by withdrawing from Basic Ordering Agreements and refusing to honor ICE detainers, unless these are accompanied by an arrest warrant issued by a judge. This policy move furthermore will limit a city's or county's liability by addressing constitutional concerns that have been raised by the practice of honoring immigration detainers in the first place (Al-Khatib 2014). Finally, states, cities, and counties can eliminate routine cooperation with and custody transfer to ICE and CBP by prohibiting the ability of law enforcement to inquire about immigration status, withdrawing from 287(g) agreements, and banning the use of federal immigration officials as interpreters when local law enforcement encounter individuals who speak Spanish (a common means of channeling individuals into CBP custody — see Graybill 2012).

Numerous studies have identified a correlation between increased rates of poverty and food insecurity, and the local adoption of a 287(g) agreement (Gelatt et al. 2017; Potochnick, Chen, and Perreira 2017; Amuedo-Dorantes, Arenas-Arroyo, and Sevilla 2018). Policy measures like those identified above are therefore likely to improve outcomes for all constituents, despite divisions of citizenship or legal status. Another way that cities can bridge these divisions is by expanding permissible forms of ID.

Expanding Permissible Forms of Identification

There are three approaches that cities, counties, and states have taken to expand permissible forms of ID, to generally improve their constituents' access to private and government services such as banking, libraries, transit, prescriptions, health care, and myriad other local

services. The first is simply to eliminate barriers for obtaining a state-issued driver's license. Many states currently base eligibility for a driver's license on a person's citizenship or visa status — issues that obviously have no bearing on a person's ability to safely and competently operate a motor vehicle. Sixteen states and Washington, DC, meanwhile, currently have policies that issue driver's licenses regardless of a person's immigration status. In our study, 51 percent of immigration arrests ($n = 118$) occurred as an outcome of a traffic stop. A lack of a valid license both was cited by local police as a justification to contact and transfer custody to federal immigration officials, and resulted in additional citations and fines for operating a motor vehicle without a valid license. The cost of such fines is not factored into our accounting above of the financial losses associated specifically with the enforcement of US immigration law.

The second way that states and cities can expand permissible forms of ID is by expanding and clarifying the kinds of ID that can be officially accepted by government officials, including law enforcement. These may include documents like a foreign passport, an international driver's license, or a foreign consul-issued ID card (frequently referred to as a *matricula consular*). Important to the efficacy of this latter kind of policy is ensuring that law enforcement and other government officials have access to reference material and receive regular and adequate training on the different kinds of foreign IDs that they are allowed or required to accept.

Finally, in the context of restrictions limiting access to state-issued ID, counties like Mercer County, New Jersey; and Washtenaw County, Michigan, and cities like Detroit; Chicago; New York; San Francisco; Oakland; New Haven, Connecticut; Providence, Rhode Island; Asbury Park, New Jersey; and Northfield, Minnesota, have taken it on themselves to create and disseminate their own form of ID. Such municipal or county ID cards are intended to be honored by local businesses and by employees of the issuing jurisdiction, including law enforcement. This reduces the justification for contacting federal immigration officials simply to confirm a person's identity — a common practice within the 100-mile border zone (see Boyce and Miller forthcoming). But it also carries additional benefits. For instance, both New Haven and San Francisco reported an increase in crime reporting after implementation of their municipal ID programs (Center for Popular Democracy

2013). This is noteworthy given that one of the concerns that drive some cities to adopt a municipal ID is to prevent the victimization of immigrants who were being targeted for robbery because they were often carrying cash due to an inability to access banking services (*ibid.*). Still other jurisdictions have demonstrated the usefulness of this kind of ID precisely because additional vulnerable populations also participate and use the cards, such as foster children, the unhoused, formerly incarcerated individuals, and the elderly.

Universal Representation

Another way that cities, counties, and states can significantly mitigate the financial burdens and related harm that frequently befall their constituents in the aftermath of an immigration arrest is by ensuring that every defendant in US immigration court who is a resident of that city, county, or state is afforded legal counsel. Universal representation is already the constitutional standard and practical norm for defendants in criminal court, in which states appoint a public defender to represent any indigent defendant facing any misdemeanor or felony charge that could result in incarceration. Cities like New York; Denver; Columbus, Ohio; Sacramento; Atlanta; Austin; San Antonio; Baltimore; Chicago; Philadelphia; and Santa Ana, California, as well as counties like Dane County, Wisconsin; Alameda County, California; Los Angeles County, California; and Prince George's County, Maryland, are experimenting with the provision of universal representation for defendants in US immigration court. The purpose of these programs is to protect due process and, by extension, the integrity of the judicial system (Berberich et al. 2018; Nash 2019), while limiting disruptions to the lives of established long-term residents (Evans 2017; Denver Mayor's Office 2018; Cox 2019).

Our research finds that universal representation provides significant relief to US families and households in at least three ways. First, it eliminates one of the major financial hurdles that a household faces when a loved one attempts to mount a legal defense in US immigration court. As observed in Table 1, an attorney was hired at some point in 32 percent of cases included in our sample ($n = 45$), at an average cost of almost \$3,800. In 22 percent of these latter cases ($n = 10$), the amount ranged from \$100 to \$800, likely implying payment for an initial consultation rather than for full legal representation. An additional 13 percent ($n = 18$) of cases involved only

pro bono legal support, mostly provided by nongovernmental organizations like the Keep Tucson Together/Mantenga Tucson Unido free community legal clinic.

Second, as observed in Figure 1, being represented by an attorney has a significant impact on obtaining a successful legal outcome. Among those represented by an attorney in our sample, 68 percent obtained some kind of legal relief (including lawful visa status), allowing them to lawfully remain in the United States; whereas this kind of relief was obtained by only 13 percent of those without legal representation. Nationwide, only about 30 percent of defendants in immigration court are represented by an attorney (TRAC 2017). Our findings affirm studies that show that these individuals are 10 to 15 times more likely to have a successful outcome in their case (Eagly and Shafer 2015; Stave et al. 2017; Berberich et al. 2018). Being allowed to remain in the United States not only promotes family unity but also eliminates those sources of financial loss associated with deportation, observed in Tables 1 and 2. It does so by allowing an individual to earn a US wage over the long term, by reducing additional losses that might stem from providing regular financial support to a person once they have left the country, and by eliminating the predatory financial costs demanded by organized criminal groups and smugglers on attempted return to the United States.

A third way that universal representation can improve outcomes for families is by reducing the duration of pre-trial administrative detention, and reducing the cost of bond that detainees are required to pay to obtain release from detention. Unlike a criminal bail, an immigration bond is required to be paid in full, representing a substantial sum of money that must be raised and becomes unavailable to the household for the duration of their legal case. Indeed, within our sample, among those placed into long-term immigration detention (which we define as being held in detention longer than 72 hours — the formal limit for short-term processing), in the 67 percent of cases involving an attorney, release was obtained after an average of 74 days in detention, while the average cost of bond paid by a family was \$6,040. Those without an attorney were detained for an average of 97 days, with the average cost of bond more than \$10,000.

Our research finds a nonlinear relationship between the length of time in detention and the financial losses that accumulate to a household, based on both a loss of income and those costs associated with visitation and with sending money to a loved one's commissary

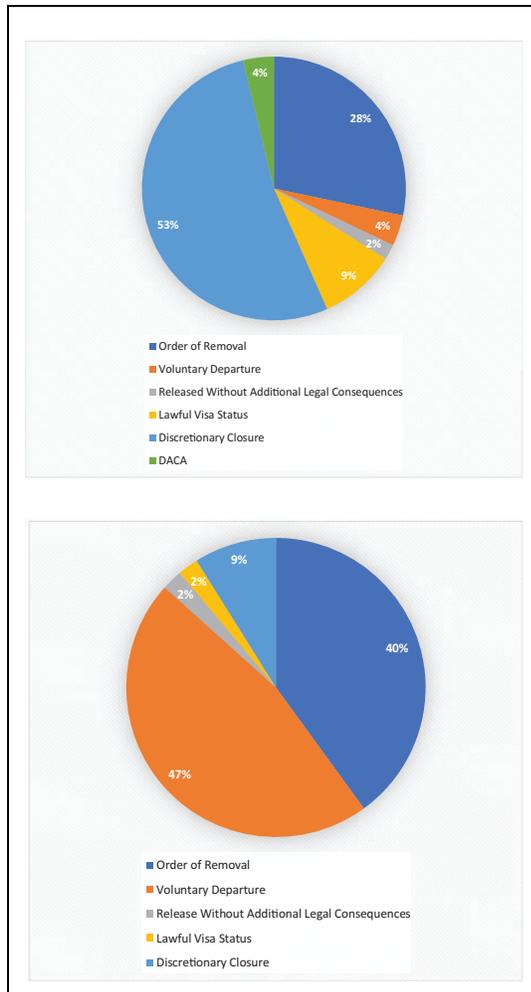


Figure 1. Case outcomes with and without legal representation, respectively.

account. Indeed, when the duration of a person's detention was one month or less, average daily financial losses were only \$24.96. When the length of detention extended beyond one month, however, the average losses for the household grew to \$61.33 *per day* (or more than \$1,800 per month). Having an attorney is therefore simultaneously likely to reduce the amount of time that an individual is in custody and separated from their family, the daily and cumulative financial losses that result, and the cost of bond that a family must raise to obtain release of their loved one prior to the ultimate adjudication of their case. The financial benefits that result from enacting universal representation are not limited to the household. Examining the benefits that followed the program's implementation in New York City, Stave et al. (2017) estimate that it resulted in an increase of \$2.7 million annually in tax

revenue, due to clients' subsequent ability to access or maintain work authorization.

For each of these reasons, our research finds that the provision of universal representation is likely to both reduce the immediate financial burden imposed on a US household when an immediate family member experiences an immigration arrest, and improve long-term outcomes associated with socioeconomic well-being and the integrity of the family unit.

Community Bond Funds

The cultivation of a community bond fund is an additional way that state and local governments can reduce the amount of time that residents are held in detention, separated from their families, and physically unable to work, while simultaneously allowing families to respond to the urgent financial demand of raising an immigration bond without having to turn to predatory, for-profit lenders. A community bond fund creates a pool of money that becomes available to provide low- or no-interest loans to families in need. An advantage of a community bond fund is that all of the money withdrawn will be, at least in principle, returned to the family that has borrowed it on the completion of their immigration case, regardless of the outcome — so long as the immigration defendant to whose case it was applied fully complies with all relevant legal procedures and directives. Thus, whether managed by a governmental agency or independently through a nongovernmental organization, a community bond fund will be replenished on a rotating basis and can quickly become self-sustaining, if seeded with enough capital. In Pima County, Arizona, the Protection Network Action Fund has formed as an independent, donation-based, collectively managed community bond fund that provides support to members of a constellation of grassroots organizations who have come together for this purpose. Within our sample, three households reported benefitting from the availability of this institution, such that when a family member was detained, they immediately had a plan for how to respond and how to access the necessary financial resources to bring their loved one home — at least for the duration of their subsequent legal case.

Promoting Worker-Owned Cooperatives

A final way that local government can promote financial well-being and economic vitality, independent of

citizenship status, is by creating infrastructure to promote and finance worker-owned cooperatives. In the United States, under the Immigration and Nationality Act, it is unlawful to employ individuals who lack work authorization. Many states, such as the state of Arizona, further mandate that all employers use *E-Verify*, a federal database that allows employers to screen new hires to ensure that they possess the proper work authorization. One of the reasons why individuals who endure an immigration arrest subsequently experience such profound disruptions to employment and income is that their employers become alerted to their irregular immigration status. In the United States, however, there is no law that bars persons who lack work authorization from actually working or from operating their own business. In other words, although it is unlawful to *employ* a person lacking work authorization, it is perfectly lawful for that person to *be employed* or to earn their own income. Indeed, as a recent report by the Harvard University Transactional Law Clinics concludes, “a worker can be exempt from the Form I-9 [work authorization] requirement as an owner regardless of the legal form of the business (sole proprietorship, LLC, corporation, etc.)” (Transactional Law Clinics 2015, 29). This finding has been affirmed repeatedly by US courts (see, e.g., *USA v. Speedy Gonzalez Construction* [2014]¹ and *USA v. Santiago’s Repacking, Inc.* [2012];² and see also Ji and Robinson 2012; Amarante 2020). By offering technical advice and startup capital to independent worker-owned businesses, state and local government can thus provide an institutional basis to respond to both the disruptions to employment as well as the long-term unemployment or underemployment that frequently result from an immigration arrest. As a model for immigrant-led small business development, the promotion of worker-owned

cooperatives is likely not only to improve outcomes for noncitizens related to livelihood and income stability, but also to carry the additional promise of advancing general economic democracy, self-sufficiency, vitality, and resilience — outcomes that are likely to be of general benefit to a community and to transcend any division of citizenship or immigration status.

Recommendations and Conclusion

None of the state or local initiatives described in this article can replace meaningful federal action on immigration reform. To address the tremendous financial, emotional, and material harms caused by arrest, detention, and removal, the federal government should immediately eliminate the use of administrative detention for immigration defendants, end the expansive use of criminal conviction to strip lawful visa status from thousands, provide universal representation for defendants in US immigration court, restore discretion to immigration judges to provide legal relief based on a person’s family and community ties in the United States, and provide regularization and a pathway to citizenship for undocumented long-term residents of the United States. However, the research in this article shows that while Congress fails to act, every year hundreds of thousands of US households are exposed to forms of immigration policing that drive tremendous financial insecurity and withdraw billions of dollars from circulation in communities throughout the United States.

The repercussions of these financial losses are manifold. As discussed, these repercussions include reduced educational attainment, negative impacts on health and development, housing insecurity and the dampening of real estate markets, and the reproduction of generational wealth inequality. There is a great deal at stake for state and local government in mitigating these outcomes and the damage that immigration policing frequently causes. Fortunately, in the second half of this article, we have shown that state and local government can do much to reduce these financial burdens and support their constituents. To maximize these outcomes, we recommend that governments at the state, county, and municipal levels throughout the United States implement affirmative measures that limit routine cooperation and custody transfer between local and federal law enforcement; expand access to permissible forms of ID; provide universal representation for immigration defendants;

¹ *United States of America v. Speedy Gonzalez Construction*. 2014. Order Granting in Part and Denying in Part the Government’s Motion for Summary Decision as to Liability. The United States Department of Justice Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, 11 OCAHO no. 1228. <https://www.justice.gov/sites/default/files/eoir/legacy/2014/10/20/1228.pdf>.

² *United States of America v. Santiago’s Repacking, Inc.* 2012. Final Decision and Order of the United States Department of Justice Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, 10 OCAHO no. 1153. <https://www.justice.gov/sites/default/files/eoir/legacy/2012/09/04/1153.pdf>.

finance and cultivate community bond funds; and finance and incubate worker-owned cooperatives as a model for immigrant-led small business development.

We have discussed how many state, county, and municipal governments are already experimenting with these very policies, laying the groundwork for generalized social, financial, and economic well-being and security for their constituents, regardless of immigration or citizenship status. To reduce the financial losses triggered by an immigration arrest, these kinds of initiatives should be embraced and expanded on, until the era of mass detention and mass deportation is finally brought to an end.

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